

**City of Detroit
Office of Inspector General**

Potential Fraud in Administrative Closures of OCI Files
OIG File No. 23-0005-INV



February 29, 2024

**Ellen Ha, ESQ. CIG
INSPECTOR GENERAL**

**CITY OF DETROIT
OFFICE OF INSPECTOR GENERAL
INVESTIGATIVE REPORT**

**Potential Fraud in Administrative Closures of OCI Files
OIG FILE NO. 23-0005-INV**

DATE:
2/29/2024

I. Executive Summary

On February 14, 2023, the City of Detroit Office of Inspector General (OIG) received an emailed complaint regarding alleged fraud and abuse of authority/position at the City of Detroit Office of the Chief Investigator (OCI).¹ The complaint alleged that between July 11, 2022 and December 14, 2022, more than 719 citizen complaint reports (CCRs) were “administratively closed” without proper investigation and documentation, and without contacting the complainants.² The CCRs were allegedly closed by the former Interim Secretary to the Board of Police Commissioners (BOPC), Melanie White (Ms. White), and Senior OCI Investigator Hajnal Hiller (SI Hiller).³ In addition, the complaint alleged that the issue involved a potential misuse of overtime pay by employees of the OCI and/or the BOPC.⁴

Between February 15th and February 20th, 2023, the OIG received reports that OCI employees were “papering” the files in question.⁵ Therefore, on February 21, 2023, the OIG seized approximately 1,700 citizen complaint files from the OCI.⁶ A number of the files seized had been identified in the complaint as being improperly “administratively closed.” The OIG later learned that additional, relevant files were found at the OCI that had not been seized on February 21, 2023.⁷ As such, the OIG performed a second seizure on February 28, 2023, and retrieved an additional 993 files.

Between March 1 and September 29, 2023, the OIG received several additional complaints which alleged that:

¹ Office of Inspector General Complaint No. 23-0034-COM.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Memorandum to Ellen Ha, Inspector General, from Tiye Greene, OIG Associate Attorney, RE: 23-0005-INV | Communications from Anonymous Sources, February 8, 2024. Note: In this context, “papering” means they were allegedly adding false documents to give the appearance that the complaints had been properly investigated before closure.

⁶ See Office of Inspector General Seizure Inventory Spreadsheet.

⁷ Memorandum to Ellen Ha, Inspector General, from Tiye Greene, OIG Associate Attorney, RE: 23-0005-INV | Communications from Anonymous Sources, February 8, 2024.

- Former BOPC Chair Bryan Ferguson abused his authority by having OCI Supervising Investigator Ainsely Cromwell (SI Cromwell) perform the duties of “acting chief investigator;⁸”
- SI Cromwell’s team intentionally stopped working on cases for an unspecified period of time;⁹
- Commissioner Willie Bell abused his authority by attempting to stop the now former BOPC Secretary (Victoria Shah) from cooperating with the ongoing OIG investigation;¹⁰
- Budget recommendations for the current fiscal year (FY24) were submitted to the Office of the Chief Financial Officer (OCFO) for the BOPC without the Board’s knowledge or approval;¹¹ and
- Some employees at OCI had received unauthorized overtime payments in January, February, and March of 2023.¹²

Therefore, the OIG expanded its investigation to incorporate the additional complaints into this investigation.

In addition, during the investigation, the OIG learned that SI Cromwell’s access to the OCI’s case management database had been restricted, allegedly leaving him unable to perform his job duties.¹³ The OIG also learned that on or about March 8, 2023, BOPC Commissioner Willie Bell allegedly verbally reprimanded SI Cromwell for cooperating with the OIG’s investigation and file seizure.¹⁴ The OIG sought to determine if the above actions, if true, were in retaliation for SI Cromwell’s perceived cooperation with the OIG’s investigation. As such, our investigation was further expanded to include potential retaliatory actions taken by Commissioner Bell against SI Cromwell.

The OIG’s investigation found the following:

1. In 2022, Ms. White developed a “pilot project” to address the backlog of CCRs at the OCI. The project involved “triaging” both new and backlogged complaints, and immediately closing any that didn’t allege police misconduct. This new process was not authorized and was, in some ways, inconsistent with the OCI’s standard operating procedures. More importantly, the triage process failed to meet the complaint resolution mandates written in the 2012 Charter of the City of Detroit (the Charter), as described in more detail in Section II(1) of this report. Nonetheless, we do not find

⁸ Office of Inspector General Complaint No. 23-0067-COM.

⁹ *Id.*

¹⁰ Complaint Memorandum to Ellen Ha, Inspector General, from Victoria Shah, former BOPC Secretary, RE: Complaint-Intimidation, April 12, 2023.

¹¹ Email from former BOPC Secretary Victoria Shah to OIG Associate Attorney Tiye Greene, RE: FW: BOPC Investigators, dated June 28, 2023.

¹² Email from BOPC Community Coordinator Theresa Blossom to the Office of Inspector General, RE: Reporting Fraud and Corruption at the Board of Police Commissioners, dated September 29, 2023.

¹³ OIG Interview of OCI Supervising Investigator Ainsley Cromwell, March 18, 2023. See CMTS notes.

¹⁴ Memorandum to Ellen Ha, Inspector General, from Tiye Greene, OIG Associate Attorney, RE: 23-0005-INV | Communications from Anonymous Sources, February 8, 2024.

- that Ms. White, Mr. Akbar, and/or SI Hiller engaged in fraudulent activity when participating in or managing the triage pilot project.
2. As it relates to how the triage project was implemented and executed:
 - a. Melanie White abused her position as Interim Secretary when she instructed the former Interim Chief Investigator, Lawrence Akbar (Mr. Akbar), and a few select OCI investigators to implement the new triage project/procedure.
 - b. Melanie White abused her position as Interim Secretary when she performed the duties of an OCI investigator.
 - c. Lawrence Akbar did not engage in waste, abuse, fraud, or corruption when he accepted and supported Ms. White's directions regarding the triage project.
 - d. SI Hiller did not abuse her position when she participated in the triage pilot project and followed Ms. White's instructions.
 - e. Commissioner Bell did not correct Ms. White's abuse of her position and further did not inform the full Board that citizen complaints were being closed with no input from the Interim Chief Investigator.
 - f. Commissioner Carter did not correct Ms. White's abuse of her position and further did not inform the full Board that citizen complaints were being closed with no input from the Interim Chief Investigator.
 3. As it relates to alleged abuse of authority/position by members of Board of Police Commissioners:
 - a. Former Commissioner Charles ("Jim") Holley abused his position by implementing overtime payments to OCI investigators without authorization from the full Board.
 - b. Former Commissioner Holley abused his position by granting Ms. White permission to receive overtime payments without authorization from the full Board.
 - c. Commissioner Bell, former commissioners Jim Holley, Annie Holt and Bryan Ferguson, and Ms. White abused their positions by submitting BOPC's budget requests and recommendations to the OCFO Budget Department without authorization from the full Board.
 - d. Former Commissioner Bryan Ferguson did not abuse his authority when he instructed SI Cromwell to perform the duties of acting chief investigator.
 - e. The OIG cannot substantiate the allegations that Commissioner Bell abused his position by intimidating Secretary Shah or reprimanding SI Cromwell to influence their cooperation with the OIG's investigation.
 4. The OIG did not find retaliation in connection with SI Cromwell's changed access to the OCI Case Management System.
 5. The OIG cannot substantiate the allegation that SI Cromwell and/or any other OCI investigators wasted City resources and/or engaged in fraud by

permitting/participating in an organized work stop while still receiving regular payroll payments.

6. SI Cromwell did not abuse his authority when approving overtime payments for OCI investigators in January, February, and March of 2023.

Recommendations

Based on the OIG's findings detailed in this report, the OIG recommends the following:

1. Revise the BOPC Bylaws to ensure its terms are consistent with the Charter. These provisions should include:
 - a. Article IV, Section 10. Functions of the Secretary of the Board – As discussed herein, the Secretary is not authorized to direct or supervise other BOPC employees.
 - b. Article IV, Section 11. Limited Delegation of the Board Subpoena Power – As discussed herein, the Board is not authorized to delegate its subpoena power to any BOPC employees.
2. Revise the BOPC organization chart to ensure its structure is consistent with the Charter. All reorganization plans must comply with the Charter and be approved by a public vote in accordance with the Michigan Open Meetings Act.
3. Revise the OCI SOP to ensure its investigative processes are consistent with the mandates in the Charter, especially as it relates to final review of proposed closures and final disposition of complaints.
4. Review the OCI citizen complaints that were triaged and/or administratively closed to ensure they are/were resolved in accordance with the Charter.
5. Immediate retraining for Commissioner Bell on the proper role and duties of BOPC commissioners.
6. Immediate retraining for Commissioner Carter on the proper role and duties of BOPC commissioners.
7. Consult with the Law Department and provide annual training for all new and existing BOPC commissioners, BOPC staff and OCI staff on Charter provisions and other legal requirements relevant to the BOPC/OCI, including the Michigan OMA.
8. Consult with the Law Department and provide training for City HR employees on Charter provisions and other laws/policies that are unique and relevant to the BOPC's personnel matters and voting requirements.

Pursuant to the OIG's Administrative Hearing Rules (Rules), on February 12, 2024, the OIG forwarded a draft copy of its investigative report to the affected parties, who included

Melanie White, Bryan Ferguson, Annie Holt, Rev. Jim Holley, and Commissioners Willie Bell and Lisa Carter. The affected parties were given an opportunity to submit a written response and/or to seek an administrative hearing to dispute the findings in the draft report.¹⁵ Under the Charter, an affected party can dispute our findings and the OIG Rules provide such an opportunity via a written response and/or through an administrative hearing.

Commissioners Bell and Carter submitted identical¹⁶ sworn statements through the Law Department, that essentially stated that “retraining” is not possible, as no commissioner has ever received training. Commissioners Bell and Carter also stated that the BOPC’s commissioners and staff acted in accordance with the BOPC’s current Bylaws. However, as previously recommended by the OIG through past investigations, the BOPC’s Bylaws must comply with the 2012 Charter for the City of Detroit. As discussed below, the terms of the Charter outweigh and supersede any and all terms written in the BOPC’s Bylaws. As such, we find Commissioners Bell and Carter’s responses do not provide any information/evidence that would change any of the OIG’s findings and recommendations contained in this report. Both Commissioners Bell and Carter’s written responses are attached to this report in full.

Former Commissioner Annie Holt also submitted written statements and documents in response to the OIG’s draft report. Ms. Holt’s submission did not provide any new information/evidence to refute the OIG’s findings. Ms. Holt’s written response is also attached to this report in full. Lastly, we note that Melanie White and former Commissioners Reverend Jim Holley and Bryan Ferguson acknowledged receipt of the OIG’s draft report and disputed our findings. However, they did not provide any information/evidence in support of their positions. Their acknowledgements are attached to this report in full.

II. Investigation Findings

1. The Triage Project/Process

Relevant Laws, Policies and Procedures

a. 2012 Charter of the City of Detroit

The Charter describes the way citizen complaints must be received, investigated, and resolved. Section 7-808 states:

“Complaints concerning the Police Department filed anywhere in the Department shall be forwarded immediately to the Board Secretary. Copies of the complaint shall be made available to each member of the Board, the Chief Investigator, and the Chief of Police. The Chief Investigator for the Board shall investigate a complaint immediately and file a report of findings

¹⁵ Note: 2012 Charter for the City of Detroit Section 7.5-11 states that “[no] report or recommendation that criticizes an official act shall be announced until every agency or person affected is allowed a reasonable opportunity to be heard at a hearing with the aid of counsel.”

¹⁶ The OIG notes that both sworn statements state that “Commissioner Bell takes issue with the Recommendations made.” However, errors aside, the OIG understands that one of these sworn statements was intended to be from Commissioner Carter.

with the Board within sixty (60) days. Within thirty (30) days of receipt of a complaint by the Board Secretary, the Board shall send written communication informing the complainant that their complaint has been received, the guidelines on how the complaint will be handled, and the timeline on when the complainant shall receive a disposition on their complaint. The Board Secretary shall keep and post on-line, a public docket of complaints and the disposition of each complaint after investigation. The docket shall not contain information which identifies or that can reasonably lead to identification of the parties.”

In addition, Charter Section 7-809 describes a Board hearing/review process that can be used if a complaint is not fully resolved after an investigation.

b. OCI's Standard Operating Procedures Manual (the SOP)

The OCI SOP outlines the process for investigating CCRs.¹⁷ It requires investigators to collect evidence and to interview officers that are identified in the complaint.¹⁸ Investigators may also need to canvass areas where events are said to have occurred and interview additional witnesses.¹⁹ The SOP provides three methods that can be used to close a CCR without interviewing any officers: (1) a Summary Investigation, (2) an Administrative Closure, and (3) an Informal Complaint Resolution.²⁰ The following paragraphs describe the circumstances under which an investigation can be closed through each process.

i. Summary Investigation

The OCI SOP outlines when and how an investigation can be closed through a summary investigation process. Specifically, the SOP states:

[I]n certain circumstances and only with the approval of the Supervising Investigator, the requirement for certain interviews may be waived when the existing evidence lends itself to a definitive "Exonerated" or "Unfounded" conclusion. Justification for utilizing this process is as follows:

If the evidence is a document, in the "Additional Information" section, list the document and its contents, and include the rationale, which precludes the need to interview the identified officer(s). If the evidence is electronic, state the nature of the evidence and where it is discovered. Document the above and other additional information regarding the interaction in the 'Electronic Evidence' section of the document.

Under the "Statement(s) of Sworn Members" section, indicate the following:

¹⁷ Office of the Chief Investigator Standard Operating Procedures Manual, Case Investigation Process, page 42-57.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

- a. Pursuant to the Office of the Chief Investigator's Standard of Operating Procedure Manual, this matter has been identified as a 'Summary Investigation'.
- b. Indicate to please refer to 'ELECTRONIC EVIDENCE' section or the 'ADDITIONAL INFORMATION' section for further details.

Additionally...indicate the Investigator's name and document the date in which the matter was forwarded to the Supervisor (indicate name) advising the matter met the criteria for a Summary Investigation. Document that the recommendation was approved by the Supervisor.²¹

The SOP defines the terms “exonerated” and “unfounded” as follows:

Exonerated - A preponderance of the evidence showed that the alleged conduct did occur, but did not violate the law, DPD policy, procedure or training.

Unfounded - The investigation revealed no facts to support that the incident complained of actually occurred.²²

According to the SOP, the justification for the Summary Investigation and the required approval from the Supervising Investigator must be documented in the body of the report.²³

ii. Administrative Closure

The SOP further outlines when an investigation may be closed through an administrative closure. The SOP states:

Administrative Closure shall be reviewed and approved by a Supervising Investigator, and shall be limited to:

1. Duplicates;
2. Complaints referred to the appropriate outside agency including but not limited to Internal Affairs, Force Investigation, or to any other outside agency for proper investigation shall be closed in the OCI database as "transferred" (Administrative Closures transferred to outside agencies must contain the recipient's contact information);
3. Complaints made against an officer or employee who is no longer employed by DPD;
4. Complaints where the alleged conduct does not violate law or policy; [and]
5. Complaint[s] which lack sufficient detail as to the officers involved, lack sufficient detail as to the facts surrounding the incident or lack

²¹ *Id.* at page 56.

²² *Id.* at page 37. Also note, “preponderance of the evidence” is a legal phrase that means “to prove that something is more likely than not.”

²³ *Id.*

merit, AND if the complainant is unavailable, unwilling or unable to contribute to the furtherance of the investigation, then the Investigator will detail the basis of his/her determination, refer the matter to the Supervising Investigator for administrative closure of the file, who may refer the matter to the Chief Investigator for final review²⁴ and approval.

In any event where a matter is administratively closed, a letter detailing the basis of the closure will be immediately sent to the complainant. (Exhibit 12)²⁵

iii. Informal Complaint Resolution

Lastly, the SOP describes how an investigation may be closed with an informal complaint resolution. The SOP states:

Informal Complaint Resolutions must be reviewed and approved by the Chief Investigator, and shall be limited to:

i. Informal Complaints - the citizen complaint alleges **only** inadequate service (e.g. not coupled with demeanor, procedure, etc.)

A. The Supervising Investigator will assign the matter to an Investigator who will detail the basis of the determination, and close the file.

ii. Innocence of a Charge - the complainant's **only** allegation is that they deny violating any law.

B. The Supervising Investigator will assign the matter to an Investigator who will detail the basis of the determination, and close the file.²⁶

Analysis and Findings

As mandated by the Charter, the focus of this investigation for the OIG is to determine whether any City employees engaged in waste, abuse, fraud, or corruption in the performance of their duties. To make such determination, we reviewed hundreds of emails and various documents. In addition, the OIG interviewed several employees and members of the OCI and the BOPC to determine whether Ms. White, Mr. Akbar, and/or SI Hiller engaged in fraud or

²⁴ Note: This provision may be inconsistent with the Charter, which gives only the Board the right to resolve cases before final closure. See 2012 Charter for the City of Detroit, Section 7-808. Complaints.

²⁵ Office of the Chief Investigator Standard Operating Procedures Manual, Administrative Closure, page 56-57 (emphasis in the original). Also note, although the SOP references an "Exhibit 12" no exhibits or attachments accompany the SOP.

²⁶ *Id.* at page 57 (emphasis in the original).

abused their authority when they closed hundreds of new and backlogged citizen complaints.²⁷ The investigation revealed that in 2022, at Ms. White’s instruction and under Mr. Akbar’s leadership, the OCI tested a new complaint closure method that involved “triaging” citizen complaints (the “Triage Project”). Based on the information reviewed, the new triage process was intended to be used in the following manner:

- New and backlogged CCRs were pulled and “triaged” by a select few OCI investigators, including Mr. Akbar and Ms. White.²⁸
- “Triage” a complaint involved performing a preliminary investigation to determine whether a complaint alleged misconduct and whether there was evidence of misconduct.²⁹
- If the complaint did not allege misconduct, but instead alleged other issues such as inadequate service from DPD or that the complainant was innocent of a particular charge, the complaint was immediately, administratively closed.³⁰
- For complaints that did allege misconduct, the investigator performing the triage was to collect available evidence and assign the complaint to the next investigator in the assignment rotation.³¹

However, the evidence shows that numerous complaints were “triaged” and closed without any documentation and without any input from the Chief Investigator or approval from a commissioner.³² In addition, some “triaged” complaints that alleged potential misconduct were administratively closed at Ms. White’s and/or SI Hiller’s discretion without any further investigation.³³ Moreover, based on our review of the files seized and of those returned to the OCI for additional work/review,³⁴ over 400 complaints were closed (1) without contacting complainants, (2) without a written report of findings, and (3) without any documentation that would indicate that at least a preliminary investigation was performed.

Typically, a properly closed citizen complaint file contains, at a minimum, the following documents:

²⁷ The OIG interviewed the following persons: Ricardo Moore, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Melanie White, Lawrence Akbar, Hajnal Hiller, Gianna Coulter, Lisonya Sloan, and Rosalia Madrigal.

²⁸ OIG Interview of former interim BOPC Secretary Melanie White, August 11, 2023; OIG Interview of OCI Supervising Investigator Hajnal Hiller, October 4, 2023.

²⁹ *Id.* See also, OIG Interview of former OCI Supervising Investigator Rosalia Madrigal, May 2, 2023.

³⁰ OIG Interview of OCI Supervising Investigator Hajnal Hiller, October 4, 2023; Evidence also indicates that Ms. White was preparing to implement a new mediation procedure that would involve asking DPD to address administratively closed complaints if they raised service-related issues. See, Email from Former Interim BOPC Secretary Melanie White to DPD Commander Michael Parish, RE: Fw: Emailing: COP Report – Administrative Closures July 2022, dated February 27, 2023.

³¹ *Id.*

³² *Id.*; See also, OIG Interview of OCI Senior Investigator Gianna Coulter, October 17, 2023. Note: SI Hiller stated that triaged files that did not allege misconduct would be immediately closed with no file created. Therefore, the OIG could not determine the exact number of files that were closed without documentation.

³³ For example, OCI Citizen Complaint Report No. 75371.

³⁴ Note: During the OIG’s investigation, the OIG returned approximately 250 citizen complaint files to the OCI for additional investigation or review. Through its own investigation, the OCI’s current leadership determined that these complaint files were incomplete and requested that they be returned so that they could be reopened and properly dispositioned. See, Email from former BOPC Secretary Victoria Shah to OIG Associate Attorney Tiye Greene, RE: Access to Case Files, dated October 4, 2023.

- A CCR form that details the allegations;
- A copy of an introductory letter to the complainant;
- An event log detailing the work done on the complaint;
- A report of findings that has been signed and dated by an investigator, their supervising investigator, the Chief Investigator, and a commissioner; and
- A copy of the letter of findings that was sent to the complainant.³⁵

Files might also contain copies of evidence reviewed and other notes and observations from the investigator.

Based on our review of the files that had allegedly been improperly administratively closed, we found more than 50 of the closed “triated” files contained only a copy of the complaint and no other documents.³⁶ Dozens of others contained only a copy of the complaint and a vague introductory or conclusion letter for the complainant.³⁷ Further, we found nearly 50 more files that were completely empty with only a label bearing Ms. White’s last name and the CCR and case file numbers.³⁸ No OCI or BOPC employees provided any evidence that the missing documents were available electronically during our investigation. In fact, to date, no investigative documents or report of findings for these files have been produced to the OIG.³⁹

In addition, there is no evidence that the introduction or conclusion letters mentioned above were sent. Some files contain vague conclusion letters that have no address for the complainant.⁴⁰ This is true even in instances when the OCI had the complainant’s address on file.⁴¹ These letters were drafted, signed by Lawrence Akbar, and placed into the applicable folder. No evidence received indicates that any additional investigative or administrative work would be done on these files. Thus, the result of the Triage Project is that at least 400 citizen complaints were prematurely reported as closed without documentation, contact with the complainant, and/or approval from a commissioner of the Board. Closing a complaint without contacting the complainant and/or without a commissioner’s review and approval is problematic. More importantly, closing complaints in the manner described above is a clear violation of the Charter.⁴²

³⁵ See, for example, OCI CCR Nos. 72690, 72694, 72695, 72698, 72699, 72713, 72716, 72719, 72721, 72723, 72724.

³⁶ See, for example, OCI Case File Nos. 75235, 75250, 75314, 75321, 75332, 75346, 75350, 75362.

³⁷ See, for example, OCI Case File Nos. 75045, 75065, 75070, 75108, 75132, 75149, 75189, 75228, 75297.

³⁸ See, for example, OCI CCR Nos. 75401, 75404, 75416, 75420, 75469.

³⁹ Note: On April 20, 2023, the OIG requested, among other things, lists of commissioners’ sign off sheets for complaints reviewed in 2022 and of outstanding cases that were still with commissioners and awaiting review/approval. In addition, affidavit signed by each OCI employee places a continuing obligation on OCI employees to turn over any files that may be found at a late date. See, Email from OIG Associate Attorney Tiye Greene to former BOPC Secretary Victoria Shah, RE: Follow-up/OIG Request for Information – 23-0005-INV, dated April 20, 2023; See also, for example, City of Detroit OIG Affidavit of OCI Administrative Assistant Stephanie Phillips, signed February 28, 2023.

⁴⁰ See, for example, OCI CCR Nos. 73737 and 73729.

⁴¹ *Id.*

⁴² See, Charter of the City of Detroit Article 7, Section 7-803. Duties of the Board of Police Commissioners, stating “The Board shall...receive and resolve...any complaint concerning the operation of the Police Department...” No Charter provisions give any Board employees the ability to resolve complaints without approval from the Board.

Although the investigation revealed 400 or more Charter violations, no evidence reviewed indicates that Ms. White and/or others who participated in the Triage Project intended to defraud the Board or the public. The evidence shows there was an attempt to use an organized plan to close CCRs and fulfill reporting requirements by way of occasional reports to commissioners and monthly power-point presentations to the Board.⁴³ In addition, with respect to complaints that did not allege misconduct, there is evidence that some commissioners themselves misunderstood the Charter’s requirements, as the Board’s former Chair stated that service related CCRs should not be summarized in a written report for a Board member’s review.⁴⁴ Finally, evidence shows that Ms. White and participating OCI investigators eventually realized that the Triage Project fell short of a few requirements and made attempts to remedy some of the issues. To be clear, the Triage Project was poorly executed and, as such, resulted in 400 or more violations of the Charter. However, despite these violations, we do not find that Ms. White, Mr. Akbar, or SI Hiller defrauded anyone.

2. Abuse of Position in Implementing the Triage Project/Process

Relevant Laws, Policies and Procedures

a. 2012 Charter of the City of Detroit

The 2012 Charter for the City of Detroit (the Charter) defines the roles of the BOPC’s staff. The Charter states:

“Sec. 7-804. Staff.

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.

⁴³ See, for example, Office of the Chief Investigator Citizen Complaint Report for October 2022, presented at November 17, 2022; See also, COVID-19 Pandemic Backlogs & Citizen Complaints about the Detroit Police Department, A 2022 Special Report on Complaint Processing and Investigation Improvements & Achievements by the Office of the Chief Investigator, available online at https://detroitmi.gov/sites/detroitmi.localhost/files/2022-12/Pandemic%20Backlogs%20and%20Citizen%20Complaints_OCI%20Action%20Report%20for%20Effective%20Investigations%20%26%20Achievements_December2022%20Publication_Web%20Copy.pdf.

⁴⁴ See OIG Interview of former BOPC Commissioner Bryan Ferguson, July 17, 2023.

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.”⁴⁵

As it relates to the functions of the Board Secretary, the Charter states that the Secretary must:

1. Receive all complaints concerning the Police Department,
2. Provide copies of those complaints to each member of the Board, the Chief Investigator (CI), and the Chief of Police, and
3. Keep and post online a public docket of complaints and the disposition of each complaint after investigation.⁴⁶

Further, in the event a hearing is requested after an investigation and the Board refers to the matter to a fact-finder,⁴⁷ the Board Secretary must work with the respondent employee to agree upon an attorney to serve as the fact-finder.⁴⁸

b. The BOPC Bylaws

The BOPC’s Bylaws also list responsibilities for the Board Secretary. The Bylaws state that the Board Secretary is responsible for:

1. Establishing an orientation and training program for the Board;⁴⁹
2. Attending all meetings Board meetings;⁵⁰
3. Keeping a public docket of citizen complaints and disposition of each complaint after investigation;⁵¹
4. Coordinating and managing the day-to-day activities and operations of the Board;⁵²
5. Serving as the liaison between various city and Police Department officials, State agencies, unions, and the public;⁵³ and
6. Supervising all employees, except for the Director of Police Personnel.⁵⁴

If any provisions in the Bylaws are inconsistent with the Charter or contradict any roles and duties that the Charter prescribes, then the terms of the Charter control.

⁴⁵ 2012 City of Detroit Charter, Section 7-804. Staff.

⁴⁶ *Id.* at Section 7-808. Complaints.

⁴⁷ A “fact finder” is an impartial person or examiner designated to appraise the facts underlying a particular matter of a case. See, https://www.law.cornell.edu/wex/fact_finder#:~:text=A%20fact%20finder%2C%20also%20known.in%20the%20case%20at%20hand.

⁴⁸ 2012 City of Detroit Charter, Section 7-809. Resolution of Complaints.

⁴⁹ Board of Police Commissioners Bylaws, Article IV, Section 8. Orientation and Training.

⁵⁰ *Id.* at Section 9. Board Staff.

⁵¹ *Id.*

⁵² Board of Police Commissioners Bylaws, Article IV, Section 10. Functions of the Secretary to the Board.

⁵³ *Id.*

⁵⁴ *Id.*

Analysis and Findings

- a. Former interim-BOPC Secretary Melanie White abused her position when she directed Interim-Chief Investigator Lawrence Akbar and several OCI investigators to implement the Triage Project at the OCI.

As detailed above, the Charter provides only certain duties to the Board Secretary and places all investigative responsibilities upon the Chief Investigator. The Charter states that the Chief Investigator is responsible for investigating citizen complaints and filing a report of findings to the Board.⁵⁵ In addition, regarding the “chain of command,” the Charter places all members of the Board’s staff under the direction of the Board.⁵⁶ No provision in the Bylaws can override that Charter-mandated arrangement. Therefore, the Board Secretary does not have the authority to direct the activities of the Chief Investigator or the Office of the Chief Investigator. Doing so would constitute an abuse of the Secretary’s position.

The OIG reviewed emails and interviewed several commissioners and employees of the BOPC and the OCI to determine whether Ms. White abused her position by creating and implementing a new complaint resolution procedure for the OCI.⁵⁷ The investigation revealed that in June 2022, Ms. White led the Triage Project described above, and directed Mr. Akbar to “have a staff member discreetly obtain copies of [pending] CCRs” for the two of them to review and evaluate.⁵⁸ Ms. White’s directions included how to evaluate complaints and sort out those that she believed could be immediately resolved.⁵⁹ Additionally, her directions stated that if there were any demeanor/perceived-harassment allegations that could be immediately resolved but were associated with a procedure complaint, then “we can try to close the case under a new format,” and that more information on that new format was forthcoming.⁶⁰

On August 5, 2022, Ms. White directed OCI employees, including SI Hiller and Mr. Akbar, to remove several cases from various investigators’ caseloads. Ms. White wrote that they appeared to be service and/or mediation-related and that “[she would] use the same method of closure that [they were] currently tweaking.”⁶¹ Ms. White went on to say that “[t]his new case closure will cause us to update/revise [the OCI’s] SOP but until then we can close [using the new method] or under ‘Chief Investigator’s discretion’.”⁶² Similar emails directing or reporting the

⁵⁵ 2012 City of Detroit Charter, Article 7, Chapter 8. Section 7-808.

⁵⁶ 2012 City of Detroit Charter, Section 7-804. Other Staff.

⁵⁷ The OIG interviewed the following persons: Ricardo Moore, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Melanie White, Lawrence Akbar, Hajnal Hiller, Gianna Coulter, Lisonya Sloan, and Rosalia Madrigal.

⁵⁸ OIG Interview of former OCI Supervising Investigator Rosalia Madrigal, May 2, 2023; Email from BOPC Interim Secretary Melanie White to Interim Chief Investigator Lawrence Akbar, RE: BOPC OCI Case Investigation / Closure Updates, dated June 13, 2022.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Email from BOPC Interim Secretary Melanie White to former OCI Supervising Investigator Rosalia Madrigal and former-Interim Chief Investigator Lawrence Akbar, RE: BOPC Weekly Report 8-3.xls, dated August 5, 2022.

⁶² *Id.*; Also note, neither the Charter nor the BOPC Bylaws give the Chief Investigator the discretion to close citizen complaints in whatever manner they please.

removal of complaints from investigators continued on for several months, totaling hundreds of complaints selected and immediately closed either by Ms. White or OCI staff, at her direction.⁶³

As stated above, the Board Secretary does not have the authority to implement new procedures for the OCI, or to direct the Chief Investigator (or any other employees) to implement those procedures. The City's Law Department issued a legal opinion on this matter, which states that "the Board Secretary *is not authorized* to direct the Chief Investigator in the performance of [their] duties to the Board."⁶⁴ In addition, the City's Law Department has previously opined that "any supervisory authority delegated to the Board's Secretary must be limited to *ministerial acts*," as opposed to discretionary powers that can only be exercised by the Board.⁶⁵ Although the Board can delegate powers that are designed to carry out its decisions, "*the power so delegated can never involve the exercise of discretion or judgment.*"⁶⁶

Thus, in accordance with all applicable laws, the Board Secretary cannot govern or implement any tasks, procedures or systems for the Chief Investigator or the Office of the Chief Investigator to perform/follow. Instead, the Secretary's supervisory power is limited to ministerial functions such as facilitating mechanical processes and monitoring/observing employees of the Board.⁶⁷ Other examples of ministerial functions that are permitted under the Charter may include monitoring BOPC and/or OCI employees' attendance or progress on an assignment created by the Board or working with other departments to fulfill a Charter-mandated duty, such as the Department of Innovation and Technology (DoIT) to develop an efficient process for maintaining a public docket of complaints online.

On the contrary, actions that require discretion and/or judgment, and therefore **cannot** be delegated to or performed by the Board Secretary, include:

- Resolving complaints;
- Determining whether to issue a subpoena;
- Disciplining employees;
- Hiring and/or promoting employees; and
- Authorizing an increase in pay for employees.⁶⁸

⁶³ See, for example, Email from BOPC Interim Secretary Melanie White to former OCI Supervising Investigator Rosalia Madrigal, RE: Complaints for Administrative and/or Informal Complaint Closure – August 31, 2022, dated August 31, 2022; Email from BOPC Interim Secretary Melanie White to former OCI Supervising Investigator Rosalia Madrigal, RE: CCRs for Administrative/Informal Complaint Resolution Closure – August 2022, dated September 1, 2022; Email from BOPC Interim Secretary Melanie White to former OCI Supervising Investigator Rosalia Madrigal, RE: CCRs Reassigned and Administrative Closed for September 30, 2022, dated October 1, 2022.

⁶⁴ Memorandum to Ellen Ha, Inspector General, from Vie Serifovski, Assistant Corporation Counsel, RE: The Board of Police Commissioner's ability to delegate its supervisory authority of the Chief Investigator to the Board Secretary, November 3, 2023. (emphasis added)

⁶⁵ *Id.* (emphasis added)

⁶⁶ Memorandum to Ellen Ha, Inspector General, from Vie Serifovski, Assistant Corporation Counsel, RE: The Board of Police Commissioner's June 30, 2016 Decision to Delegate the Board's Authority to Hire Staff, April 2, 2019, citing, *Michigan Cent. R. Co. v. Michigan Railroad Commission*, 160 Mich. 355, 125 N.W. 549 (1910)(fixing rate) (emphasis added).

⁶⁷ Memorandum to Ellen Ha, Inspector General, from Vie Serifovski, Assistant Corporation Counsel, RE: Supplement to the April 2, 2019 Opinion, May 13, 2019.

⁶⁸ *Id.*

Accordingly, Ms. White did not have the authority to devise and/or implement a new complaint resolution procedure for OCI staff.⁶⁹ Further, the Charter does not allow the Board to give the Secretary such authority to do so.⁷⁰ Instead, it is the Board's responsibility to ensure that the Chief Investigator effectively manages the OCI to resolve complaints concerning the operation of the police department.⁷¹

Ms. White testified that she did not believe the new complaint resolution procedure required changes to the OCI's SOP.⁷² However, her directions to Mr. Akbar and SI Hiller prove that she was aware that she had created a new complaint resolution process that was not a part of the current SOP. Commissioner Bell stated that the Board relies "on the Chief Investigator [and] not the Board Secretary" to develop and/or change OCI's internal policies and procedures.⁷³ Thus Ms. White's actions were inconsistent with both the Charter and at least one commissioner's expectations of the role of a Board Secretary.

Next, the OIG sought to determine whether Ms. White knew or should have known that she was not permitted to direct the interim-Chief Investigator or any OCI staff, as described above. The OIG conducted interviews and reviewed several legal opinions previously issued by the City's Law Department. The OIG also reviewed earlier OIG investigative reports that we had issued to the BOPC.

Based on the evidence reviewed, the OIG finds that Ms. White knew or should have known that she was not permitted to exercise her own judgment to devise and implement a new complaint resolution procedure for OCI staff. Prior to her appointment as the Interim Board Secretary, Ms. White was the Executive Manager of Policy for the BOPC.⁷⁴ As the Executive Manager of Policy for the BOPC, Ms. White was responsible for developing and enhancing the BOPC's policies and procedures.⁷⁵ Ms. White held that policy-related position in 2019 when the OIG investigated numerous Charter violations by an earlier Board Secretary.⁷⁶ The legal opinions provided to the Board along with the OIG's investigative report, specifically discussed the Board's ability to delegate authority to the Board Secretary and the limited role of the Board Secretary.⁷⁷

⁶⁹ *Id.*

⁷⁰ *Id.* stating "The Board is precluded from delegating an authority that is not expressly authorized by the City Charter."

⁷¹ 2012 City of Detroit Charter, Section 7-803. Duties of the Board of Police Commissioners; 2012 City of Detroit Charter, Section 7-804. Staff. "All members of the staff are under the direction of the Board..."

⁷² OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023.

⁷³ OIG Interview of BOPC Commissioner Willie Bell, October 2, 2023.

⁷⁴ OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023.

⁷⁵ *Id.*

⁷⁶ Office of Inspector General Investigation No. 18-0050-INV.

⁷⁷ Memorandum to Ellen Ha, Inspector General, from Vie Serifovski, Assistant Corporation Counsel, RE: The Board of Police Commissioner's June 30, 2016 Decision to Delegate the Board's Authority to Hire Staff, April 2, 2019; Memorandum to Ellen Ha, Inspector General, from Vie Serifovski, Assistant Corporation Counsel, RE: Supplement to the April 2, 2019 Opinion, May 13, 2019.

The legal opinions provided by the Law Department plainly concluded that the Board cannot delegate its discretionary powers to the Board Secretary.⁷⁸ One opinion goes so far as to list the kinds of actions that the Board cannot delegate, and thus the Secretary cannot perform.⁷⁹ Among the actions listed, resolving citizen's complaints topped the list.⁸⁰

Ms. White testified that she had read the 2019 legal opinions previously provided to the BOPC.⁸¹ Further, she testified that as the executive manager policy it was her responsibility to develop policies for the BOPC.⁸² Therefore, it is reasonable to expect that Ms. White, in her capacity as policy manager, who also holds a juris doctorate, read and understood the legal opinions and the OIG's prior investigative reports, which clearly outline the limited role of the Board Secretary. However, despite being familiar with those documents, Ms. White chose to act in a manner inconsistent with those opinions and, by extension, the Charter. Therefore, the OIG finds that Ms. White abused her position by directing the activities of the Chief Investigator and the OCI staff, and by devising and implementing a new procedure to resolve citizen complaints at the OCI.

b. Former interim-BOPC Secretary Melanie White abused her position when she performed the duties of an OCI Investigator.

The OIG reviewed email communications and the OCI's case management records, followed by interviewing several OCI employees and BOPC commissioners to determine whether Ms. White abused her authority by performing the duties of an OCI investigator.⁸³ The investigation revealed that an important part of the new complaint resolution Triage Project was taking citizen complaints from investigators and reassigning them to Ms. White for review and closure.⁸⁴ Testimony confirms that some triaged complaints were closed with no written report or further review by a commissioner.⁸⁵ Thus, those complaints were closed at Ms. White's discretion, or based on her directions to other OCI employees taking part in the triage process.⁸⁶ The time sheets and activity reports that Ms. White submitted to City HR further show that she was acting as an investigator for the OCI, as they list the complaints she indicated that she worked on or closed during the given pay period.⁸⁷ Evidence reviewed also shows that, on occasion, Ms. White occasionally submitted cases to Commissioner Bell for review and closure without Mr. Akbar's review or signature.⁸⁸

⁷⁸ *Id.*

⁷⁹ Memorandum to Ellen Ha, Inspector General, from Vie Serifovski, Assistant Corporation Counsel, RE: Supplement to the April 2, 2019 Opinion, May 13, 2019.

⁸⁰ *Id.*

⁸¹ OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023.

⁸² *Id.*

⁸³ The OIG interviewed the following persons: Ricardo Moore, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Melanie White, Lawrence Akbar, Hajnal Hiller, Gianna Coulter, Lisonya Sloan, and Rosalia Madrigal.

⁸⁴ See, for example, Email from former-OCI Supervising Investigator Rosalia Madrigal to then-Interim BOPC Secretary Melanie White and former Interim Chief Investigator Lawrence Akbar, RE: BOPC Weekly Report 8-3.xls, dated August 6, 2022.

⁸⁵ OIG Interview of OCI Senior Investigator Hajnal Hiller, October 4, 2023.

⁸⁶ *Id.*

⁸⁷ See, for example, Email from former Interim BOPC Secretary Melanie White to HR Director Denise Starr, RE: Case/Overtime Report – Week of July 11, 2022, dated July 17, 2022.

⁸⁸ See, for example, OCI CCR Nos. 75040, 75043, 75050, 75080, 75081, 75082.

The Charter empowers only the Board’s investigative staff to investigate citizen complaints.⁸⁹ The Charter does not entrust any investigative responsibilities to the Board Secretary. The Board Secretary’s duties in relation to complaints are limited to: (1) receiving and sharing copies of complaints that have been filed, and (2) keeping and posting a public docket online.⁹⁰ Further, as discussed above, the Board cannot authorize the Secretary to perform any duties that contradict the Charter. Thus, none of the Board Secretary’s stated responsibilities can be interpreted to allow the Secretary to perform the duties of an OCI investigator. Therefore, any action in which the Board Secretary steps into the role of an investigator to evaluate and resolve complaints is an abuse of position by the Board Secretary.

Furthermore, as previously explained, Ms. White was familiar with the Law Department’s 2019 legal opinions that discussed acts that could and could not be delegated to and/or performed by the Board Secretary.⁹¹ Therefore, Ms. White was aware or at least should have been aware that the Board Secretary does not have authority over matters concerning the OCI and therefore cannot resolve citizen complaints. Further, Ms. White knew or should have known that the Charter does not allow any member of the Board to authorize her to investigate or resolve citizen complaints. Accordingly, the OIG finds that Ms. White abused her position by performing the duties of an OCI investigator and purporting to evaluate and close over 700 OCI CCRs.

c. Former-Interim Chief Investigator Lawrence Akbar did not abuse his position when he accepted and supported Ms. White’s directions to implement the Triage Project/Process.

The OIG reviewed email communications and the OCI’s case management records, followed by interviewing several OCI employees and BOPC commissioners to determine whether Mr. Akbar abused his position when he permitted Ms. White to direct him and OCI staff.⁹² The investigation revealed that Mr. Akbar believed that the Interim Board Secretary had the authority to direct him to implement a new complaint resolution procedure for the OCI. Prior to his appointment as the Interim Chief Investigator, Mr. Akbar was a supervising investigator at the OCI.⁹³ In this position, it is likely he would not have discussed specific policy issues concerning the limited authority of the Board Secretary. He also would not have needed to review any opinions from the Law Department on the matter.

Mr. Akbar has been an OCI employee for approximately 17 years.⁹⁴ According to Mr. Akbar, he served as the Interim Chief Investigator of the OCI twice while with the department.⁹⁵ Interviews revealed that prior to 2019, earlier Chief Investigators were supervised by the Board Secretary, and in some cases the Board Secretary took on the Chief Investigator’s responsibilities

⁸⁹ 2012 City of Detroit Charter, Section 7-804(2) Investigative Staff and Section 7-808. Complaints.

⁹⁰ *Id.* at, Section 7-808. Complaints.

⁹¹ OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023.

⁹² The OIG interviewed the following persons: Ricardo Moore, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Melanie White, Lawrence Akbar, Hajnal Hiller, Gianna Coulter, Lisonya Sloan, and Rosalia Madrigal.

⁹³ OIG Interview of former Interim Chief Investigator Lawrence Akbar, October 2, 2023.

⁹⁴ *Id.*

⁹⁵ *Id.*

if there was no Chief Investigator on staff.⁹⁶ Based on the Law Department opinions and earlier OIG investigations discussed above, this chain-of-command dynamic has always violated the Charter. Thus, without the benefit of reading the 2019 Law Department opinions and investigations reports issued by the OIG, Mr. Akbar's experiences shaped his flawed understanding of the Secretary's powers and duties.

During the OIG's investigation, Mr. Akbar repeatedly referred to Ms. White as his "boss."⁹⁷ There is no evidence that Mr. Akbar knew that, in this instance, it was his responsibility to reject Ms. White's directions and lead the OCI. Therefore, the OIG does not find that Lawrence Akbar abused his position in this matter.

d. Senior Investigator Hajnal Hiller did not abuse her position when she closed CCRs using the Triage Process.

The OIG reviewed OCI's email communications and case management records, followed by interviewing several OCI employees and BOPC commissioners to determine whether SI Hiller abused her position when she closed, or assisted in closing, hundreds of CCRs as part of the Triage Project.⁹⁸ As discussed above, the investigation revealed that several investigators were selected to participate in the Triage Project that was implemented and led by Ms. White.⁹⁹ SI Hiller was one of the investigators selected and she was told to close cases in accordance with directions from Ms. White.¹⁰⁰ Mr. Akbar, who was SI Hiller's immediate supervisor, was aware that SI Hiller had been told to close cases this way, as evidenced by the fact that directions from Ms. White were often emailed to Mr. Akbar and SI Hiller simultaneously. Given that SI Hiller's immediate supervisor did not block Ms. White's abuse of position, and that SI Hiller's job duties do not require her to be aware of policies surrounding the Board Secretary's limited authority, SI Hiller performed in a manner consistent with her investigator position. Therefore, the OIG does not find that SI Hiller abused her position in this matter.

e. Commissioner Bell did not correct Ms. White's abuse of position and further, he did not inform the full Board that investigations were being closed without input from the Interim Chief Investigator.

During the investigation, the OIG found that BOPC Commissioner Willie Bell had approved and signed bulk reports¹⁰¹ regarding triaged, administrative closures.¹⁰² A single bulk

⁹⁶ OIG Interview of former BOPC Secretary George Anthony, August 23, 2023. See CMTS Notes.

⁹⁷ OIG Interview of former Interim Chief Investigator Lawrence Akbar, October 2, 2023.

⁹⁸ The OIG interviewed the following persons: Ricardo Moore, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Melanie White, Lawrence Akbar, Hajnal Hiller, Gianna Coulter, Lisonya Sloan, and Rosalia Madrigal.

⁹⁹ OIG Interview of former OCI Supervising Investigator Rosalia Madrigal, Mazy 2, 2023; OIG Interview of OCI Senior Investigator Gianna Coulter, October 17, 2023.

¹⁰⁰ OIG Interview of OCI Senior Investigator Hajnal Hiller, October 4, 2023.

¹⁰¹ Here, a "bulk report" is a single closure report that describes more than one citizen complaint. Bulk reports were not typical for OCI CCRs. See, OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023, and OIG Interview of OCI Supervising Investigator Lisonya Sloan, September 27, 2023.

¹⁰² See, for example, Memorandum to Board of Police Commissioners (BOPC) (Through Channels), from former Interim BOPC Secretary Melanie White, RE: Office of the Chief Investigator (OCI) Informal Complaint Resolution Case Closures Requiring Immediate Resolution and Service, Counseling, and/or Retraining, August 5, 2022.

report would contain recommendations for up to 33 citizen complaints.¹⁰³ Although Ms. White stated that other commissioners signed similar reports, there is no evidence that any other commissioners reviewed and signed bulk reports or that they were aware that citizen complaints were being triaged and closed in bulk this way.¹⁰⁴

Commissioner Bell also reviewed and signed complaint reports that had not been signed by an investigator or by the Interim Chief Investigator.¹⁰⁵ These reports contained only Ms. White's signature and her recommendation to close the listed complaints and/or refer them to DPD for mediation/counseling.¹⁰⁶ Based on this evidence, Commissioner Bell knew that Ms. White had implemented a new complaint resolution procedure for the OCI. Further, he knew that Ms. White was performing duties that the Board Secretary was not authorized to perform, including resolving complaints and eliminating the Chief Investigator's Charter-mandated role in the complaint resolution process.

Commissioner Bell has been a BOPC commissioner for approximately 10 years.¹⁰⁷ During that time he has served as the Board Chair more than once, and he currently sits as the Board's vice-chair. Commissioner Bell knows or should know that managing the OCI is a function of the Chief Investigator. Moreover, he knows or should know that the Board Secretary is not authorized to perform investigations or resolve complaints without input from the Chief Investigator. Despite his knowledge, Commissioner Bell did not correct or call attention to Ms. White's usurping of the Chief Investigator's duties. In addition, he did not inform the Board of the same. Therefore, the OIG recommends immediate retraining for Commissioner Bell on the proper role and duties of BOPC commissioners.

f. Commissioner Carter did not correct Ms. White's abuse of position and further, she did not inform the full Board that investigations were being closed without input from the Interim Chief Investigator

During the investigation, the OIG found that BOPC Commissioner Lisa Carter had approved and signed complaint reports that had not been signed off by an investigator or by the Interim Chief Investigator.¹⁰⁸ These reports contained only Ms. White's signature and her recommendation to administratively close the given complaint.¹⁰⁹ Based on this evidence, Commissioner Carter knew that Ms. White was performing duties that the Board Secretary was not authorized to perform, including resolving complaints and eliminating the Chief Investigator's Charter-mandated role in the complaint resolution process.

¹⁰³ *Id.*

¹⁰⁴ OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023.

¹⁰⁵ See, for example, Memorandum to Board of Police Commissioners (BOPC) (Through Channels), from former Interim BOPC Secretary Melanie White, RE: Office of the Chief Investigator (OCI) Informal Complaint Resolution Case Closures Requiring Immediate Resolution, Service, Counseling, and/or Retraining, August 21, 2022.

¹⁰⁶ *Id.*

¹⁰⁷ OIG Interview of BOPC Commissioner Willie Bell, October 2, 2023.

¹⁰⁸ See, for example, Memorandum to Board of Police Commissioners (BOPC) (Through Channels), from former Interim BOPC Secretary Melanie White, RE: Request for Administrative Closure Regarding Citizen Complaint Report 72664, BPC 20-859 Filed by a Detroit Resident, July 11, 2022.

¹⁰⁹ *Id.*

Commissioner Carter has been a BOPC commissioner for approximately 10 years.¹¹⁰ During that time she has served as the Board Chair twice and was the Chair in 2019 when the Law Department opinions and earlier OIG investigations discussed above were shared and took place.¹¹¹ Commissioner Carter knows or should know that managing the OCI is a function of the Chief Investigator. Moreover, she knows or should know that the Board Secretary is not authorized to perform investigations or resolve complaints without input from the Chief Investigator. Despite her knowledge, Commissioner Carter did not correct or call attention to Ms. White’s usurping of the Chief Investigator’s duties. In addition, she did not inform the Board of the same. Therefore, the OIG recommends immediate retraining for Commissioner Carter on the proper role and duties of BOPC commissioners.

3. Abuse of Authority/Position by Members of the Board of Police Commissioners

Relevant Laws, policies and procedures

a. 2012 Charter of the City of Detroit

“Section 7-802. Board of Police Commissioners

[...]

The Board shall elect a chairperson annually. A member of the Board may not serve consecutive terms as chairman, nor may an appointed person serve more than five (5) years consecutively as a member of the Board. The Board shall meet at the call of its chairperson, but shall meet at least once each week and may recess during Thanksgiving, Christmas and New Year holidays. *All meetings shall be held in accordance with the Michigan Open Meetings Act.* No appointed member of the Board shall have been an employee or elective or appointive officer of the city within three (3) years prior to appointment or while serving as a member of the Board. Unless required by state law, elected members shall not be entitled to salaries, retirement benefits, health benefits or other fringe benefits. Appointed members, and elected members not entitled to compensation by state law, may receive by ordinance reimbursement for parking, mileage and other reasonable expenses. All appointed Commissioners serving at the time of the effective date of this Charter shall continue in their office until their term expires or office becomes vacant.”¹¹²

b. The BOPC Bylaws

¹¹⁰ Transcript of Administrative Hearing, In the Matter of: OIG Case No. 2023-0006-INV, RE: Unauthorized Use of Signature, held on October 20, 2023, page 46.

¹¹¹ *Id.*

¹¹² 2012 Charter for the City of Detroit, Article 7, Chapter 8, Section 7-802. Board of Police Commissioners (emphasis added).

All powers and duties of the Board come from the 2012 Charter of the City of Detroit (the Charter).¹¹³ To the extent the BOPC's Bylaws do not conflict with the Charter, the Bylaws govern the structure and activities of the organization, its commissioners and its staff.¹¹⁴ As it relates to authorities granted to individual commissioners and to the full Board, Article IV, Section 6 of the Bylaws state:

“The Chairperson shall, in general[:]

- Supervise the affairs of the Boards.
- Presides at all meetings of the Board and shall have the right to vote in all matters put before the board for a vote.
- Ensures that the laws of the City or the State of Michigan pertaining to the conduct of Board meetings and other activities of the Board are followed, and all recommendations of the Board are properly conveyed.
- Represents, or authorizes a designee to represent the Board with the public in all matters pertaining to the Board.
- Signs all documents on behalf of the Board after same has been approved by the Board.
- Calls meetings of the Board in accordance with the Bylaws and all applicable laws, rules and regulations.
- “Appoints all standing committees and special committees, and serves as ex-official member of all committees.”
- Performs all duties incidental to the Office of Chairperson and such other duties as may be presented by the Board.

“The Vice Chairperson[:]

- performs all duties of the Chairperson in the absence or written resignation of the Chairperson or during the Chairperson's inability or refusal to act.
- Has all the powers of the Chairperson and shall be subject to the same restrictions as the Chairperson.
- Fills the unexpired term of the Chairperson, should a vacancy occur.
- “Serves as a member of any committee whenever designated by the Chairperson.”
- Performs such other duties as from time to time may be assigned by the Chairperson or by the Board.

Further, Article V, Sections 1 and 2 of the BOPC Bylaws state:

“Open Meetings Act[:]

¹¹³ 2012 Charter for the City of Detroit, Article 7, Chapter 8. Police; See also, City of Detroit Board of Police Commissioners Bylaws, Article I, Section 3

¹¹⁴ City of Detroit Board of Police Commissioners Bylaws, Articles I and IV.

All Board and Committee Meetings shall be governed by and conducted in accordance with the provisions of Act 267 of the Michigan Public Acts of 1976, commonly referred to as the Open Meetings Act (Act.). Unless otherwise allowed under the Act, all meetings of the Board shall be open to the public and shall be held in a place accessible to the public.

The Committee of the Whole shall address all issues that may come before the Board including, but not limited to, those issues addressed by the standing committees: Citizen Complaints, Disciplinary Appeals, Promotional Appeal, Budget, Legal Affairs, Labor Relations, Personnel and Training, and Policy.

The Board meets at the call of the Chairperson and shall meet at least once a week at a time and place designated by the Board unless otherwise authorized by Charter. Board meetings are generally held every Thursday at 3:00 p.m., except on legal holidays or other circumstances that may so dictate. The Board generally meets on the second Thursday of each month at 6:30 p.m., at such public locations throughout the City to encourage attendance by its constituents. The Board shall give public notice of the time and place of the meetings.”

Analysis and Findings

As shown above, the Bylaws require the full Board to address all issues that come before it, including any issues that may be discussed by a subcommittee.¹¹⁵ More importantly, under the Charter, “all [BOPC] meetings must be held in accordance with the Michigan Open Meetings Act (OMA).”¹¹⁶ Accordingly, although a subcommittee like, for example, the Budget Committee, can review information and make recommendations, all matters that obligate some or all of the BOPC’s budget require a discussion and vote of the full Board pursuant to the OMA.¹¹⁷

The OIG has learned, however, that on more than one occasion the Board chair, vice-chair, and immediate past-chair, often referred to as the “Board leadership,” met with the Board Secretary, and sometimes also the Chief Investigator, and made decisions without the vote of the full Board.¹¹⁸ No laws or ordinances permit this small subset of Board members to function as a decision-making body.¹¹⁹ Therefore, any decisions made by the “Board leadership” group without the vote of the Board violates the OMA, and also constitutes an abuse of position by those members that are a part of the “Board leadership.”

¹¹⁵ *Id.* at Article V, Section 2.

¹¹⁶ 2012 Charter of the City of Detroit, Article 7, Section 7-802. Board of Police Commissioners.

¹¹⁷ City of Detroit Board of Police Commissioners Bylaws, Article V, Section 2.

¹¹⁸ OIG Interview of former BOPC Commissioner Charles (“Jim”) Holley, November 14, 2023; OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023; Transcript of Administrative Hearing, In the Matter of: OIG Case No. 2023-0006-INV, RE: Unauthorized Use of Signature, held on October 20, 2023, page 50-55.

¹¹⁹ See, Open Meetings Act, 1976 PA 267, MCL. 15.261 et seq; See also, City of Detroit Board of Police Commissioners Bylaws, Article V, Section 2.

a. Commissioner Charles (“Jim”) Holley abused his position by implementing OCI’s “Overtime Project” without authorization from the Board.

The OIG reviewed email communication and payroll records, recordings and transcripts of the Board meetings, and interviewed several commissioners and employees of the BOPC and the OCI to determine whether any BOPC or OCI employees improperly received overtime in 2021 or 2022.¹²⁰ Further, the OIG sought to determine whether any BOPC members or OCI staff abused their positions by authorizing overtime payments for investigators without approval from the full Board, as required by the Charter.

The OIG investigation revealed that on January 27, 2022, Commissioner Holley who was BOPC Chair at that time, stated on the record that members of the BOPC were “in the process of seeking overtime pay” for staff to eliminate the case backlog.¹²¹ According to Ms. White, around that time, the unsanctioned “Board leadership” group, led by Commissioner Holley, met with the Mayor to discuss several matters including the OCI’s backlog.¹²² This is consistent with the testimony provided by Commissioner Holley during the OIG Administrative Hearing for OIG File No. 2023-0006-INV on October 20, 2023.

Ms. White explained that during the meeting, this small group of commissioners and Ms. White decided to offer overtime to OCI investigators to work on backlogged CCRs (the “Overtime Project”).¹²³ As a result, some OCI investigators, including Mr. Akbar, began receiving overtime payments in late-February 2022.¹²⁴ However, there is no evidence that any other Board members knew that the “Board leadership” had given overtime hours to OCI employees.¹²⁵ In addition, the proposal to commit a portion of the BOPC’s budget to overtime payments was never brought before the Board for approval.¹²⁶

Evidence also shows that overtime payments to investigators began before the guidelines for paying and receiving overtime were understood or complete.¹²⁷ On March 3, 2022, nearly one month after the selected OCI staff began receiving overtime payments, Mr. Akbar presented updates on the backlog to the Board.¹²⁸ Specifically, Mr. Akbar reported to the Board that the special allowance to receive overtime had been initially approved.¹²⁹ He also reported that since February 14, 2022, he and other OCI investigators had been working to close the backlogged

¹²⁰ The OIG interviewed the following persons: Ricardo Moore, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Melanie White, Lawrence Akbar, Hajnal Hiller, Gianna Coulter, Lisonya Sloan, and Rosalia Madrigal.

¹²¹ City of Detroit Board of Police Commissioners Virtual Meeting Transcript, January 27, 2022.

¹²² OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023.

¹²³ *Id.*

¹²⁴ See, for example, Detail Payroll Register FY 2022 and 2023 for pay period ending February 20, 2022, for Akbar, Lawrence; Detail Payroll Register FY 2022 and 2023 for pay period ending February 20, 2022, for Hiller, Hajnal T.

¹²⁵ OIG Interview of former BOPC Commissioner Annie Holt, July 17, 2023; OIG Interview of BOPC Commissioner Ricardo Moore, July 19, 2023.

¹²⁶ Email from BOPC Administrative Assistant Robert Brown to OIG Associate Attorney Tiye Greene, RE: OIG Request for Information | 23-0005-INV, dated November 28, 2023.

¹²⁷ See, for example, Detail Payroll Register FY 2022 and 2023 for pay period ending February 20, 2022, for Akbar, Lawrence; Detail Payroll Register FY 2022 and 2023 for pay period ending February 20, 2022, for Hiller, Hajnal T.

¹²⁸ City of Detroit Board of Police Commissioners Virtual Meeting Transcript, March 3, 2022.

¹²⁹ *Id.*; Note: Mr. Akbar’s presentation did not indicate who had approved the special allowance to receive overtime.

cases.¹³⁰ Mr. Akbar further reported that on March 1, 2022, he received final confirmation from the City’s Labor Relations Division regarding the parameters for offering overtime to address the backlogged OCI cases.¹³¹ The “update” given by Mr. Akbar was essentially the first time the Board, as a body, and the public became aware of the use of overtime to address backlogged OCI cases.

In addition, evidence shows that overtime payments began before all Board members knew the important details of the plan to allow/offer overtime. On April 21, 2022, more than two (2) months after overtime payments began, former-Budget Committee Chair Annie Holt provided a committee report to the Board.¹³² Her report stated that “[W]e’re working within a [BOPC], OCI overtime backlog project. We are awaiting update[d] budget information regarding our projected surplus for the end of year and budgetary allowances for the backlog project.”¹³³ Thus, in addition to not knowing the parameters for offering overtime, the Board also had not confirmed how much overtime their budget would allow.

Interviews of several commissioners provide further evidence that overtime payments began with no knowledge or consensus from the Board.¹³⁴ At least one commissioner stated that they believed the overtime would come from the City’s overall budget, as opposed to the BOPC’s budget.¹³⁵ While another commissioner, who chaired the Budget Committee, stated that they were not aware the BOPC had actually begun paying overtime until November or December 2022.¹³⁶ Although meeting transcripts show that overtime was briefly mentioned in connection with the OCI’s backlog¹³⁷, there is no evidence that overtime was ever discussed by the Board or that any vote was ever taken by the Board, in violation of the OMA. Mentioning an overtime project in passing during a Board meeting cannot substitute a discussion by the Board or a vote by the full Board.

Former-Chair Charles (“Jim”) Holley assembled and led the unsanctioned “Board leadership” group.¹³⁸ He also led the effort to secure the exemption that allowed the OCI’s investigators to receive overtime.¹³⁹ As Chair, Commissioner Holley had a duty to ensure that the Board followed the Charter and the Michigan OMA.¹⁴⁰ However, when asked whether the Board voted to provide overtime payments to investigators, Commissioner Holley replied “I don’t remember. But I’m sure we did.”¹⁴¹ In fact, there is no record of the full Board voting on the matter. Evidence also shows there was no public discussion or vote regarding overtime for

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² City of Detroit Board of Police Commissioners Virtual Meeting Transcript, April 21, 2022.

¹³³ *Id.*

¹³⁴ See, OIG Interviews of former Commissioners Annie Holt and Bryan Ferguson, and current Commissioner Ricardo Moore.

¹³⁵ OIG Interview of former BOPC Commissioner Bryan Ferguson, July 17, 2023.

¹³⁶ OIG Interview of former BOPC Commissioner Annie Holt, July 17, 2023.

¹³⁷ City of Detroit Board of Police Commissioners Virtual Meeting Transcript, January 27, 2022; City of Detroit Board of Police Commissioners Virtual Meeting Transcript, March 3, 2022.

¹³⁸ OIG Interview of former BOPC Commissioner Charles (“Jim”) Holley, November 14, 2023.

¹³⁹ City of Detroit Board of Police Commissioners Virtual Meeting Transcript, January 27, 2022; OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023.

¹⁴⁰ City of Detroit Board of Police Commissioners Bylaws, Article IV, Section 6(a).

¹⁴¹ OIG Interview of former BOPC Commissioner Charles (“Jim”) Holley, November 14, 2023.

the OCI's employees before the Overtime Project was implemented.¹⁴² It was Commissioner Holley's duty to ensure that a proposal to commit a portion of the BOPC's Budget to overtime payments was openly discussed and voted on by the full Board in accordance with the OMA. As such, the full Board and the public were denied their right to participate in the deliberative process, as required by the OMA. The OIG therefore finds that Commissioner Holley abused his position for the reasons stated above.

b. Commissioner Holley abused his position by granting Melanie White permission to receive overtime payments without the knowledge and approval of the full Board.

As discussed above, the Board's Bylaws require that all proposals to commit a portion of the BOPC's budget be approved (or denied) by a vote of the full Board.¹⁴³ Accordingly, the Board's Chairperson, alone, does not have the authority or the discretion to commit funds from the BOPC's budget without the Board's prior approval, even if it is for one employee.¹⁴⁴ Likewise, a "Board leadership" group led by the Board Chair cannot approve overtime for an employee without a vote of the full Board.¹⁴⁵ Thus, allowing an employee, such as an Interim Board Secretary, to receive overtime payments without the Board's prior approval is an abuse of position.¹⁴⁶

The OIG reviewed emails and payroll records for Ms. White to confirm whether she received overtime payments in 2021 and/or 2022 and whether the payments made were proper. The OIG also interviewed several BOPC commissioners and City HR employees to determine whether overtime payments were given to Ms. White with the full Board's knowledge and approval.¹⁴⁷

Ms. White began receiving overtime payments in April 2022.¹⁴⁸ The only written document that details the requirements to receive overtime for working on the OCI backlog cases is the "Overtime Project Agreement" (the Agreement), which was drafted and distributed by Ms. White and Mr. Akbar.¹⁴⁹ The City's Labor Relations Division confirmed that this was the only

¹⁴² See, City of Detroit Board of Police Commissioners Virtual Meeting Transcript, January 27, 2022; City of Detroit Board of Police Commissioners Virtual Meeting Transcript, February 10, 2022, City of Detroit Board of Police Commissioners Virtual Meeting Transcript, February 17, 2022; City of Detroit Board of Police Commissioners Virtual Meeting Transcript, February 24, 2022; City of Detroit Board of Police Commissioners Virtual Meeting Transcript, March 3, 2022; City of Detroit Board of Police Commissioners Virtual Meeting Transcript, March 10, 2023.

¹⁴³ City of Detroit Board of Police Commissioners Bylaws, Article V, Section 2.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ The OIG interviewed the following persons: Ricardo Moore, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Melanie White, Lawrence Akbar, Denise Starr.

¹⁴⁸ Detail Payroll Register FY 2022 and 2023 for pay period ending April 17, 2022, for White, Melanie.

¹⁴⁹ See, Board of Police Commissioners Office of the Chief Investigator OCI Backlog Case Reduction Project (Special Exemption for Overtime) (Last updated March 3, 2022).

document that described the Overtime Project.¹⁵⁰ In addition, the same document served as the only written record of the OCI's special overtime allowance.¹⁵¹ Labor Relations also stated that the terms of the Overtime Project were "created by OCI management."¹⁵²

In its opening paragraph, the Agreement states that the "[BOPC] received a special exemption for the Office of the Chief Investigator to receive overtime pay to reduce / eliminate the current backlog of cases within the OCI Investigative Unit."¹⁵³ However, there is no record that the Board discussed or voted to seek a special exemption/allowance to permit OCI investigators to receive overtime. Nevertheless, we note that the Agreement specifically states that the special exemption would only apply to the OCI Investigative Unit. Therefore, even if the Agreement was discussed and approved by the Board and a special exemption/allowance had been granted to the OCI Investigative Unit, Ms. White was still not eligible to receive overtime payments under the special exemption/allowance. She was not eligible because Ms. White was not an OCI employee. Ms. White also acknowledged that OCI employees were primarily eligible to receive overtime, whereas BOPC employees were not.¹⁵⁴

Despite the BOPC Bylaws which require budget items to be discussed by the full Board, testimony indicates that Ms. White requested permission to receive overtime from the "Board leadership" and that she received a verbal permission directly from then-Chair Holley.¹⁵⁵ HR Director Denise Starr stated that although she approved and processed Ms. White's overtime, she did so believing that Ms. White had received appropriate permission from the Board.¹⁵⁶ Commissioner Holley acknowledged giving Ms. White permission to receive overtime, but incorrectly recalled voting on the matter.¹⁵⁷ More importantly, the OIG found no evidence that the full Board discussed or voted on Ms. White receiving any overtime payment.¹⁵⁸ Therefore, the OIG finds that former BOPC Chair Jim Holley abused his position in permitting Ms. White to receive overtime payment without authorization from the Board.

- c. Commissioners Holley and Bell, former Commissioners Annie Holt and Bryan Ferguson, and former interim-Secretary Melanie White abused their positions by submitting budget requests/recommendations for the BOPC without authorization from the full Board.

One of the complaints also allege that the BOPC's budget recommendations for the current fiscal year (i.e., 2023-2024 or "FY24") were submitted without the full Board's

¹⁵⁰ Email from City of Detroit Labor Relations Manager Anita Ellsworth to OIG Associate Attorney Tiye Greene, RE: OIG Request for Information | 23-0005-INV, dated November 20, 2023.

¹⁵¹ OIG Interview of City Labor Relations Manager Anita Ellsworth, November 20, 2023..

¹⁵² Email from City of Detroit Labor Relations Manager Anita Ellsworth to OIG Associate Attorney Tiye Greene, RE: OIG Request for Information | 23-0005-INV, dated November 20, 2023.

¹⁵³ Board of Police Commissioners Office of the Chief Investigator OCI Backlog Case Reduction Project (Special Exemption for Overtime) (Last updated March 3, 2022).

¹⁵⁴ OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023.

¹⁵⁵ OIG Interview of former Interim Chief Investigator Lawrence Akbar, October 2, 2023.

¹⁵⁶ OIG Interview of City HR Director Denise Starr, October 17, 2023.

¹⁵⁷ OIG Interview of former BOPC Commissioner Charles ("Jim") Holley, November 14, 2023.

¹⁵⁸ Email from BOPC Administrative Assistant Robert Brown to OIG Associate Attorney Tiye Greene, RE: OIG Request for Information | 23-0005-INV, dated November 28, 2023; City of Detroit Board of Police Commissioners Virtual Meeting Transcripts, January 27 – April 21, 2022.

knowledge and approval.¹⁵⁹ It further alleges that the recommendations submitted to the Budget Department served to sabotage the BOPC's programs and progress.¹⁶⁰ The OIG reviewed emails and interviewed several BOPC and OCI employees to determine whether BOPC Budget Requests and Recommendations for FY24 were properly submitted.¹⁶¹

The OIG investigation revealed that in September 2022, a representative of the Office of the Chief Financial Officer (OCFO) emailed Ms. White regarding potential dates for the BOPC's upcoming budget director's hearing.¹⁶² BOPC's deadline to submit its budget requests/recommendations for FY24 was November 1, 2022, and a hearing with the Budget Department was tentatively scheduled for either November 14th or 15th, 2022.¹⁶³ In the weeks leading up to the November 1 deadline, Ms. White facilitated numerous email communications with several members of the Board regarding the budget.¹⁶⁴ The members included in these email were Commissioners Holley, Ferguson, Bell, and Holt.¹⁶⁵

Based on the evidence reviewed, these commissioners were selected because at the time, Commissioners Holley, Bell, and Ferguson were the "Board leadership", and at the time, Commissioner Holt served as the Chair of the BOPC Budget Committee.¹⁶⁶ However, no evidence received shows that Commissioner Holt shared any information regarding the BOPC's budget with the Budget Committee. In fact, Budget Committee Chair Holt stated that she didn't understand that she had been discussing the BOPC's budget in the relevant email exchange and that she may not have fully read the emails.¹⁶⁷

On November 1, 2022, Ms. White submitted a copy of the email chain regarding the BOPC Budget to the OCFO.¹⁶⁸ The email chain discussed and represented a portion of the BOPC's Budget Requests and Recommendations for the upcoming fiscal year.¹⁶⁹ Thereafter, Ms. White submitted additional budget recommendations and requests to the OCFO on November 4th.¹⁷⁰ However, the OIG found no record that the Board discussed or voted on any of the BOPC's FY24 Budget items prior to Ms. White submitting the BOPC Budget Requests and

¹⁵⁹ Email from former BOPC Secretary Victoria Shah to OIG Associate Attorney Tiye Greene, RE: FW: BOPC Investigators, dated June 28, 2023.

¹⁶⁰ *Id.*

¹⁶¹ The OIG interviewed the following persons: Ricardo Moore, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Melanie White.

¹⁶² Email from City of Detroit OCFO-Office of Budget Administrative Assistant Tanya Stoudemire to former Interim BOPC Secretary Melanie White, RE: BOPC-FY24 Budget Director's Hearing, dated September 23, 2022.

¹⁶³ *Id.*; See also, Email from former BOPC Commissioner Bryan Ferguson to former BOPC Commissioner Annie Holt, RE: BOPC-FY24 Budget Director's Hearing, dated October 29, 2022.

¹⁶⁴ See, for example, Email from former Interim BOPC Secretary Melanie White to former BOPC Commissioners Bryan Ferguson, Annie Holt, and Jim Holley, and Commissioner Willie Bell, RE: BOPC-FY24 Budget Director's Hearing, dated October 20, 2022; Email from former BOPC Commissioner Annie Holt to former BOPC Commissioner Bryan Ferguson, RE: BOPC-FY24 Budget Director's Hearing, dated October 29, 2022.

¹⁶⁵ *Id.*

¹⁶⁶ OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023.

¹⁶⁷ OIG Interview of former BOPC Commissioner Annie Holt, July 17, 2023.

¹⁶⁸ Email from former Interim BOPC Secretary Melanie White to City of Detroit OCFO Financial Analyst James George, RE: BOPC-FY24 Budget Director's Hearing, dated November 1, 2022.

¹⁶⁹ *Id.*

¹⁷⁰ Email from former Interim BOPC Secretary Melanie White to City OCFO Financial Analyst DaShanae Dozier, RE: BOPC FY 24 Budget Request, dated November 4, 2022.

Recommendations to the OCFO. Further, there is no evidence that any other commissioners, including members of the Budget Committee other than Chair Holt, were made aware that the “Board leadership” had discussed the BOPC’s FY24 Budget, or that submissions to the OCFO and Budget departments had occurred.

As discussed above, the BOPC’s Bylaws require the full Board to vote on all budgetary matters.¹⁷¹ Based on the evidence reviewed, a small group of commissioners and the Interim Board Secretary discussed the proposed budget and submitted recommendations and requests for the BOPC without any authorization from the full Board. Thus, the OIG finds that Commissioner Bell and former Commissioners Holley, Holt and Ferguson, and Ms. White abused their positions in this matter.

d. Former BOPC Chair Bryan Ferguson did not abuse his authority by instructing SI Cromwell to perform the duties of acting Chief Investigator.

The OIG also received an anonymous complaint that alleged that then-BOPC Chair Bryan Ferguson (Mr. Ferguson) abused his authority by empowering SI Cromwell to act as the Chief Investigator of the OCI, after Mr. Akbar was removed from the position in December 2022.¹⁷² The complaint further alleged that Mr. Ferguson’s actions were improper given the legal advice received from the City’s Law Department.¹⁷³ The Board’s Bylaws generally require the full Board’s approval to appoint or promote an individual to a position within the OCI. Appointing/promoting staff without the full Board’s approval would constitute an abuse of position.¹⁷⁴ Therefore, the OIG expanded its investigation to determine whether Mr. Ferguson abused his position as alleged.

The OIG reviewed several documents and interviewed employees from the OCI and the BOPC.¹⁷⁵ The investigation revealed that, in late-December 2022, SI Cromwell took on the duties of acting chief investigator of the OCI, with former-chair Ferguson’s approval.¹⁷⁶ In December 2022, the City’s Corporation Counsel issued a legal opinion via email explaining that Mr. Ferguson’s actions as they related to SI Cromwell were permissible and did not constitute a Charter violation.¹⁷⁷ Specifically, the legal opinion states that:

“[I]t is within the authority of Chairperson Ferguson to accept...Mr. Cromwell’s offer to assist the Chair in the performance of some critical functions that normally fall to the...Chief Investigator...It is the opinion of HR and [the] Law [Department] that it is within the scope of...Mr. Cromwell’s employment to assist the Chair with certain miscellaneous functions until a new...Chief Investigator is hired...Mr. Cromwell [is not]

¹⁷¹ Board of Police Commissioners Bylaws, Article V, Section 2.

¹⁷² Office of Inspector General Complaint No. 23-0067-COM, dated March 18, 2023.

¹⁷³ *Id.*

¹⁷⁴ See, Board of Police Commissioners Bylaws, Article V, Section 2.

¹⁷⁵ The OIG interviewed the following persons: Ricardo Moore, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson.

¹⁷⁶ Email from City Corporation Counsel Conrad Mallet to BOPC Commissioners Bryan Ferguson and Willie Bell, RE: BOPC, dated December 22, 2023.

¹⁷⁷ *Id.*

receiving additional pay or benefits or a promotion in exchange for performing these activities. The Chair is effectively asking...Mr. Cromwell to perform duties outlined within the scope of [his] individual [job]. Asking an employee to do their job is a ministerial function within the authority of the Chair, and is not a discretionary matter requiring the vote of the Board. Unlike the situation with Ms. White and Mr. Akbar, this is not an instance in which [an employee is] being paid more for an indefinite amount of time to fill a role they cannot lawfully occupy.”¹⁷⁸

Accordingly, the Chair of the BOPC has the authority to perform *ministerial* functions without a vote of the full Board. Asking SI Cromwell to perform the duties outlined in his job description is a ministerial function allowed under the Charter.¹⁷⁹ Further, then-Chair Ferguson did not commit any additional funds out of the BOPC’s budget when he asked SI Cromwell to be an Acting Chief Investigator.¹⁸⁰ Therefore, based on the evidence reviewed, including the legal opinion of the Corporation Counsel, the OIG finds that former-Chair Ferguson did not abuse his authority as alleged.

e. The OIG cannot substantiate the allegations that Commissioner Willie Bell abused his authority by intimidating Secretary Shah or reprimanding SI Cromwell to influence their cooperation with the OIG investigation.

Relevant Law

i. The 2012 Charter of the City of Detroit

Section 7.5-310 of the Charter states:

“It shall be the duty of every Public Servant, contractor and subcontractor and licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the Inspector General in any investigation pursuant to this Article.

Any Public Servant who willfully and without justification or excuse obstructs an investigation of the Inspector General by withholding documents or testimony is subject to forfeiture of office, discipline, debarment or any other applicable penalty.

This requirement and associated penalty shall be incorporated into all contracts and subcontracts to the extent necessary to make them effective against such entities or persons.”

Section 7.5-315 of the Charter further states:

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*; See also, Office of the Chief Investigator Standard Operating Procedure Manual, Description of Primary Functions, Supervising Investigator (S.I.), pages 8-9.

¹⁸⁰ *Id.*

“No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the Inspector General in the performance of his or her duties. Any person who violates this provision shall be subject to a fine of not less than \$300 and not more than \$500 for each violation and any other penalties under applicable law.”

Analysis and Findings

In early 2023, the OIG learned that Commissioner Bell allegedly visited the OCI and verbally reprimanded SI Cromwell for assisting the OIG in its investigation.¹⁸¹ A separate complaint received by the OIG alleged that, in a meeting held on April 11, 2023, Commissioner Bell attempted to intimidate Board Secretary Shah “into not fully engaging in [her] responsibilities as Secretary, including participating in [a] BOPC/DPD event and [her] full cooperation in the ongoing investigations/audit.”¹⁸² The Charter states that every public servant (i.e., City of Detroit employee/appointee) has a duty to cooperate with the Inspector General in any of its investigations.¹⁸³ In addition, the Charter imposes a penalty on any person that retaliates against, punishes, or penalizes another for assisting the Inspector General in the performance of their duties.¹⁸⁴ Thus, the OIG expanded its investigation to include whether Commissioner Bell had retaliated against SI Cromwell and/or had attempted to stop Secretary Shah from cooperating with the OIG.

The OIG interviewed several BOPC and OCI employees pertaining to these allegations.¹⁸⁵ The investigation revealed that Commissioner Bell occasionally visited the OCI and interacted with SI Cromwell.¹⁸⁶ However, there is no evidence that any past interactions were retaliatory or otherwise related to an OIG investigation. When asked, no OCI investigator, other than SI Cromwell, recalled any aggressive or particularly memorable visits by Commissioner Bell to the OCI after the OIG’s investigation began.¹⁸⁷ Thus, the OIG cannot substantiate the allegation that Commissioner Bell yelled at SI Cromwell for cooperating with the OIG.

The OIG also cannot not substantiate the allegation that Commissioner Bell attempted to influence Secretary Shah’s cooperation with the OIG’s investigation. The investigation revealed that, on April 11, 2023, Commissioner Bell held a meeting with Secretary Shah and other BOPC employees to discuss an upcoming training presentation for DPD cadets. During that meeting, Commissioner Bell firmly expressed his opposition to Secretary Shah attending the

¹⁸¹ Memorandum to Ellen Ha, Inspector General, from Tiye Greene, OIG Associate Attorney, RE: 23-0005-INV | Communications from Anonymous Sources, February 8, 2024.

¹⁸² Complaint Memorandum to Ellen Ha, Inspector General, from former BOPC Secretary Victoria Shah, BOPC Secretary, RE: Complaint-Intimidation, April 12, 2023.

¹⁸³ 2012 Charter for the City of Detroit, Section 7.5-310. Cooperation in Investigations; Obstruction.

¹⁸⁴ *Id.* at Section 7.5-315. Retaliation Prohibited; Penalty.

¹⁸⁵ The OIG interviewed the following persons: Ricardo Moore, Willie Bell, Jim Holley, Annie Holt, Bryan Ferguson, Hajnal Hiller, Gianna Coulter, Lisonya Sloan, Rosalia Madrigal, Theresa Blossom and Victoria Shah.

¹⁸⁶ OIG Interview of BOPC Commissioner Willie Bell, November 13, 2023.

¹⁸⁷ OIG Interview of OCI Supervising Investigator Lisonya Sloan, September 27, 2023; OIG Interview of OCI Supervising Investigator Ainsley Cromwell, November 9, 2023.

presentation.¹⁸⁸ In subsequent conversations, Commissioner Bell likewise expressed his opposition to other commissioners attending and/or participating in the presentation.¹⁸⁹ He asserted that the presentation was not a Board function and COVID protocols limited the number of people that could be in the room.¹⁹⁰ There is no evidence that the OIG’s investigation was discussed during the meetings Commissioner Bell had with Secretary Shah or other BOPC employees and members. Therefore, the OIG cannot conclude that Commissioner Bell’s firm opposition to anyone from the BOPC attending or participating in the presentation that he was giving to the DPD cadets was related to any OIG investigation.

4. The OIG found no retaliation in connection with SI Cromwell’s Changed Access to the OCI Case Management System.

Relevant Law

a. The 2012 Charter of the City of Detroit

Section 7.5-315 of the Charter states:

“No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the Inspector General in the performance of his or her duties. Any person who violates this provision shall be subject to a fine of not less than \$300 and not more than \$500 for each violation and any other penalties under applicable law.”

Analysis and Findings

In early 2023, following the OIG’s seizure of numerous documents from the OCI, the OIG learned that SI Cromwell’s access to the OCI’s case management system had been restricted.¹⁹¹ The restriction allegedly caused him to be unable to perform his job duties which includes reviewing his team’s progress on investigating citizen complaints.¹⁹² Therefore, OIG opened a separate complaint¹⁹³, which is now incorporated into this investigation, to determine whether SI Cromwell’s access was restricted in retaliation for his perceived cooperation with the OIG file seizures and subsequent investigation. As discussed above, every public servant has a duty to cooperate with the Inspector General in any of its investigations. Further, the Charter imposes a penalty on any person that retaliates against, punishes, or penalizes another for assisting the Inspector General in the performance of their duties.

¹⁸⁸ OIG Interview of BOPC commissioner Willie Bell, November 13, 2023; See also, Complaint Memorandum to Ellen Ha, Inspector General, from Victoria Shah, BOPC Secretary, RE: Complaint-Intimidation, April 12, 2023.

¹⁸⁹ See, for example, Email from BOPC Commissioner Willie Bell to BOPC Secretary Victoria Shah, former BOPC commissioners, Annie Holt and Bryan Ferguson, and BOPC commissioners Cedric Banks, Jesus Hernandez, Jim Holley, Linda Bernard, Lisa Carter, Quantez Pressley and Ricardo Moore, dated April 11, 2023.

¹⁹⁰ *Id.*; OIG Interview of BOPC commissioner Willie Bell, November 13, 2023.

¹⁹¹ OIG Interview of OCI Supervising Investigator Ainsley Cromwell, March 18, 2023. See CMTS notes.

¹⁹² *Id.*

¹⁹³ Office of Inspector General Complaint No. 23-0060-COM.

The OIG reviewed emails and interviewed commissioners and employees of BOPC, OCI and City HR to determine whether SI Cromwell's restricted access to the OCI's case management system was a punishment for his perceived cooperation with the OIG.¹⁹⁴ The investigation revealed that, during the week of December 19, 2022, SI Cromwell was given administrative access to the OCI's case management system.¹⁹⁵ This increased access gave SI Cromwell greater ability to query pending OCI complaints and investigations, including complaints and investigations being worked on by other OCI investigators.¹⁹⁶ By January 25, 2023, SI Cromwell's administrative access had been removed, then restored again on January 26, 2023, following a request from then-Chair Ferguson dated that same day.¹⁹⁷

On or around February 10, 2023, following a meeting with the BOPC's Chair, Vice-Chair, BOPC Personnel Committee Chair, and Corporation counsel, City HR was instructed to modify SI Cromwell's access to the OCI's case management system again, to revert it back to the level of access he had prior to December 19, 2022.¹⁹⁸ The reason given to HR for the modification was that even though SI Cromwell was performing the duties of acting chief investigator, he did not need increased access to the database.¹⁹⁹ On February 27, 2023, Mr. Ferguson approved a request to the Department of Innovation & Technology (DoIT) for SI Cromwell to once again be granted administrative access to the OCI's case management system.²⁰⁰ No evidence indicates that administrative access was granted at that time.²⁰¹ Moreover, it is unclear who decided whether to grant access after receiving the written request from then-Chair Ferguson.

On March 15, 2023, DoIT received a renewed request from SI Cromwell, which sought administrative access to the OCI case management system for himself and the incoming BOPC Secretary.²⁰² Evidence indicates that both DoIT and City HR deferred to the Law Department on the matter.²⁰³ No evidence indicates access was granted because of that request. In March and April 2023, when Secretary Shah began to perform the duties of her role, SI Cromwell's access was equal to other supervising investigators at the OCI.²⁰⁴ While timing is suspect in this

¹⁹⁴ The OIG interviewed the following persons: Ricardo Moore, Willie Bell, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Rosalia Madrigal, Denise Starr, Rosita Brockington.

¹⁹⁵ Office of Inspector General Complaint No. 23-0034-COM.

¹⁹⁶ *Id.*

¹⁹⁷ Email from OCI SI Ainsley Cromwell to former OCI SI Rosalia Madrigal, RE: OCI Database, dated January 25, 2023; Email from OCI SI Rosalia Madrigal to former BOPC Commissioner Bryan Ferguson and former BOPC Commissioner Annie Holt, RE: OCI Database, dated January 26, 2023.

¹⁹⁸ Email from Human Resources Employee Services Consultant Rosita Brockington to OIG Associate Attorney Tiye Greene, RE: OIG Request for Information | 23-0005-INV, dated October 30, 2023.

¹⁹⁹ *Id.*

²⁰⁰ Email from former BOPC Commissioner Bryan Ferguson to BOPC Administrative Assistant Robert Brown and DoIT Systems Administrator Thomas Farley, RE: Access, dated February 27, 2023.

²⁰¹ Email from DoIT systems administrator Rob Gaber to City HR Employee Services Consultant Rosita Brockington, RE: Ainsley Cromwell now requesting admin access to the OCI CCRDB database, dated March 15, 2023.

²⁰² *Id.*

²⁰³ Email from Human Resources Employee Services Consultant Rosita Brockington to DoIT Systems Administrators Thomas Farley and Rob Gaber, RE: Ainsley Cromwell now requesting admin access to the OCI CCRDB database, dated March 15, 2023.

²⁰⁴ OIG Interview of former BOPC Secretary Victoria Shah, January 3, 2024. See CMTS Notes; Note: Evidence shows that Former OCI Supervising Investigator Rosalia Madrigal performed some administrative duties for the

instance, there is no evidence to corroborate that SI Cromwell’s administrative rights were removed based on his perceived cooperation with the OIG. Thus, the OIG cannot find that any BOPC commissioners or other BOPC or OCI employees retaliated against SI Cromwell by restricting his access to the OCI’s case management system for the time period in question.

5. The OIG cannot substantiate the allegation that SI Cromwell engaged in fraud and/or wasted City resources by permitting an organized “work stop” at the OCI.

Relevant Policies and Procedures

- a. Master Agreement Between the City of Detroit and the U.A.W. Local 212, Police Commission Investigators, 2019-2023

Section 22. Strikes and Lockouts

“Section A. Interference with Work: Employees will not engage in any strike, work stoppage, slowdown, refusal to cross picket lines, sympathy strike or otherwise neglect of, or interference of any kind with, the operations of the City. In the event there is a labor dispute by another union that may interfere with the duties of bargaining unit members, the city will meet with the union to discuss a safe method of carrying out their duties.”

Analysis and Findings

On March 18, 2023, the OIG received an anonymous complaint which alleged that the team SI Cromwell supervises at the OCI “stopped working on cases for a period of time in protest.²⁰⁵” The complaint did not specify what the investigators were allegedly protesting. The complaint further alleged that SI Cromwell acknowledged that his team had stopped working on cases and that he refused to reprimand them for their behavior.²⁰⁶ Permitting and/or participating in a work stoppage while receiving regular payroll payments violates that collective bargaining agreement cited above and would constitute a waste of City resources. In addition, submitting time sheets indicating hours worked during the work-stop period would constitute fraud on the part of the employee(s). Therefore, the OIG expanded its investigation to determine whether SI Cromwell and any OCI investigators under his supervision engaged in fraud and/or wasted City resources by permitting or participating in a work-stop at the OCI.

The OIG reviewed emails and interviewed several BOPC commissioners and OCI employees to determine whether a work stop occurred at the OCI.²⁰⁷ The investigation revealed

OCI and that her access to the case management system exceeded that of other supervising investigators to allow her to perform those duties.

²⁰⁵ Office of Inspector General Complaint No. 23-0067-COM, dated March 18, 2023.

²⁰⁶ *Id.*

²⁰⁷ The OIG interviewed the following persons: Ricardo Moore, Willie Bell, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Melanie White, Lawrence Akbar, Hajnal Hiller, Gianna Coulter, Lisonya Sloan, and Rosalia Madrigal.

that some investigators had heard that others were not completing their assigned investigations during the work-from-home period mandated during the COVID-19 pandemic.²⁰⁸ However, other testimony suggested that the alleged work stop occurred prior to the work from home period and concerned employees in the office who were threatening to walk out and resign.²⁰⁹

The relevant complaint did not identify a specific period for when the work stop allegedly took place. In addition, it did not specify the conditions that the OCI investigators were allegedly protesting. No witnesses interviewed could confirm whether or when the alleged work stop would have occurred.²¹⁰ Additionally, the complaint was submitted anonymously, leaving the OIG unable to contact the complainant for additional information or clarification. SI Cromwell denied allowing his team to stop performing their job duties during the pandemic or at any other time.²¹¹ No evidence or information received contradicts his testimony. Therefore, the OIG cannot substantiate the allegation that SI Cromwell or any other OCI employees engaged in fraud or wasted City resources by permitting or participating in an organized work stop.

6. SI Cromwell did not abuse his authority by approving overtime payments for OCI investigators in January, February, and March of 2023.

Relevant Policies and Procedures

a. BOPC-OCI Backlog Case Reduction Project (Overtime Project Agreement)

“The Board of Police Commissioners received a special exemption for the Office of the Chief Investigator to receive overtime pay to reduce / eliminate the current backlog of cases within the OCI Investigative Unit. This OCI Backlog Case Reduction Project is a voluntary program. However, the program requirements for this program are listed below:

1. Personnel who voluntarily participate in the OCI Backlog Case Reduction Project shall be entitled to an Overtime Premium and will receive time and one-half (one-hundred and fifty percent (150%)) for all hours worked over forty (40) hours in one (1) service week. Personnel who participate will be compensated with overtime pay each pay period.

[...]

3. In no circumstances shall employees be paid for time not worked.

[...]

Additionally, personnel shall be responsible for the following:

²⁰⁸ OIG Interview of OCI Supervising Investigator Lisonya Sloan, September 27, 2023; OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023.

²⁰⁹ OIG Interview of former Interim Chief Investigator Lawrence Akbar, October 2, 2023.

²¹⁰ OIG Interview of OCI Supervising Investigator Lisonya Sloan, September 27, 2023.

²¹¹ OIG Interview of OCI Supervising Investigator Ainsely Cromwell, November 9, 2023.

The cases must be completed to the highest quality standard. The deadline is set to submit complete and accurate cases three (3) days before month end in order for the Interim Chief Investigator to have time to review and approve each case. Cases returned to Personnel for incomplete or additional investigative work will not be counted as completed until the investigative work has been submitted correctly within the target month.

[...]

Overtime will be issued up to 36-hour increments each week to help achieve the case reduction goal. The overtime hours will be available outside of normal business hours Monday through Friday (up to 4 hours before or after work or any combination thereof). Overtime hours will vary on Saturday and Sunday but will be available up to 16 hours total on the weekend. All overtime hours must be approved by the Interim Chief Investigator ahead of any hours worked. Working from home is not an option at this time, but will be re-evaluated by the Interim Chief Investigator in the future.

[...]

An O.C.I. Overtime Form will be provided for Personnel to document for overtime worked. The form must be initialed daily and signed weekly acknowledging the hours worked by the Personnel. Management will provide the form.”

The Overtime Project Agreement does not list a project expiration date.

Analysis and Findings

The complaint alleged that OCI employees received unauthorized overtime payments in January, February, and March of 2023.²¹² It further alleged that those payments were unauthorized because the OCI’s Overtime Project expired on December 31, 2022.²¹³ As discussed above, the Overtime Project Agreement permitted OCI investigators to receive overtime to work on backlogged CCRs. Time sheets reporting overtime were typically reviewed by Ms. White and Mr. Akbar, who oversaw the OCI.²¹⁴ (We note that Ms. White did not have authority over OCI employees or its operation.) While the BOPC Secretary and Chief Investigator positions were vacant, SI Cromwell (as the acting chief investigator), reviewed and approved investigators’ time.²¹⁵ Thus, the OIG expanded its investigation to determine whether SI Cromwell abused his authority by approving overtime for OCI investigators in January, February, and March 2023.

²¹² Email from BOPC Community Relations Coordinator Theresa Blossom to the Office of the Inspector General, RE: Reporting Fraud and Corruption at the Board of Police Commissioners, dated September 29, 2023.

²¹³ *Id.*

²¹⁴ OIG Interview of former Interim BOPC Secretary Melanie White, August 11, 2023; OIG Interview of former Interim Chief Investigator Lawrence Akbar, October 2, 2023.

²¹⁵ OIG Interview of OCI Supervising Investigator Ainsely Cromwell, November 9, 2023.

The OIG reviewed payroll records and interviewed several OCI and City HR employees.²¹⁶ The OIG also reviewed the Overtime Project Agreement, which, as discussed, is the only written document that details the requirements to receive overtime.²¹⁷ The Agreement does not list an expiration date for the project.²¹⁸ It also does not provide any indication of when the project would end.²¹⁹ The only evidence that the OIG received regarding an alleged end date are statements from HR Labor Relations Manager Anita Ellsworth that the project was supposed to end at some time in December 2022.²²⁰

The evidence received shows that, in January 2023, then-Chair Ferguson approved a request to allow several OCI employees to work overtime on backlogged cases.²²¹ SI Cromwell informed City HR that several OCI employees would be working overtime on the upcoming weekend.²²² At the time, the HR employee services consultant assigned to the OCI was unaware that the Overtime Project had expired.²²³ Thus, overtime payments were permitted and given to the OCI investigators. For several weeks after, until approximately March 30, 2023, SI Cromwell continued to approve time sheets reflecting overtime.²²⁴ In addition, SI Cromwell sent bi-weekly emails to Mr. Ferguson and the now former BOPC Secretary Victoria Shah regarding the overtime.²²⁵ The emails detailed the overtime worked and requested that the information be shared with other BOPC commissioners.²²⁶

In early April 2023, City HR informed Ms. Shah that the Overtime Project period had expired.²²⁷ Around that same time, Ms. Shah told SI Cromwell that OCI investigators could no longer collect overtime for working on backlogged CCRs.²²⁸ No evidence reviewed shows that

²¹⁶ The OIG interviewed the following persons: Ricardo Moore, Willie Bell, Jim Holley, Willie Bell, Annie Holt, Bryan Ferguson, Rosita Brockington, Anita Ellsworth.

²¹⁷ OIG Interview of City Labor Relations Manager Anita Ellsworth, November 20, 2023. See CMTS Notes.

²¹⁸ Board of Police Commissioners Office of the Chief Investigator OCI Backlog Case Reduction Project (Special Exemption for Overtime) (Last updated March 3, 2022).

²¹⁹ *Id.*

²²⁰ OIG Interview of City Labor Relations Manager Anita Ellsworth, November 20, 2023. See CMTS Notes.

²²¹ Email from OCI Supervising Investigator Ainsley Cromwell to HR Employee Services Consultant Rosita Brockington, RE: OCI, dated January 12, 2023; Note: Evidence shows that by January 2023 the Overtime Project had been running for nearly one year, and in January 2023 all commissioners were aware that the Board had been paying overtime to investigators who worked on backlogged complaints. Therefore, the OIG did not investigate whether former Commissioner Ferguson abused his authority when he approved the January 2023 requests to continue working under the Overtime Project.

²²² Email from OCI Supervising Investigator Ainsley Cromwell to HR Employee Services Consultant Rosita Brockington, RE: OCI, dated January 12, 2023.

²²³ OIG Interview of City HR Representative Rosita Brockington, November 17, 2023. See CMTS Notes.

²²⁴ OIG Interview of OCI Supervising Investigator Ainsley Cromwell, November 9, 2023.

²²⁵ See, for example, Email from Supervising Investigator Ainsley Cromwell to former BOPC Commissioner Bryan Ferguson, RE: OCI Overtime Jan 14-Jan22, dated January 24, 2023; Email from Supervising Investigator Ainsley Cromwell to former BOPC Commissioner Bryan Ferguson, RE: Attached Image, dated February 20, 2023; Email from Supervising Investigator Ainsley Cromwell to former BOPC Commissioner Bryan Ferguson, RE: Staff Overtime Sheets February 26, 2023, dated February 27, 2023; Email from OCI Supervising Investigator Ainsley Cromwell to former BOPC Secretary Victoria Shah, RE: OCI Overtime Sheets 3/19, dated March 20, 2023.

²²⁶ *Id.*

²²⁷ Email from Labor Relations Administrator Anita Ellsworth to former BOPC Secretary Victoria Shah, RE: OCI Attendance, dated April 4, 2023.

²²⁸ OIG Interview of OCI Supervising Investigator Ainsley Cromwell, November 9, 2023.

any BOPC commissioners or active OCI employees had knowledge of the expiration date prior to the time HR informed the BOPC Secretary. Additionally, the HR employee services consultant assigned to the BOPC and the OCI did not know the allowance expired until after the overtime payments had been paid.²²⁹ Thus, the OIG concludes that SI Cromwell did not know the Overtime Project had an expiration date or that, by January 2023, the expiration date had passed. Therefore, the OIG finds that SI Cromwell did not abuse his authority by approving overtime for OCI investigators in January, February, and March 2023.

Recommendations to City Human Resources Department (HR)

Although the OIG did not find that any HR or OCI employees abused their authority/positions in this matter, the OIG did observe a breakdown in policy and communication between HR employees that permitted the subject overtime payments to occur. In addition, evidence indicates that HR employees, including those that manage the BOPC's personnel matters, are not trained on what is needed to implement certain measures at the BOPC/OCI. The City's Labor Relations Manager consulted with Ms. White and Mr. Akbar on implementing the Overtime Project.²³⁰ She also stated that Ms. White and Mr. Akbar created the project expiration date, and that she believed they had the authority to set that date and change it if needed.²³¹

However, as discussed at length above, all matters that obligate BOPC's budget must be determined by a vote of the full Board. No BOPC commissioner, staff member, or OCI employee has the authority to set or change terms related to compensation without the full Board's knowledge and approval. As such, HR representatives that assist with implementing these kinds of changes should be aware of these requirements and should be able to identify a request that lacks the appropriate approvals.

Therefore, to prevent potential future waste, abuse, fraud, or corruption in connection with overtime allowances/exemptions, the OIG recommends the following for HR:

- Consult the Law Department and provide training for HR employees on Charter provisions relevant to the BOPC HR matters;
- Consult the Law Department and provide training for HR employees on the BOPC Bylaws, particularly those provisions that discuss the Board's powers and duties concerning matters that would affect HR.

In addition, the OIG recommends that HR implement a documentation policy that requires HR to maintain a record of any overtime allowances provided to all City departments and employees that are typically exempt from receiving overtime payments. For example, HR should have a record that lists the reason(s) for providing the overtime allowance and all pertinent conditions, including an expiration date, if applicable. Finally, all pertinent information should be shared with the HR employee services consultant that is assigned to the given department to ensure compliance with all terms of the exemption/allowance.

²²⁹ OIG Interview of City HR Representative Rosita Brockington, November 17, 2023. See CMTS Notes.

²³⁰ OIG Interview of City Labor Relations Manager Anita Ellsworth, November 20, 2023. See CMTS Notes.

²³¹ *Id.*

III. Conclusion

The OIG's investigation found the following:

1. In 2022, Ms. White, developed a "pilot project" to address the backlog of CCRs at the OCI. The project involved "triaging" both new and backlogged complaints, and immediately closing any that didn't allege police misconduct. This new process was not authorized and was, in some ways, inconsistent with the OCI's standard operating procedures. More importantly, the triage process failed to meet the complaint resolution mandates written in the 2012 Charter of the City of Detroit (the Charter), as described in more detail in Section II(1) of this report. Nonetheless, we do not find that Ms. White, Mr. Akbar, and/or SI Hiller engaged in fraudulent activity when participating in or managing the triage pilot project.
2. As it relates to how the triage project was implemented and executed:
 - a. Melanie White abused her position as Interim Secretary when she instructed the former Interim-Chief Investigator, Lawrence Akbar (Mr. Akbar), and a few select OCI investigators to implement the new triage project/procedure.
 - b. Melanie White abused her position as Interim Secretary when she performed the duties of an OCI investigator.
 - c. Lawrence Akbar did not engage in waste, abuse, fraud, or corruption when he accepted and supported Ms. White's directions regarding the triage project.
 - d. SI Hiller did not abuse her position when she participated in the triage pilot project and followed Ms. White's instructions.
 - e. Commissioner Bell did not correct Ms. White's abuse of her position and further did not inform the full Board that citizen complaints were being closed with no input from the Interim Chief Investigator.
 - f. Commissioner Carter did not correct Ms. White's abuse of her position and further did not inform the full Board that citizen complaints were being closed with no input from the Interim Chief Investigator.
3. As it relates to alleged abuse of authority/position by members of Board of Police Commissioners:
 - a. Former Commissioner Charles ("Jim") Holley abused his position by implementing overtime payments to OCI investigators without authorization from the full Board.
 - b. Former Commissioner Holley abused his position by granting Ms. White permission to receive overtime payments without authorization from the full Board.
 - c. Commissioner Bell, former Commissioners Jim Holley, Annie Holt and Bryan Ferguson, and Ms. White abused their positions by submitting BOPC's budget requests and recommendations to the OCFO Budget Department without authorization from the full Board.
 - d. Former Commissioner Bryan Ferguson did not abuse his authority when he instructed SI Cromwell to perform the duties of acting chief investigator.

- e. The OIG cannot substantiate the allegations that Commissioner Bell abused his position by intimidating Secretary Shah or reprimanding SI Cromwell to influence their cooperation with the OIG's investigation.
4. The OIG did not find retaliation in connection with SI Cromwell's changed access to the OCI Case Management System.
5. The OIG cannot substantiate the allegation that SI Cromwell and/or any other OCI investigators wasted City resources and/or engaged in fraud by permitting/participating in an organized work stop while still receiving regular payroll payments.
6. SI Cromwell did not abuse his authority when approving overtime payments for OCI investigators in January, February, and March of 2023.

AFFIDAVIT OF Willie Bell

STATE OF MICHIGAN)

) ss.
COUNTY OF Wayne

I, Willie Bell, affirm under oath that the factual statements made in the response to the OIG Draft Report for Case No. 23-0005-INV are true to the best of my knowledge.

Signature: Willie Bell

Printed Name: Willie Bell

Dated: 2-23-24

Subscribed before me on the 23rd day of February 2024

Signature: Nadine Harb

Printed Name: Nadine Harb

Notary public, State of Michigan, County of Wayne

My commission expires March 27 2028

NADINE HARB
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Mar 27, 2028
ACTING IN COUNTY OF Wayne



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

February 23, 2024

Ellen Ha, Inspector General
City of Detroit
Office of Inspector General
615 Griswold, Ste 1230
Detroit, MI 48226

**Re: OIG File No. 23-0005-INV
Potential Fraud in Administrative Closures of OCI Files**

Dear Ms. Ha,

Please allow this correspondence to serve as Commissioner Willie Bell's written response to your investigation regarding OIT Case No. 23-0005-INV. Specially, Commissioner Bell takes issue with the Recommendations made.

1. **Revise the BOPC Bylaws to ensure its terms are consistent with the Charter. These provisions should include:**
 - a. **Article IV, Section 10. Functions of the Secretary of the Board – As discussed herein, the Secretary is not authorized to direct or supervise other BOPC employees.**
 - b. **Article IV, Section 11. Limited Delegation of the Board Subpoena Power – As discussed herein, the Board is not authorized to delegate its subpoena power to any BOPC employees.**
2. **Revise the BOPC organization chart to ensure its structure is consistent with the Charter. All reorganization plans must comply with the Charter and be approved by a public vote in accordance with the Michigan Open Meetings Act.**

The current BOPC Bylaws indicate that the Board Secretary is the day-to-day manager of BOPC Staff, including the Office of the Chief Investigator. In fact, the Bylaws state:

Section J - Functions of the Secretary to the Board

- (1) ***The Secretary to the Board is responsible for coordinating and managing the day-to-day activities and operations of the Board***, including establishing and maintaining Standard Operating Procedures for staff, and serving as the liaison between various city and Police Department officials, State agencies, unions, and the public. ***The Secretary to the Board***

has the authority and responsibility for supervising all employees, except for the Director of Police Personnel. The Secretary's authority does not include issuing or imposing staff discipline.

You recommend a revision, but the Commissioners and staff, including Commissioner Bell, have been acting in accordance with the current Bylaws, and any finding of impropriety on the part of Commissioner Bell with respect to the Bylaws or organization chart is inappropriate.

The Bylaws state, in relevant part (emphasis added):

Section B - Duties of the Board of Police Commissioners

- (1) The Board shall perform the duties enumerated in Section 7-803 of the Charter. Section 7-803 states the Board shall:
 - a. In consultation with the Chief of Police, and with the approval of the Mayor establish policies, rules and regulations.
 - b. Review and approve the departmental budget before its submission to the Mayor.
 - c. Receive and resolve, as provided in this chapter, any complaint concerning the operation of the Police Department and forward all allegations of criminality to the appropriate internal or external law enforcement agency for further investigation.
 - d. Act as ***final authority*** in imposing or reviewing discipline of employees of the department.

The former Secretary, pursuant to Bylaws, was supervising all employees, except for the Director of Police Personnel. She was not issuing or imposing staff discipline.

5. Immediate retraining for Commissioner Bell on the proper role and duties of BOPC commissioners.

You should be aware that no commissioner, including Commissioner Bell, has ever been trained, so a "retraining" is not possible. While the Charter does not designate anyone to conduct such training or retraining, BOPC Bylaws indicate that the Secretary to the Board is responsible to establish an orientation and training program for the Board (emphasis added):

Section H - Orientation and Training

- (1) ***The Secretary to the Board is responsible for the establishment of an orientation and training program for the Board.*** The program shall have been approved by the Board. ***Each board member will attend and***

complete the training program and participate in sessions designed to serve as refreshers or provide updates. Attendance will be documented and made available to the public. The orientation and training program may include, but is not limited to:

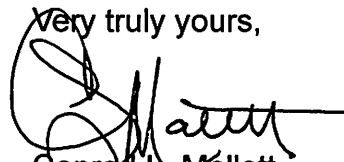
- a. Overview and history of civilian oversight;
- b. Creation of the Board and its Charter duties and responsibilities and Board structure;
- c. Board staff and their duties and responsibilities;
- d. Overview of the City Government and the Police Department;
- e. Conduct of public meetings under the Open Meetings Act, the Freedom of Information Act, and legal considerations;
- f. Officers' rights under collective bargaining agreements;
- g. Citizen's Police Academy and Ride-alongs; and
- h. Issues pending before the Board.

The most recent Board Secretary, Victoria Shah, failed to establish an orientation or training program for the Board, and to Commissioner Bell's knowledge, was not working on preparing any such programs. As your office is aware, Ms. Shah resigned from her role more than one month ago. The Board is actively working to recruit new applicants for the Secretary position and will ensure that the new Secretary develops orientation and training programs for the Commissioners.

The former Board Secretary and counsel worked diligently on revising the Bylaws per the request of the Chair. The Board is working on the revisions to ensure that they are brought into compliance with the Charter.

Commissioner Bell believes it would be fruitful for the OIG to make constructive management recommendations, rather than attacking Commissioners. He strives to uphold the duties imposed on him by the Charter and takes his role as Vice Chair seriously.

Very truly yours,



Conrad L. Mallett
Corporation Counsel

AFFIDAVIT OF Lisa Carter

STATE OF MICHIGAN)

) ss.

COUNTY OF Wayne)

I, Lisa Carter, affirm under oath that the factual statements made in the response to the OIG Draft Report for Case No. 23-0005-INV are true to the best of my knowledge.

Signature: Lisa Carter

Printed Name: Lisa Carter

Dated: 2/26/24

Subscribed before me on the 26 day of February 2024

Signature: Melanie Toth

Printed Name Melanie Toth

Notary public, State of Michigan, County of Wayne

My commission expires 2/25/2026

MELANIE TOTH
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Feb 25, 2026
ACTING IN COUNTY OF

Wayne



February 23, 2024

Ellen Ha, Inspector General
City of Detroit
Office of Inspector General
615 Griswold, Ste 1230
Detroit, MI 48226

**Re: OIG File No. 23-0005-INV
 Potential Fraud in Administrative Closures of OCI Files**

Dear Ms. Ha,

Please allow this correspondence to serve as Commissioner Lisa Carter's written response to your investigation regarding OIT Case No. 23-0005-INV. Specially, Commissioner Bell takes issue with the Recommendations made.

1. **Revise the BOPC Bylaws to ensure its terms are consistent with the Charter. These provisions should include:**
 - a. **Article IV, Section 10. Functions of the Secretary of the Board – As discussed herein, the Secretary is not authorized to direct or supervise other BOPC employees.**
 - b. **Article IV, Section 11. Limited Delegation of the Board Subpoena Power – As discussed herein, the Board is not authorized to delegate its subpoena power to any BOPC employees.**

2. **Revise the BOPC organization chart to ensure its structure is consistent with the Charter. All reorganization plans must comply with the Charter and be approved by a public vote in accordance with the Michigan Open Meetings Act.**

The current BOPC Bylaws indicate that the Board Secretary is the day-to-day manager of BOPC Staff, including the Office of the Chief Investigator. In fact, the Bylaws state:

Section J - Functions of the Secretary to the Board

- (1) ***The Secretary to the Board is responsible for coordinating and managing the day-to-day activities and operations of the Board***, including establishing and maintaining Standard Operating Procedures for staff, and serving as the liaison between various city and Police Department officials, State agencies, unions, and the public. ***The Secretary to the Board***

has the authority and responsibility for supervising all employees, except for the Director of Police Personnel. The Secretary's authority does not include issuing or imposing staff discipline.

You recommend a revision, but the Commissioners and staff, including Commissioner Carter, have been acting in accordance with the current Bylaws, and any finding of impropriety on the part of Commissioner Carter with respect to the Bylaws or organization chart is inappropriate.

The Bylaws state, in relevant part (emphasis added):

Section B - Duties of the Board of Police Commissioners

- (1) The Board shall perform the duties enumerated in Section 7-803 of the Charter. Section 7-803 states the Board shall:
- a. In consultation with the Chief of Police, and with the approval of the Mayor establish policies, rules and regulations.
 - b. Review and approve the departmental budget before its submission to the Mayor.
 - c. Receive and resolve, as provided in this chapter, any complaint concerning the operation of the Police Department and forward all allegations of criminality to the appropriate internal or external law enforcement agency for further investigation.
 - d. Act as ***final authority*** in imposing or reviewing discipline of employees of the department.

The former Secretary, pursuant to Bylaws, was supervising all employees, except for the Director of Police Personnel. She was not issuing or imposing staff discipline.

5. Immediate retraining for Commissioner Carter on the proper role and duties of BOPC commissioners.

You should be aware that no commissioner, including Commissioner Carter, has ever been trained, so a "retraining" is not possible. While the Charter does not designate anyone to conduct such training or retraining, BOPC Bylaws indicate that the Secretary to the Board is responsible to establish an orientation and training program for the Board (emphasis added):

Section H - Orientation and Training

- (1) ***The Secretary to the Board is responsible for the establishment of an orientation and training program for the Board.*** The program shall have been approved by the Board. ***Each board member will attend and***

complete the training program and participate in sessions designed to serve as refreshers or provide updates. Attendance will be documented and made available to the public. The orientation and training program may include, but is not limited to:

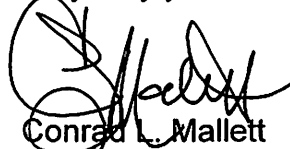
- a. Overview and history of civilian oversight;
- b. Creation of the Board and its Charter duties and responsibilities and Board structure;
- c. Board staff and their duties and responsibilities;
- d. Overview of the City Government and the Police Department;
- e. Conduct of public meetings under the Open Meetings Act, the Freedom of Information Act, and legal considerations;
- f. Officers' rights under collective bargaining agreements;
- g. Citizen's Police Academy and Ride-alongs; and
- h. Issues pending before the Board.

The most recent Board Secretary, Victoria Shah, failed to establish an orientation or training program for the Board, and to Commissioner Carter's knowledge, was not working on preparing any such programs. As your office is aware, Ms. Shah resigned from her role more than one month ago. The Board is actively working to recruit new applicants for the Secretary position and will ensure that the new Secretary develops orientation and training programs for the Commissioners.

The former Board Secretary and counsel worked diligently on revising the Bylaws per the request of the Chair. The Board is working on the revisions to ensure that they are brought into compliance with the Charter.

Commissioner Carter believes it would be fruitful for the OIG to make constructive management recommendations, rather than attacking Commissioners. She strives to uphold the duties imposed on her by the Charter and takes her role as Commissioner seriously.

Very truly yours,



Conrad L. Mallett
Corporation Counsel

107

AFFIDAVIT OF ANNIE HOLT

STATE OF MICHIGAN)

) ss.

COUNTY OF WAYNE)

I, **Annie Holt**, affirm under oath that the factual statements made in the response to the OIG Draft Report for Case No. 23-0005-INV are true to the best of my knowledge.

Signature: Annie Mae Holt

Printed Name: Annie Mae Holt

Dated: 02.26.24

Subscribed before me on the 26 day of February 2024

Signature: [Signature]

Printed Name: Teresa Sturgill

Notary public, State of Michigan, County of Wayne

My commission expires 3-1-2030

TERESA STURGILL
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Mar 1, 2030
ACTING IN COUNTY OF Wayne

2 of 7



CITY OF DETROIT
BOARD OF POLICE COMMISSIONERS

DETROIT PUBLIC SAFETY HEADQUARTERS
1501 FORD STREET, SUITE 97
DETROIT, MI 48226
TELEPHONE: 313.224.2100
FAX: 313.224.1100
WWW.DETROITMI.GOV

January 10, 2022

Deputy CFO/Budget Director Steven Watson
Office of the Budget
1106 Coleman A. Young Municipal Center
Detroit, Michigan 48226

Dear Deputy CFO/Budget Director Watson:

On behalf of the Board of Police Commissioners, thank you for meeting with us last week regarding the Board's FY 23 Budget. In alignment with the submitted budget request, the Board is requesting that 82 vacant positions be funded at the maximum salary range (currently requested at the mid-range) to allow the Board to recruit, select, and hire qualified serious professionals for the key vacant positions.

Additionally, as discussed, the Board is requesting \$30,000 for travel expenses due to the NACOLE (National Association of Oversight for Law Enforcement) Organization returning to in-person conferences and to adequately fund other training opportunities. Moreover, the Board is also seeking the amount of \$175,346 due to personnel supplemental requests (i.e. Attorney to the Board and Fiscal Manager). These funding requests will allow the Board to appropriately restructure the organization to efficiently and effectively service the residents and visitors of the City of Detroit regarding the important charter-mandated oversight services we perform (i.e. investigating police misconduct cases, developing and researching sound constitutional DPD policies and procedures in connection with the Department, and managing key important administrative tasks for the Board and its operations).

Once again, thank you for the opportunity to participate in this budget process. If you have any questions or concerns, please feel free to contact me via email JIMMOLLEY@DETROITMI.GOV or whitem555@detroitmi.gov, 506-1691.

Sincerely,

Rev. Jim Holley
REV. JIM HOLLEY, PHD
Chairperson
Detroit Board of Police Commissioners

Cc: Jason Yates, Deputy Budget Director
Agency CFO James Garriga, Office of Chief Financial Officer, City of Detroit



Annie Holt <[REDACTED]@gmail.com>

Draft Report of Findings for OIG File No. 23-0005-INV

Annie Holt <[REDACTED]@gmail.com>

Mon, Feb 19, 2024 at 12:43 AM

To: Tiye Greene <greenet@detoig.org>

Cc: Ellen Ha <hae@detoig.org>, Kamau Marable <marablek@detoig.org>, Jennifer Bentley <bentleyj@detoig.org>

Good evening, Attorney Greene,

Without benefit of the November 1, 2022 email chains shared with you from Ms. White, I question the assertion that I knowingly did not present the "BOPC Budget to the full board?"

"Former Commissioner Holt, indicated she did not read the emails..."

The entire essence of this investigation questions the integrity of the main characters? One who shared emails about the BOPC Budget instead of the Chair and her placing the discussion of the report on the agenda? I am even confused as to why that action did not occur?

After spending time to watch the BOPC Committee meetings, I came across this recording of a BOPC Committee meeting's video.

I indicated in this meeting that I would share the budget report discussed during this particular meeting with the BOPC Board on the following day?

The access to that recording is below:

November 9, 2022 [Committee Meetings: Personnel & Training, Budget, Citizen Complaints, and Policy]

https://cityofdetroit.zoom.us/rec/play/teu30_jjoOmE1nl--0Db18YHzD9Y0UD5JlteeoY_Fo28Wjv2CPGllKCFrFUY0RYZLvPTf7cjjcTFztb.is6qsbwVaSV5jOjg

When you and I spoke, admittedly I had my uncle's health conditions on my mind as opposed to this investigation being my absolute focus.

There was a set of directions you shared with me verbally.

Before I am able to commit to those directions, I need a repeat from you.

Thanks,

Annie Mae Winston-Holt

[Quoted text hidden]

497

Ms. Annie Mae Holt, Feb. 26, 2024

Attorney Greene,

Please do not expect me to launch any more objections to your investigation. Still, I have attached some topics that do suggest BOPC is keeping very copious notes regarding the BOPC budget information shared with the public and the board.

Whatever BOPC budget your informant is referencing that suggests I was careless and complacent is a mystery to me?

I see your informant made the same accusation about the 23-24 BOPC FISCAL Year Budget as well. This budget is probably one of the most revolutionary budgets BOPC has EVER managed. Among increasing the commissioners and staff have greater access to technology, commissioners will have staff to represent them at community relations meetings. This opportunity will make BOPC more visible to the citizens than in the history of the organization. **As a Member-At-Large I was always stressed with trying to attend two community meetings on the same day, sometime at the same hours.**

This entire investigation, the cause surrounding why it was initiated, has me realizing I often was sitting next to some most unsavory characters. One whom I once viewed and respected as a daughter.

Ms. Annie Mae Winston-Holt

Pages 26 & 27 (BOPC FISCAL YEAR 21 BUDGET/ BOPC FISCAL YEAR 23 BUDGET)

BOPC Budget Actuals December February 15th, 2024

[www.documentcloud.org > documents > 21458634-budget](http://www.documentcloud.org/documents/21458634-budget) Budget Hearings 1pm/3pm - Police Department / Police ...

Mar 21, 2022 · Budget Hearings 1pm/3pm - Police Department / Police Commission 2022-03-21 - BOPC Responses FY 2022-23 BUDGET ANALYSIS (1).pdf Contributed by Documenters App (City

APRIL 13, 2022 BUDGET COMMITTEE UPDATES: BOPC MONTHLY BUDGET ANALYSIS REPORT AS OF FEBRUARY 2022: Included in today's Committee Packet is the BOPC's Monthly Budget Analysis

I could not activate the zoom meeting: Budget Committee Meeting Detroit Public Safety Headquarters 1301 Third Street, Detroit, Michigan 48226 Woodward Room Wednesday, December 14, 2022 @ 2:00 p.m. AGENDA Bryan Ferguson District 1, Chairperson Annie Holt At-Large, Vice Chairperson Linda D. Bernard, Esq. District 2 Cedric Banks District 3 Willie E. Bell District 4 Willie E. Burton Willie E. Burton District 5 Lisa Carter District 6 Ricardo Moore District 7 Jesus Hernandez At-Large Rev. Jim Holley, PhD. At-Large QuanTez Pressley At-Large The public can participate through Zoom on the web or by telephone. On the Web: Use the following link and follow the prompts:

5 of 7

<https://cityofdetroit.zoom.us/j/397380647?pwd=S1kzVzU4RURFb2NBRGJib1kwWVNjdz09> By telephone call one of these numbers: 1 (929) 436-2866, 1 (312) 626-6799, 1 (346) 248-7799, 1 (301) 715-8592, 1 (669) 900-6833, 1 (253) 215-8782 Enter the BOPC Meeting ID 397380647 and press #

November, 2022, was a relatively short month for BOPC meetings.

I also could not activate the Zoom recording for the December 15, 2022 meeting. Nor were there minutes online for the meeting.

2023 BOPC BUDDGET REQUEST

Board of Police Commissioners 2023-09-28 - BOPC Budget Recommendation Detail.pdf

BOPC Budget Actuals December February 15th, 2024

BOPC Budget Amendment Recommendation September 28th, 2023

This discussion shows there was a great deal of BOPC Budget public discussions: BOARD OF POLICE COMMISSIONERS COMMITTEE MEETINGS REPORTS APRIL 13, 2022 BUDGET COMMITTEE UPDATES: BOPC MONTHLY BUDGET ANALYSIS REPORT AS OF FEBRUARY 2022: Included in today's Committee Packet is the BOPC's Monthly Budget Analysis Report regarding the BOPC Budget Operations as of February 2022. The report includes the financial summary, budget vs. actual summary, payroll analysis, procurement plan, Open PO's, Funds Available Report, positions, and other key details. Given that we have recently started the BOPC OCI's Overtime Backlog Project, we are awaiting updated budget information regarding our projected surplus for the end of the year and budgetary allowances for the backlog project. We have submitted inquiries to our Agency CFO Mr. James George regarding those items. At this time, we are still awaiting an update from Mr. George to provide those responses. In the attached report, there is a projected surplus figure. However, the report does not take into account that new hires will begin City employment with the OCI on April 25, 2022. As we receive further updates, this information will be provided to the Board. BOPC FISCAL YEAR 23 BUDGET: Given that City Council is still reviewing and evaluating the budgetary submissions for each Department, there is no current update regarding the Board's FY 23 Budget Approval. Please note that we have answered all of the City Council's budgetary questions and their meeting last week confirmed their acceptance of the BOPC's responses to their inquiries. REQUEST TO PURCHASE ADDITIONAL RESOURCES FOR NEW HIRES: In preparation for the onboarding of the new Investigators, we have determined that additional laptop computers are needed to ensure new hires have proper, working equipment. I am providing notice to the committee regarding this needed purchase of information technology acquisition. See the attached documents for more information. 2 More information regarding various budgetary updates are forthcoming. 3 PERSONNEL & TRAINING COMMITTEE UPDATES: BOPC INVESTIGATOR NEW HIRES: • Out of the six (6) candidates, two (2) declined City employment. Below are the candidates who accepted, cleared background checks, drug

screening and will take a COVID exam to start on the April 25, 2022. • Ms. Pamela King • Mr. Ralph Kinney • Ms. Amanda Marteney • Ms. Nicole McKee • Administrative Assistant and Legal Assistant
 Vacant Positions: BOPC Administration in connection with City HR is currently reviewing resumes and applications for the BOPC vacant position of Administrative Assistant and following up on Legal Assistant vacant position - Goal is to fill both positions by the end of FY 22 - June 30, 2022
 2022 BOPC TRAINING INITIATIVES: BOPC Training Calendar previously provided to all Board Members: Over the last few months, the Board has participated in routine training in adherence to the Board's Bylaws. We held an extensive Board Training in January 2022 discussing charter mandates, BOPC and DPD Operations, and other key information for the Board's awareness. In February, we participated in the DPD's Office of Internal and External Relations Police Community Summit Training discussing and actively participating in police legitimacy and restorative justice practices and scenarios to better learn how DPD is engaging in sustaining police-community relations efforts. This month, the Board has a training scheduled with the United States Attorney's Office for the Eastern District Office Honorable U.S. Attorney Dawn Ison and Executive Assistant U.S. Attorney Luttrell Levingston on April 29, 2022, regarding building and sustaining Community Outreach efforts between the U.S. Attorney's Office of the Eastern District and City of Detroit. We look forward to this training and the outcomes from this important session. The Board continues to attend/participate in police ride-alongs, Crime Intelligence Center Trainings, Precinct and other DPD and BOPC-related educational platforms. The NACOLE 2022 Annual Conference information is attached as well as the preparation timeline for submitting our conference request. The training conference will be held from September 11-15, 2022, in Fort Worth, Texas. Please adhere to those timelines so that we can process our registration and requests in a timely manner. The Board is a proud member of the national oversight agency and regularly attends various trainings and symposiums as well as the annual national conference held each year. Founded in 1995 as a non-profit organization, NACOLE serves

Commissioners Holley and Bell, former commissioners Annie Holt and Bryan Ferguson, and former interim-Secretary Melanie White abused their positions by submitting budget requests/recommendations for the BOPC without authorization from the full Board.

One of the complaints also allege that the BOPC's budget recommendations for the current fiscal year (i.e., 2023-2024 or "FY24") were submitted without the full Board's knowledge and approval.¹⁵⁷ It further allege that the recommendations submitted to the Budget Department served to sabotage the BOPC's programs and progress.¹⁵⁸ The OIG reviewed emails and interviewed several BOPC and OCI employees to determine whether BOPC Budget Requests and Recommendations for FY24 were properly submitted.¹⁵⁹

The OIG investigation revealed that in September 2022, a representative of the Office of the Chief Financial Officer (OCFO) emailed Ms. White regarding potential dates for the BOPC's

7/27

upcoming budget director's hearing.¹⁶⁰ BOPC's deadline to submit its budget requests/recommendations for FY24 was November 1, 2022, and a hearing with the Budget Department was tentatively scheduled for either November 14th or 15th, 2022.¹⁶¹ In the weeks leading up to the November 1 deadline, Ms. White facilitated numerous email communication with several members of the Board regarding the budget.¹⁶² The members included in these email were Commissioners Holley, Ferguson, Bell, and Holt.¹⁶³

Based on the evidence reviewed, these commissioners were selected because at the time, Commissioners Holley, Bell, and Ferguson were the "Board leadership", and at the time, Commissioner Holt served as the Chair of the BOPC Budget Committee.¹⁶⁴ However, there is no evidence that shows that Commissioner Holt shared any information regarding the BOPC's budget with the Budget Committee. In fact, Budget Committee Chair Holt stated that she didn't

As discussed above, the BOPC's Bylaws require the full Board to vote on all budgetary matters.¹⁶⁹ Based on the evidence reviewed, a small group of commissioners and the Interim Board Secretary discussed the proposed budget and submitted recommendations and requests for the BOPC without any authorization from the full Board. Thus, the OIG finds that Commissioners Holley, Holt and Bell, former-Chair Ferguson, and Ms. White abused their positions in this matter.

November 9, Budget Committee Meeting where I shared information regarding the Budget Report?

https://cityofdetroit.zoom.us/rec/play/teu30_jjoOmE1nI--0Db18YHzD9Y0UD5JIteeoY_Fo28Wjv2CPGliKCFrFUyORYZLvPTf7cjjcTFz+tb.is6qsbwVaSV5jOjg

February 23, 2024

Dear Ms. Ha and Ms. Greene:

I have received and reviewed your second Office of the Inspector General (OIG) draft report that was emailed to me on February 12, 2024.

Please be advised that I have been unable to reach my attorneys, Mr. Gerald Evelyn and Mr. Robert Higbee.

Therefore, I am currently considering retaining new attorneys to represent me in a legal case to protest my unjust suspension, termination of my employment based on my sex, and the intentional damage that has been done to my character and reputation.

Based on my review of the Office of the Inspector General draft report, just as was the case with the first OIG report on November 16, 2023, which was published following several vicious complaints that were filed against me by my former Board of Police Commissioners' supervisor, Chairman Bryan Ferguson, your second draft report is biased against me and factually flawed in several significant respects. In addition, rather than being an unbiased report by a neutral third party, your written report is lacking in fairness and instead attempts to cover up the terrible treatment that I received from my supervisor, Chairman Ferguson.

Therefore, any further action on my behalf to set the record straight in your report would be futile in my opinion.

Hopefully, I will be able to obtain new, competent attorneys who will have my rights protected in a court of law, since the Office of the Inspector General, Board of Police Commissioners, and the City of Detroit, including Mayor Mike Duggan, have utterly failed to do so.

Although I was wrongfully fired, I know in my mind and heart that I gave twenty of the best years of my life to improving the quality of life for all of the citizens of the great City of Detroit.

Sincerely,


Melanie A. White



Tiye Greene <greenet@detoig.org>

Fw: Message from KM_C450i

Jim Holley <[REDACTED]@yahoo.com>
To: Tiye Greene <greenet@detoig.org>
Cc: Deborah Church1 <[REDACTED]@aol.com>


Tue, Feb 13, 2024 at 12:48 PM

Good Afternoon Ms. Greene:
Thank you so much for returning my call.

Thank You
Rev. Dr. Jim Holley

----- Forwarded Message -----

From: [REDACTED]@outlook.com <[REDACTED]@outlook.com>
To: "[REDACTED]@yahoo.com" <[REDACTED]@yahoo.com>
Sent: Tuesday, February 13, 2024 at 12:36:38 PM EST
Subject: Message from KM_C450i

 SKM_C450i24021312330.pdf
65K



**CITY OF DETROIT
OFFICE OF INSPECTOR GENERAL**

Ellen Ha, Esq.
Inspector General

AFFIDAVIT CONFIRMING RECEIPT

February 12, 2024

I, Charles J. HOLLEY, attest that I received a copy of the Office of Inspector
General (OIG)'s draft report for OIG File No. 23-0005-INV. I further attest to the following:

- I understand that if I would like to dispute any OIG findings and/or recommendations I must submit a written response and/or request an administrative hearing within 14 calendar days from the date of receiving the draft report.
- I understand that the OIG investigation is still open pending finalization of the OIG draft report.
- The 2012 Charter of the City of Detroit at Section 7.5-313 states that all open files of the OIG are confidential and **shall not be shared with any person or agency**, including the City of Detroit Law Department. This includes the draft report. However, if you have outside counsel to represent you in the administrative hearing or in drafting your response, you may share the draft report with your attorney.
- The draft report shall only be shared with the written consent of the Inspector General.
- I understand that if I share the draft report without the written authorization of the Inspector General, I may be subject to discipline or any other applicable penalty.

Please sign and return this form within 48 hours of receipt of the draft report, or by or before Wednesday, February 14, 2024. If you have any questions about the above information, please contact OIG Associate Attorney Tiye Greene at greenet@detoig.org or (313) 628-2517.

By signing below I affirm that I have read and understand the information above and agree to abide by this statement.

Charles James Holley
Print Name

Charles James Holley
Signature & Date



Tiye Greene <greenet@detoig.org>

Draft Report of Findings for OIG File No. 23-0005-INV

Bryan Ferguson <[REDACTED]@gmail.com>

Sat, Feb 24, 2024 at 11:51 AM

To: Tiye Greene <greenet@detoig.org>

Thank you for your report. Unfortunately there are some things I don't agree with. But at this point I don't believe I can be any more of service. (I wish there would be more done to the people that did the Wrong Things..but I guess not!) Thank you for all your help.

Bryan Ferguson

On Feb 23, 2024, at 10:46 AM, Tiye Greene <greenet@detoig.org> wrote:

[Quoted text hidden]