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June 13, 2024

Rev. Quantez Pressley
Chair, Board of Police Commissioners

Dear Mr. Chairman,

During the regular meeting of the BOPC that occurred on May 16, 2024, an issue arose regarding the May 13 meeting of the Policy Committee. Commissioner Burton questioned the validity of the meeting and asked that the board parliamentarian would review the tape and provide advice on whether the meeting was properly conducted.

In accordance with the above request, I requested the videotape of the meeting, which was promptly uploaded to my personal email. Unfortunately, for some reason, I kept receiving error messages and could not view the video. On June 12, 2024, I went to the BOPC office where I was assisted with viewing the video. This is my report on what I was requested to do.

The meeting of the Policy Committee lasted a little over 90 minutes. The pertinent part of the meeting in question by Commissioner Burton occurred in the first 40 minutes of the meeting. The critical timeline elements are listed below:

0:10 Meeting called to order by Chairperson Linda Bernard who accurately stated there was not a quorum present. She announced that the committee was in recess.

1:36 Committee member Commissioner Willie Burton arrived. A quorum is now present.

2:27 The chair calls the meeting to order. The agenda is adopted. Those in attendance introduced themselves. The topic being discussed is the policy on Facial Recognition Software.

34:19 Commissioner Burton raised questions that a Policy Chair, Board attorney and Board Secretary were not present at this meeting.

36:18 Commissioner Burton announces that he has another meeting to attend. He calls for the meeting to be adjourned. The chair states his motion is denied.

36:31 Commissioner Burton leaves the meeting. There is not a quorum present. Acting Board Secretary Mr. Brown, announced that Commissioner Woods is on the way to the meeting. The chair calls for another recess and the recording of the meeting is paused.



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37:00 The recording of the meeting is resumed. Commissioner Woods has arrived at the meeting. The chair announces that a quorum is now present.

38:10 Commissioner Woods makes the motion to adopt the revised facial recognition policy. The chair seconds the motion. Quorum is maintained for the remainder of the meeting.

Parliamentary Opinion

The question I was asked to answer was whether or not this was a valid meeting. Several parliamentary issues took place during this meeting. Only one decision by the chair was out of order.

The chair correctly called the meeting to order, announced there was not a quorum present and then announced the committee was in recess. The motion to recess is one of the four valid motions that can be made in the absence of a quorum. When Commissioner Burton arrived, that established the quorum for the meeting and the meeting resumed.

At the 34:19 mark, Commissioner Burton raised questions on the absence of staff he apparently felt needed to be present in order to properly make decisions about the appropriateness of the facial recognition policy. He announced he had to leave, then stated the motion to adjourn. The chair stated that his motion was denied.

In committees and small boards, unlike large assemblies, motions need not be seconded (RONR 49:21). Commissioner Burton was within his rights to move for adjournment. The chair should not have denied his motion. She should have called for a vote on the motion to adjourn. Since it is obvious that the motion would not have received majority vote, the fact that the meeting continued was not out of order. Nor was it out of order for the Chair to call for a second recess. The committee was informed that Commissioner Woods was on the way, which would reestablish the presence of a quorum and the meeting could resume, which it did, and quorum was maintained through the rest of the meeting.

Conclusions

While the chair of the Policy Committee should have carried through the motion to adjourn made by Commissioner Burton, this breach was not harmful. He would have voted yes and the chair would have voted no and the motion would have failed. Putting the motion to a vote would not have changed the outcome. Quorum for the committee was reestablished when Commissioner Woods arrived and the meeting continued appropriately until it adjourned.



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Parliamentary rules for committees differ in several respects than parliamentary rules for deliberative assemblies, like Boards and legislative bodies. Perhaps it would be advantageous for the board parliamentarian to do a brief training on those differences sometime in the future, particularly once a permanent board secretary is hired and in place.

Regardless of the lack of carrying through the motion to adjourn, this was a valid meeting and the adoption of any motions that occurred at that meeting were proper and in order.

Sincerely,

Frances Jackson, PhD, RN

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