

CITY OF DETROIT


OFFICE OF INSPECTOR GENERAL

REQUEST TO CLOSE INVESTIGATION MEMORANDUM

DATE:

5/3/2019

TO: Ellen Ha  
Inspector General

Approved 

FROM: Edyth Porter-Stanley  
File Manager

CASE NAME: Abuse of Authority BPOC  
OIG # 2019-0011

COMPLAINANT INFORMATION: Jermaine Wyrick, DPSH 1301 Third Street, Suite 767,  
Detroit, MI, 48226, (313) 596-2815

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**I. Recommendation**

I recommend we close this case without further action. Based on our review of the record, the OIG was not able to substantiate the complainant's claim that City of Detroit Board of Police Commissioners (BOPC or the Board) Vice Chairperson (VCP) Darryl Brown abused his authority, as identified by BOPC's Attorney, Jermaine Wyrick.

**II. Basic Facts**

Jermaine Wyrick serves as General Counsel for the BPOC. Mr. Wyrick alleges that, on several occasions, VCP Brown abused his authority by harassing him. Mr. Wyrick considered certain comments made by VCP Brown, as a threat to his license as an attorney. In support of his allegations, Mr. Wyrick first cites an incident in the men's room at work, where VCP Brown approached Mr. Wyrick and asked him "in an invasive and intrusive way", "What are you doing?" Mr. Wyrick found the question to be disrespectful. VCP Brown also asked Mr. Wyrick for contact information for the Michigan Attorney Grievance Commission (AGC) on a separate occasion. During the next encounter with VCP Brown, Mr. Wyrick alleges VCP Brown specifically cautioned him to avoid getting involved in the politics of the BOPC. VCP Brown then accused Mr. Wyrick of coming to work at the BOPC Office on a Saturday and making phone calls to VCP Brown's constituents in District 1.

### III. Discussion

#### Interviews

- BOPC Attorney, Jermaine Wyrick, the complainant<sup>1</sup>
- BOPC Vice Chairperson, Darryl Brown<sup>2</sup>

#### Evidence Reviewed

- Video (without audio) of Detroit Public Safety Headquarter (DPSHQ) Main Corridor – Fifth Floor North on Thursday, January 31, 2018, Director of Security DPSHQ, Dan Davis<sup>3</sup>

#### Alleged Inappropriate Inquiry

Mr. Wyrick alleged VCP Brown harassed him while he was in the men's restroom, on the Wednesday before the BOPC's September Leadership meeting. According to Mr. Wyrick, he was standing at the urinal when VCP Brown entered the men's room and asked Mr. Wyrick "in an invasive and intrusive way", "What are you doing?" Mr. Wyrick found this question to be disrespectful. However, while it may have been outside of "perceived etiquette" for VCP Brown to ask Mr. Wyrick anything while he was in the men's room, we do not find the question alone to be a harassment.

#### Inquiry regarding Attorney Discipline Board

Mr. Wyrick further alleges that on Friday, December 14, 2018, VCP Brown asked him, "Do you know what the Attorney Grievance Commission<sup>4</sup> is? How do I contact them?" Mr. Wyrick considered the comment as a specific threat against him.

VCP Brown admitted he did ask Mr. Wyrick for contact information for the AGC. However, VCP Brown informed the OIG, that he merely asked Mr. Wyrick for the information for a personal reason. According to VCP Brown, he simply wanted to understand the AGC's role and responsibility. Furthermore, VCP Brown recalls that Mr. Wyrick told him to, "Google it." Again, questions by themselves do not constitute harassment, as VCP was simply asking for information and Mr. Wyrick again assumed the inquiries were somehow directed and related to his role as the BOPC's attorney.

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<sup>1</sup> Interviewed February 13, 2019 by Forensic Auditor Edyth Porter-Stanley

<sup>2</sup> Interviewed April 17, 2019 by Forensic Auditor Porter-Stanley and Investigator Jacqueline Hendricks Moore

<sup>3</sup> Provided by Detroit Public Safety Headquarter Security, Director, Dan Davis

<sup>4</sup> The Michigan Attorney Discipline Board is the adjudicative arm of the Michigan Supreme Court for discharge of its exclusive constitutional responsibility to supervise and discipline Michigan attorneys.

### Alleged threat regarding involvement in office issues

Mr. Wyrick described another encounter with VCP Brown at the Detroit Public Safety Headquarter (DPSH), where according to Mr. Wyrick, VCP Brown verbally threatened him and falsely accused him of making telephone calls to VCP Brown's constituents in District 1.

Mr. Wyrick claimed the DPSH Security System should have captured video of an incident where VCP Brown told him "I have a lot of respect for you, I know a lot of nonsense is going on around the office, don't get caught up with the knuckleheads."

At the request of Mr. Wyrick, through BOPC Chair Willie Bell, DPSH - Security provided Mr. Wyrick and the Office of Inspector General (OIG) with a copy of the video of the interaction between Mr. Brown and Mr. Wyrick on Thursday, January 31, 2019, at the "Corner of the 5<sup>th</sup> floor, near Room 560, 582 (across from the gym door entrance)". The OIG reviewed the video. It is important to note the video recording did not include any audio. The following is a timeline of events transpired between Mr. Wyrick and VCP Brown from the video:

- 4:59:17 - Mr. Brown walks into view of the camera as he proceeds down the hallway.
- 4:59:32 - Mr. Wyrick turns a corner and walks toward then past Mr. Brown. Mr. Brown appears to call Mr. Wyrick back toward him.
- 4:59:38 - Mr. Brown backs toward the wall and begins to speak. Mr. Wyrick steps toward Mr. Brown. Mr. Wyrick interjects and nods as Mr. Brown maintains primary control of the conversation for approximately 00:00:21 seconds.
- 4:59:43 - Two unidentified men walk past the pair without acknowledging either man.
- 4:59:58 - An unidentified woman walks by without acknowledging either man.
- 4:59:59 - Mr. Brown and Mr. Wyrick take turns exchanging dialog. Mr. Brown takes primary control of the conversation for approximately 00:00:19 seconds, for a total of 00:00:40 seconds. Mr. Wyrick takes primary control of the conversation for approximately 00:01:25.
- 5:01:19 - 5:01:33 - An unidentified man walks by and waves at Mr. Brown, who waves back.
- 5:01:45 - Mr. Wyrick turns to walk down the hall. Mr. Brown departs to the hall from which Mr. Wyrick previously emerged.

Based on the video, it appears Mr. Brown and Mr. Wyrick crossed paths unexpectedly. During the conversation, both men's body language seemed to suggest a cordial and respectful discussion. The video also showed several individuals walked by as the two conversed. None of them appeared to be concerned by the conversation between the men. In another words, the passers-by did not appear to be distracted by the conversation exchanged by the two men in the hallway. The conversation lasted

approximately 2 minutes and 5 seconds. However, it appears that VCP Brown maintained primary control of the conversation for approximately 00:00:40 seconds, while Mr. Wyrick controlled approximately 1 minute and 25 seconds of the conversation (00:01:25).

When asked about the January 31, 2019 encounter with Mr. Wyrick and Mr. Wyrick's allegations, VCP Brown claimed that he thought he and Mr. Wyrick had a good working relationship. VCP Brown claimed while Mr. Wyrick may have thought otherwise, he did not intend to threaten Mr. Wyrick in any way.

#### Accusations of Contacting Citizens in District 1

According to Mr. Wyrick, during the conversation on January 31<sup>st</sup>, VCP Brown also accused him of calling citizens within District 1. VCP Brown represents District 1, as its Police Commissioner. According to Mr. Wyrick, VCP Brown told him that two unidentified citizens notified VCP Brown that they received a call on a particular Saturday in December. Both citizen indicated that they did not answer the phone and the caller did not leave a message. However, one recipient of the calls identified the phone number from which the calls were made that Saturday. According to VCP Brown, the phone number given to him by his constituent is a phone number assigned to Mr. Wyrick. The citizen indicated he/she did not know why Mr. Wyrick would be calling him/her. Mr. Wyrick denied making the calls.

VCP Brown acknowledged he did ask Mr. Wyrick whether he contacted the individual in question and that he intends to continue his investigation to determine who actually called his constituents. However, VCP Brown claims that he has not approached Mr. Wyrick about the subject matter again since January.

#### **IV. Conclusion**

Based on our investigation, and for the reasons stated above, the OIG does not find any evidence of abuse of authority or harassment by the VCP Brown against Mr. Wyrick.