



APPROVED

**CITY OF YPSILANTI
POLICE-COMMUNITY RELATIONS/
BLACK LIVES MATTER
JOINT TASK FORCE
TASKFORCE MINUTES
MONDAY, JUNE 13, 2016
7:00 P.M.
CITY COUNCIL CHAMBERS**

I. CALL TO ORDER –

The meeting was called to order at 7:00 p.m.

II. ROLL CALL –

TASK FORCE

Council Member Nicole Brown, Chair	Present
HRC Commissioner Jennifer Symanns	Present
Council Member Anne Brown	Present (7:56 p.m.)
HRC Commissioner John Shuler, Co-Chair	Present
Council Member Brian Robb	Present
HRC Commissioner Theresa Saunders	Present

III. INVOCATION –

Commissioner Shuler asked all to stand for a moment of silence.

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. AGENDA APPROVAL –

Commissioner Saunders moved, seconded by Council Member Robb to approve the agenda.

On a voice vote, the motion carried, and the agenda was approved as submitted.

VI. MINUTES

— March 14, 2016

Commissioner Saunders moved, seconded by Commissioner Symanns to approve the minutes.

On a voice vote, the motion carried, and the minutes were approved as submitted.

VII. AUDIENCE PARTICIPATION –

None

VIII. CHAIR RESPONSE –

None

IX. DISCUSSION ITEMS –

1. Radical Washtenaw (RAW) Bench Warrant Report – (Police Chief DeGiusti)

Council Member Nicole Brown introduced Police Chief DeGiusti to discuss the Radical Washtenaw Bench Warrant report.

Council Member Robb stated in 2014 1,500 bench warrant arrests were made in Ypsilanti and asked how an arrest is defined. Chief DeGiusti responded an arrest is if a person is taken into custody. Chief DeGiusti added each warrant has must be satisfied by an arrest and to track it accurately it must be done by charge. Chief DeGiusti said the Department received an email from CLEMIS informing how bench warrant arrests should be coded. Mr. Robb asked what the practice is if a person is stopped in Ypsilanti with a bench Warrant from another City. Chief DeGiusti responded the jurisdiction will be contacted to ensure the warrant is still in effect and if so the individual will be taken to County Jail to be detained until the other jurisdiction arrives to transport the individual. Chief DeGiusti said if the jurisdiction does not want the individual they are released. Mr. Robb asked if that would count as an arrest. Chief DeGiusti responded in the affirmative. Commissioner Symanns asked if the individual would be held until an appearance day. Chief DeGiusti responded in most cases.

Council Member Robb asked if the report will separate aggregate arrests from people arrested. Chief DeGiusti responded in the affirmative and added the report will also list what City the warrant was issued and if the person was a resident of the City.

Council Member Robb asked if the system lists what the arrest was that resulted in the bench warrant. Chief DeGiusti responded in the affirmative. Council Member Robb asked if everyone pulled over in Ypsilanti with a bench warrant is arrested. Chief DeGiusti responded in the affirmative while the warrant is confirmed. Commissioner Symanns stated this would occur in the field. Chief DeGiusti responded in the affirmative, and said the individual would be detained while the warrant is being confirmed and might not be taken to the County Jail. Mr. Robb asked if everyone with a valid warrant is taken to the County Jail. Chief DeGiusti responded no, and explained if while confirming the warrant is in the system on error the person would be released. Mr. Robb asked if those stops are included in the 1,500 arrests. Chief DeGiusti responded no, and explained if the warrant has been satisfied it would not register as an arrest. Mr. Robb asked if everyone with a confirmed warrant is taken to County Jail. Chief DeGiusti responded in the affirmative. Mr. Robb asked if the only confirmed warrant arrests are included in the 1,500. Chief DeGiusti responded in the affirmative.

Council Member Robb stated in the past the crime report Council would receive would include the number of bench warrants made. Mr. Robb said the message he wants sent to the community is if a traffic stop produces an open bench warrant that individual is taken to jail. Mr. Robb said if there are 1,500 bench warrant arrests made in a year it is safe to assume there are 150 a month. Mr. Robb said what he is having trouble with is that would equal to five arrests. Chief DeGiusti responded it depends and said last year a couple was arrested that had 70 bench warrants between them. Mr. Robb responded he understands but those situations are the tails of the bell curve but more than likely each arrest would constitute one possible two bench warrants.

Commissioner Shuler asked if 500 bench warrant arrests were taken to jail in 2014. Council Member Robb responded in the affirmative. Commissioner Symanns asked is it clear what it means to be taken to jail. Mr. Robb responded what he believes it means is taken to the County Jail. Ms. Symanns responded so taken to jail means being lodged and there is a difference between taken to the police station and lodged. Chief DeGiusti said the Police Department has a twelve hour detention cell. Mr. Shuler said if 500 were taken to the County Jail the number taken to the police department would need to be added and it could be assumed there are about three bench warrants per arrest. Chief DeGiusti responded between one and five warrants is the norm. Mr. Shuler said if there were five arrests per day it might account for only one or two individuals. Council Member Robb agreed and said there will likely be a bell curve distribution when examining arrests made and people arrested.

Council Member Robb said if a person is stopped that has a bench warrant would a ticket be issued. Chief DeGiusti responded a ticket would not be issued and the point of a bench warrant is to force the person to appear in court. Mr. Robb said after Ferguson everyone thinks everything is a revenue scheme. Chief DeGiusti responded additional tickets are not written for bench warrants and they generate zero revenue for the City. Commissioner Shuler asked if a person who was issued a bench warrant appears before a judge can the judge fine the individual for failure to appear. Chief DeGiusti responded not that he is aware of and if a person consistently fails to appear a judge will place a high bond in order to ensure the individual is in custody until their court date.

Commissioner Shuler said one of the claims the RAW report made is more African Americans were arrested for bench warrants. Mr. Shuler added if there is discriminatory practice it would be the court that was responsible. Chief DeGiusti responded the Court would not be discriminatory because bench warrants are issued because an individual did not appear. Mr. Shuler asked if 100% of the time a person does not show up to court a bench warrant would be written. Council Member Robb responded the City Attorney's Office says a bench warrant is issued every time a person fails to appear in court. Mr. Robb added what that could mean is disproportions of African Americans are being arrested in the City of Ypsilanti. Chief DeGiusti responded that is not necessarily true and the data is aggregate to the 1,500 and the City did not arrest 1,500 people. Chief DeGiusti added the data will need to be examined in order to have a clear understanding. Commissioner Saunders asked if race and gender are being examined as a part of the Department's report. Chief DeGiusti responded in the affirmative. Ms. Saunders asked if the County would also examine race and gender since the City lodges individuals at the County Jail. Chief DeGiusti responded he can't speak for the Sheriff's Department but he is sure the jail does have an ongoing demographic study. Ms. Saunders asked if age is also being examined and said the RAW report claims that young African American Males are being arrested for bench warrants at the highest frequency. Chief DeGiusti responded that information is collected. Ms. Saunders asked if the data is compiled in a way that would be able to produce demographic percentages. Chief DeGiusti responded it is not something that is tracked automatically but is a part of the current study.

Council Member Robb stated Campaign Zero claims when police patrol an area crime increases. Chief DeGiusti responded if police do not patrol an area it does not mean there is no crime it only means it is not being reported. Mr. Robb asked if the Chief puts his resources where he feels they are best needed. Chief DeGiusti responded in the affirmative. Mr. Robb asked if the focus is not on particular section of the City what would happen. Commissioner Saunders asked how patrol areas are decided. Chief DeGiusti responded it depends and said last year during the summer there was violence occurring in a certain area and patrols were increased but normally they are spread evenly throughout the City. Chief DeGiusti added but as a result of staff levels active patrols do not occur as often as he would like. Ms. Saunders asked how many officers short is the department. Mr. Robb responded Council has authorized 32 officers and asked how many officers the Department has. Chief DeGiusti responded 29 offices but as a matter of history in 2009 there were 40 officers. Mr. Robb agreed and said after that there were massive retirements and the City settled at 19 for a while. Commissioner Symanns asked if budget constraints were not an issue what the Chief would like staff levels to be. Chief DeGiusti replied with the amount of programs in the County and the amount of training people would like to see officers have, 45 to 50 officers would be sufficient. Chief

DeGiusti said there is a great deal of discussion about training but the issue is when an officer attends training the department does not always have the people to back fill that position without overstressing officers and over extending overtime. Ms. Saunders said the issue the Chief is having with staffing is very similar to what is happening with public education, there just are not enough teachers. Ms. Saunders asked if there is a possibility to use retired officers as substitute officers. Chief DeGiusti responded that would create issues with contracts and pensions. Chief DeGiusti added also the level of training would not be at the expected level. Mr. Robb said it is a function of the economy and not a lot of police officers are looking for jobs. Chief DeGiusti added the availability of jobs and the applicant pool available make it difficult to fill positions.

Commissioner Saunders asked if there is a program in schools that would provide students the ability to receive some exposure to policing. Chief DeGiusti responded not currently but there used to be a program called explorers through the Boy Scouts. Chief DeGiusti added Ypsilanti Community Schools Superintendent Ben Edmondson started a program that puts nine different students in jobs in the community and the Police Department was chosen as one of those jobs.

Chief DeGiusti stated he understands citizens want a police department to be reflective of the community it serves; unfortunately, the applicant pool does not reflect the demographics of any community. Chief DeGiusti said minorities graduating from the academy are not only highly sought and there are very few. Council Member Robb asked what the percentage of minorities in the academy has. Chief DeGiusti responded 2%. Commissioner Saunders added it is the same in education only 1% of teachers are minorities. Chief DeGiusti said the last class to graduate the Michigan State Police Academy was 100% white males. Commissioner Symanns asked what the sponsorship numbers are for the police academy. Chief DeGiusti responded small but some departments are going that route because it is easier than finding academy certified candidates.

Commissioner Shuler asked if the Department has a policy for training. Chief DeGiusti responded the Department does not have a written policy for training but there are policies that include a training component. Mr. Shuler asked if there is any diversity or cultural awareness training. Chief DeGiusti responded part of that is formal training but some of it comes from how business is conducted on a day to day basis. Mr. Shuler asked if it would make sense to have a policy that regulates how often staff should receive those types of training. Chief DeGiusti responded because the resources are minimal and because of the rate policing changes the Department should be selective. Mr. Shuler responded the policy does not need to be over prescriptive and perhaps just a guideline. Council Member Robb asked if there is a list of training that is requires updating on an annual basis. Chief DeGiusti responded there are issues that are discussed daily as a part of briefing. Mr. Robb replied so there is ongoing training and said that is how it should be presented. Mr. Robb requested Chief DeGiusti summarize what training officers receive for cultural training. Chief DeGiusti asked if officers should train for interaction with all listed groups or of train officers to treat every person with dignity and respect. Mr. Robb responded things change so quickly sometimes it might be necessary to update diversity training as they change. Commissioner Saunders disagreed and said because things change so rapidly training should not separate by group because that could cause disproportionate and skewed bias.

Council Member Robb stated one of the questions posed by Radical Washtenaw is under what circumstances is bench warrant arrestees apprehended. Mr. Robb stated the Ypsilanti Police Department does not have a list of individuals that have bench warrants and does not actively apprehend them. Chief DeGiusti responded correct and said officers only find out if a person has a bench warrant when they run their information. Mr. Robb asked will the report include if an officer finds out about a bench warrant in a passive or active way. Chief DeGiusti responded that is not a data point being examined and asked what would that data illustrate and said approaching suspicious people is exactly what a police department does. Commissioner Symanns stated the difference between what Mr. Robb is discussing is who initiated contact, and making contact because a person looks suspicious is different than trolling for bench warrants.

Council Member Robb said he would like the City to have work instruction sheets to explain how police officers should operate in the City of Ypsilanti. Chief DeGiusti responded the Department does have something similar and it is given to an officer during field training. Chief DeGiusti added it is nice to have that handbook but every officer in the Department is different and an officer's strength and weaknesses are assessed when assignments are made.

Council Member Robb asked if there is a Chief's Association in Washtenaw County and could other departments in the County be asked why their bench warrant reports are what they are. Chief DeGiusti responded it is not really something that would be on a chief's radar and it's more of a byproduct of what the Police Department does. Mr. Robb stated if they are not reporting it correctly why. Mr. Robb added if it is not being reported correctly then the public begin to question everything. Chief DeGiusti responded he welcomes the questioning of everything and asked if the Ypsilanti Police Department is discriminatory why this arrest category is the only one that shows an issue. Mr. Robb said this is a very strange category. Commissioner Symanns stated this category is a category that has the least amount of control. Chief DeGiusti stated this is a product of Ferguson and said that municipality and the court system in Ferguson had some discriminatory practices that did fine people for missing court dates. Chief DeGiusti stated Ferguson was funding its Police Department on the backs of people that could barely fund their own lives which is plain wrong. Chief DeGiusti explained what a bench warrant is and does is completely different than what it is in Missouri. Mr. Robb stated Ann Arbor is the comparison for Ypsilanti in this issue and explained Ann Arbor has two magistrates and twice the workload as Ypsilanti yet the bench warrant arrests are much lower there. Ms. Symanns stated the bench warrants could have been issued anywhere in the state. Mr. Robb agreed but the majority is going to come from that courthouse. Ms. Symanns said Ann Arbor having only two bench warrant arrests does not make sense.

Commissioner Shuler stated he believes if the members of Radical Washtenaw were to listen to the Chief's answers and believe what he says then they should have questions for the comparable municipalities. Council Member Robb responded if you look at Detroit had 3,000 bench warrant arrests in 2014 and the City had 1,500 and in 2014 Detroit's population was around 700,000 people. Mr. Robb said the reason RAW is suspicious is because the majority of reports are different than Ypsilanti's. Mr. Shuler responded he understands but once they hear the Police Department's report answers to their questions they should question the other City's data. Mr. Robb said we all think this study will produce numbers that will be in the favor of Ypsilanti but what if they are not. Mr. Shuler responded that is his point no matter what the data is it will not be favorable to Ypsilanti because Ann Arbor only reported 15 arrests. Chief DeGiusti stated crime statistics are voluntarily reported and departments have the ability to opt out of reporting.

Commissioner Shuler asked if there is an advantage to Ypsilanti reporting on so many things. Chief DeGiusti responded the data is looked at for a myriad of reasons but it is very difficult to have complete transparency in a police department because of privacy issues involved in the job. Chief DeGiusti added the Department wants to be as open as possible which is why it reports as much as possible.

Commissioner Saunders asked what about Ypsilanti causes people to be arrested for bench warrants. Commissioner Shuler stated he thinks that is a false question because the data from other communities seems drastically low. Ms. Saunders responded even if those communities were equal to Ypsilanti because its size compared to the other cities the numbers is still very high. Chief DeGiusti responded there are a lot of different drivers to crime rates and the City and the Township are the poorest areas in the County, there is less opportunity, unemployment is the highest in the County, and the educational system is not what it should be, and all of those factors contribute to crime. Council Member Robb agreed socioeconomics is a factor but the City has 22,000 calls for service a year, which creates a lot of contact with the community. Ms. Saunders replied that is the information that should be provided to Radical Washtenaw. Commissioner Shuler said the calls of service are one reason Ypsilanti's bench warrant arrests are at the level they are but there is no way Ann Arbor only had 15 bench warrant arrests in 2014. Mr. Shuler added a comparison between Ypsilanti and the other communities in the RAW report are false because bench warrant arrests were not coded properly. Mr. Robb responded at the moment Ypsilanti is on defense and must explain its data. Mr.

Shuler replied once the YPD completes their report and answers the question presented part of its defensive strategy is to ask why Ann Arbor's numbers are so low.

Commissioner Saunders asked if the University of Michigan has its own police force. Commissioner Symanns responded in the affirmative. Ms. Saunders replied that must be the issue and said there is probably a discrepancy between what the City and the University reported. Commissioner Shuler stated the 15 reported arrests in Ann Arbor are still very low. Ms. Saunders replied she could almost believe Ann Arbor only had 15 bench warrant arrests. Council Member Robb added the University only reported 15 arrests for bench warrants. Council Member Anne Brown stated Ann Arbor must be using a different code for bench warrant arrests. Chief DeGiusti responded he suspects the 15 bench warrants reported in Ann Arbor was probably done in error and explained a City with 108 officers 15 mistakes out of 1,000 of reports does not seem outside of the realm of possibility.

Commissioner Saunders stated bench warrants are probably very low on Ann Arbor's priority list. Council Member Robb responded bench warrants by no means are high on the priority list in Ypsilanti. Chief DeGiusti responded if a person is stopped by the police and it is found they have a bench warrant the officer cannot ignore the warrant. Ms. Saunders responded she believes Ann Arbor had only 15 bench warrants in 2014 and explained it is a very different community. Chief DeGiusti responded with a force of 108 officers and a population of over 100,000 people the likelihood of only 15 bench warrant arrests in a year is low. Ms. Saunders stated there is a community not far from Ypsilanti that reports nothing. Chief DeGiusti replied reporting crime statistics is not required. Commissioner Shuler said simply because something was not reported does not mean it did not occur. Ms. Saunders said if something is not reported it does not exist even if it did in fact happen. Commissioner Symanns added crime statistics can be very political and if a city wants to appear that it has low crime than crime isn't reported. Ms. Symanns added when she was a police officer she worked for the University of Michigan and the university had a large homeless population who officers would have a lot of contact. Ms. Symanns said it was always a safe bet that through that contact a warrant would be produced. Council Member Anne Brown stated as the Chief said warrant arrests tend to be the same people. Ms. Symanns responded in the affirmative and said the University of Michigan had a warrant list when she was an officer. Ms. Symanns said Ypsilanti Police do not have time to search for bench warrant. Mr. Robb stated bench warrant arrests are not a priority but if Council made it a priority then the department would comply. Mr. Robb asked if the Police Department had 100 officers would bench warrants be a priority in Ypsilanti. Chief DeGiusti responded no, and said bench warrants can be for something as minimal as littering.

Commissioner Saunders stated she would like it on record that the City work with the Police Department to increase the number of officers. Council Member Nicole Brown said Council would love to increase the number of police officers. Ms. Saunders said when a community has an educational system that is not as healthy as it should be, with economic issues, and structural family issues crime will escalate. Chief DeGiusti agreed.

Council Member Anne Brown asked if there is a procedure that dictates how an officer responds to a mental health crisis or a veteran. Chief DeGiusti stated every person is treated with dignity and respect and the Department is currently working with the Sheriff's Department to develop a program in which all officers will have a one to two day class available to them. Chief DeGiusti added the second piece to that program is incorporating a crisis intervention team. Chief DeGiusti explained the team would incorporate special trained officers from various departments throughout the County. Chief DeGiusti said those officers would attend a 40 hour class. Ms. Anne Brown asked if that would be something the City would participate in concert with the County. Chief DeGiusti responded the training yes, the crisis team would be up to the cities participating and would also involve a community mental health professional.

2. Community Oversight/ Citizen Review Board.
 - a. Sub-Committee Report

Commissioner Shuler asked if a Sub-Committee Report exists. Council Member Anne Brown responded no, and said she and Commissioner Symanns communicated today and have formulated a plan on how to move forward. Commissioner Symanns added she is thinking about tabling this item until the Task Force receives the completed report from the Police Station. Ms. Symanns added she would like to have that information before making any recommendations. Ms. Anne Brown stated part of the mission for the Sub-Committee was to examine what other communities Citizen Review Boards operate and wait on the data. Chief DeGiusti stated one of the concerns the Police Department has is the Department wants to be part of that conversation and who will be providing the oversight, what training will they receive, and expertise in law enforcement they might have. Ms. Symanns responded those are the same things that concern her. Chief DeGiusti said the word oversight might not be the best word to describe the function of this board and said the Sheriff's Department has an advisory board. Ms. Symanns stated she has been thinking about an advisory board to create a dialogue with the Police Department. Ms. Anne Brown stated part of a board is to have a citizen's perspective that when there is an incident involving the police the police are the entity that investigates. Chief DeGiusti responded there are things that police officers have to do that are simply ugly and without proper training how can a person accurately judge an officer's actions. Chief DeGiusti added there are also laws regarding personnel issues and what can and cannot be revealed.

Commissioner Symanns asked if anyone else from the Joint Task Force is interested in sitting on the Sub-Committee. Council Member Anne Brown responded in conversations with Chief DeGiusti it was suggested that someone from the Police Department be a member of the Committee.

Commissioner Shuler stated the focus of discussion regarding a citizen's oversight committee was to investigate complaints about the Police Department or at least adjudicate complaints. Chief DeGiusti responded if he is not trusted enough to take care of issues at the Police Department then someone else should be the Chief of Police. Mr. Shuler agreed however, the community has a different perspective and there is a part of the community that will not trust the Police to conduct a fair investigation of its own officers. Chief DeGiusti stated if a person files a complaint the department is more than willing to allow the complainant to review the video and read the report. Chief DeGiusti added the Police Department has no issue with being open as long as that person is germane to the investigation. Council Member Robb stated having an oversight board does not mean the City does not trust the Police Chief and there are other City functions that require both an oversight board and staff oversight. Mr. Robb said before discussing oversight first the scope of the board must be identified. Mr. Robb said outside perspective is a good thing and an advisory board should not be professionals. Mr. Robb said what the data says should not dictate if the City should have a Police Oversight Board or not. Mr. Robb suggested the sub-committee needs to decide what the scope should be and the Task Force decides where to go from there. Chief DeGiusti responded he would be in support of an advisory board but if one is created the pieces of it need to be diverse. Chief DeGiusti said there are issues with the youth in this community and there are youth organizations that could be represented on the advisory board.

City Manager Lange stated there are checks in balances between the legislative and executive branches of the City. Mr. Lange said the Police Chief is not the final authority in the City in the Executive Branch it is the City Manager. Mr. Lange said as the models are examined the advisory committees are really speaking to the Chief Executive Officer. Mr. Lange said the City can never have enough citizen input but once a board is given the authority to make decisions and overrule the Charter it creates a host of issues. Mr. Lange added if the Water Street Millage does not pass \$200,000 worth of capital items would need to disappear.

X. AUDIENCE PARTICIPATION –

None

XI. CHAIR RESPONSE –

None

XII. ADJOURNMENT –

**Council Member Anne Brown moved, seconded by Council Member Robb,
to adjourn the meeting.**

On a voice vote, the motion carried, and the meeting adjourned at 8:47 p.m.