

5/29/2014

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STATE OF MICHIGAN
DETROIT BOARD OF POLICE COMMISSIONERS
REGULAR MEETING

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Taken at 1301 Third Street,
Detroit, Michigan,
Commencing at 3:03 p.m.,
Thursday, May 29, 2014,
Before Karen Klerekoper, CSR-4240, RPR

COMMISSIONERS:

Jessica Taylor, Chairperson
Donnell R. White, Vice Chairperson
Willie E. Bell, District 4
Lisa Carter, District 6
Wendell L. Byrd, District 2
Richard Shelby, District 1
Reginald Crawford, District 3
Ricardo R. Moore, District 7
Willie E. Burton, District 5
George Anthony, Secretary

1 DETROIT POLICE DEPARTMENT
2 COMMAND STAFF:
3 Deputy Chief Renee Hall
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1 Detroit, Michigan
2 Thursday, May 29, 2014
3 3:03 p.m.

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CHAIRPERSON TAYLOR: Good afternoon, our meeting is called to order at 3:00 p.m.

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My name is Jessica Taylor, Commissioner Jessica Taylor, and I'm going to ask the Secretary if he would do the roll call.

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SECRETARY ANTHONY: Thank you, Madam Chair. For the record, George Anthony, Secretary to the Board.

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(Roll call.)

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SECRETARY ANTHONY: Madam Chair, you have a quorum of eight members.

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CHAIRPERSON TAYLOR: Okay, thank you. And from the chief's office we have, and the title may have changed, but DC Renee Hall, Deputy Chief Renee Hall, from the Chief's Office.

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DEPUTY CHIEF HALL: Thank you.

CHAIRPERSON TAYLOR: Mr. Secretary, if you can call the rest of the staff.

24

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SECRETARY ANTHONY: Thank you, ma'am.

We have present today, Ms. Aliyah Sabree,

1 our attorney to the board, Ms. Pamela Davis Drake, our
2 Chief Investigator, Mr. Robert Brown, our Office
3 Manager, Sergeant Allen Quinn, who is recording our
4 proceedings, and Ms. Karen Klerekoper, from Hanson
5 Court Reporter Services.

6 That completes the introduction.

7 CHAIRPERSON TAYLOR: Thank you.

8 At this time we will have a word of prayer.

9 I'm going to have to ask the Vice Chair if
10 you would give us a word of prayer.

11 (Prayer.)

12 CHAIRPERSON TAYLOR: Call for a motion to
13 approve the agenda for today, May 29th, 2014.

14 COMMISSIONER BELL: So moved.

15 SECRETARY ANTHONY: Second.

16 CHAIRPERSON TAYLOR: It's been moved and
17 seconded.

18 Any discussion?

19 (No verbal response.)

20 CHAIRPERSON TAYLOR: All in favor?

21 (Chorus of ayes.)

22 CHAIRPERSON TAYLOR: All opposed?

23 (No verbal response.)

24 CHAIRPERSON TAYLOR: Thank you.

25 Call for approval of the Minutes from

1 Thursday, May 22nd, 2014.

2 COMMISSIONER BELL: So moved.

3 SECRETARY ANTHONY: Second.

4 CHAIRPERSON TAYLOR: It's been moved and
5 seconded.

6 Any discussion?

7 (No verbal response.)

8 CHAIRPERSON TAYLOR: All in favor?

9 (Chorus of ayes.)

10 CHAIRPERSON TAYLOR: All opposed?

11 (No verbal response.)

12 CHAIRPERSON TAYLOR: Thank you.

13 Under the officer's report, I don't have a
14 report but I would like to update you on, about two
15 weeks ago Mr. Lonn was here with a complaint from
16 Ninth Precinct about people driving and speeding and
17 endangering the children, and some other things.

18 We were able to report that to Captain
19 Roche, and I just want to let you know that he took
20 care of it, so that was something that we usually
21 don't hear what happens after they've made these
22 complaints, but that was resolved, he did an excellent
23 job doing that.

24 Mr. Secretary, do you have a report?

25 SECRETARY ANTHONY: Yes, Ma'am.

1 Again, George Anthony, Secretary to the
2 Board.

3 This is the citizen complaints that have
4 been received for the month of April 2014.

5 The monthly count of complaints for that
6 time period was 128, compared to the monthly count of
7 97 for last year, and that represents a 32 percent
8 increase in complaints.

9 The year-to-date figures are for 2014,
10 January through April, 455; for the same time period
11 in 2013, 345, and that represents also a 32 percent
12 increase.

13 At the end of April 2014, the Office of the
14 Chief Investigator had open investigations of 286,
15 cases filed 455.

16 (Commission Burton arrived at 3:07 p.m.)

17 SECRETARY ANTHONY: Cases closed 443.

18 Of those received complaints, or of the 128
19 cases that were filed in April 2014, 36 percent
20 involved unknown officers, the alleged known units
21 involved that were leading in complaints filed in
22 April of 2014 were the Eighth Precinct at 9 percent,
23 the Sixth Precinct at 7 percent, the Eleventh Precinct
24 at 6 percent.

25 The 128 cases filed in April involved 231

1 allegations, were the leading areas of concern were,
2 procedure at 29 percent, demeanor at 24 percent,
3 service at 18 percent, and force at 10 percent.

4 The closed complaints for April 2014 were
5 115 cases closed in April, and they involved 262
6 allegations, where the findings were not sustained at
7 44 percent, exonerated at 20 percent, unfounded at 16
8 percent, and sustained at 12 percent.

9 The leading areas of concern in the 115
10 cases closed in April were, procedure at 42 percent,
11 demeanor at 22 percent, force at 10 percent and
12 service at 8 percent.

13 And the Office of the Chief Investigator
14 has also provided a chart for you that shows all of
15 the allegations and the number of cases that were
16 closed.

17 You also have the unknown allegations, Vice
18 Chair asked for this over a year ago, and it shows
19 that for April, the allegations for unknown officers,
20 total 92, which really represented, if you compared
21 2013 and 2014, that represents 41 more allegations
22 against unknown officers for this time period.

23 And that concludes our report.

24 CHAIRPERSON TAYLOR: Thank you.

25 Are there any questions for the

1 Commissioners?

2 COMMISSIONER WHITE: Madam Chair.

3 Thank you, Mr. Secretary, for providing
4 this information and I would ask that we could furnish
5 a copy of this to the Chief's Office.

6 This kind of confirms one of my concerns
7 ultimately was that via the nature of the complaints
8 that we were seeing as it related to unknown or
9 unrecognized officers, despite our efforts to increase
10 uniformity, particularly with our nonuniformed units,
11 we still see an increase in incline, so it would be
12 interested to see what solutions that we can come up
13 with, whether it's educating or increasing the
14 visibility of department insignia for our specialized
15 units, that we may start to see a downward trend of
16 these unknown officers and allegations, so...

17 SECRETARY ANTHONY: Yes, sir.

18 DEPUTY CHIEF HALL: If I may, through the
19 Chair, the Chief has been diligent in ensuring that
20 most of our specialized units are in uniform, as
21 you're going to see a report from TRU, they are one of
22 our specialized units and that are required to wear
23 uniforms, so most of them are modified or full blue
24 uniform.

25 CHAIRPERSON TAYLOR: Are there any other

1 questions?

2 If not, then we with will move to the OCI
3 report, Chief Investigator Pam Drake.

4 CHIEF INVESTIGATOR DRAKE: Good afternoon,
5 for the record, Pamela Davis Drake, Chief
6 Investigator.

7 A short report today, we have a total of
8 269 active cases. Of those cases, 35 have been
9 submitted to either myself or the supervisors for
10 review, and we have no cases that have been submitted
11 this week, this month so far, that are over 90 days.

12 One thing that I do want to point out is,
13 Mr. Anthony mentioned a 32 percent increase in the
14 number of cases from last year this time.

15 Again, virtual precincts was in effect last
16 year at this time, so if you compare that 32 percent
17 increase, I think the number was 128 cases for the
18 month of May, if you compare that to, I'm sorry the
19 month of April, if you compare that to April of 2011,
20 which was prior to virtual precincts, you will see
21 that the numbers are pretty consistent, it was 138
22 cases, I believe, in 2011.

23 And that concludes my report.

24 CHAIRPERSON TAYLOR: Are there any
25 questions for Chief Investigator?

1 CHIEF INVESTIGATOR DRAKE: Thank you.

2 CHAIRPERSON TAYLOR: Thank you, Ma'am.

3 At this time I'm going to have the
4 presentation from the, let me see, Tactical Response
5 Unit.

6 COMMANDER BARREN: Yes, Ma'am.

7 First of all, good afternoon, Board.

8 Thank you, I'm commander Elvin Barren, I
9 currently command the Metropolitan Division of the
10 Tactical Response Unit that falls under the umbrella
11 of the metropolitan division.

12 The other units that encompass the
13 metropolitan division are our special response team,
14 canine, bomb squad, air support, harbor master and
15 traffic enforcement.

16 So you will be getting a presentation from
17 Lieutenant White.

18 I would like to introduce Captain Timothy
19 Dollinger, who's my second in command, and again
20 Lieutenant Tharadrous White, who will be doing the
21 presentation.

22 LIEUTENANT WHITE: Good afternoon to the
23 Board.

24 I am Lieutenant Tharadrous White,
25 Commanding Officer of the Tactical Response Unit.

1 Over here is short a presentation of the
2 Tactical Response Unit.

3 The mission of the Tactical Response Unit
4 is to address violent crimes, for example, aggravated
5 assaults and street robberies.

6 Throughout the City of Detroit and
7 partnership with the community to identify the
8 underlying conditions that lead to the crime and
9 disorder while supporting patrol operations.

10 The Tactical Response Unit is a seven-day
11 operation. We drive uniformed patrol vehicles, fully
12 marked scout cars.

13 Our primary work hours are 7 p.m. to 3
14 a.m., that's Sunday through Thursdays, and on the
15 weekends, Fridays and Saturdays, we work 8 p.m. to 4
16 a.m.

17 The inception of TRU: Deployed for the
18 first time on November 25th, 2013 in the Eighth
19 Precinct to address recent violent crimes. That night
20 we saw seven arrests were made for carrying a
21 concealed weapon.

22 The second night of deployment, an
23 additional 6 carrying concealed weapon arrests were
24 made.

25 The manpower, the allotment: TRU has one

1 lieutenant, myself, 3 sergeants and 30 police
2 officers. Currently we're down in manpower, one
3 lieutenant, 3 sergeants and 25 police officers.

4 Current statistics: Pro-active policing,
5 violent crimes have been reduced by as much as 30
6 percent in areas where Tactical Response Unit is
7 deployed.

8 450 arrests were made, year-to-date: 172
9 for carry concealed weapon on person, 75 for carrying
10 concealed weapon in a vehicle, 69 narcotics arrests,
11 and a total of 282 firearms have been recovered.

12 Arrests resulting from police runs,
13 warrants and investigations: 10 arrests were made for
14 armed robbery, 6 for homicide, 3 for home invasion, 1
15 for criminal sexual assault, and 22 possession of
16 stolen motor vehicle arrests.

17 Additional duties, mobile field force,
18 respond to crowd controls, large events and
19 disturbances, and special details.

20 We also have a part in assisting our SRT
21 unit with barricaded gunmen, we're trained in
22 accepting surrender, outside perimeter assistance.

23 Questions?

24 CHAIRPERSON TAYLOR: Before we go to
25 questions, I just want to acknowledge that

1 Commissioner Burton has joined us, for the record.

2 All right, are there any questions for
3 Lieutenant White?

4 COMMISSIONER MOORE: Madame Chair, I have
5 one question.

6 On page 3 of your presentation, you said
7 violent crimes have reduced by as much as 30, how are
8 you calculating your 30 percent? Is that
9 year-to-date, or compared to what?

10 LIEUTENANT WHITE: The numbers are
11 calculated by the reduction of the armed robberies in
12 the areas in which we deploy.

13 We reviewed the robberies and shootings in
14 the areas in which we were deployed and we
15 automatically see a reduction in those areas,
16 week-to-week comparisons.

17 COMMISSIONER MOORE: Week-to-week?

18 LIEUTENANT WHITE: Yes, sir.

19 COMMISSIONER MOORE: Thank you.

20 CHAIRPERSON TAYLOR: Are there any other
21 questions?

22 COMMISSIONER BELL: Madame Chair.

23 Lieutenant, what is the criteria for the
24 precinct to request your presence in their locale?

25 LIEUTENANT WHITE: Very good question.

1 Currently, out of the Chief's Office, we
2 receive a deployment. The deployment is based on the
3 trends of robberies and shooting assaults, that's our
4 primary deployment.

5 Once we deploy into the field, it's my
6 responsibility alone, along my sergeant's
7 responsibility, to monitor the traffic, the radio
8 traffic citywide, and determine if we've had a pattern
9 of robberies or shootings, and we will redeploy based
10 off of that.

11 We have an open-door policy with the
12 captains of each district, precinct rather, and they
13 will call me, or one of my superiors, and request our
14 assistance.

15 COMMISSIONER BELL: Madam Chair, just one
16 more brief comment.

17 I just want to commend you in reference to
18 the number of firearms you have recovered off the city
19 streets, because firearms, as we well know, is a focal
20 point of other activities in dealing with crimes, I
21 think it's tremendous stats on that. Thank you.

22 LIEUTENANT WHITE: As Tactical Response
23 Unit we base our policing on, community policing,
24 Constitutional policing, and we check our gas stations
25 and our liquor stores, and we make these arrests.

1 COMMISSIONER BELL: Good old fashion police
2 work.

3 LIEUTENANT WHITE: Absolutely, sir.

4 CHAIRPERSON TAYLOR: Commissioner Crawford,
5 did you have a question?

6 COMMISSIONER CRAWFORD: I have a question
7 expounding on the firearms, that's almost after the
8 arrests, that is great.

9 What is the uniform that the officers, this
10 goes back to the unknown officer allegations, what
11 type of uniforms is every officer wearing there today
12 and do we have this uniformity, name, badge, et
13 cetera?

14 LIEUTENANT WHITE: Well, my unit wears two
15 uniforms. Our primary uniform are the special
16 operations uniform, with the green pants and the black
17 tops.

18 When we're not wearing that, we're wearing
19 the class B uniform, with the name and the badge, but
20 also, to identify us, I'm trying to find it in the
21 slide show, you will see our vehicles are very
22 distinct from any other unit in the city.

23 As you can see, we have the black Chargers
24 with the light bar on top.

25 Special operations operate with the, with

1 the light bar, with no light bar and they have, our
2 writing is in gold, so we have 15 cars, and if it is a
3 TRU complaint, we get our TRU complaints.

4 COMMISSIONER CRAWFORD: Thank you.

5 CHAIRPERSON TAYLOR: Are there any other
6 questions for Lieutenant White?

7 COMMISSIONER CARTER: Through the Chair.

8 Is your unit the unit that would be
9 deployed to execute a search warrant, or is it handled
10 through the precinct?

11 LIEUTENANT WHITE: No, Ma'am.

12 Depending on the search warrant, the
13 Special Response Team, SRT, will execute the search
14 warrant.

15 Our job at the search warrant, or the
16 barricaded gunman scene, would to be secure the
17 outside perimeter.

18 We are a patrol-based operation, unless
19 we're handling our secondary duties, crowd control,
20 special events.

21 On the day-to-day operation, we are
22 precinct support, we go to precincts with high-crime
23 areas.

24 COMMISSIONER CARTER: Thank you.

25 CHAIRPERSON TAYLOR: Yes, Commissioner

1 White.

2 COMMISSIONER WHITE: Thank you.

3 Lieutenant, you touched on part of what my
4 question could potentially be, is there, did I hear
5 you differentiate between Special Operations and TRU?

6 LIEUTENANT WHITE: Yes, sir.

7 Special Operations work directly out of the
8 precincts and they address high-crime areas. We also
9 assist in that endeavor, but we do it on citywide
10 basis.

11 We also have secondary duties, which are
12 the crowd controls, mobile field force, when we're not
13 working that operation.

14 COMMISSIONER WHITE: And last question.
15 Thank you are for that.

16 The last question is, formally known as
17 Tact Mobile, is that, in essence, TRU at this point?

18 LIEUTENANT WHITE: Very good question.

19 Very similar to Tact Mobile, very similar
20 to Tact Mobile.

21 COMMISSIONER WHITE: Okay.

22 LIEUTENANT WHITE: Maybe a slight more
23 inferences on the gun arrests, but very similar
24 duties.

25 COMMISSIONER WHITE: Thank you, Madam

1 Chair.

2 CHAIRPERSON TAYLOR: Are there any other
3 questions?

4 All right, thank you, Lieutenant.

5 LIEUTENANT WHITE: Thank you, Board.

6 CHAIRPERSON TAYLOR: Disciplinary appeals,
7 is that you, Ms. Sabree?

8 MS. SABREE: Yes.

9 CHAIRPERSON TAYLOR: Just a minute, let me
10 say, does the Chief's Office have anything further?

11 DEPUTY CHIEF HALL: No, I'm good at this
12 time, Madame Chair.

13 CHAIRPERSON TAYLOR: All right.

14 MS. SABREE: Good afternoon to the Board.
15 Aliyah Sabree, for the record.

16 Before us today is a disciplinary hearing
17 for Mr. Thomas Gryzywacz, police officer with the
18 Detroit Police Department.

19 On May 18th, 2013 Officer Gryzywacz was
20 charged with the following rule violations: Count
21 One, failure to secure and/or control processing
22 evidence required, specification one, that he, Police
23 Officer Thomas Gryzywacz, Badge 768, currently
24 assigned to Central District, while on duty did, from
25 October 28th, 2012, at approximately 8 p.m., to

1 December 17th, 2012, at approximately 4:15 p.m.,
2 failed to process money, \$5, found during an
3 investigation.

4 This being in violation of the Detroit
5 Police Department manual series 100 directive 102.3
6 7.18 property command one.

7 Count Two, failure to cooperate fully in
8 any internal or administrative investigation conducted
9 by this other authorized agency and/or failure to
10 provide complete and accurate information in regarding
11 any issue under investigation.

12 Specification two, that he, Police Officer
13 Thomas Gryzywacz, Badge 768, currently assigned to
14 Central District, while on duty did on October 28th,
15 2012, at approximately 2:45 a.m., failed to cooperate
16 fully during an Internal Affairs criminal
17 investigation by knowingly withholding information or
18 evidence pertinent to an investigation, this being in
19 violation of the Detroit Police Department manual
20 series 100, directive 102.3 through 7.2,
21 accountability command one.

22 Count Three, willful obedience of rules or
23 orders.

24 Specification three, that he, Police
25 Officer Thomas Gryzywacz, Badge 768, currently

1 assigned to Central District, while on duty, did on
2 January 14th, 2013, at approximately 4:15 p.m., at the
3 Office of Internal Affairs, and under the provision of
4 Garrity admit to knowingly being in possession of
5 found property, \$5, from October 28th, 2012 until
6 December 17th, 2012.

7 This being in violation of the Detroit
8 Police Department manual series 100, directive 102.3
9 through 7.18, property command one.

10 On October 25th, 2013, a trial board
11 convened and found Officer Gryzywacz guilty of Count
12 One and not guilty of Counts Two and Three.

13 Through his attorney, Mr. John Goldpaugh,
14 he has requested an appeal and oral argument.

15 And representing the police department
16 before you is police department advocate Sergeant
17 Michael Parrish.

18 Today you will hear first from Attorney
19 Goldpaugh and secondly from Sergeant Parrish.

20 MR. GOLDPAUGH: Good afternoon, Members of
21 the Board, it's been some time.

22 CHAIRPERSON TAYLOR: Yes, it has.

23 MR. GOLDPAUGH: We're here as the attorney
24 indicated on the appeal of Officer Thomas Gryzywacz.

25 As indicated, he was found not guilty of

1 two charges, found guilty of failing to secure
2 property.

3 There is a little bit of complication in
4 this case because it wasn't just a simple matter of
5 finding something, walking away, forgetting to put it
6 on evidence or do something with it.

7 Rather, after he did what he was supposed
8 to do, he was then shipped out or sent to go
9 immediately to his other command, or the areas of his
10 command on that day.

11 While he was on that command, he was
12 ordered back into his base.

13 Subsequently, when he returned to his base,
14 the complainant in this particular had come in with a
15 story of theft, et cetera.

16 When he arrived, he was informed by
17 response team of Internal Affairs that he was now
18 being given his Miranda rights.

19 So at that point in time on the advice of,
20 not my office, but of his representatives at the
21 scene, he said don't do anything, except read him your
22 rights. Subsequently he did that.

23 The interesting part of this entire case
24 was at the time, and this was testified to during the
25 trial board hearing, that the independent witness, the

1 individual who Officer Gryzywacz was assisting at the
2 scene where this man was out there trying to charge
3 people for parking during an incident, had already
4 come and told Internal Affairs what had occurred. He
5 was there to support the officer.

6 Knowing all of that, and knowing that the
7 complainant in this matter, and as the department, I'm
8 sorry, as the attorney for the Board indicated, I
9 don't recall his name specifically, but his
10 credibility said, left a great deal to be desired.

11 They had already determined this man was
12 lying, regardless, they still gave the officer his
13 Miranda rights, exercised his Miranda rights, and then
14 eventually the investigation turned out to what it
15 was.

16 He did not fail to secure the property. He
17 kept that property, maintained that property, and then
18 after having further discussions with my associate at
19 the time, and when he went down, in fact, he even
20 turned that property in prior to any type of Garrity
21 interview. The property was then turned in.

22 There was a full hearing on this particular
23 matter. It's our position that he did secure the
24 property, he kept the property, and as I've set forth
25 in my petition, and as responded to by the advocate

1 for the Board, I'm sorry, for the attorney for the
2 Board, that is our position.

3 He did secure it, he did turn it in.

4 Was it done in a timely fashion? I guess
5 the question timeliness means when should it have been
6 turned in, when could it have been turned in, but
7 under the circumstances, particularly with respect to
8 the Miranda warnings being given, regardless of
9 whether someone is guilty or innocent of the actions,
10 every individual, including police officers, have the
11 right to exercise their Fifth Amendment rights. And
12 that's what they did in this case, therefore, we
13 believe that the Board was in error when it found him
14 guilty of those charges.

15 That was the whole basis, even for the
16 other charges where he was found not guilty of failing
17 to cooperate.

18 Well, how do you fail to cooperate when you
19 say, keep your mouth shut. You have to the right to
20 do that, okay, I'm keeping my mouth shut, therefore, I
21 would suggest that the Board was in error when they
22 found him guilty on that.

23 With respect to the penalty, it's noted
24 that he received a two-day penalty. It's also noted
25 in findings here and in the recommendation that he has

1 no prior discipline.

2 He's been on this job in a very sensitive
3 position, very active for, I believe it was 17 or 18
4 years, an extensive period of time, and has never
5 received one iota of discipline for his actions.

6 The department, I'm sorry, the Board's
7 advocate talks about the matrix. And I have had
8 battles with this matrix since they tried to shove it
9 down people's throats, and those are my words, because
10 it's self-imposed by the department.

11 He's never been any part of any type
12 bargaining in which union members, and other
13 individuals, have said, okay, for certain things we
14 look to certain penalties.

15 The other interesting part in reviewing the
16 answer received from the department advocate, Sergeant
17 Parrish, was that he states that, if I may quote,
18 under penalty, opposing counsel argues blah, blah,
19 blah. He doesn't write blah, blah, blah, I said that.

20 The matrix is clear, if a matter come
21 before a trial board, the penalty for a first offense
22 ranges from three days to a five-day offense, that's
23 not accurate.

24 The coming before a trial board has nothing
25 to do with the matrix. The matrix was set up by other

1 individuals to give a range, and it ranges from
2 written reprimands, two to three days, to when you
3 look at it kind of ranges from written reprimand to
4 being fired, depending on the offense. But it doesn't
5 say that range because you took it to a trial board.

6 My belief is that that was written there
7 because this matter did go to a trial board.
8 Individuals under the collective bargaining agreement
9 have the right to, if a matter is taken to a
10 commander's action and charges are brought against an
11 officer on a commander's action, then the maximum
12 penalty that an officer could receive at a commander's
13 action was three days, and he or she would not have
14 the right to appeal that.

15 The interesting part in this case was it
16 was never given the opportunity to go to a commander's
17 action.

18 There are a number of department officials,
19 and that's their opinions, that feel if you've waived
20 your right to go to a trial, I mean, if you waived the
21 opportunity to go to a commander's action, and then
22 said, okay, I want to have a full hearing, like we did
23 here, as opposed to taking something at face value of
24 Mr. So-and-so coming in and making up this story and
25 saying that's not what happened.

1 Then the commander is going to say, well,
2 if I find you guilty, I'm still going to give you the
3 three days that you should have gotten at a trial
4 board, at a commander's action, excuse me, that's my
5 opinion.

6 There is nothing in this matrix, whether I
7 agree with it or not, that says that if you go to a
8 trial board it says three to five days.

9 You have to look at each case and each
10 individual specification. You have to look at what
11 occurred here and look to see if this man's impeccable
12 record up to this incident.

13 This was a situation where he went, he
14 assisted somebody who came and supported his position,
15 and then, because he was given his Miranda rights,
16 knowing that the man, the citizen was lying, they
17 still enforced upon that, and taking the advice of
18 that individual, he turned, he turned it over and
19 safekept all those items.

20 I would ask that you reverse the trial
21 board and find him not guilty, or at the very least,
22 he should receive a written reprimand for those
23 matters.

24 Thank you.

25 CHAIRPERSON TAYLOR: Thank you.

1 SERGEANT PARRISH: Good afternoon.

2 I'm Sergeant Michael Parrish and I'm
3 representing the department on this particular matter.

4 As indicated by counsel, on October 25th,
5 2013, the police trial board convened to hear this
6 matter.

7 Officer Gryzywacz was found guilty of
8 failure to secure and/or control property as required,
9 the other two counts were dismissed.

10 The decision of the trial board should be
11 upheld for the following reasons: First, it is
12 undisputed, it is beyond dispute that the grievant did
13 come into possession sometime during the incident with
14 the individual that made the complaint while on duty
15 as a Detroit Police Officer, came into possession of
16 currency, and he failed to process that currency.

17 And I would like to emphasize this is
18 currency, this is money, this is not a pen, this is
19 not a clipboard, it's money, the most serious piece of
20 property that we can come into possession of, money.

21 Second, the Detroit Police Department has
22 clear and unambiguous policy in place regarding the
23 security and control of property and the grievant was
24 clearly aware of this policy.

25 The policy is contained under directive

1 306.3-3 at 2, and it states, as a general policy the
2 Detroit Police Department will ensure property in its
3 possession, as properly received and recorded,
4 securely stored and proper disposition made according
5 to law.

6 Property is defined as money and goods
7 which come into custody of the Detroit Police
8 Department and is classified as evidence, found
9 safekeeping or personal property.

10 All property shall be locked in a
11 designated place and I emphasize items designated, of
12 course designated isn't your clipboard or in your
13 vehicle or your backpack of your car, it doesn't work
14 that way.

15 The department is going to assign to us the
16 places where it wants its property kept, of course
17 because we have to account for all property that comes
18 into possession.

19 The policy goes on, tagging and wrapping
20 property, each item shall be tagged and packaged
21 separately, property tags shall be attached securely
22 to each item with wire or string in a manner that will
23 permit access to both sides of the tag.

24 In addition, the members numbers shall be
25 written above the evidence tag number on the front of

1 the tags.

2 Property books shall be maintained at each
3 district and every command which has a need for such a
4 book, property books shall contain a record and
5 description of the tag number, date item came into
6 custody and property coming into custody of the
7 department, with the exception of firearms and
8 personal property, which are recorded in separate
9 books.

10 I'm just giving you snapshots of what the
11 policy says, the policy is in your possession, I
12 believe.

13 Bottom line, the policy is a part of our
14 Detroit Police manual, thus Officer Gryzywacz was put
15 on notice of the department's expectations when he
16 came into policy.

17 The decision of the trial board shall also
18 be upheld because penalty at issue was reasonable and
19 within the discretion of the Board.

20 You head Mr. Goldpaugh discuss the
21 disciplinary matrix. It's just that, it is a guide,
22 it suggests a penalty and for the first offense, it
23 gives guidance that includes a three- to five-day
24 penalty.

25 Officer Gryzywacz was given a two-day

1 penalty.

2 It's clear from that that the Board already
3 exercised a degree of leniency, no further leniency is
4 required.

5 I emphasize that this was money that we
6 were dealing with.

7 The defense offered by the grievant that he
8 did not have to do anything after being given his
9 Miranda rights is without merit, I will get into that
10 a little bit later.

11 Right now I just would let to briefly go
12 over some of the evidence that was heard from the
13 trial board.

14 The board testimony from two witnesses, Mr.
15 Adam Turner and Transit Police Officer Torrence Adams.

16 If you look at the transcript, Mr. Adam
17 Turner's testimony is located pages 10 and 37 of the
18 trial board record.

19 Just briefly, Mr. Turner indicated that
20 while being investigated by a white police officer and
21 a black police officer, he was told to empty his
22 pockets, and upon doing so a \$5 bill dropped to the
23 ground.

24 We also heard, excuse me, Mr. Turner
25 indicated that the white police officer picked up the

1 \$5 bill, stating this is for taxation.

2 The record also indicates that later on
3 subsequent to this incident he did make a complaint,
4 and that Internal Affairs ultimately did respond to
5 evening.

6 We also heard testimony during trial board
7 proceedings from Transit Police Officer Torrence
8 Adams. He indicated that Officer Gryzywacz assisted
9 him with the investigation, he identify Officer
10 Gryzywacz and that Officer Gryzywacz did pick up that
11 \$5 bill from the ground, and moreover that he had no
12 knowledge of what he did with the \$5 bill, while
13 subsequent to that, and you'll find that the
14 transcript between pages 51 and 55.

15 The record includes a series of exhibits,
16 two I would like to bring to your attention, a
17 compelled statement, what we call a Garrity statement,
18 this were an officer comes in and we order him to
19 answer questions narrowly related to the investigation
20 at hand.

21 In that Garrity statement, Officer
22 Gryzywacz admitted to picking up the \$5 bill.

23 They asked him why did you not turn it in,
24 he said nothing about Miranda, that's something that
25 came about later at the trial board proceeding, I

1 think it's interesting that defense he stuck to hard
2 in the trial board proceeding didn't come up earlier,
3 it came up at the trial board, it wasn't something he
4 put the department on notice before charging him, it
5 was something that came up after charging him.

6 The second piece of evidence that was in
7 there was Sergeant Almoranty (phonetic) report, which
8 was a report simply stating that she received \$5 bill
9 from a person representing Officer Gryzywacz in
10 December, so the incident took place in, excuse me, so
11 this was months after the incident took place, so he
12 had retained this \$5 bill for a period of months
13 before finally turning it, all the while the internal
14 investigation is ongoing. No doubt this affected the
15 expeditious resolution of that case.

16 The grievant took the stand in his defense
17 at the trial board and he acknowledged knowledge of
18 the policies, he was aware of what he was supposed to
19 do.

20 It's interesting to note that even though
21 the defense raised at the trial board included the
22 fact, well, I was under Miranda, therefore, I didn't
23 have to come forward. Not withstanding that, it's
24 interesting to note that the grievant turned the \$5
25 bill in while he was still, as they put it, under the

1 provisions of Miranda, he didn't wait until Garrity,
2 he turned it in while he was under the same provisions
3 of Miranda, so I don't see how that defense has any
4 merit.

5 Counsel just talked to you and he said that
6 Officer Gryzywacz did secure the currency, as I
7 indicated earlier, the currency to be secured is not
8 to be simply hanging on to it.

9 To be to secured is to be secured according
10 to the department policy.

11 The department has an interest in being
12 able to track all of its property, all the property
13 that comes into possession of members because,
14 specially in a case like this, which involves money.

15 Money is the most serious piece of property
16 that we can come into, maybe a close second would be
17 narcotics, these are two pieces of property we have to
18 track very closely, so you just can't put it in your
19 clipboard, put it in the trunk of your car, or put it
20 wherever he ended up having it for several months.

21 As a result of the petitioner's failure to
22 turn in that currency, we have no way of verifying
23 today that was in fact the \$5 bill that was taken from
24 the street, something he pulled out of his pocket, he
25 gave to Internal Affairs interview in December, we

1 don't know because Officer Gryzywacz failed to do his
2 job on that day.

3 You heard Mr. Goldpaugh say, once he was
4 given Miranda, he was no longer under an obligation to
5 do anything, I suggested before that's without merit.

6 Let me explain a little bit why, and I'm
7 going to try not to throw out too much legalese, just
8 comments approached to Miranda.

9 Miranda, when somebody is given Miranda,
10 you're not given any rights that you didn't have
11 before.

12 Miranda is a measure that we take in order
13 to just simply advise you or reiterate the fact that
14 you do in fact have these rights prior to questioning
15 you.

16 I haven't given anybody on this Board the
17 Miranda rights, but if I started asking you questions
18 right now, you would not have to answer, these are
19 rights that you have, they are a part of the rights
20 that you carry with you every day.

21 So Officer Gryzywacz didn't gain anything
22 new after he was given Miranda, he still had the same
23 obligations to do what he was charged with doing while
24 he was working as a Detroit Police Officer, while he
25 was wearing a Detroit Police uniform.

1 Holding on to money, holding on to stuff
2 that did not belong to him is simply not an option and
3 we are loathe to lie down a precedent today that would
4 allow people who are given Miranda to simply keep any
5 property that they're not supposed to have it. I
6 would encourage the Board not to adopt that defense
7 but to reject because it could have serious
8 implications down the road.

9 Since the grievant did not gain any new
10 rights after being Mirandized, he was not relieved of
11 any preexisting obligation to process the currency in
12 accordance with policy.

13 Mr. Goldpaugh is saying that Mr. Turner is
14 not credible, and I believe your counsel in her
15 recommendation indicated that his credibility left
16 much to be desired.

17 His credibility is meaningless at this
18 point in time. It's without question that he
19 recovered \$5 that day.

20 How he recovered it, what the circumstances
21 were, that could be up for debate, but he came into
22 possession of \$5 that day, that's come out from every
23 witness, including the grievant in this case, Officer
24 Gryzywacz. We know that he picked up the \$5 bill and
25 we know he didn't put it in evidence. It's beyond

1 dispute, the credibility of the particular witness,
2 notwithstanding we know he picked up that \$5 bill.

3 The bottom line is that the misconduct
4 occurred and there is no defense.

5 I will close with a brief comment on
6 penalty.

7 Again, the matrix is there to offer
8 guidance, to command officers charged with to
9 administer trial board proceedings.

10 I agree with Mr. Goldpaugh, all the facts
11 much be taken into consideration, to have aggravating
12 factors that would make the situation much worse.

13 And you could have mitigating factors,
14 things that tend to, might be voting leniency on the
15 part of the trial board but the window provided matrix
16 was three to five days.

17 The trial board clearly standing to reason
18 from their decision exercised leniency.

19 I would ask this Board not to go anymore
20 lenient given the fact that the trial board was there,
21 they heard all of the evidence first hand, they
22 observed the demeanor of all the witnesses. They are
23 managers, they are senior managers within the Detroit
24 Police Department.

25 As this Board is also aware, the department

1 has a clear and critical interest in ensuring that all
2 property, particularly money, is adequately secured
3 and recorded and processed and that the Detroit Police
4 Department guidelines regarding the securing of
5 property are strictly enforced force.

6 I might agree with Mr. Goldpaugh, if this
7 was a case that involved a pen, a clipboard, but it
8 was not, this case involved money and a two-day
9 suspension is fair.

10 The decision was based on sound reasoning
11 and was not arbitrary and capricious.

12 I would respectfully ask this Honorable
13 Board to uphold the decision of the trial board and
14 the Chief of Police.

15 Thank you.

16 CHAIRPERSON TAYLOR: Thank you.

17 At this point, do the Board have any
18 questions.

19 LIEUTENANT WHITE: I have brief rebuttal, I
20 have comments, unless you have questions of the
21 sergeant?

22 CHAIRPERSON TAYLOR: No questions?

23 LIEUTENANT WHITE: Just in brief
24 rebuttal --

25 CHAIRPERSON TAYLOR: Commissioner White had

1 a question.

2 VICE CHAIRPERSON WHITE: I did have a
3 couple questions through the Chair.

4 Just to be accurate, the date of the event
5 was October 28th, and the \$5 was not returned until
6 later in December?

7 SERGEANT PARRISH: October 28th, 2012, and
8 when the \$5 bill was not returned until a date,
9 December 17th.

10 VICE CHAIRPERSON WHITE: December 17th.

11 And the date of the Garrity was which date?

12 SERGEANT PARRISH: The date of the Garrity
13 was a date in January, I'd have to look at the
14 transcript to get you a more accurate date.

15 VICE CHAIRPERSON WHITE: January of 2013.

16 SERGEANT PARRISH: Yes.

17 VICE CHAIRPERSON WHITE: Also, you
18 reference leniency being given during the trial board,
19 what would you attribute that to?

20 SERGEANT PARRISH: Well, Officer Gryzywacz
21 did eventually come forward with the \$5 bill, and by
22 the way, I am giving you my perception, of course I
23 wasn't sitting in the deliberation room.

24 He did come forward with the \$5 bill. They
25 may have also taken into consideration the fact that

1 the witness wasn't credible, I'm not sure, and I'm
2 speculating at this point in time.

3 But no, it's clear, they did only give him
4 a two-day suspension, that is to one side of the
5 window, which is three to five days, and beyond that,
6 again, this is all speculation, but it is true,
7 Officer Gryzywacz did come forward and did give over
8 some property, a \$5 bill.

9 Unfortunately, my concern today is that I
10 have no way of confirming that in fact was the \$5 bill
11 that was taken from the street or if that was just,
12 I'm caught, now I need to give something over just to
13 save myself as much as I can. At this point in time,
14 we'll never know.

15 Again, I'm guessing, but I think perhaps
16 the fact that he did eventually turn over the \$5 bill,
17 perhaps that's why the board exercised that
18 discretion.

19 VICE CHAIRPERSON WHITE: Lastly, Madam
20 Chair, and correct me if I'm wrong, normally
21 suspensions without pay are done when the nature of
22 the offense is such egregious that there is nothing
23 else that can be done for this particular officer, no
24 other positions.

25 My question is to you, do you believe that

1 rises to such an egregious nature that this officer
2 needs to be suspended without pay?

3 SERGEANT PARRISH: Yes, most definitely,
4 summarily prior to trial board proceeding, I'm not
5 sure if it meets that criteria, however, certainly, in
6 the department's position, it does warrant a
7 suspension without pay.

8 The officer came into possession of money,
9 this is a very serious piece of property. He didn't
10 turn it in for months, this is all while an internal
11 investigation was ongoing, and of course not being
12 able to pinpoint where the \$5 bill went complicates
13 matters, it expends resources, it complicates what,
14 had the \$5 bill been turned in that day, it probably
15 would have been a simple inquiry.

16 The officer did not have the option of
17 simply sitting on his hands while he was in possession
18 of somebody else's money, it just wasn't an option for
19 Officer Gryzywacz.

20 So definitely I do believe that this is
21 serious, it does warrant suspension without pay, and
22 if you look at the record, you'll see that I
23 recommended a tougher sentence.

24 The board disagreed with me and it went for
25 a two-day suspension.

1 I believe that's more than fair, and that
2 suspension was upheld by the, signed off by the Chief
3 of Police, and therefore, I believe it is the
4 appropriate suspension, that along with the
5 circumstances of the case, this did involve money.

6 My opinion might be different if it
7 involved a pen or a clipboard. This is not property
8 that we get lax on, this is not property that we want
9 to start misplacing or sending the message that
10 perhaps it's okay if you turn it in the next day or if
11 you turn it in a week later, no, money, if your hands
12 touch money, you get it on a tag, you put the
13 department on notice that you confiscated money so it
14 can be tracked so it's recorded, so it be secured, so
15 the department is not open to further litigation or
16 risk of complaint down the road.

17 No, this case I believe requires two-day
18 suspension.

19 VICE CHAIRPERSON WHITE: Thank you, Madam
20 Chair.

21 CHAIRPERSON TAYLOR: Questions?

22 COMMISSIONER MOORE: Sergeant, you stated a
23 few times about a difference between \$5 and a pen,
24 what's the difference?

25 SERGEANT PARRISH: I believe that with

1 property such as money, there is an enhanced risk of
2 complaint and enhanced risk of liability; and
3 moreover, it leaves a very bad taste when we envision
4 a crooked cop, we envision a cop that's taking money.

5 Am I sanctioning the illegitimate
6 confiscation of a pen or a clipboard, or of any
7 property, absolutely not, but I think we have to be,
8 to an extraordinary extent, on guard when it comes to
9 property of this sort.

10 This is not property that we want officers
11 to be relaxed with when handling.

12 When you come into possession of money
13 that's a very, very serious matter.

14 Failing to secure property is failing to
15 secure property, regardless of the type of property,
16 however, at a proceeding like this when I'm asking the
17 Board to uphold the penalty, I believe it's my duty to
18 bring forward any aggravating factors.

19 The fact that we're dealing with money here
20 was an aggravating factor and certainly I don't want
21 to send the message that officers can be simply
22 relaxed when processing money, when processing
23 property of such a serious nature such as this.

24 CHAIRPERSON TAYLOR: Okay.

25 COMMISSIONER BELL: Madame Chair.

1 Sergeant Parrish, the record indicated that
2 Mr. Turner came forth to report this \$5 immediately.

3 SERGEANT PARRISH: Yes, sir.

4 COMMISSIONER BELL: So there was no
5 discrepancy about the \$5.

6 My other question, Attorney Goldpaugh
7 mentioned that the officer, he secured the property,
8 \$5, are you talking about a safe deposit box or some
9 process, he produced \$5 after the investigation was;
10 is that correct?

11 SERGEANT PARRISH: Where that \$5 was, in
12 fact, kept I don't think we'll ever know, it certainly
13 wasn't kept where it was supposed to be kept and that
14 is in safekeeping within a police facility, under lock
15 and key and after being recorded and tracked by the
16 department's internal protocols.

17 I believe he's testified at his trial board
18 that he kept it in his clipboard, and of course I
19 don't believe that's a secure place, it certainly
20 doesn't accord with policy as it's clearly written.

21 COMMISSIONER BELL: Thank you.

22 CHAIRPERSON TAYLOR: Officer, is there a
23 difference between, is there a policy that says that
24 the money is more important than a clipboard or is
25 there a department policy on that, or opinion?

1 SERGEANT PARRISH: There is nothing that
2 says that money is more important than a clipboard,
3 however, I think it's interesting to note that the way
4 we secure money is much different than the way we
5 secure other tangible pieces of property.

6 Money is supposed to be secured in a safe,
7 you know, just the measures we take to secure money,
8 the way the measures we take to track money, is much
9 more elaborate, much more intense for the reasons I
10 stated earlier, there is an enhanced risk of
11 illegitimate conduct when you're dealing with money
12 and when it comes to money, I also mentioned narcotics
13 is a very serious piece of evidence, we want to make
14 sure that we are doing everything right when it comes
15 to property of this sort.

16 CHAIRPERSON TAYLOR: Thank you.

17 Are there any other questions? If not --

18 MR. GOLDPAUGH: Just briefly, thank you.

19 I'm not going to address -- thank you.

20 Members of the Board, I'm not going to
21 address or try to give anybody a Constitutional Fifth
22 Amendment education, because you're given your Miranda
23 rights, your rights are there.

24 I'm not going get into that, it's up to
25 Sergeant Parrish if he wants to educate you on that.

1 The interesting part is, however, that as
2 the sergeant brought out, and he said it, why did he
3 bring this forth, bring the money before the Garrity
4 interview, because my associate, Mr. Stolberg, at this
5 time who was after this came down, was in constant
6 contact with Internal Affairs, was in constant contact
7 with the Sergeant Almoranty, and at a point in time,
8 he turned it over based on discussions they he had
9 with the sergeant, that's why that came down it, that
10 was all testified to.

11 The more important thing is, it seems that
12 Sergeant Parrish scuffs over the credibility of Mr.,
13 of the complainant in this particular matter.

14 First of all, he didn't come immediately,
15 he showed up at the precinct about four hours later,
16 three or four hours later.

17 The more important thing I find here is
18 that when you looked at the testimony of the
19 individuals during the trial board, the transit
20 officer, as well as the complainant, and of course
21 Officer Gryzywacz, the only person who indicated that
22 this money belonged to him was the man who was not
23 credible.

24 He was mad because, first, the transit
25 officer, and then Officer Gryzywacz came up and

1 stopped him from scamming the people of the city of
2 Detroit.

3 He was selling parking places outside of,
4 after a baseball game, after the World Series. That's
5 what he was doing out there.

6 And when the transit officer came up, and
7 this all came out in the hearing, and came out said,
8 what are you doing there?

9 He said, oh, I'm selling T-shirts.

10 And all of a sudden the lady who had just
11 given him some money, said, give me my money back, he
12 gives her the money back, and then she takes off.

13 That's when Officer Gryzywacz comes up to
14 the scene.

15 He is talking to him, no money fell out of
16 this man's pocket, as he lied during this
17 investigation, yet there was something blowing down
18 the street, and that's how the testimony came out from
19 the transit officer, and from Officer Gryzywacz.

20 Officer Gryzywacz went over there and found
21 it, picked it up.

22 At no time, and the testimony is there and
23 the testimony from the transit officer, did this
24 complainant ever say, hey, that's my money.

25 At no time did Officer Gryzywacz every say,

1 I'm keeping this and it's for tax.

2 No, what this complainant did, was he was
3 mad, I'm going to go and file a complaint against a
4 police officer, I'm going to tell everybody he's
5 taking my money.

6 You know what? That was a false report of
7 a crime, wasn't it? He falsely accused Officer
8 Gryzywacz of stealing from him.

9 Yet once that was shown that was not true,
10 it was no request to go and get a warrant against the
11 complainant, oh, that's okay, you can make these false
12 complaints, and then here we are. That's what this is
13 all about.

14 He exercised his rights, talked to my
15 associate, the late Mr. Stolberg, and then turned the
16 money in, and we proceeded to the departmental
17 process.

18 An 18-year veteran on this job with no
19 discipline has now been sanctioned because this
20 complaining witness was, quote, less than credible.

21 I would ask that the best he receive a
22 written reprimand.

23 Thank you.

24 CHAIRPERSON TAYLOR: Any there any
25 questions for Mr. Goldpaugh?

1 (No verbal response.)

2 CHAIRPERSON TAYLOR: Thank you, sir.

3 At this time Attorney Sabree, -- oh, is the
4 officer here, Officer Gryzywacz here?

5 MR. GOLDPAUGH: No, he's not, he's out
6 protecting the citizens.

7 ATTORNEY SABREE: First, to the Board, I
8 heard a discussion between Sergeant Parrish and
9 Commissioner White about suspension without pay, I
10 want to remind the Board, this is not a suspension
11 without pay hearing, this is trial board hearing and
12 as such Sergeant Parrish said, Officer Gryzywacz was
13 not summarily suspended, he was not been suspended
14 yet.

15 I ask that the Board focus on the issue
16 here, that he did not return and secure the money
17 properly and it took two months for him to do so, and
18 that all three witnesses, as I stated and wrote out in
19 my recommendation, all three say that Officer
20 Gryzywacz picked up money, regardless of the
21 circumstances, whether or not he picked it up by four
22 feet or five feet, it was money that was picked up by
23 Officer Gryzywacz and that he did not return it
24 timely.

25 I agree with the trial board when they

1 dismissed Count Two and Three, and I also agree with
2 the trial board in upholding the charge of Count One,
3 and I ask that based on Officer Gryzywacz's
4 disciplinary history, and all of the evidence
5 presented, that the Board uphold the trial board's
6 finding and uphold the two-day suspension that was
7 implemented.

8 Thank you.

9 CHAIRPERSON TAYLOR: I think a motion is in
10 order to --

11 COMMISSIONER BELL: Madam Chair, I move
12 that the trial board findings be upheld and the
13 two-day suspension is implemented.

14 COMMISSIONER MOORE: Second.

15 CHAIRPERSON TAYLOR: Then moved and
16 seconded.

17 Are there any discussion?

18 (No verbal response.)

19 CHAIRPERSON TAYLOR: All in favor?

20 (Chorus of ayes.)

21 CHAIRPERSON TAYLOR: All opposed?

22 (No verbal response.)

23 CHAIRPERSON TAYLOR: Any abstentions?

24 (No verbal response.)

25 CHAIRPERSON TAYLOR: The trial board's

1 decision will be upheld.

2 At this time we are going to ask for new
3 business, new business?

4 Commission Crawford?

5 COMMISSIONER CRAWFORD: Yes, ma'am, through
6 the Chair, there was a recent, there was some recent
7 information in the media about narcotics and Internal
8 Affairs conducting an audit over the weekend, the
9 previous weekend.

10 The Chief is not here, but I would just
11 like to express to the Deputy Chief that as soon as
12 those findings, because I realize Internal Affairs it
13 is kind of a delicate situation, are brought forth,
14 the Board can hear anything as long as there is not
15 anything pending that may be criminal, something to
16 that effect, the results of that audit, because the
17 Detroit Police Department has had a history of, not
18 recently, but there has been a history of the,
19 pertaining to how narcotics are kept, how narcotics
20 are processed, are narcotics missing, are narcotics
21 ultimately returned to the street to be sold again, et
22 cetera, and there is history that I've witnessed over
23 the years, and some of the other board members, too,
24 who are former retired officers.

25 DEPUTY CHIEF HALL: Absolutely, I'm sure

1 that the Chief will have no issue sharing that report,
2 it's truly transparent, as seen with the audit itself,
3 so I'll definitely pass that on to him and I'm sure
4 you will get that report.

5 COMMISSIONER CRAWFORD: Yes, Ma'am, thank
6 you very much.

7 And while we're all on the subject of
8 audit, this is kind of old business, months ago there
9 was an issue about vehicles really particularly
10 involving the Board and the Chief Investigator's
11 Office, and there was a request for audit of Chief
12 Investigator's Office's attorney to determine how
13 vehicles were used, and within, by employees of the
14 Commission, so we've never received a findings of
15 that, and also, too, in light of, and this is sort of
16 somewhat related, in light of the population loss,
17 recently in the media in the City of Detroit, down to
18 688,701, down from roughly 700,000, minus 10,000.

19 And also in light of given the history of
20 vehicles outside the city, it's for me personally,
21 too, because I was elected by the people of my
22 district, and that's the essence of democracy.

23 I'm not about to me personally engage in
24 any hypocrisy, because in 1990, of May, I'm came
25 before the Detroit Police Commission requesting an

1 audit, and also, that they seriously look at vehicles
2 that were being driven outside the city.

3 DEPUTY CHIEF HALL: It's to my
4 understanding that the audit that was conducted for
5 the Board, and OCI, was done by IA.

6 I do not have that information readily
7 available but I will ensure that the Chief gets that
8 information.

9 COMMISSIONER CRAWFORD: Yes, Ma'am.

10 And also, in referencing that, I noticed
11 that it was information stated in the media a couple
12 months back by the public information officer in terms
13 of the necessity of individuals who, in terms of that,
14 you know, response, and I do understand that, you
15 know, if you, you have to respond in 24 hours, if the
16 Chief calls you, or there's some sort of scene, I do
17 understand that, but my issue is to make sure that, in
18 particular, the people in our office, employees who
19 work for the Commission, that some sort of necessity
20 is shown, and actually, as of, let's say, for example,
21 between now and July 1st, if they could give us some
22 kind of written response as to the necessity of them
23 having a vehicle and residing outside of the city.

24 So as a matter of fact, I'll put that on
25 table as a motion that pertains to the Commission.

1 CHAIRPERSON TAYLOR: You're calling for a
2 motion to --

3 COMMISSIONER CRAWFORD: That we receive a
4 written response for any employees that work for the
5 Board who have vehicles who, that in terms of they
6 have to state to us the necessity of them having a
7 vehicle and what issue it's for --

8 CHAIRPERSON TAYLOR: A motion is in order.

9 COMMISSIONER MOORE: Second.

10 CHAIRPERSON TAYLOR: It's been moved and
11 seconded.

12 And the Board, there will be a response --

13 COMMISSIONER CRAWFORD: That's for us but
14 the audit is separate.

15 CHAIRPERSON TAYLOR: -- what happened,
16 okay.

17 Commission White?

18 VICE CHAIRPERSON WHITE: Under discussion,
19 Madame Chair, before you take a vote, which I don't
20 believe we've done as of yet.

21 Commissioner, just out of curiosity, if an
22 audit is in order, why would we limit it to OCI, or
23 one particular department, versus all issued
24 department vehicles to employees that reside outside
25 of the city?

1 COMMISSIONER CRAWFORD: I said it was
2 separate, ours is separate in terms of for a written
3 response for justification and a response by July 1st,
4 aside from the department's audit, which was
5 requested, by the way, in a written e-mail by
6 Commissioner Moore a couple months back.

7 VICE CHAIRPERSON WHITE: Okay.

8 CHAIRPERSON TAYLOR: Now, we will call for
9 a motion to have a written call for a motion to have a
10 written response by July 1st, which addresses the
11 staff using vehicles outside of the City of Detroit.

12 COMMISSIONER CRAWFORD: And also being
13 generally assigned a vehicle.

14 CHAIRPERSON TAYLOR: And being assigned a
15 vehicle if they're outside of Detroit.

16 Is there a motion?

17 VICE CHAIRPERSON WHITE: Madam, there was a
18 motion made and seconded.

19 CHAIRPERSON TAYLOR: Motion already moved
20 and seconded.

21 COMMISSIONER CRAWFORD: Yes, ma'am.

22 CHAIRPERSON TAYLOR: Moved and seconded.

23 Is there any discussion?

24 (No verbal response.)

25 CHAIRPERSON TAYLOR: All in favor?

1 (Chorus of ayes.)
2 CHAIRPERSON TAYLOR: All opposed?
3 (No verbal response.)
4 CHAIRPERSON TAYLOR: Any abstentions?
5 COMMISSIONERS: Abstained.
6 CHAIRPERSON TAYLOR: How many abstentions?
7 COMMISSIONER: Three.
8 SECRETARY ANTHONY: I just need to know the
9 abstentions.
10 CHAIRPERSON TAYLOR: Three.
11 SECRETARY ANTHONY: And they were?
12 VICE CHAIRPERSON WHITE: Byrd, Shelby,
13 White.
14 MR. BYRD: Wendell Byrd.
15 CHAIRPERSON TAYLOR: George, that's four
16 abstentions, I'm going to abstain.
17 SECRETARY ANTHONY: Yes, Ma'am.
18 CHAIRPERSON TAYLOR: And how many, the
19 ayes? How many ayes?
20 VICE CHAIRPERSON WHITE: That would be five
21 ayes and four abstentions.
22 CHAIRPERSON TAYLOR: So the motion carries.
23 SECRETARY ANTHONY: Yes, ma'am.
24 COMMISSIONER CRAWFORD: Thank you.
25 CHAIRPERSON TAYLOR: All righty, now, let's

1 move to our next item.

2 Announcements, our next meeting is
3 Thursday, June 5th.

4 SECRETARY ANTHONY: Madam Chair, if I may
5 interrupt, last week the were the Reverend and
6 Mrs. Coffy that came before the Board, that was
7 directed to be placed under old business for an update
8 from the Department.

9 CHAIRPERSON TAYLOR: Okay, is there an
10 update from the department regarding --

11 SECRETARY ANTHONY: It was the homicide of
12 the son and the girlfriend, I think it was April 2nd,
13 on Cadieux, I believe was the date.

14 DEPUTY CHIEF HALL: Through the Chair, the
15 department is not prepared to speak about that matter.

16 I believe there was someone else sitting
17 here last week, and Deputy Chief LaValle, as well as
18 Deputy Chief Brown were looking into that matter and
19 speaking to that individual, so if I could get back to
20 you with that response.

21 CHAIRPERSON TAYLOR: Yes, Ma'am.

22 DEPUTY CHIEF HALL: Thank you.

23 CHAIRPERSON TAYLOR: Is there someone here
24 from Homeland Security.

25 Yes, sir.

1 MR. SIMON: If I may, Gerard Simon,
2 Director of Detroit's Homeland Security Emergency
3 Management.

4 The reason why I'm showing up, apparently
5 we've had some issues with, broad-range issues, we're
6 talking about evacuation plans for the City of Detroit
7 and whether the citizens, specifically in the
8 southwest Detroit, are being treated fairly as it
9 regards to Marathon Oil.

10 More specifically, we had a specific
11 incident in April 27th, 2013 when there was a fire at
12 the Marathon Oil.

13 During that incident, or as a result of
14 that incident, Melvindale evacuated some of their
15 citizens and Detroit did not.

16 It appeared that, again, that Detroit
17 citizens were getting the short end of the stick on
18 that and were not being treated fairly by both
19 Marathon Oil and by the lack of a sufficient response
20 by Detroit officials.

21 In realities, a number of points that we
22 need to address. Number one is that Detroit does have
23 an evacuation plan in effect and up to date.

24 Even though it is up to date, our fire
25 department officials are, as well as Homeland Security

1 officials, we are in the midst of even updating it
2 further, but we have an active evacuation plan.

3 Number two, as far as that specific
4 incident that occurred at Marathon Oil, the response
5 by the Detroit Fire Department was on point and
6 directly addressed the issue. There was never a
7 threat against any citizen in the City of Detroit.

8 There actually wasn't a threat against any
9 citizen of Melvindale either, they, I won't say
10 improperly, because they can choose to evacuate when
11 they want to, there was not a physical reason to
12 evacuate. They chose to, and over a short period of
13 time, they took that back and moved their citizens
14 back in, I think within a hour.

15 But we had proper response from the Detroit
16 Fire Department. They looked at the situation and
17 from the air plumes, they did the whole check and
18 there was never a threat against any citizen in
19 Detroit, and so no evacuation was done.

20 On the whole, that addresses that incident.

21 As I've been talking with my team and with
22 the fire department, there may be a situation where we
23 need to revisit maybe doing a full-scale exercise down
24 there, and 2009, 2010, I believe that was the last
25 exercise that was done there, involving the state,

1 Wayne County, citizens of Detroit, excuse me,
2 Melvindale, Detroit fire, police, the whole gamut, the
3 EPA, bringing all those people together and doing an
4 actual physical exercise. It may be time to start
5 looking at that again. In fact, I started that
6 conversation, so maybe within the next year, or so, we
7 might have that done.

8 I checked with some people who were
9 involved in that and they did reach out to the
10 community for them to participate, and those type of
11 full-scale exercises you actually have citizens
12 playing a part where they may be victims, or something
13 like that, so that will be transported out as part of
14 the exercise.

15 Citizens of Detroit, southwest Detroit, did
16 not step up at that time. The Red Cross had to go out
17 and recruit volunteers, but I think that's something
18 we can deal with, and this time around I'm sure we can
19 get better participation, and I'm thinking that will
20 be our best way to go after that.

21 CHAIRPERSON TAYLOR: Any questions from the
22 Board?

23 MR. SIMON: I do have a carryout.

24 The fire department reached out to the
25 Marathon Oil people, things that would include a copy

1 of plume study that they did on it.

2 If you look at the very last page, to start
3 off with, the very last page will show you they did
4 the air study, and which direction the wind was going,
5 and that type of thing.

6 If it had been a chemical that was a threat
7 to a citizen, it would not have been a threat to
8 Detroit citizens.

9 As it was, even the chemicals that were
10 involved, it wasn't a threat to Melvindale either, but
11 they called their evacuation.

12 CHAIRPERSON TAYLOR: Any questions?

13 COMMISSIONER CARTER: I'm sorry, southwest
14 Detroit is very active, so I don't know where you got
15 your information from, but southwest Detroit is very
16 active, we have lot of community activist.

17 MR. SIMON: I wasn't trying to be
18 accusatory.

19 COMMISSIONER CARTER: Go ahead, I'm sorry.

20 MR. SIMON: I know that they are very
21 active, I do know that, which is one the reasons I had
22 to be here.

23 My point was being that if we move forward
24 on a full-scale exercise, there are ways for us to
25 bring, not just be aware of the exercise but actually

1 bring them in and to be part of that exercise, and
2 that's the only point I was try to make.

3 COMMISSIONER CARTER: But you're saying at
4 that time southwest Detroit wasn't active in the --

5 MR. SIMON: No, I'm saying in the exercise
6 for the parts -- I think you may have seen on TV,
7 stuff like, sometimes they will bring people out, and
8 they put --

9 COMMISSIONER CARTER: I've participated i
10 nit and I know all about it.

11 MR. SIMON: From what I was told in 2009,
12 2010, they did not get their participation. I wasn't
13 here.

14 COMMISSIONER CARTER: It's probably because
15 of the outreach that they did because southwest
16 Detroit has an active community base.

17 MR. SIMON: I know they are active, I
18 worked the Fourth Precinct also, and I will tell you
19 if we do have the next exercise, there will be
20 outreach.

21 COMMISSIONER CARTER: The second thing, the
22 communication piece, why was there no communication
23 during that time to let the citizens know what was
24 going on, whether or not it affected them?

25 How can we, going forward, increase the

1 communication between Marathon, between the Fire
2 Department, between Homeland Security and the
3 residents of the southwest Detroit, that directly are
4 impacted by anything that goes on in Marathon,
5 regardless of what the plumes, there is a piece that
6 the residents are affected.

7 So for anybody to say that they weren't
8 affected, I mean, even if it's just the sense that
9 it's in my mind that people in Melvindale are being
10 evacuated and we're not, and we're right across the
11 freeway.

12 MR. SIMON: Right.

13 Well, first of all, the best way, on page 2
14 here, they have set up an alert system, and it's
15 indicated on there where you can sign up online and
16 get either a text message or a phone call.

17 COMMISSIONER CARTER: When was it set up?

18 MR. SIMON: Ma'am, I don't know, sorry, I
19 wasn't here during this incident, and I don't know how
20 long this has been in effect, but it's in effect now.

21 COMMISSIONER CARTER: Okay, and you have
22 evacuations plans.

23 How do the residents of southwest Detroit
24 or the City of Detroit about it, do they go to the
25 online version?

1 MR. SIMON: It's posted online.

2 COMMISSIONER CARTER: Okay, so what if you
3 don't have internet access, as most of our residents
4 don't?

5 MR. SIMON: If you request it, we can send
6 you a hard copy.

7 COMMISSIONER CARTER: I'm requesting that
8 all residents in southwest Detroit receive a copy of
9 that, so how about that?

10 MR. SIMON: I'll pass that up.

11 COMMISSIONER CARTER: Everybody doesn't own
12 a computer so --

13 MR. SIMON: I understand that, Ma'am.

14 In the nature of evacuation plans, a lot of
15 times, especially a citizen living at any specific
16 address, they want to see exactly what they do when
17 something happens and they walk out the door.

18 In the nature of an evacuation plan you
19 can't do.

20 The evacuation is set by the circumstances
21 of whatever incident is, and those will change at all
22 times.

23 The evacuation plan is broad enough to note
24 where is some help centers, what generally is going to
25 happen, and those kind of things, but it's not

1 specific like people want it to be.

2 COMMISSIONER CARTER: I talking about
3 access to an evacuation plan. You just said go to the
4 internet, everybody doesn't have internet access.

5 MR. SIMON: I don't know what to tell you
6 on that, Ma'am.

7 COMMISSIONER BELL: Madame Chair,
8 Commissioner Carter finished?

9 CHAIRPERSON TAYLOR: Do you have any more
10 question?

11 COMMISSIONER BELL: I just want to respond
12 to that concern.

13 I think that, first of all, Mr. Simon, it's
14 good to see you in that capacity, and I appreciate you
15 coming out this evening.

16 But I think that it needs to be an
17 established rapport with the community groups having
18 those community forums to address this concern and
19 your position now.

20 And I think it's also should be in
21 conjunction with Homeland Security that covers
22 Melvindale, the state of whatever that is --

23 MR. SIMON: You're Wayne County.

24 COMMISSIONER BELL: Wayne County.

25 Should be some strong interaction with the

1 community, because as you can see, this issue is very
2 sensitive to Commissioner Carter, but we all are
3 concerned because it impacts the citizens of Detroit.
4 We never know when something like this is going to
5 happen, so we just can't rely on the internet.

6 But I think there has to be strong evidence
7 of interaction with the community leaders in the
8 community, and I think Commissioner Carter and
9 Mr. Carter would help you bridge that gap.

10 MR. SIMON: I did speak with Mr. Carter on
11 the phone one time, and I asked him about some of my
12 office appearing at one of their next meetings, and
13 that might be a time where we can run up a number of
14 copies and provide them for you at the next community
15 meeting, or at the community meeting at your
16 convenience.

17 CHAIRPERSON TAYLOR: Commission Crawford?

18 COMMISSIONER CRAWFORD: Yes, Ma'am, though
19 the Chair.

20 Yes, sir, if you didn't understand before
21 how active southwest Detroit was, I'm sure you do now.

22 MS. SMITH: I worked the Fourth Precint.

23 COMMISSIONER CRAWFORD: I worked the Fourth
24 Precinct too and I know they're very active, or they
25 were years ago.

1 As a matter of fact I used to attend
2 community meetings, and that's way on the other side
3 of town for me.

4 But I just want to say that, as
5 Commissioner Carter stated, can we mail everybody a
6 copy? And the reason I -- and Marathon can pay for
7 it, they can pay for it, Marathon can pay for it.
8 They're a billion dollar corporation. They can pay
9 for every resident in the City of Detroit, and they
10 can do Melvindale too if they choose to do that, but
11 they could mail, they can mail out, City of Detroit
12 mails out water bills, as you stated Wayne County, so
13 perhaps you can sit down and Wayne County and
14 southwest Detroit community, and get every citizen a
15 copy of the evacuation plan mailed to them.

16 MR. SIMON: I was just reminded by one of
17 my coworkers there, that our fire department, as I
18 indicated, fire department and Homeland Security were
19 working on a revamped evacuation plan.

20 What they're trying to do is get a
21 shortened version, more to the point of southwest
22 Detroit, of a couple pages, and that would be much
23 easier to disseminate, and even if we do end up
24 getting a way to mail them out, there is no reason we
25 still can't appear and hand them out also.

1 CHAIRPERSON TAYLOR: Commissioner Carter is
2 requesting, and I'm going to back her up and call a
3 special meeting of the Board and she can work that
4 out.

5 Commissioner Carter, can you get dates how
6 you're going to do that.

7 COMMISSIONER CARTER: Sure, I can do that.

8 CHAIRPERSON TAYLOR: The Board can call a
9 special meeting and we have a meeting there.

10 MR. SIMON: Would you like Homeland
11 Security and police and firearm department to show up.

12 COMMISSIONER CARTER: That would be great.

13 MR. THOMPSON: And Marathon.

14 MR. SIMON: You'll let us know.

15 CHAIRPERSON TAYLOR: Yes, sir.

16 Commissioner Moore?

17 COMMISSIONER MOORE: Who determines what a
18 threat is and what's not a threat, is that an incident
19 command issue?

20 MR. SIMON: They do have a joint command
21 when they have those kind of situations arise, but as
22 far as Detroit will be concerned, it would be a
23 decision by the Detroit Fire Department and the HAZMAT
24 group as to whether it's a need to evacuate, what
25 level it is, what level...

1 I have always been not only satisfied,
2 we've got an excellent fire department and HAZMAT
3 group. I mean, people are knowledgeable, receive the
4 training, are out there responding, and stuff like
5 that, so we have a good group of people working at it.

6 Maybe if some of our failings may have been
7 that lack of connection between the community and us,
8 letting them know really what's happening and maybe we
9 can address that.

10 CHAIRPERSON TAYLOR: So, Commissioner
11 Carter, then you will facility that and the Board will
12 assist you in whatever you need.

13 COMMISSIONER CARTER: Okay, thank you.

14 MR. SIMON: Anything you need from us, you
15 all know where I'm at.

16 CHAIRPERSON TAYLOR: Thank you for coming.
17 I think we were at old business, or
18 announcements?

19 Okay, let me just say that June 26th, there
20 would be nominations and elections for new board chair
21 and new board Vice Chair on June 26th, at that
22 meeting, so you have a 30-day notice.

23 All right, our next meeting, will be
24 Thursday June 5th, 2014, at 3:00, here at the Detroit
25 Public Safety Headquarters.

1 Are there any other announcements?

2 If not, let's move to the oral
3 communications from the audience, and limit your
4 comments to two minutes, please, and state your name
5 as you come forward.

6 MR. SIMON: Bill Welborne, W-e-l-b-o-r-n-e,
7 President of Detroit Citywide.

8 We were talking about Homeland Security,
9 I'm kind of interested in that because when I was in
10 Vietnam, we had a lot of disasters over there, and
11 from what I've seen here in the city, if we have a
12 major disaster here, over three-quarters of the people
13 here would die, no ifs ands or buts about it, that's
14 my opinion of it.

15 The chairman just spoke his opinion,
16 nobody's ready.

17 As far as I'm concerned nothing's ready at
18 all, and I've been through several disasters in the
19 service, I had one in Iraq, I had one in, two in
20 Vietnam, and if we have a gas attack of mustard gas,
21 nerve gas, a major bomb in here, it would be a
22 disaster here. It would be a ghost town overnight.

23 I think we should come up with better plan,
24 each major city, because I would hate to see anything
25 like that happen, you never know, looked what happened

1 to New York, to the twin towers, you never know when
2 it's going happen.

3 Thank you.

4 CHAIRPERSON TAYLOR: Mr. Welborne, you can
5 help us put this together, work with Commissioner
6 Carter. It seems like you got some information there,
7 if you don't mind.

8 MR. SIMON: No, I don't mine.

9 CHAIRPERSON TAYLOR: Thank you.

10 MR. SIMPSON: Good afternoon.

11 CHAIRPERSON TAYLOR: Good afternoon, sir.

12 MR. SIMPSON: I'm Ralph Simpson, I'm
13 attorney, I think I appeared before the Commission in
14 it's previous makeup as the attorney for the American
15 Civil Liberties Union, some issues related to them.

16 Today I was speaking just as a resident of
17 Detroit.

18 I was copied with a letter, I believe was
19 sent to the entire Commission from Elena Herrada with
20 regard to the operation of the Detroit Detention
21 Center, on Mound Road.

22 I hope all of you got that, but I think
23 since I had read that, I read an article that sets out
24 a number of -- you did not get it?

25 COMMISSIONER CRAWFORD: I'm sorry?

1 COMMISSIONER BELL: Go ahead.

2 COMMISSIONER CRAWFORD: Continue.

3 MR. SIMPSON: An article on the internet
4 that set out a number of more disturbing questions
5 with regard to the operation of that detention
6 facility.

7 I think Ms. Herrada is here and will speak
8 to what her letter said.

9 But today this were allegations that the
10 women were herded into a large area with unsanitary
11 and improper type of conditions, and that there was a
12 lack of communication, that's about what the
13 procedures were in place at that detention center and
14 who was responsible for it.

15 Again, Ms. Herrada will speak to her
16 communication and the questions she's asked, but I
17 think that I certainly would share her concern and
18 want to share her response.

19 At a minimum, even though I know that not
20 everyone has internet, why there isn't more
21 information about who is in charge and what the
22 procedures are that facility on the internet.

23 Thank you.

24 CHAIRPERSON TAYLOR: Thank you, sir.

25 COMMISSIONER BURTON: I have a question,

1 for Attorney Simpson.

2 I did not receive what you presented to the
3 Board, when was it sent because I don't have it in my
4 folder.

5 MR. SIMPSON: This would have been an
6 e-mail, and maybe that's another question, there's an
7 e-mail on the website that indicates it is to the
8 Commissioners, so if that's not the proper way to
9 reach all of the Commissioners at one time, then that
10 needs to be corrected, but, Ms. Herrada sent it I
11 believe at the beginning the week, Monday, maybe
12 Sunday.

13 COMMISSIONER BURTON: I would like to see
14 that.

15 MR. SIMPSON: I apologize for not bringing
16 a copy, it's on her behalf, but when I'm referencing
17 it, but I had assumed that that e-mail on your
18 website, did go to all of you, so...

19 CHAIRPERSON TAYLOR: Thank you, sir.

20 MS. HERRADA: Good afternoon everyone, I'm
21 sorry, I'm Elena Herrada.

22 To make our point, not everybody has
23 e-mail, so we sent in the letter by e-mail.

24 So the letter basically was, arose from a
25 situation where a friend, a personal friend, was

1 detained at the Mound Road facility, the Detroit
2 Detention Center, after being arrested.

3 The person had diabetes, she was very ill,
4 she was kept overnight, and in the morning, several of
5 us were looking for her, and I'm sorry that I missed
6 the rest the conversation with Homeland Security,
7 because it actually brings forth some issues that
8 we've actually encountered with detention with
9 immigration.

10 We went to the Mound Road facility, which
11 was called the Detroit Detention Center, and we were
12 told by the Detroit Police that we couldn't get in, we
13 couldn't communicate with the person, I met her
14 husband in the parking lot, we were told, there is,
15 you know, it's a prison, it was on lockdown.

16 This woman was actually arrested, she
17 called the Detroit Police because they had come to
18 turn off her water, the contractor came to turn off
19 her water, and she scuffled with the contractor when
20 they pushed her, she fell and was injured, and she's a
21 diabetic so her injury it became grave very quickly.

22 The Detroit Police took her to Mound Road
23 and detained her, and she didn't have a phone, she
24 didn't have any shoes on, she didn't have any
25 medication with her, she didn't have any way to

1 communicate.

2 She was using their phone to contact her
3 cell phone, which, of course, the person holding the
4 phone didn't recognize the number and couldn't
5 communicate at all.

6 So it turned into a severe panic.

7 On Saturday she was able to be seen by an
8 attorney, but they would only let attorneys in.

9 But now the Detroit Police were saying,
10 there's nothing we can do, because if someone is
11 picked up in Detroit, you go to the precinct, you go
12 to the jail, you can make some connections to the
13 person, you can let them know there's somebody out
14 there for them, you can put some money on their card.

15 Ironically, the brochure the Detroit Police
16 gave me had only a Spanish language brochure, I just
17 happened to be able to read it.

18 But the person was African-American who I
19 was going to see about.

20 They gave me a Spanish brochure with how to
21 put money on a card, on the phone card.

22 It was really, really poor communication.
23 There was a great deal of panic among all the people
24 in this woman's world, and the rest of us who don't
25 know, and the Detroit Police who are powerless now to

1 be able to address this situation that we were
2 raising.

3 The other thing, as I thought about it, in
4 our community, in Detroit in general, particularly in
5 the Latino community, everybody has diabetes, and if
6 you don't have your medication when you're picked up,
7 and they don't have any way of getting you your
8 medication, you can't communicate with anybody, this
9 is a gulag and the situation is really very
10 unacceptable, and I don't believe --

11 CHAIRPERSON TAYLOR: Ma'am, just for the
12 sake of time, I'm going to ask you, we can schedule a
13 meeting with the warden over there, and the Chief and
14 Michigan Department of Corrections, if you would allow
15 us to do that?

16 MS. HERRADA: Absolutely.

17 Let me just also say that this arose from
18 water cutoff --

19 CHAIRPERSON TAYLOR: Yes, Ma'am.

20 MS. HERRADA: -- which is also another
21 whole issue when people are forced to defend
22 themselves.

23 So there is many issues of human rights
24 violations --

25 CHAIRPERSON TAYLOR: What I would like for

1 you to do is give your information to Robert Brown,
2 over there, your information, and we'll contact and
3 get that meeting set up.

4 MS. HERRADA: How do I get the letter to
5 you that I sent?

6 CHAIRPERSON TAYLOR: He will let you know.
7 Robert, will you take care --

8 MS. HERRADA: Thank you very much.

9 CHAIRPERSON TAYLOR: Yes, ma'am, thank you.
10 Are there any other comments?

11 MR. SMITH: Good evening, my name is Dan
12 Smith.

13 On Friday, the 23rd, past Friday, I
14 received a ticket. I know this is not a court, but
15 this was very rare, I do security work for a living, I
16 have been doing security work for 28 years.

17 I was coming home from the very area that
18 you are all talking about where they have the plants
19 at, it's 15 minutes away.

20 I got to eastbound Warren, there's a
21 building there. I pulled up to the light, you have to
22 stop because it's a blinking-red light. You can't see
23 past this building.

24 So I pulled up to the light stop, another
25 car pulls up, I proceed.

1 Lo and behold, I look up, the police are
2 behind me and I'm wondering, what is going on?

3 So the police was very respectful but he
4 was as wrong as two left shoes because there was no
5 way that I didn't stop.

6 I've been driving that route for 40 years,
7 or so, there is no way I could have even, this
8 building you can't see past the building and you have
9 to stop, you know, like, ruined my whole weekend.

10 I received tickets in the past and I paid
11 straight up, no problem, but this particular time
12 right here, it was just unbelievable, I just can't
13 believe it.

14 I do security work at the jail, I've done
15 security work at every place downtown, and I respect
16 the police, but that ticket just brought me here
17 today. I just had to talk about it.

18 I'm a caregiver for an 86-year-old senior,
19 which is my mother, and I don't make decisions for
20 myself, I make decisions for myself and her.

21 I'm an avid churchgoer, I'm a mentor in the
22 church, and you can't always go by things like that,
23 but I have never broke the law intentionally.

24 I worked ten years at the jail, I got a
25 little sense about me, and I would never try to run a

1 light knowing that there's traffic coming, it don't
2 made good sense.

3 That's all I have to say, thank you.

4 CHAIRPERSON TAYLOR: Sir -- DC, would you
5 want to address that?

6 DEPUTY CHIEF HALL: Yes, sir.

7 I would like for you to --

8 Commander Barren, can you get his
9 information, and just find out exactly what's going,
10 maybe we can look at that intersection to see what, if
11 anything, can be done, none of us were there at that
12 time.

13 MR. SMITH: Can I say something, this is
14 very important, that light has never been blinking.

15 I've been going that route for 40 years, it
16 started blinking the first of the year, because I
17 travel through there first thing in the morning, like
18 five in the morning I'm through that.

19 DEPUTY CHIEF HALL: What I want you to do
20 in the interest of time and the Board, just to
21 Commander Barren, if you or Captain Dollinger, if you
22 can get his information, and we can see if is there
23 anything we can do for you.

24 MS. SMITH: I appreciate that.

25 DEPUTY CHIEF HALL: Thank you.

1 MR. SCOTT: Good afternoon, Ron Scott.

2 I have three items, I want to make this
3 very quick.

4 I spoke to Deputy Chief LaValle last week
5 because I wanted to find about the fatal shooting that
6 took place the west side of Detroit, police chase
7 about month ago.

8 I want to ask about the shooting that took
9 place two weeks ago. I understand it was nonfatal.

10 I ask that in relationship to the, Mr.
11 Robbins just came up here, because we have been
12 getting complaints in relationship to the Mound
13 Facility also, and the circumstances, both of those
14 are related to the federal consent decree, one is
15 conditions of confinement and one is the use the
16 force.

17 If I can go back and remember in terms of
18 fatal shootings, or shootings, there have been a
19 diminishment thereof, and now we are seeing within the
20 past month, two, I think this is something this Board
21 and others should consider and look at the
22 circumstances surrounding those and do an evaluation,
23 because some people were saying a few weeks ago, or a
24 month ago, we don't need to be in the consent decree
25 anymore because we've taken care of all that.

1 Now, as far as facilities and the
2 conditions, I think that you should have maybe some
3 other people to come forth, some of the people that
4 have come to us with complaints, specifically women,
5 can raise questions in terms of sleeping on the floor,
6 other questions.

7 I personally had to go to contacts that I
8 had at the Mound Facility to find out whether an
9 individual who was there was either there or in the
10 county jail.

11 Some of you are old enough to remember the
12 days when you called the Fourth Precinct and they say,
13 at the Twelfth, at the Seventh, at the jail, and you
14 don't know where your significant other, loved one, or
15 family member is, so I think that those two items
16 raise questions, that I think Commissioner Byrd raised
17 earlier, in terms of the responsibility of the police
18 commission, specifically under the consent judgments
19 of those two items to be looked at and see how they're
20 being dealt with and those issues I think raise the
21 question.

22 Finally, you mentioned Belle Isle last
23 week, and some of us may go out there during the Grand
24 Prix. I understand I talked to one cyclist who said
25 they were turned around and said that they can't go

1 out there.

2 So we went to the conservancy meeting and
3 they said there would be access for cyclists on the
4 days the Grand Prix was being held.

5 I think we should look at that, because we
6 with not like to have any people, and I'll be just
7 very straight with you, a number of people,
8 specifically in the African-American community are
9 telling me they feel they are being turned away.

10 Now there is the question of whether or not
11 they feel comfortable on the riverside parks.

12 I would feel very bad if, in effect, after
13 all we've fought for in this city that the predominate
14 culture in the city feels that they can't go and have
15 a respite along the waterfront.

16 I hope it's not true, but I'm raising that
17 because Commissioner Bell, I think you raised it, and
18 Commissioner Crawford you raised it, so I think we
19 should revisit that and see how we're moving forward
20 that.

21 I'm supposed to meet with the Chair of the
22 conservancy next week and I would welcome you to we
23 visit that issue.

24 CHAIRPERSON TAYLOR: Mr. Scott, I would
25 like to see some of those people at the meetings, too.

1 MR. SMITH: We'll will invite them.

2 CHAIRPERSON TAYLOR: Okay, and their
3 complaints, just hear that from them.

4 MR. SMITH: Some of them have filed
5 complaints with OCI also.

6 CHAIRPERSON TAYLOR: All right. Commission
7 Crawford?

8 COMMISSIONER CRAWFORD: Through the Chair,
9 in reference to Belle Isle, I do know in the past when
10 the Grand Prix was out there, they always had a
11 portion of the island open, always.

12 I would like to know if that's something
13 different that may occur this year.

14 Also, too, in reference to the, I believe
15 it was three individuals shot.

16 MR. SMITH: Two.

17 COMMISSIONER CRAWFORD: Two.

18 I talked to, and strange circumstances
19 brought us together, the last individual that was shot
20 by a Detroit Police Officer, he is 32 years old, he
21 was shot in the hip, had an extensive conversation
22 with him, and it was a strange conversation, you may
23 want to convey this to the Chief. He had the utmost
24 respect for the four officers who sat on him at the
25 hospital, he had the greatest thing to say about them

1 and their demeanor, he really appreciated them and he
2 said he's looking forward to meeting them after this
3 ordeal is over.

4 But, he, to be truthful, he really didn't
5 too much take issue with what had occurred, and at the
6 end of the conversation, I introduced myself as his
7 Commissioner, because it did occur in my district,
8 yes.

9 MR. SMITH: I'm only interested, I'm not
10 casting aspersions on anyone, I'm just interested in
11 terms of how it happened, I just think from an
12 investigative standpoint, we should go back and see
13 how these conditions arose so that we give, at least,
14 consideration.

15 I don't know if there's mental health
16 arguments, or whatever, but I think it helps officers
17 and it helps citizens in terms of escalating that, and
18 that's not interest.

19 DEPUTY CHIEF HALL: Through the Chair, just
20 so you know, we do conduct board of reviews for all
21 shootings that take place involving police officers,
22 so there is a process in place to ensure that we are
23 doing what we're supposed to be doing as it relates to
24 shootings, that all the i's are dotted all the t's are
25 crossed, if we were culpable the department makes sure

1 we are held accountable, just so you know.

2 MR. SMITH: I'm aware, just didn't know,
3 thank you very much.

4 (Chairperson Taylor left the meeting at
5 4:42 p.m.)

6 VICE CHAIRPERSON WHITE: Deputy Chief, just
7 to be clear, for the record, when Mr. Scott referenced
8 the Detroit Detention Center, and the provisions under
9 the consent decree, of which we're currently
10 operating, just for clarity, currently the Michigan
11 Department of Corrections is operating that facility,
12 correct?

13 DEPUTY CHIEF HALL: Absolutely, we are no
14 longer under the conditions of confinement in the
15 decree.

16 And the MDOC is actually the, they're the
17 head of the DDC. The Detroit Police Department works
18 in a processing process. We pretty much bring, when
19 the detainees are brought in, we process them, and
20 they're turned over to the MDOC, so that process of
21 whether or not you are able to communicate with them,
22 that is left up to the rules and guidelines of the
23 Michigan Department of Corrections.

24 I would hope, through the meetings and
25 conversations, that we would be able to rectify that

1 situation somehow, but MDOC does things totally
2 different than the Detroit Police Department, and
3 they're held under different rules and regulations, so
4 unfortunately, that's out of our hands.

5 MR. SMITH: Commissioner --

6 VICE CHAIRPERSON WHITE: Before you do, so
7 with that being said, I, too, have experienced that
8 and have responded to families who were unable to
9 communicate, and so prior to the departure of our
10 Chair, one of the things that we have committed to do
11 is we will, with the assistance of all of the
12 commissioners and the command staff from the Chief's
13 Office is try to get the right people to the table to
14 see what kind of processes we can improve on, based on
15 what we're hearing in our individual districts and
16 throughout the community so we can continue to improve
17 that process.

18 MR. SMITH: Thank you.

19 VICE CHAIRPERSON WHITE: Thank you.

20 Good afternoon.

21 MS. SMITH: Good afternoon.

22 Chief, glad to see you.

23 Commissioners, I'm going to be brief, I'm
24 not going to be long.

25 I just wanted to -- don't make me laugh,

1 Reggie.

2 I just want to let you know, I talked with
3 Lieutenant Shaw this morning, and on our next night
4 meeting, which is, George told me that it's on the
5 third Thursday.

6 VICE CHAIRPERSON WHITE: Second.

7 COMMISSIONER CRAWFORD: Second.

8 MS. SMITH: All right, he promised whatever
9 time that you would want him to come, and the date,
10 but I'd told him third, so I'll have to call him back
11 when I leave here and let him know the correct date to
12 come.

13 Would you know by, before next week where
14 we're going to be that night meeting.

15 SECRETARY ANTHONY: (Indicating).

16 MS. SMITH: Okay, and then we can talk with
17 each other.

18 Now, I'm so glad that the attorney of the
19 Board was very on top of that case, because I'm not
20 going to go into any details, but as far as I'm
21 concerned, any time a citizen finds any money, or the
22 police, you usually are told to report it and turn it
23 in, regardless of the amount, so my thoughts is with
24 her in regards to it.

25 So you do the best you can in chastising

1 our policemen, and that's what she did, and as far as
2 three months later turning it in, that's ridiculous
3 right there.

4 So, in other words, I think you guys did a
5 good job, especially my girl here, she's very good in
6 her job, so I just want to let you know, this is
7 something that we have to look out for each and every
8 time because we don't want to have a bad name for none
9 of our police officers, not at all.

10 And I'm glad that people came from your
11 district in regards to what you had on your mind as
12 far as the evacuation of the citizens there, because
13 you do need to get that straightened out.

14 Your husband was here, but he left out, I
15 thought the Chair said he was going stay and question
16 him, but he left out, so you did a good job also.

17 Very interesting meeting today, I enjoyed
18 all of you and your response to the questions that was
19 given to you, so keep up the good work.

20 We're going to get new commissioners in
21 another month or so, is that what it is?

22 Be very diligent about who we get on this
23 Board now. I don't want just anybody on there.

24 In the meantime have a blessed afternoon.

25 Thank you so much for your time.

1 VICE CHAIRPERSON WHITE: Thank you,
2 Ms. Smith.

3 Are there other comments?

4 Other comments?

5 Other comments?

6 Seeing none, again, please be reminded the
7 next Board of Police Commissioners meeting will be
8 held Thursday, June 5, 2014, at 3 p.m., here at
9 Detroit Public Safety Headquarters, 1301 Third Avenue,
10 in the Michigan Room.

11 At this time, Commissioners, there is no
12 further business before us, a motion for adjournment
13 is in order.

14 SECRETARY ANTHONY: So moved.

15 COMMISSIONER MOORE: Supported.

16 VICE CHAIRPERSON WHITE: All those
17 supported.

18 Any discussions?

19 Seeing none, all those in favor aye.

20 (Chorus of ayes.)

21 VICE CHAIRPERSON WHITE: Opposed?

22 (No verbal response.)

23 Thank you. We'll see you next week.

24 (Proceedings concluded at 4:47 p.m.)

25 * * * *

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CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Karen Klerekoper, hereby certify that I reported stenographically the foregoing proceedings at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said proceedings to the best of my ability.



Karen Klerekoper

Karen Klerekoper, CSR-4250, RPR
Notary Public,
Oakland County, Michigan.
My Commission expires: 10/7/18

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