

Commissioner Head stated the catch match is in kind services as opposed to direct contributions from the City of Detroit.

2. The US Dept. of Justice has awarded the DPD \$50,000 each to the 9th, 11th, and 8th & 12th (to be shared), for a total of \$150,000.00. Awards are from asset forfeiture funds and awarded under the Weed and Seed Program. No cash match.

MOTION: Commissioner Richard made the motion to approve the grant.

SECOND: Commissioner Head seconded the motion.

VOTE: All in attendance voted in the affirmative.

Commissioner Marx asked is the Forfeiture Fund usually available for this kind of grant. Is that unusual for Forfeiture Fund to get separate usage?

Chief of Police stated you have two different types of Asset Forfeiture Accounts. One is the Federal which is much more liberal in what we can do with them. And the other is the State Forfeiture Statue which has more restrictions on it than the Federal.

Commissioner Marx thanked Chief Napoleon for his response.

7. OTHER BUSINESS

Chairperson Vann, Jr. made the following statement regarding the recent decision of the Wayne County Prosecutor's Office not to charge Officer Eugene Brown:

The Board of Police Commissioners would like to comment on the recent decision of the Wayne county Prosecutor's Office not to Charge Officer Eugene Brown. The Board has been very Cognizant of public concern over Officer Brown's involvement in a number of fatal shootings. As a result of the concern expressed by the public, the Board pushed for a re-investigation of the circumstances surrounding the shootings.

We were advised that this re-evaluation resulted in additional information being supplied to the Wayne County Prosecutor's Office. Pending the completion of the Prosecutor's office review of that matter, Officer Brown's name came up for promotion to the rank of Sergeant. The Chief of Police submitted written reasons

to the Board as to why Officer Brown should not be promoted at that time. In addition, the Chief recommended that Officer Brown be paid at the rated of Sergeant, without having the title, authority, or insignia of that rank, until the completion of the investigation. The Board voted to adopt the recommendations of the Chief of Police on that matter.

Although the Board has not received a recommendation from the Chief of Police on the matter of the promotion of Eugene Brown, we anticipate that it will be forthcoming. As this Board has repeatedly expressed in recent times on the issue of promotions, its hands are tied on bypassing individuals whose names are submitted to it for promotion despite pending disciplinary actions. Last year, an arbitrator overturned the decision of the Board to bypass an individual for an in-line promotion on the basis of the collective bargaining agreement and past practice. The Board is bound by that decision.

Unfortunately, even when an issue such as this one appears to be easily resolved by one course of action, there are rules, collective bargaining agreements and the law which provide for due process, as well as other rights. The Department and the Board of Police Commissioners are bound by all of these. These inhibitions will not keep the Board from pursuing the best manner in which to address these issues. The Board has already begun evaluating and investigating how this issue can be addressed in upcoming negotiations.

In addition, as previously stated at its last community meeting and most recently to City Council, the Board is in the process of developing a policy to include this Civilian body in the review of investigations Officer involved shootings. This is just one of a number of initiatives that this Board is implementing to address the concerns of the citizens of Detroit about the Police Department.

Commissioner Vann stated that he wanted to issue this statement from him and from the rest of the members from this Board. We have been very open in terms of receiving public comment. The Board is interested in the concerns of the citizens and has great sensitivity in that regard.

8. ORAL COMMUNICATIONS FROM THE AUDIENCE

Ron Scott stated he is with the Detroit Coalition Against Police Brutality. We look to this Commission to set a standard not only a legal standard but a moral standard. This investigation has been a travesty. I talked with Mr. Padzieski of the Wayne County Prosecutor's office, and he stated that he only received selected parts of the report on Eugene Brown. The fact that Eugene Brown will be back on the force is a damage and a threat to the citizens of Detroit. It also breeches any kind of support that people would have for the police, and it upsets the enjoyment of lives of relatives and damages the reputation of those who are

dead and can't speak for themselves. He went on to stated that the Police Department, DC Shoulders, AC Winkler, Chief Napoleon need to be called to task because they have not provided adequate information in the investigation to deal with this. Why wasn't the report been released to the Commissioners, citizens, and why wasn't the whole report sent to the Prosecutor's office.

Chairperson Vann, Jr. stated we know you have a great deal of sensitivity to the issue. We know the heart of those who speak on behalf of the Coalition.

Elizabeth Formella stated my family is devastated that you guys would allow a killer back on the street. What is going to happen when he shoots another person and says he felt his life was endangered. Are you going to sweep it under the rug? People in the suburbs don't come here any more because of street crime. Why are taxes going to the Detroit Police Department, because we are not getting any justice, just unanswered questions. Eugene Brown can sit back and think this is going to be swept underneath, but we are going to keep fighting until it is over with.

Shirley Sanders stated to the Police Commissioners and the Police Chief that this is unacceptable. She told Chief Napoleon that he needed to resign from the Police Department. Because of officers who are neglectful in their actions, it makes the whole Police Department appear to be a corrupt system.

Carol Casbar stated Eugene is murdering citizens, the only way to find out is for you to read the reports. Murdering officers should be convicted and put away. She would not be able to look an officer in the eye with respect because of Chief Napoleon and Eugene Brown.

Edith Miller stated her son was murdered in cold blood by Eugene Brown, when he was shot through a door.

Herman Vallery stated he made reports as early as 1998 regarding Eugene Brown to Chief McKinnon and AC Benny Napoleon, that he should be taken off the streets.

Ann Mullen asked if the report that DC Walter Shoulders is working on will it be available to the public and when?

Chairperson Vann, Jr. stated the Commission asked for it and we have not received that information.

Chief Napoleon stated the report that you asked for is an administrative investigation. Anytime there is a police shooting there is a criminal investigation, to determine the criminal liability of the officer for the shooting. Secondly, the

Administrative investigation is concurrent. The purpose of this is to determine whether or there was violation of the department policy, if the policy is sufficient, and if the policy should be changed. It is a "privileged document" it can only be distributed to certain people. That information will not go beyond the Chief of Police until I have orders to do so from the Law Department.

Ms. Mullen asked if that included the Commissioners?

Chief Napoleon stated yes.

Ms. Mullen stated I was told that after the investigation was concluded that a copy of the report would be available.

Chief Napoleon stated the investigation is not concluded, it is currently in the hand of AC Winkler. Once he makes his recommendation, then the report would come to me for final determination. He also stated that the information she received about the investigation is inaccurate.

Ms. Mullen asked are Administrative investigations always "privileged"?

Chief Napoleon stated the Board of Reviews have been determined to be "privileged documents".

Ms. Mullen the prosecutor said he did not receive a report because the Department stated all the information in the report was already provided.

Chief Napoleon stated that is true.

Ms. Mullen asked why the Department can't provide them with a report.

Chief Napoleon stated parts of the investigation strictly deal with internal practices and policies of the Detroit Police Department. He is not entitled to that information. The information goes directly towards us looking at our internal policies and procedures, that part of document is privileged. Mr. O'Hair's office went back to the crime scene where he interviewed witnesses, and looked for additional witnesses. Mr. O'Hair told me that the first investigations were credible, because there was nothing found in the second investigation to determine that the investigations were not done in a complete and thorough manner. Based upon that, there was no additional evidence that would support charging Officer Brown.

Ms. Mullen asked if Eugene Brown is still being looked at for violation of police policy.

Chief Napoleon stated that is correct.

Diane Bukowski asked Chief Napoleon how does he feel about remarks attributed to you in today's paper, regarding Eugene Brown back on the streets. Why are you allowing this?

Chief Napoleon stated he declined to share his personal feelings.

Ms. Bukowski asked is it the policy of the police department to put an officer who has a record, to have constant contact with the public.

Chief Napoleon stated Officer Brown is a member of the Detroit Police Officers Association and he has a contract that has been negotiated for him by the Detroit Police Officers Association. The Commission and myself are obligated to follow the arbitration decisions that are handed down, whether we like them or not.

Ms. Bukowski asked has the DPOA filed any grievances or taken any actions in relation to Officer Brown.

Chief Napoleon stated grievances are not certain, there is a lawsuit pending on his behalf.

Ms. Bukowski asked a lawsuit against whom?

Chief Napoleon stated the City of Detroit and the Police Department.

Ms. Bukowski asked from Officer Brown against the City of Detroit and the Police Department?

Chief Napoleon stated yes.

Ms. Bukowski asked what is he suing the city and the Detroit Police Department for?

Chief Napoleon stated he didn't remember why, but there is a pending lawsuit involved.

Philip Craccholio stated he remembered in a former meeting that someone asked the Chief if he would re-hire and promote Eugene Brown.

Chief Napoleon stated he did not recall that question being asked to him.

Arnetta Grable stated her son Lamar Grable was murdered by Eugene Brown. She also stated this is the most ridiculous example of corruption that she has seen.