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DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR MEETING

THURSDAY, JUNE 7, 2012, 3:00 PM

7310 WOODWARD AVENUE (CENTRAL DISTRICT)

DETROIT, MICHIGAN

1 COMMISSIONERS:

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3 GEORGE ANTHONY, Secretary

4 DONNELL R. WHITE, Chairperson

5 JEROME L. WARFIELD, Commissioner

6 JESSICA TAYLOR, Commissioner

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10 DETROIT POLICE DEPARTMENT COMMAND STAFF:

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12 DEPUTY CHIEF BENJAMIN F. LEE

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1 Detroit, Michigan
2 Thursday, June 7, 2012
3 About 3:16 p.m.

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

8 My name is Commissioner Donnell White.
9 I have the pleasure of serving as Chairman for
10 the Board of Police Commissioners.

11 Today I'm joined with my colleague
12 Commissioners Jerome Warfield to my right,
13 Commissioner Jessica Taylor and representing the
14 staff for the Board of Police Commissioners,
15 Executive Secretary to the Board, Mr. George
16 Anthony. Mr. Anthony, for the record can you
17 please introduce our staff.

18 SECRETARY ANTHONY: Thank you,
19 Mr. Chair. For the record, George Anthony,
20 Secretary to the Board. We have Ms. Dalph Watson
21 who is our director of Police Personnel. We have
22 Lt. Timothy Leach who is the acting chief
23 investigator from the Office of the Chief
24 Investigator.

25 Our office manager is Mr. Robert Brown.

1 We have P.O. Dan Dankowski and Sgt. Alan Quinn
2 who are our recorders. We also have Mr. Dale
3 Rose from Hanson Court Reporting Service. That
4 completes the introduction, sir.

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

10 At this time we would ask if Chaplain
11 Powell will come forward with our invocation.

12 Good to see you, sir.

13 (INVOCATION WAS GIVEN).

14 COMMISSIONER WHITE: Thank you,
15 Chaplain Powell. At this time the Chair would
16 entertain a motion for the approval of the agenda
17 dated for Thursday, June 7, 2012.

18 COMMISSIONER TAYLOR: So moved.

19 COMMISSIONER WARFIELD: Support.

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

23 COMMISSIONERS: Aye.

24 COMMISSIONER WHITE: Opposed? Thank
25 you very much. At this time the Chair will

1 entertain a motion for the approval of the
2 minutes dated for Thursday, May 24, 2012.

3 COMMISSIONER WARFIELD: So moved.

4 COMMISSIONER TAYLOR: Support.

5 COMMISSIONER WHITE: It's been properly
6 moved and supported. Is there any discussion?
7 Seeing none, all those in favor?

8 COMMISSIONERS: Aye.

9 COMMISSIONER WHITE: Opposed? Thank
10 you very much. I have summer on the brain, I got
11 to apologize. There's no official Chairperson's
12 report at this time, so we'll move for a report
13 from the Office of the Chief.

14 DEPUTY CHIEF LEE: We have no official
15 report today that I'm aware of, but I do have
16 Deputy Chief Melvin Turner from Community
17 Policing, Commander Frankie Lewis from Criminal
18 Investigation Bureau and Police Officer Monica
19 Evans from CIB.

20 COMMISSIONER WHITE: Thank you all for
21 being with us today. Mr. Secretary, is there a
22 report from the Secretary today?

23 SECRETARY ANTHONY: No, sir.

24 COMMISSIONER WHITE: I don't believe we
25 have any standing committee reports, so at this

1 time under new business I would ask that
2 Commissioner Taylor lead us in the reading of the
3 grant for the request to apply for the
4 Juvenile-Focused Community Policing/Community
5 Prosecution Byrne Justice Assistance Grant (Byrne
6 JAG) Fiscal Year 2013 program from the Michigan
7 State Police.

8 COMMISSIONER TAYLOR: The Michigan
9 State Police is accepting applications for the
10 Juvenile-Focused Community Policing/Community
11 Prosecution Byrne Justice Assistance Grant for
12 Fiscal Year 2013.

13 The Detroit Police Department is
14 eligible to apply for \$125,000 with no cash
15 match. The Juvenile-Focused Community
16 Policing/Community Prosecution Program is
17 designed to foster proactive problem-oriented
18 interventions to combat juvenile delinquency.
19 Acceptable initiatives include youth mentoring
20 and community service activities, evidence-based
21 drug and violence prevention programs, youth
22 academies, counseling services and events that
23 facilitate parent and community engagement.

24 Strategies should be comprehensive and
25 may also include services for parents or other

1 caregivers as well. Interactions between law
2 enforcement and youth should be viewed as
3 positive in nature and seen as a reward and not
4 punishment.

5 Within this proposal DPD will partner
6 with Think Detroit PAL to develop a program for
7 at-risk youth in the Cody Rouge Area. A
8 classroom curriculum as well as recreational
9 activities will be provided.

10 If awarded, the grant period will run
11 from October 1, 2012 through September 30, 2013.
12 In the event that approval is granted to apply
13 and the award is received, Officer Monica Evans
14 of the Criminal Investigation Bureau would serve
15 as the project director.

16 The deadline for this application is
17 June 26, 2012. I am requesting the Board's
18 permission to apply for this funding and seek
19 approval of the Honorable Detroit City Council.

20 Sincerely, Ralph Godbee.

21 COMMISSIONER WHITE: Thank you,
22 Commissioner Taylor. Before us, Commissioners,
23 is a request to apply for the request to apply
24 for the Juvenile-Focused Community
25 Policing/Community Prosecution Byrne Justice

1 Assistance Grant request to apply for the
2 Juvenile-Focused Community Policing/Community
3 Prosecution Byrne Justice Assistance Grant for
4 fiscal year 2013 for a program from the Michigan
5 State Police.

6 What is your pleasure?

7 COMMISSIONER WARFIELD: Sir, I move
8 that we grant permission of the department to
9 seek approval of this grant from the City
10 Council.

11 COMMISSIONER TAYLOR: Support.

12 COMMISSIONER WHITE: It's been properly
13 moved and supported. Any discussion? I do have
14 one question. I don't know, Deputy Chief, if we
15 could bring Officer Evans forward.

16 Officer Evans, specifically why did we
17 choose the Cody Rouge Area? Are we limited to
18 one area?

19 OFFICER EVANS: Well, as far as the
20 pilot program and identifying what our hot spots
21 were, you use data as far as where we needed the
22 most investment for crimes against children or --
23 victimizers and the victims of youth.

24 And so that was starting in one area
25 with the funding that we have, we felt along with

1 the Youth Violence Prevention Initiative that we
2 should stick with the areas that were within some
3 of the other plans that we had as far as our
4 Youth Violence Prevention, and Cody Rouge came up
5 with the higher issues concerning gangs and gun
6 violence for our young people.

7 COMMISSIONER WHITE: And these types of
8 crimes are --

9 OFFICER EVANS: We looked at home
10 invasion, we looked at armed robbery, gun
11 violence and gang violence, and then best meeting
12 the needs of the feeder schools into the Cody
13 Rouge Area as well as, you know, if there's an
14 expansion of it then we would probably go into
15 Osborn, Denby Areas. Those are our the highest
16 crime rates right now in those areas for our
17 young people.

18 COMMISSIONER WHITE: Are we able to
19 quantify the estimated population that we will be
20 servicing in that area?

21 OFFICER EVANS: What the goal is is
22 that we have six GRET officers, Gang Resistance,
23 Education and Training officers, and in some
24 other proposals we have right now that's going to
25 work on the overtime for those, but that we would

1 be able to service in those areas at least 1,000
2 students within that time frame, and being in the
3 classrooms consistently. Like they said, the
4 curriculum is a 13-week curriculum.

5 This year with just two officers we
6 were able to meet almost 500 students, so we'd
7 like to be able to, with the partnership with
8 PAL, with Boys & Girls Clubs, broaden that with
9 the students that we're going to effect.

10 COMMISSIONER WHITE: So the target is
11 1,000 young people in 2013?

12 OFFICER EVANS: Yes.

13 COMMISSIONER WHITE: Any other
14 questions or concerns? Thank you, Officer Evans.
15 Seeing no further questions, all those in favor?

16 COMMISSIONERS: Aye.

17 COMMISSIONER WHITE: Opposed? Thank you
18 very much. Under old business is there anything
19 pertaining to the towing hearing?

20 COMMISSIONER WARFIELD: Yes, sir. I do
21 have some.

22 COMMISSIONER WHITE: Commissioner
23 Warfield?

24 COMMISSIONER WARFIELD: Thank you,
25 Mr. Chair. This information that as relates to

1 the towing hearing stems from the fact that five
2 of our towers had requested and received
3 permission from the Management Services Division
4 to move their facilities without there being any
5 approval from this board, and more particularly
6 when we looked further into this matter there is
7 some outstanding issues that I believe involves
8 further investigation and questioning if nothing
9 else.

10 Let me be very specific on what I mean
11 by that. And I'm going to ask -- and I'm just
12 going to - if it's okay with you, Mr. Chair, I'm
13 going to ask if I can call Joe Melville to the
14 podium for a moment, and then I don't see anyone
15 here representing Management Services
16 unfortunately, which is unfortunate.

17 I don't know if Deputy Chief, because
18 some of this was going on right before you left
19 Management Services so I might need you to chime
20 in as well.

21 And maybe I'll start with Deputy Chief
22 Lee. Deputy Chief Lee, is it your understanding
23 that when towers hand in their application
24 through the application process that leases and
25 all of their zoning and all the information

1 should be thoroughly reviewed by those in charge
2 before a permit is issued?

3 DEPUTY CHIEF LEE: Deputy Chief Lee,
4 through the Chair. Yes, that's the process that
5 we had in place when we initially started
6 accepting applications, that the applications had
7 to be complete and all the information required
8 had to be a part of the package.

9 If not, we notified the prospective tow
10 company of any deficiencies that they had.

11 COMMISSIONER WARFIELD: Okay, and just
12 for our understanding here today, is it true
13 that, let's say, if we handed in paperwork, let's
14 say if it's a lease, that it was your
15 department's role to review all that information
16 very thoroughly to make sure that there was
17 nothing that disqualified candidates from
18 obtaining a permit?

19 DEPUTY CHIEF LEE: Through the Chair,
20 yes.

21 COMMISSIONER WARFIELD: Thank you, sir.
22 Mr. Melville brought it to my attention three if
23 not four weeks ago that five towers who were on a
24 property that he owned who was leasing that
25 property through court action was evicted from

1 that property. There were five permitted towers
2 that we have here.

3 Mr. Melville, could you just tell us --
4 first of all for the record your name and --

5 MR. MELVILLE: Excuse me, Joseph
6 Melville.

7 COMMISSIONER WARFIELD: And just one
8 second before you go into what you have to say.
9 When did you file that initial lawsuit, do you
10 remember?

11 MR. MELVILLE: I believe it was July of
12 2011.

13 COMMISSIONER WARFIELD: July of 2011?

14 MR. MELVILLE: That is correct.

15 COMMISSIONER WARFIELD: When did you
16 inform -- or did you inform Management Services
17 that there were issues with people who were on
18 your property receiving permits?

19 MR. MELVILLE: The exact same day. I
20 left the courthouse and went over and spoke to
21 Officer Roland Clark concerning the issues.

22 COMMISSIONER WARFIELD: In Management
23 Services?

24 MR. MELVILLE: That is correct, 1300
25 Beaubien.

1 COMMISSIONER WARFIELD: And what did
2 you tell him the issue was?

3 MR. MELVILLE: I explained to Officer
4 Clark that there was some subcontracting on my
5 property that wasn't approved through me and
6 because of it I was filing an eviction notice and
7 papers to remove them from my property because it
8 wasn't allowed.

9 COMMISSIONER WARFIELD: Was that
10 language stated in your lease agreement that you
11 had with them?

12 MR. MELVILLE: Yes, sir. My lease said
13 no subcontracting of any sort without my prior
14 permission.

15 COMMISSIONER WARFIELD: And is what
16 you're telling us today that you did not approve
17 any sub-leasing?

18 MR. MELVILLE: That is correct. This
19 is why I pursued the legal actions to have them
20 removed.

21 COMMISSIONER WARFIELD: Is there
22 anything else you wish to say?

23 MR. MELVILLE: Yes. I did file
24 eviction notice in July of 2011. We went to
25 court. They had it moved up to Circuit Court

1 following two weeks after I filed the paperwork.

2 They voluntarily moved off our
3 premises. The Courts didn't order them off. The
4 Court still never heard my case in Circuit Court
5 for whatever reason. We had it moved to Circuit
6 Court and it's been 11 months and it still has
7 not been heard today for whatever ungodly reason
8 this is. It should have been heard within 10
9 days from the removal from 36th District Court to
10 Circuit Court.

11 They moved out of the premises on their
12 own because it was pending litigation.

13 COMMISSIONER WARFIELD: So they did
14 move off the premises?

15 MR. MELVILLE: Yes. I received keys on
16 May 31st of this year, that is correct.

17 COMMISSIONER WARFIELD: Thank you, sir.
18 Mr. Chair, several things I want to get into, but
19 first of all it has been -- it was brought to our
20 attention a few weeks ago that this Board did not
21 have, so it was believed, supervisory oversight
22 to deal with this matter, and it was stated on
23 the record that we were "overreaching" as relates
24 to our authority.

25 I just want to read from the Detroit

1 City Charter, if I can, into the record the
2 authority that we have in this matter
3 specifically, if that's okay, Mr. Chair.

4 COMMISSIONER WHITE: Yes, sir.

5 COMMISSIONER WARFIELD: This is coming
6 from the new City Charter that was just adopted
7 on November 8, 2011 and it says in Section 7-082
8 under the title Board of Police Commissioners,
9 "The Board of Police Commissioners has
10 supervisory control and oversight of the Detroit
11 Police Department as set forth in this chapter.
12 The Board of Police Commissioners is
13 comprised..." and it has of course the number of
14 members there. It's also goes on to say -- I'm
15 just doing this just to shorten this section so
16 we won't prolong it too long, sir.

17 That in Section 7-803 of the Charter
18 that, "In consultation with the Chief of Police
19 and with the approval of the Mayor establish
20 policies, rules and regulations, review and
21 approve the departmental budget before its
22 submission to the Mayor, receive and resolve as
23 provided in this chapter any complaint concerning
24 the operation of the police department and
25 forward all allegations of criminality to the

1 appropriate internal and external law enforcement
2 agencies for further investigation.

3 Number 4. Act as final authority in
4 imposing or reviewing discipline of employees of
5 the department" and we'll stop right there for
6 the purposes just to establish again that this
7 Board certainly as established by the Detroit
8 City Charter, the newly revised City Charter,
9 definitely has a mandate to oversee issues that
10 we are discussing right now.

11 In addition to that, sir, back earlier
12 in the year prior to having the hearings on tow
13 rules this Board voted in an approval vote that
14 we will not make any changes to our tow rotation
15 until after the new rules were to take place, and
16 that was an action that was taken by this Board.

17 According to the tow rules that are
18 currently in place the permit that's given to our
19 towers, on that permit is the address of where
20 their lot is located. And that permit is not
21 transferable nor is that permit transferable by
22 property or transferable by owners. And it very
23 clearly says that that permit is not transferable
24 in our rules. And that permit is designated for
25 that location and for those owners that have been

1 inspected.

2 What has happened, sir, is that our
3 rules, I believe, have been circumvented somewhat
4 to the degree that, first of all, when you look
5 at the fact of the initial submission of the
6 paperwork it was not legal, for lack of a better
7 term, for Management Services to accept the
8 leasing contract of those who are in question now
9 because of the fact that in that leasing contract
10 that was turned in there was no subletting clause
11 in that contract.

12 And so as a result, those companies
13 should not have received a permit in the first
14 place. Subsequently since the move has occurred
15 as testimony that was given at our public meeting
16 a few weeks ago, it was stated that those
17 companies that are now on a lot, that lot does
18 not comply with what the rules that our current
19 towers had to go through.

20 Many of them had to either build walls
21 or build new fencing in order that their lots
22 comply with city zoning. The current lot that's
23 located now does not comply with those rules and
24 we do understand that Zoning gave a variance for
25 them to have some time to get that together.

1 The issue with that is our current
2 towers did not have that favor to be able to do
3 that. It was stated on the record that a lot of
4 money was paid in an effort to get this
5 particular issue moved quickly through either
6 Zoning or wherever the case may be.

7 And in looking at all of these issues,
8 sir, and unfortunately, again, no one is here
9 from Management Services to answer the questions
10 directly, it's interesting to me that in November
11 of this year -- and let me say this too before I
12 go to that point.

13 The permits were issued in August of
14 2011. That was the deadline to get them all in.
15 And Management Services were notified in July of
16 last year that this issue was out there and had
17 occurred, and these permits were issued anyway.

18 In November of this year Management
19 Services sent a communication to the Board's
20 office that their officers went to inspect this
21 new lot and what's interesting to me is when we
22 asked them why you inspected the new lot and what
23 was their rationale for the move, they gave no
24 rationale for the move to this particular Board.

25 So all of this is very disconcerting to

1 me. Mr. Chair, as you know and as my colleague
2 knows, Commissioner Taylor, many times folks come
3 to this Board, especially our towers, who we've
4 worked very hard with and have been, we believe,
5 very fair with, some unfortunately still comment
6 the fact that there is still some issues of
7 impropriety within our system.

8 And certainly I'll vigorously fight
9 against that, but unfortunately it seems to me
10 that there are areas where some things have
11 slipped past the cracks, and so -- and if not,
12 there are just some flat violation of the tow
13 rule process.

14 And so as a result of that, sir, I
15 think it's incumbent upon us as a Board to act
16 swiftly and decisively and to send a message that
17 this type of behavior just cannot be tolerated,
18 especially as we're moving forward to solidify
19 our rules to make sure, again, it works for
20 everybody.

21 We didn't pass the rules for a few, we
22 passed the rules for the masses of those who wish
23 to do business with us. And so as a result of
24 that the findings that I've been able to uncover,
25 just those, just the fact that we issued permits

1 to companies that based on their own leasing
2 agreement were in violation, it's fairly
3 disturbing to me.

4 And so -- and it does not do justice to
5 those towers that we have that actually did
6 follow the rules and did follow the procedures as
7 it was outlaid -- laid out in our procedures.

8 Therefore, and I don't know if this is
9 the time for this or we'll open up more
10 discussion on it, but I am prepared to make a
11 motion and I'll leave it up to you if you want me
12 to do it now or later as relates to this
13 particular matter.

14 COMMISSIONER WHITE: Thank you,
15 Commissioner Warfield. Counsel, would you mind
16 coming forward. I have a couple of questions for
17 you.

18 Counsel, there is a number of concerns
19 that were raised by Commissioner Warfield and he
20 cited a number of sections in our Charter which
21 speaks to the powers of this body, of which is
22 the ability to subpoena witnesses and gather
23 information.

24 Some of the improprieties that are
25 being referenced to me would encroach upon an

1 egregious violation of some of the rules that are
2 in place.

3 What process should we adhere to? Now,
4 I don't know what the motion is that Commissioner
5 Warfield may have, but if it is a matter of --
6 and I don't want to blindside the management
7 either without them having an opportunity to
8 respond to a lot of this by putting the motion
9 forward at this point, but what should the
10 process be as we move forward with this -- the
11 handling of this situation in terms of getting an
12 accurate account of what happened, allowing
13 individuals to articulate their role in this
14 process and in terms of what actually happened so
15 we have an accurate record on the record before
16 this body before we deliberate over this issue?

17 MS. WASHINGTON: Celia Washington,
18 attorney for the Board. Again, this is -- I
19 heard it just as you did just now and
20 Commissioner Warfield is correct in his
21 understanding in his reading of the Board's
22 responsibility and the purview of their
23 authority.

24 I'd even go a step further. In
25 addition to the Charter provision that

1 Commissioner Warfield cited there is specific
2 language in the City Code, in the ordinance, that
3 taken together deal even more specifically with
4 towing.

5 But I think he pretty much hit the nail
6 on the head with respect to the supervisory
7 authority of the Board, so any argument of
8 overreaching, which is one that is certainly not
9 one that this board is not unaccustomed to
10 hearing or being accused of, is certainly not the
11 case here.

12 But you're correct, the Charter does
13 allow or does provide for the Board to have
14 subpoena power, to bring in witnesses. If it's
15 the Chair or the Board's pleasure we can
16 certainly get those subpoenas issued for the
17 documents, but there's a number of different
18 departments based on what I've just heard the
19 Commissioner say.

20 There's Buildings & Safety, there's
21 Zoning, there's City Planning, because somewhere
22 in there, I believe maybe January of this year,
23 there was a zoning change -- a change in the
24 language of the ordinance where Planning kind of
25 redefined what police-authorized storage and tow

1 yards should look like.

2 So if this Board would see fit to
3 launch an investigation, I think all of those
4 things need -- there are reports that were made
5 to that Zoning Board with regard to changes.

6 You mentioned lot requirements in terms
7 of fencing and encroaching on residential and all
8 this. There's a number of things. But it's
9 certainly within your purview to instigate or
10 initiate an investigation in that regard.

11 What the Charter did change, the
12 Charter didn't allow the Board to initiate
13 investigations necessarily, and that I'd have to
14 make sure that I'm clear on.

15 There's some launching of
16 investigations on its own that the Charter
17 disallowed. I don't think -- I think it's more
18 -- I just need to be sure, I need to take another
19 look at it in terms of initiating because there
20 was one point in the Charter that you could --
21 the Board could initiate an investigation on its
22 own, but if you'll allow me an opportunity to
23 make sure that this is not one of the exceptions
24 to that, I can certainly do that.

25 But the Board does have subpoena power

1 and even absent launching an investigation, those
2 subpoena powers were not taken away from the
3 Board, so the Board has every right to ask for
4 Buildings & Safety records, Management Services
5 records, all of the things that went into the
6 decision to allow this change in address for this
7 particular piece of property to happen.

8 COMMISSIONER WHITE: Before you leave,
9 counsel. Commissioner Warfield, does your motion
10 speak to the spirit of this conversation?

11 COMMISSIONER WARFIELD: Yes, and
12 probably a little bit even more basic than that.
13 Thank you, Mr. Chair.

14 I think my notion really speaks to the
15 initial issuing of the permits notwithstanding
16 what has happened since the move, so mine goes
17 back to the very basic beginning of the permits
18 being issued to these companies in the first
19 place, seeing that they were in violation of
20 their own lease agreement from the owner that
21 they were leasing the property from, which would
22 have certainly made them not qualified to have
23 the towing permits in the first place.

24 So it's even more basic than all of the
25 moves that have taken place.

1 COMMISSIONER WHITE: Thank you, and
2 counsel, would it be your position or
3 recommendation that we take this situation in its
4 entirety not only how they got the permits, but
5 what happened when they got the permits? You
6 referenced Zoning, Buildings & Safety and
7 others.

8 Is there a need to go that far or --

9 MS. WASHINGTON: From a legal
10 perspective, not to interrupt, Chair, I don't
11 think that it's a legal decision as to how you
12 approach this because I think, if I'm
13 understanding what Commissioner Warfield is
14 saying, he's saying from the outset it was
15 flawed.

16 And I'm not sure what his motion is
17 going to say. I kind of get a feel for what his
18 motion is going to say, but I can't -- it's the
19 Board's pleasure as to whether to take action on
20 these five towers at this time, for lack of a
21 better way to put it, and then to investigate or
22 to do one and then the other or to do them
23 simultaneously.

24 I don't think that there's a right or
25 wrong legal plan, sir. I think it's the Board's

1 pleasure.

2 COMMISSIONER WHITE: But one doesn't
3 preclude us from doing the other based on the
4 sequence that we have?

5 MS. WASHINGTON: I don't see that,
6 sir.

7 COMMISSIONER WHITE: Anything further
8 from counsel before you --

9 COMMISSIONER WARFIELD: No.

10 COMMISSIONER WHITE: Thank you.
11 Commissioner Warfield, on your motion, Chair will
12 entertain your motion at this time.

13 COMMISSIONER WARFIELD: At this time,
14 sir, Mr. Chair, in lieu of the information that
15 has been presented to this Board, especially as
16 relates to the violation of the lease contract by
17 Mr. Joe Melville, I am recommending that all five
18 companies that were impacted by that lease be
19 suspended immediately from the tow rotation until
20 we can get some final answers as to if they
21 should or should not have been located -- I'm
22 sorry, have received permits.

23 In addition to that, to look into the
24 move and what happened as relates to zoning and
25 zoning appeals and if there were special things

1 done to push things through which may or may not
2 have a view of impropriety.

3 So basically what I'm asking, sir, is
4 that we suspend all five companies from the
5 towing rotation immediately until we are able to
6 get some criteria, some very direct information,
7 especially considering the fact that the
8 information we have so far suggests that these
9 permits were given out inappropriately.

10 COMMISSIONER WHITE: Before the Chair
11 calls for a second for that motion to be
12 accurate, Commissioner Warfield, could you please
13 be explicit in which companies you're
14 referencing?

15 COMMISSIONER WARFIELD: They would be,
16 for the record let me pull the letters from the
17 record. Give me a second, sir.

18 Mr. Chair, is it okay for the record if
19 I have can Mr. Melville come up and give me the
20 name of those companies for the record?

21 COMMISSIONER WHITE: Yes.

22 COMMISSIONER WARFIELD: Mr. Melville,
23 could you approach the podium again, please.

24 State your name for the record.

25 MR. MELVILLE: Joseph Melville again.

1 The companies were Detroit Auto Recovery, J&C
2 Recovery, ABA Towing --

3 COMMISSIONER WHITE: I'm sorry, you
4 said Detroit Auto Recovery --

5 MR. MELVILLE: J&C Recovery. ABA
6 Towing, Independent Auto brokers, and the fifth
7 company I'm not sure what the name was, Auto City
8 or something to that effect. It should be under
9 Northwest District.

10 COMMISSIONER WARFIELD: Was it City
11 Auto Towing?

12 MR. MELVILLE: That's correct.

13 COMMISSIONER WHITE: City Auto Towing?

14 COMMISSIONER WARFIELD: Or City --

15 MR. MELVILLE: I think it was City Auto
16 Storage. It was something to that effect. One
17 of the representatives is here, he can answer the
18 question correctly.

19 COMMISSIONER WARFIELD: City Auto, City
20 Auto.

21 MR. MELVILLE: That's correct.

22 COMMISSIONER WARFIELD: And for the
23 record, Mr. Chair, the City of Detroit has a
24 listing as J&C Towing.

25 MR. MELVILLE: I believe it'S J&C

1 Recovery.

2 COMMISSIONER WARFIELD: I'm just saying
3 the record that the City has, but one of those --
4 same company though?

5 MR. MELVILLE: Same company, that's
6 correct.

7 COMMISSIONER WHITE: Thank you, sir.
8 So, Commissioner Warfield, if you could fashion
9 your motion to include the names of these
10 companies.

11 COMMISSIONER WARFIELD: Sure. Sir,
12 again, I recommend that ABA Towing -- and I'm
13 going off the list from the City Civil Rights
14 Division of businesses that are registered with
15 the City, I'm recommending that ABA Towing,
16 Detroit Auto Recovery, City Auto, J&C Towing and
17 Independent Brokers be suspended immediately from
18 the tow rotation until further notice after
19 investigation.

20 COMMISSIONER WHITE: Is there a second
21 on that motion?

22 COMMISSIONER TAYLOR: Second.

23 COMMISSIONER WHITE: It's been properly
24 moved and supported. Any discussion? I do have
25 discussion. Counsel, if you could, please.

1 MS. WASHINGTON: Yes, sir.

2 COMMISSIONER WHITE: To the Board's
3 ability to suspend these companies and to make
4 sure we do things decent and in order, would the
5 Board place itself in harm's way if we suspended
6 these individuals prior to us having the
7 conversation about what actually transpired?

8 MS. WASHINGTON: Again, without having
9 -- Celia Washington for the record. Without
10 having the benefit of -- and this is kind of off
11 the cuff -- if you would allow me a bit of time
12 to get an answer together for you because I would
13 like for that to be the right advice because I
14 certainly don't want the Board to move -- or to
15 act out too quickly, so out of an abundance of
16 caution, at least from my perspective, I would
17 ask for at least until the next meeting to give
18 you a formal opinion.

19 COMMISSIONER WHITE: Thank you,
20 counselor. Any other discussion? So
21 Commissioners, before us is a motion for the
22 suspension of five companies, Detroit Auto
23 Recovery, J&C towing, ABA Towing, Independent
24 Auto Brokers and City Auto Towing.

25 Given that the recommendation of our

1 counsel, the Chair would ask that you take that
2 into advisement under your vote that this matter
3 might be best suited for our next meeting after
4 we've had an opportunity to have a legal opinion
5 rendered to this body to ensure that we are on
6 solid ground.

7 So with that being said, and the motion
8 is already been seconded so it belongs to the
9 body, so if there is a new motion we would need
10 to dispose of this motion first and then deal
11 with a new motion at that time, so if there's no
12 further discussion the Chair will call for the
13 question, all those in favor of this motion,
14 signify by saying aye. Opposed?

15 COMMISSIONERS: Aye.

16 COMMISSIONER WARFIELD: Negative.

17 COMMISSIONER WHITE: Thank you, sir.
18 Commissioner Warfield?

19 COMMISSIONER WARFIELD: Yes, sir.
20 Thank you, sir. In light of what counsel had
21 alerted us to, I would like us to take this
22 matter up next meeting under old business with
23 the guidance, but can I just give some
24 recommendations to counsel.

25 I know that in our tow rules, our tow

1 rules gives us the responsibility and the right
2 to revoke, suspend or remove -- I believe to
3 remove those from our tow lists, so -- but
4 certainly we want to make sure -- and I agree
5 with you -- that we are legally right, but I do
6 want this to be on the agenda for next week and
7 thank you, Mr. Chair, I appreciate that.

8 COMMISSIONER WHITE: Thank you,
9 Commissioner Warfield. Anything else on our
10 towing? Seeing none, under announcements, our
11 next meeting will be held Thursday, June 14, 2012
12 at 6:30 PM. Our meeting will be hosted within
13 the Southwestern District at the Southwest Public
14 Safety Center, address 4700 West Fort Street,
15 Detroit, Michigan 48209.

16 At this time the Chair will entertain
17 oral communications from the audience. If you
18 wish to address the Board of Police Commissioners
19 you would ask that you would come forward, for
20 the record please state and spell your first and
21 last name and be mindful of the two minute
22 allotted time period which is given by Office
23 Manager Brown to my left and your right.

24 Good afternoon.

25 MS. McCLELLAN: Good afternoon,

1 Commissioners. My name is Cecily McClellan and
2 I'm here today because we're very much concerned
3 about an activity that occurred with the police
4 department on Woodward and Calvert that involved
5 our three nephews, three nephews of mine,
6 great-nephews, and it is our opinion that the
7 police treated them inappropriately.

8 I have one of my nephews here, the one
9 that was interrogated by the police, and I think
10 he needs to share this behavior -- I mean, what
11 happened to him, and this is his father.

12 MR. McCLELLAN: Miguel McClellan.

13 TYREN McCLELLAN: I was on Woodward
14 Avenue -- my name is Tyren McClellan. I was 12
15 -- I'm 12 years old. I live at (ADDRESS.)

16 COMMISSIONER WHITE: No address,
17 please.

18 TYREN McCLELLAN: No address? Okay, I
19 live on Calvert. I was CVS parking lot which is
20 right across the street from my house on Woodward
21 Avenue and we were going home and that's when the
22 police pulled up and I thought it was my uncle so
23 I stopped, and that's when they got closer and
24 they got out and they asked me if they were going
25 to -- if we were going to make them chase us.

1 So he put me on the car, my arm behind
2 my back and asked me if I was smoking weed and I
3 said no. And I asked him what he was going to do
4 to me and he said that he was going to beat the
5 h--- out of me. I said, "Please don't hurt me".

6 So that's when he started asking me
7 questions like my name, where I live and who I
8 live with. So when I told him I live with my
9 father Miguel McClellan he asked me if he goes by
10 another name and I said no, and then he asked me
11 if I knew Cocomonte McClellan and I said yes.

12 Then he asked me where does he live and
13 I told him I didn't know. Then -- oh, they
14 handcuffed my cousin Tyrese and my nephew Chris
15 on the car and kicked Chris leg so he could
16 spread them, but they left a bruise.

17 MR. McCLELLAN: All these kids 12 and
18 under.

19 MS. McCLELLAN: They're 12 years old,
20 okay, and if they were concerned about curfew
21 because it was approximately 10, but they lived
22 -- you could see the house. And if it was -- we
23 could have respected that. They could have took
24 them right across the street.

25 But curfew never came up based on their

1 report and I did have a written report for them
2 from all three children. But I mean it is
3 disturbing to the family.

4 I am the mother of Cocomonte McClellan
5 and, you know, it just appears that from past
6 issues that these officers are bringing up some
7 issues that happened before. He's trying to get
8 his life together and he's doing fine.

9 But my concern is that they handcuffed
10 12 year olds and they hand --

11 MR. McCLELLAN: And they interrogated
12 them.

13 MS. McCLELLAN: And handcuffed them to
14 the grille of the car.

15 MR. McCLELLAN: Unfortunately we don't
16 have no names or badge numbers but --

17 MS. McCLELLAN: But we're going to
18 write the report up, we will give it to the chief
19 investigating officer and, you know, it's our
20 opinion that if you don't stop this, it will get
21 worse.

22 COMMISSIONER WHITE: Mc. McClellan,
23 before you leave, and Mr. McClellan certainly
24 Tyren -- first of all, Tyren, we certainly
25 appreciate and salute your courage for being able

1 to come forward. I would imagine that situation
2 could not be a favorable situation, but we
3 applaud you for your courage to come forward to
4 make sure that your voice is heard in this
5 matter.

6 This Board and body has a zero
7 tolerance for treating young people or any person
8 for that matter inappropriately. We hold our
9 officers of this department to the utmost
10 professional standard and if whatever the
11 situation may be, if you were in fact treated
12 unfairly, we certainly apologize for the actions
13 of that officer and you have our commitment that
14 we will work diligently to find out -- even
15 though you may not know their names or badge
16 numbers, there is a process that we can put you
17 with.

18 I'm going to ask parents and
19 grandparents if you could speak with Lt. Timothy
20 Leach from our Office of the Chief Investigator
21 so we can make sure that we handle this situation
22 appropriately for you.

23 We certainly would appreciate your
24 patience as we move through this process to try
25 to identify the nature of this incident and what

1 actually transpired that date.

2 But, certainly, Tyren, we appreciate
3 your coming forward and you have the right to go
4 to school and move back on your way home without
5 being intimidated by anyone including members of
6 this department.

7 So again, thank you for coming forward
8 today.

9 MS. McCLELLAN: Thank you.

10 DEPUTY CHIEF LEE: I do have a couple
11 of comments through the Chair here. Deputy Chief
12 Lee.

13 And I don't know if you -- was it 10
14 o'clock you say you were still out?

15 MS. McCLELLAN: It was 10 o'clock,
16 probably slightly after 10.

17 DEPUTY CHIEF LEE: Let's just make sure
18 on that avenue of things that the kids are home
19 when they're supposed to be. 10 o'clock is just
20 absolutely too late for 12 year olds to be out.

21 MS. McCLELLAN: And we agreed, but it
22 was warm and as we indicated you can see their
23 home from the parking lot.

24 MR. McCLELLAN: They play in the
25 parking lot.

1 MS. McCLELLAN: And if that was their
2 concern, we could have respected that. You know,
3 we would have expected the police to drive right
4 over there and point and let us know they're over
5 there in the parking lot after CVS closed, but
6 that didn't happen.

7 COMMISSIONER WHITE: Thank you, sir.
8 And, Deputy Chief, you brought up an interesting
9 point. What is the actual curfew for minors in
10 the city of Detroit at this point?

11 DEPUTY CHIEF LEE: I will defer to
12 Officer Evans on that so that I don't misquote
13 it.

14 OFFICER EVANS: It is 10 o'clock for
15 anybody 16 and under for now, during the summer
16 hours. And then it changes in September after
17 daylight savings.

18 COMMISSIONER WHITE: So curfew only
19 applies to those who are under the age of 16?

20 OFFICER EVANS: Correct. 16 and under
21 and then there's -- I believe it's 11 o'clock 17
22 to 18 depending on -- there's some different
23 articulations concerning going to work and coming
24 to and from work, but yeah, 16 and under.

25 COMMISSIONER WHITE: And if individuals

1 are approached who are minors after curfew, what
2 typically transpires in that situation?

3 OFFICER EVANS: We would normally --
4 personally. I can't speak on behalf of everybody
5 else, but protocol would say that we get their
6 information, the child's name, address and then
7 we would issue them a curfew violation.

8 Many times we won't take them back to
9 district, we have the option to take them home,
10 issue the ticket, talk to their parents as well
11 or even issue, for the younger children
12 especially, a parental responsibility ticket
13 because they need to be accountable for where
14 their children are.

15 And so that would be the normal
16 protocol for that. Otherwise, I believe we are
17 giving -- we're given a little bit -- you know,
18 we have the opportunity or the option to put them
19 in handcuffs or not based on the fear that we
20 might have in the totality of the circumstances.

21 If the CVS is closed, you know, we
22 might be more cautious because these children
23 might be trying to break in or whatever the case,
24 so really the totality is how we might handle
25 that situation differently, so it's really up to

1 the officer.

2 COMMISSIONER WHITE: Sure. Thank you.

3 MR. ADAMS: How, folks, how are you. My
4 name is Dean Adams, I'm the owner of Marilyn
5 Monroe's down in Greektown, address is 419
6 Monroe.

7 On May 4 about 10:35 PM, I entered into
8 my business, went to the second floor and I
9 grabbed the credit card machine and was tying it
10 up.

11 A young man approached me, grabbed me
12 by my suit collar, put out a .40 cal Glock, told
13 me he was going to kill me.

14 There were about 10 or 14 people on the
15 floor that ran for cover. After two or three
16 minutes of telling this gentleman that don't kill
17 me, XYZ, he proceeded downstairs to the first
18 floor.

19 I got to the first floor suited.
20 There's two bouncers there. One of the bouncers
21 grabbed me and says, "Well, you know, what are
22 you doing?"

23 I said, "First of all, I'm the owner."
24 I identified myself as the owner of the business.
25 He responded to me, "Well, I work for the other

1 individual who grabbed you." I said okay, but of
2 course I started fighting, get your hands off me,
3 let's go.

4 The other bouncer came behind me,
5 forced me out the front door in front of the
6 building. While myself and the bouncer are going
7 -- the two bouncers, my weapon which is in the
8 pit of my back, goes down and hit the ground.

9 My weapon is empty. The reason why my
10 weapon is empty is I'm transporting my weapon
11 into my business because prior about a week or so
12 I spoke with Lieutenant State Trooper Roger
13 Williams.

14 Roger Williams said you can't transport
15 your weapon to your business or your business and
16 your personal protection. I said okay, he said,
17 "But here's that you have to do. You can't take
18 the bullets with the weapon. They have to be
19 separated."

20 So usually you either take the bullets
21 first or you take the weapon first. I took the
22 weapon and it just so happened on this day all
23 this happened.

24 Someone called the police, called the
25 police. Again, I'm in Greektown. There's police

1 everywhere in Greektown. I'm the only black
2 merchant in Greektown.

3 So the police -- the police -- I'm
4 standing there. A police -- the black police van
5 pulls up in front of Fishbones, they're talking
6 to the gentleman, I guess the bouncer, who just
7 saw what happened.

8 So after he got down talking I walk to
9 the curb which is like from here to you, Deputy
10 Chief, and I do like this. I said you need to
11 come over here now.

12 The officer looked at me and just kept
13 driving. So he gets so far. Then the black
14 officer that walks the beat comes to me, I'm
15 standing there, I'm bloody. I mean, I just had a
16 fight. My shoulder is out of place, hematomas
17 here, and I said to the black officer, "I need a
18 police to come here."

19 He said, "Okay I'll call them." Well,
20 after about 15, 20 minutes my understanding of
21 policing is, the officer that's there can take a
22 report and start the investigation while the
23 investigation is fresh.

24 The person I had the fight with was
25 standing there, the perp was inside the building

1 who pulled the weapon on me, and he could hurry
2 up and he could start the investigation, go
3 through the PREP and call the supervisor over and
4 say, "Okay, here's what's happening."

5 After about 20 minutes I came here to
6 the front door there to do my report. The
7 lieutenant just happens to see me, and I got
8 blood on me. He said, "Go let him in." I go in
9 and clean myself up and I told him what happened.

10 1300 goes down and speaks to the people
11 inside the building. The bottom line is this. A
12 police officer come, see I got blood on me and I
13 say, "I need the police" and he say he's going to
14 call for one.

15 When you the police, take out your pad,
16 get started writing until the supervisor get
17 there. That's my understanding of the police. I
18 was public safety for 20 years with DPS. I
19 carried a weapon 20 years. I just stopped
20 carrying a weapon on March, 2010 because I didn't
21 need it any more.

22 The weapon I did have was a present
23 from my grandfather. You guys had a weapon
24 turned in sale, I went to Agervance Church and
25 sold it and I could have sold it to anybody. I

1 sold it because I didn't need it any more.

2 All I'm saying is policing in Greektown
3 is different. If police officers are there, why
4 do I need to call 9-1-1 when it's my emergency?
5 Why do I need to call 9-1-1 and they're right
6 there in front of me? I don't understand what
7 their purpose is. I don't understand that.

8 To walk up and down the street or
9 police. I'm just trying to think where the
10 policing part is, that's all I'm saying, but
11 that's it.

12 COMMISSIONER WHITE: Thank you for
13 coming forward. Deputy Chief, as relates to the
14 protocol -- and you may have a service complaint
15 against the department. I ask that you also
16 speak to our Lt. Timothy Leach, our acting chief
17 investigator for the Office of the Chief
18 investigator before you leave who's right to your
19 left.

20 MR. ADAMS: Excuse me. I went over to
21 -- I think it's John Bennett, I went over there
22 and filed a complaint also because, again, my
23 think is they in a van, I wave at them and they
24 know what just happened, they going to pass me
25 up.

1 And then the guy going to ask me, I
2 said, "I need the police," he say he's going to
3 call them. He got a PREP right here. I'm out of
4 service. Get a supervisor here while I do this.
5 The evidence is right here right now.

6 I just got clearance to go over to the
7 Prosecutor's Office yesterday for tomorrow. Now,
8 I don't know any of the witnesses, I don't know
9 any of the folks. Thank God I had the manager
10 who knew who I was and he was able to come and
11 ask the detective what was going on.

12 But the detective called me on Mother's
13 Day. I had not spoke to a detective. He called
14 me on Mother's Day. The incidence happened on
15 the 4th of May. I could have been killed.

16 I'm sorry, I have to be shot for the
17 police in Greektown to do something? I'm just
18 asking that question now.

19 COMMISSIONER WHITE: That's certainly
20 not the case.

21 MR. ADAMS: I hope not.

22 COMMISSIONER WHITE: But again,
23 Investigator Timothy Leach, supervising -- I'm
24 sorry, acting chief investigator, Lt. Leach will
25 certainly speak to you following this, but also I

1 wanted Deputy Chief Lee to speak to the protocol
2 of taking the complaint of a citizen in distress.

3 DEPUTY CHIEF LEE: Deputy Chief Lee
4 through the Chair. Without knowing the totality
5 of all of the circumstances and everything that
6 happened, it appears that there was -- just from
7 what I'm hearing here, some dispute between you
8 and some of the employees there, which are your
9 employees if I'm not mistaken?

10 MR. ADAMS: Correct.

11 DEPUTY CHIEF LEE: And I don't know if
12 they knew this gentleman, they didn't know him,
13 and what information they were going to take or
14 what they were in the process of doing
15 in-between.

16 So I would just defer that we could get
17 the information and also have Deputy Chief Wells
18 take some information from my office because I
19 have the east side of Detroit and Greektown and
20 I'll look into it and we'll see what happens.

21 MR. ADAMS: Thank you, sir.

22 MS. RICHARDS: Good afternoon. Our
23 pastor Jim Holly sent us here to bring our
24 complaint. This is my granddaughter and we need
25 your help.

1 COMMISSIONER WHITE: And your name for
2 the record.

3 MS. RICHARDS: My name is Kendretta
4 Richards.

5 MS. PURRY: My name is Natasha Purry.

6 COMMISSIONER WHITE: Yes, ma'am.

7 MS. PURRY: I have two Caucasian
8 neighbors that's really poor and every day he
9 talks to me and calls me if anyone pulls up in my
10 driveway, he calls me. It's just really just our
11 house. We stay on Telegraph and Fenkell and it's
12 just my house and his house.

13 And Friday, July 1, his father calls me
14 and he informed me that some people are pulling
15 off from my house with all my new appliances, my
16 washer, my dryer, my stove and my refrigerator.
17 So I say okay. He said, "They in a black truck.
18 Do you know anybody?" I know, "No."

19 So he hangs up the phone. He calls me
20 back and he's hollering and screaming and he
21 says, "I just ran my truck into they trailer."
22 So I said, "Okay, my bothers are around the
23 corner." Just so happened I had called my
24 brothers and they was right around the corner. I
25 say, "They'll be there because I was way in

1 Madison Heights.

2 So I gets to the scene, the police are
3 already -- the police, it's two white cops, it's
4 two black cops is in the car, and it's the
5 people, the three people that has all my
6 belongings. And the father of the son that stays
7 next door, the son had ran off.

8 And the people were telling the police
9 officers that the guy next door told them that I
10 was in a nursing home and that I left all my
11 stuff to them and he sold it to them for \$150,
12 and he gave them my microwave for free.

13 So the police officers -- when I --
14 everybody is there already. I pull up, he say,
15 "Ma'am, do you live here?" I said, "Yes."

16 He says, "Are those your belongings?"
17 I say, "Yes." He said, "Do you want to press
18 charges on anybody?"

19 I said, "Yes, I want to press charges
20 on Keith, Sr and Keith, Jr because they sold
21 these people my stuff for \$150" because the
22 people hollering, they screaming, they mad
23 because they can't leave. The man done run his
24 truck into they truck trying to pretend as though
25 he was trying to stop them.

1 So the officer, the two white officers,
2 they're standing there. One of them talking to
3 me and he says to me, "Well, ma'am, I'm getting
4 ready to arrest all y'all."

5 And I said, "How you going to arrest
6 me?" I said, "That's my stuff they have on that
7 trailer." He said, "Well, listen. I could make
8 a report, but I don't see no reason really
9 because the son is gone and I don't think the
10 daddy have nothing to do with it."

11 And the young lady who bought the stuff
12 for \$150, she saying, "Yes, the father do. Him
13 and the son came and got \$40 earlier, a down
14 payment of \$40 earlier today, and they told me to
15 bring the rest when we come pick up the
16 merchandise."

17 So the police officer still doesn't
18 arrest nobody. He helped the father get his
19 truck started, had someone give him a boost to
20 move his truck and then I say, "Well, are y'all
21 going to arrest anybody?"

22 He said, "No, there's nobody to
23 arrest." I said okay. So I say, "Are you
24 making a report?" He say, "I really don't see
25 why. The son is gone."

1 So they gets in their car, something,
2 I'm "What's your badge number because I'm
3 reporting you on my day. I am reporting you."

4 He wouldn't give me his badge number,
5 so the two black officers they say he's supposed
6 to give you the badge number.

7 And I ran to his car, me and my
8 brother, and I said, "They informed that you
9 supposed to give me your badge number."

10 He start hollering out the car, "337,
11 337." So I'm putting the number in my phone. So
12 then he pauses, he about to pull off, so I guess
13 he think about it because I say, "You know you're
14 going down on Monday."

15 He started doing the report. He pulls
16 over and started doing some kind of report. He
17 never asked me any questions, he never looked
18 around my house to see how they got in or
19 anything.

20 So they leave. I'm still there, the
21 police that still has my stuff still there. We
22 waiting on my friend to come with a truck so I
23 can move my stuff because I know the crazy white
24 boy still is out there, and he is psycho.

25 So the next morning which was

1 yesterday -- no, yesterday, I goes over there to
2 check on my house. I pulls up. The white boy
3 busting the windows out. He runs off into the
4 woods. I call the police again. The police gets
5 there.

6 They inform me they don't take a report
7 either because I called Internal Affairs and they
8 say it wasn't no report made. They didn't make
9 the report. They tell me to go talk to the
10 detectives down on Warwick and Plymouth and tell
11 them about it.

12 So I goes down on Warwick and Plymouth
13 yesterday, I gets to the back. The lady, they
14 still at the desk, nobody never gets up, they
15 talking to each other.

16 She say, "What you need?" I said, "I
17 really don't know what I need at this point." So
18 the guy comes over to the desk. He like, "Who
19 sent you here?"

20 I said, "Some police officers came out
21 to my house sent me here." He said y'all better
22 call TRS or T somebody and tell them quit sending
23 people over here, quit sending people over here."

24 So then the detective call -- I'm
25 sitting out there waiting on the detective, he

1 say, "Have a seat." I'm waiting on the
2 detective. The detective come in the hallway and
3 he said, "What you need?"

4 I said, "Well, my house was just broken
5 into, no one was never arrested and the guy was
6 breaking my windows out and the police told me to
7 come here."

8 He said, "Who." He looking through
9 these paperwork because I had gave him the report
10 number. He say, "It don't say nothing about --"
11 he talking to me in the middle of the hallway --
12 "It does say nothing about them saying that the
13 man was in your house," this, this, that and the
14 other.

15 I says, "Excuse me, sir, but they
16 called the police. I didn't call the police.
17 The people who had my stuff called the police
18 because he rammed they truck into they trailer."

19 So he invites me to his desk now. He
20 never asked me to sit down, nothing. He sits
21 down, leave me standing up.

22 Then he said, "What can I do for you?"
23 I said, "Well, I'm just trying to find out, are
24 y'all going to come out and look for the guy? He
25 right next door. I don't even go home. He done

1 bust out all my windows in my house, stole all my
2 appliances and you mean to tell me you mad at me
3 because I'm here?"

4 I say, "Well, from this report it
5 doesn't say that he did anything, that he -- he
6 was in your house." I said, "How was he in my
7 house and the police officer stood there while
8 the people told him that he went in my house, his
9 daddy stood there and he watched him load -- they
10 didn't load my stuff, he loaded my stuff onto
11 they trailer."

12 He said, "Well you know what, I don't
13 know what to really tell you, but I'll get back
14 with you." He said, "I'm going to investigate
15 this tomorrow."

16 I said okay. I said, "You know what,"
17 I said, "I'll never live in Detroit ever again."
18 I say, "I've never been humiliated. Someone
19 steal -- I'm a single mother with two kids. Come
20 to my house and steal everything I own and you
21 mad at me. You acting like I did something,
22 treating me like the criminal," but which I have
23 been informed by my neighbor Keith, Jr that his
24 cousin works at that precinct. He told me this
25 several times before this incident.

1 So I'm thinking in my mind the cousin
2 -- his cousin might have been one of the police
3 officers because they were white. So I don't
4 know, but however, he calls me today and he's
5 trying to explain to me that he didn't have
6 nothing to do with it, this, this, that and the
7 other.

8 He called me blocked ID. Thirty
9 minutes later a police officer claiming to be
10 from the 6th District calls me, wants me to tell
11 him the story over the phone.

12 "I'm Officer Kongy and I would like you
13 to tell me what happened at your home last
14 Friday."

15 I said, "No, ask the commissioners
16 because that's where I'm getting ready to go to.
17 I don't have to explain nothing to you."

18 I said -- and he called me blocked ID.
19 I say, "Why are you calling me blocked ID" and
20 he hung up the phone.

21 COMMISSIONER WHITE: Ms. Richards and
22 Ms. Purry, I thank you as well for coming
23 forward. I know it takes an exorbitant amount of
24 courage to come forward, particularly to lodge a
25 complaint against members of the Detroit Police

1 Department, so we applaud you for that courage,
2 and again apologetic. Certainly that is not
3 indicative of the professionalism that is
4 expected of members of this department.

5 And again, it appears to be a complaint
6 against service, which is service oriented and if
7 you have not already done so, which is filed a
8 complaint with the Office of the Chief
9 Investigator, Supervisor -- I'm sorry, Lt -- I'm
10 going to get it right one day -- Lt. Timothy
11 Leach, acting chief investigator will be happy to
12 take your information and that body reports
13 directly to the Board of Police Commissioners,
14 not the Detroit Police Department.

15 So we look into every complaint that
16 comes against the department and, Deputy Chief,
17 I'm not sure if you have someone who would like
18 to address that issue either. I do see Deputy
19 Chief Wells as well.

20 MS. PURRY: And one more thing.
21 Basically I can't even go home because this man
22 is right next door to me, him and his daddy and
23 they have not -- I can't go home, he bust all my
24 windows, so I can't even go home.

25 MS. RICHARDS: And they still probably

1 taking her things that she --

2 MS. PURRY: Furnace, no telling.

3 MS. RICHARDS: And he's been so kind to
4 these people.

5 MS. PURRY: They had water for three
6 years, I let them use my water hose.

7 MS. RICHARDS: Water from her house.

8 COMMISSIONER WHITE: Yes, ma'am.

9 MS. RICHARDS: So please help her. She
10 needs this help.

11 COMMISSIONER WHITE: Deputy Chief,
12 anything further?

13 DEPUTY CHIEF LEE: Yes. I do apologize
14 for what you have gone through and Deputy Chief
15 Wells who has the west side, he will be more than
16 happy to take your information and see to it that
17 you do -- if nothing else, you get some special
18 attention to your house tonight.

19 MS. PURRY: Thank you.

20 COMMISSIONER WHITE: Thank you, both of
21 you.

22 DEPUTY CHIEF LEE: He's standing right
23 in the back.

24 COMMISSIONER WHITE: To your left here,
25 my right, and Deputy Chief Morris Wells is in the

1 rear of the room.

2 Good evening, sir.

3 MR. SENIOR: Good evening. My name is
4 Konaka Senior. I had a break-in on my house on
5 May 9 or the 11. Officer came out, he responded
6 in a quick amount of time. The gentleman took a
7 report. He said he was going to get back with me
8 and give me the report number.

9 I wanted a week, I didn't hear anything
10 from him. I've been coming down here for the
11 past three weeks. Every today I've come down
12 here the computers are down. I'm so tired. My
13 adjuster keeps saying I need the report to finish
14 the claim and it's every day.

15 I don't know who's over IT Department,
16 but personally they need to be fired. It's
17 embarrassing. I spent -- I paid for the meters
18 so I don't get a ticket. I work two jobs. It's
19 sorry, it's ridiculous.

20 It's a shame, for three weeks. I just
21 left out of there and the lady told me -- officer
22 told me that you all were having a -- Detroit
23 Police Commission was here today. She said have
24 a talk with you guys because I've been down here
25 for three weeks trying to get a copy of a report

1 to submit to the AAA adjuster so they can pay me
2 my claim for my homeowner's and it's ridiculous.

3 COMMISSIONER WHITE: Absolutely, and
4 I'm sorry, your last name?

5 MR. SENIOR: Senior.

6 COMMISSIONER WHITE: Mr. Senior,
7 certainly --

8 MR. SENIOR: I don't mean to interrupt
9 you. I call believe I come, it's up and running,
10 then it's down and I spent two or three hours
11 down here, the computers were up, they were down.
12 I don't have time for that. I have other things
13 in my life to do besides sitting around trying to
14 get a copy of a report.

15 And to be honest, you probably hear,
16 I'm out of here.

17 COMMISSIONER WHITE: Absolutely and we
18 thank you for coming forward today. Deputy
19 Chief, is there some remedy that we can get
20 Mr. Senior in the short term so that he's not
21 inconvenienced any further as relates to
22 obtaining a report number?

23 DEPUTY CHIEF LEE: Yes. Through the
24 Chair, even though Records is closed, if you
25 stick around I know Deputy Chief Wells is

1 outside, if we can have your report number, we'll
2 go right to the Central District and have a
3 report printed for you no cost, you can have it
4 today.

5 MR. SENIOR: Thank you, I appreciate it
6 kindly.

7 COMMISSIONER WHITE: Thank you for
8 coming down.

9 MS. LACY: Good afternoon, my name is
10 Mary Lacy. Okay, I attended the meeting last
11 week and I asked to speak to someone concerning
12 senior safety. However, I never got a call. I
13 realize we're under a new commissioner.

14 They said somebody -- gave them my
15 number, they said somebody could call. But
16 anyway I don't want to waste my 2 minutes on that
17 question.

18 I hope I can do my questions and then
19 you guys can submit your answers. I want to know
20 how many Detroit police officers live in Detroit,
21 like somebody who live outside of Detroit, like
22 50 to 75 percent? That's my second question.

23 My third question is how many times in
24 one year can an officer request representation
25 through City Council. That means free attorneys.

1 That means the taxpayers pay for their attorneys.
2 So I'm trying to find out how many times can an
3 officer go before City Council requesting
4 lawyer's fees, that's what we call it, but I
5 guess you guys call it representation.

6 COMMISSIONER WHITE: Thank you,
7 Ms. Lacy. And, first, let me apologize if
8 someone did not follow up with you. I do recall
9 you asking for the request and, Deputy Chief, I
10 believe you were here as well when we made the
11 recommendation that possibly Det. Brian Fountain
12 would follow-up with Mr. Lacy and I don't know if
13 that was Deputy Chief --

14 DEPUTY CHIEF TURNER: I wasn't here
15 last week, but there certainly will be no problem
16 in getting that presentation together for her.

17 COMMISSIONER WHITE: So can we make
18 sure, Deputy Chief, that we follow up with Ms.
19 Lacy on that issue today?

20 DEPUTY CHIEF TURNER: Be talking to her
21 tomorrow.

22 COMMISSIONER WHITE: Thank you, sir.
23 Ms. Lacy, also on your residency --

24 MS. LACY: Excuse me. He say he'll be
25 talking to me tomorrow?

1 DEPUTY CHIEF TURNER: Well, he's not
2 available today.

3 MS. LACY: Okay.

4 COMMISSIONER WHITE: As it relates to
5 your residency percentage question, Deputy Chief,
6 is that information available?

7 DEPUTY CHIEF LEE: Deputy Chief,
8 through the Chair. I don't know if that
9 information is available. It probably would be
10 available through the Personnel. The director
11 may be very able to answer that question.

12 I don't know where she's at, but I
13 don't know off the top of my head what the
14 percentage is.

15 COMMISSIONER WHITE: Ms. Lacy, we will
16 work to get that information for you and report
17 back to you next week if you're at this meeting.
18 I don't see our director of Personnel or I would
19 certainly invite her forward at this time.

20 MS. LACY: Next week they'll be meeting
21 on Fort Street? You have to realize a lot of us
22 don't have chauffeurs.

23 COMMISSIONER WHITE: We'll be more than
24 happy, Ms. Lacy, to get your information and we
25 can follow up with you and call you with that

1 information if you would like.

2 Would that be amenable to you?

3 MS. LACY: Oh, I have no choice. So
4 third question --

5 COMMISSIONER WHITE: And your last
6 question as relates to officer, how many times
7 they can request representation?

8 MS. LACY: Right.

9 COMMISSIONER WHITE: And, counsel,
10 correct me if I'm wrong. The officers are
11 represented by the Detroit Police Officers
12 Association -- no? Counsel?

13 MS. WASHINGTON: I believe the cases
14 that Ms. Lacy -- and I'll get your number before
15 you go and I'll get that information to you --
16 the cases that she' referring to are the Law
17 Department, the cases where the City of Detroit
18 is sued and there was an officer involved and the
19 process requires that the officer apply for legal
20 representation, basically indemnification, and
21 I'm not aware that there is a limit, but we can
22 certainly find out. There is no limit. I don't
23 think there is. Back in the day when I used to
24 do it there was no limit.

25 COMMISSIONER WHITE: Thank you, Ms.

1 Lacy.

2 MR. STIDHAM: Good afternoon, members
3 of the Board, Mr. Chair, Deputy Chief,
4 Mr. Secretary. Tom Stidham and I've represented
5 towers for a long time and what I saw today, the
6 actions of the Board in the interest of enforcing
7 the rules were somewhat perplexing and quite
8 dangerous I think and let me explain why I say
9 that.

10 First of all, the rules, with all due
11 respect to this body, do not -- the towing rules,
12 do not permit this Board to enforce private right
13 of action between two towers or between a land
14 owner and a tower. Simply is not permissible by
15 the rules.

16 Moreover, the information -- and I
17 don't know what it is -- but the information that
18 was submitted apparently to this Board, there has
19 been no -- the Board referenced an alleged
20 breach. There's been no court determination of
21 any breach to my knowledge, so I would certainly
22 ask this body to go back and take a hard look at
23 that.

24 Secondly, I think this Board has a duty
25 to all the towers if there's an alleged

1 violation, because I think the board has opened
2 the flood gates, if there's an alleged violation
3 you have to notify the companies of what that
4 violation is.

5 What specific -- and I'd ask this body
6 -- what specific rules or towing rules,
7 provisions of the towing rules have been alleged
8 to have been violated in the case that the Board
9 referenced earlier.

10 But that applies throughout the Board
11 in any case. Moreover, I think now what's going
12 to happen in light of what happened or what
13 occurred or in light of what occurred earlier is
14 towers are simply going to lodge a complaint
15 against a competitor and try and present this
16 body with some information and ask that, you
17 know, this Board take whatever action that these
18 other towers desire.

19 And I think that when the Board reviews
20 its policies it really has to be mindful because
21 this Board has taken a blind eye with all due
22 respect to some of the things that have gone on
23 with respect to the properties.

24 For instance -- and I'm certainly not
25 going to name names -- but this Board has sat

1 back and watched at least one company sit back
2 with its yard closed for nearly one entire year
3 simply so that it can gain a rotation spot.

4 And then when it gets tipped off, just
5 recently they've put cars back. Now, if you're
6 going to enforce the rules, do it fairly, do it
7 equitably but do it to everybody. Prove to the
8 public that the rules apply to everyone.

9 And lastly I would note procedurally
10 that this Board does not have the authority to
11 disqualify or terminate any company without first
12 have a hearing and giving those companies their
13 due process protections.

14 If that's going to occur, it ought to
15 not just occur without even notifying the
16 companies to be there, notifying them of the
17 alleged violations, giving them an opportunity to
18 respond, giving them a violation -- or giving
19 them an opportunity to present whatever rebuttal
20 evidence or documents that they feel is
21 appropriate that ought to be considered by this
22 Board.

23 And I certainly will talk to your
24 counsel after the meeting about implementing
25 those kind of protections, but I think today that

1 this Board should recognize that you've opened
2 Pandora's box in allowing other competitors to
3 try and use this body and your rules as an effort
4 to eliminate the competition.

5 And this certainly isn't within the
6 spirit of the rules or certainly isn't fair and
7 equitable. So any action I think taken by the
8 Board without ensuring that those due process
9 protections are implemented ought to be deferred
10 until this body can comply with the due process
11 rights of all the parties.

12 COMMISSIONER WHITE: Thank you, Tom,
13 for your comments and I certainly would hope that
14 what you take away from today's meeting is that
15 this Board moves very deliberately and both
16 cautiously to ensure that we are on solid ground,
17 so comments that we may be moving haphazardly or
18 opening Pandora's box, I would be in disagreement
19 with you.

20 We are very much dedicated to having a
21 transparent process, a process that is equitable,
22 as you stated, for all towers that are engaged in
23 this process and certainly I think our track
24 record speaks for itself that we haven't done
25 anything haphazardly or without due diligence,

1 without information being shared and I think that
2 it is exemplified by what you saw transpire here
3 today to rescind a motion to make sure that we
4 are on solid ground, so I would hope certainly
5 that you would take that away from today's
6 meeting.

7 MR. STIDHAM: I certainly appreciate
8 that, Mr. Chair. What I would say is I'm just
9 saying that it seemed like there was already --
10 and I think the parties involved are probably
11 going to question when a motion has already been
12 made to suspend the companies, the objectivity or
13 once a due process is afforded to the parties of
14 a subsequent decision involving this matter so
15 when you've already made a motion.

16 So I think there has to be some, I
17 would submit to this body and as counsel some
18 extra due process protection afforded to the
19 parties.

20 COMMISSIONER WHITE: Thank you, sir.
21 Commissioner Warfield?

22 COMMISSIONER WARFIELD: For the record
23 -- thank you, Mr. Chair. For the record, I just
24 want to clear up some things for the record.

25 Mr. Chair, as you appropriately stated,

1 this is not the first time we've dealt with this
2 issue. This is not the first meeting that we've
3 had concerning this move by these towers as
4 relates to complying with our rules, so certainly
5 we're not moving -- and Tom is a friend of mine
6 -- we're not moving in a manner that is trying to
7 ramrod someone or anything like that.

8 As relates to the information that was
9 presented to us, it's very clear in the lease
10 that there are clauses in that lease that was
11 violated, period. I saw the lease.

12 Whether a court ruled on it or not is
13 not the issue for me. The issue for me and this
14 Board I believe is was that lease supposed -- did
15 that lease have those clauses in it and was those
16 clauses violated. It's real simple. It's sort
17 of cut and dry.

18 As relates to notification, the towers
19 understood this. Again, we made notification
20 before that we were going to have this hearing.
21 It was on for last week. However, a quorum was
22 not established last week so we brought it back
23 this week. That wasn't a surprise to anyone. I
24 mean, it's been on our list.

25 As relates to us taking a blind eye, I

1 don't take a blind eye to anything and we
2 investigate every allegation that comes to us,
3 whether it be from other towers. I've been here
4 for almost three years now and since I've been
5 here there's been allegations throwing back and
6 forth amongst the towers. You pick them, you
7 pick the combination, and they've been there and
8 we've investigated all of them fairly and
9 equitably as the Chair said.

10 So it's not that we're taking a blind
11 eye to anyone. Anything that comes across our
12 desk it is our obligation and duty to do that and
13 I think we've done that.

14 Now, I understand that you're
15 representing the interests of your clients and I
16 have no issues with that because you're doing
17 exactly what you're supposed to do, so I don't
18 have an issue with that.

19 I guess I just want to be clear on the
20 record that this was not something that was done
21 haphazardly, this was not something that was done
22 maliciously or viciously.

23 This was done in an effort to make sure
24 that we uphold the rules, as you say, for
25 everybody, that there are no, you know -- that

1 there are no favoritisms that we show.

2 And so, again, we investigate
3 everything that comes across us.

4 COMMISSIONER WHITE: Thank you, Tom.

5 MR. STIDHAM: I just have one
6 additional comment unrelated to that.

7 I had received some information from
8 the Board about a particular company and I think
9 we've addressed it. I don't know if you've seen
10 what we submitted or not, but I would like to
11 talk to the commissioners and perhaps its
12 attorney about that as well about that this
13 company was removed from the rotation
14 temporarily, so --

15 COMMISSIONER WHITE: So, Tom, I would
16 ask that you would speak to our counsel.
17 Unfortunately we wouldn't be able to convene
18 outside of this meeting with all of us a table,
19 but certainly if you share that with our counsel,
20 she could certainly get information to us
21 directly.

22 MR. STIDHAM: Thank you.

23 COMMISSIONER WHITE: Thank you.

24 MR. MELVILLE: I kind of took exception
25 to what Mr. Stidham had to say. I never stood up

1 here three weeks ago or a month ago and asked for
2 anyone to be removed. I never casted no stones
3 or picked on any certain tow company.

4 The question I brought to the Board was
5 I asked if certain tow companies were allowed to
6 move, can I purchase a tow company and move it to
7 my current locations.

8 I never brought up any allegations, so
9 forth, so forth, so forth. I just stated what's
10 good for one company must be good for them all.
11 If the Board is going to allow the five companies
12 to move, then I request for two companies to be
13 moved onto my premises without me going through
14 the process of applying for a permit.

15 So as a competitor -- I mean, it was
16 not done any way, shape or form to harm anybody.
17 I just asked for permission for one company is
18 allowed to do for me allowed to do, that's it.

19 COMMISSIONER WHITE: Thank you, sir.

20 Any other communications? Any other
21 communications? Any other communications?
22 Seeing none, again, please be reminded the next
23 Board of Police Commissioners meeting will be
24 held within the Southwestern District on
25 Thursday, June 14, 2012 at 6:30 PM. It will be

1 held at the Southwest Public Safety Center, 4700
2 West Fort Street, Detroit, Michigan 48209.

3 At this time there's no further
4 business before us. The Chair will entertain a
5 motion for adjournment.

6 COMMISSIONER WARFIELD: Move to
7 adjourn.

8 COMMISSIONER TAYLOR: Second.

9 COMMISSIONER WHITE: Properly moved and
10 supported. Any discussion? Seeing none, all
11 those in favor?

12 COMMISSIONERS: Aye.

13 COMMISSIONER WHITE: Opposed? Thank
14 you, have a wonderful weekend.

15 (Proceedings concluded at
16 4:35 p.m.)

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I HEREBY CERTIFY that I reported stenographically the foregoing proceedings at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription and that this is a full, true, complete and correct transcription of said proceedings.

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