

Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, September 28, 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 Lei-Sean Curtis provided the invocation.
- III. **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	Yes	
Jesus Hernandez	Yes	
Annie Holt	Yes	
Quorum (Yes)	10	

Commissioner Carter motioned “that the Board of Police Commissioners remove the Budget Amendments Proposal from the Agenda until the Budget Committee and Mr. Fries meet.” The motion passed.

- IV. **Chairperson Pressley** requested the approval of the amended Agenda for Thursday, September 28, 2023. The motion was accepted and adopted.
- V. **Chairperson Presley** requested the approval of the Meeting Minutes for September 21, 2023, with any corrections. The minutes were adopted as presented.
- VI. **Introductions of Board administrative and investigative staff, the Chief of Police, Elected Officials or Representatives and Community Leaders.**
- VII. **Chair’s Report.** Chairperson Pressley reported on BOPC activities and provided updates, and reports for the Board and the community.
 - A. **Resolution.**
Commissioner Holt read the resolution honoring Lieutenant Sherell S. Stanley (Retirement).

**RESOLUTION HONORING
 LIEUTENANT SHERELL S. STANLEY**

WHEREAS Sherell S. Stanley was appointed to the Detroit Police Department on June 24, 1996. Upon graduating from the Detroit Metropolitan Police Academy, Officer Stanley began her career at the Tenth Precinct; and

WHEREAS Officer Stanley’s assignments with the Detroit Police Department included the Tenth Precinct, and Legal Advisors Section; and

WHEREAS Officer Stanley displayed tremendous knowledge and leadership skills as a Police Officer and was promoted to the rank of Investigator on January 22, 1999. As Investigator, she was assigned to the Law Department Police Unit. On August 11, 2000, Investigator Stanley earned promotion to the rank of Sergeant and was transferred to the Twelfth Precinct; and

WHEREAS Sergeant Stanley was promoted to the rank of Lieutenant on December 21, 2010 and was assigned to the Tenth Precinct. Her other assignments included the Communications Operations, Sixth Precinct, Second Precinct Investigative Operations Unit, Training Academy, Records & Identification, Office of Civil Rights, Internal-External Relations, Chief Neighborhood Liaison, and Second Precinct, where she served until her retirement; and

WHEREAS Lieutenant Stanley was instrumental in creating the Detroit Police Department's Committee on Race & Equality (CORE). Their mission is to increase awareness, safeguard equality and equity and celebrate the strength of diversity. CORE also provides a safe-haven where members can constructively dialog in a forum that is non-judgmental, intended to preserve the dignity of each member by promoting honesty, inclusiveness, and courage to facilitate the positive change.

WHEREAS Lieutenant Stanley was the deserving recipient of the following awards: three (3) Chief's Merit Awards, Ford Fireworks Award, both Consent Judgment Awards, Major League Baseball All-Star Recognition Award, Rosa Parks Funeral Recognition Award, Super Bowl XL Recognition Award, and Aretha Franklin Funeral Recognition Award, as well as numerous letters of commendation from citizens and superiors; and

WHEREAS Lieutenant Stanley has tirelessly served the Detroit Police Department, the citizens of Detroit and its neighboring communities for more than 27 years. She has served the Detroit Police Department and the citizens of the City of Detroit with loyalty, professionalism, integrity and dedication, and is widely respected throughout the law enforcement community as the consummate professional.

NOW THEREFORE BE IT RESOLVED

That the Detroit Board of Police Commissioners, speaking on behalf of the citizens of the great City of Detroit, recognizes and honors the lifelong contributions and commitment to excellence in public service of Lieutenant Sherell S. Stanley. Her display of courage and unwavering community spirit has improved the quality of life for the citizens of Detroit. We wish you all the best in your future endeavors.

We thank and congratulate you, Lieutenant Sherell S. Stanley.

Commissioner Bernard moved the adoption of a resolution, which was adopted as follows: "Resolved "That the Detroit Board of Police Commissioners, speaking on behalf of the citizens of the great City of Detroit, recognizes and honors the lifelong contributions and commitment to excellence in public service of Lieutenant Sherell S. Stanley. Her display of courage and unwavering community spirit has improved the quality of life for the citizens of Detroit. We wish you all the best in your future endeavors.

Chairperson Pressley discuss two items he will be bring before the Board next week. The vice chair and the past vice chair has the opportunity to meet with the mayor and as an act of transparency to this Board, so that you all are aware of what is going on. Secretary Shah has prepared some minutes so that you all can be aware what has been discussed, and we will make sure that we distribute that in that same manner. As I have stated last week, having conversations about getting an acting attorney on the board until we can solidify all processes. I am confident in the person that has been recommended but I want to wait until her documentation is before you, and that would be prepared for us for next week's meeting as well. I did want to provide that update to my colleagues relative to our meeting with the mayor, as well as the conversations around the acting attorney.

VIII. Community Impact Report

Chief Investigator Warfield reported in response to questions from last week's meeting as it relations to the number of backlog cases at OCI. While researching the backlog situation, I found, as stated last week, three cases that were closed in the database, but not completely investigated. I shared that information with the Board Secretary and when she ran that query she found 711 cases that were closed with no findings. After further research, we are confident that at least another 256 cases were not investigated and was not signed off by commissioners, but they are closed. I asked some of the investigators in the office questions about these cases, who indicated to me that they were told by leadership at that time to turn in specific lists of cases. Many of those cases are on that list of 256. Then I was informed that one of the processes for closing cases was to bulk close cases that, based on a preliminary review that was out of the scope of OCI per the memorandums. We found these memorandums just yesterday. OCI only investigates allegations of misconduct and not use of force. The allegations of arrest, demeanor, dissatisfaction with DPD's investigative services, failure to receive updates regarding the case investigation progress, and or other procedural

related concerns involving DPD Investigations and police operations, but not rising to the level of police misconduct. That was a quote from the memorandum. The letter that at least some of these citizens received as a result of these investigations indicated that their complaint is out of the scope of OCI. However, if a case is not fully investigated, how can one ascertain that there was no misconduct. In addition, the City Charter states the Board shall receive and any resolve any complaint concerning the operation of the police department and forward all allegations of criminality to the appropriate internal or external law enforcement agencies for further investigation. Further, the OCI Standard Operating Procedures indicate the following areas of concern, allegation are set forth a citizen complaint are investigated by OCI, that is, arrest, demeanor, entry, and harassment. Additionally, under the findings section of the letter of the bulk report memo says the complaint investigation shall be closed immediately ordered to DPD for further resolution and action or close, without further action from the OCI respectively. When I did my research in the office, I did not find any records of those cases that were forwarded on to DPD. But I would like to ask the Board is that you will begin to consider approving, reopening all of the cases that are identified as closed but not investigated. And certainly we have documentations to support what we saw in the office and in the files for your review.

Commissioner Burton motioned “that the Board of Police Commissioners reopen the 256 complaint cases presented by Chief Investigator Warfield.” The motion passed.

IX. Chief of Police Report.

Deputy Chief Franklin Hayes reported on current CompStat Crime/Statistical Data for Violent Crime and Property; Drag Racing and Drifting Detail, and recent critical incidents impacting the DPD and the community. Through a partnership with Project Beloved DPD installed a soft interview room at Detroit Public Safety Headquarters this is for victims of sexual assault. This is the first and only soft interview room installed here in the State of Michigan. See the attached Meeting Transcripts posted to the Board’s webpage.

The following inquiries require responses from the BOPC and/or DPD: **Commissioner Banks** commended DPD on an incident within the 9th Precinct. **Commissioner Bernard** congratulated Deputy Chief Hayes on his appointment to Board of the Michigan Trapshooting Association Hall of Fame and being elected the president of the National Trapshooting Association. **Commissioner Bernard** inquired about the feasibility of police officers serving PPO because it protects women. Also will the soft interview room be used for children, or women or men or anyone who is a victim of sexual assault? **Deputy Chief Hayes** stated he will take the PPO question back to the Chief of Police. He mentioned that Commander Blackwell will be glad to show them the soft interview room. **Commissioner Burton** expressed he has requested for some time video of Nakia Wallace who was placed in a chokehold by Detroit police. I never saw that video, nor had this Board seen the video. I am still requesting that video as a member of the Policy Subcommittee and the past chair of that committee. Also in the media where a gentleman allegedly shot 30 times by the Detroit police, and I think later on it came out it was 18 times. We still as a Board, as a body, still calling for that video of Porter Burks as well. We look at what occurred in Grand Rapids with Patrick Lyoya. They released that video immediately. I am still calling for the video, a number of us still have not seen that video. Commissioner Moore raised it several times. Commissioner Linda Bernard has raised it several times. I raised it along with Minister Eric Blount from Sacred Heart. And so many others, including the late Brenda Hill, who used to come in these meetings quite regularly. And so as a commissioner, as a member of this community, I'm calling for the video.

X. Oral Communications / Public Comments.

Minister Eric Blount, Ms. Fredia Butler, Ms. Bernice Smith, Ms. Charnita Williams, Mr. Bob Carmack, Black Jesus, Mr. Ronald Foster, Ms. Michelle George, Former Commissioner William Davis and D4 CAC Member Scotty Boman provided public comments.

XI. Report from Board Secretary Victoria Shah / Communications Submitted to BOPC as incoming information:

1. Outstanding DPD Requests 09282023
2. CCR's for Re-open Consideration 09202023
3. Budget Director Hearing Schedule
4. Budget Calendar

5. FY 2025 Budget Development Memorandum
6. Budget Amendment Presentation to the Board 09282023
7. BOPC Budget Recommendation Detail
8. ALWOP Consideration Brown_09282023
9. ALWOP Consideration Smith
10. ALWOP Consideration Hamawi
11. Position Amendment Recommendation Packet

Board Secretary Shah provided an overview of the incoming correspondence and several updates for the Board. Since appointed as the Secretary to the Board I have been addressing and sharing inconsistencies as they come. However, commissioners have been requesting a summary and additional context around that, and so I will provide some of that now. The first one is that I have not received personnel files for any BOPC or OCI staff, except for four from OCI, and the files have been missing since March 20, 2023. I've been working closely with Chief Investigator Warfield and Mr. Brown to build new personnel files for the staff in keeping with management best practices. In addition, it was discovered that salary increases, for two staff members were submitted for processing with no record of the Board's approval. Last year and I've been working diligently to ensure that any requested changes in salary or budget are first approved by the vote of the Board going forward. In addition, we continue to work with class compensation to determine staff members whose salaries should be adjusted and bring those recommendations to the Board for approval. In addition, I've asked Executive Manager Fries to conduct a payroll audit due to inconsistencies that I've seen in payroll and financial reporting. Here are a few examples and taking a look at the BOPC monthly financial reports that I've received from finance. One thing that's been discovered is the staff member holding a position with no record of Board appointment, no apparent work product and initially contracted as a GIS Analyst, and then on staff as a Legal Assistant for a period of time. Also found, was repeated staff payroll payments that well exceeded, and sometimes doubled the base salary for exempt employees that are not eligible for overtime. In addition, an employee showing promoted with no record of the Board's appointment of that individual as well. Again, I'm ensuring that going forward appointments come before the Board for approval first. In addition, Executive Manager Drew Fries will hopefully uncover through his audit and explanation for the excess payroll. The next item I'll share is around Investigator positions. So Investigative positions are exempt, meaning that, according to the Fair Labor Standards Act they are not eligible for overtime compensation. Under special circumstances, the City of Detroit makes exceptions to pay overtime for special projects, such as the OCI Backlog Case Reduction Project, which was run in 2022. Which according to HR and Labor Relations, was approved through the end of 2022. Upon my appointment and discovering that OCI staff members were still being compensated for overtime beyond the approval of the project, I did end overtime for OCI effective April 17, 2023. In addition, the overtime product project required that employees complete a minimum of 18 cases per month, 15 of which shall be overdue cases. So I did a spot check audits to see the number of cases closed by those who are working overtime during the month of March of this year, and of the nine OCI employees who worked overtime, none of the employees closed 18 cases in the month. The highest closed was 11, and the lowest was zero. These are just some examples of some of the administrative inconsistencies that have been found and changes that have been made to make improvements to monitoring and managing the activity of the Board and staff. I will move on to Outstanding Reporting Requests of DPD. There are four requests that have not been fulfilled, despite DPD's commitment date. The Porter Burks' footage which was committed on May 16, 2023. DPD Members suspended with pay, which was committed by August 13, 2023. Domestic Violence and Homicide correlation was committed by September 6, 2023. Facial Recognition updates on the investigation of Ms. Woodruff's arrest that was committed by September 24, 2023, these items have not yet been received, and we're waiting on that from the Chief's office. Regards to staffing updates, several questions have come up regarding the staff's recommendation to submit a position amendment for the Legal Assistant, and I'd like to add some context around the rationale for that recommendation for the benefit of the Board. Currently, the Board is budgeted for an Attorney and a Legal Assistant. We know the challenges the Board has had with appointing an Attorney. Similarly, the Board has not received approval from Corporation Counsel to appoint a Legal Assistant either, so that much needed position also remains open. Classification and compensation has completed a job evaluation on the Attorney position and the Legal Assistant position. Based on their analysis a more appropriate position will be Executive Administrative Assistant 2 understanding that the candidates selected would need to have legal experience and will be expected to support the Board in legal matters, and once an attorney is appointed support that attorney as well. The budget salary recommendation of \$65,000 is the same as the currently budgeted \$65,000 for Legal Assistant. So there will be no change to the overall budget. This is a recommendation for a simple position amendment to change title.

The following inquiries require responses from the BOPC and/or DPD: **Commissioner Bernard** express supports of the Board Secretary staffing recommendation. **Vice Chairperson Holley** asked whether the Executive Administrative Assistant position allow them to also work on our backlog. **Commissioner Burton** indicated the citizens of Detroit do not want to see the title change from Legal Assistant to Executive Administrative Assistant 2. I think we should keep the position what it is Legal Assistant and also bring on an Attorney.

Commissioner Banks moved “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 passed.

XII. Announcements.

Board Secretary Shah announced the following:

Next Meeting: Thursday, October 5, 2023, at 3:00 p.m., 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.

XIII. New Business

Commissioner Bernard motioned that “the Board of Police Commissioners go in to Closed Session pursuant to Section 8(a) of the Open Meeting Act, MCL 15.268(a) regarding the Department’s request to consider Administrative Leave Without Pay but with Medical Benefits for Police Officer Jawan Brown, Badge 563, assigned to Downtown Services.”

Commissioner Bernard moved to repeal the motion for Closed Session.

Vice Chairperson Holley motioned “that the Board of Police Commissioners postpone the Closed Session until next week for Police Officer Jawan Brown”. The motion passed.

XIV. Unfinished Business

- A. **Commissioner Carter** motioned “that the Board of Police Commissioners accept the resignation of Investigator – Police Commission Joseph Mosley, assigned to OCI through his attorney James Mackowski and Kama Patel”. The motion passed.
- B. **Vice Chairperson Holley** motioned “that the Board of Police Commissioners postpone the Closed Session until next week for Police Officer Javier Smith”. The motion passed.
- C. **Commissioner Bernard** motioned, “that the Board of Police Commissioners end the appointment of Executive Manager Policy BOPC Melanie White’s term immediately.” The motion failed.

VOTE: YES = 5 NO = 4 ABSTAIN = 1 MOTION: FAILED

Yes: Chairperson Pressley, Commissioners Bernard, Banks, Hernandez, Holt

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

Abstain: Commissioner Burton

Commissioner Carter motioned, “that the Board of Police Commissioners end the suspension of BOPC Executive Manager Policy Melanie White and to return her back to her previous position by Monday, October 2, 2023.” The motion failed.

VOTE: YES = 3 NO = 6 ABSTAIN = 1 MOTION: FAILED

Yes: Vice Chairperson Holley, Commissioners Bell, Carter,

No: Chairperson Pressley, Commissioners Bernard, Banks, Moore, Hernandez, Holt

Abstain: Commissioner Burton

XV. Adjournment.

Chairperson Pressley adjourned the meeting at 4:52 p.m.

DRAFT