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DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR MEETING

THURSDAY, APRIL 21, 2011, 3:00 PM

1300 BEAUBIEN, ROOM 328-A

DETROIT, MICHIGAN

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COMMISSIONERS:

- JEROME L. WARFIELD, Chairman
- ADELA RIVERA, Vice-Chairperson
- DONNELL R. WHITE, Commissioner
- TONEY A. STEWART, Commissioner

GEORGE N. ANTHONY, Executive Secretary

DETROIT POLICE DEPARTMENT COMMAND STAFF:

- CHIEF OF POLICE RALPH L. GODBEE, JR.
- ASSISTANT CHIEF CHESTER LOGAN

1 Detroit, Michigan
2 Thursday, March 17, 2011
3 About 3:07 P.M.

4 COMMISSIONER WARFIELD: Good afternoon
5 ladies and gentlemen and welcome to the Board of
6 Police Commissioners meeting.

7 My name is Jerome Warfield, Chairman of
8 the Board of Police Commissioners. Serving with
9 me today is the Vice-Chairperson for the Board of
10 Police Commissioners, Commissioner Adela Rivera
11 as well as Commissioner Toney Stewart and
12 Commissioner Donnell White.

13 Welcome again to our meeting. Sitting
14 in for the Chief who is on his way is the
15 Assistant Chief Chester Logan.

16 Sir, always good to have you at the
17 table.

18 ASSISTANT CHIEF LOGAN: Thank you.

19 COMMISSIONER WARFIELD: I'm going to
20 ask right now if the Board Secretary, Mr. George
21 Anthony, will introduce our staff to you.

22 SECRETARY ANTHONY: Thank you,
23 Mr. Chair. For the record, Secretary George
24 Anthony. Our staff members who are present
25 include our Chief Investigator, Ms. Tina Orr, who

1 also has two special guests in attendance.
2 Senior Investigator Ainsley Cromwell, Celia
3 Banks Washington who is our attorney, the Board
4 Attorney, Ms. Dalph Watson who is our Director of
5 Police Personnel, Ms. Yolonda Caudle who is our
6 Community Relations Coordinator, Mr. Robert Brown
7 who is our Office Manager, Officer Terrence Bell
8 who is our Recorder and Dr. Dale Rose from Hanson
9 Court Reporting Service who is taking the
10 transcript and that completes the introductions,
11 sir.

12 COMMISSIONER WARFIELD: Thank you, sir,
13 appreciate that.

14 SECRETARY ANTHONY: I apologize.
15 Lt. Tim Leach also from the Office of Chief
16 Investigator is here.

17 COMMISSIONER WARFIELD: Wonderful.
18 Thank you, sir. I'm going to ask an indulgence
19 on Evangelist Hatcher. Could you come to the
20 podium for a moment for me, ma'am, please?

21 The person who was scheduled to do our
22 invocation could not make it and so I'm going to
23 ask if you would give the invocation for today's
24 meeting. I would be greatly honored if you
25 could.

1 MS. HATCHER: Thank you.

2 (INVOCATION WAS GIVEN.)

3 COMMISSIONER WARFIELD: Thank you,
4 Evangelist. I would move for approval of today's
5 agenda with one change, that we include on that
6 agenda approving the minutes from April 14th
7 meeting, 2011.

8 COMMISSIONER STEWART: So moved.

9 COMMISSIONER RIVERA: Second.

10 COMMISSIONER WARFIELD: It's been
11 properly moved and supported. All those in
12 favor?

13 COMMISSIONERS: Aye.

14 COMMISSIONER WARFIELD: All those
15 opposed? Motion carries.

16 At this time I will ask approval for
17 the minutes from Thursday, April 7, 2011 and
18 Thursday, April 14, 2011.

19 COMMISSIONER WHITE: So moved.

20 COMMISSIONER STEWART: Second.

21 COMMISSIONER WARFIELD: It's been
22 properly moved and seconded. All those in favor?

23 COMMISSIONERS: Aye.

24 COMMISSIONER WARFIELD: All those
25 opposed? Motion carries. At this time I want to

1 announce that the Board of Police Commissioners'
2 office will be closed on Friday, April 22, 2011
3 due to the Good Friday holiday and will be closed
4 also on Monday, April 25, 2011 due to the budget
5 furlough days. The office will re-open on
6 Tuesday, April 26, 2011.

7 Is there a Secretary's Report, sir?

8 SECRETARY ANTHONY: Yes. For the
9 record, George Anthony, Secretary. This is the
10 Citizen Complaint Report. These are for
11 complaints that have been received in March of
12 2011.

13 In 2011 the monthly count of complaints
14 were 143 which represents a 13 percent decrease
15 over the same -- over March of 2010 which was
16 165.

17 Our year-to-date numbers for 2011 are
18 341 which is a 10 percent decrease over the same
19 period last year of 381. At the end of March,
20 2011 the Office of the Chief Investigator had
21 active investigations of 308, cases that were
22 filed 341 and cases that were closed through
23 March of 2011 548.

24 Of the 143 cases that were filed in
25 March of this year 38 percent involved unknown

1 officers. Of the alleged known units involved in
2 the complaints filed in March of this year the
3 Eastern District had 9 percent while the 12th,
4 6th and 8th Precincts had 8 percent each.

5 Of the 143 complaints filed in March of
6 2011 the allocations were improper procedure 33
7 percent, improper demeanor 29 percent, inadequate
8 service 16 percent and improper use of force 12
9 percent.

10 That completes the Secretary's Report.

11 COMMISSIONER WARFIELD: Any questions
12 for the Secretary?

13 COMMISSIONER RIVERA: Yeah. I've
14 noticed that our demeanor complaints are finally
15 below our procedure complaints; that's good news.

16 SECRETARY ANTHONY: I think so too --
17 through the Chair, I think so too and perhaps Assistant
18 Chief Logan could perhaps address some of the
19 changes that have happened or that is happening
20 out in the precincts with the command.

21 ASSISTANT CHIEF LOGAN: Through the
22 Chair?

23 COMMISSIONER WARFIELD: Yes, sir,
24 absolutely.

25 ASSISTANT CHIEF LOGAN: Assistant Chief

1 Logan. There's a number of things that are going
2 on with regard to demeanor, and hopefully the
3 cumulative effect has been to lower the demeanor
4 complaints through constantly admonishing our
5 officers about their demeanor. We've got a
6 number of classes in the academy that teach
7 verbal judo and the like. It's always at the top
8 of our radar is demeanor.

9 So it's a constant emphasis on
10 demeanor, and it always has been and always will
11 be.

12 COMMISSIONER WARFIELD: Thank you, sir.
13 Are there any other questions regarding the
14 report? Thank you, Secretary, for the report
15 and we will receive it.

16 SECRETARY ANTHONY: Thank you.

17 COMMISSIONER WARFIELD: At this time we
18 want to move to -- first of all, I recognize that
19 our Chief of Police has joined us, Chief Ralph
20 Godbee. Sir, good to have you.

21 You're up on the agenda next. Do you
22 want to come up or however you want to do it,
23 sir.

24 CHIEF GODBEE: Through the Chair, Chief
25 Godbee. I don't want to be disruptive to the

1 meeting. I have a 4 o'clock meeting with the
2 Monitor, so I just wanted to step in and say
3 hello and get what I could before my appointment
4 with the monitoring team.

5 COMMISSIONER WARFIELD: Thank you, sir,
6 appreciate your presence as always.

7 Assistant Chief Logan, do you have
8 anything?

9 ASSISTANT CHIEF LOGAN: Sir, we don't
10 have any presentation at such today.

11 COMMISSIONER WARFIELD: Any questions
12 for the Chief or the Assistant Chief from the
13 Board? Okay, than both you gentlemen, appreciate
14 that.

15 I'm going to ask if Commissioner White,
16 we need to recognize some officers who are
17 retiring and we are honored to do so. I'm going
18 to ask if Commissioner White will read their
19 names into the record that we may provide
20 resolutions for them and he can do that at this
21 time.

22 COMMISSIONER WHITE: Resolutions
23 honorinig Sgt. Jerry Shoate, resolution honoring
24 Sgt. Maria Cox-Borkowski and resolution honoring
25 Police Officer Michael W. Hughes.

1 COMMISSIONER WARFIELD: Is there a
2 motion?

3 COMMISSIONER RIVERA: Motion to
4 approve the resolutions of the retiring officers.

5 COMMISSIONER STEWART: Second.

6 COMMISSIONER WARFIELD: It's been
7 properly moved and seconded. Let me make this
8 comment on that. We certainly -- it is an honor
9 for us to honor those who have retired from this
10 force and I get more and more excited about those
11 who are retiring in full health with full
12 facilities after their years of service and
13 hopefully in the future we can even do more to
14 recognize and honor them for the outstanding job
15 that they've done and the years of service and
16 commitment that they've done in putting their
17 lives on the line literally day in and day out.

18 So certainly to all those officers that
19 are retiring that are on our agenda for this
20 resolution, we want to say thank you for your
21 years of service.

22 All those in favor of receiving the
23 motion for the resolutions please say aye.

24 COMMISSIONERS: Aye.

25 COMMISSIONER WARFIELD: All those

1 opposed? Motion carries. Also it's not on our
2 list today, but it bears to be mentioned.
3 Officer Myra Gracey who works out of the
4 Northwest District is also retiring. We just
5 haven't had her paperwork yet, but I've worked
6 closely with her over the years and she is an
7 outstanding community officer, and has done a
8 great deal to make sure that the community over
9 there, the Northwest District, is working hand in
10 hand with the Police Department over there.

11 And so I just wanted to acknowledge her
12 accomplishments as well as she prepares for her
13 retirement, and so we certainly want to let her
14 know that we are in support of her and thankful
15 for the work that she's done down through the
16 years.

17 Our next meeting is scheduled for
18 Thursday, April 28, 2011, 3 o'clock right here at
19 Police Headquarters.

20 Before we move to oral communications,
21 I'll turn the floor over to Commissioner Rivera
22 for a statement.

23 COMMISSIONER RIVERA: Thank you. On
24 Tuesday evening a very unfortunate incident
25 happened to a former Detroit Public School music

1 teacher and a senior citizen who suffers from
2 dementia.

3 She came home to find two men in her
4 house and they proceeded to put a jacket over her
5 head, took her into the basement, stole her
6 purse, took her car keys and her money.

7 Fortunately she was not hurt and it
8 turned out to be a couple neighbor kids ended up
9 being the perpetrators in this incident. Her
10 vehicle was recovered after a police chase
11 involving Michigan State Police, although it was
12 wrecked.

13 And I just wanted everyone to know that
14 I made no attempt to intervene in this case. I
15 was not at the scene when it happened. But I was
16 more concerned with the fact of her safety and
17 her health.

18 I do want to say thank you to the
19 Detroit Police Department and the Michigan State
20 Police for the excellent job they did. Also
21 Commander Lee and Commander Welles, thank you for
22 your help in this situation.

23 ASSISTANT CHIEF LOGAN: DC.

24 COMMISSIONER RIVERA: I'm sorry, DC. I
25 keep demoting people. Thank God I don't take

1 your paychecks.

2 Also if there is a story here, the
3 story is about the safety of our senior citizens
4 and how we must take care of each other and
5 especially in view of the fact that usually it's
6 someone you know. In this case it was the
7 neighbors.

8 And the other part of the story is
9 sometimes when the Police Department does their
10 job and they do excellent police work it doesn't
11 get recognized, so I want to thank the Police
12 Department for good old fashioned police work in
13 apprehending these criminals, and in the positive
14 outcome from this story.

15 By the way, the senior citizen was not
16 my mother, it was my aunt, and I'm happy to
17 report that she is doing fine and I guess that's
18 it. Thank God that she wasn't hurt.

19 COMMISSIONER WARFIELD: Thank you,
20 Commissioner, we appreciate that statement. Want
21 to announce to the public that on Tuesday, April
22 26, 2011 from 6 o'clock PM to 8 o'clock PM Chief
23 Ralph Godbee invites all of the citizens of the
24 city of Detroit to join him and members of the
25 Detroit Police Department for the first quarterly

1 report to the community. That will take place at
2 Charity Lutheran Church which is located at 17220
3 Kelly Road on the east side of Detroit.

4 Also, in addition to that I want to
5 announce that the Detroit Police Chaplain Corp
6 will present their spring gospel concert "Our
7 Hearts Sing" which will take place on Friday,
8 April 29, 2011, 6 o'clock PM, and this will take
9 place at Greater Mount Zion Church, 15600
10 Evanston Street in Detroit, Michigan.

11 Certainly there are flyers to both of
12 those events just outside the room, please make
13 sure you get a copy.

14 Our agenda now calls for oral
15 communications. If you wish to address the Board
16 of Police Commissioners, you may come to the
17 podium, please state your name for the record and
18 spell it for us so we can make sure we have it
19 correct in our record, and then we ask that you
20 abide by a four-minute time commitment so that we
21 can hear as many persons as we can.

22 You may come at this time.

23 MR. ECTER: Good afternoon.

24 COMMISSIONER WARFIELD: Good afternoon.

25 MR. ECTER: My name is Rick Ecter,

1 city of Detroit resident. On Monday, April 18 I
2 held an event on the east side of Detroit. It
3 was an event in which members or shall I say
4 citizens, law-abiding citizens, who had a desire
5 to participate in an open-carry event.

6 By "open-carry", I mean an event by
7 which citizens are exercising their lawful right
8 to openly display a firearm.

9 During that event in my estimation it
10 was well attended by all accounts and it
11 proceeded very well. One consequence of having
12 this event is that a lot of people sought me out
13 to share some experiences with them.

14 A lot of these experiences were
15 negative and these experiences were a result of
16 their interaction with Detroit police officers
17 in terms of harassment, maybe some of those
18 demeanor issues you guys raised earlier.

19 One lady told me of an experience in
20 which she was actually arrested. I'm here today
21 to talk to you all about open-carry in the city
22 of Detroit. Open-carry naturally is a big issue.
23 Michigan is one of the fastest growing states
24 with regards to open-carry.

25 If more Michiganders are going to

1 participate, it only stands to reason that more
2 Detroiters will be participating. I just want to
3 know with you all if you understand that if
4 citizens have their rights violated, that puts
5 the City in jeopardy of legal action. It also
6 has the individual officer subject to legal
7 action in the civil courts.

8 A lot of people ask me do the City of
9 Detroit and police officers know whether
10 open-carry is legal. And my pat answer to them
11 is, "Well, the Michigan State Police produces
12 documentation such as the Michigan State Police
13 legal Update." Issue Number 86 does a very good
14 job of discussing specific laws that usually
15 apply when we're either talking about citizens
16 concealed carrying with a license or open-
17 carrying whether they have a concealed pistol
18 license or not.

19 I'm aware that open-carry is legal, but
20 a lot of citizens have expressed concerns with
21 their interactions, mostly negative interactions,
22 with police officers. Yeah, I'm aware some
23 police officers don't like the practice, but it's
24 lawful and its legal, and if citizens want to
25 exercise that right, they should be able to do

1 so.

2 Open-carry is here, it's growing. More
3 folks in the city of Detroit will be doing it.
4 If there's some issues that the police have with
5 open-carry, I would like to extend an invitation
6 to the open-carry community, myself included, if
7 there's some issues in which we can resolve some
8 of these interaction issues with citizens
9 exercising their legal right, their
10 constitutional right to bear a firearm, maybe we
11 can reach a solution as opposed to some of the
12 heavy-handed tactics that a lot of people are
13 complaining about in the streets.

14 I really want to know do all of your
15 officers know that open-carry is legal and do you
16 have an established policy and procedure to deal
17 with citizens exercising that right to
18 open-carry.

19 COMMISSIONER WARFIELD: Assistant
20 Chief?

21 ASSISTANT CHIEF LOGAN: Through the
22 Chair, the simple answer is yes, yes.

23 COMMISSIONER WARFIELD: Thank you.

24 MR. ECTER: That's your answer, yes
25 yes? Okay, got it. Oh, one last thing. Like I

1 said, I just want to repeat, assistance from the
2 open-carry community is available should you
3 desire it because I would hate for the City to be
4 exposed to legal action from citizens exercising
5 their rights.

6 COMMISSIONER RIVERA: Through the
7 Chair, may I just say that for those of you who
8 are not familiar with Mr. Ecter, he has a
9 firearms safety academy that he teaches. He is
10 very pro open-carry.

11 We are fully aware of the legal right
12 for our citizens to bear arms and carry them. We
13 also are aware that some citizens are very
14 uncomfortable seeing that, but we certainly
15 respect your Second Amendment rights and we
16 certainly hope that you don't have any problems
17 with this Police Department.

18 COMMISSIONER WARFIELD: Are there
19 others who wish to address the Board at this
20 time?

21 MR. MOORE: Good afternoon through the
22 Chair, Commissioners, Assistant Chief and also
23 naturally recognizing our quarterback which is
24 our Chief Godbee and also Detroit's finest.

25 My name is Edward Moore. I'm the

1 liaison for the Honorable Kwame Kenyatta, our
2 Detroit City Councilman. I'd like to say to the
3 retired officers and to the point is that since
4 they have retired, there's still a lot of work to
5 be done in the city of Detroit.

6 Just because that they have given up
7 their badge that they worked 24 hours, we would
8 like them to put some time, as much time as
9 possible, to try to get the city of Detroit back
10 on the map as being one of the safest cities in
11 the state, and that with the help of the
12 Assistant Chief and to our Chief, we want you to
13 continue on doing a good job for us.

14 And to our Commissioner from the office
15 of Councilman Kwame Kenyatta, we are so blessed
16 and happy that your aunt was not harmed and that
17 we hope that she has a speedy recovery verbally
18 as far as her mind because I'm sure that extreme
19 -- that was a part of her life that she will
20 probably take that with her the rest of her life
21 as far as that ordeal, but from the blessing of
22 Councilman Kenyatta and myself, we wish she have
23 a speedy recovery. Thank you.

24 COMMISSIONER WARFIELD: Thank you,
25 Mr. Moore.

1 COMMISSIONER RIVERA: Thank you,
2 Mr. Moore.

3 MS. SMITH: Good afternoon.

4 COMMISSIONER WARFIELD: Good afternoon.

5 MS. SMITH: My name is Bernice Smith,
6 political activist. In the paper the other day
7 they stated that the police was pulling out of
8 their duties in regards to investigation of
9 police having their inspection of the firearms
10 and they want to go to other various areas.

11 And I'm wondering what would you think
12 about that, the testing of the bullets and so
13 forth, Chief. They feel as though they're
14 overloaded in doing the testing and they want to
15 go to other areas and they may take some because
16 of the fact you're doing a lot of repairing at
17 the MGM and they feel as though they do not want
18 to go in there.

19 This was in the paper and they're
20 saying that Kim Worthy, she's very upset about
21 this position and they want to know why they're
22 going to do it and can it be stopped.

23 Are you aware of that? Am I making it
24 plain to you?

25 ASSISTANT CHIEF LOGAN: Through the

1 Chair if I might respond to it. I'm aware of the
2 fact that the Michigan --

3 MS. SMITH: The Director is John
4 Collins, Forensic.

5 ASSISTANT CHIEF LOGAN: Right.
6 There's been some pullback on previous
7 commitments, but as far as everything that they
8 want to cease doing, I'm not certain. I didn't
9 read the whole article.

10 MS. SMITH: It would hinder the Police
11 Department in their investigation of any of the
12 crimes, in other words, when you send the
13 evidence to their lab and they're saying that
14 they're overloaded and the bullets that they
15 receive, they're saying the testing of it, it's
16 not the way that they feel as though it's worth
17 investigating and so forth.

18 They're overloaded and they're down now
19 to -- they were 20,371 and now they're over
20 10,000 cases that they got rid of. In other
21 words, they're down to 10,000 cases, so they feel
22 as though it's not sufficient enough for them to
23 be investigating.

24 That would hinder any of your police
25 investigation in going to court.

1 ASSISTANT CHIEF LOGAN: On the surface
2 it sounds like it, but I'd have to do some more
3 research before I responded to you.

4 MS. SMITH: All right. Something that
5 I don't know whether you are aware of it or not.
6 It may not apply to the Police Department, but I
7 think it does in a way.

8 We have an order -- well, it's not an
9 order, but it was a conference in Lansing where
10 your Supreme Court Justice Robert Young, he went
11 to the Governor and stated that we need to reduce
12 our judgeships here.

13 So I think that would be something for
14 you to be concerned about because when you have
15 crime cases going before the Courts, you want a
16 judge there on the bench, you know, so we're
17 going to investigate that a little more because I
18 do know one judge went to Lansing yesterday to
19 conference in regard to this, but it is in our
20 interest for us to find out.

21 You have a representative by the name
22 of John Welch from Livonia, he's Republican, and
23 he is going to try and pass this bill and it's
24 going to be -- apply to the federal judges, so I
25 think we should be aware of that and see what we

1 can do to eliminate even that bill coming before
2 the State Legislature.

3 So much is going on in this city, I
4 mean I think that we are at a standstill where
5 we're being challenged to all forces. So I do
6 believe that the Police Department needs more
7 money and if you could convince the Mayor not to
8 cut your budget, we would do a lot better in
9 trying to combat the crimes that we have here
10 that develops in our city.

11 And with your wishes, see if you can
12 get him -- convince him not to bother with the
13 Police Department and not cut the budget.

14 And as far as this gun -- I should have
15 known. I'll talk to you each week.

16 COMMISSIONER WARFIELD: Thank you,
17 Ms. Smith. Are there others?

18 MS. HATCHER: Good evening. My name
19 is Dora Hatcher. Good afternoon, Board, good
20 afternoon everyone. You know, the Bible says
21 "Stay ye ready" but I'm human, so I wasn't ready
22 today, but I thank God anyway for what you asked
23 me, but that's okay.

24 I just want to say I had came down
25 today for the reason of I assumed it was your

1 mother because that's what the news said, okay,
2 to say that, you know, it's not only our city,
3 our state, it's our world, it's everywhere.

4 I mean, we got tsunamis and things that
5 are happening that are not being done by humans
6 overseas. Then we've got crime that's being done
7 here in America, but you know, I'm not here to
8 preach, but the Word says that the enemy came to
9 steal, to kill and destroy, but we know that the
10 Word is going to have to stay prayerful and just
11 only just pray, we have to do something about it.

12 As Ms. Parnell and I was discussing
13 today, we know that the Police Department or the
14 officers, they do what they're supposed to do as
15 far as arresting these people, but we also know
16 that the judges let them go, so we have to start
17 somewhere and it may not be but maybe two of us
18 or three of us, but somewhere we have to start
19 letting them know if they put them in, they've
20 got to give them a sentence.

21 We got all this land here in Detroit
22 that's vacant now and they say, "Well, we don't
23 know what we're going to do with it."

24 I say build a bigger jail. I say do
25 like they do in Georgia and Louisiana and

1 Mississippi. Put them out there on a chain gang.
2 My alley needs cleaning, I'm getting old. The
3 streets of Detroit needs cleaning. There are a
4 lot of things that these people, they're eating,
5 they're sleeping and they're enjoying the
6 taxpayers' money in jail. Let's be for real.
7 They must be enjoying it because they keep being
8 repeaters.

9 I was in the Frank Murphy Court on
10 Tuesday. The president of Community Relations
11 and I got to be guests of a judge and I'm looking
12 at a young man who is a five-time repeater. You
13 got people out here on bond and they're steady
14 just repeating, just going back over and over.

15 Why? Because the police is putting
16 them in jail, but the judges are letting them
17 out. So we're going to have to quit talking,
18 including myself, and start working.

19 And I want to say that we have to keep
20 our city still in prayer. Prayer does work and I
21 love all of you.

22 COMMISSIONER WARFIELD: Thank you,
23 Evangelist Hatcher.

24 MS. PANNELL (SP): Good afternoon. My
25 name is Sharon Pannell, she always say Parnell.

1 I was at your last commissioners meeting because
2 she invited me and I came down today because I
3 want you to know my face.

4 COMMISSIONER WARFIELD: Yes, ma'am.

5 MS. PANNELL: When I call, I expect the
6 police to come out there. I been living in the
7 city 61 years and I raised two boys by myself.
8 It wasn't easy, but I did it because I knew I had
9 to because I had boys, and I raised two men.

10 And I just expect some type of police
11 help when I call. When I call over to Fort
12 Street they say, "Well, what you want? What you
13 want us to do?" I'm a taxpayer.

14 They let the same guy out that broke
15 into my house. I'm not sure who broke into my
16 house, but the thugs that's breaking into homes,
17 they lock them up, like she said, they let them
18 go.

19 So I'm just letting you know I will be
20 coming.

21 COMMISSIONER WARFIELD: Thank you,
22 Ms. Pannell. You're more than welcome to come
23 any time; thank you.

24 MR. COLLINS: My name is Omar Collins.
25 I'm a Detroit resident. I'm here to speak about

1 open-carry and my experiences. I've been stopped
2 10 times total over a period of six months, but
3 not always in Detroit, but just in the metro
4 Detroit area.

5 I've been stopped three times in
6 Detroit for open-carrying and just wanted to talk
7 a little bit about the Fourth Amendment. As far
8 as the officers, they don't respect a citizen's
9 Fourth Amendment rights, if they're not doing
10 anything wrong.

11 I'm walking down the street, I'm
12 exercising, they pull up on me and they basically
13 approach me like the Gestapo, demand an ID under
14 the threat of arrest, they take my firearm.

15 I mean, it's not like -- like I said,
16 I'm not doing anything wrong, I'm just walking
17 down the street and I don't understand -- and
18 when I try to explain to the officers that
19 Michigan is not a stop-and-identify state, they
20 don't care. They say, you know, "We going to
21 arrest you."

22 And I just -- that really unnerves me
23 because I'm a huge fan of individual liberty and
24 to have officers of the law trample over my
25 Fourth Amendment rights, that never really sits

1 well with me.

2 So I was just wondering what are the
3 procedures for Detroit police officers as far as
4 approaching law-abiding citizens openly carrying?

5 I was told that yes and yes was the
6 answer. I'm curious as to a little bit of the
7 details.

8 COMMISSIONER WARFIELD: Assistant
9 Chief?

10 ASSISTANT CHIEF LOGAN: Okay, sir.
11 Let me read you a quotation from some of our
12 literature.

13 "A person openly carrying a firearm on
14 foot or in a legal manner when
15 approached by a police officer and when
16 questioned where the only reason for
17 the questioning is because of the
18 openly carried firearm need not give
19 that officer their name or address. No
20 license or ID is required to openly
21 carry a firearm."

22 It is your option to provide either ID
23 or a CPO.

24 MR. COLLINS: Right and that's the
25 thing I wanted to say that a lot of open

1 carriers, they really do want to put the officers
2 at ease and let them know that the firearm
3 belongs to them, they are -- they're not a
4 convicted felon or anything like that, but at the
5 same time we dig in when our Fourth Amendment
6 rights are not acknowledged at the initial
7 beginning of the stop.

8 So if an officer would just say, you
9 know, "This is a consensual encounter, you can
10 leave at any time," I think that would go over a
11 lot better than, "Hey, why are you carrying that
12 gun?" or, "Get your hands up" and you're
13 immediately disarmed because I have a lot of
14 audio recordings of each stop.

15 And every time I leave the house I have
16 an audio recorder running just in case I get into
17 a self-defense issue or, like I say, a lot of
18 times -- and I was surprised because when I first
19 started doing this I thought it would be the
20 criminals that I would be needing a recorder for,
21 but it turned out I needed it for the police more
22 than anything else.

23 So I mean that's the thing. And a lot
24 of people, they do want to open-carry in Detroit
25 but they're deathly afraid of being confronted by

1 the police. I've talked to many people and they
2 like once I get past Eight Mile, I just conceal.

3 So I'm out there doing it every day,
4 every time I leave the house and I try to tell
5 people, you know, it's okay, but it's like I'm
6 standing on the beach in front of a tidal wave,
7 so -- but thank you for your time.

8 COMMISSIONER WARFIELD: Thank you for
9 your time, we appreciate it. And, Mr. Collins,
10 if you could come back for one quick second.

11 Certainly, as the Assistant Chief has
12 stated to you the policy of the Detroit Police
13 Department, if there are instances in the future
14 where you feel your rights have been trampled on,
15 certainly you can call our office, the Office of
16 Chief Investigator and we will certainly
17 investigate those incidents.

18 MR. COLLINS: Very good, thank you.

19 COMMISSIONER WARFIELD: Thank you.

20 MS. LACEY: Good afternoon. My name is
21 Mary Lacey. I would like for someone to respond
22 of this article about Detroit Police reform could
23 take two more years.

24 COMMISSIONER WARFIELD: Is that
25 concerning the Consent Decree?

1 MS. LACEY: Yeah.

2 COMMISSIONER WARFIELD: I can speak to
3 that, Ms. Lacey, just for a little bit and then
4 the Assistant Chief, certainly, if he wants to
5 chime in, he can as well.

6 Please understand this, that within the
7 last, I would say, 16 to 18 months there has been
8 considerable progress in coming up to code and
9 coming up to standard with the paragraphs, the
10 various paragraphs in the Detroit Consent Decree.

11 The Mayor, from his State of the City
12 speech this year declared that the police
13 department will be in compliance by the end of
14 this year. We're still moving very quickly
15 towards that goal without question.

16 The City has asked for a little extra
17 time as relates to some of the nuances as relates
18 to technology and some more things.

19 Here's what we don't want. We don't
20 want to come into compliance for a short period
21 of time and then after, let's say, December 31st
22 we're out of compliance. We want to make sure
23 that the Consent Decree is literally our policies
24 and procedures on for the Office of Chief
25 Investigator as well as for the Detroit Police

1 Department.

2 We are not whatsoever stepping off the
3 pedal as relates to making sure that we come into
4 compliance this year. That is our goal, that is
5 our mission and that is what we are pushing 100
6 percent for.

7 I think the Chief will tell you that as
8 well as we are telling you that as well.
9 However, what we don't want to do, we don't want
10 to be disingenuous and let the public know that
11 there are some technical things that may take a
12 little bit longer.

13 However, that does not mean that as
14 relates to incarceration of prisoners, as relates
15 to use of force, that we're backing off of those
16 paragraphs at all. We are not. We're moving
17 full steam ahead with those.

18 Assistant Chief, do you have anything
19 to add to that?

20 ASSISTANT CHIEF LOGAN: Sir, through
21 the Chair, I think you've said it all. I think
22 that the two years gives us enough time to not
23 only come into compliance, but have enough time
24 left over to show the Department of Justice that
25 we've had substantial compliance.

1 I don't anticipate it's going to take
2 us two years to come into compliance. We should
3 be in compliance this year. We're moving full
4 speed ahead.

5 I had occasion to talk to the Monitors
6 today. They're excited at the progress we've
7 made or we're making. I've also talked to
8 members of the Department of Justice.

9 They're excited at the progress we're
10 making. No, we're not there yet, but even this
11 week, this week we had members -- in fact, we had
12 the Mayor, the Chief of Police, the Assistant
13 Chief and a number of other people from the city
14 of Oakland, California who came here this week to
15 see how we're making the progress that we're
16 making.

17 So we're moving full speed ahead and
18 our goal is to be in compliance this year.

19 MS. LACEY: All right. One more
20 question. Who selects the Monitor? I think the
21 new Monitor is from Ireland? No?

22 COMMISSIONER WARFIELD: He might be
23 Irish, ma'am, but I don't think he's from
24 Ireland.

25 MS. LACEY: I was at the meeting with

1 Judge Cook and I think quite a few of us have
2 been going since the beginning of the Consent
3 Decree and --

4 ASSISTANT CHIEF LOGAN: He's from New
5 York.

6 MS. LACEY: Oh, New York. But anyway,
7 like I said, quite a few citizens and we have
8 been making recommendations to the judge, to the
9 Mayor and others that we sure would appreciate
10 someone from the community on some of these
11 positions that can get directly back to the
12 community because it seems to still be a span
13 where the community is not really receiving the
14 information they want when they want it, instead
15 of going to the media.

16 And I had suggested in the beginning
17 when they first started a Ron Scott and even to
18 Judge Cook, so that's my thing.

19 It just caught my attention when the
20 paper said Detroit police reform could take two
21 more years and, like I say, a lot of us have been
22 going to meetings from the beginning of the
23 Consent Decree. Thank you.

24 ASSISTANT CHIEF LOGAN: May I just say,
25 it's not only the rules and regulations that we

1 have to follow, there's a lot of technical
2 aspects involved in it. There's a lot of housing
3 of prisoners, so until we get all the things
4 ironed out we won't be in full compliance.

5 So it's not just -- I think a lot of
6 citizens wonder, well, why don't you do this and
7 do that. It's a little bit beyond that. There's
8 probably going to have to be millions of dollars
9 spent to deal with our prisoner problems, so it's
10 not just cut and dry, okay?

11 MS. LACEY: Okay.

12 COMMISSIONER WARFIELD: And, Ms. Lacey,
13 in addition to that, if there are concerns that
14 you have, if you can forward those to us we will
15 love to be able to try and address those for you.
16 So please, ma'am, do that, forward those to us.
17 And in addition, just want to say again, if you
18 look at the span of this Consent Decree which
19 dates back too far for us, for those who are at
20 the table right now and all of us who are at the
21 table right now dealing with this are under two
22 years in our positions.

23 And I think even the Monitors
24 understand and the judge understands, we have
25 made 100 percent improvement in where it was

1 prior to the years before we came on board. And
2 so we're committed 100 percent to get this done
3 to make sure these are our policies as we move
4 forward without question.

5 And at the meeting that the Chief will
6 have on the 26th of next week, I'm sure if there
7 are questions coming from the community then
8 concerning the Consent Decree, he will be more
9 than happy to respond to those questions as well.

10 MS. LACEY: Okay, thank you.

11 COMMISSIONER WARFIELD: Thank you,
12 Ms. Lacey.

13 MR. SCOTT: Ron Scott, Detroit
14 Coalition Against Police Brutality. I didn't
15 intend to speak today, but following up on
16 Ms. Lacey I had to address this.

17 The Consent Decree is not a code item.
18 We fought for it before 1996. I think you
19 remember when we fought for that, raised the
20 question about the intervention of an independent
21 body, justice body and so on.

22 I've been very disenchanted,
23 disappointed and disgusted with the manner in
24 which the judge in this particular case who is
25 often -- and I'll put it on the record -- often

1 absent and he should spend more time in Detroit
2 as opposed to South Carolina.

3 In fact, he should let -- he should
4 make the decisions as opposed to allowing law
5 clerks to write law and to make any involvement
6 in that situation. As far as the Monitor, the
7 Monitor is being paid good money and his
8 responsibility is not only to come and report
9 only to the Department and the Commission, he
10 needs to talk to the people. He needs to do
11 that.

12 I'm saying it on the record, if he
13 doesn't do it, then his responsibility is in
14 question because we shouldn't have to learn about
15 this through the newspaper. We shouldn't have to
16 speak through someone else's voice. We're more
17 than capable of doing that.

18 And so, therefore, it is not a matter
19 -- it's like in a basketball game. It's not a
20 matter of whether or not you have defined spaces
21 where you can play the game. It's a matter of
22 whether or not the game is reshaped. It's a
23 matter of whether or not we have a different
24 culture in the city.

25 We could come into compliance and we

1 could still get people who have a real problem
2 with how things are happening. I don't want to
3 see that and I don't believe you want to because
4 I called you the other night and I want to thank
5 you for responding so quickly, Chairman, and I
6 know whenever I interface with any of you you're
7 more than helpful and more than vigilant about
8 what you do.

9 I want to be in compliance too with
10 those officers and those leaders in this
11 department who are trying to get the right thing
12 done, but I have to tell you this. I see among
13 especially some of the younger people coming in
14 this department a departure from the cultural
15 context that's trying to be developed, and we
16 need to address that, we need to address that.

17 I think the evangelist talked about
18 what's happening in the community which she is
19 experiencing. When people are in the same arena,
20 whether or not they happen to have a uniform or
21 they happen to have a hoodie, sometimes they
22 bring with them some of the same cultural
23 problems.

24 And so therefore we have to change that
25 culture. If we don't do that, we can meet all

1 the i's and the t's and the commas in a Consent
2 Decree, and we can be right back here again.

3 So this city where some people want it
4 to come under Emergency Manager, if we want to be
5 together we have to talk to each other. We can't
6 wait, we can't let the Monitor speak to you and
7 then speak to somebody else and then speak to me.
8 We have to speak to each other first.

9 We're one family and we need to act
10 like it. Now, the Chief who is a Monitor, he's
11 going to get paid. Our payment will be whether
12 or not we have the kind of department and the
13 kind of relationship that we want to have.

14 That's the only thing I want to say and
15 I want to thank you for and Commissioner, I'm
16 sorry to hear about what happened to you because
17 it's happened to me in the past, and I appreciate
18 your diligence; thank you.

19 COMMISSIONER RIVERA: Thank you.

20 COMMISSIONER WARFIELD: Thank you,
21 Mr. Scott.

22 MR. BROWN: Good afternoon. My name is
23 Cortez Brown.

24 COMMISSIONER WARFIELD: Good afternoon,
25 sir.

1 MR. BROWN: I want to touch on what
2 some of the other citizens are saying about
3 what's going on with the police and open-carry.

4 In fact, I think it's Ohio versus
5 Terry, where this is not a stop-and-frisk or
6 stop-and-show ID sort of state.

7 We have officers doing that pretty much
8 as a form of intimidation, intimidation under the
9 color of law. That's a problem. Seizure of a
10 weapon is a violation of the Fourth Amendment
11 right.

12 Now once you do that with the City's
13 financial state now, that officer opens himself
14 up to losing his absolute immunity. If he is
15 violating a civil right or constitutional right,
16 not only can that officer be sued, but so can our
17 city and so can our department.

18 We want to try to make sure that
19 everybody is educated and educated correctly.
20 There's been questions asked are the police
21 informed. I really don't think they are and I'm
22 not putting anybody at fault, but we have
23 problems not only with the police, but with the
24 citizens in general.

25 A lot of this stuff comes back from

1 Dr. Sweet's 1927 black control where blacks are
2 not allowed to have guns. We still have these
3 ordinances on the books. I was walking around in
4 a public building and I was told that according
5 to the Detroit City Charter I'm not allowed to be
6 armed. I thought I knew everything in the
7 Charter. I went to look for it and I couldn't
8 find it. So I went to go looking through the
9 ordinance. So I went through the city ordinances
10 and ordinances are somewhat current right now.

11 Code of Ordinance, City of Detroit,
12 Part 3, City Code, Chapter 38, Offenses and
13 Municipal Provisions, Article 12, Weapons.
14 Section 3810-2 is permit required to purchase a
15 pistol. The way it reads is subject to the
16 provisions of 3810.12 no person shall purchase a
17 permit without first having obtained to do so
18 from the Chief of Police.

19 And with that, to obtain it from the
20 Chief of Police to get a purchase permit
21 according to our ordinance, this person has to go
22 pretty much through the same thing as the NRA
23 training. This person is required to have four
24 hours of book training, four hours of range
25 training just to get a purchase permit. That's

1 not current any more. That was preempted in 1991
2 by the State of Michigan in our Constitution.

3 Also Section 38-10-4, daily reports to
4 the police for pistol sales. If I sell a firearm
5 I'm required by this ordinance to turn it into
6 the Police Department before 10 o'clock in the
7 morning. If I don't have it turned in to the
8 Police Department by 10 o'clock in the morning, I
9 suffer the consequences of 93 days in jail and/or
10 a fine between \$100 and \$500.

11 A lot of times you can't get there
12 before 10 o'clock in the morning. A lot of times
13 nobody is there before 10 o'clock in the morning.
14 I've tested this over the last couple of weeks.

15 The registration required. The person
16 having received a purchase handgun is required to
17 have that handgun and a proof of purchase to the
18 Chief of Police in five days. That's from 1927
19 too when blacks couldn't have guns. The state
20 requirement is 10 days.

21 Also limits to purchase permit and have
22 registration. Go to Section 38-10-14 Subsection
23 8, Part 7, any person who has a handgun owner
24 does not possess a valid safety training
25 certificate is also in violation, which means if

1 I can't get the permit and I don't have the
2 training, I can't -- it's a catch-22 situation.

3 You say I got one minute left? I'll
4 close on this. Under the 1990 state preemption
5 law, MCL 123.1102, this ordinance is
6 unenforceable. These ordinances are
7 unenforceable in regards to firearm possession
8 and transportation.

9 Furthermore, the existence of these
10 ordinances being in conflict with the laws of the
11 State of Michigan is misleading -- I say is
12 misleading to the citizens of the city of Detroit
13 and anybody that visits the city.

14 As a concerned law-abided citizen, I'm
15 requesting that these ordinances be amended
16 within 90 days to comply with the MCL123-1102.
17 Failure to amend this ordinance could be
18 considered an act of malfeasance as it wilfully
19 misinforms the public of what is and is not
20 allowed in the public areas of the city of
21 Detroit.

22 I look forward to your resolution in
23 response to this ordinance as they're amended.
24 Thank you.

25 COMMISSIONER WARFIELD: Mr. Brown,

1 first of all, thank you for your -- quite
2 obviously you've done a great deal of research in
3 presenting us with that information, but I'm sure
4 as you well know unfortunately we do not have the
5 authority or the due diligence to change the
6 ordinances of the city of Detroit. That's
7 Detroit City Council.

8 Certainly there are representatives
9 here today from the Detroit City Council and so I
10 would ask that you pass that information along to
11 them as well and certainly, again, we thank you
12 for your presentation.

13 MR. BROWN: Yes and I did that, and I
14 brought that up because most of these ordinances
15 that I summarized or paraphrased are directly by
16 the consent of the Chief of Police and everything
17 that I said, without the Chief of Police, not his
18 representative, without the Chief of Police
19 according to these ordinances a citizen of
20 Detroit cannot possess a handgun without his
21 signature.

22 COMMISSIONER WARFIELD: Thank you, sir.
23 Are there others who wish to address the
24 Commission?

25 MS. SEMMA: Good evening, Board,

1 Assistant Chief.

2 COMMISSIONER WARFIELD: Good evening.

3 MS. SEMMA: Julie Semma from 7-D's
4 Towing. I'd like to know what the status is of
5 the towing permits.

6 COMMISSIONER WARFIELD: Deputy Chief
7 dapper Ben Lee.

8 DEPUTY CHIEF LEE: Good afternoon.
9 Deputy Chief Benjamin F. Lee, Management Services
10 Bureau. The status of the towing permits, we
11 spoke with Zoning today. They were going to have
12 those letters for us this week. There was some
13 things they needed correcting. Mr. Maples (sp),
14 I believe, who is one of the lead persons over in
15 Buildings & Safety, he's presenting that to the
16 Director and she has agreed to have those
17 documents ready for us on Tuesday. They're off
18 tomorrow and they're off on Monday, and we should
19 have something on Tuesday.

20 COMMISSIONER WARFIELD: So certainly by
21 Thursday we should have a status update?

22 DEPUTY CHIEF LEE: Yes, sir.

23 COMMISSIONER WARFIELD: Thank you, sir.

24 MS. SEMMA: Thank you.

25 COMMISSIONER WARFIELD: Thank you,

1 ma'am. Are there others?

2 MR. WILSON: Good evening.

3 COMMISSIONER WARFIELD: Good evening.

4 MR. WILSON: My name is Norman Wilson.
5 I'm not here to bash the police officers, just
6 one in particular.

7 In 2009, March 10th I was arrested of
8 armed robbery, felony firearm, CCW. The officer
9 that arrested me planted evidence on me, went to
10 court and lied on the stand.

11 All the charges were dropped except the
12 felony firearm -- I mean the CCW. I went to
13 Internal Affairs because this officer, as I said,
14 planted evidence and lied on the stand. I got a
15 letter saying basically my complaint was thrown
16 out, no one investigated -- no one went and saw
17 the videotape from the ATM.

18 Even in the investigation of it, no one
19 spoke to the witness who spoke to them, told the
20 officers who were robbing the people, even though
21 I told them who the witness was.

22 No one talked to the lawyers who saw
23 the videotape of this officer picking up the
24 evidence and planting it on me, which there's
25 videotape of it, so I'm asking you what is my

1 recourse.

2 COMMISSIONER WARFIELD: Attorney, could
3 you address this for us, please? I'm sorry, we
4 certainly want you to speak with our Chief
5 Investigator, Chief Investigator Orr who's sitting
6 right there next to you.

7 When you say your complaint was thrown
8 out, was it one that I filed with us or was it
9 one you filed with --

10 MR. WILSON: Internal Affairs.

11 COMMISSIONER WARFIELD: We would
12 definitely want you to file one with our side as
13 well and we will look into it thoroughly for
14 sure.

15 Assistant Chief, is there anything --

16 ASSISTANT CHIEF LOGAN: Would you see
17 -- through the Chair, Assistant Chief Logan.
18 Would you see Lt. Miles in the back so he can
19 record that information for you also?

20 MR. WILSON: Yes.

21 ASSISTANT CHIEF LOGAN: AND DC Tolbert,
22 would you make sure we look into this issue also?

23 DEPUTY CHIEF TOLBERT: Yes, sir.

24 COMMISSIONER WARFIELD: And, again,
25 make sure we have your name because I want to

1 personally follow up with you on that.

2 MR. WILSON: Okay.

3 COMMISSIONER WARFIELD: Thank you, sir,
4 Mr. Wilson.

5 Are there others? Hearing or seeing
6 none, I will entertain a motion to adjourn the
7 meeting.

8 COMMISSIONER RIVERA: So moved.

9 COMMISSIONER STEWART: Second.

10 COMMISSIONER WARFIELD: It's been
11 properly moved and supported that we adjourn the
12 meeting. All those in favor?

13 COMMISSIONERS: Aye.

14 COMMISSIONER WARFIELD: Motion carried.

15 (Proceedings concluded at
16 3:59 p.m.)

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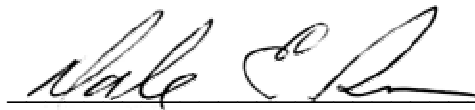
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CERTIFICATE OF REPORTER

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.



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