

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: EPS 8

ISSUE CATEGORY: Enforcement & Public Safety

SOURCE: Rev. Jerome Warfield, Chair

RELATED CHARTER SECTIONS: 7-1108

Board of Police Commissioners

Letter dated 10/26/10

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Designate the appropriate entity for the receipt and investigation of complaints as being the Office of the Chief Investigator.

RATIONALE: "This section [7-1108,Complaints] currently requires the chief of police and chief investigator for the board to immediately investigate [citizen] complaints that have been filed with the department and to report the findings of those investigations to the board within forty-five (45) days.

"The Charter language seems to have unwittingly imposed a duplicative investigative process for each and every complaint, or a system that requires the chief and chief investigator to collaborate on investigations and jointly report their findings. I doubt whether the drafters of this provision intended this result.

"In reality, the chief of police has no direct role in the investigation of citizen complaints; that responsibility resides in the board through its Office of the Chief Investigator. The police chief's involvement in the process arises after the board has reviewed and approved the chief investigator findings. If the board sustains a finding of misconduct, the chief of police or designee imposes discipline. Otherwise, the police chief takes whatever other action deemed appropriate.

"Therefore, in an effort to clarify the role of the board and chief investigator, and to come into compliance with the federal Consent Decrees that the department is working under, we offer the following change[]...." *—Rev. Jerome Warfield, Sr., Chairperson, Board of Police Commissioners, Letter dated 10/26/10*

Request for more information made October 26, 2010. Information requested included:

1. Provide a copy of the Consent Decree referenced in your letter, highlighting those portions which substantiate the changes you deem required by this document.
2. Provide the rationale as to the need for the recess requested.
3. Does the Board currently comply with the Michigan Open Meetings Act?
4. Provide some detailed information regarding the past actions taken by the City in collective bargaining that has negatively impacted or limited the Board's authority to impose and review employee discipline, particularly related to "consideration of prior disciplinary history affecting promotional qualifications". Also, explain what steps have been taken in the past to address this issue with the Chief of Police or other city officials, including the position they have taken on the matter.

5. Explain the role of Internal Affairs in the investigation of citizen complaints and the coordination between Internal Affairs and the Board in the investigation of complaints. Also, please explain how the current Consent Decree(s) require the revisions requested under section 7-1108, highlighting the those sections of the Consent Decree(s) that require the revisions to 7-1108 which the Board requests. Copies of the relevant Consent Decree(s) should be provided.

6. What is the Board's understanding as to reason for the November 6, 2001 amendment to section 7-1108 (Complaints) which, among other things, added language making both the chief of police and the chief investigator responsible for investigations of complaints? This appears to be a clear departure from the prior language which made the chief investigator solely responsible for this function, indicating an intentional change.

7. Provide the benchmark data referred to in your letter, which supports increasing the timeline for filing the report of findings. Also provide the "Stipulation to the Consent Judgments" that requires or supports this change, highlighting the sections of this document the Board believes requires the revision. Also, provide the complication or impediments the Board experiences from having to comply with a 45 day timeline.

8. Explain which types of investigations, other than those initiated by a complaint concerning the police department under 7-1108, the Board believes it has authority to conduct under the Charter.

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: Proposed language from Board of Police Commissioners located under "Proposed Revisions" tab.