

MINUTES  
CITY OF FARMINGTON HILLS  
FARMINGTON HILLS CITY COUNCIL  
CITY HALL - COMMUNITY ROOM  
JANUARY 23, 2023 – 6:00PM

The study session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 6:03pm

Council Members Present: Barnett, Boleware, Bridges, Bruce, Knol (left at 6:15pm), Massey and Newlin

Council Members Absent: None

Others Present: City Manager Mekjian, Deputy City Clerk Lindahl, Assistant City Manager Valentine, Directors Monico and Winn, Police Chief King and City Attorney Joppich

**REPORT ON INDEPENDENT LEGAL REVIEW AND SUBJECT MATTER REVIEW FOR POLICE DEPARTMENT TRAINING**

City Manager Mekjian explained that City Council will hear presentations by both Michelle Crockett, Attorney from Miller Canfield, with an independent legal review and Tom Maureau and Clark Kimerer from Winbourne Consulting with a subject matter review of the police department training.

Police Chief King thanked Council for the opportunity to review and assess the police department's situational awareness training program. He explained that in June 2022 after a cub scout tour of the police department range, Council received public input and concerns around allegations that the police department was using solely African American targets for range training. At that time, Council assured the public that a transparent, independent legal review of the training would be carried out along with a review by an independent subject matter expert. In addition, he made the commitment that every resource would be utilized to assess, review and investigate the police departments training program to ensure that they meet or exceed all state and federal laws, state accreditation standards and the nations law enforcement best practice standards in providing leading edge training for their officers and prepare them for the highest level of police service for our residents.

Attorney Crockett of Miller Canfield provided a brief recap of the June 2022 incident regarding the police departments alleged utilization of training targets that only depicted black men and the existence of racial biased within the department. She continued with an overview of her legal review, highlighting the following:

- The departments participation in the Michigan Association of Chiefs of Police accreditation program, relevant to the use of situational awareness targets, is a way for law enforcement agencies to voluntarily identify and improve their processes, procedures, overall performances and it provides standards by which agencies are evaluated on training, authorization and use of weapons and ammunition, use of force and other field activities.
- Agencies that participate in the program become accredited if they can demonstrate that the implementation of their policies and procedures are conceptually sound and operationally effective.
- The Farmington Hills Police Department is one of 53 Michigan law enforcement agencies that has participated in this program and received accreditation in 2018 and 2021.

She noted the following findings made during the accreditation process:

- Internal affairs investigations were conducted after each use of force incident and to the extent that such an incident resulted in serious injury or death the Chief or designee suspended applicable officers from active duty pending the results of the investigation.
- The department has a written policy that includes a list of all training officers are required to participate in annually, such as use of force, de-escalation techniques and cultural diversity.
- In 2018 the department was notified that their ethics and bias influence police training was insufficient, and the department needed to create a written plan and perform this type of training every three years. It is her assumption that the plan was created as the department was reaccredited in 2021 and there was no mention of non-compliance.

Attorney Crockett stated that the police department also complies with the Michigan Commission on Law Enforcement Standards (MCOLES) which prepares and publishes mandatory recruitment selection and training standards for entry level officers and defines categories and classifications of specific in-service training for all officers.

Attorney Crockett reviewed the following findings of her investigation of the June 2022 incident:

- The targets left hanging in the range were approved MCOLES targets
- Fifteen targets were utilized that day and they were not solely pictures of black men
- The targets were hung in three shooting rings for officers to analyze and react to
- The main range lights were turned off with dim lights on at their lowest setting to test the officer's ability to operate their weapons in low light or no light conditions and to search out the threat targets and not engage the non-threat targets
- The problem arose because, contrary to what commanding officers have directed officers to do after training sessions, several of these targets were left hanging prior to the tour
- A Lieutenant reported speaking to the scout leader after the tour and the leader indicated that there were several targets still hanging in the range when the troop arrived, including both white and black male targets

Attorney Crockett discussed deliberate indifference as it applies to police training, noting that when and if it can be shown that there has been a violation of an individual's civil right and evidence of a municipalities failure to properly train officers, this may result in a legally viable claim. She added that firearms training that does not include real world conditions, therefore being devoid of situational training, may also result in a finding of deliberate indifference.

Attorney Crockett reviewed the following recommendations with Council:

- Use of situational targets (MCOLES approved targets) does not run afoul of the law and may help insulate the city from potential liability, a finding of deliberate indifference
- Processes and procedures should be established to consistently track the presence of bias
- The community preconception of biased police behaviors is prevalent and must be addressed
- Establish a policy that ensures the removal of all targets at the conclusion of every internal firearms training
- Develop and or participate in department-wide racial sensitivity training

Discussion was held on the various types of targets officers use for different types of firearm training.

Council inquired about Attorney Crockett's experience and if MCOLES situational training is used by all agencies in Michigan. Attorney Crockett responded that she has been doing Diversity, Equity and Inclusion work and legal analysis for a long time and in regard to situational targets, this is her first

analysis of this type. She added that not all agencies use MCOLES, however, it is highly recommended as a best practice.

Council inquired if the deck of targets matches the racial profile of the community at large.

Attorney Crockett responded that when she reviewed the mix of targets in terms of legal requirements, she found them to be balanced in race and gender.

Council members requested that updates are provided on the department's progress related to the proposed recommendations.

Tom Maureau, VP of Winbourne Consulting, gave a brief introduction of the firm noting that they work with all size law enforcement agencies nationwide and his background is extensive on this subject matter.

Clark Kimerer from Winbourne Consulting provided a brief introduction noting that he was with the Seattle Police Department for 31 years and in his final 16 years as Chief of Staff and Operation, he oversaw accreditation, policies and procedures, training and final determination of disciplinary action.

Mr. Kimerer reviewed the scope of the project, noting that it was a three-part assessment, with phase one being Situational Awareness and Threat/Risk-based Training Policies and Programs, which includes the following:

- Officer safety objectives and training protocols
- Firearms training and qualifications; use of force
- Compliance with law enforcement industry model policies, standards, guidelines and best practices

Mr. Kimerer explained Winbourne's approach on collecting and analyzing the required information for this type of assessment and reviewed the following key findings:

- The Farmington Hills Police Department (FHPD) Mission and Organizational Value: Fair and impartial policing and reverence for human life, dignity and safety are consistently integrated into their policies, procedures, training and accountability systems which is the definition of "best practice" in law enforcement and the cornerstone of a high-reliability organization
- FHPD has leading edge programs training to achieve progressively higher level of firearms competency and tactical skill, governed by objectively reasonable decision-making and situational awareness to increase competency according to both real-world risks balanced against fair and impartial policing principles, which exceeds best practice.
- FHPD has developed and implemented a systematic and thorough training program addressing officer safety that meets or exceeds relevant standards and best practices. Their training curricula for 2020-2023 mirrors the National Officer Safety Training Priorities.
- The FHPD program of firearms training and qualification significantly exceeds baseline state and national accreditation standards.
- FHPD has a leading-edge accountability system which confirms the acuity and effectiveness of organization policies and training, ensures adherence to policy and organizational values and validates department personnel conforming to rules and requirements and is a crucial indicator of a highly reliable police organization.
- The FHPD accountability structure includes the following:
  - An unequivocal competency standard governing employee conduct, adherence to policy and successful performance in training.
  - Immediate compliant investigation

- Rigorous approach to mandatory use of force reporting
- Body-worn & In-car video systems
- 100% pass/fail firearms qualification standard
- Early warning and employee conduct performance monitoring and remediation system utilizing Guardian Tracking software.

Mr. Kimerer discussed the issue of the target controversy and made note that the use of photo-realistic targets which include all races and genders portrayed as both threatening and non-threatening is a Michigan State Law Enforcement Accreditation standard which should be pursued by agencies.

Mr. Kimerer shared the following key recommendations from their Phase I assessment:

- FHPD policies and practices should be continued, regularly updated, audited and shared with the community
- Continued policy review of training applications
- Integrating procedural justice protocols
- Creating a FHPD specific social media network and public safety survey process to communicate as much as possible with the community

Discussion was held regarding body-worn camera policies and requirements. Mr. Kimerer noted that the FHPD policy was found to be sound. Mr. Maureau stated that phase one of this assessment is focused on training so they only looked at the training aspect of body-worn cameras but much more on body-worn cameras will come out in the next two phases.

Council asked if the FHPD training standards meet that of a diverse community. Mr. Kimerer responded that their training for unconscious bias, fair and impartial policing are among the best in the country.

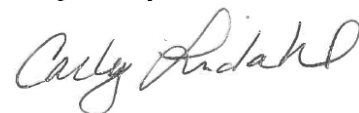
Council inquired about the Guardian Tracking software and procedural justice protocols. Chief King explained that the department has been utilizing the software since 2020 and they have implemented approximately 30 categories to track and monitor. Chief King stated that they have implemented Police One which is a virtual training completed monthly that emphasizes on communication; why the individual did what they did, understanding what led the individual to commit those acts, etc. The purpose of the training is to achieve a greater concept of dealing with the community's issues or actions.

Mr. Kimerer confirmed with Council that it was the firm's assessment that the FHPD training policies meets, and exceeds in some cases, all the recommendations and the one area they can improve on is making sure they communicate more to the public their policies, procedures, and training so the community can develop a sense of trust and understand that the police are aware of the challenges in our society.

#### **ADJOURNMENT**

The study session meeting adjourned at 7:24pm

Respectfully submitted,



Carly Lindahl, Deputy City Clerk