

**Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, July 23, 2020 – 3:00 PM
Location: Zoom Virtual Meeting Platform**

BOPC Chairperson Willie Bell called the BOPC Board Meeting to order at 3:00 PM (July 23, 2020)

Detroit Board of Police Commissioners' Membership / Attendance	Attend	Not-Attend
Willie E. Bell, Chairperson	Yes	
Annie Mae Holt, Vice-Chairperson	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Yes	
Willie E. Burton (3:21 p.m.)	Yes	
Lisa Carter	Excused	
William M. Davis	Yes	
Evette Griffie (3:21 p.m.)	Yes	
Jesus Hernandez	Excused	
Jim Holley	Yes	
Martin Jones	Yes	
Quorum (Yes)	9	

The Board acting in accordance with its rules approved the Agenda for Thursday, July 23, 2020.

Chairperson Bell called the meeting to order and invited Chaplain Wilson James to provide the invocation.

INVOCATION: Commissioner Jim Holley

I. MOTION: To approve the agenda.

Motion: Chairperson Bell **Second:** Vice-Chairperson Holt **Discussion.** None.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Burch, Commissioner Davis, Commissioner Holley, and Commissioner Jones

No: Commissioner Brown

VOTE: Yes = 6 No = 1 **Motion: PASSED**

II. MOTION: To approve the July 16, 2020, Meeting Minutes with necessary corrections.

Motion: Commissioner Holley **Second:** Commissioner Burch **Discussion.** None.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Burch, Commissioner Davis, Commissioner Holley, and Commissioner Jones

No: Commissioner Brown

VOTE: Yes = 6 No = 1 **Motion: PASSED**

The Board considered the following Business Items:

- Introduction of BOPC Staff
- Introduction of Chief of Police and DPD Staff
- Introduction of Elected Officials, VIPs, civic leaders or their representatives

Chairperson's Report: Chairperson Bell discussed the Board's oversight authority, law enforcement officers' special license to protect and serve, and made the following remarks honoring former Congressman John Lewis and Reverend C. T. Vivian, posthumously:

The World Turned Upside Down
by Chairperson Willie E. Bell

Chairperson Bell stated: “In the successful Broadway musical play “Hamilton” there is a song called “The World Turned Upside Down” sung after the Americans defeat the British at the Siege of Yorktown in 1781. While known as a British drinking son, it aptly describes the feeling of the American troops as well as the British soldiers after America defeated what was then a global superpower with the assistance of the French.

This year has brought hard times and tragedy to our country but when news of the deaths of both C.T. Vivian and John Lewis became known on the same day, it truly felt as if the world had turned upside down.

C.T. Vivian is not as well-known as John Lewis, but he is just as worthy of remembrance. The New York Times memorialized him this way:

“In a nation trying to come to grips with racial inequality in the 1960s, Mr. Vivian was a paladin of nonviolence on the front lines of bloody confrontations. He led passive protesters through shrieking white mobs and, with discipline and endurance, absorbed the blows of segregationists and complicit law enforcement officials across the South.”

As a Field Lieutenant for the Rev. Martin Luther King, Jr., Rev. Vivian worked closely with Rev. Ralph Abernathy, Rev. Fred L. Shuttlesworth, and Rev. Wyatt Tee Walker. From 1963 to 1966, he served as the National Director of the Southern Christian Leadership Conference, where he oversaw 85 local affiliate chapters directing protest activities and training in nonviolence as well as coordinating voter registration and community development projects.

His civil rights activities continued throughout his life including a very notable and direct confrontation with Sheriff Jim Clark outside a courthouse in Selma, Alabama, where 1,400 Black voters had been barred from registering. As television cameras rolled, Mr. Vivian asked Sheriff Clark to admit the 100 Black people lined up behind him – just to get in out of a lightly falling rain.

Sheriff Clark refused and ‘the 220-pound sheriff struck Mr. Vivian in the mouth with his right fist, sending him reeling down the courthouse steps. Sheriff Clark then ordered deputies to arrest him for “criminal provocation.” Mr. Vivian was dragged away, blood streaming down his face.”

Rev. Vivian got his start in the movement in 1959, when he met the Rev. James Lawson, who was teaching nonviolent strategies to members of the Nashville Student Movement. His fellow students included Diane Nash, Bernard Lafayette, James Bevel and Congressman John Lewis, all of whom became prominent civil rights organizers.

Those students became the core group of a successful three-month sit-in campaign at lunch counters in Nashville in 1960. As 4,000 protesters marched on City Hall, Mr. Vivian and Ms. Nash confronted Mayor Ben West, who acknowledged that racial discrimination was morally wrong.

‘In less than three weeks, the lunch counters were desegregated,’ wrote David Halberstam, who covered the campaign for the Nashville Tennessean.

Over his remaining years, Rev. Vivian founded organizations in Chicago and Atlanta addressing both economic and social justice issues. In 2013, he was awarded the Presidential Medal of Freedom, our nation’s highest civilian honor, by President Barack Obama.

Power only came with the vote. The vote meant equality. It gave us power to choose our elected leaders and power to make demands. When Black folks are cheated out of their right as a citizen to vote, then everybody in this country has been cheated. Our fight was made even harder when the Supreme Court allowed money to replace the vote... No matter their race or color, what power the poor may have threatens the rich. That is as old as time, but Americans live in a democracy. Nonviolent direct action can give average citizens needed power.

If there was ever a world for this day and age, that is it. Rev. Vivian died last Friday at the age of 95.

Later that same day, we received word that another great American, Congressman John Lewis, has also died at the age of 80.

The story of John Lewis is one that is well known to us. It has been said that if you look up the definition of courage in the dictionary, all you will find is a photograph of John Lewis and the caption would read, ***“Never, ever be afraid to make some noise and get in good trouble, necessary trouble.”***

The Congressman lived out that sentiment every day of his adult life.

It would be extremely hard to find someone who did not admire, respect and yes, even love Representative Lewis, including among those who disagreed with him issues of policy. There was a reason that he was called the “Conscience of Congress.” No one commanded more respect than John Lewis and even though he was not successful at having the Voting Rights Act reinstated, he has left us all clear instructions on how to move forward.

The actions that John Lewis took as a Civil Rights activist are legend. He was

- ✓ A founder of the Student Nonviolent Coordinating Committee that organized the lunch counter sit-ins leading to their desegregation in Nashville, Tennessee.
- ✓ One of the 13 original Freedom Riders who were the group of Black and White citizens riding buses to desegregate the South in 1961. And,
- ✓ An organizer of the 1963 March on Washington and was the youngest speaker there.

He was beaten and burned in nearly every encounter as he led demonstrations across the South in the Sixties. But his seminal moment came in 1965 when he led a group of marchers to cross the Edmund Pettis Bridge to get to Montgomery from Selma. Known as Bloody Sunday, the 600 marchers were ordered to disperse by the state troopers and when they did not, they were beaten with rubber tubing wrapped in barbed wire and bullwhips.

John Lewis’s skull was cracked by a trooper with a baton. The fact that he lived through all those beatings was a miracle.

The beatings on the bridge, all of which were televised, outraged America in a way just as the murders of George Floyd, Ahmaud Arbery and Breonna Taylor have driven people of all races, ethnic groups, and ages to act today. However, unlike today then there was a President and a Congress prepared to act.

Within weeks, President Lyndon Baines Johnson presented a bill to Congress that would eliminate literacy tests that virtually no one could pass and replaced the local registrars with federal registrars who registered Black voters and ensured that they had access to the ballot come election day. What became known as the Voter Rights Act was passed in eight days.

Representative Lewis went on to become the director of the Voter Education Project and in time decided to run for office himself after having worked for Robert Kennedy’s Presidential campaign.

After serving several years on the Atlanta City Council, he ran for Congress in 1986 and has served there as a force for good, literally working up until a few hours before his death.

John Lewis believed that in time war, poverty and racism could be eliminated and he adopted Dr. King’s phrasing of the Beloved Community as a way of expressing that.

Earlier this month, a documentary entitled “John Lewis: Good Trouble” was released. I will close with the final words of Congressman Lewis in the film:

We will create the beloved community. We will redeem the soul of America. There may be some setbacks, some delays, but as a nation and as a people, we will get there, and I still believe we shall overcome.

We have much work to do. Let us get to it.”

Chief of Police Report: Chief of Police’s Summary of CompStat Data and other Crime Information/DPD Information:

Assistant Chief James E. White represented **Chief of Police Craig** reporting on the following items: Officers Injured in the Line of Duty; Comp Stat Crime and Statistical Data for the reporting period; COVID-19 impacts, and recent critical incidents impacting the Detroit Police Department and the community. See attached Meeting Transcripts for more information.

		Comp Stat Data Provided: (See Full Report in Packet) as of July 21, 2020					
Part I Violent Crimes:	Criminal Homicides:	Sexual Assaults:	Aggravated Assaults	Non-Fatal Shootings:	Robbery:	Carjacking:	Total:
Totals:	+30%	-30%	+14%	+51%	-10%	-1%	7% Increase in Part I Violent Crimes

Assistant Chief White reported on the recent critical incidents involving the following: federal agent deployment regarding Operation Relentless Pursuit involving DEA Agents and recent police protest incident involving the police SUV at one of the recent protests. **Assistant Chief White** also reported on the 2020 Annual Women in Blue Event, sharing accolades to First Assistant Chief Stair and Ms. Patty Kukula, Executive Director, Detroit Public Safety Foundation, who presented the event and honored Police Officer Tanya Leonard Gilbert, Women in Blue Officer, who played an integral role during the COVID-19 operations.

Commissioner Brown discussed several items and made the following inquiries: discussed Brady / Giglio Disclosure matters and inquired about why Department members are still on the list if they are currently separated or removed from the Department; whether the Brady / Giglio list applies to officers who have been accused and not found guilty. **Commissioner Brown** shared recommendations regarding Police Honor Guards facilitating their responsibilities during services held for Officers Line of Duty Death Services. **Commissioner Burch** thanked the Assistant Chief White and the Department for their service and also inquired about speeding and drag racing in District 3. **Assistant Chief White** discussed and responded to several inquiries including but not limited to quality of life issues and Brady / Giglio Disclosure Requirements. **Director Graveline** reported further on the Brady / Giglio Disclosure Requirements, the recent release of the officers’ list of names issued by the Wayne County Prosecutor’s Office, and the Department’s efforts to continuously communicate with the WCPO to provide updated information. **Director Graveline** also reported that there are only (2) current DPD officers on the recently distributed WCPO’s list, the officers are assigned to administrative roles, reducing the likelihood of testifying, and they continuously receive training on Brady / Giglio Disclosure Requirements. **Director Graveline** also discussed the criteria for an officer to appear on a Brady / Giglio List, which would entail the following: 1. A Sustained Misconduct from Internal Affairs (IA), 2. Rendering of Discipline; or 3. A court has made a designation about a particular charge, as well as other considerations. Additionally, regarding the recent investigation involving the police SUV, the Force Investigations Unit (reviewing officer’s conduct) and the Department’s General Assignment Investigation Unit (reviewing citizen’s actions) are conducting simultaneous investigations involving the recent protest event involving the use of the police SUV vehicle and will report the findings to the Board upon completion. **Commissioner Burton** inquired about the release of the video footage regarding the recent protest involving the police SUV incident and the video associated with the incident involving Mr. Meeko Williams and Ms. Nakita Wallace who was placed in a chokehold. **Commissioner Burton** also inquired about the Department’s current status on police response time, status of reported news stories concerning police response time, and a recent incident that occurred at a Coney Island Restaurant location and Coyle street residential home. **Assistant Chief White** reported on the Coney Island incident, noting that the Department conducted outstanding police work bringing the violent perpetrator into custody without incident nor the use of police force within 24-32 hours and indicated that he would report out further on the recent news story on police response time. **Commissioner Griffie** also inquired about the status of the Department’s inclusion of the Board’s Use of Force Recommendations.

PRESENTATION(S) TO THE BOARD: A. Board’s Policy Division – Melanie White, Interim Secretary to the Board / Policy Division

- A. **Ms. White** provided an overall summary of the Detroit Police Department’s Policy Directives on Brady / Giglio Disclosure Requirements and Mobile Communication Devices requesting the approval of the transfer of the policy directives with considerations. Generally, the policies include the following: purpose of the policy; parameters and guidelines for the policies; associated procedures; and applicable disciplinary provisions. See Board’s Website for Policy Directives.

III. MOTION: To approve the transfer of the Brady/Giglio Disclosure Requirements Manual Directive 102.10 to the Detroit Police Department with three (3) Minor Considerations / Recommendations.

Motion: Commissioner Holly **Second:** Commissioner Brown **Discussion:** Commissioner Brown indicated that he wanted to make sure that the items he raised previously regarding accusatory issues were included within the policy directive recommendation.

IV. AMENDED MOTION: To approve the transfer of the Brady/Giglio Disclosure Requirements to the Detroit Police Department with Minor Considerations to provide additional responses regarding Whether the Judge makes the final decision to determine what evidence is relevant and Whether it is the Prosecutor's duty to disclose evidence to the Defense that changes the outcome of results in Criminal Trial Cases; update the policy to reflect the term "Charge"; and address Accusatory issues within the Manual Directive 102.10.

Motion: Commissioner Holley **Second:** Commissioner Griffie **Discussion.** None.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Brown, Commissioner Burch, Commissioner Davis, Commissioner Griffie, Commissioner Holley, and Commissioner Jones

No: None.

VOTE: Yes = 8 No = 0 **Motion: PASSED**

V. MOTION: To approve the transfer of the Mobile Communication Devices Directive 301.5 with the proposed recommendation to Prohibit Department Members from Utilizing Personal Cellular Phones Devices During Traffic Stop Investigations to Capture Motorists or Individuals' Driver's License or Other Evidentiary Information and to Incorporate Other Law Enforcement Technologies and Police Policies to Facilitate Traffic Stop Investigation.

Motion: Commissioner Burch **Second:** Commissioner Griffie **Discussion:** Commissioner Brown asked whether the Board was requesting the Department to review and incorporate other technologies (i.e. scanner) to capture such information from motorist's drivers' license. **Vice Chairperson Holt** asked whether officers are being forbidden to use their personal cell phones during traffic-stop investigations.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Brown, Commissioner Burch, Commissioner Davis, Commissioner Griffie, Commissioner Holley, and Commissioner Jones

No: None.

VOTE: Yes = 8 No = 0 **Motion: PASSED**

Report from Interim Board Secretary/Communications Submitted to BOPC as incoming information: Ms. White reported on the following items:

1. Manual Directive 102.10 Brady/Giglio Disclosure Requirements
2. Manual Directive 301.5 Mobile Communication Devices
3. Request for Change of Duty Status to Administrative Leave Without pay but with Medical Benefits for Corporal Daniel Debono, Badge 3523, assigned to the Fourth Precinct
4. Extension of Governor Whitmer's Executive Order 2020-154 on Public Meetings and Administrative Hearings Until the End of the COVID-19 State of Emergency
5. NACOLE 26th Annual Conference Webinars and Updates

Unfinished Business:

Attorney Jermaine Wyrick, Attorney to the Board, reported that based upon City Charter Provisions Section 7.5 Law Department, the Board does not have the authority to pursue outside independent legal counsel without the City Law Department's approval on the Arbitration Appeal Matter of Sergeant Dewayne Jones.

Announcements: Chairperson Bell announced the following:

- A. **Next Meeting:** Thursday, July 30, 2020, at 3:00 p.m., BOPC Virtual Meeting
- B. **Next Community Meeting:** Thursday, August 13, 2020, at 3:00 p.m., BOPC Virtual Meeting

VI. MOTION: TO End Facial Recognition Technology from the Detroit Police Department

Motion: Commissioner Burton **Second:** Commissioner Davis **Discussion:** Chairperson Bell ruled this motion out of order.

Oral Communications/Public Comments.

VII. MOTION: To Recess to go into Closed Session

Motion: Commissioner Brown **Second:** Commissioner Holley **Discussion:** Commissioner Holley asked for instructions to go into the Closed Session

VOTE: Yes = 9 No = 0 **Motion: PASSED**

VIII. MOTION: To Reconvene the Public Meeting

Motion: Commissioner Brown **Second:** Commissioner Griffie **Discussion.** None.

VOTE: Yes = 9 No = 0 **Motion: PASSED**

IX. MOTION: To Support Chief of Police James E. Craig Request for Change of Duty Status to Administrative Leave Without Pay but with Medical Benefits for Corporal Daniel Debono, Badge 3523, assigned to the Fourth Precinct

Motion: Commissioner Holley **Second:** Commissioner Brown **Discussion:** Commissioner Burch asked about Corporal Debono's secondary employment in Texas. **Commissioner Jones** inquired about whether Corporal Debono was already suspended with pay or without pay. **Chairperson Bell** indicated the issue was related to the use of excessive, unauthorized force.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Brown, Commissioner Davis, Commissioner Griffie, Commissioner Holley, and Commissioner Jones

No: None.

VOTE: Yes = 9 No = 0 **Motion: PASSED**

Adjournment:

Chairperson Bell recognized Commissioner Brown. **Commissioner Brown** moved for adjournment.

Motion: Commissioner Brown **Second:** Commissioner Griffie **Discussion.** None.

VOTE: Yes = 9 No = 0 **Motion: PASSED**

Chairperson Bell adjourned the meeting at 6:09 p.m.