

# Civilian Oversight Citizen Focus Group Proposals as of June 24<sup>th</sup> 2020

~~Red Strikethrough indicates deletion~~ and, Underlined bold blue indicates addition,

\* The asterisk (\*) indicates content that significantly overlaps with the jurisdiction of committees other than the “Public Agencies” committee and may also be looked at by other focus groups.

## ARTICLE 2. GENERAL PROVISIONS

### **Sec. 2-106.1. Ethical Standards of Conduct.**

1. These standards of conduct apply to all Public Servants including the Mayor, City Council members, City Clerk, appointive officers, appointees, employees and contractors as defined in this Charter.

Paragraph 1 Page 17

### **Sec. 3-105. City Elections and City Council Initiated Ballot Proposals.**

Paragraph 4 page 26.

If a vacancy occurs in an elective office of the Board of Police Commissioners it shall be filled ~~by the Mayor~~ with the available losing candidate for that office who received the highest number of votes for that office in the preceding election. If such a person is not available, then the remaining police commissioners shall appoint a person to fill the office with a resident from the relevant district, ~~subject to City Council approval. If City Council does not disapprove the appointment within thirty (30) days of the appointment it will be deemed confirmed.~~ The appointed person shall serve until an elected member takes office. The election to fill the vacant position shall occur at the next general election to be held not sooner than one hundred eighty (180) days after occurrence of the vacancy.

### **Sec. 3-107. Elective Officers of the City.**

The elective officers of the city are the Mayor, the nine (9) members comprising the City Council, the City Clerk and ~~seven (7)~~ nine (9) elected Board of Police Commissioners.

### **Sec. 3-109. Nominating Petitions.**

Paragraph 5 pages 27 & 28

In the initial election, where a candidate is seeking nomination to the office of district elected Police Commissioner, the candidate's petition shall be signed by a number of voters of the district equal to not more than one percent (1%) nor less than one-fourth percent (1/4%) of the number resulting when the total number of votes cast at the preceding Regular City General Election for all offices of the City Council members is divided by nine (9). In succeeding elections the candidate's petitions shall be signed by a number of voters of the district equal to not more than one percent (1%) nor less than one-fourth percent (1/4%) of the number resulting when the total number of votes cast at the preceding Regular City General Election for all offices of elected Board of Police Commissioners is divided by ~~seven (7)~~ nine (9).

### **Sec. 3-111. Residency Requirement for Elective Officers. \***

Page 28

#### *2. City Council and Board of Police Commissioners.*

In addition to being a resident for ~~one four ( 4 )~~ years, as required above, candidates for City Council and the Board of Police Commissioners shall be bona fide residents of their districts and must maintain their principal residence in their districts for ~~one four ( 4 )~~ years immediately preceding election or appointment and throughout their tenure in that office. Also, candidates for police commissioner shall not have had prior employment as a sworn officer of the Detroit Police Department.

### **Sec. 4-111. Confirmation Authority. \***

Page 32

Except as otherwise provided in this Charter or as may be required by law, Mayoral appointment of the ~~Chief of Police~~, Fire Commissioner, Director of Planning and Development, Director of Human Resources and Corporation Counsel, is subject to approval by City Council. However, if the City Council does not disapprove the appointment within thirty (30) days after submission by the Mayor, the appointment is confirmed.

### **Sec. 7-801. Police Department.**

The Police Department shall serve the people of Detroit by performing these duties: preserve the public peace, prevent crime, arrest offenders, protect the rights of persons and property, guard the public health, preserve order, and enforce laws of the State of Michigan and the United States and the ordinances of the City of Detroit.

### **Sec. 7-802. Board of Police Commissioners.**

Page 66

The Board of Police Commissioners has supervisory control and oversight of the Police Department as set forth in this Chapter. The Board of Police Commissioners is composed of ~~eleven (11)~~ nine (9) members, seven of whom shall be elected from each non at-large district. ~~Four (4)~~ two (2) members of the Board shall be elected from the at-large district. ~~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. Appointed members shall serve a term of five (5) years, and not more than one (1) member's term expires each year. The Mayor shall not remove appointed members of the Board except for cause.~~ Vacancies in positions held by ~~appointed~~ members shall be filled with the available losing candidate for that office who received the highest number of votes for that office in the most recent election. If such a person is not available, then the remaining police commissioners shall appoint a person to fill the office with a resident from the relevant district ~~by the Mayor for the unexpired term, in the same manner as the initial appointment.~~ All members of the Board must be residents of the City.

The Board shall elect a chairperson annually. A member of the Board may not serve consecutive terms as chairman, nor may an appointed person serve more than ~~five~~ four (5 4) years consecutively as a member of the Board unless elected. The Board shall meet at the call of its chairperson, but shall meet at least once each week and may recess during Thanksgiving, Christmas and New Year holidays. All meetings shall be held in accordance with the Michigan Open Meetings Act, and all committee meetings shall be open to the general public. No ~~appointed~~ member of the Board shall have been an ~~employee or elective or appointive~~ officer of the city Detroit Police Department ~~within three (3) years prior to appointment or while serving as a member of the Board.~~ Unless required by state law, ~~elected~~ members shall not be entitled to salaries, retirement benefits, health benefits or other fringe benefits. Appointed members, and elected members not entitled to compensation by state law, ~~may~~ shall receive by ordinance reimbursement for parking, mileage resulting from any Board of Police Commissioner related meeting, and other reasonable expenses. Reasonable expenses shall include the salary for a part-time staff person for each commissioner, and office supplies. All ~~appointed~~ Commissioners serving at the time of the effective date of this Charter shall continue in their office until ~~their term expires~~ the newly elected Commissioners are sworn in or their office becomes vacant.

Each commissioner shall have a budget and a dedicated office space equipped with a networked computer. They shall also have a secure, shared meeting room in which commissioners may meet with constituents. The meeting room shall have its entrance monitored by a camera and shall and only be accessible by commissioners. The meeting room shall also contain secure monitored file cabinets wherein commissioners may store sensitive documents. The Board shall chose who monitors the room and how compliance with this paragraph is implemented.

### **Sec. 7-803. Duties of the Board of Police Commissioners.**

Page 67

### Special Definition:

In this section the term "force" means the following actions by an officer: any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person.

The term includes the discharge of firearms; the use of chemical spray, choke holds or hard hands; the taking of a subject to the ground; or the deployment of a canine. The term does not include escorting or handcuffing a person, with no or minimal resistance. Use of force is lawful if it is objectively reasonable under the circumstances and the minimum amount of force necessary to effect an arrest or protect the officer or other person.

The Board shall:

1. In consultation with the Chief of Police, and ~~with the approval of~~ the Mayor, establish policies, rules and regulations;
6. Have the chairs of committee meetings make minutes of all committee meetings and closed sessions available to all other commissioners and all minutes shall be made available to the general public within 5 business days, but Identifying and personal information may be redacted unless the involved person approves the release of that information;
7. Investigate all police shootings, and allegations of police use of force.

### **Sec. 7-804. Staff.**

Page 67

#### **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.

#### **3. Member Staff.**

Each board member shall appoint a part-time staff member to help the member address constituent concerns, and assist the member in the performance of his or her duties.

#### **4. Volunteer Shadow Staff.**

For the first year of a commissioner's term he or she shall allow a member of the community to shadow him or her. This opportunity shall be offered to the available losing candidate for the same office with the largest number of votes in the most recent election. If no losing candidate is available, persons qualified to vote for the commissioner may apply to shadow him or her. The opportunity will be assigned to one of the applicants by lottery. The volunteer shadow staffer will be permitted to observe the commissioner in his or her official duties.

#### **3 5.. Other Staff.**

The Board may hire, in accordance with Article 6, Chapter 4, such additional staff as is necessary to carry out its duties. All members of the staff are under the direction of the Board (or assigned commissioner), and the Chief of Police has no authority over any member of the staff.

### **Sec. 7-805. Chief of Police.**

The Board of Police Commissioners shall conduct a professional search with a reputable and qualified executive search firm or other equally qualified entity to identify candidates for Chief of Police. ~~The, and Mayor~~ shall appoint, subject to approval by City Council, a Chief of Police from a list of qualified candidates provided by the Board of Police Commissioners. If City Council does not disapprove of the appointment within thirty (30) days, it is deemed confirmed. The Chief of Police serves at the pleasure of the Mayor. The Chief of Police shall be skilled and experienced in police administration or law enforcement and as the head official in charge of the department. ~~The~~ Chief of Police shall hold no other office and be responsible for its day-to-day operations and administration.

**Add to Section 7-807 Discipline: "Police may only engage in the following actions for protection of themselves or the public, under circumstances identical to those under which any civilian would also be permitted to do so, with the same burden of proof**

requirements: Holds or means of restraint that impair respiration including choke holds, sustained chest compression, or compressing blood vessels in a manner that prevents oxygen from reaching the brain. Punching with a closed fist in a manner that is likely to cause injury. Violation of this policy will be grounds for dismissal and the Detroit Police Department will advise the courts to treat the officer involved with the same due process and standards as would be applied to a civilian acting in a similar manner.

**Sec. 7-808. Complaints & Allegations of Force.**

Complaints concerning the Police Department filed anywhere in the Department and allegations of force (as defined in section 7-803) shall be forwarded immediately to the Board Secretary. Copies of the complaint or allegation of force shall be made available to each member of the Board, the Chief Investigator, and the Chief of Police. The Chief Investigator for the Board shall investigate a complaint or allegation of force immediately and file a report of findings with the Board within ~~sixty (60)~~ **thirty (30)** days. Within thirty (30) days of receipt of a complaint by the Board Secretary, the Board shall send written communication informing the complainant that their complaint has been received, the guidelines on how the complaint will be handled, and the timeline on when the complainant shall receive a disposition on their complaint.

All city-possessed video and body-cam video shall be made accessible to the Board of Police Commissioners by the subsequent meeting (within 5 business days).

Unedited copies of all video of police interactions, shall be provided to the Board of Police Commissioners, simultaneous to receipt by the Detroit Police Department. These videos shall be catalogued and stored in a secure location only available to the Board of Police Commissioners.

**Sec. 7-812. Recruitment and Entry into Service.**

Applicants for employment as police officers with the Department must enter the police service in accordance with section 7-813. Applicants for civilian employment with the department must enter the classified service as provided in Article 6, Chapter 4 of this Charter. Police officers shall establish residency in the City of Detroit by the date of entry into service. Termination of residency by an officer on active duty shall be regarded by the Detroit Police Department as immediate resignation from employment. When there is a lapse in residency during an approved leave of absence, the resumption of residency shall occur before the officer can resume active duty.

Add to Article 7, Chapter 8 of the charter as section 7-819: "All contracts entered into by the Detroit Police Department must have the clause, 'Nothing here-in shall be construed to permit violations of the Detroit City Charter, and any language here-in that violates the Detroit City Charter shall be void.' Any contracts between the Detroit Police Department and contractors, labor unions, or other parties, that omits this clause, shall be void."