

4/26/2012

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DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR MEETING

THURSDAY, APRIL 26, 2012, 3:00 PM

7310 WOODWARD AVENUE (CENTRAL DISTRICT)

DETROIT, MICHIGAN

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COMMISSIONERS:

- GEORGE ANTHONY, Secretary
- DONNELL R. WHITE, Chairperson
- JEROME L. WARFIELD, Commissioner
- TONEY STEWART, Commissioner
- JESSICA TAYLOR, Commissioner

DETROIT POLICE DEPARTMENT COMMAND STAFF:

DEPUTY CHIEF BENJAMIN LEE

1 Detroit, Michigan  
2 Thursday, February 9, 2012  
3 About 3:15 p.m.

4 COMMISSIONER WHITE: Let me say good  
5 afternoon, welcome everyone to the Board of  
6 Police Commissioners meeting dated for Thursday,  
7 April 26, 2012.

8 For the record, my name is Commissioner  
9 Donnell White. I have the pleasure of serving as  
10 Chairman of the Board of Police Commissioners.  
11 Today I'm joined by my colleagues, Vice-Chair to  
12 the Board of Police Commissioners Commissioner  
13 Toney Stewart, to my right Commissioner Jerome  
14 Warfield, Commissioner Jessica Taylor, and  
15 representing staff to the Board of Police  
16 Commissioners Executive Secretary, Mr. George  
17 Anthony.

18 Secretary Anthony, for the record can  
19 you please introduce our staff?

20 SECRETARY ANTHONY: Thank you,  
21 Mr. Chair. For the record, George Anthony. We  
22 have present Ms. Celia Banks Washington who is  
23 our attorney to the Board, Ms. Dalph Watson who  
24 is our director of Police Personnel, Lt. Tim  
25 Leach who is our acting chief investigator, Mr.

1 Robert Brown who is our office manager.

2 We also have Sgt. Alan Quinn who is  
3 recording our proceedings and Mr. Dale Rose from  
4 Hanson Court Reporting Service and Ms. Pam  
5 Copeland who is the Board's intern.

6 That completes the introduction, sir.

7 COMMISSIONER WHITE: Thank you,  
8 Mr. Secretary. I would like to note the presence  
9 of Deputy Chief Benjamin Lee representing Office  
10 of the Chief. Thank you for being with us, sir.

11 DEPUTY CHIEF LEE: You're welcome.

12 COMMISSIONER WHITE: At this time I  
13 would ask if Commissioner Jerome Warfield would  
14 lead us in an invocation.

15 COMMISSIONER WARFIELD: Let us pray.

16 (INVOCATION WAS GIVEN).

17 COMMISSIONER WHITE: Thank you,  
18 Commissioner. Commissioners, before us is the  
19 agenda before us with the recommendation that  
20 under the presentation of the Chief that the  
21 presentation on Internal Affairs be tabled to May  
22 3, and with that change the Chair would entertain  
23 a motion for the approval of the agenda dated --

24 SECRETARY ANTHONY: Mr. Chair, George  
25 Anthony, Secretary to the Board. I think we also

1 -- there was a thought to put the towing hearing  
2 under old business to make that a separate  
3 hearing at the end.

4 COMMISSIONER WHITE: Correct. Also  
5 commissioners, before us the public hearing on  
6 the proposed towing rules and regulations listed  
7 under old business, I would ask that that hearing  
8 is held following the conclusion of our regularly  
9 scheduled meeting, so that would be Change Number  
10 2.

11 So with the proposed changes is there a  
12 recommendation to approve the agenda as presented  
13 for Thursday, April 26, 2012?

14 COMMISSIONER WARFIELD: Sir, I move  
15 that we approve the agenda with the necessary  
16 changes.

17 COMMISSIONER STEWART: Second.

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

21 COMMISSIONERS: Aye.

22 COMMISSIONER WHITE: Opposed? Thank  
23 you very much. Commissioners, before us is an  
24 approval for the minutes dated Thursday, April  
25 12, 2012. Is there a motion?

1 COMMISSIONER WARFIELD: So moved.

2 COMMISSIONER TAYLOR: Second.

3 COMMISSIONER WHITE: It's been properly  
4 moved and supported. Any discussion? Seeing  
5 none, all those in favor?

6 COMMISSIONERS: Aye.

7 COMMISSIONER WHITE: Opposed? Thank  
8 you very much. Commissioners, before us is the  
9 approval of the minutes from Thursday, April 19,  
10 2012. Is there a motion?

11 COMMISSIONER TAYLOR: So moved.

12 COMMISSIONER STEWART: Second.

13 COMMISSIONER WHITE: It's been properly  
14 moved and supported. Any discussion? Seeing  
15 none, all those in favor?

16 COMMISSIONERS: AYE.

17 COMMISSIONER WHITE: Opposed? Thank  
18 you very much. There is no official  
19 Chairperson's report today. At this time I would  
20 ask if counsel to the Board of Commissioners  
21 would come forward with a report on OCI backlog  
22 elimination plan.

23 MS. WASHINGTON: Thank you, sir. Celia  
24 Washington, Board of Police Commissioners  
25 attorney. If you will allow me to give a little

1 bit of background or set the background a little  
2 bit for this report for the benefit of the  
3 community and for the benefit of the Board.

4 As part of the documents that were  
5 submitted to the Court in January part of that  
6 was the backlog elimination plan, and if you will  
7 bare with me there's some requirement as part of  
8 that plan that we report to the Board in open  
9 session as to how closely we are adhering to the  
10 plan.

11 On January 30, 2012 Judge Cook ordered  
12 that the City, quote, submit a written plan which  
13 specifically and clearly identified the steps  
14 that it will undertake to clear each and every  
15 backlog case which is defined as a case that has  
16 been within the investigation process for greater  
17 than 90-days, and, B, ensure that the backlog  
18 does not reoccur, so sustainability is important.

19 The plan must, A, identify the specific  
20 date by which the backlog will be fully  
21 eradicated and, B, identify the specific  
22 commitment that will identify the percentage of  
23 its open cases that will be current, again 90 or  
24 fewer days old, by the end of each month between  
25 now and the projected backlog elimination date.

1                   Development of the plan necessitated  
2                   the input and approval of the independent monitor  
3                   and the Department of Justice.

4                   So this report out actually falls to  
5                   Item 4 of the backlog elimination plan which  
6                   requires that the chief investigator or acting  
7                   chief investigator will report to the Board of  
8                   Police Commissioners at the Board's last meeting  
9                   of each month commencing in March, 2012 the  
10                  number of pending cases, the number of cases  
11                  which have been open in excess of 90 days and the  
12                  steps being taken to complete investigations  
13                  within 90 days. Chief investigator will also  
14                  report on adherence to the timelines set forth  
15                  below.

16                  Just for the record, I do understand  
17                  this is the last meeting in April. Last month  
18                  was the first month of the plan. Actually the  
19                  date of the last meeting in March, the month had  
20                  not completed, so Secretary Anthony's report on  
21                  the OCI statistics we explained to the monitor  
22                  who as you know is here visiting, they were okay  
23                  with us reporting that way, but here on out we'll  
24                  be sure that we'll stick to the plan.

25                  There are just generally since I've



1           been on board the beginning of February we've  
2           made some pretty significant changes to not  
3           necessarily the structure of OCI. As you know,  
4           the OCI is still without a chief investigator,  
5           although those efforts to retain an individual I  
6           think are close to concluding, we're all very  
7           excited about that.

8                        But in the meantime we currently have  
9           three teams. We have one team that as we  
10          promised Judge Cook and the monitors and the  
11          Department of Justice those individuals are  
12          dedicated solely to the effort of resolving cases  
13          that are greater than 90 days.

14                      In actuality they're dealing with cases  
15          that are greater than 150 days old. Those people  
16          are made up of some very seasoned investigators  
17          as well as -- and this is a change -- rather than  
18          have or shift cases that are old from those  
19          investigators for whatever reason have not been  
20          able to keep up with their case logs, those  
21          individuals who have not been able to keep up  
22          with their case logs go along with their cases to  
23          the special assignment team.

24                      That is under the leadership of Senior  
25          Investigator Akbar and I'll speak a little bit

1 more to that in just a second. The other two  
2 teams are made up of Investigator II, what we  
3 call in the regular rotation. We are looking to  
4 those people to not only keep their caseloads  
5 within the 90 days. If they've got some cases  
6 that have gone over 90 days we are putting in  
7 place or have put in place since the beginning of  
8 March what I'd like to call the equivalent of the  
9 Chief's command accountability session.

10 So every Thursday we're in a room with  
11 the supervisors, with the investigators. We're  
12 setting very solid benchmarks and not really  
13 trying to put anybody on the front, but we do and  
14 it's either you meet it or you don't meet it and  
15 why.

16 And Lt. Leach is the acting chief  
17 investigator and he's just been phenomenal in  
18 developing consistency among the teams. I think  
19 the morale has improved, certainly to the extent  
20 -- today was a first. Commander Girvin is still  
21 here with the independent monitor team and  
22 actually sat in on our mini command  
23 accountability meeting and got a chance to put  
24 faces with the names of the report of the people  
25 whose report he's been reading for the next two

1 years.

2 Again, he was very impressed -- I'm  
3 happy to report to the Board he was very  
4 impressed that OCI is moving in the direction of  
5 what he called true case management, so that's  
6 encouraging.

7 More specifically with regard to the  
8 timeline for eliminating the backlog, as part of  
9 the plan that was given to Judge Cook in January  
10 we set a couple of benchmarks or guidelines --  
11 benchmarks in place and through Lt. Leach's  
12 steady hand and firm hands we, I'm very happy to  
13 report, have exceeded those benchmarks in  
14 reducing the backlog.

15 For example, as of March 31, 2012 what  
16 was submitted to the judge was there was 534 open  
17 cases, at that time there were 290 backlog cases.  
18 In real numbers, in March of 2012 we took that  
19 534 and reduced the overall caseload to 510,  
20 reduced the backlog cases from 290 to 678.

21 In April, although Monday concludes  
22 April, our goal was 492 open cases with 198  
23 backlog and even as of today we're well ahead of  
24 that benchmark with 408 cases as of today and 222  
25 which we expect will be reduced significantly by

1 April 30.

2 In real terms it may not sound like a  
3 huge shift in percentage, but part of what is --  
4 I'm certainly not the sharpest knife when it  
5 comes to math, but the bigger your numbers, the  
6 better your percentages look.

7 But because we, as part of our plan,  
8 our approach with the investigators is to not  
9 just address the backlog, but to keep everybody's  
10 feet to the fire on the new cases too.

11 We're kind of squeezing both ends  
12 against the middle and we're reducing the overall  
13 inventory of cases. So where before where we had  
14 700 or 800 cases I believe last year at this time  
15 and we were at 78 or percent compliance, now we  
16 only have 400, so we're right about 48, 52  
17 percent compliant.

18 Again, quality is important. We're  
19 really stressing that to the investigators,  
20 accountability among the supervisors. There's  
21 some other things that we've been working very  
22 closely and we've had a number of meetings this  
23 week and last week, Commander Romeo and his  
24 staff, and others at DC Tolbert at CRIB to  
25 streamline and really get a good understanding of

1 what cases, what court cases, what IA cases  
2 should be handled by whom.

3 So we've got a wonderful network and I  
4 do acknowledge Chief Tolbert's leadership on that  
5 effort. I'm very confident that we're well on  
6 our way and we will continue to give reports to  
7 the Board every month and the end of the month.

8 COMMISSIONER WHITE: Thank you,  
9 counsel. Questions, Commissioner Stewart?

10 COMMISSIONER STEWART: None from me.

11 COMMISSIONER WHITE: Thank you, sir.  
12 Commissioner Warfield?

13 COMMISSIONER WARFIELD: Are there any  
14 tools -- thank you, Mr. Chair. Are there any  
15 tools that the investigators need that would help  
16 increase their productivity that we might be able  
17 to advocate for?

18 MS. WASHINGTON: There are some tools  
19 and there is one in particular that I believe  
20 Mr. Commissioner suggested with regard to  
21 software that could take the spoken word and  
22 convert it to typed or to typewritten word. The  
23 overwhelming majority of the cases that are over  
24 90 days are waiting to be typed, so one might say  
25 why can't you just hire typists to do the job,

1 but we've got Investigator Smith who's waiting --  
2 you know, it's his or her investigation and it's  
3 unbelievably time consuming for somebody else to  
4 type it and then you get it back and that's not  
5 what you said, so that would be a phenomenally  
6 helpful tool to the investigators.

7 COMMISSIONER WARFIELD: Have we looked  
8 into dictation services that may offer that as  
9 well?

10 MS. WASHINGTON: We have not, but we  
11 can do that. You mean compare costs?

12 COMMISSIONER WARFIELD: Yeah, compare  
13 costs and efficacy because sometimes the  
14 talk-to-text software does not take -- is not  
15 culturally sensitive and so we want to make sure  
16 that from an efficacy standpoint that we get the  
17 most bang for our buck as well.

18 MS. WASHINGTON: We can certainly do  
19 that and, again, I've got -- we had a huge  
20 meeting yesterday and a couple of huge meetings  
21 this week. I think with the support of the  
22 department and the support of the monitor I know  
23 these are hard times for the City, for the  
24 department, for everybody, but in a situation  
25 like this where two years ago we were in a

1 position where we were paying \$1,000 a day  
2 because we were not compliant.

3 I think that we can certainly justify  
4 spending a little extra to get a little extra.

5 COMMISSIONER WARFIELD: Another  
6 question I have the command accountability  
7 meeting and listening to the reports from the  
8 various commanders at the meetings, especially as  
9 relates to CCRs, for the most part they were  
10 saying that the CCR complaints were down pretty  
11 much across the city and that there are very few  
12 if any repeat offenders, which does not mirror --  
13 at least the repeat offender part -- does not  
14 mirror the things I've see in the cases that I  
15 review.

16 Are they looking at the same database?  
17 Are the commanders looking at the CCRs that come  
18 in to the precinct versus what comes in through  
19 the whole pool of CCRs that we get at OCI, how is  
20 that vetted out?

21 MS. WASHINGTON: Again, this is based  
22 on what I've been told and I'm going to speak  
23 with Commander Romeo and Commander White.

24 Basically the information that's  
25 presented at the command accountability meetings,

1 in terms of force cases, citizen complaints are  
2 command level citizen complaints.

3 At some point I would imagine they all  
4 mesh together, but if you're looking for apples  
5 and apples when you look for the number of force  
6 complaints as opposed to number of force  
7 complaints that OCI has, the numbers are not  
8 going to be the same.

9 COMMISSIONER WARFIELD: I would just  
10 suggest just for transparency purposes moving  
11 forward that you and Commander Romeo and whomever  
12 else from the department would get together and  
13 just make sure that we have, I think, accurate  
14 numbers that give a full picture of CCR  
15 complaints because the citizen attending that  
16 meeting and attending our meeting, especially the  
17 numbers that our Board Secretary gives out, would  
18 have a schizophrenic opinion on which numbers are  
19 right, you know, depending on who's reporting.

20 So if you all can work that out, that  
21 would be great.

22 MS. WASHINGTON: And we will, and part  
23 of that might be remedied, I believe, commander,  
24 by the very recent change where CCRs will go into  
25 the MAS right away so we won't have the paper



1           PCRs one place coming in one way getting to us 48  
2           hours later and then we're pulling stuff from the  
3           website. It will all go in to MAS and Lt. Leach  
4           is going to be responsible at this point for  
5           pulling those directly, turning them into paper,  
6           but it won't be -- at the end of the journey  
7           we'll all be singing from the same hymnal I'm  
8           pretty sure.

9                        COMMISSIONER WARFIELD: And your force  
10           discussions that you had, are you satisfied with  
11           the remedy there?

12                       MS. WASHINGTON: Am I satisfied?

13                       COMMISSIONER WARFIELD: Yeah, we want  
14           to know.

15                       MS. WASHINGTON: I think --

16                       COMMISSIONER WARFIELD: Or is this a  
17           pilot approach?

18                       MS. WASHINGTON: Well, it is a pilot  
19           approach. By and large there's no  
20           dissension at all between IM Force and OCI. My  
21           concern is I just want to make sure that the  
22           force investigations are getting the best  
23           investigation possible with the best talent pool  
24           that's qualified, so Commander Stair and Lt. Topp  
25           and Lt. Leach, we're going to reinstate triage

1 meetings and the department has been, again, very  
2 very helpful.

3 This is our meeting last week where  
4 there's some things, quite honestly, that if OCI  
5 looked at earlier could probably get into better  
6 hands.

7 So am I happy? I'm not happy to keep  
8 the cases that I was hoping that we weren't going  
9 to keep, but I am very pleased we got a wonderful  
10 -- and actually Chief Warshaw was our mediator  
11 and by the time he got done splitting the baby,  
12 we all felt like we were -- but it was really  
13 really very helpful, so we're on the right track.

14 COMMISSIONER WARFIELD: Wonderful.  
15 Thank you.

16 COMMISSIONER WHITE: Thank you,  
17 Commissioner. Commissioner Taylor?

18 COMMISSIONER TAYLOR: No questions.

19 COMMISSIONER WHITE: And just publicly,  
20 thank you and Lt. Leach, I think you both have  
21 done an outstanding job in the stability of OCI  
22 in the interim as we continue our search for the  
23 next chief investigator as well as fill our open  
24 spots for investigators.

25 MS. WASHINGTON: Oh, I'm sorry. That

1 was one thing that I failed to say and I'm very  
2 happy to say that Monday we will welcome three  
3 new investigators to OCI. Those positions were  
4 posted nationally, career board websites and  
5 Career Builder, so we've not three very strong  
6 candidates starting on Monday.

7 We've already got pilot training plans  
8 in place for them. They're going to start off  
9 with a 40-hour in-house training on what OCI  
10 does.

11 Some of that may actually involve some  
12 typing and then they will move to the commander  
13 for Consent Decree training and I think we're  
14 well on our way, but we did present that training  
15 manual to Commander Girvin.

16 COMMISSIONER WHITE: Thank you,  
17 counsel. Mr. Secretary, if you wouldn't mind, I  
18 would table your report following the  
19 announcements and that will lead us into a closed  
20 session for a personnel matter. Thank you, sir.

21 At this time are there any standing  
22 committee reports? I don't believe so. There is  
23 no new business before us.

24 Under announcements, there will be a  
25 quarterly report to the community. Chief Ralph

1 Godbee invites citizens of Detroit to join him  
2 and members of the Detroit Police Department in  
3 an open forum about issues affecting our  
4 neighborhoods. Chief Godbee wants to begin the  
5 summer by speaking directly to you about your  
6 concerns and work towards a safer community for  
7 all.

8 This meeting is from 6 PM to 8 PM  
9 Monday, April 30 at the Triumph Baptist Church  
10 2550 South Liddesdale, that's Detroit, Michigan.

11 Also we would like to mention the  
12 National Association for Civilian Oversight of  
13 Law Enforcement, NACOLE, which all the  
14 commissioners are a member of will have its  
15 Midwest Regional Meeting held April 27, 2012.

16 That meeting will be held at the  
17 Michigan State University campus here in the city  
18 of Detroit, 3408 Woodward Avenue. Also under  
19 announcements the next meeting -- and I started  
20 off the meeting and did not thank everyone for  
21 your indulgence for allowing us to move the  
22 meeting to the Central District location versus  
23 downtown, but with all of the things,  
24 construction and games and the public hearing we  
25 thought this was a better suited meeting location

1 for us, so thank you for your indulgence.

2 And be mindful our next meeting will be  
3 tentatively -- I don't believe we have a game,  
4 Mr. Secretary -- so we are scheduled to be back  
5 at police headquarters Thursday, May 3 at 3 PM  
6 and that's, again, police headquarters, 1300  
7 Beaubien, Room 328-A.

8 At this time we will have our oral  
9 communications from the audience. If you wish to  
10 address the Board of Police Commissioners we ask  
11 that you come forward, clearly state your first  
12 and last name and please spell it for the record  
13 for the benefit of our reporters and just worth  
14 mentioning this is not in collaboration with the  
15 public hearing on the towing rules. That will  
16 proceed immediately following this meeting.

17 Yes, sir. Good afternoon.

18 MR. HARMON: Yes, I'm Anthony Harmon  
19 and I want to testify --

20 COMMISSIONER WHITE: And your last  
21 name, sir?

22 MR. HARMON: H-a-r-m-o-n. On April 16  
23 I go to school, go every Monday four days a week  
24 and I'm on my way home from school.

25 About 10 minutes I get up and walk in

1 the door the squats [sic] car, the squats car and  
2 the police wagons and squats car and whatever  
3 because they (UNINTELLIGIBLE) and they came down  
4 the street with the armored truck, they was  
5 suited up, guns and everything and five minutes  
6 (UNINTELLIGIBLE) walk in the door.

7 I walked in the door and then everybody  
8 want to get outside, see what's going on, what's  
9 going on, trying to find out what's going on.

10 And they jumped out all over, took  
11 everybody back out to the corner, to the corner.  
12 And from nowhere they swept down, they seen this  
13 guy run up in my house, they say they seen this  
14 guy run up in my house. They didn't see nobody  
15 run up in my house. If they did see anybody run  
16 in my house, I told him -- I say if y'all seen  
17 anybody run up in my house, why ain't you go up  
18 there and get them.

19 And they ran up in the house and  
20 searched and told everybody -- first of all they  
21 told everybody come out of the house where I stay  
22 at. Me and the kids and -- three -- my two  
23 step-sons and my lady friend and they  
24 (UNINTELLIGIBLE) they swept it down. They  
25 question me and the kids. They ain't got no

1 business questioning any kids have you seen this  
2 (UNINTELLIGIBLE).

3 You know and they laugh at me because I  
4 speak -- I'm trying -- so they show us the  
5 pictures that we seen this guy. I say no, I  
6 don't know this guy. They ask my step-sons, two  
7 of them, they nothing but 9 or 10 years old. Did  
8 we see the guy. And the man going to say yes, we  
9 did, yes you did, you know him, you know him.

10 I say what, we knowing? They go to  
11 telling over and over. And then now with that  
12 we've going to have you one by one come  
13 downstairs with our hands up one by one, me and  
14 the kids handcuffed. Pose on the ground  
15 (UNINTELLIGIBLE). We walk from (UNINTELLIGIBLE)  
16 to the corner. First they had on the side. I  
17 say what this called for, this ain't called for.  
18 I supposed to go every Monday and Thursday, you  
19 know. They had this block off like everybody  
20 looking for something. Like we looking,  
21 everybody looking to see what's going on because  
22 you ain't (UNINTELLIGIBLE). I don't know what's  
23 going on.

24 And kids, they go to school, they ain't  
25 been in school since. They tried to go back to

1 school, me too, I go to school. I'm wondering  
2 what's going on next time. I don't know, you  
3 know, so I figure they got the right to do all  
4 this next them. I'm making a complaint because  
5 next time they might just -- no telling what they  
6 might do. They didn't have no reason for all  
7 that. I mean, law is right. They supposed to do  
8 they job, but they send one guy. I  
9 (UNINTELLIGIBLE) squat car and the armored truck  
10 for one guy and they were suited up. And they  
11 had this from (UNINTELLIGIBLE) blocked off from  
12 (UNINTELLIGIBLE) and then they put me -- and they  
13 put all three of us in a car and took us around  
14 the block.

15 And then had us on posters. We got --  
16 they (UNINTELLIGIBLE) do we see this guy, do we  
17 know this guy. We didn't know that guy.  
18 (UNINTELLIGIBLE). Man going to say yes, we did,  
19 you know him. I say you going to tell us we know  
20 this guy. And then they going to say we seen the  
21 guy going in the house. It 10, 15 minutes before  
22 y'all -- and then I'm going to turn back around  
23 and then go and search the house. Search the  
24 house.

25 COMMISSIONER WHITE: Mr. Harmon, I



1 think I have a firm handle on your situation.

2 MR. HARMON: Okay, that's it.

3 COMMISSIONER WHITE: First of all, let  
4 me thank you for having the courage and taking  
5 the time to come down and inform the Board about  
6 this mishap.

7 There is a process where you believe  
8 there were some improprieties in terms of how you  
9 were treated by the department. That is handled  
10 by the Office of the Chief Investigator and they  
11 will look further into your situation.

12 I'm going to ask if you can see  
13 Lt. Timothy Leach who is the acting chief  
14 investigator at the moment and he'll explain that  
15 to you and also talk about how we can look  
16 further into the situation for you. Okay.

17 Thank you, sir.

18 Are there other communications?

19 COMMANDER ROMEO: Commander Jeff Romeo  
20 from the Office of Civil Rights. I just want to  
21 take a brief moment just to publicly announce  
22 attorney Grant Ha's final week here. He's got  
23 sort of a thankless job of handling discipline  
24 cases and suspension without pay and I just want  
25 to publicly acknowledge him for all his hard work

1 and effort and all the help he's been all the  
2 time he's been working with us.

3 (APPLAUSE.)

4 COMMISSIONER WHITE: And, counsel, I  
5 don't know if it's within our purview to take a  
6 vote to keep Ha, but --

7 I know Goldpaugh hates to see him go,  
8 right? But attorney Ha, we certainly wish you  
9 well in all of your endeavors and I'm sure I  
10 speak on behalf of all my colleagues when I say  
11 you served the department of this great city  
12 well. Thank you very much.

13 Good afternoon.

14 MS. SMITH: Bernice Smith, political  
15 activist. Good afternoon to the commissioners  
16 and to you, Deputy Chief Lee. You know, I've  
17 always stated when I come up here that I am a  
18 supporter of our police department and I will  
19 repeat again whenever I find a fault with you,  
20 I'm going to bring it before you.

21 For the last two weeks the police  
22 department has been very disappointing to me.  
23 Again this week we find that you have officers  
24 that's not doing their job thoroughly.

25 I'm wondering is there any possibility

1 for you to have meetings with your officers  
2 before their duties start, something to remind  
3 them that they are police officers and what their  
4 jobs should be.

5 Deputy Lee, you were interviewed this  
6 week and your response was to the questions in  
7 regard to what happened at the precinct and this  
8 felon that had a key and was able to unlock his  
9 handcuffs. You did not give the answer that I  
10 guess the reporters wanted, but you did say,  
11 "We'll be investigating."

12 Now, that answer was given to me last  
13 week about the other incidents that police was  
14 involved with. Was that investigation thoroughly  
15 looked into and do you have a solution to it or  
16 are you still investigating that particular  
17 incident? Do you remember?

18 COMMISSIONER WHITE: Ms. Smith, if you  
19 could direct your comments to the Chair, please.

20 MS. SMITH: All right, I'm sorry. I  
21 don't mean to ignore you because I know you're  
22 the Chairman.

23 But anyway, that's one of the things I  
24 would like to ask, and also this week, I'm very  
25 sorry that police department is not doing their

1 job the way they should. Not all of them, but  
2 there are some that are lacking and they must pay  
3 attention to the fact whenever they get a felon,  
4 to make sure they search them thoroughly and not  
5 let them be able to get a key and unlock their  
6 handcuffs.

7 Again, I will state I want them to do a  
8 better job than what they're doing. I'm tired of  
9 the public talking bad against the police  
10 department because, as you know, or as I have  
11 stated over and over again, I was a former police  
12 commissioner, Number 1, under Coleman Young and I  
13 hope to again be reinstated because I think we  
14 need some help in regards to helping getting the  
15 police department on track.

16 I know most of you are doing a good  
17 job, but there are some that's making it bad for  
18 the rest of you, and I do wish for you to contact  
19 and let the public know that you're going to do a  
20 good job and you're going to investigate your own  
21 and not sweep it underneath the rug, which I'm  
22 not saying that you're doing it, but I just don't  
23 want you to continue to let these bad eggs in the  
24 pot do a bad job and making your reputation bad.

25 That's all I have to say today. Thank

1 you.

2 COMMISSIONER WHITE: Thank you,  
3 Ms. Smith. I do believe there were two questions  
4 I picked out of that. One was a pitch for an  
5 orientation prior to the beginning of a shift and  
6 I'll ask Deputy Chief Lee to respond to these  
7 questions. The other was in regard to a  
8 situation with an individual who had a key. I  
9 believe there was some concerns as it relates to  
10 search procedures of individuals who are taking  
11 into custody.

12 Deputy Chief Lee, would you care to  
13 respond to those?

14 DEPUTY CHIEF LEE: Yes, through the  
15 Chair. Every day before the officers go out on  
16 the streets they attend a 15-minute roll call  
17 where they're given instructions and events that  
18 have occurred either that day or on previous  
19 days. It's a briefing, so that does occur on a  
20 daily basis.

21 In regards to the incident at the 9th  
22 Precinct regarding the escaped prisoner that is  
23 currently under investigation. We arrest, as I  
24 said last night on the news, several thousand  
25 people without incident. That was an isolated

1 incident. The officers are entitled to due  
2 process rights and as soon as the investigation  
3 is complete we'll take the proper action.

4 COMMISSIONER WHITE: Thank you, Deputy  
5 Chief. Are there any further communications?  
6 Any further communications?

7 Yes, sir.

8 MR. BELL: Good afternoon. How you  
9 doing? My name is Jerry Bell and I've been a  
10 citizen of Detroit for 38 years.

11 Two days ago I had the unfortunate  
12 encounter with a police officer that made several  
13 threats to me by telephone. I've recorded the  
14 messages, I've made a complaint through the  
15 Office of the Chief investigator and so far  
16 they've been handling the situation very well.

17 But I'm here to say that I would like  
18 to make everyone aware of this situation because  
19 by right, by law, I have a right to protect  
20 myself. Knowing that this is a police officer  
21 and the actions that he's bringing towards me,  
22 you know, it's almost like he wants to start  
23 somewhat of an encounter with me to whereas he  
24 can take action.

25 I have all the recordings from that

1 actual phone call. When I made him aware that I  
2 was recording his phone calls, then he then hung  
3 up. He told me that -- he's pretty much  
4 threatening me saying, you know, "Go make a  
5 report. I wish you would, I wish you would go  
6 down there and make a report. I have family down  
7 there too. Just make the report, just go in  
8 there and make the report and you don't know who  
9 you're dealing with. You better do your  
10 homework," things of that nature.

11 That's nothing that a police officer is  
12 supposed to say. First of all, there wasn't a  
13 crime committed and, second of all, he shouldn't  
14 have even been there anyways.

15 Riding in a one-man scout car and you  
16 just want to ride up and say the person that I  
17 was meeting looked lost, so that's why you're  
18 butting in our business, which it wasn't a  
19 situation. It was just that I was meeting her to  
20 give her some papers.

21 And for him to make that threat, I just  
22 think that's very unprofessional, but I'm just  
23 letting you guys know that whatever I have to do  
24 to defend myself, if this officer comes my way  
25 I'm just going have to do what I got to do.

1 COMMISSIONER WHITE: Thank you,  
2 Mr. Bell, for taking the time again and the  
3 courage to come forward.

4 Lt. Leach, are we aware of this case?

5 LT. LEACH: Lt. Leach of the Office of  
6 the Chief Investigator. Yes, sir. As a matter  
7 of fact, I talked to him Friday of last week that  
8 he called, put in a complaint, and then he  
9 actually to our office yesterday, heard the  
10 recordings and everything like that, so we do  
11 have the investigation started.

12 COMMISSIONER WHITE: And Deputy Chief  
13 Lee, if someone could speak to how do we  
14 acknowledge the validity of the information that  
15 was given to us, i.e. the phone calls, and I'm  
16 getting towards the question if this particular  
17 officer is still in service or what is the status  
18 of this officer?

19 LT. LEACH: On duty.

20 COMMISSIONER WHITE: Deputy Chief, is  
21 that the protocol on how we would handle such a  
22 situation?

23 DEPUTY CHIEF LEE: I would say right  
24 now we would actually have Commander Brian Stair  
25 be involved in this process, considering that he



1 says there's some threats that have been made.

2 COMMISSIONER WHITE: So, commander, if  
3 we could and, lieutenant, if we could make sure  
4 that we speak with Mr. Bell so we have the best  
5 information, we certainly want to thwart any  
6 potential situation from arising further, and  
7 again, Mr. Bell, you thank you for taking the  
8 time to come forward today.

9 MR. BELL: I just wanted to add one  
10 more thing.

11 COMMISSIONER WHITE: Please step  
12 forward.

13 MR. BELL: I had gotten a series of  
14 phone calls between last night and today,  
15 restricted phone calls. A lot of them was  
16 hang-ups and then at one point in time there was  
17 a gentleman that came on the phone. He said, "I  
18 know you, I know your last name," that's pretty  
19 much like all he said. I'm like wow, whatever,  
20 and hung up. So I just wanted to add that in and  
21 I do have those logs.

22 COMMISSIONER WHITE: Thank you,  
23 Mr. Bell, and again if you could see the  
24 lieutenant and Commander Stair before you leave  
25 and Deputy Chief, we would ask if the Commission

1 could have an update on this situation for next  
2 week, please.

3 DEPUTY CHIEF LEE: Yes, sir.

4 COMMISSIONER WHITE: Thank you very  
5 much. Are there any other communications? Any  
6 other communications? Any other communications?

7 Seeing none, at this time we would have  
8 the Secretary's report.

9 SECRETARY ANTHONY: Thank you,  
10 Mr. Chair. George Anthony for the record. We've  
11 received a request for a closed door session, so  
12 I'll go into that for convening.

13 As a public body your meetings are  
14 subject to the Open Meetings Act, the OMA. The  
15 OMA defines a meeting as the convening of a  
16 public body at which a quorum is present for the  
17 purpose of deliberating towards or rendering a  
18 decision on a public policy, MCL 15.262(b).

19 The OMA, however, does allow a public  
20 body to call a closed session, one limited to the  
21 public body and its invitees for specific  
22 purposes. Only deliberations may be conducted in  
23 closed session. All decisions must be made at a  
24 meeting open to the public.

25 While in the closed session the Board

1 makes no decision. That must be done on the  
2 record.

3 On Thursday April 26, 2012 you'll be  
4 presented with a suspension without pay  
5 recommendation for Police Officers Daniel Austin,  
6 Badge 701 and Wilbur Medley, Badge 792.

7 Through their representative DPOA  
8 attorney John J. Goldpaugh Officer Austin and  
9 Office Medley have requested a closed session for  
10 the purpose of contesting the suspension without  
11 pay recommendation.

12 The closed session will be called  
13 pursuant to MCL 15.268(a) of the Open Meetings  
14 Act which states in part,

15 "A public body may meet in a closed  
16 session to consider the suspension of  
17 or hear charges brought against an  
18 employee. A simple majority vote or a  
19 quorum of three is required to close a  
20 session for this purpose."

21 At this point a motion is in order to  
22 close the session.

23 COMMISSIONER WHITE: Thank you,  
24 Mr. Secretary. Before we hear that motion, just  
25 for the benefit of the audience, we will move

1 into closed session which we also allow us an  
2 opportunity to have a break before we convene  
3 with our public hearing on the proposed towing  
4 changes to the rules and regulations, but once we  
5 come back and take our vote, we will move  
6 directly into our public hearing.

7 At this time is there a motion to move  
8 into closed session?

9 COMMISSIONER WARFIELD: Sir, I move we  
10 go into closed session to consider the personnel  
11 matter before us.

12 COMMISSIONER STEWART: Second.

13 COMMISSIONER WHITE: It's been properly  
14 moved and supported. Any discussion? Seeing  
15 none, all those in favor?

16 COMMISSIONERS: Aye.

17 COMMISSIONER WHITE: Opposed? Thank  
18 you very much. We will reconvene shortly.

19 (A CLOSED SESSION WAS HELD OFF THE  
20 RECORD).

21 COMMISSIONER WHITE: We're going to  
22 bring this meeting back into session.  
23 Mr. Secretary?

24 SECRETARY ANTHONY: Mr. Chair, George  
25 Anthony for the record. It's appropriate for a

1 motion to bring the meeting from a closed session  
2 to an open session, public hearing.

3 COMMISSIONER WHITE: Is there a motion  
4 in that order?

5 COMMISSIONER WARFIELD: Sir, I move  
6 that we come from a closed session to a public  
7 hearing.

8 COMMISSIONER TAYLOR: Support.

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

12 COMMISSIONERS: Aye.

13 COMMISSIONER WHITE: Opposed? Thank  
14 you very much. Mr. Secretary.

15 SECRETARY ANTHONY: Mr. Chair, you've  
16 heard the case involving -- or the suspension  
17 without pay recommendation involving Police  
18 Officers Daniel Austin, Badge 701, and Wilbur  
19 Medley, Badge 792, both assigned to the 10th  
20 Precinct. We've heard that in closed session.

21 Unless contravened by this body, the  
22 suspension without pay will stand.

23 COMMISSIONER WHITE: Commissioners,  
24 before us is a petition for suspension without  
25 pay of Police Officers Daniel Austin, Badge 701,

1 and Wilbur Medley, Badge 792, both assigned to  
2 the 10th Precinct.

3 If there are no contraventions, the  
4 suspensions without pay will stand. Are there  
5 any contraventions?

6 Seeing none, the suspensions without  
7 pay will stand. Mr. Secretary, is there anything  
8 further?

9 SECRETARY ANTHONY: No, sir.

10 COMMISSIONER WHITE: At this time a  
11 motion for adjournment of our regularly scheduled  
12 meeting for Thursday, April 26, 2012 is in order.

13 COMMISSIONER WARFIELD: Sir, so moved.

14 COMMISSIONER TAYLOR: Second.

15 COMMISSIONER STEWART: Second.

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

19 COMMISSIONERS: Aye.

20 COMMISSIONER WHITE: Opposed? Thank  
21 very much. At this time we will move directly  
22 into our public hearing for matters of discussing  
23 the proposed changes to the towing rules and  
24 regulations.

25 If you wish to address the Board of

1 Police Commissioners we would ask that you come  
2 forward, clearly state your first and last name.  
3 For the benefit of the record, please spell both  
4 your first and last name.

5 As we hear these communications, all  
6 communications will be shared once teletyped with  
7 the commissioners. We would take all  
8 recommendations and discussion into consideration  
9 and depending on the number of recommendations  
10 and/or discussions that takes place, we will  
11 announce at a meeting at a later date as to when  
12 this body will deliberate and propose any  
13 additional changes if necessary to the process or  
14 how we will move forward.

15 And for the record, since we've started  
16 a new meeting my name is Commissioner Donnell  
17 White. I serve as chair of the Board of Police  
18 Commissioners and today I'm joining with my  
19 colleagues Vice-Chair to the Board --

20 COMMISSIONER STEWART: Toney Stewart,  
21 Commissioner Stewart.

22 COMMISSIONER WARFIELD: Commissioner  
23 Warfield.

24 COMMISSIONER TAYLOR: Commissioner  
25 Jessica Taylor.

1 COMMISSIONER WHITE: Representing our  
2 staff --

3 SECRETARY ANTHONY: George Anthony,  
4 Secretary to the Board.

5 COMMISSIONER WHITE: And if you could,  
6 please introduce the rest of our staff,  
7 Mr. Secretary.

8 SECRETARY ANTHONY: Yes, sir. We have  
9 present attorney Celia Banks Washington, the  
10 attorney to the board, Ms. Dalph Watson who is  
11 our director of Police Personnel. We have  
12 Mr. Robert Brown who is our office manager,  
13 Mr. Dale Rose who is from Hanson Court Reporting  
14 Service and our intern, Ms. Pamela Copeland.

15 That completes the introduction.

16 COMMISSIONER WHITE: Thank you, sir. I  
17 would also like to note the presence of Deputy  
18 Chief Benjamin Lee representing the Office of the  
19 Chief.

20 At this time are there any  
21 communications? Are there any communications?  
22 Are there any communications? Seeing none --

23 MR. STIDHAM: Good afternoon,  
24 Commissioners. Thomas Stidham appearing on  
25 behalf of Lost Cat Towing, LLC. I just want to



1 address the Board. I did file a written  
2 submission to the Board and I supplied copies for  
3 each of the commissioners and counsel.

4 I just wanted to highlight five what I  
5 believe are critical objections, solutions and  
6 items that this Board should address.

7 The first of all is Proposed Amendment  
8 Number 8. I think every tower here objects to  
9 the passage of Proposed Amendment Rule Number 8,  
10 reducing the duration of the towing permit from  
11 five years to one year, from five years to one  
12 year.

13 In fact, if I can present this to  
14 Robert to hand to the Board, I'm handing an  
15 objection signed by every towing company --  
16 police authorized towing company here today  
17 stating their universal wholesale disagreement  
18 and objection to this Proposed Amendment Rule 8.

19 And we'd ask that the Board recognize  
20 the prior investment in equipment, personnel that  
21 all of these towers have made on the basis of  
22 these granted a pre-existing five-year towing  
23 permit. So our first objection again is to  
24 reducing the duration in Proposed Amendment  
25 Number 8 from five years one year towing permit.

1                   Secondly, I'd ask -- we object to  
2                   Proposed Amendment 7-A which is a prohibition --  
3                   proposed prohibition on the use of brokers and/or  
4                   independent contractors.

5                   And I'd ask this Board to carefully  
6                   consider this matter. Attached as an exhibit or  
7                   attached as an attachment to our response an  
8                   objection you'll see a proposed alternative  
9                   provision and proposed language or rule that we  
10                  would ask this body to adopt permitting the use  
11                  of road crews and independent contractors by  
12                  police authorized towing companies with respect  
13                  -- or with certain essential safeguards in place.

14                  So we'd ask that you guys take a look  
15                  at those, review those and we'd ask that you pass  
16                  those and you refuse to implement or pass your  
17                  Proposed Amendment 7-A.

18                  Next, I just want to highlight your  
19                  Proposed Amendment 6-B. We completely object to  
20                  the treatment -- well, first of all, to the  
21                  proposed language concerning the treatment of  
22                  leases. There are leases that tow companies have  
23                  authorized or have executed, entered into after  
24                  the adoption of -- or after the passage of the  
25                  initial towing rules and between that time and

1 the time that these proposed rules were -- or  
2 those proposed amendments were proposed.

3 There is -- these leases have been  
4 basically put on hold for nearly going on almost  
5 between six months and a year and there's  
6 certainly no basis for it. This rule I believe  
7 is contrary to applicable law and as I detailed  
8 in our objection we'd ask that, again, you refuse  
9 to pass this rule, strike this rule, and permit  
10 the leases that have been executed by the  
11 parties, which parties have made significant  
12 capital investments in and where I think  
13 importantly for the body to remember permitted  
14 within the prior rules.

15 So, again, for those reasons we could  
16 ask that our leases be given effect and that this  
17 proposed amendment be stricken.

18 Additionally, we'd ask that your  
19 Proposed Amendment 6-A concerning or defining  
20 geographic location be amended. First of all,  
21 it's fatally flawed in that it relates only to an  
22 owned storage lot or there's numerous tow  
23 companies, police authorized tow companies,  
24 throughout the city's history that do not own  
25 their own storage lots, would rather lease them.

1           This rules makes no provision for that  
2           and ought to be -- the proposed amendment itself  
3           ought to be amended to reflect owned and leased  
4           storage lots.

5           Secondly, this proposed amendment  
6           appears to relate solely to a single location  
7           city-wide. We'd ask that this definition be  
8           altered to recognize the investments that certain  
9           companies have made in having multiple locations,  
10          multiple operations throughout the city. And  
11          this simply would -- this rule, Proposed  
12          Amendment 6-A, is simply too restrictive for all  
13          the reasons I set forth in my brief. I won't  
14          reiterate them here.

15          Lastly I think most if not all the  
16          towers would join me in objecting to your  
17          proposed amendment related to the hours. The  
18          hours that are proposed in the rules simply just  
19          are not feasible. They do not recognize the  
20          economic realities of the towing -- police  
21          authorized towing companies as well as, as I've  
22          highlighted in my submission, our company has  
23          tracks their citizen contacts for a certain  
24          defined period of time and what we determined  
25          based on our own internal review was that the

1 bulk of the towing citizen contacts occur Monday  
2 through Friday 8 to 6 PM. Very few after 1 PM on  
3 Saturday, and hardly at all on Sunday.

4 You get the occasional person, but we'd  
5 ask that this Board conform its proposed  
6 amendments to reflect the realities and the  
7 citizen contact patterns that have emerged  
8 throughout the city. I think if any of the  
9 Commissioners made contact with any of these  
10 towing companies and inquired they'll find a  
11 similar pattern.

12 So we object to these things as well as  
13 -- each of these proposed amendments as well as  
14 all the additional items that we've put in our  
15 submission. Thank you.

16 COMMISSIONER WHITE: Thank you,  
17 Mr. Stidham. For the record, I don't believe I  
18 am or any other commissioners has received a  
19 communication from you and I would ask that you  
20 follow up with Secretary Anthony or counsel --  
21 okay, just got it today?

22 Okay, so we haven't received it, but we  
23 look forward to seeing it today. Thank you.

24 MR. STIDHAM: Thank you.

25 COMMISSIONER WHITE: And just for the

1 record I and I believe a number of Commissioners  
2 are in receipt of the communication from Gene's  
3 Towing. I just wanted to put that out there that  
4 we are in receipt of that communication.

5 Good afternoon.

6 MS. SMITH: Good afternoon, Bernice  
7 Smith. I just wanted one question. For the  
8 benefits of the towers, those that I know --  
9 excuse me. Are you leaving, Donnell?

10 COMMISSIONER WHITE: I'm listening to  
11 you.

12 MS. SMITH: Oh. For the benefit of the  
13 towers I would like to find out from you an  
14 answer, are you going to be in support of this  
15 Auto Returns that's out of San Francisco that's  
16 coming in and trying to take over as a contractor  
17 and I know it was a dispute about it a couple of  
18 week ago when one of their representatives came  
19 here that works here and he wanted to ask you in  
20 regards to or he made a presentation to you for  
21 benefit of this company in San Francisco.

22 I do hope that you will think about it  
23 very strenuously and not have some outsider come  
24 in and take over what we can do ourselves. I'm  
25 sure you can find somebody in our city or in our

1 state close by Detroit that can do the same job  
2 and not strip us of our thing.

3 I'm gone, baby. I'm not going to stay  
4 long because I see people weren't listening to  
5 you today. But anyway, that's what I want to  
6 know, all right. See, Brown, I'm being nice.

7 COMMISSIONER STEWART: The answer to  
8 that question, we're not dealing with the  
9 management part, we're just dealing with the  
10 proposal, amendments.

11 MS SMITH: That's it?

12 COMMISSIONER STEWART: Yes.

13 MR. PERKINS: Good afternoon or good  
14 evening. May it please this honorable body my  
15 name is Todd Russell Perkins. I represent a  
16 couple of independent towers. My impassioned  
17 plea to this panel and this body tonight is on  
18 behalf of these towers, if I may take the time, I  
19 only represent three.

20 Gentlemen, could you come up and  
21 introduce yourselves?

22 MR. BENNETT: David Bennet, Detroit  
23 Auto Recovery.

24 MR. GAYLE: Dafen Gayle, Detroit Auto  
25 Recovery, JMA, ABA and City Auto.

1 MR. WOODY: Marcus Woody, J&C.

2 MR. PERKINS: I brought these  
3 individuals and they've retained my services to  
4 make this plea to them, but often times seeing  
5 the faces of the individuals that are affected by  
6 your decision I think is more impacting than some  
7 lawyer in a decent suit making a pitch.

8 It's more than a pitch that I bring to  
9 you today in that the decisions -- and I'll draw  
10 -- recently retained, I will provide my proposed  
11 drafting or proposed amendment to what's been  
12 proposed already and I cite Amendment Number 7-A  
13 -- that will drastically affect these individuals  
14 that stand before you, but not only these  
15 individuals, but there's hundreds of towers who  
16 are similarly situated as they are that they will  
17 not allow -- they leveraged themselves in  
18 positions to ply their trade and now this  
19 particular provision will cast doubt as to  
20 whether they will be able to continue to do that.

21 These are Detroiters, these are people  
22 who pay their taxes, these are people who are  
23 hoping that something can be configured, if not  
24 this, not applying this, you say well, what else.

25 I believe that there is a means of



1 configuring and finding out what the legislative  
2 intent is behind this particular amendment,  
3 whether it's to pay taxes, whether it's enforce  
4 and ensure that everyone is treated fairly from  
5 the towing contract business, but I believe that  
6 there's something that can be done to ensure that  
7 they are able to continue to feed their families  
8 and become or be and maintain their status as  
9 viable citizens, productive citizens of the city  
10 of Detroit.

11 I thank you for the opportunity to talk  
12 a you tonight and I will present my pleadings to  
13 counsel forthwith.

14 COMMISSIONER STEWART: We appreciate  
15 that.

16 MR. PERKINS: Thank you.

17 COMMISSIONER STEWART: Yes.  
18 Commissioner Warfield.

19 COMMISSIONER WARFIELD: Thank you, sir,  
20 for coming forth. I just want to say this  
21 because you're the second person to comment on  
22 that Rule 7-A and I want to be very clear with  
23 you and Mr. Stidham and others that the tow rules  
24 that we put in place are a very delicate balance  
25 and that very delicate balance is predicated on

1 the fact that we want to maintain as much as  
2 possible a very equitable tow rotation within the  
3 city.

4 I understand the concerns that you  
5 have. However, here's our issue. It is very  
6 easily manipulated the way that you all say we  
7 strike that. If we strike that out of the  
8 record, we strike leases out of the record. Then  
9 we're right back at an unequitable tow system  
10 very easily and very quickly.

11 So we are open to hearing how we can  
12 maintain the equitable tow rotations within the  
13 system while it cannot be gamed because one of  
14 the reasons we're sitting here tonight is because  
15 after we approved tow rules, people tried to game  
16 the system after the fact.

17 And so we're open to hear that and so  
18 if your proposal presents that, we will  
19 absolutely consider it, but we will put it  
20 through the litmus test if you will just to make  
21 sure that, again, the very delicate balance that  
22 has been struck already is still maintained.

23 And that's the only -- that's the main  
24 focus I should say that we have is that that  
25 balance stays. So when you're presenting your

1 proposal, just keep that in mind. From our  
2 perspective, that's what we're looking for, to  
3 make sure that balance is there.

4 I do understand the challenges that  
5 some of our towers may have, but in conjunction  
6 with that, understand the balance that we're  
7 trying to achieve, sir.

8 MR. PERKINS: May I just make one quick  
9 comment?

10 COMMISSIONER WARFIELD: Sure.

11 MR. PERKINS: I appreciate that. And  
12 being newly retained in this and actually jumping  
13 head-in researching these issues, I know what  
14 this Board has done in order to bring some  
15 balance and has been successful in doing that,  
16 and I would just offer that one means -- and I'll  
17 put it into writing, much better seen than spoken  
18 sometimes, but I put it in writing that I believe  
19 one key aspect to it is transparency and I think  
20 that's one thing we hear through municipal  
21 relations these days that we also are looking for  
22 in our corporate governance is transparency and I  
23 think that is going to be the focal point of what  
24 I present to you as a body.

25 Thank you very much.

1 COMMISSIONER WARFIELD: Thank you, sir.

2 COMMISSIONER STEWART: You're welcome.

3 MR. ERRIGO: Good afternoon, Board. My  
4 name is Gregory Errigo, president, Michigan Auto  
5 Recovery, police impound yard. The reason why I  
6 want to address the Board this afternoon is in  
7 regards to the time -- what the attorney said  
8 previous to me, the hours of operation. They're  
9 too excessive right now as we all agree or should  
10 come together on agreement.

11 I feel doing this in the majority of  
12 the time we've been doing this excellent time of  
13 hours Monday through Friday 8 to 6, Saturday 9 to  
14 1 and closed Sundays so we can go and do our  
15 religious beliefs. As we've been opening up on  
16 Sunday for the first time ever way back when the  
17 Board said we had to open up seven days a week 7  
18 to 7. Not even 1 percent or redemption is on  
19 Sunday, maybe 5 or 10 percent on Saturday. The  
20 great majority is on Monday through Friday.

21 So if we could indulge in these time  
22 changes it would be appreciated. It would be  
23 less costly to my wallet for people have to sit  
24 there looking at TV because they got cable and  
25 everything now. But at any rate -- and then

1           lastly if I could talk briefly about the leases.

2                       We did send in writing with the  
3           counselor that was up here previous to me and  
4           before me, the leases have to be in effect. The  
5           leases were a thing that the towers worked with  
6           many years and they just can't be stopped or  
7           whatever. It's a tool of how we do our  
8           day-to-day operation and leases for leasing  
9           property, this, that and the other.

10                      It was very encouraged -- it was very  
11           encouraged in the past and I don't know why it's  
12           not encouraged any more.

13                      COMMISSIONER WARFIELD: Do you want to  
14           know why?

15                      MR. ERRIGO: To go ahead and try to put  
16           a company that has property and needs help in  
17           another precinct or district, Reverend?

18                      COMMISSIONER WARFIELD: You don't know  
19           why.

20                      MR. ERRIGO: Well, I know why. I know  
21           I believe of why, and I guess I really still  
22           don't understand why the Board's belief of why.

23                      COMMISSIONER WARFIELD: Here's why, if  
24           I can, Mr. Chair. Just very clear, I mean,  
25           because the other attorney spoke of transparency

1 so I want us to be transparency in this  
2 discussion.

3 First of all, my hat's off to the  
4 towers who tow for the Detroit Police Department.  
5 There's going to be a story that's going to  
6 appear on Channel 7 tonight and when I got the  
7 teaser, I'm like, "Find out who it is" and  
8 certainly it's not one of our towers.

9 MR. ERRIGO: It's Area Towing in  
10 Taylor.

11 COMMISSIONER WARFIELD: And so my thank  
12 God and give hats off to you guys. You guys do a  
13 remarkable job.

14 The reason why we had to stop the  
15 leases is because after we approved the rules it  
16 got out of hand. There were lease deals that  
17 were crisscrossing the city that literally threw  
18 the tow rotation completely out of whack and then  
19 added an unfair advantage to other towers which  
20 we did all that work to try to eliminate in the  
21 first place.

22 That's the reason why we're having this  
23 hearing tonight, because those leases just  
24 literally tipped the scales again, and as I said  
25 to the other attorneys, if there is a way where

1 we can do that and that very delicate balance  
2 stay in place, then fine, if we can come up with  
3 a solution with that.

4 But this cross leasing in order to  
5 become other than mini mega conglomerate systems,  
6 it's just -- we saw it coming and it was  
7 happening and it threw the delicate balance way  
8 off very quickly.

9 MR. ERRIGO: Reverend, I guess you  
10 misunderstood what I was trying to say. I didn't  
11 to do the cross leases, this, that and the other.  
12 There's been legit leases that have been legit  
13 leases that were fair and equitable for the City  
14 and for the towers.

15 Now, for what the cross sign leases you  
16 said over there, whatever, I don't know nothing  
17 about that, not was I a part of it, nor I don't  
18 think it even matters because a thing that was  
19 stopped and what have you, what have you.

20 I'm talking about a legit lease where  
21 is needed in a district or a precinct or whatever  
22 and if you could take them into consideration in  
23 mind I would appreciate it.

24 I made it for a positive approach, not  
25 for the getting around the corner of another way

1 to get there.

2 COMMISSIONER WARFIELD: Absolutely.

3 MR. ERRIGO: Thank you, Reverend, thank  
4 you Board, Chief.

5 MR. MELVILLE: Good afternoon, sirs.  
6 Joseph Melville, Melville's Towing, city of  
7 Detroit. I believe I have a solution to help  
8 clean up the towing in the city of Detroit.

9 I believe that the corruption in the  
10 city of Detroit not only in towing and in the  
11 police department has just gone way above and  
12 beyond. I would like to have a closed session  
13 with the Board of Police Commissioners end the  
14 City of Detroit and I will bring evidence  
15 videotape of police officers and towers  
16 committing crimes. I have them, I will bring  
17 them.

18 I also believe I can help with the  
19 problem in the city of Detroit with the towing.  
20 The problem has gone on for 10 years plus. It's  
21 just gotten worse and worse and worse. The  
22 towers in the city of Detroit need a raise for  
23 one. The citizens of the city of Detroit need a  
24 fair tow company and quit being robbed.

25 I mean, I still have a hard



1 understanding how come some towers who have been  
2 caught up in the corruption and admitted it are  
3 still towing to the city of Detroit. It's just  
4 mind blowing.

5 Perfect example is the Area Towing.  
6 They're removed instantly, but still City of  
7 Detroit keeps their towers who have paid to play  
8 or whatever you want to call it. If the City of  
9 Detroit Board of Police Commissioners will give  
10 me the time and the City of Detroit Police  
11 Department, I would be happy to come down and sit  
12 with them for hours, days, weeks, whatever it  
13 takes to help fix the problem with the city of  
14 Detroit.

15 I've been with the city of Detroit  
16 towing since 1985. I know it inside and out, up  
17 and down. I know every tow company in the city  
18 of Detroit, every one of their employees and  
19 trucks they have, everything about it.

20 If the Board of Police Commissioners  
21 will give me the opportunity, I will bring it  
22 forth. Thank you.

23 COMMISSIONER STEWART: Commissioner  
24 Warfield.

25 COMMISSIONER WARFIELD: Mr. Melville,

1 first of all, thank you for coming, we appreciate  
2 it. And as you may or may not be aware because  
3 we are guided by the Open Meetings Act we cannot  
4 have closed sessions, so anything you wish to  
5 share you're more than welcome to share in the  
6 open.

7 MR. MELVILLE: I don't have a problem  
8 with that. I just didn't think the City of  
9 Detroit wanted that.

10 COMMISSIONER WARFIELD: Let me ask you  
11 this as a bottom line question. When is the last  
12 date on the video that you have?

13 MR. MELVILLE: Less than two years ago.

14 COMMISSIONER WARFIELD: The reason I  
15 ask that question is because we implemented our  
16 tow rules about a year, year and a half ago.

17 MR. MELVILLE: Yes, sir, I'm aware of  
18 that.

19 COMMISSIONER WARFIELD: And as a  
20 result, we're pretty confident that whatever had  
21 happened in the past is not occurring today.

22 MR. MELVILLE: Okay.

23 COMMISSIONER WARFIELD: And because we  
24 have a new set of guidelines and the new set of  
25 towers as I just recently said who are really

1 doing an outstanding job, I mean seriously, we do  
2 understand -- I came on the Board almost two and  
3 a half years now and so I'm very aware of what  
4 past practices may or may not have been on the  
5 rumors, if nothing else.

6 MR. MELVILLE: Oh, those are no rumors.

7 COMMISSIONER WARFIELD: I'm just  
8 saying, but I will say that the towers who are  
9 authorized police towers today have done a  
10 yeoman's job in making sure -- and even they've  
11 helped to make sure that rules and regulations  
12 were crafted in a way that I believe we have one  
13 of the best towing systems now -- I think there's  
14 one critical piece that's needed, but that's  
15 coming next week -- we have one of the best  
16 towing systems now and I will put it up against  
17 any other municipality in the state.

18 I'm not speaking on what happened in  
19 the past. I'm just talking about once the new  
20 rules are implemented, but again if you have  
21 something that's current, certainly it's an open  
22 forum.

23 MR. MELVILLE: I am currently reopening  
24 it. I will be currently applying for the city of  
25 Detroit police towing list. I have two locations

1 now. One I will be taking current residence back  
2 of which I also have a second place.

3 If City of Detroit won't allow me to  
4 reapply and go that route, then I will get  
5 permission to purchase a City of Detroit  
6 authorized tower, so I'm sure in the future we'll  
7 be working a lot together.

8 COMMISSIONER WARFIELD: But you know  
9 the tow permit, if you're familiar with the  
10 rules, don't transfer over automatically.

11 MR. MELVILLE: I'm aware of that, no  
12 problem.

13 COMMISSIONER WARFIELD: Thank you, sir.

14 DEPUTY CHIEF LEE: I'd also like to add  
15 if I may, that if he has any information  
16 regarding allegations against police officers  
17 that he contact Internal Affairs and I will give  
18 him that number.

19 MR. MELVILLE: I have Commander Stair's  
20 phone number, I'll call them.

21 COMMISSIONER STEWART: Anyone else?  
22 Anyone else? This is the last call. If not, so  
23 I'll like to make a --

24 COMMISSIONER WARFIELD: Sir, I move  
25 that we adjourn the public hearing on towing.

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COMMISSIONER TAYLOR: Support.

COMMISSIONER STEWART: Moved and supported. Anyone have any questions or anything? If not, all in favor?

COMMISSIONERS: Aye.

COMMISSIONER WARFIELD: Thank you, ladies and gentlemen.

(Proceedings concluded at 4:53 p.m.)

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