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DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR BOARD MEETING

PAGE 1 TO 66

Taken at 1300 Beaubien Street, Room 328
Detroit, Michigan,
Commencing at 3:05 p.m.,
Thursday, February 17, 2011,
Before Wendy A. Boer, CSR 3505.

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APPEARANCES :

JEROME WARFIELD, CHAIRMAN

ADELA RIVERA, VICE CHAIRPERSON

MICHAEL REEVES, COMMISSIONER

DONNELL WHITE, COMMISSIONER

TONEY STEWART, COMMISSIONER

GEORGE ANTHONY, EXECUTIVE SECRETARY

CHESTER LOGAN, ASSISTANT CHIEF OF POLICE

2/17/2011

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Detroit, Michigan
Thursday, February 17, 2011
About 3:05 p.m.

CHAIRMAN WARFIELD: Good afternoon, ladies and gentlemen. Welcome to the Board of Detroit Police Commissioners meeting. My name is Jerome Warfield, chairman of the Board of Police Commissioners. Serving with me today is our vice chairperson of the board, Commissioner Adela Rivera, as well as Commissioner Mr. Toney Stewart, Commissioner Reverend Michael Reeves and Commissioner Donnell White. Sitting in for the chief of police is the assistant chief, Chester Logan. Sir, good to have you.

ASSISTANT CHIEF LOGAN: Good to be here.

CHAIRMAN WARFIELD: I'm going to ask right now if the secretary for the Board of Police Commissioners will introduce the staff of the commission.

SECRETARY ANTHONY: Thank you, Mr. Chair. For the record, Secretary George Anthony. The staff who are present include Miss Tina Orr, who is our chief investigator from the office of the chief investigator, Miss Dalph Watson, our director of police personnel, Miss Yolanda Caudle who is on staff, Police Officer Kent

1 Cooper who is also on staff. I believe he is here.
2 Mr. Robert Brown, our officer manager, Officer Terrence
3 Bell who is recording our proceedings and Miss Wendy
4 Boer who is our court reporter from Hanson Court
5 Reporting Service. That completes an introduction of
6 the staff.

7 CHAIRMAN WARFIELD: Thank you, Mr. Secretary.
8 Is Chaplain James Powell here?

9 CHAPLAIN POWELL: Yes, I am.

10 CHAIRMAN WARFIELD: Chaplain Powell, could you
11 come to the podium please, sir? And we are going to ask
12 Chaplain Powell if he'd lead us in our invocation for
13 the meeting. Thank you, sir. Good to have you again.

14 CHAPLAIN POWELL: Good to be here. Let's look
15 to the Lord. Lord God of Grace, in the name of Jesus,
16 we thank you, Lord, for your keeping power and your
17 blessing power. We thank you, Lord God, for gathering
18 us, Lord God, here today. Asking you, Lord, as you
19 bring our minds together, help us, Lord, to do your
20 will. Lord, look down upon the honorable mayor of this
21 city, Lord God, the police officers, the staff, Lord
22 God, the leadership. I ask you Lord just to bless,
23 strengthen. Let your blessings be upon us. Let your
24 will be done, Lord. I ask you just to help us, Lord
25 God, to make this city great again, Lord God. Make this

1 city a great city, Lord God, so that people can see your
2 glory, your power and the unity of the people. In Jesus
3 name, amen.

4 CHAIRMAN WARFIELD: Thank you, Chaplain
5 Powell. At this time, we will entertain a motion to
6 approve the agenda for today's meeting.

7 COMMISSIONER STEWART: So moved.

8 COMMISSIONER RIVERA: Second.

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

11 COMMISSIONERS: Aye.

12 CHAIRMAN WARFIELD: All those opposed? Motion
13 carried. We will also entertain a motion for the
14 approval of the minutes from Thursday, February the 10th
15 meeting.

16 COMMISSIONER STEWART: So moved.

17 COMMISSIONER WHITE: Support.

18 CHAIRMAN WARFIELD: Properly motioned and
19 supported. All those in favor?

20 COMMISSIONERS: Aye.

21 CHAIRMAN WARFIELD: All those opposed? Motion
22 carries. At this point, there is no report from me, but
23 I'm going to turn the floor over for a moment to vice
24 chairperson Adela Rivera.

25 COMMISSIONER RIVERA: I had an opportunity --

1 I'm sure all of you have this week to hear the accident
2 that was on I-94 where the young man lost his arm. And
3 there were a lot of very -- citizens were very active in
4 saving that young man's life. One of them happened to
5 be one of our police officers that was on his way to
6 work, one of the first responders at the scene. His
7 name is Chris Herndon (phonetic). I would like to make
8 a motion to have some kind of award for him. He was
9 late for work. But I think he did something rather
10 remarkable. And I think it was a good reason to be late
11 for work. I think any time our officers and our
12 citizens do things on their own when it's not really
13 required I think is above and beyond the call of duty.
14 So if I may, I would like to have some kind of
15 recognition for him.

16 COMMISSIONER WHITE: So moved.

17 CHAIRMAN WARFIELD: Any discussion? Let me
18 say this in support of that as well. Certainly I think
19 it's been highlighted that our officers do go over and
20 beyond the call of duty.

21 COMMISSIONER RIVERA: They do.

22 CHAIRMAN WARFIELD: Whether they are on duty
23 or on their way to duty. And certainly again we
24 appreciate their ties to the community and the fact that
25 they are so embedded in their responsibility of doing

1 this. So, I do support the fact that we ought to
2 present some type of resolution of support and
3 accommodation for this particular officer. Any other
4 discussion?

5 All those in favor of the motion?

6 COMMISSIONERS: Aye.

7 CHAIRMAN WARFIELD: All those opposed? So we
8 will prepare that and have that done. Thank you, ma'am.
9 At this time, I'm going to ask Secretary George Anthony,
10 is there a report from you, sir?

11 SECRETARY ANTHONY: Yes, there is. For the
12 record, through the Chair, Secretary George Anthony.
13 I'd just like to read the citizen complaints for the
14 month of January that were received in January, 2011.
15 Monthly complaints for January were 116. Compared to
16 the same period last year, that's a 45 percent increase
17 over the same period last year. And of course year to
18 date, the same. At the end of January, 2011, the office
19 of the chief investigator had active investigations,
20 579; cases filed, 116; cases closed, 157. Of the
21 104 cases filed, almost 50 percent involve unknown
22 officers. Of the alleged known units involved in the
23 complaints filed in January, 2011, the Northeastern
24 District, 9 percent; Eastern District, 7 percent; 6th
25 Precinct, 5 percent.

1 Of the 116 complaints filed in January, 2011,
2 they involve allegations of improper demeanor,
3 33 percent; improper procedure, 30 percent; inadequate
4 service, 19 percent; and improper use of force, 8
5 percent. And that completes a reading of the
6 secretary's report on citizen complaints.

7 CHAIRMAN WARFIELD: Any questions for the
8 secretary from the board? Any questions for the
9 secretary? Hearing or seeing none, thank you, sir, for
10 that report.

11 SECRETARY ANTHONY: There is one other matter,
12 Mr. Chair. Again, Secretary Anthony through the Chair.
13 We have had two requests for suspensions without pay
14 through their attorney, John Goldpaugh. And that is
15 Police Officer Brian James and Police Officer Donald
16 Shaw. And I'll reserve the reading of that for your
17 discretion.

18 CHAIRMAN WARFIELD: Mr. Secretary, we will
19 hear those suspensions without pay after our oral
20 communications, okay, and we will come back to you at
21 that time.

22 SECRETARY ANTHONY: Thank you.

23 CHAIRMAN WARFIELD: Thank you, sir. At this
24 time, we want to go to the Assistant Chief of Police
25 Chester Logan that he may bring his presentation on.

1 Thank you.

2 ASSISTANT CHIEF LOGAN: Yes, sir. There's a
3 couple of things I'd like to bring to the board's
4 attention. First of all, Deputy Chief Rhonda Davis will
5 be making a presentation. And after that, I'd like to
6 acquaint the board with a good piece of police work from
7 last week.

8 CHAIRMAN WARFIELD: Thank you.

9 DEPUTY CHIEF DAVIS: Good afternoon to the
10 commission, Assistant Chief Logan, Detroit Police
11 Department and the citizens of the City of Detroit. My
12 name is Rhonda Davis, deputy chief of the police
13 department. And I want to present to you what police
14 payroll is responsible for doing for the Detroit Police
15 Department members. That includes your civilians and
16 sworn members.

17 We are under the direction of the management
18 services bureau, which is headed by Deputy Chief
19 Benjamin Lee and also under Assistant Chief Chester
20 Logan. The Detroit Police Department's payroll is
21 responsible for providing payroll services to all sworn
22 and civilian employees of the Detroit Police Department.
23 We do have 17 staff, that's two supervisory staff. We
24 have four senior staff and 11 payroll clerks. We are
25 broken down into about four groups. The rates group,

1 which consists of the new hires, reinstated and
2 reappointed employees, promotions, demotions, out of
3 class pay, step and rate corrections, appointment and
4 class date corrections.

5 Our payroll group which consists of the
6 by-weekly time and attendance. We have two payrolls.
7 One is our B payroll, which consists of mainly our
8 civilians and our sworn members. And then we also have
9 a C payroll, which is our crossing guards. Those are
10 paid on the opposite pay period of the regular payroll.
11 We also process transfer orders within this payroll
12 group, bi-weekly payroll reports which is various
13 reports that help us determine how a person was paid
14 within a payroll period. We process prorated annual
15 longevities, next level longevity. That's when a person
16 is reaching their next level of longevity, 11, 16 and
17 21 years of service. Prorated annual vacation for our
18 civilians, payroll advance requests, stop payment
19 requests, address, tax changes, name changes and
20 voluntary deduction changes.

21 Since July of 2010 up to just last month, with
22 our B payroll, I have a chart here which identifies how
23 much we have spent out in payrolls for each month. And
24 beginning with July, our payroll was just over
25 \$15 million dollars. That's two payrolls per month with

1 the exception of December, where we had three pay days
2 within this month.

3 Our adjustments group consists of processing
4 the DPD 65 adjustments that come in from our time
5 keeper. These are either additional pay requests for
6 over time or it might be changing some time that was
7 previously recorded to something else. We process bomb
8 disposal pay, back pay awards, sick to disabled changes,
9 Fair Labor Standards Act which is the FLSA reports over
10 time. Once a member reaches 480 hours, there's a
11 formula that we use to calculate what they're entitled
12 to receive. Military training recovery and jury duty
13 recoveries.

14 I have another chart here that identifies the
15 numbers of adjustments that we're receiving per month
16 from July of 2010 up until last month. Our highest
17 month was just last month where we received just under
18 180 adjustments. So, you can see kind of the volume of
19 work that we are receiving in monthly. And these again
20 are coming from our department timekeepers.

21 What I have graphed here in orange is the
22 number of over time requests that we are receiving.
23 Those over time requests are -- consist of holidays,
24 omitted holidays, omitted over time worked, recall and
25 court appearance notices that may have been turned in

1 late.

2 Our separations group consists of lump sum
3 payments. Those are for retirements, resignations, duty
4 and non-duty disabilities, military leave of absences,
5 if a person requests to be paid a lump sum and also our
6 dismissals. Separations group also consists of jury
7 duty recoveries, absence no pays and suspension
8 tracking, leave of absences and supplemental Workers'
9 Comp. Those are generally for our civilians.

10 The chart that we have graphed next is for
11 separations. This identifies the numbers of separations
12 that we are receiving per month from July, 2010, until
13 January, 2011; again, January, 2011 being the month that
14 has the highest number of separations.

15 Our special projects group consists of the
16 annual police pick selection, which is done in June,
17 July of each fiscal year. The annual uniform allowance
18 is paid in July of each year, annual longevity, bonus
19 vacation purging per contract. Our leave bank, deferred
20 retirement option plan which is a new project that we
21 have and also furlough sell back payments.

22 With the deferred retirement option plan, this
23 chart graphs how much we have received since July
24 of 2010. But in addition to that, I have also indicated
25 what we received prior to July, 2010, since its

1 inception in July, 2009. So, we have received the
2 majority of our requests for the one-year period July,
3 2009, up to June, 2010. Represented in orange is what
4 was actually paid out, with the most payments being made
5 in November of 2010. Any questions?

6 CHAIRMAN WARFIELD: Any questions?
7 Commissioner Rivera?

8 COMMISSIONER RIVERA: I had a couple of
9 questions here. What was bomb disposal pay?

10 DEPUTY CHIEF DAVIS: Bomb disposal pay is for
11 licensed members of the lieutenants and sergeants
12 association who had certification for bomb disposals.
13 There is by contract a payment of \$100 per month because
14 of their certification.

15 COMMISSIONER RIVERA: Okay. The other one I
16 had a question, what's the annual police pick selection?

17 DEPUTY CHIEF DAVIS: Police pick selection is
18 an option for over time, how a member requests to be
19 paid over time work. They can either receive cash or
20 compensatory time, both at time and a half.

21 COMMISSIONER REEVES: Through the Chair, could
22 we repeat that?

23 CHAIRMAN WARFIELD: I'm sorry?

24 COMMISSIONER REEVES: Could you repeat that?

25 CHAIRMAN WARFIELD: Could you repeat that

1 annual selection?

2 DEPUTY CHIEF DAVIS: The annual pick
3 selection? It's an over time option that the members
4 have beginning each fiscal year for cash or comp, how
5 they want to be paid for their over time worked.

6 COMMISSIONER REEVES: Okay. Got you.

7 CHAIRMAN WARFIELD: Commissioner Stewart?

8 COMMISSIONER STEWART: Through the Chair,
9 Commissioner Stewart. Back pay award consists of
10 exactly what? Is it back pay for something that they
11 were missing or explain that 'cause I think everyone
12 would like to know.

13 DEPUTY CHIEF DAVIS: Back pay awards are
14 arbitration decisions. It would either be a labor
15 relations grievance or arbitration grievance, some sort
16 of grievance for a member who has been off the payroll,
17 and it's been determined that these members should have
18 been carried as working.

19 COMMISSIONER STEWART: It's like someone gets
20 suspended, and they legally go through legal
21 proceedings, they win, then you have to pay back pay?
22 One more question too. You got right here, you had
23 payroll adjustments for July to -- let's see. It
24 dropped, and it came back up in January. So that's --
25 explain that. Why did it take that much time to make

1 that adjustment?

2 DEPUTY CHIEF DAVIS: Actually, I was trying to
3 get back to that graph. I'm sorry. Can you repeat the
4 question? I was trying to get back to the graph.

5 COMMISSIONER STEWART: The payroll
6 adjustments, I see in January you paid some adjustments.
7 So explain.

8 DEPUTY CHIEF DAVIS: The adjustments, we are
9 receiving adjustments in from the timekeepers. This is
10 changing either some time that we previously paid to
11 something else, switching bank time or it's we are
12 receiving adjustments for over time, missed over time,
13 missed holiday pay, anything that was missed or we are
14 processing a change for.

15 COMMISSIONER STEWART: So the individual may
16 notify you guys that they wasn't paid, then you guys
17 take -- go through the records and find out?

18 DEPUTY CHIEF DAVIS: Timekeepers do.

19 COMMISSIONER STEWART: So it takes that much
20 time to adjust their pay when they haven't got paid?

21 DEPUTY CHIEF DAVIS: Well, because of the
22 numbers we are receiving monthly, we are usually
23 processing them within a two-week payroll period. We
24 pretty much have about 30 days to process, which comes
25 out to about two weeks payroll.

1 COMMISSIONER STEWART: So you have to take
2 that time to redo things?

3 DEPUTY CHIEF DAVIS: Yes.

4 COMMISSIONER STEWART: So it costs --

5 DEPUTY CHIEF DAVIS: Yes.

6 COMMISSIONER STEWART: If I were to ask, do it
7 take that much time, you guys doing something to try to
8 adjust that to make sure you get more accurate so you
9 don't need that kind of cost?

10 DEPUTY CHIEF DAVIS: Well, we do require that
11 the timekeepers send in all the documentation, which is
12 including the work period time reports. It's a
13 day-to-day detail of how they work so that we know
14 exactly what it is that we're charging or changing it
15 to.

16 COMMISSIONER STEWART: But you will save a lot
17 of money if you just kind of look at why this happened
18 and stuff like over the course of time I think you
19 could --

20 DEPUTY CHIEF DAVIS: It's something that we
21 might be able to look into. However, you know, because
22 when we're processing the initial payrolls, we don't get
23 the day-to-day reports in. We are receiving the
24 information in as it's reported on our time sheets.

25 COMMISSIONER STEWART: Okay.

1 CHAIRMAN WARFIELD: Commissioner?

2 COMMISSIONER WHITE: Thank you. DC Davis, a
3 couple quick questions. On your first graph for your
4 B payrolls where your December rises and also you have
5 an orange bar for your adjustments, is adjustments
6 including over time or is adjustments if I forget to
7 turn in my over time when I come back?

8 DEPUTY CHIEF DAVIS: For the B payroll, I'm
9 sorry, I can't recall what the graph looks like offhand.
10 The orange, yes, is representative of the over time
11 received, yes, that's correct.

12 COMMISSIONER WHITE: The green bar?

13 DEPUTY CHIEF DAVIS: The green bar is just the
14 total number of adjustments. And that's including the
15 over time. Thank you.

16 COMMISSIONER WHITE: Madame Director, if you
17 could since you volunteered, the B payroll I think was a
18 few slides backwards. Thank you very much. Thank you.
19 So, for December, the green bar, is that representative
20 of over time as well?

21 DEPUTY CHIEF DAVIS: The green bar is total,
22 the total payroll. The orange -- I'm sorry. On this
23 one here, the orange bar is consistent of any type of
24 adjustments. That's your over time, missed over time,
25 that's including your drop payments, the separations for

1 retirements, resignations, so on and so forth, any lump
2 sum payment. So any type of an adjustment where we are
3 paying out additional monies is in this orange bar here.

4 COMMISSIONER WHITE: For your adjustments,
5 does an individual have a time frame they have to submit
6 adjustments?

7 DEPUTY CHIEF DAVIS: No, not to payroll, no.

8 COMMISSIONER REEVES: Through the Chair, there
9 is no penalty if I just happen to forget to turn in my
10 over time and it's been over a month and a half?

11 DEPUTY CHIEF DAVIS: Not to the member.

12 COMMISSIONER REEVES: Still no penalty?

13 DEPUTY CHIEF DAVIS: Not to the member.

14 CHAIRMAN WARFIELD: Any other questions from
15 the board? Yes, sir, Commissioner Stewart?
16 Commissioner White, I'm sorry?

17 COMMISSIONER WHITE: One last question. Is
18 there a process for payroll deductions through the
19 police department? For instance, if an outside entity
20 wanted to enter into a relationship with the department,
21 is that through payroll or is that through some function
22 of the city?

23 DEPUTY CHIEF DAVIS: No, it's not through
24 payroll. They actually have to go through I believe
25 it's MERC, the mayor's employee recreation committee.

1 There's a different division that's either handled
2 through the human resources department or the finance
3 department that you would have to go through. There are
4 some entities that may go through the DPOA or the LSA.
5 But police payroll does not handle those at all.

6 COMMISSIONER WHITE: Thank you, Mr. Chair.

7 CHAIRMAN WARFIELD: I just have just a few,
8 Deputy Chief Davis. Staying with this slide, is there a
9 reason why December spiked so much?

10 DEPUTY CHIEF DAVIS: Because there were three
11 payrolls.

12 CHAIRMAN WARFIELD: Three payrolls, three pay
13 days in Decemeber. Okay, great. And then also, in
14 adding this up, just the green bars, it's about a
15 hundred thousand dollars in adjustments there. These
16 are not adjustments, are they?

17 DEPUTY CHIEF DAVIS: Those are adjustments.

18 CHAIRMAN WARFIELD: Just adding up the green
19 bars, about a hundred thousand dollars in adjustments,
20 is there anything we can do as a board to help
21 straighten this out so we are not making these
22 adjustments and that the time sheets are coming to you
23 in a manner where it accurately reflects correct time?

24 DEPUTY CHIEF DAVIS: For regular payroll
25 adjustments, possibly yes. However, for the

1 separations, lump sum payouts, because those are not
2 actually processed by police payroll, we have to send
3 those to the finance department, payroll audit, for them
4 to actually enter the lump sum request in the system.
5 So for payroll adjustments, possibly yes.

6 CHAIRMAN WARFIELD: Certainly. And certainly
7 if there's anything we can do, you can let us know. And
8 then finally, on those who are being separated and/or
9 retired, about 127, do you know if those positions would
10 be refilled? Are they just attritioned out, do you
11 know?

12 DEPUTY CHIEF DAVIS: I believe those are going
13 to be refilled. But that would be a question for police
14 personnel.

15 CHAIRMAN WARFIELD: Okay, great. Any other
16 questions? Thank you, ma'am. We appreciate your
17 presentation. At this time, we will continue with our
18 agenda. I'm sorry, Assistant Chief, you had something
19 else? I'm so sorry.

20 ASSISTANT CHIEF LOGAN: I wanted to insure
21 that there are no more presentations from the police
22 department. There is a particular case I want to share
23 with you we were involved in last week. The importance
24 of this case is that it goes to show how the confidence
25 in the community is undermined.

1 On February 11th, at approximately 7:30, four
2 masked men wearing black masks, black t-shirts with
3 police written on them in white block letters went to a
4 house on the west side of Detroit and announced, Detroit
5 Police. The masked men then forced a door open and
6 pointed hand guns at two female occupants who were on
7 the first floor. The masked men then ordered the women
8 to the floor and demanded money.

9 At that time, an unknown person exited the
10 basement. He was armed with an assault rifle. And he
11 confronted the imposters. An exchange of gun fire took
12 place where one of the imposters was shot. He suffered
13 a wound to his stomach. This wound was so massive, it
14 blew out a large part of his intestines. So, they all
15 fled the scene. And the gentleman that was shot in the
16 stomach ended up at Grace Sinai Hospital. He was later
17 determined to be in critical condition.

18 Going through our normal investigative
19 process, we were able to do a crime scene search. There
20 was a large amount of blood and evidence left at the
21 scene. To make a long story short, this gentleman was
22 locked up. He confessed to not only that you may as
23 well say robbery, home invasion but he was also -- that
24 crew was also wanted for a number of others. These
25 aren't the only police imposters out there.

1 But I just wanted the community to know that
2 in this particular case, these four gentlemen are in
3 custody and that things like this do in fact happen.

4 CHAIRMAN WARFIELD: Thank you for informing us
5 of that. I just have a question. Is there something
6 that we can do again as a board so that when citizens
7 are encountered by officers at their house, that they
8 will have some understanding of what uniform would or
9 would not show up and under what circumstances? Is that
10 possible to put something -- I know the situations vary.
11 But is there something -- is it possible to put
12 something together to make the citizens aware who to and
13 who not to let in?

14 ASSISTANT CHIEF LOGAN: Through the Chair,
15 Commissioner, I'm begging for your indulgence. The
16 chief of police has ordered some of the same things that
17 you're talking about. They are not ready to roll them
18 out yet. But in fact, I meant to call and see if that
19 was ready before I came down here. But that would be
20 taken care of in short order.

21 CHAIRMAN WARFIELD: Absolutely. Thank you,
22 sir. Appreciate that. Commissioner Stewart?

23 COMMISSIONER STEWART: One thing I think to
24 could elaborate on, what Commissioner Warfield has said,
25 I mean, I think it's good to educate the public that if

1 they do come in, they don't come in with masks, do they?

2 ASSISTANT CHIEF LOGAN: No, sir, they
3 shouldn't come in with masks.

4 COMMISSIONER STEWART: That would make them
5 informative as far as if somebody come to your door
6 with police written on their jacket or something like
7 that, if they got masks on, I mean, you already know
8 right now, already you know they are not cops. So I
9 think it should be a little more education I think
10 through the board that when citizens come to the board
11 meetings, to educate them about what they might be
12 wearing or what they might not do. Certain things it's
13 obvious.

14 ASSISTANT CHIEF LOGAN: I think right now it's
15 too soon to put that in place, especially at this board
16 meeting. But in the near future, in the very near
17 future, there will be a complete outline that the chief
18 is going to roll out to the community which will address
19 those concerns. We are doing something innovative in
20 terms of this because it is a problem.

21 CHAIRMAN WARFIELD: Thank you.

22 COMMISSIONER STEWART: We appreciate that.

23 CHAIRMAN WARFIELD: Thank you, Assistant Chief
24 Logan. Is there anything else, sir?

25 ASSISTANT CHIEF LOGAN: No, sir.

1 CHAIRMAN WARFIELD: Thank you. Appreciate
2 your presentation to us. At this time, we have a grant
3 request that has come to us from the department. I'm
4 going to ask that vice chairperson Commissioner Rivera
5 will read the grant request for us, please.

6 COMMISSIONER RIVERA: Detroit Police
7 Department's community services request to apply for a
8 Met Life Foundation grant for fiscal year 2011. The Met
9 Life Foundation and the Local Initiative Support
10 Corporation, also known as LISC, are partnering for the
11 tenth year to recognize, sustain, and share the work of
12 innovative partnerships between community groups and
13 police to promote neighborhood safety and
14 revitalization.

15 Through this awards program, Met Life
16 Foundation and LISC will identify and honor partnerships
17 that exhibit tangible accomplishments in their efforts
18 to advance the process, outcome and/or evaluation of
19 potent police/community collaborations.

20 Eligible applicants must be member
21 organizations of partnerships that include but need not
22 be limited to community organizations and police. The
23 Met Life Foundation community/police partnership award
24 includes two separate categories which emphasize
25 different models of police/community collaboration.

1 Applicants can apply under two separate award
2 categories.

3 The first one is the neighborhood
4 revitalization awards, two first place monetary awards
5 of \$25,000 each and four runner up awards of \$15,000
6 each will recognize exemplary collaboration between
7 community groups and police that yields crime reduction
8 as well as economic development outcomes such as real
9 estate development, business attraction and job growth.
10 Winners of the neighborhood revitalization awards agree
11 to hold a local event in the summer or fall of 2011 to
12 announce their award.

13 The second category is the special strategic
14 -- I'm sorry, special strategy awards. Five monetary
15 awards of \$15,000 each recognize exemplary collaboration
16 between community groups and police that yield
17 significant public safety outcomes in one or more of the
18 following areas: Applied technology, aesthetics and
19 green space improvement, diversity, inclusion and
20 integration, drug market disruption, gang prevention and
21 youth safety and seniors and safety.

22 The Detroit Police Department's community
23 services is currently in the process of preparing a
24 grant application that meets the guidelines. This
25 application will be prepared and submitted by the grant

1 deadline of Monday, February 28th, 2011. In the event
2 of approval, the grant is to apply and the award is
3 received -- I'm sorry -- will go to Lieutenant Herbert
4 who is in charge of police community services. He will
5 be the project director. Requesting the board's
6 permission to apply for this grant and to seek approval
7 for the attached resolution from the Detroit City
8 Council.

9 CHAIRMAN WARFIELD: Is there a motion to
10 approve for the application of this grant?

11 COMMISSIONER RIVERA: So moved.

12 COMMISSIONER STEWART: Second.

13 CHAIRMAN WARFIELD: It's been properly moved
14 and seconded that the department apply for this grant.
15 Any discussion? Yes, sir?

16 COMMISSIONER WHITE: Through the Chair,
17 through to the AC, if I missed it, forgive me. But is
18 there a cash match for this particular grant?

19 ASSISTANT CHIEF LOGAN: No, sir.

20 COMMISSIONER WHITE: Okay.

21 CHAIRMAN WARFIELD: Any other questions,
22 comments? Hearing or seeing none, all those in favor,
23 please say aye.

24 COMMISSIONERS: Aye.

25 COMMISSIONER WARFIELD: All those opposed,

1 same right and privilege. Motion carried. Thank you,
2 sir, very much.

3 At this time, we want to announce our next
4 upcoming meeting, which would be Thursday, February
5 24th, 2011, right here at 1300 Beaubien, police
6 headquarters, at 3:00 p.m. And during that meeting, we
7 will have an open forum to discuss the secondary
8 employment policy for the Detroit Police that we may
9 completely ratify that policy. Again, that's next
10 Thursday, February the 24th, 3:00 p.m., here at police
11 headquarters.

12 At this time, our agenda calls for open -- for
13 oral communications from the audience. If you wish to
14 address the Board of Police Commissioners, you may come
15 to the podium in the center. Please give us your name
16 for the record. And we ask that you abide by our
17 four-minute time rule. Thank you.

18 MS. WYNN: Good afternoon, honorable body.

19 CHAIRMAN WARFIELD: Good afternoon.

20 MS. WYNN: My name is Junetta Wynn. I am a
21 citizen of the City of Detroit. I am also a sergeant
22 with the Detroit Police Department. But I'm standing
23 before you representing the Detroit Police Lieutenants
24 and Sergeants Association. I am currently the president
25 of that association. Unfortunately, I was not here to

1 hear the beginning of the presentation, nor do I have
2 information from the presentation regarding payroll and
3 lump sum payouts as well as retiree payments and
4 adjustments.

5 But I'm standing before you because there is a
6 serious problem within the Detroit Police Department
7 payroll and payroll audit. And I say a serious problem.
8 And some of the necessary changes that need to occur may
9 or may not have been spoken to. But I did hear the
10 board ask for recommendations. As it stands now, there
11 are approximately 160 members from my bargaining unit
12 that took on the contract availability to drop. Of
13 that, there are numerous if not more than 80 members
14 that have not been paid out in a timely manner. And
15 when I state a timely manner, it's the manner in which
16 the City of Detroit and the Detroit Police Department
17 implemented on their own when opening up this particular
18 program as well as putting in documentation that members
19 once they in fact chose to drop, would have a 30-day
20 window in which the City of Detroit would pay them their
21 lump sum drop funding.

22 I have currently -- and I'm sorry not to have
23 the entire list. But I was called when this meeting
24 began, and I was not aware of this agenda. But I do
25 have in front of me numerous members dating back to

1 February, 2010, that have not received their lump sum
2 payment. And this is ludicrous that a member would have
3 to wait an entire year for hard earned monies that were
4 due. I find that this board needs to take a look at as
5 well as call upon all members within the City of
6 Detroit, meaning from the financial department, Norm
7 White, Michael Lane, Joseph Martinico (phonetic), Deputy
8 Chief Rhonda Davis and come to some type of an agreement
9 because a violation is costing this City of Detroit
10 state funding as well as funding on interest.

11 Not only that, it is causing court costs. As
12 of February the 8th, I was in MERC filing as well as for
13 a hearing for unfair labor practice on this matter.
14 This should not come to this point. But let alone,
15 these members are entitled to their money. They are
16 working hard for their money. It's justified. And
17 there is no seem to be consequences for it. And I would
18 ask that this board look into it immediately and make
19 sure that these members are receiving what is entitled
20 to them.

21 I am free to speak with, meet with or have any
22 type of discussion to try and rectify this. But in the
23 mean time, the Lieutenants and Sergeants Association has
24 to move forward in making sure that my members are
25 validated as well as receiving what is due. They are

1 also losing things because of what is due to them such
2 as an example, members have tried to buy homes in the
3 City of Detroit, have closing costs involved as well as
4 loss because of dates in which they expected as well as
5 the city stated they would pay their money so they can
6 stay in the City of Detroit and provide the services.
7 And I wish that someone would get to the handle of the
8 bottom of this as soon as possible.

9 CHAIRMAN WARFIELD: Could you hold on one
10 second, President Wynn? Any questions for President
11 Wynn from the board?

12 COMMISSIONER WHITE: No.

13 COMMISSIONER STEWART: That's one of the
14 questions I was asking earlier when I asked why did it
15 take so long for that deal with the same situation. We
16 came up with a solution. And we started taking care of
17 our members more promptly. And that does cost. That's
18 one thing I think we can save lot of money at.

19 MS. WYNN: As far as payment for a member
20 that's retired, they are paying after 30 days the state
21 judgment rate. As far as with the drop plan, the City
22 feels as though that they shouldn't have to pay it.
23 That's why I'm in court. It is ludicrous that we spend
24 this kind of money, which could be better suited in
25 providing equipment as well as resources from our

1 members that are out there in the street. But I sat
2 down with everyone that I have mentioned over the last
3 year on a weekly basis attempting to get resolution to
4 it. It seems to be a very disconnect. Maybe the
5 disconnect is that people are looking at the amount of
6 funds and monies that my members deserved and worked 20,
7 25 and 30 years and have a right to and just don't want
8 to pay it. I don't want to say that, but I did. But it
9 needs to stop. And these members need to have
10 justification. That's just the lump sums and the drops.

11 As far as the timekeepers, they need
12 assistance out there. And as far as paying back, the
13 arbitrators rule that payments are to be retrofied and
14 payment upon the award. There is no reason that you
15 should see anything of a lump sum being paid out from an
16 award, and which was dated maybe in July. The City has
17 lost. Pay the members as stated by judgment. That's
18 why you having more lawsuits. It's ridiculous.

19 COMMISSIONER STEWART: I appreciate that.

20 CHAIRMAN WARFIELD: Commissioner Rivera?

21 COMMISSIONER RIVERA: Through the Chair, can
22 we hear what the department has to say about that?

23 ASSISTANT CHIEF LOGAN: Yes, ma'am.

24 CHAIRMAN WARFIELD: One second. I want to
25 listen to the assistant chief, and then we can come back

1 to you.

2 ASSISTANT CHIEF LOGAN: He's tried to address
3 it.

4 CHAIRMAN WARFIELD: With all due respect --

5 ASSISTANT CHIEF LOGAN: Through the chair, the
6 president of the Lieutenants and Sergeants Association
7 has a valid point. However, it's the department's
8 position that these things fall under the Collective
9 Bargaining Agreement. There are remedies under the
10 Collective Bargaining Agreement that are being applied.
11 That's all I can say on the matter right now.

12 CHAIRMAN WARFIELD: Madame President?

13 MS. WYNN: Okay. We have brought them before
14 in the forum that our Collective Bargaining Agreement
15 states, in which after 30 days a member has a right to
16 file a grievance under Article 17 and Article 53. Once
17 it goes before this body, in which it meets with the
18 assistant chief, after that, the response has been,
19 place on hold, we will investigate it. And which I will
20 say that the police department has investigated. But
21 there is a disconnect from payroll audit which is under
22 the City of Detroit, Norman White and Michael Lane, to
23 the police department which is Deputy Chief Davis.

24 But regardless to where the disconnect is,
25 these members are being violated time and time again.

1 And they deserve their money immediately.

2 CHAIRMAN WARFIELD: Well, question, Madame
3 President Wynn. We would definitely want to sit down
4 with you and talk to you about this in more detail. Our
5 staff will reach out to you so that we can get a date
6 that we may be able to do that and serve and be of any
7 assistance we can to help facilitate this. We do
8 understand of course that it does involve some
9 collective bargaining things. We also understand that
10 it involves some of the mayor's appointees as well. But
11 from our end, we definitely want to get a clearer
12 understanding not only of how this is impacting your
13 members of your union but the entire department and the
14 City as well. And so, we will definitely make that time
15 available in the very near future to have that meeting.

16 MS. WYNN: I'll be available any time you
17 would like to meet.

18 CHAIRMAN WARFIELD: Thank you. Any other
19 questions for Miss Wynn?

20 COMMISSIONER RIVERA: I just think that it
21 effects the morale of the entire department because when
22 people want -- they are supposed to have money, they
23 want their money. And you're right, I think it's been
24 going on long enough. You said since February of 2010?

25 MS. WYNN: I will say that drop plan itself

1 started in '09. But the procedure in following the
2 contractual contract pertaining to paying members lump
3 sum payments within 30 days, the City of Detroit has
4 been fined as well as in court dating back to 2003 and
5 ordered -- and that is why the state judgment rate was
6 attached to the failure to pay in a timely fashion.

7 So, this matter has just snowballed and
8 continued from the point of we got a new computer
9 system, we have this and so forth. But the fact remains
10 that there is no excuse for this. And a City is trying
11 to move forward, and it's setting us back by costly
12 litigation. It's not happening.

13 COMMISSIONER RIVERA: Maybe we can reach out
14 and get a little expedience done on this.

15 MS. WYNN: I would hope so. Our next court
16 date will probably be in March in front of the Michigan
17 Employment Court as well as it also is in Circuit Court
18 to try and get the City to pay. But we are trying to
19 get our members paid, not wait on court dates and see
20 things happening.

21 CHAIRMAN WARFIELD: Thank you, Ms. Wynn.
22 Thank you.

23 COMMISSIONER WHITE: Through the Chair, AC
24 Logan, is it possible that we might be able to get a
25 formal response as relates particularly to the

1 individuals who as of February, 2010, she stated there
2 are a number of individuals that have not -- I
3 understand that this is a collective bargaining
4 agreement. But if there's a time line that the
5 department is not adhering to, is it possible to get a
6 statement as to why we may be going over the 30 days and
7 more so specifically what is the game plan to make these
8 individuals whole that we are over the 30-day period
9 for?

10 ASSISTANT CHIEF LOGAN: Through the Chair, I
11 think that I believe Madame President Wynn said that the
12 problem is not so much with the police department. It's
13 kind of like out of our hands. But I will try to pull
14 that information together for you because it reaches a
15 point where you do all you can, and then it's turned
16 over to someone else. I think that that's the big
17 issue.

18 COMMISSIONER WHITE: Through the Chair if I
19 could, maybe that statement is helping us understand
20 where that disconnect is, once it leaves your hand,
21 where the ball may be dropping so that we might be able
22 to pick up from that standpoint.

23 ASSISTANT CHIEF LOGAN: Yes, sir.

24 CHAIRMAN WARFIELD: Thank you. Thank you.

25 MS. WYNN: Thank you.

1 MR. BRAXTON: Good afternoon.

2 CHAIRMAN WARFIELD: Good afternoon, sir.

3 MR. BRAXTON: My name is Keenan Braxton. I am
4 a resident of the City of Detroit. I am 26 years old
5 and one of the last 20 somethings in my neighborhood
6 trying to do something positive. On December 7th, a so
7 called friend of someone I knew, however you want to
8 take it, he was arrested using my name and birthday.
9 Now, I have several issues with that. There are times
10 that I understand aliases are incurred by suspects and
11 criminals. I can understand that. But this time, I
12 just don't understand it for several reasons. The guy
13 was on parole and probation when this crime happened on
14 December 7th. Finger prints and DNA are on file. He is
15 48 years old, I am 26, arrested by the same unit that
16 arrested him a few months prior in 2010.

17 Yeah, he was picked up on the 7th, was turned
18 over to the Wayne County Jail on December 10th under my
19 name. So I believe that that would have given them time
20 to clarify that before they turned it over to the jail.
21 I had to call his parole agent and have a detainer put
22 on him so that he didn't get off on bail under my name.

23 And all the City of Detroit Police Department
24 knows they looking for Keenan Braxton. And then we got
25 to finger print you and wait for that to come back and

1 this that and the other. So I'm being more protective
2 than reactive to the entire situation. I got a call
3 from the City of Detroit Health Department in regards to
4 an urgent health matter I had to go hear about that --
5 which come to find out they were his information sent
6 under my name.

7 This has been stressing me out. I called the
8 New Center Department of Community Health to try to get
9 someone to speak to about this entire situation. And
10 the first thing he asked me is so your address is 570
11 Clinton Avenue? And then he gives -- re-asks me is my
12 Social Security, such such and such. And of course it
13 is this guy's. My potential employer at the time had to
14 send me an e-mail asking me to give him clarification on
15 what happened because of the I check thing. So I
16 actually paid \$10 myself to run a check on myself. And
17 put in my name and birth date, and his 17-page criminal
18 history pops up you know and says this information
19 matches the name and birthday but does not completely
20 match.

21 So, that was quite disturbing also. I would
22 be a lot more understanding about this if he didn't have
23 a criminal record. If the finger print machine was
24 broke, I could see some things happening. But I don't
25 get it. I feel like I'm continually being victimized

1 over this. I called, I filed a police report about this
2 matter the next day I found out about it. And the
3 sergeant who was assigned to it has not called me back.
4 I have left numerous messages for this person to call me
5 back. The courts don't know exactly how it happened.

6 The officers say something about he was
7 walking around the Renaissance Center pretending to be
8 me, X, W, Z. I don't understand that. You know, I feel
9 as though no matter if he woke up out of his bed
10 intending to go get a criminal record in someone else's
11 name, he should not have been able to.

12 So, that is my biggest concern about it. I'm
13 a five time AmeriCorp (phonetic) member. I have done
14 City of Detroit, Hands on Atlanta, Tulane University's
15 Outward Bound program. I currently work for the
16 Michigan Council on Crime and Delinquency as a project
17 facilitator for the inner city neighborhood project. I
18 am a student at the University of Detroit Mercy resident
19 advisor. I've done so many things, that this is not one
20 of them as far as this crime is concerned. And the
21 clearance concept I get and understand. But as far as
22 it never should have happened in the beginning is my
23 issue. And I can accept the clearance.

24 CHAIRMAN WARFIELD: Mr. Braxton, first of all,
25 thank you so very much for coming and sharing that with

1 us. Assistant Chief Logan, is there anything we can do
2 from the department's side?

3 ASSISTANT CHIEF LOGAN: Yes, sir. If I could,
4 I'd like to ask Deputy Chief Tolbert if he'd get with
5 this gentleman and see exactly where we are on this.
6 You can imagine the difficulties he's facing. And I
7 know it's going to be difficult. Even if we get this
8 rectified, there's probably still other things going on.
9 But I'd ask the DC to get with him and see if we can get
10 him on the right path.

11 CHAIRMAN WARFIELD: Certainly I know he will
12 do that immediately. But certainly I am concerned about
13 the quick nature and what we can get some resolved. I
14 don't know if it's feasible or not because I don't know
15 the entire case. But if it's feasible, if we can, you
16 know, provide some type of letter that we have done due
17 diligence on our part, I mean, if we can get to that
18 point, to help this young man get back on his feet so to
19 speak because we know these things unfortunately has the
20 life span to linger somewhat. And we do know that. But
21 anything that we can do from our vantage point and
22 standpoint, once we understand the full case, we
23 certainly want to do that, Mr. Braxton and help you.

24 So DC Tolbert will definitely see you
25 immediately. And we will get to working on that.

1 but --

2 COMMISSIONER STEWART: I wanted to ask one
3 thing. Speaking for the citizens, one thing I'm puzzled
4 about. I know I'm a citizen. I'm out there all the
5 time too. I been through some of the stuff you've been
6 there. I don't get how can they -- how old are you?

7 MR. BRAXTON: 26 years old.

8 COMMISSIONER STEWART: And the other guy was
9 how old?

10 MR. BRAXTON: 48.

11 COMMISSIONER STEWART: The Social Security
12 number was a puzzle to me.

13 MR. BRAXTON: No idea. Here I am right here
14 currently remanded. I printed this off from the Wayne
15 County jail, 2-16, 5-15. I have all the documentation
16 from the court register of actions, clear victim witness
17 statements. Sorry that you've been a victim of a crime,
18 Subpoenas. I have it all right here.

19 COMMISSIONER STEWART: I just want to ask one
20 thing. I think this is going to kind of clear up
21 everything. I don't think the police department should
22 be that inaccurate with finger prints, younger guy.
23 Same name, everybody know half of us got the same name.
24 This just doesn't make sense to me for the police
25 department -- have you been arrested?

1 MR. BRAXTON: No. I had -- I was supposed to
2 testify the other day at a probation violation hearing.

3 COMMISSIONER STEWART: So they notified you?

4 MR. BRAXTON: Ms. Laurie Thorp, the supervisor
5 for the clerk criminal division at Wayne, she's on top
6 of it. There is so many people behind me, Prosecutor
7 Daugherty, Mr. Daugherty (phonetic). I mean, I have --
8 there's so many people that are aware of this, just the
9 fact that it happened initially.

10 COMMISSIONER STEWART: I think this is
11 something we should look into and stuff and get cleared
12 up because this don't make no sense to me. If our
13 justice -- our system is that -- let me just put it this
14 way. I'm a guy that work in the business as far as
15 building something. If my guys were that dumb -- just I
16 mean I don't know if I can say this. Something is
17 wrong. I mean, for a person your age, no finger prints.
18 Social Security number got to be different. You're
19 younger. So, it just doesn't make no sense. I think
20 this would be smart to look into.

21 CHAIRMAN WARFIELD: Thank you, sir. Any other
22 comments from the -- Assistant Chief?

23 ASSISTANT CHIEF LOGAN: Through the Chair, AC
24 Logan. One of the things that you have to be careful of
25 in a situation like this is that naturally the prints

1 are going to say who this gentleman is. But he might be
2 using anybody's name. So that just goes down as a/k/a,
3 also know as. He might have 10 or 20 different names.

4 MR. BRAXTON: I'm number 15 birth date. I'm
5 number 15 name, number 7 birthday. And there's three or
6 four Social Security numbers.

7 COMMISSIONER STEWART: True. But the
8 fingerprints identify that person.

9 ASSISTANT CHIEF LOGAN: Right.

10 CHAIRMAN WARFIELD: Mr. Braxton, thank you.
11 If you'll see Deputy Chief Tolbert, he'll take care of
12 it. Thank you, sir, appreciate you coming. Wish you
13 the best in the future of your studies. Yes, sir?

14 MR. LUNN (phonetic): Hello.

15 CHAIRMAN WARFIELD: Good afternoon.

16 MR. LUNN: How you doing? My name is Dana
17 Lunn (phonetic). I came up here, down here several
18 times. But I have had several complaints. But this
19 complaint I am having right now is that I would like the
20 police department to stop writing me letters for the
21 reserve department because evidently every time they
22 write me one to come down in for the reserve department,
23 they are not going to hire me to be a reserve officer
24 because of something that happened in 1995 that I took
25 care of. Because every time I call Mr. Johnson that

1 answers the phone, he said because I had a domestic
2 violence back in '95. I took care of that situation.
3 And I done volunteer and try to help the City of Detroit
4 ever since then. I done volunteer from elementary all
5 the way up to high school. I done help the community.
6 I done call, help ladies and everyone in my
7 neighborhood.

8 A DPS officer gave me a ticket, never turned
9 the ticket in. I helped a lady that had kidney failure
10 next door to me. And I still got the ticket at the
11 house. I had to call in so many days, that every three
12 to four weeks that he still hasn't called in on the
13 ticket. Why I don't understand because I had to write a
14 letter down at DPS. And he still hasn't called in on
15 that ticket. But why did he keep writing me a letter
16 saying come in for to be a reserve officer if you're not
17 going to accept me?

18 And when I come in to try to, you know, to be
19 a reserve officer, I got certificates from, you know,
20 the schools that I volunteer and never accepted any
21 money for anything. You gave me a certificate or a
22 plaque to get a CCW and everything, you know, and all
23 that. If my record is that bad, why did you, you know,
24 why won't you accept me to be a, you know, a reserve
25 officer?

1 CHAIRMAN WARFIELD: Yes, sir. Mr. Lunn, first
2 of all, thank you so very much for coming and sharing it
3 with us. Our personnel director, I don't know if you
4 have -- do you have any oversight on the reserve letters
5 that go out?

6 MS. WATSON: No, sir.

7 CHAIRMAN WARFIELD: Okay. DC Melvin Turner?
8 Is it okay, Assistant Chief, if he can talk to you about
9 it and he can get this straightened out for you so that
10 you will not receive any more letters. He can
11 definitely straighten that out.

12 MR. LUNN: And they won't accept me. I mean,
13 I ask them every time, what do you got to be, no record
14 at all? Do they all got good records?

15 CHAIRMAN WARFIELD: Well, he will straighten
16 that out for you, okay? Thank you, Mr. Lunn. We
17 appreciate your time, sir.

18 MR. LUNN: Thank you.

19 MR. MOORE: Good afternoon to the board, to
20 our assistant chief, Detroit's finest. I want to say I
21 want to thank you. My name is Edward Moore, and I am
22 the liaison of the honorable Kwame Kenyatta, our Detroit
23 city councilman, bringing warm greetings from his
24 office. I want to thank the block clubs, the
25 organizations. The one that I did see was Commissioner

1 White, I want to thank you for coming to the Northwest
2 Activities Center. We had the mayor there. We had our
3 chief there. We had our Assistant Chief Turner there.

4 Now, if there's any others that I have missed
5 on the Board of Police Commissioners, you will excuse me
6 because I was at post, working for the Detroit 300. And
7 I didn't see you. But if you did come to support the
8 block clubs, the organizations, the chief, the mayor and
9 the City of Detroit, I want to thank you. I'd like to
10 say that to our Assistant Chief Logan, Councilman
11 Kenyatta, he is on board as a team player where he can
12 fit in. Let him know where he can fit in. Thank you.

13 CHAIRMAN WARFIELD: Thank you, Mr. Moore. We
14 appreciate that. We actually did have a good contingent
15 there. Our supervising attorney actually made the --
16 Celia Banks Washington made a presentation there as well
17 as Commissioner Reeves was there and our board secretary
18 George Anthony was there as well. And it was a great
19 great affair. You're absolutely right. But thank you,
20 sir, appreciate that. Are there any other comments?
21 Any other comments for the board at this time? You may
22 come up.

23 MR. STIDHAM: Good afternoon, board, assistant
24 chief. Tom Stidham. I come before the board, I am
25 simply asking for the board to direct the department to

1 accept additional documentation from the towers who have
2 attempted to comply with qualifying for a new towing
3 permit. I have heard and received numerous instances
4 from clients or numerous calls rather from clients and
5 experienced some myself where simply through certain
6 processes with the City of Detroit, the towers requested
7 timely various things for clearances and what not; but
8 they have yet to receive them.

9 And I don't believe that any of the towers
10 should be penalized for their attempt and efforts to
11 timely comply with the February 16th deadline. And I
12 know that the department has apparently expressed to
13 some of the towers a hard line stance with anything that
14 comes in after the February 16th deadline. So, I think
15 -- excuse me. To insure a fair and equitable selection
16 process, I think it only makes sense for this board to
17 direct the department to accept documents that have been
18 submitted but yet not received by various individuals
19 and companies attempting to become qualified to obtain a
20 towing permit.

21 CHAIRMAN WARFIELD: Just so that I understand
22 you -- I believe I do -- Mr. Stidham, you're basically
23 saying that there are some processes that not due to the
24 fault of the towers but to the City and their process,
25 that they are not able to present, correct?

1 MR. STIDHAM: That's correct.

2 CHAIRMAN WARFIELD: And it was from my
3 understanding -- and maybe someone can come to the mic
4 and help me with this. It is my understanding that
5 notations were supposed to be made on the application
6 that those items were in process with the City, and
7 their applications will still be processed. If that has
8 changed, let me know because I know Deputy Chief Lee
9 indicated that to me.

10 COMMANDER EWING: Commander Eric Ewing,
11 resource management, standing in for Deputy Chief Lee.
12 Commissioner, you're correct. Any processes that are
13 held up by the City, we are taking that into account.
14 So, that's not an issue. The processes, that
15 information that they could have gathered without going
16 through the City, those things will be held against
17 them.

18 CHAIRMAN WARFIELD: Okay. Is that clear, Tom?

19 MR. STIDHAM: It is to a certain extent. But
20 to the extent that, for instance, a tower may have
21 requested an income tax clearance and simply because of
22 the lack of manpower in the department, they have not
23 yet received it or maybe there was a glitch with -- I
24 know one of the towers, the City lost six years of their
25 income taxes, City of Detroit, that had been filed and

1 paid. There ought to be some consideration for those
2 circumstances that have arisen for the towers that
3 genuinely submitted and filed and attempted to comply.

4 CHAIRMAN WARFIELD: Commander Ewing?

5 COMMANDER EWING: I think it would probably be
6 best for us to have a chance to go through the
7 applications to see where we stand with each tower, and
8 then we can probably better address that.

9 CHAIRMAN WARFIELD: I think you bring up an
10 excellent point, Commander. Certainly, Tom, if there
11 are any situations that are outstanding, if you can get
12 with Commander Ewing or one of his staff folks there and
13 try to work through that, than certainly if there's
14 still some issues that need further resolution,
15 certainly let us know. And you don't have to wait of
16 course until this meeting to let us know. But certainly
17 let us know because again I believe that they really
18 want to process this and get this moving as quickly as
19 possible. And understanding that -- and we even had
20 this conversation at the city council table.

21 We do understand that there are some city
22 processes that are just long. But we want to get as
23 much as that application process as possible, waiting on
24 the City to do their due diligence.

25 MR. STIDHAM: I just want to assure this board

1 that a lot of the towers that may have one or two items
2 trickling in, you know, I think the department takes a
3 position that you have had a number of weeks to comply,
4 and if you wanted until the last minute, you should be
5 penalized. What I just simply want to point out very
6 quickly is the -- for instance in the case of obtaining
7 income tax clearance, when one walks into the office,
8 there's a sign up that says drop your request. It takes
9 six weeks. I think that was longer than even the towers
10 had to comply with the request.

11 So, we'd ask that, you know, that be taken
12 into consideration and give these towers that have filed
13 opportunity to, you know -- they shouldn't be penalized
14 and knocked out of the box by the simple failure to
15 obtain an item that's beyond their control.

16 CHAIRMAN WARFIELD: And I agree with you
17 wholeheartedly, sir. Certainly they should not be
18 penalized under circumstances like that. And I do have
19 the confidence in the department that they would not.
20 However, if for whatever reason that happens, we
21 certainly want to know about that immediately.
22 Commissioner Rivera?

23 COMMISSIONER RIVERA: I just had a question
24 for Commander Ewing. About how many towers have
25 applied?

1 COMMANDER EWING: We have 37 applications in.

2 COMMISSIONER RIVERA: So that's the majority
3 of them I think that we know of, right? So they have
4 all had the opportunity to get their applications in,
5 although not completed?

6 COMMANDER EWING: I can't tell you how many
7 are not completed. We have not had an opportunity to
8 actually go through all the applications yet. But we
9 have received 37 as of 3:00 yesterday.

10 CHAIRMAN WARFIELD: Commissioner Reeves?

11 COMMISSIONER REEVES: Through the Chair,
12 Commander Ewing --

13 COMMANDER EWING: I'm sorry. Let me correct
14 that. We received 31. We put out 37 applications. We
15 received 31. I'm sorry.

16 CHAIRMAN WARFIELD: Thank you.

17 COMMISSIONER REEVES: Question. Were the
18 applications made available on line?

19 COMMANDER EWING: Yes, I believe they were put
20 on line. No? We made available on January 17th I
21 believe it was, we had a total of 60 applications ready
22 to go. And 37 towers came in to pick those up,
23 applications up.

24 COMMISSIONER REEVES: And just for
25 clarification, because a tower did -- they called me

1 personally and said that they were told that they could
2 not get an application. And this was on the 15th. No.
3 I'm sorry. This was -- today is Thursday, I believe it
4 was Tuesday.

5 COMMANDER EWING: Yesterday?

6 COMMISSIONER REEVES: No, Tuesday. Today is
7 Thursday.

8 COMMANDER EWING: On Tuesday?

9 COMMISSIONER REEVES: Correct.

10 COMMANDER EWING: If he -- he was told that he
11 can still come and get an application. We're still
12 handing out the applications.

13 COMMISSIONER REEVES: You're still handing
14 them out?

15 COMMANDER EWING: We are still handing out
16 applications. However, we are going to separate the
17 process. They were due on the 16th. Any tower that
18 still wants to come and get an application -- because
19 you got to understand, we don't know out of the 31 that
20 we have received, how many are going to actually qualify
21 for that. So we are still handing out those
22 applications.

23 COMMISSIONER REEVES: Right. But I just
24 wanted to just get clarify because he was told that he
25 could not get an application. The process was over.

1 COMMANDER EWING: If he was told that, he was
2 told that in error. And he can call me. I'll make sure
3 he gets one.

4 COMMISSIONER REEVES: I will make sure he
5 calls you directly.

6 CHAIRMAN WARFIELD: Commissioner White?

7 COMMISSIONER WHITE: Thank you. Who is the
8 individual who will be responsible in terms of towers'
9 applications that are reviewed for items that might be
10 missing and why they are missing? And what will be that
11 process for these individual to be put into the pile for
12 consideration?

13 THE WITNESS: Two individuals will be
14 responsible for that, Lieutenant Adams and Officer
15 Roland Clark. Upon their review, they will meet with
16 myself and Deputy Chief Benjamin Lee. And we will sit
17 down and have a conference with regard to the items that
18 we talked about here that may not be the fault of the
19 towers. And we will make our consideration that way.

20 COMMISSIONER WHITE: Last question. Of the 31
21 applications, what is the projected time line for
22 review?

23 COMMANDER EWING: There's a number of things
24 have to be taken into account. There are on site
25 visits, things of that nature. We are estimating about

1 three weeks to completion. That's kind of based on the
2 fact that some of the towers have more -- for instance,
3 more tow trucks than other towers. And we have to go
4 out to the sites and verify that those tow trucks are
5 actually there on site, they are actually owned by the
6 towers, things of that nature. So lots of things in the
7 application process have to be verified.

8 CHAIRMAN WARFIELD: But you have started some
9 of the on site investigations, right, the inspections?

10 COMMANDER EWING: No, sir, because we just
11 received 30 out of the 31 yesterday. So, we are just
12 going through the process of reviewing today.

13 CHAIRMAN WARFIELD: Got you.

14 COMMANDER EWING: We only had one tower turn
15 it in prior to that.

16 CHAIRMAN WARFIELD: Any other questions from
17 the commission?

18 COMMISSIONER REEVES: I just wanted to know by
19 any chance can any of the commissioners come and see how
20 the process works so we can get clarification as well as
21 -- you know, I don't want to invite myself. But I'm
22 extending myself to come to some of those visits.

23 COMMANDER EWING: We have no problem with
24 that.

25 COMMISSIONER REEVES: Great. So I will get

1 your number, and I'll be there with you.

2 CHAIRMAN WARFIELD: All right. Thank you.
3 Thank you, Commander Ewing. Tom, sure.

4 MR. STIDHAM: Just to follow up on
5 Commissioner Reeves' point, how long is the department
6 going to be accepting these additional applications?

7 CHAIRMAN WARFIELD: From that, Commander --

8 COMMANDER EWING: There is no end date on
9 that. If a tower wants to come in and give the
10 application, again, we are going to take first
11 consideration of the first 31 that turned their's in.
12 After yesterday's date at 3:00 p.m., that's where that
13 -- those towers fall into consideration after that.

14 CHAIRMAN WARFIELD: Basically what you're
15 saying is, is the process will start for those 31 then?
16 When I mean process, the background checks, the
17 inspections and then the towing rotation. And then
18 after the towing rotation is established, then you will
19 go back and review the applications that came in after
20 that?

21 COMMANDER EWING: That's correct. We're going
22 to do the first 31 first, and we will take into
23 consideration the rest that come in.

24 CHAIRMAN WARFIELD: Commissioner Rivera and
25 then Commissioner Stewart.

1 COMMISSIONER STEWART: Is there a number
2 you're looking for to get? That's why you're taking so
3 many of them? What's the number to award?

4 COMMANDER EWING: Well, it's --

5 COMMISSIONER STEWART: If they qualify.

6 COMMANDER EWING: It's really not a member per
7 se. We are going to have to look at it because we know
8 we have a number of districts. We know what the need is
9 in those districts. We have to fill that need.

10 COMMISSIONER STEWART: So what you're saying,
11 you're going to take applications -- as long as someone
12 qualified on -- whether it's a hundred, you'll divide --
13 whatever you do after, right?

14 COMMANDER EWING: We're going to meet the
15 citizens' needs and the department's needs.

16 CHAIRMAN WARFIELD: Thank you, Commander. All
17 right.

18 MR. STIDHAM: One final question. Is the
19 additional applications, can anyone apply for those and
20 still be considered if they don't -- I guess there's an
21 inequity there with if they are not selected for the
22 first go around, can they apply again?

23 CHAIRMAN WARFIELD: Commander? I mean, I have
24 my own answer for that. But I will let the commander
25 say.

1 COMMANDER EWING: I mean, there's a number of
2 questions. They kind of boxed me in.

3 CHAIRMAN WARFIELD: Absolutely.

4 COMMANDER EWING: But, you know, I just want
5 to say I feel confident that, you know, the applications
6 that we got in thus far, there are going to be a number
7 of towers that are going to make the cut. And I'm
8 pretty sure that the ones who are here today who have
9 been asking will be in that particular pool.

10 CHAIRMAN WARFIELD: Commission Stewart?

11 COMMISSIONER STEWART: I'm kind of puzzled
12 here. I just asked that question that was answered. As
13 long as they qualify, there is no number, right? As
14 long as they're pre-qualified, they can put the
15 application in. But if they don't qualify, they don't
16 qualify? That's the question.

17 COMMANDER EWING: Right.

18 CHAIRMAN WARFIELD: Commissioner Reeves?

19 COMMISSIONER REEVES: I was just going to ask
20 if there's a need as well as a demand, I mean, is there
21 a certain number that you're looking for just so there's
22 clarification because, I mean, it's pretty much -- it
23 can be determined at the discretion --

24 CHAIRMAN WARFIELD: If it's okay, I would
25 rather not have the number out there. If that's okay.

1 Is that okay?

2 COMMISSIONER REEVES: That's okay.

3 CHAIRMAN WARFIELD: I think that would make
4 your job a lot easier. Again, if you're a tower, the
5 16th is the last day to hand the application in. And
6 just so that we are very clear on the record, at the
7 16th there is a cutoff. And the cutoff basically is
8 those towers who have handed in their applications are
9 in the vetting process. And through that vetting
10 process, they will either receive a permit or be
11 informed that for whatever reason they do not qualify.

12 COMMANDER EWING: That is correct.

13 CHAIRMAN WARFIELD: Then they will be assigned
14 into a rotation?

15 COMMANDER EWING: That is correct.

16 CHAIRMAN WARFIELD: After that rotation is out
17 and forward and people are going and working in that
18 rotation, then sometime thereafter, the applications
19 that come in after the 16th, if there are still
20 available tow rotation slots, those applications will be
21 considered on an as needed basis?

22 COMMANDER EWING: Correct.

23 CHAIRMAN WARFIELD: Thank you.

24 MR. STIDHAM: Commissioner, can I just follow
25 up? I realize there's no set number. But is there a

1 range of companies or a range of the number of companies
2 that the department would likely utilize?

3 CHAIRMAN WARFIELD: Maybe. I'm not sure.

4 MR. STIDHAM: What would that range be?

5 CHAIRMAN WARFIELD: I would say it's in the
6 30's.

7 MR. STIDHAM: Thank you.

8 CHAIRMAN WARFIELD: Thank you. Thank you,
9 Commander. Appreciate it. Any other comments for the
10 board, questions, comments? Miss McCantz, good to see
11 you.

12 MS. McCANTS: Good afternoon. My name is
13 Yolanda McCants. I'm from the Northeastern District.
14 And I will be real sweet and easy. On Saturday,
15 March 12th, from 9:00 until 1:00, the Northeastern
16 District is sponsoring a pancake breakfast. And I'm
17 inviting this board and this room of people to attend
18 our pancake breakfast.

19 CHAIRMAN WARFIELD: What's the date? I'm
20 sorry, ma'am.

21 MS. McCANTS: March 12th from 9:00 to 1:00.
22 So you will be able to eat all the pancakes that you
23 want. And during eating the pancakes, you can either
24 have your blood checked or your blood pressure checked
25 or your cholesterol checked.

1 CHAIRMAN WARFIELD: We can do that before we
2 eat the pancakes.

3 MS. McCANTS: So, we are asking all of you to
4 please come and attend. We are inviting churches,
5 community. This is trying to bridge the gap between the
6 community and the police. So, we are asking for all of
7 you to please attend, bring the children, the
8 grandchildren, the nieces, the nephews, the cousins and
9 everyone.

10 COMMISSIONER STEWART: Any meat?

11 MS. McCANTS: At the Northeastern District.
12 It's going to be at the district.

13 COMMISSIONER STEWART: Is there any meat?

14 MS. McCANTS: You're not supposed to tell that
15 part.

16 CHAIRMAN WARFIELD: Okay. Thank you,
17 Ms. McCantz. Appreciate that. I'm putting it in my
18 calendar right now. All right. Any other comments for
19 the board? Any other comments for the board? Hearing
20 or seeing none, we will close this portion of our
21 meeting.

22 I do want to congratulate our board secretary,
23 Mr. George Anthony, who was hitched this weekend.
24 Certainly, congratulations, married.

25 (Applause)

1 He is off the market officially. But we wish
2 you all the best. We certainly wish you and your new
3 bride all the best. At this time, we are going to turn
4 the meeting over to you to take us into closed session,
5 please.

6 SECRETARY ANTHONY: Thank you, Mr. Chair. For
7 the record, Secretary George Anthony. We have had two
8 requests for closed sessions on personnel matters. And
9 these are proposed scenarios for convening a closed
10 session under the Open Meetings Act. As a public body,
11 your meetings are subject to the Open Meetings Act, the
12 OMA. The OMA defines a meeting as the convening of a
13 public body at which a quorum is present for the purpose
14 of deliberating towards or rendering a decision on a
15 public policy, MCL 15.262(b). The OMA, however, does
16 allow a public body to call a closed session, one
17 limited to the public body and its invitees for specific
18 purposes. Only deliberations may be conducted in closed
19 session. All decisions must be made at a meeting open
20 to the public.

21 While in the closed session, the board makes
22 no decisions. That must be done on the record. A
23 request. You have been presented with a suspension
24 without pay recommendation for Police Officer Brian
25 James, Badge 2227, and for Police Officer Donald Shaw,

1 Badge 1206, through their representative DPOA Attorney
2 John J. Goldpaugh. Both Officers James and Shaw have
3 requested closed sessions for the purpose of contesting
4 the suspension without pay recommendation. This is your
5 part, Mr. Chair.

6 CHAIRMAN WARFIELD: At this time, I will
7 entertain a motion for us to enter into a closed session
8 to discuss these personnel matters.

9 COMMISSIONER RIVERA: Motion to move to closed
10 session.

11 COMMISSIONER STEWART: Second.

12 CHAIRMAN WARFIELD: It's been properly moved
13 and seconded. All those in favor, please say aye.

14 COMMISSIONERS: Aye.

15 CHAIRMAN WARFIELD: All those opposed? Thank
16 you. This is not the end of our meeting. We will
17 reconvene after the closed session.

18 (Whereupon, the Detroit Board of Police
19 Commissioners entered into closed session. Off the
20 record)

21 CHAIRMAN WARFIELD: Brother Secretary?

22 SECRETARY ANTHONY: I guess the time is right
23 around 5:10. And the board has returned from closed
24 door session. Just to cure the record, Mr. Chair, I
25 just would like to read the portion of the Open Meetings

1 Act that authorized the board to go into closed session.
2 So, the closed session was called pursuant to MCL
3 15.268(a), of the Open Meetings Act which states in
4 part, Section 8(a), Personnel Matters, "A Public body
5 may meet in a closed session to consider the suspension
6 of or hear charges brought against an employee. And a
7 simple majority vote, a quorum of three is required to
8 close a session for that purpose." And there was
9 unanimous assent to close -- to go into closed session
10 the board. I just wanted to make that point, Mr. Chair.

11 CHAIRMAN WARFIELD: Thank you, sir.

12 SECRETARY ANTHONY: I believe there is a
13 portion for the Chair to read on the second page there.

14 CHAIRMAN WARFIELD: Refresh me. Help me out.

15 SECRETARY ANTHONY: That's okay. I apologize.
16 So let me just go into our speel.

17 CHAIRMAN WARFIELD: Thank you.

18 SECRETARY ANTHONY: The board has considered
19 the suspension with -- the recommendation of suspension
20 without pay for --

21 CHAIRMAN WARFIELD: I'm sorry for one second.
22 I just need a motion for come back in session. So I
23 will entertain a motion to come back into open session
24 from closed session according to MCL 152.262 and MCL
25 15.2 point -- I'm sorry, 15.268(a) of the Open Meetings

1 Act.

2 COMMISSIONER WHITE: So moved.

3 COMMISSIONER STEWART: Seconded.

4 CHAIRMAN WARFIELD: It's been properly moved
5 and seconded and supported that we come back in open
6 session. Thank you, sir. I'm sorry. All those in
7 favor?

8 COMMISSIONERS: Aye.

9 CHAIRMAN WARFIELD: Anyway, motion carries.
10 Yes, sir?

11 SECRETARY ANTHONY: Okay, thank you. George
12 Anthony, secretary to the board. For the record, the
13 board in closed session considered the recommendation of
14 suspension without pay for Police Officer Brian James,
15 Badge 2227, assigned to the 10th Precinct. This matter
16 was on the agenda on February 3rd, 2011. It was put
17 over for two weeks. And unless contravened by this
18 board, the suspension without pay will stand effective
19 retroactive to February 3rd, 2011.

20 CHAIRMAN WARFIELD: Not hearing any
21 contraventions, the suspension without pay will stand,
22 dated to February the 3rd, 2011.

23 SECRETARY ANTHONY: Thank you. The second
24 matter before the board, Mr. Chair, is the -- you have
25 heard the matter in closed session of the suspension

1 without pay of Police Officer Donald Shaw, Badge 1206,
2 assigned to the 12th Precinct. And unless this board
3 contravenes, the recommendation of the chief, the
4 suspension without pay, will stand.

5 CHAIRMAN WARFIELD: Not hearing any
6 contraventions at this time by the secretary, suspension
7 without pay will stand effective February 17, 2011.

8 SECRETARY ANTHONY: Thank you, sir.

9 CHAIRMAN WARFIELD: That concludes our
10 business as relates to suspensions without pay.
11 Commissioner Rivera, you had a question that you wanted
12 to ask the department?

13 COMMISSIONER RIVERA: Yes. On the record, I'd
14 like to have some kind of report on how long the
15 suspensions without pay are taking to come to fruition
16 from beginning to end and how long it takes, how long --
17 how long these officers are being suspended.

18 CHAIRMAN WARFIELD: Thank you. All right.
19 Hearing or seeing no more questions, at this time, I
20 will entertain a motion to adjourn the meeting.

21 COMMISSIONER RIVERA: Motion to adjourn.

22 COMMISSIONER REEVES: Second.

23 CHAIRMAN WARFIELD: It's been properly
24 motioned and supported. All those in favor?

25 COMMISSIONERS: Aye.

1 CHAIRMAN WARFIELD: All right. We are
2 adjourned. Thank you, ladies and gentlemen. See you
3 next week.

4 (Proceedings concluded at 5:20 p.m.)
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CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF MACOMB)

I HEREBY CERTIFY that I reported
stenographically the foregoing proceedings and testimony
under oath 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.



Wendy A. Boer

Wendy A. Boer,

CSR 3505

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