

2. **APPROVAL OF MINUTES**

MOTION: Commissioner Head made the motion to approve the Minutes of Thursday, March 22, 2001.

SECOND: Commissioner Jenkins seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. **REPORT FROM THE CHAIR**

Chairperson Vann announced that due to the seating of two new Commissioners there had to now be Subcommittee assignments.

In addition, he announced that the Policy Subcommittee will operate as a Standing Committee. The following assignments were made:

Commissioner Jenkins - Promotional Appeals, Budget and Policy committees.
Commissioner Norris - Personnel, Labor Relations and Citizen Complaints subcommittees.

Chairperson Vann, Jr. also read the following Surveillance Report:

March

Pursuant to Volume III, Chapter 20, Section 18.2 of the Department's Manual, I have conducted a thorough review of Department procedures and practices to ensure that the letter and spirit of this section are being complied with. I have reviewed reports submitted by every Department section and have found no violations of the General Procedures during the quarter beginning October 1, 2000, and ending December 31, 2000.

/s/ Benny N. Napoleon

4. **REPORT FROM THE EXECUTIVE SECRETARY**

Suspension

On March 29, 2001, Police Office Lawrence Poullard, badge 672, assigned to the Tactical Service Section was suspended without pay by Chief of Police Benny N. Napoleon.

On December 5, 2000, the Internal Controls Section received a Preliminary Complaint Record from the Twelfth Precinct regarding a fatal traffic

accident involving off duty Police Officer Lawrence Poullard, badge 672, then of the Fourth Precinct. According to the report, on December 2, 2000, Officer Poullard was involved in a fatal traffic accident on northbound Lodge Freeway near West Seven Mile Road while driving his privately owned vehicle. The Michigan State Police administered Officer Poullard a Preliminary Breath Test at the scene with a result of .126. Subsequently, Officer Poullard was conveyed to the Detroit Receiving Hospital for a blood alcohol content test.

On January 11, 2001, Sergeant Alicia L. Smith, badge S-10, of the Internal Affairs Unit contacted the Michigan State Police and spoke with Trooper Kathleen Lewis, assigned the Michigan State Police Fatal Squad. Trooper Lewis indicated that she was submitting a warrant request to the Wayne County Prosecutor's Office requesting a warrant against Officer Poullard.

On March 27, 2001, 36th District Court Magistrate Margaret E. Baylor signed felony warrant #36-01 58751, charging Officer Poullard with Operating A Motor Vehicle While Under The Influence of Alcohol Causing Death and Manslaughter With A Motor Vehicle.

Also on March 27, 2001, Officer Poullard was suspended from the Detroit Police Department by Sergeant Johnny Thomas, badge S-885, assigned to the Tactical Services Section.

On March 29, 2001, Poullard was arraigned before Magistrate Baylor. He stood mute to the charges and a not guilty plea was entered on his behalf. Officer Poullard was released on a \$25,000 personal bond. His preliminary examination is scheduled for April 12, 2001.

Based on the above circumstances, it is recommended that Officer Poullard be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER

Unless contravened by this Commission the above suspension without pay will stand.

There were no contraventions to the above suspension.

6. PRESENTATION – Office of the Chief Investigator

Chief Investigator Waddles stated she is an Attorney and the Chief Investigator for the Office of the Chief Investigator. OCI is the investigative arm of the Police Commission. Its purpose and designed principle is to investigate and make recommendations concerning citizen complaints of police misconduct.

Our staff at OCI is comprised of 16 full-time investigators: 10 civilian investigators, 6 sworn sergeants. There are also two civilian Supervising Investigators, 1 Lieutenant and myself.

Complaints alleging misconduct can be filed in the following ways: in person at any precinct, by letter, in person at OCI, by phone to OCI and the internet. If a complaint is made outside of OCI, it is generally forwarded to OCI within 24 hours. First, it is appraised by our Lieutenant, who looks at the complaint and discusses it amongst the supervisory staff to decide if it is in any of the nine categories that we investigate. The nine categories that we investigate are as follows: force, arrest, entry, search, harassment, procedure, property, service, demeanor and any improper misconduct alleged.

After the complaint is appraised, it is then assigned to one of the 16 investigators. Upon receipt of the complaint by our office, the citizen is sent a letter expressing that they will be contacted within several days by an investigator to get a more detailed statement. Once the statement is obtained, the Investigator proceeds with the following steps: obtaining a detailed oral and written statement from any witnesses, if applicable, a detailed statement or oral interview with any DPD personnel implicated, the collection of pertinent documents such as the activity log of the officer, the daily detail of the officer, and audio and video (in-car system). Once Investigators receive a complaint that involves an audio tape (911) or an in-car video tape, they are instructed to request and obtain them immediately because there is a timeline in which those tapes are kept.

Once all of the information is gathered, Investigators analyze the case and then draft the investigative report, implement their findings and recommendations. The possible findings include findings of proper and improper conduct, policy failure, insufficient evidence or unfounded (could not be supported by any evidence). The Chief Investigator reviews, approves, and disapproves the final drafts when necessary. Once it is approved by myself, it is forwarded to the Board's Citizen Complaint Subcommittee and they review, approve or disapprove it. Once it is approved and there is a finding of improper conduct, it is then forwarded to the Chief of Police for recommendation with regard to discipline.

In the past three years, OCI has been receiving an average of 1000 complaints a year. All citizen complaints originating in the city of Detroit against Detroit Police Department personnel are investigated by the OCI.

New developments in OCI are that the staff has been receiving extensive training to help them better themselves and their jobs. Last year, we had a Team Building Retreat to strengthen the camaraderie and teamwork concept in the office. We also had two investigators from the FBI instruct us on interviewing police, witnesses or other complainants. The DPD Internal Affairs Section has provided instruction on oral interviews with police witnesses, as well as other witnesses. Attorney/ Supervising Investigator Denise R. Hooks lent her legal expertise in helping us to improve on our investigative writing and analysis.

OCI receives numerous requests for the information maintained in our office. These requests come from attorneys, citizens, the Law Department, Risk Assessment and the Disciplinary Unit. For accountability purposes, for someone to obtain information from our office we ask that they submit a short memo indicating what information is needed, where the information is going, the purpose for the request and what entity is requesting it.

Chief Inv. Waddles stated that a policy was recently developed so that, when an officer is implicated in an allegation of improper force that should automatically trigger a request and order for the officer to appear at OCI for a Garrity interview (an oral interview) and in cases where needed. An oral interview gives Investigators an opportunity to ask follow up questions that they may need to ask on the spot and to do additional analysis. In addition, they can ask questions that may come up in the course of the interviewee answering the questions. It can also garner more information with regard to digging deeper into the investigation.

In addition, OCI will continue to recommend improper conduct findings for officers who do not respond to our request for witness statements and officers whose responses are late or absent.

OCI is embarking on a Community Outreach Program to increase citizen awareness of OCI. April 5, 2001 will be our first opportunity to speak to a community relations group and we will be doing it in all 13 precincts. We are developing a video and PowerPoint presentation about OCI. We will be televising public service announcements on the Comcast Cable Access Channel.

We will be conducting focus groups to determine citizen's knowledge and/or lack of knowledge of OCI. And, to find out if they have suggestions for any improvements or disapprovals they have with our office. We are also developing initial contact forms if citizen's find that they want to make a complaint of an alleged misconduct of an officer. These forms will be available in the Coleman A. Young Municipal Center, Neighborhood City Halls and etc. After the complaint form is filled out and received, OCI will contact the individual and direct them to come to OCI. The reason for the Community Outreach Program is because there are still sectors of Detroit and citizens that don't know who we are and we hope to gain some ground in having this project work. OCI now has a website

located at www.ci.detroit.mi.us/police_commissioners/, within that site is an online complaint form.

We are exploring mediation between citizens and the police officer as an alternative way for them to resolve any complaints and conflicts that come up that will not reach the complaint process. We are hoping that they will be able to sit at a table across from each other and shake hands whether they disagree or agree on the matter. We are awaiting a legal opinion from the City Law Department before we can proceed with that process.

There is a distinct possibility with the development of OCI's database, increased community awareness and accessibility that OCI will be needing more staff. This is because we would like to be able to dedicate someone full-time to the input and analysis of information that is housed in our database and someone to attend full-time to our Community Outreach Project. We would also need additional help with the anticipation of additional citizen complaints from being out in the community and allowing the community to know what we offer.

OCI is committed to doing its part in assisting the DPD and improving the quality of customer service to the citizens of Detroit. It is our sincere hope that while performing these duties, our office can engender and earn the type of respect and cooperation needed to make this city and its Police Department the best that it can be.

Chairperson Vann stated we are happy to know that these initiatives such as the internet complaint form, our new website, and the Community Relations Campaign kickoff on April 5, 2001 are up and running. These are ways we will better serve the needs of the citizens of the City. He stated he is also happy to see that these initiatives that were agreed upon by the Commission at large are being implemented and now are in place.

He also stated that when the Commission attended the National Association of Civilian Oversight of Law Enforcement Conference they learned about the positive benefits of mediation in several jurisdictions as it related to citizen complaints of police misconduct. He asked if the legal opinion that OCI is waiting for, is that regarding the Collective Bargaining Agreement?

Chief Inv. Waddles stated exactly. She also stated whether or not mediation has to be negotiated into the contract or if it is commensurate with the contract as it exists.

Chairperson Vann asked can we find how other jurisdictions seem to be able to do these kinds of things very easily?

Chief Napoleon stated she just answered that. He also stated that you have a Union and if there are any significant changes in working conditions it has to be negotiated with the Union. He also stated mediation would be considered a significant change in working conditions according to the Union and therefore it will have to be negotiated.

Chairperson Vann asked has it been negotiated in other jurisdictions or do they have unions also?

Chief Napoleon stated nobody has a union like ours.

Chairperson Vann stated he understood what he was saying.

Chief Inv. Waddles stated it would be voluntary on the officer's part, so we are hoping that it would have some impact into whether or not it will affect working conditions.

Chairperson Vann stated she mentioned earlier that she would need some more staff to help with the Community Outreach Project. He also stated he feels this will put a spike in the workload of complaints.

Chief Inv. Waddles stated that is not to say there is going to be an increase in misconduct.

Chairperson Vann stated no.

Chief Inv. Waddles stated it will probably be an increase of allegations. Because some people are not aware of the allegations they could report. In addition, if we get mediation we will need people with expertise to oversee that particular process.

Chairperson Vann stated that it needs to be memorialized that we cannot provide an effective police service and/or citizen complaint process without money or resources. When it comes to some programs needed at the Police Department we run into budget cuts and restraints of resources that are actually needed to do the work.

Chief Inv. Waddles asked if we will be the squeaky wheel?

Chairperson Vann stated yes.

Comm. Dewaelsche asked is there anything more that we can do as a Commission even if it is voluntary to try to convince the Union that this would be the best...

Chief Inv. Waddles stated she did not say it could not be done, but we are awaiting the Legal Department's analysis of how it can be done.

Comm. Dewaelsche asked have they given you a target date? How long are we going to wait?

Exec. Sec. McDonald stated that the reason for the hold up is due to the fact that the Legal Advisor is also short staffed. She also stated that she does anticipate that we should receive it shortly.

Comm. Dewaelsche asked would it be around the spring or the summer?

Exec. Sec McDonald stated yes.

Comm. Dewaelsche stated she just wanted to have some idea as to what the target date is.

Chief Inv. Waddles stated it is not compulsory, so hopefully the voluntary piece will make it fly.

Comm. Norris asked when you investigate a problem and come up with a finding, and you come up with a finding of improper conduct does that go to the Chief to address in whatever the manner the Chief and his staff see fit? She also asked is this what happens when a complaint comes in without mediation?

Chief Inv. Waddles stated correct.

Chief Napoleon stated when it comes to me, I review the findings and refer it down to the command to give appropriate discipline.

Comm. Norris asked if the officers had mediation he could voluntarily say rather than you investigating and issuing a finding, I will enter into this mediation process. If the mediation resolves the complaint for the officer and the citizen then the report will say that it has been resolved in a satisfactory manner.

Chief Inv. Waddles stated if it is not resolved those are still the bugs in what we would do with it. We are looking at other jurisdictions as to how they figured out their bugs. We are still trying to get over the hump of opposition from the Union.

Comm. Norris stated if an officer has an opportunity to not have it investigated or get it resolved, there is some benefit to the Union as well.

Chief Napoleon stated he wanted to caution the Board that there are six potential layers of disciplinary appeal possibilities for officers.

Comm. Jenkins asked what is the protocol if a Board member directly receives a communication from a citizen about an alleged misconduct?

Chief Inv. Waddles stated you should forward it to the Executive Secretary and then she would forward it to my office. It will probably become a Citizen Complaint Report and will be investigated.

Comm. Jenkins asked what is the criteria for you to reject or approve the report?

Chief Inv. Waddles stated the simplest report is one with errors. We would like for our reports to look as good as possible, then we move to the quality of the investigation. She details in red ink for the investigator what needs to be fixed or done. There are some occasions when she receives a report and there is nothing wrong with it, she will then send it to the Board.

Comm. Jenkins asked are the investigators aware or informed of what is expected of them when doing a written report?

Chief Inv. Waddles upon hiring they are giving the formatting, training how to investigate, getting information, and deductive reasoning. She stated that she has found no one deficient in that area.

Comm. Jenkins stated that the Community Outreach Project is an important thing to pursue. He also asked is there some timeframes for rolling out some of the activities you described?

Chief Inv. Waddles stated that the Executive Secretary, Attorney/Supervising Investigator, Lieutenant, 3 Supervising Investigators and myself have been meeting and planning these activities for sometime. We are planning a PowerPoint presentation for the office.

Executive Secretary stated several months ago we provided the Board with a memorandum regarding what we are planning to do.

Comm. Dewaelsche stated it would be helpful if we give the new Commissioners the information from NACOLE.

Chairperson Vann stated he wanted to have the retreat so subsequent Commissioners would be apprised of what we do and what we have to offer.

Comm. Norris stated we need to know where these problems are coming from and how often are they occurring.

Exe. Sec. McDonald stated if, for example, an officer has more than three complaints in a year he would not be eligible for mediation.

Comm. Dewalesche asked if Chief Inv. Waddles has a breakdown of the types of complaints that rank the highest or the lowest.

Chief Inv. Waddles stated she could give it to her at another time. She asked if she was talking about how many complaints we receive.

Comm. Dewaelsche stated the different types of force and different categories. She also stated that a lot of our complaints are demeanor.

Chief Inv. Waddles stated she thinks that is the category that receives the largest amount of complaints.

Comm. Dewaelsche stated she knows that the Chief has been concerned about customer service training.

Chairperson Vann stated these things are well within the purview of a mediation strategy or mediation initiative especially in cases of demeanor or alleged insolent behavior by an officer, or how they spoke to someone.

Comm. Dewaelsche stated that was a very good presentation.

Chief Napoleon stated if you receive an allegation of misconduct that is criminal, that should go to the attention of the Chief. It would not go to OCI because they do not investigate criminality.

OTHER BUSINESS

There was no Other Business.

7. ORAL COMMUNICATIONS FROM THE AUDIENCE

Herman Vallery asked has Eugene Brown been officially promoted to Sergeant?

Chairperson Vann stated no.

Mr. Vallery asked the Chief if the community is allowed to know where Officer Eugene Brown works?

Chief Napoleon stated yes, but he indicated he wasn't sure where he is assigned. The last he heard, Officer Brown was working at the Tactical Services Section.

Mr. Vallery asked the Board have they received the Shoulders report regarding the murder of Lamar Grable and Officer Brown and if not, can the Board subpoena it?

Chairperson Vann stated the Board is still waiting for the report and have been working very vigorously to receive it.

Mr. Vallery asked the Board if they are aware of the Amnesty International?

Chairperson Vann stated no.

Mr. Scott stated he will give more clarity on the matter.

Mr. Vallery asked the Board if they have read the Bobb Merrick report?

Chairperson Vann stated yes we downloaded it from the internet.

Mr. Vallery asked if the Bobb Merrick report was going to become public eventually?

Chairperson Vann stated it is public, because it was on the internet.

Mr. Vallery stated he needed to see Chairperson Vann to get the information on how to download it.

Mr. Scott stated Amnesty International is a human rights group that investigates abuses in Third World Countries. He stated it originated in London around 1963. It also has chapters in over 30 countries. He also named some cases that they dealt with such as ending the problem with using children as soldiers. They are now investigating the rapes of women in Michigan prisons.

He stated that the Coalition Against Police Brutality asked the Amnesty International to investigate abuse to citizens due to police brutality because they felt as though they came to a brick wall trying to get help. Because this chapter was initiated in Detroit that focused in Urban areas it is made up of primarily for Afro-Americans and Hispanics. A three page letter was sent to the Mayor by Adam Ortiz who is the regional director for Amnesty International which has yet to be answered.