



**Board of  
Police Commissioners**

**Improving and Expanding  
Police Accountability and Public Information:  
A Collaborative Review and Report by  
Wayne State University and BOPC Staff**

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## **Use of Force and Civilian Complaint Reporting:**

An Independent Assessment of Data Compilation and Reporting by the Detroit Police Department and Board of Police Commissioners for Greater Public Accountability and Transparency

In 2015, President Barak Obama’s Taskforce on Policing issued its final report, [21<sup>st</sup> Century Policing](#), which established national guidelines to “achieve systemic change in law enforcement for safer communities.” The taskforce’s first two pillars to reform policing were “Building Trust and Legitimacy” and “Policy and Oversight,” an acknowledgement of the lack of transparency and trust between police departments and the people and communities they serve, particularly people of color and the poor. Subsequent events and protests opposing police violence and systemic racism — including in several cities where efforts were made to implement the Obama Taskforce’s reforms — suggest that the “21<sup>st</sup> Century Policing” guidelines have failed to bring about greater public accountability or systemic change in police departments. Yet the call for greater public accountability, transparency, and oversight remains crucial, as public trust can only be built when these are actualized.

The City of Detroit has had civilian oversight of the police through the Board of Police Commissioners since 1974. It has undergone reform efforts several times, most recently under the 2012 Charter. The 2012 Charter empowers the Board of Police Commissioners with supervisory control and oversight of the Detroit Police Department and makes the Board responsible for receiving and investigating non-criminal complaints against police officers. The Board meets weekly and offers a platform for DPD to provide information to the Board and community about crime and operations – and for the public to engage directly with the Board and Police officials. Both the Board and Department also post information on the City of Detroit website and open data portal.

Shortly after the Obama Taskforce report, the Board affirmed its support of the guidelines. Last year, it passed a resolution seeking to ensure adherence to the guidelines and called for an expansion in the type of data and reports shared with the public. The Board, through its staff, asked for a review of some existing reports to help determine the most effective information and formats for improving and expanding accountability and public understanding.

## **Methodology**

The project used an independent and qualitative review to determine the quality of the information; the effectiveness of the report or reporting format for accountability and public understanding; and the changes or improvements that would help make the data collection and reporting more effective for civilian oversight and the public.

The WSU team reviewed and analyzed data, reports, presentations, and other public information about DPD use of force and BOPC citizen complaints available through the City of Detroit web site, open data portal, and BOPC meetings. The review took place from June-August 2021. It included the DPD Use of Force 2020 annual and a quarterly presentation to the Board and the citizen complaints data for calendar year 2019 and for January-March 2020. The preferred two-year review for complaints did not occur in part due to complaint investigation backlogs caused by the impact of the COVID-19 Pandemic. The backlog limited the scope of the review and analysis of the impact of 2020 events like the Detroit Will Breathe-George Floyd protests. OCI did see a rise in the number of overall complaints, and a later review is expected.

## **Project Participants**

Wayne State University is one of Michigan's premiere institutions of higher learning. Led by Dr. Peter Hammer, the Damon J. Keith Center for Civil Rights is named for and carries the legacy of one of the nation's leading jurists. The WSU team included the Department of African American Studies and Department of Urban Planning.

The Board of Police Commissioners is the City's civilian oversight body of the Detroit Police Department created by the 1974 City Charter. In May 2021, the Board leadership authorized its staff to approach Dr. Hammer to seek an independent review of data for use of force and for citizen complaints to determine improvements in metrics and reporting formats for greater accountability and public understanding. BOPC staff worked collaboratively with WSU to share information and to identify areas of improvement through review, research, and analysis of documents and practices.

## **Overview of Research Findings**

The Wayne State University team identified several areas for change or improvements in the collection and reporting of data for use of force by police officers and for non-criminal police misconduct complaints filed by the public. The team also identified instances where report formats and the terms used in those reports obscure general understanding of what the data and reports actually mean. None of the deficiencies is insurmountable given the commitment of the Board to police accountability; some require BOPC and DPD staff to review and devise glossaries of terms; to design report metrics and formats for better public understanding of data and information; or to

report more information. While resources for civilian oversight historically have been limited, some investment, particularly in data systems, data storage, and public information, will be essential.

1. There are major discrepancies between official BOPC reports on complaint allegations and raw data stored on the open data portal. Those discrepancies need immediate review and correction to avoid inaccuracy and public confusion. While some may be related to mislabeling or to investigations that find encounters are outside the Board's jurisdiction because it did not involve a Detroit officer, databases require time for quality control. Currently, the Office of the Chief Investigator has processes that rely on a manual format for portal updates. While OCI is in the process of transitioning from a manual format to an automated process to ensure accuracy, comprehensiveness, and transparency, resources have historically been limited and are more so due to municipal budget cuts from the impact of the pandemic.
  - a. Definition of terms in complaint investigations and findings need to be as clear and as uniform as possible. The terms need to appear with a glossary in all reports and website postings, and the definitions. In 2017, for example, the Board recognized that the OCI term "not sustained" was not clearly understood to mean that case facts were insufficient to make a finding – or inconclusive. Many were using the term "not sustained" incorrectly to mean the findings had cleared the officers. The Board changed the policy for OCI to update the term to inconclusive. Other terms for case dispositions and findings need similar review to ensure terms have the right meaning and are understood by the public.
  - b. Sustained complaints should include a brief summary for the public to understand the misconduct. The disciplinary outcome should also be disclosed with sustained cases for public information.
  - c. Alternate Dispositions includes complaints that undergo *administrative closure* and *transfer* because the complaints are criminal in nature or outside OCI's jurisdiction or area of responsibility. Greater explanation is needed so that the public understands why such cases – about 40% of total cases closed in 2019 – qualified for alternate disposition.
  - d. The need for alternate dispositions is understandable. OCI does not investigate criminal complaints and must transfer those to police internal affairs. At some point, however, DPD should report the outcomes of such criminal transfers and report the outcomes to OCI to share with the Board and the public. The report should follow the same format as the OCI complaint so that the disciplinary outcome easily tracks to the police officer in the complaint. The rationale for imposing specific disciplinary outcomes, or modifying disciplinary measures, as well as the individual

who modified them, should be in reports to the OCI and the Board for public disclosure.

- e. Similarly, while OCI is Charter-mandated to investigate cases involving Detroit police officers, its investigations may find that a complaint involves a state trooper, county sheriff or federal officers. Better reporting of such cases outside its jurisdiction would show the value of oversight in the Detroit area and capture OCI's full scope of fact-finding and investigative work.
  - f. The public may be confused about OCI's Administrative Closure Innocence of Charge of Charge category. The term does not refer to police. It refers to a case where the only complaint filed is that the person is innocent of the charge, such as a traffic citation or an arrest, where charges are subject to a court of law.
2. The format used by DPD in its 2020 and later reports on use of force investigations is flawed and does not clearly show how often police fire weapons. Clear reporting is vital for the public to hold police accountable for the use of force and for the excessive use of force. For example, a chart in the report for Category 1, the most lethal use of force, listed eight (8) fatal shootings, six (6) non-fatal shootings, and three (3) shots fired. A layperson reasonably would expect to count the fatal and non-fatal shootings as shots fired – for a total 14 shots fired – but that count would be accurate only if each victim suffered only one shot.

A report that counts all shots fired at or fired towards a suspect would accurately inform the Board and public. The BOPC and DPD are working together to better define terms and provide additional meaning to those categories for the public.

Also, in 2020, the Board passed a resolution asking DPD to put its uniform crime report to the FBI on the open data portal and to have DPD report on the UCR at a public meeting. That would further aid in transparency about use of force, for which the FBI set criteria in 2015 and began collecting information in 2019. However, the FBI has not yet met its criteria for police participation to release use of force data to the public. That does not stop Detroit or any other city from releasing use of force information to their residents.

3. The open data portal is an essential public asset for police accountability and needs enhancements that include expanding information and designing a user-friendly, real-time dashboard. A dashboard can help the public easily access and view meaningful complaint information about officers, types of complaints, seniority of officers in complaints, and other breakdowns. The portal also should expand the data available from the Board and DPD to include reports for use of force, facial recognition, and other core information. While the weekly

meetings share a lot of information and much of the information is posted at the City website, members of the public cannot easily navigate and review the information.

- a. Expanding the information and providing key data in searchable formats, especially data that can be cross-referenced, will assist the Board and public greatly. For example, Use of force data should be compiled in a format that includes the same categories as the citizen complaint data – which documents the race and gender of the officer and citizen, the unit of the officer, and identifiers for the officers involved, such as shift assignments and seniority. Much of this is likely included in the UCR to the FBI, and could be readily shared with the Board and residents.
  - b. A user-friendly dashboard should allow the public to easily produce and read graphs, charts, statistics, and data presentations that are clear, understandable, comprehensive, and geared toward public accountability and transparency.
4. The complaint hotline should be more readily available, given that the OCI data and BOPC reports show that the top methods of filing complaints are by telephone and walk-ins. Having the hotline on bumper stickers on police vehicles, on citations, and on doors to police buildings would enhance public awareness. Complaints are vital to accountability; however, scholars estimate that only 30 percent of police misconduct incidents are ever reported in the first place.

The data review did look at some demographics. For this limited project, the OCI data reviewed showed that African Americans file the most citizen complaints but not in proportion to their population size in Detroit. Blacks are 78% of the city's population; they account for 68% of citizen complaints. White people account for 14% percent of citizen complaints and are 14% of the population. Men and women report complaints at nearly the same rate, so there is no gender imbalance in reporting; however, the data showed a gender difference in cases for administrative closure. A deeper dive into multiple years of data is needed to show trends and patterns, along with the impact, if any, of major events that bring visitors to the city.

While the two-month project found problems with data, it also pointed out other process improvements for the Board:

- 1) Currently, there is no clear deadline by which police officers must read or receive training on new policy directives approved by the Board. As new or revised policies come before the Board, each should include set time frames by which officers read/train on the policy as a measure of knowledge/competency on the policy.

2. More progress is needed in the Board's work with OCI and the City's open data portal team and on achieving optimal staffing in BOPC operations to support the Board's work. Such progress could allow more useable and real-time information about complaints, investigation status, findings, and disciplinary outcomes.
3. Currently, the DPD and Board separate complaints into "allegations." This is problematic for several reasons. First, the term "allegations" is used often in criminal matters; OCI is restricted to non-criminal complaints and should avoid terms that confuse the public about its role. Second, as currently constructed, an officer could beat someone, rob them, talk to them disrespectfully, and spray them with chemical spray while detained, but this would be counted a single complaint, when each action could be considered a separate complaint. While complaints referred to DPD for criminal investigation may result in criminal charges, the term "allegations" give officers the benefit of the doubt in ways that people who are "charged" with alleged crimes are rarely provided. The Board and OCI should further review complaint classifications and descriptions, as well as consider independent field research and interviews to obtain input from a wide array of residents about misconduct and use of force complaints.
4. The Board recommended to DPD to change police scout cars that are dark and contain slightly darker DPD markings that are not easily identifiable. The public, including some filing complaints, cited problems with knowing those exiting such vehicles were actual police officers. To rectify this, the Board may want to propose a deadline by which all such DPD vehicles and markings are easily visible and identifiable for the public.
5. The BOPC and OCI, due to narrative entries, cannot easily analyze data. A new data system, in conjunction with the Open Data Team, should allow more convenient capture of data to conduct a spatial, racial, and socio-economic analysis of the locations, precincts, commands, and units where citizen complaints emanate, including those about use of force. It should also allow easier capture of the type of police encounter and the reason for police initiating contact. This should be done with an eye towards providing actionable data to ensure the delivery of efficient, effective, and fair policing that appropriately reflects the needs of the community. An improved data system would yield better and more meaningful information.

The Board of Police Commissioners and community recognize the civilian oversight role needs continuous improvement to remain effective. Data and data analysis are vital to finding and addressing practices and patterns of misconduct or criminal actions by police officers. The public benefits from DPD reports with better formatting for clarity, accuracy and transparency. The public also benefits from a user-friendly and robust Open Data Portal with both simple dashboards for key metrics and the capability for deeper review of police complaints, use of force, budget and other information. The Board and community continue to work with the Police Department in ongoing engagement, improvements, and results. The 2015 Presidential Report on community

policing is just as urgent today. In Detroit and across the country, the challenges for civilian oversight remain significant as communities demand more police legitimacy, accountability and transparency from everyone with a role in law enforcement and public safety.