

**City of Detroit  
Office of Inspector General**

Unauthorized Use of Signature  
OIG File No. 23-0006-INV



November 16, 2023

Ellen Ha, Esq. CIG  
Inspector General

## I. Summary

On February 24, 2023, Bryan Ferguson, the former Chairperson<sup>1</sup> of the City of Detroit Board of Police Commissioners (BOPC or the Board), filed a complaint with the City of Detroit Office of Inspector General (OIG). He alleged that his signature was being used without his authority by staff of BOPC and the City of Detroit Human Resources Department (HR). While investigating this matter, the OIG expanded its investigation to determine whether Ms. White had the authority to research pay disparities and to draft pay adjustment letters to HR.

### **Melanie White**

Mr. Ferguson alleges that BOPC Interim Board Secretary Melanie White used his electronic signature without his authorization on letters requesting pay adjustments for Office of the Chief Investigator (OCI) staff members Angela Cox and Stephanie Phillips. Based on the evidence reviewed, the OIG finds that Ms. White abused her authority by: (1) submitting the letters with Mr. Ferguson's signature to HR, and (2) communicating to HR that the pay adjustments had been properly authorized by the full Board. We find Ms. White did not abuse her authority in researching and consulting with HR on pay disparities and inequity issues involving OCI personnel or drafting the letters for Mr. Ferguson's approval. However, Ms. White did not have the authority to process pay adjustments without the full Board's approval. In doing so, we find that Ms. White abused her authority.

On August 29, 2023, the OIG provided a copy of the draft investigative report to Ms. White. Pursuant to Chapter 3 of Article 7.5 of the City of Detroit Charter and the OIG Administrative Hearing Rules, on September 11, 2023, Ms. White requested an administrative hearing. On September 15 and September 18, 2023, the OIG sent the hearing notices to Ms. White and her Attorneys Gerald Evelyn and Robert Higbee.<sup>2</sup> On October 20, 2023, the OIG held an administrative hearing where Commissioners Bell, Carter, and Holley presented witness testimony.<sup>3</sup>

### **Human Resources**

Mr. Ferguson alleges that HR used his signature without his authorization on several un-appointment letters sent to Temporary Administrative Special Services (TASS) workers who had been hired to work at OCI. Based on the evidence reviewed, the OIG finds that HR's use of Mr. Ferguson's electronic signature on the un-appointment letters for the OCI TASS workers was not specifically authorized by Mr. Ferguson. However, the use of Mr. Ferguson's signature in this instance did not rise to the level of abuse. The evidence shows that HR previously communicated to Mr. Ferguson and the BOPC that HR would be sending the un-appointment letters on behalf of BOPC to correct any violation of the collective bargaining agreement. However, the OIG finds that Mr. Tipton did not follow the HR process by not sending the letters to Mr. Ferguson for the approval of the use of his signature.

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<sup>1</sup> At the time of the complaint, Mr. Ferguson served as the Chairperson of the BOPC. He resigned from BOPC in July 2023.

<sup>2</sup> OIG Administrative Hearing Notices. See Exhibit 1.

<sup>3</sup> OIG Administrative Hearing Transcript, In the Matter of OIG File No. 2023-0006-INV. See Exhibit 3.

## **II. Allegation Regarding Melanie White**

### **A. Background**

The scope of the OIG's investigation is to determine whether BOPC Interim Board Secretary Melanie White abused her authority by using Mr. Ferguson's electronic signature on pay adjustment letters submitted to HR for Angela Cox and Stephanie Phillips. The OIG also sought to determine whether Ms. White had the authority to research pay disparities and to draft pay adjustment letters to HR.

#### **1. City of Detroit Board of Police Commissioners**

The BOPC was originally created by the 1974 Detroit City Charter.<sup>4</sup> Article 7, Chapter 8, Section 7-802 of the 2012 Charter of the City of Detroit provides the BOPC with "supervisory control and oversight of the Police Department." The Charter specifically outlines the duties and responsibilities of the BOPC and what role it must play in the operation of the Detroit Police Department (DPD). As a creation of the Charter, the BOPC is limited to those powers enumerated in the Charter. As such, the Board "must act strictly within the powers granted to it in the Charter."<sup>5</sup>

The BOPC is an eleven-member<sup>6</sup> civilian board.<sup>7</sup> The current BOPC Chairperson is QuanTez Pressley and other commissioners on the Board are Vice Chairperson, Rev. Jim Holley, Annie Holt, Linda D. Bernard, Cedric Banks, Willie E. Bell, Willie E. Burton, Lisa Carter, Ricardo Moore, and Jesus Hernandez.<sup>8</sup> BOPC staff members, include, but are not limited to, Community Relations Lead Theresa Blossom, Administrative Assistant Janya Underwood, Administrative Assistant Candace Hayes, and Administrative Assistant Robert Brown.<sup>9</sup>

#### **2. BOPC's Charter Mandated Authority**

The OIG's previous investigation, OIG File No. 18-0050-INV, detailed whether the BOPC can delegate duties conferred to them under the Charter.<sup>10</sup> After an extensive investigation, the OIG concluded that the Board improperly delegated its Charter mandated duties.<sup>11</sup> This finding was supported by legal opinions from the City of Detroit Law Department which found that doing so was a violation of the Charter.<sup>12</sup> Upon completion of the investigation, the OIG made several recommendations, including but not limited to, comply with "all aspects of the Charter, including rescinding the BOPC's delegation of authority through the Delegation of Authority

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<sup>4</sup> The 1974 Detroit City Charter was subsequently revised in 1997 and 2012.

<sup>5</sup> *Thompson Scenic R Co v. McCabe*, 211 Mich 133, 139; 178 NW 662 (1920) (citing *City of Kalamazoo v. Titus*, 208 Mich 252; 175 NW 480 (1919) and *Cooley's Constitutional Limitations* (7<sup>th</sup> ed), pp163 *et seq.*

<sup>6</sup> Four members are appointed by the Mayor, subject to the approval of the City Council, and the other seven members elected from each non at large district. Mr. Ferguson resigned in July 2023 and his seat has not yet been filled.

<sup>7</sup> <https://detroitmi.gov/government/boards/board-police-commissioners>.

<sup>8</sup> *Id.*

<sup>9</sup> OIG Interview of Bryan Ferguson dated May 24, 2023.

<sup>10</sup> OIG File No. 18-0050-INV published on October 14, 2019. See

[https://detroitmi.gov/sites/detroitmi.localhost/files/2019-10/Final%20BOPC%20Report\\_0.pdf](https://detroitmi.gov/sites/detroitmi.localhost/files/2019-10/Final%20BOPC%20Report_0.pdf)

<sup>11</sup> OIG File No. 18-0050-INV, page 5.

<sup>12</sup> Law Department Memorandum to OIG dated April 2, 2019 and May 13, 2019. See Exhibit 2.

Memorandum.<sup>13</sup>”

The Board’s power of delegation is contained in Section 7-803 of the Charter. The delegable powers are specifically limited to administering oaths and taking testimony. Section 7-803 provides, in pertinent part:

[t]he Board may delegate in writing to a member of its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the Board and does not prevent exercise of any power of the Board.

As provided in the Law Department’s legal opinions, unless specifically authorized by the Charter, discretionary powers conferred on the BOPC cannot be delegated.<sup>14</sup> Discretionary functions are defined as “those which require personal deliberation, decision, and judgment.<sup>15</sup>” Ministerial acts are those which constitute an “obedience to orders or the performance of a duty in which the individual has little or no choice.”<sup>16</sup> Ministerial functions may be delegated to the BOPC’s subordinates, if the functions are designed to facilitate the performance of the Board’s discretionary powers. The Law Department provided examples of ministerial acts such as: “(1) mechanical processing of complaints and subpoenas; and (2) monitoring an employee’s work performance.<sup>17</sup>” They also provided examples of actions which are not ministerial such as: “(1) resolving complaints; (2) determining whether to issue a subpoena; (3) disciplining employees; and (4) *promoting employees or authorizing an increase in pay.*<sup>18</sup>” (*Emphasis added*)

The Law Department further opined that the “specific functions and the underlying circumstances are important factors to analyze to determine whether specific acts are discretionary or ministerial in nature.<sup>19</sup>” Likewise, the opinion stated that the “City Charter does not authorize the delegation of that authority. If the drafters of the Charter intended to allow the Board to sub-delegate this authority, it would have been specifically included in this provision of the Charter, as was done in Section 7-803.<sup>20</sup>”

### 3. BOPC Board Secretary

The Charter outlines the duties of the Secretary in Sections 7-804 and 7-808. The Secretary’s Charter mandated duties are: (1) attend board meetings; (2) receive citizen complaints and make them available to each member of the Board; and (3) keep and post on-line, a public docket of complaints and the disposition of each complaint after investigation.<sup>21</sup> The Charter confers only limited, administrative power and authority to the Board Secretary. The BOPC Bylaws

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<sup>13</sup> OIG File No. 18-0050-INV, page 19.

<sup>14</sup> Law Department Memorandum to the OIG dated May 13, 2019. See Exhibit 2.

<sup>15</sup> *Hoffman v. Warden*, 184 Mich.App. 328. 331 (1990) (citing *Ross v. Consumers Power Co.*, 420 Mich 567 (1984) reh.den. 421 Mich. 1202 (1985).

<sup>16</sup> *Id.*

<sup>17</sup> Law Department Memorandum to OIG dated May 13, 2019, page 2. See Exhibit 2.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Law Department Memorandum to OIG dated April 2, 2019. See Exhibit 2.

<sup>21</sup> Detroit Charter, § 7-804, §7-808.

provide the Board Secretary with additional limited responsibilities and authorities not specifically contemplated by the Charter.<sup>22</sup>

It is important to note that Ms. White was serving as the BOPC Executive Manager of Policy when the OIG conducted the investigation and issued its investigative report, along with the Law Department's legal opinion regarding the Board's improper delegation of duties to the Board Secretary and violation of the Charter. As BOPC Executive Manager of Policy, Ms. White's primary role is to assist the Board to develop and enhance DPD and BOPC policies and procedures.<sup>23</sup>

Ms. White admitted that she was aware of the OIG report and the legal opinions.<sup>24</sup> She also admitted that she read the legal opinions and received a better understanding of the Board's delegation of duties to the Board Secretary.<sup>25</sup> As such, she should have known that her actions of affixing Mr. Ferguson's electronic signature on the pay adjustment letters for Ms. Cox and Ms. Phillips without the full Board's vote of approval were beyond her authority as Interim Board Secretary and therefore, a violation of the Charter.

#### **4. Board Direction Given to Interim Board Secretary Melanie White**

The following is based on documentation and statements provided by Ms. White to the OIG. Ms. White provided statements from the 2019 Chairperson Lisa Carter and 2020 Chairperson Willie E. Bell. These statements were confirmed by Commissioners Carter and Bell at the OIG Administrative Hearing. The OIG notes that Ms. White did not provide any documentation from the 2021 Chairperson Jim Holley prior to the hearing, however Commissioner Holley did testify at the hearing.<sup>26</sup>

In December 2019, Ms. White was appointed by the Board as the Interim Board Secretary under Commissioner Carter's term as Chairperson.<sup>27</sup> According to Ms. White, Commissioner Carter instructed her on the process of managing day-to-day operations of the BOPC and staff.<sup>28</sup> Ms. White stated that Commissioner Carter authorized her to use Commissioner Carter's electronic signature to manage BOPC's daily operations, including signing documents that had full Board support and resolutions.<sup>29</sup> Commissioner Carter stated that she approved each document containing her electronic signature.<sup>30</sup>

Commissioner Carter stated that although she was not part of the "Board leadership" during discussions regarding pay disparities for staff, she was aware of the conversations and can confirm

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<sup>22</sup> BOPC Bylaws, Page 8.

<sup>23</sup> OIG Interview of Melanie White dated August 11, 2023.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> Transcript at 29-45.

<sup>27</sup> Commissioner Lisa Carter served as BOPC Chairperson from July 1, 2020 to June 30, 2021.

<sup>28</sup> "Statement by Commissioner Carter" attached to email correspondence from Melanie White to the OIG dated June 13, 2023. See also Hearing Transcript at 31.

<sup>29</sup> *Id.*

<sup>30</sup> Transcript at 58-59.

that the issue was not presented to the full Board at that time.<sup>31</sup> The OIG notes that references to “Board leadership” or “leadership team” is not a committee or group established by the BOPC Bylaws or Charter. Commissioner Carter admitted that the “Board leadership” should have brought the pay disparities issue to the full Board for a vote.<sup>32</sup> During the hearing, she explained “it actually should have went through a subcommittee and then to the entire Board.”<sup>33</sup> According to Commissioner Carter, Ms. White was put in a position as Interim Board Secretary, where she may not have been fully aware of what actions required full Board approval. However, Ms. Carter later admitted that as the Executive Manager of Policy for BOPC she might expect Ms. White to be familiar with the rules requiring a full Board vote.<sup>34</sup>

In July 2020, Commissioner Bell started his term as BOPC Chairperson.<sup>35</sup> Commissioner Bell also provided Ms. White with authorization to use his electronic signature to manage the day-to-day operations and to carry out functions of the BOPC.<sup>36</sup> Commissioner Bell stated that the decision to address the pay disparities issue with Ms. Cox and Ms. Phillips was discussed at a meeting with the Mayor’s leadership group and members of the “Board leadership team” in May 2022.<sup>37</sup> This meeting was confirmed by Commissioner Holley.<sup>38</sup> Commissioner Bell stated that after that meeting, he instructed Ms. White to “execute all documents necessary to effectuate this pay increase<sup>39</sup>” which included affixing his signature to the letters that were necessary to go to HR.<sup>40</sup>

At the administrative hearing, Commissioner Bell stated that “a whole lot of action” does not require full Board approval.<sup>41</sup> Instead, the Board functions through the chairperson and the Board Secretary who have the authority to act on behalf of the Board.<sup>42</sup> Commissioner Bell admitted that the Board did not take proper action on the matter at the time. However, on August 17, 2023, the full Board voted, as required by the Charter, to increase the pay for Ms. Cox and Ms. Phillips.<sup>43</sup>

In July 2022, Mr. Ferguson was appointed as BOPC Chairperson.<sup>44</sup> According to Ms. White, she met with Mr. Ferguson in-person and received his approval to use his electronic signature to process day-to-day tasks and duties on behalf of BOPC.<sup>45</sup> Ms. White claims that she frequently met with Mr. Ferguson via phone and in-person to share updates and reminders of ongoing BOPC and personnel issues, including the pay disparities involving Ms. Cox and Ms.

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<sup>31</sup> *Id.* at 50.

<sup>32</sup> *Id.* at 60.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 65.

<sup>35</sup> Melanie White Memorandum to the OIG dated May 17, 2023.

<sup>36</sup> *Id.*

<sup>37</sup> Transcript at 16-17.

<sup>38</sup> *Id.* at 36.

<sup>39</sup> *Id.* at 17.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 21.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 23. See also BOPC Board Meeting Minutes dated August 17, 2023.

<sup>44</sup> Melanie White Memorandum to the OIG dated May 17, 2023.

<sup>45</sup> *Id.*

Phillips.<sup>46</sup> Ms. White claims that Mr. Ferguson provided approval and authorization to process those outstanding personnel issues and other outstanding matters.<sup>47</sup> However, Ms. White did not provide any evidence of verbal or written approval.<sup>48</sup>

## 5. Pay Adjustment Letters

Upon completion of the pay disparities and adjustment research, Ms. White claims that she received verbal approval from Mr. Ferguson to draft a letter on behalf of BOPC requesting a promotion for Ms. Phillips to Administrative Specialist III and a pay increase.<sup>49</sup> Ms. White drafted the letter using BOPC letterhead and Mr. Ferguson's electronic signature. The letter reads:

*Re:* REQUEST FOR PROMOTION FOR MS. STEPHANIE PHILLIPS  
ADMINISTRATIVE ASSISTANT EMPLOYEE NO. 20153 TO  
ADMINISTRATIVE SPECIALIST III

Dear Mr. George:

This correspondence serves as the official request for a pay adjustment for the following staff member:

Stephanie Phillips, Office Assistant III, Employee No. 20153

*Request:* Promotion to the position of Administrative Specialist III with a pay increase to \$51,150 retroactive July 1, 2022.

Should you have any questions, please contact Melanie White, Interim Secretary to the Board at (313) 506-1681 or whitem589@detroitmi.gov.

Sincerely,



BRYAN FERGUSON  
Chairperson  
Board of Police Commissioners

Ms. White also claims that she received verbal approval from Mr. Ferguson to draft a letter on behalf of BOPC requesting a promotion for Ms. Cox to Administrative Specialist III and a pay increase.<sup>50</sup> Ms. White drafted the letter using BOPC letterhead and Mr. Ferguson's electronic signature. The letter reads:

*Re:* REQUEST FOR PROMOTION FOR MS. ANGELA COX

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<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> Ms. White claims that due to her suspension, she is not able to access her past emails to retrieve any evidence that shows correspondence from Mr. Ferguson.

<sup>49</sup> OIG Interview of Melanie White dated May 16, 2023.

<sup>50</sup> *Id.*

ADMINISTRATIVE ASSISTANT EMPLOYEE NO. 17058 TO  
ADMINISTRATIVE SPECIALIST III

Dear Mr. George:

This correspondence serves as the official request for a pay adjustment for the following staff member:

Angela Cox, Administrative Specialist III, Employee No. 17058

*Request:* Promotion to the position of Administrative Specialist with a salary increase from \$44,246 to \$60,150 retroactive July 1, 2022.

Should you have any questions, please contact Melanie White, Interim Secretary to the Board at (313) 506-1681 or whitem589@detroitmi.gov.

Sincerely,



**BRYAN FERGUSON**  
**Chairperson**  
**Board of Police Commissioners**

The letters were originally drafted on August 8, 2022, but were not sent to HR until early December 2022. Between August and December 2022, Ms. White claims that she frequently followed up with Ms. Brockington and the agency Chief Financial Officer regarding the status of the pay adjustments.<sup>51</sup> There was a delay in the processing until sometime in December 2022 when Ms. White sent the letters to Ms. Brockington for HR's processing and approval.<sup>52</sup> Upon receipt of the letters, Ms. Brockington observed that there was a large salary increase for Ms. Cox and Ms. Phillips and also the title classifications were not accurate.<sup>53</sup> Based on this, Ms. Brockington called Mr. Ferguson to confirm the salaries listed in the pay adjustment letters.<sup>54</sup> Ms. Brockington stated that the Board's approval of the pay adjustments should have taken place before the letters came to her for processing, and she did not receive any documentation from BOPC reflecting this.<sup>55</sup> On December 20, 2022, Mr. Ferguson sent an email to Ms. Brockington stating that he did not have knowledge of the letters and did not authorize the approval of the pay adjustments for either Ms. Cox or Ms. Phillips.<sup>56</sup> Ms. Brockington stated she then consulted with HR Director Denise Starr regarding the matter and she was informed by Ms. Starr that HR could not move forward with the processing of the pay adjustments.<sup>57</sup>

Shortly after the pay adjustment incident, Mr. Ferguson claims that he expressed his concern

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<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> OIG Interview of Rosita Brockington dated June 5, 2023.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> Email correspondence from Bryan Ferguson to Rosita Brockington dated December 20, 2022.

<sup>57</sup> As of the date of Ms. Brockington's interview, the pay adjustments for Ms. Cox and Ms. Phillips were still pending due to issues with the BOPC approval process and budgetary concerns.



to Ms. Brockington that his electronic signature should not be used without his authorization.<sup>58</sup> Mr. Ferguson recalls that there was some discussion about a password-protected system to protect against the unauthorized use of his electronic signature.<sup>59</sup> However, to date, no such system has been implemented.

## **B. Analysis and Findings**

The OIG interviewed Ms. White and Mr. Ferguson regarding the permissible uses of the Chairperson's electronic signature by the Board Secretary. The OIG found that there were multiple inconsistencies in their statements. For example, Ms. White stated that she regularly used Mr. Ferguson's electronic signature on official BOPC documents in the performance of her duties as Interim Board Secretary and he never raised an objection.<sup>60</sup> However, Mr. Ferguson stated that he required all correspondences with his electronic signature be brought to his attention for his express approval through email.<sup>61</sup>

In addition, Ms. White claims that she had frequent update meetings with Mr. Ferguson to inform him of outstanding BOPC personnel matters, including the pay disparities involving Ms. Cox and Ms. Phillips.<sup>62</sup> Further, Ms. White stated that Mr. Ferguson provided verbal approval for her to process those outstanding personnel matters, including drafting the pay adjustment letters on behalf of the Board.<sup>63</sup> Mr. Ferguson confirmed that he met with Ms. White to discuss her job duties as Interim Board Secretary.<sup>64</sup> However, contrary to Ms. White's claim, he stated that he was not aware of the work Ms. White was performing on the pay adjustments for Ms. Cox and Ms. Phillips.<sup>65</sup> In fact, Mr. Ferguson does not recall ever giving Ms. White, or anyone at BOPC, access to use his electronic signatures, except for his administrative assistants to use for ceremonial purposes.<sup>66</sup> Based on the evidence reviewed and the inconsistent statements provided by Ms. White and Commissioner Ferguson, the OIG is unable to determine if Ms. White abused her authority in placing Mr. Ferguson's electronic signature on the draft pay adjustment letters.

Ms. White did not provide any evidence that she reported her findings concerning pay disparities to the full Board for a discussion or a vote for approval of the pay adjustments. In fact, former BOPC Board Secretary Robert Brown confirmed that, under Mr. Ferguson's term as Chairperson, there was no discussion at regular Board meetings or personnel and budget committee meetings for pay adjustments for Ms. Cox or Ms. Phillips.<sup>67</sup> In addition, Mr. Brown confirmed the Board never voted to process pay adjustments for Ms. Cox or Ms. Phillips under Commissioners Bell and Holley's terms as Chairperson.<sup>68</sup> This was later confirmed by Commissioners Bell and

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<sup>58</sup> OIG Interview of Bryan Ferguson dated May 24, 2023.

<sup>59</sup> *Id.*

<sup>60</sup> Melanie White Memorandum to the OIG dated May 23, 2023.

<sup>61</sup> OIG Interview of Bryan Ferguson dated May 24, 2023.

<sup>62</sup> Melanie White Memorandum to the OIG dated May 23, 2023.

<sup>63</sup> *Id.*

<sup>64</sup> OIG Interview of Bryan Ferguson dated May 24, 2023.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> Email correspondence from Victoria Shah to the OIG dated May 3, 2023. See also OIG correspondence with Robert Brown dated May 31, 2023.

<sup>68</sup> OIG correspondence with Robert Brown dated May 31, 2023.

Carter at the administrative hearing as the full Board voted to increase the pay for Ms. Cox and Ms. Phillips this year.<sup>69</sup> Commissioner Holley also acknowledged that the full Board voting was “the right thing to do.”<sup>70</sup>

Ms. White’s actions of researching pay disparities and inequities in consultation with HR are ministerial duties that the Board can delegate to the Board Secretary. As stated in the Law Department’s legal opinion,<sup>71</sup> promoting employees and authorizing an increase in pay are Charter mandated duties that cannot be delegated to the Board Secretary. Therefore, the OIG finds that Ms. White abused her authority by submitting to HR the pay adjustments for Ms. Cox and Ms. Phillips, which implied that the full Board had properly authorized the adjustments.

### **III. Allegation Regarding Human Resources**

#### **A. Background**

The scope of the OIG’s investigation is to determine whether HR abused its authority by affixing Mr. Ferguson’s electronic signature on un-appointment letters sent to OCI Temporary Administrative Special Services (TASS) workers.

#### **1. Office of the Chief Investigator**

OCI serves as the investigative staff for the BOPC.<sup>72</sup> OCI is staffed by civilian personnel, who are tasked with handling the process of receiving, investigating, and the resolving citizen complaints about police misconduct against the DPD and its personnel.<sup>73</sup> OCI is also required to report to the BOPC patterns of misconduct arising from citizen complaint investigations and any other relevant matters that may arise or warrant the Board’s attention.<sup>74</sup>

#### **2. Appointment and Un-appointment of OCI Investigators**

At the January 12, 2023 BOPC Board meeting, the Board voted to appoint eight (8) former OCI investigators as TASS workers to solely handle the backlog of OCI cases.<sup>75</sup> The HR Recruitment Division and BOPC worked closely together to ensure the hiring process went smoothly.<sup>76</sup>

The OCI TASS workers began work on the week of February 19, 2023.<sup>77</sup> However, at sometime during their onboarding process, the HR Labor Division informed the HR Recruitment Division that the OCI TASS investigators who were hired in February are filling union positions. Therefore, hiring TASS employees to fill those positions is a violation of the Collective Bargaining

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<sup>69</sup> Transcript at 22-23, 53-54.

<sup>70</sup> *Id.* at 45.

<sup>71</sup> Law Department Memorandum to the OIG dated May 13, 2019. See Exhibit 2.

<sup>72</sup> <https://detroitmi.gov/government/boards/board-police-commissioners/office-chief-investigator-police-complaints>.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> BOPC Board Meeting Minutes dated January 12, 2023.

<sup>76</sup> OIG Interview of Bryan Ferguson dated February 27, 2023.

<sup>77</sup> *Id.*

Agreement (CBA).<sup>78</sup> The Labor Division instructed the Recruitment Division to immediately rescind the appointment letters that were sent to the TASS workers.<sup>79</sup> The Deputy Director of Labor Relations, Valerie Colbert Osamuède, drafted an explanatory letter to the BOPC Board highlighting the violations of the CBA.<sup>80</sup> The letter was addressed to Mr. Ferguson, Annie Holt, and Mr. Hernandez.<sup>81</sup>

On February 21, 2023, Ms. Starr notified HR Employee Services Consultant Manager Rosita Brockington about Labor Relations' determination that the TASS workers had to be unappointed because they were filling duties reserved for union positions.<sup>82</sup> Ms. Starr instructed Ms. Brockington to reach out to the BOPC to inform them the workers would be terminated immediately.<sup>83</sup> In addition, Ms. Starr instructed Ms. Brockington to reach out to the TASS workers to terminate their employment.<sup>84</sup> Therefore, Ms. Brockington reached out to Mr. Ferguson the same day to inform him of HR's decision.<sup>85</sup> During that phone call with Ms. Brockington, Mr. Ferguson expressed his disagreement with the decision.<sup>86</sup>

After speaking with Mr. Ferguson, Ms. Brockington called the TASS workers to inform them that they would be receiving an un-appointment letter in the next few days.<sup>87</sup> She then instructed John Tipton to draft and send the TASS workers un-appointment letters.<sup>88</sup> Mr. Tipton amended the un-appointment template letter to reflect the appropriate date and individual TASS worker's name before emailing the letters.<sup>89</sup> The letters were dated February 21, 2023 and they were drafted on BOPC letterhead with Mr. Ferguson's electronic signature. The letters read:

Please be advised, upon advice of our Labor Relations Department, your temporary appointment as Investigator-Temporary Administrative Special Services Staff to the board of Police Commissioners-Office of the Chief Investigator will end at the close of business Tuesday 02/21/2023.

Sincerely,



**BRYAN FERGUSON**  
**Chairperson**  
**Board of Police Commissioners**

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<sup>78</sup> OIG Interview of Daryl Conrad dated April 13, 2023.

<sup>79</sup> *Id.*

<sup>80</sup> OIG Interview of Rosita Brockington dated March 1, 2023.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> OIG Interview of Bryan Ferguson dated February 27, 2023.

<sup>87</sup> OIG Interview of Rosita Brockington dated March 1, 2023.

<sup>88</sup> *Id.*

<sup>89</sup> OIG Interview of John Tipton dated March 1, 2023.

At Mr. Ferguson’s request, Ms. Brockington attended the BOPC Board meeting on February 23, 2023 to explain to the Board why HR had to unappoint the TASS workers.<sup>90</sup> At the Board meeting, Mr. Ferguson referenced the phone conversation he had with Ms. Brockington and expressed his disagreement with the decision made by HR.<sup>91</sup> Ms. Brockington presented the HR’s Labor Relations explanatory letter to the Board and deferred all questions regarding the letter to BOPC Attorney Adam Saxby.<sup>92</sup> Ms. Brockington communicated to the Board that the TASS employees can be considered for the full-time OCI Investigator positions.<sup>93</sup> However, they would have to go through a reinstatement process.<sup>94</sup> At the conclusion of the meeting, the Board did not vote to unappoint the TASS employees.<sup>95</sup> However, the Board did vote to prepare a letter to the personnel training and budget committees regarding the hiring of full-time OCI Investigators.<sup>96</sup>

## **B. Analysis and Findings**

The OIG interviewed Mr. Ferguson regarding his allegation that HR abused its authority by using his signature on un-appointment letters without his permission.<sup>97</sup> Mr. Ferguson claims that at the Board meeting on February 23, 2023, he was aware that the un-appointment letters were sent to the TASS workers.<sup>98</sup> However, he alleges that Ms. Brockington did not mention that the letters had his signature.<sup>99</sup> He only became aware of his signature on the letters on February 24, 2023 when one of the TASS workers who received the letter sent him a copy of the letter questioning his involvement in the decision to unappoint the workers.<sup>100</sup> Upon the discovery that his signature was used on the un-appointment letters, Mr. Ferguson requested that Ms. Brockington rescind the un-appointment letters because he did not agree with the decision.<sup>101</sup> Ms. Brockington explained to Mr. Ferguson that she could not rescind the letters because it was Labor Relations’ determination to unappoint the TASS workers.<sup>102</sup>

Mr. Ferguson explained that all correspondence with his signature must be brought to his attention for his express approval.<sup>103</sup> Mr. Ferguson stated that he spoke with Commissioners Holt and Hernandez, the Board’s four (4) staff members, including Theresa Blossom, Janya Underwood, Candace Hayes, and Robert Brown and none of them authorized the use of his electronic signature on the un-appointment letters.<sup>104</sup> In addition, the un-appointment letters were not authorized or

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<sup>90</sup> OIG Interview of Rosita Brockington dated March 1, 2023.

<sup>91</sup> February 23, 2023 BOPC Board Meeting Minutes.

<sup>92</sup> OIG Interview of Rosita Brockington dated March 1, 2023.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> February 23, 2023 BOPC Board Meeting Minutes.

<sup>97</sup> OIG Interview of Bryan Ferguson dated February 27, 2023.

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> OIG Interview of Rosita Brockington dated March 1, 2023.

<sup>102</sup> *Id.*

<sup>103</sup> OIG Interview of Bryan Ferguson dated February 27, 2023.

<sup>104</sup> *Id.*

voted on by the Board.<sup>105</sup>

HR's Chief of Policy, Planning & Operations Kimberley Hall-Wagner stated that since HR has hiring authority over all City of Detroit employees, they can hire on behalf of any department.<sup>106</sup> However, Ms. Hall-Wagner explained that TASS positions are treated differently, in that it is the department director that appoints the TASS workers and may choose to send the appointment and un-appointment letters without HR's involvement.<sup>107</sup>

According to HR Chief of Recruitment Daryl Conrad, all hiring offer letters come from the HR Talent Acquisition and Recruitment Division, except for appointments.<sup>108</sup> Mr. Conrad explained the difference between TASS positions and appointed positions. He stated that, unlike civil service positions, there are no formal rules related to TASS positions.<sup>109</sup>

According to Mr. Conrad, all HR recruiters are permitted to sign employment letters, which are primarily sent through NeoGov<sup>110</sup>. NeoGov has a computer-generated script font within the program and does not allow for wet signatures.<sup>111</sup> Mr. Conrad explained that appointment letters must go through email, whereby the recruiters draft the appointment letter using a template and email it to the department director who signs and scans it back to the recruiter. This signed letter is provided to the candidate. However, in the case of some high-level executives who do not always have access to a scanner and where time is of the essence, the recruiters receive the verbal authorization to send the letters to the candidates on their behalf using their script font signatures.<sup>112</sup> Mr. Conrad stated that there are a few directors that sign their signatures digitally in adobe and HR would like to see this practice standardized across the board.

Mr. Conrad explained that it is important for HR to keep consistency in the hiring letters. As such, they use templates where the name of the employee, dates, and salary are updated on the template and sent to the directors to sign.<sup>113</sup> Mr. Conrad indicated that he has not heard of an instance where the director refuses to sign any hiring letter.<sup>114</sup>

According to Mr. Conrad, his recruiters are not permitted to lift an electronic signature off any document to copy and paste to another document.<sup>115</sup> Signatures should always be used after a verbal or written authorization by the department director and/or director's assistant.<sup>116</sup> Mr. Conrad stated that at no point should any recruiter have a copy of anyone's signature.<sup>117</sup> He explained that this process of obtaining signatures from department directors is a generally accepted practice but

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<sup>105</sup> *Id.*

<sup>106</sup> OIG Interview of Kimberley Hall-Wagner dated April 12, 2023.

<sup>107</sup> *Id.*

<sup>108</sup> OIG Interview of Daryl Conrad dated April 13, 2023.

<sup>109</sup> *Id.*

<sup>110</sup> Neogov is a system used by public sector and education organizations to recruit their workforce.

<sup>111</sup> Wet signature is a term to describe the process of signing a physical paper document, form or contract with pen and ink. It is often used to distinguish pen and paper signatures from electronic signatures or e-signatures.

<sup>112</sup> OIG Interview of Daryl Conrad dated April 13, 2023.

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

there is no formal policy.<sup>118</sup>

Mr. Conrad stated that Mr. Ferguson, Mr. Saxby, and the Board were aware that HR had to send the un-appointment letters to rescind the appointments of the TASS workers. HR Talent Specialist John Tipton confirmed that Ms. Brockington told him to send the un-appointment letters to the TASS workers. Mr. Tipton admitted that he used the template letter for appointments, which is on BOPC letterhead with Mr. Ferguson's electronic signature. He then sent the letters to the TASS employees on February 21, 2023.<sup>119</sup> Mr. Tipton claims that he was not aware of the issues BOPC had with the un-appointment process.

Mr. Conrad confirmed that Mr. Tipton was the recruiter who sent the letters to the employees. However, he did not authorize Mr. Tipton to use Mr. Ferguson's electronic signature that was already on the template letter.<sup>120</sup> Mr. Conrad admitted that the proper procedure was for Mr. Tipton to send the letters to Mr. Ferguson for his approval before sending them to the TASS workers. Alternatively, either Mr. Tipton or someone from the Labor Relations Division could have signed the letters.<sup>121</sup>

#### **IV. Conclusion**

##### **A. Melanie White**

Based on the evidence reviewed, the OIG finds that Ms. White abused her authority by: (1) submitting the letters with Mr. Ferguson's signature to HR, and (2) communicating to HR that the pay adjustments had been properly authorized by the full Board. We find Ms. White did not abuse her authority in researching and consulting with HR on pay disparities and inequity issues involving OCI personnel or drafting the letters for Mr. Ferguson's approval. However, Ms. White did not have the authority to process pay adjustments without the full Board's approval. In doing so, we find that Ms. White abused her authority. Ms. White should have drafted the letters for review and consideration for the full Board.

##### **B. Human Resources**

Based on the evidence reviewed, the OIG finds that HR's use of Mr. Ferguson's electronic signature on the un-appointment letters for the OCI TASS workers was not specifically authorized by Mr. Ferguson. However, the use of Mr. Ferguson's signature in this instance did not rise to the level of abuse. The evidence shows that HR previously communicated to Mr. Ferguson and the BOPC that HR would be sending the un-appointment letters on behalf of BOPC to correct any violation of the collective bargaining agreement. However, the OIG finds that Mr. Tipton did not follow the HR process by not sending the letters to Mr. Ferguson for the approval of the use of his signature.

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<sup>118</sup> *Id.*

<sup>119</sup> OIG Interview of John Tipton dated March 1, 2023.

<sup>120</sup> OIG Interview of Daryl Conrad dated April 13, 2023.

<sup>121</sup> *Id.*

## V. Recommendation

### A. **Melanie White**

The OIG recommends the following:

- 1) Issue appropriate discipline to Melanie White for abusing her authority by submitting to HR the pay adjustments for Ms. Cox and Ms. Phillips which implied that the full Board had properly authorized the adjustments.
- 2) All Board members and BOPC staff be trained on the provisions of the Charter that are relevant to the BOPC on an annual basis to ensure compliance, especially as it relates to the proper delegation of authority.
- 3) There should be an onboarding process for each new Board Chairperson at the onset of their term.
- 4) The BOPC develop a written policy for the Commissioners and BOPC staff regarding the use of the Chairperson's electronic signature on official correspondence within and outside BOPC. All approvals should be in writing. All Commissioners and BOPC staff should be required to acknowledge receipt of the policy and affirm that they read and understood it.

### B. **Human Resources**

Ms. Hall-Wagner and Mr. Conrad confirmed that HR does not have a written policy regarding the use of department director's electronic signatures. Mr. Conrad mentioned that HR previously looked into DocuSign<sup>122</sup> to obtain electronic signatures from city employees and job candidates.<sup>123</sup> However, in an overabundance of caution, HR made the decision that going forward as a general practice, the recruiters will be using the actual or wet signatures from the department directors.<sup>124</sup>

In addition to the above, the OIG recommends that HR should develop a written policy for its staff to obtain a wet or electronic signature from a department director or designated official prior to sending a letter on behalf of the department or board.

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<sup>122</sup> DocuSign eSignature is document signing software used to securely collect approvals for various matters.

<sup>123</sup> OIG Interview of Daryl Conrad dated April 13, 2023.

<sup>124</sup> OIG Correspondence with Daryl Conrad dated August 2, 2023.

## Evidence Reviewed

### **A. Interviews**

1. Bryan Ferguson, former BOPC Chairperson.
2. Daryl Conrad, HR Chair of Recruitment.
3. Rosita Brockington, HR Employee Services Consultant Manager.
4. John Tipton, HR Talent Specialist.
5. Kimberley Hall-Wagner, HR Chief of Policy, Planning & Operations.
6. Melanie White, BOPC Executive Manager of Policy.

### **B. Correspondence**

1. Denise Starr, HR Director.
2. Robert Brown, BOPC Administrative Executive Assistant.
3. Victoria Shah, BOPC Secretary.
4. Ainsley Cromwell, OCI Supervising Investigator.
5. Robert Higbee, Attorney for Melanie White.

### **C. Documents**

1. 2012 City of Detroit Charter.
2. BOPC Bylaws.
3. BOPC Staff Appointment Letters dated August 3, 2022.
4. BOPC Request for Promotion Letters for Angela Cox and Stephanie Phillips dated August 8, 2022.
5. Bridge Detroit News Article concerning OCI Backlog dated July 22, 2022.
6. Melanie White Memorandums to the OIG dated May 17, 2023 and May 23, 2023.
7. Witness Affidavits and Statements received from Melanie White between May 16, 2023 and June 13, 2023 for Rosita Madrigal, Willie Bell, Lisa Carter, Lawrence Akbar, Angela Cox, Stephanie Phillips.
8. Law Department Opinion Memorandum dated April 2, 2019.
9. Law Department Opinion Memorandum dated May 13, 2019.
10. Investigative Report for OIG File No. 18-0050-INV.
11. Emails between March 3, 2022 and December 16, 2022 involving HR representatives and BOPC Staff and Commissioners.
12. Emails between February 15, 2023 and May 31, 2023 involving BOPC Staff and the OIG.
13. Emails between BOPC Staff and Detroit Auditor General's Staff dated February 24, 2023.
14. January 12, 2023 BOPC Board Meeting Minutes.
15. January 12, 2023 BOPC Board Meeting Agenda.
16. February 23, 2023 BOPC Board Meeting Minutes.
17. February 23, 2023 BOPC Board Meeting Agenda.
18. OCI TASS Investigator Appointment Letters dated December 5, 2022.



19. OCI TASS Investigator Un-appointment Letters dated February 21, 2022.
20. HR Memo on Electronic Signatures dated March 23, 2023.
21. Administrative Hearing Transcript dated October 22, 2023.

**EXHIBITS ATTACHED**

EXHIBIT 1: OIG Administrative Hearing Notices

EXHIBIT 2: Law Department Opinions, dated April 2, 2019 and May 13, 2019.

EXHIBIT 3: OIG Administrative Hearing Transcript dated October 22, 2023.

EXHIBIT 4: Bridge Detroit News Article concerning OCI Backlog dated July 22, 2022.

# **EXHIBIT 1**



**CITY OF DETROIT  
OFFICE OF INSPECTOR GENERAL**

Ellen Ha, Esq.  
Inspector General

September 18, 2023

Attorney Gerald Evelyn  
Attorney Robert Higbee  
409 E. Jefferson Ave.  
Ste. 500  
Detroit, MI 48226

**VIA Certified Mail, Regular Mail, and Email**

**RE: OIG Investigative File No. 23-0006-INV**

Dear Attorney Evelyn and Attorney Higbee,

An administrative hearing for the above-reference matter has been scheduled for **Friday, October 20, 2023 at 10am** at the Detroit Office of Inspector General (OIG) located at

OIG Conference Room  
615 Griswold, Suite 1230  
Detroit, MI 48226

The purpose of the administrative hearing is to give you an opportunity to present testimony and any supporting information you would like the OIG to consider in making a final determination. Any written response must be accompanied by a notarized affidavit attesting to the veracity of the statement under oath. The administrative hearing is not an adversarial process and shall not be conducted as such. The submission of information is not limited by the Michigan Rules of Evidence.

Please keep in mind that the OIG is not trying to prove its case against you. Therefore, the OIG does not present its case or call any witnesses. The hearing is your opportunity to present any additional testimony or evidence that shows information in the OIG's draft memorandum is inaccurate. The Inspector General will take that information under consideration and amend the draft memorandum as necessary and required by the evidence.

Additionally, the investigation is still considered open until a final memorandum is issued by the OIG which occurs after the administrative hearing. Therefore, Section 7.5-313 of the City of Detroit Charter requires that "all investigative files of the Office of Inspector General shall be confidential and shall not be divulged to any person or agency." The only exception is that you may share the draft memorandum with your attorney.

**If you plan on calling any witnesses, please provide their names as well as their role/**



**CITY OF DETROIT  
OFFICE OF INSPECTOR GENERAL**

Ellen Ha, Esq.  
Inspector General

**purpose at least five (5) business days in advance of the scheduled hearing date.**

Included with this letter is a copy of the Administrative Hearing Rules and the OIG Hearing Information Sheet on what to expect regarding the hearing. Should you have any questions about the hearing process, you may contact Jennifer Bentley, Attorney for the OIG, at [bentleyj@detoig.org](mailto:bentleyj@detoig.org) or (313) 628-5758.

Sincerely,

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Ellen Ha  
Inspector General

Enclosures: OIG Administrative Hearing Rules  
OIG Hearing Information Sheet



## CITY OF DETROIT OFFICE OF INSPECTOR GENERAL

Ellen Ha, Esq.  
Inspector General

### OIG HEARING INFORMATION SHEET

#### **Before the hearing:**

- You and your attorney, if you choose to hire one, may provide a written response, including any supporting information, which is relevant to the OIG draft memorandum.
- You or your attorney must submit a witness list, including the names and purpose of each witness, at least 5 business days in advance of the hearing.
- You are responsible for requesting and arranging for the attendance of any witnesses you would like to call during your hearing.
- The OIG **does not** provide its investigative file prior to the hearing or at the hearing. The draft memorandum clearly details the evidence relied upon in making its initial determination. The purpose of the hearing is for you to present new evidence or testimony in response to the OIG draft findings.
- The Administrative Hearing must be **held** within 45 calendar days of the OIG receiving the written request for a hearing.

#### **At the hearing:**

- The Inspector General reads a basic statement of facts regarding your case as well as the areas in which the OIG was critical of you and/or your department's actions.
- You and/or your attorney may make an opening statement.
- You and/or your attorney, if you have one, may question any witnesses, including you, and submit evidence.
- OIG staff may also ask questions of you as well as any witnesses you call. The purpose of this is to ensure the OIG has all of the necessary facts to conclude its investigation.
- All questions are answered under oath.
- All information presented must be related to the OIG's draft findings.
- The hearing is informal but a court reporter is present. A copy of the transcript will be included with the OIG's final memorandum along with any other documentation you submit related to the OIG's draft memorandum.

#### **After the hearing:**

- Within thirty (30) days of the hearing or within ninety (90) days of the hearing if the OIG determines that additional information or investigative action is required, the OIG will provide you, and your attorney, if you have one, with a copy of the final memorandum and close its investigative file.



## **CITY OF DETROIT OFFICE OF INSPECTOR GENERAL**

Ellen Ha, Esq.  
Inspector General

- The final memorandum will include the notice of hearing, responses from all affected parties, all documents submitted by the affected parties, and a transcript of the hearing.



**CITY OF DETROIT  
OFFICE OF INSPECTOR GENERAL**

Ellen Ha, Esq.  
Inspector General

September 15, 2023

Melanie White  
8104 East Jefferson  
Apt. C611  
Detroit, MI 48214

**VIA Certified Mail, Regular Mail, and Email**

**RE: OIG Investigative File No. 23-0006-INV**

Dear Ms. White,

An administrative hearing for the above-reference matter has been scheduled for **Friday, October 20, 2023 at 10am** at the Detroit Office of Inspector General (OIG) located at

OIG Conference Room  
615 Griswold, Suite 1230  
Detroit, MI 48226

The purpose of the administrative hearing is to give you an opportunity to present testimony and any supporting information you would like the OIG to consider in making a final determination. Any written response must be accompanied by a notarized affidavit attesting to the veracity of the statement under oath. The administrative hearing is not an adversarial process and shall not be conducted as such. The submission of information is not limited by the Michigan Rules of Evidence.

Please keep in mind that the OIG is not trying to prove its case against you. Therefore, the OIG does not present its case or call any witnesses. The hearing is your opportunity to present any additional testimony or evidence that shows information in the OIG's draft memorandum is inaccurate. The Inspector General will take that information under consideration and amend the draft memorandum as necessary and required by the evidence.

Additionally, the investigation is still considered open until a final memorandum is issued by the OIG which occurs after the administrative hearing. Therefore, Section 7.5-313 of the City of Detroit Charter requires that "all investigative files of the Office of Inspector General shall be confidential and shall not be divulged to any person or agency." The only exception is that you may share the draft memorandum with your attorney.

**If you plan on calling any witnesses, please provide their names as well as their role/purpose at least five (5) business days in advance of the scheduled hearing date.**



**CITY OF DETROIT  
OFFICE OF INSPECTOR GENERAL**

Ellen Ha, Esq.  
Inspector General

Included with this letter is a copy of the Administrative Hearing Rules and the OIG Hearing Information Sheet on what to expect regarding the hearing. Should you have any questions about the hearing process, you may contact Jennifer Bentley, Attorney for the OIG, at [bentleyj@detoig.org](mailto:bentleyj@detoig.org) or (313) 628-5758.

Sincerely,

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Ellen Ha  
Inspector General

Enclosures: OIG Administrative Hearing Rules  
OIG Hearing Information Sheet



# **EXHIBIT 2**



CITY OF DETROIT  
LAW DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVENUE, SUITE 500  
DETROIT, MICHIGAN 48226-3437  
PHONE 313•224•4550  
FAX 313•224•5505  
WWW.DETROITMI.GOV

## PRIVILEGED AND CONFIDENTIAL

April 2, 2019

Ellen Ha, Inspector General  
City of Detroit  
65 Cadillac Square, Ste. 3210  
Detroit, Michigan

**Re: The Board of Police Commissioner's June 30, 2016 Decision to Delegate the Board's Authority to Hire Staff**

Dear Ms. Ha,

On June 30, 2016, the Board of Police Commissioners (BOPC) adopted a proposal to amend its Standard Operating Procedures.<sup>1</sup> The Board's decision delegated the authority to reorganize the office of BOPC to the Board Secretary, Gregory Hicks. One of the specific responsibilities delegated to the Board Secretary as a result of that action included the authority to hire and assemble the Board's staff. You requested a legal opinion regarding whether the Board's delegation of authority to hire was authorized under the 2012 Detroit City Charter. The Law Department is now responding to that request.

### SHORT ANSWER

The Board cannot delegate its power to exercise an authority conferred to it by the City Charter. The Board's decision to delegate its authority to hire constitutes an improper delegation of authority under the City Charter and governing law.

### BACKGROUND

The Board of Police Commissioners (BOPC) was originally created by 1974 Detroit City Charter.<sup>2</sup> As a creation of the charter, the BOPC is limited to those powers enumerated in the City Charter as adopted by the voters. Like any governing body created under the City Charter, the Board "must act strictly within the powers granted to it in the charter."<sup>3</sup> All of the powers and duties of the Board derived from the City Charter are set forth in Article 7, *The Executive Branch: Programs, Services and Activities*, Chapter 8. *Police*.

<sup>1</sup> Eight members of the Board voted in favor of the adoption; two members disapproved; and, one member abstained.

<sup>2</sup> The 1974 Detroit City Charter was subsequently revised in 1997 and later in 2012. The 2012 Detroit City Charter took effect on January 1, 2012.

<sup>3</sup> *Thompson Scenic R Co v. McCabe*, 211 Mich 133, 139; 178 NW 662 (1920)(citing *City of Kalamazoo v. Titus*, 208 Mich 252; 175 NW 480 (1919) and *Cooley's Constitutional Limitations* (7<sup>th</sup> ed), pp 163 *et seq.*



The authority to hire staff is specifically referenced in Section 7-804, *Staff*, which provides:

1. Secretary to the Board.

The Board **shall** appoint a Board Secretary, who serves at its pleasure. The secretary shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The secretary shall attend board meetings.

2. Investigative Staff.

The Board **shall** also appoint a Chief Investigator and such additional staff of investigators as it deems necessary. The Chief Investigator shall not have been an employee or elective or appointive officer of the city within three (3) years prior to appointment. Investigators serve at the Board's pleasure. They must possess skills and experience necessary to complete investigative work.

3. Other Staff.

The Board **may** hire, in accordance with Article 6, Chapter 4, such additional staff **as is necessary to carry out its duties**. All members of the staff are under the direction of the Board, and the Chief of Police has no authority over any member of the staff (emphasis added).

**I. The legislative purpose in enacting Section 7-804 of the City Charter is to vest the Board with the authority to appoint and hire board staff as necessary.**

The prevailing rules of statutory construction are well established and extend to the construction of home rule charters.<sup>4</sup> A fundamental rule of statutory construction is to examine a statute's purpose as evidenced by the legislature.<sup>5</sup> In seeking the meaning of statutes, words and clauses are not divorced from those which precede and those which follow.<sup>6</sup> "Contextual understanding of statutes is generally grounded in the doctrine of *noscitur a sociis* which stands for the principle that a word or phrase is given meaning by its context or setting."<sup>7</sup>

<sup>4</sup> *Brady v. Detroit*, 353 Mich 243, 248, (1958).

<sup>5</sup> *In re Certified Question*, 433 Mich 710, 722 (1989).

<sup>6</sup> *Herald Co. v. Bay City*, 463 Mich. 111, 130, n. 10, 614 N.W.2d 873 (2000).

<sup>7</sup> *Brown v. Genesee Co. Bd. of Comm'rs (After Remand)*, 464 Mich. 430, 437, 628 N.W.2d 471 (2001), quoting *Tyler v. Livonia Schs*, 459 Mich. 382, 390-391, 590 N.W.2d 560 (1999).



The legislative purpose in enacting Section 7-804 of the Charter is to provide the Board with the authority to appoint and hire board staff. The fact that the drafters used the term “may” as opposed to “shall” with respect to hiring “Other Staff” does not impart the Board with the permissive right of delegation. The term “may” must be viewed in light of other terms and clauses employed in this section. In examining the word “may” in the context of Section 7-804(3) the intended meaning of the term is clearly used to vest the Board with the ability to hire staff as *may* be necessary.

**II. The Board is precluded from delegating an authority that is not expressly authorized by the City Charter.**

Basic principles of municipal law preclude a local unit’s ability to delegate powers<sup>8</sup> unless it is expressly authorized by a home-rule charter provision.<sup>9</sup> Although municipal boards may delegate ministerial powers which involve the performance of acts in connection with the execution of an existing law, the power so delegated can never involve the exercise of discretion or judgment.<sup>10</sup> Generally, unless the delegating entity retains the ultimate decision-making authority, the delegation is considered unlawful.<sup>11</sup>

The only reference to the Board’s power of delegation is contained in Section 7-803, *Duties of the Board of Police Commissioners*, of the City Charter. The delegable powers are specifically limited to administering oaths and taking testimony. Section 7-803 provides, in pertinent part:

[t]he Board may delegate in writing to a member of its staff the powers to **administer oaths and take testimony**. A delegation is revocable at the will of the Board and does not prevent exercise of any power of the Board (emphasis added).

Unlike the ministerial functions referenced in this section, the authority to hire does involve the exercise of discretionary consideration and judgment.

Section 7-804 of the City Charter exclusively vests the Board with the power to appoint a Board Secretary, Chief Investigator and hire other staff as necessary. The City Charter does not authorize the delegation of that authority. If the drafters of the City Charter intended to allow the Board to sub-delegate this authority, it would have been specifically included in this provision of the Charter, as was done in Section 7-803 above.

<sup>8</sup> *People v. Sell*, 310 Mich 305 (1945); see also *Chemical Bank & Trust Co. v. Oakland County*, 264 Mich 673 (1993)

<sup>9</sup> See *McGovern v. Patterson*, 273 A. D. 35, 75 N.Y.S. 2d 492 (1<sup>st</sup> Dep’t 1947), *order aff’d*, 298 N.Y. 530, 80 N.E. 2d 667 (1948) (Charter of New York City enables board of estimate to delegate to budget director power to fix salary at which vacancy occurring within fiscal year may be filled).

<sup>10</sup> *Michigan Cent. R. Co. V. Michigan Railroad Commission*, 160 Mich 355, 125 N.W. 549 (1910)(fixing rate)

<sup>11</sup> *Federated Publications Inc., v. Michigan State University Bd. Of Trustees*, 221 Mich App 103, 120, (1997) (rev’d on other grounds 460 Mich 75 (1999)); see also *Attorney Gen. v. Guy*, 334 Mich. 694, (1952)(a city council did not unlawfully delegate its authority when it sought a recommendation, but retained the authority to decide whether to act on a recommendation.



**CONCLUSION**

For the reasons set forth above, the Board cannot delegate its authority to hire staff to the Board Secretary. The Board's action is not authorized under the City Charter and constitutes an improper delegation of authority.

If you have any further questions regarding this matter, please let us know.

Respectfully Submitted,

Vie Serifovski  
Assistant Corporation Counsel

Concur:

  
\_\_\_\_\_  
Tonja Long, Supervising  
Assistant Corporation Counsel  
\_\_\_\_\_  
Charles Raimi  
Deputy Corporation Counsel

**From:** [Ellen Ha](#)  
**To:** [Kelechi Akinbosede](#)  
**Cc:** [Kamau Marable](#); [Jennifer Bentley](#)  
**Subject:** RE: Waiver of Attorney-Client Privilege  
**Date:** Thursday, August 10, 2023 11:41:19 AM

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Yes, the OIG is waiving its privilege on the 2 legal opinions referenced below.

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**From:** Kelechi Akinbosede <[AkinbosedeK@detoig.org](mailto:AkinbosedeK@detoig.org)>  
**Sent:** Thursday, August 10, 2023 11:37 AM  
**To:** Ellen Ha <[HaE@detoig.org](mailto:HaE@detoig.org)>  
**Cc:** Kamau Marable <[marablek@detoig.org](mailto:marablek@detoig.org)>; Jennifer Bentley <[bentleyj@detoig.org](mailto:bentleyj@detoig.org)>  
**Subject:** Waiver of Attorney-Client Privilege

IG,

I am requesting a waiver of the Attorney-Client Privilege for the April 2, 2019 and May 13, 2019 Law Department Memorandums to the OIG regarding the Board of Commissioner's June 30, 2016 decision to delegate the Board's authority to hire staff.

Thank you,  
Kelechi

--

Kelechi N. Akinbosede, Esq., CIGI  
Investigator  
City of Detroit Office of Inspector General  
615 Griswold St, Suite 1230  
Detroit, MI 48226  
(313) 628-2524  
[AkinbosedeK@detoig.org](mailto:AkinbosedeK@detoig.org)

**Notice:** Unless the recipient receives expressed consent from the Office of Inspector General, all communications and requests from the OIG related to ongoing investigations must remain confidential pursuant to the City of Detroit Charter. Anyone who willfully and without justification or excuse obstructs an investigation by providing information related to an ongoing OIG investigation may be subject to discipline.

**PRIVILEGED AND CONFIDENTIAL  
MEMORANDUM**

To: Ellen Ha, Inspector General

From: Vie Serifovski, Assistant Corporation Counsel

Re: Supplement to the April 2, 2019 Opinion

Date: May 13, 2019

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On April 2, 2019, the Law Department prepared a legal opinion regarding whether the Board of Police Commissioner's decision to delegate its hiring authority was authorized under the City Charter. The Law Department's opinion concluded that the Board of Police Commissioners (BOPC) could not delegate a power to exercise an authority conferred to it by the City Charter, specifically the power to hire board staff. The opinion did not address any other delegation of authority referenced in the reorganization memorandum forwarded with your original request.

On May 3, 2019, you asked the Law Department to clarify whether its opinion applied to all of the delegated authorities referenced in the reorganization memorandum and to also address the validity of the BOPC's delegation of powers to its Board Secretary and Chairperson under the BOPC's operating bylaws. In response, the Law Department submits the following supplement for your review.

**DISCUSSION AND ANALYSIS**

Unless specifically authorized by the City Charter, discretionary powers conferred on the BOPC cannot be delegated. Discretionary functions are defined as "those which require personal deliberation, decision and judgment."<sup>1</sup> Ministerial acts are those which constitute an "obedience to orders or the performance of a duty in which the individual has little or no choice."<sup>2</sup> Ministerial functions may be delegated to the BOPC's subordinates, if the functions are designed to facilitate the

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<sup>1</sup> *Hoffman v. Warden*, 184 Mich.App. 328, 331 (1990) (citing *Ross v. Consumers Power Co. (On Rehearing)*, 420 Mich 567 (1984) reh. den. 421 Mich. 1202 (1985).

<sup>2</sup> *Id.*

performance of the Board's discretionary powers. Examples of ministerial acts include:

- Mechanical processing of complaints and subpoenas;
- Monitoring an employees work performance.

Actions which are *not* ministerial include:

- Resolving complaints;
- Determining whether to issue a subpoena;
- Disciplining employees;
- Promoting employees or authorizing an increase in pay.

"The distinction between 'discretionary' and 'ministerial' functions is that the former involves significant decision-making, while the latter involves the execution of a decision with minor decision-making."<sup>3</sup>

In order to assess the validity of the delegated powers referenced in your email, one would need to know all the specifics. As the *Hoffman* court put it, "In determining whether a given act is discretionary or ministerial, a reviewing court should look to 'the specific acts complained of, rather than the general nature of the activity.'" *Id* at 332, citing *Canon v Thumundo*, 430 Mich 326, 334 (1988), quoting *Ross v Consumers Power Co*, (on rehearing), 420 Mich 567 (1984) reh. den. 421 Mich 1202 (1985).

The specific functions delegated to the subordinate and the attendant circumstances must be analyzed to determine whether those acts are discretionary or ministerial in nature. This reasoning would apply to the BOPC's delegation of authority to reorganize the agency, issue subpoenas, facilitate investigations, supervise employees, and appoint and remove committee members.<sup>4</sup>

A second consideration is that the delegation of any authority which involves the exercise of a governmental or proprietary function must also be analyzed under the requirements of the Open Meetings Act. The OMA requires, subject to limited exceptions, that a meeting of a public body must be open to the public.<sup>5</sup> Section 2 of the Act defines a public body as:

[A]ny state or local legislative or governing body, including a board, commission, **committee, subcommittee, authority or council**, which is empowered by state constitution, statute, charter, ordinance, resolution or rule **to act exercise governmental or proprietary authority or perform a governmental or**

<sup>3</sup> *Hoffman*, at 331.

<sup>4</sup> Please note that since the authority to appoint and remove committee members is not addressed in the Charter, it could arguably be construed as a permissible delegation designed to facilitate the general performance of the Board's discretionary function. The Law Department was unable to find any authority that conclusively precluded a municipal board's ability to delegate a power that is not specifically conferred to it by city charter or statute.

<sup>5</sup> MCL 15.263(1), (2) and (3).



**proprietary function;** a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under section 40 if the home rule city act, 1909 PA 279, MCL 117.4b.<sup>6</sup>

The statute strictly limits closed session meetings of public bodies and expressly provides that “all interviews by a public body for employment or *appointment to a public office* shall be held in an open meeting pursuant to this act.”<sup>7</sup>

The definition of public body under the Act provides for two requirements: 1) the entity must be a “state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council;” and, 2) the entity must be empowered to “exercise a governmental or propriety authority or perform a governmental or propriety function.”<sup>8</sup>

Although a single individual is not commonly understood to be akin to a board, a public body cannot evade the requirements of the OMA by delegating its authority to a one-man committee. In *Booth Newspapers Inc., v. University of Michigan Bd. Of Regents*, 444 Mich 211 (1993), the Michigan Supreme Court held that public body could not evade the requirements of the OMA by delegating its authority to various bodies or individuals that were not subject to the requirements of the act. The Court explained:

The Legislature did not grant any exception to specific types or forms of committees. Therefore, delegating the task of choosing a public university president to a one-man committee, such as Regent Brown, would warrant the find that this one-man task force is in fact a public body. As the *Goode* Court observed, “[w]e do not find the question of whether a multi-member panel or a single person presides to be dispositive. Such distinction carries with it the potential for undermining the Open Meetings Act. . . .” *Id.*, 143 Mich app. at 759, 373 N.W. 2d 210.

Therefore, we hold that the selection of a public university president constitutes the exercise of a governmental authority, regardless of whether such authority was exercised by Regent Brown, the nominating committee, the full board, or even subcommittees. Accordingly, this individual or these entities must be deemed “public bodies” within the scope of the OMA. . . .

Under the analysis set forth in *Booth*, the BOPC cannot delegate its authority to hire or appoint committee members without complying with Section 8 of the Act, which requires that all interviews for employment and appointments to a public office must be held in an open meeting. The ruling set forth in *Booth*, would apply to the delegation of any authority that involves the exercise of a governmental or propriety function of the Board.

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<sup>6</sup> MCL 15.262, emphasis added.

<sup>7</sup> MCL 15.268 *et seq.*

<sup>8</sup> MCL 15.262

**CONCLUSION**

In order to properly assess the legitimacy of the Board's actions, the Law Department recommends that your office analyze those acts under the governing principles of law set forth above, taking into consideration as many specifics as possible. While certain acts may have transgressed rules regarding process and transparency, such transgressions may or may not reflect "waste, abuse, fraud and corruption" as contemplated by Detroit City Charter of 2012, Sec. 7.5-301. That much is certainly for your office to decide.

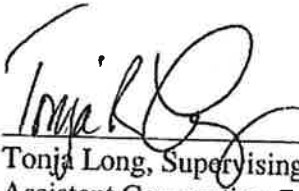
If you have any additional questions or concerns, please let us know.

Respectfully Submitted,



Vie Serifovski  
Assistant Corporation Counsel

Concur:



Tonja Long, Supervising  
Assistant Corporation Counsel



Lawrence T. Garcia  
Corporation Counsel

**From:** [Ellen Ha](#)  
**To:** [Kelechi Akinbosede](#)  
**Cc:** [Kamau Marable](#); [Jennifer Bentley](#)  
**Subject:** RE: Waiver of Attorney-Client Privilege  
**Date:** Thursday, August 10, 2023 11:41:19 AM

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Yes, the OIG is waiving its privilege on the 2 legal opinions referenced below.

**From:** Kelechi Akinbosede <[AkinbosedeK@detoig.org](mailto:AkinbosedeK@detoig.org)>  
**Sent:** Thursday, August 10, 2023 11:37 AM  
**To:** Ellen Ha <[HaE@detoig.org](mailto:HaE@detoig.org)>  
**Cc:** Kamau Marable <[marablek@detoig.org](mailto:marablek@detoig.org)>; Jennifer Bentley <[bentleyj@detoig.org](mailto:bentleyj@detoig.org)>  
**Subject:** Waiver of Attorney-Client Privilege

IG,

I am requesting a waiver of the Attorney-Client Privilege for the April 2, 2019 and May 13, 2019 Law Department Memorandums to the OIG regarding the Board of Commissioner's June 30, 2016 decision to delegate the Board's authority to hire staff.

Thank you,  
Kelechi

--

Kelechi N. Akinbosede, Esq., CIGI  
Investigator  
City of Detroit Office of Inspector General  
615 Griswold St, Suite 1230  
Detroit, MI 48226  
(313) 628-2524  
[AkinbosedeK@detoig.org](mailto:AkinbosedeK@detoig.org)

**Notice:** Unless the recipient receives expressed consent from the Office of Inspector General, all communications and requests from the OIG related to ongoing investigations must remain confidential pursuant to the City of Detroit Charter. Anyone who willfully and without justification or excuse obstructs an investigation by providing information related to an ongoing OIG investigation may be subject to discipline.



# **EXHIBIT 3**

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CITY OF DETROIT

OFFICE OF THE INSPECTOR GENERAL

IN THE MATTER OF

OIG File No. 2023-0006-INV

Proceedings had and testimony taken in the above-entitled cause before the Office of the Inspector General for the City of Detroit, at 615 Griswold, Suite 1230, Detroit, Michigan, on Friday, October 20, 2023, noticed for 10 o'clock a.m.

APPEARANCES:

For Melanie White: LAW OFFICES OF ROBERT E. HIGBEE, PLLC  
By: Robert E. Higbee, Esq. (P82739)  
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robhigbee@gmail.com

-and-

GERALD K. EVELYN, ESQ. (P29182)  
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(313) 962-3500  
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For the Office of  
Inspector General: Ellen Ha, Esq.  
  
Kamau C. Marable  
  
Kelechi N. Akinbosedede, Esq.  
  
Jennifer Bentley, Esq.  
  
Tiye Greene, Esq.

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I N D E X

PAGE

WITNESS:

WILLIE E. BELL

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JAMES HOLLEY

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LISA CARTER

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E X H I B I T S

NONE

1 Detroit, Michigan

2 Friday, October 20, 2023

3 (At about 10:09 a.m.)

4 — — —

5 MS. HA: Today is October 20, 2023. For  
6 the record, this is an administrative hearing for  
7 Melanie White in the matter of the Office of  
8 Inspector General, from here on will be referenced  
9 as the OIG. Investigative file No. 23-00006-INV,  
10 which pertains to the allegation of unauthorized use  
11 of signature.

12 Please note that in accordance with the  
13 OIG administrative hearing rules, this hearing is  
14 being transcribed by the court reporter who is  
15 present today, and for the record, may I have  
16 appearances from everyone? I'll start. Ellen Ha,  
17 Inspector General for the City of Detroit.

18 MR. MARABLE: Kamau Marable, Deputy  
19 Inspector General, City of Detroit.

20 MS. AKINBOSEDE: Kelechi Akinbosede, OIG  
21 Investigator, City of Detroit.

22 MS. GREENE: Tiye Greene, Associate  
23 Attorney, OIG, City of Detroit.



1 MS. BENTLEY: Jennifer Bentley, attorney,  
2 OIG, City of Detroit.

3 MS. WHITE: Melanie White.

4 MR. HIGBEE: Robert Higbee, counsel for  
5 Ms. White.

6 MR. EVELYN: Gerald Evelyn, P29182, on  
7 behalf of Ms. White.

8 MS. HA: Before we begin, I have a couple  
9 of housekeeping matters that I need to put on the  
10 record. First, the record should reflect that we  
11 are holding this hearing in accordance with section  
12 7.5-311 of the 2012 Charter of the City of Detroit  
13 and pursuant to the OIG's administrative hearing  
14 rules.

15 This hearing is being held at the request  
16 of Ms. White, who is being represented by legal  
17 counsel today, and as such a notice for the hearing  
18 was sent to Ms. White on September 15 and to her  
19 attorneys on September 18 via certified regular and  
20 mail, as well as by email.

21 By way of context, on March 8, 2023, the  
22 City of Detroit OIG opened an investigation  
23 involving unauthorized use of signature by

1 Melanie White and the City of Detroit's Human  
2 Resources Department after receiving a complaint  
3 from then chair of the Detroit Board of Police  
4 Commissioners, Bryan Ferguson. The record should  
5 reflect that the hearing today solely concerns  
6 Melanie White. More specifically, the allegation  
7 against Ms. White is that she affixed Mr. Ferguson's  
8 signature for the Detroit Board of Police  
9 Commissioners authorizing the increase of salary for  
10 two employees of the Detroit Office of Chief  
11 Investigator or OIC -- I'm sorry, OCI, without  
12 authorization from the board.

13           After completing our investigation on  
14 August 29, based on the information and documents  
15 that we had at the time, the OIG issued a draft  
16 investigative report to Ms. White, which concludes  
17 that Ms. White abused her authority by affixing then  
18 Chair Ferguson's signature to two letters submitted  
19 to the Human Resources Department directing Human  
20 Resources Department to significantly increase the  
21 salary of two individuals at the OCI without the  
22 vote or the approval of the board.

23           It is important to note for the record

1 the OIG did not investigate, evaluate or make any  
2 determination related to the quality of work  
3 performed by Ms. White, her work ethic or her  
4 dedication in serving the BOPC and the public while  
5 serving the board as its interim board secretary.

6 So that there is no misunderstanding or  
7 confusion, I will now outline the purpose and the  
8 rules for this hearing. First, it is important to  
9 note that this hearing is not for the OIG to  
10 present, defend or discuss its findings contained in  
11 the draft report. Second, this is not a legal or an  
12 adversarial proceeding; therefore, neither the  
13 Michigan Court Rules nor the Michigan Rules of  
14 Evidence apply in this proceeding. The only rule  
15 that applies in this setting is the OIG  
16 administrative hearing rules, a copy of which was  
17 previously sent to Ms. White and her legal counsel.

18 And the sole purpose of this hearing is  
19 to provide Ms. White with an opportunity to dispute  
20 any factual findings made against Ms. White in the  
21 OIG's draft report dated August 29, 2023. This  
22 hearing is presented so that she may represent  
23 additional and/or new evidence related to the OIG's

1 findings or provide a more detailed explanation that  
2 would support a reversal in whole or in part or to  
3 make any corrections of the OIG findings made in the  
4 draft report. So the scope of this hearing shall be  
5 confined to Ms. White's conduct in affixing  
6 Mr. Ferguson's signature on the two letters which  
7 authorizes pay increases of two OCI employees.

8 After the hearing today, the OIG will  
9 re-review and reconsider all the testimonies and  
10 evidence provided to date, including what is  
11 presented today, and make any necessary changes or  
12 adjustments, if any, to the draft report before we  
13 issue the final report.

14 In that regard, before we issue the final  
15 report, in the event the OIG has additional  
16 questions or require additional documentation after  
17 today's hearing, we will do so. And after we  
18 finalize the report, the OIG will publish the  
19 report, which will include the following:

20 **A copy of any documents submitted during**  
21 **this hearing, including any substantive**  
22 **correspondences between the OIG and Ms. White's**  
23 **counsel; a copy of today's transcript of the**

1 hearing, along with any and all exhibits submitted  
2 and marked today; Ms. White's -- Mr. Evelyn and  
3 Mr. Higbee, do you have any questions about what I  
4 just said or do you have any concerns that you wish  
5 to put on the record?

6 MR. EVELYN: No, this is exactly what we  
7 were expecting. Thank you very much.

8 MS. HA: Thank you. So Mr. Evelyn and  
9 Mr. Higbee, you have the floor. Oh, wait a minute.  
10 Before you do that, may I ask the court reporter to  
11 swear in the witnesses. I assume Ms. White is going  
12 to be a witness? No?

13 MR. EVELYN: No.

14 MS. HA: Okay.

15 MR. EVELYN: The witnesses are  
16 sequestered, I guess --

17 MS. BENTLEY: Will she be giving any  
18 testimony or answering any questions today?

19 MR. EVELYN: That will depend on the  
20 testimony that is elicited today.

21 MS. HA: Okay, I'm sorry. Go ahead,  
22 Mr. Evelyn.

23 MR. EVELYN: Okay. Thank you for that

1 presentation, Ms. Ha. We see this as a discreet  
2 matter also. We don't intend to try to embellish  
3 the outstanding record of our client. We know  
4 that's not before you. We're interested in the  
5 determination that she acted without permission of  
6 the board in authorizing the two letters that were  
7 sent with the facsimile signatures of Mr. Ferguson.

8           We think that there is some additional  
9 evidence that the inspector general may not have  
10 had. In particular, testimony from two of the  
11 commissioners who were actively involved in this  
12 decision, who are in a position to testify that the  
13 conduct that she engaged in was authorized. That  
14 there, in fact, was a meeting in May of 2022 where  
15 the leadership team met -- the leadership  
16 commissioners met. That because of the overwork of  
17 these two individuals in particular, but not just  
18 them due to COVID, and because of a special project  
19 to deal with the backlog, that a huge amount of work  
20 was being generated and that there was a disparate  
21 performance of different individuals. Some people  
22 were doing a lot more than others because during  
23 COVID they were allowed to work at home, and so

1 there was less supervision.

2           As a result, it turned out that some  
3 individuals were generating a lot more work than  
4 others; and in particular, Ms. Cox and Ms. Phillips  
5 fell into that category. Commissioner Bell at the  
6 time, who was the chairperson, directed Ms. White to  
7 do -- to investigate and to contact HR to determine  
8 how pay adjustments could be done. So she performed  
9 the research that was done, she reported to them and  
10 she was directed to follow through on executing the  
11 necessary documents, which included her having to  
12 affix a facsimile signature to two letters that  
13 authorized the pay increases.

14           Mr. Ferguson, and I don't know if we're  
15 going to get into a lot of it here, Mr. Ferguson had  
16 his own agenda. And for his own reasons, he decided  
17 that he wanted to displace our client and he  
18 basically took a position that he knew was, in fact,  
19 dishonest in filing this complaint after Ms. White  
20 had filed some complaints.

21           So I think that if you hear some of the  
22 testimony, and we're going to be very direct and  
23 brief and to the point. We have Commissioner Bell

1 here today, we have Commissioner Holley here, and we  
2 have Ms. Carter, Ms. Carter. And so we want to call  
3 Commissioner Bell first because he has a previous  
4 engagement, a funeral to go to. Otherwise, we would  
5 start with Commissioner Carter first.

6 MS. BENTLEY: You said Commissioner Bell,  
7 right?

8 MR. EVELYN: Yes.

9 COURT REPORTER: Do you solemnly swear or  
10 affirm the testimony you are about to give will be  
11 the truth, the whole truth, and nothing but the  
12 truth, so help you God?

13 **THE WITNESS: Yes, I do.**

14 MR. EVELYN: Sir, can you state your name  
15 for the record?

16 **THE WITNESS: Willie Bell.**

17 MR. EVELYN: And, Mr. Bell, have you ever  
18 been involved with the Board of Police  
19 Commissioners?

20 **THE WITNESS: Yes.**

21 MR. EVELYN: In what role?

22 **THE WITNESS: As elected commissioner**  
23 **from District 4, and I have served as chair of the**



1 board on four different occasions in my -- this is  
2 my 12th year, yeah.

3 MR. EVELYN: So you're currently a member  
4 of the board; is that right?

5 THE WITNESS: Yes, sir. Yes, sir.

6 MR. EVELYN: And you served for 12 years?

7 THE WITNESS: Yes, going on 12 years.

8 MR. EVELYN: When were you chairperson?

9 THE WITNESS: Oh, it was 2000 -- starting  
10 in 2014, in July, and thereafter, I think we  
11 alternate in terms of chair. And then the year  
12 after that and the year after that, so in that time  
13 frame. You skip '15 and go to '16.

14 MR. EVELYN: Let me direct your attention  
15 to around 2019. Were you a member of the board  
16 then?

17 THE WITNESS: Yes, sir.

18 MR. EVELYN: In December?

19 THE WITNESS: Yes, sir.

20 MR. EVELYN: And do you know Ms. White?

21 THE WITNESS: Yes, sir.

22 MR. EVELYN: And did she ever change  
23 positions in about December of 2019, if you know?

1                   **THE WITNESS: Yes, sir.**

2                   MR. EVELYN: What was her new position?

3                   **THE WITNESS: Policy manager.**

4                   MR. EVELYN: And did she ever become  
5 interim secretary to the board?

6                   **THE WITNESS: Yes, sir.**

7                   MR. EVELYN: And can you tell me a bit  
8 about how the interim secretary functions, what her  
9 responsibilities were, just in general?

10                  **THE WITNESS: Basically, she is interim**  
11 **function as the board secretary with all duties and**  
12 **responsibilities of carrying out the daily**  
13 **obligation of the Board of Police Commission,**  
14 **interface with the Chief of Police and interface**  
15 **with the Office of Chief Investigator and the**  
16 **public, and all -- any of these that the board is**  
17 **involved in, she was the full-time head person of**  
18 **that office.**

19                  MR. EVELYN: Did she have access to a  
20 facsimile stamp that had the board chairman's  
21 signature?

22                  **THE WITNESS: Yes, sir.**

23                  MR. EVELYN: And was she directed by the

1 board to use that stamp?

2 **THE WITNESS:** That was directed by the  
3 chair of the board primarily.

4 MR. EVELYN: Was there a -- of course,  
5 you were aware that there was, of course, a COVID  
6 pandemic problem?

7 **THE WITNESS:** Well aware, yes, sir.

8 MR. EVELYN: How did that affect the  
9 board observations (sic)?

10 **THE WITNESS:** It caused drastic issues in  
11 terms of personnel work, working from home. Created  
12 an issue of staffing, you name it. Issued backlog.  
13 It created a whole lot of havoc in terms of  
14 monitoring their work performance.

15 MR. EVELYN: Did the board ever start a  
16 project that deals with a case -- processing case  
17 backlog?

18 **THE WITNESS:** Yes, sir.

19 MR. EVELYN: And that was an OCI backlog?

20 **THE WITNESS:** That's correct, sir.

21 MR. EVELYN: And in general, what did  
22 that involve?

23 **THE WITNESS:** It's an extensive issue of

1 management of trying to address the backlog process,  
2 the caseload of the Office of Chief Investigator.

3 MR. EVELYN: And did that involve any  
4 employees working off-site, working away from the  
5 office?

6 THE WITNESS: Yes, sir.

7 MR. EVELYN: Now, did you become aware of  
8 a disparity in pay for some employees because of the  
9 amount of work they were doing?

10 THE WITNESS: That is an elephant in the  
11 room. Yes, sir, I became fully aware, because I was  
12 the chair. And I met with the personnel, and the  
13 two staff members brought it to my attention even  
14 prior to I'm taking action on it.

15 So they brought it to my attention for  
16 the second time around. I met with them, and I  
17 reviewed the process, what they were employed  
18 salary. It was just really shocking to me that we  
19 have employees making that type of salary for  
20 several years, and we have hired individuals making  
21 more money than what these young ladies that were  
22 engaging in terms of their performance in that  
23 office.

1           MR. EVELYN: Did that include an  
2 Angela Cox and a Stephanie Phillips?

3           **THE WITNESS: Yes, sir.**

4           MR. EVELYN: And did you direct Ms. White  
5 to take any action in connection with that concern?

6           **THE WITNESS: I directed Ms. White to**  
7 **take extensive review of this matter and to address**  
8 **this issue immediately. That was a priority in**  
9 **terms that I gave her in terms of addressing this**  
10 **shortcoming on our fault in terms of these employees**  
11 **not having a salary that reflect their job**  
12 **performance.**

13           MR. EVELYN: And were there any meetings  
14 involving the mayor's office --

15           **THE WITNESS: Yes, sir.**

16           MR. EVELYN: -- to address this issue?  
17 And, in fact, was there a meeting in May of 2022  
18 with the mayor's leadership group and members of the  
19 -- and the leadership team of the Board of Police  
20 Commissioners?

21           **THE WITNESS: More than likely, yes.**

22           MR. EVELYN: And do you recall whether  
23 there was a decision made to execute changes to

1 upgrade the salaries of Ms. Cox and Ms. Phillips as  
2 a result of that meeting in May?

3 **THE WITNESS: Yes, sir.**

4 MR. EVELYN: And were you present at that  
5 meeting?

6 **THE WITNESS: Yes, sir.**

7 MR. EVELYN: And was Bryan Ferguson  
8 present at that meeting?

9 **THE WITNESS: Yes, sir.**

10 MR. EVELYN: And was Reverend Holley  
11 present at that meeting?

12 **THE WITNESS: Yes, sir.**

13 MR. EVELYN: And after that meeting in  
14 May was Ms. White directed to execute all documents  
15 necessary to effectuate this pay increase --

16 **THE WITNESS: Yes, sir.**

17 MR. EVELYN: -- for Ms. Cox and for  
18 Ms. Phillips?

19 **THE WITNESS: That's correct.**

20 MR. EVELYN: And that would include  
21 affixing the facsimile signature to the letters that  
22 were necessary to go to HR?

23 **THE WITNESS: That's correct, that would**

1 be the proper function of how that work.

2 MR. EVELYN: And Mr. Ferguson was aware  
3 of that because he was involved in those same  
4 meetings; is that correct?

5 THE WITNESS: That is correct.

6 MR. EVELYN: Now, I don't want to belabor  
7 this. Do you know if Mr. Ferguson had any other  
8 issues with Ms. White that he was concerned about or  
9 that he -- strike that. That's inartfully phrased.

10 Do you know if Mr. Ferguson had any kind  
11 of grudge against Ms. White at all?

12 THE WITNESS: I would say yes and no. He  
13 was somewhat favorable when he received the  
14 chairmanship in July. And I think in that time  
15 frame, somewhere along the line he was influenced  
16 later in terms of the other direction. In fact, I  
17 was personnel chairman of that committee that we  
18 establish -- to reestablish. And thereafter, I  
19 think right in February or March, I was abruptly  
20 moved from that capacity. And therefore, it took a  
21 whole different direction in terms of relationship  
22 with Mrs. White.

23 MR. EVELYN: And do you know whether he

1 wanted to replace her with someone of his own  
2 choosing?

3 **THE WITNESS: I think that was the case.**  
4 **There was strong lobbying for this person, who is**  
5 **now secretary, by individuals on this board.**  
6 **Mr. Ferguson was reluctant at first; then he had a**  
7 **total change of attitude in terms of this person**  
8 **becoming that person to be designated for board**  
9 **secretary.**

10 MR. EVELYN: Do you know if there were  
11 any emails in that -- were exchanged between the  
12 HR department and the board concerning the promotion  
13 of these two individuals, Ms. Cox and Ms. Phillips?

14 **THE WITNESS: My understanding, yes.**

15 MR. EVELYN: And do you know if  
16 Mr. Ferguson saw those emails?

17 **THE WITNESS: He was the chair, yes.**

18 MR. EVELYN: Okay, I have nothing  
19 further.

20 MS. HA: Kelechi.

21 MS. AKINBOSEDE: Okay, thank you for your  
22 statement, Commissioner Bell.

23 I wanted to hone in on the meeting that



1 you referenced in May of 2022 with the mayoral  
2 leadership group and the board leadership group.  
3 And you mentioned that in that meeting one of the  
4 items that were discussed was addressing the pay  
5 disparity issues at some point; is that correct?

6 **THE WITNESS: Yes.**

7 MS. AKINBOSEDE: Was there a vote taken  
8 at that meeting or a consensus agreement amongst the  
9 group to --

10 **THE WITNESS: As I stated, both is**  
11 **totally inappropriate for that type of meeting, it's**  
12 **an informal type meeting. But there's a consensus**  
13 **with the mayor. We established that, myself and**  
14 **Commissioner Carter, to meet with the mayor, you**  
15 **know, in that time frame. There was no vote taken,**  
16 **but a consensus that we want to -- it's a three-head**  
17 **process for the mayor, the chief and the board. So**  
18 **we pretty much collaborate to have discussion on**  
19 **various issues of concerns.**

20 MS. AKINBOSEDE: Now after that meeting,  
21 did you take the items or what was agreed upon back  
22 to the full board for discussion?

23 **THE WITNESS: There was discussion**

1 referenced to, but I don't think there was a -- well  
2 discussion, yes. I can't say specifically how we  
3 handled that process. But the board chair, the  
4 leadership were -- and personnel, yeah, they was  
5 aware of the concerns, yes.

6 MS. AKINBOSEDE: Okay, so you mentioned  
7 that they were aware. But was there a vote that  
8 took place with the full board?

9 THE WITNESS: I don't think that we voted  
10 on the matter.

11 MS. AKINBOSEDE: And just to be clear,  
12 the vote, meaning that was there a vote taken that  
13 -- authorizing Ms. White to research the pay  
14 disparities and also to affix -- have the permission  
15 or the authority to use the chair's signature on any  
16 documents?

17 THE WITNESS: The board doesn't function  
18 in that manner. The chair direct and what the board  
19 secretary and that process. A whole lot of action  
20 do not take a full board. I think that we function  
21 through the chairperson, have that authority and  
22 actually the board secretary. Not all issues plus  
23 we are -- even though we meet weekly, there is a

1 whole lot of things that do not function formally.  
2 We would be there all -- you know, constantly in  
3 terms of issues of the board meeting. It's long  
4 enough as it is, no.

5 MS. AKINBOSEDE: Okay, thank you.

6 MR. EVELYN: You have no doubt, do you,  
7 that she was directed to execute the documents that  
8 she had to execute?

9 THE WITNESS: In looking back on this, I  
10 initiated this whole process, and it went to  
11 Chairman Holley and thereafter Mr. Ferguson. That  
12 was from my priority, and I pursued that as  
13 personnel committee after I was no longer chair with  
14 Mr. Ferguson and Reverend Holley. So that was  
15 clear. Those folks was entitled to that pay raise  
16 and they finally got that pay raise after some  
17 people tried to block it this year, yes, sir.

18 MR. EVELYN: Has it been effectuated, did  
19 they get their raise?

20 THE WITNESS: Yes. It was debating. You  
21 know, we voted on that whole process. We did vote,  
22 yes.

23 MR. EVELYN: All right, nothing further.

1 MS. AKINBOSEDE: And sir, can I clarify,  
2 just to clarify, you mentioned that Ms. Cox and  
3 Ms. Phillips, they have received their raise?

4 **THE WITNESS: Yes.**

5 MS. AKINBOSEDE: As of when, do you --  
6 can you recall?

7 **THE WITNESS: There was a process in**  
8 **terms of HR completing the process with the budget.**  
9 **But my understanding, they have received that pay**  
10 **raise that we voted on.**

11 MS. AKINBOSEDE: Now, did the full board  
12 vote before they received their raises?

13 **THE WITNESS: They finally voted on the**  
14 **issue, yes.**

15 MS. AKINBOSEDE: Okay, thank you.

16 MS. BENTLEY: Do you know why the board  
17 did not vote on it when the paperwork was originally  
18 submitted to HR?

19 **THE WITNESS: The board do not vote on a**  
20 **whole lot of concerns and policy issue like that**  
21 **primarily. This was something that we thought --**  
22 **you know, eventually they work it up and will come**  
23 **back to the board. We didn't have a chance to**

1 complete the process, it was interrupted. And we  
2 changed leadership every year, so some things just  
3 not fall in terms of protocol, how it should work.

4 I know it should work a whole lot better,  
5 but it's what it is because we are part-time and  
6 that's getting back to rely on the staff and  
7 director. And sometimes when we was under the  
8 department directed budget, it was clear in terms of  
9 working with the HR director. But when we came  
10 under the city HR, it's a whole different scenario.  
11 But I know that the oversight board I led that fight  
12 that we should not be under DPD budget. We didn't  
13 know the consequence, we could not be under HR  
14 anymore.

15 So it changed and HR managed the entire  
16 city. So it was not a priority in terms of our  
17 concern, but HR under DPD is a priority. We hired a  
18 person. They don't work for us, but they work with  
19 us, but it was easier. But Ms. White inherited that  
20 type of situation in that no other board secretary  
21 had it before.

22 MS. BENTLEY: Thank you.

23 MS. HA: Commissioner Chair, you've been

1 a commissioner and you've been with the board for  
2 the last 12 years, right?

3 **THE WITNESS:** I'm sorry, how many years?

4 MS. HA: Twelve years.

5 **THE WITNESS:** Yes, 2014.

6 MS. HA: So is it fair to say that the  
7 board acts as a body?

8 **THE WITNESS:** No.

9 MS. HA: No?

10 **THE WITNESS:** The board should function  
11 as a body.

12 MS. HA: Okay.

13 **THE WITNESS:** But I'm familiar with the  
14 board when they only had five appointees of the  
15 mayor. They didn't act as a body. Sometimes -- if  
16 you have a quorum, you have three people and you  
17 act. You have, you know, the forum -- it's a heavy  
18 agenda, you know, in terms of how it should work.  
19 But my experience, it does not function in that  
20 manner. In fact, we've been cited to that extent by  
21 your office.

22 MS. HA: Yes.

23 **THE WITNESS:** And we have tried to

1 implement some things. But then again, what body  
2 change of this type every year? It don't happen  
3 with the national oversight board in terms of how we  
4 operate, and we try to advocate that the charter  
5 should be changed. As you know, that was a failure  
6 overall, that we should have a better system in  
7 terms of it should be two years versus one year.

8           So it's a transition and politics play a  
9 part, as you well know. And we are strangled by  
10 that type of politics now under that past  
11 leadership. That should not have happened that an  
12 individual be suspended without pay without any due  
13 process, without any due -- no facts, they just  
14 casually went down there and walked them out of the  
15 building.

16           I've never seen anything about -- and I  
17 apologized to Ms. White, and we allowed it to  
18 happen. We allow it to happen. We didn't take  
19 proper action. Getting back to a board vote because  
20 I know we had the vote support. And it's sad  
21 commentary because we treat police officers better  
22 than we treat our own staff, all right, a senior  
23 employee. I don't mean to go on a soapbox, but I

1 think you need to know that.

2 MR. EVELYN: Just for the record, when  
3 you were talking about being walked out, you're  
4 talking about Ms. White and Mr. Akbar?

5 THE WITNESS: Ms. White was escorted out,  
6 and Mr. Akbar was escorted out. By the chair,  
7 Ms. White, and by the board secretary without any  
8 notice, without any notice, and that's what happened  
9 to those two individuals.

10 MR. EVELYN: And there was no board vote  
11 for that either?

12 THE WITNESS: There was no board vote,  
13 getting back to what I stated. There was no action.  
14 And did the chair have that authority? Well, if  
15 you've got the -- you have to vote and you do. I  
16 know that some things fall within the chairmanship.  
17 But I think that some things the board -- we talking  
18 about a vote. Not everything we vote on.

19 I'll give you another example. The past  
20 chair, Chairman Holley, spent \$100,000 on office  
21 renovation, and there was no vote anywhere on one  
22 dime, just for clarity on about how we operate.

23 MR. MARABLE: So, Commissioner, I'm



1 trying -- I understand what you're saying --

2 **THE WITNESS: Yes, sir.**

3 MR. MARABLE: -- but how should it  
4 operate? I mean should votes be taken? Should the  
5 board be weighing in on these items?

6 **THE WITNESS: I serve on boards, and I**  
7 **serve on the NAACP board, I served on police board,**  
8 **I sit on national boards. I've been, my whole**  
9 **career, have been on a whole lot of boards, church**  
10 **board, but not always function like it should**  
11 **because we all volunteer. I've never been on a paid**  
12 **board. I would love to have that luxury, but it**  
13 **don't work that way with my setting. It don't work**  
14 **that way.**

15 It don't function like -- we just hired a  
16 parliamentarian after all these years, and that  
17 created more chaos, really, but we're paying  
18 somebody to sit there every other week. But why  
19 people don't sit down, understand Robert's Rules of  
20 Order, it's not that complicated. But we hired  
21 somebody, she's capable. But we functioned from  
22 1974 up until a couple years ago without a  
23 parliamentarian.

1 MS. HA: Thank you.

2 **THE WITNESS:** Thank you for the  
3 opportunity. I just hope that we do the right  
4 thing. I'm free to go?

5 MS. HA: Yes.

6 **THE WITNESS:** Thank you.

7 MR. EVELYN: I'm going to call Lisa  
8 Carter next. You know what, I'm sorry, change that,  
9 Can you get Mr. Holley? Reverend Holley may have to  
10 leave.

11 (A brief recess was taken)

12 COURT REPORTER: Do you solemnly swear or  
13 affirm the testimony you are about to give will be  
14 the truth, the whole truth, and nothing but the  
15 truth, so help you God?

16 **THE WITNESS:** I do.

17 MR. HIGBEE: Good morning, sir, can you  
18 state your name for the record?

19 **THE WITNESS:** Charles James Holley.

20 MR. HIGBEE: Mr. Holley, my name is  
21 Robert Higbee, I'm one of the lawyers for Ms. White.  
22 I'm going to have some questions for you, and then  
23 these fine lawyers on the other side of the table

1 may have some questions for you too, okay?

2 **THE WITNESS: Thank you.**

3 MR. HIGBEE: Are you familiar with the  
4 Board of Police Commissioners?

5 **THE WITNESS: Yes, I am.**

6 MR. HIGBEE: And how long have you been  
7 involved with the Board of Police Commissioners?

8 **THE WITNESS: On this particular**  
9 **appointment, Mayor Young -- Mayor Duggan, I'm like**  
10 **three weeks out from being five years.**

11 MR. HIGBEE: Five years.

12 **THE WITNESS: But I also, under**  
13 **Kilpatrick I was five years there too. So this is**  
14 **like nine years plus.**

15 MR. HIGBEE: Okay. And you have been a  
16 commissioner, obviously?

17 **THE WITNESS: Yes.**

18 MR. HIGBEE: Have you ever been a  
19 chairperson?

20 **THE WITNESS: Yes, I have.**

21 MR. HIGBEE: How long has your tenure  
22 been as a chairperson?

23 **THE WITNESS: Just one year.**

1                   MR. HIGBEE: One year, okay. And taking  
2 you back to December of 2019, did you become  
3 familiar with Ms. White?

4                   **THE WITNESS: Yes.**

5                   MR. HIGBEE: And what role did she hold  
6 at that time with the Board of Police Commissioners?

7                   **THE WITNESS: When I first got there it**  
8 **was for policy director.**

9                   MR. HIGBEE: And did she ever become an  
10 interim secretary?

11                   **THE WITNESS: Yes, she did.**

12                   MR. HIGBEE: And just briefly, what roles  
13 and responsibilities does the interim secretary have  
14 as far as you understand it?

15                   **THE WITNESS: Well basically -- I'm**  
16 **coming from a stroke, so I apologize for my**  
17 **inherence. But basically, just really running the**  
18 **board on behalf of the commissioners, the agenda,**  
19 **basically executing all the policies, making sure**  
20 **that all the agenda that we basically will have for**  
21 **the commissioners would be weekly. Then also help**  
22 **us put our agenda together for each committee. It's**  
23 **a very big responsibility that -- that basically the**

1 interim secretary basically is control of the entire  
2 board.

3 MR. HIGBEE: And would one of those  
4 responsibilities be from a workflow perspective to  
5 execute documents perhaps?

6 THE WITNESS: Absolutely.

7 MR. HIGBEE: And as part of doing that  
8 did Ms. White or someone in her position have access  
9 to the chairperson's signature, for example, to  
10 affix it to documents?

11 THE WITNESS: Yes. I guess because  
12 basically we're not -- we're part-time, and this is  
13 my second tour of duty. But again, like I said,  
14 we're part-time. And so we're just there once a  
15 week. And so we give her as standard practice that  
16 we basically allow the interim secretary or the  
17 secretary at that particular time to use our  
18 signature, because we felt like that that's the only  
19 way we could really keep the commission moving.  
20 That's the only way we could do it.

21 MR. HIGBEE: Understood. And shortly  
22 after Ms. White became a part of the Board of Police  
23 Commissioners, we obviously began a pandemic; is

1 that right?

2 **THE WITNESS: Yes.**

3 MR. HIGBEE: And did that impact or  
4 affect the way that the Board of Police  
5 Commissioners -- the work was done?

6 **THE WITNESS: Absolutely. Obviously it**  
7 **impacted everybody around the whole city. People**  
8 **were not working. They were working at home. We**  
9 **were trying to work through all of that, obviously,**  
10 **because we were several times trying to get a new**  
11 **secretary, and it just didn't work out. And so for**  
12 **basically -- she was doing an excellent job, and I**  
13 **think under my -- under my direction, I just felt**  
14 **like that we do -- just try to get through it as**  
15 **everybody did. And then when we got through it,**  
16 **then we started realizing we were back -- we had a**  
17 **lot of back complaints and so forth and trying to**  
18 **deal with that. It was just difficult.**

19 MR. HIGBEE: So did that backlog, did the  
20 Office of Chief Investigator create a process by  
21 which you tried to address that backlog?

22 **THE WITNESS: We did, we did several**  
23 **times. And we went to the mayor and tried to, in**

1 fact the report -- and I can give it to you. The  
2 report indicates that we were doing everything we  
3 can to deal with the backlog, and she would make a  
4 report to the commissioners and the mayor.

5           And so we put up a -- we put a process in  
6 place to try to help to deal with this. And the  
7 newspaper even -- if you want to look at it. And so  
8 I'm just saying to you that's the only way I can  
9 deal with this in terms of whatever you're asking me  
10 is that we did everything we could to try to deal  
11 with it and try to help her to deal with it. We  
12 were short of investigators. It's difficult, it was  
13 just a difficult thing. But we felt like that she  
14 was doing a good job.

15           MR. HIGBEE: So did that OCI project  
16 result in several employees perhaps doing  
17 significantly more work than what they were being  
18 compensated for?

19           THE WITNESS: Again, it's the article I  
20 give you -- we went to the mayor, and we put up a  
21 process that the mayor agreed -- it's in the  
22 minutes, that the mayor agreed with us that we had  
23 to deal with this by trying to bring some people in

1 to deal with the backlog. We were getting a lot of  
2 complaints from the citizens about the backlog, and  
3 so we tried to handle that. And so again, that's --  
4 I don't know if I'm answering your question, but I'm  
5 doing the best I can. But we dealt with it. We  
6 brought people in. Everybody understood it and the  
7 board understood it.

8 MR. HIGBEE: Are you familiar with Angela  
9 Cox and Stephanie Phillips?

10 THE WITNESS: I'm not familiar with them  
11 by name, no, I'm not.

12 MR. HIGBEE: Okay. They were two  
13 employees, perhaps they would work on the OCI  
14 backlog project?

15 THE WITNESS: That would be something  
16 that I would not be -- that's the investigators,  
17 they would handle that. I would not be involved in  
18 that.

19 MR. HIGBEE: At some point were there  
20 meetings where there were discussions about  
21 addressing pay disparities for the staff members?

22 THE WITNESS: There were, there were.  
23 And even just a few weeks ago we were dealing with



1 that, the same thing. But, yes, there were.  
2 Because again, we were having a problem with the  
3 people -- the union people who didn't want to work  
4 because they felt like they weren't required to do  
5 it, and the people who were nonunion wanted more  
6 money. Then we tried to bring some people in to pay  
7 them to help us with the backlog.

8 MR. HIGBEE: Do you recall a meeting  
9 about approximately May of 2022 with the mayor's  
10 office, yourself, Commissioner Bell, Chair Ferguson  
11 at the time to talk about these pay disparities?

12 THE WITNESS: Yes. In other words  
13 Commissioner Bell, Hope, Ferguson and I, and with  
14 the mayor, yes. I have it. It's in our notes.  
15 Yes, that's -- I don't know if that was the date  
16 you're talking about because of my aphasia, my  
17 memory. I can't remember dates and things like that  
18 because of my sickness, but I'm just saying to you,  
19 I do remember the meeting we had with the mayor.

20 MR. HIGBEE: And as a result of that  
21 meeting was there a decision to execute pay raises  
22 for these staff members?

23 THE WITNESS: I just know that -- I'm

1     trying to -- I know we trying to deal with it,  
2     that's all I know. I can't remember exactly what  
3     the pay was, but I know we had to pay them, they  
4     were asking for pay.

5                   MR. HIGBEE: That was the decision that  
6     was made at the meeting --

7                   **THE WITNESS:** Yeah, that's what I'm  
8     saying.

9                   MR. HIGBEE: -- is that right?

10                  **THE WITNESS:** That's what I'm saying.

11     And the mayor and all four of us, we have a team  
12     meeting with the past president, the president and  
13     the vice-president, leadership meeting that we meet  
14     with the mayor. He agreed with you need to do what  
15     you got to do in order to make this go away.

16                  MR. HIGBEE: And as a result of that,  
17     you're aware that Ms. White was directed to do what  
18     was necessary --

19                  **THE WITNESS:** Yes.

20                  MR. HIGBEE: -- to implement that  
21     decision?

22                  **THE WITNESS:** Yes.

23                  MR. HIGBEE: Okay. And that included

1 affixing her -- affixing Chair Ferguson's signature  
2 onto any necessary letters to accomplish that?

3 THE WITNESS: I don't know of -- because  
4 again, please understand my concern at this  
5 particular time is Mr. Ferguson would do things by  
6 himself. He would not include us, and you will see  
7 in the record that I complained about the fact is  
8 that leadership -- that he made the decisions. He  
9 was a lone ranger, and I felt that that was going to  
10 get us in trouble.

11 And, but nevertheless, I'm just saying to  
12 you again I cannot verify because I just know that's  
13 how he worked. He did this. And -- that's the only  
14 way I can explain it to you.

15 We agreed on the -- how we going to get  
16 through all of this. We agreed with that. We had  
17 to pay them. But in terms of -- and then, as I  
18 indicated to you before, is that is a custom because  
19 we as a city employee, we don't have -- we can't  
20 execute signatures on policy. We have to give the  
21 person -- give it to the -- to the staff person,  
22 which is Mrs. -- the secretary.

23 MR. HIGBEE: Which is Ms. White in this

1 circumstance?

2 **THE WITNESS: Yes, yes.**

3 MR. HIGBEE: So she was given that  
4 authority to execute that decision you made with at  
5 least Commissioner Bell and Chair Ferguson at that  
6 meeting?

7 **THE WITNESS: Again, let me try to be --**  
8 **because I want to be very clear. That except for**  
9 **the fact that's -- that he has to give her the -- we**  
10 **agreed to do it. He as the chairman has the right**  
11 **-- has -- was supposed to do the -- give her the**  
12 **mission to execute the policy.**

13 MR. HIGBEE: And you understand that  
14 that's what he was doing in that circumstance?

15 **THE WITNESS: Yes, the only way it could**  
16 **be done.**

17 MR. HIGBEE: Yes, understood. I don't  
18 have anything else. Thank you.

19 **THE WITNESS: I'm sorry.**

20 MS. AKINBOSEDE: Thank you, Commissioner  
21 Holley, for your testimony.

22 We noted in the report that Ms. White  
23 provided statements from several commissioners. Did

1 she approach you to provide a statement concerning  
2 this allegation?

3 **THE WITNESS:** No, I -- I have not had an  
4 opportunity to talk to her until -- I mean talk to  
5 the lawyer to get the idea of where I'm supposed to  
6 come today, yesterday.

7 MS. AKINBOSEDE: Okay.

8 **THE WITNESS:** I'm sorry.

9 MS. AKINBOSEDE: No, that's okay. You  
10 mentioned that you were present at the meeting  
11 sometime in May, you know, to clarify the dates, you  
12 were present at that meeting with the mayor --

13 **THE WITNESS:** Yes, ma'am.

14 MS. AKINBOSEDE: -- and the leadership  
15 board --

16 **THE WITNESS:** That's right.

17 MS. AKINBOSEDE: -- where the decision  
18 was made to address this pay disparity issue in  
19 BOPC. Now, do you recall whether there was a  
20 discussion that was brought back to the full board  
21 after that meeting?

22 **THE WITNESS:** I don't reca -- in other  
23 words, you will see that this is who the report,

1 this is making to all of us. And all of us, I got  
2 this from the newspaper. So I'm just saying to you  
3 -- because I was trying to do this with a situation  
4 with the board. The reason why I got it was not for  
5 this meeting. It was for three weeks ago I was  
6 supposed to make a report about the commissioners  
7 around the table. This is not for this meeting.  
8 This is three weeks ago.

9 So I'm just saying to you, we will  
10 discuss this. The commissioners were there, and  
11 they were voted on it. We will basically will do  
12 what we could to basically get this thing under  
13 wrap.

14 MS. AKINBOSEDE: Okay.

15 THE WITNESS: You know what I mean when I  
16 say under wrap?

17 MS. AKINBOSEDE: Yes.

18 THE WITNESS: I'm sorry.

19 MS. BENTLEY: Commissioner Holley, just  
20 for clarification, that references the backlog  
21 issue?

22 THE WITNESS: Yes.

23 MS. BENTLEY: So I do believe the

1 question was about the hiring -- not the hiring, the  
2 increase in salary for two employees?

3 **THE WITNESS: In other words, the whole**  
4 **conversation is how you going to deal with it. You**  
5 **have to have people to do it, and also that's how we**  
6 **going to do it is basically is to pay the people.**

7 MS. AKINBOSEDE: Okay, I believe what the  
8 distinction --

9 **THE WITNESS: I'm sorry.**

10 MS. AKINBOSEDE: -- that Attorney Bentley  
11 was trying to make is that we're dealing with two  
12 separate issues here.

13 **THE WITNESS: I'm sorry, okay.**

14 MS. AKINBOSEDE: You mentioned the  
15 backlog, but we're dealing with the pay disparity  
16 issues and pay increases for particularly two  
17 individuals, Ms. Cox and Ms. Phillips.

18 So my question was whether you recall,  
19 especially with those two individuals, decisions  
20 being made in the full board, not at that mayor's  
21 meeting or meeting with the mayor's team, but with  
22 the full board particularly relevant to those two  
23 individuals?

1           **THE WITNESS:** I don't remember, I don't  
2 remember those two people. No, I do not remember.  
3 I remember dealing with the whole -- the whole  
4 problem. You can't talk about one without the  
5 other. The problem -- we got the problem and the  
6 solution, that's how we dealt with it. I was the  
7 chairman. So if I had the problem, how is it going  
8 to be the solution? The solution was to basically  
9 hire people to deal with the backlog. It's all in  
10 the same -- does that make sense? Am I making sense  
11 to you?

12           MS. AKINBOSEDE: Okay, I accept that.

13           **THE WITNESS:** I'm not, huh, I'm sorry.

14           MS. AKINBOSEDE: No, I accept that.

15           MS. BENTLEY: Commissioner Holley, do you  
16 recall an OIG investigation that would have  
17 concluded in either 2019 or early --

18           MS. HA: 2019.

19           MS. BENTLEY: -- regarding the board's  
20 delegation of authority to -- at the time it was  
21 Mr. Hicks?

22           **THE WITNESS:** I was during that -- I was  
23 a commissioner during that time. I was not a



1 chairman, chairman of this commission. And when he  
2 was dismissed, they did it in my absence. I was out  
3 of the country.

4 MS. BENTLEY: Do you recall us -- or the  
5 Office of Inspector General providing the Board of  
6 Police Commissioners with a legal opinion about the  
7 things that the board could delegate and then the  
8 things that the full board had to vote on?

9 THE WITNESS: I don't -- to be honest  
10 with you, I don't recall it. Again, I'm dealing  
11 with last week. To be honest with you, I cannot  
12 recall it. I just know that I was disappointed in  
13 this dismissal.

14 MS. BENTLEY: And just to be a little bit  
15 more specific --

16 THE WITNESS: I'm sorry.

17 MS. BENTLEY: No, you're fine. To  
18 hopefully jog your memory a little bit if possible.  
19 Part of the opinion was that the full board had to  
20 vote on the hiring of employees, promoting of  
21 employees and also pay raises. Does that sound  
22 familiar to you?

23 THE WITNESS: Even if it doesn't sound

1 familiar, it's the right thing to do. The board  
2 would have to do that. It's the right thing to do.  
3 I don't remember, I know that's the way you do it.

4 MS. BENTLEY: All right, thank you,  
5 Commissioner Holley.

6 MR. EVELYN: Nothing further, thank you.

7 MR. HIGBEE: Thank you, sir.

8 MS. HA: Thank you, Reverend.

9 **THE WITNESS: Thank you.**

10 MR. EVELYN: Ms. Carter.

11 MS. HA: Can we just take a five-minute  
12 break?

13 (A brief recess was taken)

14 COURT REPORTER: Do you solemnly swear or  
15 affirm the testimony you are about to give will be  
16 the truth, the whole truth, and nothing but the  
17 truth, so help you God?

18 **THE WITNESS: I do.**

19 MR. EVELYN: Will you state your name for  
20 the record?

21 **THE WITNESS: Lisa Carter.**

22 MR. EVELYN: And are you familiar with  
23 the Board of Police Commissioners?

1                   **THE WITNESS: Yes.**

2                   MR. EVELYN: And how are you familiar  
3 with the Board of Police Commissioners?

4                   **THE WITNESS: I am the police**  
5 **commissioner for District 6.**

6                   MR. EVELYN: And how long have you served  
7 on the board?

8                   **THE WITNESS: Since -- I was elected in**  
9 **2013, I started serving in 2014, and I've been**  
10 **elected twice since then, so I'm in my third term.**

11                  MR. EVELYN: So how long in total have  
12 you served on the board then?

13                  **THE WITNESS: Ten years.**

14                  MR. EVELYN: Okay. And have you been  
15 chairperson?

16                  **THE WITNESS: Yes.**

17                  MR. EVELYN: How many times?

18                  **THE WITNESS: I think twice.**

19                  MR. EVELYN: Were you chair in December  
20 of 2019?

21                  **THE WITNESS: Yes.**

22                  MR. EVELYN: And do you know Melanie  
23 White?

1                   **THE WITNESS: Yes.**

2                   MR. EVELYN: And how do you know  
3 Melanie White?

4                   **THE WITNESS: She has been with the board**  
5 **a number of years as an investigator, and then she**  
6 **was elevated to executive manager of the policy**  
7 **committee. And then she was voted to become the**  
8 **interim board secretary sometime in 2019, I believe.**

9                   MR. EVELYN: Okay, would that have been  
10 about December?

11                   **THE WITNESS: December, yes.**

12                   MR. EVELYN: And did you have occasion as  
13 a chairperson to supervise her activities as an  
14 employee?

15                   **THE WITNESS: Yes.**

16                   MR. EVELYN: And was she a good employee?

17                   **THE WITNESS: Excellent.**

18                   MR. EVELYN: And did she take direction  
19 from the board?

20                   **THE WITNESS: Yes.**

21                   MR. EVELYN: And when the board gave her  
22 directions, did she follow those directions?

23                   **THE WITNESS: Absolutely.**

1           MR. EVELYN: And as interim secretary was  
2 that true, did she take direction from the board and  
3 follow those directions?

4           **THE WITNESS: Absolutely, yes, she did.**

5           MR. EVELYN: And of course you recall,  
6 obviously, the advent of the COVID 19 pandemic?

7           **THE WITNESS: Yes.**

8           MR. EVELYN: And that affected the board  
9 operations?

10          **THE WITNESS: Yes, it did.**

11          MR. EVELYN: In how many -- strike that.  
12 In what way did it affect the operations?

13          **THE WITNESS: We basically had to take**  
14 **staff and because of the protocols that were**  
15 **nationwide, we had to take staff and make things**  
16 **work from home. So everyone had to go from working**  
17 **in the office to being set up to work at home.**

18          MR. EVELYN: Was there ever a backlog of  
19 complaints with respect to the board?

20          **THE WITNESS: Yes.**

21          MR. EVELYN: And was there a project  
22 implemented to try to address the backlog?

23          **THE WITNESS: Yes.**

1                   MR. EVELYN: Was the short name for that  
2 the OCI backlog project?

3                   **THE WITNESS: Yes.**

4                   MR. EVELYN: And was Ms. White involved  
5 in that?

6                   **THE WITNESS: Yes.**

7                   MR. EVELYN: Did it ever come to the  
8 attention of the board that there were people who  
9 were working in positions that reflected a pay  
10 disparity when compared to other people in the same  
11 positions?

12                  **THE WITNESS: Yes.**

13                  MR. EVELYN: Are you familiar with  
14 Angela Cox and Stephanie Phillips?

15                  **THE WITNESS: I know them, I know of  
16 them. I know that they're administrative staff for  
17 OCI.**

18                  MR. EVELYN: Did they fall into that  
19 category of individuals that were working and not  
20 being properly compensated?

21                  **THE WITNESS: Yes.**

22                  MR. EVELYN: Are you aware of whether the  
23 board in any form took action to address that pay

1     disparity?

2                   **THE WITNESS:**   I know that there were  
3     talks between the -- with the leadership.  It didn't  
4     necessarily come to the full board, and I wasn't in  
5     leadership at that time.  So my understanding is  
6     that there were talks to bring them up to par with  
7     market value, if you will.

8                   MR. EVELYN:   So even though you weren't  
9     part of the leadership you were aware of the  
10    conversation in that regard?

11                   **THE WITNESS:**   Yes.

12                   MR. EVELYN:   Was there any -- were you  
13    aware of any resistance to that idea?

14                   **THE WITNESS:**   No.

15                   MR. EVELYN:   So the board was uniform in  
16    its support for the idea that this pay disparity  
17    should be addressed?

18                   **THE WITNESS:**   Yes.

19                   MR. EVELYN:   And the question became just  
20    how would it be done; is that correct?

21                   **THE WITNESS:**   Correct.

22                   MR. EVELYN:   And you're not aware of any  
23    commissioner at the time that was opposed to that?

1                   **THE WITNESS: No.**

2                   MR. EVELYN: And that would include  
3 Bryan Ferguson?

4                   **THE WITNESS: Correct.**

5                   MR. EVELYN: Are you aware of the interim  
6 secretary being authorized to use the facsimile  
7 stamp signature for the board chairperson?

8                   **THE WITNESS: Yes.**

9                   MR. EVELYN: Was that something that was  
10 done?

11                  **THE WITNESS: It was done routinely, yes.**

12                  MR. EVELYN: Was it done when you were  
13 chairperson?

14                  **THE WITNESS: It was.**

15                  MR. EVELYN: And what kind of documents  
16 were executed?

17                  **THE WITNESS: Just normal operating**  
18 **documents. So anything that we had a meeting about**  
19 **that had to go out to the full board or anything**  
20 **that had to go out after a meeting that required the**  
21 **chair's signature, the electronic signature was**  
22 **utilized.**

23                  MR. EVELYN: Are you aware of whether --



1           **THE WITNESS:** And also -- I'm sorry. The  
2       electronic signature is also utilized on all  
3       resolutions that go out to -- resolutions that go  
4       out to whoever. Like if we have a resolution that  
5       we want to give to a resident in the community,  
6       electronic signatures from all police commissioners  
7       are on that resolution.

8           MR. EVELYN: Okay. What about inner  
9       agency communications, like communications between  
10      HR for the city and the board?

11           **THE WITNESS:** Yes.

12           MR. EVELYN: And that would be done by  
13      facsimile with the authorization?

14           **THE WITNESS:** Yes.

15           MR. EVELYN: And you've seen that before?

16           **THE WITNESS:** Yes.

17           MR. EVELYN: And what about -- strike  
18      that.

19           I have nothing further.

20           MS. AKINBOSEDE: Okay, thank you,  
21      Ms. White, for your testimony -- Ms. Carter, I'm  
22      sorry, for your testimony.

23           And you mentioned that there were talks

1 with board leadership to address the pay disparities  
2 with the OPC -- the OCI staff, and the entire board  
3 would have been aware of such discussion; is that  
4 correct?

5 **THE WITNESS: Not the entire board**  
6 **necessarily. It just depends on who talks to who.**

7 MS. AKINBOSEDE: Could you be more  
8 specific as to who were involved?

9 **THE WITNESS: I wasn't involved in the**  
10 **talks. It's kind of like when the pay was -- when**  
11 **it was brought to the board's attention, the**  
12 **leadership did moreso the talks.**

13 MS. AKINBOSEDE: Okay. So the board  
14 leadership, to be specific, were involved in those  
15 discussions. Now, did those discussions ever come  
16 before the full board?

17 **THE WITNESS: It did recently.**

18 MS. AKINBOSEDE: Recently as of?

19 **THE WITNESS: The pay raises were**  
20 **approved, yes.**

21 MS. AKINBOSEDE: They were approved.  
22 Recently as of when, this year?

23 **THE WITNESS: It was this year.**

1 MS. AKINBOSEDE: Sometime this year?

2 **THE WITNESS: Yes.**

3 MS. AKINBOSEDE: Okay.

4 MS. HA: This year like within the last  
5 three months or --

6 **THE WITNESS: Within the last four to  
7 five months.**

8 MS. AKINBOSEDE: And you mentioned that  
9 normal operating documents and resolutions and  
10 things of those sorts, the electronic signatures of  
11 the chair, whoever was the board secretary was  
12 authorized to use the electronic signature of the  
13 chair on those documents; is that correct?

14 **THE WITNESS: Yes.**

15 MS. AKINBOSEDE: Now would you consider  
16 pay adjustment letters to be normal operating  
17 documents?

18 **THE WITNESS: So in a situation like  
19 that, there's usually a meeting with the board  
20 leadership, and whatever comes out of the meeting  
21 the -- whatever comes out of the meeting, usually  
22 there's an email to -- a summary or whatever  
23 document if in that meeting it's determined that**

1 that's what's going to happen, an email is sent out  
2 to everybody that was in that meeting when you're in  
3 leadership. And whoever was in the meeting is on  
4 the email, and then whatever it is is approved or  
5 not approved, and it's sent out.

6 MS. AKINBOSEDE: Approved by whom, the  
7 board?

8 THE WITNESS: Not the board. By the  
9 leadership, by the person authoring the document.  
10 So if it's a document that I have to review, I will  
11 let the staff know, okay, you can proceed with this.  
12 So, yeah, that's -- that's normally how it was done.

13 MS. AKINBOSEDE: And when you mention  
14 normally how it was done, you mentioned that you  
15 have been chair of the board perhaps twice, at least  
16 twice?

17 THE WITNESS: Twice, maybe three times.  
18 I can't recall.

19 MS. AKINBOSEDE: Okay.

20 THE WITNESS: So we're elected every  
21 year. So I've been chair, and I've been a vice  
22 chair several times.

23 MS. AKINBOSEDE: Okay. So you're

1 speaking to your experience as chair, this is how  
2 the normal practice would be. Can you speak to --  
3 do you believe that this practice was uniform with  
4 the other chairs who were before you or after you in  
5 terms of the authority or level of authority that  
6 they gave to the board secretary to use electronic  
7 signatures for certain --

8           **THE WITNESS:** So I can speak to when I  
9 was chair and vice chair. During all of those  
10 terms, yes. The secretary would sit down -- I mean  
11 like our first couple meetings when we're -- after  
12 we're elected, is it okay to use your electronic  
13 signature for this, for that, for whatever reason.  
14 And the -- I would agree or not agree. And going  
15 forward that's -- you know, after a meeting, the  
16 electronic signature was affixed to whatever memos  
17 we were sending out.

18           **MR. MARABLE:** So after a meeting with the  
19 board secretary, so you would give individual  
20 approval for use of your signature --

21           **THE WITNESS:** No, not necessarily.

22           **MR. MARABLE:** So --

23           **THE WITNESS:** It's not -- it wasn't an

1 issue where each time I said, can I use your  
2 signature. It was assumed after that initial -- it  
3 was assumed after that initial meeting that a person  
4 could use your signature to affix to letters --  
5 official letters going out.

6 MS. HA: But there was a level of  
7 distinction between what documents can be signed by  
8 the board secretary.

9 THE WITNESS: There was no distinction.

10 MS. HA: No distinction?

11 THE WITNESS: Anything that was going  
12 out, it went through the secretary.

13 MR. MARABLE: When you say going out,  
14 were those items that were approved by the board --

15 THE WITNESS: Chair?

16 MR. MARABLE: No, by the board in  
17 totality?

18 THE WITNESS: If it required to be  
19 approved by the board, the entire board. So, for  
20 example, resolutions aren't -- we do resolutions  
21 every week or every once a month. Resolutions have  
22 all of our electronic signatures. We don't go back  
23 and say, can I use your signature on this.

1 MR. EVELYN: Right.

2 **THE WITNESS: Yeah.**

3 MR. EVELYN: Would you say if there was a  
4 document that basically effectuated a budget line  
5 item, that that would require your direct approval  
6 or would you consider that within the realm of the  
7 secretary's discretion?

8 **THE WITNESS: Say that one more time.**

9 MR. EVELYN: So I guess -- you said  
10 resolutions.

11 **THE WITNESS: Yep.**

12 MR. EVELYN: So I guess I'm trying to see  
13 if there is a distinct line where beyond what's a  
14 resolution. So if there was a letter going to  
15 effectuate a raise or a new position or some other  
16 budget item, would you consider that within the  
17 realm of discretion of the board secretary?

18 **THE WITNESS: The board secretary, based**  
19 **on my experience, never sent out anything, if I was**  
20 **the chair, without my prior approval. So -- and**  
21 **like I said, whether it was in a meeting where we**  
22 **all met and talked about whatever it is that was**  
23 **going to occur, it could have happened in a meeting**

1 or sometimes through email. But it did not go out  
2 without approval, my approval as the board chair.

3 MR. EVELYN: Thank you.

4 **THE WITNESS: You're welcome.**

5 MS. BENTLEY: Do you recall an OIG  
6 investigation regarding the delegation of authority  
7 to the secretary?

8 **THE WITNESS: Yes.**

9 MS. BENTLEY: Do you recall the legal  
10 opinion we provided to the board about what the Law  
11 Department said could and could not be delegated?

12 **THE WITNESS: Yes.**

13 MS. BENTLEY: And do you recall that  
14 within that, the legal opinion stated that certain  
15 actions could not be taken without the -- without a  
16 vote of the whole board, including hiring, promoting  
17 and giving raises to staff?

18 **THE WITNESS: I recall that. I don't**  
19 **know if all board members remember that. I do**  
20 **recall that.**

21 MS. BENTLEY: Do you recall a vote taking  
22 place then to give raises to Ms. Phillips and  
23 Ms. Cox prior to Ms. White submitting the letter to



1 HR in December of 2022?

2 THE WITNESS: I don't recall a vote by  
3 the entire board.

4 MS. BENTLEY: Do you feel a vote should  
5 have taken place?

6 THE WITNESS: A vote should have taken  
7 place. However, leadership -- it's leadership's  
8 responsibility, not Ms. White, because Ms. White  
9 only does what the leader tells her to do. So the  
10 leadership should have brought it to the full board.  
11 It actually should have went through a subcommittee  
12 and then to the entire board. So leadership should  
13 have been involved -- I mean should have brought it  
14 to the board, but the leadership at that time was a  
15 one-man show, if you will, working, not -- without  
16 the support of the rest of the board.

17 MS. BENTLEY: Do you feel that the board  
18 secretary should be aware of what actions cannot be  
19 delegated to that secretary or conversely what  
20 actions must be --

21 THE WITNESS: I'm sorry, can you start  
22 again?

23 MS. BENTLEY: Absolutely. That was a bad

1 start to my question anyway.

2 **THE WITNESS:** Okay.

3 MS. BENTLEY: Do you feel that the board  
4 secretary should be aware of what the board must  
5 take action on, so items that cannot be delegated to  
6 the board secretary?

7 **THE WITNESS:** I think that the board  
8 secretary should; however, Ms. White was put in a  
9 position where we needed her in a position and she  
10 may not have been fully aware of what needed to go  
11 out and what needed to go to the full board and what  
12 needed -- well, what would be able to -- what the  
13 chair would be able to do without the full board.

14 So we put her in a position -- that  
15 position. And it was supposed to be temporary, and  
16 it turned into three years, I think. Two years,  
17 three years. So I think that the -- she was acting.  
18 I think that the permanent board secretary should  
19 know all of that stuff, yes.

20 MS. BENTLEY: Thank you. I don't have  
21 any other questions.

22 MS. HA: I don't have.

23 MR. EVELYN: I have some follow up.

1           You indicated earlier, I just want to  
2 make sure the record's clear, that certain decisions  
3 were made by the leadership group; is that correct?

4           **THE WITNESS: Yes.**

5           MR. EVELYN: And that if the leadership  
6 group made a decision, it wouldn't necessarily go  
7 back to the full board; is that correct?

8           **THE WITNESS: If the leadership -- yes.**

9           MR. EVELYN: And if the leadership group  
10 made a decision and told Ms. White to execute that  
11 decision, then she would be expected to follow that  
12 instruction, right?

13          **THE WITNESS: Absolutely.**

14          MR. EVELYN: Bryan Ferguson became a  
15 member of the board, when, in 2022, right?

16          **THE WITNESS: Yes. Was it 2022? Yes.**

17          MR. EVELYN: So he wouldn't have been a  
18 part of the board in 2019 when the opinion was  
19 released; is that correct?

20          **THE WITNESS: No.**

21          MR. EVELYN: Does the board have any  
22 specific training that they sit down with the Law  
23 Department so they're engaged with what the legal

1 niceties are for their particular position; has that  
2 ever happened?

3 **THE WITNESS: No.**

4 MR. EVELYN: So you've never received any  
5 direction or training from the Law Department or  
6 from anybody else with regard to what the law  
7 requires you to do as members of the board; is that  
8 correct?

9 **THE WITNESS: Correct.**

10 MR. EVELYN: And you had a legal advisor?

11 **THE WITNESS: Yes.**

12 MR. EVELYN: Was that Ms. White?

13 **THE WITNESS: No.**

14 MR. EVELYN: Who was the legal advisor?

15 **THE WITNESS: It was someone from**  
16 **corporation counsel, but I don't know that we had --**  
17 **yeah, we had a legal advisor, someone assigned**  
18 **through corporation counsel.**

19 MR. EVELYN: Right, and there was an  
20 internal debate regarding whether the board at one  
21 point should have its own lawyer or whether the Law  
22 Department was supposed to provide legal direction;  
23 is that correct?

1                   **THE WITNESS: Yes.**

2                   MR. EVELYN: And in fact the board tried  
3 to hire its own lawyer?

4                   **THE WITNESS: Yes.**

5                   MR. EVELYN: Was that when Bryan Ferguson  
6 was chairperson?

7                   **THE WITNESS: Yes.**

8                   MR. EVELYN: Did that happen?

9                   **THE WITNESS: No, it has not happened,**  
10 **no.**

11                  MR. EVELYN: All right, I have nothing  
12 further.

13                  MS. GREEN: I do have just one question.

14                  **THE WITNESS: Yes.**

15                  MS. GREEN: The executive manager of  
16 policy position, who held that position in 2019?

17                  **THE WITNESS: Ms. White was the executive**  
18 **manager of policy, yes.**

19                  MS. GREEN: Would then you expect the  
20 executive manager of policy to be familiar with the  
21 rules concerning what requires a full board vote and  
22 what does not?

23                  **THE WITNESS: Yes and no. The executive**

1 director of policy moreso deals with the policies  
2 for DPD. So, yes and no. Yes, maybe so. But like  
3 I said, she dealt with moreso the policies for DPD  
4 and doing the research and development for those  
5 policies.

6 MS. GREEN: During your time on the  
7 board, has the executive manager of policy had done  
8 any work regarding OCI's standard operating  
9 procedures?

10 THE WITNESS: Yes.

11 MS. GREEN: Have the executive manager of  
12 policy done any work regarding the board's bylaws?

13 THE WITNESS: I don't recall that. We  
14 have had some revisions with the board policy, so  
15 yes, I would think so.

16 MS. GREEN: Nothing more.

17 MS. BENTLEY: No other questions here.

18 MR. EVELYN: I think we're good.

19 MS. AKINBOSEDE: Thank you.

20 MS. HA: Thank you. Ms. Lawson has left  
21 so I assume she's --

22 MR. EVELYN: Yeah, we're done, we're  
23 done.

1 MS. HA: Oh, you're done, okay.

2 MR. EVELYN: We need five minutes.

3 (A brief recess was taken)

4 MR. EVELYN: I think that we delivered  
5 what we promised. And I know the OIG's position is  
6 that because we gave them a legal opinion that says  
7 the full board has to act, even if she had the  
8 consent of the leadership group, she was acting  
9 outside the scope of her authority. That's a  
10 different question than the one I think she was  
11 adjudicated. The question was whether she acted  
12 without permission, and I think the record clearly  
13 showing she did have that position. And if you  
14 decide that discreet issue, then you should decide  
15 in her favor. Now you may want to bring the whole  
16 board in this. You guys should all be violating OIG  
17 rules because you didn't follow the advice we gave  
18 you, that's a different issue, but she's not a  
19 member of the board. Succinctly that's our  
20 position.

21 MS. HA: Thank you, Mr. Evelyn. Thank  
22 you, Ms. White.

23 MR. EVELYN: Thank you, good to see you.

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MS. BENTLEY: We can go off the record  
then?

MS. HA: Yes.

(Hearing concluded about 11:37 a.m.)

— — —



1 CERTIFICATE OF NOTARY PUBLIC - COURT REPORTER

2 I do certify that the attached  
3 proceedings were taken before me in the  
4 above-entitled matter; that the proceedings  
5 contained herein was by me reduced to writing by  
6 means of stenography, and afterwards transcribed  
7 upon a computer. The attached pages are a true and  
8 complete transcript of the proceedings.

9 I do further certify that I am not  
10 connected by blood or marriage with any of the  
11 parties, their attorneys or agents, and that I am  
12 not an employee of either of them, nor interested,  
13 directly or indirectly, in the matter of  
14 controversy.

15 IN WITNESS WHEREOF, I have hereunto set  
16 my hand and affixed my notarial seal at West  
17 Bloomfield, Michigan, County of Oakland, this 22nd  
18 day of October 2023

*Theresa L. Roberts*

19 \_\_\_\_\_  
20 Theresa L. Roberts, CSR  
21 Certified Shorthand Reporter - CSR-4870  
22 Notary Public - Oakland County, MI  
23 My commission expires 10-04-2027

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**\$100,000** 27:20

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# **EXHIBIT 4**

## DPD complaint investigators vow 'more efficient' process to solve backlog



by **Bryce Huffman**  
July 22, 2022 5:46 pm



Melanie White, interim secretary for the Detroit Board of Police Commissioners, updated the board and the public July 21, 2022, on the citizen complaint backlog that has been plaguing the Office of the Chief Investigator. White said changes to how the office reviews cases will help clear the backlog by the end of the year. (Screenshot)

Citizen complaint investigators for the Detroit police oversight board are working to assure the public that they can work through a massive backlog of complaints against officers despite staffing shortages.

Melanie White, who is interim secretary for the Board of Police Commissioners and has supervision of the Office of the Chief Investigator, said Thursday that OCI last made significant changes in how complaint cases were processed “over a decade ago” and has identified ways to “make the process more efficient.”

During a board meeting earlier this month, there was said to be a backlog of 850 complaints against the Detroit Police Department. Now, that number sits at 779 cases, White said during Thursday’s BOPC meeting.

“The need to resolve the pandemic backlog gave all of us an opportunity to put fresh eyes on OCI’s processes, and our effectiveness,” White told the board on Thursday.

The OCI, she said, has identified “key areas” that can help make the process more efficient. One such area is in the reporting of cases being closed. White said the new format will immediately take closed cases off the list of backlogged cases, a process that helped the OCI realize it had closed nearly 100 backlogged cases that hadn’t yet been taken off the list, she said.

A complaint is considered “backlogged” if it isn’t addressed within 90 days after being filed.

“So we forecast at least 75 cases will be closed within the next two weeks, in addition to what staff is continuing to turn in and close every single day,” she added.

White’s defense of the OCI comes after Commissioner Ricardo Moore, who chairs the Citizen Complaint Committee, [told BridgeDetroit](#) last week that he wants more transparency about how the OCI is handling the backlog and demanded that the office submit a plan by January to clear out the complaints.

Lawrence Akbar, interim chief investigator at the OCI, said the office has closed an average of 105 cases each month since February. This however doesn’t stop citizens from filing complaints against the department. According to OCI data, there have been 594 citizen complaints filed this year as of July 19.

OCI, he said, is dealing with a backlog of 220 cases from 2022, 545 from 2021, and 14 cases are open from 2020. Despite that, Akbar said his office is on track to “provide efficient and effective civilian oversight services regarding our citizens’ complaint police misconduct investigations.”

White said OCI is focusing its efforts on cases that allege police misconduct and that have been open for a year.

“We’re focusing our efforts in that regard to make sure that we can quickly close those cases and get it to DPD so that they can take the appropriate or corrective disciplinary action, retraining or counseling,” she said.

OCI hopes to clear all the backlogged cases by the end of 2022, but some issues – chiefly staffing – remain unsolved since the OCI still has four vacant investigator positions. Another is that commissioners, per a rule Commissioner Rev. Jim Holley added while he was serving as chair, are supposed to review the cases after OCI does its investigation. Commissioner Linda Bernard, who represents District 2, said Thursday she hasn't been given any complaint cases to review all year.

“I enjoyed it,” Bernard said. “I would really read and really challenge (the investigators) on their conclusions and write up my own summaries.”

Commissioner Bryan Ferguson, who represents District 1 and is the board chair, said every commissioner who wants to read citizen complaint cases will get the chance to do so to help lower the backlog.

“If you're on the complaint committee, and you don't want to read cases, email me, and I will remove you and replace you with somebody else,” Ferguson said.

Commissioner Jesus Hernandez asked for a monthly report on the OCI backlog. Akbar said that those reports will be made available to BOPC and staff and include the year-to-date amount of backlogged cases and the numbers will be broken down by precinct. Akbar said he expects the backlog numbers to start noticeably going down sometime in August.