

8/14/2017

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City of Detroit
Board of Police Commissioners
1301 Third St. Michigan Room
Detroit, Michigan
Thursday, July 27, 2017
3:00 p.m.

Meeting before the Board of Police
Commissioners at Detroit Public Safety
Headquarters, 1301 Third St., Detroit,
Michigan on Thursday, July 27, 2017.

ATTENDEES FOR BPCM:

Elizabeth W. Brooks
Eva Garza Dewaelsche
Conrad Mallett, Jr.
Derrick Sanders
Willie Burton
Willie E. Bell
Bishop Edgar Vann
Reginald Crawford

ASST. CHIEF OF POLICE: James White
CHAIRPERSON: Lisa Carter

Reported by:
Sherrayna Coleman, CSR-6485

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1 Detroit, Michigan

2 Thursday, July 27, 2017

3 2:58 p.m.

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5 CHAIRPERSON CARTER: Good afternoon. My
6 name is Lisa Carter, Chair of the Detroit Police
7 Commissioners. Welcome to our afternoon weekly
8 meeting. At this time I'm going to ask that
9 Commissioner Vann please give us invocation,
10 please.

11 (Whereupon Commissioner Vann
12 proceeded in prayer.)

13 CHAIRPERSON CARTER: Thank you,
14 Commissioner Vann. At this time I'm going to ask
15 that each commissioner introduce themselves
16 beginning with Commissioner Bishop Vann.

17 COMMISSIONER VANN: Commissioner Edward
18 Vann, District 2.

19 COMMISSIONER CRAWFORD: Commissioner
20 Reginald Crawford, District 3.

21 COMMISSIONER BELL: Commissioner Willie
22 Bell, District 4.

23 COMMISSIONER DEWAELSCHÉ: Commissioner
24 Eva Garza Dewaelsche and Vice Chair at-large.

25 COMMISSIONER BROOKS: Commissioner

1 Elizabeth Brooks, at-large.

2 COMMISSIONER MALLETT: Commissioner
3 Conrad Mallet.

4 COMMISSIONER SANDERS: Commissioner
5 Derrick Sanders, at large.

6 CHAIRPERSON CARTER: Thank you,
7 Commissioners. At this time you have before you
8 the Agenda for July 27th.

9 COMMISSIONER BELL: So moved.

10 COMMISSIONER SANDERS: Support.

11 CHAIRPERSON CARTER: Its been moved and
12 supported. Those in favor, aye?

13 (Several responded by indicating
14 aye.)

15 CHAIRPERSON CARTER: Those opposed.

16 (None responded.)

17 CHAIRPERSON CARTER: The motion carries.
18 At this time, Commissioners, you have before you
19 the Minutes for July 20, 2017. Is there a Motion
20 for approval?

21 COMMISSIONER VANN: So moved.

22 COMMISSIONER DAWAELSCHE: Support.

23 CHAIRPERSON CARTER: Its been moved and
24 supported that we approve the Minutes for July
25 20, 2017. Is there any discussion?

1 (None responded.)

2 CHAIRPERSON CARTER: Those in favor?

3 (Several responded by indicating
4 aye.)

5 CHAIRPERSON CARTER: Those opposed?

6 (None responded.)

7 CHAIRPERSON CARTER: The Motion carries.

8 At this time I'm going to ask that Mr. Hicks
9 please introduce the rest of the staff, please.

10 MR. HICKS: Thank you, Madam Chair.

11 Just before getting to the staff, I do want to
12 indicate that Media Services is taping the
13 meeting today and Shay Coleman is the court
14 reporter today. And, of course, immediately to
15 my right is Robert Brown. And then if we go to
16 the first row to my HR Director Gail Oxendine is
17 over in the first row to my left. And then if we
18 go still on the front row to our immediate right
19 it would be Mr. Wyrick, who is our Attorney for
20 the Board. Ms. Johnson, who is Fiscal, Ms.
21 Blossom (ph), who is Media Coordinator and
22 Outreach; Ms. White who is Policy and then we're
23 going to go to Chief Drake who will introduce not
24 only herself but also other individuals who are
25 here from the Office of the Chief Investigator.

1 MS. DRAKE: Thank you. Good afternoon.
2 For the record, Pamela Davis-Drake, Chief
3 Investigator, Office of the Chief Investigator.
4 With us today is Supervising Investigator
5 Lawrence Akbar (ph) and also the interim chief in
6 my absence. Also, Investigator Daniel Calloway
7 (ph).

8 CHAIRPERSON CARTER: Thank you.
9 Mr. Hicks, do we have a quorum?

10 MR. HICKS: Yes, Madam Chair, you have
11 eight members present and indeed you have a
12 quorum.

13 CHAIRPERSON CARTER: Thank you. At this
14 time I'm going to introduce Assistant Chief James
15 White standing in for the Chief of Police James
16 Craig.

17 ASSISTANT CHIEF WHITE: Good afternoon,
18 Board.

19 CHAIRPERSON CARTER: Is there any staff
20 you would like to introduce?

21 ASSISTANT CHIEF WHITE: There is. I do
22 not have my glasses on. I cannot see them all so
23 I'm going to have them all stand.

24 CAPTAIN CHAMBERS: Captain Michael
25 Chambers (ph).

1 MR. HUGH: Gerald Hugh with Office of
2 the Chief.

3 SERGEANT ALEXANDER: Sergeant Alexander,
4 Officer Support Operation.

5 ASSISTANT CHIEF WHITE: Thank you. As
6 you indicated, the Chief had a scheduling
7 conflict. It is the program this afternoon as
8 well as he's preparing for some training outside
9 the City.

10 CHAIRPERSON CARTER: Thank you. At this
11 time I'd like to recognize any elected officials
12 or representatives of elected officials that may
13 be present.

14 MR. DIVERS: Arthur Divers. I'm the
15 liaison for Honorable George Cushingberry,
16 Council of District 2.

17 CHAIRPERSON CARTER: Thank you, Dr.
18 Divers. At this time, Commissioners, as part of
19 my report today I would like to note our
20 continuing concerns and support for our injured
21 and fallen officers. I would like to express on
22 behalf of the Board our support and gratitude to
23 the family of Officer Johnson of the 2nd Precinct
24 who remains in critical condition, Officer Keith
25 Baker who is still in recovery and Officer

1 Linguist (ph), also still in recovery. We also
2 have information on the funeral arrangements for
3 Officer Raymoxley Berry of the 12th Precinct.
4 Officer Berry's funeral is scheduled for
5 Saturday, July 29, 2017 at 11 a.m. at the Church
6 of Christ located at 20131 Wyoming in Detroit.

7 Additionally, please add to our list of
8 support and gratitude the family of Reserve
9 Officer Anthony Watson Sr and Donovan Rodriguez
10 (ph), the step-son of Officer Gary Steel (ph) of
11 the 6th Precinct. Also, Board Members, I would
12 like to also call to your attention the list of
13 assignments that are in your packet today. The
14 assignments are included in your packet and
15 please review your assignments and if you have
16 any questions or concerns, we can talk about
17 those later.

18 Also, as a part of my report I want to
19 talk about the recently reported newspaper
20 article that the Board is being sued by
21 Nationwide Towing. Nationwide alleges that we
22 failed to provide the towing company a hearing
23 before we suspended them from our tow program.
24 Please note for the record this Board has not
25 voted to suspend Nationwide. Last week the

1 Chief's Office notified the Board that it acted
2 using its emergency powers to suspend Nationwide.
3 As soon as we receive a report on the
4 investigation related to the suspension we will
5 -- we will schedule a hearing and until this
6 point the Board has nothing before it for action
7 on that matter.

8 A few weeks ago we noticed the Governor
9 enacted the law into law-

10 COMMISSIONER VANN: Madam Chair, I'm
11 sorry to interrupt you. You made the
12 clarification there, the factual clarification.
13 Will we be sending a letter or something through
14 our secretary back to the news media so that they
15 will know what the facts are?

16 CHAIRPERSON CARTER: Yes. I believe
17 that-

18 MR. HICKS: Madam Chair, one of the
19 things we're customary in doing is to send out a
20 release of some of the information that you
21 covered in your meeting and this would be one of
22 those items that we would make that
23 clarification.

24 CHAIRPERSON CARTER: Thank you, sir. A
25 few meetings ago we noted that the Governor

1 enacted into law a series of laws governing body
2 worn cameras. We will hear later today from our
3 staff policy manager Ms. Melanie White. I'd also
4 like to note that this will be the last meeting
5 for our Chief Investigator, Pamela Drake.

6 Again, as we have done on a few
7 occasions, we wish you continued success,
8 Investigator Drake, with all your endeavors and
9 you will be sure be missed. I'm sure that the
10 commissioners will chime in on that as well.

11 Also, Commissioner Bell has asked our
12 new attorney to pull together several reviews for
13 the Board. Mr. Wyrick will address the Board to
14 give more--get more direction on the type of
15 items that should be included in this research
16 and subsequent report. Lastly, this week vice
17 chair Dewaelsche and our immediate past chair,
18 Chair Bell, we met with Mayor Duggan and Chief
19 Craig and it's a monthly meeting that we've
20 changed to a bi-monthly meeting based on us
21 having built our relationship when we first
22 started the process.

23 We went into it not knowing each other
24 and I think that we have a better feel of who we
25 are and our relationship and what we plan to do

1 going forward for the benefit of the citizens of
2 the City of Detroit regarding the Police
3 Department. So, with that in mind, we discussed
4 this past month, this past Tuesday, we discussed
5 the Vice-Chair Dawaelsche was concerned about the
6 conditions of some of the stations still in the
7 City and the Mayor said that there is a capital
8 plan if you want to speak on that.

9 COMMISSIONER DAWAELSCHE: Well, yes.
10 Thank you. I did preface my comments to the
11 Mayor by saying I know that Chief White is
12 working on a plan diligently and I just want to
13 make sure that we're supporting him to make sure
14 that some of our precincts that are older are
15 getting upgraded and renovated as needed while
16 we are also building new precincts where we don't
17 have precincts.

18 So he indicated the Mayor and the Chief
19 indicated that they are very concerned about that
20 as well and they support that there's a capitol
21 plan for the entire city and the fire department
22 as well as the Detroit Police are on that plan so
23 we were excited to hear that.

24 CHAIRPERSON CARTER: Thank you, Vice
25 Chair Dawaelsche. We also talked about some

1 education that needs to happen within the City of
2 Detroit regarding the Q-Line during a public
3 service announcement because the public is not
4 aware of how we should drive around the Q-Line.
5 I've seen a couple of accidents because I
6 frequent the Q-Line and I've seen a few accidents
7 where people have cut in front of the train and
8 the train can't immediately stop.

9 So it's a concern for public safety.
10 It's a public safety concern that I brought up at
11 the meeting and both the Chief and the Mayor
12 agreed that we do need education on that and also
13 the bike lanes. So that was a part of the
14 discussion this past Tuesday. So with that, is
15 there anything that I missed?

16 COMMISSIONER DAWAELSCHE: Madam Chair, I
17 think we also discussed the great numbers that
18 are coming through the recruitment efforts and
19 the fact that we recruited and our processing for
20 the Police Department. Both the Chief and the
21 Mayor were pleased with the numbers.

22 CHAIRPERSON CARTER: Anything else?

23 COMMISSIONER BELL: I might just add,
24 Madam Chair, that we had discussion concerning
25 the premier of the movie Detroit that's going

1 to happen next Tuesday evening and we haven't
2 received official tickets and the mayor quickly
3 got on his cell phone and accommodated us in
4 terms of working that up. That was a concern.
5 And out of that discussion the Fox Theatre was
6 packed that particular night, and the red carpet
7 and all that, and all of the discussions
8 surrounding that, and I indicated to the Mayor
9 that out of that Coleman A. Young, the late Mayor
10 Coleman A. Young had awareness of conditions in
11 the City of Detroit; primarily at that time
12 dealing with police issues and the Mayor somewhat
13 agreed.

14 I just want to share briefly with you in
15 terms of going to some of the clippings on that.
16 It must be remembered who the state
17 representative representing Detroit at this time
18 was Coleman A. Young, democrat from Detroit, was
19 outraged. The latest phase of a step by step
20 white wash of police slaying, demonstrating once
21 again that law and order is a one way street.
22 There is no law and order when black people are
23 involved; especially when they are involved with
24 the police. Young stands to play an important
25 role 18 years later when he fired two police

1 officers in their role for beating black a
2 motorist who eventually died; that was the Malice
3 Green incident. His quick response dictated by
4 the members of Algiers Motel incident. As we
5 well know, that incident was brought to light and
6 I was impressed. I don't know if you had
7 opportunity to see it, but I would encourage you
8 in the next week or two weeks to take advantage
9 of it in terms of the setting there. It was
10 really an eye opener. I had read the book quite
11 some time ago and Dr. Mike Dyson (ph) sort of set
12 the tone introduction. I assume Commissioner
13 Sanders was there and Brooks and others were
14 there to witness. I sort of set the tone and we
15 got to be reminded of that.

16 I know radio host Mildred Gaddis
17 indicated that she had to walk out and had to
18 come back in. Only reason she came back in, she
19 had a friend there that she had drove her there.
20 Basically that movie highlights the concerns that
21 we have today and we have to recognize it because
22 of a tendency of history of repeating itself
23 across this country. So out of that you thought
24 things would get better after '67 after trial and
25 all that, but you have to keep in mind that

1 stress came along in the 1970s. And I hired in
2 in '71. We know the history of stress and how
3 Mayor Coleman A. Young ran for election in 1973
4 and he was elected in 1974. I think that was the
5 first campaign management of Conrad Mallet.

6 COMMISSIONER MALLET: I'm not that old.
7 Greg Hicks is that old. I will say, Commissioner
8 Bell, that our Board Secretary Gregory Hicks, the
9 late great Kenney Cockrel, Coleman Young, John
10 Conyers, all of these people were on the very,
11 very front edge of dealing with these issues for
12 the people in the City of Detroit. John
13 obviously is still with us. The Mayor is gone.
14 Kenney is gone. I know these events will stay
15 with Gregory forever and I came on the campaign
16 manager-

17 COMMISSIONER BELL: Your father was
18 working.

19 COMMISSIONER MALLET: My father was
20 Chief Executive Assistant to Jerome Cavanagh. I
21 remember coming home. People probably have
22 already heard this story. I was a Free Press
23 paperboy. There were people like that then. 4
24 o'clock in the morning on Sunday and it was safe,
25 Commissioner, for a 13-year-old boy to go out on

1 the streets of Detroit and deliver 150 papers.
2 So it was 4 o'clock in the morning. I go to 12th
3 and Clairmount and I saw the riot, the rebellion,
4 the uprising in its very, very early stages when
5 it probably was still very much a carnival
6 atmosphere. I sat down on my wagon and
7 eventually a police officer came up to me and
8 said young man you ought to go home, which I
9 promptly did.

10 I woke my father up and I said daddy you
11 know what, I think the riot has started. He
12 called the Mayor immediately and he had just
13 gotten a phone call with an update from Ray
14 Jerrod (ph), who was then the Police
15 Commissioner, and living next door to us was
16 Hubert Locke (ph), the first black deputy police
17 commissioner and there it is. That was the
18 start.

19 As much progress as we have made, the
20 damage has been indelible and forward progress
21 comes in this. And maybe Gregory had more
22 insight than me, but I thought that we'd be
23 further along. I thought that it would be the
24 result of the recovery would be more widespread
25 and I thought that we would be much further as a

1 cohesive society. I have a 25-year old and a 4
2 year old and we were at my nieces wedding this
3 weekend and I said to them, I said, you know
4 what, I apologize for the condition of the world
5 I'm leaving you. I wish it was better and I
6 don't know that before I leave I can do much more
7 than make it better but at least you know that I
8 tried and you know what you have to do in the
9 quasi of life that I'm expecting you to live.

10 So it's a struggle and that's part of
11 the reason we're all here sitting around this
12 table thankful that most of the issues we deal
13 with, Madam Chairperson, are uncomplicated,
14 thankful that our police department continues to
15 mature and thankful that we will continue to
16 challenge each other and the police department to
17 make it as good as we can. It's a huge
18 responsibility and I know that the men and women
19 around this table, take it very, very seriously.
20 So I appreciate the opportunity.

21 COMMISSIONER BELL: I just want to close
22 by saying that all of this sort of shaped my
23 career after reading the book The Algiers Motel
24 Chris and Ken Cockrel Sr and all that involvement
25 in that time that it sort of changed in terms of

1 advocating. And I indicated to Mayor Duggan that
2 out of that came the Board of Police
3 Commissioners; of that major awareness in 1974
4 shaped in terms by the City Charter addressing
5 that in '72, '73. So here we are today and the
6 people refocusing on that in 2012 in terms of
7 having never elected having more accountability.

8 And also, we have to keep in mind that
9 as we move forward that this Department is better
10 off because of the eleven years that the Justice
11 Department spent here in terms of--and there are
12 some key players in this room that was involved
13 that's sitting right in front of me; Akbar,
14 Drake and Assistant Chief White, part of this
15 Commission, we did not turn this corner in the
16 last three years.

17 I think there's a misconception there
18 was some ground work, a whole lot of--whole work
19 this city of Detroit DPD before certain
20 individuals got here that was laid and that was
21 labored. I'm aware, well aware, of that and
22 that's why we must be diligent to tell the story
23 accurately. I'm glad this producer took
24 initiative because someone said that we should
25 tell our own story but I was impressed she was

1 able to tell the story and set the tone for the
2 movie. So, therefore, if you do your homework in
3 terms of the history of policing, not just in
4 Detroit, then you understand why black lives
5 matter and I know that two police officers and a
6 fireman lost their lives but three young men that
7 was unarmed lost their lives unnecessarily. They
8 had seeked out sanctuary, in a motel and
9 therefore we have to keep all that in
10 perspective. If not, as Commissioner Mallet
11 indicated, in terms of what happened in World War
12 II they will never let us forget what transpired
13 there. We should have the same mentality as
14 African Americans in terms of why we are involved
15 in the whole process and why we are trying to
16 advocate that all people should be represented at
17 the police department.

18 When I came out of high school in 1963
19 I'll tell it like it is, Commissioner Mallet,
20 out of 5,000 there was only 100 of us and they
21 went through a whole lot. At the time of this
22 incident they were somewhat confined to the 10th
23 Precinct because they didn't want certain
24 officers, black officers, being involved in the
25 whole process. They didn't trust them.

1 So you have to understand the whole
2 history of talking to those individuals who
3 helped do it. In reference to the National Guard
4 they did not represent us at that time. I was in
5 the military getting ready to go over to Vietnam
6 and my hometown was in rage. And I don't care;
7 you can use that term riot, but it was a civil
8 disturbance a rebellion to reality and that's
9 what Dr. Dyson, Sheila Cockrel set the tone for
10 that. That's the reality of what we're dealing
11 with, and some things haven't changed in Detroit
12 so we have to be mindful. As Commissioner
13 Dawaelsche indicated to us, they said it could
14 not happen in Detroit. It could not happen in
15 Detroit in '67 but it happened.

16 Some of those conditions haven't
17 changed. We can blame it on social media and all
18 that, but the reality, people are concerned about
19 the conduct of policing. We don't have the
20 housing issue anymore but we do have issues. A
21 retired officer 30 years just beaten down in
22 Wayne, Michigan and was in a coma for three days
23 and he survived that attack.

24 I just want, on a positive note, I just
25 want to commend Officer Gail Johnson Brown

1 Simmons for her 40 years of service. And I
2 recall when she joined the Police Department.
3 She's not here. I just wanted to mention on a
4 positive note that she has 40 years of service.
5 And I assumed we might invite her to our
6 community meeting to acknowledge that and her
7 daughter is on the job too and that's a second
8 generation.

9 So when I look at our deputy chief going
10 to Dallas that's a milestone. We have a long way
11 to go and we should recognize that and we should
12 address that that's why we are sitting here.

13 Thank you, Madam Chair.

14 CHAIRPERSON CARTER: Thank you.
15 Commissioner Burton, first of all, I'd like to
16 recognize your presence. You came in about ten
17 minutes ago so thank you for joining us and you
18 have the mic.

19 COMMISSIONER BURTON: Thank you, Madame
20 Chair. I just want to elaborate a little bit on
21 the subject. You know, there was a large crowd
22 that gathered in District 5, which is the
23 district I'm elected in, where the Algiers Motel
24 was located on the side of Woodward in Virginia
25 Park. And Virginia Park, you know, in honor and

1 remembrance of Carl Cooper, Arbor Pollard and
2 Fred Temple, we understand that from the 1967
3 rebellion that we do not have the same police
4 force that we had in 1967 versus what we have
5 today. I just encourage those that go out and
6 see this movie, you know, look at it as a part of
7 it was a moment that took place in history, but
8 with oversight that, you know, as far as what is
9 the Board of Police Commissioners never was
10 created seven years later in 1974, we're talking
11 about fifty years ago and where we are today. We
12 didn't have body cams, dash cams. We didn't have
13 stores. We didn't have cloud. We didn't have
14 Project Green Light.

15 As I look at community policing today,
16 it just, you know, Detroit actually have raised
17 the bar in community policing. So I just want
18 you all to know that as some of you all go out
19 and see the movie, we don't have the same force
20 we had then as we have today. I like look at
21 how Detroit has invested in approximately 5.2
22 million dollars in dashboard cams and body cams
23 and things of that nature. I think it was a
24 report that I read earlier this year so the
25 Department is no longer the same department as it

1 was in 1967. I think we came a long way since
2 then. I don't believe that the City would go
3 back and visit that time in history. I think the
4 Department has come a long way since then so I
5 just wanted to share that.

6 CHAIRPERSON CARTER: Thank you.

7 COMMISSIONER CRAWFORD: Through the
8 Chair, Commissioner Burton is right about what we
9 didn't have, but what we did have and what
10 brought about this change is the people and that
11 was the people in this community and the people
12 across America, the activism and the impact;
13 that's what brought about the change. If it
14 wasn't for the people engaging in activism and
15 creating the various movements and getting
16 involved, we wouldn't have had this change. Yes,
17 we've come a long way but there's still a long
18 way to go.

19 COMMISSIONER BURTON: I agree with
20 Commissioner Crawford.

21 CHAIRPERSON CARTER: Any other comments?

22 COMMISSIONER VANN: Madam Chair, I might
23 as well jump in. I really thought that it was a
24 lot of importance about Commissioner Mallet's
25 remarks. I think for many of us in this City we

1 know the Police Department is not what it used to
2 be, thank God. But many of the conditions in
3 this city are the same as they were 50 years ago.
4 We're still a city with 40 percent poverty.
5 We're still a city with 60 percent child poverty.
6 There are housing issues. There are crime and
7 safety issues. There is an education issue.
8 There's issues all around; much of which has not
9 changed in the last 50 years.

10 For many people Detroiters who stand on
11 their porch and look down the street, for them
12 things have gotten worse and not better. We know
13 that we've made strides, great strides in a lot
14 of areas; most especially with this Department,
15 and I'm very, very proud of it. I'm proud to sit
16 in this seat that I'm sitting in today and I'm
17 grateful for the opportunity to work with the
18 Department as we have, but we've got to know that
19 the conditions that bring about these rebellions
20 have nothing to do with body cameras, have
21 nothing to do with some of the great technology
22 that we're using. It has to do with the human
23 condition. I don't want us to forget that there
24 are people in this city who are still suffering,
25 who are still without jobs, who still can't take

1 care of their families, whose children are still
2 mis-educated, who live in a culture where they're
3 not clear.

4 When I was a kid, like Commissioner
5 Mallet, my mother sent me to the corner store or
6 whatever any time of day or evening and it didn't
7 matter. We know that those kind of conditions
8 don't exist today. So I would hope that we would
9 be just as vigilant as we have been with our role
10 with police oversight and working with our great
11 Department and the men and women of the
12 Department with some of the other issues that
13 speak of the human condition that brings about
14 these kinds of disturbances and we're blessed in
15 Detroit to have the police department that we
16 have because even 50 years later we see in other
17 departments and other municipalities that this
18 kind of police community relations does not
19 exist. So I'm very, very thankful.

20 The movie disturbed me. I don't know if
21 I would call it a good movie. It disturbed me
22 because much of the conditions that I saw there
23 still exist in many cities today. There is no
24 national urban agenda to address these issues and
25 there hasn't been for quite some time. We always

1 say well we made a lot of progress; we still have
2 a long way to go. No. We still have a lot of
3 the conditions that existed fifty years ago in
4 this city today and cities throughout America.
5 So our concern, our work, our love for our city,
6 our support of the department and everything
7 else, I think is very timely in view of that.
8 And I do have a resolution whenever you're ready.

9 CHAIRPERSON CARTER: I guess we're
10 ready. Thank you, sir.

11 COMMISSIONER VANN: This is the Board
12 resolution honoring police Officer Raymoxley
13 Berry posthumously. Whereas Mr. Raymoxley Berry
14 was appointed to the Detroit Police Department on
15 January 12, 1998 upon graduating from the
16 Metropolitan Police Academy, Officer Berry began
17 his career at the 10th Precinct; whereas Officer
18 Berry dutifully served the 10th Precinct Western
19 District and the 12th Precinct. On Wednesday,
20 July 19, 2017 after 19 years of service Police
21 Officer Raymoxley Berry, Badge 3008, passed away.

22 And whereas Officer Berry was the
23 deserving recipient of one Chief Citation Award,
24 six Perfect Attendance Awards, a Major League
25 Baseball All Star Recognition Award, the Rosa

1 Parks Funeral Recognition Award, the Superbowl
2 Recognition Award and numerous letters of
3 recommendation from citizens and superiors. Now
4 therefore be it resolved that the Detroit Board
5 of Police Commissioners speaking for the citizens
6 of the City of Detroit, Detroit Police Department
7 awards this resolution posthumously in
8 recognition of Police Officer Raymoxley Berry 19
9 years of dedicated and diligent public service.
10 His professionalism, integrity and standard of
11 the City of Detroit and citizens merits our
12 highest regards.

13 It is certainly signed by all of the
14 Commissioners of the Detroit Board of Police
15 Commissioners this July 27, 2017. Madam Chair, I
16 so move that we adopt this resolution.

17 COMMISSIONER DAWAELSCHE: Support.

18 CHAIRPERSON CARTER: Its been moved and
19 supported that we adopt the resolution honoring
20 Police Officer Raymoxley Berry posthumously. Is
21 there any discussion?

22 (None responded.)

23 CHAIRPERSON CARTER: Those in favor?

24 (Several responded by indicating
25 aye.)

1 CHAIRPERSON CARTER: Those opposed?

2 (None responded.)

3 CHAIRPERSON CARTER: The motion carries.

4 COMMISSIONER SANDERS: Madam Chair,
5 since we're talking about the 10th Precinct I'd
6 just like to let everybody know I went on a ride
7 along at the 10th Precinct and it was very
8 encouraging to see how they work. I think the
9 10th Precinct should be one of those precincts we
10 could bring more recruiters out to show them what
11 policing is all about. It was eye opening.
12 Since I've been doing this between 5, 4, 3, 7, I
13 noticed we have some really dynamite police
14 officers that really take the time to the public
15 and goes out to the public and the public comes
16 to them and they care. I like to see that;
17 especially with an older mentor and a younger
18 mentor coming up. So this has been an eye opener
19 for me and I wanted to get this report out since
20 we're talking about the 10th Precinct.

21 CHAIRPERSON CARTER: Thank you,
22 Commissioner Sanders. And I saw Commissioner
23 Brooks start writing as soon you said recruitment
24 so it is noted. I also wanted to note that two
25 weeks ago Chief of Police transmitted to the

1 Board two recommendations for leave of duty
2 assignments without pay. Note the proposed
3 Agenda for today we have moved oral
4 communications on the Agenda. The adjustments
5 will allow citizens to address the Board first
6 without forcing them to stay and wait for us to
7 move into and out of closed session. So that is
8 noted. At this time we're going to have the
9 report from Assistant Chief White.

10 ASSISTANT CHIEF WHITE: Good afternoon,
11 Madam Chair. As I indicated earlier, the Chief
12 has another engagement. He's at the Detroit
13 Youth Power Fest, which is taking place today
14 between 3 and 9 p.m. at Chene Park. I encourage
15 you to swing by if you have the opportunity to.
16 It's a great opportunity particularly during this
17 sensitive time.

18 I too saw the movie and I will tell you
19 that the movie invokes a lot of emotion and it
20 will certainly solicit a number of responses from
21 the community and we should be prepared for that.
22 Fortunately for us we have a very intelligent and
23 engaged community. They're engaged in all
24 aspects of our Department, which is outstanding
25 and I hope that the movie causes dialogue and not

1 animosity. But I will tell you, some will
2 probably walk away from this movie with some
3 animosity towards policing. When I looked at the
4 movie, the way my brain works is I try to figure
5 out what are we salvaging for--what are we trying
6 to accomplish. I didn't find it to be a
7 relatively good movie. I read the book. It was
8 some sensationalized parts of the movie, quite
9 frankly, and I know the history of the
10 circumstances involving that case, which were
11 atrocious.

12 Having worked on the consent judgment
13 and looking at some of the issues that happened
14 at that time, I recognize that the Department has
15 lots of growing to do. We have grown as an
16 organization. We're certainly nothing like we
17 were in 1967, but we're nothing like we were in
18 '77, '87 or '97 and that's due in part to the
19 work of this Board, the work of this community,
20 the work of this Police Department, this Chief
21 and previous Chiefs, quite frankly.

22 We are fortunate in Detroit, and I think
23 we just need to keep that--this movie in context
24 and perspective and keep where we are and how
25 we've grown, and really not necessarily take a

1 victory lap, because there's a lot of work to be
2 done. But when you look at how this Board holds
3 the Police Department accountable, it's not
4 always fun. It's not always comfortable, but
5 it's necessary. The transparency, the
6 accountability and the oversight works and we are
7 really truly a model for others to follow.

8 As I indicated, working on this consent
9 judgment for a number of years, and I get a lot
10 more credit for that than I deserve, because
11 frankly, Ms. Drake has done a tremendous job with
12 the police and the consent judgement and in
13 really getting us to the finish line. She does
14 not get the recognition that she deserves nor
15 does this Board get the recognition that it
16 deserves holding the Police Department
17 accountable for these mandates. So it's with
18 that that we're able to be where we are today.

19 So I'm going to get off the soapbox and
20 say the police department is not the same police
21 department in '67, and when these opportunities
22 come for this meaningful dialogue I hope that we
23 take them and we have that conversation in its
24 proper context.

25 Moving on to the report. Homicides,

1 we've experienced four percent decrease. Again,
2 one homicide is one too many, but we are
3 fortunate to be reporting decreases in all major
4 crime categories. Robbery down nine percent,
5 carjacking down three percent, aggravated assault
6 down four percent, non-fatal shooting we are down
7 four percent.

8 I promised the Board that I would report
9 out on our capitol improvements throughout the
10 Department, and I'll be brief with that. The 7th
11 Precinct, a site has been chosen for a new
12 development. That's going to be our next big
13 project. As the Board is aware, we opened Number
14 8, which is a huge success, is a beautiful
15 facility. Anyone who hasn't had an opportunity
16 to go, I know there's probably going to be at
17 least one ride along coming soon. We ask that
18 everyone else comes by. Again, it's a beautiful
19 facility. Officers are very happy to be back.

20 The E-911 here at Detroit Public
21 Headquarters is scheduled to open soon. We do
22 have some hick-ups that we're working through
23 right now but at 99 percent completion on that.
24 The 3rd Precinct, we just completed the locker
25 rooms for the officers and we're moving the

1 construction to the first floor. If you want to
2 go by and look at the locker rooms and fitness
3 facility, it's very nice. A capitol plan calls
4 for improvement to the 10th Precinct for this
5 year and will be moving towards that goal
6 relatively soon. And we just completed the roof
7 repairs at the 5th Precinct.

8 Finally--actually, that's it. Any
9 questions?

10 CHAIRPERSON CARTER: Any questions,
11 Commissioners?

12 COMMISSIONER VANN: And the (inaudible)
13 is still on the front burner?

14 ASSISTANT CHIEF WHITE: It is on the
15 front burner and you should be contacted, the
16 Board, for programming on that.

17 CHAIRPERSON CARTER: At this time we're
18 going to have our OCI Report from--our
19 last--well, Chief Investigator Drake giving her
20 last OCI Report.

21 INVESTIGATOR DRAKE: Thank you. Good
22 afternoon, everyone. It is my pleasure to give
23 this last report. If the Board will indulge me,
24 I just have a few comments after I make my
25 report. As of today, we have 233 open cases,

1 which again, our stats are up. These are the
2 summer months. We expect that. So just keep in
3 mind that our stats will be up for a while.
4 Usually six months out of the year they go sky
5 high. Sixteen cases have been submitted to
6 either myself or the supervisors for pending
7 closure and we have no cases that are over 90
8 days.

9 A couple of outstanding matters, and
10 these are matters that the Board needs to be
11 aware of and keep an eye on; one, obviously is
12 the Merrill Plasant (ph) matter, which you are
13 well engaged, so I'm sure you'll be hearing more
14 information on that shortly. The investigator
15 vacancy, we still have two. The supervisors and
16 I have made recommendations to the Board, and I
17 know the Board is looking into that, and I
18 believe the Personnel Committee will get that
19 information soon.

20 We have two recommendations. Both the
21 Board will be, I believe, happy to know that they
22 are Detroit residents. Very, very good
23 candidates. They not only spoke well, they have
24 excellent writing skills, verbal skills. I think
25 they're going to do a fantastic job and we have

1 made that recommendation. It has gone through
2 the CCR Committee, the Citizen Complaint
3 Committee and also the policies, outstanding
4 policies, that need to be reviewed; the data
5 usage policy, which is basically for protection.
6 The Board, the DPD and the LCI with regard to the
7 usage of our data collection, our servers, any
8 systems that we use that we share from DPD so
9 that it's vital that we do have that. It's a
10 short but very needy type of policy.

11 And also the Standard Operating
12 Procedures Policy, the revisions. The Standard
13 Operating Procedures, the SOP, for the Office of
14 the Chief Investigator has been revised. We did
15 provide that information to the Citizen Complaint
16 Committee. I believe Commissioner Shelby, a
17 couple of weeks ago, did a report out on that,
18 that it was approved through them, so now it has
19 to go to the Policy Committee and the full Board.

20 There are several small changes to that,
21 but a couple of larger ones. One includes the
22 procedures and policy for promotion. We didn't
23 have anything on the record for policy--or I'm
24 sorry--promotions for the positions of Senior
25 Investigator and Supervising Investigator. So we

1 do have those. We have them written out the
2 entire management team, actually worked very
3 diligently on all of that. So we did provide it.
4 Again, it has been approved by the Citizen
5 Complaint Committee but needs to go obviously to
6 the full Board Policy Committee.

7 I'm going to be reporting out for stats
8 for both May and June. For the month of May we
9 had a total of 81 cases, which is a 27 percent
10 decrease from last year this time when we only
11 had 109. At the end of May the Office of the
12 Chief Investigator had 191 open cases, 441 cases
13 were filed and 419 cases were closed. 44 percent
14 of the 81 cases filed in May involved unknown
15 officers of the known units leading in
16 complaints. The 8th Precinct came in at 8
17 percent. The 2nd, 5th and 9th Precinct came in
18 at six percent and the 6th Precinct at five
19 percent.

20 The 81 cases filed involved 143
21 allegations for the leading areas of concern were
22 as follows. 32 percent procedure, 29 percent
23 demeanor, 15 percent service, and property at 7
24 percent. 77 cases were closed in May and the
25 allegations--of the allegations the findings were

1 as follows: Not sustained 32 percent unfounded,
2 15 percent, exonerated at 9 percent, sustained
3 was at 6 percent. The leading areas of concern
4 in those cases were demeanor 37 percent,
5 procedure 35 percent, service at 15 percent and
6 harassment and search tied number 4 for 3
7 percent.

8 Statistics for the month of June. At 125
9 cases which represent a 7 percent decrease from
10 this time last year. I think that is good to
11 know. We need to take note of the fact that the
12 numbers are now going down. I know Commissioner
13 Crawford you had some concerns at some time about
14 the numbers increasing. Again, if we wait it out
15 usually there is--the numbers pan out over time.
16 They will decrease and increase depending on
17 sometimes the weather and other kinds of things.

18 All right. At the end of the month of
19 June we had 234 open investigations, 566 cases
20 filed and 506 cases closed. 38 percent of the
21 125 cases filed in the month of June involved
22 unknown officers. Of the known units 11 percent
23 was from the 8th Precinct. The 2nd, 4th and 6th
24 Precinct at 5 percent. The 3rd, 5th and 12th
25 Precinct and TCR were at 4 percent. The 125

1 cases filed involved 204 allegations. The
2 leading areas of concern in those allegations
3 were 32 percent procedure. Demeanor was at 29
4 percent, service at 15 percent, force at 8
5 percent. 87 cases were closed in June and
6 involved the following findings for allegations
7 not sustained at 36 percent, sustained 11
8 percent, exonerated 8 percent, unfounded 8
9 percent.

10 The leading areas of concern in those
11 87 cases were as follows: Procedure 38 percent
12 demeanor at 23 percent, service at 8 percent and
13 force at 8 percent. I just want to bring to the
14 Board's attention, the number of unknown officers
15 has decreased. I see a decline over the last few
16 months. I think that is largely due with the new
17 technology. We've got body cams now on more than
18 half of the units and I think we're able to
19 better identify those officers.

20 Also, there's some other things that
21 we've been doing as a unit to try to make sure
22 that we do our due diligence in discovering the
23 identity of those officers including calling up
24 communications, getting information from desk
25 sergeants and so forth. So we have them working

1 diligently on that. Another thing that you need
2 to be aware of, as you know, one of my issues has
3 always been the fact that we have had almost half
4 of our allegations have been not sustained over
5 the years. The report indicated that we have 45
6 percent of our allegations were not sustained.
7 That was a concern. It was also a concern in the
8 department we've been working very diligently
9 with the Department.

10 Sergeant Laurie and I have been working
11 to track those cases to mark a determination if
12 the body cams are doing any good; and they are.
13 They do seem to be--those numbers are decreasing.
14 You will notice that in the statistics if you
15 look at our non-sustained cases for the month of
16 June, 36 percent were not sustained and in the
17 month of May 32 percent. So those numbers have
18 significantly gone down and I'm hoping that those
19 numbers will continually do that. Notice too
20 that our sustained exonerated and unfounded cases
21 have increased. Even though we may have
22 sustained cases that are still getting us
23 information, we have a definitive decision or
24 disposition, which is always what we want. So
25 these numbers are good. They're going in the

1 right direction. Just keep those in mind. Keep
2 an eye on them. All right.

3 Now, having gotten the statistics out of
4 the way, I would like to personally thank the
5 Board for all of its support over the last five
6 years. I know this isn't the Board I started
7 with, but this is certainly the Board that I have
8 ended with and I have appreciated each and every
9 one of you and all that you have done. I cannot
10 tell you how you made me feel June 8th. I cried
11 all the way home after hearing such kind
12 comments. You know, sometimes we don't get our
13 flowers until we are deceased and I got mine that
14 night. And every time I get discouraged I'm
15 going to pull out that tape and listen to it
16 because I really appreciate all of the kind
17 words.

18 It has been a pleasure serving you this
19 last five years. It has been a pleasure to have
20 my team. I just want to give kudos where they
21 are due. I have an outstanding group of people
22 that I work with on a daily basis. These
23 investigators work very hard, very diligently.
24 AC White talked about the fact that we were able
25 to get out of that consent decree. It is because

1 of that time that we were able to do that. Those
2 investigators are diligent. Please treat them
3 well when I'm gone. Give them the resources that
4 they need to do their jobs because they deserve
5 it. I would be remiss if I did not thank also
6 our partners, which are the men and women in
7 blue, the Detroit Police Department, who have
8 been outstanding partners through this five
9 years.

10 I especially am very glad AC White is
11 sitting today. It really does my heart good
12 because I was going to tell the Board how
13 wonderful you have been through this whole
14 process. There are a lot of things that have
15 happened behind the scenes that he and I have had
16 discussions about and worked through that never
17 had to make it to the full Board, never had to be
18 a difficult time. He made it very easy and he
19 was very, very good about giving me the resources
20 and his staff extending their resources to me and
21 to the Office of the Chief Investigator. We
22 could not have gotten this far without the
23 assistance of you, Assistant Chief White, so I
24 want to thank you for everything.

25 ASSISTANT CHIEF WHITE: Thank you very

1 much.

2 INVESTIGATOR DRAKE: And that concludes
3 my report.

4 CHAIRPERSON CARTER: Commissioners.

5 COMMISSIONER BELL: My final
6 opportunity. I know we are approaching
7 identifying officers who are repeat offenders.
8 But when we look at 8th Precinct leading at
9 11 percent, was that the case in May also?

10 INVESTIGATOR DRAKE: Let me take a look,
11 sir. I think it was.

12 COMMISSIONER BELL: I think we need to
13 look at is that a continuation pattern. Any
14 precinct in terms of leading in terms of
15 complaints, for some reason, that we need to have
16 some dialogue in terms of what is happening
17 there. I'm pretty sure AC White wanted to weigh
18 in on that issue. I don't know if maybe even to
19 go back and see, say for instance this year, how
20 they fall. But that's something we should be
21 concerned about. There should be some meaningful
22 dialogue with the Department and the Commander in
23 that particular precinct in terms of what is
24 happening there. It might be a coincidence, I
25 don't know. But we need to perhaps track that.

1 You might have in the past. I don't know.

2 INVESTIGATOR DRAKE: I have and I'm very
3 glad the Board is paying attention to those types
4 of patterns. The 8th Precinct has been at the
5 top for the last year or this past--this year
6 from January forward.

7 COMMISSIONER BELL: Because when I
8 looked at the annual report, we have three high
9 profile cases that's going to be working through
10 the system. That particular person was cited as
11 being an outstanding officer in this report. I
12 don't know if you noticed that.

13 INVESTIGATOR DRAKE: I did, sir.

14 COMMISSIONER BELL: Those kinds of
15 things sort of stands out what is happening
16 there. When we looked at it there's a certain
17 pattern there. So we need to try to address
18 that. Maybe that command is missing something
19 that we need to try to share with them in terms
20 of those issues that we are concerned about.

21 And, once again, thank you for always
22 cooperating. And we've come a long way since I
23 worked in that office in terms of the team that
24 is more qualified versus a whole lot of issues in
25 the past that have been addressed.

1 CHAIRPERSON CARTER: Any other
2 comments?

3 COMMISSIONER BROOKS: I just want to
4 thank you. Two years ago when I became a
5 commissioner and was placed on the Citizen
6 Complaint Committee I had no idea what I was
7 supposed to do. But you took me in. You took me
8 out and taught me everything I needed to know;
9 how to read the Complaint, what to get out of it,
10 and I want to thank you very, very much. Because
11 I had such an experience reading that, but also I
12 could not have done it without you. So I thank
13 you very, very much and I wish you the best.
14 Wherever you go I will miss you.

15 COMMISSIONER VANN: Madam Chair, you
16 know when we service public servants we always
17 run across all kinds of individuals in that
18 process, and as life would have it, people come
19 and go and people have different things that
20 they're pursuing at different times in their
21 lives. And so, you know, in my 40 years of
22 public service, I've ran into quite a number of
23 individuals. I don't know if I've ran into
24 someone as kind, as gracious, as hard working as
25 you have been. And I want to just appreciate you

1 for serving as you have and serving this division
2 as you have.

3 One of the things we don't do enough of
4 in this society that we live now is show our
5 appreciation for one another. So I want you to
6 know that you are appreciated and your work, of
7 course, is well recognized, and that all of us
8 here are going to miss you. I know a little bit
9 about the journey that you're embarking upon and
10 I wish you God's speed. And yet we know that
11 wherever we go and whatever we do we need to
12 always be at our best because that's the legacy
13 that we leave behind. You left a legacy for OCI
14 that we all can appreciate. Thank you.

15 CHAIRPERSON CARTER: Thank you,
16 Commissioner Vann. Commissioner Crawford.

17 COMMISSIONER CRAWFORD: Yes, ma'am.
18 Through the Chair. Chief Drake, first again,
19 this unknown officer at the 38 percent, and it
20 escapes me in terms of the timeline for 8th
21 Precinct on the body cams. Are they on-line?

22 ASSISTANT CHIEF WHITE: They're not
23 on-line yet. They're up next. We're waiting for
24 the building to come in.

25 COMMISSIONER CRAWFORD: The reason I ask

1 that question about the body cams is because in
2 tracking the pattern across the country the
3 cities have implemented body cams, complaints go
4 down. Now there seems to be a pattern, which I
5 think is a very dangerous pattern, of body cams
6 not being on when incidents occur or there's some
7 sort of encounter.

8 And of course we have a policy too
9 dealing with officers command to turn them off
10 and on, but that's a pattern that we need to look
11 at as a Commission and make sure that our
12 department, that type of activity doesn't occur
13 where it represents a pattern where there's an
14 incident or complaint filed and we don't have any
15 kind of body cam footage. And again, the 38
16 percent unknown, I have said before, have the
17 Commissioners educate the public on obtaining the
18 pertinent information such as badge numbers when
19 there are incidents that occur; scout car,
20 license plate and scout car, vehicle numbers,
21 whatever is necessary, because that is a high
22 number of unknown officers.

23 INVESTIGATOR DRAKE: And, sir, not to
24 cut you off, but we do any time we find out that
25 an officer has not utilized the resource that has

1 been provided them we do make sure we make a note
2 of that and we sustain if we deem it to be
3 accurate that he has not or she has not turned on
4 their video footage; whether it be in car or the
5 body cam footage. And also, the supervisors and
6 I are going out on a regular basis and educating
7 the public about TCR process. We do that at
8 least monthly. So we are making an effort to do
9 that and that was at the request of the Board.

10 COMMISSIONER CRAWFORD: Thank you very
11 much. And also I want to thank you, Chief Drake,
12 for your service on the last four years I've been
13 on the Commission. Its been very informative.
14 You have been and you've helped not only the
15 Commission but you've helped me a great deal in
16 understanding the process.

17 ASSISTANT CHIEF WHITE: Through the
18 Chair, if I could respond very briefly to the non
19 use of the camera if there's an incident. Chief
20 Craig requires a debrief on any instance where
21 the camera was not used and should have been.
22 Currently we have one that is scheduled for next
23 week that we're looking into the issue with an
24 incident that appears one of the cameras not
25 functioning; whether it was functioning

1 inappropriately or a system failure or officer
2 caused failure. We'll know those answers in
3 about a week and we'll debrief with him. The
4 policy is very clear. If there's any
5 manipulation of the technology outside of the
6 policy then the officers are strictly held
7 accountable.

8 With regards to Number 8 leading the
9 Department in citizens complaints for the past
10 year, we have found that also when we look at
11 that what we do when we get your numbers is we
12 look at them and run a report themselves. The
13 difference in our report we look at it from a
14 management awareness perspective. So what I ask
15 CRIB to look at is to take a report and tell me
16 the number of citizens contacts that met a
17 citizens complaint. Interestingly, what we find
18 is there are precincts with less citizens
19 complaints but their contacts met more complaints
20 if that makes any sense.

21 So in one precinct you might have five
22 thousand citizen complaints in a quarter or five
23 thousand citizen contacts in a quarter and 25
24 percent of those made a complaint or number eight
25 even though they have more complaints it's based

1 on more contacts. So that's what we look at from
2 a management awareness perspective. We are aware
3 and we try to marry it up to number of contacts.
4 And if they're outlined we do bring those people
5 in and speak with them and bring the command in
6 in our quarterly management awareness meeting.

7 COMMISSIONER CRAWFORD: Thank you, sir.

8 CHAIRPERSON CARTER: Commissioner
9 Burton.

10 COMMISSIONER BURTON: I just want to
11 say, Chief Drake, it's been an honor working with
12 you. One thing that I can say about you, Chief
13 Drake, that every day you came to work you
14 brought your "A game" and that's definitely going
15 to be missed. You held this Department up. You
16 held this office up. I remember when we was
17 going through trying to replace George Anthony,
18 you was working multiple functions and you're
19 going to definitely be missed. This office came
20 a long way through your leadership. Thank you
21 for your service.

22 INVESTIGATOR DRAKE: Thank you, sir.
23 Coming from you that certainly means a lot.

24 CHAIRPERSON CARTER: Thank you, Chief
25 Investigator. You will be missed. At this time

1 we're going to have the Law Enforcement Body Worn
2 Camera Policy Public Act 85 of 2017; Ms. Melanie
3 White.

4 MR. HICKS: Madam Chair, while she's
5 preparing that I will note that in your packet
6 the same material that is on the overheads are
7 included in your packet. That's the multi-
8 colored handout.

9 MS. WHITE: Good afternoon. May it
10 please the Board. My name is Melanie White and I
11 am the Executive Manager of Policy for the Board
12 of Police Commissioners, and today I am
13 presenting on the Law Enforcement Body Worn
14 Camera Privacy Act that was enacted into law on
15 July 12, 2017 by Governor Snyder and I've also
16 prepared a comparative analysis between the
17 Privacy Act, the Department's Policy, which is
18 included in the second column, the applicable
19 FOIA provisions and also the crime victim's
20 rights provisions that are also applicable to the
21 body worn camera Privacy Act.

22 On the first page you will see in the
23 first left hand column the main objectives of the
24 Privacy Act. They are as follows. The Privacy
25 Act outlines the exemption from disclosure

1 basically disclosing or telling what audio and
2 video recordings are exempt from disclosure. The
3 second objective to the Privacy Act is that it
4 outlines the exceptions to that general rule.
5 And then the third main objective is that it
6 outlines the law enforcement agency
7 responsibilities and duties as relates to the
8 body worn camera systems.

9 If you move to the second page you will
10 see in detail and you will have an opportunity to
11 go through this chart analysis in detail later
12 but I want to just give you a rough draft of what
13 it includes. The second page is the details of
14 the Privacy Act. In that first column there are
15 eight provisions and I will not go over all
16 eight. I will just go over four of the
17 provisions and simply highlight the remaining
18 four and then in the second, third and forth
19 columns, again, you have the Department's policy
20 outline on the body worn camera system and then
21 you have the applicable FOIA provisions as well
22 as the CVRA provisions.

23 Starting on Page 3 I'll start with one
24 of the many sections of the Act which basically
25 says any audio and video recordings that are

1 recorded by a body worn camera by a law
2 enforcement officer are protected under what's
3 called the Crime Victim's Rights Act and those
4 protections are basically the protections that
5 are afforded to crime victims in terms of their
6 personal identity or their medical records or any
7 evidence to a particular crime where they are the
8 victim to it.

9 Those items are not disclosable and they
10 are not public access and they are subject to
11 that protection under the CBA. So those
12 protections also transfer over to the Body Worn
13 Camera Privacy Act, which basically says, again,
14 that any audio and video recording used by a body
15 worn camera are afforded those same protections.
16 The general rule, the overarching rule, for the
17 body worn camera recordings that are recorded in
18 a private place is that those recordings are also
19 exempt from disclosure and they are not public
20 record.

21 So, in the instance where an officer
22 conducts an investigation inside of a person's
23 home; maybe they are executing a search warrant
24 or conducting a narcotics raid, if that
25 individual, if it is in the person's home and

1 they have reasonable expectation of privacy or
2 they have a reasonable expectation of being safe
3 from any hostile environment then those
4 recordings are generally protected under the Body
5 Worn Camera Privacy Act.

6 However, there are exceptions to that
7 general rule. The general rule is that there are
8 five individuals who may request those recordings
9 that are recorded in a private place. And those
10 are listed on Page 4 in the first column under
11 Section 4. So the individuals are as follows:
12 An individual who is the focus of the
13 investigation or the subject of the
14 investigation, an individual whose property has
15 been seized or damaged may request this
16 recording. And also if in either of those two
17 scenarios the individual was under the age of 18
18 years old then a parent, a legal guardian or the
19 attorney may request those recordings. So we've
20 identified the protections that are afforded out
21 of this Privacy Act. We've identified the
22 overall general rule in terms of the private
23 place recordings, and then we've also mentioned
24 the exceptions to that general rule.

25 Moving to Page 6, if you will, this next

1 section, main important section of the Privacy
2 Act, discusses, okay, what happens in an on-going
3 criminal investigation; an internal proceeding or
4 what happens during a civil action. So during an
5 on-going criminal investigation or an internal
6 proceeding in terms of if that information is
7 allowed to be public record, the general rule is
8 that it is exempt from closure and it's not
9 public record. But only to the extent that it
10 triggers the Freedom of Information Act. So
11 remember I mentioned earlier you have this
12 Freedom of Information Act coming into play with
13 this particular Body Worn Privacy Act and then
14 you have the Crime Victims Rights Act also coming
15 into play.

16 So the items that are listed out of the
17 Freedom of Information Act that would prevent a
18 recording in an on-going criminal investigation
19 from being disclosed are as follows. If there is
20 -- if it interferes with a law enforcement
21 proceeding, if disclosing the recording would
22 create this unwarranted invasion of privacy
23 against an individual, if it would create an
24 unwarranted invasion of a person's privacy
25 rights, if the individual would have they would

1 be deprived of having a fair adjudication or fair
2 trial, if disclosing the recording would divulge
3 law enforcement investigative techniques or if
4 disclosing--if the recording disclosing the
5 recording would disclose the identity of
6 confidential informant or disclose the
7 confidential informant's information that they
8 share during the investigation it would not be
9 disclosed. And the last two items up in the
10 Freedom of Information Act is if it endangers law
11 enforcement officer's safety or if it triggers
12 the CBRA protections then in an on-going criminal
13 investigation it will not be disclosed or a
14 recording will not be disclosed.

15 And then the last section that I do want
16 to speak about is on Page 8 and it is regarding
17 the minimum retention guidelines that are
18 mandated by this Privacy Act. So overall in the
19 Privacy Act it says that a law enforcement agency
20 is required to retain this evidentiary audio and
21 video recordings for a minimum of at least thirty
22 days. In reviewing the Department's policy on
23 this matter, they have imposed an actual 90-day
24 requirement. So as long as we are in line with
25 the Privacy Act in terms of the minimum

1 requirements then we've met that obligation but
2 of course as the commission has the authority
3 there can be additional regulations imposed on
4 the policy draft. And along with the minimum
5 retention requirements, the Act also prescribed
6 that during an on-going criminal investigation or
7 in an internal proceeding the body camera
8 recording must be retained at least until that
9 proceeding is concluded or has been adjudicated.

10 And then in the final matter, when a formal
11 complaint has been filed against a law
12 enforcement officer or against the law
13 enforcement agency, the agency is required to
14 retain that video recording for a minimum of
15 three years. That would likely be the other
16 provisions that needs to be transferred over to
17 the Department's policy but otherwise the
18 Department covers pretty much all of the minimum
19 retention and guidelines. And then within that
20 retention guideline you look at Page 8 in the
21 last bullet points it basically says that in the
22 case that the law enforcement agency is unable to
23 produce the video or audio recording maybe
24 because of human error or technical failure or
25 maybe the formal complaint has been filed after

1 the expiration of the retention period, there's
2 no presumption of corroboration for the defense
3 or the plaintiff in the criminal case or the
4 defendant or the plaintiff in a civil case.

5 The final item I'll mention that's worth
6 highlighting is that in the Privacy Act it also
7 requires a mandate law enforcement agency that
8 use the body worn camera systems develop a
9 written policy and of course we are ahead of the
10 time line and we've already imposed or instituted
11 the body worn camera policy. There needs to be
12 some updates in terms of making sure that it
13 mirrors the body worn Privacy Act but otherwise,
14 we are ahead of the time line in terms of having
15 that already implemented. And if there are any
16 questions at this time I can take them.

17 CHAIRPERSON CARTER: Commissioners, any
18 questions?

19 COMMISSIONER CRAWFORD: Through the
20 Chair. Ms. White, thank you for the report, very
21 comprehensive. And as I asked a week or two ago,
22 in terms of when this bill was signed by the
23 Governor, whether or not it would conflict with
24 our policy, I do like the idea of the retention.
25 Of course ours is ninety days. Their's is thirty

1 days. I think it should always remain at least
2 90 days. As some of us well know, all politics
3 and power are local so we have the power in the
4 police department commission to implement this
5 retention of 90 days and it should stay the same.

6 Also, too, that this policy or this
7 Public Act 85 from the State takes immediate
8 effect August 16th so it's just so important that
9 all of this was worked out whether or not there's
10 any type of conflict or anything like that.

11 MS. WHITE: Exactly. I will also add
12 that law enforcement agencies have 180 days from
13 the date of enactment to comply with the Act.
14 And so again, as you've mentioned, we are on
15 board and we're moving in the right direction
16 because we've already received the transmission
17 from the Department and we've--the Board of
18 Police Commissioners has submitted its proposed
19 recommendations to the Department. And so we're
20 now trying to finalize that as well.

21 COMMISSIONER CRAWFORD: Thank you.

22 COMMISSIONER VANN: Madam Chair, I just
23 want to be clear on the disclosure or the
24 terminology public record as it relates to the
25 recordings. I noticed that one of the

1 disincentives here is that when it endangers a
2 law enforcement member's safety and I know that
3 could be legitimately used but I know its also
4 been illegitimately used in the case of
5 questionable police shootings, et cetera, where
6 recordings are not released or video is not
7 released because it is said that they're trying
8 to protect the officer.

9 Having had my own experience with some
10 of this, I guess one of the things that disturbed
11 me is that, you know, when this starts rolling in
12 the media then it becomes--it's possible then to
13 begin to spin and demonize the alleged victim and
14 protect a person who could be a perpetrator. Do
15 you understand what I'm saying? Maybe I'm not
16 making it clear, but I'm just saying that there
17 will always be stories about the person who is
18 the victim. They will scrutinize that person, et
19 cetera. Often times, and in some instances, the
20 officer is never--name never appears in the media
21 under the guides of, you know, we've got to
22 protect their safety. So I'm a little unclear.
23 It's kind of a fuzzy area for me.

24 MS. WHITE: Right. And I will say with
25 the Act, on some of those ambiguous phrases or

1 what have you--or not even ambiguous phrases, but
2 depending upon the scenarios or the circumstances
3 that's when that comes into play. So it's not a
4 definitive rationale or reasoning behind when it
5 interferes with law enforcement officer safety
6 but it's a case by case basis. It should be
7 depending on what the circumstances are, but the
8 act itself does not specifically delineate what
9 does this exactly mean. But again, the Policy
10 Division, we can do further research and look
11 into that.

12 COMMISSIONER VANN: It sounds like
13 there's some wiggle room there for subjectivity
14 and that's what sort of concerns me.

15 ASSISTANT CHIEF WHITE: I can bring a
16 little bit of clarification for that. That's
17 nothing new. We've always had that option to
18 hold back an officer's identity if we felt that
19 revealing his or her identity would put them in
20 jeopardy. As indicated by Ms. White, it will be
21 a case by case evaluation. Generally speaking,
22 there's opportunities to release video and do
23 redactions. People redact names and we can even
24 block faces. The key issue is if the shooting
25 was a good shooting or a bad shooting, the

1 activity of the shooting is what needs to be
2 shown; not necessarily the officers' faces who is
3 doing the shooting. So there are things that
4 we're looking at and planning right now to come
5 into compliance with this. We anticipate lining
6 up pretty clean within the next couple of weeks.
7 The only sticking point for us is the--we just
8 need some clarification on the three year piece
9 where if an officer--the citizen complaint
10 component is not very clear to me. An officer is
11 found responsible and a citizens complaint is
12 held for three years or if there's an allegation
13 that's held for three years. Because if it's an
14 allegation then we've got to really increase our
15 capacity because that would be a lot of video.

16 MS. WHITE: I will add to that, AC
17 White, in the Act my review of it was that when a
18 formal complaint is filed against an officer and
19 it didn't really go into detail on what the
20 findings of that allegation would be, but if it's
21 simply filed then the law enforcement agency is
22 required to obtain that recording for a minimum
23 of three years.

24 ASSISTANT CHIEF WHITE: And that's
25 exactly what we're trying to clarify. I just

1 think that that language is--I want to know the
2 intent of that language. We can hold it until
3 the completion of the investigation, but when you
4 start talking about three years on every
5 complaint and you look at the numbers that were
6 presented here today, compound that over three
7 years, you can understand that our server
8 capacity would fill up this room. We just want
9 to get clarification on that.

10 CHAIRPERSON CARTER: Any other
11 questions?

12 COMMISSIONER CRAWFORD: Yes, ma'am.
13 Through the Chair, just as a statement.
14 Commissioner Vann, there is no wiggle room when
15 it comes to the people. As the last several
16 years, or five or so years, it's not really a
17 concern of the State policy on body cam footage.
18 It's not really a concern of the Police
19 Department's Policy. I'm not only speaking
20 Detroit Police Department but departments across
21 the country because when the people turn out
22 because of an incident I can assure you that body
23 cam footage and names will be released as has
24 done so in the past. There have been some police
25 chiefs that have pushed back standing strong,

1 standing on the point saying they weren't going
2 to release; that there have been some mayors who
3 have lost their jobs who resigned because of
4 that.

5 So when there's an upscale coming
6 from activist community and people turn out
7 because of something they feel is egregious and
8 there's an injustice, trust me, there are those
9 who run to release the footage.

10 COMMISSIONER MALLET: Hopefully we'll do
11 our job. Hopefully the Board of Police
12 Commissioners in the City of Detroit will
13 intervene. Hopefully we will exercise some
14 oversight. Hopefully he will interpret the rules
15 with the assistance of the Policy Department and
16 our lawyers and how it'S going to be managed.
17 So, I mean, part of the--I do think that part of
18 the tasks that we have in front of us as we roll
19 this out is just to see how it operates and
20 cooperates with the Department and with
21 Mr. Hicks' office but then we will be
22 interpreting these rules and we'll make sure that
23 they're applied.

24 So I mean, I think that Bishop Vann, we
25 will--we will together figure out the go forward

1 as it relates to dealing with these kinds of
2 issues. What I do know enough about this Board
3 to say this; that the public's right to know
4 clearly will be protected. So I'm--we'll see how
5 it goes and this Board surely has proven that its
6 not going to be shy. I'm very confident we'll
7 manage.

8 COMMISSIONER CRAWFORD: Yes, sir.

9 COMMISSIONER MALLET: I'm certain
10 they'll come for us first since we're the
11 civilian oversight and then the Department.
12 People like the national action network.

13 ASSISTANT CHIEF WHITE: And if I may, I
14 don't think we've ever seen a more transparent
15 administration than we have today. The Chief
16 welcomes the media. He welcomes conversation
17 about officers' conduct and activity. So we're
18 not preparing for some curtain or some cloak of
19 darkness. We're talking about the rules and how
20 we apply the rules and how the policies are
21 written to address issues that may not have
22 happened yet.

23 So there could be an instance where the
24 release of an officer's identity could certainly
25 put him at risk. We just want to know what the

1 rules are; that's all. But certainly the Chief
2 has lead from the front of this issue of
3 transparencies. I don't think it's going to be a
4 problem in ordinary circumstances.

5 MR. HICKS: Excuse me, Madam Chair. If
6 I could just indicate, the request was for us to
7 essentially look at activity or a series of
8 laws that was enacted by the Governor and to make
9 a comparison or conduct an analysis on how those
10 laws may interact. It's important to note that
11 what we're currently involved in as a whole Board
12 is in dialogue with the Department on this issue
13 as it is. So this is really information coming
14 in, so as you move forward and fashion the
15 specific policies that would govern this
16 Department, these are some of the kinds of things
17 that you would take under consideration.

18 Clearly you don't want to be out of
19 compliance with State Law, but you do have as a
20 local body a lot of flexibility, and as Member
21 Mallet indicates, as you weigh in as a Body,
22 you'll create the kind of, for lack of better
23 words, playing field in which these things will
24 make sense. So, bear in mind, this is not a
25 discussion that is a hundred percent complete.

1 The Department submitted a draft. The Policy
2 Committee received an analysis of that draft and
3 some recommendations was advanced to the
4 Department and now the Department is looking at
5 those recommendations and then coming alongside
6 of this is another set of information that's
7 coming from the State of Michigan that has to be
8 integrated into that.

9 At that point when that process is
10 complete, I think what we'll have is a full
11 presentation really lead by the Department at
12 that point in front of the full Board as to an
13 item. Quite frankly, you could vote up or down
14 or tweak as you see fit.

15 CHAIRPERSON CARTER: Thank you, Mr.
16 Hicks, for clarification. Any other comments or
17 questions, Commissioners?

18 (None responded.)

19 CHAIRPERSON CARTER: Thank you, Ms.
20 White. At this time we'll have the attorney
21 update from Attorney Wyrick.

22 MR. WYRICK: Good afternoon, Honorable
23 Commissioners. Actually, to piggy back on the
24 last issue first. President Obama's task force
25 on 21st Century Policing specifically in terms of

1 the 87.5 percent fewer incidents of use of force
2 when body cameras are used; coupled with the fact
3 that there are 59 percent fewer complaints by
4 citizens when body cameras are used so certainly
5 we're going in the right direction any time we're
6 using body cameras.

7 If I may pick up too on Commissioner
8 Vann's point about subjectivity. Any time a
9 police department or any agency is using
10 reasonable measures or individual officers using
11 reasonable measures that comport with the
12 constitution what's problematic is when an
13 officer makes a mistake; or worse case scenario
14 maybe even motivated by some type of malice or
15 bias or something of that nature, and then they
16 start using their own subjective bad faith, that
17 becomes extremely problematic.

18 So it is best to be proactive on the
19 front end as we're doing with Ms. White's
20 research and things of that nature. In terms of
21 some of the issues that I've gone over since my
22 start, we have gone over the history of towing.
23 That was actually my first day, Commissioner
24 Bell, Commissioner Shelby, when we met with
25 Deputy Chief White. Then we also went over the

1 issues of compensatory time sick leave location.
2 That was an e-mail from Commissioner Bell about
3 whether or not Detroit Police Officers can donate
4 work time or benefits to another person and
5 that's actually legal; they can. The Department
6 actually has what you call a leave donation form.
7 That's a situation where you might have an
8 officer that may be sick and have basically used
9 up all their sick time and out of mercy and
10 leniency they're asking for another officer to
11 donate their compensatory time; so that is legal.

12 Another issue we went over, which was
13 actually the subject today under the City
14 Charter, where it requires to call a closed
15 session and that's a two thirds majority, which
16 we have today with nine members. As a Collective
17 Bargaining Agreement takes precedence over the
18 authority in general the case law which actually
19 emanated from a Michigan Supreme Court case way
20 back in 1974 involving a Detroit Police Officer
21 Association versus the City of Detroit, and
22 actually a 1976 Pontiac case, generally a
23 Collective Bargaining does take priority or
24 precedence over City Charter.

25 And one of the last issues that we're

1 dealing with legally is can information received
2 from the Garrity hearing be used for subsequent
3 criminal proceedings. Actually, to backtrack for
4 a minute, the issues with the City Charter and
5 the Collective Bargaining Agreement relates to
6 what you call the Public Employment Relations
7 Act. Getting to the next issue, can information
8 received during the Garrity hearing be used in
9 subsequent proceedings. There are criminal
10 proceedings that say if an officer does act in
11 bad faith worse case scenario it certainly can be
12 by virtue--it actually cannot be used by virtue
13 of the disclosures by Law Enforcement Officers
14 Act, which basically means this. Even if an
15 officer lies during the course of a Garrity
16 hearing, worst case scenario, gives false
17 information, that false information cannot be
18 used to subsequently prosecute or in any way
19 discipline or punish the officer.

20 Also, Ms. White has a sign up for what
21 you call Westlaw Research, which means we'll be
22 able to access our first rate research facility
23 and research that we do for this Honorable
24 Commission. And I open for any questions.

25 COMMISSIONER BELL: I would hope that we

1 look into the issues in reference to, which we've
2 been debating quite some time even as of this
3 week, in reference to the Board to review and
4 approve promotions of all ranks above the rank
5 of unions lieutenant and sergeant. I think that
6 issue--we had discussion with the Chief just this
7 week and the mayor. So I think that we need to
8 really weigh in on that to get some understanding
9 of past practice and where we are today because
10 we changed somewhere along the line.

11 I don't know if the records are clear
12 that we moved the Charter to stipulate the deputy
13 chief as the highest ranking. But this
14 Department and this Board moves to address and
15 change the rank structure and we created the rank
16 of assistant chief. But the Charter does not
17 address that because that was no rank. The
18 highest rank was chief and deputy chief. So when
19 we created the rank of assistant chief this Board
20 weighed in on that, but we need some research and
21 some findings in reference to that particular
22 matter, because as you well know, I think some
23 things are created and people don't really look
24 at the Charter. Who has the authority to do
25 that?

1 Does the Mayor, the Board, the
2 Department have the authority to create a rank,
3 that type of issue, because we have created ranks
4 in the last three years under the emergency
5 manager, as you well know without any logic in
6 terms of the Charter. So therefore, we need to
7 weigh in on that to get an understanding where we
8 are and some background and how we can approach
9 it in the future dealing with that. We look at
10 issues--I keep hearing this chief of police, but
11 as you well know, chief of police come and go.
12 This Board come and go. It's not about chief of
13 police. It's about a procedure. I will not
14 always be here but this Board will be here and
15 the rank of the chief will be here.

16 As we well know, we change chief of
17 police--in this day and age, as we mentioned just
18 recently, you know, just because you go to Dallas
19 there might not be longevity there. We know the
20 life of the chief of police is not that long.
21 Life of the mayor is somewhat term limited to
22 some extent. So we have to have clear policy and
23 somewhere along the line there have got to be
24 some record keeping of that. That's why I'm
25 pleased we have a Board now because I asked for

1 that research and we did not have ability to have
2 that research. And some of the commissioners
3 have that knowledge but oral history is not how
4 we operate as you well know.

5 So therefore, we want to get some clear
6 direction in terms of how we weigh in and this
7 Board make a decision as we all want to make an
8 intelligent decision based on the facts in terms
9 of past history, what's the law and how we
10 approach it. That's my concern. That should be
11 this Board's concern.

12 COMMISSIONER CRAWFORD: Through the
13 Chair, Commissioner Bell, I differ with one thing
14 you said. There's no we in the word commission.
15 There was no we. We didn't create these ranks.
16 I haven't seen anything in writing from the
17 emergency manager.

18 COMMISSIONER CRAWFORD: There were
19 things that followed after that. But like I'm
20 saying, there was no we in terms of a Commission
21 creating this.

22 CHAIRPERSON CARTER: Any other
23 questions or comments, Commissioners?

24 (None responded.)

25 CHAIRPERSON CARTER: Thank you,

1 Mr. Wyrick.

2 MR. HICKS: Madam Chair, if I can also,
3 this is--today's presentation was simply a primer
4 for you. All of the information in which has
5 been researched is going to be distilled down
6 into a memorandum so that you will have it, first
7 of all. It's not sufficient for you to just have
8 passing references to any of the issues in which
9 we're talking about. In addition to that, we did
10 want to bring Attorney Wyrick in front of you
11 because if there was an area as, Commissioner
12 Bell had mentioned, any other area that you want
13 as Commissioners researched, please submit that
14 to us because we'd like to put that all together
15 and give you a very comprehensive memorandum in a
16 number of these areas in which are concerned.

17 CHAIRPERSON CARTER: Thank you,
18 Mr. Hicks. At this time we'll have a report from
19 Fiscal Operations from DPD Procurement.

20 MR. BOYD: Good afternoon. My name is
21 Kevin Boyd.

22 MR. SADI: My name is Kevin Sadi (ph).
23 I work for the Office of Contract of Procurement.
24 I'm representing on behalf Boise Jackson (ph) who
25 could not make it today as he was up in Lansing.

1 I'd like to just kind of start with there were
2 some handouts given out. One of the questions I
3 was kind of asked was the average time it takes
4 to complete an order in regard to the procurement
5 process. One of the handouts we have here
6 references what we'll call our req to check
7 process; it's a requisition to check process. It
8 details the length of time that it takes to go
9 through the average length of time it takes to go
10 through the steps. Approximately on average we
11 put in ninety days for an agreement to go through
12 its cycle.

13 Also, I included a brochure that kind of
14 gives general information as well related to the
15 Office of Contract and Procurement. It talks
16 about the process procurement methods,
17 requirements threshold. It talks about suppliers
18 how they set up supplier system. Also
19 unauthorized purchases and cooperative agreements
20 and purchases.

21 Another question that was referred to
22 from Mr. Boise Jackson talked about sole source
23 purchases for the Department. It's the
24 possession of Mr. Jackson and Office of
25 Procurement that we do minimal sources.

1 Obviously we want to go for competitive bidding
2 which gives us better pricing, better different
3 practice standard that we do not source unless
4 absolutely necessary. Another question referred
5 to was the number of personal service contracts.
6 Today we pulled some information. There was
7 thirteen personal service contracts related to
8 DPD as well as another question relating to
9 obstacles and recommendations for the coming
10 budget cycle and how to streamline the process
11 and how to make DPD and work with OCP as well in
12 the process.

13 I spoke with Mr. Jackson and we both can
14 agree that procurement planning and there is a
15 pilot that has been going on with the police
16 department in regards to procurement planning,
17 which is an on-going procedure that the Office of
18 Procurement with all our departments piled it in
19 with the health department and also pile it in
20 with DPD gives us better lead time with DPD and
21 allows our buyers to know the needs of the
22 Detroit Police Department in order to better
23 procure.

24 Also, some of those obstacles as well as
25 on top of procurement planning the Office of

1 Contract procurement also as well we want to see
2 like a reduction in unauthorized purchases or
3 conforming purchases. Those are services or
4 goods that were procured without going through
5 the process on the front end. So that's another
6 obstacle we see that our office worked with
7 Detroit Police Department in order to streamline
8 and make that a better process.

9 Also, sole sources in general practice
10 we want to competitively bid in order to get best
11 pricing for the City of Detroit. It reduces cost
12 the best price for the Detroit Police Department.
13 Another item that was mentioned about getting
14 feedback from vendors regarding purchaser
15 process. We do, in the Office of Contract
16 Procurement, we do work with all our vendors.

17 We want to negotiate to get best pricing
18 on behalf of the defendant as well as work with
19 them to get their feedback. We have our supplier
20 system, which is a portal where our vendors get
21 paid so we work with those vendors as well that
22 are related to the Detroit Police Department.
23 There was a question about any specific handouts
24 to DBA and what type of conditions we do, Detroit
25 Building Authority, and we use them for primarily

1 construction and renovation related agreements.
2 So there's an agreement with the DBA post some
3 information, prior to attending here. But those
4 are the main uses of the DBA for renovation
5 related services.

6 Another item that was asked; what is the
7 year end process for open requisitions and
8 purchase orders. OCP adheres to the OCFO or the
9 Office of the Chief Financial Officer, the year
10 end closing schedule. This year per the OCFO
11 office there was no budget carried forward except
12 in certain instances we talk about capitol funds
13 grant-related funds. So we're talking about open
14 requisitions; those have to be essentially
15 processed and diverted into a purchase order in
16 order for that to go to the next fiscal year if
17 they weren't into a purchase order they would
18 have to be cancelled out per our system. Another
19 item talked about was in spending that was one of
20 the first items.

21 The annual spending is what we do in our
22 department here. We look at open contracts that
23 started as of July 1st to current. Related to
24 Detroit Police Department there's other
25 contracts that are citywide budget and we noted

1 \$19.3 million procurement spend and we broke it
2 down into less than \$25,000 agreement and
3 \$325,000 agreement. A majority of that
4 dollars, 1.2 is related to contract spend that is
5 greater than \$25,000. Is there any questions?

6 CHAIRPERSON CARTER: Questions,
7 Commissioners?

8 COMMISSIONER VANN: Madam Chair, just a
9 quick question. I don't know how prepared you
10 may be to answer it, but I certainly wanted to--I
11 haven't heard any statistics on this in the last
12 few years, but what is the percentage of
13 contracts that the City has with African American
14 business?

15 MR. SADI: We do track that information
16 actually. We look at--we have preferences so we
17 look at local preferences, Detroit Headquarter
18 base, Detroit base business, women base, minority
19 base. I do have some stats back at the office.
20 I did not provide them today but I can definitely
21 work with those individuals to get that
22 information and get with Boise Jackson to provide
23 that information.

24 COMMISSIONER MALLET: The 19 million
25 dollars worth of contracts that you mentioned so

1 those are going to go through the process you've
2 outlined here?

3 MR. SADI: Correct.

4 COMMISSIONER MALLET: And those get
5 approved by the Detroit City Council; the ones
6 greater than 125 thousand?

7 COMMISSIONER CRAWFORD: As a follow up
8 to Commissioner Vann, I too want to track the
9 minority, or follow the money so to speak,
10 African American business, Detroit based
11 business, even the State of Michigan. I always
12 have concerns, especially if my tax dollars
13 aren't bouncing eleven times in the community or
14 more.

15 MR. SADI: Absolutely. And we track
16 that data like on a quarterly basis. So we do
17 track the Human Rights Department as well as some
18 statistics. There are websites as well where you
19 can actually download data. I'm referencing in
20 general, which identifies the number of business,
21 the offender, the name. That's all implied. Its
22 part of the contracting process. All those
23 preferences are part of our contracting process.
24 It's included in that as well. We do keep some
25 data as well on that information.

1 COMMISSIONER CRAWFORD: I look forward
2 to it.

3 COMMISSIONER DEWAELESCHE: Madam Chair, I
4 have a question. It's a little bit more specific
5 because I just attended our budget committee
6 meeting this week and I know that this flow chart
7 of the timeline indicates that these are goals
8 ten days for processing requisitioning and maybe
9 that's where I kind of want to focus my question.
10 What happens if you don't process it in ten days?
11 What is the recourse that maybe a department like
12 the BOPC, for instance, our department, can take
13 to ensure that requisitions are processed?

14 MR. SADI: Yeah. We actually are
15 working the OCFO at a high level in making
16 service level agreements with the Department. It
17 depends on what step that the metric has not been
18 hit that target. So that's actually been
19 developed in, for example, we say treasury income
20 tax clearances are to be processed within five
21 business days. So we're going to be tracking our
22 service level agreements to see whether the
23 percentages are tracked within five days.
24 Obviously we will present it to Boise Jackson.
25 He will go up to John Hill, who is our CFO. The

1 recourse would be follow-up with the Department,
2 probably the director at that level, to get
3 a better understanding of why something wouldn't
4 be processed within that established service
5 level agreement time frame.

6 COMMISSIONER DAWAELSCHE: Thank you.

7 CHAIRPERSON CARTER: Any other
8 questions, Commissioners?

9 (None responded.)

10 CHAIRPERSON CARTER: Thank you, sir. At
11 this time, Commissioners, are there any
12 outstanding or ad hoc committee reports?

13 (None responded.)

14 CHAIRPERSON CARTER: We'll have a report
15 from our Board Secretary, Mr. Hicks.

16 MR. HICKS: Thank you, Madam Chair. As
17 you have listed on your Agenda, there were
18 three items in which I wanted to bring to your
19 attention. I don't want to particularly spend
20 any time on them other than we are in the process
21 of voting on incoming communications so that the
22 entirety of the Board would know from a public
23 perspective what types of interactions that we're
24 having at least in written form with the
25 community and internally in the Department and

1 things like that. So there's always going to be
2 that listing and that listing is not there for a
3 specific action. Some follow up that takes place
4 and you will find that those items will come back
5 to you. With that, there was no specific item
6 other than to say on the earlier presentation, I
7 did want to know that with Chief Drake and with
8 the appointment of Mr. Akbar as the interim head
9 of the area, we believe that from a staff
10 perspective that we're continuing the great work,
11 quite frankly, that has occurred with OCI.
12 Mr. Akbar was very much a part of a lot of that
13 activity including the ability to reduce the
14 backlog from the complaints under the consent
15 agreement. So I would just want you to know that
16 Mr. Akbar is ready and prepared to step in and
17 that he will ensure you that he is more capable
18 of filling really some, how would you call it,
19 big shoes, often times cute shoes, but big shoes.
20 Again, with that, thank you, Madam Chair.

21 CHAIRPERSON CARTER: Any old business,
22 Commissioners?

23 COMMISSIONER BELL: Madam Chair, I have
24 an issue, I guess not an issue, a concern. What
25 time is the fair that's being held at Chene Park?

1 ASSISTANT CHIEF WHITE: 3 to 9 p.m.

2 COMMISSIONER BELL: I would hope that --
3 Mr. Hicks, did you receive any notification of
4 this second annual fair at Chene Park?

5 MR. HICKS: I do not remember seeing
6 such.

7 COMMISSIONER BELL: It's an on-going
8 issue with this Board in terms of DPD in terms of
9 I think that if we receive notification--these
10 meetings are very important, you know, to all
11 concerned parties to be here and I think we must
12 work together. Something like that, and even
13 we have LSA leadership here and other community
14 people who might want to attend that affair and
15 we have a heavy Agenda. I think that there has
16 got to be some form of communication if we are
17 going to be involved versus sitting here for two
18 hours. We could have had a shortened agenda to
19 deal with the business of the personnel matter to
20 shorten the Agenda to participate. I think I
21 attended last year after the meeting, but those
22 affairs are very important to us in this day and
23 age as we talk about reaching out to other
24 people. That's why the Chief and most of
25 leadership are there, but we want to be there

1 too.

2 In terms of the formalities and the
3 programs, and I think if we could note in advance
4 of any activity of that nature then perhaps we
5 can alter our agenda or whatever that is. But we
6 must work together if we are going to be an
7 oversight and be included. I've been saying that
8 over and over again since 2014.

9 CHAIRPERSON CARTER: You're absolutely
10 right.

11 COMMISSIONER BELL: So there's got to be
12 -- even 8th Precinct; the commissioner was
13 prepared to give remarks that represent that
14 district and he was not allowed to give remarks.
15 I understand the time of the day, but there's got
16 to be recognition of a Commission in terms of
17 public safety. And we shared that with the Mayor
18 and the Chief of Police as of Tuesday. That is
19 our function. That is our role. There has to be
20 a process that we bridge that gap in terms of
21 what we want to engage in in terms of that
22 respect.

23 So I would ask this Board and the
24 leadership that we have a meeting in the next
25 week or so to have that dialogue because this

1 continues to transpire over and over again. A
2 major function or informal function and we are
3 not included or at the last minute we're
4 included; well, okay, Commissioners, you're set
5 aside here. That's not why we're here. We want
6 to be a viable part of public safety issues in
7 the City of Detroit. I'm not just speaking to
8 the choir. I address that to the Mayor of the
9 City of Detroit and that's why he rectified the
10 situation that we was not left out on Tuesday.
11 He picked up the cell phone and said something is
12 wrong here; you should be included.

13 I'm not speaking to the choir. I'm
14 speaking to us as a Body because we could have
15 shortened our Agenda. We're going to be here
16 another hour or so. I don't want to come in on
17 the tail end of something, but we shouldn't be on
18 the tail end of something. Just take note and
19 perhaps Mr. Hicks and the Chair and the Vice
20 Chair could take that lead in terms of having
21 that type of dialogue with the powers at be with
22 DPD.

23 CHAIRPERSON CARTER: We certainly will.
24 And I'm certainly also going to ask that Vice
25 Chair Dawaelsche schedule something with the

1 Chief and executive staff or Mr. Hicks to do
2 that. We have been talking about it for four
3 years. And sometimes it was a little bit better
4 than others where we got a little communication
5 but it's always late. Many of us--all of us have
6 busy schedules and it's hard to move our
7 schedules around. If we have information up
8 front--and I know it takes a long time to plan
9 things but you probably had a date last year for
10 this.

11 ASSISTANT CHIEF WHITE: I don't know.

12 CHAIRPERSON CARTER: The Department
13 probably had a date last year for this because it
14 takes time to book a venue and it could be simply
15 on the City of Detroit's calendar. I don't know
16 that it's there, but we need to receive some kind
17 of communication of events that are happening in
18 the Department.

19 ASSISTANT WHITE: I agree with that.
20 There is a liaison assigned to the Board. So I'm
21 very surprised and disappointed that you did not,
22 which is why I was so excited to announce if you
23 get an opportunity to make it by, so I will
24 follow up with that liaison and find out what
25 happened. My apologies. I had no idea you all

1 didn't know.

2 CHAIRPERSON CARTER: It was the same
3 last year.

4 COMMISSIONER SANDERS: And we left the
5 meeting and we went down there.

6 ASSISTANT CHIEF WHITE: I will follow
7 up.

8 CHAIRPERSON CARTER: Thank you, sir. At
9 this time we have a temporary change in the Board
10 Agenda. At this time we'll have oral
11 communications from the audience. Please give
12 your name and limit your comments to two minutes.

13 MR. BROWN: Madam Chair, I have one
14 card. Ms. Faith.

15 MS. FAITH: My name is Ms. Faith. I
16 come to some of the meetings a couple--I guess in
17 the past and I'm very impressed by every one of
18 you. I learn from you just listening and
19 watching you all and your interaction with one
20 another. The sensitivity of the matters and
21 everything and it tells me that you really care.
22 Your heart is in your job. If it wasn't there it
23 would never have come out.

24 I commend you all very highly for your
25 behavior and your conduct and your speech among

1 each other. After the meeting is over it still
2 remains balanced. This commissioner here, she
3 know I'm not saying, she's mothering me but she
4 is really--you know what I mean, very regal lady;
5 much to be respected and honored, and all of you
6 the same. I was given this by one of the ladies
7 and one of the ladies at church that I was going
8 to say something about something I had to do on
9 the outside of the church in the area that I was
10 in. And it's called Central Neighborhood
11 Community Innovation Center. I don't know if
12 ya'll are aware of it or anything about it, but
13 it talks about project goals, community
14 innovation, vacant houses, volunteers and
15 different things they do.

16 I'm not really aware of everything about
17 it. I just noticed it and we was talking about
18 community service, community mindedness and which
19 you all are, and so I just wanted to give it to
20 you all. And, again, I want to thank you all for
21 being such good examples to the community that
22 you're in and representing. I honor you very
23 highly.

24 CHAIRPERSON CARTER: Thank you very
25 much. Announcements. Our next Board of Police

1 Commissioners meeting will be Thursday at 3 p.m.
2 here at Detroit Public Safety Headquarters
3 located at 1301 Third Avenue. Our next community
4 meeting will be Thursday, August 10, 2017 at 6:30
5 p.m. in the 5th Precinct at the Kean's Marina
6 located at 100 Meadowbrook south of Jefferson
7 West of St. Jean on the east side. Is there any
8 new business, Commissioners? Oh, under new
9 business we have communications from COP, the
10 Chief of Police request for closed session on
11 Personnel matters.

12 COMMISSIONER BELL: I so move that we
13 convene closed session on personnel matters.

14 COMMISSIONER MALLETT: Support.

15 CHAIRPERSON CARTER: Its been moved and
16 supported. Any discussion?

17 (None responded.)

18 CHAIRPERSON CARTER: Those in favor?

19 (Several responded by indicating
20 aye.)

21 CHAIRPERSON CARTER: Those opposed?

22 (None responded.)

23 CHAIRPERSON CARTER: We will convene for
24 a closed session and we will be back shortly.

25 MR. HICKS: Madam Chair, the closed

1 session will take place in the room immediately
2 -- I'm sorry. We're going to the Woodward Room.

3 CHAIRPERSON CARTER: And for those of
4 you who have to leave, thank you for coming out.

5 (Off the record at 5:02 p.m.)

6 MR. HICKS: Madam Chair, your meeting is
7 reconvened. You have nine members present.

8 CHAIRPERSON CARTER: Is there a motion
9 to go back on the record?

10 COMMISSIONER BELL: So moved.

11 COMMISSIONER DEWAELESCHE: Support.

12 CHAIRPERSON CARTER: Those in favor aye?

13 (Several responded by indicating
14 aye.)

15 CHAIRPERSON CARTER: Opposed?

16 (None responded.)

17 CHAIRPERSON CARTER: At this time,
18 Commissioners, you have before you a
19 recommendation from the Chief of Police regarding
20 Detective Conway.

21 COMMISSIONER MALLET: Madam Chairperson,
22 I move that we reject the Chief's recommendation
23 for administrative leave without pay.

24 COMMISSIONER BELL: Support.

25 CHAIRPERSON CARTER: Its been moved and

1 supported that we reject the recommendation of
2 the Chief's Office. Is there any discussion?

3 (None responded.)

4 CHAIRPERSON CARTER: By way of roll call
5 we're going to have the vote.

6 MR. HICKS: I'll take this in the order
7 in which you are seated. There's no particular
8 order implied. Commissioner Sanders.

9 COMMISSIONER SANDERS: No.

10 MR. HICKS: Commissioner Mallet.

11 COMMISSIONER MALLETT: Let me just--we're
12 voting to reject the Chief's recommendation.

13 COMMISSIONER SANDERS: That will be a
14 yes.

15 COMMISSIONER MALLETT: Conrad Mallet
16 votes yes.

17 COMMISSIONER BROOKS: Commissioner
18 Brooks, yes.

19 MS. DEWAELSCHÉ: Eva Garza Dewaelsche,
20 yes.

21 CHAIRPERSON CARTER: Yes.

22 COMMISSIONER BELL: Yes.

23 COMMISSIONER BURTON: Commissioner
24 Burton, yes.

25 COMMISSIONER CRAWFORD: Commissioner

1 Crawford, yes.

2 COMMISSIONER VANN: Commissioner Vann,
3 yes.

4 MR. HICKS: Commissioners, in this
5 matter in Detective Conway, your Board has
6 unanimously approved the rejection of the Chief's
7 recommendation.

8 CHAIRPERSON CARTER: Thank you.

9 MR. HICKS: Now moving on to Detective
10 Allen (ph).

11 COMMISSIONER MALLETT: Madam
12 Chairperson, I move that we accept the
13 recommendation of the Chief in regards to
14 Detective Allen.

15 COMMISSIONER BELL: Second the motion.

16 CHAIRPERSON CARTER: Its been moved and
17 supported that we accept the recommendation in
18 regard to Detective Allen. Is there any
19 discussion?

20 (None responded.)

21 CHAIRPERSON CARTER: By way of roll
22 call, again.

23 MR. HICKS: Commissioner Sanders.

24 COMMISSIONER SANDERS: No.

25 MR. HICKS: Commissioner Mallet.

1 COMMISSIONER MALLET: I'm voting yes.

2 COMMISSIONER BROOKS: I'm voting yes.

3 COMMISSIONER DAWAELSCHE: Yes.

4 CHAIRPERSON CARTER: Yes.

5 COMMISSIONER BELL: Yes.

6 COMMISSIONER BURTON: Yes.

7 COMMISSION CRAWFORD: Commissioner

8 Crawford votes yes.

9 COMMISSIONER VANN: Yes.

10 CHAIRPERSON CARTER: The ayes have it.

11 MR. HICKS: We have eight voting to
12 accept and therefore you concur with the Chief's
13 recommendation.

14 CHAIRPERSON CARTER: Yes, sir. Thank
15 you.

16 COMMISSIONER MALLET: Move to adjourn.

17 COMMISSIONER BROOKS: Support.

18 CHAIRPERSON CARTER: Those in favor?

19 (Several responded by indicating
20 aye.)

21 CHAIRPERSON CARTER: The meeting is
22 adjourned.

23 (The proceedings concluded at 5:50
24 p.m.)

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C E R T I F I C A T E

I, Sherrayna Coleman, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the meeting, at the time and place forth, and I do further certify that the foregoing transcript, consisting of (94) pages, is a true and correct transcript of my said stenographic notes.

August 13, 2017


Sherrayna Coleman
CSR-6485



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