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STATE OF MICHIGAN
DETROIT BOARD OF POLICE COMMISSIONERS
REGULAR MEETING

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Taken at 1300 Beaubien,
Detroit, Michigan, 48226,
Commencing at 3:07 p.m.,
Thursday, May 19th, 2011,
Before Elizabeth Koller, CSR-7042.

1 APPEARANCES:

2 CELIA BANKS WASHINGTON (P54338)

3 Supervising Investigator/Attorney

4 1300 Beaubien, Room 328

5 Detroit, Michigan 48226

6 (313) 596-1835

7 Appearing on behalf of the City of Detroit and

8 Board of Police Commissioners.

9

10 COMMISSIONERS:

11 JEROME WARFIELD, CHAIRMAN OF THE BOARD

12 ADELA RIVERA, VICE CHAIRPERSON

13 TONY STEWART, COMMISSIONER

14 DONNELL WHITE, COMMISSIONER

15

16 GEORGE ANTHONY, SECRETARY TO THE BOARD

17 CHESTER LOGAN, ASSISTANT CHIEF OF POLICE

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1 Detroit, Michigan

2 May 19, 2011

3 About 3:07 p.m.

4 CHAIRMAN WARFIELD: Good afternoon,
5 ladies and gentlemen. Welcome to the Board of Police
6 Commissioners meeting. My name is Jerome Warfield,
7 Chairman of the Board of Police Commissioners. Good to
8 have you all here. Serving with me today is the Vice
9 Chairman of the Board Adela Rivera, as well as
10 Commissioner Tony Stewart and Commissioner Donnell
11 White, sitting in for the Chief today is Assistant
12 Chief Chester Logan. Good afternoon, sir.

13 ASSISTANT CHIEF LOGAN: Good afternoon,
14 Board.

15 CHAIRMAN WARFIELD: I'm going to ask if
16 our Board Secretary, Mr. George Anthony, will introduce
17 the rest of our staff.

18 SECRETARY ANTHONY: Thank you, Mr. Chair.
19 For the record, George Anthony, Secretary to the Board.
20 Staff members present include Ms. Tina Orr who is our
21 Chief Investigator seated in the front. I don't see
22 some of our other members but I'll just introduce their
23 names. Ms. Celia Banks Washington who is our Attorney
24 Supervising Investigator, Ms. Dalph Watson who is our
25 Director of Police Personnel, Ms. Yolonda Caudle who is

1 our Community Relations Coordinator, Officer Kent
2 Cooper who is assigned to the Office of the Chief
3 Investigator, our Recorders for the today are
4 Mr. Robert Brown, our Office Manager, Officer Terrance
5 Bell who is recording our proceedings, and Ms.
6 Elizabeth Koller from Hanson Court Reporting Services
7 who is taking the transcript. That completes the
8 introductions of the staff.

9 CHAIRMAN WARFIELD: Thank you, Mr. Secretary.
10 At this time I'm going to ask if Pastor Roy Hill will come
11 to the podium and render for us our invocation for
12 today's meeting. Thank you, Pastor, good to see you
13 again, sir.

14 PASTOR HILL: Good to see you, thank you
15 again, sir. Let us bow our head in brief words of
16 prayer. All mighty God, our Creator, our Maker,
17 eternal God, our Sustainer, our Provider, we just come
18 once again to say thank You. As we continue to lift up
19 the City of Detroit we ask that you would give this
20 Board of Police Commissioners the wisdom, the knowledge
21 that they would need to help us to make this place a
22 very safe place to live.

23 We thank you for our Police Department, our
24 Chief and we pray for our Mayor and those that are in
25 charge of the authority of this city. We thank you,

1 God, for the citizens and the community as was continue
2 in joining partnership. We ask these blessings in the
3 name of the Father, the Son, and the Holy Spirit.
4 Amen.

5 AUDIENCE: Amen.

6 CHAIRMAN WARFIELD: Thank you, Pastor
7 Hill. At this time I will entertain a motion to
8 approve the agenda for today's meeting with the
9 following stipulation that under Old Business we add
10 under Old Business a report or a presentation from
11 Building Safety and Engineering regarding the towing
12 issue.

13 COMMISSIONER RIVERA: So moved.

14 SECRETARY ANTHONY: Mr. Chair, may I just
15 interrupt?

16 CHAIRMAN WARFIELD: Yes, Mr. Secretary.

17 SECRETARY ANTHONY: Also under Old Business I
18 think we should consider since Commissioner Tony is
19 here I think we should consider the Suspensions Without
20 Pay recommendations for Officers George Loynes and as
21 well as Officer Leonard Ball. Is that acceptable to
22 the Board?

23 COMMISSIONER RIVERA: So moved.

24 COMMISSIONER STEWART: Second.

25 CHAIRMAN WARFIELD: Thank you, sir. All

1 those in favor of approving the agenda for today please
2 say aye?

3 COMMISSIONERS: Aye.

4 CHAIRMAN WARFIELD: All opposed, the same
5 right. Motion carries. At this time I'll entertain a
6 motion to approve the minutes from Thursday May 12th,
7 2011.

8 COMMISSIONER WHITE: So moved.

9 COMMISSIONER RIVERA: Second.

10 CHAIRMAN WARFIELD: It's been properly
11 moved and supported. All in favor?

12 COMMISSIONERS: Aye.

13 CHAIRMAN WARFIELD: All those opposed?
14 Motion carries. I'll save my comments to later on on
15 the agenda. Mr. Secretary, is there a report, sir?

16 SECRETARY ANTHONY: Yes, sir. Again, George
17 Anthony, Secretary for the Board. The Secretary's
18 Report of citizen complaints received April 2011. A
19 monthly count of complaints that we received for the
20 year 2011 in April was 138 compared to the same period
21 last year that was 94 in April 2010. That represents a
22 47 percent increase. The year-to-date figures for 2011
23 January to the end of April, 479. For the same period
24 last year 476 which is a one percent increase.

25 At the end of April 2011 the Office of the

1 Chief Investigator had active investigations 323, cases
2 that were filed 479 and cases closed 682. Of the
3 138 cases that were received in April of 2011, 42
4 percent involved unknown officers. The alleged known
5 units involved in the complaints filed in April of 2011
6 were the Southwest District had nine percent of those
7 cases, the 12th Precinct eight percent and the Eastern
8 District six percent.

9 Of the 196 cases or complaints filed in April
10 2011 they involved allegations of improper procedure,
11 33 percent, improper demeanor 31 percent, inadequate
12 service 16 percent, and improper use of force which was
13 11 percent. That completes the reading of the
14 Secretary's Report.

15 CHAIRMAN WARFIELD: Thank you, Mr. Secretary.
16 Any questions for the Secretary? Commissioner Rivera?

17 COMMISSIONER RIVERA: Is there an explanation
18 why we have a 40 percent -- 47 percent increase in the
19 amount of complaints?

20 SECRETARY ANTHONY: I really don't know, ma'am.
21 For the record, George Anthony, through the Chair. I
22 couldn't say. It could be we're doing a better job of
23 publicizing that the Office of the Chief Investigator
24 is available to citizens.

25 CHAIRMAN WARFIELD: Assistant Chief?

1 ASSISTANT CHIEF LOGAN: Through the chair,
2 Mr. Anthony, could you read one more time what the
3 figures were for 2010, the accumulative total for the
4 year-to-date 2010 and 2011?

5 SECRETARY ANTHONY: Accumulative total was 476
6 for 2010, January through April, and 479, 2011, January
7 through April.

8 ASSISTANT CHIEF LOGAN: I think you indicated
9 that was a one percent increase?

10 SECRETARY ANTHONY: That's the information I
11 have.

12 ASSISTANT CHIEF LOGAN: Probably a one-tenth
13 increase?

14 SECRETARY ANTHONY: Probably. I would tend to
15 agree with you.

16 ASSISTANT CHIEF LOGAN: Just about the same.

17 SECRETARY ANTHONY: Yes.

18 COMMISSIONER WHITE: Mr. Secretary, it states
19 that in 2011 there was 138 complaints filed, and then
20 further down it was noted 196 complaints filed in
21 April.

22 SECRETARY ANTHONY: That's a typo. For the
23 record that should be 138, not 196. That's a typo.

24 CHAIRMAN WARFIELD: Any other questions from
25 the Commissioners regarding the Secretary's Report?

1 Hearing and seeing none. All right. Thank you,
2 Mr. Secretary.

3 SECRETARY ANTHONY: Thank you.

4 CHAIRMAN WARFIELD: At this time we'll turn it
5 over to the Assistant Chief for a presentation.

6 ASSISTANT CHIEF LOGAN: Through the Chair,
7 Assistant Chief Logan. I believe we have a
8 presentation, a Power Point presentation from the Child
9 Abuse Bureau.

10 SERGEANT KNOX: Good afternoon. My name
11 is Sergeant Knox. I'm Commanding Officer of the
12 Detroit Police Department Child Abuse, and we are going
13 to do a Power Point presentation as to what child abuse
14 consists of.

15 CHAIRMAN WARFIELD: Do you need to have
16 somebody help work the machine for you?

17 SERGEANT KNOX: Yes. Child Abuse was
18 organized in 1975 as a specialized entity and is
19 responsible for the investigation of all complaints of
20 child abuse and neglect contributing to the delinquency
21 of a minor, child abandonment, and some matters
22 involving interference with the legal custody of a
23 child.

24 In June 2003, Child Abuse was relocated into
25 the Department of Human Services Building which is

1 located at 2929 Russell. It allows us to
2 comprehensively do need assessment and liability for
3 community service working with Protective Services.
4 Immediate services are provided while creating general
5 awareness, family unification, proper parenting, safety
6 and welfare, and the goal of preventing further child
7 abuse and neglect which builds stronger family
8 relationships.

9 We as child abuse investigators investigate
10 the criminal offenses comitted against complainants
11 under the age of 17. For comparison 2011/2010 our case
12 assignment has decrease by 19 percent. Let me just say
13 anytime our assignments decrease concerning our
14 children here in the City of Detroit it's a good thing
15 for my unit.

16 Warrants submitted have increased by two
17 percent. The warrants obtained have increased by two
18 percent. We're getting more back from the Prosecutor's
19 Office. The warrants denied that's the paperwork
20 that's submitted to the Prosecutor's Office has
21 decreased four percent. Our arrests are up concerning
22 perpetrators of child abuse by 25 percent. Not in
23 custody arrests there's been a decrease by two percent
24 because we're getting more off the street.

25 My officers basically get about twenty cases

1 per month. Child abuse officers are responsible to
2 handle cases city-wide. We assist other entities in
3 the Detroit Police Department when needed and we're
4 committed to helping young people who cannot help
5 themselves. Any questions?

6 CHAIRMAN WARFIELD: Any questions,
7 Commissioners? Going back to the numbers that you had
8 up as related to decrease in cases.

9 SERGEANT KNOX: Yes, sir.

10 CHAIRMAN WARFIELD: It seems like there's
11 a decrease in warrants submitted and warrants obtained,
12 increase in arrests, but there's a decrease in cases
13 assigned. Why would that work out that way?

14 SERGEANT KNOX: Even though there may be an
15 increase in warrants, we're still not getting as many
16 complaints of child abuse city-wide.

17 CHAIRMAN WARFIELD: And we do know that
18 the state is undergoing a lot of changes as relates to
19 it's Health and Human Services and it's child abuse
20 facilities. How would that potentially impact what you
21 all do there in that office?

22 SERGEANT KNOX: For what we do we're going
23 to have to be guided by what the state ends up doing.
24 If they keep the building open that we are in then it
25 doesn't impact us. They're waiting on other things to

1 fall in place concerning their other buildings as to
2 what may happen with the building that we're in on
3 Russell.

4 CHAIRMAN WARFIELD: One of the things
5 that I've heard through conversations is that
6 potentially the building could move down toward Taylor,
7 the offices could be relocated to Taylor and if that
8 happened would you go down to Taylor or will you stay
9 in the city?

10 SERGEANT KNOX: That probably would be
11 better answered by the Assistant Chief or the Chief.
12 But right now the plan if that does happen wherever
13 we're told considering the Chief and Assistant Chief we
14 probably will stay in the city but still cover
15 everything for child abuse that concerns the City of
16 Detroit.

17 COMMANDER ENNIS: Through the Chair,
18 Commander Robert Ennis. I'm in charge of Special
19 Victims which includes child abuse. I was at a recent
20 meeting with the Director and there are some
21 discussions over them not renewing their lease. We
22 understand they may have another location. Hopefully
23 it will be inside the city. There was also discussion
24 about them doing their emergency notifications,
25 emergency responses from an entirely different area far

1 outside the city which we're trying to address.

2 I sit on the Board for the Children's
3 Advocacy Advisory Council along with Sergeant Knox.
4 So we're working to ensure that they stay inside the
5 city. There's obviously a need. Our warrants are up,
6 that's a tribute to the good work they do at Child
7 Abuse to investigate the cases. So we would be hard
8 pressed for them to leave the city when there's such a
9 great need here.

10 CHAIRMAN WARFIELD: Absolutely. Thank
11 you, Commander. Any other questions?

12 COMMISSIONER RIVERA: Through the Chair,
13 Sergeant, can you tell me how many people work at your
14 Unit?

15 SERGEANT KNOX: I have four police officers
16 and myself and another Sergeant and we have one
17 civilian.

18 COMMISSIONER RIVERA: Okay. Thank you.

19 CHAIRMAN WARFIELD: Other questions?
20 Thank you, Sergeant Knox. Good to see you again,
21 sir.

22 SERGEANT KNOX: Good to see you, too, sir.

23 CHAIRMAN WARFIELD: There is a personnel
24 matter that is on the agenda for today and we're going
25 to take that up in close session after we have finished

1 the oral comments, oral communication that comes from
2 the audience. Certainly those who wish to stay after
3 we come out of close session you're welcome to do that.
4 But in an effort to respect your time and to move
5 through the agenda sort of quickly we want to make sure
6 that we'll take care of that matter after the oral
7 comments section.

8 At this time we have a resolution for
9 Investigator James Blanks. I'm going to ask if
10 Commissioner White would read to us the resolution.

11 COMMISSIONER WHITE: The official resolution
12 readers. Resolution honoring Investigator James
13 Blanks. Whereas, Mr. James Blanks was promoted to the
14 Detroit Police Department on April 28th, 1986. Upon
15 graduating from the Detroit Metropolitan Police Academy
16 he began his career at the 7th Precinct as a Patrol
17 Officer, and, whereas, Police Officer Blanks worked in
18 several units within the Department which included the
19 Gang Enforcement Unit and Executive Protection.

20 He was also assigned to the Gang Specialist
21 Task Force which was a federal task force which
22 consisted of personnel from the Federal Bureau of
23 Investigations Drug Enforcement Administration, DEA,
24 and the Bureau of Alcohol and Tobacco and Firearms,
25 ATF. And, whereas, Police Officer Blanks displayed

1 tremendous diligence and aptitude and was promoted to
2 the rank of Investigator on August 24th, 1998, and was
3 assigned to the Armed Robbery Unit.

4 He was also assigned to the 6th Precinct
5 Investigative Operations where he served until his
6 retirement on April 28th, 2011. And whereas,
7 Investigator Blanks was a deserving recipient of
8 numerous awards, that included two Chief Merit Awards,
9 four Chief Unit Awards, one Department Citation, one
10 All-Star Game Award, numerous Perfect Attendance
11 Awards, one Life Saving Award where he rescued a man
12 from a burning house.

13 And, whereas, Investigator Blanks diligently
14 served the Department and the citizens of Detroit with
15 integrity for twenty-five years. He received numerous
16 letters of appreciation and commendation making him the
17 consummate professional. Now, therefore, be it
18 resolved that the Detroit Board of Police Commissioners
19 speaking on behalf of the Detroit Police Department and
20 the citizens of the City of Detroit recognize the
21 life-long commitment to public safety of Investigator
22 James Blanks.

23 His pride and dedication have been invaluable
24 assets to the Department and merit our highest regard.
25 We thank and congratulate you, Investigator Blanks.

1 Signed the Board of Police Commissioners. Adopted
2 May 19th, 2011.

3 COMMISSIONER RIVERA: Motion to adopt the
4 resolution.

5 COMMISSIONER STEWART: So moved.

6 CHAIRMAN WARFIELD: It's been properly
7 moved and supported to adopt the resolution that this
8 resolution a copy will be given to Investigator James
9 Blanks and a copy will also remain here as part of our
10 permanent records. All those in favor?

11 COMMISSIONERS: Aye.

12 CHAIRMAN WARFIELD: All those opposed?
13 Motion carries. Is Investigator Blanks here today?
14 Certainly those of you who know Investigator Blanks,
15 please let him know that we give him our hundred
16 percent congratulations on just a stellar career. We
17 wish him all the best in his retirement. Thank you.

18 At this time we have a request to accept an
19 increase for Safe Community Grants and I'm going to ask
20 if Commissioner Vice Chairperson Adela Rivera will
21 read that.

22 COMMISSIONER RIVERA: Request permission to
23 accept an increase in the Safe Communities Underage
24 Drinking Grant for the fiscal year 2010 through 2011.

25 The Michigan Office of Highway Safety

1 Planning has awarded the Detroit Police Department an
2 additional \$15,000.00 with no cash match grant for the
3 Safe Communities Underage Drinking Grant. The added
4 funding will increase the overall budget from 120,000
5 to 135,000.

6 The appropriation number for the grant is
7 13109. And the increased funding will allow for
8 payment of personnel overtime wages. The goal of the
9 Michigan Office of Highway Safety and Planning is to
10 eliminate the underage consumption of alcohol at
11 special events, eliminate adults furnishing alcohol to
12 minors, reduce the number of alcohol-related traffic
13 crashes and promote community awareness of problems
14 associated with underage drinking.

15 This program emphasizes education, prevention
16 and enforcement to discourage minors from consuming
17 alcohol. Sergeant Henry of the Central District will
18 continue to serve as Project Director. The Chief is
19 requesting the Board's permission to accept the
20 increase of the aforementioned award and seek approval
21 of the same from the Detroit City Council.

22 COMMISSIONER WHITE: Motion to approve.

23 COMMISSIONER STEWART: Second.

24 CHAIRMAN WARFIELD: It's been properly
25 moved and second. Any questions regarding the grant?

1 COMMISSIONER WHITE: I do have a question.
2 I'm not sure, is Sergeant Henry here or not?

3 ASSISTANT CHIEF LOGAN: Sir, through the
4 Chair, he's not here.

5 COMMISSIONER WHITE: A.C., where are we in
6 terms of the grant? Has this program already started?

7 ASSISTANT CHIEF LOGAN: Yes, it has. It was
8 first awarded first in 2009/2010, so we're working on
9 it.

10 COMMISSIONER WHITE: Has there been any
11 measurable outcomes to date?

12 ASSISTANT CHIEF LOGAN: Yes, sir. We've had
13 less problems from our youth in underage drinking. We
14 do a number of things to try to do enforcement. Our
15 fear is that because they've given us an additional
16 15,000 there might not be anymore. So we want to
17 ensure we put this money to good use should the Board
18 see fit to allow us to take it.

19 COMMISSIONER WHITE: I'm not sure if this is
20 feasible or works within the parameters of the grant or
21 not, but there's a number of young men particularly who
22 are in the country drug corp who may be in need of some
23 sort of education or remediation. I don't know if this
24 grant can speak directly to that or if that's already
25 in process, but that's a recommendation that we might

1 look into.

2 ASSISTANT CHIEF LOGAN: Certainly, sir, I'll
3 look into that.

4 COMMISSIONER WHITE: Thank you.

5 CHAIRMAN WARFIELD: Any other questions
6 regarding the grant? Hearing and seeing none all those
7 favor of accepting the request, aye?

8 COMMISSIONERS: Aye.

9 CHAIRMAN WARFIELD: All those opposed?
10 Motion carries. Thank you. Is Deputy Chief Lee still
11 here? Last week or maybe it was a couple weeks ago,
12 there was a question, if we can just get this out the
13 way about police officers driving citizens cars
14 versus -- Assistant Chief?

15 ASSISTANT CHIEF LOGAN: Through the Chair, I
16 want to see if DC Tolbert can come up here to answer
17 that question?

18 CHAIRMAN WARFIELD: Yes, sir. In the
19 meantime, I'll keep moving forward. Thank you, sir, I
20 appreciate that. There was an update, Chief, and I
21 don't know if you're prepared to speak about it. There
22 was a situation, a couple situations that came before
23 the Board and the Chief said that he would give a
24 preliminary update at this meeting if he could. One
25 was involving an incident with a young man who had

1 reported that there was some impropriety done against
2 him, and I don't know if you remember that particular
3 incident last week. Is there an update, a brief update
4 you can give?

5 ASSISTANT CHIEF LOGAN: Yes, through the
6 Chair, please don't quote me on this. The latest
7 information I had on the situation was that the officer
8 had, in fact, been identified and had been suspended.

9 CHAIRMAN WARFIELD: Okay. Thank you,
10 sir, appreciate that. And certainly we appreciate the
11 Chief's office for very expeditiously --

12 ASSISTANT CHIEF LOGAN: That was the next
13 day.

14 CHAIRMAN WARFIELD: Actually it was same
15 night. So we thank the Chief for very expeditiously
16 and the Chief's staff for identifying those officers
17 and taking the appropriate steps until we complete the
18 investigation. Thank you, sir.

19 I want to move to a section in our agenda in
20 regards to some towing issues. And we have invited
21 Ms. Kimberly James, the Director of Building Safety and
22 Engineering as well as Michael Taylor, Deputy Director.
23 Are they here yet?

24 ATTORNEY WASHINGTON: They are here.

25 CHAIRMAN WARFIELD: You don't have to

1 come up yet. I just want go over some history first
2 before we get there so that we're all on the same page.
3 I believe we're working out of the same context and
4 framework, so that we can as much as possible be on the
5 same page. So bear with me if some of this is
6 repeated.

7 The provision of the Detroit City Charter
8 effective in 1974 clearly vests the Board of Police
9 Commissioners with supervisory authority over the
10 functions of the Detroit Police Department. Article 7,
11 Chapter 11, Section 7-1103 of the Detroit City Charter
12 provides that the Board shall in consultation with the
13 Chief of Police and with approval of the Mayor
14 establish policies, rules, and regulations.

15 Section 55-15-8A of the 1964 City Code
16 entitled Police Authorized Towing provides that the
17 Board of Police Commissioners shall established
18 standards including insurance and bonding requirements
19 that must be met in order for a tower to qualify for
20 police authorized tows and the Police Department shall
21 maintain a current list of such qualified towers.

22 Section 55-15-8A goes further to mandate that
23 the Board of Police Commissioners shall promulgate and
24 publish the rules and regulations that it uses to
25 determine which towers shall be called for tows under

1 this chapter. Such rules shall as nearly as practical
2 provide for equitable distribution of police authorized
3 towing to all towers on the list of qualified towers.
4 I'm going to jump a little and fast forward ahead.

5 On May 13th, 2010 the Board of Police
6 Commissioners held it's first public hearing on towing,
7 and entertained comments from the public with regard to
8 proposed changes. The public was also invited to
9 submit comments and objections in writing to the Board
10 of Police Commissioners. Also on May 6th, 2010, the
11 Board announced that this was the first public hearing
12 on towing and that the notice of a second hearing would
13 be published. Fast forward again.

14 On August 5th, 2010, the Board held a second
15 public hearing on towing and entertained comments from
16 the public with regard to proposed changes. The public
17 was also invited to submit comments in writing to the
18 Board of Police Commissioners.

19 On November 9th, 2010 the Board held a third
20 and final public hearing on towing at the Central
21 District located at 7310 Woodward. The public offered
22 minimal comment with regard to the proposed changes.

23 On November 10th, 2010 the Board voted to approve the
24 police authorized towing rules. On December 15th, the
25 new rules, the new towing rules were signed by all

1 Commissioners with the exception of recused
2 Commissioner Rivera -- Mayor Dave Bing and Chief of
3 Police Ralph Godbee. On December 21st, 2010, a signed
4 copy of the adopted towing rules appeared in the
5 Detroit Legal News. On December 28th, 2010 the Board
6 voted to immediately implement the towing rotation in
7 accordance with the newly adopted towing rules.

8 On January 6th, 2011, Chairman Warfield
9 inquired in regards to the implementation of the new
10 towing rotation and was told by Commander Ewing that no
11 action was being taken at this time, and that the
12 Department had requested a legal opinion from the Law
13 Department.

14 As a followup the Board contacted the City
15 Law Department on January 6th, 2011. The Law
16 Department advised the Board that the initial inquiry
17 from the Police Department Corporation Counsel was
18 under the impression that the Board was contemplating
19 the implementation of a towing rotation other than the
20 one called for by the recently adopted towing rules.

21 That not being the case the Law Department
22 advised that it had already reviewed the rotation plan
23 and opined that it would be consistent with existing
24 law and could be implemented. On January 13th, 2011,
25 Commissioner White inquired in regards to the status of

1 the Law Department's opinion in response. Deputy Chief
2 Lee advised that the application process has been
3 completed. Those applications for new towing rotation
4 will be available on Monday, January 17th, 2011, from
5 Resource Management.

6 Deputy Chief Lee also indicated that two
7 people from his staff will be dedicated to review the
8 applications, actually go to the yards, review the
9 yards, and look for the tow trucks that will be listed
10 on the application. Applications needed to be returned
11 by February 16th, 2011.

12 On January 13th, 2011, Chairman Warfield
13 inquired as to why the new rotation had not been
14 implemented. Deputy Chief Lee responded that he had
15 met with Chief Godbee and Crystal Crittenton,
16 Corporation Counsel Law Department, advised that the
17 new rotation should not be implemented. Chairman
18 Warfield indicated that Board had spoken with both,
19 Ms. Crittenton and Jim Edwards, Senior Corporation
20 Counsel, and neither had any issue with the rotation
21 called for in the new towing rules being in place right
22 now.

23 On February 3rd, 2011, Commissioner White
24 requested a followup with regards to implementation of
25 the newly adopted towing rules. As of February 17th,

1 2011, Commander Ewing advised the Board that
2 37 applications were given to tower and 31 had been
3 submitted. Two individuals were assigned the task of
4 reviewing the applications, Lieutenant Adams and
5 Officer Roland Clark. Estimated time of completion
6 three weeks, and that was as of February 17th, 2011.

7 On March 10th, 2011, Deputy Chief Lee,
8 Management Service Bureau, advised that all the yards
9 were inspected and preliminary inspections were
10 conducted. However, the Board was advised that it had
11 partnered with the Zoning Department due to the fact
12 that at last audit, talking about the Auditor General's
13 report, the last audit that they had completed about
14 two weeks ago there were several zoning issues in
15 16 out of 16 lots that they went to.

16 Building Safety and Engineering was enlisted
17 and partnered with Lieutenant Adams and Officer Roland
18 Clark to go out and actually conduct the zoning portion
19 of the audit. Deputy Chief advised that this had been
20 done and that he expected an answer from them tomorrow.
21 Deputy Chief also advised that they were waiting for
22 the Director to approve the inspector to accompany
23 them.

24 Which somewhat brings us up to we still are
25 today, and the fact that we still after more than six

1 months do not have the towing rotation in place that
2 was approved by this Board, that was approved by the
3 Mayor of the City of Detroit, and that was approved by
4 the Chief of Police.

5 We have had delay, after delay, after delay.
6 One of the things that I had stated and I am a
7 reverend, but I wasn't trying to be prophetic at the
8 time, is that if the towing rotation did not go
9 immediately into effect that these delays could
10 happened. And here we are not three weeks later or six
11 weeks later, but some six months later and we're still
12 at the same point we were since the towing rules have
13 been signed off on by this Board, by the Mayor, by the
14 Chief of Police, and quite frankly by the Law
15 Department.

16 So we ask today if the Director of Building
17 Safety and Engineering and her Deputy, Ms. Kimberly
18 James, and Mr. Michael Taylor could come and report out
19 to us their involvement in this process and the
20 progress of where we are in this situation. So
21 Ms. James and Mr. Taylor -- Mr. Taylor is here.

22 So Mr. Taylor, if you can come the podium and
23 just updated the Board for us where we are in this
24 process and give your timeline, your timeline may be
25 different from mine, that would be very helpful. If

1 you can state your name for our record that will
2 helpful, as well?

3 MR. TAYLOR: Thank you. My name is Michael
4 Taylor, Deputy Director, Building Safety and
5 Engineering. I'm here to report our involvement with
6 the Police Department particularly on zoning issues
7 because those are the issues where we partnered to
8 determine if the sites that were requested to be used
9 if they're legal under the towing.

10 In determining compliance our Inspector went
11 out with two of the officers and visited each site.
12 That field visit was one of the things that had to
13 be -- there were actually three things that had to be
14 done, a record check, a field visit, and then we had to
15 consider historical data in some cases.

16 The reason the historical data had to be
17 considered is because prior to 1994 there was no such
18 thing as a police authorized tow yard per the zoning
19 ordinance. So if someone came to us and wanted to
20 apply for a zoning to use a site for a police
21 authorized tow yard we typically would look at the
22 zoning ordinance and classify it as something that it
23 most closely resembled, but you would not see police
24 authorized towing.

25 So when we got the request now, the ordinance

1 changed after 1994 where this was, this is something, a
2 zoning designation now. So what we had to do is
3 determine if the use would actually be used as a police
4 authorized towing if it had before the ordinance was
5 passed.

6 Typically a lot of the sites would be zoned,
7 classified as a junk yard, a storage yard or some like
8 that. So what we were doing is checking our records,
9 and also checking the police records as well to
10 properly handle it because if it was a junk yard and
11 the use was and the police designated or determined
12 through police records that it was used as a police
13 authorized towing yard then we would place that use on
14 record as such. So going into archived information was
15 necessary.

16 Where we are now we're coming to the end of
17 our review. We've just recently submitted letters on
18 sites that are approved, sites that are not approved.
19 And there are a number, I believe, eight sites that
20 we're still, we're ready to sign off on three of those
21 eight. We have five that we need some more information
22 on of the ones that we've had to look at.

23 But that's where we are since we got
24 involved, Building and Safety, those are the challenges
25 that we have to deal with.

1 CHAIRMAN WARFIELD: I have several
2 questions but I want to again keep this in context.

3 MR. TAYLOR: Okay.

4 CHAIRMAN WARFIELD: You just mentioned
5 since you got involved. Can you talk a little bit
6 about how you got involved and what was the impetus of
7 you getting involved? How were you approached and what
8 were you told at the time why you need to be involved?

9 MR. TAYLOR: Well, the Police Department
10 contacted our Division Chief who handles property
11 maintenance issues and inspections and agreed to
12 assist. As they were working through challenges
13 various things would come up where the Division Chief
14 would request some assistance from administration on
15 how it should be handled.

16 So as this started to happen more and more,
17 Kimberly James, our Director, asked me to get involved
18 and shepherd this thing through to see if we can get it
19 done and get it down quickly.

20 CHAIRMAN WARFIELD: The reason I ask that
21 question is because I know Deputy Chief Lee who had
22 referenced in our meeting before an audit report that
23 came out and in that audit report one of the things
24 that was reported in that report is that some of our
25 tow yards, and Deputy Chief Lee you can correct me if I

1 wrong, but some of our tow yards were out of compliance
2 as relates to zoning and safety which is why you asked
3 for their assistance.

4 D.C. LEE: Yes.

5 CHAIRMAN WARFIELD: Thank you, Deputy
6 Chief. So when were you initially contacted?

7 MR. TAYLOR: I don't know the exact date.

8 CHAIRMAN WARFIELD: Just approximately?

9 MR. TAYLOR: When you say when was I, are you
10 talking about me personally or are you talking about
11 the Department?

12 CHAIRMAN WARFIELD: The Department.

13 MR. TAYLOR: I believe and this is an
14 estimate that was approximately maybe six weeks ago, I
15 would say.

16 CHAIRMAN WARFIELD: Any other questions
17 before I continue? Commissioner White?

18 COMMISSIONER WHITE: I do. You referenced
19 letters that would be released. Have any letters been
20 released or do you have a projected date as to when
21 individual towers will be notified as to their current
22 status?

23 MR. TAYLOR: Well, actually the individual
24 towers didn't make a request. Because the request came
25 from the Police Department the letters will be

1 addressed to the Police Department, Deputy Chief Lee.
2 And then I expect that those will be done, we're very
3 close. I say we have about five left. So I'll go out
4 on a limb here and say we should have a response by
5 this time next week on those five. The other ones are
6 done. We know where we are on those.

7 We should be complete, that's another way of
8 putting it, we should be complete with this project by
9 the end of --

10 COMMISSIONER WHITE: And lastly, has your
11 Department to your knowledge made any requests of the
12 Detroit Police Department or put in place any rules or
13 regulations that you believe might have hindered the
14 process of tow yards being approved throughout this
15 process that Chairman Warfield was articulating?

16 MR. TAYLOR: No, I think what could have
17 helped is perhaps was getting the request in writing
18 because when you get something in writing you know
19 exactly what you're looking for and it doesn't change.
20 I think that would have just helped because, you know,
21 our inspectors and police officers work very well
22 together. There was no problem there. But I just
23 think from my perspective when I have to go back and
24 ask questions it would be more helpful to respond to
25 something in writing.

1 COMMISSIONER WHITE: Last question, have you
2 been involved in this process since BSE was contacted
3 to review the tow yards?

4 MR. TAYLOR: Not initially, no. That's why I
5 asked the Chair, me, my involvement or the Department?
6 Not initially. It wasn't until our Director, Kimberly
7 James, asked me to get involved to get it done.

8 COMMISSIONER WHITE: That was approximately
9 when?

10 MR. TAYLOR: About maybe two weeks ago.

11 CHAIRMAN WARFIELD: Sir, you just
12 commented about it would have been helpful to have
13 something in writing because that way it won't change
14 over time. So there was a lot of changes? Was there a
15 lot of things you had to go back and do a redo and
16 relook at?

17 MR. TAYLOR: I wouldn't say there was
18 changes. Sometimes it could be just not understanding.
19 In other words, the request may be the same but maybe
20 it wasn't received properly, maybe we just
21 misunderstood. So that's why what I prefer something
22 in writing.

23 CHAIRMAN WARFIELD: In going back to the
24 list that you had referenced. I know one of our staff
25 persons visited you this week earlier, I believe it was

1 Monday or Tuesday, and it was told to Attorney
2 Washington that she would have a list of those towers
3 and the status of where they would be the very next
4 day. Did that happen?

5 MR. TAYLOR: Yes, yes, what she have was a
6 copy of the approval, those that are approved to date
7 and those that are not approved. It wasn't a list. It
8 was actually a letter that was sent to Deputy Chief
9 Lee. But like I said, we still have another five or
10 so.

11 CHAIRMAN WARFIELD: Did we get it? I'm
12 sorry, Attorney Washington, did we get that letter?

13 ATTORNEY WASHINGTON: Was that emailed?

14 MR. TAYLOR: Yes -- no, I think it was faxed.
15 We called and got a fax number.

16 ATTORNEY WASHINGTON: I didn't see it.

17 MR. TAYLOR: And it was a corrected copy. I
18 have a copy here, too, I can give you a copy.

19 CHAIRMAN WARFIELD: So if we can get that
20 that will be helpful. Certainly if you can get any
21 communication that you send to Management Services
22 if you can copy us on that that will be very helpful,
23 as well.

24 MR. TAYLOR: Copy the Commission?

25 CHAIRMAN WARFIELD: Yes, the Board of

1 Police Commissioners.

2 MR. TAYLOR: Okay.

3 CHAIRMAN WARFIELD: I want to go back
4 because you said some things that I think are important
5 in this process. When you talked about some of the
6 things that you looked at, the record check, the field
7 visit, and more importantly historical data. When you
8 say historical data are you suggesting that as relates
9 to the current rules, as relates to the guidelines, as
10 relates to authorized towers, that some towers now
11 don't meet those rules and maybe because of historical
12 issues that may be factored in some other type of way?

13 MR. TAYLOR: Well, yes, to both questions.
14 Some may not meet the zoning. For instance, if they
15 established a use and didn't get a permit at the time
16 that that use was established we have no record of
17 that. So when we check when we do our historical
18 record check we can't document it from our records,
19 therefore, our response would be it is not in
20 compliance.

21 CHAIRMAN WARFIELD: Absolutely. What
22 were some of the main historical issues that you
23 encountered as you all inspected these lots?

24 MR. TAYLOR: I think the main one is the one
25 that I just alluded to. And that is pre-1994 that

1 that's the biggest issue because there was no such
2 designation in the zoning ordinance. So if we check
3 our record and it says junkyard, now we have to check
4 with police to see if that junkyard was being used as a
5 police tow yard. So that's the biggest, that's the
6 biggest one.

7 CHAIRMAN WARFIELD: Were there any issues
8 as relates to pavement and paving?

9 MR. TAYLOR: Yes.

10 CHAIRMAN WARFIELD: Can you expound upon
11 that?

12 MR. TAYLOR: Well, in 2005 the zoning
13 ordinance changed to indicate that issues -- I'm sorry,
14 that paving was required, and that's started in 2005.
15 So when a use is established typically they'll be land
16 use conditions and those conditions must be complied
17 with, and we do an inspection typically once a year.
18 We try to get to them once a year just to make sure
19 that those conditions are being complied with.

20 And these conditions are placed on the site
21 to kind of mitigate any deleterious effects on
22 surrounding areas. Well, in '05 that requirement, that
23 paving requirement was added to the zoning ordinance.
24 So some of the sites now are not paved but the zoning
25 grant may indicated that they should be paved.

1 CHAIRMAN WARFIELD: What do you mean by
2 paved? Could you be specific about that?

3 MR. TAYLOR: Yes, that's a good question.
4 When we say paved we're talking about with asphalt
5 and/or concrete. Now there is, one of the towers
6 submitted a pretty detailed letter suggesting that
7 paved doesn't necessarily mean asphalt and doesn't
8 necessarily mean concrete.

9 CHAIRMAN WARFIELD: Is that because you
10 sent them a rejection letter?

11 MR. TAYLOR: No, they haven't received a
12 letter from us.

13 CHAIRMAN WARFIELD: Well, how would they
14 do that?

15 MR. TAYLOR: Well, it's in the grant. It's
16 something that's in the grant. In other words, when an
17 individual gets a zoning land use grant I mean it's
18 spelled out what they have to do.

19 CHAIRMAN WARFIELD: Gotcha.

20 MR. TAYLOR: It would say paved. Well, they
21 would know if they paved it or not. So I would imagine
22 they read their grant to see if they were in
23 compliance, and said we may have an issue here.

24 CHAIRMAN WARFIELD: Any other questions
25 from the Commissioners?

1 COMMISSIONER WHITE: Just one piece on the
2 paving issue of 2005, in that grant does it explicitly
3 explain what paving is?

4 MR. TAYLOR: No, and neither does the zoning
5 ordinance. So what we're telling the person who raised
6 that challenge to us is this what our definition as the
7 enforcing department, this is what we say paving is.
8 Now, if you don't agree you have recourse. You can
9 appeal that to the Board of Zoning Appeals and the
10 Board can overturn it, overturn that, and that's what
11 we we're suggesting.

12 CHAIRMAN WARFIELD: Okay. Any other
13 questions? I want go back when you said that your
14 people went out to inspect the lots.

15 MR. TAYLOR: Yes.

16 CHAIRMAN WARFIELD: Now, you got this two
17 weeks ago?

18 MR. TAYLOR: Yes.

19 CHAIRMAN WARFIELD: So when did they go
20 out, within the last two weeks?

21 MR. TAYLOR: No, they started when the police
22 first contacted them. Police and our inspectors went
23 out. I wasn't involved in that process. But they were
24 going, they were making inspections from the moment --

25 CHAIRMAN WARFIELD: About six weeks ago,

1 as you said earlier?

2 MR. TAYLOR: Yes.

3 CHAIRMAN WARFIELD: Any other questions
4 for Mr. Taylor? Thank you, sir, appreciate that.

5 MR. TAYLOR: Thank you.

6 CHAIRMAN WARFIELD: I wanted to continue
7 with this and if it's okay I'd like to have Deputy
8 Chief come to the podium. Deputy Chief Lee? Sir, I
9 have a few questions. One of the reasons as was stated
10 earlier you felt you needed the Zoning and Appeals
11 Board to weigh in on this is because of the audit
12 report that all of us, the Commissioners and you read,
13 that stated there were some lots that were from a
14 zoning perspective out of line or not compliant, I
15 guess is the best, would that be correct?

16 D.C. LEE: Yes, that is correct.

17 CHAIRMAN WARFIELD: But in that report
18 also -- state your name, I'm sorry.

19 D.C. LEE: Deputy Chief Benjamin F. Lee,
20 Management Services Bureau.

21 CHAIRMAN WARFIELD: Thank you, thank you,
22 Officer. Also in that report it talked about in that
23 same audit report it talked about a lack of a fair and
24 equitable distribution amongst towing assignments, did
25 it not?

1 D.C. LEE: Yes, it does.

2 CHAIRMAN WARFIELD: Whereas, we would
3 address the compliance of those individuals who from
4 the zoning perspective may be out of compliance we have
5 a mechanism in place, the new towing rotation, that
6 literally addresses also the lack of equitable
7 distribution of tows.

8 Because if I'm not mistake we are still under
9 the towing system that was implemented by a former
10 administration who literally at one memo, sent one memo
11 over to the Department and said add this tower to every
12 single Precinct and/or District at the time, and it
13 happened. And we're still under that system right now,
14 although we voted and the Mayor signed on it, the Chief
15 signed on it, the Law Department has said, okay, go
16 ahead and do it.

17 Our position has been as you well know that
18 it does no harm to implement that towing rotation
19 because if the audit report precipitated going to
20 Building Safety and Engineering I would think that
21 report will also dictate that we start this new towing
22 rotation that is certainly equitable for all of those
23 who are towers for the city. Because when you look at
24 it from an equity standpoint even if I go down to just
25 basics from a dollar standpoint when we look at dollars

1 that have been, if I just use the report terminology,
2 not equitably distributed among all the towers because
3 of the inequity of towing rotation that's going on for
4 six months while we're working on these issues with
5 zoning and whatever other issues that may come up, at
6 least this issue is handled through an equitable towing
7 process.

8 We're still under the pay-to-play tow
9 process. We're still under that process. And again
10 for us who sit on this Board specifically it just
11 doesn't make sense for us to still be under a
12 pay-to-play towing process when this Board has held
13 three public meetings taking comments from across this
14 city and the Mayor and the Chief signed off on these,
15 the Law Department says put it into effect. We're six
16 months later after the approval and it's still not in
17 place.

18 So if being out of compliance with the audit
19 report precipitated going to Building and Safety I just
20 guess my longwinded question, how come not putting the
21 tow rotation in place which is also a part of the audit
22 report was not address as well?

23 D.C. LEE: Through the Chair, and to answer
24 that question there's several things that we put in
25 place that address the equitable rotation of towing.

1 My understanding of the equitable rotation of the
2 towing, we corrected with a process that we put in
3 place with Communications, so that nobody under any
4 circumstances could call a tow company directly. All
5 those calls are forwarded directly to Communications
6 and Communications is responsible for the distribution
7 of those tows and that's the distribution of all tows
8 at this point.

9 The Department has taken a stance and that's
10 what we're doing. I was waiting, I won't say I, the
11 Department was waiting on the report from the Building
12 and Safety Department which I received a copy today and
13 upon receipt of this we're sitting down and will make
14 recommendations to the Chief as to the new rotation.

15 CHAIRMAN WARFIELD: Thank you, Deputy
16 Chief and I respect that answer. But according to the
17 audit report that's partially right, that you're right,
18 there is some who were calling in the tows. But they
19 also listed those companies in this report, and the
20 equitable distribution based on ownership of who owned
21 the companies and how they were placed throughout the
22 district and this goes more to the meat of the
23 inequitable process as relates to the distribution of
24 those tows. So I agree with you wholeheartedly. And
25 we applauded the Department when they went to a

1 centralized distribution center.

2 However, again, the towing rules that were
3 adopted by this Board are still six months later not in
4 place. We just sat at the Detroit City Council table
5 last week as you know and sat there and asked
6 Councilwoman Watson, thank you, Assistant Chief, sat
7 there and said, look you all have the powers. She was
8 talking to the Board. You all have the power to impose
9 this.

10 And the fact that again we didn't do this in
11 a vacuum, that we followed every mandate of the City of
12 Detroit City Charter, and the fact that it is still not
13 in place is not acceptable, period. It's just not
14 acceptable. So one of the things we're going to do and
15 I'll make a motion after we have this discussion, we
16 have to have this in place immediately while these
17 delays are going on.

18 And the reason why is because it looks like
19 impropriety is taking place. I'm not saying that it
20 is, but it has the look of it. Because if we know the
21 system that's in place now was illegally or was
22 unethically in place, it was an unethical system that
23 was in place and we met with the public and the towers
24 to put an ethical, fair system in place that everybody
25 didn't like, but it was ethical and fair as according

1 to our mandate in the Detroit City Charter.

2 And so by having that system still in place,
3 again, it looks like something kind of fishy going on.
4 And all I'm saying is from the Department standpoint,
5 from the Board's standpoint we want to remove as
6 quickly as possible any appearance of impropriety. And
7 the only way that I would, and I'm talking personally
8 now, that I would uphold this system that I knew was
9 unethical is if somehow it paid off some other way.

10 All I'm saying is when this Board acts to
11 promulgate rules in conjunction with the Mayor and in
12 conjunction with the Chief of Police, we expect those
13 rules to be in place. And we have been I would say
14 more than patient, I would say we have been more than
15 willing to work with your Department on this, but the
16 clock has ran out literally. And it's like we can no
17 longer sit and go over this issue week in and week out
18 when we're not asking for anything unreasonable.

19 It would be different if it was a
20 controversial issue or a controversial plan or some
21 type of new process that the Law Department said that
22 we were doing that we weren't doing. But the fact is
23 everyone signed off on this and it's still not in
24 place. It's just not acceptable to us. Any other
25 comments before?

1 COMMISSIONER WHITE: Deputy Chief Lee, it is
2 your assertion that this process as it currently exists
3 or is the department's stance that it is an equitable
4 rotation that is in place?

5 D.C. Lee: Under the set of rules I've
6 described in terms of people calling, yes, that is fair
7 and equitable. In terms of what happened I believe
8 that may have been around 2005 or 2006, that can be
9 deemed as not equitable.

10 COMMISSIONER WHITE: So if we're still
11 currently under the process that existed in 2006 your
12 answer would be that it is, in fact, an unrequitable
13 process?

14 D.C. LEE: Well, I'd actually have to look at
15 the new rotation, how it's going to pan out and see and
16 make a comparison to the two, to see, in fact, if there
17 would be any difference at all. There may very well be
18 no difference at all based on the new rules where you
19 tow and how you tow and based on applications that we
20 receive. There may be no changes.

21 There are going to be some changes based on
22 the fact people dropped out and the fact that some
23 towers did not qualify. Those changes are going to be
24 effected and there's going to be some changes because
25 people didn't qualify under the zoning rules. I really

1 can't make that statements to say whether or not
2 anything changed substantially. I know that everything
3 prior to the Communications taking over may have that
4 effect but now that's fair and equitable, and there's
5 no complaints. Everybody gets the same amount of tows.

6 CHAIRMAN WARFIELD: Commissioner Rivera?

7 COMMISSIONER RIVERA: Enough of this song and
8 dance. Let's cut to the chase. When are the new
9 rotations to be in effect?

10 D.C. LEE: Ma'am, through the Chair, I
11 received this just today. My staff and I will be
12 sitting down all day tomorrow. And my understanding,
13 there are some updates to this letter that I received
14 today and upon receipt of that I will make my
15 recommendations to Chief probably tomorrow.

16 COMMISSIONER RIVERA: I don't know if we're
17 referring to the letter you received today. I think
18 we're referring to the towing rotation that we had
19 given you months ago, six months ago.

20 D.C. LEE: I have to make that recommendation
21 to the Chief.

22 CHAIRMAN WARFIELD: Any other questions
23 from the Board?

24 COMMISSIONER RIVERA: Was that an answer?

25 CHAIRMAN WARFIELD: That was an answer.

1 COMMISSIONER RIVERA: Okay. Does that mean a
2 week, ten days, tomorrow?

3 D.C. LEE: I will be making my recommendation
4 based on the letters that I have received. I received
5 the letters today. And Attorney Celia Washington is
6 also cc'd on these letters so I don't know at what
7 point she will be receiving those. I will be making my
8 recommendation based on these letters on who is
9 eligible to tow to the Chief.

10 CHAIRMAN WARFIELD: Okay. Any other
11 questions for Deputy Chief? Sir, I will say this on
12 your behalf, you've been a trooper, and you've been
13 available, and I thank you for being available and for
14 taking the darts and arrows that come your way. That's
15 why you make the big bucks.

16 But seriously, I mean, it is just not
17 acceptable. It's really isn't for us to still being
18 dealing with this for six months. You would not like
19 it if there was a policy that benefited or the Chief
20 wouldn't like it if we set a policy that benefited the
21 citizens of Detroit and the Police Department and we
22 said, no, we're not going to implement it until about
23 six or eight months down the road, and it would
24 significantly benefit the citizens of the City of
25 Detroit.

1 So we're sitting in the exact same position.
2 So a as result and thank you, sir, again for your time,
3 I'm going to ask with the permission of this Board if
4 we can have our staff attorneys draw up a letter and
5 send it to the Mayor of the City, to the Chief of
6 Police, and to the Detroit City Council, stating the
7 historical context of us dealing with this situation
8 and demanding that the rotation that was approved six
9 months ago be put in effect immediately and that that
10 letter reaches the Mayor's desk the first thing in the
11 morning?

12 COMMISSIONER WHITE: Second.

13 CHAIRMAN WARFIELD: Any discussion about
14 that? Any additions to that? All those in favor of
15 that?

16 COMMISSIONERS: Aye.

17 CHAIRMAN WARFIELD: Let the record show
18 that it was a unanimous vote. Thank you, Deputy Chief.

19 D.C. LEE: You're welcome.

20 CHAIRMAN WARFIELD: Before we get to the
21 public comments section there are a couple things that
22 I want to mention. First of all, I want to give kudos
23 to the Northeast District Citizens Council. Anyone
24 here representing them? They have done just an
25 outstanding job.

1 ASSISTANT CHIEF LOGAN: Through the Chair,
2 they're doing an outstanding job today feeding officers
3 since 4:30 this morning.

4 CHAIRMAN WARFIELD: Absolutely. Since
5 4:30 this morning they've been feeding the officers
6 over there in the Northwest District. They have done
7 some gardening work downstairs -- Northeast, I'm sorry.
8 I'm from Northwest. But they've done some great
9 gardening work downstairs and put some plants there.
10 So just kudos for them and the outstanding job they
11 have done. So we really appreciate what they've done.

12 Also our hearts go out to the family of
13 Mr. Don Barden who some of you may know made his
14 transition today. I have fond memories of Mr. Barden
15 back in the early 80s. I even had a TV show on his
16 cable network, Barden Cable Vision. And he was always
17 a nice, generous and pleasant man. And certainly our
18 prayers are going out to him and to his family during
19 this time of their bereavement on behalf the Board of
20 Police Commissioners.

21 Do you have anything, Assistant Chief?

22 ASSISTANT CHIEF LOGAN: Through the Chair,
23 D.C. Tolbert is here.

24 CHAIRMAN WARFIELD: Absolutely.
25 D.C. Tolbert, how you doing, sir?

1 D.C. TOLBERT: Good afternoon.

2 CHAIRMAN WARFIELD: Let me say to you
3 great job at the Hoedown. I was down there with my
4 daughter on Saturday and we had a great time at the
5 Hoedown. I saw you out in the streets making sure
6 everything was nice and safe. So great job.

7 D.C. TOLBERT: Thank you, sir. Deputy Chief
8 James Tolbert. Just to clarify some information that
9 was given to the Board the last time concerning the
10 officers and the driving of private vehicles. In an
11 effort to confirm the prohibition of officers driving
12 impounded vehicles we searched the policies and
13 teletypes and administrative messages.

14 We were not able to find a definitive
15 verbiage that specifically addresses officers driving
16 impounded vehicles from impounds scenes to the station
17 for towing. We found verbiage that is far reaching at
18 best that addresses officers operating privately owned
19 vehicles while on duty. Several command officers
20 believe there may have been some communication from
21 previous Chiefs addressing this issue that never made
22 it into a written in policy.

23 Therefore, there is currently no prohibition
24 against officers driving impounded vehicles. I have
25 talked with Commander Romeo who is also from Planning

1 and Accreditation. We are now looking to develop a
2 process and implement a policy that would address all
3 safety and risk issues regarding officers driving
4 vehicles.

5 Understanding there has to be exceptions and
6 no absolute prohibition should be applied to the
7 Department because that wouldn't be in the best
8 operating procedure of the Department. We are
9 undertaking this task and as soon as we can have a
10 policy written and approved it will be implemented.

11 CHAIRMAN WARFIELD: Thank you. Certainly
12 our staff is able to assist with that if you need them
13 as well to help do any research and help add to that.
14 I agree with you that an absolute policy would not be
15 appropriate because certainly there are things that
16 happen and for the safety of the officers and the
17 safety of the public there are sometimes when officers
18 have to clear the scene or get things out of the way.
19 We do definitely understand that. But we do look
20 forward that there will be a concrete policy so that
21 the department and the public are on the same page.

22 D.C. TOLBERT: Thank you.

23 CHAIRMAN WARFIELD: Any questions from
24 the Commissioners? Thank you, sir.

25 D.C. TOLBERT: Thank you.

1 CHAIRMAN WARFIELD: At this time our
2 agenda calls for the announcement of our next meeting.
3 Our next meeting will be held Thursday, May 26th at
4 3:00 p.m., here at Police Headquarters. Looking
5 forward to seeing you all there. But now we'll open up
6 our floor for oral communications. If you wish to
7 address the Board of Police Commissioners you may come
8 to the podium, state your name for the record and if
9 you can spell it for us so that our transcriber can
10 make sure we enter your name correctly that will be
11 very helpful to us. Thank you. Good afternoon.

12 MS. HERNANDEZ: Hi, everybody. Phyllis
13 Hernandez, Casino Towing, back again with, of course,
14 towing issues. I just wanted to comment on your
15 timelines as to you saying that it had been, of course,
16 six months since the Board ordered the rotation change.
17 But just so everybody else realizes that we've been at
18 this for years, for years we have been trying to get
19 this towing corruption corrected.

20 I think that it doesn't give the appearance
21 of improprieties. It is what it is. Because all of
22 the things that you requested that we submit for our
23 application, our clearances, are expired. So I don't
24 exactly know where that takes us now since our
25 clearances have expired and we're only six weeks into

1 the zoning aspect of it when we've been at this for
2 years, and the zoning inspector has only been aware of
3 it for two weeks.

4 So I think it gives more than the appearance
5 of improprieties. And to elaborate on what, Deputy
6 Chief Lee, I don't want to call anybody's name out of
7 place, but a fair and equitable towing is not one
8 company owner with multiple companies receiving all the
9 calls while everybody else is not working. That's not
10 fair and equitable towing. I agree with you.

11 Have they made it to where they will call the
12 same towing company one after the other because they're
13 on every single rotation multiple times? Yes. But did
14 that change anything? No. They're still doing all the
15 work and no one else is working. Including those of us
16 that have been waiting to work for several years.

17 Also, in regards to the zoning now that this
18 is an issue that's been brought up. I had a question
19 for him and I think maybe he left. But my question
20 would be for those of us that are already zoned as
21 multiple things including a junkyard, including a tow
22 yard, is there anything that would distinguish the two,
23 a tow yard and a police tow yard? Is there anything
24 different that would be required of the Zoning
25 Commission to be a police tow yard other than thousands

1 of dollars? Would there be anything required to go
2 before the Zoning Board to be zoned as a police tow
3 yard other than thousands of dollars? Or as for the
4 paving as he's talking about paving or asphaltting, that
5 again is going to cost us thousands of dollars.

6 Whereas nobody's working and nobody has the money to
7 meet these new guidelines that are being thrown on us
8 after all these years.

9 So my question would be what else do you want
10 from us? What else do they want from us? We're not
11 working. The Police Department is running us into
12 ground with the monopoly, the towing monopoly that's
13 going on to where we can barely pay our employees. So,
14 you know, they can just keep adding on because we don't
15 have the money to do that, okay, so just as long as the
16 Board recognizes that. I thank you. I won't take up
17 anymore of your time.

18 CHAIRMAN WARFIELD: Ms. Hernandez, we'll
19 take your question and we will send your question to
20 the Zoning Board.

21 MS. HERNANDEZ: I appreciate that. Thanks
22 very much.

23 CHAIRMAN WARFIELD: Thank you. Good
24 afternoon, sir.

25 MR. MATTHEWS: Hi, my name is Felix Matthews,

1 this is my wife Londel Matthews.

2 CHAIRMAN WARFIELD: Get a little bit
3 closer to the mic, sir.

4 MR. MATTHEWS: My name is Felix Matthews and
5 this is my wife Londel Matthews. We are a part of the
6 Harbor Light Alumni Association, which is in
7 conjunction with the Salvation Army. We do an outreach
8 program and we are 501-C3 nonprofit organization. We
9 were trying to have a fundraiser down at 630 Woodward
10 Avenue. We were told in order to have this fundraiser
11 we would have to do certain things.

12 We followed the requirements and the
13 guidelines to the letter. And we were told that we had
14 to get two Sergeants to sign the paper, this is for a
15 liquor license, and to send the paper up to Lansing and
16 from that point on once they signed the paper that it
17 would be okay. And everything was okay and we're like
18 in the eleventh hour because it's set for this Friday,
19 and then we had Sergeant Lightfoot decide that we can't
20 have this fundraiser.

21 We're trying to find out why is it that we
22 can't have the fundraiser? Because we also were told
23 to get a bond and we got the bond. We're trying to
24 find out why we can't have the fundraiser?

25 CHAIRMAN WARFIELD: I'll ask the

1 Assistant Chief to address that?

2 ASSISTANT CHIEF LOGAN: Through the Chair,
3 Assistant Chief Logan. I will ask Deputy Chief Wells
4 who is out in the hall to come in and maybe shed some
5 light on this.

6 CHAIRMAN WARFIELD: I'm sorry,
7 Ms. Matthews, you wanted to say something?

8 MS. MATTHEWS: Yes, we have a lot of stars and
9 things coming, and flying into come to help us out, you
10 know, all over the country. And at this late hour
11 which is tomorrow night as it's supposed to be it's
12 kind hard to call and tell them we can't have it, you
13 know.

14 MR. MATHEWS: It's a lot a money, spent a lot
15 of money already, a lot of time and effort putting this
16 together.

17 CHAIRMAN WARFIELD: Mr. Matthews, what
18 building is that 630 Woodward?

19 MR. COLEMAN: We was going to have it at --

20 OFFICER BELL: Sir, your name, please?

21 MR. COLEMAN: And I own the building that
22 they were going to have it at 630 Woodward. It used to
23 be Mavericks. And the liquor license is in escrow for
24 another two weeks because they have certain inspections
25 to go though. They were going to have the fundraiser.

1 The thing he mainly have to emphasize what we did.
2 They did go to the Central Division and had Sergeant
3 Travis sign it today and send it by fax to the Michigan
4 Liquor Control. And then they were told it's only
5 three people that could sign it I believe which was
6 Sergeant Lightfoot, Lieutenant Hicks, and Lieutenant
7 Moran. And we talked to Sergeant Lightfoot and she's
8 the one said, well, it can't happen tomorrow. But they
9 had got the bonds, everything necessary was in place.
10 So we wanted to address that.

11 CHAIRMAN WARFIELD: Sure. If you all can
12 talk with Deputy Chief Wells. As Assistant Chief Logan
13 has said maybe we can get something resolved for this
14 fairly quickly. And we'll be here, so if you still
15 have questions you can come back a little bit later,
16 okay?

17 MR. COLEMAN: No problem.

18 CHAIRMAN WARFIELD: But thank you,
19 Mr. Mathews.

20 MS. MATTHEWS: Thank you.

21 MR. MATTHEWS: Thank you very much.

22 CHAIRMAN WARFIELD: And again, I did not
23 state this at this meeting but we ask that you limit
24 your comments to four minutes so we can hear as many as
25 people as possible.

1 MS. BROCK: Good afternoon.

2 CHAIRMAN WARFIELD: Good afternoon.

3 MS. BROCK: To the Chair, the Commissioners,
4 the Chief. I am Felicia Brock, B-R-O-C-K. I am acting
5 in my capacity as a tower's wife today standing on
6 behalf of BBK Towing. And we have a question. We are
7 not a police authorized tower but we have completed the
8 application back in January. And we have had
9 inspectors of varied types at the property probably six
10 times, from the human rights people to the building and
11 safety people, to the police officers, along with
12 separate inspectors different from the other
13 inspectors. I mean, it's been at least six visits that
14 we've had since we started this process.

15 Now, my concern is that these letters that
16 were given to Deputy Chief Lee today and he's gone and
17 so I'm kind of disappointed in that. And we don't know
18 if we've meet the requirements from zoning or anywhere
19 else. And we're very concerned because had we been
20 told more than two months ago the last time they came
21 to our property that if there was something yet needed
22 to do then we had done it by now so that we can obtain
23 a permit to do this towing. It's very important to us
24 and our family.

25 I just don't want to see them take another

1 week or two or however, and then they send us a letter
2 and say you don't meet the requirement, where some
3 other people have had six months to get things in order
4 to meet the requirements.

5 CHAIRMAN WARFIELD: Where is your tow
6 yard located?

7 MS. BROCK: 1821 Trombly.

8 ASSISTANT CHIEF LOGAN: Through the Chair,
9 Assistant Chief Logan. I would like to direct
10 Ms. Brock to Commander Ewing. Hopefully, I can get you
11 an answer today. Commander, can you see if you can get
12 her an answer today? Would you see Commander Ewing?

13 MS. BROCK: Thank you.

14 CHAIRMAN WARFIELD: Assistant Chief
15 Logan, if there are others who are in the same
16 situation, other towers --

17 ASSISTANT CHIEF LOGAN: We'll be here.

18 CHAIRMAN WARFIELD: Okay. And you all
19 can talk to Commander Ewing as well and hopefully we
20 can get some answers today. Thank you, Ms. Brock.

21 MS. BROCK: Thank you.

22 MS. SEMMA: Good afternoon, Board, Julia
23 Semma from 7-D's Towing. I'm here in regards to the
24 towing issues we've been having. One of you is stating
25 that Communications is now doing the towing rotations,

1 is that correct, and is that for every tow that's done
2 throughout the City of Detroit?

3 ASSISTANT CHIEF LOGAN: Through the Chair,
4 Assistant Chief Logan, to best of my knowledge that is
5 correct.

6 MS. SEMMA: Have there been any audits done
7 as far as anybody looking into auditing of the tow
8 rotation since communication has taken place?

9 ASSISTANT CHIEF LOGAN: Through the Chair,
10 Assistant Chief Logan, one more time. To my knowledge
11 there has not been an audit done but we will do a
12 90-day audit from the date of inception from this
13 program until whatever 90 days are. I think we're
14 close to that. So the audit will be done.

15 MS. SEMMA: Okay. And with that being done
16 my understanding, and correct me if I'm wrong, it's one
17 tow per vehicle that's found and then per tow company
18 that supposed to be towing per vehicle, is that
19 correct?

20 CHAIRMAN WARFIELD: That's my
21 understanding.

22 ASSISTANT CHIEF LOGAN: That's my
23 understanding, too. We have an SOP here.

24 CHAIRMAN WARFIELD: Now, there are some,
25 and I guess this is where someone from Management

1 Services needs to weigh in. I know there are some
2 special tows like down at 36th District Court, special
3 event tows, and so we need to clarify that towing
4 process versus the normal rotation process, if that
5 makes sense.

6 MS. SEMMA: Okay. How does it go with
7 commercial auto theft or anybody like if they're doing
8 a special raid or something like that? Is that one tow
9 per company or is that whoever's called up for the next
10 rotation?

11 ASSISTANT CHIEF LOGAN: Through the Chair,
12 Assistant Chief Logan. I'll attempt to answer your
13 questions through Commander Ewing as soon as he
14 finishes with Ms. Clark.

15 MS. SEMMA: Okay. Thank you. One thing that
16 I have a question in regards to as far as the rotation
17 that's going to happen as far as making the changes in
18 the towing rotation, who's in charge of that as far as
19 making the changes and who tows for what district?

20 CHAIRMAN WARFIELD: Well, first of all
21 the rules that we passed basically will put the
22 individuals in slots where they need to be. So that
23 will be the basis of how those towers are in those
24 slots according to the rules that we passed. So it's
25 based on that. And then Management Services, Deputy

1 Chief Ben Lee's group will actually draw, you know,
2 draw the list so to speak. But the list will be drawn
3 according to the rules that we established six months
4 ago.

5 MS. SEMMA: And the other thing is, not only
6 our company but small companies have been complaining
7 about only one or two tows a day. But we have another
8 issue that I brought up and others brought up in
9 regards to Official Towing coming in the City of
10 Detroit and picking up cars and taking them back to
11 St. Clair Shores, Official Towing.

12 And they said as long as it was a Detroit
13 steal that it would be a Detroit tower and it should be
14 a Detroit tower that's towing the vehicle if it's found
15 and recovered in the City of Detroit, and that's still
16 not happening.

17 CHAIRMAN WARFIELD: Assistant Chief?

18 ASSISTANT CHIEF LOGAN: Assistant Chief
19 Logan, we will get answers for you.

20 MS. SEMMA: Thank you.

21 CHAIRMAN WARFIELD: Thank you.

22 MR. DAVIS: Good evening.

23 CHAIRMAN WARFIELD: Good evening, Elder.

24 MR. DAVIS: My name is Elder Anthony Davis,
25 Senior, E-L-D-E-R A-N-T-H-O-N-Y D-A-V-I-S, S-R.

1 CHAIRMAN WARFIELD: Thank you.

2 MR. DAVIS: I have a question, a issue. I
3 got a call yesterday from a Lieutenant Adams,
4 yesterday. He asked me, do I have anything showing
5 that I tow for the police since I been on 2126 Merritt
6 because that yard is zoned M4. And he said he don't
7 have no records of it. And I can't understand how they
8 losing records. But the Lord blessed me. I had it
9 right in front me. You know, I'm not saying I'm
10 perfect, but I try to keep certain thing available.

11 And I faxed it to him. Before I married my
12 wife my Christine, my company was Anthony's Towing and
13 when I moved at 2126 Merritt and I signed it when I
14 married my wife in 1991. We've been married
15 twenty years. And I incorporated it into the company.
16 I changed the name from Anthony's Towing to AC Towing,
17 Anthony and Christine because of the love that I have
18 for her, I incorporated in.

19 And I want to know if that's going to be an
20 issue from being Anthony's Towing because he said he
21 can't find nothing saying AC Towing back in '93. I
22 have everything signed by at the time Lieutenant John
23 Curry and I forget the DC at the time. I have all
24 those statements. I still have the records and I faxed
25 it over to him.

1 Seems like they having a problem. The
2 rotation is still not right even though we getting
3 calls from the dispatch, that's fine and dandy. But
4 when you got to compete with the one company and we got
5 three or four companies in your precinct it's still not
6 fair. He's still getting three to one.

7 My driver's paycheck will be \$75.00 this
8 week, so I got to go in my pocket to bless him and his
9 family because I don't want to see them without. My
10 money is running short. I'm living by the grace of
11 God. You know, the Lord has blessed me. I had an
12 auction. I sold one car that brought my nose up out of
13 the water. And it's still not fair.

14 When I tried to get a company -- keep
15 Anthony's Towing and AC Towing they said I couldn't do
16 it. I have all those letters that the racketeering,
17 you know, different commanders, you know, they shot me
18 down. But still the one company all over the city, two
19 or three times, four times. I thank you for listening
20 to me. But it's still not fair.

21 CHAIRMAN WARFIELD: Assistant Chief,
22 could DC Ewing see about that question, as well?

23 ASSISTANT CHIEF LOGAN: Through the Chair,
24 Assistant Chief Logan. Commander Ewing is out in the
25 hall. We'll make sure we get an answer for you today.

1 MR. DAVIS: Thank you.

2 CHAIRMAN WARFIELD: Thank you, Elder
3 Davis.

4 MR. STIDHAM: Good afternoon. Thomas
5 Stidham, appearing on behalf Muscat Towing, and
6 actually some other small towers.

7 CHAIRMAN WARFIELD: Will you please spell
8 your name for our record?

9 MR. STIDHAM: S-T-I-D-H-A-M. I just wanted
10 to bring a couple things to the Board's attention or
11 one question. Which is my recollection of your towing
12 rules is in order to qualify to be an authorized police
13 tower you must obtain a zoning verification letter or
14 the equivalent that says that you're authorized to
15 operate this police impound yard.

16 And what Mr. Taylor came here and told you,
17 what I heard him say, was either you get your letter or
18 now they're imposing a lot of conditions upon all the
19 towers. And that in and of itself those conditions are
20 really new things to the entire towing process. Even
21 when the towers has to re- quote, unquote, qualify,
22 back in 2006 which is after the adoption of this 2005
23 invoice or I'm sorry, ordinance with respect to zoning
24 the department nor BS&E required that the towers meet
25 all these specific conditions.

1 So I'll ask the Board to take another look
2 and let's not let zoning because that's what I heard
3 was today was zoning is driving who's going to qualify
4 to become a tower at least with respect to whether or
5 not your yards are up to snuff with respect to current
6 standards. So I think that there has to be a
7 deliberate review of what has transpired historically.

8 Because as Elder Davis said, I had three of
9 my clients receive calls yesterday. The Police
10 Department does not have these records that go back
11 prior to, not in all cases, prior to '94, '89. And
12 there's companies out there that were properly using
13 their property as an authorized police tow yard.

14 So I think there has to be some
15 reconciliation of what transpired historically and how
16 BS&E intends to implement the new ordinance as part of
17 this towing process going forward.

18 CHAIRMAN WARFIELD: Any questions?

19 MR. STIDHAM: Thank you.

20 MR. DUMAS: Good afternoon, Commissioners.

21 CHAIRMAN WARFIELD: Good afternoon, sir.

22 MR. DUMAS: My name is Lawrence Dumas and I
23 have a question. This has to do with records, police
24 records. I would like to find out how far back police
25 records go? Something had occurred to me had to do

1 with my memory. It happened quit awhile ago. We're
2 talking about some forty years ago.

3 And I'd just like to find out if there are
4 any archives or anything of that nature that has to do
5 with assaults and auto theft?

6 CHAIRMAN WARFIELD: Thank you. Assistant
7 Chief?

8 ASSISTANT CHIEF LOGAN: Through the Chair,
9 I'll have someone get with Mr. Dumas for the years
10 depending on the nature. Mr. Dumas, a crime was
11 committed against you?

12 MR. DUMAS: Yes, I was at a gas station in
13 the City of Detroit and I was struck about the head
14 from a gas station attendant and the vehicle went out
15 of control and struck a tree on State Farm and
16 Dequindre.

17 ASSISTANT CHIEF LOGAN: I'll ask you to see
18 Sergeant Sims in the back of the room. He'll get your
19 information and do some research and get back to you.
20 I'm thinking that we should be able to retrieve it, but
21 I can't promise you. We'll attempt.

22 MR. DUMAS: Thank you.

23 CHAIRMAN WARFIELD: Thank you, Mr. Dumas.

24 MS. SMITH: Good afternoon. Bernice Smith,
25 two things and I'll be brief.

1 CHAIRMAN WARFIELD: Yes, ma'am.

2 MS. SMITH: I just have to give you a little
3 laugh today. This morning I heard on the radio, and
4 then there were other sources that told me that you're
5 going to be reducing in the budget. Are you aware of
6 that part? They're going to reduce your budget for
7 policemen and firemen?

8 CHAIRMAN WARFIELD: Well, we don't know
9 what City Council's going to do.

10 MS. SMITH: But you're aware of that, that
11 that's on the agenda, right?

12 CHAIRMAN WARFIELD: What I am aware of is
13 that they were looking at several options and certainly
14 the Mayor has taken --

15 MS. SMITH: Yeah, I asked him the other night
16 when we were at the museum and he just gave me a smile,
17 that's all. He said, we'll see, Bernice. I said,
18 okay. But anyway. Also are you aware that the Charter
19 Commission they had a meeting this past Saturday and
20 what has been suggested to them to increase the
21 Commission not only to five anymore but to eleven.
22 What is your opinion on that? I like to know about
23 that myself. Don't you think it'll be kind of crowded
24 up there on that stage?

25 CHAIRMAN WARFIELD: I'll speak for

1 myself. I looked at a number of the recommendations
2 that came from the Charter Commission and we are
3 formalizing our opinion to send to them. But certainly
4 we believe that as the city again has shrank in
5 population you don't increase.

6 MS. SMITH: Thank you.

7 CHAIRMAN WARFIELD: You keep it in line
8 with the population. Certainly increasing the number
9 of individuals will also have a demonstrative effect on
10 the budget. Because if they're talking about electing
11 individuals as well to the Board then there's money
12 that's going to be involved in conducting that
13 election, as well.

14 We also want to send them some suggestions of
15 some things that we believe will work and will work
16 very well and efficiently. But all of their
17 suggestions were not bad, of course. They did make
18 some suggestions that we thought were fairly good. So
19 we are going to send them a formal response.

20 MS. SMITH: All right. One last thing.
21 Yours truly with the help of the Detroit 300 which I'm
22 a member of. I have been commissioned to go to various
23 homes, the senior buildings, and we are distributing
24 this pamphlet. I'm going to give it to you when I get
25 through.

1 I'm talking to the seniors in regards to
2 crime, and if they have any kind input in regards to
3 what's going on in their surroundings and feel free to
4 give me their name or number or whatever the case may
5 be, and it will be strictly confidential. We will try
6 and encourage them to be aware of their surroundings.

7 In the meantime, we are feeding them. I am
8 giving them little refreshments. But it is a serious
9 situation out here. And the seniors are quite -- I've
10 been to four buildings this week, on the river, mainly
11 over there on Jefferson now, and then I'll go into the
12 northwest city. But you will be surprised that the
13 seniors are really willing to come and tell you about
14 what's going on and the crime situation.

15 One particular building they suspect that
16 they're going to have the selling of drugs. So I see
17 them tomorrow. This is what the manager spoke to me
18 today about. So I just want to let you know you're not
19 the only one that's in the war field here. You have to
20 get out here and do what you can especially if you're a
21 senior and to help others.

22 Now, this what I have to give to you and I
23 thank you very much for your attention. Chief, you
24 look mighty spiffy today. I don't know what you're
25 going to do later but I just saw a picture of you and

1 your wife.

2 ASSISTANT CHIEF LOGAN: Thank you.

3 CHAIRMAN WARFIELD: Thank you, Ms. Smith.

4 COMMISSIONER WHITE: Mr. Chair, if I could
5 before Brother Moore comes, I did want to speak to the
6 issue of the Charter Commission because I know your
7 voice resonates. I don't want to speak disparagingly
8 against the recommendations by the Charter Commission
9 for it's vision for the City of Detroit Board of Police
10 Commissioners because it hasn't been properly brought
11 to us for any level of input.

12 But I would urge individuals to look at what
13 other major urban municipalities are doing across the
14 county. You will find that we are in alignment with
15 other major areas like Chicago, Los Angeles, Kansas
16 City, and others. So it's sort of disheartening to me
17 and, I'm speaking as an individual at this point, that
18 were not solicited for input in terms of how the
19 proposed recommendations could impact services to the
20 citizen that we provided on your behalf. So I would
21 urge you to lobby your Charter Commissioners.

22 MS. SMITH: They didn't approach you in
23 anyway whatsoever for any of your suggestions?

24 CHAIRMAN WARFIELD: Actually, we did
25 present to them. We presented what we believe were

1 changes that should take place in the charter and where
2 there were gaps and things needed to be changed. And
3 we did a presentation before them maybe a little over a
4 year ago, maybe about a year, almost a year, maybe
5 about nine months ago, several months ago. But we
6 hadn't heard from them since then, since that point.
7 So when the final recommendations came out as
8 Commissioner White said we were surprised that, you
9 know, we didn't have more input.

10 MS. SMITH: Well, we'll see if we can remedy
11 that in some kind of way. I'll get a chance to talk
12 with them and speak to them and let them know that the
13 Commission has some input also that they would like to
14 be involved in regards to setting this charter up. So
15 thank you for reminding me.

16 CHAIRMAN WARFIELD: Thank you. Thank you
17 Commissioner.

18 MR. MOORE: Good afternoon to the Detroit
19 Police Commission, our Assistant Chief and to Detroit's
20 Finest. My name is Edward Moore. I am the liaison of
21 the Honorable Kwame Kenyatta, the Detroit City
22 Councilman, bringing warm greetings from his office.

23 For the last three or four years, it could
24 have even been longer than that, as far as the towing
25 is concerned I heard many, many reports from the towing

1 companies about the rotations. I've see you vigorously
2 working trying to get the rotations. I'm hearing that
3 you're going to write the letter to the Mayor, to the
4 Chief, the City Council.

5 I strongly, strongly approve of you to do
6 this because it make no sense for the last four or five
7 years. That's all I've been putting on my report to
8 Councilman Kenyatta is what the towers are saying, and
9 it's only fair. So I'm saying to the Board, to our
10 Assistant Chief, and to our Chief Godbee and to our Law
11 Department, all, we want to thank you.

12 Now we want to make it happen. I don't know
13 what the problem is. I'm just beginning to hear about
14 zoning. That has not been for the last three or four
15 years that they've been talking about the zoning. That
16 has not been on my report. Someone is throwing a
17 monkey wrench, whoever they is. I don't know who they
18 are.

19 But I'm saying that I would think that the
20 Councilman would let me wear his shoes today and I will
21 say send it to the City Council so that they can find
22 out who's throwing that monkey wrench in the wheels.
23 Thank you.

24 CHAIRMAN WARFIELD: Thank you, Mr. Moore.

25 MS. PANELL: Good afternoon. Sharon Panell.

1 I'm a member of the Detroit Citizen Academy. I'm just
2 inviting you to the picnic July 13th, Section 8 at
3 Belle Isle, all day.

4 CHAIRMAN WARFIELD: Give us that day
5 again?

6 MS. PANELL: July 13th.

7 CHAIRMAN WARFIELD: Could you make sure
8 or community liaison --

9 MS. PANELL: All day. Do you want a flier?

10 CHAIRMAN WARFIELD: Yes, ma'am.

11 MS. PANELL: I have an extra one.

12 CHAIRMAN WARFIELD: Thank you.

13 Good afternoon. My name is Rick Ector. City
14 of Detroit resident, firearms instructor, gun owner,
15 open carrier. On behalf of the open carrier community
16 and concealed gun community I want to extend a thank
17 you and congratulations to the Detroit Police
18 Department. I haven't heard of any issue with any gun
19 owners at the Hoedown this past weekend. I had a group
20 out. We didn't have any issues. I'm just saying thank
21 you.

22 CHAIRMAN WARFIELD: Thank you, sir.
23 Anyone else wishing to address the Board of Police
24 Commissioners? At this time we will close that section
25 of our meeting. I'm going to ask if Secretary Anthony

1 will take us into closed session so that we can take up
2 the one personnel issue. It is not the end of our
3 meeting. We will come back and report out after we
4 come from close session.

5 SECRETARY ANTHONY: George Anthony, Secretary
6 for the Board. For the record, there were also two
7 items for the benefit of Commissioner Tony Stewart.
8 Last week on Thursday, May 10th, 2011, the Board was
9 presented with a Suspension Without Pay recommendations
10 for two officers, Police Officer George Loynes,
11 L-O-Y-N-E-S, Badge 982, as well as Police Officer
12 Leonard Ball, Badge 973. They were represented both by
13 DPOA Attorney John J. Goldpaugh.

14 There was a request by those officers to go
15 into close session and the close session was called
16 pursuant to MCL 15.278A of the Open Meetings Act. I
17 won't recite that. It's part of your package. The
18 Board after hearing the cases came back and put on the
19 record their decisions. And unless contravened by you,
20 the Suspensions Without Pay recommendations of Chief
21 Godbee will stand.

22 CHAIRMAN WARFIELD: Mr. Secretary, there
23 was only one contravention. But three votes when we
24 have a four Board member panel is good enough to uphold
25 a Suspension Without Pay. So Suspension Without Pay

1 for both of those officers will be upheld.

2 SECRETARY ANTHONY: Thank you.

3 CHAIRMAN WARFIELD: Thank you.

4 SECRETARY ANTHONY: Again, George Anthony.

5 For the record, we have a request for a closed session
6 under the Open Meetings Act, and this is in regards to
7 a rejected application of Mr. Noah D. Wallace.

8 As a public body your meetings are subject to
9 the Open Meetings Act which is the OMA. The OMA
10 defines a meeting as the convening of a public body at
11 which a quorum is present for the purposes of
12 deliberating towards or rendering a decision on a
13 public policy, that's MCL 15.262B. The OMA, however,
14 does allow a public body to called a closed session,
15 one limited to the public body and it's invitees for
16 specific purposes. Only deliberations may be conducted
17 in close session. All decisions must be made at a
18 meeting open to the public. While in the close session
19 the Board makes no decision. That must be done on the
20 record.

21 At today's meeting the Board is scheduled to
22 go into closed session to discuss the rejected
23 application of Noah D. Wallace. The closed session
24 will be called pursuant MCL 15.268H of the Open
25 Meetings Act which states, in part, a public body may

1 meet in a closed session to consider material exempt
2 from discussion or disclosure by state or federal
3 statute.

4 At this point a motion to close the session
5 would be in order, Mr. Chair.

6 COMMISSIONER RIVERA: Motion to adjourn into
7 to close session?

8 COMMISSIONER WHITE: Second.

9 CHAIRMAN WARFIELD: It's been approved
10 moved and second. All those in favor?

11 COMMISSIONERS: Aye.

12 CHAIRMAN WARFIELD: Motion carries.
13 Thank you. Again we'll be back.

14 (Short recess.)

15 SECRETARY ANTHONY: Mr. Chair, it is
16 appropriate for a motion to come out of closed session?

17 COMMISSIONER RIVERA: Motion to reconvene.

18 COMMISSIONER WHITE: Support.

19 CHAIRMAN WARFIELD: It's been properly
20 moved and supported that we come out of close session
21 to open session. All those in favor?

22 COMMISSIONERS: Aye.

23 CHAIRMAN WARFIELD: All those opposed?
24 Motion carries. Attorney Washington?

25 ATTORNEY WASHINGTON: Celia Washington,

1 Attorney for the Board. We're here through the Chair
2 on the appeal of the disqualified applicant, Noah
3 Wallace. The Board just entertained Mr. Wallace's appeal
4 in close session. Based on the materials and the
5 documents that I received from Director Watson, a
6 complete review of the applicant's file, there were, in
7 fact, a number of discrepancies in terms of the dates
8 specifically with regard to discharge from the military
9 and with regard to arrest history.

10 There's basically nothing in the record to
11 indicate that the decision to disqualify Mr. Wallace
12 was, in fact, an abuse of discretion by the department.
13 Rather the decision reached by the Department was based
14 on the candidate's failure to meet the Department's
15 standards, again, specifically in the areas of arrest
16 history and military the discharge.

17 That falls to the heart as you know of a
18 candidate's moral character and integrity, and based on
19 my review I would recommend that the appeal be denied.
20 Thank you.

21 CHAIRMAN WARFIELD: Thank you. Is there
22 a motion from the Board?

23 COMMISSIONER WHITE: So moved.

24 COMMISSIONER RIVERA: Support.

25 CHAIRMAN WARFIELD: It has been moved and

1 supported that we follow the recommendation from
2 counsel to deny the appeal. Is there any discussion?
3 None. All those in favor of the motion?

4 COMMISSIONERS: Aye.

5 CHAIRMAN WARFIELD: All those opposed?
6 Motion carries. Thank you, ladies and gentlemen. I
7 will entertain a motion to adjourn the meeting.

8 COMMISSIONER DONNELL: So moved.

9 COMMISSIONER RIVERA: Second.

10 CHAIRMAN WARFIELD: It's been properly
11 moved and supported. All in favor?

12 COMMISSIONERS: Aye.

13 CHAIRMAN WARFIELD: All those opposed?
14 Motion carries.

15 (The hearing concluded at 5:18 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

I, Elizabeth Koller, hereby certify that I reported stenographically the foregoing proceedings at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said proceedings.



Elizabeth Koller _____

Elizabeth Koller, CSR 7042,
Notary Public,
Wayne County, Michigan

My Commission expires: June 1, 2012

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