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CITY OF DETROIT
BOARD OF POLICE COMMISSIONERS

REGULAR BOARD MEETING

PAGE 1 TO 66

Taken at 1300 Beaubien Street, Room 328-A
Detroit, Michigan,
Commencing at 3:15 p.m.,
Thursday, July 26, 2012,
Before Wendy A. Boer, CSR 3505.

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APPEARANCES :

MR. JEROME WARFIELD, CHAIRPERSON

MR. DONNELL WHITE, COMMISSIONER

MS. JESSICA TAYLOR, COMMISSIONER

RALPH L. GODBEE, CHIEF OF POLICE

CHESTER LOGAN, ASSISTANT CHIEF OF POLICE

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Detroit, Michigan
Thursday, July 26, 2012
About 3:15 p.m.

CHAIRMAN WARFIELD: Good afternoon, ladies and gentlemen. Welcome to the Board of Police Commissioners meeting. My name is Jerome Warfield, chairman of the Board of Police Commissioners. Serving with me today is my colleague, Commissioner Donnell White. Also sitting at the table and serving with us today is Chief of Police Chief Ralph Godbee. I'm going to ask if Secretary George Anthony will introduce our staff that's present.

SECRETARY ANTHONY: Thank you, Mr. Chair. For the record, George Anthony, secretary to the Board. We have Miss Dalph Watson who is our director of police personnel, Mr. Robert Brown who is our office manager. We also have recording our proceedings Sergeant Allan Quinn and Miss Wendy Boer from Hanson Court Reporting Service. Thank you, sir.

CHAIRMAN WARFIELD: Thank you, Mr. Anthony. At this time we want to ask if Commissioner White will lead us in an invocation not seeing a minister present.

COMMISSIONER WHITE: Let us bow our heads. Dear Heavenly Father, we come to you very thankful for this rainy day because it is a day that is erected in

1 your honor that you have allowed us to see the dawn of
2 the new day there within. We ask that you bless this
3 meeting, bless this department and its men and women who
4 have dared to serve your people. We ask that you be a
5 hedge of protection around them today and every day. We
6 ask that you also be a blessing to this community who
7 has come here to be a part of the solution and not the
8 problem. Watch over those who are traveling to and
9 from. And we will be ever careful to give you the
10 continued glory and praise to your name. In your name
11 we pray, amen.

12 CHAIRMAN WARFIELD: Thank you, Commissioner.
13 As we move forward, we will have a quorum shortly. And
14 so when Commissioner Taylor or Commissioner Stewart get
15 here, we will go back and formally vote some of the
16 things on the agenda. At this time if it's okay, I will
17 go to the Chief's office for a report from the Chief.

18 CHIEF GODBEE: Thank you, Mr. Chair. On
19 behalf of the department, first of all, I do want to
20 really commend our officers for during some very
21 difficult times, probably through a lot of anger and
22 angst, they have showed up and continued to be
23 professional and continued to do their job. And I think
24 that's laudable and worth noting. If they were so
25 inclined, they can protest in so many different ways.

1 But they have chosen to do so in a legal lawful way.
2 And I applaud their, you know, courage to do so in that
3 manner.

4 But they have not taken it out on the
5 department, nor have they taken anything out on the
6 citizens. And I think that's laudable and they should
7 be commended for that.

8 From a formal presentation standpoint, we have
9 a presentation from the domestic violence unit. The
10 sergeant will come forward and introduce himself, and
11 we'll take it from there.

12 INVESTIGATOR JAMISON: Hello, Chief, Board of
13 Commissioners. I'm Investigator Michael Jamison from
14 the domestic violence unit. I've been in the domestic
15 violence unit for 13 years. Domestic violence
16 objectives and goals. We want to send a message that
17 domestic violence is a crime, and we will prosecute and
18 provide equal protection under the law for victims,
19 provide resource and referral information, maintain and
20 improve partnerships with other agencies and educate the
21 public and police on laws, procedures and policies for
22 processing domestic violence cases.

23 The authority of domestic violence unit. We
24 handle cases involving spouses, boyfriend/girlfriend,
25 child in common and alternative lifestyle. In the Sixth

1 and Eighth Precinct, we handle cases which involve
2 dating only, but you don't have a relationship where you
3 reside together or I should say just dating. We also
4 handle formally reside together. We handle cases where
5 destruction of property is included only if there's a
6 PPO involved. We have a couple of partnerships and
7 grants that we use there. We have a grant for the
8 Encourage to Arrest grant where our non custody warrants
9 are being picked up as soon as we process them, which is
10 helping with the prosecution of cases. We found out
11 through -- that the quicker we bring a person to justice
12 and start the prosecution, the more chances that we have
13 for complainants to stay involved with our cases.

14 We have a victim assistance program where we
15 have advocates that can help victims with PPO's, housing
16 if they need it, shelters, different things of that
17 effect. We have a thing with -- another partnership
18 with the Wayne County prosecutor's office where we have
19 a dedicated prosecutor that works out of our building.
20 Actually we have two, one -- they switch back and forth.
21 We also have a 36th District dedicated judge now that
22 does just domestic violence cases. The docket -- our
23 misdemeanor cases are handled actually through just one
24 judge at domestic violence which is Judge Carter.
25 Here's some of our numbers year to date. Any questions?

1 CHAIRMAN WARFIELD: Thank you, sir.
2 Commissioners, any questions regarding the presentation?
3 Commissioner Taylor?

4 COMMISSIONER TAYLOR: No questions.

5 CHAIRMAN WARFIELD: Commissioner White?

6 INVESTIGATOR JAMISON: I said dating only in
7 Northwest. It's also in Southwest District also that we
8 do dating only.

9 COMMISSIONER WHITE: Investigator, how would
10 one obtain information for the victims assistance
11 program or contact that program?

12 INVESTIGATOR JAMISON: All our units, we also
13 have advocates that work in the Ninth Precinct and the
14 Fourth Precinct. At this point, we also have an
15 advocate that works at the Twelfth Precinct also.

16 COMMISSIONER WHITE: What is that number?

17 INVESTIGATOR JAMISON: The number at our base
18 is 237-2579. We are 24 hour.

19 COMMISSIONER WHITE: That's 24 hours?

20 INVESTIGATOR JAMISON: Yes, sir.

21 COMMISSIONER WHITE: Thank you, sir.

22 CHAIRMAN WARFIELD: Sir, as relates to the
23 priority of someone calling in for domestic violence,
24 what type of priority does that receive or especially
25 talking about after 4:00, how can a person be serviced?

1 INVESTIGATOR JAMISON: Are we talking with in
2 custody arrests or would it be a situation where the
3 person wasn't arrested, not in custody?

4 CHIEF GODBEE: Through the Chair, the crime of
5 domestic violence, I think you're referring to virtual
6 precinct and what can be taken via telephone crime
7 reporting units and what cannot. Just recently we made
8 a policy decision that that crime has to be taken by a
9 police officer. So, that report will not be taken by
10 telephone.

11 CHAIRMAN WARFIELD: So, an officer could come
12 out or the victim can actually see the officer inside
13 the station?

14 CHIEF GODBEE: Absolutely. And more than
15 likely in that case what would happen is that an officer
16 would be called to the station, dispatched to the
17 station.

18 CHAIRMAN WARFIELD: Thank you, sir. Anything
19 else? Thank you, sir. For the record, I announce the
20 presence of Commissioner Jessica Taylor, Vice Chair of
21 the Board of Police commissioners. Good to have you
22 here, ma'am. At this time, I want to go ahead and take
23 care of some official business.

24 We will entertain a motion to approve the
25 agenda for today's meeting, July the 26th.

1 COMMISSIONER WHITE: So moved.

2 COMMISSIONER TAYLOR: Second.

3 CHAIRMAN WARFIELD: It's been properly moved
4 and supported. Any discussion? Hearing or seeing none,
5 all those in favor?

6 COMMISSIONERS: Aye.

7 CHAIRMAN WARFIELD: All those opposed? Motion
8 carries. Also, we will entertain a motion for approval
9 of the minutes of July the 12th, 2012.

10 COMMISSIONER TAYLOR: So moved.

11 COMMISSIONER WHITE: Support.

12 CHAIRMAN WARFIELD: Hearing -- any discussion?
13 Hearing or seeing none, all those in favor?

14 COMMISSIONERS: Aye.

15 CHAIRMAN WARFIELD: All those opposed?
16 Mr. Secretary, there's another set of minutes.

17 SECRETARY ANTHONY: The 19th.

18 CHAIRMAN WARFIELD: Not ready yet? Okay.
19 Great. Thank you. For the Chairperson's report, as we
20 go back in the -- I'm sorry, Chief. Was there anything
21 else? I'm so sorry.

22 CHIEF GODBEE: No, sir. Anything else I will
23 kind of defer to the comment section.

24 CHAIRMAN WARFIELD: Great. Going back in the
25 agenda under Chairperson's Report, I want to report out

1 a couple things. I want to echo the words of the Chief
2 how outstanding our men and women have been since the
3 recent developments in their structure, pay structure.
4 I had an opportunity to go to a couple of role calls and
5 talk with some officers. And again, as the Chief
6 characterized, it's true, they are there, they are on
7 duty you know. They have issues of course as anyone
8 would in their position. But they are there. They're
9 professionals. And so we certainly want to commend them
10 and support them as much as possible.

11 As this audience may know, this Board passed a
12 Resolution a few months ago basically not supporting any
13 more cuts to our men and women in blue. And we stand
14 behind that Resolution that we supported some months
15 ago.

16 On a separate related issue, we were downtown
17 Monday of this week supporting a public safety millage
18 and received some what I thought was groundbreaking
19 information as relates to towing. And so, I'm going to
20 ask if our towers will listen up for this particular
21 report. I was asked to come into a meeting by the
22 director of purchasing, Mr. Andre DuPerry, on Monday of
23 this week. And in that particular meeting, he was
24 meeting with the director of parking, municipal parking,
25 Director DeBerry. And they were meeting to talk about

1 expanding the scope of municipal parking, expanding the
2 scope of it to the point where it includes police
3 authorized towing.

4 And their plan as it is is to basically carve
5 out three lots in the City of Detroit. And of those
6 three lots, they would be city owned lots of course, and
7 they will ask the towers not just of parking but of
8 police authorized towers to pick cars up and tow them to
9 the city lots. And the towers would get paid of course
10 for the tow and the tow only.

11 The city -- I think it's interesting to note
12 that municipal parking on a yearly basis tows about
13 3,000 cars a year. On a yearly basis, the police
14 authorized towers tow about 30,000 cars in a year. And
15 so, as I said in the meeting, I told them I will bring
16 it back to our meeting. It does not make sense from my
17 vantage point -- and hopefully for the Board as we take
18 this up later on -- that we would fold a much larger
19 system into a much smaller system. We will develop a
20 Resolution that will talk about our position on this
21 particular -- on this particular move on the city. We
22 do believe that it has significant Charter repercussions
23 as well, that the Charter would need to be changed in
24 order for that to happen the way the Charter is written
25 right now. And so, we will weigh in on that.

1 But I'm just going to ask those who are of
2 the -- who do business in towing, that you will contact
3 City Council people and the director of purchasing and
4 director of municipal parking to let them know your
5 thoughts and understandings on what you feel about this,
6 about this plan. Personally, I think the plan that we
7 talked about last month as relates to generating revenue
8 for the city I think is a better plan. And I think it
9 doesn't do the damage that this potential plan can do.
10 So again, we will develop a Resolution on it. But I
11 just wanted to bring that to your attention because that
12 was something that I was not aware of and became aware
13 of this week. And it is an active plan. And so, we
14 will -- you know, we will move forward with that as it
15 proceeds forward. That's my report. Mr. Secretary, is
16 there a report?

17 SECRETARY ANTHONY: No, sir.

18 CHAIRMAN WARFIELD: Moving right along, we do
19 have on the agenda some resolutions. But if it's okay,
20 let me get to the policy directive first. And I'm going
21 to ask the lieutenant if he can come regarding the
22 policy directive.

23 LIEUTENANT BLISS: Good afternoon,
24 Commissioners, Chief Godbee. Lieutenant Bliss from
25 planning and accreditation. Before you today is a

1 policy 305.2, Detainee Registration. It went up about
2 probably three weeks ago, but we had an issue with the
3 internet posting it to the city website. It has been
4 corrected, and it has had adequate time to be out there.
5 We have not received any comments on it. But it is
6 ready for your review and approval.

7 CHAIRMAN WARFIELD: Lieutenant, can you just
8 brief us on that real quickly?

9 LIEUTENANT BLISS: Yes. The prior policy came
10 out in 2005 on Detainee Registration. Since that time,
11 we updated what was called the arrest ticket to the
12 detainee input sheet. It expedites the process of
13 registration. It can hold more information. And it's
14 overall better for our department and for the Consent
15 Decree to carry information for our detainees from one
16 place to another. We adopted that. We currently use
17 it. And we have had no issues, no problems with it.
18 And we since incorporated that into our policies. So it
19 will say that we use the detainee input sheets for all
20 our registrations. And we discontinued the arrest
21 ticket and taken out any indication of it in this
22 directive and in prior directives as a reference.

23 CHAIRMAN WARFIELD: Any questions,
24 Commissioners?

25 COMMISSIONER TAYLOR: No.

1 CHAIRMAN WARFIELD: Yes, sir?

2 COMMISSIONER WHITE: Yes, sir, Mr. Chair. And
3 this is kind of -- this question may be directed to the
4 Chief. Chief, how is this directive in correlation to
5 the fact that we move our detainees to Wayne County? Is
6 that still on the table? Is that a conversation we are
7 having?

8 CHIEF GODBEE: Through the chair, sir, we are
9 still having conversations. Ostensibly, the Wayne
10 County jail is probably dead for financial reasons
11 because it's just cost prohibitive. There's probably
12 about a 4 million dollar in delta annually for what's
13 necessary according to their needs for us to facilitate
14 that relationship. Deputy Chief Tolbert is actively
15 talking to Director Donald Hines from the Michigan
16 Department of Corrections. There's some legal things
17 that we're looking at relative to their ability to
18 provide the same service. It appears that those hurdles
19 may be able to be cleared. So it's very promising we
20 may be able to do that.

21 Long story, this form rather is by us for
22 transmission of the prisoner is still going to be a
23 necessity. So it will definitely be a benefit whether
24 we are housing a prisoner or somebody else is housing a
25 prisoner for us pre-arraignment.

1 COMMISSIONER WHITE: This directive will still
2 be appropriate if in fact you're doing that?

3 CHIEF GODBEE: Yes, sir.

4 COMMISSIONER WHITE: Thank you, Mr. Chair.

5 CHAIRMAN WARFIELD: Thank you. And certainly
6 I know that this particular policy, Lieutenant Bliss, is
7 part of the Consent Decree policies, our policies that
8 relates to streamlining some of the paperwork, correct?

9 LIEUTENANT BLISS: Yes, yes. The old way,
10 each charge was one arrest ticket. And this one really
11 makes it more efficient. Everything is on one sheet.
12 It's very clean actually.

13 CHAIRMAN WARFIELD: Thank you, Lieutenant
14 Bliss. Any more questions for the Lieutenant? Thank
15 you, sir.

16 LIEUTENANT BLISS: Thank you.

17 CHAIRMAN WARFIELD: At this time, we will
18 entertain a motion to approve the new policy directive
19 as relates to Directive 305.2, Detainee Registration.

20 COMMISSIONER TAYLOR: So moved.

21 COMMISSIONER WHITE: Support.

22 CHAIRMAN WARFIELD: It's been properly moved
23 and supported that we approve the new policy directive
24 regarding detainee registration. More discussion?
25 Hearing or seeing none, all those in favor?

1 COMMISSIONERS: Aye.

2 CHAIRMAN WARFIELD: All those opposed? Motion
3 carries. Thank you again, sir. As most of you were at
4 the meeting that -- our community meeting earlier this
5 month, there was some agenda items that we wanted to
6 move forward as relates to towing and as relates to tow
7 rates. And I'm going to ask if Commissioner Taylor and
8 Commissioner White would read a couple of Resolutions
9 that we want to discuss and vote on and pass on
10 appropriately. I'm going to ask if Commissioner Taylor
11 will go first. And because the Resolution is already in
12 the record, the bulk of it was in the record -- we put
13 it on the record at our community meeting earlier this
14 month -- I'm going to ask if she would read the whereas
15 clauses.

16 COMMISSIONER TAYLOR: Okay. Whereas
17 Mr. DuPerry advised that ARD would receive its revenues
18 as follows: Current police authorized towers would pay
19 ARD a \$75 vehicle tow administrative and service fee
20 collected on a monthly basis. PAT's who failed to
21 comply with would be removed from the tow rotation list.
22 PAT's would cover the cost of vehicle auctions on a pro
23 rata basis estimated to be around \$5,000. And the Board
24 would be expected to support a tow rate increase from
25 \$75 to \$150 to offset the \$75 administrative fee. And

1 whereas, it was estimated that the annual revenue would
2 approximate 2.25 million dollars based on an estimated
3 30,000 vehicle tows yearly and that ARD's management
4 portion would approximate \$750,000 while the city's
5 administrative cost recovery would approximate 1.5
6 million. And whereas the Board has considered this
7 proposal and has conducted its own analysis and research
8 on the issues; and whereas the Board makes the following
9 observations and findings: With the implementation of
10 the Board's new towing rules on December 15, 2010, the
11 Board and department came into compliance with 90 to
12 95 percent of the recommendations from the most recent
13 tow audit reports from Detroit's Office of the Auditor
14 General. The remaining 5 to 10 percent of the concerns
15 cited by the OAG could be accomplished through
16 implementation by the department of software based
17 towing system.

18 The Board and department has made significant
19 progress in addressing rotational concerns and the
20 equitable distribution of towing opportunities. The
21 current PAT's are operating more efficiently, and
22 citizens are receiving better service with the advent of
23 the new rules. The department's towing system and the
24 City of Detroit would be better served by a software
25 based solution, which is considerably more cost

1 effective and efficient than the management only model
2 offered by ARD. And whereas the Board believes that
3 there are significant benefits from implementing a
4 comprehensive software program within the department,
5 including eliminating the need to manually select the
6 appropriate tower and make telephone calls regarding
7 availability and equipment. A towing software system
8 would select the appropriate tower based on tow rotation
9 lists for the districts, precincts, and would know each
10 tower's availability and capability. Requests for tows
11 can be originated by the officer from their patrol
12 vehicles, which frees up dispatchers. PAT's respond to
13 scenes quicker. The software package can generate
14 custom reports with ease. Vehicles can be released to
15 registered owners, to the citizen without having them
16 respond to their local district precinct for a release
17 form. Law enforcement -- okay.

18 Now, therefore, be it resolved that the Board
19 of Police Commissioners recommend to the Detroit City
20 Council that it reject the RFP bid of Auto Return,
21 alternatively known as Auto Return Detroit. And be it
22 further resolved that the Board recommends to the towing
23 rate commission which in turn makes recommendations to
24 the Detroit City Council, that the City increase the tow
25 rate by \$75, which would then be deposited 100 percent

1 in the City's general fund. And be it therefore
2 resolved that the Board recommends to the City, to the
3 Detroit City Council and the towing rate commission,
4 that the impoundment -- I'm sorry -- that the
5 impoundment fee or daily storage rate for vehicles
6 lawfully impounded in the City of Detroit be increased
7 from \$8 a day to \$15 a day, the tow company to receive
8 \$10 and the City of Detroit \$5.

9 And be it further resolved that the Board
10 recommends to the Detroit City Council that the city
11 conduct a sole source process to secure a comprehensive
12 towing software package to facilitate the equitable
13 distribution of tows in the City of Detroit.

14 CHAIRMAN WARFIELD: Is there a motion
15 regarding the Resolution?

16 COMMISSIONER WHITE: Mr. Chair, just as a
17 point of information, what time line are we talking
18 about to have this information to City Council?

19 CHAIRMAN WARFIELD: I think the time line is
20 more immediate, especially considering the fact that the
21 tow rate commission is meeting fairly soon to consider
22 their tow rate increase and considering that purchasing
23 is given a 45-day window to have bids back as relates to
24 securing three lots and basically commandeering the
25 police authorized towing facilities. And again, this

1 information was presented -- all of this information was
2 presented in my report at the community meeting. We
3 just boiled it down to a Resolution format in order that
4 we could maybe adopt it.

5 COMMISSIONER WHITE: Chair -- and I know we
6 have discussed this previously. But if it would be the
7 Chair's pleasure, I would ask that we just table this to
8 the end of the meeting. There's a few paragraphs I
9 would like to read through.

10 CHAIRMAN WARFIELD: Not a problem at all. We
11 will do that. Would you want to do that with the other
12 Resolutions as well?

13 COMMISSIONER WHITE: Actually the other
14 Resolutions I had in advance prior to the meeting today.
15 This is my first time seeing this one.

16 CHAIRMAN WARFIELD: Okay. Can we then -- if
17 that's okay with you, Commissioner Taylor, we will table
18 this one until the end of the meeting, until
19 Commissioner White has read more of the paragraphs in
20 the Resolution. And then we will move on the other two
21 Resolutions. Okay? Do you want to take one,
22 Commissioner White?

23 COMMISSIONER WHITE: I can take one.

24 CHAIRMAN WARFIELD: Thanks.

25 COMMISSIONER WHITE: The impound fee

1 recommendation. The impoundment fee recommendation.
2 Whereas the Municipal Code for the City of Detroit was
3 adopted by the Detroit City Council and published in
4 1983 pursuant to authority granted by the Michigan Home
5 Rule City's Act, NCL 117.5(b), MSA 5.201842, and whereas
6 the Code provides in Sections 55-14-4(a) that the
7 Detroit City Council shall set an impoundment fee for
8 vehicles impoundment in Detroit by lawful authority,
9 under the code; and whereas section 55-14-4(a) further
10 provides that said impoundment fees shall be based on
11 the recommendation of the Board of Police Commissioners,
12 reflecting the reasonable cost of receiving,
13 safeguarding and discharging said vehicle; and whereas
14 the code provides that sections 55-14-4(b) that the
15 Board shall at least every two years review and
16 recommend to City Council any adjustment fees
17 established under this section.

18 And whereas, the Board discussed during its
19 regularly scheduled public meeting the merits of
20 adjusting the impoundment fee; and whereas, the Board
21 determined that the daily impound or storage fee should
22 be increased from its current rate of \$8 per day to \$15
23 per day; and that the recommended fee should be
24 distributed as follows: \$10 to the tow company and \$5
25 to the City of Detroit. And whereas the Board also

1 determined that the free non charge storage days be
2 reduced from three days to one, 24-hour period to
3 coincide with the hours of operation of police
4 authorized towers.

5 And whereas the Board desires to recommend to
6 City Council and the towing rate commission this
7 increase in the impoundment fee, the reduction in the
8 number of free non charged storage days. Now, therefore
9 be it resolved that the Board of Police Commissioners
10 recommends to the Detroit City Council and the towing
11 rate commission that the daily impound or storage fee be
12 increased from its current rate of \$8 per day to \$15 per
13 day and that the recommended fee should be distributed
14 as follows: \$10 to the tow company and \$5 to the City
15 of Detroit. The Board further recommends that the free
16 non charged storage days be reduced from three days to
17 one, 24-hour period to coincide with the hours of
18 operation of the police authorized towers.

19 COMMISSIONER TAYLOR: I'd like to make a
20 motion that we accept the impoundment fee
21 recommendations as stated.

22 COMMISSIONER WHITE: Second.

23 CHAIRMAN WARFIELD: It's been properly moved
24 and supported that we approve the impoundment fee
25 recommendation. Discussion?

1 COMMISSIONER WHITE: Mr. Chair, I do have
2 discussion. On the whereas clause citing the need to
3 reduce from three days to one 24-hour period to coincide
4 with the hours of operation of the police authorized
5 towers, I just was wondering if there's any information
6 as relates to the time that information is input into a
7 towers' systems that individuals know where their
8 vehicles are located and if that three days was the
9 buffer to allow individuals time to know where the
10 vehicle was in fact located and an opportunity to pick
11 it up.

12 CHAIRMAN WARFIELD: Excellent question,
13 Commissioner. From my understanding, that that 24-hour
14 period is the time from when the citizen is actually
15 notified that their car has been impounded. And
16 certainly I know that the towers records and the police
17 of course keep records of when the towers are -- you
18 know, the impoundment takes place. And so it's when
19 they are notified.

20 COMMISSIONER WHITE: Okay.

21 CHAIRMAN WARFIELD: Commissioner, any
22 questions from you?

23 COMMISSIONER TAYLOR: No.

24 CHAIRMAN WARFIELD: And let me say this too as
25 relates to the discussion of this. This Resolution was

1 done for a couple of reasons. After talking with the
2 towers and also after talking with city officials, it
3 does a couple of things. First of all, we are very
4 clear that there has not been any towing rate increase
5 in almost 20 years within the city. And we do know that
6 most cars that get towed from police authorized -- from
7 a police situation is because they are in violation of
8 some type of city code or city ordinance.

9 So, we certainly do not want to be penal to
10 those who obey the law. But when we look at the rate of
11 abandoned cars that's been on the streets and when we
12 look at the fact that our towers and the city -- well,
13 I'm sorry. More importantly, the city needs a revenue
14 stream from police authorized towing. We believe when
15 we get the numbers on this, we believe that it offers a
16 revenue stream that is more comparable than what the
17 Auto Return proposal was able to provide when we did the
18 numbers on it. And it lets the citizens know that the
19 city and the department is very serious about of course
20 following the codes and the rules and regulations that's
21 been approved by the Detroit City Council.

22 Any more discussion? All those in favor of
23 the Resolution please say aye.

24 COMMISSIONERS: Aye.

25 CHAIRMAN WARFIELD: All those opposed? Motion

1 carries. Second resolution?

2 COMMISSIONER TAYLOR: The Tow Rate
3 recommendation. Whereas the Municipal Code for the City
4 of Detroit was adopted by the Detroit City Council and
5 published in 1983 pursuant to authority granted by the
6 Michigan Home Rules City's Act, MCL 117.5(b) and
7 MSA 5.201842; and whereas the Code provides in
8 Section 55-15-2, the Code creates a towing rate
9 commission which is responsible for reviewing the City
10 of Detroit towing rates at least once every two years
11 and submitting its recommendation to the City Council by
12 October 1st of the year of review; and whereas the code
13 provides in Section 55158 that the Board of Police
14 Commissioners creates standards by which towers can
15 qualify for police authorized tows and promulgate and
16 publish rules and regulations that as nearly as
17 practical provide for the equitable distribution of
18 police authorized towing by qualified towers within the
19 City of Detroit; and whereas the City of Detroit has
20 endeavored to develop or establish a centralized
21 management towing system to implement the Board's
22 guidelines for the equitable distribution of police
23 authorized towing; and whereas the Board believes
24 implementing a towing software system is the best
25 solution to facilitate the equitable distribution of

1 tows; and whereas a new source of revenue would be
2 required to implement a towing software system within
3 the police department; and that since the City's current
4 tow rate has remained unchanged for the past several
5 years, it is -- and is well below market rate, the Board
6 believes that an increase in the city's tow rate could
7 provide the revenue for a towing software system.

8 And whereas the Board recommends an increase
9 in the tow rate of \$75, of which \$60 would go to the
10 City of Detroit and \$15 would be used to implement and
11 support a towing software system for the City. Now
12 therefore be it resolved that the Board of Police
13 Commissioners recommends to the towing rate commission
14 that the tow rate be increased by \$75, of which \$60
15 would go to the City of Detroit and \$15 would be used to
16 implement and support a towing software system for the
17 equitable distribution of police authorized towing in
18 Detroit.

19 CHAIRMAN WARFIELD: Is there a motion
20 regarding this recommendation?

21 COMMISSIONER TAYLOR: I'd like to motion to
22 accept the tow rate recommendation as stated.

23 CHAIRMAN WARFIELD: Support. It's been
24 properly moved and supported. Discussion?

25 COMMISSIONER WHITE: Mr. Chair, I do have

1 discussion on this Resolution. I have been a proponent
2 of assuring that the costs to the citizens of the City
3 of Detroit aren't arbitrarily raised. I know we have
4 not had an increase in our tow rate in the City of
5 Detroit. But I also further know we have not had
6 improvements to transportation systems to include a
7 reasonable transportation system. I also know this
8 continues to be one of the ways that we continue to
9 create a cycle for incarceration, particularly for young
10 black males in the City of Detroit who are individuals
11 who cannot afford to pay high insurance rates through
12 insurance redlining and a number of other issues that I
13 have cited several times in the past.

14 So, I would caution us as we look at raising
15 the costs. I believe the current rate is \$75. So when
16 we look at a 100 percent increase, I would just be
17 cautious that we have our citizens in mind, particularly
18 in a region that is cost prohibitive for owning a
19 vehicle, certainly is cost prohibitive for insuring and
20 keeping a vehicle, all of which will lead to more
21 towing, more vehicles towed. And if individuals aren't
22 able to tow or if they rob Peter to pay Paul to pay the
23 towing fee, you know, then certainly they won't get tags
24 and will find themselves back in a similar situation.

25 And I'm not condoning individuals who have a

1 disregard for the law in driving uninsured or other
2 reasons. But I do also know that there are a number of
3 indicators and factors which creates a cost prohibitive
4 environment for individuals to do so. So I would just
5 caution us as we seek to increase more specifically a
6 hundred percent.

7 CHAIRMAN WARFIELD: Commissioner, do you have
8 anything?

9 COMMISSIONER TAYLOR: No, sir.

10 CHAIRMAN WARFIELD: Point well taken,
11 Commissioner White. The rationale and the reason behind
12 this is even at 150, \$150 per tow is still well below,
13 probably still even half below what most municipalities
14 in this area tow their cars for. And again, we
15 definitely understand the high insurance rates. But one
16 of the issues with high insurance rates is driven by,
17 you know, some of the undesirable crimes that are
18 committed with vehicles, be it those vehicles that are
19 dumped in the city or those vehicles that are stolen out
20 of the city. And so, certainly we -- again, we don't
21 want to be unfair to our citizens. And certainly we do
22 not want to do that.

23 However, again, there has been a number of
24 years that this issue has not been addressed. And at
25 \$75 a tow, when you scan the country, very few

1 communities if any still tow at \$75 a car. And
2 increasing it to \$150 unfortunately is something that's
3 long overdue. And unfortunately it comes on this watch.
4 But again, considering that \$60 of that goes to the City
5 of Detroit for revenue generation in order that we may
6 continue to improve the system and an additional \$15
7 goes toward bringing in the software monitoring system
8 that allows us to be even more efficient and more
9 effective in our towing operations across the City of
10 Detroit, I think the price is warranted. But we do
11 understand that it is a significant increase. We don't
12 do it lightheartedly, nor do we do it without a great
13 deal of careful thought and researching what the current
14 markets are doing. So, point very well taken. Any
15 other discussion on this particular recommendation?
16 Again, these recommendations will be going to the tow
17 rate commission who will be making the final
18 recommendation to the City Council as relates to what
19 their findings will be. Any other discussion on the
20 recommendation? Hearing or seeing none, all those in
21 favor of the tow rate recommendation, please say aye.

22 COMMISSIONER TAYLOR: Aye.

23 CHAIRMAN WARFIELD: Aye. All those opposed?

24 COMMISSIONER WHITE: Opposed.

25 CHAIRMAN WARFIELD: Motion carries. Thank you

1 ladies and gentlemen. We certainly appreciate that.
2 Let us move back. I think we have a report now from the
3 OCI backlog. And I'm going to ask if Attorney
4 Washington can come to the podium and give us that
5 report.

6 ATTORNEY WASHINGTON: Thank you, Mr. Chair.
7 Celia Washington, attorney for the Board of Police
8 Commissioners. We certainly appreciate allowing us to
9 jump in here. We want to stay on track with the plan
10 that was presented to the judge, to Judge Cook. And
11 pursuant to that plan, the backlog elimination plan, we
12 are supposed to report to the Board on the last Thursday
13 of each month the status of the inventory of cases at
14 OCI. We did just conclude a very successful visit, I
15 think a very successful visit with the monitor team.

16 As of the end of the day yesterday, we had 276
17 active cases. Mind you, three years ago I believe we
18 started out with over 1,300 in backlog. So, I'm very
19 proud of the successes that OCI has made. 276 active
20 cases, and of those only six are over 90 days. That's
21 phenomenal. When we started this process in February,
22 there were over 300, nearly 400 of those -- of our cases
23 were over 90 days old.

24 The reason that I'm pausing there is because
25 the 276 number as compared to the six number puts us at

1 about -- I think Commander Griffin put us at about a
2 93 percent compliance rate. That's huge. We were
3 jumping out of our chairs. But I do also want to
4 mention of those six, Mr. Chair, three of those are
5 newly aged cases. So, what we are making sure of, that
6 we don't have the creep of cases going back over 90
7 days. So we've got enough with Supervisor Akbar
8 (phonetic) and the other supervisors, enough safeguards
9 in place so that we deal with the new ones in a timely
10 manner and that we never take our eye off the ball with
11 the old cases or the over 90 cases.

12 So we expect that there will always be some
13 number of cases because some of them are very
14 complicated, a very small number of cases that are over
15 90 days. But we would imagine that we would keep it
16 within the six to eight number at all times. We will be
17 at zero as promised though on July 30th, 31st.

18 CHAIRMAN WARFIELD: Any questions before you
19 leave? Before you leave, any questions for Attorney
20 Washington regarding the backlog cases?

21 CHAIRMAN WHITE: Not a question, Counsel, but
22 just a statement, just to publicly thank you and our
23 staff at OCI on continuing to do an outstanding job.

24 ATTORNEY WASHINGTON: Thank you, sir.

25 CHAIRMAN WARFIELD: One question if that's

1 okay, Attorney Washington. As relates to being able to
2 get down to this number, can you explain just for the
3 public somewhat briefly about how OCI was able to manage
4 the case loads down to this number?

5 ATTORNEY WASHINGTON: It was absolutely a team
6 effort. I think probably the most important -- and I
7 say most important because it was brought to our
8 attention by Monitor Gervin when he was
9 here last week, he sat in on our team meetings that we
10 started. We have weekly team meetings in addition to
11 the meetings with the supervisors to have with their
12 teams. So, if there is a person who is struggling on
13 the team with a case, they are not languishing alone.
14 There are other people that know how to get it done.
15 They can call on other resources and maybe a little not
16 -- probably not the best time, but our sworn, our
17 retired sworn that are still with OCI have been
18 phenomenal in helping maneuver and helping to train our
19 civilians. But the aging reports are being used in a
20 whole different way, and just good old applied pressure
21 maybe.

22 So, if somebody is stuck, they don't have to
23 remain stuck. And I want to say I appreciate you asking
24 that because we are not just moving these through the
25 system. We are not just rushing through them to make

1 sure that we are at zero. At least three eyes are on
2 every investigation to make sure that it's complying
3 with our SOP. That's the short version. But there's a
4 lot of other good things that are in place to make sure
5 that we number one sustain our success and that we don't
6 be careless.

7 CHAIRMAN WARFIELD: Okay. Great. Thank you,
8 ma'am, appreciate it. Again, outstanding job by you and
9 certainly with the whole team over there at OCI. Thank
10 you. At this time, the agenda calls for the proposed
11 towing amendments and rules. We had said for the last
12 couple weeks now that we are going to move this process
13 forward and look at the rules as they were proposed and
14 vote today on the rules that we want to enact and keep
15 and then publish those rules so that in 30 days or so
16 from now, that our towers will have an opportunity to
17 have another public hearing on these so that we can hear
18 from them and then be able to make our final decision
19 and either include or not include these to our towing
20 changes.

21 So, our purpose is for today again is to make
22 our final recommendation prior to the final public
23 hearing on behalf of the citizens of the city. And so,
24 I will go amendment by amendment. I think there are
25 about 11 of them, is that right, Mr. Secretary? And I

1 will ask that we will discuss each one. I know it's
2 kind of like a packed agenda today. But we want to get
3 some work done. That we discuss each one and then make
4 our recommendation as to move forward or not to move
5 forward.

6 And we'll start with Proposal Number 1,
7 proposed Amendment Number 1. And the motion basically
8 -- the motion is to basically make sure that the rules
9 have, "Promulgated by the Detroit Board of Police
10 Commissioners," within the actual document. What is
11 your pleasure?

12 COMMISSIONER WHITE: Can you repeat your
13 motion, Mr. Chair?

14 CHAIRMAN WARFIELD: The motion is that our
15 police authorized towing rules will say and include the
16 words, "Promulgated by the Detroit Board of Police
17 Commissioners."

18 COMMISSIONERS WHITE: I move that we allow the
19 rules to say, "Promulgated by the Detroit Board of
20 Police Commissioners."

21 COMMISSIONER TAYLOR: Support.

22 COMMISSIONER WARFIELD: It's been properly
23 moved and supported. Any discussion on this? Any
24 discussion? The rationale behind this again was that
25 the rules are -- our current rules that are in place

1 doesn't say that. And I think it's important legally
2 that we have that language in there. Okay. Hearing any
3 more discussion? Hearing or seeing none, all those in
4 favor?

5 COMMISSIONERS: Aye.

6 CHAIRMAN WARFIELD: All those opposed? Motion
7 carries. The second proposed amendment is related to
8 indemnification. And it is located on Page 4 of our
9 rules. And it basically said, "In the event of a police
10 authorized tower breaches his covenant not to sue the
11 City of Detroit, the Detroit Police Department, their
12 officers, agents, servants and/or employees, the police
13 authorized tower shall be removed from the tow rotation
14 until such litigation is dismissed." Attorney
15 Washington at that time noted that there is concern
16 whether this provision can be implemented in the rules.
17 I'm going to ask if Attorney Washington can come to the
18 podium to give us just some guidance, not render an
19 opinion but just give us some guidance. Do you still
20 believe the same thing?

21 ATTORNEY WASHINGTON: Could you repeat the
22 amendment, please?

23 CHAIRMAN WARFIELD: Sure. The amendment is
24 that, "In the event a police authorized tower breaches
25 its covenant not to sue the City of Detroit, the Detroit

1 Police Department, their officers, agents, servants and
2 employees, the police authorized tower shall be removed
3 from the tow rotation until such litigation is
4 dismissed."

5 (Enter Assistant Chief Logan. Exit
6 Chief Godbee)

7 ATTORNEY WASHINGTON: It's still my position
8 that there's a concern with that. I have not heard back
9 from the Law Department as to a definitive answer yet.
10 If you would like to --

11 CHAIRMAN WARFIELD: That's good. Considering
12 what Attorney Washington has just informed us, what is
13 your pleasure, Board, on proposed Amendment Number 2?

14 COMMISSIONER WHITE: Mr. Chair, I'm wondering
15 if an amendment can be made instead of the language that
16 the police authorized tower shall be removed from the
17 rotation until such litigation is dismissed, if it
18 reads, "The police authorized tower may be removed from
19 the tow rotation until such litigation is dismissed," if
20 that accomplishes so it's not indefinite and we have the
21 ability to render an opinion at a later date?

22 ATTORNEY WASHINGTON: I think,
23 Mr. Commissioner, I think that probably would be a good
24 fix in light of what we just witnessed with the whole
25 issue of the Board's authority or not to remove towers

1 from the rotation. So that may -- that change of word I
2 think is appropriate.

3 CHAIRMAN WARFIELD: So, just to make sure that
4 we are clear -- thank you, Commissioner White. We will
5 remove the word, "shall," to "may." So, "The police
6 authorized tower may be removed from the tow rotation
7 until such litigation is dismissed," is that correct?

8 COMMISSIONER WHITE: Yes, sir.

9 CHAIRMAN WARFIELD: All right. Motion?

10 COMMISSIONER WHITE: So moved.

11 COMMISSIONER TAYLOR: Second.

12 CHAIRMAN WARFIELD: Any discussion? Any more
13 discussion on this? Hearing or seeing none, all those
14 in favor?

15 COMMISSIONERS: Aye.

16 CHAIRMAN WARFIELD: All those opposed? Motion
17 carries. Proposed Amendment Number 3, operation and use
18 of facilities, which is of course on Page 4 in our
19 rules, "Police authorized tow companies will be required
20 to remove all debris from the street, highway or freeway
21 and shall be made -- I'm sorry -- and shall be made by
22 the shortest and best legal routes as required by the
23 city ordinances." Just to be very clear on this, I
24 think this is in regards to debris from the actual
25 towing incident that they are called to, not that they

1 go up and down the freeways and streets and remove
2 debris.

3 ATTORNEY WASHINGTON: Exactly right. And that
4 word is taken from the ordinance.

5 CHAIRMAN WARFIELD: It's taken directly from
6 the ordinance. Okay. Great. Commissioners, what is
7 your pleasure?

8 COMMISSIONER WHITE: I move for adoption of
9 proposed Amendment Number 3.

10 COMMISSIONER TAYLOR: And I support.

11 CHAIRMAN WARFIELD: Any more discussion?
12 Hearing or seeing none, all those in favor?

13 COMMISSIONERS: Aye.

14 CHAIRMAN WARFIELD: All those opposed? Motion
15 carries. Proposed Amendment Number 4, Tow Release
16 Procedures. And this is on Page 6 of our document.
17 "The tower may be subject to criminal or civil penalties
18 such may be levied by any court." We need to delete,
19 "There also will be assessed a \$1,000 credit to the city
20 per occurrence," basically because we do not have the
21 authority to do that. So we need to take that \$1,000
22 fee figure out of there. What is the pleasure?

23 COMMISSIONER TAYLOR: I move that we remove
24 that \$1,000 figure from the towing to adopt
25 Number 4.

1 CHAIRMAN WARFIELD: Yes, ma'am.

2 COMMISSIONER WHITE: Support.

3 CHAIRMAN WARFIELD: It's been properly moved
4 and supported that we adopt Amendment Number 4. Any
5 discussion on that, Counsel?

6 ATTORNEY WASHINGTON: No, sir. I just would
7 like to draw attention to the fact that it's not the
8 criminal or civil penalties that was the issue. It was
9 the \$1,000 levied. No such charge can be levied other
10 than the legislative body.

11 CHAIRMAN WARFIELD: Any more discussion on
12 that? Hearing or seeing none, all those in favor of
13 approving proposed Amendment Number 4 please say aye.

14 COMMISSIONERS: Aye.

15 CHAIRMAN WARFIELD: All those opposed you have
16 the same right and privilege. Motion carries. Proposed
17 Amendment Number 5 as relates to customer hours of
18 service and operation. I believe it says on Page 7 that
19 we are to delete, "seven days a week," and replace it
20 with, "Monday through Saturday from 7:00 a.m. to
21 7:00 p.m. and on Sundays from 9:00 a.m. to noon."
22 Currently it is supposed to be on Sundays from 7:00 to
23 7:00. What is your pleasure of this Board?

24 COMMISSIONER WHITE: Move for adoption of
25 Amendment Number 5.

1 COMMISSIONER TAYLOR: Support.

2 CHAIRMAN WARFIELD: It's been properly moved
3 and supported that we adopt Amendment Number 5 for the
4 towing rules. Any discussion? Any discussion? All
5 those in favor please say aye.

6 COMMISSIONERS: Aye.

7 CHAIRMAN WARFIELD: All those opposed, you
8 have the same right and privilege. Proposed Amendment
9 Number 6. Counsel, I'm going to need you back at the
10 podium, please, because I need to know if 6A and if 6B
11 are -- I believe that's the one are either/or type
12 language so that we are clear.

13 ATTORNEY WASHINGTON: I don't think it was
14 intended to be an either/or. As it was initially
15 proposed, it was an and/or, not the same.

16 CHAIRMAN WARFIELD: All right. Let me just
17 read it because this is kind of long into the record.
18 This is proposed Amendment Number 6A, Internal Controls.
19 "Each authorized tower will tow on a rotational basis
20 within the respective district or precinct in which they
21 are geographically located. Geographically located for
22 the purposes of the police authorized towing program
23 shall mean the single location city wide where a
24 permittee has his owned storage lot and customer service
25 office. The storage lot and customer service office

1 will be at the time location. This location shall have
2 a definite address recognized for the United States mail
3 purposes." That's 6A.

4 Should I read 6B? Let me read 6B as well,
5 which is located on Page 7 in our rules. "Current
6 permit holders, including visitors that are not located
7 in the district or precinct in which they currently tow
8 may not -- should be lose -- any rotation slots unless
9 their towing permit is revoked or terminated pursuant to
10 these rules. New towing companies or current towing
11 companies that acquire additional geographic locations
12 through lease or purchase will not be added to the
13 rotation unless a spot becomes available through the
14 termination or revocation of another police authorized
15 tower's permit." That's 6A and 6B. Board, what is your
16 pleasure?

17 ATTORNEY WASHINGTON: May I address the Chair?

18 CHAIRMAN WARFIELD: Yes, please.

19 ATTORNEY WASHINGTON: Maybe as a bit of
20 clarification, as I see it 6A deals more with the home
21 location for a tower, and B deals with the visitor
22 status. I think that's why it was initially an and/or.

23 CHAIRMAN WARFIELD: Okay.

24 ATTORNEY WASHINGTON: Sorry to interrupt.

25 CHAIRMAN WARFIELD: I'm glad you gave

1 clarification. Board, what is your pleasure?

2 COMMISSIONER TAYLOR: I will move to adopt 6A
3 and 6B.

4 COMMISSIONER WHITE: Support.

5 CHAIRMAN WARFIELD: It's been properly moved
6 and supported to adopt 6A and 6B. And I think -- okay.
7 Any discussion?

8 COMMISSIONER TAYLOR: No.

9 CHAIRMAN WARFIELD: I think the purpose of
10 this again as we go back in our history is that there
11 was some confusion as relates to what geographic
12 location meant because it was not clearly defined in the
13 rules what geographic location meant. And so, we wanted
14 to be fairly accurate with that term. And also, I think
15 you're right, counselor, as relates to the visitor
16 status, I think 6B speaks towards the visitor status.
17 Any more discussion on 6A and 6B?

18 ATTORNEY WASHINGTON: Mr. Chair, just as a
19 point of clarification, at our last dialog about this,
20 Commissioner then Chairman White amended or appended 6B,
21 corrected some language. This may be a good time to
22 make sure that that's included in there. That's your
23 next red line issue.

24 CHAIRMAN WARFIELD: Is that --

25 ATTORNEY WASHINGTON: It's before 7A.

1 CHAIRMAN WARFIELD: Where it says, "Each
2 permittee must identify the place where it is
3 geographically located and shall notify the Detroit
4 Police Department." Absolutely I think back with
5 consent that that language be included in this proposal.

6 COMMISSIONER WHITE: Agreed.

7 CHAIRMAN WARFIELD: Agree?

8 COMMISSIONER TAYLOR: Yes.

9 CHAIRMAN WARFIELD: Understanding that, all
10 those in favor of adopting proposed Amendment 6A and 6B
11 and the additional language offered by Commissioner
12 White, please say aye.

13 COMMISSIONERS: Aye.

14 CHAIRMAN WARFIELD: All those opposed? Motion
15 carries. Proposed Amendment 7A, Legal Considerations,
16 Prohibited Use of Brokers/Independent Contractors.
17 "Every police authorized tow company truck operator must
18 be an employee of a police authorized tow company. A
19 tow truck operator is an employee within the meaning of
20 this section if: The person is an individual. The
21 police authorized tower has the right to control or
22 direct both the result of the individual's work and how
23 it is to be done -- I'm sorry -- or how it will be done.
24 The police authorized tow company has the individual on
25 its payroll, withholds federal, state and city income

1 taxes, Medicare taxes and Social Security taxes and pays
2 unemployment taxes and Workers' Compensation insurance
3 for that individual. 4, the individual does not own
4 directly or indirectly an interest in the tow truck that
5 any police authorized tow company utilizes, with
6 services performed pursuant to a towing permit. An
7 individual has an indirect interest in a tow truck if he
8 or she or any person within a third degree of
9 consanguinity of that person owns a tow truck or has an
10 interest in that entity that owns that truck."

11 And then also later on, Chairman White
12 actually defined consanguinity. And it means within a
13 third degree of consanguinity applies to the individuals
14 of first, second and third degree of blood relatives as
15 follows: Spouse, children, parents is the first degree;
16 brothers, half brothers, half sisters, grandchildren and
17 grandparents, second degree; uncles and aunts and
18 nephews and nieces, great grandparents and great
19 grandchildren, third degree. Board, you have heard the
20 reading of proposed Amendment Number 7A. What is your
21 pleasure?

22 COMMISSIONER TAYLOR: Move to adopt 7A.

23 COMMISSIONER WHITE: Support.

24 CHAIRMAN WARFIELD: There is support to adopt
25 7A. Discussion?

1 COMMISSIONER WHITE: Just as a point of
2 information, Mr. Chair, what exactly did we seek to
3 accomplish with Number 4 under -- I believe this was
4 your recommendation. I was just trying to get to not
5 Amendment 4 but line item 4 under 7A.

6 CHAIRMAN WARFIELD: Line item 4? This entire
7 proposal was to clear up any confusion as to which
8 company was actually towing the cars that was called to
9 the scene because there have been many times where a tow
10 company will be called out and a different truck will
11 show up as opposed to the company that had actually been
12 dispatched out per our two rotation. And so as to be a
13 little bit more definitive as to who the driver was
14 working for, to making sure that the right company was
15 showing up and we did not have imbalances in our tow
16 rotation as relates to collecting cars.

17 COMMISSIONER WHITE: As Number 4 reads, does
18 it state that an individual that has ownership in a
19 company cannot drive a truck? Am I reading that
20 correctly?

21 CHAIRMAN WARFIELD: Counselor? I don't think
22 so, but you want our attorney to probably answer that
23 question. I don't think so.

24 ATTORNEY WASHINGTON: I think in my opinion I
25 think it merely defines what an employee or who is an

1 employee or who is deemed to be an employee within 7A.
2 So, the tow truck operator is an employee if that
3 individual does not own directly or indirectly. As I
4 see it, it doesn't necessarily prohibit it. But it more
5 clearly defines it.

6 COMMISSIONER WHITE: Counsel, if we say at the
7 beginning of this every police authorized tow company
8 truck operator must be an employee of the police
9 authorized tow company, and we further go to explain
10 what that employee is in line item Number 4, it says
11 that this individual, which I'm assuming would be in
12 reference to the employee does not own directly or
13 indirectly an interest in the tow truck that any police
14 authorized tow company utilizes or services performed
15 pursuant to a towing permit. So I'm assuming that a tow
16 company utilizes their own trucks. If I'm an operator,
17 my company and I'm driving my truck, this says I cannot,
18 that I should not own any truck as an employee.

19 ATTORNEY WASHINGTON: I don't see that as
20 saying that. I don't see it as saying that because --
21 and I think it goes to what -- and I'm not speaking for
22 Chairman. But I think it does go to who owns what and
23 who arrives at the scene. And I wasn't privy to the
24 drafting of that. But I believe that it was getting to
25 the relationship piece.

1 CHAIRMAN WARFIELD: I understand
2 commissioner's point. I mean, just reading it on its
3 face value -- so, could you explain a little bit why it
4 does not say what he believes and I kind of see?

5 ATTORNEY WASHINGTON: What I can suggest is
6 that we take a look at making it more clear because in
7 my mind it's a leap. I mean, you can draw the inference
8 that that's what it says. Even though it doesn't say
9 that specifically, the inference is there. I don't
10 disagree with that. But again, we can certainly take a
11 look at the language.

12 COMMISSIONER WHITE: I'm just wondering if we
13 are seeking to say that this individual does not own
14 directly or indirectly an interest in the tow truck of
15 another police authorized towing company.

16 ATTORNEY WASHINGTON: That would certainly
17 make it more clear. Again, these are not my words.

18 COMMISSIONER WHITE: If the concern is that
19 individuals may have multiple companies and another
20 truck shows up at the scene, I think we should speak
21 directly to that. But I think if we just say the
22 individual does not own directly or indirectly an
23 interest, I think we will rule out all of our towers
24 that may drive a tow truck for themselves.

25 ATTORNEY WASHINGTON: We certainly don't want

1 to do that. So, Mr. Chair, would you propose that we
2 edit --

3 CHAIRMAN WARFIELD: Absolutely we can edit it
4 absolutely. How about this? How about we edit to say
5 what Commissioner White said? And then we can still vet
6 it more to make sure that we are very clear and that it
7 is not, you know, as much grey area there? Is that good
8 for you, sir?

9 COMMISSIONER WHITE: Yes.

10 CHAIRMAN WARFIELD: What would we add to that
11 Number 4?

12 COMMISSIONER WHITE: The individual does not
13 own directly or indirectly an interest in a tow truck
14 from another police authorized tow company that is
15 utilized for services performed pursuant to a towing
16 permit. The individual does not own directly or
17 indirectly an interest in a tow truck -- police -- I'm
18 sorry.

19 ATTORNEY WASHINGTON: You said from another
20 police --

21 COMMISSIONER WHITE: From another police
22 authorized --

23 ATTORNEY WASHINGTON: Tow company.

24 COMMISSIONER WHITE: Police authorized tow
25 company that utilizes the services performed pursuant to

1 a towing permit.

2 ATTORNEY WASHINGTON: My only concern would be
3 from another police authorized towing just seems rather
4 cumbersome or vague or something because if what you're
5 getting at is that it's from a person other than the
6 name on the side of the truck --

7 COMMISSIONER WHITE: Right.

8 ATTORNEY WASHINGTON: Which is I think what
9 you're seeking to do, from another police authorized tow
10 company not dispatched to the scene? I mean, I just
11 think that there needs to be something else there. I do
12 get what Commissioner is saying though.

13 CHAIRMAN WARFIELD: How about for Number 4
14 Amendment in Number 7, I know we have already discussed
15 this right now. But for Amendment Number 7, very
16 specifically to Number 4, that we draft better language
17 for that that makes it clear. And we can come back
18 maybe next week and pick that back up again? Is that
19 okay?

20 COMMISSIONER WHITE: Yes.

21 CHAIRMAN WARFIELD: All those in favor of --
22 well, we had a motion on the floor though. Let's vote
23 on the motion first. I guess we should do that first.

24 CHAIRMAN WARFIELD: All those in favor of
25 proposed Amendment Number 7 say aye. All those opposed

1 say aye.

2 CHAIRMAN WARFIELD: Eye.

3 COMMISSIONER WHITE: Opposed.

4 CHAIRMAN WARFIELD: Motion carried that we
5 will not approve that right now. I do want to entertain
6 a motion that we bring this back though next week that
7 we can further hash out and word smith this to where it
8 makes good sense. Do I need a motion for that or we
9 will just do it? Just do it. That's what we will do.
10 All right. Cool.

11 Moving right along, 7B. 7B, proposed
12 Amendment 7B, Legal Considerations as relates to
13 conflict of interest. "Nothing in this section shall
14 preclude a police authorized tower or his or her
15 relatives from also being a tow truck operator."

16 ATTORNEY WASHINGTON: That was the catchall.

17 CHAIRMAN WARFIELD: "Selected police
18 authorized towers may not directly or indirectly lease a
19 truck from an employee. A selected police authorized
20 tower directly leases a tow truck from the employee if
21 the police authorized tower: 1. Provides consideration
22 to an entity owned or controlled by either the employee
23 or any person with a third degree of consanguinity of
24 the employee on an account of a police authorized tower
25 using a tow truck or, number 2, pays the employee a

1 reduced wage due to the lease payment associated with a
2 truck or trucks that that police authorized tower
3 utilizes." What's your pleasure on Number 7B?

4 COMMISSIONER WHITE: Mr. Chair, I would
5 recommend we also postpone 7B to make sure we are in
6 concert with 7A for next week.

7 COMMISSIONER TAYLOR: Second.

8 CHAIRMAN WARFIELD: It's been properly moved
9 and supported that we postpone 7B to make sure that we
10 are in concert with 7A. Any discussion? I agree with
11 that wholeheartedly. All those in favor?

12 COMMISSIONERS: Aye.

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

15 CHAIRMAN WARFIELD: Proposed Amendment Number
16 8. And I think this is the last one we have. Legal
17 considerations, nontransferability and termination,
18 related to Page 11 of our rules. It was in our
19 discussion that Attorney Washington noted that a
20 significant change --

21 ATTORNEY WASHINGTON: My only concern was to
22 just to bring attention to the fact that it was a
23 significant change in reducing the number of years.

24 CHAIRMAN WARFIELD: Let me read what the
25 change is. The change is moving the permits validity,

1 the actual tow permit validity from a five-year permit
2 to a one-year permit. All right. So that's basically
3 what we are asking, that we go from a five -- that's
4 what this -- I'm sorry. This proposal is asking that we
5 go from a five-year permit to a one-year permit for our
6 towers. What is your pleasure, Board?

7 COMMISSIONER WHITE: Mr. Chair, I will offer
8 an amendment and if I could speak to this language, that
9 I'm not certain that we wouldn't create an environment
10 that could be from a management perspective a logistical
11 nightmare in terms of renewing contracts annually. And
12 I'm not sure if it's appropriate to have someone maybe
13 from management services -- but barring that I would
14 make the recommendation that we amend this language to
15 read, "Unless terminated earlier, permits granted
16 pursuant to these rules shall be valid for a period of
17 three years from the date of issuance coinciding with
18 the City of Detroit's fiscal year ending on June 30th of
19 each year."

20 CHAIRMAN WARFIELD: Is that your motion?

21 COMMISSIONER TAYLOR: I will support that
22 motion.

23 CHAIRMAN WARFIELD: It's been properly moved
24 and supported that we move the permit time from five
25 years to three years instead of one year. Any

1 discussion? I have some discussion. I remember when
2 this first came up and hearing the testimony on behalf
3 of the towers, I agree that it should not be one year.
4 But to be honest, I'm vacillating to keep it at five
5 years. And it just depends on, you know, what the
6 pleasure of this Board is. But between three and
7 five years. I'll go with either one, three or five.

8 COMMISSIONER WHITE: I think we have a motion
9 at three.

10 CHAIRMAN WARFIELD: At there? There is any
11 more discussion about the motion at three years, for the
12 permit to be validated for three years? Hearing or
13 seeing no more discussion about that, all those in favor
14 of approving the proposed Amendment Number 8 that moves
15 the tow permit validation date from five years to
16 three years, all those in favor of that please say aye.

17 COMMISSIONERS: Aye.

18 CHAIRMAN WARFIELD: All those opposed? Motion
19 carries. These are the changes as relates to the rules.
20 I would ask next week, Counsel, if you can bring back
21 language as well that speaks to not posting the
22 insurance information of the towers on their wall of
23 business and if you can bring back language that speaks
24 towards proper ID for those who are coming to pick up a
25 car, meaning proof of insurance and registration. And

1 if they do not have proof of insurance that the car is
2 properly towed off the lot so that our towers are not
3 liable for cars that are removed from their lot without
4 insurance.

5 Any other comments for counsel as relates to
6 items that are going to need to be brought back next
7 week for the towing? Sir, anything else?

8 COMMISSIONER WHITE: Just the Auto Return
9 recommendation.

10 CHAIRMAN WARFIELD: Okay, sure. One last
11 thing. We want to back up to the final amendment as
12 relates to the Auto Return recommendation. The
13 recommendation of -- and we'll send this to the Detroit
14 City Council. The recommendation on not to approve the
15 RFP that Auto Return has submitted as it related to
16 purchasing director Andre DuPerry's presentation before
17 this Board in I believe it was March or April of this
18 year. And if you can, if you can, ma'am, could you just
19 read the be it resolved clauses again?

20 COMMISSIONER TAYLOR: Be it further resolved
21 that the Board recommends to the towing rate commission
22 which in turn makes --

23 CHAIRMAN WARFIELD: I'm sorry. Could you
24 start right here, please?

25 COMMISSIONER TAYLOR: Now therefore be it

1 resolved that the Board of Police Commissioners
2 recommend to the Detroit City Council that it reject the
3 RFP bid of Auto Return alternatively known as Auto
4 Return Detroit. And be it further resolved that the
5 Board recommends to the towing rate commission which in
6 turn make recommendations to the Detroit City Council
7 that the City increase the tow rate by \$75, which would
8 then be deposited 100 percent in the city's general
9 fund. And be it further resolved that the Board
10 recommends to the Detroit City Council and the towing
11 rate commission that the impoundment fee or daily
12 storage rate for vehicles lawfully impounded in the City
13 of Detroit be increased from \$8 a day to \$15 a day, the
14 tow company to receive \$10 and the City of Detroit \$5.
15 And be it further resolved that the Board recommends to
16 the Detroit City Council that the city conduct a sole
17 source process to secure a comprehensive towing software
18 package to facilitate the equitable distribution of tows
19 in the City of Detroit.

20 CHAIRMAN WARFIELD: Is there a motion
21 concerning the recommendation to City Council? You want
22 me to make a motion and then we have discussion? I will
23 move that we accept and we adopt the recommendation to
24 City Council to reject the RFP bid of Auto Return.

25 COMMISSIONER TAYLOR: Support.

1 CHAIRMAN WARFIELD: It has been properly moved
2 and supported. Discussion?

3 COMMISSIONER WHITE: Mr. Chair, the software
4 that we are recommending that the department utilize, is
5 there a software that has been identified? And if so,
6 is there a cost associated with that?

7 CHAIRMAN WARFIELD: Good question, sir. No,
8 we have not identified a particular software. There was
9 research that was done as relates to the types of
10 features that you would want in the software. And I
11 think that's what it talks about. But no, we have
12 absolutely not. But one of the things we have did is we
13 researched the cost. The cost for a per car tow as
14 relates to software is somewhere between \$5 and \$14,
15 which is why that \$15 carve out in the tow fee could go
16 to that so that the towers will not be out of their
17 pocket for that. But the research that was done by the
18 Board, the average price is somewhere between -- of
19 course it's negotiated -- between \$5 a car and \$14 a
20 car. But no, we have not identified a software package.
21 One of the things that we had mentioned in our report is
22 that we want to call in some software companies to meet
23 with the towers very specifically to see what their
24 needs are and develop a software system that corresponds
25 to the needs of our towers and the needs of the

1 department.

2 COMMISSIONER WHITE: Thank you, sir. Second
3 concern I had -- and Assistant Chief Logan, I'm not sure
4 if someone is here that it can speak to this. But does
5 the department from a management services perspective
6 have a view on whether the software is an ideal solution
7 for a problem that we face as a department, particularly
8 as relates to weighing that against the Auto Return
9 solution?

10 ASSISTANT CHIEF LOGAN: Through the Chair,
11 Assistant Chief Logan. Sir, I'm going to have to get
12 back to you on that specific question. I should have an
13 answer for you next week.

14 COMMISSIONER WHITE: Okay. Just for the
15 record, Mr. Chair, I think we should take that under
16 advisement to insure that we work in concert with the
17 department as well and also as it relates to our
18 resolved clause Number 2, just as I have stated
19 previously and I would like to reiterate on this
20 resolution that I certainly think this body as well as
21 the City Council and tow rate commission should take
22 into advisement issues as I discussed earlier as it
23 relates to a hundred percent increase on a proposed tow
24 rate increase.

25 CHAIRMAN WARFIELD: Sure. Also let me back up

1 to what you just asked the chief, the assistant chief.
2 I know that Deputy Chief Lee, others in management
3 services have been shown software systems as relates to
4 being able to relieve the department personnel of
5 actually dispatching or being involved. And the Chief
6 has as well being involved in that. And so certainly
7 we in talking with the chief and in talking with Deputy
8 Chief Lee and others and even sergeant what's his name
9 upstairs, management services, Sergeant Clark, thank
10 you, Sergeant Clark --

11 ATTORNEY WASHINGTON: Officer Clark and
12 Sergeant Adams.

13 CHAIRMAN WARFIELD: And Lieutenant Adams, that
14 they recognize the validity of a software system to
15 manage the towing process and how it would be a great
16 deal of relief as relates to making sure that the
17 process is moved smoothly. And when you look at the
18 towing audit, the only issues that are not cleared up in
19 the towing audit are those issues that are directly
20 related to a software package. Everything else has been
21 answered and addressed. And that will be the last leg
22 of the towing audit issues that need to be cleared up.
23 Again, that can be done with software.

24 Any other discussions on the proposed
25 recommendation that should go to City Council from this

1 Board? Any other discussion? There is a motion on the
2 table, and I know there is an unreadiness. So, do you
3 want to table this to next week? How do you want to do
4 this?

5 COMMISSIONER WHITE: I would like to hear back
6 from the department to have -- for me at least to be
7 able to cast an informed vote.

8 CHAIRMAN WARFIELD: Sure.

9 ASSISTANT CHIEF LOGAN: Through the Chair.
10 Specifically, have we identified -- has the software
11 been identified? Do we still need to do demonstrations
12 and what have you?

13 CHAIRMAN WARFIELD: We would still need to do
14 demonstrations in spite of the fact we know the
15 department has seen demonstrations, we would still want
16 to do demonstrations and have the towing community as a
17 part of that process so that their particular needs are
18 being met. This proposal right here does not suggest
19 any particular software whatsoever, just the fact that
20 we should begin to look and explore software solutions
21 and not a management solution.

22 ASSISTANT CHIEF LOGAN: Yes, sir.

23 SECRETARY ANTHONY: Mr. Chair, you made the
24 motion.

25 CHAIRMAN WARFIELD: I'll withdraw my motion.

1 I will withdraw my motion. We will table them until
2 next week until the Commissioner will hear from the
3 department side on this particular recommendation.
4 Okay?

5 COMMISSIONER WHITE: Thank you, sir.

6 CHAIRMAN WARFIELD: Not a problem. All right.
7 I know that we have held -- this meeting has been long
8 because we have tried to take care of some waiting
9 matters and so I know that Commissioner White who chairs
10 another meeting and Commissioner Taylor who is late for
11 getting out of town have to leave. But I'll still be
12 here. And we want to open up the floor for oral
13 discussion at this time. So, if you wish to address the
14 Board as relates to issues or concerns that you might
15 have, you may come at this time. And we would love to
16 hear what's on your mind. But we will excuse
17 Commissioner White and Commissioner Taylor at this
18 particular time.

19 (Exit Commissioner White and Commissioner
20 Taylor)

21 CHAIRMAN WARFIELD: Any comments, discussion?

22 MR. STIDHAM: Good morning or good afternoon,
23 Mr. Chair.

24 CHAIRMAN WARFIELD: Good afternoon.

25 MR. STIDHAM: Assistant Chief, Commissioner,

1 Mr. Chair, I just wondered --

2 CHAIRMAN WARFIELD: For the record, your name?

3 MR. STIDHAM: Tom Stidham for the record. If
4 you could just identify for us the specific -- what you
5 were told the specific proposal of Auto Return and
6 specifically the financial benefits that their proposal
7 is touting to the City?

8 CHAIRMAN WARFIELD: The proposal that we
9 received, we received it actually at our meeting, at our
10 community meeting back in I want to say April of this
11 year. And that's what I quoted in my report at the
12 community meeting. So, my figures right now might be
13 off because as I say this to you. But if you go back in
14 our minutes, Mr. DuPerry's presentation from purchasing
15 -- and I just mirrored his in my comments. But if I'm
16 not mistaken, Auto Return offered -- I believe they
17 wanted \$750,000 a year for managing the system. There
18 was a potential \$5,000 fee that the towers would have to
19 pick up for the auction and bringing in an auctioneer.
20 They also was vacillating over whether there would be an
21 additional \$250 fee that each citizen would have to pay
22 on each car that was auctioned.

23 In addition to that, I think they -- there
24 would be a 100 percent increase in the tow rate, an
25 additional \$75. They would take \$25 if I'm not

1 mistaken, \$25 of that fee. And the city would get \$50
2 of that fee. That's my understanding. Now, are you
3 asking about the meeting that I had earlier this week as
4 well? That was not Auto Return, at least it wasn't
5 presented as Auto Return's idea. But that was a
6 different situation --

7 MR. STIDHAM: Right.

8 CHAIRMAN WARFIELD: -- that I referred to
9 earlier.

10 MR. STIDHAM: Yes, I'm asking about Monday's
11 meeting and whether or not the proposal was similar to
12 Auto Return's.

13 CHAIRMAN WARFIELD: The meeting that I had
14 Monday was different. But it was interesting. The
15 meeting that I had Monday, here is what I was told, is
16 that they have already identified three lots that the
17 city will own, that all cars that are towed in the city
18 will go to those three lots. They have to build out
19 those lots, the city do, make sure they are brought up
20 to code. They will bring in personnel to run those
21 lots. They will bring in guards and security to run
22 those lots. They will bring in, you know, the
23 portables, to have an office on those lots, to make sure
24 that those offices have lots. So they will use
25 contracted employees to do that. My issue with that was

1 we already have this in place right now. What's the
2 deal? They -- and so, what would happen is again, it
3 would include or be inclusive of police authorized
4 towing. So that when dispatch goes out for a car to be
5 picked up and there's a police authorized tow, the
6 towers currently now will only be able to pick the car
7 up and drop it off. And the city will bill you in a
8 45-day billing period for you to get paid paid for the
9 cars that you had retrieved versus the way that you're
10 currently doing it now. But Auto Return was not
11 mentioned in that whole process for the record.

12 MR. STIDHAM: Can I just follow up with one
13 last question, Mr. Chair? You reference that purchasing
14 was going to put out an RFP within 45 days.

15 CHAIRMAN WARFIELD: No. They want the whole
16 process concluded within 45 days. There will be an RFP
17 put out and an RFQ I think put out as well.

18 MR. STIDHAM: Okay. Thank you, Mr. Chair.

19 CHAIRMAN WARFIELD: You're more than welcome.
20 Any other comments? Thank you. I'm sorry. Yes, sir?

21 ASSISTANT CHIEF LOGAN: Just a couple of quick
22 things. The Chief was going to make a couple of
23 announcements, one being he wanted to acknowledge the
24 death of DC James Tolbert's mother-in-law. The services
25 are going to be Saturday?

1 DEPUTY CHIEF TOLBERT: Yes, sir.

2 ASSISTANT CHIEF LOGAN: 11:00 at St. Cecelia's
3 Church. He also wanted to acknowledge the fact that
4 Officer Markus Hill who is an active officer died. And
5 his funeral services will be Saturday also at Greater
6 Grace at 11:00.

7 And finally, two things that I think great are
8 coming up next week he wanted the Board to be aware of.
9 Number one, I'm sorry that Miss Pannell left before I
10 got a chance to talk about this. But we are going to be
11 reopening the Second Precinct. That's going to be next
12 Friday from 11:00 to 5:00. That's at 13530 Lesure. And
13 secondly, the department is having a DPD family and
14 community day at Belle Isle. That's going to be
15 Wednesday, August 1st. We are going to be over by the
16 casino. They are going to have an exotic petting zoo,
17 tumble bus, a number of displays and a number of
18 demonstrations. So, it's for the community and the
19 department. So, I'd urge the community to come out and
20 support it. That's going to be from 10:00 until 6:00,
21 10:00 a.m. to 6:00 p.m. That's all I have, sir.

22 CHAIRMAN WARFIELD: Thank you, Assistant Chief
23 Logan. Certainly our prayers and our thoughts go out to
24 Dc Tolbert and to your family and also to the other
25 officer who unfortunately passed and made his transition

1 this week. You know, we talk a lot about, you know,
2 figures and issues and stuff like that. But behind the
3 badges and behind the uniforms are people, people who
4 are impacted by not only what happens on the streets but
5 what happens in their personal lives. And so certainly
6 our prayers and our thoughts are with your families as
7 well as the department as a whole. Anything else? This
8 meeting is adjourned. Thank you, ladies and gentlemen.
9 The next meeting will be here at police headquarters
10 August 2nd, 2012, 3:00 p.m. Thank you, sir. Meeting is
11 adjourned. Thank you.

12 (Proceedings concluded at 5:10 p.m.)
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) SS
COUNTY OF MACOMB)

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Wendy A. Boer

Wendy A. Boer,

CSR 3505

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