

Draft Minutes Detroit Board of Police Commissioners

Date of Meeting: May 3, 2018 – 3:00 PM

Location: Detroit Public Safety Headquarters, 1301 Third Street, 3rd Floor, Detroit, MI 48226

Vice Chairperson Eva Dewaelsche called the BOPC meeting to order at 3:04 PM (May 3, 2018)

Detroit Police Commission Membership / Attendance	Attend	Not-Attend
Lisa Carter, Chairperson	Excused	
Eva Dewaelsche, Vice Chairperson	Yes	
Willie E. Bell	Yes	
Elizabeth Brooks	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Yes	
Willie E. Burton	Yes	
William M. Davis	Yes	
Conrad Mallett, Jr.	Excused	
Jim Holley	Yes	
Vacant	N/A	
Quorum (Yes)	8	

The Board acting in accordance with its rules approved the Agenda for May 3, 2018.

**The Board acting in accordance with its rules approved the following Board Minutes:
Thursday, April 26, 2018**

BOPC Vice Chairperson Eva Dewaelsche said Welcome, Good Afternoon. I am Police Commissioner at Large, Eva Garza Dewaelsche, Vice Chairperson of the Board of Police Commissioners. On behalf of the Board, thank you for attending today's Board meeting. For people viewing this meeting on your government cable channel, thank you for viewing. Commissioner Lisa Carter is unable to attend today's meeting and will be listed as excused.

INVOCATION: for the invocation we have invited the Detroit Police Chaplin Corp, Chaplin Devan Myatt.

- **Business Items:** (1) Approval of the Agenda, (2) Approval of the Minutes for April 26, 2018
- **Introduction of Commissioners,** Elected Officials, VIPs, BOPC staff and DPD staff,

BOPC Officers Report: (Dewaelsche) “On behalf of the Board, I want to express our concern and support for fallen and injured officers and their families. I would ask the Chief during his remarks to provide us with any additional information related to injured and fallen officers. Additionally, I remind the Board, Friday, May 4th is the 45th Annual Interfaith Memorial Service and 19th Annual Interfaith Candlelight Vigil Service starting at 8:00 PM at Old St. Mary’s Church in Greektown.

The Board of Police Commissioners meets every week except for the Thanksgiving and Christmas Holiday periods. We meet at Police Headquarters in regular session, 3 weeks in the month on Thursdays at 3:00 PM. We also meet in the community every 2nd Thursday of the month at 6:30 PM. The Board of Police Commissioners exist to provide civilian oversight for the work of the Detroit Police Department. As a Board, we receive and investigate non-criminal citizens' complaints, monitor the operations of the Department and work with the Mayor and the Chief of Police to make or modify police policy. Our objective is the same as the city of Detroit, to provide for the best use of your tax dollars to improve on the quality of life within our city. As a Board, we bring a unique perspective to policing, the eye and the viewpoint of civilians. The principle of civilian oversight is as old and as important as all of the founding principles in our democracy. Separation of powers between and within government allows for accountability, transparency, rights to appeal and citizen control. These principles are important nationally as well as locally.

Today, we have scheduled a presentation on Police Authorized Towing (PAT). Towing is and remains a great concerns for residents and visitors of Detroit as well as the Board of Police Commissioners. The Department and the city have suffered from the involvement of a few of our officers and police personnel who regrettably became involved in illegal practices related to towing. Many of these individuals have either pled guilty or have been convicted for their crimes and they will pay for their abuse of the public trust.

The Board as far back as 2010 has made several attempts to get ahead of this problem. The Board created a series of tow rules in December 2010 under the leadership of Commissioner Jerome Warfield. The Board raised several concerns about the monitoring of the police towing program. Then as now, there is considerable confusion as to how the program operates and if sufficient safeguards are in place to protect our public interests. The objectives of any vehicle towing program should be to effectively manage traffic, provide for safe roadways, and provide for a reasonable method for vehicle owners to have a fair set of procedures in securing their property. The core concern of this Board has been, does our tow program meet the tests for efficient financial practice, transparency with clean and accurate record keeping, accountability and fairness? Our rules enacted in 2011 sought to accomplish these goals. Today, I hope to hear from the Department on several critical issues related to police authorized towing. The Board of Police Commissioners operating through our staff submitted 11 questions to the Department on police authorized towing. Copies of these questions were distributed to the Board in your Tuesday package and are in your package today. I hope that these questions will guide the presentation from the Department as we seek to understand the current operations surrounding police authorized towing.

Later in the meeting, in a closed session, we will take up a request from Chief of Police Craig to suspend without pay Police Officer Willie Fortner, Badge # 719. Please note that the request from the Chief is a personnel item. We are allowed under the Open Meetings Act to discuss personnel items in private. To accommodate this request, we have adjusted the flow of our agenda to go into a closed session after public comments. This adjustment alleviates the need for citizens and visitors to sit around during the closed session. Please note that if an action item results from the closed session, we are also required to return to regular order and take any votes in public. With an adjustment in our agenda, we will have oral communications from the audience earlier. I remind you, if you would like to speak to the Board, please make sure you print your name on a speaker's card. Cards are located in the back on the table or can be obtained by seeing Mr. Robert Brown, and he needs your card before the beginning of public comments."

COP Police Report: Assistant Chief of Police James E. White reported that crime is continuing to trend downward. AC White reported on CompStat data for the reporting period ending April 29, 2018. White reported Homicides percentage change between 2016 and 2017, -18% decrease in Homicides, Sexual Assaults 37% increase, Robbery -18% decrease, Carjacking -7% decrease, Aggravated Assaults -2% decrease, non-fatal shootings -20% decrease, Burglary -26% decrease, Larceny -1% decrease, Stolen Vehicle -26% decrease and Part 1 offenses -16% decrease. AC White gave a report on injured and fallen officers. AC White indicated he had a report on the sexual assaults in addition to the report on Police Authorized Towing. **Captain Charles Tucker** summarized the statistical information related to sexual assaults indicating that the reporting on sexual assaults are up largely due to increase education on the crime and that a re-coding of crime figures are responsible for the increase in statistical number. Tucker indicated that the actual numbers of sexual assaults are about the same.

Presentations to the Board: (A) Police Authorized Towing, Lieutenant Michael Parish

(A) Police Authorized Towing Lieutenant Michael Parish started his presentation with a description of Police Authorized Towing, the location of the Towing Detail within the DPD overall organizational chart and a discussion on the role of the Tow Monitor. Parrish indicated that the Department is involved with all tows public and private. Private tows the Department is responsible for inspection and entering the data into LEIN.

Police Authorized Towing Statistics	
Dates	Tows and Forfeiture
July 17, 2017 – April 29, 2018	23,555 vehicles, boats and other items
September 2017 – May 1, 2018	773 evidence vehicles, accepted and processed
2017	1,574 Forfeiture Vehicles
2018 (YTD)	408 Forfeiture Vehicles

Parrish reported that as of July, 2017 the Department has begun to use the Records Management System (RMS) to record tow rotations. He added that the Department is working to add the capability for the RMS system to track compliance and add investigation notes into the system. He also indicated that the unit is reconciling tow bills before submission to the fiscal section

for payment and is working with City Law Department on items like FOIA. Parrish also indicated that the Assets and Licensing completed the first phase of a financial audit focused on fees set by the Tow Rate Commission. Parrish also indicated that findings from the audit will not be released until the companies have had a chance to review and commit on the findings. Parrish also indicated that moving forward the Department will include non-contract tow companies in their audits. Parrish also indicated that his unit has 1 pending investigation and 3 pending monitors. Pending monitors are investigation that are not being conducted by Assets and Licensing because of some issues or conflict within the investigation require an outside or non-Assets and Licensing investigation. Parrish also indicated his unit would be writing Comprehensive Standard Operating Procedures (SOPs), creating a filing and case management system and guidelines for case investigations. Parrish reported that as of late last year the Department is no longer storing evidence vehicles at Genes Tow Lot. The location has been changed to a City owned lot located 2121 Fort. Parrish also indicated that a new RFP was published yesterday for PAT towing and storage. Parrish concluded his presentation indicating that of the several questions submitted by the BOPC some of the questions will be responded to in writing and submitted through the Corporation Counsel. **Commissioner Brooks** requested that the Board receive every six months a report from the Tow Monitor on inventory, dispositions of vehicles, inspections, financial accounting, etc., moving forward. Parrish replied yes such reports will occur and written into the SOPs. **Commissioner Davis** inquired as to if the towing program was revenue neutral? Parrish indicated that some items are paid by the City and some are not. **AC White** clarified the question by asking if Commissioners Davis' question was if the city made money from towing. **Chairperson Dewaelsche** indicated that this question should be added to our existing list of questions to be forwarded to DPD. **Commissioner Brown** asked, given that the presentation suggested that bills are now reconciled, what bills are outstanding to and from the city? Brown also asked what direction the Department is moving in connection with the tow program - are we heading toward an outside management contractor. Brown continued asking about the process wherein a car is seized and should be returned to the person or his/her family, what is the process for returning the vehicle? **Dewaelsche** instructed staff to add Brown's questions to the list of BOPC questions to be directed to the Department. **Commissioner Holley** asked if minorities are involved in the towing program. Holley also asked of the 23 thousand cars seized should not the Department have an accounting of what happen to these cars? The Department indicated it would research and bring back a report on the seized vehicles indicating how many vehicles are kept for use by the Department, how many are auctioned or remain with the tow company and finally how many vehicles are returned to the owner. **Vice Chair Dewaelsche** indicated that because of the difference in the dates of the information it was impossible to understand the categorizing of the types of dispositions of the vehicles. She requested information on various categories as well as which vehicles are kept or returned to partners within the towing program. **Vice Chair Dewaelsche** also recognized Secretary Hicks who sought to summarize the recent questions submitted to the Department around police authorized towing. **Secretary Hicks** addressed concerns that a second RFP had been issued without the input and knowledge of the Board. Hicks stated that at no point in the presentation or discussion has there been any suggestion as to the engagement or participation of the Board in connection with a area of responsibility that is given to the Board by ordinance. Hicks suggested that the original problems related to the towing program involved the lack of oversight and reporting on any compliance measures by the Department. Hicks indicated that the Board under its rules had a list of items which can provide information to the Board if the Department would share the information. **AC White** took exception with the comments of Secretary Hicks. **Commissioner Bell** responding to AC White indicated that Secretary Hicks was on point and that he is frustrated after four years attempting to have the Department share information with the Board on Police Authorized Towing. Bell indicated that, we the Board do not know who is towing in the city. Bell added that to the extent that corruption has occurred it has not been because of the Board. Bell added Corporation Council is not representing the Board of this matter inasmuch as it is not sharing information with the Board or representing the Boards concerns. **Commissioner Burton** asked if the city had collected administrative fees. **Vice Chair Dewaelsche** directed the staff to represent the original questions along with the question generated from this meeting into a single set of questions and direct them to the Department. **Vice Chair Dewaelsche** voiced how it was difficult to respond to the public without the necessary information.

Captain Charles Tucker summarized the statistical information related to sexual assaults indicating that the reporting on sexual assaults are up largely due to increase education on the crime and that a re-coding of 68 sexual assaults crimes are responsible for the increase in statistical number. Tucker indicated that the Department's methodology in reporting crime figures related to sexual assaults now employ a method he called TRUE TO CRIME approach. Tucker indicated that the actual numbers of sexual assaults are about the same.

BOCP Standing Committee Reports: None. **Commissioner Brooks** indicated she would have a report on recruitment and Citizen Complaints at the community meeting.

Report from the Board Secretary. **Mr. Hicks** reported on five items listed on the agenda including Change in Duty Status recommendations and Report from the COP, PAT Towing Questions, responses from the Civil Asset Forfeiture questions from

the previous week for Willie Fortner, Badge #719, a updated list of Greenlight locations as well as an report on the status of officers suspended without pay.

Old Business: Commissioner Bell suggested that the staff detail the Boards questions on Police Authorized Towing and bring this matter back in our June meeting. **Vice Chair Dewaelsche** directed the staff to do so as requested by Bell. **Hicks** also requested the Board allow the staff to review the contents of the RPF to determine if the new RFP resolves any of the concerns of the Board. **Commissioner Holley** voiced a concerns that we might be micro-managing the Department. **Bell** responded his concerns remain that the Department was not sharing information with the Board and the Board has a responsibility in these areas.

Announcements: The next meeting of the BOPC is Thursday, May 10, 2018 at 8th Police Precinct Auditorium, 21555 West McNichols, at 6:30 PM. The next Community Meeting 6:30 PM at 2nd Police at the Adams-Butzel Recreation Center. 10500 Lyndon.

Oral Communications from the Audience / Public Comments:

Ms. Fredia Butler read the following letter into the record - *May 3, 2018, To the BOPC "Board of Police Commissioners: - On October 25, 2011, Ms. Mildred White and I drove approximately one square mile in our community creating a list of used cars and car repair shops. We had a total of twenty-four and as of last Friday, April 27, 2018 more have opened. I submitted the first list to Building and Safety and at the time Mr. Nate Ford was the director and he took action. From that list many of the car places were not operating with licenses nor were they, I believe paying taxes. The latest one Luxury Auto Shop, located at 10100 Joy Road was denied by the Board of Zoning and Appeals on April 10, 2018 to operate. Yet, they have continued to violate zoning and have committed many other violations. - Theses car places are eyesores and create safety issues in our communities. They are a haven for rodents and they are harming the environment. The operators' block streets, store and park their cars on sidewalks and curbs. It was reported during one of Mayor Duggan's meeting last year that oil had been poured in the drains. Discarded tires have been placed in vacant houses and on vacant lots. As citizens we are asking for help to stop the trashing of our communities. - Commissioners these businesses cannot locate or operate in Dearborn or in any other community. I have given a list of used cars and repair shops to Mayor Duggan and Councilman Leland without receiving any result. We are asking you to help us make a difference in our communities. - Thanking you in advance. Sincerely, Fredia M. Butler, Community Activist."* (List of 24 used motor vehicles and car repair shops locations attached to statement). **Ms. Faith** acknowledged the work of the Department and applauded the professionalism of the Board. **Ms. Bernice Smith** asked for continued service in the areas of West Grand Blvd and Warren. **Eric Blount** asked what happened to his request that the Board support HB 4250 on Civil Assets Forfeiture. Blount also indicated that the Department was over dramatizing the work in accounting for the 23 thousand vehicles. He suggested a simple excel pivot table could handle this information. **Samir Claude Milton** raised questions about Gich & Son Towing indicating they are running a criminal enterprise.

New Business: Closed Session for P.O. Willie Fortner, Badge 719 Change of Duty Status, Suspension without Pay

Commissioner Bell moved that the Board of Police Commissioners go into a Closed Session to take up a personnel request from the Chief of Police to suspend without pay **Willie Fortner, Badge # 719**, under the Open Meeting Act exception for Personnel matters.

Second, **Commissioner Davis**.

VOTE: Yes = 8 No = 0 Abst. = 0 MOTION APPROVED

Board adjourned to the Woodward Room for the Closed Session.

The BOPC reassembled into regular Order and the Chair called the meeting to order.

Commissioner Bell moved to return to regular order at 5:05 PM.

Second, **Commissioner Dewaelsche**

VOTE: Yes = 8 No = 0 Abst. = 0 MOTION APPROVED

Chairperson Dewaelsche asked for motion practice flowing from the Closed Session.

Commissioner Bell moved that the Board of Police Commissioners concur with the recommendation to place on Administrative Leave without Pay / Suspension without Pay of PO Willie Fortner, Badge #719 for violation of DPD policy.

Second, **Commissioner Brooks**.

VOTE: Yes = 8 No = 0 Abst. = 0 MOTION APPROVED

Commissioner Bell moved that the Board of Police Commissioners meeting be adjourned.

Second, **Commissioner Davis Dewaelsche**.

VOTE: Yes = 8 No = 0 Abst. = 0 MOTION APPROVED

Adjournment 5:10 PM.