



APPROVED

**CITY OF YPSILANTI
POLICE-COMMUNITY RELATIONS/BLACK LIVES MATTER
JOINT TASK FORCE
MONDAY, FEBRUARY 13, 2017 - 7:00 P.M.
YPSILANTI CITY COUNCIL CHAMBERS
ONE SOUTH HURON, YPSILANTI, MI 48197**

I. CALL TO ORDER –

The meeting was called to order at 7:08 p.m.

II. ROLL CALL –

TASK FORCE

Mayor Pro-Tem Nicole Brown, Chair	Present
HRC Commissioner Jennifer Symanns	Absent
Council Member Pete Murdock	Present
HRC Commissioner John Shuler, Co-Chair	Present
Council Member Brian Robb	Present
HRC Commissioner Theresa Saunders	Absent

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 –

Mayor Pro-Tem Brown moved, seconded by Council Member Murdock to approve the minutes.

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

VI. MINUTES

— January 9, 2017

Mayor Pro-Tem Brown moved, seconded by Council Member Robb to approve the minutes.

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

VII. DISCUSSION ITEMS –

1. Community Oversight/ Citizen Review Board

Community-Policing/Black Lives Matter Task Force
February 13, 2017

Commissioner Shuler asked for an update on Council's approval of the resolution submitted by the Task Force. Council Member Robb explained the resolution was amended adding the Task Force is to return with a recommendation by the March 7th Council Meeting. However, the Task Force would only be able to meet one time prior to the March 7th meeting, so the deadline was pushed back to the April 4th Council Meeting. He said the structure of the board must be developed today leaving a month to write the process, and adopt it during the March meeting. Mr. Shuler asked if there was Council input regarding the substance of the recommendation. Mr. Robb replied no.

Police Chief DeGiusti presented a possible structure of an advisory board.

Council Member Murdock asked if youth were able to register for the Citizens' Police Academy, and if not what is the objection to allowing youth ages sixteen and seventeen to register. Chief DeGiusti responded there is no objection, except the plan is to hold separate youth and adult academies. Also, during the summer a youth academy is held for middle school aged children.

Mayor Pro-Tem Brown asked how many people would need to be registered to hold the academy. Chief DeGiusti responded twenty. Commissioner Shuler asked if twenty people is representative of academies in the past. Chief DeGiusti responded in his experience yes.

Mayor Pro-Tem Brown stated when she met with the Chief they discussed how complaints would be reviewed by this board. She asked the Chief to explain how he envisions the structure of the review process. Chief DeGiusti responded if there is a complaint against an officer it can be reviewed without providing the name of the officer. This would avoid violating labor law. Commissioner Shuler asked if the department receives a complaint are the results given to the complainant. Chief DeGiusti responded the complainant would receive a letter stating the complaint was received and investigated, provide the results, and if there was a disciplinary action. However, information on the nature of the action would not be provided. Mr. Shuler asked if detail on why the complaint was substantiated would be given. Chief DeGiusti responded not in that particular communication.

Commissioner Shuler stated the main concern the Task Force has received from the community is transparency. The complainant receiving proper notice, and the community being made aware of the complaint. Chief DeGiusti replied much of police work is confidential, and there is no police force that is completely transparent. However, the department is very open and are happy to disseminate information that is not confidential. Mr. Shuler asked if there is a way to make complaints transparent to the community. Chief DeGiusti responded when the Human Relations Commission and City Council had a joint meeting complaint information was made available.

An audience member asked how the citizens' police academy is structured, and asked if it will cover de-escalation tactics. Chief DeGiusti responded the citizens' police academy is more of a community awareness tool. The audience member asked if the public could be provided training that officers receive. Chief DeGiusti responded in the affirmative.

Mayor Pro-Tem Brown stated she likes the Chief's design of the advisory board, and she is wary on moving forward on anything that could violate labor contracts.

Council Member Robb stated he believes the Task Force is going about this process all wrong. Council has tasked this Task Force to develop an advisory board. It is fine to take input, but the Task Force must decide the structure of this body. Council has all the power to pursue a board that reviews complaints and if necessary to direct contract negotiations. He said there are two types of boards; advisory and oversight. His issue is how is the Chief is suggesting different from the Sheriff's Department's review board. If the board does have investigatory power they would not

have the authority to subpoena a witness to testify. Another possibility is the board could review disciplinary action taken by the department and advise Council on if it is appropriate. He said the community is calling for citizen oversight of the police department, which can be very difficult. He said the Community Policing Action Council (CoPAC) already exists, and could be given additional tasks.

Lee Tooson stated there are a lot of false police complaints filed in Detroit. To combat this problem Detroit requires a complainant sign a waiver to investigate the complaint. Chief DeGiusti stated Ypsilanti allows for anonymous complaints, which are reviewed with no way to investigate properly. Council Member Robb responded there are ways around that, and suggested if the complaint is anonymous it should not be heard by the board. Or the complaint form could be amended to not allow for anonymous complaints. Commissioner Shuler added anonymous complaints should be discouraged because it makes the investigation more difficult. Mr. Robb responded the anonymous complaint empowers people to file a complaint without fear of retribution. Mr. Tooson stated since the former Chief Walker began with the department there has only been four police complaints filed with the NAACP.

Council Member Murdock stated there are different degrees of complaints, and some would not need to be reviewed by this board. However, issues of force have a greater community interest and should be reviewed by this board. Chief DeGiusti stated he reviews every use of force regardless of how minimal. Mr. Murdock responded as a minimum he would like this board review all situations of use of force by the police. Chief DeGiusti stated the Police Department currently reviews use of force, and is able to produce information much quicker. Mr. Murdock responded many in the community do not share the same trust in the police. Chief DeGiusti stated his goal is to get the community and the police department moving in the same direction, which is the purpose "Chief's Advisory Council". He said this board would assist with strategic planning and many other issues facing the Police Department.

Council Member Robb stated he feels that finding a resolution for many of the police complaints is simple. He said he does not see why a third party board needs to exist to review complaints because it is the purview of Council. He asked if CoPAC could be reimagined to advise on some of the issues Chief DeGiusti was referencing. Commissioner Shuler responded only allowing Council to review these complaints does not provide transparency. Mr. Robb responded it depends on what the definition of transparency is. He said his definition is that Council is clear on what the result, or what in to the decision making process.

Mayor Pro-Tem Brown stated the reason why she likes Chief's model is because the advisory body would review complaints in an open meeting, and reports could still be provided to Council. Council Member Robb replied last July when the Task Force held its meeting at the high school 300 people were in attendance, and no one asked for the formation of a police advisory board, they wanted oversight. He added it would be more defensible for Council to do nothing than create something not wanted. Commissioner Shuler responded his feeling is the community wants information. He suggested a complaint summary report be published so the public could see what complaints are filed. Mr. Robb agreed, and suggested it be published the same time as the Taser Report. Ms. Brown stated the term "oversight" is a term people know, and it became part of the narrative. She added the resolution sent to Council spoke to the importance of community integration and inclusion. Even if this Task Force decides not to create an advisory board she still sees the need to incorporate community-relationship building. Mr. Shuler added creating a community relationship with the Police Department was one of the missions of CoPAC.

Council Member Murdock stated CoPAC was designed to have representatives from the neighborhood associations, and the organization could be redesigned to incorporate at large positions appointed by Council. Council Member Robb stated there has been a great deal of discussion regarding community policing, but there was very little participation in the Citizens' Police Academy. The Citizens' Police Academy is a vehicle for the Police Department to build relationships with the community and no one is taking advantage. Mayor Pro-Tem Brown stated the Citizens' Police Academy is a vehicle designed by the Police Department, and the board would be a vehicle of the community. Mr. Robb responded one of the requirements to be a member of the advisory board is to complete the Citizens' Police Academy, which is why he thinks CoPAC would be best for this purpose. Ms. Brown stated she doesn't disagree that CoPAC could be used to incorporate community relations.

Chief DeGiusti stated it is always the same three individuals who go to CoPAC meetings. Council Member Murdock stated the neighborhood groups are not very active, making it difficult to reinvigorate CoPAC.

Mr. Tooson stated the community and the Police Department have to be brought together by any means necessary. He said a community in Tennessee he visited in 1991 employed a ride along program, and a citizen review panel, which were both very successful.

Mayor Pro-Tem Brown stated the Task Force needs to decide what it would like to do, and then do it.

Commissioner Shuler asked Chief DeGiusti what benefits he hopes to get from an advisory board. Chief DeGiusti responded the best partner for a police force is an active, well informed community. Council Member Robb stated the most impactful thing you can do is talk with people. He said there are currently seventeen neighborhood associations in the City, and a member from EMU, public housing, and two youth members is a good cross-section of the City. He asked the Chief to make a public statement of what is exactly needed to implement community policing. He said with 29 officers he does not believe the City could perform community policing. Council Member Murdock stated community policing is labor intensive.

Mr. Tooson stated in some towns there is a community liaison officer, and this person is tasked with following up with citizens who placed calls for the police. Mr. Tooson added in other communities if an officer is disciplined, it would be made public, although the officer's name and exact disciplinary action would not be revealed. Chief DeGiusti responded if the community would like a report on complaints he would provide that information.

Commissioner Shuler asked what reports are currently provided to Council from the Police Department. Council Member Robb responded the nightly crime report and the Taser report. If there is a significant crime that occurs in the City the City Manager will inform Council by email, or if the crime is very significant Council would receive a phone call.

An audience member stated she is glad things have improved, but is concerned what will happen when the Chief retires. There needs to be a system in place that will ensure these current practices continue. She suggested a committee be formed to monitor the Police Department making certain these practices continue. Chief DeGiusti responded to ensure the current police practices continue is to develop a culture that creates expectations, and set norms. The culture transcends the staff currently with the department, and is what the organization is. The audience member responded once there is new leadership if that culture is not maintained the current practices could deteriorate. Council Member Robb replied the mechanism to ensure the current practices are continued is City Council. He added a City Board will not be able to maintain this culture if Council allows the City Manager and Police Chief to make bad decisions. Council Member Murdock replied City Committees

and Boards sometime can alleviate Council from making policy decisions. Mr. Robb responded forming a Board, or Commission abdicates Councils decision making ability.

An audience member asked if the Charter could be amended to ensure the police policy accreditation is continued. Chief DeGiusti responded there are a couple of different pieces to accreditation; the Commission of Accreditation from Law Enforcement (CALEA), a national group that performs the accreditation is extremely expensive, and one full time person needs to be employed to maintain the accreditation, which makes it difficult. He explained this was the impetus of the Michigan Association of Police Chiefs (MACP) to model a process after New Jersey's. Council Member Murdock asked if there is a budgetary limitation. Chief DeGiusti responded the fee for CALEA is \$10,000 and MACP is \$2,700. Council Member Murdock asked what the timeframe is for completion. Chief DeGiusti responded two years. Mr. Murdock asked if the Chief has begun the process. Chief DeGiusti responded he will be attending the Accreditation Managers Training this week, which will provide him an accurate understanding of the process. Mr. Murdock asked if this would require Council support. Council Member Robb responded Council would be required to pass the budget to fund the process. Commissioner Shuler asked if the Police Department has a policy that could be made public regarding accreditation, so once the Chief retires the community will know this practice will continue. Chief DeGiusti responded Council could approve a resolution that would requiring this practice to continue.

Council Member Robb stated in the September of 2015 the Police Department had five General Orders. He asked how many General Order the department currently has. Chief DeGiusti responded around twenty. Mr. Robb stated it would be useful for Council to have at least the names of the General Orders. Chief DeGiusti replied he would provide that, and said as the General Orders are reviewed policy is being removed.

Commissioner Shuler asked if there is a place on the website to communicate what is happening in the department to the public. Chief DeGiusti responded currently that does not exist. Council Member Murdock stated calls for service is included in the Council Information Letter (CIL). Chief DeGiusti responded in the affirmative. Mr. Murdock stated the CIL is on the City's website. Mr. Shuler suggested making the location of the data more known to the community.

Council Member Murdock asked Council Member Robb how CoPAC would be restructured in order to address these new issues. Mr. Murdock added it does not seem that Mr. Robb wishes to create another committee. Council Member Robb responded some committees are required by state statute, such as the Historic District and Planning Commission, but ultimately decisions rest with Council. Mr. Robb stated if CoPAC would become this vehicle it would need to change its bylaws. He said the Attorney's Office would need to advise if Council has the authority to change the bylaws. He said he is not interested in creating a separate board, but he is interested in repurposing CoPAC to address these issues. Chief DeGiusti agreed, and said it makes sense to use an established group to take on these issues.

Council Member Robb stated Council can appoint members to CoPAC from neighborhood associations that have ceased to operate. Council Member Murdock stated once people are made aware that CoPAC will have an expanded purview it might generate greater interest.

Commissioner Shuler stated he drafted the bylaws for CoPAC and there is a provision allowing for their revision. Council Member Robb responded the issues is the existing members might not want to revise the bylaws if the result is they are not longer members. Mr. Shuler responded those individuals are representing a neighborhood association. Mr. Robb replied if people are appointed to represent the neighborhood associations they might not be willing to amend the bylaws. Mr. Shuler responded he feels there is a way around that, and said it is his understanding that if there isn't an

active neighborhood association Council could appoint someone. However, if a neighborhood association is present they would still be able to appoint their own member. Mr. Robb stated this is all predicated on what the mechanism is to change the bylaws.

Commissioner Shuler asked if the current members of CoPAC are satisfied with the current state of the committee. Chief DeGiusti responded no. Mr. Shuler replied then those members should be interested in having it reenergized. Council Member Robb replied if Council is to appoint these members the current members might not serve on that board. He added the Attorney's Office would need to be asked if the neighborhood associations' appointments would supersede the authority of the Mayor. Council Member Murdock stated the current appointments could be left the same and allow Council to fill in the gaps. Mr. Shuler added if a neighborhood association becomes active they would have the ability to appoint their representation.

Council Member Robb stated in December of 2015 he rewrote the Police Complaint Form and the Police Policy for approval of the Task Force. The form and he policy then went the Human Relations Commission for approval and they were changed. Those changes made he Policy not match the form, and what was adopted by Council is meaningless, and asked if that is correct. Chief DeGiusti responded in the affirmative. Mr. Robb replied at the next meeting he will bring the original form and policy back for adoption. Commissioner Shuler asked what was changed on the form that caused it to not match the policy. Chief DeGiusti responded there are six different pieces in the policy that do not mirror the form. Mr. Shuler replied the HRC only moved things around on the form it did not change the content.

Commissioner Shuler stated one member of Council asked for the Task Force to dissolve, and the Task Force needs to decide what it would like to do moving forward. Council Member Murdock stated if CoPAC is charged with doing these other tasks why would there be a need for the Task Force. Mr. Robb responded he is not certain he would want that board to create policy. Mr. Shuler stated the Task Force could be dormant for three months and reconvene to review the progress of implementation. Mr. Robb stated this body just needs to decide if it wants a continued mission.

VIII. AUDIENCE PARTICIPATION –

None

IX. CHAIR RESPONSE –

None

X. ADJOURNMENT –

Mayor Pro-Tem Brown moved, seconded by Council Member Robb to adjourn the meeting.

On a voice vote, the meeting adjourned at 9:52 p.m.