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DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR BOARD MEETING

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PAGE 1 TO 79

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

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APPEARANCES :

MR. DONNELL WHITE, CHAIRMAN

MR. JEROME WARFIELD, COMMISSIONER

MS. JESSICA TAYLOR, COMMISSIONER

MR. CHESTER LOGAN, ASSISTANT CHIEF OF POLICE

MR. GEORGE ANTHONY, EXECUTIVE SECRETARY

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

COMMISSIONER WARFIELD: Good afternoon, ladies and gentlemen. Welcome to the Board of Police Commissioners meeting. My name is Jerome Warfield, member of the Board of Police Commissioners. I am joined with my colleague Commissioner Jessica Taylor. We also have with us representing the Chief's office the assistant chief of police, Assistant Chief Chester Logan. Thank you for being here.

ASSISTANT CHIEF LOGAN: Glad to be here.

COMMISSIONER WARFIELD: And Mr. George Anthony who is our executive secretary from our staff will introduce our representatives that are here.

SECRETARY ANTHONY: Thank you, Commissioner Warfield. Representing the staff is Miss Dalph Watson who is our director of police personnel, Miss Celia Banks Washington who is our attorney to the Board, Mr. Ainsley Cromwell, supervising investigator at the Office of the Chief Investigator, Mr. Robert Brown who is our office manager, Sergeant Alan Quinn who is recording our proceedings and Miss Wendy Boer from Hanson Court Reporting service. That completes the

1 introductions.

2 COMMISSIONER WARFIELD: Thank you. The Chair  
3 of our Board, Commissioner Donnell White, will be here.  
4 He is en route and on his way. And so until a quorum is  
5 assembled, we will not be voting officially on any  
6 matters. But we will once he get here. So we will move  
7 to the other items that we are able to get through and  
8 to until Commissioner White or Stewart comes. Is there  
9 a chaplain here? God bless you, sir. God bless you,  
10 Reverend. Could you give us our invocation for today  
11 please, sir?

12 CHAPLAIN: Yes. May we all bow our heads. Oh  
13 gracious, kind and wonderful heavenly father. We thank  
14 you and we ask your blessings upon this meeting as it is  
15 utilized to formulate and strategize a brighter Detroit.  
16 We bless your holy name, in Jesus name, Amen.

17 COMMISSIONER WARFIELD: Thank you, Reverend.  
18 At this time, I'm going to -- I'm going to come back to  
19 the secretary's report if that's okay only because it  
20 deals with some closed session matters. I'm going to  
21 turn it over to Assistant Chief Chester Logan at this  
22 time for him to make his presentation.

23 ASSISTANT CHIEF LOGAN: To the honorable Board  
24 and to the community, good afternoon. I believe we have  
25 Deputy Chief James Tolbert from CRIB who is going to

1 introduce whoever is doing the MAS presentation.

2 DEPUTY CHIEF TOLBERT: Yes, sir. Good  
3 afternoon. Deputy Chief James Tolbert from CRIB, Civil  
4 Rights Investigative Bureau. Today we're going to have  
5 a presentation from the Management Awareness System.  
6 And obviously we have a lot of people in CRIB. But  
7 there's some real hard chargers, people that carry the  
8 ball. That would be Commanders Romeo, Commander White.  
9 But obviously, we are the execs. So we need some  
10 subject matter experts and people who really know what  
11 they are doing. And obviously we all depend on  
12 Lieutenant Sims. And she is going to give you a brief  
13 overview of the Management Awareness System which we  
14 constantly are working on and constantly trying to  
15 improve so that we maintain the awareness of our  
16 members, knowing exactly what our members are doing.  
17 And she can give you -- she is going to give you a very  
18 in depth review. Lieutenant Sims?

19 LIEUTENANT SIMS: Good afternoon Board members  
20 and Assistant Chief Logan and those in attendance here  
21 today. My name is DeShaune Sims. I'm a lieutenant  
22 assigned to the Office of Civil Rights. And as  
23 DC Tolbert stated, I'm going to give you an overview  
24 presentation of our Management Awareness System or MAS.

25 What is MAS? MAS is a computer based system

1 that is used by the executives within our department to  
2 look at performance indicators on members and to address  
3 any kind of risk issues that they may see. It's a  
4 management tool. It allows for the early intervention  
5 of members where we see that there may be a pattern of  
6 behavior or a trend developing. So there are triggers  
7 in the system where when a member has three performance  
8 indicators within a certain period of time, which is six  
9 months, the supervisor is alerted that this member has  
10 met a threshold and now it's time to meet with that  
11 individual to hold an intervention meeting.

12 It allows for quick and easy retrieval of  
13 information. It's connected to multiple databases  
14 throughout the department that are used by force  
15 investigations, internal affairs, disciplinary. We also  
16 receive training information from MCOLES that's through  
17 the state. So all that information is contained within  
18 this database so supervisors can access this system at  
19 any time and review a member's profile.

20 The goal of the system is to ensure that we  
21 are using best practices that are available in law  
22 enforcement today throughout the nation and to make sure  
23 that supervisors are being held accountable. When an  
24 intervention meeting is held, the supervisor is required  
25 to enter information through the database that is

1 reviewed by their superior officers. You want to take  
2 the time to reward those officers. Just because you met  
3 a threshold does not mean that you did something that  
4 was inappropriate. So at that time supervisors can take  
5 the time to say, you know what, you did a good job and  
6 we're going to recommend that you receive some sort of  
7 meritorious write-up. And again, it allows them to look  
8 for trends or patterns to develop to -- I'm sorry, to  
9 identify potential at risk behavior. So if there is  
10 some risky behavior that's going on, they may want to  
11 recommend that this person be monitored for a certain  
12 period of time to make sure that they are engaged in the  
13 community appropriately and taking the appropriate  
14 action when necessary.

15 Our team consists of one lieutenant, a  
16 sergeant and police officer. And we are also  
17 responsible -- have other responsibilities which are  
18 responsibilities aside from managing this database. But  
19 right now we are working with the lieutenant, a sergeant  
20 and a police officer. And we go in daily, look at the  
21 information that's in the system. We assist other  
22 members within the department that call that's having  
23 problems with using the database in some way. And we  
24 try to aid them the best that we can.

25 Our current compliance status is that we are

1 in compliance with the requirements of the Management  
2 Awareness System. And it's been a long road. We have  
3 been working very hard in developing this system since  
4 2007. And we finally got compliance with all of the  
5 paragraphs that are required for this system. We are  
6 pending compliance in one over-arching paragraph. And it  
7 includes other paragraphs outside of those for the  
8 Management Awareness system. And we expect to get in  
9 compliance with that final main paragraph this quarter.

10 And I wanted to bring you some, you know, just  
11 some basic information that we are capturing in the  
12 system. We have uses of force. And I've put up the  
13 last three years. The first year that you're looking at  
14 is for 2009. And that number is very low. And that's  
15 when the system was really being implemented. We were,  
16 you know, transitioning from paper to an electronic  
17 database. And there was some under reporting occurring  
18 at that time. Since then, we have put in mechanisms to  
19 ensure that we are, you know, not under reporting and we  
20 are actually reporting all our uses of force.

21 We review CHRISNET case reports on a daily  
22 basis to make sure we are not seeing officers using  
23 force that are not reporting those incidents. And if we  
24 do find those, we send out a notification to that  
25 officer's command staff letting them know that this

1 report was -- this use of force was not reported. And  
2 the report has to be entered into the database  
3 immediately. That commanding officer also has to  
4 address what corrective measures were taken to ensure  
5 that we don't have that issue occur again.

6 There was a slight decrease from 2010 to 2009  
7 in uses of force. However, we didn't have any -- we  
8 didn't find it alarming in any way. When looking at  
9 national standards for uses of force, you also compare  
10 that to arrests. And you want to be between 3 and 6  
11 percent of your arrests associated with the use of  
12 force. Our department tends to average 4.5 percent. So  
13 even though there was a decrease going from 2010 to  
14 2011, we weren't alarmed by that number.

15 ASSISTANT CHIEF LOGAN: Lieutenant, can you  
16 just pause there for a minute and talk about the use of  
17 force so the community needs to know exactly what we are  
18 talking about when we talk about use of force.

19 LIEUTENANT SIMS: Our use of force, whenever  
20 we have to, you know, arrest someone, you may have to  
21 take someone to the ground. And that's considered a use  
22 of force event. You may not necessarily have to strike  
23 that person or injure that person in any way but just  
24 taking that person to the ground or when you have to  
25 pull them out of a vehicle in order to affect an arrest,

1 that's considered a use of force. So we have to make  
2 sure that we are, you know, documenting that you know  
3 appropriately and capturing that on the form.

4 COMMISSIONER WARFIELD: Since you paused  
5 there, Lieutenant Sims, real quick, we have the use of  
6 force and then we have the allegations, the small bars.  
7 The allegations, are those -- those numbers there, do  
8 they come from the CCR's?

9 LIEUTENANT SIMS: It comes from a use of force  
10 report being created. And yes, that is then sent over  
11 to the Office of the Chief Investigator for them to  
12 conduct those investigations.

13 COMMISSIONER WARFIELD: Now going back to your  
14 first definition, use of force is when you have to  
15 basically assist and maybe have to do some takedowns and  
16 arrests. Those are use of forces that the police define  
17 as use of force?

18 LIEUTENANT SIMS: Correct.

19 COMMISSIONER WARFIELD: Not necessarily the  
20 complaints that may come from citizens? The complaints  
21 that may come from citizens are the ones indicated --

22 LIEUTENANT SIMS: Are the allegations.

23 COMMISSIONER WARFIELD: Are the allegations.

24 Thank you.

25 LIEUTENANT SIMS: The next slide is for

1 citizen complaints. Over the years, for the years that  
2 are being shown today, 2009, 2011, we have seen a steady  
3 decrease. Citizen complaints has been a focus of our  
4 command accountability meetings which are meetings that  
5 we hold within the department for command officers. And  
6 we have addressed a number of citizen complaints that we  
7 have been seeing recently. We have also added some  
8 additional training for officers. You know we have  
9 verbal judo training, and we have customer service  
10 training. And we think that that's why we are seeing a  
11 decrease in the numbers. We have to look into more  
12 detail to see if that's actually the case.

13 But we did have an example of a command  
14 officer indicating that he had some officers who were  
15 consistently high in receiving citizen complaints. They  
16 did have intervention meetings with those members. They  
17 did recommend that they go to training. And they did  
18 attend that training. And since then they have seen  
19 their citizen complaint numbers just drop off  
20 dramatically. So, that's a positive aspect for us. And  
21 again, we are going back to our intervention meetings.  
22 The first year, again, we were really getting used to  
23 using this system and generating interventions and  
24 personnel meeting thresholds. The number was relatively  
25 low. It went up in 2010, and then again it went up

1 again in 2011.

2 So, we know that officers are out there, you  
3 know, doing the work that they need to do that's  
4 necessary. And then they're meeting these thresholds  
5 and supervisors are meeting with these members regularly  
6 to address any kinds of concerns or patterns of behavior  
7 that may be developing for those members. So the system  
8 is working, and the supervisors are using it.

9 Our next steps, in our office we continue to  
10 do quarterly assessments of the data. We have quarterly  
11 meetings with our risk identification team. And the  
12 members on that team consist of personnel from the  
13 Office of the Chief Investigator, commanding officers  
14 from force investigations, internal affairs, labor,  
15 disciplinary. And we meet to discuss any type of trends  
16 and patterns that we see developing in the system. And  
17 then we try to address those again through looking at  
18 maybe if the policies may need to be changed or training  
19 may need to be enhanced. We have those discussions at  
20 that meeting, at those meetings to make sure we are  
21 meeting the needs of the department and the members  
22 assigned to the Detroit Police Department. Are there  
23 any questions?

24 COMMISSIONER WARFIELD: Commissioner Taylor,  
25 do you have any questions?

1                   COMMISSIONER TAYLOR: I just have one. How do  
2 you address when the officer is ready to go back on the  
3 force if he is, you know, been --

4                   LIEUTENANT SIMS: If he is recommended like  
5 for monitoring?

6                   COMMISSIONER TAYLOR: Yes, like when his  
7 behavior is out, you take him off, you know, take him  
8 off his job, then how do you determine when he is ready  
9 to go back to work?

10                  LIEUTENANT SIMS: Well, what we do on our end,  
11 and the supervisors are responsible for making that  
12 determination. You know, supervisors are recommending  
13 monitoring. And if they are, you know, watching this  
14 officer, this officer has attended whatever recommended  
15 training was you know available for him or her and if  
16 they are watching their behavior and they see some sort  
17 of changes, they can recommend that this person no  
18 longer be monitored.

19                  COMMISSIONER TAYLOR: Thank you.

20                  LIEUTENANT SIMS: Right. This system is not  
21 discipline at all. It's not meant to be discipline.  
22 It's a tool to be proactive in meeting the officers'  
23 needs or the department needs before discipline becomes  
24 necessary. So it's proactive. So, we are not taking  
25 people, removing them from their there positions at all.

1 COMMISSIONER TAYLOR: Thank you.

2 COMMISSIONER WARFIELD: I just have a few  
3 questions.

4 (Enter Chairman White)

5 Let me first of all say that just an  
6 outstanding job on behalf of the department. When this  
7 system was initially implemented, the federal monitors  
8 and others thought that it would never work. They  
9 virtually laughed at it. And through the due diligence  
10 of CRIB and through the chief, assistant chief and  
11 others, it literally now serves as a benchmark system  
12 for other departments throughout the country. I know  
13 Oakland, California, is looking at this system as well.

14 LIEUTENANT SIMS: Right. And we also had the  
15 assistant attorney general for the civil rights division  
16 of the DOJ come in and look at our system. And he was  
17 very impressed with it as well.

18 COMMISSIONER WARFIELD: Just kudos on this  
19 sorely needed. And I think it's uniquely Detroit. And  
20 it will be a tremendous help to other police forces  
21 throughout the United States. So good job there. I do  
22 want -- I do have some questions about the indicators.  
23 What are the six indicators that you all are looking at?

24 LIEUTENANT SIMS: We are looking at civil  
25 litigation; so when an officer is named in a lawsuit.

1 Traffic crashes, uses of force, citizen complaints, sick  
2 calls to court and then we include meritorious service  
3 write-ups.

4 COMMISSIONER WARFIELD: Okay, great.

5 LIEUTENANT SIMS: We track 52 other types of  
6 -- the system tracks a total of 52 performance  
7 indicators. But those were considered the most high  
8 risk factors.

9 COMMISSIONER WARFIELD: So when we receive  
10 citizen complaints and I have our investigators pull  
11 histories quite often on officers. And when I see that  
12 a complaint maybe is not sustained for whatever reason  
13 and I see that they have more than three complaints  
14 against them in the six-month period, we should forward  
15 those over to the chief?

16 LIEUTENANT SIMS: We should -- if it's within  
17 a six-month period, then we would know about that  
18 because again we are pulling information from OCI's  
19 database. And if that person -- if it's one person that  
20 received three within a six-month period, that person  
21 will meet a trigger, will then have to meet with their  
22 immediate supervisor.

23 COMMISSIONER WARFIELD: Okay, thanks. I'll go  
24 back to the force chart for one more question. You said  
25 that our percentage or the national percentage is

1 4.35 percent?

2 LIEUTENANT SIMS: The range is between 3 and  
3 6 percent is what you should expect to see based on  
4 arrests.

5 COMMISSIONER WARFIELD: Out of 1100 -- let's  
6 just -- you probably don't have the exact figure. But  
7 out of 1100 force incidences, how many interfaces are we  
8 talking? So how many times are police -- actually the  
9 police is actually interfacing with the citizen to  
10 receive that 1100 figure?

11 LIEUTENANT SIMS: I don't have that  
12 information with me right now for the number of arrests  
13 that occurred last year. But I know we average about  
14 2,000 and 2,200 arrests per month.

15 COMMISSIONER WARFIELD: Oh, I'm sorry, say it  
16 again, between --

17 LIEUTENANT SIMS: 2,000 and 2,200 arrests per  
18 month.

19 COMMISSIONER WARFIELD: Great. All right.  
20 Wonderful. And then as relates to -- and the assistant  
21 chief might have to weigh in on this. As relates to the  
22 citizens' complaints and trying to maybe readjust some  
23 issues there, the police citizen action, do you believe  
24 or the chief, do you believe that mediation for some of  
25 those cases is a good forum to try and resolve some of

1 these issues?

2 ASSISTANT CHIEF LOGAN: Sir, through the  
3 Chair, Assistant Chief Logan. Sir, are you making  
4 reference to a procedure whereby the Board would make  
5 these recommendations or should the chief of police make  
6 these recommendations?

7 COMMISSIONER WARFIELD: Probably there will be  
8 established criteria whereas if it is let's say the  
9 officer is having a bad day or the citizen is having a  
10 bad day and they fell like it's a garden variety, you  
11 know, he or she may have been rude to me or I may have  
12 been short tempered on behalf of the citizen, that we  
13 can sit those individuals down and just talk about it  
14 versus doing a full blown investigation, that might  
15 alleviate some of the cases.

16 ASSISTANT CHIEF LOGAN: Sir, I think that  
17 would be a wonderful idea. To the degree that we can,  
18 we do that. But it's not formalized because some  
19 supervisors, if a citizen wants to make a complaint,  
20 they take it right away instead of taking the time to  
21 see if they can mediate it.

22 COMMISSIONER WARFIELD: Okay, great.

23 ASSISTANT CHIEF LOGAN: I think it would be a  
24 wonderful idea.

25 COMMISSIONER WARFIELD: My last question,

1 Lieutenant Sims. The CCR forms, citizen complaint  
2 request forms, they are available in the MAS system?

3 LIEUTENANT SIMS: They are not available  
4 currently in the MAS system. We are finalizing the  
5 forms that we are going to use in MAS. It was a couple  
6 things we had to send back for the IT department to  
7 address. But hopefully we will have it there within the  
8 next couple of weeks.

9 COMMISSIONER WARFIELD: Okay, great. For the  
10 record, let us reflect that Commissioner White has  
11 joined us.

12 CHAIRMAN WHITE: Thank you, sir. Thank you,  
13 Lieutenant. I'm sorry. Did you get a chance to ask  
14 questions?

15 COMMISSIONER TAYLOR: Yes, sir.

16 CHAIRMAN WHITE: Thank you, Lieutenant. Let  
17 the record reflect that we officially have a quorum at  
18 this point. So the Chair will entertain a motion to  
19 approve the agenda for Thursday, March 15, 2012.

20 COMMISSIONER WARFIELD: So moved.

21 COMMISSIONER TAYLOR: Second.

22 CHAIRMAN WHITE: It's been properly moved and  
23 supported. Any discussion? Seeing none, all those in  
24 favor?

25 COMMISSIONERS: Aye.

1 CHAIRMAN WHITE: Opposed? Thank you. Chair  
2 will entertain a motion for the approval of the minutes  
3 dated Thursday, March 8, 2012.

4 COMMISSIONER TAYLOR: So moved.

5 COMMISSIONER WARFIELD: Support.

6 CHAIRMAN WHITE: It's been properly moved and  
7 supported. Any discussion? Seeing none, all those in  
8 favor?

9 COMMISSIONERS: Aye.

10 CHAIRMAN WHITE: The Chair will reserve his  
11 Chairperson's report until later in the agenda during  
12 the handling of our old business. Mr. Secretary, have  
13 you dealt with the Secretary's report?

14 SECRETARY ANTHONY: No, we haven't. George  
15 Anthony for the record, secretary to the Board. There's  
16 two matters that are requests for closed sessions. One  
17 involves a suspension without pay. Police Officer  
18 William Brown was a request through his attorney DPOA  
19 Attorney John Goldpaugh for a closed session. And the  
20 other regards a disqualified applicant, Jeremy Burchman,  
21 for a closed session. He was a rejected applicant. And  
22 that completes the Secretary's report at this time.

23 CHAIRMAN WHITE: Thank you, Mr. Secretary. We  
24 will postpone those closed sessions to following our  
25 public comment period. At this time, there is no other

1 standing committee reports before us other than the  
2 personnel matters which we will take up later in the  
3 agenda.

4 Is there any new business? Seeing none, as  
5 relates to the proposed amendments to the towing rules,  
6 Commissioners, you should have been provided a copy of  
7 the redline version as we have previously discussed at  
8 our last meeting before you outlining the proposed  
9 recommended changes to the application process and  
10 towing rules.

11 At this time, a motion is in order for the  
12 adoption of the redline version. Adoption may not have  
13 been the proper term. At this time, for those of you  
14 who were at the previous meeting, the process will be  
15 that a redline version will be published, at which such  
16 time we will have the public comment period and go  
17 through the steps as granted by the Charter of the City  
18 of Detroit. So before us, Commissioners, at this time  
19 is to vote individually. Counsel is going to help us  
20 out.

21 MS. WASHINGTON: Through the Chair, Celia  
22 Washington. Before you -- and the audience by the way,  
23 copies of the transcript have been made available so  
24 that everybody can see the verbiage that was put on the  
25 record in terms of the proposed amendments.

1                   What is very important today is that the Board  
2 go through the redline proposals, discuss those on the  
3 record individually and then vote to yeah or nay as to  
4 whether they will be published on Monday.

5                   CHAIRMAN WHITE: Thank you, Counsel. And  
6 while we did -- for those of you again who were part of  
7 the previous conversation, while we did go over these  
8 individually, we decided we would do it again for the  
9 benefit of transparency in the process. So,  
10 Commissioners, if you have the redline version before  
11 you, what we will do is go through each individualized  
12 edit and vote up or down whether or not we will have  
13 this published into the rules.

14                   The first change will be to delete the  
15 application process for prospective tow company and the  
16 addition of, Police Authorized Towing Rules as  
17 Promulgated by the Detroit Board of Police  
18 Commissioners. What is your pleasure?

19                   COMMISSIONER WARFIELD: Sir, I move that we  
20 delete as you said in your motion and add or replace it  
21 with police authorized towing rules as promulgated by  
22 the Detroit Board of Police commissioners as the title  
23 of the document.

24                   COMMISSIONER TAYLOR: Support.

25                   CHAIRMAN WHITE: It's been properly moved and

1 supported. Any discussion?

2 COMMISSIONER WARFIELD: Yes, sir. One of the  
3 reasons we wanted to make this change is so that the  
4 title of the document is correct and is placed  
5 throughout the entire document.

6 CHAIRMAN WHITE: That's reflected in the  
7 redline version that we have?

8 COMMISSIONER WARFIELD: Yes.

9 CHAIRMAN WHITE: Any other discussion? So we  
10 will not deal with the grammatical changes that are  
11 presented here. So we will proceed to Page 4 under  
12 Operation and Use of Facilities.

13 The previous motion, to vote, all those in  
14 favor?

15 COMMISSIONERS: Aye.

16 CHAIRMAN WHITE: Opposed? Counsel, I'm going  
17 to ask if you'd just hang out at the microphone as we go  
18 through this process.

19 ATTORNEY WASHINGTON: Yes, sir. If I may, through  
20 the Chair, I will just kind of draw your attention as to  
21 what portions of the redline need to be discussed if  
22 that will help. Page 4, first paragraph, the insertion  
23 of the provision that deals with if a tower breaches the  
24 promise or covenant not to sue. If they should do that,  
25 there is a proposal on the table that that tower be

1 removed from the rotation until the litigation is  
2 resolved. And to that end -- and I have mentioned this  
3 to the law department -- that is still an issue that  
4 needs to be discussed as to whether regardless of the  
5 vote today, whether that can be implemented in the  
6 rules.

7 CHAIRMAN WHITE: And if we could kind of keep  
8 track as we go as well, Counsel, originally we said we  
9 would kind of number these as Amendment 1, 2 -- so this,  
10 what we are referencing now, the insertion would be  
11 Amendment 2?

12 ATTORNEY WASHINGTON: Yes, sir.

13 CHAIRMAN WHITE: Commissioners, as relates to  
14 Amendment 2, in the event that -- with the insertion of  
15 Amendment 2, in the event that a police authorized tower  
16 breaches its covenant not to sue the City of Detroit,  
17 the Detroit Police Department, their officers, agents,  
18 servants and/or employees, the police authorized tower  
19 shall be removed from the tow rotation until such  
20 litigation is dismissed. What is your pleasure?

21 COMMISSIONER WARFIELD: Sir, I move that this  
22 item be included in the adjustments to the tow rules  
23 that shall be published.

24 COMMISSIONER TAYLOR: Support.

25 CHAIRMAN WHITE: It's been properly moved and

1 supported. Any discussion?

2 COMMISSIONER WARFIELD: Sir, we -- I added  
3 this in in an effort to keep the process moving and to  
4 protect the Board, help protect the Board and the City  
5 from frivolous lawsuits. And in the spirit of the tow  
6 rules already, there was already a rule there in the tow  
7 rules that talked about that those who are permitted  
8 towers should not sue. And so -- but there was no teeth  
9 in it. So, we just wanted to add some teeth to the  
10 provision that was already there in the rules that has  
11 already been approved.

12 CHAIRMAN WHITE: Any other discussion? Seeing  
13 none, all those in favor?

14 COMMISSIONERS: Aye.

15 CHAIRMAN WHITE: Opposed? Thank you.  
16 Counsel?

17 ATTORNEY WASHINGTON: Through the Chair, proposed  
18 Amendment Number 3 deals with the removal of debris from  
19 the street and the shortest or best legal route required  
20 by the ordinance. And for the Board's benefit, this  
21 language is almost verbatim from the Detroit City  
22 Ordinance.

23 CHAIRMAN WHITE: Thank you. This is an  
24 insertion, correct, Counsel?

25 ATTORNEY WASHINGTON: Yes.

1 CHAIRMAN WHITE: Commissioners, as it relates  
2 to the insertion of Amendment 3, "Police authorized tow  
3 companies will be required to remove all debris from the  
4 street, highway or freeway and shall utilize the  
5 shortest and best legal route as required by the Detroit  
6 City Ordinance." What is your pleasure?

7 COMMISSIONER WARFIELD: Sir, I move that  
8 insertion Number 3 be included as a proposed amendment  
9 change to the rules and be published.

10 COMMISSIONER TAYLOR: Support.

11 CHAIRMAN WHITE: It's been properly moved and  
12 supported. Any discussion?

13 COMMISSIONER WARFIELD: Sir, I just wanted to  
14 highlight the responsibility of our police authorized  
15 towers to make sure they clean up after any accidents  
16 that they are called to, which is already as counsel has  
17 stated part of our City Charter.

18 CHAIRMAN WHITE: Any other discussion? Seeing  
19 none, all those in favor?

20 COMMISSIONERS: Aye.

21 CHAIRMAN WHITE: Opposed? Thank you.

22 ATTORNEY WASHINGTON: Mr. Chair, Item Number 4,  
23 Page 6, fourth paragraph. Deleted from that paragraph  
24 was reference to a \$1,000 per occurrence penalty. We  
25 did discuss this with the law department. And at this

1 point in the rules and for this process, the Board  
2 cannot impose such a penalty. And that is why the  
3 language has been changed to reflect, "The tower may be  
4 subject to criminal or civil penalties which may be  
5 levied by any court."

6 CHAIRMAN WHITE: Okay. Counsel, just a point  
7 of clarity, for statements that were deleted, does that  
8 need to be voted on as well as those that are added to  
9 the towing rules?

10 ATTORNEY WASHINGTON: I don't know that we need to  
11 go through every deletion because the deleted portions  
12 have already been published in 2010, I believe it was  
13 2010. So, that has not changed since 2010.

14 CHAIRMAN WHITE: Okay.

15 MS. WASHINGTON: If it still seems ambiguous,  
16 I can certainly just again reference --

17 CHAIRMAN WHITE: For the record, if we could  
18 reference what was deleted, and we will vote on what was  
19 the addition.

20 ATTORNEY WASHINGTON: Okay. Deleted from that  
21 paragraph is the language, "There shall also be assessed  
22 a \$1,000 credit to the City per occurrence." That's  
23 gone. That has been replaced with, "a tower may be  
24 subject to criminal or civil penalties which may be  
25 levied by any court."

1 CHAIRMAN WHITE: Thank you, Counsel. I do  
2 believe we are on Amendment 4. Commissioners, as  
3 relates to the addition of, "The tower may be subject  
4 to," what is your pleasure?

5 COMMISSIONER WARFIELD: Sir, I move that we  
6 include Amendment Number 4 to the proposed rules  
7 adjustment and it be published.

8 COMMISSIONER TAYLOR: Support.

9 CHAIRMAN WHITE: It's been properly moved and  
10 supported. Any discussion?

11 COMMISSIONER WARFIELD: I believe this brings  
12 us in compliance with the law department as relates to  
13 what we are able to recommend.

14 CHAIRMAN WHITE: Any other discussion? All  
15 those in favor?

16 COMMISSIONERS: Aye.

17 CHAIRMAN WHITE: Opposed? Thank you.  
18 Counsel?

19 ATTORNEY WASHINGTON: Mr. Chair, Page 7. This will  
20 be proposed Amendment Number 5, third paragraph under  
21 Hours of Service. Previously the hours of service  
22 required for police authorized towers was seven days a  
23 week, 7:00 a.m. to 7:00 p.m. The amendment before you,  
24 a proposed amendment, altered that language, "Monday  
25 through Saturday from 7:00 a.m. to 7:00 p.m. and on

1 Sundays from 9:00 a.m. until noon." That's pretty  
2 self-explanatory.

3 CHAIRMAN WHITE: Thank you, Counsel.  
4 Commissioners, as relates to Amendment Number 5 for the  
5 changing of the tow times from seven days a week to  
6 Monday through Saturday from 7:00 a.m. to 7:00 p.m. and  
7 on Sundays from 9:00 a.m. until noon, what is your  
8 pleasure?

9 COMMISSIONER WARFIELD: Sir, I move that  
10 insertion Number 5 or change Number 5 of the proposed  
11 changes be included in the published version.

12 COMMISSIONER TAYLOR: Support.

13 CHAIRMAN WHITE: It's been properly moved and  
14 supported. Any discussion?

15 COMMISSIONER WARFIELD: Yes. This request  
16 came on behalf of towers who literally observed their  
17 sites on Sundays to determine how many citizens were  
18 coming in and out. It was obvious in just talking with  
19 a number of towers that there were few citizens showing  
20 up on Sundays. Even in the discussions that we will  
21 have later that they -- that time might be adjusted  
22 further. But we did feel that from 9:00 a.m. to noon  
23 was better than from 7:00 a.m. to 7:00 p.m.

24 CHAIRMAN WHITE: Also, further to add in the  
25 meetings to have input from those who are involved in

1 the process from the community's vantage point, this is  
2 the one area that I believe was raised as a concern as  
3 relates to the adjustment of the hours. So again, a  
4 direct correlation to how you can have input into this  
5 process. I would also like to indicate that this is  
6 also consistent with what other major municipalities are  
7 doing not only in Michigan but across the country as  
8 well.

9 Any other discussion? Seeing none, all those  
10 in favor?

11 COMMISSIONERS: Aye.

12 CHAIRMAN WHITE: Opposed? Thank you very  
13 much. Counsel?

14 ATTORNEY WASHINGTON: Mr. Chair, Page 7, if I may,  
15 because these two provisions are pretty substantive, I  
16 would like to list them as 6A and B if that's  
17 acceptable.

18 CHAIRMAN WHITE: Yes, ma'am.

19 ATTORNEY WASHINGTON: Under Tower Rotation, there  
20 are a couple of paragraphs that have -- these are brand  
21 new paragraphs that have been entered that deal with  
22 geographic location. "Each authorized tower will tow on  
23 a rotational basis within the respective district or  
24 precinct in which they are geographically located. The  
25 term, quote, "geographically located," unquote, for the

1 purposes of the police authorized towing program shall  
2 mean the single location city wide where a permittee has  
3 its own storage lot and customer service office. The  
4 storage lot and customer service office will be at the  
5 same location. This location shall have a definite  
6 address recognized for United States mail purposes."  
7 That would conclude 6A.

8 CHAIRMAN WHITE: Thank you, counsel.  
9 Commissioners, before us is a proposed amendment 6A.  
10 "Each authorized tower will tow on a rotational basis  
11 within the respective district or precinct in which they  
12 are geographically located. Geographically located for  
13 the purposes of the police authorized towing program  
14 shall mean the single location city wide where a  
15 permittee has its own storage lot and customer service  
16 office. The storage lot and customer service office  
17 will be in -- or I'm sorry, will be at the same  
18 location. This location should have a definite address  
19 recognized for United States mail purposes." What is  
20 your pleasure?

21 COMMISSIONER WARFIELD: Sir, I move that we  
22 include insertion 6A in the proposed towing adjustments  
23 and it be published.

24 COMMISSIONER TAYLOR: Support.

25 CHAIRMAN WHITE: It's been properly moved and

1 supported. Any discussion?

2 COMMISSIONER WARFIELD: Sir, this particular  
3 amendment came up I think it was last year actually as  
4 relates to the definition of what it meant in our rules  
5 to be geographically located. And so, we got this  
6 language straight from the law department. They helped  
7 us craft this language. And the purpose behind it is to  
8 make sure that we keep an equitable and level playing  
9 field within the tow rotation.

10 CHAIRMAN WHITE: Thank you, sir. Any other  
11 discussion? Seeing none, all those in favor?

12 COMMISSIONERS: Aye.

13 CHAIRMAN WHITE: Opposed? Thank you.  
14 Counsel.

15 ATTORNEY WASHINGTON: Mr. Chair, 6B also on Page 7,  
16 it's proposed in your copy that it is an and or an or  
17 provision. And sir, if you would, once we are done  
18 going through this, if you could make that clear on the  
19 record, the Board's pleasure and the discussion as to  
20 whether it's and or or the additional alternate language  
21 that deals with current permit holders and their status  
22 as visitors. And since you read the other one, I don't  
23 think we need to read it twice. I will let you --

24 CHAIRMAN WHITE: Go through it? Okay. This  
25 deals with the paragraph, Commissioners, as relates to

1 the Amendment 6B. "The current permit holders,  
2 including visitors that are not located in the districts  
3 or precincts if which they currently tow may not lose  
4 any rotation slot unless their towing permit is revoked  
5 or terminated pursuant to these rules. New towing  
6 companies or current towing companies that acquire  
7 additional geographic locations through lease or  
8 purchase will not be added to the rotation unless the  
9 spot becomes available through the termination or  
10 relocation of another police authorized tower permit."  
11 Commissioners, what is your pleasure?

12 COMMISSIONER WARFIELD: Sir, I move for the  
13 inclusion of insertion Number 6B as relates for the  
14 adjusted -- I'm sorry, for the adjustments in the rules  
15 to be published with the other language.

16 COMMISSIONER TAYLOR: Support.

17 CHAIRMAN WHITE: It's been properly moved and  
18 supported. Any discussion?

19 COMMISSIONER WARFIELD: Sir, again, this  
20 provision -- and counsel is right. It's either an or or  
21 and, should be connected either to 6A or maybe in spite  
22 of 6A. But again, the provision is there to make sure  
23 that we maintain a level and equitable towing system so  
24 that all towers have the opportunity to tow within the  
25 City of Detroit who meets the qualifications.

1 CHAIRMAN WHITE: Any other discussion? Seeing  
2 none, all those in favor?

3 COMMISSIONERS: Aye.

4 CHAIRMAN WHITE: Opposed? Counsel, in dealing  
5 with this and/or, you said we should take that  
6 separately?

7 ATTORNEY WASHINGTON: Well, we actually did with  
8 the exception of the last sentence which is what I was  
9 going to add a clarification. You actually did if I'm  
10 understanding the vote correctly, that what will be  
11 published will be both of those provisions.

12 CHAIRMAN WHITE: Correct.

13 ATTORNEY WASHINGTON: However, the last sentence of  
14 this new language was not read into the record.

15 CHAIRMAN WHITE: Page 8?

16 ATTORNEY WASHINGTON: Top of Page 8, continuation  
17 of 6B, "Each permittee must identify the place where it  
18 is geographically located and shall notify the Detroit  
19 Police Department Management Services Bureau."

20 CHAIRMAN WHITE: If you could by consensus,  
21 Commissioners, include that into the last motion that  
22 was made with the understanding that was attached to  
23 Amendment 6B?

24 COMMISSIONER WARFIELD: So moved.

25 COMMISSIONER TAYLOR: Second.

1 CHAIRMAN WHITE: It's been properly moved and  
2 supported. All those in favor?

3 COMMISSIONERS: Aye.

4 CHAIRMAN WHITE: Opposed? Thank you.

5 ATTORNEY WASHINGTON: Page 10, we are now on  
6 proposed Amendment 7. If you will allow me again to do  
7 7A and B, sir. And somehow I ended up with a  
8 consanguinity word. And for your benefit and for the  
9 public's benefit, the Commissioners have been provided  
10 with a definition as to what those levels of  
11 consanguinity mean. 7A, Page 10, prohibited use of  
12 brokers and/or independent contractors. Sir?

13 CHAIRMAN WHITE: Yes.

14 ATTORNEY WASHINGTON: "Every police authorized tow  
15 company truck operator must be an employee of the  
16 respective police authorized tow company. A tow truck  
17 operator is an employee within the meaning of the  
18 section if: One, the person is an individual; two, the  
19 police authorized tower has the right to control or  
20 direct both the result of the individual's work and how  
21 it will be done; three, the police authorized tow  
22 company has the individual on its payroll, withholds  
23 federal, state and city income taxes, Medicare taxes and  
24 Social Security taxes and pays unemployment taxes and  
25 Workers' Compensation insurance for that individual;

1 four, the individual does not own directly or indirectly  
2 an interest in a tow truck that any police authorized  
3 tow company utilizes for services performed pursuant to  
4 a towing permit. An individual has an indirect interest  
5 in a tow truck if he, she or any person within a third  
6 degree of consanguinity of that person owns a tow truck  
7 or has an interest in an entity that owns a tow truck."  
8 Conclusion of 7A.

9 CHAIRMAN WHITE: Commissioners, we have heard  
10 the proposed addition language of Amendment 7A. What is  
11 your pleasure?

12 COMMISSIONER WARFIELD: Sir, I move that  
13 proposed language for 7A insertion be included for  
14 consideration and published with the rule adjustments.

15 COMMISSIONER TAYLOR: Support.

16 CHAIRMAN WHITE: It's been properly moved and  
17 supported. Any discussion?

18 COMMISSIONER WARFIELD: I do. Do we need to  
19 include the definition there in the language as well  
20 just to make sure that we all are on the same page?

21 ATTORNEY WASHINGTON: Yes, sir, will do.

22 COMMISSIONER WARFIELD: Can you read that into  
23 the record now maybe if that's okay, Mr. Chair?

24 CHAIRMAN WHITE: Yes, I happen to have a note.  
25 Do you have it? I wanted to make sure this is the same

1 as what I received.

2 ATTORNEY WASHINGTON: It is.

3 CHAIRMAN WHITE: Define term of consanguinity.  
4 The term as referenced is within a third degree of  
5 consanguinity applies to individuals first, second and  
6 third degree of blood relatives as follows: Spouse,  
7 children, parents, first degree; brothers, sisters, half  
8 brothers, half sisters, grandchildren, grandparents,  
9 second degree; uncles, aunts, nephews, nieces, great  
10 grandparents, great grandchildren, third degree.

11 COMMISSIONER WARFIELD: Thank you, sir.

12 CHAIRMAN WHITE: Is there a motion for the  
13 addition of that language as described as definition of  
14 consanguinity? Can you restate your original motion?

15 COMMISSIONER WARFIELD: My original motion was  
16 to accept and include in the publishing insertion Number  
17 7A for the proposed rules adjustments.

18 CHAIRMAN WHITE: Certainly. As presented by  
19 Commissioner Warfield, the amendment to the language to  
20 include the definition of consanguinity. Is there any  
21 other discussion to that motion? Was it seconded?

22 SECRETARY ANTHONY: It was seconded.

23 CHAIRMAN WHITE: It's been properly seconded.  
24 Is there any discussion? Seeing none, all those in  
25 favor?

1 COMMISSIONERS: Aye.

2 CHAIRMAN WHITE: Opposed? Thank you.

3 ATTORNEY WASHINGTON: Just for clarity, I need to  
4 be sure that you voted to approve the inclusion of the  
5 language defining the term consanguinity. I think you  
6 did.

7 CHAIRMAN WHITE: I was under the impression  
8 that was the last motion. If the Commissioners were  
9 not, I'll be happy to retake a motion.

10 ATTORNEY WASHINGTON: Just for clarification,  
11 because we are -- we do want to make sure we do things  
12 appropriately.

13 CHAIRMAN WHITE: Okay. For the record, I'm  
14 going to deal with this in two parts and dispose of the  
15 previous vote that has taken place. I want to deal with  
16 this so there's no mystery as to what has just taken  
17 place. So, as it relates to the addition of the  
18 language prohibiting the use of brokers and/or  
19 independent contractors as noted as Amendment 7A, is  
20 there a motion for the adoption of this language?

21 COMMISSIONER WARFIELD: Move to adopt the  
22 language.

23 COMMISSIONER TAYLOR: Support.

24 CHAIRMAN WHITE: It's been properly moved and  
25 supported. Any discussion?

1 COMMISSIONER WARFIELD: The only discussion I  
2 would have is that we are very clear what that term  
3 consanguinity means. And I know you have already read  
4 it into the record. So, I will hope that again -- okay  
5 great. Okay. That's all my discussion.

6 CHAIRMAN WHITE: Any other discussion? Seeing  
7 none, all those in favor?

8 COMMISSIONERS: Aye.

9 CHAIRMAN WHITE: Opposed? Thank you. Also,  
10 Commissioners, before us was the recommendation to add  
11 the definition of consanguinity to the proposed  
12 amendment of 7A. Is there a motion to that order?

13 COMMISSIONER WARFIELD: So moved.

14 COMMISSIONER TAYLOR: Second.

15 CHAIRMAN WHITE: It's been properly moved and  
16 supported. Any discussion? Seeing none, all those in  
17 favor?

18 COMMISSIONERS: Aye.

19 CHAIRMAN WHITE: Opposed? Thank you.  
20 Counsel, moving on to 7B.

21 ATTORNEY WASHINGTON: Please forgive me. I believe  
22 7B starts with, "Nothing in this section."

23 CHAIRMAN WHITE: Yes.

24 ATTORNEY WASHINGTON: "Shall preclude a police  
25 authorized tower or his/her relatives from also being a

1 tow truck operator. Selected police authorized towers  
2 may not directly or indirectly lease a tow truck from an  
3 employee. A selected police authorized tower indirectly  
4 leases a tow truck from an employee if the police  
5 authorized tower: One, provides consideration to an  
6 entity owned or controlled by either the employee or any  
7 person within the third degree of consanguinity of the  
8 employee on account of a police authorized tower using a  
9 tow truck or two, pays the employee a reduced wage due  
10 to lease payments associated with a tow truck or tow  
11 trucks that a police authorized tower utilizes."

12 CHAIRMAN WHITE: Commissioners, as relates to  
13 Amendment 7B, what is your pleasure?

14 COMMISSIONER WARFIELD: Sir, I move that  
15 insertion 7B be included in the adjustments that will be  
16 considered with the tow rules.

17 COMMISSIONER TAYLOR: Support.

18 CHAIRMAN WHITE: It's been properly moved and  
19 supported. Any discussion? Seeing none, all those in  
20 favor?

21 COMMISSIONERS: Aye.

22 CHAIRMAN WHITE: Opposed? Thank you.

23 ATTORNEY WASHINGTON: Finally, sir, Page 11,  
24 proposed Amendment Number 8 to be published or not,  
25 actually the first is just a portion of a paragraph.

1 It's the third full paragraph. This is a rather  
2 significant change. "Unless terminated earlier, a  
3 permit granted pursuant to these rules shall be valid  
4 for a period of one year from the date of issuance,  
5 coinciding with the City of Detroit's fiscal year ending  
6 on June 30th of each year."

7 Previously, sir, the permits were five-year  
8 permits.

9 CHAIRMAN WHITE: We will take this as one  
10 amendment?

11 ATTORNEY WASHINGTON: Yes, sir.

12 CHAIRMAN WHITE: Commissioners, as relates to  
13 Amendment Number 8, what is your pleasure?

14 COMMISSIONER WARFIELD: Sir, I move that we  
15 approve the insertion Number 8 for discussion and for  
16 publishing with the tow rules.

17 COMMISSIONER TAYLOR: Support.

18 CHAIRMAN WHITE: It's been properly moved and  
19 supported. Any discussion?

20 COMMISSIONER WARFIELD: Sir, I know that  
21 moving from five years to one year is a dramatic change.  
22 But I think it's something that we will get a great deal  
23 of discussion with once we have the open forum.

24 CHAIRMAN WHITE: Any other discussion? Seeing  
25 none, all those in favor?

1 COMMISSIONERS: Aye.

2 CHAIRMAN WHITE: Opposed? Thank you.

3 Counsel, if you could for the record just describe the  
4 next phase of this process?

5 ATTORNEY WASHINGTON: The next phase is the  
6 amendments that were -- the proposed amendments that  
7 were voted on today will be published on March 19th,  
8 Monday, in a paper pursuant to City Charter 2-111, a  
9 paper of -- a widely circulated local paper. And we do  
10 have to still work out how many papers based on our  
11 budget because they must appear in full. It must  
12 provide a contact person. And if you'd like -- if it's  
13 your pleasure, sir, we did run into that issue before  
14 that contact people were selected without it being  
15 discussed on the record.

16 If you would, you can identify someone to be  
17 the contact person. But the address, the name, there's  
18 a list of requirements in 2-111 that need to be  
19 followed. And we will make sure that they are followed.  
20 That will be published. 30 days after that, April 19th,  
21 there will be a public hearing. And at that time, the  
22 public will be providing comment on it. And I probably  
23 should back up. In that 30-day window, towers or  
24 anyone, they're certainly invited to submit comments to  
25 the address and to the contact person or proposed

1 changes even prior to the hearing date.

2 CHAIRMAN WHITE: Thank you, Counsel.

3 Mr. Secretary, just for the record, I know a number of  
4 our towers are present today, and copies of the redline  
5 version was made available. But if we could ensure the  
6 transcript was made available. If we could ensure that  
7 what was made available today for those who are present  
8 are also made available to everyone who is in that  
9 process?

10 ATTORNEY WASHINGTON: We will post it on our  
11 website too.

12 CHAIRMAN WHITE: It will also be posted on our  
13 website. Thank you, Counsel. Is there any other old  
14 business before us?

15 COMMISSIONER WARFIELD: Sir, I just want to be  
16 -- I want to be cautiously careful with two things.  
17 First of all, for the record, I would like to make a  
18 motion that we vote on our Board Secretary to be the  
19 contact person for questions regarding the rule  
20 adjustments so that we would not in the future run into  
21 any issues, seeing as that that was an issue last time  
22 we published the towing rules. That's one thing.

23 And then secondly, being very cautious again,  
24 I want to make sure that it's very clear for the record  
25 -- I don't know if we need to do a separate motion for

1 this -- that this entire document which includes the  
2 current rules that we are operating under and the  
3 proposed adjustments in the language be published on the  
4 19th.

5 CHAIRMAN WHITE: Okay. Let me deal with the  
6 first part of your question or motion. Commissioner, am  
7 I to understand that any inquiries that are made into  
8 the redline version?

9 COMMISSIONER WARFIELD: Right, yes, sir.

10 ATTORNEY WASHINGTON: The published version.

11 CHAIRMAN WHITE: Of the published version,  
12 that Executive Secretary George Anthony be listed as the  
13 contact person?

14 COMMISSIONER WARFIELD: Yes, with our office  
15 address and telephone number as the contact numbers.

16 CHAIRMAN WHITE: To that motion, is there  
17 support?

18 COMMISSIONER TAYLOR: Support.

19 CHAIRMAN WHITE: It's been properly moved and  
20 supported. Any discussion?

21 COMMISSIONER WARFIELD: Again, sir, just for  
22 purposes of clarity and to make sure that we are doing  
23 our due diligence to make sure we are making all the  
24 information available that's necessary, if there are  
25 questions from the public, that we have that information

1 published I think is critical.

2 CHAIRMAN WHITE: Thank you, sir. Any other  
3 discussion? Seeing none, all those in favor?

4 COMMISSIONERS: Aye.

5 CHAIRMAN WHITE: Opposed? Thank you.  
6 Commissioner, to the second phase of your motion if you  
7 will, I believe each individual amendment as we just  
8 voted was for publication.

9 COMMISSIONER WARFIELD: The amendments were  
10 absolutely. That's what we said in the motions.  
11 However, I just want to be clear to make sure the  
12 amendments -- that we say on the record that the  
13 amendments will be published in conjunction with the  
14 current tow rules in order so that there's one complete  
15 document with the amendments and the adjustments.

16 CHAIRMAN WHITE: There's a motion before us,  
17 Commissioners, that the proposed amendments as well as  
18 the original language be posted and in order as  
19 presented in the rules is the order that they will be  
20 published in our legal news notifications.

21 COMMISSIONER WARFIELD: So moved.

22 COMMISSIONER TAYLOR: Second.

23 CHAIRMAN WHITE: Okay. If everybody hasn't  
24 noticed, I mean we are trying to dot every I and cross  
25 every T that can exist in this entire process. And I

1 hope everyone can appreciate the level of sensitivity  
2 that is being taken in trying to make sure we achieve  
3 that. Any other discussion?

4 COMMISSIONER WARFIELD: Sir, I just thank you  
5 for this. I thank the other commissioners for the hard  
6 work that's been put on this. And certainly what we  
7 want to do is make sure that we have an open forum where  
8 everybody is aware and informed of the challenges that  
9 are ahead of us as relates to towing but more  
10 importantly to make sure that they know that we have --  
11 we want to create and maintain -- I should say want to  
12 maintain a level playing field for our towers to make  
13 sure that, you know, they are able to do good business  
14 within the City of Detroit.

15 CHAIRMAN WHITE: Any other discussion? Seeing  
16 none, all those in favor?

17 COMMISSIONERS: Aye.

18 CHAIRMAN WHITE: Opposed? Thank you very  
19 much. Any other old business before us at this time?

20 COMMISSIONER WARFIELD: I do have something.  
21 I don't know if it's old business or new. But as you  
22 know, Mr. Chair, there's construction right there on the  
23 street where we park our cars. And the lane has been  
24 restricted significantly because we are double parked  
25 there. And I'm wondering if with the department if

1           somehow we can get other parking spaces because it's  
2           kind of dangerous going in and out of the cars that are  
3           double parked there. Maybe that's something we can put  
4           out to the department to see if we can somehow select  
5           some better parking spaces during this construction  
6           period while that lane is restricted.

7                         CHAIRMAN WHITE: Certainly. Assistant Chief,  
8           is there a recommendation of someone we can speak with  
9           to that matter?

10                        ASSISTANT CHIEF LOGAN: Through the Chair,  
11           Assistant Chief Logan. I will get with the Management  
12           Services to see if we can come up with alternative  
13           parking for you.

14                        CHAIRMAN WHITE: Thank you, sir. Any other  
15           old business? Seeing none, under announcements, please  
16           be reminded the next Police Commissioner meeting will be  
17           held Thursday, March 22nd, at 3:00 p.m. here at police  
18           headquarters, 1300 Beaubien, Room 328A, Detroit,  
19           Michigan, 48226.

20                        At this time, we will move for our oral  
21           communications from the audience. If you wish to  
22           address the Board of Police Commissioners, we ask that  
23           you please come forward, clearly state and spell your  
24           first and last name for the benefit of the record. And  
25           please be mindful of the allotted two-minute time

1 period. Good afternoon.

2 MS. MORRIS: Good afternoon. Tijuana Morris,  
3 T-i-j-u-a-n-a, last name Morris, M-o-r-r-i-s. And a  
4 month ago I came and voiced my opinion about the Consent  
5 Decree and about a situation that -- a complaint that I  
6 had filed. And through no fault of mine, everything was  
7 there. I could have been contacted. I was never  
8 contacted. And when we did -- Cromwell, Chief Cromwell  
9 and I talked. And we found the investigator. And the  
10 investigator, we met and he explained to me whether  
11 whatever remarks I made, whatever report I gave,  
12 whatever situation it was, it would not change the  
13 outcome of the report.

14 A report was done. I was never contacted.  
15 The officer was exonerated without any input. Now  
16 there's a problem. We need to -- if this is happening  
17 to me, it's possibly could happen to somebody else. And  
18 as you guys know and ladies, that I am on the front  
19 line, and my credibility is at stake. And it's very  
20 serious. It might be minor to other people. But to me  
21 and my credibility, it's hard. And I'm going to court  
22 because the officer -- because of the officer's comment.  
23 And I am permanently damaged. It's been four years, and  
24 I have permanent damage. And I think an officer's word,  
25 it held a lot of weight.

1                   So, even though it might be a small something  
2                   to somebody else, that handwritten note or the typed  
3                   with his signature or her signature means something.  
4                   And they have no right to take abuse of the situation  
5                   and the officer. That's what happened. Thank you.

6                   CHAIRMAN WHITE: Thank you, Miss Morris.

7                   MS. MORRIS: It's going to be hard for you  
8                   because I'm going to be carrying it to the NAACP as well  
9                   as others.

10                  CHAIRMAN WHITE: Thank you.

11                  MS. MORRIS: Thank you. Any comments,  
12                  anybody?

13                  CHAIRMAN WHITE: We will ask if per the  
14                  request of Commissioner Warfield, if supervising  
15                  investigator Ainsley Cromwell could speak to that.

16                  MS. MORRIS: Thank you.

17                  INVESTIGATOR CROMWELL: Supervising  
18                  Investigator Ainsley Cromwell for the Board. We did  
19                  meet with Miss Morris when she came to OCI and reviewed  
20                  her case. There was some -- a statement that wasn't  
21                  taken from her. She did submit something in writing,  
22                  and that was included in the investigative file. The  
23                  file was thoroughly investigated. The file was  
24                  investigated after we met. It was -- she spoke with  
25                  Sergeant Antonio Jones. He retired. She came to our

1 office. She said I never got a report. We looked it  
2 up. We found the report. He has since come back to the  
3 Office of the Chief Investigator. And we followed it  
4 through. And we sent Miss Morris a letter with the  
5 findings.

6 MS. MORRIS: He brought me the letter in the  
7 meeting and explained to me that no matter what was  
8 done, the record would not change.

9 INVESTIGATOR CROMWELL: I don't have those  
10 verbal comments from the sergeant. I just have the  
11 written report. But I can meet with Miss Morris again,  
12 and I can meet with Attorney Washington; and we can go  
13 over the case again with Miss Morris. I just don't know  
14 -- I just don't know what was said verbally between  
15 Miss Morris and the investigator. I just have what is  
16 in writing.

17 CHAIRMAN WHITE: Sir and Investigator  
18 Cromwell, I would ask if we could have a copy of the  
19 findings of that report distributed to the  
20 Commissioners, please.

21 INVESTIGATOR CROMWELL: Sure.

22 MS. MORRIS: May I make one more comment if I  
23 may? Tijuana Morris again for the record. He taped our  
24 conversation, and I asked him for a copy of the  
25 conversation. And he got back with investigator --

1 Chief Investigator Cromwell. And he said, well, he has  
2 to wait and find out what decision is going to be made.  
3 The meeting was recorded. Thank you.

4 INVESTIGATOR CROMWELL: Supervising  
5 Investigator Cromwell for the Board, from the Office of  
6 the Chief Investigator to the Board. As standard  
7 practice, we record all of our interviews with our  
8 complainants and witnesses. And after those recordings  
9 are taken, they are the property of the Police  
10 Department. If any citizen would like a copy, they  
11 would have to file a Freedom of Information Act. We are  
12 not at liberty just to give them their statement. If  
13 they wish to bring a recorder when we are interviewing  
14 them, they may. But after we obtain a statement, we are  
15 not at liberty to give anything back.

16 CHAIRMAN WHITE: Thank you, sir. I'm sorry,  
17 Investigator Cromwell. I think Commissioner Warfield  
18 had one more question for you.

19 COMMISSIONER WARFIELD: After Ms. Morris gave  
20 the additional information, was her case reopened and  
21 reinvestigated or was the findings specifically from the  
22 first investigation?

23 INVESTIGATOR CROMWELL: There were some -- and  
24 I don't have -- I don't remember everything. But there  
25 was some discrepancy about the time that Ms. Morris

1 first contacted OCI and the subsequent information that  
2 she gave. So, I'm not too clear. I would have to  
3 review the report.

4 COMMISSIONER WARFIELD: I guess from when you  
5 met with Mrs. Morris and Sergeant Jones recently, was  
6 that -- was her case reinvestigated considering that she  
7 had gave additional information?

8 INVESTIGATOR CROMWELL: She gave additional  
9 information, and that was processed. I'm not sure of  
10 the finding. I would have to -- but yes, we did take  
11 additional information. And a finding -- I think the  
12 finding could have been the same.

13 COMMISSIONER WARFIELD: I don't mind 'cause I  
14 don't want to get into verbal judo right here. But it's  
15 a difference in taking the information and then doing  
16 the investigation versus taking the information and  
17 saying the finding is the same without doing -- I need  
18 to know if we actually took her information and then  
19 took some steps to look into what she said; in other  
20 words, investigated it again.

21 INVESTIGATOR CROMWELL: There were some steps  
22 taken. But I would just have to refer to what's in  
23 writing.

24 CHAIRMAN WHITE: So that we don't speculate,  
25 Investigator, if we could just provide a detailed report

1 to this body as to what has transpired previously as  
2 well as subsequent of Miss Morris coming to OCI for the  
3 follow-up, if we can get that detailed report. And,  
4 Miss Morris, we will report back to you at our meeting  
5 next Thursday.

6 MS. MORRIS: Appreciate it.

7 CHAIRMAN WHITE: Thank you. Yes, sir.

8 MR. LUNN: Again, Dana Lunn. I came down here  
9 many of times to, you know, give issue to things as keep  
10 going on in my neighborhood and within my life. I gave  
11 you guys -- I don't know if you issued out -- did you  
12 get it? He didn't give it to you? Would you like it?

13 COMMISSIONER WARFIELD: We will get it from  
14 him.

15 MR. LUNN: I gave this paperwork, three pages  
16 that I wrote up or typed out off my computer to the City  
17 Council, to the Mayor and the Chief of Staff down there  
18 at the Mayor's office and to Kim Worthy and this James  
19 Blevins up here at Kim Worthy's office. And I want to  
20 issue out to you guys because I keep coming out, voicing  
21 my opinion out to you guys and trying to get help. But  
22 every time I ask for help, all I get is conversation.  
23 But I never get the help from no one. And it seems like  
24 I keep asking for help. But it's waiting on -- you guys  
25 are waiting on me to mess up myself because I am tired

1 of these guys or the people out here doing this stupid  
2 stuff. And I'm trying to avoid getting in trouble  
3 myself.

4 These young boys in my neighborhood on my  
5 block, I keep calling the Ninth Precinct or the  
6 Eastern District asking for an officer to come out. The  
7 address is (stricken).

8 CHAIRMAN WHITE: Sir, don't put the address on  
9 the record. We'll be happy to take the address from you  
10 following this because this is a public record. And if  
11 you could strike that address from the record, please.  
12 We will share the address if you could after this.

13 MR. LUNN: Okay. Well, the house, they are  
14 trying to then bust in the house rather and trying to  
15 make it a dope house. And I have an -- only just one  
16 grandchild. I'm not going to have these boys bust in  
17 that house and make it a dope house. I have my  
18 grandchild running around in my house, in my  
19 neighborhood, you know what I'm saying? And I keep  
20 calling, asking.

21 And then the other event is about an officer  
22 with my same granddaughter, spitting his tobacco right  
23 there in front of me. And I done call this Officer  
24 Rivera or sergeant or whoever she is, and she keeps  
25 saying that the report is in. Chief Godbee supposed to

1 have a meeting with me. This has been going on months.  
2 Nobody call me back to see what they're going to do with  
3 this officer. Is it all right that this officer chew  
4 tobacco and spit in front of residents of Detroit? I  
5 mean, I just want to know my rights. Can I go spit in  
6 front of him?

7 I'm just saying, all these things can go on.  
8 But I want to know what my rights are. I mean, it's  
9 just continued to go on, foolishness, foolishness. But  
10 I never get any answers. All I do is get this, you  
11 know, somebody says something to me, then I leave out of  
12 here. That's why I wrote this report. I just want to  
13 issue it to you. I'm not saying it's a threat that I'm  
14 'gonna just go give it to the news. But that's -- it  
15 seem like that's my next step is put it out in the  
16 public to get an answer. Is that what I have to do?

17 CHAIRMAN WHITE: Thank you, Mr. Lun. We will  
18 certainly take your report that you shared with us and  
19 see where we may be able to offer some assistance. As  
20 relates to the house where you believe there is some  
21 narcotic activity, Assistant Chief, is there someone  
22 that Mr. Lun can speak to to share that information?

23 ASSISTANT CHIEF LOGAN: Yes, sir. For the  
24 record, Assistant Chief Logan. Sergeant Harris will  
25 take the information about the drug house. But it's

1 also important to let the community know and the Board  
2 know that we have responded to Mr. Lun, not necessarily  
3 on these complaints but on other complaints in the past.

4 CHAIRMAN WHITE: Thank you, sir. Thank you,  
5 Mr. Lun. Good afternoon, sir.

6 MR. ROBINSON: How are you? My name is Robert  
7 Robinson. And I have a group called It Takes a Village.  
8 And what I want to do is I wanted to ask is there like a  
9 sort of protocol or anything for people who are out in  
10 the community assisting the police with getting things  
11 done as opposed to having to where we just kind of seem  
12 like we are taking the law into our own hands because  
13 what happened was my life was put in danger when  
14 somebody else decided to put an image out on television  
15 that they were out in the community doing certain things  
16 when the Baby Delrick was shot.

17 From them doing that and me not announcing to  
18 people that I was no longer with that group, people from  
19 the neighborhood that I made a relationship with because  
20 we have been there for about a year and a half prior to  
21 this incident came up to me and threatened my life  
22 because they thought I was still there. The problem I  
23 have is when people are putting out miss information on  
24 there, is there something that we can do with this? I  
25 wanted to show you that too. Is there something we can

1 doing to kind of -- is there some type of protocol or  
2 something to make it to where you just can't go into a  
3 community wearing masks, running on people's cars and  
4 things like that because it's counterproductive when we  
5 are trying to get things done.

6 CHAIRMAN WHITE: I'm trying to think, Brother  
7 Robinson, in terms of how to properly answer your  
8 question, one. And Assistant Chief Logan, please assist  
9 where you can. I do believe that the department has an  
10 organized effort to organize members of the community in  
11 terms of how to make an impact in your local community.  
12 As it relates to strategies and tactics if you will of  
13 other individuals, unfortunately, a lot of which falls  
14 beyond the control of this Board and what I believe as  
15 well as this department, unless of course the law is  
16 being violated. Assistant Chief Logan?

17 MR. ROBINSON: I was going to say because if  
18 it's something put in place, to where like particular  
19 type of guidelines that you have to have people have to  
20 follow that -- you know because you can't just -- my  
21 fear is that somebody acting in the name of justice is  
22 going to get somebody innocent killed you know. When  
23 you run up on somebody at night time, they don't know  
24 who you are. Not everybody watching the news. When you  
25 put the information out about gangs, if you are really

1 out here in the streets, you would know the faces of the  
2 gangs have changed because not everybody that's in a  
3 gang is standing on the corner smoking weed and  
4 drinking. You got those that are punching the clock at  
5 GM, Ford Motor Company, Chrysler, McDonald's, Burger  
6 King, on and on and on. So when we put that image out  
7 there of people and you basically declare war on people,  
8 you have to realize that the people who are actually out  
9 here for real doing this, you're putting their lives in  
10 jeopardy. So I mean, I'm sure some place there has to  
11 be something that if somebody is going to say they are  
12 going to step up to do something for the community,  
13 there has to be something put in place that you have to  
14 follow.

15 CHAIRMAN WHITE: Sir, I would agree. And to  
16 my knowledge, I do believe some concerted efforts and  
17 conversations have been had with a number of groups in  
18 terms of how to play a role in community activism. If  
19 you will as you move forward -- and again, unfortunately  
20 I think that might be beyond the scope of what we can  
21 control as relates to tactics and again strategies of  
22 those who may have another agenda until such time where  
23 a law is broken.

24 MR. ROBINSON: Is there a direction you can  
25 point me into where I can go?

1 CHAIRMAN WHITE: As this relates to you  
2 organizing your efforts or impacting someone else's  
3 efforts?

4 MR. ROBINSON: Just in general, just to make  
5 sure that if you're going to get out there and you're  
6 going to say you're doing it on behalf of the community,  
7 that you actually have the community's interest at hand.

8 CHAIRMAN WHITE: Sir, that's what I thought  
9 you might be able to speak to.

10 ASSISTANT CHIEF LOGAN: Through the Chair,  
11 Assistant Chief Logan. Sir, what I'd like you to do,  
12 I'd like to direct you to Second Deputy Chief Melvin  
13 Turner. He is in charge of police community services.  
14 There are a number of ways that that can be safely done.  
15 One of the ways that comes to mind is radio patrols and  
16 things like that and patrolling the neighborhood. But  
17 I'm going to ask Second Deputy Chief Turner to get with  
18 you after the meeting so your efforts can be properly  
19 channeled.

20 Certainly not trying to cast aspersions on  
21 anybody else's organization. But some of the  
22 organizations out here in the last -- the little bit we  
23 have heard about them on the news certainly in a  
24 negative fashion. And we certainly don't want you to be  
25 among those. So I'd ask you to see Deputy Chief Turner.

1 He is right here.

2 CHAIRMAN WHITE: Thank you, sir. Any other  
3 comments?

4 MR. SCOTT: Ron Scott, Detroit Coalition  
5 Against Police Brutality. I'm going to raise questions  
6 that I asked at the meeting when the monitor was here  
7 regarding the MAS system. And there's a lot of  
8 technospeak in those reports. And I would suggest that  
9 in the future that it be more comprehensively done in  
10 terms of what the ordinary everyday layman/laywoman can  
11 understand. For instance, when we talk about certain  
12 criteria or other triggers being met, what I'm concerned  
13 not about the quantitative data but the qualitative  
14 aspect because it was always understood in relationship  
15 to the implementation of the MAS system, hopefully there  
16 would be some qualitative changes in terms of behavior  
17 that would reflect itself in culture.

18 In other words, as in the civil rights  
19 movement, you can have people obey the laws. And what  
20 we see even in terms of the emergency management  
21 legislation, as soon as people are no longer under the  
22 thumb of someone, they can revert right back to where  
23 they were before. So therefore, I am concerned in terms  
24 of the long haul, how do we measure the qualitative  
25 changes that are occurring with the individuals? And

1 collectively how do we measure that? And we know there  
2 are individuals who have behavioral science backgrounds  
3 and sociology backgrounds, social sciences backgrounds  
4 where we can measure that. We can quantify that. And  
5 I'm asking how is that being done.

6 And furthermore, I ask at that time that were  
7 there any interaction with the public? Was there any  
8 interaction that you raised in the relationship to  
9 mediation and so on. Was there any interaction with the  
10 public? And I would like to cite that again, that  
11 public perception may be different than what the  
12 perception is by the individuals on the team that are  
13 doing the capturing. So if I ask those, I mean maybe  
14 you can glean a question out of it.

15 CHAIRMAN WHITE: Okay, Mr. Scott. I'm trying  
16 to organize your thoughts. So, your comments are  
17 related to the MAS system and not so much into the  
18 quantitative data. But your question relates to how do  
19 you measure the qualitative data that it is capturing?

20 MR. SCOTT: Yes. If you're one of the people  
21 where a trigger is done, how do we measure whether or  
22 not there's been any significant change in your behavior  
23 or the behavior of your unit or the behavior of the  
24 people you interact with as you become a supervisor  
25 because the theory was that supervisors would change,

1 help to change the culture of the department. And if  
2 their qualitative changes are not that, even though they  
3 may meet the criteria, then we are going to have this  
4 problem as we go on.

5 CHAIRMAN WHITE: Assistant Chief Logan, would  
6 it be appropriate if I asked Lieutenant Sims to step  
7 forward or I'm sorry, Commander White?

8 COMMANDER WHITE: Good afternoon, Commander  
9 James White, Civil Rights Integrity Bureau. It's a very  
10 good question. We look at measuring certain aspects of  
11 what MAS, the data that MAS provides us. Quite frankly,  
12 the simplest way is you look at the behavior of the  
13 officers. Is the behavior changing? When you look at  
14 our numbers, you look at our statistical data, you see  
15 that there's a steady decline in citizens' complaints.  
16 We have a measuring mechanism where we have each officer  
17 now assigned to a supervisor. There's a ratio that's in  
18 place. We look at the number of officer per supervisor.  
19 We have ten officers per one sergeant. We look at how  
20 those officers are performing under that supervisor and  
21 what Mr. Scott brought up regarding the supervisors.

22 So, if we see trending behavior with one  
23 supervisor; in other words if we have got a supervisor  
24 whose officers often get complaints or a supervisor  
25 whose officers are often aggressive, we look at that

1 too. And then we make management decisions based on  
2 that. So, some of these decisions are quite extensive.  
3 Some of those decisions involve management training.  
4 Some of those decisions simply are moving people around,  
5 putting those people under different supervision.

6 CHAIRMAN WHITE: Thank you, Commander. For  
7 the record, that data is also tracked if you will by  
8 platoon as well, correct?

9 COMMANDER WHITE: Yes, it's tracked by  
10 platoon. It's tracked by precinct or district. And  
11 then today, we met with the law department. And one of  
12 the things that was quite revealing for us is that for  
13 years, we have led the police department -- that is, the  
14 department in civil litigation. And we categorized them  
15 in four groups. We were number one of the four groups.  
16 It was reported today that we were fourth, meaning that  
17 the litigation against the department is going down. So  
18 there are ways to quantify the data that we are  
19 receiving.

20 CHAIRMAN WHITE: Thank you, sir.

21 COMMANDER WHITE: Thank you.

22 CHAIRMAN WHITE: Are there any other comments?

23 MS. SMITH: Why is Brown up here now when I'm  
24 up here? Bernice Smith, Detroit 300. You know, I have  
25 very much a lot of confidence in my police department.

1 Sometimes they do wrong. Sometimes they do good. But  
2 the majority of times they are in good favoritism with  
3 me. But the incident happened this past week that  
4 involved two of the 300 that I did not approve of. I  
5 don't know whether the Chief is still working on it. I  
6 do hope that he will find a solution because of the fact  
7 that I see no reason why any members of our organization  
8 take it upon themselves to question two women and take  
9 them to the police department. And I saw myself over  
10 the TV that the door of the garage was being raised.  
11 But I didn't see the police take these two women in and  
12 two of the -- escort two of the 300 in.

13 I was told by certain people, and I saw it on  
14 the TV where these women were being interviewed stating  
15 that they were questioned by the 300. Now, I will tell  
16 you this. We were very upset with this. And they were  
17 reprimanded by the officers in our group which is our  
18 founders. And I don't know who they were because the  
19 fact that I understand that they were new. But the fact  
20 is we don't do things like that. We have a section of  
21 the group that takes care of anything that needs to be  
22 taken to the police department. That's their job. I  
23 can't do it or anything else. I can tell the founders  
24 what I know. And then we take it to the police  
25 department. But that was totally unnecessary. I can't

1           imagine the police taking two people that are not  
2           officers of the law in the garage and questioning them.  
3           All right.

4                         Now, the young man that was up here, he was a  
5           former Detroit 300. He got out of whatever, disposition  
6           with the founders. So he no longer is among us. But I  
7           will tell you this. We do not intend to harm anybody in  
8           the City or outside of the City. We try and do a job  
9           that is conducive to helping the people. We do not put  
10          on shows, at least I don't think they do. At least if  
11          they do, I will tell them about it. But the fact that  
12          we were out trying to help, whatever needs to be done.  
13          And we do report back to the police. They do not do  
14          anything on their own. So, I wish that people would  
15          stop making themselves available and going on the TV and  
16          on the radio telling people that the 300 is trying to do  
17          something that we are not trying to do. I will leave it  
18          up to you what they said. But I will tell you this. If  
19          there's anything going wrong with the 300 and I'm aware  
20          of it, I will jack them up just like I will jack up  
21          anything else. But the fact is I still want you to find  
22          out who that police was that let them in without  
23          authorization because it was totally unnecessary for  
24          them to do that.

25                         Also, we are now working with Reverend Bullock

1 in regards to the Consent Decree. And I understand that  
2 they want to bring out some of the administrative police  
3 put them out on the street. I don't approve of that.  
4 And I do hope that you will tell your relatives and  
5 friends for the council to vote no on that Consent  
6 Agreement because it's not conducive to what we want the  
7 police to be in that position. And I do hope that you  
8 will agree with what I'm saying. It is very very  
9 dangerous for the future of our City. And that's all  
10 I've got to tell you, that I love my police department.

11 CHAIRMAN WHITE: Thank you, Ms. Smith.

12 MR. STIDHAM: Good afternoon, Board,  
13 Commissioners, Assistant Chief. Tom Stidham. I had a  
14 quick question about if the Board could disclose to the  
15 public and to the towers what the current status of the  
16 RFP with respect to the towing management company is  
17 from the Mayor's office. That's my first issue.

18 CHAIRMAN WHITE: I'll take all your questions  
19 and then respond to you.

20 MR. STIDHAM: My second isn't so much a  
21 question as a comment. As I was -- as we go through the  
22 process with respect to the amendment of the towing  
23 rules, I simply ask that this commission really take a  
24 critical eye and take some stock into what some of the  
25 towers have to offer. I know that in 2010, some of the

1 issues we raised in writing and orally here at this  
2 podium, the Board told us flatly -- I told the Board  
3 that we felt like the Board was ignoring some of those  
4 -- some of our concerns. The Board said no, we weren't  
5 being ignored. And probably perhaps the best example is  
6 Amendment Number 4. We specifically objected to that  
7 both in writing to the Board and orally. It was passed  
8 over our objection. And certainly, now the Board is  
9 back seeking to delete that amendment.

10 So, going forward, we'd ask that this Board  
11 really take a critical eye on those issues that the  
12 towers have identified.

13 CHAIRMAN WHITE: Anything further?

14 MR. STIDHAM: I have nothing further.

15 CHAIRMAN WHITE: The status of the RFP, again  
16 it's still in process between City Council and  
17 purchasing, not under this body's purview at this time.  
18 As relates to the process, again, if you notice the care  
19 of which we tried to handle things not only today, but  
20 through this entire process is certainly to offer a  
21 process that is not only open and transparent but that  
22 is inclusive of not only our voices as a body but the  
23 community's voices as well.

24 I'm not certain of the communication that you  
25 said you submitted to this body in writing as relates to

1 that. And in fact I have been consistent in my voice as  
2 Chair that I would welcome communications not only from  
3 the towers but from the community as relates to this  
4 process. And I have yet to date to receive any. So,  
5 again, as we move through this process to public  
6 comment, as Counsel has stated earlier, we certainly  
7 would welcome comments to be sent to this body for  
8 consideration as we move through this process. I  
9 believe Commissioner Warfield had a comment as well.

10 COMMISSIONER WARFIELD: Just a couple things.  
11 Just because things come up for discussion does not  
12 necessarily mean that they will be voted on one way or  
13 another. But we discussed every issue that was  
14 submitted to us. And so, we didn't ignore it. We  
15 discussed it by the very fact that we are coming back  
16 and making some adjustments. And we said even then that  
17 there was some adjustments that will be made after we  
18 see how the practice goes, especially as relates to the  
19 hours of operation. So, we've been true to our word in  
20 that response. So, to try to make it seem like that we  
21 have not been responsive to the towing community is -- I  
22 use the Mayor's word, disingenuous because we certainly  
23 have been.

24 MR. STIDHAM: Commissioner, I wasn't  
25 suggesting that you weren't entirely responsive. What I

1 was suggesting is some things, sometimes certain things  
2 seem like they're simply overlooked or ignored. And I  
3 wasn't suggesting that --

4 COMMISSIONER WARFIELD: If it was overlooked  
5 or ignored, it would never have been discussed. That's  
6 overlooked and ignored. We discussed it, had very  
7 collegiate debate about it. And we made a decision.  
8 So, it wasn't overlooked, and it wasn't ignored.

9 MR. STIDHAM: Thank you. But Commissioner,  
10 back to my first point, I understand that the RFP is  
11 between purchasing and the Mayor's office. What I'm  
12 specifically asking though is has this Board had any  
13 contact from the Mayor's office recently with respect to  
14 the RFP because obviously if a new management company is  
15 going to come in, they have to abide by the rules, which  
16 is I believe is part of the RFP. And secondly, is there  
17 any consideration for any specific rules that may  
18 address the management company, any amendments to the  
19 rules that may address the management company? That's  
20 all I was wondering.

21 CHAIRMAN WHITE: At this time, Tom, it's not  
22 appropriate for us to weigh in on that phase. We do --  
23 if this RFP process is going to go through, of course  
24 this body will have to weigh in as it will have  
25 implications on the rules as they currently exist. But

1 at this time, we aren't at a point to speak directly to  
2 that. Commissioner Warfield?

3 COMMISSIONER WARFIELD: It has not come across  
4 our desk. But as the Chair said, it will. And when it  
5 does, we will be open and discuss it openly like we do  
6 everything else. So, but no, it just hasn't come across  
7 our desk.

8 MR. STIDHAM: Thank you.

9 CHAIRMAN WHITE: Any other discussion? Any  
10 other discussion?

11 MR. GINYARD: Good afternoon, Board. Troy  
12 Ginyard, Troy's Towing. A couple things I just wanted  
13 to mention as far as amendments. Hours of operation, as  
14 far as Saturdays, I mean, being in this business, years  
15 of releasing vehicles, I know for a fact that I mean 7  
16 to 7, they are just not coming. They are just not  
17 coming after entities where they would need to get their  
18 registration, insurance, those entities are closed after  
19 a certain time. They just don't come to get their cars  
20 on those particular days after like 2:00 or whatever,  
21 after everything closes up. So, I said this before. I  
22 just want to say it again. Also as far as Sundays, I  
23 understand that you may want to give opportunity for  
24 them to come and get it. But once again, there's just  
25 no -- there's no activity going on on Sundays either.

1                   As far as the one year permit, I don't know if  
2                   I have complete clarification of that. Does that mean  
3                   that you will have to reapply every 12 months to  
4                   continue to service? And my last thing is a question  
5                   about the management company. Once there is a  
6                   management company selected or whatever the process is,  
7                   it will have to go through this Board prior to any other  
8                   actions? I just want to be clear on how that is exactly  
9                   going to play out. I understand that nothing has come  
10                  across to you. But is the Board part of the actual  
11                  process of this thing coming to light?

12                  CHAIRMAN WHITE: Thank you, sir. As relates  
13                  to the questions in regards to the amendments, I don't  
14                  want to ignore your comments. But I would ask if we  
15                  could reserve those and let the process take its place  
16                  when we have the public comment period where we can deal  
17                  with those more specifically. As relates to the RFP  
18                  process, it's my understanding if this Board does not  
19                  support that effort, i.e. there will need to be rule  
20                  changes, then that process may not be permitted to go  
21                  forward. So that's a road that we have to cross once we  
22                  get to that point as well.

23                  MR. GINYARD: Thank you.

24                  CHAIRMAN WHITE: So the final phase is that  
25                  the ultimate rule changes to match with what Council is

1 proposing with the potential adding of a tow manager.

2 MR. GINYARD: Understood.

3 CHAIRMAN WHITE: Thank you, sir. Any other  
4 communications? Good afternoon, sir.

5 MR. WILD: Good afternoon, Board. Billy Wild,  
6 B-i-l-l-y, W-i-l-d. I wear many hats. And today I  
7 happen to be wearing my Parts Galore hat. On  
8 February 27th, we had an incident in our parking lot at  
9 11360 East 8 Mile. A security guard ran over one of my  
10 employees intentionally, ran over him and then backed  
11 over him, then left the premises. The police were  
12 called, EMS was called. And the response time I have to  
13 say was within 20 minutes both units were there. And  
14 that while the police were there, the gentleman that ran  
15 over my employee came back. The police took a report.  
16 They let the gentleman that was run over go on to the  
17 hospital. The gentleman that ran him over admitted  
18 running him over, and they let him leave. I mean, he  
19 wasn't arrested or anything. So, my director of  
20 security has been trying to get a police report of that  
21 incident, was told to go to Central Command and get the  
22 report. And as of today at 3:00, he's still been unable  
23 to get that report.

24 Now, I've got a complaint number, but I don't  
25 have a report. So, we don't have the full story. And I

1 was just wondering what I have to do to get a report.  
2 Now, it was suggested to him when he was at the police  
3 department that he goes to the legal department. The  
4 legal department didn't take the police report. So, all  
5 I'd like to do is get a copy of that police report.

6 CHAIRMAN WHITE: Thank you, Mr. Wild.  
7 Assistant Chief Logan, is there a recommendation?

8 ASSISTANT CHIEF LOGAN: Through the Chair,  
9 Assistant Chief Logan. Sergeant Harris, could you help  
10 him secure that report? Sir, are we talking about an  
11 accident report or are we talking about a police report?

12 MR. WILD: I would think it would be an  
13 intentional intention to do bodily harm, whatever report  
14 you would call that. But the officers at the scene,  
15 they took a report, and I've got a report number. But I  
16 haven't been able to get a copy of that report.

17 ASSISTANT CHIEF LOGAN: Depending on what kind  
18 it is, we should be able to help him today. Sergeant  
19 Harris, would you give him a hand?

20 SERGEANT HARRIS: Yes, sir.

21 CHAIRMAN WHITE: Thank you, Mr. Wild.  
22 Sergeant Harris is right behind you. Are there any  
23 other communications? Any other communications? Any  
24 other communications? Seeing none, again, please be  
25 reminded that the next Board of Police Commissioners

1 meeting will be held Thursday, March 22nd, 2012, at 3:00  
2 p.m. here at the police headquarters, 1300 Beaubien,  
3 Room 328A. While we are not convening at this point, we  
4 are moving to closed session for personnel matters and  
5 to hear a case of a denied applicant. You're welcome to  
6 stay. But if you do leave, we ask that you would do so  
7 quietly.

8 At this time, I'm going to ask if our  
9 Executive Secretary could please take us into closed  
10 session.

11 SECRETARY ANTHONY: Thank you, Mr. Chair. For  
12 the record, George Anthony, Secretary to the Board. As  
13 a public body, your meetings are subject to the Open  
14 Meetings Act, which is the OMA. The OMA defines a  
15 meeting as the convening of a public body at which a  
16 quorum is present for the purpose of deliberating  
17 towards or rendering a decision on a public policy,  
18 MCL 15.262(b). The OMA, however, does allow a public  
19 body to call a closed session, one limited to the public  
20 body and its invitees for specific purposes. Only  
21 deliberations may be conducted in closed sessions. All  
22 decisions must be made at a meeting open to the public.

23 While in the closed session, the Board makes  
24 no decisions. That must be done on the record. This  
25 portion relates to Police Officer William Brown at his

1 request. On Thursday, March 15th, 2012, you will be  
2 presented with a suspension without pay recommendation  
3 for Police Officer William Brown, Badge 1518, through  
4 his representative DPOA Attorney John J. Goldpaugh,  
5 G-o-l-d-p-a-u-g-h. Officer Brown has requested closed  
6 sessions for the purpose of contesting the suspension  
7 without pay recommendation. The closed session will be  
8 called pursuant to MCL 15.268(a) of the Open Meetings  
9 Act which states in part, "A public body may meet in a  
10 closed session to consider the suspension of or hear  
11 charges brought against an employee. A simple majority  
12 vote or quorum of three is required to close a session  
13 for this purpose." This portion, Mr. Chair, related  
14 only to Police Officer William Brown. A motion is in  
15 order to close the session of Officer William Brown.

16 CHAIRMAN WHITE: Thank you, sir.  
17 Commissioners, what is your pleasure?

18 COMMISSIONER WARFIELD: Sir, move that we  
19 convene into closed session to consider the personnel  
20 matters before us.

21 COMMISSIONER TAYLOR: Support.

22 CHAIRMAN WHITE: Having been properly moved  
23 and supported, any discussion? Seeing none, all those  
24 in favor?

25 COMMISSIONERS: Aye.

1 CHAIRMAN WHITE: Opposed? Thank you. We will  
2 reconvene.

3 SECRETARY ANTHONY: Mr. Chair, there is one  
4 other. There is a request for a closed session for  
5 Mr. Jeremy Burchman. And that regards a disqualified  
6 applicant. If I may read the applicable portion, at the  
7 Board meeting scheduled for Thursday, March 15, 2012,  
8 unless there is an objection, the Board is scheduled to  
9 go into closed session to discuss the rejected  
10 application of Jeremy Burcham, B-u-r-c-h-a-m. The  
11 closed session will be called pursuant to MCL 15.268(h)  
12 of the Open Meetings Act, which states in part, "A  
13 public body may meet in a closed session to consider  
14 material exempt from discussion or disclosure by state  
15 or federal statute."

16 I'm not sure if Mr. Burchman is here. But a  
17 motion would be in order to close the session for  
18 Mr. Burchman.

19 CHAIRMAN WHITE: Commissioners, what is your  
20 pleasure?

21 COMMISSIONER WARFIELD: Sir, move to go to  
22 closed session as well for Mr. Burchman's request as  
23 well.

24 COMMISSIONER TAYLOR: Support.

25 CHAIRMAN WHITE: It's been properly moved and

1 supported. Any discussion? And I would ask to let the  
2 record reflect I don't believe Mr. Burchman is present.  
3 But in the event he does show up, we will hold that  
4 closed session consecutively following our personnel  
5 matter. Any other discussion? Seeing none, all those  
6 in favor?

7 COMMISSIONERS: Aye.

8 CHAIRMAN WHITE: Opposed? Thank you. Again,  
9 we will reconvene shortly.

10 (The Board convened into closed session  
11 from 4:52 p.m. until 5:25 p.m.)

12 CHAIRMAN WHITE: We are going to come back  
13 into session. Mr. Secretary?

14 SECRETARY ANTHONY: Mr. Chair, a motion is in  
15 order to come back from closed session to open meeting.

16 COMMISSIONER WARFIELD: Sir, I move that we  
17 come back from closed session to open meeting.

18 CHAIRMAN WHITE: It's been properly moved and  
19 supported. Any discussion? Seeing none, all those in  
20 favor?

21 COMMISSIONERS: Aye.

22 CHAIRMAN WHITE: Opposed? Thank you.  
23 Mr. Secretary?

24 SECRETARY ANTHONY: Mr. Chair, you have heard  
25 the case of Officer William Brown in closed session.

1 This was a suspension without pay recommendation from  
2 Chief Godbee. And unless contravened by this body, the  
3 suspension without pay will stand.

4 CHAIRMAN WHITE: Thank you, Mr. Secretary.  
5 Commissioners, are there any contraventions?  
6 Contravened. Any others? Thank you. Mr. Secretary.

7 SECRETARY ANTHONY: Thank you, sir. You have  
8 also heard in closed session the appeal of disqualified  
9 applicant Jeremy Burcham, is that correct?

10 ATTORNEY WASHINGTON: It's Burchman.

11 SECRETARY ANTHONY: Burchman, thank you. And  
12 I think counsel or Attorney Celia Banks Washington will  
13 address that.

14 ATTORNEY WASHINGTON: Just very quickly, today was  
15 the day scheduled for Mr. Burchman's appeal of his  
16 disqualification. Mr. Burchman did not appear for his  
17 hearing. On March 1st, he was initially scheduled for a  
18 hearing and did not appear. But he did give us the  
19 courtesy of a phone call on the 1st. The matter was  
20 still discussed in closed session, where I presented the  
21 facts. And counsel -- excuse me, director of police  
22 personnel presented the Department's position. My  
23 recommendation is to deny the appeal. In light of the  
24 facts as presented, there was no showing that the  
25 department abused its discretion in disqualifying

1 Mr. Burchman from the employment process.

2 CHAIRMAN WHITE: Is there a motion for support  
3 of counsel's recommendation?

4 COMMISSIONER WARFIELD: Move to support  
5 counsel's recommendation regarding the rejected  
6 applicant.

7 COMMISSIONER TAYLOR: Second.

8 CHAIRMAN WHITE: It's been properly moved and  
9 supported. Any discussion? Seeing none, all those in  
10 favor?

11 COMMISSIONERS: Aye.

12 CHAIRMAN WHITE: Opposed? Thank you very  
13 much. Currently there is no further business before  
14 this body. A motion for adjournment is in order or if  
15 not, we can stay all day.

16 COMMISSIONER TAYLOR: Motion to adjourn.

17 COMMISSIONER WARFIELD: Second.

18 CHAIRMAN WHITE: It's been properly moved and  
19 supported. Any discussion? Seeing or hearing none, all  
20 those in favor?

21 COMMISSIONERS: Aye.

22 CHAIRMAN WHITE: Have a wonderful weekend.

23 (Proceedings concluded at 5:40 p.m.)

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STATE OF MICHIGAN )  
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COUNTY OF MACOMB )

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full, true, complete and correct transcription of said  
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*Wendy A. Boer*

Wendy A. Boer,  
CSR 3505

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