



**LAW DEPARTMENT**

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July 3, 2024

Julie H. Hurwitz  
Goodman Hurwitz & James, P.C.  
1394 E. Jefferson Ave.  
Detroit, MI 48207

via email - [jhurwitz@goodmanhurwitz.com](mailto:jhurwitz@goodmanhurwitz.com)

**RE: Freedom of Information Act Request A24-02842, Dated March 20, 2024, Concerning City of Detroit Records Pertaining to January and February Board of Commissioner Meetings**

Dear Ms. Hurwitz:

This letter serves as the City of Detroit's response to the above-referenced matter. Your request was received by the City of Detroit Freedom of Information Act Section, via email, on March 20, 2024. Because your request was received by electronic transmission, pursuant to Section 5(1) of the Michigan Freedom of Information Act (the "Act"), MCL 15.235(1); your request is deemed to have been received at the Law Department on the next business day, March 22, 2024. In accordance with Section 5(2)(d) of the Act, MCL 15.235(2)(d), we sent a letter extending our time to respond until April 11, 2024. Thank you for your patience.

Your letter requests:

"The entire electronic and physical Commissioner meeting packets for all January and February 2024 Board meetings including January 11<sup>th</sup>, 18<sup>th</sup>, 25<sup>th</sup>; and February 1<sup>st</sup>, 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, 29<sup>th</sup> in the format provided to the Commissioners (i.e. pdf, Word, Excel, etc.)"

The record from the Detroit Board of Police Commissioner (BOPC), which corresponds to your request, consists of three thousand four hundred and ninety-eight (3,498) pages. City of Detroit Law Department personnel must conduct a line-by-line review of the record in order to separate the exempt from non-exempt information before releasing the record. A conservative estimate of fifty-eight (58) hours is needed to perform the necessary review and redactions by the Law Department personnel. The hourly rate of the lowest paid Law Department personnel who is capable of such a review and redaction is \$39.23 per hour. Therefore, the City will incur an adjusted estimated labor cost in the amount of One Thousand Five Hundred 75/100 Dollars (\$1,500.75) [58 hours x \$39.23/hr plus fringe benefits reduced by 50% due to delay] in order to comply with your request. ***Please see attached FOIA Fee Estimate form.***

Accordingly, pursuant to MCL 15.234(8), we require that you provide a **deposit** in the form of a money order or check made payable to the "City of Detroit" in the amount of **Seven Hundred and Fifty 37/100 Dollars (\$750.37)** [\$1,500.75 divided by 2]. Please let me know by **August 21, 2024** as to how you wish to proceed in this matter. Additionally, **include the FOIA request number listed above on the memo line of your check/money order or on a separate note** and forward to my attention. It is important to note that we do not accept cash. **Additionally, please do not write on the check outside of the memo line as our bank will not process checks with writing outside of the memo line. Failure to comply with these policies will result in your check being returned to you.**

Upon receipt of the payment, in accordance with MCL 15.234(1) and (3), we will commence the review and the separation of the exempt information from the non-exempt information and provide you with a supplemental response letter which outlines what information has been exempted from the record and the legal justification for the exemption. We expect that the review of the record will be complete within four months of receipt of your deposit. *Please note that if we are not in receipt of your deposit by the above-referenced date, we shall consider your request abandoned and close our file on this request, pursuant to MCL 15.234(14).*

Please note that pursuant to Section 10 and 10a of the Act, MCL 15.240 and 15.240a, a person receiving a written denial of a request or receiving a letter to submit the labor costs may do one of the following:

- 1) Submit a written appeal to the head of the public body denying the request. Such appeal, if submitted, should specifically state the word “appeal” and identify the reason or reasons for reversal of the disclosure denial. MCL 15.240(1)(a) and MCL 15.240a(1)(a); or
- 2) Commence an action in the circuit court to compel the disclosure of the public records within 180 days after the public body’s denial of the request, MCL 15.240(1)(b), or 45 days after the public body’s request for labor costs, MCL 15.240a(1)(b). If a court finds that the information withheld by a public body is not exempt from disclosure, or that the labor costs requested by the public body exceeds the amount permitted, the requesting party may receive the requested record and, at the discretion of the court, reasonable attorney fees and /or cost. MCL 15.240(6) and (7), and MCL 15.240a(6) and (7).

**For your information, please note that a public** summary of the City of Detroit Freedom of Information Act procedures and guidelines are at [www.detroitmi.gov](http://www.detroitmi.gov) and specifically at <https://detroitmi.gov/document/foia-procedures-and-guidelines> and <https://detroitmi.gov/how-do-i/request-document/foia-freedom-information-act-request>.

Very truly yours,

*Monique Smith*  
Monique Smith  
Senior Assistant Corporation Counsel  
Freedom of Information Act Section  
(313) 237-3012

MS/  
Enclosure