

Draft Minutes Detroit Board of Police Commissioners

Date of Meeting: June 15, 2017 – 3:00 PM

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

Chairman Willie Bell called the BOPC meeting to order at 3:00 PM (June 15, 2017)

Detroit Police Commission Membership / Attendance	Attend	Not-Attend
Willie E. Bell, Chair	Yes	
Vacant, Vice Chair	N/A	
Elizabeth Brooks	Excused	
Willie E. Burton (3:20 PM)	Yes	
Lisa Carter (3:28 PM)	Yes	
Reginald Crawford	Yes	
Eva Dewaelsche	Yes	
Conrad Mallett	Yes	
Derrick Sanders	Yes	
Richard Shelby	Yes	
Bishop Edgar Vann	Yes	
Quorum (Yes)	9	

The Board acted in accordance with its rules approved the Agenda for June 15, 2017.

The Board acted in accordance with its rules approved the following Board Minutes:
Thursday, June 8, 2017

BOPC Officers Report(s): After welcome and opening remarks **Chairman Bell** asked Bishop Edgar Vann to provide the invocation. **Chairman Bell** asked the Commissioners in attendance to introduce themselves and add any comments to the record. Other elected officials, representatives and VIPs were also asked to identify themselves or their organizational affiliations. BOPC staff in attendance were also introduced. Bell also welcomed DC Charles Fitzgerald, representing Chief Craig to the meeting and invited him to introduce his staff. Chief of Police James E. Craig joined the meeting at 3:10 PM.

Chairman Bell commented on the following items as part of his report. As a Board, we want to show our continuing support and concern for two Detroit officers recently shot. Officer, Waldis Johnson of the 2nd Precinct, and officer, Gregory Bentley of the 7th Precinct. Officer Johnson was transferred to rehabilitation brain trauma center, where he is receiving physical and occupational therapy. Officer Bentley was discharged and is now at home recovering.

As per a request of Commissioner Richard Shelby, staff has researched and drafted a resolution on HB #4416 through #4419. In general, HB 4416 - 4419 eliminates most, if not all, of the restrictions to carry dangerous weapons in Michigan. Ms. Melanie White, Executive Manager for Policy will at the pleasure of the Board, summarize HB4416-4419.

Commissioners, please mark your calendars for the 2017 Conference of the National Association of Civilian Oversight of Law Enforcement (NACOLE). The dates are September 10th thru September 14th, 2017. The Conference will take place in Spokane, Washington. Please communicate with staff as to your interests and availability for this conference.

Following our recent elections of a new Chair and Vice Chair, please note an article in the Michigan Chronicle highlighting Chair-Elect Lisa Carter and Vice-Chair-Elect Eva Dewaelsche. A copy of the article is included in your Board package.

Mr. Alvin Stokes, President of the 10th Precinct Community Relations Committee has called to our attention that the community meeting scheduled for July 10th in the 10th Police Precinct is not physically in the 10th Precinct. He has already located a suitable alternative meeting space within the 10th precinct. Therefore, with the will of the Board, we can move the meeting to the Boys &

Girls Club, at 4242 Collingwood, Detroit unless there is an objection. No objections. Staff was ordered to communicate with the precinct to make the necessary arrangements.

Resolutions and Memorials:

Commissioner Lisa Carter read into the record a resolution to honor Lieutenant David Torey.

RESOLUTION HONORING RETIRING LIEUTENANT DAVID A. TOREY

WHEREAS David A. Torey was appointed to the Detroit Police Department on October 1, 1993. Upon graduating from the Detroit Metropolitan Police Academy, Officer Torey began his career at the Eighth Precinct; and

WHEREAS Officer Torey dutifully served the Eight Precinct, on May 5, 1993, he was assigned to the 30 Series team, where he served in the Investigative Operations Unit. On October 27, 2000, Sergeant Torey was promoted and reassigned to the Thirteenth Precinct, Central District, Internal Affairs, to the Criminal Investigation. Sergeant Torey was promoted to the rank of Lieutenant and reassigned to Investigative Operations, first as the officer in charge, and later as the commanding officer of the unit where he remained until his retirement; and

WHEREAS During his law enforcement career, Lieutenant Torey received the following awards: one (1) Lifesaving Citation and Medal, both Consent Judgment Awards, one (1) Fireworks Award, the Major League Baseball All-Star Recognition Award, the Rosa Parks Funeral Recognition Award, and the Super Bowl XL Recognition Award, one (1) Perfect Driving Award, as well as numerous letters of commendation from citizens and superiors; and

WHEREAS Lieutenant Torey has tirelessly served the Detroit Police Department, the citizens of Detroit and its neighboring communities for 24 years. His professionalism, commitment to public service, integrity, and dedication has been a credit to the Detroit Police Department. He is highly respected as a consummate professional.

NOW, THEREFORE, BE IT RESOLVED That the Detroit Board of Police Commissioners, speaking for the citizens of Detroit and the Detroit Police Department, award this resolution in recognition of Lieutenant David Torey's 24 years of dedicated and diligent public service. His professionalism, integrity, and standard of commitment to the city of Detroit and its citizens merit our highest regards and best wishes for continued success. We salute and congratulate you, Lieutenant David Torey.

Motion: Motion to close honor David Torey (**Carter**)

Second: (**Crawford**),

Vote: Yes = 9 No = 0 Abst = 1 (Vacant = 1) **Action: Approved**

Chairman Bell acknowledged Alvin Stokes, President of the 10th Precinct Community Relations Committee who communicated to the Board his concern about the 10th Precinct Community Meeting on July 10, 2017 which had been scheduled for a location outside of the 10th Precinct.

Motion: Motion to change the location for the July 10, 2017 Community Meeting. No objections.

Vote: Yes = 9 No = 0 Abst = 1 (Vacant = 1) **Action: Approved**

Chairman Bell also addressed the conflict of a September Meeting and the NACOLE conference.

Motion: Motion to change cancel the September Board meeting of September 14, 2017 due to the NACOLE conference.

Vote: Yes = 9 No = 0 Abst = 1 (Vacant = 1) **Action: Approved**

Bell also directed that because of the September 14 meeting is scheduled as a community meeting that the BOPC select and arrange for September 21 as the date for the Community Meeting.

Chairman Bell: inquired about the Board pleasure in connection with House Bill 4416 through 4419. **Commissioner Shelby** moved the Resolution.

COMPARATIVE ANALYSIS BETWEEN HOUSE BILLS 4416-4419 AND EXISTING CONCEALED WEAPONS' STATUTE PROVISIONS

House Bills Nos.	Existing Law (Current Statute Provisions)	House Bill Provisions
House Bill 4416	<p>MCL 750.227 et.al</p> <p>(1) Restriction against Carrying Class of Knives (listed below) or Dangerous Weapons in a concealed manner</p> <ul style="list-style-type: none"> • whether on his or her person or inside of a vehicle • Class of Knives: Dagger, dirk, stiletto, a double-edged nonfolding stabbing weapon • Dangerous Weapons: Firearms, Pistols • <u>Except</u> in a person's home, place of business, or on other land the individual owns. <p>(2) Restriction against carrying a pistol concealed without possessing a CPL Whether on his or her person or inside of a vehicle</p>	<p>An individual who can lawfully buy, possess, and carry a firearm may carry a pistol (shorter firearm) or hunting knife</p> <ul style="list-style-type: none"> • in a concealed manner or otherwise • on his or her person or inside of a vehicle • without a license to carry • <u>Except</u> those individuals prohibited under state or federal law. <p>Firearm – any weapon that may be “readily converted to expel a projectile by action of an explosive.”</p> <p>Pistol – a firearm that is 26 inches or less in length, whether loaded or unloaded.</p> <p>A firearm and a knife currently adapted as a hunting knife are not dangerous weapons under this bill.</p>
	<p>(3) Penalty Imposed: Felony, Punishable by up to (5) years or up to \$2500 fine.</p>	<p>Not applicable to persons carrying a firearm or a knife used as a hunting knife.</p>
	<p>MCL 750.227(a)</p> <p>(4) A person licensed to carry because of professional responsibility of protecting persons or property is restricted from carrying a concealed pistol while not engaged in professional responsibility.</p>	<p>Repeal this section.</p>
	<p>MCL 750.231a. (Section that regulates individuals relating to Gun Shows and outlying classes) Currently, restrictions listed in Section 227 are not applicable to these classes of persons:</p> <ul style="list-style-type: none"> • Residents from another state; • Transportation of pistols by authorized persons licensed to manufacture firearms; • A person carrying an antique firearm; and • A person transporting a pistol for lawful purpose. 	<p>Repeal Section 231a. Streamlines the law.</p>
House Bill 4417	<p>MCL 28.425f</p> <ul style="list-style-type: none"> • CPL holder who carries a concealed pistol or taser is required to carry the CPL at all times, driver's license or identification card; • CPL holder who carries a concealed pistol must show the CPL license, driver's license and identification card to a peace officer; • When stopped by a peace officer, CPL holder must immediately notify peace officer that he/she is carrying a concealed weapon. • Requires that the individual who is carrying a firearm and who is stopped by a peace officer is only required to disclose to the peace officer upon request that he or she is carrying a concealed weapon (not immediately). 	

	<p>Current Penalties:</p> <ul style="list-style-type: none"> • Violation of (1) and (2) – State Civil Infraction and fine of \$100. • Violation of (3) – State Civil Infraction and • 1st offense - \$500 fine and suspension of CPL license for (6) months. • Subsequent offense within 3 years of a prior offense - \$1000 fine and revocation of license. <p>Under existing statute provisions, very minor penalties.</p>	<p>Proposed Penalties:</p> <ul style="list-style-type: none"> • Eliminates higher civil penalties imposed for failing to disclose to peace officer, suspension of the CPL for repeat violations and seizure of pistol . . . <p>Instead, penalties for failing to disclose to peace officer, suspension of CPL for repeated violations and seizure of pistol would constitute state civil infraction and a fine of \$100.</p> <p>Under House Bill provision: Penalties almost non-existent.</p>
<p>Amended House Bill 4417</p>	<p>MCL 28.425j Currently, training requirements mandatory for all new applicants seeking a CPL. Training includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Safe storage, use, and handling of a pistol including, but not limited to, the following, safe, storage, use, and handling to protect a child; • Fundamentals of pistol shooting and basics of ammunition; • Pistol shooting positions; • Firearms and the law, including civil liability issues and the use of deadly force; • Controlling violent confrontation and avoiding criminal attacks; • All laws pertaining to Michigan's Carrying a Concealed Pistol; • At least 8 hours of instruction, including 3 hours of firing range time firing at least 30 rounds of ammunition. 	<p>Training Requirements removed for those individuals who opt not to apply for a CPL. Persons carrying a firearm whether concealed or not on his or her person or inside of a motor vehicle</p> <ul style="list-style-type: none"> • are not required to obtain a CPL license and therefore not subjected to mandatory training or gun safety training requirements. • Michigan State Police required to publish a training manual for the public on gun safety that explains Stand and Defend Laws and reasonable, lawful uses of force authorized, etc... <p>Here, no class structure is required; an individual can just go to the internet and read about the gun safety and educational matters.</p>
<p>House Bill 4418</p>	<p>MCL 324.43510</p> <ul style="list-style-type: none"> • Restriction against carrying or transporting certain weapons concealed while in a field where wildlife is present: • Firearm, slingshot, bow and arrow, crossbow, or a trap 	<p>Any rule under this statute should not be interpreted to mean a restriction against carrying or transporting a weapon, concealed or not.</p>
<p>House Bill 4419</p>	<p>MCL 762.12 – Currently references MCL 750.227a of the Michigan Penal Code, which House Bill 4416 repeals.</p>	<p>Delete references to MCL 750.227a in MCL 762.12.</p>
	<p>MCL 777.16m – Currently lists the maximum term of imprisonment for violation of Section 227a.</p>	<p>Deletes the maximum term of imprisonment for violation of Section 227a.</p>

NOW THEREFORE, BE IT RESOLVED

That the Board of Police Commissioners promotes safety and welfare for all citizens and supports the Detroit Police Department to utilize all available resources and measures that reasonably enable the Department to carry out its mission to effectively and efficiently protect and serve the community. The BOPC does not support the enactment of these House Bills because it poses a danger to the public's safety and further recommends that the Michigan Legislature retain the current firearm statute provisions or conduct further investigation into the best and most safe firearms' regulations for the citizens of the state of Michigan.

Draft Comparison Analysis of House Bills 4416-4419 from the Policy and Planning Division - 06/13/2017

Resolution to Oppose House Bills 4416-4419

WHEREAS House Bill 4416 as well as House Bills 4417-4419, which were passed on June 7, 2017, in the Michigan House of Representatives, amends the state of Michigan's current concealed weapons' statutes that seek to provide proactive measures and alternatives for a safe and peaceful community for the citizens of the State of Michigan.

- WHEREAS House Bill 4416 would amend Michigan Compiled Laws (MCL) 750.227 to exclude that a firearm or a hunting knife is a dangerous weapon under the statute. Further, currently under the statute, an individual is prohibited from carrying a concealed pistol without a license to carry (Concealed Pistol License) on his or her person, whether concealed or otherwise or while operating or occupying a motor vehicle; however, the bill would eliminate the requirement of obtaining a license to carry (CPL) to carry a concealed pistol or otherwise except for individuals who are prohibited from possessing a firearm under state or federal law.
- WHEREAS The House Bill would also rescind Michigan Compiled Laws (MCL) 750.227a, which currently prohibits a person, during the professional scope of protecting another person or property of another, (e.g. armed security guards or bodyguards) from carrying a concealed pistol while not working in the scope of his or her professional responsibility.
- WHEREAS House Bill 4417 would amend the Handgun Licensing Act, Public Act 372 of 1927 (MCL 28.432 and 28.435), which currently requires a licensed concealed pistol holder to possess at all times his or her license to carry along with the driver's license or personal identification when carrying a concealed pistol, display upon request of a peace officer his or her license to carry the concealed pistol, and if stopped by a peace officer, immediately disclose to a peace officer whether he or she is carrying a concealed pistol on his or her person or inside the motor vehicle and has a license to carry. However, the bill only requires the motorist carrying a pistol who is stopped by a peace officer, disclose that he or she is carrying the weapon upon request by a peace officer (rather than immediately). Additionally, while this house bill does not remove the training requirement for those individuals interested in obtaining a CPL, there is no training requirement for those individuals who decide not to obtain a CPL but are allowed to carry a concealed weapon. The amended portion of this bill would only require the Michigan State Police to publish a gun safety manual explaining, for example, Michigan's Stand and Defend laws and the reasonable and lawful use of force an individual is allowed to use in certain situations.
- WHEREAS House Bill 4418 amends the Natural Resources and Environmental Protection Act (MCL 324.43510) to indicate that the rules promulgated under this Act would allow an individual who does not possess a CPL to transport a pistol or carry a loaded pistol, whether it is concealed or not, in a field where wildlife is present.
- WHEREAS House Bill 4419 amends the Criminal Procedure Code, (MCL 723.12 and 777.16m), which essentially outlines the maximum term of imprisonment for violations of Section 750.227a of the Michigan Penal Code.
- WHEREAS If enacted into law, these bills would have an adverse impact on the quality of life for the residents of the state of Michigan. These reformed gun bills are ambiguous, contain gaps in the proposed bills in connection with the existing statutes, and are simply unsafe laws for the public.
- WHEREAS No evidence exists to suggest that the presence of more guns on the street will reduce crime or provide safer communities. However, there are studies that show the opposite effect where the presence of a gun in the home increases the threat of safety and risk from 40 percent to 170 percent. Further, studies show that states with higher gun ownership result in more gun deaths.
- WHEREAS Training and education requirements are essential and fundamental for all individuals carrying and operating a firearm or weapon of any sort and should remain a requirement to ensure safety for the public and law enforcement personnel. There is evidence that demonstrates the prevalence of the number of child killings as well as adult killings who are either shot mistakenly or killed by another because of the lack of training on gun safety. Additionally, statistics show that persons who have received his or her concealed pistol license are not interested in receiving additional training after the initial course, which means that if individuals are not required to participate in training on gun safety, reasonable and lawful use of force, and other important laws relating to gun use, he or she would not learn the necessary and fundamental information relating to firearm matters unless he or she voluntarily seeks the information. Therefore, it is imperative and a priority that all persons taking the responsibility to carry a weapon be required to participate in mandatory training on gun safety and educational courses before being permitted to carry the firearm.
- WHEREAS Although other states are enacting constitutional carry laws, this serves as no basis for the state of Michigan to follow this trend without considering the impact in its totality of the current firearms' statutes on the public and the impact the proposed bills would have on the public. Safety should be a priority for all, and no amendments or revisions should risk the necessity to protect families, children, and the public. There is no substantial evidence that shows that the proposed gun reform would provide a safer community or that it is a reasonable means of achieving the Second Amendment to the U.S. Constitution.
- WHEREAS The Law Enforcement Community needs all of the resources it has available to quickly and efficiently determine whether an individual has other restrictions prohibiting him or her from legally carrying a weapon, concealed or otherwise. Further, for their safety and preservation of life, law enforcement personnel must have reasonable alternatives for identifying any imminent threat of danger, and one of the most important ways for a law enforcement member to immediately determine whether a potential threat exists is for the motorist or occupant to immediately disclose this information to the member for everyone's safety. If this bill is enacted, the responsibility would shift from the operator or person who is carrying the weapon to a law enforcement officer to learn whether or not a weapon is involved in the encounter. Lastly, current CPL requirements allow for identifying those individuals

who do not meet minimum requirements to carry a concealed weapon whether due to previous criminal convictions, sanctions, or mental incapacities. This process is necessary when determining who may safely carry and operate a weapon.

NOW THEREFORE, BE IT RESOLVED That the Board of Police Commissioners (BOPC) promotes safety and welfare for all citizens and supports the Detroit Police Department to utilize all available resources and measures that reasonably enable the Department to carry out its mission to effectively and efficiently protect and serve the community. The BOPC does not support the enactment of these House Bills because it poses a danger to the public's safety. The BOPC recommends that the Michigan Legislature retain the current concealed weapons' provisions and conduct further investigation into the best and most safe firearms' (concealed or otherwise) regulations for the citizens of the state of Michigan.

Draft Comparison Analysis of House Bills 4416-4419 from the Policy and Planning Division - 06/13/2017

Motion: Motion to oppose HB 4416 through 4419 (**Shelby**)

Second: (**Vann**),

Vote: Yes = 9 No = 0 Abst = 1 (Vacant = 1) **Action: Approved**

Chairman Bell announced his intent to go into a closed session to take up a personnel matter, but wanted to first give the audience an opportunity to address the Board. Bell indicated without objection, we would amend the agenda and move to oral communications.

Oral Communications from the Audience: **Mr. Peter Rhoads** raised a question about whether a contract or agreement exists to employ extra security personnel for sports and entertainment events. **William Davis**, addressed concerns about traffic traps which appeared to set up in areas where the City shares boundaries with another municipality i.e., Tireman, Woodward and Eight Mile Roads, etc.). Mr. Davis was updated about BOPC's earlier discussion and next steps to address issue. **Clifford Witting** reported on several drug houses that had previously been closed, but are open again. Mr. Witting was referred to DC Fitzgerald for follow-up.

Announcements:

Next Meeting, Thursday, June 22, 2017 @ 3:00 PM, Detroit Public Safety Headquarters, 1301 Third St. 3rd Floor, Detroit, MI, 48226.

Next Community Meeting, Thursday, July 13, 2017, the Boys and Girls Club of Southeastern Michigan, 4242 Collingwood, Detroit MI. 48204.

Chairman Bell indicated that at the request of Corporation Counsel, the Board should consider going into closed session on a legal matter related to PAT. Chairman Bell requested a motion.

Motion: Motion to enter into a closed session to consult with the City Attorney(**Mallett**)

Second: (**Vann**),

Vote: Yes = 9 No = 0 Abst = 1 (Vacant = 1) **Action: Approved**

The Chair suspended regular order to accommodate a request to recess form Corporation Counsel Melvin Hollowell to go into closed session (3:35 PM).

The Chair restored regular order and requested a motion to return to the regular meeting of June 16, 2017. (4:05 PM).

Chief of Police Report. COP Craig gave additional details on the condition of the two officers recently shot. Craig also reviewed CompStat data for the reporting period ending June 11, 2017. Craig reported Homicides percentage change between 2015 and 2016 of -8% decrease, Sexual Assaults -16% decrease, Robbery -9% decrease, Carjacking +13% increase, Aggravated Assaults, -6% decrease, Non-fatal shooting, -3% decrease for an overall total of -7% decrease. Overall crime was reported as trending downward. The Chief also noted Friday as his 40th anniversary in law enforcement. **Commissioner Dewaelsche** noted the need for another press conference to publically show the success of the Greenlight program and its ability to impact crime. **Commissioner Mallett** suggested an expansion of the Greenlight program into neighborhoods and discussed the cost differentials when the DMC sought to consider the program in neighborhoods surrounding the DMC. **Commissioner Crawford**

raised privacy issues in the enhanced technological society. **Commissioner Shelby** inquires about the potential of drone technology in law enforcement. **Commissioner Burton** suggested more use of DPD aps and the 267-4600 non-emergency system. **Commissioner Bell** referred to Chief Craig the name of a recently promoted Police Lieutenant who had a large number of citizen complaints and inquired as to the rationale for his promotion.

Presentation to the Board. (A) Medical Marijuana. Jayda Sanford-Philson, Zoning Manager, BSEED and **Megan Moslimani**, Assistant Corporation Counsel updated the Board on the work associated with Medical Marijuana Clinics in Detroit. The presentation consisted of the history of medical marijuana in Michigan to treat cancer, HIV Aids and glaucoma, scheduling of appeal before the Board of Zoning Appeals and follow-up enforcement actions jointly controlled by DPD and BSEED. The Department reported that 167 clinics were closed, 65 are in the process of appeal and operating, 70 in approval process and 5 clinics are approved.

BOPC Standing and Ad hoc Committee Reports: No Reports.

Report from the Board Secretary: Mr. Hicks reported on five communications into the Board, see Board agenda.

Old Business. None.

New Business. Resolution from Corporation Counsel. Chairman Bell acknowledged Melvin Hollowell, Corporation Counsel who read into the record two motions developed by corporation counsel as a result of the closed session.

Motion #1: Based upon the recommendation of Corporation Counsel (City of Detroit), the Board of Police Commissioners hereby rescinds the towing permits of Gasper Fiore, and Boulevard & Trumbull Towing, and its corporate affiliates.

Motion by Commissioner **Conrad Mallett**

Motion Second by Commissioner **Edgar Vann**

Vote: 9 – Yes, 0 – No, 1 – Vacancy **Motion Approved**

Motion #2: Based on the recommendation of Corporation Counsel (City of Detroit), the Board of Police Commissioners hereby supports the view that the process for awarding towing permits should be transferred to the City Office of the Chief Procurement Officer.

Motion by Commissioner **Conrad Mallett**

Motion Second by Commissioner **Edgar Vann**

Vote: 9 – Yes, 0 – No, 1 – Vacancy **Motion Approved**

Motion to Adjourn, no objections.

Adjourn.