

Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, September 21, 2023 – 3:00 PM
Location: Detroit Public Safety Headquarters, 1301 Third St., Detroit, Michigan 48226

I. **Chairperson QuanTez Pressley called the BOPC Board Meeting to order at 3:00 p.m.**

II. **Invocation.** Chaplain Troy Dantzler provided the invocation.

III. **Announcements.**

Board Secretary Victoria Shah announced the following:

Next Meeting: Thursday, September 28, 2023, at 3:00 p.m., at the Detroit Public Safety Headquarters, 1301 Third St., Detroit, MI 48226.

Next Community Meeting: Thursday, October 12, 2023, at 6:30 p.m., hosted by the 7th Precinct at St. John Presbyterian Church, 1961 East Lafayette, Detroit, MI 48207

IV. **Report from Victoria Shah, Board Secretary Report / Communications Submitted to BOPC as incoming information.**

1. Reading of OCI Investigations During BOPC Meetings 09152023
2. Bullard-Plawecki Employee Right To Know Act 397 of 1978
3. Position Amendment Recommendation Attorney and Legal Assistant 09212023
4. Outstanding DPD Requests 09212023
5. Determination Memo – Work Order 2023-059
6. 20230824_Law Department Letter – BOPC Employee Suspensions with Pay
7. BOPC Memorandum 8-29-23
8. White Book Step Explanation 8-29-23
9. DPOA Letter 09202023
10. Subpoena_2200379302_09192023
11. Citizen Complaints Inventory Board Presentation 09212023
12. Closed Session Packet_Mosley_09212023

Board Secretary Shah provided an update on performance evaluations, critical incident debriefs, and personnel updates. The BOPC Administrative Staff and OCI performance evaluations for FY2022-2023 have been completed, the current FY 2023-2024 have been drafted to align with the Board's adopted goals, services, and metrics workbook the Board adopted August 17, 2023. Each staff member will receive feedback throughout the fiscal year on the progress toward their goals and receive a midyear review between January and February of 2024. In regards to the Critical Incident Debrief on the use of force resulting in serious injury that occurred September 1, 2023. The BOPC office has not heard from the Chief's office advising when the debrief will be provided to the Board, when we are provided the date, then staff will inform the Board. In your packet is an updated Outstanding DPD Requests. Regarding contracted services, Procurement has renewed the purchase agreement for Parliamentary services for Dr. Jackson. For Citizen Complaints there was one transferred complaint to Communication Operations, the case was closed September 11, 2023 and the allegations were demeanor and service. In regards to staffing updates, Ms. Stephanie Phillips position, change, and salary increase that was approved by the Board on August 17, 2023. That appointment letter, with an effective date of August 17, 2023, was written by HR Recruiting and signed by the Chairperson on September 19, 2023. HR confirmed that Ms. Phillips has received her letter, so that item is complete. Ms. Jasmin Taylor will be starting as a new Administrative Assistant on Monday, September 25, 2023. In addition, there is a job posting up now for three Investigators for OCI. In addition, the TASS BOPC Analyst position also is posted.

V. Introduction of Police Commissioners. A roll call was held, and a quorum was declared.

Detroit Board of Police Commissioners' Membership / Attendance		
	In Attendance	Not-In Attendance
QuanTez Pressley, Chairperson	Yes	
Rev. Jim Holley, PhD.	Yes	
Linda D. Bernard, Esq.	Yes	
Cedric Banks	Yes	
Willie E. Bell	Yes	
Willie E. Burton	Yes	
Lisa Carter	Yes	
Ricardo Moore		Excused
Jesus Hernandez		Excused
Annie Holt	Yes	
Quorum (Yes)	8	

Commissioner Bell motion, “that the Board of Police Commissioners strike out the time limit for the Chief of Police Report on the agenda.” The motion passed.

VI. Chairperson Pressley requested the approval of the amended Agenda for Thursday, September 21, 2023. The motion was accepted and adopted.

VII. Chairperson Pressley requested the approval of the Meeting Minutes for September 14, 2023, with any corrections. The minutes were adopted as presented.

VIII. Introductions of Board administrative and investigative staff, the Chief of Police, Elected Officials or Representatives.

IX. BOPC Officers Report Chair's Report.

Chairperson Pressley discussed the Board progression in securing the Board's Attorney and conversations to the appropriateness of the Community Impact Report to ensure that what our goals are through that Community Impact report is actually met.

X. Community Impact Report

Board Secretary Victoria Shah and Chief Investigator Jerome Warfield provided some insight into the OCI Inventory and Staffing needs. The current inventory in the Office of Chief Investigator is 947 open cases. Of those 947 cases, 501 of those cases are designated as backlog cases. Those cases that are 90 plus days old, 61 to 90 days, there are 99 cases, and cases that are 31 to 60 days, are 168 cases. Then we have 179 cases that are 0 to 30 a days. In the cases that are considered backlog, 24 cases have anniversary dates between October and December of this year, the one year anniversary date. What we're attempting to do is to close out as many of these cases as we can, so that the department, if there is a sustainable allegation, can still meter out discipline, because if it goes over a year, then we lose the Department's ability to meter out discipline. One of those cases is in the 60 to 90 days. OCI usually is not closing as many cases as are coming in. This is definitely a recipe for developing a backlog as we have. There are a few years where closures met or surpass the receipts. In 2014, 2015, 2016, 2019, and then 2022 was an anomaly that's being looked into as well, but then you can also see that investigators are closing cases at just about the same rate as they always have been about one case per week, except for 2022. Incoming cases are increasing over time, but our staffing levels are actually be decreasing over time. OCI is receiving more cases than it's closing. Investigators are closing at about one case per week. Which is pretty typical. I will note that in July and August you see a slight uptick where Investigators are closing 1.2 cases per week on average. And that's a result of increased accountability, that Chief Investigator has been putting in place. So I think the big takeaway here is that OCI is not right staffed. Let's talk about what right staff looks like for OCI. The volume of cases that are coming in every month about 135 on average, and considering that the existing inventory is just around 950 and if we assume that we want to get the existing inventory close within a 6 month period. Also assuming that Chief Investigator will put processes in place and accountability in place to have investigators close two cases per week. On average we're still looking at needing about 35 Investigators.

That includes the seniors on staff, in order to accomplish this. In addition to that, you have more staff. You need more supervisor support and administrative support. That will require six Supervising Investigators and four Admins total. For a target of closing 295 cases per month again, handling what's coming in as well as taking care of the backlog. Several weeks ago we informed you that there were some cases that we found in the system in the database that was marked as closed. However, they were not. They were never brought to the Board. You all never signed off on them, and the final decisions in the full investigation had not been completed, but in the system they were marked as close. Out of those 256 cases, about a 159 of those cases were dated back to 2021 and another 100 cases were dated back to 2022, there was only one case for 2023. Those 256 cases, if they're added to our backlog, would bring our totals to 1203 total cases. If they are to be reopened to be investigated, that would take us to a total of 757 backlog cases and the rest of the numbers remain the same. But that's if those cases are reopen. And again, we discovered that a few months ago, and we brought that information to the Board at that particular point in time. The Chief Investigator and I are looking from a decision from the Board if these cases should be reopened and investigated per the charter. There was a spreadsheet emailed yesterday that list of all those cases, the 256 cases that are under consideration to reopen, and it indicates which investigator was assigned to those cases. If the Board provides direction to reopen those cases as Chief Investigator indicated, the inventory is going to go up. We've done a recalculation of what that means for staffing. We need to work those cases as well, so that would mean existing inventory would be somewhere around 1,200. Looking to close those cases within 6 months and still handling the regular incoming volume. We're looking at needing 40 investigators, including seniors total for that time period. That would require seven Supervisor Investigators to provide the supervisory support and still for Admin to support, and that will be closing 335 cases per month. Our short plan goal to implement a quick fix. We're asking our Investigators to look for those cases that we can close somewhat immediately. Within our SOP, there are opportunities for us to do that once we've done a preliminary investigation. Once we've talked to the complainant and once we have looked at the video and all the requirements. There are times when our Investigators will look at the video and understand that the actions that are alleged did not occur at all. Those cases are what I would consider. Also, effective August 21, 2023, we gave the commitment that we're asking each Investigator to close two cases a week, it's in our presentation as part of our action plan. We're also looking at performance improvement plans that will be starting fairly quickly for those Investigators who are having some issues closing two cases a week, so that we can give them the support that they need. We also want to maximize our budgeted staffing. We again, as was announced earlier, we have three Investigator positions that need to be filled. We also, would like to have expedited back fields for those Investigators who are going to be retiring, or for those Investigators who are moving on to different positions. We will like an expedited process versus the current process. As relates to our budget amendment, when the Secretary and the Board talk to City Council, it includes the staffing of TASS Investigators to help with the backlog to help get those numbers down as well as TASS Administrative Assistant, Interim Senior Investigators and Interim Supervising Investigators will be required to help catch up the inventory by mid-2024. In addition, it would include the cost of a new case management system. We've looked at a couple of management systems and we are hopeful to be able to bring you a proposal shortly on a case management system that we believe would be efficient for office. Finally, for our short term plan, we want to maximize our public value. What we mean by that we want to prioritize investigations. As I said earlier, are nearing that one year mark, because that's a critical mark for us to make sure that anything that is sustained as relates to allegations will certainly meet Disciplinary definition to have discipline metered for those officers. DPD can also take action on all sustained allegations even over a year, by informal counseling. So we're still able to get some counseling done for those cases that are aging over a year. As relates to our long-term action plan, we want to focus on process efficiency. This is some of the things that we've already started continuous improvement 6 Sigma Green Belt project to improve efficiencies and quality of investigative process. When you get your cases the facts that you need to make sure that you can make the decisions based on what's there. We have some processes already set up in office to ensure that. We also have again a case management system that we plan on implementing, as well as established production rates and a quality program as it relates to our 2024-2025 budget. We will be submitting an amended 2024-2025 budget to reflect staffing needs based on the process and the volume that is forecast.

The following inquiries require responses from the BOPC and/or DPD **Commissioner Bernard** inquired who signed off on those cases being closed? **Commissioner Burton** asked exactly how many cases were confiscated by another agency? **Commissioner Bell** supported the reference about the number of cases that we need to aggressively pursue with the Inspector General Office. **Commissioner Bernard** asked about the closed cases that are under reconsideration to reopen? **Commissioner Holt** requested clarity on the case management system that is on the Budget Amendment. Is that the one we were we were dealing with somewhat antiquated. Yet I thought I also understood that you had some discussion about you gaining access to one now?

XI. Chief of Police Report.

Deputy Chief Mark Bliss reported on current CompStat Crime/Statistical Data for Violent Crime and Property; Injured Officers, and recent critical incidents impacting the DPD and the community.

The following inquiries require responses from the BOPC and/or DPD: **Commissioner Banks** inquired on the victims that were shot. **Vice Chairperson Holley** inquired on the descriptive information regarding suspects. **Commissioner Holt** requested information on the press release that included the US Attorney Ison, Mayor Duggan, and Chief White, what was the objective? **Commissioner Bell** requested to be kept informed on the drive by incident of a young man, senior in high school from Ecorse. **Commissioner Burton** requested an update on the incident reported Monday, in the 9th Precinct involving use of force, pertaining to a guy that apparently did not show his ID at the time. As well as schedule a date for the BWC and audio to be viewed by all Commissioners. Were the officers wearing BWC's?.

XII. Oral Communications / Public Comments.

Minister Eric Blount, Ms. Fredia Butler, Ms. Bernice Smith, Ms. Charnita Williams, Mr. Bob Carmack, Mr. Ronald Foster, Ms. Alexandra Foster, Ms. Linda Bonner and Former Commissioner William Davis provided public comments.

XIII. Presentations to the Board – A. Human Resources Bureau, Director Katrina Patillo, Director of Police Personnel

A. Human Resources' Report – Director Katrina Patillo, Director of Police Personnel provided a summary of activities and statistical data during the month of August 2023. See the attached Meeting Transcripts and DPD HR Report for more information, which are also posted to the Board's webpage.

EMPLOYEE CATEGORY	POSITIONS FILLED	VACANCIES	TOTAL POSITIONS
SWORN	2460	179	2639
CIVILIANS	647	152	799
TOTALS	3107	331	3438

SWORN RECRUITING (7/1/2023 - 8/31/2023)						
TOTAL # APPLICANTS	# IN PROCESS	WITHDREW	ARCHIVED	TEMPORARILY DISQUALIFIED	DISQUALIFIED PERMANENTLY	# AWAITING MCOLES
766	96	28	362	81	73	126

NEW HIRES	
Sworn	0
Civilian	23
Police Assistants	0
Total New Hires	23

MCOLES							PHYSICAL AGILITY EXAM						
SCHEDULED	APPEARED	PASSED	FAILED	RESCHEDULED	WD	NS	SCHEDULED	APPEARED	PASS	FAILED	RESCHEDULED	WD	NS
116	60	41	19	5	1	50	145	70	40	30	16	2	56

DETROIT RESIDENCY INFORMATION (as of August 31, 2023)			
	SWORN	CIVILIAN	POLICE ASSISTANTS
Detroit	546	421	15
Non-Detroit	1880	226	19

ATTRITION August 31, 2023									
SWORN	CIVILIAN		POLICE ASSISTANTS				TOTAL		
17	12		1				30		
LEAVES OF ABSENCE / RESTRICTED DUTY									
Employee Category	FMLA Continuous	FMLA Intermittent	Paid Parental Leave	Medical Leave	Military	General Leave	Restricted	Disabled	Sick
Sworn	16	49	8	3	5	0	165	19	15
Civilian	8	68	1	5	0	3	14	2	3

SWORN PERSONNEL SUSPENSIONS					
Police Officer	Corporal	Detective	Sergeant	Lieutenant	Total
17	1	0	0	0	18

TOTAL SEPARATIONS
17

DROP PROGRAM (DEFERRED RETIREMENT OPTION PLAN)
TOTAL
541

Board Secretary Shah provided position amendment recommendation, the staff and Classification and Compensation has been working to ensure BOPC is staffed with the right skill set to support the Board Charter mandated functions. The class compensation review has been completed for the position of Attorney to the Board of Police Commissioners as well as the Legal Assistant; both positions are budgeted for the Board. No amendment is recommended based on class and compensations for the Board Attorney; the staff does recommend the following position amendment for the Legal Assistant position. Remove the Legal Assistant position job code 091941, and replace it with job code 013374, which is an Executive Administrative Assistant Level 2. The rationale is the current Legal Assistant position is under the Bargaining Unit Law Department, Paralegals, UAW 412, Unit 86 and the Board will have restrictions based on Union contracts and Corporation Counsel approvals as the Board pursues that particular Legal Assistant position. Also per class and compensations estimation the Legal Assistant job description does not fully align with the functions that the Board needs this position to perform. The Executive Assistant 2, is an appointment position which allows the Board the most flexibility to recruit and manage this position to meet the needs of the Board. Once ready for posting staff will work with recruiting to tailor, the posting to attract candidates with legal experience and the recommended budget salary of \$65,000 is just below the median of the compensation range for the Executive Administrative Assistant 2, per the City of Detroit Compensation Schedule. The position amendment recommended does not have any type of budget impact, because currently the Legal Assistant is budgeted for \$65,000, and the Executive Administrative Assistant 2 position will also be budgeted at \$65,000 if approved by the Board.

Commissioner Banks motioned, “that the Board of Police Commissioners amend the budget to remove the Legal Assistant and add Executive Administrative Assistant 2 pending approval from Budget Finance, and HR.” The motion failed.

VOTE: YES = 3 NO = 2 ABSTAIN = 2 MOTION: FAILED

Yes: Chairperson Pressley, Vice Chairperson Holley, Commissioner Banks

No: Commissioners Burton, Carter

Abstain: Commissioners Bernard, Bell

XIV. New Business

- A. **Vice Chairperson Holley** motioned, “that Board of Police Commissioners restore Melanie White to full duty as BOPC Executive Manager of Policy, effective October 2, 2023”.

Commissioner Burton offered a substitute motioned, “that the Board of Police Commissioner eliminate the Executive Manager Policy position.” The motion failed.

VOTE: YES = 2 NO = 5 MOTION: FAILED

Yes: Commissioners Bernard, Burton

No: Chairperson Pressley, Vice Chairperson Holley, Commissioners Banks, Bell, Carter

Commissioner Banks motioned, “that the Board of Police Commissioner postpone this matter until next week.”

Commissioner Burton amended the motioned “to add Closed Session.” The motion failed.

VOTE: YES = 3 NO = 4 MOTION: FAILED

Yes: Commissioners Bernard, Banks, Burton

No: Chairperson Pressley, Vice Chairperson Holley, Commissioners Bell, Carter

Commissioner Banks motioned, “that the Board of Police Commissioner postpone this matter until next week so that the staff might have an opportunity to provide more information.” The motion failed.

VOTE: YES = 3 NO = 4 MOTION: FAILED

Yes: Commissioners Bernard, Banks, Burton

No: Chairperson Pressley, Vice Chairperson Holley, Commissioners Bell, Carter

Main Motion

Vice Chairperson Holley motioned, “that Board of Police Commissioners restore Melanie White to full duty as BOPC Executive Manager of Policy, effective October 2, 2023”.

VOTE: The vote could not take place due to a lack of a quorum.

XV. Adjournment.

Chairperson Pressley adjourned the meeting at 4:56 p.m.