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DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR MEETING

THURSDAY, AUGUST 22, 2013 3:00 PM

DETROIT PUBLIC SAFETY HEADQUARTERS

1301 THIRD AVENUE

DETROIT, MICHIGAN 48226

1 COMMISSIONERS:

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3 GEORGE ANTHONY, Secretary

4 JESSICA TAYLOR, Chairperson

5 DONNELL R. WHITE, Vice-Chairperson

6 JEROME L. WARFIELD, Commissioner

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14 DETROIT POLICE DEPARTMENT COMMAND STAFF:

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16 CHIEF OF POLICE JAMES CRAIG

17 ASST. CHIEF OF POLICE ERIC A. EWING, SR.

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1 Detroit, Michigan
2 Thursday, August 22, 2013
3 About 3:21 p.m.

4 COMMISSIONER WHITE: Good afternoon to
5 everyone. We're going to call this meeting of
6 the Board of Police Commissioners dated for
7 Thursday, August 22 to order.

8 My name is Commissioner Donnell White.
9 I have the pleasure of serving as your
10 Vice-Chair. I'll be sitting in on behalf of our
11 Chair who we do expect will be joining us during
12 the course of our meeting, Commissioner Jessica
13 Taylor. I'm joined with my colleague,
14 Commissioner Jerome Warfield and representing the
15 staff of the Board of Police Commissioners is
16 Secretary to the Board, Mr. George Anthony.

17 Mr. Secretary, can you please introduce
18 our staff.

19 SECRETARY ANTHONY: Thank you,
20 Mr. Chair. For the record, George Anthony,
21 Secretary to the Board. We have present
22 Ms. Pamela Davis-Drake who is our Chief
23 Investigator seated in front, Mr. Robert Brown
24 who is our office manager, Officer Dan Donakowski
25 who's recording our proceedings and Mr. Dale Rose

1 from Hanson Court Reporting service and that
2 completes the introductions, sir.

3 COMMISSIONER WHITE: Thank you, sir.
4 We'd like to note the presence of Asst. Chief
5 Ewing sitting in on behalf of the Chief today.
6 Good to have you, sir.

7 ASST. CHIEF EWING: Thank you.

8 COMMISSIONER WHITE: Good to see our
9 Chief with us. Chief Craig, good to have you,
10 sir.

11 CHIEF CRAIG: Thank you.

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

15 COMMISSIONER WARFIELD: Let us pray.

16 (INVOCATION GIVEN).

17 COMMISSIONER WHITE: Thank you,
18 Commissioner. At this time a quorum has not been
19 established and we will forego until the arrival
20 of our Chair the approval of the agenda dated
21 Thursday, August 22; in addition the approval of
22 the minutes dated for Thursday, August 1, August
23 8 and August 15.

24 We also will table the Chairperson's
25 report. Mr. Secretary, is there a report at this

1 time?

2 SECRETARY ANTHONY: Yes, Mr. Chair
3 there is a Secretary's report and this is the
4 report of the citizens' complaints that were
5 received in July of 2013.

6 The 2013 monthly count of complaints
7 for July was 130 compared to the same period last
8 year 117. The year-to-date for 2013 was 718.
9 For the same period last year was 791. That
10 represents a 9 percent decrease.

11 At the end of July, 2013 the Office of
12 the Chief Investigator had open investigations
13 297, cases filed 718, cases closed 636.

14 Of the 130 cases filed 34 percent
15 involved unknown officers. The alleged known
16 units involved, leading in complaints filed in
17 July of 2013 were Communications 12 percent, 6th
18 Precinct 8 percent, 8th Precinct 7 percent.

19 The 130 cases filed in July of 2013
20 involve 219 allegations where the leading areas
21 of concern were demeanor at 28 percent, procedure
22 at 28 percent, service at 12 percent, force at 11
23 percent.

24 And that really completes the report.
25 You do have information, Mr. Chair, on unknown

1 officers as well.

2 COMMISSIONER WHITE: Thank you,
3 Mr. Secretary. Commissioner Warfield, questions?

4 COMMISSIONER WARFIELD: No questions,
5 sir.

6 COMMISSIONER WHITE: Thank you, sir.

7 SECRETARY ANTHONY: Thank you. If I
8 may sir, also there has been a request for a
9 closed-door session for a Sgt. David Pomeroy and
10 I would think that when a quorum is established
11 we may be able to go into closed session.

12 COMMISSIONER WHITE: Thank you,
13 Mr. Secretary. Chief Pamela Davis-Drake, the OCI
14 monthly report?

15 CHIEF INV. DAVIS-DRAKE: Good
16 afternoon, Board. Pamela Davis-Drake for the
17 record, Chief Investigator. The total cases open
18 with OCI as of date 295, total cases submitted 17
19 and we currently have no cases over 90 days.

20 I know that Commissioner Warfield, you
21 and Commissioner White have both expressed
22 interest in knowing the number of narcotics, the
23 raid cases that we've received, so I do have
24 information to report out with regards to that if
25 it pleases the Board.

1 The complaints involved in narcotics
2 raids, we have been capturing this data since
3 March, so between March 1st and June 31st there
4 have been 10 cases received, 17 cases closed that
5 involved narcotics raids.

6 The leading allegations for those
7 closed cases, there have been 250 total
8 allegations. Procedure at 69, force 58, property
9 39, demeanor 36, entry 25 and search 15
10 allegations.

11 During the previous month, July 1st
12 through July 31st there were three cases that we
13 received. During that same time period five
14 cases were closed. Of those five cases there
15 were 79 allegations. Procedure 44, force 20 and
16 entry 12, and that concludes the report.

17 Are there any questions, sir?

18 COMMISSIONER WHITE: Thank you, Chief.
19 Commissioner Warfield?

20 COMMISSIONER WARFIELD: Of the cases do
21 you know if there are any sustained cases?

22 CHIEF INV. DAVIS-DRAKE: I don't have
23 that information with me, sir, but I can
24 certainly provide it for you.

25 COMMISSIONER WARFIELD: Okay, and

1 certainly we know that the number of allegations
2 increase because of the number of officers that
3 are involved per raid for seizure and it's a
4 number of officers that we send in, correct?

5 CHIEF INV. DAVIS-DRAKE: That is
6 correct.

7 COMMISSIONER WHITE: Thank you, Chief.
8 And I would ask if I could have a copy of that
9 report?

10 CHIEF INV. DAVIS-DRAKE: Absolutely.

11 COMMISSIONER WHITE: Thank you.

12 CHIEF INV. DAVIS-DRAKE: Thank you.

13 COMMISSIONER WHITE: At this time
14 we'll have a report from the Office of the Chief,
15 Chief Craig?

16 CHIEF CRAIG: How are you doing?
17 Starting with crime, year to date we have a 5
18 percent decrease in homicides. We have a total
19 number of 218 for this year as compared to last
20 year 230 homicides.

21 Where we're seeing an increase is in
22 our non-fatal shooting incidents. In 2013 this
23 year we are at 801 compared to 772 last year
24 which is about a 4 percent increase.

25 The good news is overall departmental

1 crime is down 2 percent so we're still working to
2 get our shooting incidents down. As you know, we
3 started a Carjacking Task Force about two weeks
4 ago.

5 As of this ComStat period last week we
6 realized roughly a 33 percent reduction in
7 carjacking incidents. We had several last night
8 which has been a topic of news. I think the
9 number is 5. One involved a shooting incident of
10 a female on an attempt carjacking. We're still
11 conducting an investigation on that matter.

12 That's the extent of my report back on
13 crime. Open up for any question you may have.

14 COMMISSIONER WHITE: Commissioner
15 Warfield?

16 COMMISSIONER WARFIELD: None on crime
17 at this time. Can we ask about other issues at
18 this time?

19 COMMISSIONER WHITE: Does that complete
20 your report, Chief?

21 CHIEF CRAIG: Yes. If we could, I'm
22 going to have the Interim AC sit in, but he's
23 going to answer any questions you have.

24 COMMISSIONER WARFIELD: Just a few
25 questions through the chair to the Chief

1 concerning a few things.

2 One certainly we've heard and our
3 phones have been ringing regarding the search --
4 the new stop and search -- I'm sorry, frisk and
5 search procedure and we know that the Manhattan
6 Institute has been working with the department
7 and we would like to get some information on
8 that.

9 In addition to that, we have also heard
10 that tasers have been ordered and bought for the
11 department. Certainly we would like to get some
12 information on that considering the critical
13 history in this city as related to tasers and as
14 it relates to relationships between officers and
15 the public so I don't know if you're prepared to
16 do that here or at another meeting, but maybe
17 through the Chair we can set up a time when we
18 can talk about those critical issues.

19 CHIEF CRAIG: Yes. In terms of stop
20 and frisk I think it was Fox News station that
21 reported there was a change in our stop and
22 frisk.

23 That is inaccurate. There has been no
24 change. As you know, we're under a Consent
25 Judgment and a large part of the Consent Judgment

1 addresses stop and frisk. Nothing has changed.
2 There's no plan to change anything.

3 Because we decide a launch a task force
4 to deal with increasing crime does not change the
5 way we do business, and we have adopted and are
6 engaging in best policing practices.

7 Every stop our officers make they're
8 required to complete a report that articulates
9 reasonable suspicion for detention and so nothing
10 has changed.

11 As it relates to tasers, we have talked
12 to the monitor. We are preparing policy and we
13 can certainly on a separate meeting discuss that
14 in more detail. We're also looking at purchasing
15 as an effort to enhance transparency as our work
16 is purchasing on-body cameras. It's not a new
17 technology, but a technology that many police
18 departments are going to -- it certainly enhances
19 our transparency and we enforce the importance of
20 constitutional policing.

21 As you know, our police vehicles are
22 equipped with in-car video and the limiting
23 factor is that the video is only good as long as
24 you're standing in front of that vehicle. Once
25 an officer leaves from in front of the vehicle

1 there are no video images so this would enhance
2 that effort, so that's something we're also
3 looking at.

4 COMMISSIONER WARFIELD: Through the
5 Chair, at our last NACO meeting and I believe we
6 were in San Diego the issue and the presentation
7 came up about body video and certainly there was
8 some -- there were some issues that they were
9 grappling with then and ultimately we can bypass
10 some of that or be able to resolve some of it.

11 One was the data storage capacity, to
12 be able to store that much data, certainly being
13 able to obtain the system that can download all
14 that video.

15 And then the second one is to make sure
16 that the video is operational because it's -- one
17 of the presenters at the meeting, I very vividly
18 remember him saying that the issue that they had
19 with some units was that when they got into
20 situations where there was a conflict with a
21 citizen, somehow or another the video became
22 obscured, although the sound -- you still could
23 hear the sound and certainly now we still hear
24 the sounds with the body mics that we have, so if
25 we can somehow work that into policy too to make

1 sure as best as possible -- we know we can't
2 control every situation, but as best as possible
3 that that technology works to perform that which
4 we had initially indicated that it should do.

5 CHIEF CRAIG: Right.

6 COMMISSIONER WARFIELD: That's it, sir,
7 thank you.

8 COMMISSIONER WHITE: Chief, I would
9 also echo those sentiments on this stop and frisk
10 policy. I do think there is some
11 miscommunication that has happened, albeit on
12 behalf of the media or what it may have been
13 because I've got any number of phone calls and
14 I'm sure others have as well that there's this
15 new policy, Detroit is turning into New York and
16 we know --

17 CHIEF CRAIG: Or Los Angeles.

18 COMMISSIONER WHITE: Or Los Angeles and
19 while we know that's not the case, I do believe
20 that we can -- we have an opportunity here to
21 possibly be proactive and possibly having a
22 communication strategy with our public to assure
23 them of our commitment to the constitutional
24 rights of our citizens in the city of Detroit.

25 And I think that will work on their

1 behalf as well as on behalf of our men and women
2 who should not be put in a situation that folks
3 believe they're harassing them now, they become
4 combative or the like, so I think we have an
5 opportunity to be proactive in getting out in
6 front of this.

7 I know there's meetings coming up this
8 coming Monday where community organizations are
9 meeting to discuss how we can overturn or prevent
10 a stop and frisk strategy from coming to the city
11 of Detroit and the last directive that I pulled,
12 our directive was updated in 2010.

13 So it's not a new strategy and I
14 believe we have an opportunity to share that with
15 the community.

16 CHIEF CRAIG: It is not a new strategy
17 as I've indicated. Somebody decided -- suggested
18 there was a new strategy and so I've communicated
19 that to the media. I don't know what else we can
20 do. We are under a Concept Judgment and we're
21 adhering to what's outlined in the mandates, so
22 I'm comfortable with that.

23 However, I will say with the level of
24 violence in this city I'm not going to roll over
25 and continue to allow the kind of violence that

1 occurs. We will in a constitutional way engage
2 in best police practices. We will arrest and
3 detain those individuals involved in violent
4 crime legally and ethically, and so nothing
5 changed.

6 The only thing that might change is
7 more folks involved in violent crime will go to
8 jail, but in terms of how we do it and the
9 ethical and constitutional way that we're trained
10 to do that will continue.

11 COMMISSIONER WARFIELD: Just on that
12 matter and just for history and culture sake,
13 from our perspective -- and I say "our
14 perspective", representing the public, and we
15 understand that stop and frisk is already in
16 place.

17 However, when we read the reports that
18 come to us from the Office of Chief Investigator
19 it seems like stop and frisk is employed more in
20 the neighborhoods than it is downtown from the
21 standpoint that -- and I'll give you an example.

22 From the standpoint that if there are
23 revelers for lack of a better term who are
24 having a good time at the bars downtown they're
25 free to go from establishment to establishment

1 without being stopped and frisked whereas if --
2 and we've had many complaints from citizens that
3 if they're walking down the street or sitting in
4 a car they're stopped.

5 And so there needs to be, I think, from
6 the public's perspective some type of definition
7 of what constitutes stop and frisk and what is
8 the probable cause that allows it to take place
9 in the first place and I think that would clear
10 up a lot of confusion for those in the public.

11 CHIEF CRAIG: Well, to detain someone
12 you have to have reasonable suspicion. It's a
13 lower threshold than probable cause.

14 Probable cause is to arrest someone and
15 I understand what you're saying and certainly
16 we're sensitive to that. Certainly if an officer
17 engages in misconduct, the misconduct suggests
18 that it was an illegal detention, we will
19 investigate and we will administer the
20 appropriate penalty.

21 But, again, I'm not familiar with, you
22 know, different types of policing that occur in
23 downtown as opposed to the neighborhoods. The
24 one thing I can tell you in my short time here in
25 our neighborhoods is where our violence is

1 occurring. It is my expectation that if an
2 officer receives information that X robs Y and X
3 is wearing a blue T-shirt and whatever that
4 description is, it is my expectation that based
5 on that information they get to stop and detain
6 and investigate whether that person was involved
7 in crime. That gets to happen.

8 If we don't do that we become -- when
9 people suggest that we're a stop and frisk
10 department, well, all departments are stop and
11 frisk. I mean if we need to re-explain what that
12 means, we will do that so our community knows,
13 but the sense I get from our community is they
14 want our officers out doing police work
15 ethically, constitutionally because everybody
16 I've talked to in this community wants to see a
17 reduction in violent crime.

18 I want it, they want it and I will tell
19 you the one thing that resonates among the police
20 officers, that the police officers want to be
21 police officers again.

22 They want to go out and serve this
23 community and they want to stop the crime, and
24 again if there's an officer that violates the law
25 we will initiate an investigation.

1 You know, your office certainly has
2 that responsibility and our Internal Affairs
3 certainly when a community member alleges that
4 they were racially profiled or illegally detained
5 we will investigate that incident, each and every
6 one of them.

7 COMMISSIONER WARFIELD: Okay, thank
8 you. Thank you, Chair.

9 COMMISSIONER WHITE: Thank you, Chief.
10 Anything further, Chief?

11 CHIEF CRAIG: No, that's it.

12 COMMISSIONER WHITE: At this time
13 there's no standing committee reports, new or old
14 business. Under announcements, our next meeting
15 will be held August 29, 2013 here at police
16 headquarters, 1301 Third Avenue, Third Floor,
17 Media Room at 3 PM.

18 (Chief Craig leaves.)

19 COMMISSIONER WHITE: At this time we're
20 going to have our oral communications from the
21 audience. If you wish to address the Board of
22 Police Commissioners we would ask that you come
23 forward at this time, please state and spell your
24 first and last name for the record and please be
25 mindful of the allotted two minute time period

1 which will give ample time for everyone to give
2 their comments to the body.

3 Good afternoon.

4 MR. SCOTT: Good afternoon. Ron Scott,
5 Detroit Coalition Against Police Brutality. I
6 walked in and I heard the discussion about the
7 stop and frisk framework and I want to put it in
8 some historical as well as legal context.

9 First of all, the probable cause
10 framework and reasonable suspicion represents in
11 my mind anyway a change and erosion in the Fourth
12 Amendment protections that started back in 1776
13 and it's changed rapidly over the last 20 years.

14 And then reasonable suspicion has
15 evolved into what stop and frisk means. If one
16 believes a crime is about to be committed. It's
17 not only if one has reasonable suspicion based on
18 the history, context, understanding as a
19 professional, but if you believe something is
20 about to happen, this is the standard that is
21 used in other non-democratic societies.

22 If they believe something is going to
23 happen, then one has to make the assumption that
24 you can either read the person's mind or what you
25 call furtive movements, whatever.

1 Now, I raised the same question that
2 you, Pastor Warfield, raised. If I'm wearing a
3 fanny pack and riding a bike in Midtown and I
4 have a package in my bag, am I then subject to
5 the same consideration or reasonable
6 consideration or suspicion that if I have baggy
7 pants and I'm on Burns and Iroquois or Burns,
8 Iroquois and Forest, so within that context there
9 is a question here.

10 There's not an answer, there's a
11 question as to whether or not democratic rights
12 are being affected. I don't think anybody wants
13 to be foolish enough to suggest that we're not
14 interested in reducing violence. And in most of
15 these situations the stop and frisk, Terry stops
16 and so forth, there's not been sufficient
17 evidence of an objective factor that has
18 indicated that this has reduced crime.

19 What we want is a reasonable method and
20 I think we should talk about it as reasonable
21 people, and when we say police want to be police
22 again, one of the people that can tell police
23 officers what policing means is Mrs. Tuff in
24 Georgia yesterday when she talked somebody down
25 without a gun and I know officers on this force

1 who have done that.

2 So in effect when we talk about
3 policing, it is not just about the military
4 aspect, it is about a number of things. Police
5 officers first and foremost say that they want to
6 help people and there's various ways to do that
7 and there's a progressive factor and there's a
8 regressive factor. We're trying to make sure
9 that in this department having gone through all
10 the years of the Consent Decree that we remain
11 progressive and not become regressive.

12 And that's a reasonable discussion.
13 It's not anger laden, it's not confrontational,
14 it's about coming to the best decision to resolve
15 the issues of crime and to protect civil and
16 human rights.

17 And I'm old enough to remember when
18 stop and frisk, the very same term, was used by
19 Mayor Miriani in 1960 when African-Americans
20 became the target. We're not saying that that's
21 the case today, but we want to make sure it
22 doesn't become the case tomorrow.

23 COMMISSIONER WHITE: Thank you,
24 Mr. Scott and I certainly -- I'm certain that I
25 share the sentiments of my colleagues when I say

1 that we believe as a body that education is key
2 here.

3 I don't think you will find a sentiment
4 that would support what has been reported in the
5 state of New York and others that we would wish
6 to see that here, so what you can expect from a
7 minimum perspective is that we create a document.

8 I think the Commissioner said that it
9 needs to be expressed to the community exactly
10 what stop and frisk means, what the policy is in
11 addition to what individuals' rights are as you
12 are stopped.

13 You have a right to say you do not want
14 to be searched. You have a right to ask if
15 you're being detained or if you're free to leave,
16 so there's some education that can happen that
17 not only benefits the citizens, but also I think
18 is a critical component to officer safety as
19 well. Because if there are individuals who
20 believe their rights are being violated, that can
21 become a very serious situation and so,
22 Mr. Scott, we appreciate the work that you do in
23 the community and certainly as we look to have
24 those conversations I do know Commissioner
25 Warfield spoke at our last meeting about possibly

1 holding a community forum which I think is also
2 another great idea. We look forward to working
3 with you and other community organizations alike
4 to upshare this information throughout the
5 community.

6 MR. SCOTT: If I may, I don't want to
7 monopolize the time, but if I may say that the
8 ruling in New York being a federal opinion, that
9 we should take that into consideration,
10 especially as I said in relationship to use of
11 force issues.

12 We should take that into consideration
13 because the circumstances are we can talk and we
14 can have the verbal framework, but I think it is
15 the image and the framework and the deployment,
16 philosophical framework that we're dealing with.

17 So if one says we're going to continue
18 to do what we've always been doing, I think that
19 that is sort of an oxymoron kind of thing. If we
20 continue to do what we've been doing, then we go
21 back to what we were. So I think we need to look
22 at new ways of resolving issues and resolving
23 conflict and I'm just saying until the people
24 really feel that the law is dealt with across the
25 board on an equal fashion, then we will have

1 these discussions. I think it's a good thing, I
2 think it's a good thing that we're coming to this
3 point.

4 Perhaps we will have more dialogue
5 before those policies are put out and I think the
6 Chief has the best of intentions, but I just
7 think we need to talk about these issues before
8 the facts.

9 And when one talks about -- if one
10 believes that someone is about to commit
11 something, that to me from a civil liberties
12 standpoint, and I am totally committed to
13 reducing violence as we do with the Peace Zones
14 for Life program, but I'm saying I don't know how
15 you can know what I might do unless somehow you
16 have a message from God or you're a fortune
17 teller. I don't know how you can know that.

18 So therefore I think we need to look at
19 the definition of that, when one believes a crime
20 is about to be committed. And that is the way it
21 reads and I've read the opinion, so that's one of
22 the key issues.

23 COMMISSIONER WHITE: Thank you,
24 Mr. Scott. Good afternoon.

25 MR. LUND: Hello, how you doing again?

1 Lund, Dana. I'm just down here to try to help
2 the officers clear up a little situation with the
3 gas station and the stores. I was just down
4 here to either cross the message with the -- I
5 assume the Chief of Police, but he had to run up
6 out of here and not to hear the message from me.

7 I don't know what his rush was, but in
8 order to clear up some of that and help the
9 officers out from my opinion is to get the store
10 owners and the gas station owners to get video
11 and if they don't clean up most of that chaos
12 that's going on at the gas stations to help the
13 officers out because they allow those guys to sit
14 up at those gas stations. It's not, you know,
15 the people in the neighborhood. Say like when I
16 come to a gas station, that's stopping me from
17 coming to that gas station because the owner
18 allows those people to sit up there at those gas
19 stations.

20 You come up to a gas station, it's
21 seven guys sitting at that gas station. And when
22 the officers pull into that gas station, they
23 come up there five and six times and those guys
24 come right back.

25 I don't know what your policy is to do.

1 I mean, you can give them a ticket, they going to
2 come right back. What's the deal on that? I
3 mean is it to just give them a ticket? I mean,
4 they not going to give you their real name
5 anyway.

6 I'm just looking for an answer for
7 that. And then the store owners, they got videos
8 and they just record them and arrest them or
9 what? And when I make a phone call about the
10 speed that comes down in my neighborhood, I've
11 been doing it -- I've been living in that
12 neighborhood 19 years.

13 I called up to the 9th Precinct or what
14 you call it, the Eastern District, and I've been
15 calling for years. There's been kids hit on my
16 block, cars been hit on that block. I've been
17 calling for years and I've been coming down here
18 complaining -- not at this building. I just
19 found out about this building yesterday. I don't
20 know, you guys don't publicize it or nothing like
21 that to let anybody know when you move or
22 anything.

23 And is it a thing that -- how do you
24 let the public know where you're located and to
25 know about these meetings right here? How do we

1 know where the public is to come down here and
2 speak on this? I mean I understand the minutes,
3 but you can -- how do we get to know to voice our
4 opinion to come down to these meetings because I
5 know my one voice can't do too much.

6 COMMISSIONER WHITE: Yes, sir. Thank
7 you. I heard a few questions and we'll try to
8 answer all three of your questions for you.

9 One, in terms of the meetings that we
10 have, our meetings are posted on our website.
11 There also are flyers that are posted throughout
12 all of the Detroit Police Department facilities
13 that speaks to the Board of Police Commissioners,
14 our function within the department and the City
15 and how to access this body, so that's how we
16 share the information.

17 In addition to that information that is
18 posted the meeting on every second Tuesday is
19 held within the community, so that we go to the
20 community and the community does not have to only
21 come to us. And during those meetings we also
22 express how to access the community and also
23 invite them back to our normally scheduled
24 meetings which are held every Thursday here at
25 police headquarters.

1 The second and third question, I'm
2 going to ask if Asst. Chief Ewing could respond
3 to. Asst. Chief, I believe one question was how
4 loitering is being handled at gas stations if I
5 heard it correctly, and also potentially how
6 Mr. Lund can have someone address his issue of
7 individuals speeding down his neighborhood.

8 ASST. CHIEF EWING: Mr. Lung, it was
9 quite interesting that you brought that issue up
10 about gas stations.

11 We just had a meeting with the Chief
12 two days ago and he's ordered his staff to get
13 together with the gas station owners and have a
14 meeting to address those -- just those particular
15 issues.

16 We do understand that it's -- and
17 particularly after 12 midnight a lot of things go
18 on with these gas stations. And we want to
19 partnership with the gas stations, but we also
20 understand they have to be more involved in
21 what's happening in the neighborhoods.

22 Some of the things we're looking at is
23 their upgrades in terms of the video, employing
24 secondary employment or hiring their own security
25 force, so those things are ongoing.

1 I think within the next two or three
2 weeks we're going to have that particular meeting
3 with the gas stations and we'll be able to report
4 back what we find.

5 With regard to your issue with the
6 Eastern District I'm going to ask you to talk to
7 Lt. Herb Miles, if you'll give him your specific
8 issues and we'll see what we can do to address
9 them.

10 MR. LUND: No problem. This is in
11 broad daylight over here on Seven mile and
12 Goldburn. It's not at 12 midnight, this is broad
13 daylight they sit right out in front of the gas
14 station and at that store on Westphalia and Seven
15 Mile. They don't care, they got that dime bag
16 right there. I mean, I don't care about saying
17 that address or anything.

18 This is in broad daylight. They don't
19 wait until midnight or anything. This is just
20 straight out, that's how they do it right over
21 there. I been over there 19 years.

22 ASST. CHIEF EWING: Yes, sir.

23 COMMISSIONER WHITE: Thank you.

24 COMMISSIONER WARFIELD: Mr. Chair,
25 while the next citizen is coming, can we just

1 urge through the Chair to Asst. Chief to really
2 press the store owners for secondary employment,
3 especially the fact that when they expanded their
4 businesses from just selling gas to selling
5 everything else including clothing items and
6 other things, I'm sure that most of them are
7 making the revenue where they can afford
8 hopefully secondary employment of our officers to
9 be able to patrol those areas because as Mr. Lund
10 said, some of those are purposeful. They have
11 people hanging out there on purpose, and so I
12 think it takes responsibility on both ends to try
13 to clean that up.

14 ASST. CHIEF EWING: Absolutely.

15 MS. HINES: Sandra Hines, Detroit
16 Coalition Against Police Brutality. I'm in
17 agreement with the gentleman that just sat down
18 in regards to the Chief leaving before he hears
19 what the public has to say.

20 I think it's more important for him to
21 hear what the public has to say and that he
22 should be at the meetings when we come to bring
23 our complaints because I don't think that
24 somebody can sit in his stead and get the full
25 gist of what the person is trying to say.

1 The other thing and he mentioned that
2 downtown that he made a difference that they
3 don't have -- alluded to the fact that they don't
4 have as much crime downtown as they have in the
5 neighborhoods which means to me that it's like a
6 divide. This whole thought around the two
7 Detroits is still -- this is still being
8 maintained that Detroit downtown is separate from
9 Detroit in the neighborhoods.

10 Detroit is Detroit. It's just as much
11 crime goes on downtown that you might not hear
12 about that you hear in the community that you do
13 hear about.

14 And we want Detroit to be safe, not
15 just one area of Detroit, we want the whole
16 Detroit to be safe, and we also want the Chief to
17 know that. I'm still maintaining from our
18 organization we are still against tasers because
19 they didn't do tasers here in Detroit because we
20 raised some real issues in regards to people
21 having pacemakers, people having steel in they
22 body, people having chronic diseases.

23 And to be zapped by one of those tasers
24 could cause instant death. And so we know that
25 the police are trained to de-escalate problems

1 and we want to see more of that. We want to see
2 the police doing they job to de-excalate.

3 We've been working on this issue for a
4 long time in terms of bringing the community and
5 the police together with a better relationship.
6 We don't want the bully relationship from our
7 policemen. We want them to be working with us in
8 the community and to rid crime in a way that's
9 dignified, respectful and honest. And we've been
10 waiting on that to happen.

11 And so I'm saying that we got a new
12 Chief, he can make some new decisions around some
13 of these issues that we've been facing and have
14 been dealing with and he should be here to hear
15 from us, not a substitute.

16 No disrespect to you sir, but you're
17 not the Chief and can't make those kind of hard
18 decisions that need to be made. And when you
19 take it back and tell him, it's not the same
20 coming directly from the person who really said
21 it because you know we add stuff and we leave
22 stuff out when we retell a story, so I'm saying
23 that if you could impress upon him that since
24 he's here just to start anew and to get some
25 things done that he needs to hear from us.

1 He needs to sit down and hear from us.
2 I'm not saying he hasn't already done some of
3 that, but even more of that needs to happen.

4 Thanks.

5 ASST. CHIEF EWING: Thank you.

6 COMMISSIONER WHITE: Thank you. Other
7 comments, other comments? Good afternoon.

8 MS. DUBOSE: Good afternoon. My name
9 is Teresa Dubose and I came in today because my
10 brother was in an accident on June 5 and I've
11 been dealing with Officer Sheets from the Fatal
12 Squad in regards to his case.

13 I recently received a letter on the 8th
14 from the State of Michigan stating that his
15 vehicle was being abandoned, it was listed as an
16 abandoned vehicle and it was to be sold at
17 auction if we did not respond.

18 Well, I've contacted Officer Sheets on
19 a number of occasions and have been informed that
20 he would be forwarding information for release
21 over to the tow company.

22 Well, it's six days before the sell
23 date and it still is not released. So that means
24 that I either have to go down to the 36th
25 District Court, pay the fees when in fact his

1 motorcycle was held in evidence and it should
2 have never been deemed abandoned.

3 So I'm trying to get some assistance in
4 getting that matter rectified as I can go over
5 and retrieve the motorcycle.

6 COMMISSIONER WHITE: Yes, ma'am. Thank
7 you, Ms. Dubose, for coming today. I'm going to
8 ask if Asst. Chief Ewing can address your
9 concern.

10 ASST. CHIEF EWING: Ms. Dubose, I
11 apologize for that. Sgt. Paris will take that
12 information and we'll make sure we get an answer
13 for you if not by the end of this meeting
14 tomorrow morning.

15 MS. DUBOSE: Okay. All right.

16 COMMISSIONER WHITE: And, Ms. Dubose,
17 as relates to your timeline, there are six days
18 before --

19 MS. DUBOSE: This letter is dated on, I
20 believe, the 8th, the 8th of August.

21 COMMISSIONER WHITE: August 8th?

22 MS. DUBOSE: Yes.

23 COMMISSIONER WHITE: And what was the
24 time frame?

25 MS. DUBOSE: Twenty days and I believe

1 there was an article in the newspaper about this
2 very procedure back in July, so when they say
3 that they're going to sell the vehicle, the
4 vehicle will be in fact sold, and it's a \$20,000
5 motorcycle. We just want to retrieve our
6 property.

7 COMMISSIONER WHITE: Thank you.

8 MS. DUBOSE: You're welcome.

9 MS. STIDHAM: Tom Stidham. I just
10 wanted to follow up from our last week's meeting.
11 I did, Commissioners, Mr. Chair, have a -- or I
12 did attend this week a meeting with the Municipal
13 Parking Department and at that meeting they asked
14 my client to sign a contract to tow abandoned
15 vehicles.

16 When I asked them the authority for
17 that they told me that a resolution had actually
18 passed City Council dated December 20, 2012. The
19 interesting or curious thing about it is the
20 rates they told us. We haven't received the
21 contract yet, but the rates are subject to being
22 set by the Municipal Parking Department.

23 And so obviously they did expressly
24 state that the police were continuing to do the
25 abandoned vehicle tows. However, it's just the

1 payment portion of it is being transferred to
2 Municipal Parking, so I was again wondering
3 whether or not this body has had any input or
4 knowledge of the resolution or this procedure or
5 has anyone from Municipal Parking contacted this
6 body to express or elaborate on what exactly is
7 transpiring because I do want to state for the
8 record my client does not want to run afoul a
9 mandate of this Board and we're getting -- again,
10 we feel like we're put in the middle between two
11 agencies of the City in an inter-agency dispute
12 that's been festering for some time.

13 COMMISSIONER WHITE: Anything further,
14 Mr. Stidham?

15 MR. STIDHAM: No.

16 COMMISSIONER WHITE: I do know you came
17 last week. I did have an opportunity to review
18 the minutes although I was not in attendance at
19 the last meeting.

20 I'm going to ask if Commissioner
21 Warfield who I know chaired that meeting and
22 spearheaded some of that conversation --
23 Commissioner, has there been any new developments
24 in that conversation?

25 COMMISSIONER WARFIELD: No. I think --

1 I don't know if it was you or Mr. Scott who
2 brought this up last week, but there is obviously
3 a concerted effort to change things beyond the
4 scope of the Detroit City Charter.

5 Only thing I can tell you is what the
6 Charter says and until someone tells us that
7 Charter as relates to us is not in effect any
8 longer, the best we continue to do is to follow
9 the Charter.

10 We have not heard from anyone from
11 Municipal Parking as relates to taking over aban
12 tows or anything like that or police-authorized
13 tows, so we are in the dark on that issue as
14 well. If you can forward us a copy of the
15 resolution that passed from the Detroit City
16 council, that would be helpful and also maybe if
17 we could have our staff research if a resolution
18 can trump an ordinance and what is the power
19 behind a resolution versus an ordinance that's
20 already in place.

21 MR. STIDHAM: Mr. Chair, may I ask a
22 question? First of all, I was told that an
23 ordinance was passed on December 20th. When I
24 asked to see a copy of it, they refused to give
25 it to me and told me to FOIA it from the City

1 Clerk's office.

2 However, I was wondering whether or not
3 this body would be amenable to reaching out to
4 the Emergency Manager's office to try and bring
5 the two agencies together since it's certainly
6 under your jurisdiction.

7 COMMISSIONER WHITE: Couple of things.
8 Number 1, I still go by the Charter, not the
9 Emergency Manager, so to echo the sentiments of
10 my colleague until someone brings me something
11 different that circumvents that, this body will
12 continue to operate on the basis of the Charter
13 that currently exists.

14 So with that being said, I can't really
15 give you advice on how to instruct your client
16 other than I think this Board has been very
17 explicit to its towers, to the community in terms
18 of the direction we're operating in.

19 So if there's advice that you're
20 searching, I would say to continue to operate on
21 the Charter and mandates that this body has put
22 forth.

23 MR. STIDHAM: Right. We're not
24 necessarily seeking advice as much as simply to
25 try and ameliorate this apparent gap between two

1 agencies of the City.

2 COMMISSIONER WHITE: Asst. Chief, who
3 is currently handling towing for the department?

4 ASST. CHIEF EWING: That's under Insp.
5 Leslie Montgomery and I believe, Mr. Stidham, you
6 talked to Officer Roland Clark this week?

7 MR. STIDHAM: I did, sir. Insp.
8 Montgomery did call me and told me that he would
9 have Officer Clark call me and he did and we did
10 speak on Wednesday I believe of this week.

11 ASST. CHIEF EWING: And additionally I
12 attempted to call you a couple of times and left
13 messages.

14 MR. STIDHAM: You did, sir; thank you.

15 COMMISSIONER WHITE: So, Mr. Stidham,
16 if you're having conversations with department
17 representatives and you still don't believe that
18 you're getting those type of answers I would ask
19 that you submit something formally to this body
20 in writing that we may act on what you submitted
21 in writing if you believe though that members
22 aren't being responsive or that you aren't
23 getting the clarification that is needed that
24 will allow us to work within the confines of the
25 responsibilities that are afforded to us and

1 possibly work with you to get the -- address the
2 issues that you may have.

3 MR. STIDHAM: No, thank you, sir. I
4 will say that DC Ewing and the staff were
5 responsive to my inquiry from last week and all
6 these other issues surfaced as a result of my
7 meeting that I had with Municipal Parking
8 Department.

9 COMMISSIONER WHITE: I'd be happy to
10 talk further with you off line if there's some
11 additional conversation that's needed.

12 MR. STIDHAM: Very well, thank you,
13 sir.

14 COMMISSIONER WHITE: You're welcome.

15 COMMISSIONER WARFIELD: Through the
16 Chair?

17 COMMISSIONER WHITE: Commissioner
18 Warfield.

19 COMMISSIONER WARFIELD: If we can have
20 our staff research the City Council if there's an
21 ordinance change I think that would be very
22 helpful.

23 COMMISSIONER WHITE: Mr. Secretary?

24 SECRETARY ANTHONY: Yes, sir.

25 COMMISSIONER WHITE: Thank you, sir.

1 Good afternoon.

2 MS. SMITH: Good afternoon, Bernice
3 Smith, political activist. I'm going to be very
4 brief. A couple of my church members Sunday --
5 to you, Chief, good to see you again. A couple
6 of my church members approached me when I was
7 coming in for the service and they were saying,
8 "Bernice, you go down to the Police Commission,
9 don't you?" I said, "Yeah, every week."

10 They live on Parkside off of Jefferson.
11 There has been a run of cars being stolen over in
12 that area and I'm not sure if former Chief Logan
13 is in that particular area, but he did say that
14 it's near the Mayor's mansion and Barrow's and
15 all like that, so is it possible for you to have
16 special attention in that area?

17 I don't know what the procedure is as
18 far as protecting the people over in that
19 particular area and their cars being stolen.

20 Also -- and it's good to see the Chief
21 even though he wasn't able to -- or he might have
22 had another appointment, he couldn't stay, but I
23 do want to emphasize to the public here that I do
24 live in Midtown and I've been there going on 18
25 years and I want to stress to them the fact that

1 the police do come in that area, but they're not
2 by themselves.

3 The Wayne State Police comes faster
4 than they do because we all know there is a
5 shortage of police cars so I'm not too far from
6 Central. I'm near almost -- well, by the museum,
7 so I can't emphasize to the fact -- give
8 information in regards to our safety down there
9 and it is very prominent mostly where our city
10 police is near the Fox Theatre down on the other
11 side of Mack because of the fact I guess they
12 have a contract which I hope they do as far as --
13 even today when they have the football game going
14 on we do have quite a few of the police down
15 there, but I will say from my experience that the
16 Wayne State Police, they do come very frequently
17 whenever anyone needs them and they go up and
18 down Woodward all the time, so they are very
19 visible.

20 And we must realize one thing, that
21 once these new cars come out, I'm sure we're
22 going to see quite a few of the Detroit police
23 officers that's coming and they will be visible
24 in the neighborhoods which I do hope that they do
25 improve the relationship with the neighborhoods

1 because I know they're in dire need of having the
2 safety.

3 And my concern mainly is the hijacking.
4 We speak about that constantly on the radio and
5 this is something that I wanted the police to be
6 aware of, that it's getting worse and worse and
7 worse. We have almost 20 minutes of reporting
8 about hijacking each morning. Angelo makes the
9 statement to the public, so I know that's one of
10 the most prominent dangers that we have to incur,
11 hijacking of the cars.

12 And we try to warn people not to be out
13 2 and 3 o'clock in the morning getting gas and
14 whatever the case may be, but they're hard headed
15 so they still coming out.

16 But we must be careful when we go to
17 the gas stations and be out that time of morning
18 and especially the women to lock their doors on
19 each side and when you get out to get gas like I
20 do, I lock my door right away, but we got to be
21 careful of our surroundings when we do get gas at
22 the gas stations and also driving in the streets
23 and so we'll be protected about these hijackers.

24 I thank you for your time.

25 COMMISSIONER WHITE: Thank you,

1 Ms. Smith. Good afternoon.

2 MS. ROMANO: Good afternoon, Anna
3 Romano. I've been involved in watching the news
4 and the media and we have some very excellent
5 officers out there working very hard trying to
6 take hold of this crime in Detroit and as stated
7 in the media today, last night or early hours of
8 this morning that the Special Response Team
9 recovered many weapons from a home and getting
10 someone off the street that was mentally ill from
11 what they state in the media.

12 But they are out there hitting the
13 pavement and working very hard and we truly
14 appreciate all the work that these officers are
15 doing underneath the conditions that they do have
16 in the city of Detroit with Kevyn Orr coming in
17 and the Consent Decree.

18 There's so many different things and
19 with the equipment and the hours that they're
20 working and their pay being cut, so I truly
21 appreciate the fact that they're giving their all
22 in trying to take hold of this crime in Detroit
23 we truly need to support our officers and we need
24 to be more proactive as a community in supporting
25 them.

1 Thank you.

2 COMMISSIONER WHITE: Thank you. Are
3 there other comments? Are there other comments?
4 Are there other comments? Seeing none, that will
5 conclude that portion of our meeting.

6 Mr. Secretary, it appears as though we
7 have not obtained a quorum -- okay.

8 Mr. Secretary, what would be the order
9 of the day? Is there a quorum that's needed to
10 move to a closed session? Okay, so at this time
11 we will take a short break from this meeting.
12 Once our quorum is established, we will reconvene
13 for the purpose of moving towards a closed
14 session hearing.

15 (Recess taken. Commissioner Taylor
16 now present.

17 COMMISSIONER WHITE: We're going to
18 call this meeting back to order. Thank you very
19 much. We have been joined by Commissioner
20 Jessica Taylor and an official quorum has been
21 established. At this time the Chair will
22 entertain a motion to approve the agenda dated
23 for Thursday, August 22, 2013.

24 COMMISSIONER WARFIELD: So moved.

25 COMMISSIONER TAYLOR: Second.

1 COMMISSIONER WHITE: Properly moved and
2 supported. Any discussion? Seeing none, all
3 those in favor?

4 COMMISSIONERS: Aye.

5 COMMISSIONER WHITE: Opposed? Thank
6 you very much. At this time the Chair will also
7 entertain a motion for the approval of the
8 minutes dated August 1, August 8 and August 15.

9 COMMISSIONER TAYLOR: So moved.

10 COMMISSIONER WARFIELD: Support.

11 COMMISSIONER WHITE: It's been properly
12 moved and supported. Any discussions? Seeing
13 none, all those in favor?

14 COMMISSIONERS: Aye.

15 COMMISSIONER WHITE: Opposed. Thank
16 you very much. Madam Chair, is there a
17 Chairperson's report for today?

18 COMMISSIONER TAYLOR: Not today.

19 COMMISSIONER WHITE: Thank you very
20 much. Mr. Secretary.

21 SECRETARY ANTHONY: Thank you,
22 Mr. Chair. These are the procedures for
23 convening a closed session under the Open
24 Meetings Act.

25 As a public body your meetings are

1 subject to the Open Meetings Act, the OMA. The
2 OMA defines a meeting as the convening of a
3 public body at which a quorum is present for the
4 purpose of deliberating towards or rendering a
5 decision on a public policy, MCL 15.262(b).

6 The OMA, however, does allow a public
7 body to call a closed session one limited to the
8 public body and its invitees for specific
9 purposes. Only deliberations may be conducted in
10 closed session. All decisions must be made at a
11 meeting open to the public.

12 While in the closed session the Board
13 makes no decisions. That must be done on the
14 record.

15 On Thursday, August 22, 2013 you will
16 be presented with a suspension without pay
17 recommendation for Sgt. David Pomeroy, Badge
18 S480. Through his representative LSA attorney
19 Fred B. Walker Sgt. Pomeroy has requested a
20 closed session for the purpose of contesting the
21 suspension without pay recommendation.

22 The closed session will be called
23 pursuant to MCL 15.268(a) of the Open Meetings
24 Act which states in part a public body may meet
25 in a closed session to consider the suspension of

1 or hear charges brought against an employee. A
2 simple majority vote quorum three is required to
3 close a session for this purpose.

4 Mr. Chair, a motion is in order for a
5 closed session.

6 COMMISSIONER WHITE: Thank you,
7 Mr. Secretary. Is there a motion?

8 COMMISSIONER WARFIELD: Sir, I move
9 that we go into closed session to consider the
10 personnel matter mentioned by the Secretary.

11 COMMISSIONER TAYLOR: Second.

12 COMMISSIONER WHITE: Properly moved and
13 supported. Any discussion? Seeing none, all
14 those in favor?

15 COMMISSIONERS: Aye.

16 COMMISSIONER WHITE: Opposed? Thank
17 you very much. We will reconvene following our
18 closed session hearing; thank you.

19 (Recess was taken and a closed
20 session was held.)

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

24 SECRETARY ANTHONY: Mr. Chair, a motion
25 is in order to come from closed session into open

1 meeting.

2 COMMISSIONER WHITE: Thank you, sir.

3 Is there a motion?

4 COMMISSIONER WARFIELD: Move to
5 reconvene.

6 COMMISSIONER TAYLOR: Support.

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

10 COMMISSIONERS: Aye.

11 COMMISSIONER WHITE: Opposed? Thank
12 you very much. Mr. Secretary.

13 SECRETARY ANTHONY: Mr. Chair and
14 Board, you have considered the matter of Sgt.
15 Pomeroy's suspension without pay recommendation
16 from the Chief and unless this Board contravenes
17 the recommendation, then a suspension without pay
18 will stand.

19 COMMISSIONER WHITE: Thank you, sir.
20 Commissioners, before us is a suspension without
21 pay for Sgt. David Pomeroy, Badge S480 assigned
22 to the 12th Precinct.

23 Is there a contravention?

24 COMMISSIONER WARFIELD: Contravene.

25 COMMISSIONER WHITE: There has been a

1 contravention. Mr. Secretary, for the record let
2 the record reflect that currently in order for a
3 suspension without pay to be contravened there is
4 a need for a majority vote four Commissioners to
5 vote on this matter. Currently we have three so
6 the suspension without pay cannot move forward
7 due to the contravention at this time.

8 SECRETARY ANTHONY: Yes, sir.

9 COMMISSIONER WHITE: Thank you. Asst.
10 Chief, is there something you wanted to add?

11 ASST. CHIEF EWING: Yes. Acting under
12 Executive Order 11 power given to the Chief of
13 Police by the Emergency Manager Kevyn Orr I
14 hereby suspend Sgt. David Pomeroy, Badge S480
15 without pay.

16 COMMISSIONER WHITE: Mr. Secretary, is
17 there any further business before us at this
18 time?

19 SECRETARY ANTHONY: There is none, sir.

20 COMMISSIONER WHITE: At this time the
21 Chair will entertain a motion to adjourn.

22 COMMISSIONER WARFIELD: So moved.

23 COMMISSIONER TAYLOR: Support.

24 COMMISSIONER WHITE: Properly moved and
25 supported. Any discussion? Seeing none, all

1 those in favor?

2 COMMISSIONERS: Aye.

3 COMMISSIONER WHITE: Opposed. Thank
4 you very much.

5 (Proceedings concluded at
6 5:05 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

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

DALE E. ROSE



DALE E. ROSE,
CSR-0087

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