

CITY OF DETROIT


OFFICE OF INSPECTOR GENERAL

REQUEST TO CLOSE INVESTIGATION MEMORANDUM

DATE:

7/12/2019

TO: Ellen Ha
Inspector General

Approved 

FROM: Jacqueline Hendricks-Moore
File Manager

CASE NAME: Retaliation / Abuse of Authority - BOPC

OIG # 19-0003-INV

COMPLAINANT INFORMATION: Police Commissioner Darryl Brown

I. Introduction

On January 30, 2019, the Office of Inspector General (OIG) received a complaint from Board of Police Commissioner (BOPC or the Board) Vice Chairperson (VCP) Darryl Brown, alleging that the Board Chairperson (CP), Willie Bell, abused his authority when CP Bell removed him as the Chairperson of the BOPC Budget Committee (the Committee). In addition, VCP Brown alleged CP Bell's removal of him from the Committee was in retaliation against him, because CP Bell believed VCP Brown filed a complaint with the OIG that initiated an investigation into the BOPC's hiring practices¹.

The OIG investigation did not find any evidence to substantiate the allegation that CP Bell abused his authority or retaliated against VCP Brown when removing him as the CP of the Budget Committee. Article V, Section 5 of the BOPC's Bylaws grants the BOPC Chairperson the authority to appoint and remove a member of the committee if, in the Chairperson's judgment, the removal of a member would be in the best interest of the organization. Based on our research, the OIG concludes that this section of BOPC's Bylaws is not the best practice used by other cities with similar legislative bodies.

The OIG's investigation revealed other similar legislative bodies require the approval or consent of the full body to appoint and remove members of a standing committee; which is in contrast to the BOPC's Bylaws that delegates this authority solely to the Chairperson. Therefore, the OIG concluded that BOPC's Bylaw Article V, Section 5 delegation of authority solely to the Chairperson is not the best practice and that all members of the Board should have a say on how members are appointed and removed from committees.

¹ OIG Case No. 2018-0050 Abuse of Authority, Fraud

II. Background Information

The complaint

On November 27, 2018, the complainant, VCP Brown was informed by the former City of Detroit Police Department Chief Financial Officer Lisa Jones that there was a surplus in the BOPC's 2018-19 budget, due to some personnel changes. VCP Brown emailed Budget Committee members informing them of the budget surplus and advising the committee members that they needed to meet to discuss how the surplus money should be spent. Also, VCP Brown included his own thoughts about how the money could be spent². Shortly after VCP Brown sent the email, he received an email from the Board's Secretary Gregory Hicks, informing him that the Board's CP has removed him as the CP of the Budget Committee³.

On November 28, 2018, VCP Brown attended the weekly BOPC leadership meeting. At the meeting, VCP Brown asked the Board CP Bell why he was removed as the CP of the Budget Committee. In response, CP Bell told him, that he overstepped his authority by calling a meeting with the Budget Committee. VCP Brown explained his actions were in compliance with Article 5, Section 4 of the BOPC's Bylaws that states in part, "The committee shall meet as determined by the Chairperson of the Board, the Chairperson of the committee, or upon a majority vote of the committee members."

Therefore, VCP Brown alleged CP Bell abused his authority by removing him as the CP of the Budget Committee. VCP Brown believed CP Bell retaliated against him because CP Bell believed VCP Brown had filed a complaint with the OIG, which initiated an investigation into the BOPC's hiring practices.

Board of Police Commissioners Bylaws

Article IV, Sec. 6 a), states in part that the Chairperson of the Board,

Appoints the Chairperson of all standing committees and special committees, and serves as ex-official members of all committees.

In addition, Article V, Sec. 5, states,

Members of each committee must be members of the Board, and the Chairperson of the Board shall appoint the members thereof and designate the Chairperson. Any members of a committee may be removed by the Chairperson of the Board whenever, in the Chairperson's judgment the best interests of the Organization shall be served by such removal. The Chairperson of the Board shall serve as an ex-officio member of each committee and shall be counted for quorum and voting purposes. Vacancies in the membership of any committee shall be filed by the Chairperson of the Board.

² Email: VCP Brown to Budget Committee members, dated November 27, 2018 at 2:12 PM

³ Email: Board Secretary Gregory Hicks to VCP Brown, dated November 27, 2018 at 2:52 PM

Also, Article V, Sec. 6, states

Each committee member will serve a term of one (1) year (unless the committee is terminated or a member is removed from the Board or committee) or until the next annual election of a new Chairperson in which the Chairperson may assign new members to a Committee. The Committee member's term shall reflect the Chairperson's term.

III. Investigation Summary

Interviews

- BOPC Vice Chairperson Darryl Brown, the complainant⁴
- BOPC Chairperson Willie Bell⁵

The following is a synopsis of the facts gathered in this investigation through reviews of documents, emails and statements provided by the interviewees.

BOPC Bylaws authorizes the Chairperson of the BOPC to appoint and to remove any committee members, including chairperson of any BOPC Committee.

In accordance with Section 7-802 of the 2012 Charter of the City of Detroit and Article IV Section 2 of the BOPC Bylaws, on June 1, 2018, Willie Bell was elected by the members of the BOPC as the Chair of the Board. In accordance with the same provision in the BOPC Bylaws, Darryl Brown were elected by the members of the BOPC as the Vice Chair of the Board for a term of one year.

The day after VCP Brown was removed from the Budget Committee, he attended the weekly BOPC leadership meeting. At the meeting, he asked CP Bell why he was removed as Chairperson of the Budget Committee. According to VCP Brown, he was told by CP Bell that he had over stepped his authority when he attempted to call a committee meeting. In his defense, VCP Brown told CP Bell that his actions were in compliance with Article 5, Section 4 of the BOPC's bylaws, which gives him the authority as the chairperson of the committee to schedule a committee meeting for its members. VCP Brown explained that he received no reply from CP Bell.

Because VCP Brown was not provided with any reasonable explanation of his removal from the Budget Committee, VCP Brown believes CP Bell's actions were in retaliation against him because CP Bell believed he reported to the OIG irregularities in the BOPC's hiring practices. He explained that he never verbally told any board member that he filed a complaint with the OIG. While VCP Brown claims that he did not inform any BOPC member that he filed a complaint with the OIG. VCP Brown sent out an email to all board members expressing his opinion that Robert Brown's promotion to the Executive Manager position was improper. He further recommended that Board Secretary Mr. Hicks and Executive Manager Robert Brown be suspended immediately without pay until the matter can be investigated by the OIG⁶. Therefore, CP Bell most likely assumed that VCP Brown filed a complaint with the OIG.

⁴ Interviewed January 30, 2019, by OIG Investigator Jaqueline Hendricks-Moore, who took the complaint

⁵ Interviewed April 19, 2019 by OIG Investigator Hendricks-Moore

⁶ Email: VCP Brown to BOPC member, dated November 14, 2018

On April 19, 2019, CP Bell was interviewed by the OIG regarding this allegation. CP Bell explained that, in accordance with the BOPC Bylaws, the Chairperson assigns board members to the various Board committees and appoints a Chairperson for each committee⁷. The committee members generally serve on the committee during the BOPC Chairperson's term, at the pleasure of the BOPC Chairperson. Likewise, the committee's Chairperson can be removed by the BOPC Chairperson at the Chairperson's discretion if in the Chairperson's judgment the removal of the member would be in the best interest of the organization (BOPC)⁸.

CP Bell served three terms as BOPC Chairperson and during his tenure he has removed members from various committees at least 4 or 5 times. His most recent committee removal was VCP Brown as Chairperson of the Budget Committee. CP Bell explained someone from BOPC, whom he did not identify, told him that VCP Brown improperly contacted former CFO Lisa Jones and tried to have two current BOPC employees' salaries deleted from the budget without going through a proper channel. CP Bell believed this was not in the best interest of the BOPC; and therefore he removed VCP Brown from the Budget Committee.

However, when asked, CP Bell admitted that he did not verify the information he received from a "someone from the BOPC" pertaining to VCP Brown's interaction with Ms. Jones. Nevertheless, whether that "someone" was correct or not, CP Bell was adamant that he had the authority to appoint and to remove VCP Brown from the Budget Committee; and as such, he did just that.

Best Practices used by other cities for the appointment and removal of members to a standing committee

The OIG examined the policies and procedures of other cities with similar legislative bodies to determine the best practices for the appointment and removal of members to standing committees⁹. The OIG found that these legislative bodies require the approval or consent of the full body to appoint and remove members which was in contrast to BOPC's Bylaws that delegates this authority solely to the Chairperson. Therefore, the OIG concludes the BOPC's delegation is not best practice and that all members of the Board should have a say on how members are appointed and removed from committees.

⁷ BOPC Bylaws Article IV, Section 6

⁸ BOPC Bylaws Article V, Section 5 & 6

⁹ City Council Policies for the following cities with populations comparable to Detroit: Detroit, MI; Atlanta, GA; Boston, MA; El Paso, TX; Indianapolis, IN; and Seattle, WA.

IV. Conclusion

Based on the above information the OIG concludes the followings:

- 1) According to the BOPC's Bylaws the BOPC Chairperson has the authority to appoint any board member to its committees. Likewise, the BOPC Chairperson also has the authority to remove any member from a committee if, in the Chairperson's judgment, the removal of a member would be in the best interest of the organization.
- 2) Although, Article V, Section 5 of the BOPC's Bylaws delegates sole authority to the BOPC Chairperson, the OIG found this is not best practice of other similar legislature bodies. Best practice require the approval or consent of the full body to appoint and remove members to standing committees.
- 3) CP Bell told the OIG that he removed VCP Brown as Chairperson of the Budget Committee in accordance with the BOPC Bylaws. CP Bell reasoned the committee members serve at the pleasure of the BOPC Chairperson and BOPC's Bylaws support his decision.
- 4) In the statements made by CP Bell and VCP Brown to the OIG, neither cited the reason for VCP Brown's removal from the Budget Committee was due to VCP Brown's involvement in the OIG's ongoing BOPC investigation. Therefore, the investigation found no evidence to substantiate that when CP Bell removed VCP Brown from the Budget Committee, CP Bell was doing so in retaliation against VCP Brown because CP Bell believed VCP Brown filed a complaint with the OIG about BOPC's hiring practices.

The OIG found no evidence to substantiate that BOPC Chairperson Bell abused his authority or retaliated against BOPC Vice Chairperson Brown.

