STATE OF MICHIGAN

DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR MEETING

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Taken at 1300 Beaubien, Room 328 Detroit, Michigan

Commencing at 3:00 p.m.

Thursday, May 23, 2013

Before Rhonda M. Foster, CSR 3612

Page 2 COMMISSIONERS: JEROME L. WARFIELD, Chairperson DONNELL R. WHITE, Commissioner GEORGE ANTHONY, Executive Secretary JESSICA TAYLOR, Commissioner DETROIT POLICE DEPARTMENT COMMAND STAFF: CHIEF CHESTER LOGAN



1 Detroit, Michigan 2 Thursday, May 23, 2013 3 About 3:13 p.m. (Jessica Taylor not present). 4 5 CHAIRPERSON WARFIELD: Good afternoon, ladies 6 and gentlemen. 7 AUDIENCE: Good afternoon. CHAIRPERSON WARFIELD: Good afternoon. 8 9 AUDIENCE: Good afternoon. 10 CHAIRPERSON WARFIELD: We are all on the same 11 page. My name is Jerome Warfield, Chairman of the 12 Board of Police Commissioners. Serving with me today 13 is Commissioner Donnell White. 14 Certainly we are always happy to see Chief of 15 16 Police, Chief Chester Logan who is here at the table. 17 Representing the Board staff is our Board Secretary, Mr. George Anthony. I am going to ask if 18 19 Attorney Anthony could introduce the rest of our staff 20 that's here present. SECRETARY ANTHONY: Thank you, Mr. Chair. 2.1 2.2 For the record, George Anthony, Secretary to 23 the Board.



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We have seated in the front row Ms. Pamela

Davis-Drake, who is our Chief Investigator; Ms. Lolitha

Page 4 Porter-Coleman, who is our Director of Police 1 2 Personnel; and Ms. Celia Banks Washington, our attorney 3 to the Board. Standing in the back is Mr. Robert 4 Brown, our office manager. Sergeant Alan Quinn is recording our proceedings. And Ms. Rhonda Foster from 5 Hanson Court Reporting Service is taking the 6 7 transcript. That completes the introduction. 8 9 CHAIRPERSON WARFIELD: Thank you, 10 Mr. Anthony. Appreciate that. I am going to ask if 11 Chaplain Maya can come and lead us in our invocation at this time. 12 13 Thank you, sir. (Interference). 14 15 SERGEANT QUINN: It's a BlackBerry. 16 CHAIRPERSON WARFIELD: That's the BlackBerry. 17 CHAPLAIN MAYA: Heavenly Father, we thank you, oh, God, for this day. We thank you for this 18 19 time. We do bring before you this body and we ask you, 20 God, your blessings, your wisdom, your knowledge to temper all things. 2.1 22 And then, too, again, oh, God, we ask your 23 blessings upon those in Oklahoma. We pray, God, your



It is in Jesus' name we pray. Amen.

blessings upon them, as well.

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1	AUDIENCE: Amen.
2	CHAIRPERSON WARFIELD: Thank you, Chaplain.
3	As of right now, we do not have a quorum, so
4	we will not move toward any voting matters at this
5	time. Actually we should have quorum fairly soon. And
6	when we do, we will come back and take care of the
7	voting matters.
8	At this time, there is no Chairperson's
9	report.
10	I am going to move to the Secretary for the
11	Secretary's report.
12	SECRETARY ANTHONY: Thank you, Mr. Chair.
13	There are a couple of things that I should
14	report on.
15	The first is the citizens complaint report
16	that for complaints that were received in April of
17	2013. The monthly count of complaints for 2013 in
18	April was 97. When you compare that to the 2012
19	monthly count at 90, we see that there is an 8 percent
20	increase, in 2013.
21	The year-to-date total of citizen complains
22	are 345 for 2013; 422 for 2012, which is an 18 percent
23	decrease.
24	At the end of April 2013, the Office of the
25	Chief Investigator had open cases, 197. Cases filed,



1	345. Cases closed, 364.
2	Of the 97 cases filed, 33 percent involved
3	unknown officers. The alleged known units involved
4	leading and complaints filed in April of 2013 were the
5	6th precinct communications, and Northeastern District
6	at 7 percent. Homicide at 6 percent. The second and
7	12th precincts at 6 percent. The 97 cases that were
8	filed in April of 2013 involved 172 allegations where
9	the leading areas of concern were demeanor at
L 0	30 percent, procedure at 24 percent, service at
L1	16 percent, and fourth in force at 8 percent. You also
12	have available to you are the allegations on unknown
13	officers through April 2013, and which compares to 2012
L 4	figures.
15	And that completes my report, sir.
16	CHAIRPERSON WARFIELD: Thank you, sir.
L 7	Commissioner, any questions?
18	COMMISSIONER WHITE: No, sir.
19	CHAIRPERSON WARFIELD: Under the unknown
20	officers allegations, I am looking at the year-to-date
21	totals
22	SECRETARY ANTHONY: Yes, sir.
23	CHAIRPERSON WARFIELD: from 2012 to 2013.
24	SECRETARY ANTHONY: Yeah.
2.5	CHAIRPERSON WARFIELD: When you combine all



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1	of the months together, there seems to be a significant
2	increase
3	SECRETARY ANTHONY: Yes, sir.
4	CHAIRPERSON WARFIELD: in the amount of
5	allegations.
6	SECRETARY ANTHONY: Yes. There are. And, of
7	course, leading the way consistent with the monthly
8	reports are demeanor and procedure.
9	CHAIRPERSON WARFIELD: Demeanor and
10	procedure, okay.
11	Does the department have this report?
12	SECRETARY ANTHONY: They get it in a
13	different form, but I can certainly share this form
14	with them.
15	CHAIRPERSON WARFIELD: Make sure they do, in
16	this form, as well.
17	SECRETARY ANTHONY: Yes, sir.
18	CHAIRPERSON WARFIELD: Okay. Thank you.
19	Anything else, Mr. Secretary?
20	SECRETARY ANTHONY: Just to let you know,
21	too, that we have received from the department an
22	expenditure in revenues report dated today, I received
23	it about a half an hour or so ago, from Second Deputy
24	Chief Tina Tolliver through the Chief's Office. And
25	that will be distributed to you for your study.



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1	CHAIRPERSON WARFIELD: Okay. Thank you, sir.
2	Any questions?
3	COMMISSIONER WHITE: No, sir.
4	CHAIRPERSON WARFIELD: All right. Chief?
5	CHIEF LOGAN: Yes, sir.
6	CHAIRPERSON WARFIELD: Yeah, go ahead.
7	CHIEF LOGAN: We have got a couple of brief
8	presentations. D.C. Tina Tolliver is going to be
9	updating the Board on our forfeiture procedures.
10	D.C. Tolliver?
11	CHAIRPERSON WARFIELD: Good afternoon, ma'am.
12	D.C. TOLLIVER: Good afternoon.
13	CHAIRPERSON WARFIELD: You might help
14	D.C. Tolliver out with the PowerPoint.
15	OFFICER QUINN: I just helped her.
16	D.C. TOLLIVER: Good afternoon, Second Deputy
17	Chief Tolliver.
18	Today, I have a brief presentation on
19	forfeiture. And this presentation will speak to what
20	happens after the department receives forfeits and
21	those uses of those dollars.
22	There are two types of forfeiture or
23	forfeits. There is the State or local forfeiture,
24	which is a result of a departmental raid, individual
25	forfeit, or a collaboration with a local law



1	enforcement agency.
2	For the Federal, the forfeits are the result
3	of a collaboration with Federal law enforcement
4	agencies. For example, the Drug Enforcement Agency,
5	the Immigrations and Customs Enforcement Agency, or
6	ICE, or U.S. marshals.
7	The permissible uses include activities that
8	are calculated to enhance future investigations, law
9	enforcement training, law enforcement equipment and
10	operating expenses, law enforcement facilities and
11	equipment, asset accounting and tracking, and law
12	enforcement travel and transportation.
13	Impermissible uses include the payments of
14	salaries for existing positions; uses of forfeited
15	property by non-law enforcement personnel; payment of
16	non-law enforcement expenses; uses not specified in the
17	DAG, which is the actual document we use to request our
18	share of a forfeit. And at the time that we request
19	our share, we have to specify what we want to use the
20	funds on; uses contrary to the laws of the State or
21	local jurisdiction; and nonofficial government use; and
22	extravagant expenditures.
23	Some of the Department's recent uses include
24	the forfeiture staff specifically, personnel.



Now, earlier when I mentioned some of the

1	nonpermissible uses, under that category we cannot pay
2	for personnel other than those specifically for their
3	salaries for the forfeiture. So we use it for Crime
4	Stoppers, trainings, Nip-It, recently, lease vehicles
5	and maintenance, uniforms. We have used it for a few
6	gun buyback programs. We have used it for body armor
7	vests, informant fees, buy money, our Wayne County
8	attorneys, and legal and filing fees.
9	Through April, our Federal forfeiture
10	collections exceed \$1.6 million, and our State or local
11	forfeiture collections are approximately \$372,000.
12	That concludes my presentation.
13	I am open for questions.
14	CHAIRPERSON WARFIELD: Any questions?
15	Sir?
16	COMMISSIONER WHITE: Thank you, Deputy Chief
17	Tolliver.
18	With the DAG forms, those forms are handled
19	by your office, correct?
20	D.C. TOLLIVER: They come from the unit who
21	has done the forfeit, and then they come to physical
22	operation, and we review the forms and sign off on them
23	for them to go back to whatever leading agency it is,
24	whether it is DEA or something like that.
25	COMMISSIONER WHITE: Okay. I believe it was



1	two weeks ago we had a presentation, it was in
2	reference as to forfeiture. And I guess my question
3	was, the monitoring that we ensure that we are getting
4	our fair share of forfeiture funds that are back to us,
5	and so how from your vantage point, how do we
6	monitor what is ultimately recaptured by the
7	department, and could there potentially be any gaps or
8	do we potentially maximize on that opportunity?
9	D.C. TOLLIVER: Well, we have actually a
10	couple people who work on that part of the forfeiture
11	receipts. So when the DAGs come in, we have an
12	individual who keeps track of those and the percentage
13	requested. We also have a person who knows their
14	receipts and can track it by the particular DAG number.
15	And we make sure that the amount requested is the same,
16	you know, the amount received is the amount requested,
17	and if not, we can go back and have it verified for us.
18	COMMISSIONER WHITE: Do those funds expire?
19	D.C. TOLLIVER: Two years, I believe. We
20	have two years to spend those funds. And that really
21	has not been an issue over the last few years. We have
22	been doing pretty good with using these funds. In
23	fact, they have helped us save the general fund some
24	significant amount of money.

COMMISSIONER WHITE: Okay. Thank you.

1	D.C. TOLLIVER: You are welcome.
2	CHAIRPERSON WARFIELD: Thank you, sir.
3	Can any of these fees be used for meetings,
4	conventions, meetings or anything like that?
5	D.C. TOLLIVER: For who?
6	CHAIRPERSON WARFIELD: Members within the
7	Department. Members who are part of the Department. I
8	mean, not the general public, but
9	D.C. TOLLIVER: I can't say that I have ever
10	seen a request for a meeting, so I am not sure. I
11	would have to look into that.
12	CHAIRPERSON WARFIELD: Okay. So to your
13	knowledge, none of these funds have ever been used for
14	any meetings, conventions, trips, or anything like
15	that?
16	D.C. TOLLIVER: Oh, okay. You said meeting.
17	Now, travel is a permissible use. If you mean meeting
18	as in training, then, yeah, we have used funds for
19	that.
20	CHAIRPERSON WARFIELD: What's the difference
21	and will you draw the line, I guess, between a defined
22	training or would a convention be the same as a
23	training? Or what makes the difference between
24	something being training and something not training?
25	D.C. TOLLIVER: Most conventions, to my



Page 13 1 knowledge, have some training aspect. At least the 2 requests that come in. CHAIRPERSON WARFIELD: Okav. 3 D.C. TOLLIVER: And forfeiture dollars are 4 generally for sworn members, unless in the case you 5 have an opportunity or a need to replace someone or 6 7 something like that. It is specifically for sworn members. 8 CHAIRPERSON WARFIELD: And is that definition 9 10 given to us by the Federal Government, that that's for sworn members? 11 D.C. TOLLIVER: Yes. At least in the case of 12 13 the Federal forfeitures, they actually have a Federal quideline, and it specifies sworn members. 14 CHAIRPERSON WARFIELD: Does the State do the 15 16 same? 17 D.C. TOLLIVER: The State is not -- their quideline is not as clean as the Federal, but in 18 19 looking at the Public Act, I believe it says sworn, as 20 well. 2.1 CHAIRPERSON WARFIELD: Okay. 2.2 D.C. TOLLIVER: Keep in mind, the Federal was 23 more lenient than the State, for some time until 24 recently. And the most recent changes with the local 25 has assisted us in being able to use the funds for more



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1	things. But I can't specifically it is not sticking
2	out in my head what part of the Act says that.
3	CHAIRPERSON WARFIELD: Can you make sure that
4	our Secretary and Attorney gets hold of the definitions
5	of those as relates to meetings and trainings? We
6	would really like to see that.
7	D.C. TOLLIVER: Okay.
8	CHAIRPERSON WARFIELD: Anything else?
9	COMMISSIONER WHITE: No, sir.
10	CHAIRPERSON WARFIELD: Thank you, ma'am. I
11	appreciate your presentation.
12	Sir?
13	CHIEF LOGAN: Sir, I might be able to help
14	you in terms of conventions and trainings, the subject
15	we just covered. Many times training, you get a
16	certificate showing that you have undergone the
17	training. But a lot of your conventions, you don't get
18	certificates, so that's also a distinction.
19	CHAIRPERSON WARFIELD: Okay.
20	CHIEF LOGAN: And the segue into what
21	D.C. Tolliver just talked about, I see him in the back
22	there, Lieutenant Barren, can I get you to step
23	forward, Lieutenant Barren?
24	Lieutenant Barren has spearheaded our Nip-It
25	operation. And it has been going for the last ten



Page 15 weeks. And I would like for the Board to be aware of 1 2 the cumulative total for the last ten weeks because we also at the very end, we talked about some forfeiture 3 dollars that we have come in contact with. 4 I didn't mean to put you on the spot. 5 LIEUTENANT BARREN: No, sir. I kind of 6 7 figured you want me. Sir, would you want me to talk about the 8 9 overall 1 through 10, or just specific area? 10 CHIEF LOGAN: Why don't we just give them the 11 cumulative totals on what we have accomplished thus far. 12 13 LIEUTENANT BARREN: Lieutenant Alvin Barren, 14 on behalf of the Tactical Support, also the Task Force 15 Commander for Nip-It Operations Patrol. 16 The stats I am getting ready to share with 17 you is the cumulative totals from weeks 1 through 10 of 18 Nip-It. Total, there 19 We will start with the arrests. 20 was 967. Out of those felony arrests were 415; 549 2.1 were misdemeanor; juveniles detained were 23. 22 For the people that were investigated there 23 were 11,472; vehicles 8,799. Moving to weapons



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rifles, 44.

recovery: Handguns, 140; long guns, 68; assault

1	Enforcement actions as relates to raids and
2	narcotics activities, there were 478 raids; street
3	enforcements, 86.
4	Tickets that were issued, there's two types
5	of tickets. We have misdemeanor violations and also
6	civil infractions. There was 644 misdemeanor
7	ordinances, and 18,960 civil infractions.
8	For vehicles towed, we have a total of 1,944
9	and vehicles recovered, those were stolen vehicles that
10	we recovered, there were 4.
11	For cocaine and I am getting ready to
12	discuss the narcotics portion of Nip-It. For cocaine,
13	the cocaine that was confiscated, 16,528.10 grams,
14	which equates to \$6,611,240 in street value.
15	For heroin, 2,258.5 grams, which equates to
16	4,065,300, in street value.
17	For marijuana, 34,673.2, which equates to
18	\$3,467,632.
19	For pills recovered, 1,446; the street value
20	is 15,930.
21	The total street value of confiscated
22	narcotics, 14,160,102. And the total currency that we
23	have confiscated is 220,577.
24	Nip-It is scheduled to run throughout the



summer. Again, we are $\--$ this report is the first ten

Page 17 weeks. Right now, we have just begun today the 11th 1 2 week. AUDIENCE: Very good. 3 CHIEF LOGAN: Sirs, if I could just add to 4 5 that, unless you are familiar with the metric system, you might not be familiar with what a gram is. We have 6 7 broken that down. That cocaine confiscated is 16.5 kilograms or 36.3 pounds of cocaine. The heroin 8 9 is 2.2 kilograms, total 4.84 pounds of heroin. 10 marijuana is 346.76 kilograms, or 762.87 pounds. CHAIRPERSON WARFIELD: Outstanding job. 11 12 (Applause). 13 CHAIRPERSON WARFIELD: Phenomenal, outstanding job. I don't know, if this is a sensitive 14 15 issue, let me know, do we know how many are in the Nip-It group that goes out to do this? Is that 16 17 sensitive or is it --CHIEF LOGAN: It is kind of sensitive. 18 19 CHAIRPERSON WARFIELD: Okay. We won't go 20 there. 2.1 CHIEF LOGAN: It is not that many. 22 CHAIRPERSON WARFIELD: That's why I wanted to 23 bring it out because I am sure that it is a subset of officers who are doing this. And just phenomenal, just 24 phenomenal work. I mean, you are talking about taking 25



1	\$14 million worth of drugs off the streets of the
2	city of Detroit within a ten-week period. It is just
3	unbelievable. Unbelievable. And I am sure when you
4	look at the drugs that's out there, it is a significant
5	amount, but it is probably just a drop in the bucket
6	for what's out there. So without your efforts being
7	out there, you know, God knows what still could be
8	going on on our streets. So I personally thank you on
9	behalf of the citizens for just an outstanding job,
10	Chief, for your leadership, and that's just an
11	outstanding job.
12	Sir, do you have anything?
13	COMMISSIONER WHITE: Yes, sir. I echo the
14	sentiments of my colleague. Also, Lieutenant Barren,
15	you covered a couple of questions I had, Chair, but in
16	terms of evaluations, is that a national model, and we
17	attach it to the quantities that we had?
18	LIEUTENANT BARREN: Yes, sir. Yes, sir, it
19	is national.
20	COMMISSIONER WHITE: Okay. And the second
21	piece is, do we still have a presence in Southwest? I
22	believe a few weeks ago in our community meeting, we
23	stated we were entering into Southwest. Are we still
24	operating there?



LIEUTENANT BARREN: We have pulled out. We

L	deployed based on the crime patterns when we had an
2	uptick, if you will, of crimes in the Eastern District
3	as well as the Northwest District. So we had to
1	concentrate our efforts in those areas to reduce that
	crime.

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COMMISSIONER WHITE: And the last piece, through the Chair, Chief, I think these numbers are so outstanding that we really should consider some kind of a strategy to get this information out, a public awareness campaign, I think it is a message that this is a -- this paints a completely different picture than what the media thinks in terms of the Department's ability, and in terms of the work of the men and women of this Department, who are working hard every day to make this city safe. And I think if this was packaged appropriately, a lot of citizens would feel very comfortable to hear these numbers, I believe, in terms of their ability to move in the city, feel comfortable staying in the city, that there is a handle on crime. And the great work that the men and women of the Detroit Police Department are doing each and every day. So I am not sure if we are already down that road, but if we are, I certainly encourage it, and if not, I would certainly be supportive of us moving in that direction.

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1	CHIEF LOGAN: Yes, sir. And I would like to
2	remind the Board, also, as well as the community, that
3	we only do this three days a week, Thursday, Friday and
4	Saturday. So this is not a full-time effort. While we
5	are out there, it is a full-time effort, but it is only
6	three days a week.
7	CHAIRPERSON WARFIELD: Sir, is there a
8	timeline when this program would be over, or is it
9	ongoing indefinitely?
10	CHIEF LOGAN: Sir, it is my hope to run this
11	right through the summer. We feel that we can we
12	have already significantly impacted crime. And if we
13	keep our pedal to the metal, we are going to make a
14	significant difference in crime. So my goal, and I
15	would hope that Chief Craig when he gets here,
16	continues it, but it certainly would be up to him, but
17	I can assure you for the next five weeks, we will
18	continue this.
19	CHAIRPERSON WARFIELD: Is the funding there
20	for this to go through to the end of the year?
21	CHIEF LOGAN: It is my belief that it is. We
22	might have to use some overtime dollars. If you look
23	at the forfeiture, that gives us a little money in the
24	kitty because these funds, once they are forfeited, we

don't have to share these with anyone. These are our

1	funds.
2	CHAIRPERSON WARFIELD: Good.
3	CHIEF LOGAN: So we are going to come up with
4	forfeiture funds, overtime funds. And we are going to
5	get the job done.
6	CHAIRPERSON WARFIELD: Excellent. Thank you,
7	sir.
8	LIEUTENANT BARREN: Thank you.
9	CHAIRPERSON WARFIELD: Lieutenant Barren,
10	appreciate it.
11	Chief, anything else, sir?
12	CHIEF LOGAN: No, sir. That's all I have.
13	CHAIRPERSON WARFIELD: Okay. Moving right
14	along, we will again still waiting on quorum before
15	we can deal with the closed door session.
16	At this time, we are going to table and bring
17	back the one personnel issue under old business,
18	regarding Supervising Investigator Ainsley Cromwell, we
19	will bring that back next week.
20	The disciplinary appeal, do you want to wait
21	on that? Want to do it now? Wait on that? Can we
22	move on it now or no?
23	ATTORNEY WASHINGTON: I would suggest we not.
24	CHAIRPERSON WARFIELD: We can't. We will
25	just wait We will wait on it We will wait and we



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1	will see. We have got a few more minutes. We will see
2	if we can have quorum. And if not, then we will
3	unfortunately, Ms. Tolbert may have to come back.
4	At this time, I do want to open up for
5	comments to the Board.
6	However, I want to remind you that our next
7	meeting will be on Thursday, May the 30th, at
8	3:00 p.m., here at Police Headquarters. So we would
9	love to see you here then.
10	But right now we want to open up the floor.
11	If you wish to address the Board of Police
12	Commissioners, we ask that you come to the podium right
13	there in the middle and give us your first and last
14	name for the record, and we ask that you abide by our
15	two-minute time limit, that we may hear from as many
16	people as possible. You can come at this time, if
17	there are those who wish to hear I am sorry, if
18	there are those who wish to comment to the Board, you
19	may come at this time.
20	MS. SMITH: Bernice Smith, political
21	activist. I am going to do it a little early because I
22	want Mr. Johnson would you please come up,
23	Mr. Johnson? I have a problem. He is my son-in-law,
24	has a problem, I just found out about two days ago
25	about it. It is in regards to his car being towed when



1	it	was	parked	in	front	of	his	home.	Не	will	go	into
2	mor	e de	etails	abou	ıt it.							

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But what I want to tell you on my own behalf, we will be broadcasting tomorrow, and I do wish to express my very much appeal to the people to let them know that the police is doing a hell of a good job.

And I am going to -- I wrote down some of the notes, and I know the Secretary is going to give me the rest of them, so I can do my due diligence tomorrow morning, at 11:00 on 1200 AM. So if you have the time, please listen to us. We will talk about politics and everybody who is running for office, with all the crooks and everybody else. So in other words, the Mother Board will be talking tomorrow morning.

So I will give the mic over to Mr. Johnson because I do wish that we would take care of this matter. It is in regards to the towing. And I did call some of the people at Boulevard because they are involved in it, but the most important thing is I want to see that his trailer is returned to him and his tools and valuable things. Because he does work for the Board of Education, so you know he has a good reliable job. So I will leave it to Mr. Johnson will speak to you.

CHAIRPERSON WARFIELD: Thank you, Ms. Smith.

1	MR. JOHNSON: I had a trailer
2	CHAIRPERSON WARFIELD: For the record, your
3	name for the record, sir.
4	MR. JOHNSON: Howard Johnson.
5	I had a truck and trailer was parked in front
6	of my home that was damaged on a hit-and-run accident.
7	And an officer approached a couple weeks ago to tow it,
8	and I was coming out of the yard to make to have it
9	moved. And they told me that I couldn't have it moved.
10	They were going to tow it.
11	So I guess they called another officer and
12	they discussed it, they said I could take the trailer,
13	but I couldn't take the truck.
14	And then when I talked to I guess the tow
15	truck guy wanted to help me hook the trailer up, and I
16	told him I didn't need his help, he went back to the
17	car. He spoke to the officer, he said I can't take the
18	trailer. It is reported stolen.
19	I had purchased that trailer like two years
20	ago, and I couldn't understand why he wouldn't allow me
21	to move my truck when I was in the process of moving
22	it, but AAA wouldn't tow it because I had some things
23	on the back, and they don't tow a vehicle when it has
24	got, you know, a load on it.



So anyway, they towed it and I didn't get a

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1	ticket or either a sticker or anything on it. And it
2	was parked in front of the house. When I went to the
3	precinct, they said that the neighbors complained, they
4	had a phone call, so they allowed me to redeem my
5	truck, but they wouldn't allow me to get the trailer
6	back.
7	CHAIRPERSON WARFIELD: Okay. Thank you, sir.
8	Chief?
9	CHIEF LOGAN: D.C. Tolliver I am sorry,
10	Tolbert, would you get with him and have somebody look
11	into his concern?
12	CHAIRPERSON WARFIELD: We will look into it.
13	Thank you, Chief.
14	MR. JOHNSON: Thank you, sir.
15	CHAIRPERSON WARFIELD: Thank you, sir.
16	Are there others?
17	MR. BIRCH: Tyrone Birch. I was here last
18	month with my daughters, and you recommended that I
19	talk to a Lieutenant Walton, I believe. He called me.
20	I didn't recognize his number. We went back and forth,
21	and I never got hold of him, left him some messages, he
22	left me some. We never got back together again. But
23	what the basic problem is, my son was killed on March
24	the 19th, 2011. And we have been trying to find out
25	what we can about what went on with they claimed it



1	was a justifiable homicide.
2	Now, I have looked up everything I can about
3	justifiable homicide, and this it is a clear they
4	have got a clear statute on what it is and what you
5	can what is cause for justifiable homicide.
6	But anyway, we went to the Prosecutor's
7	Office, and they gave us a story, and we have been
8	running around with these various stories.
9	Now, I gave Lieutenant Walton last week I
10	gave him all the questions I had that I feel are
11	unanswered.
12	As an example, in Statement 1 of Detroit
13	Police Department's arrest report, the suspect stated
14	that he was
15	CHAIRPERSON WARFIELD: Sir, because this is a
16	public record, I am going to ask that you might want to
17	keep the details out of the public record. I mean, we
18	can look into this and investigate it some more for
19	you. Because it is an open and active case, I am going
20	to ask that you if you can
21	MR. BIRCH: Well, I'm not even sure if it is.
22	CHAIRPERSON WARFIELD: Well, sir, if it has
23	not been solved, it is still open.
24	MR. BIRCH: Well, the suspect admitted that
25	he shot my son, he shot and killed him. He admitted



1	that. They took him, they arrested him. Then we went
2	to the Prosecutor's Office. They told us that
3	the that they didn't have enough evidence to charge
4	him with anything.
5	CHAIRPERSON WARFIELD: Okay. Here is what I
6	am going to do. Unfortunately, time has run out. You
7	said who was assigned to your case, sir?
8	MR. BIRCH: Well, the last time we were here,
9	it was Lieutenant Walton. He talked to my daughter, he
10	talked to my daughter. She is a little more volatile
11	than I am, so he wanted to talk to me and we never got
12	in touch.
13	CHAIRPERSON WARFIELD: So you still never had
14	that one-on-one communication.
15	MR. BIRCH: He told my daughter some things,
16	that there was some more information, that we should
17	just forget it, basically, because there's some other
18	information that we don't know. And that's the
19	problem.
20	CHAIRPERSON WARFIELD: Chief, is there
21	anything you can
22	CHIEF LOGAN: Yes, sir. We will have
23	somebody look into it, but from what I can recall about
24	this case, it seemed like the warrant has been denied
25	by the Prosecutor's Office.



1	Now, normally, if there's something else that
2	they need, they will let us know, you know, we need
3	more information. But if this one has been declined
4	for whatever reason, it is probably closed, but we will
5	definitely look into it to see exactly what the problem
6	is.
7	Lou, would you get his information? Because
8	I recall the case. There was some unusual
9	circumstances about it.
10	CHAIRPERSON WARFIELD: Sir, that's the
11	lieutenant right there at the back. He will get your
12	information and we will share whatever we can at this
13	point.
14	Thank you. I appreciate your coming, sir.
15	MS. PANNELL: Good afternoon. Sharon
16	Pannell, P-a-n-n-e-l-l.
17	First of all, I wanted to say thank you for
18	such a good job that the police department is doing.
19	Took care of my problem on my street.
20	I would like to bring some donuts or food or
21	something here, but people don't want me to bring it
22	in, so but I like it, though.
23	CHAIRPERSON WARFIELD: Who said that?
24	MS. PANNELL: What do you want? Muffins or
25	you want some cake? I got you next week.



Page 29 CHAIRPERSON WARFIELD: Okay. Peach cobbler 1 2 works. 3 MS. PANNELL: I don't cook now. I am going to Sam's Club. 4 CHAIRPERSON WARFIELD: Okay. Well, bring 5 something good. 6 7 MS. PANNELL: Okay. I just wanted to say thank you. And 2nd precinct had a lot of nice things 8 9 going on for Police Week last week. We had remoral 10 (phonetic), we had lunch for the police, we had a 11 carnival Friday. It was really nice. And thank you for all you do. 12 13 CHAIRPERSON WARFIELD: Thank you. Thank you 14 for all you do. CHIEF LOGAN: Ms. Pannell, I didn't see you, 15 but I was there. I came out to the carnival. 16 17 MS. PANNELL: Yeah, we was there. As long as I am not on vacation I am there. 18 19 CHAIRPERSON WARFIELD: I want to acknowledge 20 the presence of Vice Chairperson, Commissioner Jessica

- 2.1 Taylor is here, and we do have a quorum now.
- 22 Are there others who wish to address the 23 Board of Police Commissioners? Are there others who 24 wish to address the Board?
- 25 All right. Seeing none, we will close that



1	section of our meeting.
2	And we will go back and approve today's
3	agenda and the minutes, and then we will move into our
4	personnel-related matters.
5	I will entertain a motion to approve today's
6	agenda.
7	COMMISSIONER WHITE: So moved.
8	COMMISSIONER TAYLOR: Support.
9	CHAIRPERSON WARFIELD: It has been properly
10	moved and supported.
11	Without objection, all those in favor?
12	COMMISSIONERS: Aye.
13	CHAIRPERSON WARFIELD: A motion to approve
14	minutes from our meeting on Thursday, May the 16th,
15	2013?
16	COMMISSIONER WHITE: So moved.
17	COMMISSIONER TAYLOR: Support.
18	CHAIRPERSON WARFIELD: Without objection, all
19	those in favor?
20	COMMISSIONERS: Aye.
21	CHAIRPERSON WARFIELD: The disciplinary
22	appeal of Police Officer Rhonda Moore, I am going to
23	ask if Attorney Washington can come to the podium.
24	ATTORNEY WASHINGTON: Thank you, Mr. Chair.
25	Celia Washington, Board of Police



1	Commissioners.
2	Before you today will be the disciplinary
3	appeal of Police Officer Rhonda Moore. The BPC or DAU
4	number is 0 12, excuse me, -0015, Rhonda Moore.
5	Presenting on behalf of Officer Moore will be
6	Attorney Stolberg. Presenting on behalf of the
7	Department will be Commander Serda.
8	Just in brief, the first count, willful
9	disobedience of rules and orders, specification 1:
10	That she, Police Officer Rhonda Moore, Badge 1054,
11	currently assigned to the 6th precinct, while on duty,
12	did on August 26, 2011, at the 6th precinct, willfully
13	disobey a direct order given to her by Lieutenant John
14	Svec, that's spelled S- as in Sam, v- as in Victor,
15	e-c, Badge L54, to report to at prisoner detail at
16	Sinai Hospital. The second count before you,
17	Exhibit insubordination, disrespect, gestures or
18	language of a course, profane or insolent nature to any
19	ranking officer.
20	Specification 2: That she, Police Officer
21	Rhonda Moore, Badge 1054, currently assigned to the 6th
22	precinct, while on duty, did on August 26, 2011, at the
23	6th precinct, exhibit insubordination and disrespect to
24	Lieutenant John Svec when she stated, quote, I am
25	tired. I worked 12 hours yesterday, and am continuing



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1	to work 12 hours today to watch a prisoner. I have a
2	headache. I am going home.
3	Count 3: Leaving post without proper relief
4	or purpose. Specification 3: That she, Police Officer
5	Rhonda Moore, Badge 1054, did on August 26, 2011, leave
6	her post without proper relief or purpose by going home
7	sick after being given a direct order and failed to
8	properly notify supervision on the front desk.
9	For purposes of clarification, Board, the
10	Trial Board found Officer Moore was not guilty of
11	specification 1, willful disobedience. She was not
12	guilty of specification 2, exhibiting insubordination.
13	It was on count 3, specification 3, leaving
14	post without proper relief or purpose, that she was
15	found guilty of, and that is the issue before you
16	today.
17	CHAIRPERSON WARFIELD: Thank you, ma'am.
18	ATTORNEY WASHINGTON: Attorney Stolberg?
19	ATTORNEY STOLBERG: Good afternoon.
20	CHAIRPERSON WARFIELD: Good afternoon, sir.
21	ATTORNEY STOLBERG: Donald Howard Stolberg on
22	behalf of Police Officer Rhonda Moore.
23	I don't know whether you have had an
24	opportunity to look at the investigator's
25	recommendation and report in connection with this



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1	matter. But it struck me as surious to see the least
1	matter. But it struck me as curious, to say the least,
2	for the reason that it apparently concedes that there
3	was no evidence to even find Officer Moore guilty of
4	charge 3, specification 3. And, in fact, cites
5	evidence from the Trial Board record itself wherein I
6	asked Sergeant Ray Saati, who was her supervisor,
7	whether or not he was informed that she was going home
8	sick and whether she had permission to do so. And he
9	said yes to both. And I said, so then she is not
10	guilty of charge 3. He said, that is correct. She is
11	not guilty of charge 3, specification 3. And that is
12	the only issue before the Board here today. She was
13	found not guilty as to the investigator has
14	indicated of charges 1 and 2.

I would also like to clarify something that I noticed in reading the investigator's report and recommendation, which is that it seems as though the investigator believed that I was asking only for a reduction of the charge, which — for which she received a one-day penalty. But, in fact, at paragraph 7 of my appeal petition, it clearly states that I am asking that a finding of guilty also be reversed. So I ask that it be reversed.

I would also like to note for the record that the Department has failed to file an Answer with



1	respect to this matter.
2	Now, when the Detroit Police Officers
3	Association fails to file a petition in a timely
4	fashion, there is a sanction that is understood. And
5	that is that the appeal petition would be dismissed and
6	it would never be heard.
7	I would ask that some sanction be delivered
8	to the Department in connection with this matter. And
9	usually in appellate matters when a party fails to file
L 0	an Answer, they are denied oral argument on appeal. I
L1	think that would be appropriate in this case.
12	So I am asking that the Board's the
L3	investigator's recommendation with respect to or
L 4	report first of all, her recommendation was that it
15	be reduced to a written reprimand. But I would ask
16	that you follow the report because it is more
L 7	important, it deals with the facts and the evidence of
L 8	the case, be followed because she quite clearly states
L 9	that there is little or no evidence of guilt with
20	respect to charge 3, specification 3. And, in fact,
21	there is evidence to the contrary from her own
22	supervisor.
23	One other thing that I would like to point



out is that on her attendance card for the date in

question she was carried sick. Now, if she left her

24

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1	post without proper relief or purpose, she should have
2	and would have been designated as AWOL or absent
3	without permission. That was not the case here. She
4	was designated as having gone home sick, because she
5	was sick. And because she was sick, and she had
6	permission to go home sick, she is not guilty of charge
7	3 and specification 3.
8	Thank you.
9	CHAIRPERSON WARFIELD: Thank you, sir.
10	COMMANDER SERDA: Good afternoon. Commander
11	Serda on behalf of the Detroit Police and Disciplinary
12	Administration.
13	CHAIRPERSON WARFIELD: Good afternoon, sir.
14	COMMANDER SERDA: My response is very brief,
15	and I will try to respond to some of Mr. Stolberg's
16	contentions.
17	He talks about Sergeant Saati saying that the
18	officer is not guilty of this charge. Well, first of
19	all, he was not her direct supervisor. He only heard
20	part of the Trial Board. And it is not his decision if
21	she was guilty or not. The Trial Board obviously
22	carefully weighed each charge and found the officer
23	guilty of charge 3.
24	Basically, what this amounts to is this
25	officer being this officer being given orders to man



2.1

a post. She decided she doesn't want to because she is
tired, and says she is going home sick. Her
lieutenant, Lieutenant Svec, who was referred to, told
her to stand by because he needed to fill this post
before everybody left the station, he had to get
somebody else to fill this post.

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So while he goes to do that, she does some supervisor shopping, and tells some supervisor that she is going home sick and leaves. So by the time he comes back to check on her, she is gone. So I think it is important to note here, and this is what really struck me about this case, and why we are objecting to any reduction in penalty, the penalty is only eight hours suspension.

Now, I understand any suspended days are significant to an officer. However, we are talking about an officer who was appointed to the Department on October 11, 2010. She was assigned to the 6th precinct on April the 18th, 2011. This incident happened on August the 26th, 2011. So we are talking about an officer who has been on the job on patrol for about four months, telling her supervisor, I am not doing that job.

I don't think we can run a department if we allow that kind of behavior by our officers. So for



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1	that reason, I would object to any kind of reduction in
2	the penalty for this case.
3	And I have been given a copy that there was,
4	in fact, a response prepared and submitted by Inspector
5	Robin Rivers on this case. So that part of it is not
6	true either. There was a response submitted.
7	So for that reason, we ask that the penalty
8	be upheld in its entirety.
9	Thank you.
10	CHAIRPERSON WARFIELD: Thank you.
11	Attorney Washington, would you come back?
12	ATTORNEY STOLBERG: I am sorry. May I
13	respond?
14	CHAIRPERSON WARFIELD: Not right now. You
15	will, but not right now.
16	ATTORNEY WASHINGTON: Yes, sir.
17	CHAIRPERSON WARFIELD: Ma'am, just a couple
18	of things for clarity sake. And maybe you did it and I
19	didn't hear, Mr. Stolberg, but there are a couple of
20	things that he brought up that if you can shed some
21	light on for us.
22	ATTORNEY WASHINGTON: Absolutely.
23	CHAIRPERSON WARFIELD: First of all, as
24	relates to the third the actual third charge, so the
25	Trial Board did issue that third charge or



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Page 38 1 ATTORNEY WASHINGTON: She was found guilty on 2 the third charge. CHAIRPERSON WARFIELD: She was found guilty 3 on the third charge. 4 5 ATTORNEY WASHINGTON: Yes. CHAIRPERSON WARFIELD: Okay. And was all of 6 7 his -- he had mentioned that he had filed I quess a Complaint or -- correct terminology --8 9 ATTORNEY WASHINGTON: A discrepancy. 10 CHAIRPERSON WARFIELD: -- a discrepancy, 11 right. ATTORNEY WASHINGTON: Absolutely. 12 13 Mr. Stolberg mentioned that there was a discrepancy in his opinion between the facts that were 14 15 outlined in my recommendation as opposed to what my final recommendation was. That's in Mr. Stolberg's 16 17 opinion. 18 In my opinion, there is no contradiction, 19 because based on my review of the transcript, it was 20 very clear that she was assigned to the detail and she 2.1 refused. That part is undisputed. That part was confirmed by the witness testimony. It is the part --22 23 the incidents that happened after that with regard to being sick, going home, being noted sick, is where the 24



discussion came. So there is no question that she did

1	refuse.
2	CHAIRPERSON WARFIELD: And the Trial Board
3	had the information as relates to her card that was
4	marked sick when she went home? They considered that?
5	ATTORNEY WASHINGTON: Yes, sir.
6	CHAIRPERSON WARFIELD: They considered all of
7	that?
8	ATTORNEY WASHINGTON: And that was
9	problematic a little bit for me, and I think that's why
L 0	I disagreed with the eight-hour suspension.
11	And Mr. Chair, if you will allow me
12	CHAIRPERSON WARFIELD: Sure.
13	ATTORNEY WASHINGTON: it may be better if
L 4	I just kind of read portions of the recommendation
15	because that was the part that was problematic for me.
16	And I guess at one point, it was problematic for the
L 7	Trial Board too. There was an instance where the
18	Trial
19	Well, Lieutenant Svec, her supervisor, said
20	that if she had gone home like that or gone home sick,
21	he would have suspended her.
22	And the Trial Board actually asked her a
23	question.
24	So if she had gone home or gone home AWOL,
) 5	hasically gone home without permission. I would have



1	suspended her.
2	The Trial Board said, Is that true? You
3	would have suspended her?
4	Yes, it is true.
5	But you didn't suspend her.
6	So the inference is that she somebody
7	knew.
8	So just very quickly, I have already
9	mentioned the portion about that she was assigned to
L 0	hospital detail and refused to complete her assignment
L1	Mr. Stolberg was exactly correct. I actually cited
12	language from his I believe it was cross-exam, if I
13	am not mistaken
L 4	ATTORNEY STOLBERG: M-hum.
15	ATTORNEY WASHINGTON: that did get to the
16	point where it was conceded that there was no failure.
L 7	The portion that I would like to read, we
L 8	must also look at the testimony of Lieutenant Svec who
L 9	assigned Officer Moore to hospital detail. Lieutenant
20	Svec testified that he specifically informed Officer
21	Moore that if she did not complete her assignment, she
22	would be suspended. If Officer Moore, indeed, did not
23	inform any of her supervisors, whether it was
24	Lieutenant Svec or one of the sergeants at the front
25	desk the Lieutenant would have followed through with



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1	the suspension. The only explanation as to why there
2	was no suspension handed down is that, indeed, Officer
3	Moore did inform a supervisor that she was heading home
4	sick and therefore did not leave her post without
5	proper relief.
6	Again, the time records were noted sick. If
7	she was not sick, the Department should not have noted
8	that. If she was AWOL, they should have noted it
9	accordingly.
10	The decision reached by the Trial Board again
11	would not be an issue if the lieutenant had followed
12	through correctly. By suspending Officer Moore, they
13	said they conceded that she was sick on the official
14	detail on August 27th. In looking at this detail as
15	well as the testimony provided by the Lieutenant and
16	Sergeant Saati, it is clear at some point that it was
17	accepted that Officer Moore officially went home sick.
18	Considering these factors, the penalty handed
19	down by the Trial Board should be reduced.
20	Also, Mr. Chair, I did take into
21	consideration my recommendation that it should be
22	reduced. They also took into consideration that she
23	did not have any prior disciplinary history. And I do
24	agree with the Commander that this is not the precedent

that we want to set for young officers. But we also

1	want to make sure that the department supervisors do
2	what they are too, to train young officers in proper
3	protocol.
4	CHAIRPERSON WARFIELD: Well, just one last
5	thing for me, and then if the other commissioners have
6	a question, and then, Mr. Stolberg, I will give you a
7	chance to come back, sir.
8	So if she did what she was supposed to do,
9	what is the issue again?
10	ATTORNEY WASHINGTON: If she had if she
11	had I think the issue is that she first refused.
12	She says, I am not going to do it.
13	CHAIRPERSON WARFIELD: This is after working
14	two 12-hour days?
15	ATTORNEY WASHINGTON: After working a 12-hour
16	day.
17	CHAIRPERSON WARFIELD: In the petition, there
18	is a quote saying that she had worked 12 hours today
19	and she had worked 12 hours yesterday, if I am not
20	mistaken. I am tired. I worked 12 hours yesterday,
21	and I am coming to work 12 hours today to watch a
22	prisoner.
23	ATTORNEY WASHINGTON: Right. She had not
24	worked that second



CHAIRPERSON WARFIELD: She had not worked

1	that second shift.
2	ATTORNEY WASHINGTON: No, sir.
3	CHAIRPERSON WARFIELD: So she is saying she
4	is refusing to work that second shift?
5	ATTORNEY WASHINGTON: Yes, sir.
6	CHAIRPERSON WARFIELD: Okay. I got you.
7	ATTORNEY WASHINGTON: That's my only issue.
8	CHAIRPERSON WARFIELD: Got you.
9	Ma'am? Sir? Any questions for Attorney
10	Washington?
11	COMMISSIONER WHITE: Just for point of
12	clarity, this may be a question for the Commander, was
13	Lieutenant Svec the direct report?
14	COMMANDER SERDA: In this particular case, he
15	was, in two senses. Number one, he was giving out
16	assignments. And number two, he had told the officer
17	to stand by. So even though she may have gone and
18	talked to some other supervisors, he was the officer in
19	charge and told her to stand by.
20	COMMISSIONER WHITE: And Commander, as
21	relates to the reference of being noted sick versus
22	AWOL, what's the Department's position on that?
23	COMMANDER SERDA: Well, I guess, you know,
24	once they sorted everything out, they didn't want to
25	carry her AWOI, is the bottom line. They could have



1	but they chose not to.
2	COMMISSIONER WHITE: Counsel, if I could
3	ATTORNEY STOLBERG: Firstly
4	COMMISSIONER WHITE: Just one second.
5	Counsel Washington, as relates to the third charge, the
6	duty directive 102.3-7.5, for leaving the post without
7	proper relief or purpose by going home sick, so if you
8	were able to separate the fact that Officer Moore did
9	have a clearance to go home, if you also believe that
L 0	she didn't have proper relief before going home, then
11	does that still carry charge number 3?
12	ATTORNEY WASHINGTON: Actually, I did read
13	the directive, and actually, it is pretty vaguely
L 4	worded.
15	As I said before, my issue is that she first
16	refused. If she had not refused, and all the other
L 7	facts had happened as they did, we wouldn't be here.
L8	The issue is that she refused. And then she whether
19	she walked away before she talked to somebody or after
20	she talked to somebody, the record was clear that she
21	did notify someone. And even in the Trial Board
22	testimony, witnesses confirmed that she told people
23	that she was going home. So in terms of what the
24	specifics of that directive required, they are very
25	waque and there's not much there



1	COMMISSIONER WHITE: So as relates to having
2	the proper relief prior to leaving your post, you
3	maintain that the directive is vague in that regard?
4	ATTORNEY WASHINGTON: Correct. It doesn't
5	specify how long you need to wait. It just says you
6	need to tell someone that she was sick. And she did.
7	But the initial response was, I am not going to do it.
8	COMMISSIONER WHITE: Thank you.
9	CHAIRPERSON WARFIELD: Mr. Stolberg?
10	ATTORNEY STOLBERG: Thank you.
11	First of all, I would like to indicate that
12	we were never served with an Answer. And I only became
13	aware of any Answer today as Ms. Washington was
14	apparently presenting the Department Answer to
15	Commander Serda. I have still yet to see it.
16	But that being said, I would like to point
17	out something that I think is very important in terms
18	of the recommendation. And it is in the first
19	paragraph under paragraph under section 4, Analysis,
20	and it is the last line of the last sentence of the
21	first paragraph says, The Trial Board's finding of
22	guilt of count 3, specification 3, and the penalty of
23	an eight-hour or one-day suspension, is not well
24	supported by the evidence and witness testimonies.

That is an extremely significant statement

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1	because the Department has the burden of proof, albeit
2	lighter than in a criminal context, of course, which is
3	beyond a reasonable doubt, but in this context, it is
4	by a preponderance of the evidence. And so by the
5	investigator indicating that it is not well supported
6	by the evidence indicates that they have failed to
7	prove the case even by a preponderance standard.
8	One other thing, I would like to respond to
9	what Commander Serda said about the reason why she was

2.1

One other thing, I would like to respond to what Commander Serda said about the reason why she was carried sick as opposed to AWOL, is that there is no evidence on the record to support his contention. That is purely made up speculation on his part, and there is no evidence on the record to support that contention.

One other thing that I would like to point out with respect to specification 3, and I appreciate your indulgence in this matter, but it is very important to me and to Officer Moore, who I should point out is present in the audience. Please stand up if you will. This is officer Rhonda Moore.

Now, you know the directives for the Department are very important. But from my perspective, with regard to the -- it should be from everyone's perspective in these hearings, it is the wording of the charges and specifications that should also be very important.

1	CHAIRPERSON WARFIELD: Sure.
2	ATTORNEY STOLBERG: Because if you look at
3	the language of specification 3 for which she was found
4	guilty, they have to prove each and every element of
5	the language in that specification. And the
6	significant part is found in again, toward the end
7	of the written specification. And she left her post
8	without proper relief or purpose by going home sick
9	after being given a direct order and failed to properly
10	notify supervision and the front desk.
11	Now, the use of the word "and," of course, is
12	conjunctive, not disjunctive. That is, they have to
13	prove both that she received an order and that she
14	failed to properly notify supervision. With respect to
15	this, it is imperative to remember that charge 1,
16	specification 1 was willful disobedience of rules or
17	orders. And that refers to the order by Lieutenant
18	Svec, for which she was found not guilty. And we know
19	that they failed to prove the second part even by their
20	own admission, that she did notify supervision.
21	So with all that being said, I ask you to
22	dismiss this case. Find her not guilty of charge 3,
23	specification 3.
24	CHAIRPERSON WARFIELD: Any questions for
25	Attorney Stolberg? Ma'am?



1	Sir?
2	COMMISSIONER WHITE: No.
3	CHAIRPERSON WARFIELD: Thank you, sir.
4	ATTORNEY STOLBERG: Thank you.
5	CHAIRPERSON WARFIELD: Yes, ma'am?
6	ATTORNEY WASHINGTON: Just in conclusion, I
7	think the conjunctive discussion that Attorney Stolberg
8	just referenced goes to why I suggested a reduction.
9	And just so that the Chair knows, we will
10	find out why the Department did not serve a copy of the
11	Answer on Counsel because or if they did or did not,
12	because I got a copy. And generally when I get a copy,
13	Counsel gets a copy. So we will find out so that we
14	will not let it happen again.
15	CHAIRPERSON WARFIELD: Ma'am, just I am
16	reading the charge again.
17	ATTORNEY WASHINGTON: M-hum.
18	CHAIRPERSON WARFIELD: and I am trying to
19	submit this in my own mind. I note you said earlier,
20	but if the third charge and the charges 1 and 2 have
21	been dismissed, and the third charge says, leaving post
22	without proper relief or purpose, and then says,
23	however, it must again be noted that Sergeant Saati, I
24	think I am pronouncing it right, S-a-a-t-i, stated on
25	the record that Officer Moore did, in fact, follow



1	proper notification protocol.
2	How can I jive with the or how can I come
3	in agreement with the finding if it is on the record in
4	the Trial Board that she did do it, but they are
5	charging her that she didn't do it, although the record
6	in the Trial Board says that she did do it?
7	ATTORNEY WASHINGTON: I don't disagree with
8	you. Again, my only issue was the initial refusal.
9	CHAIRPERSON WARFIELD: Okay. That's
L 0	separate. I think that's a whole separate issue. Just
L1	my personal opinion. I am sorry for cutting you off.
L2	ATTORNEY WASHINGTON: No, no, no, no.
13	CHAIRPERSON WARFIELD: I think it is
L 4	noteworthy, and it goes back, again, unfortunately to
L5	what we said over and over again
L6	ATTORNEY WASHINGTON: Yes, sir.
L 7	CHAIRPERSON WARFIELD: that when these
L8	cases come before us, they really have to be vetted
L 9	ATTORNEY WASHINGTON: Yes, sir.
20	CHAIRPERSON WARFIELD: well, and
21	unfortunately, the charge in issue number 3 just from
22	one person's opinion, does not match up with the
23	evidence that was presented in the Trial Board, for me,
24	it just doesn't match up there. And so if then there
2.5	is another finding or another charge, if that charge



Page 50 is, you know, willfully, you know, refusing to do the 1 2 work, then let that be the charge. ATTORNEY WASHINGTON: Absolutely. 3 CHAIRPERSON WARFIELD: I can't -- I can't 4 umbrella discipline out, if you know what I am saying. 5 6 ATTORNEY WASHINGTON: Absolutely. CHAIRPERSON WARFIELD: You know, I will feel 7 8 uncomfortable in giving discipline out for something 9 that is unrelated really, or something she was found not guilty of, versus what was before me, if that makes 10 11 sense. 12 ATTORNEY WASHINGTON: It absolutely does, 13 Mr. Chair, and I strongly agree. We have been here before. The Trial Board is left to make its decision 14 15 based on the charges as drafted. This Board is left to 16 make its decision if there is an appeal as drafted. 17 And the wording of those charges is critical, and 18 specifications. 19 CHAIRPERSON WARFIELD: Can you read your 20 recommendation so -- are there any questions from the 2.1 members? 2.2 COMMISSIONER WHITE: I do have a question 23 following the recommendation.



CHAIRPERSON WARFIELD: Can you make your

recommendation, ma'am? Then we will go from there.

24

1	ATTORNEY WASHINGTON: Yes, sir.
2	Therefore, it is recommended that the penalty
3	handed down by the Trial Board be reduced from an
4	eight-hour suspension to merely a written reprimand.
5	CHAIRPERSON WARFIELD: Is there a motion to
6	accept the recommendation?
7	COMMISSIONER WHITE: Mr. Chair, before we
8	move for that, Counsel, what is within our purview as
9	relates to this matter?
10	ATTORNEY WASHINGTON: To uphold the Trial
11	Board's decision. Or to render your own decision. The
12	Board is not allowed to increase the penalty, but to go
13	below the penalty.
14	COMMISSIONER WHITE: Going below the penalty,
15	Madam Counsel, does that include the dismissal of this
16	matter?
17	ATTORNEY WASHINGTON: Yes, sir.
18	COMMISSIONER WHITE: Thank you, Mr. Chair.
19	CHAIRPERSON WARFIELD: Thank you, sir.
20	Is there a motion?
21	COMMISSIONER WHITE: Mr. Chair, as relates to
22	the matter of Police Officer Rhonda Moore, as relates
23	to the count of leaving post without proper relief or
24	purpose, I move that this body discharge this matter.
25	COMMISSIONER TAYLOR: Support.



1	CHAIRPERSON WARFIELD: It has been moved and
2	supported. Any discussion on the motion?
3	I have this discussion. I agree with you
4	100 percent, Counselor. I mean, our officers are
5	quasi-military personnel. And following direct orders
6	is critical to make sure not only that their colleagues
7	are safe, but the citizens in the city of Detroit are
8	safe. And not following those orders has dire
9	consequences. And literally, down the road, could be
10	very fatal because of the type of work that they do.
11	And so I would say just from, again, my seat, my
12	opinion, that it is critical that all officers follow
13	the direct command of their supervisors. And when a
14	command is given, that they follow that command. It is
15	critical. Because literally lives are at stake as a
16	result of that.
17	So from that standpoint, I would admonish or
18	I would ask that, you know, for future references two
19	things. First of all, that the Department be a little
20	bit more diligent in its bringing of in its vetting,
21	I should say, I am sorry, in the vetting of the cases.
22	Like the Trial Board, we also can only go on what's
23	presented in front of us.
24	ATTORNEY WASHINGTON: Yes, sir.
25	CHAIRPERSON WARFIFI.D. I can't make up stuff



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1	We can't make up stuff. And, you know, just throw it
2	out there and hope it sticks. And so, you know, again,
3	I would appeal to the Department again, please vet
4	these disciplinary cases prior to their going to the
5	Trial Board and prior to them coming to us. We want to
6	be fair on both sides, on the side of the officers as
7	well as the side of the Department, as well. And it is
8	hard to do that when the charges don't match up with
9	the actions. And that's my discussion on the matter.
10	Thank you.
11	Any other discussion?
12	COMMISSIONER WHITE: No, sir.
13	COMMISSIONER TAYLOR: No, sir.
14	CHAIRPERSON WARFIELD: All those in favor of
15	the motion that is on the floor?
16	COMMISSIONERS: Aye.
17	All those opposed?
18	Motion carries unanimous.
19	Thank you, ma'am.
20	There is another matter before us, a closed
21	door session on a rejected applicant. And I am going
22	to ask if Board Secretary George Anthony can lead us
23	into our closed door session.
24	SECRETARY ANTHONY: Thank you, Mr. Chair.



As a public body, your meetings are subject

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1	to the Open Meetings Act, which is the OMA. The OMA
2	defines a meeting as the convening of a public body in
3	which a quorum is present for the purpose of
4	deliberating towards or rendering a decision on the
5	public policy. MCL 15.262(b), the OMA, however, does
6	allow a public body to call a closed session, one
7	limited to the public body and its invitees for
8	specific purposes. Only deliberations may be conducted
9	in closed session. All decisions must be made at a
10	meeting open to the public. While in the closed
11	session, the Board makes no decisions. That must be
12	done on the record.
13	At the Board meeting scheduled for Thursday,
14	May 23, 2013, unless there is an objection, the Board
15	is scheduled to go into closed session to discuss the
16	rejected application of Batina Jackson, Batina is
17	spelled B-a-t-i-n-a, Jackson, J-a-c-k-s-o-n. The
18	closed session will be called pursuant to MCL 15.268(h)
19	of the Open Meetings Act, which states in part, The
20	public body may meet in a closed session to consider
21	material exempt from discussion or disclosure by State
22	or Federal statute.
23	At this point, a motion is in order for a



COMMISSIONER WHITE: Mr. Chair, I move that

closed session.

24

	3
1	we move into a closed session for the purpose of
2	hearing the appeal of disqualified applicant Batina
3	Jackson.
4	COMMISSIONER TAYLOR: Support.
5	CHAIRPERSON WARFIELD: It has been properly
6	moved and supported.
7	Any discussion on the motion?
8	Hearing and seeing none, all those in favor?
9	COMMISSIONERS: Aye.
10	CHAIRPERSON WARFIELD: All those opposed?
11	Motion carries.
12	We will go into closed door session. We will
13	come back. The meeting is not over. We will come back
14	and deliberate after we hear the closed door matters
15	before us.
16	Thank you.
17	(Off the record at about 4:16 p.m.)
18	(On the record at about 4:39 p.m.)
19	CHAIRPERSON WARFIELD: We are back in
20	session. I am going to ask if Secretary Anthony can
21	bring us back into the open session, please.
22	SECRETARY ANTHONY: Mr. Chair, a motion would
23	be in order to come back into open session.
24	COMMISSIONER WHITE: Mr. Chair, I move that
0.5	



25

we reconvene.

1	COMMISSIONER TAYLOR: Support.	
2	CHAIRPERSON WARFIELD: It's been properly	
3	moved and supported that we reconvene.	
4	All those in favor?	
5	COMMISSIONERS: Aye.	
6	CHAIRPERSON WARFIELD: All those opposed?	
7	Motion carries. We are back in open session	
8	Madam Counselor, can you approach the podium,	
9	please?	
10	ATTORNEY WASHINGTON: Yes, sir. Celia	
11	Washington.	
12	Before you in closed session you just	
13	entertained an appeal of disqualified applicant Batina	
14	Jackson. Obviously, the details of that discussion	
15	will not be disclosed on the record.	
16	The recommendation in light of the facts as	
17	presented particularly with regard to I will just	
18	say the incident, there has been no showing that the	
19	Department abused its discretion in disqualifying	
20	Ms. Jackson from the hiring process. Rather, the	
21	decision reached by the Department was based on the	
22	candidate's failure to meet Department and MCOLES	
23	standards with regard to arrest history, integrity,	
24	truthfulness, and good moral character, and as a	
25	result, the appeal should be denied.	



1	COMMISSIONER WHITE: Mr. Chairman, move for
2	adoption of Counsel's recommendation.
3	COMMISSIONER TAYLOR: Support.
4	CHAIRPERSON WARFIELD: It has been properly
5	moved and supported for to support Counsel's
6	recommendation.
7	Any discussion?
8	Okay. All those in favor?
9	COMMISSIONERS: Aye.
10	CHAIRPERSON WARFIELD: All those opposed?
11	Motion carries.
12	Thank you, ma'am.
13	Also, one last point of business.
14	Understanding that we are moving into a new era, we are
15	moving into a new era next year when the Board of
16	Police Commissioners will increase exponentially, a
17	lot, be a lot of us, exponentially, there you go, and I
18	am going to ask if Commissioner White along with
19	Commissioner Taylor would review our bylaws so that we
20	can start putting things in motion now in anticipation
21	of an expanded Board, so that we know that duties and
22	responsibilities are going to be clearly defined. And
23	we can do that, you know, prior to it happening. Okay.
24	COMMISSIONER WHITE: Yes, sir.
25	COMMISSIONER WARFIELD: Thank you, sir. I



1	appreciate	e that.
2		Is there any other business for today?
3		Hearing none and seeing none, is there a
4	motion to	adjourn?
5		COMMISSIONER WHITE: So moved.
6		COMMISSIONER TAYLOR: Support.
7		CHAIRPERSON WARFIELD: It has been properly
8	moved and	supported, without objection, all those in
9	favor?	
LO		COMMISSIONERS: Aye.
L1		CHAIRPERSON WARFIELD: Thank you. We will
L2	see you ne	ext week, ladies and gentlemen.
13		(Proceedings concluded at 4:42 p.m.)
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1	CERTIFICATE OF REPORTER
2	
3	STATE OF MICHIGAN)
4) SS
5	COUNTY OF ST. CLAIR)
6	
7	I HEREBY CERTIFY that I reported
8	stenographically the foregoing proceedings and
9	testimony under oath at the time and place hereinbefore
10	set forth; that thereafter the same was reduced to
11	computer transcription under my supervision; and that
12	this is a full, true, complete and correct
13	transcription of said proceedings.
14	
15	
16	Rhonda M. Foster
17	Rhonda M. Foster,
18	CSR 3612
19	Notary Public
20	My Commission Expires: 3-11-2015
21	
22	
23	
24	



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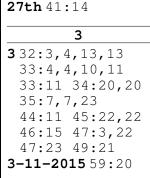
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