DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR MEETING

THURSDAY, SEPTEMBER 3, 2015 3:00 PM

1301 THIRD STREET

DETROIT PUBLIC SAFETY HEADQUARTERS

DETROIT, MICHIGAN 48226

1	COMMISSIONERS:
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3	GEORGE ANTHONY, Secretary
4	LISA CARTER, Chairperson, (Dist. 6)
5	WILLIE BELL, Vice-Chairperson (Dist. 4)
6	DONNELL R. WHITE, Commissioner Appointed
7	ELIZABETH BROOKS, Commissioner Appointed
8	EVA GARZA DEWAELSCHE, Commissioner Appointed
9	RICHARD SHELBY, Commissioner (Dist. 1)
10	BISHOP EDGAR VANN, Commissioner (Dist. 2)
11	REGINALD CRAWFORD, Commissioner (Dist. 3)
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20	REPRESENTING THE CHIEF OF POLICE'S OFFICE:
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22	1ST ASSISTANT CHIEF LASHINDA T. STAIR
23	
24	
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1	Detroit, Michigan
2	Thursday, September 3, 2015
3	About 3:06 p.m.
4	COMMISSIONER CARTER: Good afternoon,
5	welcome to the weekly Board of Police
6	Commissioners meeting. My name is Lisa Carter, I
7	am the Chair for the Detroit Board of Police
8	Commissioners.
9	To my immediate right is the Vice-Chair
10	Willie Bell. At this time we're going to call
11	the meeting to order and ask that Commissioner
12	White do the invocation.
13	COMMISSIONER WHITE: If we could
14	(INVOCATION WAS GIVEN.)
15	COMMISSIONER CARTER: Thank you,
16	Commissioner White. At this time, Mr. Anthony,
17	could you conduct to roll call, please?
18	SECRETARY ANTHONY: Thank you, Madam
19	Chair. For the record, George Anthony, Secretary
20	to the Board. Commissioner Bell's presence has
21	already been acknowledged.
22	Commissioner Elizabeth Brooks?
23	COMMISSIONER BROOKS: Here.
24	SECRETARY ANTHONY: Commissioner Willie
25	E. Burton has asked to be excused. Commissioner



Page 4 1 Reginald Crawford? 2 COMMISSIONER CRAWFORD: Present. 3 SECRETARY ANTHONY: Commissioner Eva Garza Dewaelsche? 4 COMMISSIONER DEWAELSCHE: Present. 5 6 SECRETARY ANTHONY: Commissoner Conrad Mallett, Jr? Commissioner Ricardo R. Moore has 7 8 asked to be excused. 9 Commissioner Richard Shelby? 10 COMMISSIONER SHELBY: Here. SECRETARY ANTHONY: Commissioner Bishop 11 Edgar Vann? Commissioner Donnell R. White? 12 13 COMMISSIONER WHITE: Present. 14 SECRETARY ANTHONY: Madam Chair, you 15 have a quorum. 16 COMMISSIONER CARTER: Thank you, 17 Mr. Anthony. At this time I'd like to introduce 18 1st Assistant Chief Lashinda Stair. Thank you 19 for joining us. 20 1st ASST. CHIEF STAIR: Thank you for 21 allowing me to be here. 2.2 COMMISSIONER CARTER: Mr. Anthony, could you introduce the rest of the staff, 23 24 please?



SECRETARY ANTHONY: Thank you, Madam

1	Chair. We have seated in front our Chief
2	Investigator Ms. Pamela Davis-Drake. Seated next
3	to her is our attorney to the Board Ms. Linda
4	Bernard.
5	Mr. Robert Brown, our administrative
6	assistant is in the back, Sgt. Alan Quinn is
7	helping to record the proceedings and Mr. Dale
8	Rose from Hanson Court Reporting Services is
9	taking the transcript.
10	That concludes the introduction.
11	COMMISSIONER CARTER: Thank you. Asst.
12	Chief Stair, is there any staff you would like to
13	introduce at this time?
14	1st ASST. CHIEF STAIR: Absolutely. We
15	have here today Deputy Chief Charles Fitzgerald
16	from Investigations, Commander Todd Bettison,
17	Chief Liaison's office; Commander John Thomas,
18	Organized Crime and certainly DC Celia Washington
19	is here, chief legal advisor.
20	COMMISSIONER CARTER: Thank you.
21	Commissioners, you have before you the agenda for
22	Thursday, September 3rd.
23	COMMISSIONER BELL: So moved?
24	COMMISSIONER WHITE: Support.



COMMISSIONER CARTER: It's been moved

1	and supported that the agenda be accepted for
2	Thursday, September 3rd. Is there any
3	discussion? Those in favor?
4	COMMISSIONERS: Aye.
5	COMMISSIONER CARTER: Those opposed?
6	The ayes have it.
7	You have before you, Commissioners, the
8	minutes from Thursday, August 27, 2015. Is there
9	a motion to accept?
10	COMMISSIONER WHITE: So moved.
11	COMMISSIONER BELL: Second.
12	COMMISSIONER DEWAELSCHE: Second.
13	COMMISSIONER CARTER: It's been moved
14	and supported that the minutes from Thursday,
15	August 27 be accepted. Is there any discussion?
16	Those in favor?
17	COMMISSIONERS: Aye.
18	COMMISSIONER CARTER: Those opposed?
19	The motion carries. My report for this week, I
20	really don't have anything to report out other
21	than we have some upcoming events that we have to
22	talk about.
23	The last earlier this year we did a
24	meeting, a community meeting, at Osborn High
25	School that many of you participated in and we'd



1	Tike to carry that out at Osborn High School this
2	year, so we're going to need your input.
3	The meeting was last time at East
4	English Village Preparatory Academy and it was a
5	pretty powerful gathering with the students from
6	East English Village prep, so we'd like to do
7	that. We would like to do it again in October, I
8	think the second Thursday in October no, third
9	Thursday in October with your approval, and the
10	meeting would have to be it hasn't been
11	confirmed, we're just putting it out there.
12	We'd like to do it that day at 2
13	o'clock, so we have to make the arrangements.
14	The other thing is that next month we are going
15	to be some of us are going to be going to the
16	conference like we did last year so we have to
17	decide whether or not we're going to have a
18	meeting that day or we're going to have a

Under Standing Committee report we have a disciplinary appeal for Lanetha Coleman-Malone.

Commissioners.

Thursday in October so we have to make a

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training that Thursday and I think it's the first

determination as to what we're going to do for

that day. And that's really all I have on that,



1	SECRETARY ANTHONY: Madam Chair,
2	there's the Chief's report.
3	COMMISSIONER CARTER: I'm sorry, before
4	we do that, let's have the report from the Chief.
5	1st ASST. CHIEF STAIR: This is not
6	Chief's report today. At the point of
7	announcements, I'll have two announcements
8	though.
9	COMMISSIONER CARTER: Okay, thank you.
10	I'd like to acknowledge the presence of
11	Commissioner Edgar Vann.
12	COMMISSIONER VANN: Thank you.
13	MS. BERNARD: Before we begin, Madam
14	Chairperson Linda Bernard, attorney to the
15	Board. Before we begin, did everyone bring their
16	materials on this appeal? Who doesn't have any?
17	Okay, anybody else?
18	COMMISSIONER VANN: I don't have mine
19	with me, I'm sorry.
20	MS. BERNARD: Okay, I'll bring it. I
21	made some extras for you. Ladies and gentlemen,
22	we're here today to hear the appeal in the matter
23	of the disciplinary appeal of Police Officer
24	Lanetha (Coleman) Malone, Badge No. 286.
25	Refore you you have a conv of my



9/3/2015

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1	report and recommendations to the Board. You can
2	actually read along with me as I recite the
3	charges.
4	Review of Disciplinary Charges.
5	Petitioner, Police Officer Lanetha
6	Coleman-Malone, Badge 286, was charged on or
7	about June 26, 2013 with the following violations
8	of the Detroit Police Manual.
9	1. Neglect of duty.
10	Specification 1. That she, Police
11	Office Lanetha (Coleman) Malone, Badge 286,
12	currently assigned to traffic enforcement while
13	on duly did on June 26, 2013 at approximately
14	2:25 PM in the area of Whittier and Beaconsfield
15	during a traffic stop neglect her duty by failing
16	to inform a citizen, Ms. Kishawna Wilson, the
17	reason for the traffic stop prior to asking for
18	her identification, this being in violation of
19	the Detroit Police Department Manual Series 100,
20	Directive 102.3-7.15 Miscellaneous Command 4.
21	Specification 2. That she, Police
22	Officer Lanetha (Coleman) Malone, Badge 286,
23	currently assigned to Traffic Enforcement while
24	on duty did on June 26, 2013 at 2:25 PM in the



area of Whittier and Beaconsfield during a

1	traffic stop neglect her duty by failing to
2	inform a citizen, Ms. Kishawna Wilson, the reason
3	for her arrest, this being in violation of the
4	Detroit Police Department Manual Series 100,
5	Directive 102.3-7.15 Miscellaneous Command 4.
6	II, Specification 3, mistreatment of
7	any person. That she, Police Officer Lanetha
8	(Coleman) Malone, Badge 286, currently assigned
9	to Traffic Enforcement while on duty did on June
10	26, 2013 at approximately 2:25 PM in the area of
11	Whittier and Beaconsfield mistreat a citizen,
12	Ms. Kishawna Wilson, when she approached her from
13	behind, grabbed her by the neck and pushed her
14	head toward the vehicle during the arrest without
15	cause or justification, this being in violation
16	of the Detroit Police Department Manual Series
17	100, Directive 102.3-7.24, Use of Force Command
18	6.
19	Specification 4, unnecessary use of
20	force. That she, Police Officer Lanetha
21	(Coleman) Malone, Badge 286, currently assigned
22	to Traffic Enforcement while on duly did on June
23	26, 2013 at approximately 2:25 PM in the area of
24	Whittier and Beaconsfield use unnecessary force



against a citizen during a traffic stop, this

1	being in violation of the Detroit Police
2	Department Manual Series 100, Directive
3	102.3-7.24, Use of Force Command 5.
4	Specification 5, wilfully making a
5	false oral, written statement or report. That
6	she, Police Officer Lanetha (Coleman) Malone,
7	Badge 286 currently assigned to Traffic
8	Enforcement while on duty did on June 26, 2013
9	wilfully make out and submit a false written use
10	of force and CRISNET report regarding her actions
11	during a traffic stop and the arrest of a
12	citizen, this being in violation of the Detroit
13	Police Department Manual Series 100, Directive
14	102.3-7.22, Truthfulness Command 1.
15	The issue before the Board of Police
16	Commissioners is should the decision articulated
17	above of the Police Trial Board later upheld by
18	the Chief of Police James Craig be approved.
19	The procedural background regarding
20	this case. A Police Trial Board was convened by
21	order of Chief of Police James E. Craig pursuant
22	to authority granted in Section 7-807(3) of the
23	Detroit City Charter on Thursday, April 24, 2014
24	commencing at about 10 AM to adjudicate the
25	charges filed against the Petitioner



Page 12 COMMISSIONER CARTER: Attorney? 1 2 MS. BERNARD: Yes. 3 COMMISSIONER CARTER: I'm sorry. 4 this point we'd like for you to just introduce the parties and move on. 5 6 MS. BERNARD: Does everyone have -- all 7 right. And I would also like to refer the Board 8 to the trial decisions, Trial Board's decision 9 and findings of fact on Page 13. 10 COMMISSIONER CARTER: Thank you. MS. BERNARD: Who -- I didn't see 11 12 Mr. Goldpaugh -- oh, there he is. Come forward. 13 Mr. John Goldpaugh is the Petitioner's attorney. 14 Is the Petitioner present? The Petitioner is not 15 present. Where is Deputy Chief Cheryl 16 McCoy-O'Neill, would she -- not Deputy Chief, I'm 17 18 sorry, Sgt. Cheryl McCoy-O'Neill. 19 Sqt. O'Neill is representing the 20 department and of course Mr. Goldpaugh is 21 represented the Petitioner. 22 Mr. Goldpaugh, would you like to go first and then there's going to be -- I don't 23 know if you want to handle it now, Madam 24



Chairperson, but apparently there is a dispute

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1	about whether or not the Board should see the
2	video of the stop, is that correct?
3	MR. GOLDPAUGH: That's correct, I'll
4	raise that, yes.
5	MS. BERNARD: And so both parties are
6	going to initiate that discussion and that
7	argument with you and then you will have an
8	opportunity to vote on the motion to exclude the
9	video which Sgt. O'Neill has brought.
10	COMMISSIONER CARTER: Attorney Bernard,
11	we would like to hear from the department first.
12	SGT. O'NEILL: This was a case I'm
13	sorry, Sgt. Cheryl McCoy-O'Neill, Disciplinary
14	Administration. Badge S-288.
15	I was the advocate for the City in this
16	particular case. All of the evidence and the
17	testimony that was presented to the Board, the
18	final thing was the viewing of the actual in-car
19	video. It had audio as well. They were able to
20	see it. They based their decision and penalty
21	based strictly on what they viewed in that video
22	and they deemed unnecessary use of force.
23	And that was the only assessed penalty



25

too was the unnecessary use of force. She may

have been found guilty of the other parts of it,

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but the only penalty was assessed and they based
that strictly on what they saw in that video, and
I think the Board to do an informed opinion and
make an informed decision should view that video.
You couldn't be there at the scene, but
the next hest thing is to actually see the wideo

the next best thing is to actually see the video. We've done the video. I've sped it up a little bit in some of the parts that are down, but you can see the key points, but at some point if you would like to see the entire video, it's like about 40 minutes, but the part that we want you to see is keyed up so you can see that and you can hear it as well.

COMMISSIONER CARTER: Thank you, ma'am.

MR. GOLDPAUGH: With respect to the video, first of all, this is the Petitioner's -- John Goldpaugh on behalf of Officer Malone.

The video -- and I did not try the case, Mr. Jack Ramsdell was representing Officer Malone at that time, I'm doing the appeal.

However, contrary to what Sgt. McCoy just indicated, the Board did not render its decision solely on the video. It rendered its decision on a compilation of all the evidence that was presented. All of the evidence that was



1	presented included the testimony of those
2	individuals who were present including witnesses
3	that were presented by the Defendant.
4	Therefore, to say that whatever is on
5	the video is what they made the decision is
6	inaccurate. Second of all, it's not this Board's
7	determination as to whether or not to view this
8	evidence de novo because this is not a full
9	hearing with opportunity to cross-examine.
10	Rather, this is an appellate procedure which you
11	are to review the evidence that's been presented
12	to you through the recommendations, and then to
13	view that in light of the arguments that are
14	presented.
15	It's for those reasons, as she just
16	indicated, you have a lengthy 40-minute video
17	which includes a lot of the circumstances. It's
18	interesting to note that the officer was charged

with not only use of force that was excessive,
but it was also found -- charged with
mistreatment of a person or prisoner and it sets
forth in that charge what she was found not
guilty of the very actions which they found her
quilty of in the use of force.

Our position and our argument which we



1	presented in our petition was this is an
2	inconsistent finding and that is the issue before
3	here. What you have to look at is all of the
4	testimony, not just a little blurb. It's also
5	interesting to note that the Complainant in this
6	particular matter who claimed all of these things
7	occurred to her never called to testify, never
8	showed up and didn't cooperate. That's another
9	reason why you cannot just rely on something of a
10	video not knowing all the circumstances that led
11	up to it.
12	For those reasons I would object to its
13	playing and then you can listen to our oral
14	argument.
15	SGT. O'NEILL: First of all, the
16	Complainant or the woman that was arrested was
17	never the Complainant, but she was never the
18	focus of it. This was brought by her
19	supervisors, Officer Malone's supervisors.
20	During a use for force incident the required part
21	of our Consent Decree and our use of force policy
22	is if you have a use of force, then you have
23	your supervisor is supposed to conduct the
24	investigation.



They noticed the violations and that's

1	what this stemmed from, not what the Complainant
2	said. The Complainant didn't want to prosecute
3	or didn't want to press charges, didn't want to
4	say anything about it, but that's not what
5	brought the violations to our attention. It was
6	her own supervisors that reviewed the video and
7	her CRISNET reports and then the ultimate
8	supervisor reviewing his report found the
9	deficiencies and that's why we're here, not
10	because of what the Complainant said or didn't
11	say. We found our own deficiencies and then we
12	addressed that and that's how we do that.
13	And as far as not seeing the video, it
14	was the video and it shows in real time what
15	happened and that's what the Board looked at.
16	COMMISSIONER CARTER: Thank you. At
17	this time is there a motion to
18	COMMISSIONER BELL: Madam Chair, I
19	think we want to see the video. In this day and
20	age we have video, we have audio and we're moving
21	towards body cameras and I think that would be
22	very helpful in terms of not just reading the
23	case file, but not to see the video, I don't know
24	if it's ground breaking, but personally I would



make a motion that we see the video at the time.

Page 18 1 COMMISSIONER VANN: I'd support that 2 motion. COMMISSIONER CARTER: It's been moved 3 4 and supported that we view the video at this 5 Is there any discussion? COMMISSIONER WHITE: Madam Chair, I 6 just also wanted to note for the record that I do 7 8 believe this body would be making an informed 9 decision not solely based on this video, but I believe it's also been apprised of various 10 11 statements that have been made by the parties 12 involved in this matter as well, so I don't 13 believe we're solely making a decision based on 14 this video but the totality of information that 15 has been provided to us. 16 I just wanted to put that on the 17 record. 18 COMMISSIONER CARTER: Thank you. 19 appreciate that because I feel the same way, it's 20 not based on -- I read all of the reports and 21 information and it's not solely based on the video, so we've ready for the question? 22 Those in favor? 23 24 COMMISSIONERS: Aye.



COMMISSIONER CARTER: Any opposed?

The

1	ayes have it so we'll see the video.
2	MS. BERNARD: Do you want to hear the
3	arguments after the video then, Madam Chair?
4	COMMISSIONER CARTER: Yes.
5	SGT. O'NEILL: Then we'll proceed with
6	the arguments after that. What we'll do is, you
7	saw the initial stop and then we'll jump to the
8	incident where it happened outside the vehicle
9	unless you guys want to sit and watch because
10	there's a lot of down time where she's sitting in
11	her car waiting for the tow truck to get and
12	there's nothing happening, you're just sitting
13	looking at a car, but you have that available if
14	you do want to watch it.
15	COMMISSIONER CARTER: Commissioners?
16	No, okay.
17	(VIDEO WAS PLAYED).
18	MS. BERNARD: Madam Chairperson, you
19	indicated you wanted to hear the arguments or do
20	you want to hear my recommendation?
21	COMMISSIONER CARTER: Recommendation.
22	MS. BERNARD: On Page 12 of my
23	recommendation to you there's a list of the 10
24	citations that were given to Ms. Wilson. On Page
25	13 you see I am recommending the decision of



	Page 20
1	the Trial Board and the Trial Board's decision is
2	reflected on Page 13.
3	In a unanimous decision dated July 25,
4	2014 the Trial Board found Police Officer
5	(Coleman) Malone guilty of Charge 1,
6	Specification 1, failing to inform the citizen of
7	the reason for the stop prior to asking for
8	identification in violation of department policy.
9	In fact the Petitioner admitted to it.
10	Guilty of Specification 2, failing to
11	inform the citizen of the reason for the arrest
12	prior to putting handcuffs on her. The
13	Petitioner also admitted to that. No penalty was
14	assessed for either of those.
15	As to the third charge, mistreatment of
16	a person she was found not guilty, but she was
17	found guilty as to Charge 3, unnecessary use of
18	force and the penalty that was assessed was
19	three days lost pay and benefits.
20	And the final charge, she was found not
21	guilty of Charge 4, wilfully submitting a false
22	report.
23	In finding the Petitioner guilty of
24	Charge 3, unnecessary use of force and assessment
25	the three-day penalty the Trial Board stated



1	unanimously at Page 5 of its decision,
2	"This Board observed the officer push
3	the citizen's head without
4	justification during her arrest and in
5	connection with the traffic stop. The
6	Board bases its finding of guilt on the
7	video evidence the Board observed where
8	you can see the officer again forcing
9	Ms. Wilson's head and Ms. Wilson is not
10	resisting, she is just standing there,
11	and the officer failed to de-escalate."
12	In reaching the decision regarding the
13	penalty the Trial Board stated at Page 6,
14	"After finding guilt the Board reviewed
15	the officer's disciplinary history
16	along with the department's matrix to
17	arrive at the three-day suspension
18	without pay and benefits to be served
19	consecutively. A breakdown of the
20	penalty per specification is as
21	follows: One specification is three
22	days, it's 24 hours of lost pay."
23	Also in regards to rehabilitation and
24	training, the Board recommends that or demands
25	that Officer (Coleman) Malone take a course of



1	verbal (inaudible) and also attend an anger
2	management class.
3	The Chief Board recommended that the
4	findings of the Trial Board be adopted in a
5	decision dated September 22, 2014. Of course
6	then this appeal was filed and Mr. Goldpaugh is
7	going to address those issues.
8	Finally, I am recommending that the
9	Trial Board's finding be confirmed by the Board
10	of Police Commissioners.
11	COMMISSIONER CARTER: Thank you.
12	MS. BERNARD: You wanted to hear from
13	the department first?
14	COMMISSIONER CARTER: We have some
15	questions.
16	MS. BERNARD: She has an argument to
17	make and so does Mr. Goldpaugh. They both have
18	an argument to make.
19	MR. GOLDPAUGH: Technically this is my
20	appeal, therefore as the Appellant
21	MS. BERNARD: That's why I was going to
22	have them call you first, but she said she wanted
23	to hear from the department.
24	MR. GOLDPAUGH: I understand that.
25	John Goldpaugh on behalf of Officer Coleman.



1	I find it interesting that when we look
2	at the appeal and the only true issue here is
3	whether or not though I disagree with the
4	findings of guilt with respect to failing to tell
5	them of a traffic stop before she asked for their
6	identification. She admitted that's how I did
7	it, but it comes out right away.
8	Technically I guess you're supposed to
9	"This is why I stopped you, now give me your
10	paperwork." The lady in other words, this
11	officer instead went and said, "Please give me
12	your paperwork", she's very polite, she's acting
13	accordingly, gaining the information regarding
14	the vehicle and then she asks for the keys. The
15	lady starts yelling, "Why?", she explains why.
16	Puts them up on the board and then says, "Do you
17	know why I stopped you?" and explains the stop.
18	That's a technical violation. It's not
19	like she drags her out of a car, arrests her,
20	"Oh, by the way, this is why I stopped you." But
21	that was what the board found and rendered what
22	they felt was a penalty, which was nothing, not
23	even a written reprimand.
24	Similarly with respect to the failing
25	to notify why you were being arrested, there's no



indication that she was going to arrest her at
any point in time until she, meaning the
Complainant in this particular matter, started to
disobey other orders that she was given. There's
still no showing even on this record and on this
video that she was going to arrest her when she
cuffed her. She may have just been as easily
cuffing her for her own safety.

The testimony during the Trial Board showed that she gave this woman ample opportunity to get her items out of this car. We sped through probably 15 or 20 minutes waiting for the tow truck to arrive. The testimony at the Trial Board clearly indicated that Officer Malone told this woman to get all the stuff you want to get out of the car, she went, got in the car, didn't get anything out of it. She sat there and just sat around.

Finally after the tow truck arrived and I think she realized well, I guess my car really is getting towed, and there was nothing wrong with the tow, there was nothing wrong with any of the actions of this particular officer with respect to the arrest, the stop or even eventually the arrest for the resisting.



1	She could have arrested her for driving
2	without proof of insurance, she could have towed
3	the vehicle and she could have arrested her for
4	driving on a suspended license. None of that was
5	going on.
6	Rather, the Complainant after she was
7	given ample time to remove the items from the
8	car, doesn't do it. Now she wants to disobey the
9	fair and direct orders of this officer, stay out
10	of the car. This officer doesn't know what she's
11	going for. She could have been going for a gun,
12	she could have been going for drugs. None of
13	that is brought out in that video.
14	Rather, she goes, she disobeys the
15	orders. She was told a number of times not to go
16	back to the car; she resists that. When she goes
17	and then moves around there, she could have just
18	been as easily handcuffing her for officer
19	safety.
20	Well, she didn't tell her she was being
21	arrested, she wasn't going to be arrested at that
22	point in time, so how can she be charged with
23	that.
24	The other interesting part, and we saw



the video, when you look at the charges and

specifications of mistreatment of a person or
prisoner, it's specifically stated that she
mistreated this person when she approached her
from behind, grabbed her by the neck and pushed
her head towards the vehicle during the arrest
without cause or justification.

That didn't occur on that video. She went behind her because she was walking away, she was on the phone screeching or something or doing something, and then she took her arm and brought her arm down. She did not grab her by the neck, she didn't do anything of that sort. It was only after the actions of the -- Ms. Wilson when she now turns and starts to resist a lawful detention that it's necessary for her to place more pressure on her to effectuate the proper handcuffing.

I find clearly -- and you can see her on the car, she's still struggling and she's still pushing back against the officer. To say that she was standing there docile is totally an inaccurate read.

I would suggest that that's where we have the problem and the conflict which I raised in my petition. You sit here as an appellate



1	review board. You do not sit here de novo, so
2	what we are arguing is how can the Trial Board
3	find the actions which they found to be
4	justifiable with respect to Specification 3 which
5	is Count II, which are the exact same actions
6	that occurred is an unnecessary use of force, but
7	it was not a mistreatment and it was necessary to
8	effectively put the handcuffs on that individual.
9	For the reasons the Board abused its
10	discretion in finding Officer Malone guilty on
11	that charge and I would ask that that charge be
12	dismissed and that the penalty attributed to that
13	charge, the three days, also be set aside.
14	Thank you.
15	COMMISSIONER CARTER: Thank you.
16	SGT. O'NEILL: I just want to point out
17	a few things that Mr. Goldpaugh brought out.
18	It's not a technicality, it's part of our policy
19	that we will identify ourselves at a traffic stop
20	before we ask for anything. It's written in our
21	manual and, like I said, it's part of our policy
22	and she didn't do it, but there was no penalty
23	assessed to that.
24	We're not saying that everything went



according to plan. During the Trial Board there

was testimony brought out by Officer Malone as
well as in video and other people present. She
didn't follow the procedures as our policy
dictates and training and that's why the Board
recommended that she have additional training.

There was some sections that you didn't see in the video that are in the entirety that she actually went into the back seat of the car which we never do agree that that's a safe policy to do.

It's not a safe procedure to do to go inside a car while the subject is still sitting in the car and you have no idea what's going on in the car. You're stopping them for a traffic thing, but you don't know what else is going on, you don't know what they have in the car and to go in the back seat while the person is still in the car is not a good measure to do. That was something that she did.

It was funny because the testimony and then in Officer Malone's own words yes, she told her to take her stuff out. She was upset because she didn't want to help her get her things out and in Officer Malone's own words she was trying to hurry up so she didn't delay the tow truck



1	, ,
1	driver.

This was a detail that Traffic
Enforcement was working. They were on this
particular area, they were stacked up, they were
doing traffic enforcement, so it was like one,
take this one, the next violation I take it, you
park on the side of the road.

So she wanted to get back into her rotation, so she didn't want to delay the tow truck driver. But again, she didn't follow procedure in that and I'm not sure what video Mr. Goldpaugh was looking at, but the video that we showed here was viewed by two separate sergeants prior to and they deemed that the force used was unnecessary.

It was also viewed by three executives, all police officers, and the force used was unnecessary. She wasn't charged -- or she wasn't found guilty with the one charge, but found guilty for the use of unnecessary force. That's a more narrowly described violation and in grabbing her head and shoving her against the car and clearly the Complainant had turned her back and was walking away, she was still on her phone, Officer Malone could have told her to hang up her



phone and have all your attention directed to me,
but she didn't. And she was a highly upset, a
young person, screaming and yelling and carrying
on, but she wasn't actively assaulting Officer
Malone. It didn't rise to the level of the use
of force that Officer Malone used and that's why
the Board found her guilty.

COMMISSIONER CARTER: Thank you.

MR. GOLDPAUGH: I actually saw the same video that you all saw and I find it interesting that as Sgt. McCoy pointed out, this was viewed by two supervisors.

However, those supervisors in making their recommendations, also in their Monday morning quarterbacking because they weren't at the location just like we weren't at the location, just like the Trial Board wasn't at the location, also deemed that the mistreatment of the person or prisoner was an appropriate charge to be brought.

So I guess they can pick and choose as a Monday morning quarterback what the rules and regulations show. They weren't at the scene, they don't know what else was going on, they weren't present when all that occurred just like



1	we weren't.
2	But that video clearly shows that she
3	did not mistreat a person or prisoner and in her
4	state of mind under the circumstances as they
5	occurred as we viewed them, she felt that the
6	force necessary to effectuate the detention of
7	that individual at that time was necessary and
8	that's what we look at.
9	To sit back and say oh, that's not
10	necessary, look at the difference, look at this,
11	she wasn't doing these things. Oh, this lady was
12	going to turn around and put the phone down? She
13	wasn't obeying the other direct orders of the
14	officer. So all of a sudden she's going to say,
15	"Okay, I'll do that, we'll cooperate" baloney.
16	I'm sorry, we have to look to see
17	what's going through the mind of the officer at
18	that time as well. What's why I say there's an
19	inconsistency in the findings of the Trial Board
20	and it must rule in the favor of the officer.
21	Thank you.
22	COMMISSIONER CARTER: Thank you.
23	Commissioners, are there any questions?
24	COMMISSIONER WHITE: Madam Chair, I
25	would ask a few questions of Attorney Goldpaugh.



1	I'm assuming that you are seeking relief as the
2	one charge, guilty of the use of force?
3	MR. GOLDPAUGH: Well, I'm seeking
4	relief as to the penalty and of course the use of
5	force. I put on my petition that they found that
6	she was guilty of those charges, but no penalty
7	was meted out, so yes, I would be seeking relief
8	with respect to the use of force as well as the
9	three-day penalty, yes.
10	COMMISSIONER WHITE: Madam Chair, I
11	would ask the question of the department,
12	typically when you've had suspensions without pay
13	it's because the officer's actions were egregious
14	enough that they could not continue to work. I
15	was just curious why there was not a suspension
16	with pay in this matter.
17	MR. GOLDPAUGH: If I may, there was no
18	departmental charge, no criminal charge, there
19	was no investigation. This was just brought out.
20	There was never anything with respect
21	to the officer. I can answer that question. You
22	mean at the time of the incident?
23	COMMISSIONER WHITE: No, from what I'm
24	reading there was three days lost pay and
25	benefits.



Page 33 1 MR. GOLDPAUGH: That is correct, that's 2 the penalty that's been meted out, it hasn't been 3 served yet, sir. I didn't mean to step on the 4 sergeant's toes but I thought I could answer the 5 question. 6 COMMISSIONER WHITE: I think my 7 question would still be relevant as why was there 8 not consideration for suspension with pay. 9 SGT. O'NEILL: That was the penalty 10 that the Board came up to and they found her quilty, so it would be suspension without pay. 11 12 If they haven't decided it's pending, 13 then you're suspended with pay until they found 14 out and it's all decided, but if you've been found guilty of it, then that's your penalty. 15 16 COMMISSIONER WHITE: Okay. 17 COMMISSIONER CARTER: Any other 18 questions, Commissioners? Is there a motion? 19 COMMISSIONER BELL: Madam Chair, I 20 would move that we accept the recommendation of 21 Attorney Linda Bernard and uphold the 2.2 recommendation of the Trial Board, we find to be confirmed. 23 24 COMMISSIONER CARTER: Is there support?



COMMISSIONER CRAWFORD:

Second.

1	COMMISSIONER VANN: Support.
2	COMMISSIONER CARTER: It's been moved
3	and supported that we follow the recommendation
4	of Attorney Linda Bernard and uphold the Trial
5	Board's finding. Is there any discussion?
6	Those in favor?
7	COMMISSIONERS: Aye.
8	COMMISSIONER CARTER: Those opposed?
9	The ayes have it. Thank you.
10	MR. GOLDPAUGH: Thank you,
11	Commissioners.
12	COMMISSIONER CARTER: Is there any new
13	business? Moving on with the agenda, any new
14	business? Old business?
15	COMMISSIONER DEWAELSCHE: Madam Chair,
16	we were going to bring the issue if I may ask
17	the question, we were going to bring the issue
18	back, I wasn't sure if it was at this meeting,
19	that Commissioner Burton raised regarding the
20	motorcycle group that was the problem on the east
21	side Slow Roll, yes, and I wasn't sure if we
22	were going to bring it back at this meeting but
23	we said we would discuss it again.
24	COMMISSIONER CARTER: I believe we said
25	three weeks.



1	COMMISSIONER DEWAELSCHE: Okay, thank
2	you.
3	DEPUTY CHIEF WASHINGTON: Celia
4	Washington. Just as a follow-up, and thank you
5	for raising that and I believe it was three
6	weeks, but just in terms of follow-up, Capt.
7	Petty, Comm. Barren, DC Hall and I actually
8	they met with them, I joined in Monday night at 6
9	o'clock and met with them and had a very
10	courageous conversation with them. AC Dolunt was
11	there too and there's been some proposed
12	changes in terms of how the traffic would be
13	managed and whether there would be vehicles or
14	bikes or motorcycles, so those conversations did
15	start, so we'll have a full report out probably
16	next week or if you want it in the community
17	meeting it can be next meeting, your pleasure.
18	COMMISSIONER DEWAELSCHE: In the
19	community would be great and thank you,
20	Commissioners. The reason why I brought it up is
21	because I can't imagine it the more I think
22	about how many cyclists we were talking about,
23	hundreds or what have you, and I know in my
24	neighborhood we have a group of like 30 or 40 and
25	it was it seemed large to manage.



1	So I kept thinking about it and I'm
2	glad that you're already taking measures because
3	I think three weeks is too long to wait, and so
4	if we can start on it now and get something
5	resolved by three weeks, that would be great.
6	1st ASST. CHIEF STAIR: Through the
7	Chair, I just wanted to indicate with my
8	conference with Asst. Chief Dolunt as it relates
9	to their meeting, he did indicate that the group
10	was very receptive.
11	DEP. CHIEF WASHINGTON: And AC1, there
12	were a lot of bikers the other night. It was the
13	prom night for Slow Roll and I believe next week
14	the ride will be on Tuesday because of Labor Day
15	and there's always already some precautions
16	and some measures put in place.
17	COMMISSIONER CARTER: Thank you.
18	COMMISSIONER VANN: Madam Chair, I
19	wanted to raise an issue with regard to towing
20	and I know that that's a very sensitive issue
21	around here, but I am getting a lot of calls from
22	constituents who are concerned about being pulled
23	over and cars being impounded and then them
24	having a large financial piece to get their cars



back even if they were innocent, if they were not

1	charged, etc.
2	I have a case that was sent to me that
3	I have not forwarded yet, but a case sent to me
4	of a young man who's a third-year medical student
5	who was driving down the street I'm told, at
6	least he gave me the paperwork and was pulled
7	over with like 25 other cars I suppose in some
8	suspected whatever, but he was driving down the
9	street and caught in that in my district.
10	And but then had to pay the fine to
11	get his car back out even though no drugs or
12	anything, was caught and he wasn't guilty of any
13	violation or anything like that.
14	I'm just trying to wonder and this
15	has happened several times even to other people.
16	Just happens I get some notification of people in
17	my district that it's happened to.
18	I think I mentioned it before, but I'm
19	just wondering what the policy is. I know that
20	normally once they hook a tow truck up that
21	somebody's got to pay. I mean, that's kind of
22	been the culture.
23	But if a person is innocent and that
24	person has not been found guilty of anything,



then the question from the citizens is, why

1	should they have to pay.
2	COMM. THOMAS: Commander Thomas,
3	Organized Crime. Anytime someone gets their car
4	towed they're given a reason why the vehicle is
5	towed, so we have to look at it like on an
6	individual basis. There is no blanket we just
7	tow cars. So whatever he was charged with,
8	whatever he was charged with, we would have to
9	actually look at that particular case. So it is
10	impossible to blanket answer that question
11	because if it is an OTE operation, if it's a drug
12	push-off, if they don't have a driver's license
13	or insurance, so I caution you and just say we
14	would have to look at each individual incident in
15	order to answer those questions.
16	COMMISSIONER VANN: Sure, I'm aware of
17	that. I think I've just been getting some
18	notifications that there's some people who are
19	pulled over, maybe under suspicion or whatever,
20	but nothing found, nothing charged.
21	COMM. THOMAS: Right and in those cases
22	if there was nothing found, nothing charged and
23	they had a valid license and insurance, they
24	would be sent on their way. There is no way we



could just take the vehicle without something

1	being wrong, so that's why I say we would have to
2	look at each individual incidence in order to
3	answer that question.
4	COMMISSIONER CRAWFORD: I too have
5	heard that mine is a little different than
6	Commissoner Vann, so on a personal note my
7	nephew's car was taken, but he was buying
8	marijuana, he was buying weed let's keep it
9	real so they took his car. I think it was
10	\$1,200.
11	So, you know, some of it is warranted.
12	Thank you.
13	COMMISSIONER CARTER: Thank you.
14	Announcements, under announcements our next
15	meeting is next Thursday, September 10, at 6:30
16	PM, our community meeting will be at the Boy
17	Scouts of America located at 1776 West Warren.
18	Our next weekly Board of Police
19	Commissioners meeting would will I'm sorry,
20	the next community meeting will be the 7th
21	Precinct at Sacred Heart Activities Building
22	located at 3451 Rivard, south of Mack, on October
23	8, 2015 at 6:30 PM.
24	At this time we'll have oral



communications from the audience. Please give

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1	your name
2	SECRETARY ANTHONY: Madam Chair, if I
3	could just interrupt for a moment, I think AC
4	Stair mentioned earlier she may have an
5	announcement to make.
6	1st ASST. CHIEF STAIR: I do. So I
7	believe you all before you the arrangements for
8	2nd Deputy Chief's mom's funeral and I just
9	wanted to make sure that you guys were aware that
10	we also had an actual active civilian employee
11	who passed away last week and her funeral is
12	Tuesday next week in the afternoon so I'll get
13	the specifics to you all if you don't have it.
14	And then certainly just a reminder that
15	Field Day is Saturday, September 12 at the Adam
16	Butzel Recreation Center so we're really looking
17	forward to that and we hope everybody can come
18	out to help support the group. We even have a
19	female tug of war team that should be very
20	interesting this year.
21	COMMISSIONER BELL: May I ask a
22	question, Madam Chair? Are they going to pull
23	against the guys?
24	1st ASST. CHIEF STAIR: Negative, sir.
25	COMMISSIONER BELL: Who are they going



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1	to pull against?
2	1st ASST. CHIEF STAIR: Other females,
3	other there's a few teams from other agencies
4	that we will pull against.
5	COMMISSIONER VANN: Madam Chair, I'm
6	sorry, I don't mean to you know, we heard a
7	lot about the rape kits and the announcement that
8	was made. I just kind of wanted to know what
9	kind of proactive steps maybe have been taken to
10	ensure that this doesn't happen again.
11	1st ASST. CHIEF STAIR: Through the
12	Chair, so we don't have our own lab any more, so
13	with that we're not responsible for the actual
14	testing of the kits and however, we do have a
15	team that's working with the Wayne County
16	Prosecutor's Office to ensure that all of those
17	rape kits are being handled appropriately and
18	they've been working to move about 10,000 that
19	they're reporting yesterday with 1,300 left to be
20	tested.
21	COMMISSIONER VANN: And that's going to
22	take three or four or five years?
23	1st ASST. CHIEF STAIR: Well, we're not
24	in charge of that piece of the puzzle, but based
25	on how fast they've been moving, it's estimated



Page 42 1 that that hopefully will take some months. 2 COMMISSIONER CARTER: Thank you. Any other oral communications? 3 4 COMMISSONER BROOKS: Yes I had an 5 e-mail sent to me. This e-mail came because they 6 were so pleased with the police department. 7 There was a young policewoman, I might pronounce 8 her first name wrong, but it seems to be Kira 9 Holt from the 7th Precinct, did a great job at the Mack Alive 24th anniversary parade August 22 10 11 and this e-mail came to me because the community 12 was so pleased that she was well received and 13 that she talked about the police and community relationship, so I want to pass that along to you 14 all and to the commissioners. 15 16 COMMISSIONER CARTER: Thank you, Commissioner Brooks. 17 18 1st ASST. CHIEF STAIR: Thank you. 19 COMMISSIONER CARTER: Are there any 20 other oral communications? Any other oral 21 communications? 2.2 MR. WELBORN: Bill Welborn. I just got 23 some information, I want to pass it along. 24 Disabled Veterans of America which I'm a member 25 is going to have a seminar to make sure all



1	veterans get what's coming to them.
2	We had a case come up, guy got wounded
3	in World War II and he was disabled all his life
4	and never got his benefits until six weeks ago.
5	He missed money for all these years and now
6	getting money from the Veterans, but you can't
7	get that back pay. You have to start from the
8	day he put in his paperwork.
9	And in October we're going to have a
10	seminar, we're going to have people here from the
11	VA office at the DAV office over on Puritan and
12	Littlefield. They're going to be there to have
13	any veterans come in and do the paperwork for
14	them where they can go down and get benefits.
15	Like I get 50 percent myself which is
16	actually money and I don't turn down money at
17	all, it's 50 percent, but it adds up.
18	You can that's money that Veterans
19	Administration has got \$74 million they got to
20	give away. A lot of people don't know about
21	this.
22	That's the biggest thing about it, mos
23	veterans don't know. And I'm on a campaign now



25

where -- we're all on a campaign, but I'm trying

to get the information out to these guys because

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1	these guys are hopping around the street, see
2	them out here on the begging for money and
3	they can put the paperwork in and get money.
4	Don't have a job, might be able to get \$1,300,
5	\$1,400, \$1,500 a month which is tax free.
6	So I'll get the exact date, I think
7	it's the 25th of October, but I'll get the exact
8	date from the commander over there and make sure
9	that everybody knows about it.
10	COMMISSIONER CARTER: Thank you,
11	Mr. Welborn. Be sure we get that information.
12	My father is a Korean War veteran and I want to
13	make sure he gets his money.
14	MR. WELBORN: That's right, make sure
15	he get it.
16	COMMISSIONER CARTER: Thank you.
17	MS. PANNELL: Good afternoon, Sharon
18	Pannell. I wanted to know is there a law against
19	burning in your backyard? My neighbor two doors
20	down from me came to you guys last year with the
21	same mess. He burning stuff, I come out my side
22	door, it smell like a forest fire. I shouldn't
23	have to smell that.
24	He shouldn't be able to burn in his
25	back yard like that. I called 2nd Precinct I



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1	mean I texted somebody, but they never got back
2	with me.
3	1st ASST. CHIEF STAIR: Through the
4	Chair, I'll have Sgt. Harris speak with you about
5	that. That is a problem.
6	MS. PANNELL: Thank you.
7	COMMISSIONER CARTER: Any other
8	communications? Any other communications?
9	MR. DIVERS: Good morning, Chair and
10	members of the Board. I'm Arthur Divers, I'm the
11	liaison for Honorable George Cushingberry.
12	This project of notifying the veterans
13	is a very serious one. Last spring we had
14	there's a gentleman out of Port Huron and he has
15	been going around to all the community
16	organizations notifying them about veterans who
17	are entitled if they file the proper papers.
18	One of the problems is that he had
19	worked with the federal government in that
20	particular office and after he retired he decided
21	to take it upon himself to go around to various
22	groups, but the thing I found that is to me just
23	rubs me the wrong way, the agency itself does not
24	send out information, they don't have a
25	apparently they don't have an outreach person,



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they don't publish anything in a newspaper and in		
magazines about that a veteran who has been		
discharged from service, whether he's served in		
any war, if they have his name, but you have to		
have your discharge papers and if they have it,		
then they can go back only for a period of time.		

I don't know if it's one year or two years or six months, but they have a specified time. I heard him speak and I had him to come before our -- I'm the president of the Wenfield Community Association. I had him out to speak. We had two or three people there veterans who then went and he gave the number and he said you can call me personally, I will sit down with you and help you fill out the forms.

But to me that sounds inadequate.

There's thousands and particularly he said -- and I don't like to use this term -- but he said there thousands of African-Americans who have no clue about this project, no clue whatsoever, and this money that they have there you're not going to get it unless you file those papers.

And so I would certainly ask you or others to talk to the Veterans agency, put some pressure on them, because there ought to be some



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way where you can inform the general public and
those persons who have served in the no matter
what area of military service, they're entitled
to these funds. And if they don't come with that
and don't file, you will never get it. That
money just sits there.

People who know it, get it and so I'm just asking if you would send a letter or something to the Veterans Administration asking them to put out a public relations project, notification, so that a lot of people who are entitled -- because times are rough -- and they can take advantage because they have served our country well, they were injured some of them, and they have earned it and they're entitled to it, but you must file that paper showing that you were discharged from the service, and that would be one of the things.

So I'm certainly glad he brought it up because this is something that needs to be done. It's a grave -- to me it's an injustice that you have money there, you know people are entitled to it, yet you make no effort, no effort whatsoever to notify people about this particular monetary benefit that you are entitled to because you



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1	served in the Army or medical or Coast Guard,
2	whatever it might be.
3	So I would suggest, Mr. Chair Madam
4	Chair, if they have to have a Board approval, but
5	send a letter, do something because I think it
6	would help a lot of people who are in financial
7	distress and you got veterans who are on the
8	street begging now. They're entitled to that.
9	They don't know about it; thank you.
10	COMMISSIONER CARTER: Thank you.
11	COMM. BETTISON: Commander Bettison,
12	Chief's Neighborhood Liaison. Hello.
13	On a different note, I want to invite
14	everybody out to American Coney Island today at 5
15	o'clock, it's a coney dog eating competition
16	between the Detroit Police Department and we're
17	versing we're in competition against the fire
18	department.
19	I've never seen it before. Last year
20	the fire department won. This year we plan on
21	bringing the championship home and coneys are
22	like 75 cents or 25 cents and the donations are
23	coming over to the police and fire, so that's
24	going to be a fun event today.
25	And then tomorrow we're over at the Don



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1	Bosco Hall in partnership with AmeriCorps and
2	some other sponsors. We're having a school
3	bookbag give away and we're going to have a
4	mobile dentist over there servicing the children
5	as well, so it's going to be a great event and
6	that's at the Don Bosco Hall and it's hosted by
7	the 6th and 8th Precinct and it's going to be at
8	19321 West Chicago.
9	And that's going to basically be an
10	all-day event right there. It's 11 AM to 3 PM
11	and we're going to have a lot of entertainment
12	out there, deejays, so it's going to be a fun
13	time.
14	So if you get a chance, come on out,
15	thank you.
16	COMMISSIONER CARTER: Thank you,
17	Commander. Any other announcements? Any other
18	oral communications? Any other oral
19	communications? Is there a motion for
20	adjournment?
21	COMMISSIONER VANN: So moved.
22	COMMISSIONER DEWAELSCHE: Support.
23	COMMISSIONER CARTER: It's been moved
24	and supported that we adjourn. Those in favor?
25	COMMISSIONERS: Aye.



9/3/2015



9/3/2015

Page 51 CERTIFICATE OF REPORTER STATE OF MICHIGAN) SS COUNTY OF WAYNE I HEREBY CERTIFY that I reported stenographically the foregoing proceedings at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription and that this is a full, true, complete and correct transcription of said proceedings. DALE E. ROSE, CSR-0087



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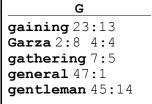
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