

DETROIT CHARTER REVISION COMMISSION
PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GDS 97

ISSUE CATEGORY: Government Department & Services

SOURCE: Mayor Bing Administration
Letter, Rec'd December 21, 2010

RELATED CHARTER SECTIONS: Art. 7 (Executive Branch: Programs, Services
and Activities), Ch. 11 (Police)

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: In addition to grammatical changes, the chapter on the Police department has been reorganized with the addition of several substantive revisions including identifying the Chief of Police, and not the Board of Police Commissioners, as head of the department, and eliminating the Board's duty to review and approve the department budget (instead the Board will be consulted and comment on the budget).

ARTICLE 7. THE EXECUTIVE BRANCH: PROGRAMS, SERVICES AND ACTIVITIES

CHAPTER 11. POLICE

Sec. 7-~~1105~~ 1102. Chief of Police.

The Police Department is headed by the Chief of Police. The Mayor shall appoint a Chief of Police, who is skilled and experienced in police administration or law enforcement. The Chief of Police serves at the pleasure of the Mayor.

Sec. 7-~~1106~~ 1103. Duties of the Chief of Police.

The chief of police is the chief executive officer of the police department and shall administer the department under the policies, rules, and regulations established by the board and shall:

1. Organize the department with the approval of the board;
2. Recommend rules, regulations, and procedures to the board for its approval;
3. Prepare the annual budget for the police department;
4. Hire, promote, commend, transfer, and discipline employees of the department; have authority to suspend and discharge employees of the department under section 7-1107; file complaints against employees with the board secretary; and direct employees in the performance of their duties;
5. Except as otherwise provided by the board, keep and control all property, books, records, and equipment belonging to the department or held by the department as evidence;
6. Submit to the board an annual report of the operations of the department for forwarding to the mayor, the city council, and the public;

7. Present annually a police department operations improvement plan. The plan shall be filed with the city clerk, distributed to the mayor and city council, and be a public record;
8. Exercise such other powers as conferred by the board.

The chief, with the consent of the board, may appoint necessary deputy chiefs. The chief may attend all meetings of the board and speak on any issue but may not vote.

Sec. 7-~~1102~~ 1104. Board of Police Commissioners.

The ~~police department is headed by a five (5) member~~ Board of Police Commissioners shall consist of five (5) members. The members of the Board shall be appointed by the Mayor, subject to the approval of the City Council. However, if the City Council does not disapprove an appointment within thirty (30) days, an appointment is confirmed. The term of membership on the Board is five (5) years and not more than one (1) member's term expires each year. The Mayor shall not remove members of the Board except for cause. All members of the board must be residents of the City. As nearly as possible, the Board shall be representative of the total community. The Board shall elect a Chairman annually. A member of the Board may shall not serve consecutive terms as Chairman, nor may a person serve more than five (5) consecutive years consecutively as a member of the Board. The Board shall meet at the call of its Chairman, but shall meet at least once each week. All meetings shall be public except that the Board may, in its discretion, publicly reserve specified subjects for executive session. No 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. Compensation for members of the Board may be established by ordinance.

Sec. 7-~~1103~~ 1105. Duties of the board of police commissioners.

The board shall:

1. In consultation with the chief of police, and with the approval of the Mayor, establish policies, rules and regulations;
2. ~~Review and approve~~ Be consulted and comment on the departmental budget before its submission to the Mayor;
3. Receive and resolve, as provided in this Chapter, any complaint concerning the operation of the police department;
4. Act as final authority in imposing or reviewing discipline of employees of the department;
5. Make an annual report to the Mayor, the City Council, and the public of the department's activities during the previous year, including the handling of crime and complaints, and of future plans.

The Board may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Board shall apply to the appropriate court. The Board may delegate in writing to a member of its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the Board and does not prevent exercise of any power by the Board.

Sec. 7-~~1104~~ 1106. 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 for investigative work.

3. Other staff.

The Board may hire, in accordance with Article 6, Chapter 5, 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.

RATIONALE: *"Section 117.3(a) of the Michigan Home Rule City Act, MCL 117.3(a), requires that a home rule city charter contain a provision for "the election of a mayor, who shall be the chief executive officer of the city." However, the Michigan Home Rule City Act does not require that the Charter establish a Board of Police Commissioners.*

"Under the 1997 Detroit City Charter, the Police Department is only one of two City departments that are headed by a commission instead of a department director. Because the City of Detroit is a strong-Mayor form of government, the Chief of Police should be directly responsible, as the head of the Police Department, to the Mayor for the delivery of services without the Board of Police Commissioners being placed in the chain of command in the City Charter between the Mayor and the Chief of Police. As a part-time Board, the Board of Police Commissioners is unable to oversee the day-to-day operations of the Police Department, which requires the round-the-clock attention that only a full-time Chief of Police can provide. Sections 7-1102 through 7-1106 of the 1997 Detroit City Charter are realigned, above, to reflect these changes."-Mayor Bing Administration, Letter, Rec'd December 21, 2010.

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: