

Statement on Charter Amendments Affecting the Detroit Board of Police Commissioners

Sept. 7, 2001

Today I joined with my colleagues on the City Council to vote in support of placing two charter amendment proposals on the ballot for the November General Election. Both these charter amendment proposals affect the Detroit Board of Police Commissioners and both resulted largely from work that I have done in connection with this issue.

The first proposal, if approved by voters, would alter the process for removing Commissioners from the Board. Currently the Commission consists of five people each of whom is appointed by the Mayor and each of whom can be removed by the Mayor at will. If the voters approve the charter amendment, sitting commissioners could only be removed for cause. In a nutshell, this means that the Mayor would have to demonstrate to the City Council and through a formal process, why a commissioner was no longer fit to serve on the board.

Our Research and Analysis Division, as an alternative to a previous charter amendment that I recommended, offered this proposal. Under that proposal, City Council would've had the power to appoint some commissioners. I believed then and still do that this is necessary to ensure a more independent commission that can be more aggressive in its investigation of issues like police brutality and misconduct. One has to question how independent any body that is appointed solely by one individual can be.

However both the City's Law Department and City Council's own Research and Analysis Division provided legal opinions indicating that this proposal violates both the separation of powers provision of the City Charter and state law.

For this reason, I chose to withdraw that proposal and to support the alternative offered by the Research and Analysis Division. While that alternative is not as proactive as I would like in that the Mayor still retains full appointment power, it does at least offer protection to commissioners who take public stances that are at odds with the Mayor and the Police Chief.

For this reason, I hope the voters of Detroit will choose to support in it November.

I also voted in support of a second charter amendment that I offered for City Council's consideration. That amendment, if approved by voters, would change the procedure the Board uses to handle complaints. Currently complaints against the Detroit Police Department are to be filed immediately with the Secretary of the Board of Police Commissioners. Some citizens have explained that they've filed complaints against the Police Department and then have never heard anything further about their complaint and whether or not it is being investigated.

My charter amendment would mandate that within 30 days after the receipt of a complaint by the Board secretary, the Commission shall send a written communication

informing the complainant that their complaint has been received. That letter will also detail the guidelines on how the complaint shall be handled, and the timeline under which the complainant shall receive a disposition on their complaint.

It should be noted that neither of these charter amendments, if approved by voters, would cure all that ails the Detroit Police Department. But I do believe they are steps in the direction of creating a Board of Police Commissioners and a Police Department that are more accountable to Detroit's citizens.