

4/4/2013

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DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR BOARD MEETING

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PAGE 1 TO 82

Taken at 1300 Beaubien Street, Room 328-A  
Detroit, Michigan,  
Commencing at 3:20 p.m.,  
Thursday, April 4, 2013,  
Before Wendy A. Boer, CSR 3505.

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APPEARANCES:

MR. JEROME WARFIELD, CHAIRMAN

MS. JESSICA TAYLOR, VICE CHAIRPERSON

MR. DONNELL WHITE, COMMISSIONER

MR. GEORGE ANTHONY, EXECUTIVE SECRETARY

CHIEF CHEST LOGAN, INTERIM CHIEF OF POLICE

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Detroit, Michigan  
Thursday, April 4,, 2013  
About 3:20 p.m.

COMMISSIONER TAYLOR: Good afternoon. Welcome to the Board of Police Commissioners meeting. Joining me today is Commissioner Donnell White, and I am Commissioner Jessica Taylor and Chief Logan, Chief Chester Logan, Interim Chief Chester Logan. And I have George Anthony. Would you introduce our staff, please?

SECRETARY ANTHONY: Thank you, Madame Chair. For the record, George Anthony, secretary to the Board. We have present Miss Pamela Davis-Drake, our chief investigator seated in the front, Miss Lolitha Porter-Coleman seated next to her. She is our personnel director. Mr. Robert Brown is -- was in the back. He is our office manager. Sergeant Alan Quinn who is recording our proceedings and Miss Wendy Boer from Hanson Court Reporting Service. That completes the introductions, ma'am.

COMMISSIONER TAYLOR: Thank you. Commissioner White, would you give an invocation?

COMMISSIONER WHITE: Absolutely. Let us pause and bow our heads. Dear Heavenly Father, we come to you in the spirit of thanksgiving, thanking you for being

1 with us as we trudge through the valleys. We thank you  
2 for protecting our men and women who dare to put their  
3 life on the line daily. We thank you for intervening on  
4 behalf of our officers within the past few days who came  
5 in harm's way. We thank you for making the way where  
6 there was no way. We ask that you continue to be a  
7 hazard protection around this department. We ask that  
8 you put us all on one accord and of like mindedness that  
9 decisions we make will be to the betterment of our  
10 people, your people. We ask these things in your great  
11 name do we pray, Amen.

12 COMMISSIONER TAYLOR: Chief Logan, we go to  
13 your presentation.

14 INTERIM CHIEF LOGAN: Yes, ma'am. We are  
15 supposed to do one on the budget. However, I don't see  
16 that person. So can we move to the next item on the  
17 agenda, and we will come back to it? Oh, I'm sorry.

18 DEPUTY CHIEF TOLIVER: Good afternoon. Second  
19 Deputy Chief Tina Toliver. Today's presentation is on  
20 the payroll unit, and the presenter will be Sergeant  
21 Debra Fears.

22 SERGEANT FEARS: Good afternoon. I am  
23 Sergeant Debra Fears of the Detroit Police Department  
24 payroll unit. And today I am going to do a presentation  
25 on payroll. The Detroit Police Department police

1 payroll provides payroll services for all sworn and  
2 civilian employees of the Detroit Police Department. We  
3 have several teams within the payroll unit. And the  
4 first team that we do have is the rates group. And they  
5 are primarily responsible for the new hire of employees,  
6 the paperwork for that as well as promotion, demotion  
7 and out of class. And as you can see, there's other  
8 things that they do as well.

9 Our next group is the payroll group. They are  
10 responsible for distributing the bi-weekly time and  
11 attendance reports. They handle the transfer orders.  
12 Whenever a member, either sworn or civilian, is  
13 transferred, we pretty much handle the paperwork. They  
14 also handle the bi-weekly B payroll, which is sworn,  
15 civilian and crossing guards. They also handle stop  
16 payment requests. And what that is, say for example an  
17 officer loses his check, maybe it got thrown in the wash  
18 machine by mistake, they can come to our office. We'll  
19 do a stop payment on it, and we will be able to get  
20 another check reissued to them.

21 Next we have the adjustments group. And what  
22 the adjustment group does, the payroll adjustment  
23 request DPD 65 is submitted to us from the timekeeper.  
24 Say if there is any errors on the member's check, it  
25 could be an error on the timekeeper's part or it's on

1 payroll's part. They would have to submit that DPD 65  
2 in order for us to correct the error.

3 Bomb disposal pay. Bomb disposal pay is about  
4 sergeants that have certain certification in order to be  
5 able to dispose of the bomb. So, what happens monthly,  
6 they would get an additional amount of money every  
7 month. They handle back pay awards, they handle sick to  
8 disabled changes. The Fair Labor Standards Act which is  
9 called FLSA. And what that is is an officer has chosen  
10 to get comp time in their bank. Once they reach 480  
11 hours in their comp time bank, per FLSA rules, we have  
12 to pay them the over time.

13 Military training recovery. With the military  
14 training recovery, say for example if a person, a  
15 member, were duty trained for two weeks, they are paid  
16 by the branch of service. Since they're paid by the  
17 branch of service, the city is also paying them. Once  
18 they return to work, we have to recover the money that  
19 the City of Detroit have paid them.

20 The separations group, they handle lump sum  
21 payments, which is the resignations, retirements, none  
22 and duty disability. They handle the jury duty  
23 recovery. They keep track of the absent no pay as well  
24 as the suspension tracking. And they also do leave of  
25 absences.

1           Last but not least is our special projects  
2           team. They handle the annual police pick selection.  
3           And what that is is every July 1st, members have an  
4           opportunity to choose whether or not they want to get  
5           paid for any overtime or do they want compensatory time.  
6           They also handle the annual uniform allowance. That's  
7           also done July 1st. The police leave bank. We get  
8           leave eight days off during a 28-day cycle. For  
9           example, if you work Monday through Friday, you get  
10          Saturday and Sunday off. And the way the system is set  
11          up, we have to enter those off days into the system.  
12          You're not getting paid for them, but you just have to  
13          enter them into the system.

14                 Deferred retirement option plans, which is  
15                 called the DROP. Lieutenants/Sergeants Association,  
16                 they're eligible for the DROP with 25 years of service.  
17                 DPOA, which is the police officers, are able to DROP  
18                 when they reach 20 years of service. We also handle the  
19                 furlough sale bank. That's done twice a year.

20                 Workbrain. Rumor has it -- and that's going  
21                 to be hopefully maybe this summer -- they are talking  
22                 about we are going to be on the Workbrain. Workbrain is  
23                 not new to the city, but it's going to be new for the  
24                 police department. Workbrain is a time and attendance  
25                 software designed to streamline payroll processes. It

1 includes work force scheduling, time off management,  
2 over time equalization, court time capture and daily  
3 time and attendance captures.

4 Ladies and gentlemen, that concludes my  
5 presentation. Are there any questions?

6 COMMISSIONER TAYLOR: Commissioner White, do  
7 you have any questions?

8 COMMISSIONER WHITE: Thank you,  
9 Sergeant Fears. A couple quick questions. You  
10 mentioned a few different departments. What are the  
11 total number of members assigned to the payroll  
12 function?

13 SERGEANT FEARS: The payroll function, we have  
14 about 13 people that are assigned. Out of that 13,  
15 there may be three of them that are kind of off on leave  
16 of absence. So, we have about ten people that are  
17 currently working.

18 COMMISSIONER WHITE: Sworn versus civilians?

19 SERGEANT FEARS: We have -- I'm the only sworn  
20 member that actually work in the payroll office.

21 COMMISSIONER WHITE: So, the other 12 would be  
22 civilian?

23 SERGEANT FEARS: Right, personnel and payroll  
24 control clerks. That's Sheila who is doing the Power  
25 Point, she's our personnel payroll clerk.

1 COMMISSIONER WHITE: Have there been any  
2 conversations centered around paperless pay days, not  
3 payless pay days but paperless pay days that require all  
4 members move to receiving a direct deposit?

5 SERGEANT FEARS: I have not heard anything  
6 about that, sir.

7 COMMISSIONER WHITE: In your expertise, is  
8 that something that would be a cost savings to the  
9 Department?

10 SERGEANT FEARS: That's -- it's possible, yes,  
11 yes.

12 COMMISSIONER WHITE: What would you venture to  
13 say is the cost of printing checks? Are we printing  
14 payroll checks bi-weekly or --

15 SERGEANT FEARS: We are printing them  
16 bi-weekly. That comes from downtown. We don't actually  
17 do the printing of them. But it does come from  
18 downtown. And even with direct deposit, they're still  
19 printing the checks as well. They are still printing  
20 them out. It's just directly deposited into your  
21 account.

22 COMMISSIONER WHITE: It's not our own payroll  
23 function?

24 SERGEANT FEARS: No.

25 COMMISSIONER WHITE: It's coming out of human

1 resources for the City?

2 SERGEANT FEARS: Absolutely.

3 COMMISSIONER WHITE: Thank you very much.

4 COMMISSIONER TAYLOR: I don't have any  
5 questions for you. Thank you. Commissioner Warfield?  
6 Sorry.

7 CHAIRMAN WARFIELD: Hi. How are you?

8 SERGEANT FEARS: I'm good.

9 CHAIRMAN WARFIELD: Thank you for your  
10 presentation. Let's go back to the Workbrain project  
11 for a second if we could. Is it true that when you sign  
12 in, are you signing in from your desk computer or can  
13 you sign in from any device that has access to the web?  
14 How does that work?

15 SERGEANT FEARS: I believe it's going to be  
16 from your own computer, but I'm not certain, sir. I do  
17 have someone presently that is working down there with  
18 the workbrain project. They are going to be having -- I  
19 should be going to some training within the next couple  
20 of weeks. It's going to be all day training so that I  
21 can learn more about the Workbrain.

22 CHAIRMAN WARFIELD: One of the things we do  
23 know is that our systems operate irregularly. And it  
24 could be a significant issue if it's required for staff  
25 throughout the department to sign in on the computer

1 when we know that the computers in the Department -- I'm  
2 just speaking from my investigative staff now -- is  
3 light years behind what normal computers are. And so, I  
4 would hope that there is a contingency program, second  
5 way, to be able to get paid while you're there working  
6 if the computers are not working. So if you can report  
7 back to us after your training, through the Chief and  
8 through the Chair, about how that system works and what  
9 happens if computer systems are not working properly and  
10 what is the second step in making sure that that  
11 happens.

12 SERGEANT FEARS: I sure will, sir, not a  
13 problem.

14 CHAIRMAN WARFIELD: Thank you. Appreciate it.

15 SERGEANT FEARS: You're welcome.

16 COMMISSIONER TAYLOR: We have been joined by  
17 Commissioner Warfield. And I guess we can go back now  
18 and do the approval of the agenda. And I will turn it  
19 over to you.

20 CHAIRMAN WARFIELD: Yes, Ma'am, thank you.  
21 Thank you, ladies and gentlemen. At this time, we will  
22 have anything else from the Chief's office first of all  
23 before we do that. Sir?

24 INTERIM CHIEF LOGAN: Just a couple of things.  
25 You want to go ahead and --

1 CHAIRMAN WARFIELD: We will stick with you.

2 INTERIM CHIEF LOGAN: Just a couple of things,  
3 sir. Last week I reported out in conjunction with the  
4 Detroit One Initiative, the fact that our Department has  
5 been doing Operation Nip-It. I just wanted to share  
6 with you some stats from last week. Excuse me for  
7 taking off my glasses. I can't read with them on. We  
8 made 40 felony arrests last week, 17 misdemeanor arrests  
9 last week -- I'm sorry, 47 misdemeanor, two juveniles  
10 were detained. We investigated a total of 1,329  
11 persons, 1,077 vehicles. We brought in a total of 11  
12 guns; one of those was an assault rifle. We conducted  
13 48 drug raids, 12 street enforcement raids. We issued a  
14 total of 69 miscellaneous ward tickets. We issued a  
15 total of 2,297 tickets.

16 And remember, this is just for a three-day  
17 period in a confined area. We towed 283 vehicles -- I'm  
18 sorry, 263. Commissioner Warfield, you asked last week  
19 where those vehicles were going. They're going to the  
20 towers' tow yards.

21 CHAIRMAN WARFIELD: You want to continue on?  
22 Could I ask a question about that?

23 INTERIM CHIEF LOGAN: Of the vehicles we  
24 investigated and towed, two were stolen. Drug  
25 forfeiture, street value cocaine was \$300,000. Street

1 value of heroine was \$515,000. Street value of  
2 marijuana was \$1,551,000. Street value of the pills we  
3 took in were only \$700. A total street value of drugs  
4 that were taken off the street last week over that  
5 three-day period was \$2,363,000, and took in a total of  
6 \$13,500 in narcotic proceeds and cash.

7 For the Board's edification as well as the  
8 community, the two officers that were shot on Tuesday,  
9 April 2nd, Officer Sergeant Jeff Pacholski is at home  
10 recovering. He suffered a through and through gun shot  
11 wound to his right leg. And Officer Patrick Hill is  
12 still in the hospital recovering from a head wound. And  
13 that's my report, sir.

14 CHAIRMAN WARFIELD: Thank you, sir. Any  
15 questions for the Chief?

16 COMMISSIONER WHITE: Chief, as relates to the  
17 Nip-It Initiative, is that a joint task force?

18 INTERIM CHIEF LOGAN: No, sir. We -- the  
19 Detroit Police Department is doing that solely in  
20 conjunction with our other partners. But we are the  
21 only ones that provide manpower for this detail.

22 COMMISSIONER WHITE: For all of the milestones  
23 that were hit, those were members of DPD that recovered  
24 and effectuated all of these resources?

25 INTERIM CHIEF LOGAN: Yes.

1 COMMISSIONER WHITE: Thank you.

2 CHAIRMAN WARFIELD: And Nip-It and Detroit One  
3 are two separate different programs, correct, sir?

4 INTERIM CHIEF LOGAN: They are two separate  
5 programs working toward the same goal. This is our  
6 action arms of Detroit One. We still have the various  
7 task forces and things out there. But this is an  
8 attempt to get the community to see us out there writing  
9 tickets, making raids, doing the things that people want  
10 to see the police doing.

11 CHAIRMAN WARFIELD: So, Detroit One is like  
12 the administrative part of Nip-It?

13 INTERIM CHIEF LOGAN: They would be -- Detroit  
14 One would be like an umbrella, and everything else falls  
15 under it. One of the things that we are going to be  
16 taking a look at not only with Detroit One and the  
17 Nip-It operation, but we are going to be presenting to  
18 the Board a concept that we are calling -- what's that  
19 going to be called since it's your idea -- Block by  
20 Block, whereby we are going to be going in various  
21 communities, knocking on every door, seeing what the  
22 problem is. But all that is going to be a part of  
23 Detroit One also. That's going to be under Detroit One.

24 CHAIRMAN WARFIELD: Okay. I want to go back  
25 to the tows for a second. So, for the three-day period,

1 you say it was 263. I think last week it was reported  
2 over 700 vehicles. And I talked to some towers. And  
3 who is getting the tows?

4 INTERIM CHIEF LOGAN: The People in the  
5 districts where we are towing. It's not all over the  
6 City yet.

7 CHAIRMAN WARFIELD: Not now, but could you  
8 later share with us what districts received those tows?

9 INTERIM CHIEF LOGAN: Last week it should have  
10 been on -- on the west side, it should have been the  
11 Northwestern. On the east side, it should have been the  
12 Eastern District.

13 CHAIRMAN WARFIELD: That's for the previous  
14 weeks as well?

15 INTERIM CHIEF LOGAN: I'd have to go back.  
16 But we are concentrating on -- for lack of a better term  
17 -- our hot spots.

18 CHAIRMAN WARFIELD: I know. I understand. I  
19 got you, yeah.

20 INTERIM CHIEF LOGAN: We haven't been able to  
21 move it all over the City yet. But given time, we will  
22 have this all over the City.

23 CHAIRMAN WARFIELD: Absolutely. Thank you,  
24 sir. Anything else for the Chief?

25 COMMISSIONER WHITE: Chair, if I could have a

1 follow-up here, as relates to the assignments to the  
2 Nip-It program, are they coming from the individual  
3 districts or is this a task force that was assembled for  
4 this sole purpose?

5 INTERIM CHIEF LOGAN: This is like a task  
6 force, sir. We have narcotics as a component, we have  
7 SRT, the Special Response Team as a component. We bring  
8 in police officers from other districts to be a part of  
9 the component. And probably one of the biggest  
10 components -- and that's why you see so many tickets  
11 written -- is our traffic component.

12 COMMISSIONER WHITE: Okay. Thank you.

13 CHAIRMAN WARFIELD: Thank you, sir. Ma'am,  
14 anything?

15 COMMISSIONER TAYLOR: No, sir.

16 CHAIRMAN WARFIELD: All right. Anything else,  
17 Chief Logan?

18 INTERIM CHIEF LOGAN: No, sir.

19 CHAIRMAN WARFIELD: Thank you, sir, for your  
20 leadership.

21 INTERIM CHIEF LOGAN: And I've got it written  
22 down here, to the Board, and especially to the  
23 community, I mentioned -- I referenced the shooting of  
24 those two officers the other day. But I think the  
25 community needs to know that that was a very hectic

1 situation. Sometimes to see a kind face, it means a  
2 lot. And I want the community to know that the Board of  
3 Police Commissioners, they stand side by side with us on  
4 that day. And I just thought it was important. I asked  
5 -- when we found out the condition of Officer Hill, when  
6 we knew he wasn't going to pass, I imposed upon  
7 Commissioner Warfield to lead us in prayer. And I  
8 really think he had been practicing for a while because  
9 it was a very gracious prayer. I just want to say  
10 publicly how honored I am on behalf of the men and women  
11 of the Detroit Police Department just to thank you.

12 CHAIRMAN WARFIELD: Thank you. You're  
13 welcome. You're absolutely welcome. Certainly we feel  
14 a team. This is a team effort. We stand and fall  
15 together certainly. So, we hate to gather in situations  
16 like that. But we do gather to make sure that there is  
17 unanimity in what we do. So, thank you, sir again.

18 At this time, we will go back and approve the  
19 agenda as well as previous minutes. We will entertain a  
20 motion for today's agenda, Thursday April 4.

21 COMMISSIONER TAYLOR: So moved.

22 COMMISSIONER WHITE: Support.

23 CHAIRMAN WARFIELD: Without objection. All  
24 those in favor?

25 COMMISSIONERS: Aye.

1                   CHAIRMAN WARFIELD: Motion passes. We will  
2                   also take these together, approval of the minutes from  
3                   Thursday, March the 21st, 2013, and Thursday, March  
4                   the 28th, 2013.

5                   COMMISSIONER TAYLOR: So moved.

6                   COMMISSIONER WHITE: Support.

7                   CHAIRMAN WARFIELD: Without objection. All  
8                   those in favor?

9                   COMMISSIONERS: Aye.

10                  CHAIRMAN WARFIELD: Motion carries. The  
11                  Chairperson's report. Certainly, again, our prayers and  
12                  our thoughts go out to both officers who were injured  
13                  this week in doing their job and protecting our City.  
14                  And certainly, we want to make sure that every available  
15                  resource is available to them and their families for  
16                  speedy not only physical recover, also mental and  
17                  spiritual recovery as well. And I want to thank again  
18                  the Chief for his outstanding leadership and the  
19                  executive staff for being there throughout the night  
20                  with those families. And so it just shows the bond  
21                  that's represented.

22                  We do have a secretary's report because  
23                  there's some closed door sessions that we need to  
24                  address later after we do oral communications. Is there  
25                  something else, Mr. Secretary?

1 SECRETARY ANTHONY: For the record, George  
2 Anthony, secretary to the Board. These are not closed  
3 door sessions. These will be open sessions.

4 CHAIRMAN WARFIELD: Good. Even better.

5 SECRETARY ANTHONY: Two suspensions without  
6 pays, one for Police Officer Clifton Whatley,  
7 W-h-a-t-l-e-y, Badge 1458; and Officer Geoffrey --  
8 that's G-e-o-f-f-r-e-y -- Townsend, Badge 3573.

9 CHAIRMAN WARFIELD: We will do those now.

10 SECRETARY ANTHONY: We can if the attorney for  
11 the Board is available.

12 CHAIRMAN WARFIELD: Yes, sir.

13 ATTORNEY WASHINGTON: Thank you,  
14 Mr. Secretary. Celia Washington, attorney for the  
15 Board. Commissioners, you have before you two  
16 suspensions without pay. As the Secretary has read,  
17 suspension without pay of Police Officer Geoffrey  
18 Townsend, Badge 3573, assigned to the 8th Precinct, and  
19 suspension without pay of Police Officer Clifton  
20 Whatley, Badge 1458, assigned to the Central District.  
21 I believe Mr. Goldpaugh is here. These two suspensions  
22 without pay counsel has indicated are not going to be  
23 contested. So, there is no need to go into closed  
24 session.

25 CHAIRMAN WARFIELD: Madame Counsel, I have an

1 issue. I know one of those officers fairly well. Do I  
2 need to abstain or am I able to vote? I just want to be  
3 clear for the record. I want to be transparent for the  
4 record.

5 ATTORNEY WASHINGTON: I appreciate the  
6 transparency. But in order for there -- counsel is  
7 shaking his head that he doesn't have an objection.

8 MR. GOLDPAUGH: John Goldpaugh on behalf of  
9 both officers. As Ms. Washington has indicated, these  
10 are suspensions without pay. The basis for the  
11 suspensions without pay as this Board is well aware is a  
12 basis which we will not be contesting at this time. And  
13 therefore, I have no objections to you voting on this at  
14 this time.

15 CHAIRMAN WARFIELD: Thank you.

16 ATTORNEY WASHINGTON: Thank you,  
17 Mr. Goldpaugh. I should also mention --

18 MR. GOLDPAUGH: Commissioner, thank you for  
19 your comments.

20 ATTORNEY WASHINGTON: In order for there to be  
21 a taking of pay, there must be a unanimous decision.  
22 And because we have four seated commissioners, there  
23 must be agreement among all four before there can be  
24 taking. And I'm going to very briefly read actually the  
25 opening paragraph of the Chief's petition. And then I

1 will move to the Secretary to suggest that a motion be  
2 made and explain the proceedings after that.

3 As it would relate to Officer Townsend, on  
4 November 12, 2012, Sergeant Detrick Lever, Badge S177,  
5 assigned to internal affairs, was contacted by Sergeant  
6 John Haupt, H-a-u-p-t, of the Farmington Hills Police  
7 Department. According to Sergeant Haupt, the  
8 complainant's mother, here and after referred to as  
9 P-R-O or PRO, came into the Farmington Hills Police  
10 Department and made a report regarding the rape of her  
11 underaged daughter. The PRO alleged that while the  
12 complainant was attending a program for troubled teens,  
13 she had multiple sexual encounters with Police Officer  
14 Townsend assigned to the 8th Precinct, excuse me.

15 Officer Townsend owned and operated a program  
16 called Reality Check Detroit. And the complainant was a  
17 participant of the program allegedly from October 10  
18 through August, 2012. Let's be clear. Allegedly from  
19 October, 2010, through August, 2012, Officer Townsend  
20 and the complainant had numerous sexual encounters at  
21 his residence in Farmington Hills and possibly within  
22 the City of Detroit. The PRO and the complainant  
23 prepared written statements regarding the allegations.  
24 Mr. Secretary?

25 SECRETARY ANTHONY: Members of the Board, you

1 have heard the petition read by our Board attorney. And  
2 unless contravened by this body, the suspension without  
3 pay recommendation of the Chief will stand.

4 CHAIRMAN WARFIELD: Sir, there seems to be no  
5 contravention. So, at this time, we are waiting to hear  
6 from one more member and the suspension without pay will  
7 stand.

8 ATTORNEY WASHINGTON: Thank you, Mr. Chair.  
9 The second suspension before you today is with regard to  
10 Police Officer Clifton Whatley, W-h-a-t-l-e-y, Badge  
11 Number 1458, assigned to the Central District. On  
12 February 25, 2013, Lieutenant Whitney Walton, assigned  
13 to internal affairs, directed Sergeant Richard Ferson,  
14 assigned to internal affairs, to monitor an allegation  
15 of armed robbery that involved Police Officer Clifton  
16 Whatley, assigned to the Central District.

17 On February 20, 2013, Wayne County assistant  
18 prosecuting attorney contacted Lieutenant Walton and  
19 informed her that the Canton Police Department obtained  
20 statements from armed robbery suspect -- I will omit the  
21 names and birthdays or the ages -- both of Detroit, that  
22 implicated Officer Whatley in the February 6, 2013,  
23 armed robbery of a Family Dollar located on Joy Road in  
24 Canton, Michigan. Mr. Whatley's and Mr. Reed's  
25 statements further implicated Officer Whatley in the

1 armed robbery of two Check N Go check cashing  
2 facilities, one in Taylor and the other in Melvindale.

3 On March 27, 2013, at approximately  
4 10:00 a.m., the writer, the Chief, received notification  
5 from Sergeant Twana Powell of the Michigan State Police  
6 Department, that felony warrant 13-0823 was obtained  
7 from the 23rd District Court located in Taylor, Michigan  
8 charging Officer Whatley with five counts of armed  
9 robbery, one count of criminal enterprise conducting,  
10 four counts of unlawful imprisonment and one count of  
11 weapons felony firearm. Mr. Secretary?

12 SECRETARY ANTHONY: Members of the Board, you  
13 have heard the suspension without pay recommendation as  
14 read by our Board attorney. And unless contravened by  
15 this body, the suspension without pay recommendation  
16 will stand.

17 CHAIRMAN WARFIELD: Sir, there is no  
18 contraventions at this time. We will wait to hear from  
19 our other member. And if that is still the case, the  
20 suspension without pay will stand.

21 ATTORNEY WASHINGTON: Thank you, Mr. Chair.  
22 We will move now to the Disciplinary Trial Board  
23 appeals. We have today representing the Department,  
24 Commander John Serda. On behalf of the officers, we  
25 have John Goldpaugh and we have Don Stolberg. We've got

1 a fall house today. They are both here. I will just  
2 read a brief -- I will read the charges briefly, and  
3 then we will ask the petitioner to present first.

4 First with regard to Police Officer Tiniki  
5 Gibbs, Badge Number 718, Police Officer Tiniki Gibbs was  
6 charged on December 6, 2011, with the following rule  
7 violations. Count 1, leaving post without proper relief  
8 or purpose, Specification 1, that she, Police Officer  
9 Tiniki Gibbs, at that time assigned to the 8th District,  
10 8th Precinct, while on duty did on August 31, 2011,  
11 leave her post without proper relief or authorization by  
12 stating that she was going home sick, this being in  
13 violation of the Detroit Police Department Manual Series  
14 100, Directive 102.3-7.5, attentiveness to duty, Command  
15 6.

16 Count 2, willful disobedience of rules or  
17 orders, Specification 2, that she, Police Officer Tiniki  
18 Gibbs, while on duty did on August 31, 2011, willfully  
19 disobey a direct order given by Sergeant Paul Glaza  
20 , assigned to the 8th Precinct to take vehicle  
21 code 003372 to Star Auto Wash to have the vehicle washed  
22 and interior cleaned; again, this being in violation of  
23 the Detroit Police Department Manual Series 100,  
24 Directive 102.3-7.9, conduct unprofessional, Command 8.

25 Count 3, exhibit insubordination, disrespect,

1 gestures or language of a course, profane or insolent  
2 nature to any officer. Specification 3, that she,  
3 Police Officer Tiniki Gibbs, while on duty did on  
4 August 31, 2011, exhibit insubordination, disrespect or  
5 language of an insolent nature towards her superior. I  
6 don't -- quote -- "I don't clean cars for a living, and  
7 I'm not going to drive a dirty vehicle," unquote, after  
8 being ordered to take the vehicle to the Star Auto Wash,  
9 again this being in violation of Detroit Police  
10 Department Manual Series 100, Directive 102.3-7.9,  
11 conduct unprofessional, Command 5.

12 Count 4, divulging official confidential  
13 information to anyone except the person for whom it is  
14 intended or is directed by a commanding officer or under  
15 due process of law. Spec 4, that she, Police Officer  
16 Tiniki Gibbs, while on duty did on August 31, 2011, post  
17 a photo of vehicle code 0033372 to her social media  
18 facebook profile page and made commentary as to the  
19 condition of the vehicle, this being in violation of the  
20 Detroit Police Department Manual Series 100, Directive  
21 102.3-7.10, confidentiality, Command 2. At this time,  
22 Counsel?

23 ATTORNEY STOLBERG: Good afternoon. For the  
24 record, Donald Millard Stolberg on behalf of Police  
25 Officer Tiniki Gibbs. With respect to this case, the

1 charges have been set forth with particularity by the  
2 Board's attorney. This is an incident which was alleged  
3 to have occurred on August 31, 2011, when Officer Gibbs  
4 was told to drive a particular vehicle. The vehicle  
5 that was assigned to her was in extreme disrepair.  
6 Wires were hanging out of the interior of the vehicle.  
7 It was in an unsafe condition in addition to being dirty  
8 on the exterior and on the interior of the vehicle.

9 Maybe if I can start backwards and work my way  
10 back through the charges to the first charge. But  
11 starting with the last charge, that information about  
12 the condition of the vehicle was not confidential  
13 information of the Department. By her posting it does  
14 not automatically by showing the condition of the  
15 vehicle does not automatically constitute a violation of  
16 the rules and regulations of the Department since  
17 members of the Department have no less free speech  
18 rights than anyone else. And it is conceded that the  
19 condition of that vehicle was not confidential or a  
20 secret of the Department in terms of its business or  
21 otherwise.

22 Let's face it, the fleet is in such disrepair  
23 and in poor condition that happily recently, the  
24 business community has banded together to replace many  
25 of these vehicles. And we are grateful for that. So,

1 with respect to that fourth charge, that should be  
2 dismissed outright. That is constitutionally protected  
3 speech, nor is it of a confidential or secret nature.  
4 Working our way through the charges, Charge 3,  
5 Specification 3 is directly related to Charge 2,  
6 Specification 2. Remember in Charge 2, Specification 2,  
7 she is charged with willful disobedience of rules or  
8 orders, when it is claimed that she disobeyed an order  
9 to take that vehicle to the Star Auto Wash. Officer  
10 Gibbs denied that she refused any orders during her  
11 Garrity statements in this matter.

12 And the third charge which has to do with the  
13 insubordination count, when she says, "I don't drive --  
14 I don't wash cars for a living," Number 1, it's a true  
15 statement. Number 2, she is not -- that doesn't display  
16 any insubordination whatsoever. In fact, it's a  
17 statement of fact that she is a police officer. She  
18 fights crime. She is not -- she doesn't wash cars for a  
19 living. But she even denied having made that statement  
20 under her Garrity statement. But in any event, so she  
21 responded to the suggestion or the suggestion that she  
22 go wash the vehicle. People can't respond to a  
23 suggestion? And I call it a suggestion and not an order  
24 because if you look at the report and recommendation  
25 that's submitted by the investigator, your investigator

1 in this case, it is clear from the review of it -- and I  
2 was there -- that originally Sergeant Glossa indicated  
3 that it was a suggestion. And it wasn't until prompted  
4 by Department counsel, whether or not it was an order,  
5 that it was sort of an afterthought. And he said yes,  
6 it was an order.

7 So, you can't have it both ways. It was  
8 either a suggestion or it was an order. If it was a  
9 suggestion, it is not an order. And so, it is -- the  
10 fact that it was a suggestion is supported not only by  
11 the testimony of Sergeant Glaza who only during the  
12 course of his testimony when prompted said it was an  
13 order, it was also supported by Officer Gibbs who said  
14 she was never ordered.

15 And then finally, we get to the first charge,  
16 which is leaving post without proper relief or purpose.  
17 She informed the sergeant that she was going home sick.  
18 People are allowed to go home sick. If you're sick,  
19 you're sick. You shouldn't be at work. There is no  
20 testimony on this record that suggests that any of the  
21 supervisors told her no, you can't go, I am ordering you  
22 to stay or anything of that nature. She told him she  
23 was going home sick, and she went home sick. That's  
24 really as simple as that.

25 All of the charges and specifications as a

1 result of my argument and the plain meaning of the rules  
2 and regulations of the Department, which should militate  
3 in favor of Officer Gibbs in terms of having this case  
4 dismissed. But on the other hand, should you find that  
5 the Department has met its burden of proof by some  
6 preponderance test, then I would concur that a reduction  
7 is in order pursuant to your investigator's  
8 recommendation since the Board clearly did not take into  
9 account the fact that Officer Gibbs had a hereto fore  
10 perfect record since her appointment to the Department  
11 in 1999.

12 So, based upon the Department's policy of  
13 progressive and corrective discipline, clearly on these  
14 facts, it wouldn't be worth even ten days in my opinion.  
15 I think some of these charges should be dismissed. But  
16 if on the other hand you find that the relatively light  
17 burden of the Department has been met, then you should  
18 keep that penalty to a very minimum since it would be  
19 her first contact with the disciplinary process and  
20 since her conduct taken in whole was not that egregious.

21 CHAIRMAN WARFIELD: Thank you, sir.

22 COMMANDER SERDA: Commander John Serta on  
23 behalf of the Detroit Police Department and disciplinary  
24 administration. I will just make a few points on this  
25 case. First of all, the time that was given for

1 discipline is well within the disciplinary matrix.  
2 Leaving post, she got three days; insubordination, four  
3 days; willful disobedience of rules or orders she got  
4 five days; and for divulging official confidential  
5 information, a written reprimand. All these are within  
6 the Detroit Police Department's guidelines for  
7 discipline.

8 CHAIRMAN WARFIELD: Did she get any days for  
9 that last one?

10 COMMANDER SERDA: No. She's getting a written  
11 reprimand. Just a couple of notes here. As far as the  
12 vehicle being dirty and unsafe, there was no testimony  
13 that the vehicle was unsafe. Obviously, it was an older  
14 vehicle. In fact, what had happened was the 8th  
15 Precinct had run out of vehicles. They had issued all  
16 of their vehicles out. Officer Tiniki Gibbs came late  
17 to role call. They borrowed a vehicle from the 6th  
18 Precinct. And this was the vehicle that they had  
19 available for her. All she had to do was take it to the  
20 car wash.

21 Every officer that's ever worked for the  
22 Detroit Police Department has taken their vehicle to the  
23 car wash because we like to drive clean cars when we  
24 can. Sometimes they are not clean. Sometimes they sit  
25 on the lot for a couple of weeks when they are not being

1 used. So, that's not unusual to ask an officer to take  
2 a car to the car wash. Again, it was stated that this  
3 is not confidential information that was posted on the  
4 web. That's true. However, it was certainly posted on  
5 the web to discredit the police department. There's no  
6 other reason you would post something like that on the  
7 web. You said there was no order given by  
8 Sergeant Glaza. In fact, there was an order given by  
9 the sergeant and a lieutenant who was there in the room  
10 when that happened.

11 As far as her going home sick, yes, officers  
12 can go home sick when they're sick. But you can't go  
13 home because you're mad about your assignment or you're  
14 mad because they gave you an old car. If that happens,  
15 we would have chaos in the Department. In fact, in a  
16 parting shot when she was getting ready to go home, she  
17 tells Sergeant Glaza, here is the pen, write me up with  
18 it and gives no reason for her going home sick. If she  
19 is going to go home sick, she has to tell her direct  
20 supervisor why she is going home sick. She might even  
21 be sent to medical for evaluation if that becomes  
22 necessary. So, we think that the penalty is proper, and  
23 we ask you to uphold it.

24 CHAIRMAN WARFIELD: Questions?

25 COMMISSIONER WHITE: Thank you. Commander

1           Serta, as relates to the Directive 102.3-7, the posting  
2           of the information particularly on social media, I know  
3           that's a fairly new Directive. But it doesn't speak to  
4           anything as to the condition that -- can you speak to  
5           what that Directive speaks to because in my recollection  
6           it spoke to all Department equipment and insignia,  
7           anything that referenced DPD was to not be posted on any  
8           social media. And I just want a clarification on that.

9                    COMMANDER SERDA: I don't have a whole lot of  
10           information on that. The Directive does say divulging  
11           official confidential information to anyone except the  
12           person for whom it is intended or as directed by the  
13           commanding officer or under due process of law. But the  
14           Directive is certainly directed at how social media is  
15           used and how the Department is depicted when posting  
16           things on social media. So, certainly officers have  
17           some First Amendment rights. But they are not allowed  
18           to post things that would harm the Department in any  
19           way.

20                    COMMISSIONER WHITE: Certainly. And just to  
21           be clear, to your recollection, since we don't have it  
22           in front of you, the Directive, it does speak to  
23           Department equipment not to be posted on social media,  
24           would that be accurate?

25                    COMMANDER SERDA: Yes.

1                   COMMISSIONER WHITE: Okay. You spoke to not  
2 out of the ordinary for officers to be requested to take  
3 their vehicles to be cleaned. Is that a customary  
4 practice that there's not a car washing team that comes  
5 and washes cars, it is typically an officer's  
6 responsibility, is that accurate?

7                   COMMANDER SERDA: Yes. There are car washes  
8 that are under contract throughout the City where  
9 officers can take scout cars to get washed and they  
10 don't have to pay. The Department pays the expense.  
11 Usually that's done on day shift because that's when the  
12 car washes are open. And this was a day shift  
13 situation.

14                  COMMISSIONER WHITE: Okay. And last question,  
15 Mr. Chair, Commander as you speak to the protocol for  
16 requesting to be relieved of duty due to sickness --

17                  COMMANDER SERDA: Yes, sir.

18                  COMMISSIONER WHITE: -- you spoke to a process  
19 of notifying your supervisor. And do you maintain that  
20 that was not done?

21                  COMMANDER SERDA: Well, she told the  
22 supervisor she was going home sick. But part of the  
23 process is, the officer then will inquire on what the  
24 illness is and fill out a sick form so that it can be  
25 documented and sent to a timekeeper. She didn't allow

1 for any of that to happen.

2 COMMISSIONER WHITE: Okay. So, when you say  
3 she didn't allow for that to happen, so she notified her  
4 supervisor that she was sick?

5 COMMANDER SERDA: She is notifying the  
6 supervisor as she is leaving.

7 COMMISSIONER WHITE: Okay. So, if -- there's  
8 a step missing for me here. So, if I'm an officer and I  
9 notify my supervisor that I'm sick, what is my  
10 requirement at that point? What are my obligations at  
11 that point? Am I to wait to receive something in  
12 writing that it's okay for me to go home or am I -- by  
13 this Directive, have I done my due diligence in  
14 notifying my supervisor that I'm ill and I am going  
15 home?

16 COMMANDER SERDA: You have to finish the  
17 conversation and let the supervisor know why you're  
18 going home sick so then the supervisor could fill out  
19 the documentation. You don't have to necessarily fill  
20 it out. The supervisor will do that to make sure it  
21 gets properly documented on the time sheets and with the  
22 timekeeper. So, the supervisor has to know why you're  
23 going home sick. They may even challenge you on why  
24 you're going home sick if it doesn't appear that you're  
25 really sick. But none of that -- it was never time for

1 any of that to happen.

2 COMMISSIONER WHITE: Thank you, Mr. Chair.

3 CHAIRMAN WARFIELD: Ma'am?

4 COMMISSIONER TAYLOR: I think he answered it.  
5 One of them, it said leave her post without proper  
6 relief. Does that mean she have to wait until she is  
7 replaced?

8 COMMANDER SERDA: Right. If you have a post  
9 that you're supposed to attend to -- and her's was  
10 patrol I believe -- before she can leave, she has to get  
11 permission from her supervisor so that that supervisor  
12 can make sure that post is covered.

13 CHAIRMAN WARFIELD: That's it?

14 COMMISSIONER TAYLOR: That's all.

15 CHAIRMAN WARFIELD: I want to go back and stay  
16 right there in that theme with her leaving. And thank  
17 you, Commissioner White, about the car wash question  
18 because that's one I had as well. You had made a  
19 comment about finishing the conversation.

20 COMMANDER SERDA: Yes, sir.

21 CHAIRMAN WARFIELD: Who determines if the  
22 conversation is finished?

23 COMMANDER SERDA: Well, the supervisor has to  
24 have certain information if you're going to go home  
25 sick.

1                   CHAIRMAN WARFIELD: So, going on what  
2                   Commissioner White said then, so if I communicate to a  
3                   supervisor that I am not feeling well and I need to go  
4                   home, then I have to stand there and wait until the  
5                   supervisor says okay, go home?

6                   COMMANDER SERDA: Well, you have to wait at  
7                   least long enough for the supervisor to ask you why  
8                   you're going home sick.

9                   CHAIRMAN WARFIELD: Okay. And you said  
10                  because sometimes they might challenge it. Was she  
11                  challenged?

12                 COMMANDER SERDA: She was challenged -- yes,  
13                 she was challenged in several different fronts during  
14                 this entire --

15                 CHAIRMAN WARFIELD: So, she was challenged on  
16                 if she was really sick?

17                 COMMANDER SERDA: I don't know if she was  
18                 challenged on that specific issue. I don't have that in  
19                 front of me.

20                 CHAIRMAN WARFIELD: Okay. Thank you, sir.

21                 COMMANDER SERDA: Thank you. Ma'am?

22                 ATTORNEY WASHINGTON: Thank you, Mr. Chair.  
23                 Just as a couple of clarification points. When asked --  
24                 there was a dialog. There was some coming and there was  
25                 some leaving. She left the office of the sergeant and

1 the lieutenant who was actually there because she just  
2 happened to stop by to check on some paperwork. She was  
3 actually off. One of the witnesses -- and she testified  
4 at the trial board. But there was some dialog. There  
5 was some conversation. Officer Gibbs was in the office.  
6 Then she left the office, and then she came back. And  
7 when she was asked what's wrong, this whole sick piece  
8 came in after the, "I don't do dirty cars." When they  
9 asked her what was wrong, she smirked and, you know --  
10 so, there was some stuff going on.

11 And then the whole pen on the desk, she  
12 actually according to the witnesses, she tossed the pen  
13 at her superior and said use this to write me up. So,  
14 the facebook posting, it was just not pictures. There  
15 was comments. So, it was put out there as Commander  
16 said.

17 And my role in this is just to read the  
18 transcripts and to just confirm what the witnesses said.  
19 And the comments and the dialog that was going back and  
20 forth on the facebook page was clearly intended to say,  
21 this is what I have to deal with kind of thing. It was  
22 pretty clear.

23 CHAIRMAN WARFIELD: Yes, ma'am.

24 ATTORNEY WASHINGTON: As far as there being an  
25 order, Commander is correct. Lieutenant I believe

1 Atkinson was the superior. And she actually did give  
2 her a direct order. There was a -- and it's interesting  
3 that you all make mention of, you know, did you have to  
4 be released. With the smirk and then the exit, there  
5 was actually some confusion as to whether she was marked  
6 AWOL at first because they didn't get the answers that  
7 they needed. And then, you know, I'm not even sure how  
8 they corrected the time records. But initially, she was  
9 recorded not as sick but as leaving AWOL.

10 Based on the witnesses' testimony that was  
11 offered at the trial board and again, it's already been  
12 said as was related to Specification 1, there was three  
13 days; Specification 2, five days; Specification 3, four  
14 days; and on the facebook or the Specification 4, was a  
15 written reprimand. The trial board clearly based its  
16 recommendation on the past discipline history, the  
17 discipline matrix, progressive discipline standard and  
18 reasonableness.

19 There were some concerns as would relate to  
20 the tossing of the pen. I mean, there's no question,  
21 it's clear that the trial board offered careful  
22 deliberation. I did have a little bit of an issue in  
23 reviewing her history, she did not prior to this  
24 incident have any history. The trial board's  
25 recommendation was 12 days. We tried to work out a

1 settlement before we brought this to you in an oral  
2 argument to 10 days. But that was declined by  
3 Officer Gibbs.

4 So, based on what you have heard today and the  
5 recommendation that you have before you, my  
6 recommendation is that the trial board's finding be  
7 reduced from 12 days to 10 days.

8 CHAIRMAN WARFIELD: Is there a motion?

9 COMMISSIONER WHITE: Mr. Chair, I move to  
10 support the recommendation by counsel for a 10-day  
11 suspension for Police Office Tiniki Gibbs for charges as  
12 outlined.

13 COMMISSIONER TAYLOR: Second.

14 CHAIRMAN WARFIELD: It's been properly moved  
15 and supported. Any more discussion? Hearing or seeing  
16 none, all those in favor of the motion?

17 COMMISSIONERS: Aye.

18 CHAIRMAN WARFIELD: All those opposed? Motion  
19 carries. Thank you, ma'am.

20 ATTORNEY WASHINGTON: Thank you, Mr. Chair.  
21 The second disciplinary appeal matter before you is with  
22 regard to Police Officer Johnny Strickland, Badge Number  
23 694. The first count -- and it's not nearly as long as  
24 the first disciplinary case. The first count is conduct  
25 becoming an officer, Specification 1, that he, Police

1 Officer Johnny Strickland, Badge 694, currently assigned  
2 to I believe the 8th Precinct while off duty -- excuse  
3 me -- did on May 12, 2011, at approximately 3:50 in the  
4 afternoon conduct himself in a manner unbecoming an  
5 officer by filing a false insurance claim concerning his  
6 stolen motor vehicle that was deemed fraudulent and  
7 denied by Progressive Insurance, this being in violation  
8 of the Detroit Police Department Manual Series 100,  
9 Directive 102.3-7.9 conduct unprofessional, Command 1.

10 Count 2, failure to cooperate in any internal  
11 or administrative investigation conducted by this or  
12 other authorized agency and/or failure to provide  
13 complete and accurate information in regard to any issue  
14 under investigation, Specification 2, that he, Police  
15 Officer Johnny Strickland, while off duty, did between  
16 May 16, 2011 and June 29, 2011, fail to cooperate and  
17 return several telephone calls from Detective Nicole  
18 Tomasovich-Morton, assigned to the Oakland County  
19 Sheriff's auto theft unit once she requested a statement  
20 from Officer Strickland regarding the theft of his  
21 motorcycle, this being in violation of the Detroit  
22 Police Department Manual Series 100, Directive  
23 102.3-7.2, accountability, Command 1.

24 And finally, Count 3, willfully making a false  
25 oral, written statement or report, Specification 3, that

1 he -- Police Officer Johnny Strickland -- while off duty  
2 did on May 12, 2011, at approximately 1:20 p.m.  
3 willfully make a false oral written statement or report  
4 by submitting an inaccurate statement to Officer David  
5 Glowacki of the Farmington Hills Police Department who  
6 generated a CRISNET report that contained fabricated  
7 information regarding the theft of his motor vehicle,  
8 this being in violation of the Detroit Police Department  
9 Manual Series 100, Directive 102.3-7.22, truthfulness,  
10 Command 1. Counsel?

11 ATTORNEY GOLDPAUGH: Thank you. Good  
12 afternoon, Commissioners.

13 CHAIRMAN WARFIELD: Good afternoon.

14 ATTORNEY GOLDPAUGH: John Goldpaugh on behalf  
15 of Police Officer Johnny Strickland. First of all, as  
16 Miss Washington has pointed out, Officer Strickland was  
17 charged in a departmental file with conduct unbecoming a  
18 police officer regarding allegations of fraudulent  
19 insurance, a second count of failing to cooperate in the  
20 investigation and the third count of willfully making a  
21 false oral written statement report. And after a  
22 lengthy trial board in which numerous witnesses  
23 testified, the trial board found him not guilty of Count  
24 2, found him guilty of Counts 1 and 3 and issued him a  
25 20-day penalty, 10 days on each count.

1           It should be noted that in both the answer to  
2           our petition set forth in the petition to appeal and in  
3           the recommendation received by Miss Washington, neither  
4           of those address the true issue here which is whether or  
5           not there was sufficient evidence presented to support  
6           the specifications. It finds well, this is what people  
7           said, this is what people did and yet then takes their  
8           statements at blank face value and then finds them  
9           guilty. And the reason I say that is -- and I guess if  
10          -- I will ask the Board to allow me to address the third  
11          case, the third charge first.

12           There he is charged with willfully making a  
13          false oral written statement or report based on a  
14          CRISNET report that he made to the Farmington Hills  
15          Police Department about a stolen motorcycle. I attached  
16          that CRISNET report which is admitted as an exhibit in  
17          the trial Board to our original petition. That CRISNET  
18          report, there is absolutely nothing false regarding that  
19          document. There is absolutely no indication in that  
20          document of any fabrication. The CRISNET report which  
21          is the subject of the charges states specifically -- if  
22          you have it -- I will not read it verbatim -- but it  
23          says basically that Strickland came into the station to  
24          make a report. He states that his vehicle was stolen  
25          between unknown dates and times by a subject and that

1 his motorcycle was taken from his home at the Windemere  
2 Apartments. That's all it says.

3 The testimony shows -- it also says that he  
4 has insurance with Progressive. There is nothing false  
5 regarding that statement when he made it. There was  
6 nothing false ever about that. The evidence showed that  
7 in fact the vehicle was stolen. It was stolen out of  
8 that apartment complex. And more importantly, it was  
9 recovered. There is nothing of a false statement  
10 nature. Now, if the Department wants to argue, well,  
11 the times in which it was stolen are incorrect, there  
12 was evidence presented -- we will go to this more in  
13 detail.

14 But there was evidence in support that when  
15 his -- when he went to get the insurance, his girl  
16 friend, Miss Blankenship, who testified during the  
17 proceedings indicated she is the one who made a phone  
18 call a couple of days before. She then indicates that  
19 he spoke to her, he confirmed that his vehicle had not  
20 been towed. There was no problems with that. And then  
21 he went and got insurance on his motorcycle. She  
22 testified that she went with him to get the motorcycle  
23 insurance. She also testified that before she went to  
24 get the motorcycle insurance -- and it's at the trial  
25 board proceedings at Page 65, 64 and 65. And this was

1 on direct testimony by the Department's advocate, she  
2 was with Mr. -- with Officer Strickland. She saw the  
3 motorcycle at the location. And then they went and got  
4 the insurance.

5 She then goes off to school. He wakes up the  
6 next morning, and the bike is stolen. There is nothing  
7 that's false about the specification. There's nothing  
8 false about the CRISNET report. It is accurate.  
9 Officer Strickland told them what he knew; my bike was  
10 stolen by unknown people. He's the one -- the  
11 Department and even the prosecutor -- I mean, the -- I  
12 mean the prosecutor because there was the investigation  
13 in Oakland County, she makes this big deal about this.  
14 And yet, he is the one in his CRISNET report that brings  
15 forth the information to the police in his report, yes,  
16 I called my agent -- not my agent, excuse me. I called  
17 based on the phone call from Miss Blankenship to confirm  
18 that no one had towed my vehicle.

19 He is the one who brings that information  
20 forth. He is the one that tells them all about  
21 Miss Blankenship. He tells them all about the -- I'm  
22 sorry, the leasing agent. And he then calls the leasing  
23 agent. He said, no, we didn't have anything towed.  
24 It's here or whatever. We didn't have anything towed.  
25 And yet, they then say because he brings that

1 information to them, that this is a false statement that  
2 warrants 10 days of lost pay and benefits? There is no  
3 evidence to show any false statements. With respect to  
4 the first count, and this is why we are going -- I did  
5 this backwards.

6 In that particular charge, he's charged with  
7 conducting himself in a manner unbecoming an officer by  
8 filing a false insurance claim concerning his stolen  
9 motorcycle that was deemed fraudulent and denied by  
10 Progressive Insurance. It was not deemed fraudulent.  
11 There was no evidence on the record that it was deemed  
12 fraudulent. It was denied because they claimed that he  
13 did not -- the insurance was not in force at the time  
14 the motorcycle was stolen. That's all they did. He  
15 could have contested that. He said it wasn't worth it  
16 because he wasn't getting as much money back anyway.

17 But regardless. And he told that to internal  
18 affairs. They testified that way, that it was deemed  
19 not in force, not that it was fraudulent. The more  
20 interesting part of that is that when questioned, it  
21 goes to the young lady again, Miss Blankenship, being  
22 there. The insurance was issued. During the  
23 questioning, they said -- well, actually, they did the  
24 questioning of the, I'm sorry, the agent from Oakland  
25 County. And she said, well, when I talked to this

1 person, when I talked to that person, they said well, he  
2 didn't bring the vehicle with him. When the agent  
3 himself -- I'm sorry, not the agent but the supervisor  
4 or the claims adjustor testified, he said no, we didn't  
5 see the bike.

6 And I questioned them about it, but it was  
7 still issued. And he said yes. So, in looking at the  
8 evidence that was presented, which as I have indicated  
9 neither the Answer or the Petition addresses, he was  
10 told -- meaning Officer Strickland was told -- I don't  
11 have to bring the bike. That's uncontested. Therefore,  
12 the insurance was not deemed to be a fraudulent request  
13 because he thought he had insurance. And he never got  
14 any money. He owned the bike free and clear. There is  
15 nothing on this record to support a finding of guilt on  
16 either one of these charges because when you look at  
17 conduct unbecoming an officer and claiming he made a  
18 fraudulent claim, it wasn't -- and it said denied  
19 because of a fraudulent claim, it wasn't denied because  
20 it was fraudulent. And that's right on the record. I  
21 would suggest that you dismiss both charges against him.  
22 Thank you.

23 CHAIRMAN WARFIELD: Thank you, Mr. Goldpaugh.

24 COMMANDER SERTA: John Serta on behalf of the  
25 Detroit Police Department and disciplinary

1 administration. This really does come down to a matter  
2 of timing. There is information from several sources  
3 that Officer Strickland got information that his  
4 motorcycle might be missing on the day in question,  
5 which is May the 12th, 2011. He received a call from  
6 his girl friend. He also made inquiries with the  
7 apartment building that he stayed at to see if they had  
8 towed his motorcycle, that they told him they didn't.  
9 So, clearly his motorcycle was missing sometime around  
10 11:00 a.m. and right up until 12 noon, shortly after  
11 that. And --

12 CHAIRMAN WARFIELD: I'm sorry, on the 11th?

13 COMMANDER SERTA: Yes, on May the 12th, 2011.  
14 Okay. So, the Detective Morton from Farmington Hills  
15 spoke with Mr. Grove from the apartment complex,  
16 Windemere Apartments. Mr. Grove stated that on May 11,  
17 2011, at approximately 12:00 p.m., Officer Strickland  
18 called the apartment office and asked if they had towed  
19 any motorcycles. Mr. Grove checked with the apartment  
20 manager and responded that they had not and then asked  
21 if his motorcycle was missing. He replied and said  
22 someone called him and said they saw it on the back of a  
23 truck. So, two hours later from that, he goes and  
24 purchases insurance on this motorcycle.

25 So, the insurance company then did an

1 investigation and determined that Mr. Strickland was not  
2 covered at the time of the theft which was deemed before  
3 12 noon on that date, on May 11. And the insurance was  
4 taken out at 2:07 p.m. So --

5 CHAIRMAN WARFIELD: What day? The insurance  
6 was taken out on the 11th or the 12th?

7 COMMANDER SERTA: Let me just verify because I  
8 do see where there's -- according to my records, the  
9 date of the loss was May 11, 2011, at 12:22 p.m. The  
10 policy was not in effect until May 11, 2011, at  
11 2:07 p.m.

12 CHAIRMAN WARFIELD: Got you.

13 COMMANDER SERTA: So, the trial board had the  
14 testimony of several witnesses from the insurance  
15 company, from this other police department, from this  
16 auto theft task force. And based on all that  
17 information, they found Officer Strickland guilty of  
18 Charge 1, the conduct unbecoming, for filing a false  
19 insurance claim alleging that his motorcycle was stolen.

20 And the second charge was failed to cooperate  
21 in an investigation. That was dismissed. And then the  
22 third charge, false statement to Officer Glowacki from  
23 Farmington Hills PD regarding the theft of his  
24 motorcycle. So, based on that, the seriousness of the  
25 charges, the fact that, you know, we have a police

1 officer that's filing false insurance claims and then  
2 subsequently lying about it, the penalty certainly is  
3 within line of those charges and within the disciplinary  
4 matrix.

5 CHAIRMAN WARFIELD: Thank you, Commander.  
6 Madame Vice Chair, any questions?

7 COMMISSIONER TAYLOR: I have one. Are you  
8 saying that the bike was not stolen; he made an  
9 insurance claim and the bike had not been stolen? Is  
10 that why it was fraudulent? I don't follow.

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1                   COMMANDER SERDA: The bike was missing  
2                   at 12:22 p.m. At 2:07 is when he filed the insurance  
3                   claim. So, you know, whether it was stolen or not, he  
4                   didn't know at the time. All he knew was the bike was  
5                   missing. And as far as he was concerned, it was stolen.  
6                   He hadn't lent it to anybody. He still retained the  
7                   keys. But it was missing at that time. So, within two  
8                   hours of that, he filed for the insurance claim.

9                   COMMISSIONER TAYLOR: But he didn't have the  
10                  bike? The bike was missing when he filed the claim?

11                  COMMANDER SERDA: Correct, according to the  
12                  testimony.

13                  COMMISSIONER TAYLOR: Thank you.

14                  COMMISSIONER WHITE: Thank you, Mr. Chair.  
15                  Commander, just for some clarity, when you say he filed  
16                  a claim, did he take out a new policy on that bike or he  
17                  filed -- he called the insurance company to say my bike  
18                  is missing, I'd like to make a claim?

19                  COMMANDER SERDA: I believe he took out a new  
20                  claim. And let me go directly to that part of the  
21                  investigation to verify that. Okay. Okay. Let me see.  
22                  Let me just read this. This is from a document from LA  
23                  Insurance stating -- dated on May 11, 2011, revealed  
24                  that Officer Strickland purchased an insurance policy  
25                  for his motorcycle effective May 11, 2011, at 2:07 p.m.,

1           until May 11, 2012, a 12-month policy premium totaling  
2           \$890.09. And then subsequently after that, he notified  
3           them of the loss of his motorcycle.

4                        COMMISSIONER WHITE: So, you maintain,  
5           Commander, that irrespective if it was stolen or missing  
6           or towed, he tried to create a new policy to cover that  
7           after he knew that it was missing for whatever reason it  
8           was missing?

9                        COMMANDER SERDA: That's correct. That's what  
10          the evidence shows.

11                      COMMISSIONER WHITE: Also, was the charge for  
12          falsifying an insurance claim, is that a misdemeanor or  
13          felony or what does that charge carry?

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1                   COMMANDER SERDA: Well, are you talking about  
2 if he was charged criminally?

3                   COMMISSIONER WHITE: Right.

4                   COMMANDER SERDA: I would imagine it's based  
5 on the amount. But I would assume it's a felony. But I  
6 don't want to say that on the record because I would  
7 have to research that.

8                   COMMISSIONER WHITE: So, he hasn't been  
9 charged with anything criminally?

10                  COMMANDER SERDA: He was charged, and a  
11 warrant was denied.

12                  ATTORNEY GOLDPAUGH: Excuse me. If I may, he  
13 was never charged.

14                  COMMANDER SERDA: A warrant was requested.

15                  CHAIRMAN WARFIELD: He was never charged?  
16 Thank you.

17                  COMMANDER SERDA: The warrant was requested of  
18 the Oakland County prosecutor's office and denied on  
19 August 18, 2011, citing insufficient evidence.

20                  CHAIRMAN WARFIELD: Who was the insurance  
21 person you just quoted? You say that was who? It was  
22 LA something.

23                  COMMANDER SERDA: It says LA Insurance, a  
24 licensed independent insurance agent authorized by  
25 Progressive Insurance Company.

1 CHAIRMAN WARFIELD: Like a broker?

2 COMMANDER SERDA: Yes.

3 COMMISSIONER WHITE: Last question, Mr. Chair.  
4 To follow up on this denied warrant petition, is this  
5 new information, the time sequencing that was shared  
6 today, that was not available at that point or what  
7 would be the basis for denial?

8 COMMANDER SERDA: I couldn't tell you. That  
9 was handled by Farmington Hills PD and Oakland County  
10 prosecutor's office. I don't really know what their  
11 basis was.

12 COMMISSIONER WHITE: Thank you, sir.

13 CHAIRMAN WARFIELD: I'm going to ask counsel  
14 to come up because I have some questions. And maybe she  
15 might clear some things before I even ask other counsel  
16 first.

17 ATTORNEY GOLDPAUGH: I understand,  
18 Commissioner. I would also like an opportunity before  
19 to respond to these two comments by the Commander as  
20 part of my -- thank you.

21 ATTORNEY WASHINGTON: A couple things. And  
22 this will give John a chance to respond to me too  
23 because the way -- the time frame that he laid it out is  
24 that the girl friend saw a like motorcycle on the back  
25 of a truck. She called her boy friend, and then they

1 made their way over to get some insurance. But there's  
2 some other stuff again that happened in between there.

3 As the Commander mentioned, a lot of this is  
4 strictly based on time. At May 11, at noon, he called  
5 the manager at the apartment complex saying did you guys  
6 tow my vehicle because his girl friend had seen a  
7 vehicle on M-5 on the back of a flatbed. And she called  
8 and said is your motorcycle missing. His response to  
9 her I thought was really interesting because he says,  
10 no, it's not missing. Don't worry about it. Okay.  
11 That was troubling. So, the apartment complex said no,  
12 we haven't towed any motorcycles.

13 Okay, fast forward. This was May 11 at noon.  
14 At 2:00, he then made his way over to the Progressive  
15 agent who testified that he got insurance at 2:07.  
16 May 12, the next day, at 8:00 a.m. is when he notified  
17 the insurance company of the loss. Okay. That's the  
18 bare basic chronology. The other piece that's troubling  
19 is once Oakland County's auto theft unit got involved  
20 and started with the investigation, it took 13 days for  
21 Officer Strickland to get back with Oakland County auto  
22 theft unit to figure out --

23 There was some discussion during the trial  
24 board as to whether he was a suspect or not or a victim  
25 or not. But in any event, he didn't return this woman's

1 calls for 13 days. She was trying to get to the bottom  
2 of it. And then he finally did get around to calling  
3 her. There's a couple other things in here. But I  
4 won't belabor the issue. But it seems it's pretty clear  
5 in terms of the motorcycle was -- he was notified it was  
6 missing by his girl friend. He said don't worry about  
7 it, ran out, got insurance and then the next day  
8 reported it stolen.

9 Clearly based on my review of the two binders  
10 of transcripts from the trial board hearing, the trial  
11 board did base its recommendations on the officer's past  
12 history, the discipline matrix, progressive discipline.  
13 I won't go into detail about the specifics of Officer  
14 Strickland's disciplinary history. But there had been  
15 five issues with file numbers before this. So, I  
16 believe that taken together with the seriousness of the  
17 actions in this case does support the 20-day suspension.  
18 And I believe counsel wants to comment.

19 CHAIRMAN WARFIELD: Before counsel comes up,  
20 is there anywhere in your record where it says or says  
21 that after May 5, he saw his vehicle?

22 ATTORNEY WASHINGTON: May 5?

23 CHAIRMAN WARFIELD: I'm sorry, May 11.

24 ATTORNEY WASHINGTON: Not in the transcripts  
25 that I read.

1                   CHAIRMAN WARFIELD: Did he testify that he saw  
2 his vehicle after 12 noon on May the 11th, 2012? Did he  
3 testify that he saw his motorcycle?

4                   ATTORNEY GOLDPAUGH: If I may, he did not  
5 testify at the trial board proceedings because he was  
6 given a Garrity interview. And during the Garrity  
7 interview, he explained what it occurred and the  
8 circumstances. But during -- if I may -- and this is  
9 these --

10                  CHAIRMAN WARFIELD: Come to the mic.

11                  ATTORNEY GOLDPAUGH: Again, John Goldpaugh.  
12 And that's exactly my point. Again, John Goldpaugh for  
13 Officer Strickland. And that's exactly my point. We  
14 have the direct testimony on direct from Miss  
15 Blankenship. Miss Blankenship indicates -- and the  
16 record -- the investigation by Oakland County in all  
17 honesty, this started out where he went in and reported  
18 his motorcycle stolen. His motorcycle was stolen. And  
19 eventually, they testified that the motorcycle was  
20 recovered. And the people who had the motorcycle were  
21 charged, and he prosecuted those people. So, this bike  
22 was stolen, and it was stolen at a time frame at that  
23 point.

24                         So, he didn't fraudulently -- he did not  
25 fraudulently make a fraudulent claim that, oh, my bike

1 wasn't stolen. I had somebody steal it or I threw it in  
2 the river. And that's what we deem to be in most cases  
3 a fraudulent claim. That's why they didn't deny that  
4 for those reasons. But we had the testimony at the  
5 trial board. And the agent from Oakland County, she  
6 turned in the motorcycle theft because they want to  
7 going to catch this person. This guy, whoever it was  
8 took this motorcycle. By the time it was reported, it  
9 could have been chopped up by that point in time.

10 She turned it into an investigation based on  
11 information that was received from Officer Strickland  
12 regarding the telephone call and finding out my bike was  
13 moved and all of this. She then took it upon herself to  
14 turn it into an investigation of him. That's where we  
15 get to this failing to cooperate aspect. By the time  
16 they weren't -- they were playing telephone tag. He was  
17 -- he had given all the information he knew to the  
18 officer regarding his stolen motorcycle. He couldn't  
19 give her any more information. She was out there trying  
20 to get him. It's as simple as that.

21 Testimony was submitted that she was directed  
22 to notify internal affairs that she was now  
23 investigating this investigation into him. That's why  
24 he didn't have to cooperate. He didn't have to talk to  
25 her at all because she wasn't going to come down there

1 and say, oh, by the way, here is your Miranda rights or  
2 your Garrity rights. But they are neglecting totally  
3 the testimony of Miss Blankenship. Miss Blankenship  
4 stated under direct testimony that before they went to  
5 get the insurance, she and he saw the motorcycle. It's  
6 as simple as that. That was the testimony during the  
7 trial board. And everybody seems to want to neglect  
8 that or forget about it. It's uncontroverted.

9 Also, the testimony says the phone call that  
10 the girl friend made was not at 11:00, just shortly  
11 before he contacted them it but it happened the night  
12 before.

13 CHAIRMAN WARFIELD: On the 10th?

14 ATTORNEY GOLDPAUGH: On the 10th, that's when  
15 the phone call came.

16 MS. SMITH: You can go and get the phone  
17 records.

18 ATTORNEY GOLDPAUGH: And the phone records as  
19 she brought out don't say anything about the phone calls  
20 from the girl friend to Officer Strickland. The phone  
21 records show that at 12:00 on the 11th, he called the  
22 company to find out have you towed my bike.

23 CHAIRMAN WARFIELD: Is it your representation  
24 to us right now then she didn't call them on the 11th  
25 but it was on the tenth?

1 ATTORNEY GOLDPAUGH: Yes.

2 CHAIRMAN WARFIELD: If that's the case, sir,  
3 if I followed just your logic, if I just follow your  
4 logic it was on the 10th and not the 11th, then he knew  
5 on the 10th that the bike wasn't there.

6 ATTORNEY GOLDPAUGH: No, that's not true. He  
7 received a phone call that said I saw it, not that it  
8 wasn't there. He knew as of the 11th when he responded  
9 because he couldn't call the leasing agency at night.  
10 He called on the 11th, at 12:00 to the leasing agency to  
11 see, did you tow my bike? And they said no, we didn't  
12 tow your bike. He then and his girl friend went and got  
13 the insurance. She saw the bike at the location after  
14 he called and made sure that it hadn't been towed.  
15 That's the testimony at the trial board.

16 CHAIRMAN WARFIELD: Okay. Miss Washington?  
17 Thank you.

18 ATTORNEY WASHINGTON: Thank you,  
19 Mr. Goldpaugh. Just two things, Mr. Chair.  
20 Miss Blankenship changed her testimony. She went back  
21 and forth as to when she saw the vehicle, how she saw  
22 the vehicle. Her initial testimony was Officer  
23 Strickland was not with her on the freeway when she  
24 initially said she saw the vehicle on the back of a  
25 truck. So, that's that. And then I'm a little bit

1           troubled by the -- because he didn't set up the theft as  
2           if it were a phony theft doesn't mean that it's not  
3           fraud. It was assigned to the fraud division because  
4           the insurance was obtained so close in proximity to the  
5           filing of a claim.

6                       CHAIRMAN WARFIELD: I guess my question to you  
7           is, Madame Counsel, under -- very specifically under  
8           Specification Number 3, counsel had indicated that it  
9           was nothing fraudulent about the report that he gave.  
10          From the testimony, what was fraudulent about that  
11          report?

12                      ATTORNEY WASHINGTON: I believe as again this  
13          is the Department drafting this charge. It would appear  
14          that when he made -- I don't know that there was  
15          anything in the report because it indeed had been  
16          stolen. But the fraud comes in -- and maybe it's an  
17          issue as to how that is drafted by the Department --  
18          that there was knowledge that the vehicle was stolen  
19          after he obtained the insurance. So, he did not have  
20          insurance at the time and then went and pretended as  
21          if -- you know.

22                      CHAIRMAN WARFIELD: I guess we don't have the  
23          CRISNET report in front of us. So, I guess from my  
24          perspective, does it say in the report anything that  
25          links him filing the insurance to knowing when the

1 vehicle was stolen because from my standpoint, if all he  
2 said was my vehicle was stolen and he understood that it  
3 was stolen and he made no reference to having or not  
4 having insurance or I don't know if the officer asked  
5 him to present your registration or insurance papers or  
6 what happened there, then I guess that would make it  
7 fraudulent if he claimed he had insurance and he didn't.  
8 Do we know that information?

9 ATTORNEY WASHINGTON: Actually, I don't have  
10 the CRISNET with me. Do you have the CRISNET, John? Do  
11 you have the CRISNET report?

12 ATTORNEY GOLDPAUGH: I attached it to my  
13 Petition.

14 ATTORNEY WASHINGTON: If you'd like,  
15 Mr. Chair, in the interest of time, we can certainly  
16 recall this if you want. But I can make sure that you  
17 get it.

18 CHAIRMAN WARFIELD: I'm going to ask if my  
19 colleagues, do you have any other questions or comments?

20 COMMISSIONER WHITE: I do.

21 CHAIRMAN WARFIELD: Commissioner White?

22 COMMISSIONER WHITE: Counsel, while we are  
23 waiting for that as relates to Count 2, failure to  
24 cooperate, if an individual responds that he -- granted,  
25 it may have took him 13 days. How can we define

1 cooperation in this instance?

2 ATTORNEY WASHINGTON: That was an issue. And  
3 I believe Leticia Jones represented the Department in  
4 this. And there's no particular time frame. It's just  
5 the assumption that if you're truly a victim, that you  
6 will want to get your claim and your issues resolved.  
7 You file the report. And then basically they have to  
8 chase you to get information. I'm not aware of a  
9 certain time limit that's required, that there's a  
10 threshold that deems you to be non-cooperative. There's  
11 no such thing. But I think because he is an officer,  
12 they just assumed that a police officer would cooperate  
13 with other agencies.

14 COMMISSIONER WHITE: But if he in effect did  
15 respond but it took him a 13-day window?

16 ATTORNEY WASHINGTON: Correct, he did  
17 eventually respond.

18 COMMISSIONER WHITE: For the issue of the  
19 suspension, how many days were assigned to each count?

20 ATTORNEY WASHINGTON: 10 days for Charge 1 and  
21 10 days for Charge 2.

22 CHAIRMAN WARFIELD: 3?

23 ATTORNEY WASHINGTON: 10 days for Charge 1,  
24 10 days for Charge 2. They may have -- they dismissed  
25 Charge 2.

1 COMMISSIONER WHITE: So, it's 10 days for  
2 Charge 1 and 10 days for Charge 3?

3 ATTORNEY WASHINGTON: 10 days for Charge 3.

4 COMMISSIONER WHITE: If you could, Counsel --

5 CHAIRMAN WARFIELD: I'm sorry. I hate to cut  
6 you off. They need to clean this up because that's not  
7 what it says in this Petition. It's not what it says in  
8 this Petition. So, can you do this? Can you all clean  
9 this up and bring this back to us, please?

10 ATTORNEY WASHINGTON: Sure can.

11 CHAIRMAN WARFIELD: Because -- and I know it's  
12 dismissed. But I'd rather have stuff done right. I'm  
13 sorry. I'll let you -- I am so sorry. But because I  
14 had read that earlier. And we just got to make sure as  
15 we said before that when documents such as this matter  
16 come before us, that I's are dotted and T's are crossed  
17 so that we have been here before this. I'm sorry.  
18 Commissioner White, please forgive me, sir. Go ahead.

19 COMMISSIONER WHITE: You're walking down the  
20 exact same path I was, Mr. Chair. And Counsel, if you  
21 could as we prepare for this to come back to us, I think  
22 a lot of the confusion if you will in the conversation  
23 is centered on if this individual knew when he made the  
24 report or if he didn't. But I would be also interested  
25 to know in filing a new insurance claim -- and I do

1 believe one of the questions you're asked, if you're in  
2 possession of your vehicle and your vehicle is of a  
3 certain status, is not crashed, it's not -- it's in a  
4 certain order. I do believe that is kind of the order  
5 of the day at timing a new insurance claim.

6 So, I would just be interested to hear that  
7 explained out in more detail.

8 ATTORNEY WASHINGTON: I can do that. And if  
9 the Chair will allow me to just because we certainly  
10 will bring it back. But in looking at the CRISNET  
11 report, keeping in mind that he did go in and secure  
12 insurance on May 11, 2011, at 2:07. The police report  
13 is dated May 12, 2011, at 1:20 p.m. And -- May 12,  
14 2011, at 1:20. If I just can just read this snippet.  
15 Strickland came into our station to make this report,  
16 stated that between the listed dates and times, an  
17 unknown subject stole the listed motorcycle from his  
18 home at Windemere Apartments. He stated that he checked  
19 with management here, and they did not have the  
20 motorcycle impounded for any reason, also stated that he  
21 owns the motorcycle outright. So, there is no lender  
22 involved. States that he has both sets of keys.

23 This vehicle was entered into LIEN as stolen  
24 vehicle insured by Progressive Insurance Company. And  
25 he was able to provide a policy number.

1 CHAIRMAN WARFIELD: That's the LIEN number?

2 ATTORNEY WASHINGTON: That's the LIEN, the  
3 CRISNET report.

4 CHAIRMAN WARFIELD: Providing that policy  
5 number. Well, do we have to bring it back? Okay.  
6 Let's still bring it back.

7 ATTORNEY WASHINGTON: We will do that.

8 CHAIRMAN WARFIELD: Thank you, ma'am. Are you  
9 clear with Commissioner White's concerns?

10 ATTORNEY WASHINGTON: I am.

11 CHAIRMAN WARFIELD: We'll bring it back and  
12 reschedule and let us know when, okay?

13 ATTORNEY GOLDPAUGH: Thank you.

14 COMMISSIONER WARFIELD: Thank you, Counsel.  
15 Appreciate it. Mr. Secretary, anything else like that?

16 SECRETARY ANTHONY: I hope not.

17 CHAIRMAN WARFIELD: All right. There are some  
18 Directives that we need to vote on. Commissioners,  
19 there are four Directives that we are asked to vote on.  
20 I will be transparent and honest. I have not read those  
21 directives yet. I don't know if you all have. If you  
22 have, certainly we can move forward on them if you had  
23 an opportunity to read them.

24 COMMISSIONER WHITE: Chair, I put a motion to  
25 table the approval of the Directives to next Thursday.

1 COMMISSIONER TAYLOR: Support.

2 CHAIRMAN WARFIELD: Properly moved and  
3 supported that we will vote on these Directives on next  
4 Thursday to approve and/or deny them next Thursday. Any  
5 discussion? All those in favor?

6 COMMISSIONERS: Aye.

7 CHAIRMAN WARFIELD: We will bring these back  
8 next Thursday. Thank you. Our next meeting will be  
9 held Thursday, April 11, at 6:30 p.m., at the  
10 Northeastern District, Sacred Heart Activity Center,  
11 3451 Rivard. I certainly look forward to seeing you all  
12 there.

13 At this time, we will open the floor to oral  
14 communications. If you wish to address the Board of  
15 Police Commissioners, you may come to the mic, give us  
16 your name, abide by our two-minute time limit and if you  
17 may for the record, please. Thank you.

18 MS. PANNELL: Good afternoon. Sharon Pannell.

19 CHAIRMAN WARFIELD: Good afternoon.

20 MS. PANNELL: I just brought you a schedule.  
21 I brought you a schedule. You know, I asked you last  
22 week about the Tiger's game. So I brought you a  
23 schedule so you have it.

24 CHAIRMAN WARFIELD: Give that to our office  
25 manager, Robert Brown.

1 MS. PANNELL: That's all I got.

2 CHAIRMAN WARFIELD: Thank you so much.

3 MS. PANNELL: Thank you. You all have a good  
4 one.

5 CHAIRMAN WARFIELD: Give it to him. He'll  
6 make sure that's taken care of. Any other comments, you  
7 may come at this time.

8 MR. LOUAY MERAM: Good afternoon, ladies and  
9 gentlemen. I am one of the business owners of City of  
10 Detroit. My father used to be a school principal for  
11 City of Detroit.

12 CHAIRMAN WARFIELD: One second, sir. I'm  
13 going to need you actually to take that conversation  
14 somewhere else so we can hear. Thank you.

15 MR. LOUAY MERAM: My father used to be a  
16 principal of the City of Detroit.

17 CHAIRMAN WARFIELD: What is your name?

18 MR. LOUAY MERAM: Louay Meram.

19 CHAIRMAN WARFIELD: Spell it for our reporter.

20 MR. LOUAY MERAM: L-o-u-a-y, M-e-r-a-m. I  
21 used to own a couple of businesses in the City of  
22 Detroit that were tire shops. And we seen big changes  
23 going on this year with the city or the state coming  
24 taking over. And there's lot of other issues. I mean,  
25 with even the police officers coming in and ticketing

1 the business owners. And lot of the officers, they  
2 don't have any city codes and stuff, besides the  
3 inspectors which is supposed to be the inspectors' jobs.  
4 And then every time we try to -- us the business owners,  
5 me and 20 other people that would go down to the City of  
6 Detroit to try and resolve these matters, they don't  
7 have any licensings (sic) for tire shops. They don't  
8 have any second-hand licensings. They pretty much, they  
9 give us the runaround in different areas.

10 And we are trying to clear up this mess and  
11 stuff. And they just come out and just ticket us for  
12 the most issues. Sometimes even the officers don't even  
13 approach inside the building. They just write us  
14 tickets. And they just hand it to us or we just receive  
15 them in the mail. We don't know even know what's going  
16 on. And we are trying to do different things, better  
17 things for the City of Detroit because we are losing --  
18 we don't want to -- the City of Detroit to lose revenue.  
19 Just like there's lot of liquor license, 2,200 in the  
20 City of Detroit, that if the City of Detroit went out  
21 and just did like the State of Michigan, \$700  
22 application fees. If City of Detroit would do the same  
23 thing, a thousand dollars for the individuals here that  
24 want to get the licenses, and they are not even giving  
25 it to them because there's always different reasons.

1 Well, I mean, we could all work together to  
2 make certain things happen because I'm kind of a guy  
3 like an entrepreneur. I drive around sometimes in the  
4 City of Detroit, figure out what the City needs. And  
5 there's a lot of potentials and opportunities here in  
6 the City of Detroit. Like, for example, we have issue  
7 with the tires that, you know, people throw out. Well,  
8 you know, if the City of Detroit allows the people or I  
9 mean assigned some kind of company that directly picking  
10 up these tires and clean up the City and shredding the  
11 tires and resell them back to the City of Detroit, they  
12 can use them for asphalt for the roads and for the  
13 fields for baseball or football fields and stuff like  
14 that or even sell them to different companies and stuff  
15 like that.

16 CHAIRMAN WARFIELD: Yes. I'm sorry, you're  
17 just out of time. Certainly, Chief, I don't know if we  
18 can do anything about that because it seems like City  
19 Council and maybe DPSW with Buildings and Safety might  
20 be your better shot at that. But certainly we  
21 appreciate your business, and we appreciate the fact  
22 that you're always looking for opportunities. I've said  
23 the same thing, that those tires have value to them and  
24 somehow or another we need to start thinking about how  
25 we take those tires and be able to recycle them that

1 would be a benefit to the City of Detroit. Do you have  
2 anything?

3 INTERIM CHIEF LOGAN: Yes, sir. One of the  
4 things I would ask is that, sir, you would get with --  
5 where is your business at? Where you are getting the  
6 tickets, on the east side, west side?

7 MR. LOUAY MERAM: East side.

8 INTERIM CHIEF LOGAN: Would you see DC Lee,  
9 Benjamin Lee? He will get the information from you, and  
10 we can look into your individual concern. And your dad,  
11 he was a principal at Greenfield School, right?

12 MR. LOUAY MERAM: Yes, sir.

13 INTERIM CHIEF LOGAN: So, we'll definitely  
14 take a look.

15 MR. LOUAY MERAM: Anything I can do for the  
16 City, I have lot of ideas, lot of potentials. I can --  
17 we are trying to make some suggestions that we can bring  
18 the City back up. And I know it's not that much of a  
19 problem with it.

20 CHAIRMAN WARFIELD: Thank you, sir.

21 MR. LOUAY MERAM: I appreciate you all. You  
22 guys are wonderful people. You have a wonderful day.

23 CHAIRMAN WARFIELD: Appreciate you coming.  
24 Thank you. Are there others to address the Board?

25 MR. SALEM MERAM: Good afternoon, everybody.

1 My name -- I am his father. My name is Salim Meram. I  
2 used to work with Chief Officer Mr. Logan. Many times I  
3 came here to see him. I didn't have the chance until  
4 today they told me he is in a meeting. I have a lot to  
5 say. When he was on 7 Mile, I used to go to his office.  
6 We used to work together. Any time I call the police,  
7 they were coming in five minutes to me. People got very  
8 bad impression about the police in Detroit. It's not  
9 that honestly. Why were they coming to me any time I  
10 called? People look from their experience. It takes  
11 time. They were telling me, your car has been stolen.

12 To make it short, when I was assistant  
13 principal, I had two teachers teaching 20 students.  
14 Now, they close a lot of schools. I am retired now from  
15 Detroit. And I had the chance to talk to someone who  
16 brought his child to Sterling Heights. I said why did  
17 you bring your child here? He said I don't want my  
18 child to be in Detroit. I said why? There are very  
19 good teachers over there. I was there. We were  
20 teaching much better than they are teaching in Sterling  
21 Heights because I taught in Sterling Heights. I taught  
22 in Hazel Park. I was very very happy when I was in  
23 Detroit honestly.

24 I don't care about what people say. But what  
25 can we do? I suggest that we should meet the parents

1 and see what they need, what their concerns is, what can  
2 we do, what also they can do to improve the situation in  
3 Detroit. Why are people leaving Detroit, going to  
4 Southfield, going to some of them to Oak Park? Why?  
5 Why? Is there a reason for that? Your voice very high.  
6 That's my bad nature.

7 CHAIRMAN WARFIELD: You're good, sir. But  
8 you're approaching your time limit though, sir.

9 MR. SALEM MERAM: I suggest we should have a  
10 meeting with the parents to see their concerns.

11 CHAIRMAN WARFIELD: Yes, sir.

12 MR. SALEM MERAM: Every now and then, if we  
13 cannot -- I mean the police cannot do this, the City  
14 cannot do. Parents, what can you do?

15 CHAIRMAN WARFIELD: Yes, sir.

16 MR. SALEM MERAM: What can you do to help us?  
17 Thank you very much.

18 CHAIRMAN WARFIELD: Thank you. I appreciate  
19 your passion and concern. Thank you for coming, really  
20 appreciate that. Are there others who wish to address  
21 the Board? You may come at this time. Yes, sir.

22 MR. LOVE: My name is Roy Love. Four months  
23 ago, my car was impounded by the homicide division. I  
24 -- every day I have called. I called the tow company,  
25 tried to get my car. They had a hold on it. So, when

1           they finally -- I got a letter in the mail yesterday or  
2           day before yesterday telling me they are going to sell  
3           my car, Gene's Towing. I was like, but nobody told me  
4           that they took the hold off my car. I never -- nobody  
5           contacted me. I contacted Detective Imminaus (phonetic)  
6           in homicide asking him about the hold every day. He  
7           kept telling me I'm not done with the car. I'm not done  
8           with the car. I'm not done with the car.

9                        And then all of a sudden I got the letter in  
10           the mail telling me they are going to sell it when I  
11           called over to Gene's Towing to ask them what is it I  
12           got to do to get my car? They said you got to pay a  
13           \$350 state fee. You got to pay a \$171 storage fee and a  
14           \$75 towing fee. I'm like, how do I have to pay all  
15           these fees when I been trying to get my car from you  
16           all? The Detroit Police Department had my car on hold,  
17           you know.

18                      CHAIRMAN WARFIELD: Was your car used as a  
19           victim? Were you a victim or --

20                      THE WITNESS: No, my daughter allowed her boy  
21           friend to use the car. He got pulled over in the car.

22                      CHAIRMAN WARFIELD: Okay.

23                      MR. LOVE: He got pulled over in the car. He  
24           was -- homicide looking for him. They pulled him over,  
25           arrested him, whatever.

1                   CHAIRMAN WARFIELD: That's why. That's the  
2 answer to your question. The answer to your question is  
3 because your car was involved in a --

4                   MR. LOVE: It wasn't involved in no crime.

5                   CHAIRMAN WARFIELD: It was involved with an  
6 individual who apparently had did some criminal  
7 activity. And so, when those vehicles are seized, then  
8 unfortunately there's a process that, you know, has to  
9 be undertaken and the investigations and things like  
10 that is part of it which will build up of course the  
11 storage rate and things like that. Chief, do you have  
12 anything you want to say?

13                  INTERIM CHIEF LOGAN: Inspector Blackmon, can  
14 you shed some light on this, Inspector Blackmon?

15                  INSPECTOR BLACKMON: Yes. Inspector Dwane  
16 Blackmon, homicide. When that vehicle is taken, because  
17 a person is a homicide suspect, it is you know used as  
18 evidence. And at some point, there is a release on that  
19 vehicle saying that there is -- you know, we have  
20 processed it and it can be released back to the rightful  
21 owner. I would have to find out exactly when that time  
22 and that notification was made with the officer in  
23 charge. But any fees incurred after that point is the  
24 responsibility of that owner.

25                  CHAIRMAN WARFIELD: Through the Chief, can we

1 check to make sure that that car of course won't go up  
2 for sale because obviously Mr. Love wants his car back  
3 and then secondly just to make sure that the fees were  
4 applied properly.

5 INSPECTOR BLACKMON: Yes, sir.

6 CHAIRMAN WARFIELD: Thank you.

7 MR. LOVE: Thank you. That's all I want to  
8 say. Thank you. Appreciate you.

9 CHAIRMAN WARFIELD: We appreciate you coming.  
10 And I think you bring up a point that lot of people  
11 don't think about. We got to be careful who drive those  
12 cars and who we let drive those cars. Lord knows I got  
13 some folks around me that I don't let drive my car.

14 MR. LOVE: I am in total agreement with you.  
15 I'm just kind of pissed off the day that that car got  
16 took. Why is your boyfriend driving the car? He don't  
17 -- I gave you permission to drive the car, not somebody  
18 else.

19 CHAIRMAN WARFIELD: Yes, sir. Thank you,  
20 Mr. Love. We appreciate you coming. And we hope we  
21 will work with you on this. You see Mr. Blackman. And  
22 we will work with you on this and we'll get it taken  
23 care of. Thank you. Anybody else?

24 MS. SMITH: Yes, sir. One minute.

25 CHAIRMAN WARFIELD: Yes, ma'am.

1 MS. SMITH: Bernice Smith, political activist.  
2 I almost went to sleep on you guys today.

3 CHAIRMAN WARFIELD: We would have been cool  
4 with that.

5 MS. SMITH: I know.

6 CHAIRMAN WARFIELD: I'm a preacher. Happens  
7 all the time.

8 MS. SMITH: Chief, would it be all right to  
9 get a copy of your report again because it sounds like  
10 it was a good report that you made similar to the one  
11 you had the other week. I would like to get a copy of  
12 that because we'll be on tomorrow morning. In the  
13 meantime, I am very sorry about the condition and what  
14 happened with the officers this week. I did see quite a  
15 few of you there on TV. And I'm glad that you as  
16 representative of the Commission was there also because  
17 it does make it look better in the public eye to know  
18 that Commissioners are involved also when anything  
19 happens to the Police Department because a lot of times  
20 we are excluded.

21 So, I was very glad to hear that report about  
22 you being there. And hopefully that we will not have  
23 any more serious incidents like that again. But I know  
24 this is a crime ridden city. Just about everybody  
25 thinks that they can have a gun and do whatever they

1 want to do. I'm 'gonna be through in one minute, Brown.  
2 So, I would like to have that copy if you don't mind,  
3 Chef, with the Secretary like he did another copy for  
4 me. And also, are we going to ever have the EM come  
5 here and sit in on any of our sessions and see what we  
6 are doing over here?

7 CHAIRMAN WARFIELD: I will make that -- I  
8 don't have no idea.

9 MS. SMITH: Have you had a chance to meet him,  
10 anybody meet him besides the Chief?

11 CHAIRMAN WARFIELD: We met him. He's a nice  
12 guy.

13 MS. SMITH: You haven't told us anything.

14 CHAIRMAN WARFIELD: He's a nice guy. He's a  
15 breath of fresh air.

16 MS. SMITH: What is your opinion of him? Do  
17 you think that he would be interested in helping the  
18 Commission and knowing what they want to do or what we  
19 want to do here?

20 CHAIRMAN WARFIELD: I will answer your  
21 question, and then we will move on. He is very  
22 concerned about public safety in the City of Detroit,  
23 very concerned about working with the Chief, working  
24 with the Mayor, working with the Board to make sure that  
25 we come up with solutions and strategies to benefit the

1 citizenry and the Department. He is concerned about the  
2 morale in the Department. And he wants to boost the  
3 morale in the Department, working with the officers.

4 So, he is a very well read, well versed guy,  
5 who is very familiar with the numbers, who is very  
6 familiar with a number of issues of public safety in the  
7 City. He is listening I think right now. And Chief,  
8 you can correct me -- I think he's listening to a number  
9 of people that are bringing him proposals and ideas and  
10 suggestions. I think he is going to weigh through them  
11 and come up with a solution that I believe is best, you  
12 know, for the Chief's office, the Mayor's office and  
13 this office.

14 So, you know, I found him to be engaging, very  
15 engaging.

16 MS. SMITH: Chief, is he aware of these  
17 reports that you have been giving? Is he aware of these  
18 reports that the task force is doing and the Police  
19 Department is doing in regards to the crime for the  
20 last, you know, three weeks?

21 INTERIM CHIEF LOGAN: Not yet, ma'am. Through  
22 the Board, I would like to say that when the officers  
23 got shot Tuesday, that was one of the first calls I got.  
24 The emergency manager called me and told me he was very  
25 concerned about the officers.

1 MS. SMITH: Before the Mayor?

2 CHAIRMAN WARFIELD: Ma'am, we don't get that  
3 specific.

4 INTERIM CHIEF LOGAN: I already called the  
5 Mayor as soon as I got the word.

6 CHAIRMAN WARFIELD: Thank you, sweetie. We  
7 love you.

8 MS. SMITH: Thanks so much.

9 CHAIRMAN WARFIELD: Thank you. Anybody else?  
10 Mr. Stidham? I'm sorry.

11 MR. STIDHAM: Good afternoon, Mr. Chair,  
12 Commissioners, Chief Logan. Good to see you. Tom  
13 Stidham. I was just -- I was here about a month and a  
14 half ago, Chief, or Mr. Chair. And the Chief was not  
15 here but Assistant Chief White was. And in response to  
16 some of my inquiries, he said he was reviewing the  
17 entire towing process. I just was wondering whether or  
18 not that's been finished by the Department. And also at  
19 that time, on behalf of a number of the towers, they  
20 have a number of boats in their possession which were  
21 abandoned vehicles. And again, we ask for permission to  
22 bring those boats to the Number One pound to dispose of  
23 them properly. Again, it was something that I was told  
24 that had to be looked into. So, I just wanted to follow  
25 up.

1                   CHAIRMAN WARFIELD: Let me put -- before the  
2 Chief weights in, let me say be careful what you ask for  
3 in taking boats to the Number One impound. Just be  
4 careful with that because you can't -- okay, I just  
5 leave it like that. Yes, sir?

6                   INTERIM CHIEF LOGAN: I'm sorry, sir. I am  
7 not familiar with the conversation that you have had  
8 with the Board and the community, DC White. But he is  
9 out of town right now. He will be back Monday. It will  
10 be myself or whoever is here next Thursday, we will be  
11 prepared to report out or you can e-mail us and we will  
12 get an answer for you.

13                   MR. STIDHAM: Very well. I will make contact  
14 with the DC. Chief, thank you. Thank you.

15                   CHAIRMAN WARFIELD: Thank you, sir. Anybody  
16 else? For real? Both of you together?

17                   ATTORNEY WASHINGTON: Celia Washington,  
18 attorney for the Board. We need to make a  
19 clarification. In reading the Department's file, there  
20 was clearly a specification that was omitted  
21 inadvertently, and we think that it may effect the  
22 outcome and certainly effect my recommendation. So, you  
23 may not have the pleasure of hearing this again because  
24 we are trying to negotiate a settlement; and it may go  
25 away.

1 CHAIRMAN WARFIELD: Fair enough. Fair enough.

2 ATTORNEY GOLDPAUGH: We may resolve this by  
3 way of that.

4 CHAIRMAN WARFIELD: Absolutely, wonderful.

5 ATTORNEY GOLDPAUGH: Thank you very much. And  
6 let's all cheer for the Tigers for tomorrow and our new  
7 relief pitcher, Jose Valverde.

8 CHAIRMAN WARFIELD: Anybody else? All right.  
9 Thank you, ladies and gentlemen. We will adjourn the  
10 meeting. All those in favor of adjourning?

11 COMMISSIONERS: Aye.

12 (Proceedings concluded at 5:30 p.m.)

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STATE OF MICHIGAN )  
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COUNTY OF MACOMB )

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*Wendy A. Boer*  
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Wendy A. Boer,  
CSR 3505

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