

10/31/2013

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DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR BOARD MEETING

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Taken at 1301 Third Avenue, Media Room  
Detroit, Michigan,  
Commencing at 3:15 p.m.,  
Thursday, October 31, 2013,  
Before Wendy A. Boer, CSR 3505.

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APPEARANCES:

MS. JESSICA TAYLOR, CHAIRPERSON

MR. DONNELL WHITE, COMMISSIONER

MR. JEROME L. WARFIELD, COMMISSIONER

MR. GEORGE ANTHONY, EXECUTIVE SECRETARY

ASSISTANT CHIEF JAMES WHITE

1 Detroit, Michigan  
2 Thursday, October 31, 2013  
3 About 3:15 p.m.  
4

5 CHAIRPERSON TAYLOR: Good afternoon and  
6 welcome to the Detroit Board of Police Commissioners  
7 meeting. I'm Commissioner Jessica Taylor, and I'm  
8 joined with Commissioner Vice Chair Donnell White and  
9 the past Chair, Jerome Warfield. And also joining us is  
10 AC James White from the Chief's office.

11 And George, can you introduce the rest of our  
12 staff?

13 SECRETARY ANTHONY: Thank you, Madame Chair.  
14 For the record, George Anthony, secretary to the Board.  
15 We have present Miss Pamela Davis Drake, our chief  
16 investigator from the Office of the Chief Investigator.  
17 We also have present Mr. Robert Brown who is our office  
18 manager. Recording our proceedings are Sergeant Allen  
19 Quinn, Officer Kent Cooper and Miss Wendy Boer from  
20 Hanson Court Reporting Service. And that completes the  
21 introductions, ma'am.

22 CHAIRPERSON TAYLOR: Okay. And is there a  
23 chaplain?

24 SECRETARY ANTHONY: No, there is not.

25 CHAIRPERSON TAYLOR: Well, at this time the

1 Board would like to offer its condolences to the family  
2 and friends of Miss Tiane Brown, the Wayne State law  
3 student that was found dead. And I'm also going to ask  
4 Pastor Warfield if he would offer a word of prayer.

5 COMMISSIONER WARFIELD: Let us pray. Father,  
6 we thank you once again for just your presence with us  
7 throughout this day and for getting us to this portion  
8 of our day. We thank you for this law enforcement  
9 community and the ability that you give us to serve the  
10 citizens of this great city of Detroit. We ask that as  
11 we meet here today, that you would be in our presence  
12 and that you would guide this meeting and the  
13 discussions that will take place.

14 We pray that ultimately that your will will be  
15 done in all things. We ask for comfort right now and  
16 healing for the three daughters of Sister Brown and her  
17 parents. We ask, father, that you would comfort them  
18 with the body of the Holy Spirit, that you would cover  
19 them with peace and that you would wrap your arms around  
20 that family, that you begin to wipe away tears and that  
21 where there is confusion, you would bring in  
22 understanding. We ask that your presence will be heavy  
23 and that friends and family will surround them and lift  
24 them up. This is a horrible crime.

25 And we ask, father, that the persecutors will

1 be brought to justice. And we pray, Lord, that  
2 ultimately you will get the glory from this. Now, Lord,  
3 bless and protect those children. We ask that you would  
4 heal and protect the parents this day, the grandparents.  
5 Now, Lord, bless this city, bless the leaders of this  
6 city, the leaders of this department. And in Jesus name  
7 we pray, amen.

8 CHAIRPERSON TAYLOR: Thank you, Pastor. We  
9 have a quorum today. So, we are going to -- I'm going  
10 to ask for motions for approval of the agenda for  
11 Thursday, October 31st.

12 COMMISSIONER WHITE: So moved.

13 COMMISSIONER WARFIELD: Support.

14 CHAIRPERSON TAYLOR: It's been moved and  
15 supported. Is there any discussion? If not, the motion  
16 carries. Also, the approval of the minutes.  
17 Mr. Secretary, can we do those as a group or do we need  
18 to do them separately?

19 SECRETARY ANTHONY: It's the Board's  
20 prerogative. I don't see why not.

21 COMMISSIONER WHITE: Madame Chair, I would  
22 move that we approve the minutes dated for September 26,  
23 October 3, October 10, October 17 and October 24 as  
24 presented.

25 COMMISSIONER WARFIELD: Support.

1 CHAIRPERSON TAYLOR: The motion has been made  
2 and supported to approve the minutes for the dates that  
3 Commissioner White just said. So, if there is no  
4 discussion, then the motion carries. Is there an OCI  
5 report?

6 CHIEF INVESTIGATOR DAVIS DRAKE: There is,  
7 Madame Chair. Good afternoon.

8 CHAIRPERSON TAYLOR: Good afternoon.

9 CHIEF INVESTIGATOR DAVIS DRAKE: I'm shuffling  
10 too many papers here. Excuse me. All right. We  
11 currently have our statistics as of today. I'm sorry.  
12 Pamela Davis Drake for the record, chief investigator.  
13 Currently our statistics as of today total 312 open  
14 cases. 21 cases have been submitted pending closing,  
15 and we have no cases over 90 days. There are currently  
16 81 applications in for the position of police commission  
17 investigator. As you know, Board, we have three  
18 positions to fill.

19 I would like with the Board's permission to  
20 start interviewing those people depending on your  
21 schedules of course for next week and the subsequent  
22 week. Of course, we'd like to get them up and running  
23 as soon as possible. So, whatever the Board's pleasure,  
24 I would like to get started.

25 Also, we have scheduled training sessions

1 coming up for all investigators. Conducting canvasses  
2 will be held on this Friday. Tomorrow, at 10:00,  
3 summary investigations and how to use those practically  
4 will be also at 10:30 tomorrow. Effective time  
5 management, we are looking at that training on  
6 Wednesday, November 13th, at 10:00 a.m. And the OCI  
7 administration retreat tentatively is for Friday,  
8 December 13th.

9 As you all know, the RFP process for the  
10 renovations for the Merrill Plaisance location is under  
11 way. We have been -- OCI has been very involved in  
12 that. I had an opportunity along with  
13 Commissioner Taylor and Mr. Anthony and a couple of the  
14 supervisors to go look at the property. From what the  
15 scope of services detailed, it looks like that they will  
16 do exactly what we need them to do. And it will be a  
17 very nice location once it's completed. So, I  
18 appreciate their assistance and also the assistance of  
19 DPD for keeping us involved and keeping us abreast of  
20 what's going on. We very much appreciate that.

21 As you know, OCI believes in giving back to  
22 the community. And as a result of that, our 2013  
23 strategic plan clearly outlines that we will develop a  
24 community outreach committee. We have done so. Our  
25 first project for the committee will be a canned food

1 drive. You all do I believe have copies of a flyer in  
2 your packets. We are going to be hopefully donating  
3 enough food for ten baskets for needy families in the  
4 community.

5 We want to get those out prior to the  
6 Thanksgiving holiday. And we're looking at turkeys, all  
7 canned goods, non-perishable items. So, of course  
8 you're welcome to provide any canned goods or  
9 non-perishable items that you would like. It's a team  
10 effort. We kind of did it as a competition so that it  
11 will be more fun for the staff. The team that donates  
12 the most will get a prize. That completes my report.  
13 Are there any questions?

14 CHAIRPERSON TAYLOR: Thank you.

15 CHIEF INVESTIGATOR DAVIS DRAKE: Thank you,  
16 Madame Chair.

17 CHAIRPERSON TAYLOR: AC White, is there a  
18 report or presentation from the Chief's office?

19 ASSISTANT CHIEF WHITE: There is no report.  
20 We do have a couple of policies that Captain Bliss will  
21 be speaking to. And I have a followup from two meetings  
22 ago where a couple questions were posed regarding the  
23 scout cars. I'd like to -- there was two questions.  
24 The first question was what funding was being used for  
25 the new scout cars.



1                   And I'm paraphrasing somewhat. I don't  
2                   remember specifically the terminology that was used.  
3                   But in general, that's the question. The Chargers that  
4                   we are receiving is part of a 2009 JAG grant. And those  
5                   vehicles will be owned and maintained by the police  
6                   department and follow all the practices and procedures  
7                   of any vehicle that's owned by the police department.  
8                   Those vehicles will not have the wrap on them. They  
9                   will have the more traditional logo on those vehicles.  
10                  There's a total of 50, 10 of which will be assigned to  
11                  traffic enforcement; and the remaining 40 will go to  
12                  patrol, particularly special operations.

13                  Then there's the vehicles that are under the  
14                  Penske Group. And that's the vehicles that have that  
15                  big wrap on them with the markings, the pictures on  
16                  them. And the question on that was what happens if  
17                  there's damage to that vehicle and who pays for the  
18                  damages. The damages to the vehicle are paid for by the  
19                  city like any other patrol vehicle. However, the wrap  
20                  itself will be provided by the Penske Group.

21                  CHAIRPERSON TAYLOR: Does that conclude your  
22                  report? Commissioner Warfield?

23                  COMMISSIONER WARFIELD: You said the wrap  
24                  would be covered by the Penske Group. But what about  
25                  maintenance? I remember hearing at the initial press

1 conference that maintenance for those cars was going to  
2 be taken care of by the Penske Group. Has that changed?

3 ASSISTANT CHIEF WHITE: I don't remember that  
4 being stated at the press conference. It was always my  
5 understanding that we would handle maintenance.

6 COMMISSIONER WARFIELD: Okay.

7 ASSISTANT CHIEF WHITE: That is in fact what I  
8 found out, and it was confirmed that we would handle  
9 maintenance.

10 COMMISSIONER WARFIELD: Thank you, sir.

11 COMMISSIONER WHITE: Thank you, Madame Chief.  
12 Assistant Chief, with the Penske Group, the number of  
13 cars, I heard you say 50 of the Chargers were from the  
14 2009 JAG grant. What are the number of cars to that  
15 relationship?

16 ASSISTANT CHIEF WHITE: The Penske Group cars,  
17 I believe there are 100 Penske Group vehicles. And the  
18 delivery schedule, we are roughly averaging around 10 to  
19 15 a month that are being completely outfitted and put  
20 in the field.

21 CHAIRPERSON TAYLOR: Okay. Commissioner  
22 Warfield has --

23 COMMISSIONER WHITE: Also, thank you, Madame  
24 Chair. And also as with the Chargers, you noted that  
25 they are owned and maintained by DPD. As relates to the

1 100 cars via the Penske Group, the ownership?

2 ASSISTANT CHIEF WHITE: Yes. The ownership is  
3 the Detroit Police Department. It's a donation.  
4 However, there is an agreement that for a period of  
5 time -- and I apologize, I don't know what the precise  
6 period of time -- that any damages to the vehicles are  
7 reported to the Penske Group. And so, if there's an  
8 accident, you would notify Penske that there's an  
9 accident. You would repair the vehicle, and then you  
10 would send it to them to have the wrap reinstalled on  
11 it.

12 COMMISSIONER WHITE: But ownership resides  
13 with the department?

14 ASSISTANT CHIEF WHITE: That's correct.

15 COMMISSIONER WHITE: Thank you, sir. Thank  
16 you, Madame Chair.

17 CHAIRPERSON TAYLOR: Commissioner Warfield?

18 COMMISSIONER WARFIELD: This is on the same  
19 but also somewhat different matter, Assistant Chief.  
20 And thank you for the update regarding the equipping of  
21 these vehicles with video and with mics because we know  
22 that all of them are non -- thank you for the schedule  
23 there. However, we also note that there are some 30  
24 series cars that are still not equipped. And the reason  
25 that I bring that up is because when our investigators

1 receive reports from citizens or complaints from  
2 citizens regarding alleged impropriety on behalf of some  
3 of the 30 series officers, there is not a good way for  
4 the investigators to look to see if there's video, audio  
5 that could help, you know, exonerate the officers or,  
6 you know, help the citizens.

7 ASSISTANT CHIEF WHITE: Yes, sir.

8 COMMISSIONER WARFIELD? Can they expect that  
9 in the future and when?

10 ASSISTANT CHIEF WHITE: Yes, sir. The 30  
11 series vehicles will be the new Chargers that we are  
12 replacing. We are replacing the old Crown Vics.  
13 Unfortunately, what happened with the old Crown Vics is  
14 that it didn't make -- we had the old video audio system  
15 in the 30 series vehicles. Those vehicles are -- I  
16 think that fleet is '06-'07. It's very hold. Lot of  
17 models on those cars. And it didn't make sense to put  
18 the new system in an old vehicle that you'd have to take  
19 it out of when you got the new vehicles.

20 So, consequently, we have a lot of system  
21 failures with audio video in the 30 series vehicles.  
22 The new vehicles, when they roll out, those vehicles  
23 will be equipped with the new audio video system.

24 COMMISSIONER WARFIELD: Good. Thank you, sir.  
25 Thank you. Ma'am.

1 CHAIRPERSON TAYLOR: There is no standing  
2 committee reports, no new business. Do you have --

3 COMMISSIONER WARFIELD: Under standing  
4 committee -- I'm sorry, under report, the last -- a few  
5 meetings ago, the attorney for one of the towers groups  
6 came and inquired about ABAN tows and the fact that  
7 contracts had been signed to tow ABAN's. And those --  
8 that opportunity was not given out to all of the towers,  
9 was not afforded to all of the towers.

10 I have since met with the director of parking,  
11 Norm White. And he scheduled a meeting with the  
12 representative from the DATA Group, from Tom Stidham's  
13 group, that we may come together to resolve the issue.  
14 And he is interested in opening up again those contracts  
15 so that everybody who wants to tow ABAN's can do that,  
16 plus we can talk about -- we will talk about rather  
17 towing in Detroit as relates to how we get it done  
18 effectively and efficiently and the possibility of  
19 looking at a management system, putting a management  
20 system in place. So, that will take place on Wednesday,  
21 the 6th, at 1:30 in Mr. Norm White's office. And the  
22 towers have been notified.

23 CHAIRPERSON TAYLOR: Okay. Thank you. Do you  
24 have any questions?

25 COMMISSIONER WHITE: No, ma'am.

1 CHAIRPERSON TAYLOR: Okay. Under old  
2 business, we have Directives that have been out there  
3 for a while. Mr. Secretary?

4 SECRETARY ANTHONY: Thank you, Madame Chair.  
5 We have three Directives that have been published, I  
6 think probably two of them since April and the last one  
7 at least for the last month and a half. The Directives  
8 are 203.4, Missing or Lost Persons; Directive 204.1,  
9 Crash Investigations; and Directive 202.2, Search and  
10 Seizure. And I see Captain Bliss is at the podium.

11 CAPTAIN BLISS: Yes, Commissioners, Assistant  
12 Chief White, Captain Bliss from training. These three  
13 have been out for quite some time. We have been going  
14 back and looking and seeing if there's been any public  
15 comments. To my knowledge, there has not been any. But  
16 that being said, I'll just give you a quick synopsis of  
17 each of them. I know that the presentation was already  
18 done. But because they've been out there, I just want  
19 to refresh everybody's memory on them.

20 The 203.4, the Missing or Lost Persons, it was  
21 revised to include the new way that we report missings.  
22 We now report them through the CRISNET System. It was  
23 something that was done a while back. But we are now  
24 making sure that it's in the policy. And of course we  
25 have updated the definitions and the procedures for

1 doing that.

2 The second one, 204.1, Crash Investigation, it  
3 used to be termed Traffic Crash Investigation. We have  
4 added definitions. And one of the units that's primary  
5 responsibility was to investigate fatal crashes has now  
6 been absorbed into the homicide section. And critical  
7 injuries, industrial accidents, airplane accidents, we  
8 have now included those in the Directive. Some time ago  
9 in the policy section, they were mentioned; but there  
10 was really no procedures. We have made those changes.  
11 Also, the department has a computerized traffic accident  
12 crash system that we now use instead of the paper  
13 UD-10's, which is the state way, for a traffic crash.  
14 We have incorporated that in here also and the  
15 responsibilities for a supervisor to check and update  
16 and approve those type of reports.

17 The last one, 202.2, Search and Seizure,  
18 basically that Directive when we did it was in concert  
19 with at the time our legal advisor, former Deputy Chief  
20 Falvo. Basically, we updated it to all the  
21 constitutional rights that a person has. We talk about  
22 the types of stops, the informational stops, what you  
23 can, what you cannot do. Stop and frisk, we clearly  
24 indicate what you're allowed to do constitutionally and  
25 what you cannot do.

1                   We also talk about vehicle searches and really  
2                   kind of spell it out for the officer. And it's an  
3                   update. Everything that we have here is just based on  
4                   the current law and what an officer can constitutionally  
5                   do. It's nothing new. It's just making sure that we  
6                   are all on the same page and that it's updated to  
7                   reflect such.

8                   CHAIRPERSON TAYLOR: Is there any questions?

9                   COMMISSIONER WHITE: A couple quick questions,  
10                  Madame Chair. Thank you, Captain Bliss. My question  
11                  is -- and I have a comment for Captain Bliss. But my  
12                  question is for Secretary Anthony. Mr. Anthony, I know  
13                  there were some questions particularly as it relates to  
14                  Directive 202.2, the Search and Seizure, as related to  
15                  the uniformity of the definitions, surrounded by a  
16                  number of the different paragraphs. Are you comfortable  
17                  that those issues have been resolved?

18                  SECRETARY ANTHONY: Those issues have been  
19                  clarified, and I am satisfied, sir, yes.

20                  COMMISSIONER WHITE: Thank you, sir. And,  
21                  Captain Bliss, I just want to commend you. I think the  
22                  Directive on search and seizure, the way it was written  
23                  from an instructional standpoint, particularly the  
24                  sections that speak to what you can and cannot do, the  
25                  do's and don'ts, I think that was very helpful and will



1 help in clarifying some of the things for members of the  
2 department. So, I just wanted to commend you and those  
3 that had a hand in adding that component.

4 CAPTAIN BLISS: Thank you, sir.

5 COMMISSIONER WHITE: Thank you, Madame Chair.

6 CHAIRPERSON TAYLOR: Any other questions?

7 COMMISSIONER WARFIELD: Just have one. Just  
8 for the public's sake because I think it's probably --  
9 and this is just the laws probably across the country --  
10 could you help us or help the public understand because  
11 there's a section in there that says if it looks like  
12 you're about to commit a crime or if it looks like you  
13 have committed a crime, that they can stop you. What is  
14 that look, for those of us who just have no idea?

15 CAPTAIN BLISS: Well, you know, basically  
16 where that -- and again, where it stems from is  
17 basically the Terry stop. And as an officer, what  
18 you're looking for is what is out of place. And that  
19 comes through experience. That comes through time on  
20 the job, being involved. It's not something that an  
21 outsider who is not involved in law enforcement can  
22 really articulate.

23 But a seasoned officer can make those  
24 articulations based on experience. And the courts have  
25 ruled in their favor based on their experience. But

1 again, it is something where based on the initial case  
2 for Terry, a person is walking back and forth in front  
3 of a store front. And then he stops and looks and then  
4 goes back again, stops and looks. A normal person who  
5 is just walking by a store front wouldn't do -- they  
6 wouldn't have that type of curiosity. But being a  
7 seasoned officer and being able to articulate that --  
8 and what we train on is being able to not only identify  
9 that, but you have to be able to explain it.

10 I have to be able to stand like I am today and  
11 look at you and explain what separates that from being  
12 normal. And that's where the experience, paying close  
13 attention to what you're doing and being able to say a  
14 normal person in my experience, from my experienced  
15 point of view, would not do that or how if a person is  
16 carrying a weapon, how they would maybe, you know, have  
17 a draped hand or how they would shift their body. That  
18 takes years. It takes time to be able to identify that.

19 It's very rare that for instance a new recruit  
20 comes out and just knows. It takes time. So, that  
21 being said, when we say it looks like they are about to  
22 commit or they have just committed, certain demeanors,  
23 certain gestures, certain expressions. Again, it's not  
24 illegal for me to say, excuse me, sir, can I talk to you  
25 for a second? But maybe some of the things, how you

1 respond to me collectively with other things that I have  
2 pointed out in my mind can be taken as such, something  
3 must have happened or could have happened.

4 But again, what's important is the  
5 articulation. And that really -- I mean, it can't be  
6 not stressed enough is being able to articulate. And as  
7 I have told officers, what can you do when you look at  
8 somebody, how do you separate that from a normal person,  
9 from a normal person just walking by that shop, what  
10 separates that? So, it's hard to define. It is. And I  
11 wish I could give you a very clear way. But then I  
12 think I would be limiting it.

13 ASSISTANT CHIEF WHITE: If I may through the  
14 Chair respond a little more on that. I just want to  
15 make sure that we clarify that that doesn't give you  
16 carte blanche, however, to search and to -- I mean,  
17 there are other factors, not just the initial stop. So,  
18 when we talk about -- I think the actual term that's  
19 used in Terry is, "Crime is afoot." So, how that would  
20 be defined is I get a dispatch run to, you know, 1301  
21 Third. And out front, there's a white male in a suit  
22 and a dark tie with a crow bar, okay? And when I pull  
23 up, there's a white male matching that description  
24 walking away with say a crow bar. And then I look over,  
25 and the window is broken. Crime is potentially afoot.

1                   So, now, I can say, sir, can I talk to you for  
2 a minute? The fact that you have the crow bar, I can  
3 say, sir, you need to drop the crow bar. I need to  
4 speak with you for a moment. So, it builds on itself.  
5 It's not simply, you know, I drive up the street and  
6 where there's obviously abandoned homes and broken  
7 windows. And I pick the first guy I see and say, hey,  
8 stop you know. And if he doesn't stop, I throw him on  
9 the ground and pat him down. That's not the intent of  
10 Terry, nor is that the intent of this policy.

11                   COMMISSIONER WARFIELD: Thank you, AC.  
12 Through the Chair, thank you, AC, for that clarification  
13 because here is my concern. And I'll just give you two  
14 instances real quick. I was driving down Fenkell on my  
15 way to the church a few weeks ago. Saw a guy on the  
16 side of a house, looked like he was at the window. Saw  
17 a lady coming out of her porch going towards the side of  
18 the house. Turned around, and I asked her if she needed  
19 help because it seemed like that was a situation that  
20 crime may have been afoot.

21                   However, I have also seen gangs or, I'm sorry,  
22 groups of young people walking together maybe with  
23 sagging pants and T shirts walking down the street. And  
24 so, without any description coming over the radio  
25 channel saying look out for these people, can they

1           legally be stopped?

2                   CAPTAIN BLISS:  No, sir.

3                   COMMISSIONER WARFIELD:  And I guess that's  
4           where for us and for the public the rubber meets the  
5           road is that there -- and I know it's a bunch of gray  
6           area.  And I understand the gray area.  But there has to  
7           be some type of lines of demarcation where a young  
8           person -- and we had a case on this, two young people  
9           walking down I think it was -- if it wasn't Chalmers, it  
10          was Harper at 12 midnight walking down the street  
11          minding their business, was stopped; and a whole bunch  
12          of other extra stuff happened as a result.

13                   And those are the cases I think we have to be  
14          really careful when -- I mean, we don't want to stop the  
15          police or handcuff the police in protecting the  
16          citizens.  Please understand that.  But at the same  
17          time, we don't want to be a New York.

18                   ASSISTANT CHIEF WHITE:  Absolutely.  And our  
19          position is that we are not a New York and that we  
20          certainly consider the rights of the community.  If I  
21          may, because this is such a sensitive issue for so many,  
22          using the scenario you gave, the first one, a police  
23          officer who is driving up the street.  And this has  
24          happened.  It's happened to me.  And when a person sees  
25          the shadow of your car, they start walking from the side

1 of the house. I will stop them. Am I going to pat them  
2 down? No. But I'm going to stop them to engage them in  
3 conversation to gauge their reaction to walking from the  
4 side of the house.

5 Frankly, it could be their house, but I don't  
6 know. They may have walked away because they saw a  
7 police car. Now, that conversation is, you know, hey,  
8 how's it going? What's going on? Nothing. You live  
9 around here, that type of thing. It builds on itself.  
10 Now, in that particular case I'm citing, I say how is it  
11 going. He says it's going okay and took off running.  
12 So now, you know, I'm going to chase him. And it builds  
13 on itself.

14 And then the other scenario about the group of  
15 young people walking up the street, there's no  
16 prohibition for a group of people to walk up the street  
17 unless we are under curfew or unless we have a  
18 description that a group of young people of any race had  
19 just committed a crime or done something illegal and we  
20 are looking for them. But simply walking up the street  
21 when we are not under the emergency curfew, it's not a  
22 problem.

23 Now, we do have an ordinance -- one last  
24 thing. We do have an ordinance, walking in the street  
25 where a sidewalk is provided. And that ordinance is

1 investigated. But we do monitor that ordinance for  
2 abuse because it is a catch 22. We recognize that. But  
3 we do monitor it.

4 CAPTAIN BLISS: Again, this Directive is  
5 really based upon the current state and federal law.  
6 So, it's clearly defined for constitutional type  
7 policing.

8 CHAIRPERSON TAYLOR: Okay. Thank you.  
9 George, did you have something?

10 SECRETARY ANTHONY: No. I think Captain Bliss  
11 just hit upon it. The Directive does meet the legal  
12 standards of federal and state law. And I think that's  
13 what the Board is looking at is whether that standard is  
14 met within this policy.

15 CHAIRPERSON TAYLOR: Okay.

16 COMMISSIONER WHITE: Madame Chair, I would  
17 just add -- and not to belabor the point. But I do  
18 think this issue warrants such deliberation, there is a  
19 need for articulable suspicion. The chief has already  
20 went on the record and said we would prosecute those  
21 that violate it, the Constitution. But we would not  
22 handcuff those who are following the Constitution. And  
23 I understand his vantage point as well.

24 With the Directive and through the Chair to  
25 the assistant chief, I think herein lies an opportunity

1 for us to showcase our world class training and  
2 department by going a step further beyond just the  
3 release of a new Directive to our members and doing more  
4 information both with members and community wide so that  
5 we are covering our bases. We are educating the public,  
6 we are educating members. And I think it could be  
7 beneficial to both sides.

8 And so, beyond our normal release of a new  
9 Directive to a teletype or whatever it may be, I think  
10 herein lies an opportunity for us to go above and beyond  
11 given what we have seen across the country surrounding  
12 this particular issue. Thank you, Madame Chair.

13 CHAIRPERSON TAYLOR: Okay. Thank you. The  
14 Chair will entertain a motion to approve of the  
15 Directive 203.4. And before I go on, Mr. Secretary,  
16 should the Board actually -- should -- do you want to do  
17 these collectively?

18 SECRETARY ANTHONY: I think it's the Board's  
19 wishes whether they would like to entertain each of  
20 these separately or if they can be dispatched  
21 collectively.

22 COMMISSIONER WHITE: As a recommendation,  
23 Madame Chair, I would suggest individually.

24 CHAIRPERSON TAYLOR: Okay. All right.

25 COMMISSIONER WARFIELD: Having said that, I



1 will make a motion to approve Directive 203.4 regarding  
2 Missing or Lost Persons.

3 COMMISSIONER WHITE: Support.

4 CHAIRPERSON TAYLOR: It has been moved and  
5 supported to approve Directive 203.4. Any discussion?  
6 Seeing none, the motion carries.

7 COMMISSIONER WHITE: Madame Chair, there would  
8 need to be a vote.

9 CHAIRPERSON TAYLOR: I'm sorry. Are there  
10 any -- all those in favor?

11 COMMISSIONERS: Aye.

12 CHAIRPERSON TAYLOR: All those opposed?  
13 Seeing none, the Directive 203.4 has been approved by  
14 the Board. Now, we will move to extend a motion for  
15 204.1, Crash Investigations.

16 COMMISSIONER WARFIELD: Ma'am, we move that  
17 Directive 204.1 regarding Crash Investigations be  
18 approved by this Board.

19 COMMISSIONER WHITE: Support.

20 CHAIRPERSON TAYLOR: It has been moved and  
21 supported that 204.1 be approved. Are there any  
22 discussions? All in favor?

23 COMMISSIONERS: Aye.

24 CHAIRPERSON TAYLOR: All opposed? Motion  
25 carries. Now extend a motion for Directive 202.2,

1 Search and Seizure.

2 COMMISSIONER WARFIELD: Ma'am, move for  
3 Directive 202.2 regarding Search and Seizure to be  
4 approved.

5 COMMISSIONER WHITE: Support.

6 CHAIRPERSON TAYLOR: It has been moved and  
7 supported that 202.2, Search and Seizure, be approved.  
8 Are there any discussions?

9 COMMISSIONER WHITE: Madame Chair, again, I  
10 would note that my concern or suggestion be raised again  
11 that we as a department go above and beyond the releasal  
12 of this Directive and encourage education to both  
13 members of the department and members of the community.

14 ASSISTANT CHIEF WHITE: If I may, I agree.  
15 And we have started that process. We had a meeting  
16 dedicated to this issue of search and seizure. We will  
17 continue our diligence under the authority under the  
18 Consent Judgment as well as our own policy to insure  
19 that there's no violations of the Constitution. And I  
20 would add that this policy mirrors the Constitution and  
21 the laws that every agency is using. So, there's  
22 nothing outside of that authority listed on this policy.

23 CHAIRPERSON TAYLOR: It has been discussed.  
24 Are there any -- it has been discussed. So, now we will  
25 move to approve the Directive 202.2, Search and Seizure.

1 All those in favor?

2 COMMISSIONERS: Aye.

3 CHAIRPERSON TAYLOR: All those opposed?

4 Motion carries.

5 COMMISSIONER WARFIELD: Thank you, Captain.

6 CHAIRPERSON TAYLOR: Thank you. Next on our  
7 agenda is the Resolutions for Police Officer Rodney  
8 Jones, retired DC Morris Wells, retired Investigator  
9 Audrey Thomas, retired DC James Tolbert, Mr. Jim Green,  
10 and Police Officer Alfred G. Thomas. And I'd like to  
11 ask the Board if we would like to do all of these as one  
12 approval of all of these?

13 COMMISSIONER WHITE: Through the Chair,  
14 there's a question. Mr. Secretary, just for the record,  
15 we have read all of these into the record, correct?

16 SECRETARY ANTHONY: Yes, sir, we have.

17 COMMISSIONER WHITE: Madame Chair, I would  
18 support the approval of all of the Resolutions  
19 collectively.

20 CHAIRPERSON TAYLOR: Okay.

21 COMMISSIONER WARFIELD: Support.

22 CHAIRPERSON TAYLOR: It has been moved and  
23 supported that the Resolutions be approved collectively.  
24 Are there any discussions? All in favor?

25 COMMISSIONERS: Aye.

1 CHAIRPERSON TAYLOR: All opposed? Motion  
2 carries. Announcements. The next week meeting is  
3 Thursday, November 7.

4 COMMISSIONER WHITE: Sorry, Madame Chair.  
5 Before you close that portion, I do believe there's a  
6 few things under old business that we would like to  
7 discuss, one of the points being this body has taken the  
8 position of our duties being vested to us by the Charter  
9 of the City of Detroit as having civilian oversight of  
10 this department and how it has been impacted by the  
11 recent emergency manager Executive Order Number 11, that  
12 there should be a need to communicate the Board's  
13 concern to individuals who are making these decisions,  
14 including but not limited to the Chief of Police of the  
15 Detroit Police Department, the federal monitors, Judge  
16 Cook who is presiding over the Consent Decree, Mayor  
17 Dave Bing and the emergency manager, Kevin Orr.

18 I would move that our concerns be reduced to  
19 writing through our Executive Secretary, that the  
20 vision, the mandate of the citizens of Detroit be  
21 protected and respected through this process of the  
22 emergency manager oversight of the city, that we be  
23 included as a voice of the community going forward.

24 COMMISSIONER WARFIELD: I certainly support  
25 Vice Chairperson White. And I want to add to that just

1 some specifics that I think we need to be concerned  
2 about. As Commissioner White so eloquently put it, the  
3 Charter gives us the mandate to operate in the positions  
4 that we have. We all lifted our hands and swore to  
5 uphold the Charter. And so, we believe that that is our  
6 mandate, that is the basis in which we operate.

7 It is somewhat disheartening when this Board  
8 is not even given the opportunity as a Board to hear and  
9 to review those who are wishing to be promoted and/or  
10 appointed, even as it relates to the hiring and firing  
11 of our own personnel director, who by Charter is hired  
12 and/or dismissed from duty by this Board. And so, I  
13 will go again and seek further clarification from the  
14 emergency manager or whomever as to why these infringes  
15 upon the power of this Board as relates to the city  
16 Charter have taken place because this Board has not  
17 fought against the change.

18 We have always sought to work with the  
19 administrations of the Detroit Police Department and  
20 with the citizens of the city of Detroit. And we  
21 believe that we have done a very effective job in doing  
22 that. Truth of the matter is one of the reasons we have  
23 a new Chief of Police is because this Board fought  
24 through the Charter to make sure that process happened  
25 when others were delaying the process. And so, it's --

1 you know, for Boards to come, for people who serve on  
2 this Board after we are long gone, it's important that  
3 we uphold the integrity of the Charter process so that  
4 the citizens' wishes and dictates as voted on by the  
5 citizenry are carried out in a way that they expect it  
6 to be carried out.

7 CHAIRPERSON TAYLOR: I agree with that also.  
8 Mr. Secretary, how would we move forward with that?

9 SECRETARY ANTHONY: Madame Chair, I can have  
10 that draft ready for you by Tuesday or Wednesday of next  
11 week.

12 CHAIRPERSON TAYLOR: Okay, thank you.

13 COMMISSIONER WARFIELD: Thank you, ma'am.

14 CHAIRPERSON TAYLOR: Okay. Now announcements.

15 COMMISSIONER WHITE: I'm sorry, ma'am. I'm  
16 sorry, Madame Chair. There was a motion that was made  
17 and the support was given by Commissioner Warfield. So,  
18 there is a need to carry that motion.

19 CHAIRPERSON TAYLOR: I'm sorry. A motion has  
20 been extended and seconded. So all in favor?

21 COMMISSIONERS: Aye.

22 CHAIRPERSON TAYLOR: All opposed? Motion  
23 carries.

24 COMMISSIONER WARFIELD: Just for the record  
25 too, ma'am, in that letter that Mr. Anthony will send

1 off, can you also include the prior process of how we  
2 dealt with promotions and how we have dealt with hirings  
3 and firings of those who are on our staff as relates to  
4 the Detroit City Charter just so that, you know, those  
5 who review your letter will have a reference of history,  
6 recent history? Thank you.

7 CHAIRPERSON TAYLOR: Any more comments? Okay.  
8 Now, the next meeting is Thursday, November 7, 2013, at  
9 3:00, here at the Public Safety Headquarters.

10 Now we will have the oral communications from  
11 the audience, my favorite part. Please be reminded of  
12 the two-minute limit, and state your name as you come up  
13 to address the Board. Are there any communications?

14 MS. PANSELL: Good afternoon, Sharon Pannell.  
15 I just want to say happy Halloween.

16 CHAIRPERSON TAYLOR: Thank you, Miss Pannell.

17 MR. COLEMAN: Good afternoon, honorable police  
18 commission. Ken Coleman, for charter revision  
19 commissioner. Certainly want to applaud this body --  
20 through the Chair, certainly want to applaud this body  
21 for taking the action that it has today in affirming  
22 through writing, affirming the duties and  
23 responsibilities of this body under the Charter.

24 Of course, I have pointed out in the past to  
25 this honorable body -- I have pointed out in the past to

1 this honorable body and reminded this body that  
2 60 percent of the electorate two years ago affirmed the  
3 2012 Charter. And in my view, while even as a charter  
4 commissioner I did not individually support every  
5 provision in it, it is the law of the land.

6 And as the phrase goes, Reverend Warfield,  
7 trouble doesn't last all ways, all times. And so, we  
8 will have an opportunity in this city when we won't have  
9 an emergency manager. And I believe the Charter at that  
10 point will continue to be the law of the land. And so,  
11 I -- 'cause I think there's a lot of pressure on this  
12 body quite frankly to go along and get along. And I  
13 want to thank you for standing up for the document and  
14 by extension the people of Detroit.

15 And so, I look forward -- I know it will be a  
16 public document at the time that it is sent. I look  
17 forward to perhaps seeing a copy of it, working through  
18 the secretary to see that, to get a copy of that, for my  
19 record as a Detroit resident. But I thank you again.

20 COMMISSIONER WARFIELD: Thank you, sir.

21 CHAIRPERSON TAYLOR: Thank you.

22 MR. SCOTT: Ron Scott. I just want to thank  
23 Ken for saying that. It echoes what I feel. I would  
24 like to also offer as a board member of the National  
25 Lawyers Guild, Detroit Michigan Chapter, an addendum to



1 your information because a couple of us were involved in  
2 the motion to intervene in the Charter, I mean in the  
3 Consent Decree. We feel that it speaks very  
4 specifically to the roles and duties and obligations of  
5 this body and so, therefore, want to forward a letter to  
6 you from our board relative to our concerns so that you  
7 may draw some involvement if you choose relative to that  
8 matter.

9 And some of the attorneys are considering now  
10 whether or not there is a desire to proceed to get some  
11 clarification relative to this before the court of  
12 record in relationship to this matter. So, we will send  
13 that to you. John Royal is president of the chapter.  
14 So, we should be forwarding something to the attorney  
15 general.

16 The other thing is in terms of the search and  
17 seizure, I know that Mark Fancher (phonetic) of the ACLU  
18 as part of a coalition that we have been involved in,  
19 has asked this body and asked the police department to  
20 provide via FOIA, information regarding the stops which  
21 have occurred and are occurring in relationship to  
22 search and seizure. Plus, we have also given him some  
23 of the information regarding the cases in which we've  
24 been involved to see whether or not the matters that are  
25 occurring are in fact constitutional as articulated or

1 as specified in this document because I think it's one  
2 thing to say that. It is another thing in terms of  
3 qualitatively what actually happens when stops are  
4 occurring.

5 I don't want to go over the litany of horror  
6 stories. But I think that there is some need for  
7 questions to be raised because I think it's sort of  
8 sanitized in terms of the question of just  
9 constitutionality because things can -- as I think one  
10 of the commissioners said, can go wrong very quickly.  
11 And when they do, it's hard to deescalate, de-accelerate  
12 that process. And usually there are some challenges  
13 that are involved.

14 So, I think we need to make sure that the ACLU  
15 gets that information that they have requested so we can  
16 actually see how the policy is being implemented and  
17 what the understanding is because when some of us  
18 appeared before the COMSTAT (phonetic) program, we only  
19 had a few minutes to actually respond to this. So,  
20 maybe it would be good to have another meeting, once we  
21 see how this is going, to have the chief and  
22 representatives report back to this body as to the kind  
23 of stops that has occurred and what is being done. I  
24 think that would be a reasonable reflection of the  
25 research as opposed to, you know, just the policy in and

1 of itself.

2 And just finally, I'm glad that you're  
3 continuing to focus on the towing. I think that has  
4 been the bane of the existence. Once again, I want to  
5 compliment the members of this body because it would  
6 have been easy for you for step away from that. I think  
7 it needs to be resolved as quickly as possible. So,  
8 thank you for your time.

9 CHAIRPERSON TAYLOR: Thank you.

10 COMMISSIONER WHITE: Thank you. If I could,  
11 Madame Chair, Mr. Secretary, Mr. Scott brought up the  
12 issue of the ACLU FOIA request. Mr. Fancher did come  
13 before this body in a followup attempt of that FOIA  
14 request. And I believe at that time, this body asked  
15 for a status report from the department. And I just  
16 wanted to check with you as to date and to your  
17 knowledge have we received that?

18 SECRETARY ANTHONY: No, sir.

19 COMMISSIONER WHITE: Okay. Through the Chair,  
20 Assistant Chief, if you could provide this body with a  
21 status report on the FOIA request from the ACLU, it  
22 would be greatly appreciated.

23 ASSISTANT CHIEF WHITE: Okay. I'm not  
24 familiar. I'll have to do some research on the request.

25 MR. SCOTT: I think it's important for you to

1 know also that the ACLU is conducting its own research  
2 independent of this. So, just from a PR standpoint, if  
3 you were to deliver the FOIA request, the PR might not  
4 be in contrast. In fact, it may validate what you have.

5 COMMISSIONER WHITE: Mr. Secretary, are you in  
6 possession of the letter from the ACLU?

7 SECRETARY ANTHONY: I have the letter.

8 COMMISSIONER WHITE: If we could forward a  
9 copy of that to Assistant Chief White so it could assist  
10 him in his information gathering.

11 ASSISTANT CHIEF WHITE: Thank you.

12 MR. SCOTT: Thank you.

13 MR. STIDHAM: Good afternoon, Madame Chair,  
14 Commissioners, Assistant Chief White, Mr. Secretary. My  
15 name is Tom Stidham. I represent several Detroit police  
16 authorized towers that are now part of the DATA Group.  
17 And I'm here today because this has been a significant  
18 week for towing or for the Detroit towers.

19 We have learned a couple significant things  
20 that I'm not sure I wanted to share with the Board, and  
21 one of which -- the first of which is that it came to  
22 light that earlier this week there was a hearing before  
23 the Detroit Board of Zoning Appeals on a petition filed  
24 by the Municipal Parking Department. And that petition  
25 sought to legalize the use at the Caniff Number One

1 Pound because -- and it came out through the hearing,  
2 the city or Municipal Parking acknowledged that the use  
3 was not technically legal. And they have been utilizing  
4 that yard for quite some time, obviously, I believe  
5 since December 17 of last year, Municipal Parking has.  
6 That no decision was rendered that date and the matter  
7 has been taken under advisement by the Board of Zoning  
8 Appeals.

9 Also, in order -- also, the second item that  
10 came before the Public Health and Safety Standing  
11 Committee on Monday of this week was a request for an  
12 expenditure of \$500,000 to remodel and provide upgrades  
13 to the Caniff towing yard. And I know I was there,  
14 Reverend Warfield, you were there in those meetings when  
15 we talked about the framework by which the \$75  
16 administrative fee would be imposed. And it has been.  
17 And my understanding from all those meetings over months  
18 and months and months was that those funds were going to  
19 be used by the police department to offset  
20 administrative costs related to towing by the police  
21 department, not by Municipal Parking or any other agency  
22 in the city.

23 And certainly, what came to light before the  
24 city council was that -- at subcommittee rather was that  
25 these approximately I think he said somewhere between

1 six and \$700,000 in a fund somewhere presumably, I mean,  
2 I believe being held by Municipal Parking, which  
3 represents the \$75 administrative fee. And they are  
4 purporting to use that money, that pot of money, to fund  
5 upgrades to the Number One Towing Yard.

6 Certainly, that doesn't offset the cost of the  
7 towing because as they admittedly admitted at the  
8 hearing that that yard right now is being used to house  
9 first ABANS from the police department; and secondly,  
10 boot and tow tows from Municipal Parking which have  
11 nothing to do with police towing. So, we are kind of on  
12 a crash course now. And we certainly would welcome the  
13 Board's input and assistance.

14 I know you mentioned a conference with  
15 Mr. White that's upcoming. Again, this ought to be put  
16 on the agenda. And I know that, Chief, the media has  
17 been buzzing also about the story asking how can the  
18 city spend all this money on a piece of property when,  
19 you know, certainly this money could be used to fund I  
20 believe five or six more police officers.

21 So, again, I would ask that the police  
22 administration revisit that matter as well. You can  
23 save a lot of money and put some more officers on the  
24 street simply by allowing the towers to take their  
25 vehicles back to their yards on the ABAN's. And so,

1 having said that, again, I'm sorry.

2 COMMISSIONER WARFIELD: I will let you finish.

3 MR. STIDHAM: Having said that, I'd again ask  
4 this body to assist us, the towers, and also the  
5 administration to take a hard look at the policy in  
6 effect right now or how it's being implemented because  
7 we believe that we can put some more office on the  
8 street or offset the cost of the towing and still take  
9 the cars back to our yards, save the city some money.

10 CHAIRPERSON TAYLOR: Commissioner Warfield?

11 COMMISSIONER WARFIELD: First of all, Tom,  
12 thanks for updating us. Did not know of all these  
13 issues. It's interesting and just astonishing to me  
14 that we are towing cars to a lot that is not even  
15 legally zoned. That is just -- I mean, and considering  
16 the fact that there are cars who have come up missing in  
17 that lot, stolen out of that lot. Just puts the city at  
18 further liability as relates to first of all, you're  
19 towing cars to a lot that it's not even zoned properly  
20 in the first place.

21 We took our towers through a massive zoning  
22 process to make sure that they spent literally  
23 collectively millions of dollars to update their lots to  
24 make sure they comported to every condition of the  
25 city's zoning ordinances. And this is what geared to

1 me, when councilman at the time Gary Brown made this  
2 comment that there is shady stuff going on with towing.  
3 This is what we were trying to point out to him, that  
4 opening up that lot for this purpose, these things would  
5 just be revealed.

6 And so, now to take a half a million dollars  
7 that should be going directly back to the police  
8 department for fighting crime in this city is now going  
9 to -- now is proposed to be spent on fixing up an  
10 illegal lot, it's just unconscionable. It's like, who  
11 is in charge, and who is still doing this stuff? We  
12 know it's not the chief. We know it's not the police  
13 side. So, who is it downtown that's allowing this type  
14 of crazy stuff still to go on? And what back room --  
15 and I'll say it on the record. What back room deals  
16 have been cut to allow this type of stuff and  
17 foolishness to persist because this doesn't happen by  
18 accident. This foolishness happens by planning.

19 So, we will meet next week, and that will  
20 definitely be on the agenda. And I'm suggesting that,  
21 you know, all of the towers, again, coalesce around this  
22 issue because you all jumped through every hoop the city  
23 said that you had to jump through and performed  
24 honorably on every point, just to have us now at this  
25 point again where we are dealing with something that's



1 just crazy.

2 MR. STIDHAM: In fact, Reverend, about three  
3 weeks ago there was an article in the Detroit News about  
4 the Number One Pound and featured chief operating  
5 officer Gary Brown. And he was lamenting in the article  
6 about how the very problems, stolen cars, missing parts,  
7 poor lighting, inadequate security, all of those items  
8 he talked about or discussed in that article.

9 COMMISSIONER WARFIELD: So, we'll deal with  
10 it. We will keep fighting the good fight of faith, and  
11 we will keep moving this forward. But, I mean, this is  
12 just ridiculous. So, certainly I know you got the  
13 notice about the meeting next week, that you will be  
14 there to represent your towers as well. But this will  
15 definitely be on the agenda. Thank you, sir.

16 MR. STIDHAM: Just one final operational  
17 matter. Chief, I don't know if you saw that article in  
18 the Detroit News. I think the Chair saw it. I know I  
19 gave it to the Chair. But at or within that article,  
20 Mr. Brown mentioned that he wanted to take and remove  
21 over 2,000 cars off from the streets, abandoned  
22 vehicles, but he couldn't do it 'cause he didn't have  
23 any place to take them. And I can just offer on behalf  
24 of my clients anyways, we have the room. And  
25 collectively, we have over 2,000 spaces. You can take

1 them there for free. We will work something out.

2 COMMISSIONER WARFIELD: Through the Chair, the  
3 ironic thing about this, Assistant Chief, we told them  
4 that when they opened the lot, that you do not have the  
5 capacity to tow all these cars.

6 MR. STIDHAM: And right along that line,  
7 Reverend, they suggested the proposed lot is only going  
8 to hold 673 cars.

9 COMMISSIONER WARFIELD: Which is what we said.  
10 So, anyway -- okay.

11 ASSISTANT CHIEF WHITE: Thank you.

12 COMMISSIONER WARFIELD: That will be a big day  
13 for us.

14 MS. SEMMA: Good afternoon. Julie Semma,  
15 co-chair for Detroit Authorized Towing Association. I  
16 just want to commend everybody here that's been doing an  
17 excellent job. It's been hard. We have all been  
18 fighting a long battle with everything that's been going  
19 on in the city, especially the towing matters. I think  
20 it's unfortunate to the chief and everybody else that's  
21 new coming on to this ongoing process that's been going  
22 on for many years because they had no clue of what's  
23 been happening.

24 So, I just want to bring to light, I was  
25 actually at the city council meeting that was held

1 Monday. And we opposed many things as well as myself  
2 and other people that were here today. And Tuesday's  
3 meeting, I also want to let you guys know I have  
4 documentation for you guys for the record of everything  
5 that has happened in the last week for your information  
6 as far as advertisements that were done for the 5997  
7 address of Caniff, which has always been advertised as  
8 6311 Caniff because of a building apparently that was  
9 found on the property because when we were looking for  
10 6311 Caniff, nothing was popping up. And we were kind  
11 of curious why was this happening.

12 So, I actually went to the zoning hearing on  
13 Tuesday. And when I questioned the zoning person who is  
14 in charge of -- that was handling the meeting was Tony  
15 Stapleton as well as James Canty who is in charge of  
16 municipal parking as far as the zoning laws and  
17 everything, they indicated the property was zoned vacant  
18 property and has been for all these years. And I asked  
19 them, you know, when did they put this application in.  
20 They indicated in May of 2013.

21 Well, one of the requirements that all of the  
22 towers when you guys put in place was that we had to  
23 have these zoning documentations in place, as well as  
24 other things that we have been doing diligently for  
25 several years. As business owners, as tax dollar

1 payers, we have done our job and our due diligence for  
2 conducting business the proper way in the city of  
3 Detroit and followed all the city guidelines, everything  
4 that you guys have put in place as well as the police  
5 department as well as zoning clearances.

6 And the part that I don't understand is in the  
7 past three years, one of our towing members was actually  
8 disqualified for not having their zoning in place for a  
9 period of time, not to mention other towers that were  
10 applying and could not be current towers due to the fact  
11 they didn't have their zoning ordinance in place.

12 So, not only does the city not abide by  
13 certain rules, the police department is allowing this to  
14 happen because Management Services went to every single  
15 facility, including our facilities, and looked at all  
16 the different yards to make sure that we were all  
17 compliant. So, if we are willing and able and doing  
18 everything properly, how does the city of Detroit and  
19 Management Services allow a lot that is now being  
20 operated by Municipal Parking -- under the guidelines,  
21 if we have to follow those guidelines, apparently  
22 they're doing business in the city of Detroit, they have  
23 to -- they should be abiding by those same guidelines.

24 So, to state that if a current tower was  
25 disqualified and either all the cars had to have been

1           either, A, moved or stopped towing, then that shouldn't  
2           have gotten the same effect. So, my question to the  
3           zoning person was, if this has already happened to a  
4           current tower in the past three years, why isn't it  
5           happening with Municipal Parking? And she indicated to  
6           me that she could not enforce it. She was not the  
7           municipality, police department that authorizes that to  
8           do so. And I said, well, six months ago the police  
9           department went around to different businesses and  
10          actually padlocked businesses that were not in  
11          compliance. So, how is that not being in compliance?

12                        So, she indicated to me that under current  
13          status with people doing business in the city of  
14          Detroit, they don't want to shut people down and they're  
15          working with them. Since their contract has already  
16          been submitted in writing, they're trying to help them  
17          assist and do whatever they have to do to get them in  
18          compliance. So, I also asked or she actually asked  
19          Mr. Canty, are you guys willing to abide by what I had  
20          inquired because of them not being in compliance. And  
21          he absolutely said absolutely not, we are going to  
22          continue doing business there. We have been doing  
23          business there, and we will continue doing business  
24          there. The city of Detroit needs to make money. The  
25          police department needs to make money.

1           So, with saying that, if we're going to sit  
2           there and have six or \$700,000 sitting in an account  
3           that's going to qualify for officers and I believe it  
4           was city department cars as well as any officer  
5           assisting program, that's what we all agreed to do, not  
6           to have a building being brought up to code at our  
7           expense, our tax dollars, being spent for a building  
8           that is unnecessary because all of us towers have an  
9           adequate amount of parking in all of our facilities.

10           I currently own seven acres a mile and a half  
11           away from where the facility is at. And I'm only one  
12           tower. So, we have ample amount of ABAN storage to be  
13           towed. So, I believe that if -- and with your help and  
14           support, if you guys can put something in place that  
15           will stop this, because it's being done illegally, I  
16           would greatly appreciate it. And not to mention that  
17           the ABAN's could be stored on the towers and can be  
18           right now and should be. And there's no reason why the  
19           abandoned cars should have been removed from our  
20           facility. And not to mention the towers that have been  
21           towing those abandoned cars to the Number One Pound I  
22           have been told have not gotten paid.

23           So, how does somebody perform for the last six  
24           months, not get paid for services they have already done  
25           and waiting for the city of Detroit to pay them? If I

1 may just approach you guys and just give you guys copies  
2 of everything.

3 MR. BACHAND: Nicholas Bachand. I represent a  
4 couple of the different towers also. I'd like to echo  
5 that I fully agree with the comments that you have  
6 already heard. I would just say that part of my job is  
7 to read the newspapers. And about six months ago, I  
8 read that Municipal Parking was up for sale. So, I hear  
9 this week that we are spending the \$75 that's supposed  
10 to go to the police department to help the police  
11 department, we are taking that money to fund a lot that  
12 Municipal Parking is running that is owned by the city.  
13 And then I think to myself, A plus B equals C for  
14 selling Municipal Parking. So, we are taking money to  
15 sell it to somebody else. Just -- that's one of my big  
16 issues.

17 Also, the evidence tows aren't getting paid.  
18 I mean, I hear it every week from Gene's Towing. Yep,  
19 police aren't paying the evidence tows. But we are  
20 taking the money that's supposed to go to the police  
21 department to Municipal Parking. So, something else to  
22 think about. Thank you.

23 COMMISSIONER WARFIELD: Through the Chair, if  
24 I hear you correctly, what you just said is the money  
25 that is supposed to go to the police department is being

1 used to fix up a lot that the city have already sold or  
2 was about to sell?

3 MR. BACHAND: No. I'm just saying -- what I  
4 would correct is there was an idea when we went  
5 initially into bankruptcy of selling Municipal Parking.  
6 I believe Municipal Parking owns nine different parking  
7 lots in the downtown area. And the other part of it is  
8 the boot and tow operation. So -- but if you look at  
9 that, it very well could happen. They could just sell  
10 it after they fix it.

11 COMMISSIONER WARFIELD: Absolutely.

12 MR. BACHAND: Thank you. Good to see you all.

13 COMMISSIONER WARFIELD: Thank you, sir.

14 MS. SMITH: Good afternoon, Bernice Smith,  
15 political activist. Well, I'm glad to see some smiles  
16 on your faces because when I get through, I know you're  
17 going to say get her out of here. But seriously  
18 speaking, what the captain said -- and if you note, I'm  
19 not looking at him -- I was wondering and I was taking  
20 notes. And I was wondering under this Directive, would  
21 the public be aware of what this information that you're  
22 giving out? And also, you did state the police would be  
23 aware of it also. But what I'm -- what you frowning  
24 upon, Brown? I mean, you're frowning at me. You just  
25 explained to us what it's all about, that suspicious of



1 people that you might see out in the area.

2 Well, that happened to me about a month ago.  
3 And I helped subdue a fellow because he was walking back  
4 and forth. I was at a parking area on 12 Mile and  
5 Telegraph there at Meijers. And I was in the  
6 handicapped, which is the first parking section. And I  
7 noticed he was walking back and forth behind my car.  
8 And then he would go up to the entrance and was standing  
9 by this -- I think it was a garbage can. And he was  
10 looking and going on. So, I stopped, you know, doing  
11 what I was doing, and I watched him and through my  
12 mirror and then I watched him.

13 And eventually, three cars down, this lady had  
14 just went by me, a white woman. And she was putting her  
15 groceries in the trunk. And what did he do, run by her  
16 and snatched her purse and ran through the parking lot.

17 There was another man that was saying stop.  
18 And me being nosy, I took off after him. I know you  
19 said why, but I did. I took off after him, went down to  
20 the end of the parking lot to 12 Mile. And he had ran  
21 across. And, you know, there's the gas station there.  
22 So, when I got on the right side of the area, then I  
23 made the turn, the right turn. And then I saw him  
24 between the dumpster and the parking lot. And I pulled  
25 in behind the auto dealer there, and I jumped out of my

1 car. And there was another man there. And I said, come  
2 on, help me get this man. He just robbed a lady. So,  
3 when he looked up and saw us coming towards him, he ran  
4 across 12 Mile.

5 In the meantime, I get back in my car. So,  
6 the police was coming around. The police come fast out  
7 there in Southfield. So, they came around. And I  
8 stopped because we were at the turning section going  
9 back. And I said, I saw him. He went across the  
10 street. So, he said follow me. So, I went and followed  
11 him around. And in the interim, when we went around I  
12 think it's AT&T, the telephone, well, right down is a  
13 restaurant there. So, when we went around, would you  
14 believe there was about seven police cars there? And he  
15 was lined up against the wall. They had him. And he  
16 was going into the restaurant. And they caught him just  
17 that fast.

18 So, sometimes you can look and see people who  
19 are suspicious, you know. But then I don't advise you  
20 to get involved though like I did. But what the heck.  
21 God is always in my corner. But now what I want to say  
22 about the towing, I hope when we get a new Board on, not  
23 that you're not trying, that the power itself will show  
24 the administration that we mean business and stop  
25 playing around, doing the things that you've done for

1 the last year or so with the towing companies.

2 They need their money. They're being deprived  
3 of their livelihood. And I know all of them don't need  
4 to be standing around here waiting for their checks to  
5 be given to them. They need their money. Times is  
6 hard. And the administration that we have now is just  
7 not doing anything as far as the public is concerned.  
8 They are messing with the pensions, they are messing  
9 with everything, the medical and the police department.  
10 Oh, my God, I really want to get behind them in regards  
11 to that.

12 But the fact is, I hope when we come on  
13 board -- and I hope I do win next week -- that we will  
14 have a good and active board that they will be scared of  
15 and won't be messing with us because I'm ready for them.  
16 I thank you for listening to me. And have a good  
17 holiday as -- so, it's too early for the holiday. But  
18 anyway, I thank you for listening. And I hope all of  
19 you go out and vote and get the right candidates in,  
20 especially for the city council. You got to watch them  
21 and Brown. Take care.

22 MS. SEMMA: Julie Semma for the record, I  
23 forgot something just to share with you guys if I may or  
24 just give a copy to you guys.

25 CHAIRPERSON TAYLOR: Go ahead.

1 MS. SEMMA: October 1st, 2013.

2 CHAIRPERSON TAYLOR: Is it going to be quick?

3 MS. SEMMA: Really quick. Management Services  
4 gave all the towers a letter. And it was commenting on  
5 clearances. And it says, "Research management is  
6 updating a file for the city of Detroit authorizing  
7 towers. Clearances are required to maintain your  
8 credibility as an authorized tower for the city of  
9 Detroit police department." And it requested a bunch of  
10 stuff. And one of the line items indicated clearances  
11 from property income and zoning clearances. And all  
12 documents have to be submitted by October 28, this past  
13 week, 2013. Failure to submit the required  
14 documentation will and may result in a suspension of  
15 towing services.

16 As I inquired and several of the tow companies  
17 inquired if Municipal Parking submitted anything as far  
18 as clearances. They did not. So, I just wanted to note  
19 that for the record. Thank you.

20 CHAIRPERSON TAYLOR: Thank you. Are there any  
21 more communications? We only ask once now. Are there  
22 any more communications? Meeting adjourned.

23 (Proceedings concluded at 4:30 p.m.)

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*Wendy A. Boer*

Wendy A. Boer,

CSR 3505

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