

**CITY OF DETROIT  
OFFICE OF INSPECTOR GENERAL**

OIG CASE #2014-DA-006

June 19, 2014



JAMES W. HEATH  
Inspector General

## **I. Introduction**

The Office of Inspector General (OIG) opened an investigation into Detroit City Council President Pro Tem George Cushingberry's actions during a traffic stop by the Detroit Police Department on January 7, 2014 to determine whether he abused his authority by attempting to improperly influence the outcome of the stop.<sup>1</sup>

The OIG investigation was limited to whether Councilman Cushingberry used his status as a member of the Detroit City Council in a manner designed to influence the actions of the police officers who initiated the stop. For the reasons stated in this report, the City of Detroit Office of Inspector General concludes that there is insufficient evidence to support a finding that Council President Pro Tem Cushingberry abused his authority during his interaction with members of the City of Detroit Police Department.

## **II. Investigation Sources**

The Office of Inspector General reviewed a number of written documents, conducted direct interviews, and reviewed interviews conducted by the Internal Affairs Division of the Detroit Police Department. The events described in this report are derived from these sources.

### **A. Written Documents consulted by the OIG in the course of investigation:**

- Internal Affairs Inter-Office Memorandum regarding the investigation into the traffic stop of Councilman Cushingberry on January 7, 2014.
- Detroit Police Department Activity Logs of Officer Walter Atkins and Officer Alen Ibrahimovic; Officer Nico Hurd and Officer James Covington; Officer Donald Covington and Myron Watkins; and Sgt. William Carter.
- Internal Affairs complaint dated January 9, 2014.
- Detroit Police Department Manual Directive Numbers 202.1 and 203.3.
- 2012 Charter of the City of Detroit.

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<sup>1</sup> 2012 Detroit City Charter Section 7.5-306. Investigations may be initiated in response to a complaint or on the Inspector General's own initiative in order to detect and prevent waste, abuse, fraud, and corruption.

2012 Detroit City Charter, Section 2-105 (A)(27) – "*Public Servant* means the Mayor, members of City Council, City Clerk, appointive officers, any member of a board, commission or other voting body established by either branch of City government or this Charter and any appointee, employee or individual who provides services to the City within or outside of its offices or facilities pursuant to a personal services contract.

## **B. Interviews conducted or reviewed during the course of the investigation:**

- Council President Pro Tem George Cushingberry
- Police Officer Walter Atkins
- Police Officer Alen Ibrahimovic
- Sergeant William Carter
- Police Officer Myron Watkins
- Police Officer Donald Covington
- Police Officer James Compton
- Police Officer Nico Hurd
- Richard Clement

## **III. Undisputed Account**

On January 7, 2014 at approximately 10:15 P.M. Detroit Police Officers Alen Ibrahimovic and Walter Atkins conducted a traffic stop of a vehicle driven by City Council President Pro Tem George Cushingberry. Councilman Cushingberry was driving a privately owned vehicle registered in his name. He was traveling in the area of Livernois Ave and Northfield. Councilman Cushingberry and his passenger, Richard Clement, were the only persons in the vehicle. The officers were driving a fully-marked police vehicle at the time of the stop.

Officers Ibrahimovic and Atkins approached Councilman Cushingberry's vehicle and requested his driver's license, registration, and proof of insurance. Councilman Cushingberry provided his city issued city council identification card and verbally identified himself as a city council member at least once during the stop. The responding officers indicate that they smelled a strong odor of marijuana coming from inside the vehicle as they approached. As a result, the officers ordered Councilman Cushingberry and Mr. Clements to exit the vehicle. The officers frisked Councilman Cushingberry and Mr. Clements and discovered "three (3) to four (4) marijuana blunts" on Mr. Clements. A search of the vehicle revealed a vial of suspected marijuana<sup>2</sup> in the center console and a "partially smoked blunt." Mr. Clement produced a valid Michigan medical marijuana card. Officer Ibrahimovic also discovered an empty or near empty liquor bottle on the passenger side floorboard as well as a half-filled cup of suspected alcohol.

All of the parties described the scene of the stop as tension-filled. Councilman Cushingberry believed that he had been wrongfully detained, and the officers were frustrated by what they believed was his refusal to cooperate fully. As a result, Officers Ibrahimovic and Atkins radioed for assistance. At least five additional police officers arrived at the scene soon after the traffic stop. However, only two, Officer Myron Watkins and Sgt. William Carter, had any significant contact with either passenger.

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<sup>2</sup> The parties to this incident believe that the substance in question was marijuana; however, no chemical analysis was conducted, so its makeup cannot be confirmed. For purposes of this report, it is considered "suspected marijuana" whether referred to as such or not.

Sgt. Carter was the last DPD member to arrive. As the highest ranking member, he ordered all of the officers except for Ibrahimovic and Atkins to leave the scene. Sgt. Carter evaluated the situation and determined that Councilman Cushingberry was not intoxicated or impaired and that the bottle of liquor was old and had not been consumed that night. He determined that Mr. Clement had less than 2.5 grams of marijuana, an amount he considered consistent with personal use. He instructed the officers to ticket Councilman Cushingberry for “Failure to Signal” and release him. He did not perform his own search of the vehicle and failed to collect any evidence or administer a Breathalyzer test.

None of the events related to the traffic stop were recorded. Police department vehicles are generally equipped with video and audio equipment designed to record certain police action. Of the 3 DPD vehicles which arrived at the scene, none successfully recorded the stop or the subsequent interaction between the officers and Councilman Cushingberry.

#### **IV. Disputed Accounts**

In addition to the facts described above, the central parties<sup>3</sup> give differing accounts concerning several important details surrounding what occurred at the scene. However, two primary areas are of particular relevance to this investigation:

- Whether Councilman Cushingberry attempted to display his city council identification instead of providing his State of Michigan operator’s license as requested by police; and
- The extent to which Councilman Cushingberry’s statements regarding his status as a member of city council evidenced an effort to improperly influence the outcome of the police investigation

##### **A. The facts as described by Officers Ibrahimovic and Atkins**

Officers Ibrahimovic and Atkins stopped Councilman Cushingberry because he nearly caused an accident with their scout car when he turned out of the Penthouse Lounge without signaling. The officers pulled behind the vehicle with their emergency lights and sirens activated. Councilman Cushingberry pulled his vehicle to the side of the road. But, when the officers got out of their car, Councilman Cushingberry drove an additional 10 to 15 feet. The officers got back into their vehicle and called out over the radio that the vehicle was hesitating to stop, causing additional officers to come to the scene as back-up.

As Officer Ibrahimovic approached the vehicle, Councilman Cushingberry identified himself by holding his city council badge out of his window and asked, “Do you know who I am?” The officers indicated that he also immediately identified himself as being a City Council member. When Officer Ibrahimovic got to the vehicle, he asked Councilman Cushingberry for his driver’s license. Instead of producing the license, Councilman Cushingberry attempted to turn on the vehicle and reach for his gear shifter. In response, Officer Atkins opened the passenger side door, removed the keys and placed them on the vehicle’s roof.

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<sup>3</sup> Officers Ibrahimovic and Atkins; Councilman Cushingberry; Sgt. Carter

Councilman Cushingberry failed to provide a driver's license despite repeated requests by Officer Ibrahimovic and at least one request by Officer Atkins. Additionally, Councilman Cushingberry repeated that he was a city council member, a lawyer, and that his civil rights were being violated. Officer Ibrahimovic felt that this was an attempt at intimidation.

**B. The facts as described by Councilman George Cushingberry**

Councilman Cushingberry used his turn signal when leaving the Penthouse Lounge parking lot after consuming only one alcoholic beverage, a water and diet Coke, but the officers may have been unable to see the signal from their vantage point. About a half-mile after he turned out of the parking lot Councilman Cushingberry noticed police lights, but did not hear a siren. He believed that the officers were attempting to drive around him so he pulled over to allow them to drive pass. Next, he believed that he heard an officer tell him to pull closer to the curb. He restarted the vehicle and moved the car forward in order to comply with the police command.

After pulling to the curb Councilman Cushingberry heard an officer say, "You are trying to run away!" He responded that he was not and held his hands in the air. An officer then told him to turn off his vehicle and he complied. Officer Ibrahimovic approached Councilman Cushingberry's door, grabbed him out of his vehicle, and handcuffed him to Mr. Clement after telling them to get out of the vehicle because he smelled marijuana. After he was out of his vehicle, an officer took Councilman Cushingberry's keys out of the ignition and placed them on top of his vehicle.

While standing outside, Officer Ibrahaovic told Councilman Cushingberry to place his driver's license on top of the car. Councilman Cushingberry stated that he either handed his operator's license to Officer Ibrahimovic or placed it on top of the vehicle as he had been instructed. Councilman Cushingberry never got his driver's license back from Officer Ibrahimovic. He claims to have asked Officer Ibrahimovic where his driver's license was during the stop and asked him to return it. Councilman Cushingberry's other items, including his city council badge and registration were returned to him at the scene.

According to Councilman Cushingberry, he placed his city council identification on top of his vehicle around the same time he produced his driver's license. He showed the council identification because he believed that DPD policy required him to identify himself as a public official. He stated that he identified himself as a city council member to the officers one time during the stop.

After approximately 30 minutes, Councilman Cushinberry was allowed to return to his vehicle. He waited there with the engine on while officers conducted their investigation and waited for a supervisor to arrive on the scene. Several different officers arrived while he was waiting for the supervisor.

When the supervisor, Sgt. Carter, arrived, he asked Councilman Cushingberry if he had provided his driver's license to the officers. Councilman Cushingberry answered that he had

done so, but that the officers had not returned it to him. Sgt. Carter asked Councilman Cushingberry whether his license was suspended, and Councilman Cushingberry responded that there had been a hold on the license, but that he had paid some parking tickets one week earlier in order to release the hold.

Councilman Cushingberry did not know that there was marijuana in the center console of the car, but believes that it belonged to his passenger, Mr. Clement - a registered medical marijuana user. With respect to the alcohol bottle, he contends that it was empty and was part of other trash that was in the vehicle. He had not consumed anything from the bottle recently.

Throughout the stop, Councilman Cushingberry repeatedly told officers that they were harassing and racially profiling him in violation of his civil rights and informed them that he was an attorney. Councilman Cushingberry stated that he did not use his authority or position to persuade the officers in any way and does not believe that his actions conveyed that sentiment to the officers.

### **C. The facts as described by Sgt. William Carter**

Sgt. Carter reported to the traffic stop after receiving a call from one of the responding officers. The officers told Sgt. Carter that they needed him to come to the scene because they had stopped a city council member who had a complaint about the way he was being treated. Upon arriving at the scene, Sgt. Carter learned that Councilman Cushingberry complained of being racially profiled and that the officers had no justification to stop him. There were three police vehicles at the scene when Sgt. Carter arrived. He directed Officers Compton, Hurd, Watkins and Covington to leave after determining that their presence was not necessary.

Sgt. Carter stated that Officers Atkins and Ibrahimovic called out a “jump the gun chase” over the radio. This term describes a situation in which a driver suddenly accelerates after an officer attempts to stop him, but does not drive any substantial distance. Sgt. Carter stated that no actual chase occurred because Councilman Cushingberry did not drive far after the initial stop. Sgt. Carter stated that when he arrived at the scene Officers Ibrahimovic and Atkins advised him that Councilman Cushingberry had an open bottle of alcohol in the vehicle, the vehicle smelled of marijuana, and that Councilman Cushingberry had a suspended license. Councilman Cushingberry told Sgt. Carter that his license was not suspended but that it had been placed “on hold” due to previously unpaid parking tickets that he had recently paid off.

- 1. The responding officers told Sgt. Carter that Councilman Cushingberry presented his operator’s license to them.*

When Sgt. Carter asked Councilman Cushingberry about his operator’s license, the councilman told him immediately that the officers had it. Sgt. Carter maintains that Officers Ibrahimovic and Atkins told him that Councilman Cushingberry presented his operator’s license to them but that they did not know what happened to it. Sgt. Carter claims that the officers told him that perhaps Officer Compton, an officer who had been dismissed from the scene, still had it. Sgt. Carter stated that he told the officers to contact Officer Compton via radio to retrieve the license while he talked to Councilman Cushingberry; however, he did not know whether the

officers actually contacted Officer Compton. He stated that is aware of past incidents involving multiple scout cars when an officer has mistakenly left with a subject's operator's license.

2. *Sgt. Carter did not witness Councilman Cushingberry making abusive comments or attempting to use his position of authority in an inappropriate manner.*

Sgt. Carter introduced himself to Councilman Cushingberry as Officers Atkins and Ibrahimovic stood by. Councilman Cushingberry began saying, "I didn't do anything! They are harassing me!" He stated that Councilman Cushingberry also said "Why are you messing with me? What have I done wrong? I'm just leaving the club. Why are they stopping me?" Sgt. Carter also heard Councilman Cushingberry state "I'm an attorney, why would I have alcohol in my car? Why would I have marijuana in my car?" Sgt. Carter described Councilman Cushingberry's demeanor as non-aggressive and non-violent. Sgt. Carter was aware of the councilman's position.

Sgt. Carter asked Councilman Cushingberry why he failed to immediately pull over when the officers attempted to stop him. Councilman Cushingberry stated that he did not see the police car behind him and added that he attempted to place his key back into the ignition to roll up his windows because he was cold and the officers told him to turn off his vehicle.

Sgt. Carter stated that he did not smell the odor of marijuana when he arrived but he noted this was likely due to the fact that the vehicle doors had remained open for approximately an hour prior to his arrival. He did not personally recover any marijuana but was informed of the suspected marijuana by Officer Ibrahimovic. Sgt. Carter determined that the suspected marijuana weighed less than 2.5 grams, which he considered an amount consistent with personal use.

Sgt. Carter asked Councilman Cushingberry to step out of his vehicle because Officers Ibrahimovic and Atkins believed that he had been drinking. Sgt. Carter asked him "common sense questions" which he believed an intoxicated person would not be able to answer. Sgt. Carter's questions included what the boundaries of Councilman Cushingberry's district were and who was the President of the United States. Councilman Cushingberry answered his questions satisfactorily. He did not appear to stagger or stumble while walking.

Sgt. Carter stated that Councilman Cushingberry was upset at the officers and repeatedly complained about their conduct. Sgt. Carter determined that the officers were not discriminating against Councilman Cushingberry. Sgt. Carter heard Mr. Clement attempt to calm Councilman Cushingberry down, saying "just calm down" and "they are just young, overzealous cops."

Sgt. Carter described Councilman Cushingberry as being relatively cooperative. He believed the officers were trying to be authoritative and Councilman Cushingberry was trying to "let them know who he was." Sgt. Carter thought the officers were "taking it personally," as was Councilman Cushingberry, who felt the officers were being overly aggressive.

Sgt. Carter observed an open alcohol bottle lying on the floorboard under the passenger's seat. He looked at the bottle and determined that it was "more than a few days old." Sgt. Carter

stated that he did not see a cup of alcohol inside Councilman Cushingberry's vehicle, though he did not conduct a thorough search. Sgt. Carter notified Officers Ibrahimovic and Atkins that there was not cause to arrest Councilman Cushingberry operating while intoxicated. Sgt. Carter directed Officer Atkins to issue Councilman Cushingberry a ticket for "Failure to Signal." He determined that Councilman Cushingberry's license plate was expired by one day, but he decided to issue him a warning for that. Sgt. Carter believed that Officers Ibrahimovic and Atkins became "frustrated" with his decisions.

## **V. Analysis**

### **A. A public servant does not abuse their authority simply by informing investigating officers that he or she is a City of Detroit employee.**

The Detroit Police Department has a "Notification Policy" which requires that police officers inform executive level personnel of any "noteworthy incident, major crime, or unplanned event requiring unusual police response..."<sup>4</sup> The policy also requires notification when an officer has cause to arrest a city employee for any serious offense.<sup>5</sup> The notification is intended to move up the DPD chain of command to the Chief of Police if necessary. As noted in the DPD Internal Affairs report, Officers Ibrahimovic and Atkins believed that they were following appropriate policy by reporting this "noteworthy" event involving a city council member to their supervisor, Sgt. Carter.

Councilman Cushingberry offers two explanations regarding why he chose to identify himself as a member of the city council. First, he believed that the DPD notification policy required it. Second, when accused by officers of attempting to run away, he wanted to reassure them that he was not going to flee the scene of the investigation.

Regarding his first contention, Councilman Cushingberry was not required to notify the officers that he was a member of city council. The Office of Inspector General is aware of no rule or city council policy which requires such. The DPD policy places specific responsibilities on officers when they engage in certain police action involving city employees. The notification burden rests solely with officers. However, the existence of the DPD policy makes a public servant's employment status relevant when he or she is involved in a police investigation. In fact, the Internal Affairs investigation cited Sgt. Carter for failing to follow the policy when he failed to notify his supervisors about the incident involving Councilman Cushingberry.

If it is true that employment status places certain notification burdens on officers and their supervisors, it cannot legitimately be argued that a subject necessarily engages in abusive behavior by revealing his status as an active employee. How could officers know that they were dealing with an employee if the subject did not inform them and perhaps provide proof of their position? Officers would not know unless the employee was a well-known and widely recognized figure.

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<sup>4</sup> Detroit Police Department Manual, Directive 203.3 (Effective Date February 22, 2012)

<sup>5</sup> Detroit Police Department Manual, Directive 202.1-9.3(1) (Effective Date February 22, 2012)

Despite his long history as an elected official in county and state offices, on January 7<sup>th</sup> when the incident occurred, Councilman Cushingberry had only been a member of the Detroit City Council for one week. The initial responding officers indicated that they did not know Councilman Cushingberry and did not necessarily recognize him as being a member of the council until he informed them of such. Therefore, the only way they would know that they had stopped an official, and thereby triggered the notification requirement in keeping with DPD policy, would be if the councilman told them about his position. Criticizing Councilman Cushingberry for providing information which officers need to know would be incongruous with the notification policy, especially if it cannot be shown that he provided the information in a clearly inappropriate manner.

**B. The contradictory statements given by DPD officers concerning whether Councilman Cushingberry presented his employee identification instead of an operator's license prevents the OIG from finding that he abused his authority.**

City Council members and most City of Detroit employees are issued identification cards. The cards allow employees access to particular areas and information reserved for employees. The cards are “tools of the trade” which support the legitimate functions of the employee. Unreasonably making use of the identification card, or any “tool” given to an employee, for a purpose unrelated to a city function opens the employee to a charge of abuse. This is what makes the question of Councilman Cushingberry's use of his identification card relevant.

The use of the identification card would be considered abusive if the use was unreasonable given the circumstances. However, not every non-work related use of the identification card can be considered automatically unreasonable. Imagine the employee who is asked to produce a second form of identification when cashing a check at a bank. Or, consider an employee who walks out of the house with only her work identification on her person. If asked to identify herself by a third party has she abused her position? In both cases it would seem not.

The relevant question is whether the employee's actions were motivated by a desire to obtain some special, non-employee related benefit by virtue of presenting the identification. For instance, Officers Ibrahimovic's and Atkin's account is that Councilman Cushingberry refused to produce his operator's license as requested, and instead offered his city council identification. It is difficult to imagine any reasonable explanation for using a city-issued identification in such a manner.

However, Councilman Cushingberry, Richard Clement, and Sgt. Carter have a different account. Councilman Cushingberry maintains that he gave either Officer Ibrahimovic or Atkins his operator's license when requested to do so. He maintains that one of the officers misplaced it. This statement is consistent with what he told Officer Watkins when he requested the councilman's operator's license. Councilman Cushingberry's version is supported by his passenger, Mr. Clement, who told OIG investigators that he observed him give the operator's license to the officers.

Councilman Cushingberry's and Mr. Clement's statements are further supported by Sgt. Carter, who maintains that Officers Ibrahimovic and Atkins told him that they had received the license and that another officer might be in possession of it. This is persuasive in supporting the councilman's contention that he did not present his council identification card in lieu of his operator's license. The context surrounding the use of the identification card matters. For purposes of determining abuse, presenting the card *along with* the requested operator's license versus *instead of* the license is substantively different. In the former example, the possibility exists that Councilman Cushingberry was simply providing all of the relevant information he had available. Compare that to offering the identification card *instead of* the license, which is essentially a demand to be dealt with, not on the basis of being a driver on a Michigan roadway, but instead as a high-ranking City of Detroit employee. By any reasonable standard this would constitute abuse.

Admittedly, deciding which version to believe is a close call. It should be noted that the Internal Affairs Division report found no evidence that the operator's license had been presented or lost. However, the differing statements on this important issue, particularly among members of the same department, leaves too much doubt about what actually occurred to support a finding that Councilman Cushingberry presented his identification in an abusive manner.

### **C. The lack of video or audio evidence prevents a finding of abuse in this instance.**

Detroit Police Department vehicles are supposed to be equipped with operational video and audio equipment. The purpose for this is obvious – to record relevant actions of police personnel and subjects during a police stop. As was noted during interviews and by the Internal Affairs report, none of the three scout cars at the scene recorded the events of the traffic stop. Additionally, none of the conversations between the officers and Councilman Cushingberry were captured by the officers' "body-mic" audio systems.

The context surrounding Councilman Cushingberry's actions is important. The mere mention of his position or even the display of his ID is not enough to conclusively show abuse. Councilman Cushingberry's statements, mannerisms, and demeanor are important factors which must be considered.

Officers Ibrahimovic, Atkins, Watkins, and Sgt. Carter had the most contact with Councilman Cushingberry and were best positioned to observe his behavior. All describe him as being upset about the traffic stop. They all indicated that he complained that he was being harassed, racially profiled, and that his civil rights were being violated. The officers stated that in addition to referring to himself as "Councilman Cushingberry," he repeated several times that he was an attorney and planned to challenge the validity of the stop. Officers Ibrahimovic and Watkins believed that Councilman Cushingberry was attempting to intimidate the officers on the scene by stating his professional and political credentials. However, Sgt. Carter described his demeanor as "non-aggressive, non-violent, and relatively cooperative."

The question is not whether Councilman Cushingberry exhibited model citizen behavior during his encounter with the officers. Rather, it is whether his conduct and statements crossed the line into abusing his authority as a member of city council. The lack of tangible video and

audio evidence documenting the incident makes supporting a finding that Councilman Cushingberry's demeanor and statements crossed this threshold difficult. It is particularly difficult when the department against whom the alleged abuse was directed has the responsibility of maintaining the equipment necessary to record the relevant actions.

**D. The potential criminal violations which arose as a result of the stop do not form the basis for abuse in this instance.**

There has been considerable discussion regarding the presence of suspected marijuana and alcohol in Councilman Cushingberry's vehicle, whether he was under the influence of any intoxicating substances, and the status of his operator's license at the time of the stop. These issues were not part of the primary scope of the Office of Inspector General investigation.<sup>6</sup> At their core, these issues represent potential violations of city and state criminal laws.

This office routinely investigates matters which may involve criminal conduct. In fact, the Charter specifically contemplates it. However, the Charter does not grant "law enforcement" powers to the office. It makes clear that the Inspector General shall turn over the results of an investigation to an appropriate law enforcement agency in cases in which the Inspector General determines that probable cause of a crime exists. In most cases, this office conducts an investigation up to a point and turns the results over to either the police or a prosecuting agency in the hopes of having criminal charges issued. However, in this instance, the police concluded that criminal charges were not warranted prior to the Office of Inspector General becoming involved. As a practical matter, re-submitting a request for a criminal investigation would be fruitless.

By failing to collect evidence, conduct formal field sobriety tests, or administer a Breathalyzer test, the police made an affirmative decision not to pursue criminal charges against Councilman Cushingberry. Whether this was the appropriate decision under the circumstances is a matter best left for police department leaders to determine. As Chief Craig has noted, the Internal Affairs Division conducted a review to determine whether the officers' actions complied with department policy and has issued a report detailing their findings. The Office of Inspector General's jurisdiction covers all public servants. This includes uniformed officers. However, the Internal Affairs investigation was comprehensive in its review of the police action and this office accepts those findings. Additionally, the OIG investigation has not found any evidence suggesting that any of the DPD personnel involved in this incident engaged in corrupt, abusive, or fraudulent conduct at any point.

**VI. Conclusion & Recommendations**

The Office of Inspector General finds that there is insufficient evidence to conclude that Detroit City Council President Pro Tem George Cushingberry abused his authority during the course of his interaction with members of the Detroit Police Department on January 7, 2014.

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<sup>6</sup> Councilman Cushingberry was driving his personal vehicle at the time of the stop. The analysis with respect to the contents of the vehicle, the manner in which he operated the vehicle, and his fitness to drive would be more relevant were he driving a city-owned vehicle at the time. Also, the incident occurred outside of normal city work hours.

However, the Office of Inspector General suggests the following recommendations which will perhaps limit the need for future investigations of this type in the future.

**A. The Executive and Legislative branches should formulate guidelines which govern employees' "non-official" interaction with law enforcement and other city personnel.**

There have been several reported incidents in the recent past in which high ranking public servants have been accused of attempting to intimidate law enforcement officers by "identifying" themselves in what might be considered an aggressive manner. No rule or policy can cover every type of interaction between city employees, especially those involving police. However, a rule governing the use of city-issued identification and badges is warranted. For instance, the OIG requires that staff members sign a form governing the use of city issued identification materials. Other cities across the nation have similar procedures. The City Council has the authority to issue guidelines covering the manner in which its members and staff interact with police and other city personnel outside of the normal exercise of legislative duties. The mayor has the same authority as it pertains to other city employees. Enacting clear rules will provide much needed guidance to public servants about their responsibilities and assist everyone in determining when an employee has crossed the line.

**B. The Detroit Police Department should review its Notification Policy to ensure that it does not mistakenly create an atmosphere of favoritism.**

The Detroit Police Department and the Board of Police Commissioners should review their notification policy to ensure (1) that city employees, especially high ranking public servants, are not afforded special treatment in their dealings with police officers, and (2) that department members understand that their authority to engage in police action is not hampered in any way by the position a potential subject holds. Chief Craig appropriately emphasized both points in his comments on this incident. However, additional thought and discussion on this policy cannot hurt. Police officers should always feel comfortable calling on supervisors in unique police situations. However, any thoughts that arresting or investigating a high ranking official calls for more paperwork or explanation than normal may lead to a situation in which officials are simply given a pass. This is not the intent of the notification policy. A review would insure that it is not an unintended consequence.



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**BADGES AND CREDENTIALS POLICY**

**I. Introduction**

The OIG issues badges and/or credentials to employees as a means of identification for use in connection only with official duties. This policy outlines procedures for the safeguarding of badges and credentials against misuse.

**II. Purpose**

The purpose of this policy is to ensure that badges and credentials are appropriately managed and used only in connection with official duties.

**III. Policy**

Depending on their position, OIG employees designated by the Inspector General shall be assigned a badge and a badge number. All OIG employees will be issued credentials which include the employee's photograph.

**A. Use**

1. OIG badges and/or credentials are issued for purposes of identification and shall be displayed only in connection with official duties. A badge and/or credentials may be used only by the person to whom they are issued and only for authorized official use. Authorized official use includes, but is not limited to: identification at an interview, identification during surveillance, or to gain access to City facilities for the purpose of conducting official OIG business.
2. Possession of an OIG badge and/or credentials does not connote law enforcement or peace officer status or authority and does not constitute authority to carry firearms.
3. OIG employees may not alter or change the officially issued credentials in any way including, but not limited to, affixing any unauthorized item or writing to it.

**B. Misuse**

Unauthorized use or misuse of the badge and/or credentials may result in discipline, up to and including discharge. The following is a non-exhaustive list of improper uses:



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1. Displaying the badge and/or credentials to a law enforcement officer in hopes of affecting his or her behavior (e.g. to get out of a ticket, an arrest, or other law enforcement action);
2. Displaying the badge and/or credentials at a place of business in order to gain access at a reduced cost or no cost, or to receive any other privileges not available to the general public or a government employee;
3. Displaying the badge and/or credentials for personal reasons or when use of a law enforcement or civilian identification card is required or appropriate;
4. Failure to take appropriate care to secure, or maintain control of, badge and/or credentials.

### **C. Loss/Theft of Badge and/or Credentials**

1. Each OIG employee to whom an OIG badge and/or credentials is assigned shall make every reasonable effort at all times to prevent theft or loss of such items.
2. Upon determining that either a badge or credentials is missing, an OIG employee must immediately notify the Inspector General and provide a written report of the circumstances surrounding the disappearance.
3. The Inspector General shall verify the facts surrounding the loss and make a determination whether or not the loss of the badge and/or credentials was avoidable. If the loss is determined to have been unavoidable, a replacement badge and credentials shall be issued to the OIG personnel at no cost. If the loss is determined to have been reasonably avoidable and/or caused by the employee's negligence, the OIG employee will be required to pay the replacement cost.
4. Avoidable loss of a badge or credentials may be considered as grounds for disciplinary action.
5. In the case of all lost badges, a report will be made to an appropriate law enforcement agency so that the badge number can be included in NCIC for national tracking purposes.



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### D. Damaged/Worn Badges or Credentials

Damaged or severely worn OIG badges or credentials shall be turned in and replacements shall be issued.

### E. City Property

All OIG badges and/or credentials are property of the City of Detroit and must be immediately relinquished upon request of a supervisor or at the termination of employment.

#### Employee Acknowledgement:

I, \_\_\_\_\_ acknowledge that I have read  
OIG Employee

And will abide by the Office of Inspector General's Policy on Badges and Credentials.

X

\_\_\_\_\_  
OIG Employee

Badge #

OIG Identification