



**Board of  
Police Commissioners**

# **COVID-19 Pandemic Backlogs & Citizen Complaints about the Detroit Police Department**

*A 2022 Special Report on Complaint Processing and  
Investigation Improvements & Achievements  
By the Office of the Chief Investigator*

**Compiled and Written by  
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## About the Board of Police Commissioners



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District 1

**Linda Bernard**  
District 2



**Cedric Banks**  
District 3

**Willie E. Bell**  
District 4



**Willie E. Burton**  
District 5

**Lisa Carter**  
District 6



**Ricardo Moore**  
District 7

**Jesus Hernandez**  
At-Large



**Jim Holley**  
At-Large

**Annie Holt**  
At-Large



**QuanTez Pressley**  
At-Large

The Board of Police Commissioners was created by the 1973 vote of the people for a new City Charter that enshrined reforms sought after the 1968 civil uprising against police brutality. Mayor Coleman A. Young, whose campaign platform included disbanding a police unit known for brutality against blacks, ushered in numerous changes after taking office in 1974. He immediately disbanded STRESS, appointed the first black Police Chief, and appointed the first members of the Board of Police Commissioners.

Today, Detroit has one of the oldest civilian oversight Boards in the country. The first Detroit Board worked to ensure “guardian policing” versus “warrior policing,” and this policing practice is recommended and promoted as a best practice to this day. This supervisory oversight authority would create a voice for the voiceless, receive, accept, and resolve alleged police misconduct complaints filed by the community, and provide a separate unbiased agency responsible for overseeing the Detroit Police Department. In 1974, the Board was composed of five members appointed by the Mayor. They were selected to represent the community’s interests and ensure their voices, feedback, and contributions were considered regarding policing practices. Since that time, the Board’s civilian oversight authority has evolved and expanded. The 2012 Charter expanded the Board to 11, with seven elected and four appointed Commissioners. Additionally, the Board has a staff consisting of Board Secretary, Chief Investigator, Citizen Complaint Investigators and administrative staff.

The BOPC Oversight Model is a hybrid model of civilian oversight encompassing investigative and monitor form of oversight. Under the Detroit City Charter Article 7 Chapter 8, the Board has supervisory control and oversight of the Detroit Police Department. Additionally, in consultation with the Chief of Police and with the Mayor’s approval, the Board creates and develops policies, reviews and approves the police budget, receives and resolves all complaints filed against the Detroit Police Department and its operations, and acts as the final disciplinary authority over police discipline. The Board has subpoena powers, one of few national oversight bodies with such ability to compel witnesses, and a host of other critically important mandates to ensure effective community oversight.

The Board is a government organizational member of the National Association of Civilian Oversight of Law Enforcement (NACOLE). The City also maintains individual memberships annually for Police Commissioners. Founded in 1995, NACOLE trains civilian oversight agencies, practitioners and the public safety community around the globe on best practices, lessons learned, and effective ways of ensuring transparency and accountability of law enforcement agencies and prisons.

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## *Overview*

On Thursday, March 12, 2020, the Board of Police Commissioners began to see the effects of the emerging COVID-19 public health emergency as it prepared to hold its regular monthly community meeting at 6:30 p.m. Chair Lisa Carter, adhering to urgent breaking news from the Centers for Disease Control, restricted meeting attendance to only essential participants.

The City of Detroit, along with organizations across the world, then began a near total shutdown of all daily work and social life as part of the global effort to stop the spread of the new, contagious and deadly virus.

The Detroit Police Department, as a truly essential workforce, never stopped responding to crime, law enforcement, and public safety needs. The Board also never paused its work, although most City employees, including those at the Board, were required to work remotely.

The Board's administrative and investigative staff made numerous and immediate changes to carry out the work needed to continue full oversight of the police department and ensure public access to information and DPD leadership at a critical time. The Board cancelled only two public meetings before successfully transitioning to a virtual platform that ultimately drew record numbers for BOPC meetings.

For the Office of the Chief Investigator, COVID-era changes were extensive to meet functional, systemic, legal and best practice requirements related to its mandate to investigate non-criminal police misconduct [The Police Department is mandated to investigate alleged criminal conduct by officers]. OCI, under the leadership of Interim Chief Investigator Lawrence Akbar and Interim Board Secretary Melanie White, had to develop new operating measures and investigative procedures to ensure the integrity of its objective fact-finding. For example, OCI routinely conducts interviews of police officers. OCI investigators must conduct interviews in compliance with all union contracts, Constitutional protections, and Garrity rights for government employees. With CDC guidelines for social distancing, OCI could not easily hold those interviews in person. Other measures were needed and had to ensure interview subjects were alone or only with a union attorney when speaking with OCI investigators.

Only video interviews under specific guidelines could achieve that level of integrity. However, ICI Akbar and IBS White had to develop then negotiate the new process and gain agreements with DPD command officials and union leaders for Detroit Police Officers Association (DPOA), Detroit Police Lieutenants and Sergeants Association (DPLSA), and Detroit Police Commanding Officers Association (DPCOA). OCI employees then needed training on the new process and procedures amid COVID outbreaks and required isolations.

As BOPC changes were underway in 2020 to meet unpredictable challenges of the pandemic, a new era in police reform and civil rights protest began after Minneapolis police killed George

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Floyd on Memorial Day. Detroit experienced a surge in murders and protests, followed in 2021 by a significant increase in police complaints and the onset of the pandemic phenomena called The Great Resignation: people everywhere left the workforce amid new or shifting priorities because of the pandemic.

The Great Resignation exacerbated the global backlog already caused by mass closures. As the pandemic deaths and cases appeared to ease, some sectors timidly reopened with new partitions, required screening, rigorous cleanings, and other public health procedures. They found worker shortages hurt or limited operations; outbreaks of new COVID cases and new exposures continued to cause instability.

The staff for the Board of Police Commissioners is small compared to police oversight agencies in cities similar to Detroit. Since the 1974 Charter, the Board has accepted all non-criminal complaints – from misconduct for violating policy to customer service problems like unreturned phone calls. Most comparable agencies focus primarily on allegations of police misconduct.

In its consent decree with the City of Detroit, the U.S. Department of Justice defined the term “misconduct” as *any conduct by a DPD employee that violates DPD policy or the law*. The Justice Department defined the term ‘complaint’ as an *allegation from any source of any misconduct by DPD personnel*.

In March 2020, as the pandemic started, the BOPC had six staff members in the administrative office and 23 in the OCI division. Key vacancies included Board Secretary and Chief Investigator. Within a year, attrition led to other vacancies that left more than 40 percent of budgeted positions open.

As with everything from shipping to courts during the pandemic, the BOPC’s investigative arm at OCI has undergone an unique case backlog due to mass closures, process changes required to operate amid the pandemic, staff attrition, and increase in police complaints post-George Floyd and related protests about police brutality and inappropriate uses of deadly force.

The pandemic era also spotlighted the OCI’s undertaking of accepting and investigating *all* police complaints, not just those about possible violations of policy or other non-criminal misconduct defined by federal criteria.

The operational leadership team used the opportunity for change created by the pandemic to:

- 1) Conduct an extensive review of complaints, including intake, assignment, and tracking.
  - a. The review led to the creation of a triage system that separated customer service complaints, such as complaints about unanswered phone calls or voice mail messages.
- 2) Align operations, practices and measures for administrative and investigative procedures to address all complaints while prioritizing resources for police misconduct investigations.
- 3) Identify areas for continuous improvement and enhancement regarding the OCI complaint investigation process and OCI operations overall.
- 4) Ensure all changes and improvements enhance services and effectiveness to persons filing

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complaints, to the Board, and to the public.

- 5) Meet goals for 21<sup>st</sup> Century Civilian Oversight Measures that ensure public accountability, police legitimacy, community trust, and other key outcomes for the Detroit Police Department, City of Detroit, and the community.

This report identifies three key areas:

- (1) Areas OCI has improved
- (2) Areas where OCI has remained in compliance with based on the NACOLE best practices based on Investigator Training Manual “Police Misconduct Complaint Investigations Manual” written by Barbara Attard and Kathryn Olson;
- (3) Recommendations for overall improvement of the investigative output and outcomes.

During 2021 and early 2022, the operational leadership team presented the Board and the community with a Case Backlog Plan (i.e. Backlog Project Memorandum and other written materials) to reduce/eliminate our case backlog by the end of the year 2022. We continued to report out on a monthly basis, through committee reports, monthly BOPC presentations, and responding to various inquiries from different Board Members of the progress of the endeavor. BOPC and OCI interim leaders also answered a number of media inquiries, conducted numerous media and print interviews and answered requests for information regarding the status of the complaint backlog. At the annual NACOLE Conference, we learned that investigative organizations worldwide faced case backlogs very significant backlogs for citizen complaints. Detroit was not an anomaly regarding this area. However, with the extensive knowledge and experience of having worked with U.S. Department of Justice to ensure the City’s compliance with Consent Decree Mandates, the team assessed that its recent process changes effectively used lessons learned, best practices, and common sense pragmatism for effective 21<sup>st</sup> Century Civilian Oversight.

Since February 2022, the OCI has investigated a total of 1,632. As of December 8, 2022, the BOPC OCI reported a total of 1,191 cases received with a total backlog of 361 currently. Since February 27, 2020, the OCI has investigated a total of 3,248 cases. With the BOPC OCI’s enhanced administrative procedures and the continuance of the achievements below, the BOPC OCI plans to meet its objective of closing the OCI Complaint Backlog and preventing future backlogs from occurring. These measures will continue to:

- Enhance the community’s trust in the BOPC OCI
- Ensure unreturned telephone calls or other customer service complaints are documented then relayed to DPD to handle promptly
- Allow manageable OCI caseloads for identifying and investigating police misconduct as defined by the U.S. Department of Justice; and
- Help ensure the DPD is a better policing agency because of the patterns and trends identified for improvement.

Table: 2022 CCRs Received and Closed through December

CCRS	January	February	March	April	May	June	July	August	September	October	November	As of December 8, 2022
Received 2022	84	115	120	83	114	112	93	119	112	123	102	14
Closed 2022	38	111	129	83	73	86	217	287	104	142	350	50
Pending Investigation	1015	1019	1010	1009	1051	1075	951	782	790	778	521	485
> 90 Days	775	766	753	761	812	853	745	614	591	567	398	361

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This report includes the areas of achievements regarding the OCI Complaint Investigation Process, areas for overall enhancement based in large part the Police Misconduct Complaint Investigations Manual, and recommendations for best practices and outcomes from lessons learned.

### **BOPC OCI LEADERSHIP - OCI ACHIEVEMENTS & IMPROVEMENTS SUMMARY**

1. Implemented a Backlog Case Plan for reducing and eliminating the OCI's Case Backlog.

During 2021 and 2022, BOPC OCI Staff Administration discussed its plans to reduce the OCI's existing case backlog due to COVID-19 pandemic and organizational changes (i.e. staff separations; new hires receiving standardized training and orientation; BOPC Orientation among other key areas impacting.).

2. Updated Findings Letter for the Complainant to explain clearly the findings of complaint investigations and the next steps in adjudication.

BOPC OCI Staff Administration Output: Prior to Interim Appointment, the BOPC had made several requests for OCI to update its Findings Letter for greater understanding and accuracy regarding the complaint investigation. However, under the interim appointment, the Findings Letter changed to reflect clearly the complainant's allegations, the investigative evidentiary measures used in fact-finding, and the outcome of the investigation based on OCI Findings.

3. Implemented a Survey Code on the Complaint Findings Letter allowing complainants to provide feedback regarding case investigation

BOPC OCI Staff Administration Output: Prior to Interim Appointment, the BOPC requested OCI to include a survey code to solicit feedback from the public and the complainant how BOPC OCI can improve its investigative measures. However, within a few months into interim appointment, BOPC OCI Staff Administration updated the Findings Letter to include the Survey Code for public feedback and improvement.

4. Invested in key partnerships with City partners to develop and designed a system towards a streamlined, efficient manner of managing and tracking productivity for staff and the case investigation process.

5. Identified efficient Case Closure time point accurately record the complaint case closure upon completion of the case through the new LEAN Dashboard System.

BOPC OCI Staff Administration Output: Prior to Interim Appointment, the BOPC OCI counted OCI cases closed when the Board of Police Commissioners reviewed and approved the complaint investigation already completed by the Investigator. Upon additional research and evaluation into best practices, BOPC OCI updated its administrative policies to reflect case closure when the investigator completes the case investigation versus when

all of the administrative measures are completed. Administrative Measures include and are not limited to the following: sending to BOPC for review and final approval of case investigation; notifying the complainant of the complaint findings by mailing a certified letter; sending complaint investigation and findings to the Department for appropriate disciplinary and/or corrective action; and other administrative ministerial tasks associated with recording and documenting the complaint investigation closure.

6. Ensured DPD has all OCI Completed Cases for appropriate action on all DPD-related matters

Historically, OCI only shared Sustained cases with the Department for appropriate disciplinary or corrective action. However, given our review and evaluation of OCI's practices and civilian oversight measures, we found it extremely important to share all case findings with DPD based on our review of patterns and practices of police misconduct, lack of police service, and other areas requiring retraining, re-counseling or other appropriate action.

7. Developed and implemented a Complaint Triage System (i.e. DPD MAS System and OCI CCR Database System) to immediately identify complaints that do not rise to the level of police misconduct versus those complaints that rise to police misconduct.

This new triage method allows OCI to adhere to its Mission Statement of efficiently and effectively investigating police misconduct complaints while instilling confidence in the public regarding our civilian oversight charter mandates. Since implementing the new method, it has tremendously reduced case assignment to investigator staff that require immediate police service and resolution to properly refer to DPD and/or other appropriate agency for retraining, re-counseling, immediate service and/or appropriate resolution. This allows the investigator staff to investigate true police misconduct complaints. Since the implementation of the new triage method, OCI has observed on average a reduction of caseload assignment by 35 non-police misconduct cases per Investigator.

8. Enhanced and improved the BOPC OCI's Hiring Process in collaboration with the City's official independent hiring authority Human Resources (HR) throughout the entire process to attract, recruit, select, hire and retain serious, qualified professionals and enhanced the overall connection to the City's HR Division for employee HR needs.

The BOPC OCI in coordination with the City's official hiring authority conduct an employment prescreening, background investigation, and additional vetting measures. This process helps to ensure BOPC OCI is hiring the most qualified, serious candidate. Additionally, we have enhanced our training and onboarding process for new employees to ensure their success and the success of the organization. Lastly, BOPC OCI Staff Administration has ensured the OCI's ability to connect with City HR consultants and experts regarding our HR needs. Employees now have immediate access to Employee Services Consultants for additional resources, support, and assistance in addition to in-house management and support as they perform this critical work. Employees must still

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be able to maintain their mental health and wellness as they service the community at large. Lastly, OCI is in the process of onboarding up to eight (8) new Investigators.

9. Enhanced the OCI's Training Curriculum to refocus OCI complaints on police misconduct and continue to modernize and enhance training to include law enforcement, civilian oversight trainings, and overall professional trainings.
10. Implemented an OCI Monthly Forum to provide case status update and answer any questions from complainants and the public about the complaint investigation process

Since early 2022, BOPC OCI Staff Administration has been conducting Monthly Forums providing case status updates to complainants and providing education to the community. The OCI Monthly Forums also provides information regarding patterns and trends involving police and complainant conduct to better assess areas for improvement involving all parties.

11. Incorporated other administrative training measures to ensure 21<sup>st</sup> Century Civilian Oversight and professional standards
12. Incorporating a Mediation/Alternative Dispute Resolution Program to properly address service, miscommunication, and/or those complaints requiring further education by the DPD and the complainant
13. Recommended to the BOPC the urgent need for an enhanced Department Risk Management System regarding member risk behavior based on the DPD Members who have 30 complaints or more

During 2021, as part of its ongoing comprehensive review and analysis of patterns and trends in police misconduct and member behavior, the BOPC OCI identified at least 30 members who had 30 complaints or more as part of their personnel record. The OCI brought this information to the attention the BOPC for awareness and to make informed decisions relating to disciplinary review of DPD Members. The BOPC then provided this information to the Department requesting them to share the disciplinary or corrective action plan regarding those members who pose a substantial risk to the Department and the City.

14. Provided training to BOPC Members regarding case investigation process and continue this endeavor on an ongoing basis
15. Worked with the City and other partners to enhance the Open Data Portal (ODP) and City Website to make OCI information readily accessible to the public
16. Worked with the City to develop complaint dashboard system to allow BOPC and OCI Management to better assess productivity, inputs, outputs, and outcomes regarding case investigations.



17. Recommended key measures regarding the Investigator UAW Local 212 Collective Bargaining Agreement for operational efficiency, effectiveness, and case load productivity.
  18. Worked with the Department to develop a reporting format regarding the outcome of all OCI Sustained Allegations/Investigations to ensure transparency and accountability to the BOPC and the community.
  19. Collaborated with City Departments to ensure and enhance the organization's fundamental day-to-day operational and personnel needs.
  20. Ensured a healthy safe workplace environment by managing the OCI Building Facility and working with DPD and City partners to enhance the building infrastructure and safety for all employees and visitors, particularly during COVID-19.
  21. Worked with the DPD's Risk Management Unit, Civil Rights Unit, DPD Executives and Department-wide units to improve DPD overall regarding its operations, community perception, and patterns and trends observed in citizen complaints.
  22. Enhanced OCI Presentations to ensure proper education and recording of patterns and practices of police misconduct, policy recommendations, and staff productivity.
  23. Educated the BOPC, community, and stakeholders on relevant police contract provisions, policies, and procedures impacting complaint investigations and police discipline.
  24. Continue to work to improve the BOPC OCI's civilian oversight work in collaboration with the community, DPD, and all key stakeholders.
- A. **OCI ADHERENCE TO NACOLE APPROVED INVESTIGATOR TRAINING MANUAL "POLICE MISCONDUCT COMPLAINT INVESTIGATIONS MANUAL" WRITTEN BY BARBARA ATTARD AND KATHRYN OLSON**

The BOPC OCI Office of the Chief Investigator continue to review and assess our investigation measures to ensure we are in line with NACOLE's recommendations and best practices.

- I. **The Initial Complaint Process: Assessing The Complaint, Intake, Preliminary Investigations, and Defining Allegations**

**"A complaint represents an expression of dissatisfaction from a member of the public regarding the conduct of a law enforcement officer. Police misconduct complaint serve as a valuable quality control mechanism for law enforcement agencies, providing a community perspective of officer conduct in the field. Even complaint that are not sustained may provide insight for police supervisors about community concerns. Complaints must be properly evaluated, classified, and investigated in a timely man-**

**ner, with findings and discipline tracked systematically to ensure that records are accurate and current.**

The BOPC OCI comports with this training recommendation.

Complaint Investigation Overview:

Ensure the complaint is lodged with the appropriate agency  
Intake, preliminary investigation, and identification of allegations  
Complaint classification and investigation  
Summarization of the evidence  
Determination of recommended findings  
Development of policy or training recommendations  
Finalization of the investigative report  
Implementation of discipline for sustained findings  
Complaint closure, notifications to parties, and data entry

- a. Initial Assessment
- b. Administrative Complaints – Intake Process
- c. Defining Allegations and Assessing the Underlying Incident for Additional Claims
- d. Investigative Timelines, Communicating with Complainants and Officers, and Complaint Tracking
- e. Mediation/Alternative Dispute Resolution Options

## II. **Complaint Classification and the Investigation Process**

**“After intake and the preliminary investigation are completed, and specific allegations have been delineated, the complaint should be classified according to how it will be handled. Given limited resources and competing demands, most investigative agencies have procedures in place to determine which complaints should be given priority for investigation purposes. For example, complaints alleging misuse of force or racial bias might automatically be classified for investigation, which allegations of isolated, low-level discourteous behavior could be processed differently. Such complaints involving less serious concerns might be referred to the subject officer’s supervisory for handling, or be classified for mediation or some other means of rapid resolution.**

The Board comports with NACOLE best practices. As part of its endeavors to enhance OCI complaint operations, BOPC OCI implemented the OCI Complaint Triage Method which allows us to quickly differentiate those high-priority complaints involving police misconduct allegations (i.e. excessive use of force, racial bias, brandishing a weapon or acquiring a target) versus less serious or service allegations (i.e. rude and unprofessional behavior or service-related concerns). Once we categorize complaints for assignment, we are able to quickly assign the complaint to a staff member for further

investigation and resolution and/or immediately refer the complaint to the proper agency for appropriate resolution, action, retraining, counseling, and/or service.

### III. **Finalizing The Investigation: Evaluating Evidence, Determining Findings, Making Recommendations, Report Writing, and Complaint Closure**

**“Upon completion, the case must be evaluated to determine recommended findings. This process requires organizing the case file to ensure a thorough and complete review of the investigation. Developing or updating a matrix outlining key statements and evidence can provide a visual analytical tool, particularly helpful in complex cases.**

The Board comports with NACOLE best practices. The OCI’s standard of review is Preponderance of Evidence regarding evidentiary standard of review of determining whether the alleged police misconduct occurred. As stated in the training manual, “[t]his standard is described as more likely than not; more than 50%; and a tipping of the scales of justice.” “The preponderance of the evidence standard is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.” OCI uses this standard of proof to weight the facts and circumstances as applied to the relevant law, policy, or procedure. Additionally, the BOPC OCI has adjusted and enhanced the summary of the investigative report to streamline the report and findings and provide clarity regarding whether or not police misconduct occurred and the evidentiary measures involved that confirm or refute whether the alleged misconduct occurred. The BOPC OCI comports with the best practices below regarding the format of findings:

Issue:	Complainant Allegation of Police Misconduct
Rule:	Appropriate DPD policy, procedure or the law
Analysis:	Applying the relevant facts and circumstances to the policy procedure or the law and also evaluating conflicting statements and evidence
Conclusion:	Findings language based on the evidence, facts, and circumstances utilizing the preponderance of evidence

### IV. **Special Issues in Investigating Or Reviewing Police Misconduct Complaints**

**“While the majority of complaints will be processed in a standard manner, some cases will require special handling due to the size and breadth of the investigations, timeline issues, or complicated legal factors. Some matters that could possibly require special assignment or handling include: cases in which the oversight and law enforcement agencies are conducting concurrent investigations, complaints resulting from alleged civil**

**rights or EEO violations, complaints involving possible criminal misconduct allegations, investigations resulting from large demonstrations or events with multiple related complaints, and critical incident responses. Another issue to consider is that law enforcement is rapidly changing due to new technologies; oversight must keep current of emerging developments in order to properly evaluate issues as they arise.**

The Board comports with NACOLE best practices. Additionally, given our review and assessment of the varying types of complaint investigations, the BOPC OCI Administrative Staff makes the following recommendations: Special, sensitive cases requiring more intense scrutiny and investigation (i.e. multiple officers, units, and BWC video footage; allegations involving multiple complainants) will be given a 90-day general timeframe for investigation and an additional 30 days for conclusion and submission of written investigation report. This will account for the internal delays and challenges experienced as part of the case investigation process.

Additionally, while the BOPC OCI is currently working with our City partners to identify appropriate advanced technologies for assessing productivity, we are also researching advanced technologies for enhancing our civilian oversight work. This is an ongoing activity and we hope to recommend new technologies that will serve to benefit our civilian oversight work.

Lastly, we continue to work with the DPD to receive information regarding the disciplinary related outcomes regarding OCI CCR and DPD CCR complaint investigations to ensure transparency, legitimacy, and accountability.

V. **Reporting On the Work of the Oversight Agency – Statistics, Recommendations, And More**

**“Disseminating annual reports about the work of the oversight agency informs the community about the successes and challenges the agency has encountered. The reports should highlight trends in complaint issues, the status of policy and training recommendations, and community outreach efforts. An agency report should convey to the public, government officials, and the law enforcement agency important conclusions to be drawn from the data and other matters discussed in the document. Some agencies issue reports more frequently than annually, allowing for a timelier discussion of specific topics or recommendations. Ideally, reports should be available in hardcopy and posted on line, with copies or an electronic link to the report distributed to primary stakeholders in the area.**

### **ANNUAL REPORTS & STATISTICAL REPORTS**

The Board of Police Commissioners comports with this NACOLE best practice. Un-

der the Detroit City Charter Section 7-803, the Board is responsible for submitting an annual report to the Mayor, the City Council and the public of the Department's activities during the previous year regarding crime and complaints and future plans. The Board's OCI complaint information including patterns and trends are included in this annual report and circulated and distributed to all key stakeholders and posted to the Board's webpage for the public's awareness. Additionally, the BOPC OCI presents a monthly report to the Board and the Department regarding patterns and trends observed in police misconduct complaints for DPD Executives, Command Officials, and the Risk Management's review, evaluation and action. During these monthly presentations, Board Members have an opportunity to ask follow-up questions to identify other areas to monitor and evaluate. Additionally, based on the OCI Complaint Data, BOPC makes ongoing policy recommendations to the Department to ensure constitutional, legitimate, and safe policing. The OCI also presents monthly complaint data to the Department and works very closely with the Department's newly implemented Risk Management Unit (RMU) to closely identify and mitigate risk-behavior. The Department's newly enhanced Risk Management Unit was developed during 2021 based on the Board's recommendation for the Department to address those repeat offending members who obtain a high volume of police complaints.

For 2022, the Board also plans to create a separate standalone OCI Complaint Annual Report to focus the report's findings on complaint data and metrics. Our hope is that the OCI Annual Reports will continue to improve police training, policy, and overall operations and deter police misconduct.

### VI. Oversight Personnel and Training Considerations

**“The National Association for Civilian Oversight of Law Enforcement (NACOLE) has developed recommended qualification standards for individuals handling police misconduct complaints, including investigators, supervisors, and executive personnel (directors, inspectors general, auditors, and monitors), as well as training suggestions for appointed board and commission members. While unique factors relating to the work of a particular oversight agency might indicate the need for personnel with other specific experience, NACOLE’s “Qualification Standards for Oversight Agencies” serves as a convenient reference tool. The enabling legislation for an oversight organization should helped clarify whether some skills or experience should be emphasized over others, and needs may change over time as the oversight agency evolves.**

**Effective oversight leadership and staff will promote high quality investigations and enhance the relationship between the agency and all stakeholders, including complainants, officers, the community, the law enforcement department, and government officials. Oversight must be funded at a level to attract and hire qualified personnel, and employ ample**

### staff to meet its mandate.

The BOPC OCI has a standard training curriculum both for Commissioners and Staff. Based on the Board's Bylaws, the BOPC engages in ongoing training regarding all law enforcement and oversight functions and responsibilities. Additionally, the BOPC OCI also has a standard training curriculum regarding conducting police misconduct investigations, city employee rights and responsibilities and other training measures for success.

Additionally, as recommended by the Investigations Training Manual, the BOPC OCI regularly includes the following training as part of its orientation/training curriculum:

#### 1. Oversight Basis:

The models and functions of civilian oversight, as well as the factors that contribute to successful oversight;

The history and current concerns about law enforcement and oversight in the community;

Mediation and other alternative dispute resolution methods;

Reporting on the agency's work;

Public engagement and education strategies to promote civilian oversight

Policy manual of the oversight agency

#### 2. Misconduct Investigations:

Complaint intake, classification, findings, and discipline

How to conduct an interview

Timelines for investigations and discipline

Retrieval and analysis of documents and communications from law enforcement agencies

Retrieving and analyzing audio/video recordings from in-car, body, and holding cell cameras and surveillance systems operated by private or law enforcement agencies

Obtaining and analyzing medical records

Developing an investigation plan and using a witness/evidence matrix

Evidence preservation

Credibility evaluations

The summary and analysis of evidence, the determination of findings, and report writing

Administrative investigations of officer-involved shootings and other critical incidents

Communication with subject officers, complainants, and witnesses

Data tracking

Implicit bias

#### 3. Law Enforcement Essentials

The law enforcement agency's policy manual and other orders or directives regarding

conduct expectations

The law enforcement agency's practices and training concerning patrol, stops and frisks and other searches, arrests, prisoner transport, property and evidence processing, and policing demonstrations

Early intervention programs

Internal affairs policies and practices

Mutual aid protocols between the primary law enforcement agency and other local agencies

Selected topics such as crisis intervention, procedural justice, and police-community relations

Criminal investigation processes for homicides, officer-involved shootings, and critical incidents

Use of force techniques and training, reporting and reviewing force, the use of force continuum, and de-escalation

Collective bargaining agreement provisions that apply to the complaint investigation and discipline process

Federal, state, and local laws relating to use of force, arrest, search and seizure, and other topics typically raised in misconduct complaints

Racial discrimination and biased policing issues

EEO issues

Lastly and most importantly, the Board's Administrative Staff and Leadership has enhanced the Board's relationship between the BOPC, DPD, community, and all involved stakeholders. As a result, the Board and OCI have benefitted from maintaining unfettered access to police records, ongoing cooperation and collaboration with the DPD and community, and opportunities to enhance and expand bridges among all key stakeholders towards improving the Department and making the City a safer place.

### VII. **Administrative Operations – Office of the Chief Investigator**

**“An oversight body that handles complaints of police misconduct will need to maintain an infrastructure and procedures to ensure, among other concerns, that it is accessible to community members and law enforcement personnel, that confidential information is protected, and that files are secure and well managed. While it is beyond the scope of this manual to provide an in-depth review of all administrative issues involved with running an investigative agency, protocols should be developed to address the topics noted below, at a minimum.**

The Board of Police Commissioners comports with this NACOLE recommendation. The Board's OCI has a mission statement to fairly and objectively investigate police misconduct complaints. Additionally, the Board continues to work to enhance and improve its deliverables and outcomes regarding OCI complaint investigations and results.

### **MISSION STATEMENT FOR THE OFFICE OF THE CHIEF INVESTIGATOR**

The mission of the Office of the Chief Investigator (OCI) is to fairly, effectively and objectively receive, investigate and make recommendations regarding complaints concerning the Detroit Police Department and its personnel. It is the goal of the OCI to assist in improving the quality of law enforcement services by instilling citizen confidence in the integrity of the Detroit Police Department.

#### **A. Information About the Oversight Agency and Accessibility**

Additionally, to ensure transparency and accountability, the BOPC OCI posts important information about the BOPC Office of the Chief Investigator (OCI), its duties and responsibilities, and contact information on the Board's webpage and all other access forums. Additionally, the information includes and is not limited to: hours of operation, agency address, telephone number and email address; frequently asked questions; information about filing complaints and/or compliments; complaint form which is available as a downloadable or electronic form; statistical reports and policy recommendations; community outreach information; complaint investigation process survey evaluation form; specific case or hearing information in compliance with state statutes; collective bargaining agreement contracts; and links to oversight resources such as NACOLE to name a few. The Board looks forward to enhancing these existing measures to provide greater public education about the Board, its investigative division, and the services we offer.

The Board is currently in the process of enhancing and reformatting its organizational and operational infrastructure to ensure accessibility, transparency, and accountability to meet 21<sup>st</sup> Century professional standards. After review and evaluation of the BOPC OCI's current practices, the Board will soon implement the following measures for OCI in alignment with 21<sup>st</sup> Century Civilian Oversight:

- (1) Visible, updated social media platforms for public access and use: The Board currently has a Facebook Page through the City's official media platform. In the near future, BOPC OCI will enhance its social media digital footprint with all appropriate social media platforms. This will allow the community to receive real-time information about the BOPC and DPD-related matters requiring feedback and ensuring greater community education.
- (2) Complaint Form: The BOPC OCI is currently reviewing the existing electronic Complaint Form to make it more accessible and provide the complainant with an easy method of lodging their complaints or concerns. Additionally, the BOPC OCI is in the process of creating an app and text communication where when community members have a question about law enforcement actions and procedures, they can immediately utilize the communication feature to seek an immediate response



- regarding their inquiry versus filing a complaint that may take up to 90 days to receive a response.
- (3) **Advisory Statement to Consult an Attorney Regarding Pending Charges:** The BOPC is in the process of adding a disclaimer to the OCI brochures to consult an attorney before providing statements regarding pending criminal charges.
  - (4) **Mediation/Alternative Dispute Resolution:** The BOPC OCI has developed a draft mediation/alternative dispute resolution program for addressing those complaints that involve the need for retraining, re-counseling, and mediation not rising to police misconduct. The draft proposal is attached for the Board's reference and consideration.
  - (5) **Office of the Chief Investigator (OCI) Standard Operating Procedures:** The BOPC OCI is in the process of posting the OCI's SOP for the public's awareness regarding the complaint investigation process and corresponding timelines. The Human Resources portion will be redacted and removed from the published SOP.
  - (6) **Specific case or hearing information:** The BOPC OCI works with an external entity, the Open Data Portal (ODP) to provide greater access to police misconduct complaints and identify patterns and trends.
  - (7) **Policy Agency Policy Manual:** While the BOPC maintains DPD policies pending the Board's review and approval, the BOPC has also submitted a request to the Department to post its DPD Manual Directive, notwithstanding provisions that requiring redacting given its nature and sensitivity.

### **B. STAKEHOLDER OUTREACH**

The BOPC has a robust community outreach platform to inform the community, key stakeholders and community partners of the BOPC OCI's work and endeavors. Some of those endeavors include and are not limited to:

- multi-language brochures online and in precincts and community hubs
- an instructional video on line
- regular weekly BOPC meetings
- monthly OCI Complaint Investigation Update Forums
- monthly OCI Committee Meetings
- regular meetings with City Officials, BOPC and Staff Leadership
- civilian oversight agency partners
- meetings with law enforcement agency, union officials, and officers
- training seminars with new recruits and promoted officers
- and many other meetings to share updates and brainstorm on key ways to improve operations, outcomes, and output.

Additionally, the BOPC has recently developed a Youth Advisory Panel, which provides young Detroiters an opportunity to learn about civilian oversight and to share perspectives and recommendations on policing with leadership.

Additionally, the BOPC is in the process of expanding its collaborative partnership

with Wayne State University Law School through Wayne Law's participation in the American Bar Association Policing Practices Consortium. This collaboration will continue to expand civilian oversight measures and effectiveness.

### **C. CONFIDENTIALITY**

The BOPC comports with this best practice and continues enhance our policies and procedures to ensure confidentiality and sensitivity of CJIS (Criminal Justice Information Protected) material while ensuring transparency in those materials that can be shared with the community and the public.

### **D. CONFLICT OF INTEREST**

The BOPC comports with this best practice and continues to enhance our policies and procedures for 21<sup>st</sup> Century Civilian Oversight standards.

### **E. CODE OF ETHICS AND UNBIASED TREATMENT**

The BOPC OCI has adopted NACOLE's Code of Ethics and requires our investigative staff and all staff members to adhere to conducting and performing civilian oversight responsibilities with integrity, quality, and fairness.

### **F. AGENCY EVALUATIONS**

Upon completion of the case investigation, the BOPC OCI mails out a complaint findings letter advising the complainant of the findings of the investigation. In the letter, we have included a survey code that allows the complainant/constituent to provide their feedback to help our office improve the complaint investigation process. Additionally, we hold the OCI Monthly Forums for the public to provide feedback, recommendations and to address any concerns they may have.

## **CONCLUSION**

To conclude, the OCI continues to evaluate its investigative measures, policies, and procedures based on national best practices and NACOLE standards. To ensure that the case investigation process and our civilian oversight endeavors remain effective and efficient, OCI will continue to make enhancements and adjustments to meet the civilian oversight challenges of today.

As we experienced our first worldwide pandemic in our lifetime, OCI leadership management used this opportunity to revise and revamp outdated policies and procedures and reimagine civilian oversight in light of today's challenges in policing. While the pandemic presented many challenges to organizations worldwide including the BOPC OCI, it also gave our organization the

opportunity to create policies, procedures, and strategies to ensure organizational continuity, effectively manage work productivity, and create other administrative measures in order to maintain a healthy working environment ultimately to better serve the community.

We look forward to continuing to share comprehensive publications and reports about the OCI's progress and achievements, key data and metrics regarding police misconduct, and patterns and practices observed regarding citizen complaint investigations involving the DPD and its operations for improvement and to eliminate police misconduct.

### APPENDIX A: OCI Mission Statement

The mission of the Office of the Chief Investigator (OCI) is to fairly, effectively and objectively receive, investigate and make recommendations regarding complaints concerning the Detroit Police Department and its personnel. It is the goal of the OCI to assist in improving the quality of law enforcement services by instilling citizen confidence in the integrity of the Detroit Police Department.

## A Special Report on Complaint Processing and Investigation Improvements & Achievements in 2022

### APPENDIX B: OCI CASE BACKLOG UPDATE TIMELINE

*The table shows updates to the Board, BOPC Leadership, Administrative Staff, and Community*

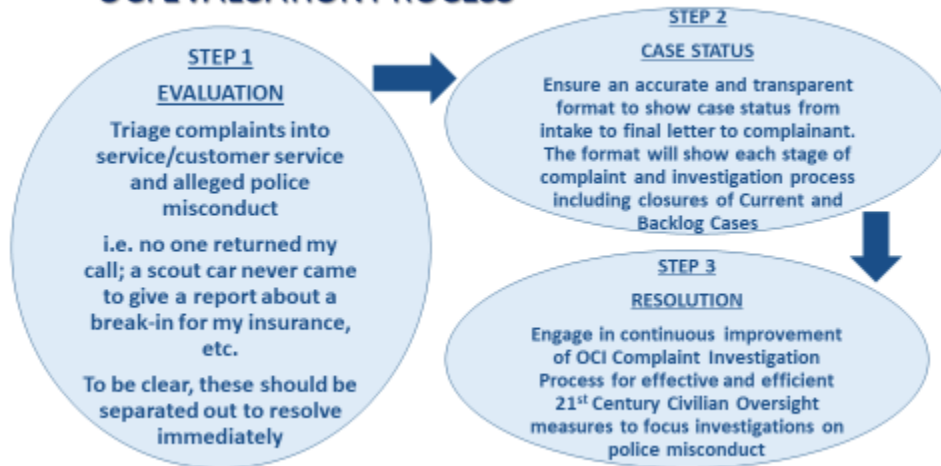
Date	Activity	Output/Update
January 2022	Detroit News Article Regarding Complaint Backlog	Print Media Article
February 4, 2022	Initial Notice About Complaint Backlog Overtime Project	Email Correspondence
February 13, 2022	Written Responses Provided to Commissioner Moore Regarding Inquiries about Complaint Backlog and Plan of Action	Email Correspondence
February 14, 2022	Additional Information Complaint Backlog	Email Correspondence
February 15, 2022	OCI Complaint Backlog Plan of Action	Email Correspondence
February 20, 2022	OCI Complaint Backlog Plan of Action Historical Background	Email Correspondence
March 1, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
April 3, 2022	Print Media Interview	
April 7, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
April 13, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
May 3, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
May 11, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
May 31, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
July 5, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
July 18, 2022	OCI Updates – Regarding Backlog Project, HR Matters	Email Correspondence
July 18, 2022	Media Print Interview Regarding: “Oversight board member demands plan to clear our police complaint backlog”	Print Media Article
July 28, 2022	Media Print Interview Regarding: “Detroit investigator of complaints against police responds to toxic workplace allegations”	Print Media Article
August 10, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
August 16, 2022	Media Print Interview Regarding: “City aims to resolve police complaint backlog by end of year”	Print Media Article
August 17, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
October 12, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
October 20, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
November 9, 2022	Monthly Presentation/Committee Report/Monthly OCI Forum	Virtual, In-Person, and Email PowerPoint Presentation
January – December 2022	Regular Meetings/Updates shared with BOPC Leadership and Administrative Staff	In-Person, Email, Communications

## APPENDIX C: OCI COMPLAINT INVESTIGATION FLOWCHART

### Office of the Chief Investigator Complaint Investigation Process

- Our Review and Evaluation of the Citizen (Customer or Constituent) Complaint Investigation Process has led to the following engagement of continuous improvement of OCI to align with efficient and effective methods:
  - Resolution-Based Focus – Resolution
  - Clear, accurate reporting – Reporting
    - Timeliness - Timeliness

### OCI EVALUATION PROCESS



### CITIZEN COMPLAINT WORK-FLOW PROCESS



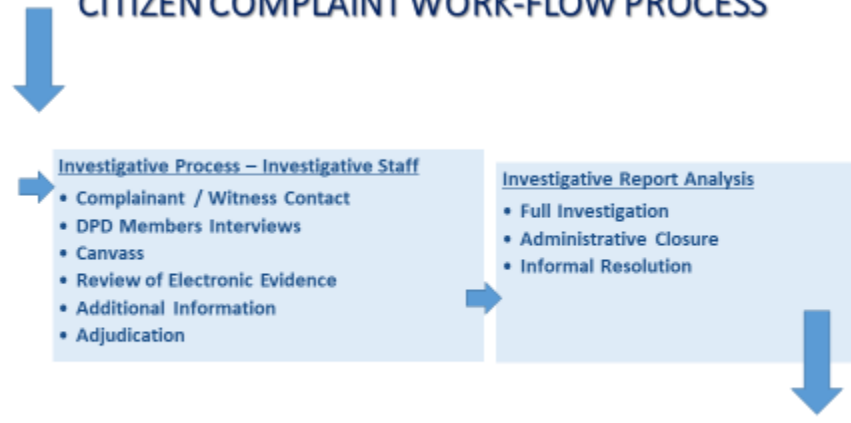
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### CITIZEN COMPLAINT WORK-FLOW PROCESS



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CITIZEN COMPLAINT WORK-FLOW PROCESS



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CITIZEN COMPLAINT WORK-FLOW PROCESS



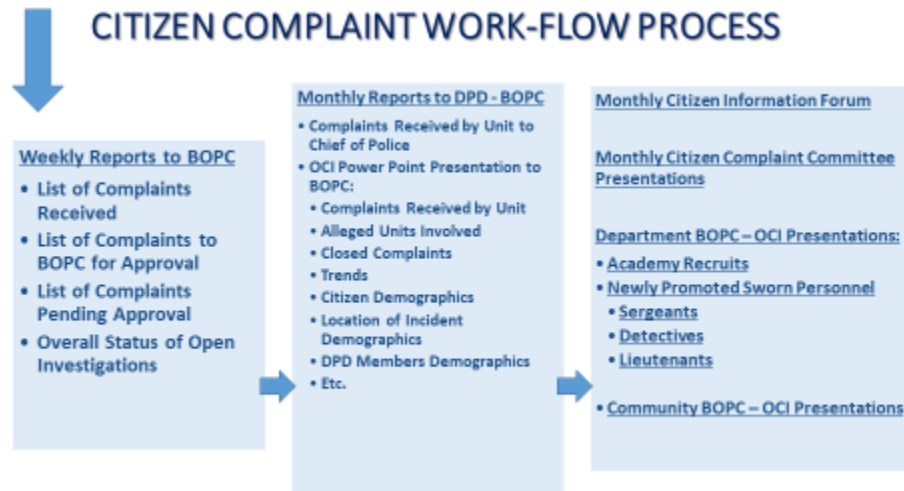
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CITIZEN COMPLAINT INVESTIGATIVE PROCESS



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**APPENDIX D: U.S. Department of Justice Definitions for Complaint and Misconduct**

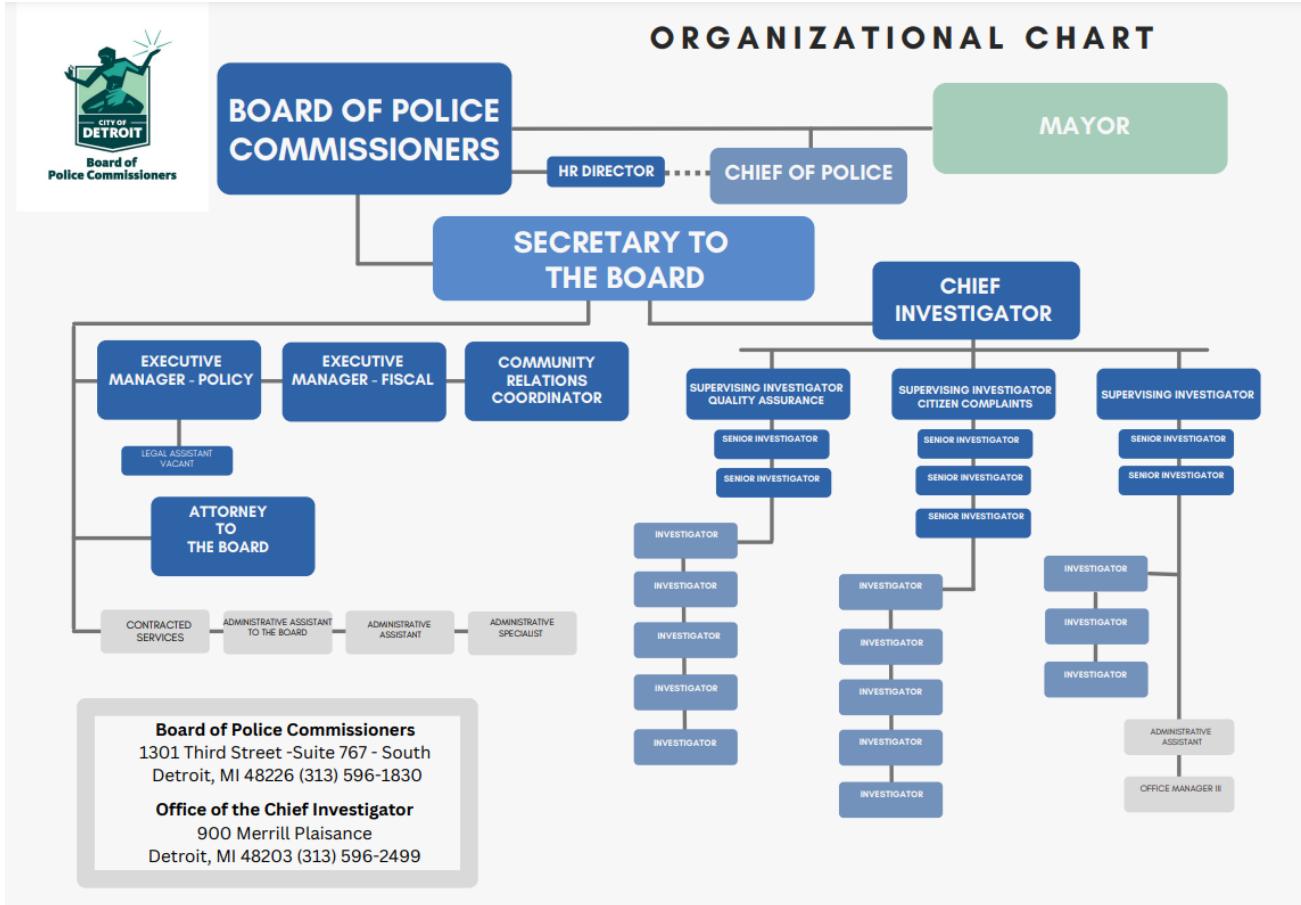
**DEPARTMENT OF JUSTICE CONSENT DECREE  
DEFINITIONS**

**"complaint": "J. The term 'complaint' means an *allegation from any source of any misconduct by DPD personnel***

**"misconduct": BB. The term 'misconduct' means *any conduct by a DPD employee that violates DPD policy or the law.*"**

U.S. Department of Justice Consent Judgment Use of Force and Arrest and Witness Detention, Section I Definitions

APPENDIX E: Board of Police Commissioners Organizational Chart



## COVID-19 Pandemic Backlogs & Citizen Complaints about the Detroit Police Department



All monthly presentations by the Office of the Chief Investigator at the Board of Police Commissioners meetings are available as part of meeting documents by date at [detroitmi.gov/events](http://detroitmi.gov/events) and as a part of the Zoom or City TV meeting video or archives.