

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: EPS 21

ISSUE CATEGORY: Enforcement & Public Safety

SOURCE: City Council

RELATED CHARTER SECTIONS: §7-1103 (Duties of the Board of Police Commissioner)

Letter dated December 2, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Require Budget director to take its direction from the Board in preparation of the Police Department's budget. Require executive branch to confer with Board prior to contract negotiations with any Police Department unions.

Sec. 7-1103. 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 the departmental budget before its submission to the mayor, and the Budget Director shall take direction from the Board in preparing the departmental budget;
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;
6. Confer with the Administration prior to negotiations with all departmental unions.

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.

RATIONALE: "The proposed language strengthens the board's authority with respect to the budget and gives the board input with respect to union negotiations. In the past, instances have arisen where the Police Department budget was initially approved by the commission, but then later changed by the mayor before it was submitted to city council for approval. It is deemed important to require consultation with the police commission throughout the budget process.

***Contrary to city council's recommendation that the police commission be given **more** oversight of the departmental budget, the mayor seeks to limit the commission's role further - to mere consult and comment before submission to the mayor. The

mayor's recommendations suggest that current charter section 7-1105 be revised to indicate that the police department is headed by the chief of police, instead of the current hierarchy, which requires that the police department is headed by a five member board of police commissioners. The mayor's commentary indicates that the "Home Rule City Act does not require that the charter establish a Board of Police Commissioners." While that may be true, it is surely not prohibited, and in fact, the existence of the Board of Police Commissioners is the outgrowth of the rather notorious history of this particular police department in this particular community -- *i.e.*, S.T.R.E.S.S., the current federal consent decree under which the department is operating, etc."-*City Council Rationale, Letter, dated December 13, 2010.*

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: See Historical Charter Analysis entitled "Historical Charter Analysis - Police Department (Corrected Copy)," dated July 12, 2010.