

Chairperson Vice-Chair

**DETROIT BOARD OF POLICE COMMISSIONERS
Minutes of the Board of Police Commissioners Meeting
Thursday, April 30, 2009**

The meeting of the Detroit Board of Police Commissioners was held on Thursday, April 30, 2009, at 3:00 p.m., at Police Headquarters, 1300 Beaubien Street, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Jim Holley
Ronald L. Griffin
Toney Stewart **(ABS)**
Adela Rivera **(ABS)**
Mohamed Okdie

Department Personnel Present

DC Leo Powers
Cmdr. Brian Stair
Anthony Wilson
Lt. Herbert Myles
Sgt. Dwight Snodgrass
Sgt. Eren Stephens-Bell
Sgt. Melaine Long-Thomason
Sgt. Bernard Beck-O'Steen
P.O. Sophia Nelms
P.O. Danielle Harrison

Board Staff Present

Dante' L. Goss, Executive Director
Celia Banks-Washington, Attorney/Supervising Inv.
Arnold Sheard, Chief Investigator
Lt. Lashinda Houser, Police Personnel
P.O. Kent Cooper

OTHERS PRESENT

Edward Moore
Ron Scott

Mary Lacy
Tijuana Morris

RECORDERS

PO Terence Bell
Robert Brown

1. **CALL TO ORDER**

Chairperson Holley called the meeting of the Detroit Board of Police Commissioners to order at 3:34 p.m.

2. **APPROVAL OF AGENDA**

- **Thursday, April 30, 2009**

MOTION: **Comm. Okdie** made the motion to approve the Agenda.

SECOND: **Comm. Griffin** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. **APPROVAL OF MINUTES**

- **Thursday, April 16, 2009**

MOTION: **Comm. Okdie** made the motion to approve the Minutes.

SECOND: **Comm. Griffin** seconded the motion.

VOTE: All in attendance voted in the affirmative.

- **Thursday, April 23, 2009**

MOTION: **Comm. Okdie** made the motion to approve the Minutes.

SECOND: **Comm. Griffin** seconded the motion.

VOTE: All in attendance voted in the affirmative.

4. BOPC OFFICER'S REPORT

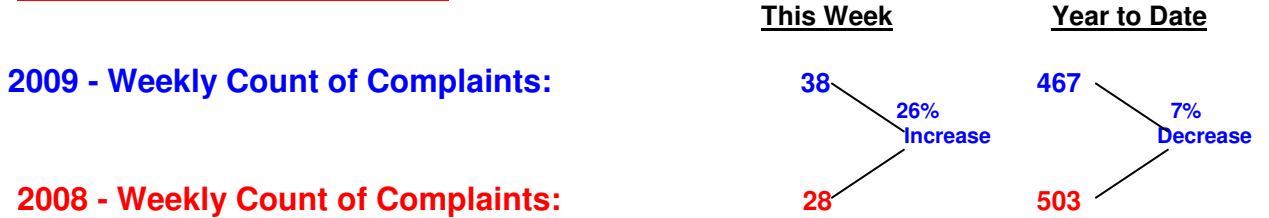
1. CHAIRPERSON

2. SECRETARY'S REPORT

SUSPENSION WITHOUT PAY OF POLICE OFFICER SARAH MARKEL, BADGE 4008, ASSIGNED TO THE NORTHWESTERN DISTRICT

Exec Dir Gross stated Officer Markel has asked for a closed door session.

CITIZEN COMPLAINTS RECEIVED



- The Office of the Chief Investigator has a total of **1,204** active investigations, of which **378** of those are for 2009.

TOTAL WEEKLY ALLEGATIONS & COMMAND

| Total | COMMAND | ALLEGATIONS | | | | | | | | | Total |
|-----------|-----------------|-------------|-----------|----------|------------|-------|-----------|----------|--------|----------|-------------|
| CCR | W/E 04/30/09 | Arrest | Demeanor | Force | Harassment | Entry | Procedure | Property | Search | Service | Allegations |
| 2 | 10TH PRECINCT | | | | | | 2 | 2 | | | 4 |
| 4 | 12TH PRECINCT | | 3 | 1 | | | 2 | 1 | | | 7 |
| 3 | CENTRAL | | 1 | | | | 2 | | | 1 | 4 |
| 6 | COMMUNICATIONS | | 4 | | | | | | | 2 | 6 |
| 4 | EASTERN | | 1 | 3 | | | 1 | 1 | | | 6 |
| 1 | NARCOTICS | | 1 | 1 | | | | 1 | | | 3 |
| 1 | NORTHEASTERN | | 1 | | | | | | | 1 | 2 |
| 3 | NORTHWESTERN | | 2 | | | | 1 | | | | 3 |
| 1 | SOUTHWESTERN | | 1 | 1 | | | | | | | 2 |
| 13 | Unknown Command | | 7 | 3 | | | 8 | | | 2 | 20 |
| 38 | | | 21 | 9 | | | 16 | 5 | | 6 | 57 |

5. PRESENTATION/REPORT-CHIEF OF POLICE

April 30, 2009
 Volume 5, Issue 18

Detroit Police Department

Report to the Board of Police Commissioners



“Building a Safer Detroit Through Community Partnerships”

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take the guns and drugs off the streets of the city of Detroit.

SPECIAL ENFORCEMENT ACTIONS

Domestic Violence

On April 24, 2009, officers of the Northeastern District responded to the 7000 block of Emily on a “Person Shot” and the subject surrendered to police. As a result of the investigation conducted by members of Domestic Violence, the subject was charged with “Assault with Intent to Do Great Bodily Harm, Felon in Possession, Felonious Assault, Felony Firearm, and Habitual 4th.”

Special Points of Interest:

• **Next meeting:**

Thursday, May 7, 2009

@ 3:00 P.M.

**Detroit Police Department
 1300 Beaubien St.
 Detroit, Michigan 48226**

Inside this issue:

Narcotics/Gang Enforcement 1

Domestic Violence 1

Southwestern District 2

Gang Enforcement 2

Northwestern District 2

Northeastern District 2

Eastern District 2

Engaging the Community

Citizens wishing to make a police report may do so at the District/Precinct stations in the city of Detroit. Citizens may also utilize the following District Mini/Sub-Stations to make reports.

| | <u>Location</u> | <u>Hours of Operation</u> | <u>Telephone</u> |
|--|----------------------------------|---------------------------|------------------|
| | 1300 Beaubien | 24 Hours | 596-5100 |
| | 2151 E. Jefferson | 24 Hours | 596-6400 |
| | 7737 Kercheval | *8 a.m. to 2 p.m. | 628-2121 |
| | 19810 Grand River | *9 a.m. to 9 p.m. | 870-0649 |
| | 13530 Lesure | 8 a.m. to 11 p.m. | 596-5300 |
| | 2575 S. Schaefer | *3 p.m. to 9 p.m. | 297-9423 |
| | 20 Atwater | 24 Hours | 237-2850 |
| | 13206 E. Jefferson | *3 p.m. to 9 p.m. | 821-5851 |
| | 22101 Moross (St. John Hospital) | *3 p.m. to 9 p.m. | 343-7506 |
| | 14700 Mack | *3 p.m. to 9 p.m. | 852-4046 |

* Mini-Stations– Monday –Friday

Southwestern District

On April 25, 2009, officers of the Southwestern District responded to the 9000 block of Wyoming on a "Recorded Alarm." Subsequent to their investigation, a subject was arrested and charged with "Breaking & Entering of a Business."



Gang Enforcement

On April 23, 2009, officers of Gang Enforcement, arrested a suspect, near Stansbury and Keeler, who was wanted in a shooting. After being positively identified, the suspect was charged with "Assault with Intent to Murder, Assault with Intent to Commit Great Bodily Harm, Carrying a Concealed Weapon, Felony Firearm, and Felonious Assault."



Northwestern District

On April 20, 2009, officers of the Northwestern District responded to the 14000 block of Artesian on a "B&E in Progress." Subsequent to their investigation, two subjects were arrested and warrants were issued for: "Home Invasion #2, Possession of Burglary Tools, and Larceny over \$1,000.00." The stolen property was recovered.



Eastern District

On April 21, 2009, officers of the Eastern District responded to the 18000 block of East Warren on a "Breaking & Entering of a Business" in progress. Subsequent to their investigation, a subject was arrested and charged with "Attempt Breaking & Entering of a Building and Malicious Destruction of Property."

6. STANDING COMMITTEE REPORTS

Comm. Okdie stated on, Monday he attended the Northwestern Community Relations Council Meeting and he was impressed by the turn out.

7. NEW BUSINESS

There was no new business.

8. OLD BUSINESS

RESOLUTION:

Adoption of Resolution for Cmdr. Frederick McClure

MOTION: **Comm. Okdie** made the motion to approve the Resolution.

SECOND: **Comm. Griffin** seconded the motion.

VOTE: All in attendance voted in the affirmative.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, May 7, 2009
Police Headquarters
1300 Beaubien, Rm. 328-A
Detroit, MI 48226

10. ORAL COMMUNICATION FROM THE AUDIENCE

T. Morris asked if there were any disciplinary appeals being heard today.

Comm. Okdie stated the appeals that were scheduled for today were moved to next week.

T. Morris stated she was at the scene in Warren where a young man was shot and killed. Just by observing the situation, she believes the officer was within his rights.

Comm. Okdie asked if the young man pointed the gun at the officer.

T. Morris stated when the officer asked him to stop, he turned around and stated "do you want some of this too."

Chairperson Holley asked if this is being investigated.

T. Morris stated yes.

Chairperson Holley stated because it is being investigated, they need to limit their conversation regarding this issue.

M. Lacy thanked the department for responding to her question as to how many police officers have been convicted for filing a false police report. The answer was none. She said that she did not think that was accurate. She also stated that according to the minutes that are posted on the Internet, she hadn't attended a meeting since December of 2008.

Exec Dir. Goss stated he will look into it.

Comm. Griffin stated it is clear that you have been here and asked if the minutes can be amended.

M. Lacy states her name is not on any of the 2009 minutes that are posted on the Internet.

She stated the reason she asked how many officers have been convicted is because she was involved in a case and had to go through the judicial process. She stated Chief Investigator Sheard has been doing this job for 10-12 years, and she disagreed with Sheard's finding that the officers "were just doing their job."

Chairperson Holley stated it sounds like you are not satisfied with the findings and there needs to be way to bring some closure to her concern.

M. Lacy stated she will be willing to have a meeting.

Chairperson Holley stated for the record Chief Investigator Sheard has been in that position a little more than 5 years.

He asked Ms. Lacy if she could put her concerns in writing.

M. Lacy stated yes.

E. Moore stated his purpose of being at the meetings is to observe how the Board deals with the citizens. He stated that his report has been very positive and supportive of this Board.

O. McElroy stated she also takes her report back to Councilperson Reeves and if she can be of some assistance please do not hesitate to call.

Chairperson Holley stated a request having been made by PO Sarah Markel, Badge 4008, he moved that the Board of Police Commissioners conduct a closed session, pursuant to MCL 15. 268 (a) of the Open Meeting Act, to consider a personnel matter relative to this individual.

MOTION: **Comm. Okdie** made the motion to enter into a closed session.

SECOND: **Comm. Griffin** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Holley stated the motion having been approved by a majority of the Board members, a closed session will now be convened.

The Board went into a closed session at 3:51 p.m.

The Board returned from closed session at 4:43 p.m.

MOTION: **Comm. Okdie** made the motion to return from closed session.

SECOND: **Comm. Griffin** seconded the motion.

VOTE: All in attendance voted in the affirmative.

SUSPENSION WITHOUT PAY OF POLICE OFFICER SARAH MARKEL, BADGE 4008, ASSIGNED TO THE NORTHWESTERN DISTRICT

On January 22, 2009, Internal Affairs received an allegation of misconduct involving on-duty Officers Vaden Cook, badge 933 and Sarah Markel, badge 4008, both assigned to the Northwestern District, who were working in full uniform and driving a marked scout car. It was alleged that Officer Markel had falsely broadcasted via radio that a vehicle was confirmed stolen, when it was not. Officer Markel failed to prevent the misconduct of Officer Cook and failed to report the misconduct of Officer Cook. Officer Markel's false statement and inaction led to the false arrest, false imprisonment, and injury of a civilian complainant.

Earlier that day, at approximately 2:30 a.m., the officers were patrolling the area of Braile and Plymouth, when they allegedly observed a white Ford Econo Line cargo van. According to Officer Cook's report, he pulled along the passenger side of the Ford Van, illuminated the interior with his DPD issued flashlight and observed the ignition punched with no keys. Based upon the alleged probable cause, the officers activated their lights and sirens in an attempt to effectuate a traffic stop. The officers reported that the complainant refused to stop and accelerated away. The officers followed the vehicle and a vehicular pursuit took place. Lieutenant Philip Love, badge L-85, assigned to the Northwestern District, monitored the pursuit. Lieutenant Love inquired, via radio, if the vehicle was confirmed stolen. Officer Markel broadcasted via the radio that the vehicle was confirmed stolen. It should be noted that the scout car was not equipped with a computer to verify the information through LEIN, nor did the officers request verification through dispatch.

The complainant stopped his vehicle at Wadsworth and Heyden. Officer Cook approached the van on the driver's side, and Officer Markel approached from the passenger's side. Officer Cook pulled the complainant out of the vehicle, causing him to fall to the ground on his knees. Both officers alleged that the complainant resisted and a struggle ensued. Officer Markel sprayed the complainant with her department issued pepper spray. Officer Cook placed himself on top of the complainant and ordered him to give him his hands. At this point, Lieutenant Love arrived on the scene and ordered Officer Cook to get off the complainant so that he could give him his hands.

The complainant sustained injuries during the arrest and was conveyed to Detroit Receiving Hospital (DRH).

Force Investigation interviewed the complainant at DRH. Contrary to Officer Cook's allegation that the ignition was punched with no keys, the complainant indicated the ignition was not damaged, that he was operating the van with the keys, and that he had rented the van from Enterprise Car Rental.

Force Investigation verified that the complainant rented the van from Enterprise Car Rental on January 20, 2009. The complainant also purchased the "Optional Damage Waiver" which provides additional coverage for the rental vehicle. Additionally, it was verified that the van was never reported stolen. Thus, Officer Markel's statement confirming the vehicle was stolen was false.

On January 23, 2009, DPD released the vehicle to Enterprise Car Rental and the vehicle was towed to a collision shop to repair the damage to the steering column. The person who repaired the vehicle was a certified motor vehicle mechanic. He opined, that based upon the type of damage to the ignition, the vehicle could not have been started or operated without the keys. Contrary to Officer Cook's alleged facts that the ignition was punched and being operated without a key, the type of damage to the ignition revealed that the vehicle could only have been started and driven with a key.

On February 16, 2009, Force Investigation and Crime Scene Services responded to Enterprise Car Rental located at 17657 Grand River, to take photographs of the cargo van involved in this incident and took measurements of the windows in a marked DPD scout car and the Ford van. The scout car windows measured 38" at the bottom and 54" at the top of the glass. The Ford van measured 55" at the bottom of the glass and 77" at the top of the glass. Contrary to Officer Cook's allegations that he observed the van being operation with a punched ignition without keys, an individual seated in the scout car could not have seen the ignition of the van because the highest point of the scout car window was a full inch shorter than the lowest point of the van's window.

On February 25, 2009, Force Investigation interviewed Lieutenant Love who indicated that he monitored the vehicular pursuit by Officers Cook and Markel. After he learned, via radio, that the vehicle had been stopped, he and his corporal responded to the scene.

Lieutenant Love stated he heard Officer Cook say he lost his two thousand dollar (\$2000.00) watch in the snow and observed him looking in the area where the complainant was handcuffed. Officer Cook stated he found it and placed an unknown object in his jacket. Lieutenant Love observed damage to the front end of the scout car and asked Officer Cook how it sustained the damage. Officer Cook reported that the van backed into the scout car. Lieutenant Love observed the van was stuck in a snow embankment and the tire tracks indicated that the scout car ran into the rear of the van.

Lieutenant Love requested the dispatcher to summon Sergeant Paul Glaza, badge S-50, assigned to the Northwestern District, to the scene to conduct an accident investigation. While he was talking to Sergeant Glaza, Lieutenant Love heard "thumping noises" coming from inside the van. When he turned to look at the van, he observed Officer Cook exiting the passenger side door of the van. He asked Officer Cook what he was doing inside the van. Officer Cook stated that he was checking the ignition. Lieutenant Love immediately checked the van with Sergeant Glaza. They observed a "gold or silver wing piece" to the ignition, on the floor of the van. Sergeant Glaza's statement was consistent with Lieutenant Love's statement.

On March 6, 2009, at the offices of Internal Affairs, Officer Markel was suspended with pay by her supervisor Lieutenant Love.

On March 10, 2009, a request for a felony warrant charging Officer Markel with Misconduct in Office was submitted to the Wayne County Prosecutor's Office.

Based on the facts and circumstances surrounding the aforementioned circumstances, it is recommended that Officer Markel be charged with, but not limited to the following violation of department policy and procedures:

CHARGE: CONDUCT UNBECOMING AN OFFICER, CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS; THIS BEING IN VIOLATION OF THE 2003 DETROIT POLICE DEPARTMENT MANUAL SERIES 100, DIRECTIVE 102.3 - 7.9, CONDUCT UNPROFESSIONAL, COMMAND 1.

Due to the seriousness of the conduct, I am requesting your concurrence with the suspension of Police Officer Sarah Markel without pay, effective April 30, 2009.

Exec Dir Goss stated unless **contravened** by this Board, the above suspension without pay will stand.

Comm. Okdie contravened.

Comm. Griffin contravened.

Comm. Okdie asked for a special privilege from the Budget Committee for a Resolution in regards to the FY 2009-10 Budget, because Comm. Griffin is going before council on Monday.

MOTION: **Comm. Okdie** made the motion for special privilege from the Budget Committee.

SECOND: **Comm. Griffin** seconded the motion.

VOTE: All in attendance voted in the affirmative.

RESOLUTION

APPROVAL OF THE FY 2009-2010 BUDGET FOR THE DETROIT POLICE DEPARTMENT

WHEREAS The Board of Police Commissioners was established in 1974 by Article 7, Chapter 11, of the Detroit City Charter; and

WHEREAS The Board of Police Commissioners is vested by the city charter, through its duties and responsibilities, with the authority to oversee the functions of the Detroit Police Department; and

WHEREAS The Board of Police Commissioners, as one of its responsibilities, is mandated by the city charter to review and approve the budget of the Detroit Police Department; and

WHEREAS The Board of Police Commissioners received from the Police Department its proposed Fiscal Year 2009-10 Budget for consideration; and

WHEREAS The Board of Police Commissioners' Budget Committee examined and supported the proposed budget; and

NOW, THEREFORE, BE IT

RESOLVED That the Board of Police Commissioners has reviewed the proposed Budget, and hereby approves the Annual Budget of the Detroit Police Department for the Fiscal Year 2009-2010.

DETROIT BOARD OF POLICE COMMISSIONERS

/s/ Jim Holley
Chairperson

/s/ Toney Stewart
Commissioner

/s/ Ronald Griffin
Vice Chairperson

/s/ Adela Rivera
Commissioner

**ADOPTED BY THE
BOARD OF POLICE COMMISSIONERS
April 30, 2009**

/s/ Mohammed Okdie
Commissioner

MOTION: **Comm. Okdie** made the motion to approve the Budget Resolution.

SECOND: **Comm. Griffin** seconded the motion.

VOTE: All in attendance voted in the affirmative.

11. ADJOURNMENT

The meeting was adjourned at 4:57 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/rb