

## **BOARD OF POLICE COMMISSIONERS**

### **Minutes of the Regular Board of Police Commissioners Meeting Thursday, February 26, 2004**

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, February 26, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Rm. 328-A, Detroit, MI 48226.

#### **ATTENDANCE**

##### **Board Members Present**

Willie E. Hampton  
Arthur Blackwell, II  
Erminia Ramirez  
Jim Holley  
Megan Norris

##### **Department Personnel Present**

AC Walter Shoulders  
Cmdr. Willie Burden  
Cmdr. Ralph Godbee  
Insp. Duane McKissic  
Insp. Walter Martin  
Sgt. Lawrence Semczak  
Sgt. Ramona Bennett  
Sgt. Debbie Jackson  
Dir. Elsie Scott

##### **Board Staff Present**

Dante' L. Goss, Exec. Director  
Denise R. Hooks, Attorney/Supervising Inv.  
Arnold Sheard, Interim Chief Investigator  
Ainsley Cromwell, Supervising Investigator  
Stephan Thompson, Sr. Police Commission Investigator  
E. Lynise Bryant-Weekes, Personnel Director

##### **OTHERS PRESENT**

Ron Scott  
Tawana Morris  
Phillip Craccioholio  
Sandra Hines  
June Lee, City Council Office

Gloria Canales, City Council Office

## **RECORDERS**

Jerome Adams  
Felicia Hardaway  
Kellie Williams

### **1. CALL TO ORDER**

**Commissioner Norris** called the regular meeting of the Detroit Board of Police Commissioners to order at 3:20 p.m.

### **2. APPROVAL OF MINUTES**

#### **◆ Thursday, February 19, 2004**

**MOTION:** **Comm. Holley** made the motion to approve the above Minutes.

**SECOND:** **Comm. Ramirez** seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

### **3. REPORT FROM THE CHAIR**

**Chairperson Norris** expressed great satisfaction of the funeral proceedings that took place last Friday. The Department and the officers handled arrangements in a professional and first class manner.

### **4. SECRETARY'S REPORT – EXEC. DIR. GOSS**

#### **CITIZEN COMPLAINTS RECEIVED**

##### **This Week**

##### **Year to Date**

**Weekly Count of Complaints:**                      **25**    **202**

**Weekly Count of Allegations:**                      **51**    **393**

Arrest	2	13
Demeanor	18	140
Entry	1	10
Force	5	31
Harassment	3	17
Procedure	10	92
Property	1	12
Search	1	5
Service	10	73

### Pending Cases

As of February 25, 2004, the Office of the Chief Investigator (OCI) has a total of **862 pending cases**, which include **190 cases** with an age of 0-45 days, **27 cases** with an age of 46-60 days, **117 cases** with an age of 61-90 days, and **110 cases** with an age of 91-120 days, **140 cases** with an age of 121 days – 6 months, **199 cases** with an age of 7-9 months, and **59 cases** with an age of 10-12 months, and **20 cases** with an age of 13-15 months.

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### 2003

During the past week: 18                      Year to Date: 158

## 5. REPORT/PRESENTATION – CHIEF OF POLICE

# DETROIT POLICE DEPARTMENT

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## **Board of Police Commissioners**

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of February 18–24, 2004:

### ORGANIZED CRIME AND GANG DIVISION

Narcotics Enforcement and Conspiracy Sections – conducted two enforcement actions in the 3000 block of Fisher and the 16200 block of Strathmoor, in the city of Detroit. These enforcement actions resulted in the following arrest and confiscations:

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1 felony arrest

6 grams of cocaine, 9 grams of heroin, 11,764 grams of marijuana – street value \$65,656.00

\$14.00 U.S. currency

The Narcotics Enforcement and Conspiracy Sections, assisted by the Tactical Services Section, conducted a narcotics blitz within the boundaries of the Twelfth Precinct. There were a total of 27 enforcement actions, resulting in the following arrests and confiscations:

6 felony arrests

17 misdemeanor arrests

15 grams of cocaine, 6.24 grams of heroin, 522.2 grams of marijuana – street value \$19,320.00

\$1,322.00 U.S. currency

7 handguns

53 violation notices issued

Vice Section –conducted one enforcement action within the boundaries of the Twelfth Precinct. The enforcement action resulted in 50 arrests for “Disorderly Conduct – Flagging.”

### **ELEVENTH PRECINCT**

On February 21, 2004, officers of the Eleventh Precinct Investigative Operations Unit (IOU) conducted a follow-up investigation on an armed robbery of a manager at an Arby’s Restaurant. The investigation revealed that the wanted subjects resided in Oak Park, Michigan. The Eleventh Precinct IOU, working in conjunction with the Breaking and Entering Task Force and the Oak Park Police Department, obtained a search warrant and set up surveillance in the 21000 block of Marlowe, in the city of Oak Park. As a result, the two wanted subjects were arrested for the armed robbery. Confiscated was \$1,417.00 in U.S. currency and a handgun.

### **TWELFTH PRECINCT**

On February 21, 2004, officers of the Twelfth Precinct were on patrol in the area of Livernois and 6 Mile when they observed a vehicle occupied by five subjects make a U-turn and drive at a high rate of speed. The officers affected a traffic stop. While the officers were investigating the subjects, a man approached with a bloody and swollen eye. He stated that the subjects had just assaulted him and took his Air Jordan gym shoes. The officers observed the gym shoes in the vehicle. The five subjects were arrested, without incident, for “Robbery Not Armed.” An Emergency Medic Service Unit conveyed the complainant to Sinai-Grace Hospital.

## Chief of Police Ella M. Bully-Cummings

### 6. PRESENTATION – ROUGE RANGE

**Dir. Else Scott** introduced the Training Bureau staff.

**Sgt. Semczak** from the Rouge Range Unit (Firearms Training Unit) gave the following PowerPoint presentation:

**(See Attached)**

### Questions and Answers

**Comm. Norris** asked could you describe for our new commissioners what the new marksmanship Program looks like from the tactical aspect?

**Sgt. Semczak** stated that information is located on pages 3, 4, 5 and 6.

**Comm. Ramirez** asked when you say medical problems, does that mean that they have a problem seeing.

**Comm. Norris** asked what kind of medical problems are commonly found in the medical review?

**Sgt. Semczak** stated it could be a sight problem or a physical strength problem.

**Comm. Norris** asked do precincts still have ranges?

**Sgt. Semczak** those are all closed by MIOSHA or at least they should be if they are not. Those ranges are not good for the training that we need to do, they might be good for practice, but training is a lot different than practice.

**Comm. Norris** asked the twice a year certification is part of the consent decree?

**Sgt. Semczak** stated yes.

**Comm. Norris** asked are we doing that now?

**Sgt. Semczak** stated we were doing that prior to the decree. The introduction of the physical stress this year, is something that they require, which is interesting because the Department of Justice does not require that of their own officers.

**Comm. Holley** asked why is a report about firearms important to make before this Board? Is there something about relationship that is competent and complete, as it is about firearms? Is there something that is just as competent about community relations that are made, as this is made about firearms?

**Comm. Norris** stated community relations are a significant part of what we do, but really our charter mandates us to oversight the department. What happens is that various departments come before the Board and give us a presentation. The presentation raises a couple of issues. For example, are there consent decree issues and are we doing what we need to do to be in compliance. Training and Firearms has historical been a significant problem, or we weren't doing tactical training or shoot don't shoot training. We were just teaching officers how to point the gun and how to aim, which lead to significant problems. We are considering less than lethal force issues.

We have had some ongoing discussions about that and so this is helpful to feed into that as well. It is also appropriate and time for us to get the same kind of presentation from Community Policing. It is not an either or it is part of our general oversight of everything in the Department.

**Comm. Holley** asked so it is part of our responsibility?

**Comm. Norris** stated yes.

**Comm. Holley** asked are there any training programs that teaching an officer how and when to shoot?

**Sgt. Semczak** stated that is why we have the Range 2000, which has scenarios that require decision-making.

**Comm. Norris** asked have any fellow Commissioners seen the Range 2000? Do you know what it is? Have you seen it in action?

It is an interactive process that requires you to view a scenario and make a decision. It is then played back to you, so that you can see if made the right decision.

**Insp. McKissic** stated the training that you are referring to right now is a very important aspect of the training, but that does not include all of the training that we conduct at the Academy, it is currently the second half of the tactical firearms portion. When they finish their first 4 hours of training, they immediately go into customer service related issues, how to talk and relate to people and diffuse situations before it escalates. Firearms is the last resort.

**Comm. Ramirez** asked Exec. Dir. Goss when you get a chance could you schedule something for us? Have you ever brought in citizens so that they could see the type of firearms training that officers receive?

**Sgt. Semczak** stated a number of groups have visited and seen the Range 2000. He asked are you asking do we send them out on the range?

**Comm. Ramirez** stated no. I am asking could they watch the actually training?

**Sgt. Semczak** stated no.

**Comm. Ramirez** suggested to Dir. Scott that citizens should be allowed on the range to view the training, during the Citizens Academy.

**Dir. Scott** stated in the past we have included citizens in the Range 2000 training, but due to time constraints it is hard to make arrangements.

**Vice Chairperson Blackwell** stated in response to Comm. Holley's question regarding deescalating a situation. I believe that residency is an issue. To build a community police department, can you really build a community police department when someone is not a resident of the City of Detroit. Someone needs to analysis on the impact of residency on community policing because no has said what does that mean anymore. I went to the taser presentation and there is nothing wonderful about the taser operation at all. The question is isn't it better to deescalate a situation then get tased. The Board of Police Commissioners needs to start looking at all of this hurt and all of this pain on all of these sides, how do we create a policy that will create a real community police department. We need to look at what is going on and we need to find better ways to deescalate.

**Sgt. Semczak** stated the Academy has 24 or more weeks, which deal with de-escalation, use of force and extremes that an officer may face.

**Comm. Norris** stated I think the Board has a very important role in less than lethal methods. Members of the community had very strong opinions both ways about the taser demonstration. We had no discussion about any of that, since it happened with the Department at all or there was no other discussion about any other methods of less than lethal force and those are policy issues.

**Comm. Blackwell** asked if it is a policy issue and it goes as part of the Manual doesn't that have to be approved by the Commission.

**Comm. Norris** stated it has to be approved by us, but we have the responsibility to not just approve it, but we should be entirely involved in the making.

**Vice Chairperson Blackwell** stated I am not arguing with your point. The point is that you can't roll anything out if it hasn't been approved.

**Comm. Norris** stated everyone understands that, but there is a checklist of figuring out what we want to use, get the money, write up the training, and then Commission. I think we want to be earlier in the process, so that we could make sure that everything is considered is considered.

**Vice Chairperson Blackwell** stated so we just don't say no, and then waste everyone time and money.

**Comm. Norris** stated exactly right, which everyone understands is a possibility.

**Vice Chairperson Blackwell** stated it is a reality, if you go and do that without any input. Our job is to be here is to be the liaison between the community. If we are not doing the community work, then we are not doing our job. The issue is that they roll out a policy that talks about any kind of force issues that don't really come pass us and we haven't rolled them past the community, then we are not doing our job.

**Comm. Holley** asked what is the relationship to the community, because I don't see it in this presentation? Is it in here?

**Sgt. Semczak** stated no, you won't see because I am not involved in that aspect.

**Comm. Holley** asked what are precincts doing to better the relationship in the community as it relates to the different cultures?

**Comm. Norris** asked AC Shoulders I think I read recently read that we are reinstating the community-policing unit?

**AC Shoulders** stated yes, we are.

**Comm. Norris** stated if we could coordinate with Chairperson Higdon and Exec. Dir. Goss at one of our next community meetings if we could have a fairly expansive presentation on what is being done in that regard.

**AC Shoulders** stated a Police Community Service Unit is in the process of being established.

**Insp. McKissic** stated there is a meeting that the Community Service Unit rescheduled.

**Comm. Holley** stated everyone in the Department and the community should have input on all policies before a decision is made.



**Insp. McKissic** stated we would like to extend an invitation to the Commission, so that the Academy could make a presentation for you.

## **7. GENERAL ORDER PRESENTATION – PLANNING ACCREDITATION**

**Insp. Fields** gave a presentation on the following General Orders:

- ◆ **Directive 202.1 (Arrests & Confinement of Material Witnesses)**
- ◆ **Training Directive 04-01 (Arrests & Confinement of Material Witnesses)**

When we are making policies, we use “best practice research”, which means that we look at other departments around the country are doing whether it is good or bad because we can learn from them on what not to do. Secondly, we look at literature or studies conduct by other agencies, which help us to develop the framework. Then we put that framework into what we need to accomplish. As you know, the Manual was previously revised and we went through this entire process.

In light of the Consent Decree, we reviewed the policies again because obviously there was a disconnect between some of the policies and what people were actually doing. The policies were there, but we felt that they were not clear enough or emphasized enough, so we reviewed it again. It is important for the Commissioners to remember that all of the policies put together and what the Consent Decree is forcing us to work with the Academy and these different units that previously worked together by themselves because policies cannot be written if we do not consult training and training can't do anything without policy, so everything is interconnected.

**Comm. Norris** asked have you talked to the Police Committee of the Commission at all?

**Insp. Fields** stated no, I' didn't.

**Comm. Norris** stated as part of your normal process because I appreciate how you expanded that it is done. We do have a Policy Committee and I think it is important for them to be involved.

**Insp. Fields** stated Cmdr. Godbee and I have been to the Citizens Police Academy when these things are in the beginning stages because we try to get as much feedback from the community that we can.

**Comm. Norris** stated I understand, but I just think that we have a charter responsibility for making policy, that we would be a good loop. Commissioners Ramirez and Blackwell are on that committee, so you can speak to them.

**Insp. Fields** stated it is not enough to make de-escalation in one policy; we have to make it redundant and emphasis throughout our policies because these policies interconnect. He read the following paragraph on page 4 of the Arrest Policy (Authority, Section 202.1-4.1):

“Individuals should be given the opportunity to submit to arrest before force is used and force may be used only when verbal commands and other techniques that do not require the use of force would be ineffective or present a danger to the officer or others. “

We try to stress de-escalation, verbal techniques and verbal warning throughout, regardless of what policy is and that is where the emphasis is. Any opportunity we can we stress that in any policy.

This policy was revised to deal with five (5) or six (6) paragraphs in the consent decree that had to deal with probable cause and ground traditional review. Although we have policies out there that dealt with the issue. Obviously, this not between those out there and what was getting across to the officers. So, what we did was reissue some policies and emphasized them to a greater degree and along with the Consent Decree, which is requiring documentation is something that we are going to be able to do. It now has to be had an auditable form, which is required by the Consent Decree. For example, previously when a supervisor signed the PCR, it was my understanding, since I have been on the job that my supervisor did that he was affirming that it was probable cause for that arrest.

I think that these arrests policies were just confirming with the current law, re-emphasizing it and putting it out in a way that will flow and that people will understand.

**Vice Chairperson Blackwell** asked under the Illegal Arrests (Sec. 202.1 – 4.3), if a citizen was to read the following:

“Officers shall bear in mind that every person has a lawful right to resist an illegal arrest. However, a citizen’s right to resist an unlawful arrest does not include the right to use deadly force.”

**Insp. Fields** stated I think that it is important to tell officers that they don’t have cart blanc to go out and arrest people and that they don’t have a right to make an illegal arrest and that there is criminal and civil sanction for it. We also tell the people at the Citizen’s Academy and other groups that we speak to that, yes you have the right to resist unlawful arrest. I know that when I get stopped by a police officer and I am a police officer I get nervous.

**Vice Chairperson Blackwell** stated if you are an officer and get nervous when you get pulled over, how do you think the citizens feel?

**Insp. Fields** stated I understand. I tell the citizen groups that it is not right to resist if you are unlawfully arrested.

**Vice Chairperson Blackwell** asked what does the words "I have a right to resist" mean?

**Insp. Fields** stated it means that you have the right to resist an unlawful arrest.

**Vice Chairperson Blackwell** asked does that mean verbally, physically or etc.?

**Insp. Fields** stated the law in Michigan says you have the right to resist an illegal arrest, but you can not use deadly force to resist the arrest.

**Vice Chairperson Blackwell** asked so you can use force that is not deadly?

**Insp. Fields** stated the problem is and we explained it to the officers, officers are going to think that they are in the right always. Even if citizens, they think an officer is wrong it is not good idea to resist an arrest.

**Vice Chairperson Blackwell** stated a good idea and what the law says is conflict. You have a law that says, I have a right to resist an arrest if I am being pulled over and no one can tell me why. Megan, I think that we need to look at this policy, where if a citizen believes that I have a right to drive to the police station with the officer following me rather than me get out and get arrested. If you are nervous as heck when you are pulled over, then we have a long way to go.

**Insp. Fields** stated when an officer stops someone, obviously if someone gets pulled over, the officer has to tell them why they were stopped and pulled over.

**Vice Chairperson Blackwell** stated when you get pulled over; you should have the right to ask what the officer's name is.

**Insp. Fields** stated we have emphasized that in our policies.

**Vice Chairperson Blackwell** stated there are a lot of practical applications that are missing from the policies and I think there needs to be some training that is more community interactive.

**Cmdr. Godbee** stated we have policies, but in practice it is not always taking place and that is the importance of the consent decree. The process is where we are going through with the Civil Rights Integrity Bureau and the changes

that we are bringing forth in policy. What has to accompany them for us to be in compliance with the consent decree is the fact that training is a part of it. We can't develop training until we have a solid policy. What we are doing now, is going through a process to make sure that we have a solid policy that is reflective of what is "best law enforcement practice", but also what the Department of Justice says we have to do.

**Vice Chairperson Blackwell** asked do you ever feel a little apprehensive when you are pulled over?

**Cmdr. Godbee** stated no, and it is not a personal preference.

**Comm. Norris** asked has this policy been presented to the Department of Justice?

**Cmdr. Godbee** stated this is not one that is required for the Department of Justice to look at. The changes and revisions that we are bringing forth are a result of the consent decree, but this is not one that is mandatory for DOJ to sign off on first.

**Comm. Norris** asked could we make copies of this policy, so that citizens could make whatever comments they want to make.

**Exec. Dir. Goss** asked Insp. Fields is the policy on the Department's website?

**Insp. Fields** stated no, this is a revised policy, so it is not. I could post it or email it to you or however you want to do it.

**Comm. Norris** stated we just need to make sure that folks that are interested and have input could get that input to our policy people before it all comes back for us to vote.

**Exec. Dir. Goss** stated we could make copies today, but in the future...

**Comm. Norris** stated if you want a copy today please let Dir. Goss know, but in the future please make sure that your office can provide copies for the citizens.

**Insp. Fields** suggested if we could have a week to put the watermark that says "DRAFT" on it because we don't want it floating around and people thinking it is policy.

**Comm. Norris** stated that is fine.

**Comm. Holley** asked are you doing anything to make sure that the policy is in conflict.

**Insp. Fields** stated we are trying to make it consistent with the consent decree and other policies that deal with off duty conduct of an officer.

**Comm. Holley** stated that guns and drinking don't mix.

**Insp. Fields** stated guns and drinking never mix.

**Comm. Holley** stated it is good to know that the citizens will have input in the decision of the policies that come before the Board.

**Insp. Fields** stated when the Manual was first revised we did an executive summary and outlined the Manual.

**Comm. Ramirez** asked when there is a no probable cause, is this what the Commander Review Report is about and for example, suggests that some more training needs to be done and it flags the commander?

**Cmdr. Godbee** stated yes. Going on the lines of progressive discipline, the first remedy is to instruct the officer that that is not proper. Retraining and Reinstrucing is always our first option.

For example, if officer A, that is continually arresting people and there is no probable cause, then obviously you will go further in the disciplinary process and go for appropriate means. The Civil Rights Integrity Bureau, we have completed auditable forms for when there is an arrest and there is no probable cause, so that's a reviewable form also. There are checks and balances between our policy and not what is going to be entered in by CRIB and the auditing process to see how many times we are out of compliance out of those areas.

**Comm. Ramirez** asked if it is Police Officers A through M, does that mean then, training is needed for the whole precinct?

**Insp. Fields** stated exactly.

**Cmdr. Godbee** stated we have to look at an officer as an individual, more globally, as a shift, as a precinct, as a division or as a unit.

**Comm. Ramirez** asked what is the difference between the commanders review report and the daily report?

**Insp. Fields** stated the Commander's daily review report is reviewing the exceptions. Don't forget, if there was probable cause, then there would not be a report, but he is just reviewing the paperwork for the exceptions and then he has to submit a report weekly.

**Vice Chairperson Blackwell** asked if someone is arrested when they are 13 or 14 or 15 is arrested, how does that impact on there record? Is that part of an arrest record.

**Insp. Fields** stated juveniles are not arrested, there are detained. Then it would depend on if it was a status offense, a curfew violation or home invasion.

**Vice Chairperson Blackwell** asked if it was a curfew violation, would they have an arrest record.

**Insp. Fields** stated no.

## **8. OTHER BUSINESS**

**Vice Chairperson Blackwell** asked AC Shoulders could he explain what Operation Paper Cut? He stated I thought it was interesting that the police department would send some stuff out and people turned themselves in without violence or confrontation. If that worked, then we need to find out how we could make that better.

**AC Shoulders** stated Cmdr. Fleming-Freeman from the 12<sup>th</sup> Precinct and Chief Bully-Cummings will make Operation Paper Cut available in all precincts.

**Vice Chairperson Blackwell** asked if Chief Bully-Cummings is she could give us an update next week on Operation Paper Cut.

## **9. ORAL COMMUNICATION FROM THE AUDIENCE**

**Ron Scott** stated Detroit is perceived as a jungle and African Americans are the enemy and this is creating a problem for officers and the citizens alike.

**Tawana Morris** asked if she could get medical information regarding tasers.

**Gerald Wheeler** voiced a complaint regarding eight shoots being fired into his garage door when officers were shooting at a dog.

**Comm. Norris** asked Mr. Wheeler to talk to Mr. Sheard after the Board meeting and he would have an Investigator contact you. She also stated maybe you could also speak with the Ombudsman Office. She asked what does an officer have to do once a gun is discharged?

**AC Shoulders** stated we make a report and the matter would be investigated.

**Kevin Clayburn** stated he is Mr. Wheeler neighbor and he told his version of what happened that day and that there were shots fired through his window.

**Vice Chairperson Blackwell** stated we need to see the full report, since AC Shoulders stated it is being investigated. The Board of Police Commissioners will thoroughly investigate and whatever happened we will get to the bottom of this.

**Comm. Holley** asked who called the police?

**Vice Chairperson Blackwell** stated some neighbors called and stated that there was a vicious dog in the neighborhood.

**Gerald Wheeler** stated the dog was a Bull puppy.

**Comm. Norris** stated I think that this merits a lot of investigation and we will be looking at the dog policy when it comes before us.

**Vice Chairperson Blackwell** stated we need to go out and talk to citizens that are traumatized by shoots fired in their neighborhoods.

**Mr. Craccioholio** asked is it true that there is a shoot to kill policy?

**AC Shoulders** stated I have never heard of that policy.

**Comm. Norris** stated it is my understanding that it is a shoot to stop policy, but in the training the best likelihood of stopping a person is by shooting them in the center mass of the body.

**Insp. Fields** stated the key is proper decision making. Once an officer pulls his weapon and shoots his firearm it is lethal force, that's why we don't allow warning shots because it could hit an innocent person. The only time you shoot your weapon, you have to be authorized to kill.

**Sgt. Semczak** stated when an officer makes a decision to fire a weapon, it is an obligation to stop the threat. If that threat is stopped with a single inquiry, that is our intent.

**Comm. Norris** asked Insp. Fields could you give Mr. Craccioholio a copy of that policy.

**Sgt. Semczak** stated former Police Chief Benny Napoleon did make a misstatement at one time and I had to prepare a memorandum to City Council and address the situation that the police department does not have a shoot to kill policy.

**10. ANNOUNCEMENT OF NEXT MEETING**

**Thursday, March 4, 2004, @ 3:00 p.m.  
Police Headquarters, Rm. 328-A  
1300 Beaubien  
Detroit, MI 48226**

**11. ADJOURNMENT**

Meeting was adjourned at 4:58 p.m.

Respectfully Submitted,

**DANTE' L. GOSS**  
Executive Director  
Board of Police Commissioners

**DLG/kdw**