

**BOARD OF POLICE COMMISSIONERS**

**BYLAWS**

**Approved on:**

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## **ARTICLE I – NAME; PURPOSE; AND GOVERNING LAW**

### **Section A - Name**

- (1) The name of the organization is the Detroit Board of Police Commissioners, hereafter referred to as the “Board.”

### **Section B - Purpose**

- (1) The purpose of these bylaws is to facilitate the activities of and govern the members of the Board, as authorized by the Charter of the City of Detroit (Charter).

### **Section C - Creation**

- (1) The Board was created by the 1974 Charter in Article 7, Chapter 11, Section 71102. The people of the City of Detroit had voted in 1973 for a new charter to take effect in January 1974. The 1974 Charter section for the Board was revised later under a new charter adopted on November 8, 2011. The 2012 Charter took effect January 1, 2012, and primarily covers the Board in Article 7, Chapter 8.
- (2) All powers and duties of the Board are derived from the Charter. Nothing in these bylaws shall be construed as expanding or contracting the authority conferred upon the Board by the Detroit City Charter.

### **Section D – Governing Law**

- (1) The Board, as an official organization of the City, is subject to the Constitutions of the United States and the State of Michigan; all federal, state or city statutes and rules; and the provisions of the Charter. The Charter is hereafter incorporated by reference.

## **ARTICLE II – POWERS AND DUTIES OF THE BOARD**

### Section A - General

- (1) Section 7-802 of the Charter vests the Board with supervisory control and oversight of the Detroit Police Department (Police Department) as set forth in the Charter.

### Section B - Duties of the Board of Police Commissioners

- (1) The Board shall perform the duties enumerated in Section 7-803 of the Charter. Section 7-803 states the Board shall:
  - a. In consultation with the Chief of Police, and with the approval of the Mayor establish policies, rules and regulations.
  - b. Review and approve the departmental budget before its submission to the Mayor.
  - c. Receive and resolve, as provided in this chapter, any complaint concerning the operation of the Police Department and forward all allegations of criminality to the appropriate internal or external law enforcement agency for further investigation.
  - d. Act as final authority in imposing or reviewing discipline of employees of the department.
  - e. Make an annual report to the Mayor, the City Council, and public of the Department's activities during the previous year, including the handling of crime and complaints, and of future plans.
  - f. The Board may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production, 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.
  
- (2) Other Board Duties enumerated in the Charter include:
  - a. Exercise plenary authority over citizen complaints, except those containing allegations of criminality. Criminal complaints shall be referred to the appropriate internal or external law enforcement agency for further investigation. (Section 7-803.3 and 7-808.)
  - b. Appoint key Board and Department personnel including the Secretary to the Board (7-804.1), a Chief Investigator, investigative staff (section 7-804.2) and the Director of Police Personnel (section 7-810).
  - c. Conduct a professional search to identify candidates for Chief of Police when that office becomes vacant and submit a list of qualified candidates to the Mayor. (Section 7-805.)
  - d. Approve all promotions within the Department through the rank of lieutenant and approve all appointments to the ranks above lieutenant including Deputy Chiefs. (Section 7-806 and 7-814.)
  - e. The authority to suspend employees without pay with the occurrence of a two-thirds majority vote of members of the Board. (Section 7-809.)
  - f. Review and approve the Department's reorganization plan. (Section 7-806.1.)

## **ARTICLE III – BOARD OF POLICE COMMISSIONERS**

### **Section A - General**

- (1) The affairs of the organization shall be governed by the Detroit Board of Police Commissioners.

### **Section B - Address**

- (2) The official address of the Board is:  
Detroit Board of Police Commissioners  
1301 Third Avenue, Suite 767  
Detroit, MI 48226

### **Section C - Composition**

- (1) The Charter in Section 7-802 provides that the Board shall be composed of eleven (11) members: four (4) members appointed by the Mayor, subject to the approval of the City Council, and the other seven (7) members elected from each non at-large district.

### **Section D - Appointed Members**

- (1) Mayoral appointees are subject to the approval of City Council. However, if the City Council does not disapprove an appointment within thirty (30) days, an appointment is confirmed.
  - a. Appointed members shall serve a term of five (5) years, and not more than one member's term expires each year.
  - b. Vacancies in positions held by appointed members shall be filled by the Mayor for the unexpired term, in the same manner as the initial appointment.
  - c. Appointed members may not serve more than five (5) years consecutively as a member of the Board. No appointed member of the Board shall have been an employee or elective or appointive officer of the city within three (3) years prior to appointment or while serving as a member of the Board.
  - d. Appointed members may receive by ordinance reimbursement for parking, mileage, and other reasonable expenses.
  - e. Appointed members must be residents of the City.

### **Section E - Elected Members**

- (1) Unless required by state law, elected members shall not be entitled to salaries, retirement health benefits, health benefits or other fringe benefits.
- (2) Elected members may receive by ordinance reimbursement for parking, mileage and other reasonable expenses.
- (3) Under the Charter in Section 3-105, if a vacancy occurs in the elective office of the Board of Police Commissioners, it shall be filled by the Mayor with resident from the relevant district, subject to City Council approval. If the City Council does not disapprove an appointment within thirty (30) days, an appointment is 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.
- (4) Elected members must be residents of the City.

### **Section F - Removal**

(1) Appointed Members

- a. The Mayor shall not remove appointed members of the Board except for cause (7-802).
- b. A city appointee who is subject to removal for cause may be removed by the appointing authority under Section 2-107 for any of the following:
  - i. Lack of qualifications.
  - ii. Incompetence
  - iii. Neglect of duties.
  - iv. Misconduct.
  - v. Pleading to or conviction of a felony.
  - vi. Violation of this charter.
  - vii. Violation of federal or state law.
  - viii. Violation of any city ordinance, rule, or regulation.
  - ix. Any reason under the provisions pertaining to the Forfeiture of Office Held by Elective City Officers (Sections 2-107(B)(1) and (B)(2)); or
  - x. Habitual non-attendance of meetings as defined within these bylaws.
- c. A City appointee who is removable for cause may not be removed without the opportunity for a hearing before the appointing authority. A copy of the charges shall be furnished at least fourteen (14) days in advance of the hearing.

(2) Elected Members (Forfeiture of Office)

- a. Mandatory Forfeiture: The office of an elective officer shall be forfeited under Section 2-107(B)(1) for any of the following:
  - i. Lacks at any time qualifications required by law or the Qualifications for Elective Officers found in Section 2-101 of the Charter.
  - ii. Pleading to or conviction of a felony while holding office.
  - iii. Official misconduct
  - iv. Willful or gross neglect of duty.
  - v. Corrupt conduct in office; or
  - v. Any other misfeasance or malfeasance.
- b. Permissive Forfeiture: The City Council may determine that the office of an elective city officer should be forfeited under Section 2107(B)(2) (U.S. citizenship, city resident and a qualified and registered voter of the City for one(1) year at the time of filing for office, and retention of that status throughout the tenure of elective office) where the officer:
  - i. Based on a recommendation of the Board of Ethics to the City Council, is determined by a three-fourths (3/4) vote of the City Council members serving to have violated the Ethics Ordinance or ethics provisions of the Charter.
  - ii. Refuses to cooperate in an investigation of the Inspector General, Board of Ethics, or Ombudsperson.
  - iii. Neglects or refuses to comply with the provisions of the Charter after being provided an opportunity to comply pursuant to the Enforcement of Charter provisions under Section 7.5-209; or
  - iv. Violates any provision of the Charter punishable by forfeiture.

- (3) Where the City Council determines that a mandatory and/or permissive forfeiture is proper, the officer shall be charged through adoption of a resolution, which provides the factual basis for each charge, by a two-thirds (2/3) vote of members serving. Upon adoption of the

resolution, the City Clerk shall forward a certified copy of the resolution to the officer by registered mail.

- (4) An elective city officer charged with conduct constituting grounds for forfeiture is entitled to a public hearing before the City Council and to outside legal representation, as permitted by law, which shall be paid by the City of Detroit at rates commensurate with the hourly rate normally paid by the City.
- (5) Notice of the hearing and the charging resolution shall be published in a daily newspaper of general circulation in the City, and by electronic posting available to the public, at least fourteen (14) days in advance of the hearing. A decision by the City Council for forfeiture of the office of an elective city officer is subject to judicial review in accordance with Michigan law.

#### Section G - Meeting Attendance

- (1) Each Board member shall attend all Board meetings and all meetings of any committee on which such Board member serves. Notice of excused absence from meetings shall be made to the Board Secretary by emailing [bopc@detroitmi.gov](mailto:bopc@detroitmi.gov) no later than one hour prior to the meeting. An absence reported later than one hour prior to the meeting is considered an unexcused absence. The Board and committee meeting attendance shall be made public on a semiannual basis.

#### Section H – Commissioners as Individuals

- (1) Individual Commissioners do not speak on behalf of the Board and may not represent that they are speaking on behalf of the Board.

#### Section I – Requests for Information from Detroit Police Department

- (1) Commissioner requests for information from the Detroit Police Department must be made at a regularly-scheduled meeting and voted upon by the Board.

#### Section J – Code of Ethical Conduct.

- (1) These standards of conduct apply to all elected or appointed City of Detroit Police Commissioners. The purpose of applying and enforcing these standards is to ensure that governmental decisions are made in the public's best interest by prohibiting Board of Police Commissioner elected officials and appointees from participating in matters that affect their personal or financial interests or are otherwise detrimental to the Board.
- (2) Except as otherwise provided by applicable law, a police commissioner shall not knowingly:
  - a. Willfully or grossly neglect the discharge of his or her duties;
  - b. Use or disclose confidential information concerning the property, government or affairs of the City, or any office, department, or agency thereof, not available to members of the public and gained by reason of his or her official position;
  - c. Use property of the City except in accordance with properly authorized and adopted policies and procedures of the City;
  - d. Engage in or accept private employment or render services when such employment or service is in conflict or incompatible with the proper discharge of



his or her official duties or would more likely than not impair his or her independence of judgment or action in the performance of official duties, including but not limited to, any activity which involves accepting payment from DPD, DPD employees, or Police Unions;

- e. Represent a private person, business or organization in any action or proceeding pending before the City, or any office, department, or agency thereof, except:
    - i. A police commissioner may represent another person, business, or organization before a City agency where such representation is a required part of his or her official duties; or
    - ii. A police commissioner may act as an agent, attorney or representative, as applicable, for another person, business or organization, other than DPD, DPD employees, or Police Unions, in a matter that is pending before a City agency, other than the Board;
  - f. Vote or otherwise participate in the negotiation or the making of any City contract, or any other type of transaction, with any business entity in which he or she or an immediate family member has a financial interest;
  - g. Use his or her official position, in violation of applicable law, to improperly influence a decision of the Mayor, City Council members, Clerk, appointees, or employees; or
  - h. Engage in conduct detrimental to the Board of Police Commissioners.
- (3) A police commissioner shall not:
- a. Solicit or accept a loan or payment from an individual who is providing service to, receiving tax abatements, credits, or exemptions from the City; or
  - b. Unduly influence any decision to fill a position in City government with an immediate family member.
- (4) Violations. The Board of Police Commissioners may, by a majority vote, pass a resolution to censure a commissioner for a violation of this section.
- (5) Subsection (4) of this section shall not be construed to impair or bar any additional cause of action or legal or equitable remedy or penalty under applicable laws or regulations.

## **ARTICLE IV – OFFICERS OF THE BOARD: DUTIES, REMOVAL, AND STAFF**

### **Section A - Officers**

- (1) The Officers of the Board shall be a Chairperson and a Vice Chairperson.

### **Section B - Election of Officers and Terms**

- (1) The Members of the Board shall conduct an election for Chairperson and Vice Chairperson on the first regularly scheduled meeting in June. The Members shall elect officers annually from its membership by majority vote. The term of office is one year from July 1<sup>st</sup> to June 30<sup>th</sup> of the following year, or until a successor has been elected. The Chairperson may not serve consecutive terms.
- (2) Officer elections may be postponed by the Board one time per year for up to 3 months by majority vote, whenever, in its judgment, the best interest of the Board would be served.
- (3) New offices may be created and filled at any meeting of the Board; as otherwise provided, each officer will hold office until such officer's successor is duly elected.

### **Section C - Nomination Process**

- (1) Any Board Member who is eligible to serve may self-nominate or be nominated by a fellow Member. A Member need not be present to be nominated, provided they have previously indicated their willingness to serve.
- (2) It is the responsibility of the candidate to inform the Board Members of his or her intention to run for office.
- (3) Once the Chair opens the nominations process, nominations may also be taken from the floor. Nominations do not need a second. Members who are nominated from the floor may decline or accept the nomination but must do so on record. The Chair will need a motion and a second to close nominations.
- (4) The Chair may continue to preside over the nomination process, even if he or she is nominated for an office.

### **Section D - Voting**

- (1) A quorum is required for voting. Only members present are eligible to vote and any member may vote for himself or herself.

### **Section E - Taking Office**

- (1) Newly elected members will assume office on July 1st each year; or if the election was postponed, immediately upon the closure of the meeting during which the election occurred.

### **Section F - Duties of Officers**

- (1) The Chairperson shall, in general:
  - a. Supervise the affairs of the Board;
  - b. Preside at all meetings of the Board and shall have the right to vote in all matters put before the board for a vote;

- c. Ensure that the laws of the City or the State of Michigan pertaining to the conduct of Board meetings and other activities of the Board are followed, and all recommendations of the Board are properly conveyed;
- d. Represent, or authorize a designee to represent, the Board with the public in all matters pertaining to the Board.
- e. Sign all documents on behalf of the Board after same has been approved by the Board. The Chair's electronic signature will only be used with the Chair's authorization.<sup>1</sup> Staff will maintain Standard Operating Procedures that establish security and controls around the use of the Chair's electronic signature.
- f. Calls meetings of the Board in accordance with the Bylaws and all applicable laws, rules and regulations.
- g. Services as ex-officio member of all committees.
- h. Performs all duties incidental to the Office of Chairperson and such other duties as may be presented by the Board.

(2) The Vice Chairperson:

- a. Shall perform all duties of the Chairperson in the absence or written resignation of the Chairperson or during the Chairperson's inability or refusal to act.
- b. Has all the powers of the Chairperson and shall be subject to the same restrictions as the Chairperson.
- c. Fills the unexpired term of the Chairperson, should a vacancy occur.
- d. Performs such other duties as from time to time may be assigned by the Chairperson or by the Board.

Section G - Removal

- (1) Any officer may be removed by the Board by majority vote, whenever, in its judgment, the best interest of the Board would be served.

Section H - Orientation and Training

- (1) The Secretary to the Board is responsible for the establishment of an orientation and training program for the Board. The program shall have been approved by the Board. Each board member will attend and complete the training program and participate in sessions designed to serve as refreshers or provide updates. Attendance will be documented and made available to the public. The orientation and training program may include, but is not limited to:
- a. Overview and history of civilian oversight;
  - b. Creation of the Board and its Charter duties and responsibilities and Board structure;
  - c. Board staff and their duties and responsibilities;
  - d. Overview of the City Government and the Police Department;
  - e. Conduct of public meetings under the Open Meetings Act, the Freedom of Information Act, and legal considerations;
  - f. Officers' rights under collective bargaining agreements;
  - g. Citizen's Police Academy and Ride-alongs; and
  - h. Issues pending before the Board.

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<sup>1</sup> See OIG report, "Unauthorized Use of Signature," File No. 23-0006-INV.

### Section I - Board Staff

- (1) The Board shall appoint personnel necessary to support the Board, as authorized by the Charter, in carrying out its responsibilities. All staff members are under the direction of the Board. In accordance with the provisions of Article 7, Section 7-804, the Board shall appoint:
  - a. A Board Secretary, who serves at the pleasure of the Board. The Secretary shall not have been an employee or appointive officer of the city within three (3) years prior to appointment. The Secretary shall attend all Board meetings. The Secretary shall keep a public docket of citizen complaints and disposition of each complaint after investigation.
  - b. A Chief Investigator and such additional staff of Investigators as it deems necessary. The Chief Investigator shall not have been an employee or appointive officer of the city within three (3) years prior to appointment. Investigators serve at the pleasure of the Board. They must possess skills and experience necessary for investigative work.
  - c. A Director of Police Personnel, who heads the division of Police Personnel. The Director must be a civilian and serves at the pleasure of the Board. (Detroit City Charter Section 7-819.)
  - d. Other Staff under the direction of the Board (Article 7, Section 7-804(3)).

### Section J - Functions of the Secretary to the Board

- (1) The Secretary to the Board is responsible for coordinating and managing the day-to-day activities and operations of the Board, including establishing and maintaining Standard Operating Procedures for staff, and serving as the liaison between various city and Police Department officials, State agencies, unions, and the public. The Secretary to the Board has the authority and responsibility for supervising all employees, except for the Director of Police Personnel. The Secretary's authority does not include issuing or imposing staff discipline.

### Section K - Limited Delegation of Board Subpoena Power

- (1) The Board delegates to the Secretary to the Board the authority to act on behalf of the Board to facilitate investigations by investigative staff including the issuing of subpoenae to secure documentation and other evidence required in the normal course of OCI investigations.
- (2) The limited delegation of this authority to issue subpoenae can be revoked by actions of the Board and is limited to subpoenae designed to facilitate normal investigative work of the BOPC.
- (3) The granting of this limited delegated authority does not prevent the exercise of any power currently invested in the Board by the City Charter, Rules and Regulations of the Board, or Operating Procedures of the Board.

## **ARTICLE V – MEETINGS**

### **Section A - Open Meetings Act**

- (1) All Board and Committee Meetings shall be governed by and conducted in accordance with the provisions of Act 267 of the Michigan Public Acts of 1976, commonly referred to as the Open Meetings Act (Act). Unless otherwise allowed under the Act, all meetings of the Board shall be open to the public and shall be held in a place accessible to the public.

### **Section B - Conducting Board Meetings and Business**

- (1) The Board meets at the call of the Chairperson and shall meet at least once a week at a time and place designated by the Board unless otherwise authorized by Charter. Board meetings are generally held every Thursday at 3:00 p.m., except on legal holidays or other circumstances that may so dictate. The Board generally meets on the second Thursday of each month at 6:30 p.m. at such public locations throughout the City to encourage attendance by its constituents. The Board shall give public notice of the time and place of the meetings.
- (2) The meetings and business of the Board will generally be conducted in accordance with the following:
  - a. The agenda and other materials will normally be provided to all Board members at least two (2) days before the regularly scheduled meeting.
  - b. The agenda for each meeting serves as the notice for Board meetings and will be posted, distributed and otherwise made publicly available in accordance with requirements of applicable State and City laws.
  - c. A quorum and the affirmative vote of the majority of the Board members present shall be required to carry a motion or proposal or to adopt recommendations.
  - d. The Board shall keep written minutes of all meetings, as required under the Act or other such applicable laws.
  - e. All requests for closed session shall be approved by the Board and conducted in the manner prescribed by the Act.
  - f. Staff will develop the agenda for each meeting with the input of the BOPC Chair.
  - g. The agenda is subject to the approval of the BOPC.

### **Section C - Special or Emergency Meetings of the Board: Notice**

- (1) Special meetings may be held at the call of the Chairperson or the Vice Chairperson in the absence of the Chair. Upon petition of three (3) Board members, the Chairperson shall be required to call a special meeting of the Board. Special meetings are for the purpose of considering items that are so urgent that action cannot be delayed to the next regular meeting. The minimum notice to schedule a special meeting is 3 days' notice. The quorum requirements outlined elsewhere in these bylaws are still in force for the Board to meet.

### **Section D - Annual Meeting**

- (1) There shall be an annual meeting of the Board to report, review and analyze the operations of the Organization for the previous year. The annual meeting may also serve as an opportunity for a regular training meeting.

### **Section E - Quorum**

- (1) A quorum for action by the Board shall be a simple majority of its appointed and serving members. The vote of a majority of the members at a meeting at which a quorum is present constitutes the action of the Board, except where otherwise dictated by the Charter of applicable law.
- (2) If a quorum is not present at any meeting, a majority of the members present may adjourn the meeting without further notice.
- (3) A quorum for committee meetings shall be a majority.

Section F – No Voting by Proxy

- (1) No member shall be permitted to vote at any meeting by proxy.

## ARTICLE VI – COMMITTEES

### Section A - Powers and Definitions of Committees

#### (1) Definitions:

- a. Standing committees are constituted to address issues identified by these bylaws as coming under their review or any issues referred to the committee by the Board. Standing committees shall consist of 2-3 Commissioners. New standing committees may only be created by amending the bylaws.
  - b. Special committees are temporary and time-limited, constituted to address temporary issues or projects. Special committees shall consist of 2-3 Commissioners. Special committees may be created and filled at any meeting of the Board by majority vote. The members, task, and Chair should be identified at the time the committee is created. A date by which the committee will report its findings or advise of the completion of the task assigned should be identified at the time the committee is created.
- (2) A quorum for the committee to meet is the majority of the committee members. The presence of the Chair of the BOPC as an ex-officio member will not be counted as part of the quorum requirement.
- (3) Each Committee member shall attend all Committee meetings. Notice of excused absence from meetings shall be made to the Board Secretary by emailing [bopc@detroitmi.gov](mailto:bopc@detroitmi.gov) no later than one hour prior to the meeting. An absence reported later than one hour prior to the meeting is considered an unexcused absence. Committee meeting attendance shall be made public on a semiannual basis.
- (4) Staff will develop the agenda for each meeting with the input of the Committee Chair. The agenda is subject to the approval of the Committee.
- (5) Committees must document eligible actions taken, including recommendations to the full Board, via memorandum.
- (6) The following are the standing committees of the Board:
- a. Budget – Responsible for oversight of the BOPC budget, including position/budget amendments. Responsible for reviewing and providing approval recommendations to the full Board for the Police Department and BOPC’s budgets before submission to the Mayor as part of the annual budget process.
  - b. Citizen Complaints – Responsible for oversight of investigations conducted by the Office of the Chief Investigator (OCI). Recommends rules and procedures for the disposition of all complaints. Meets regularly with the Chief Investigator to review findings, inventory levels, and complaint investigation process; and reports findings to the full Board.
  - c. Personnel & Training – Reviews and makes recommendations for implementation of personnel matters and candidates for appointment; reviews and acts as an appellate/discipline committee for BOPC staff; and schedules annual and semiannual training activities.
  - d. Policy – Proposes, reviews, and makes recommendations to the Board regarding BOPC Bylaws. Proposes, reviews, and makes recommendations to the Board

regarding DPD policies and rules and regulations initiated by the Board and/or presented to the Board for implementation by DPD as required by City Charter.

#### Section B - Election of Committees and Terms

- (1) No later than the third meeting in July of each year, the Chair of the BOPC shall nominate individuals for each committee, naming the Chair first then the members as part of that process. Majority vote by the Board is required to confirm the Chair's nominations or remove a member from a standing committee (Per OIG Investigation 19-0003-INV). The term of office for all committees runs from July 1<sup>st</sup> and ends on June 30<sup>th</sup> of the following year or until their successors are elected.
- (2) The Chairperson of the Board may serve as a member of a committee but is not eligible to Chair a committee. When serving as an assigned member of a committee, the Board Chairperson will forfeit the ex-officio status described elsewhere in these bylaws.
- (3) A Member need not be present to be nominated, provided they have previously indicated their willingness to serve. Nominations do not need a second. Members who are nominated may decline or accept the nomination but must do so on the record. For committees of one, it is assumed that the single member is the committee Chair.
- (4) Any Board Member may move to remove a member from a committee. The member will only be removed by majority vote of the Board.
- (5) Committee members may resign from a committee, but must do so in writing, and submit the resignation simultaneously to the Chair of the BOPC and the Board Secretary. Resignations will be announced on the public record.

#### Section C - Open Meetings Act

- (1) All committee meetings must be held in compliance with the Open Meetings Act and open to the public. Information may be shared informally among staff and Board members so long as no quorum is involved and the sharing of information is not conducted in a fashion designed to circumvent the OMA.
- (2) All committee meetings must adhere to the Bylaws (i.e. make and maintain an agenda, provide advance notice to the public, and hold in locations where identification is not required to attend the meeting).
- (3) The number of people are specified for each committee to ensure compliance with the OMA. A quorum of a committee consists of greater than 50% of its membership meeting within the scope of making a decision. The BOPC Chairperson has the right to attend committee meetings, but not the responsibility. If they attend, they have the right to vote and make motions. While the Board Chairperson may serve as member ex-officio on any committee to which they are not an assigned member, the Chair's ex-officio attendance may not be used to meet quorum.

#### Section D - Scheduling and Attendance

- (1) Committees meet on an as needed basis. The Committee Chairperson will work with the committee members and BOPC Staff to schedule committee meetings on days and times



most convenient for all committee members; at minimum 3 business days prior to the meeting to ensure advance notice to the public.

#### Section E - Business Continuity

- (1) Committees are intended to improve the performance of the Board in addressing matters; not hinder forward progress. Matters referred to a committee are expected to be reviewed by the committee in a timely fashion. Such items are expected to be on the agenda at the next meeting of the committee provided that meeting takes place within 30 days of the referral. For example, if an item is referred to the policy committee at the June 1st meeting of the BOPC, it is expected that no later than July 1<sup>st</sup> the Policy committee will have met and starting review/discussion of the matter that has been referred.
- (2) The committee Chair is required to provide a progress report at every BOPC meeting on items referred to the committee that have not yet been presented back to the Board with recommendation.
- (3) At its discretion, the Board may remove a matter from a committee and handle the matter by the full Board with BOPC Staff assistance.

## **ARTICLE VIII – ADVISORY PANELS**

### **Section A – Definition**

- (1) An Advisory Panel is a structured and collaborative collection of community individuals or organizations that engage with the Board and/or its committees for a particular, stated purpose.

### **Section B – Creation**

- (1) An Advisory Panel may be created after motion and vote by the Board.

## **ARTICLE IX –WAIVER OF NOTICE**

Whenever any notice is required to be given under the provisions of the Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whenever before or after the time stated therein shall be deemed equivalent to the giving of such notice. Nothing herein shall, however, abrogate any notice requirements required by the Open Meetings Act.

## **ARTICLE X - BOOKS AND RESOURCES**

The books and records of the Board shall be maintained in accordance with applicable law.

## **ARTICLE XI - AMENDMENTS/REVISION TO BYLAWS**

- (1) These Bylaws are subject to adoption by the Board. Once approved, these Bylaws may be altered, amended, or repealed by two-thirds (2/3) vote of the Board sitting as a quorum.
- (2) An amendment to the Bylaws may be proposed by any Board member. Changes to the Bylaws will be handled via distribution of the proposed language change to all Board members. The Policy Committee will review the proposed changes and if adopted as a recommendation shall present the recommendation to the full Board for approval. The Policy Committee shall disseminate a copy of the recommended changes to the Board at least two (2) weeks prior to the matter being presented to the full Board for a vote. An affirmative vote of two-thirds (2/3) of Board members is required for passage and for the amendment(s) or changes to become effective.
- (3) A revision to the Bylaws may be proposed by any Board member, but the recommended changes must be distributed by the Policy Committee to all Board members at least thirty (30) days in advance of a vote by the full Board.

## **ARTICLE XIII – CONDUCT OF MEETINGS**

### **Section A – Procedure**

- (1) The business of the Board and committee meetings shall be conducted in accordance with the latest edition of Robert’s Rules of Order: Newly Revised, to the extent to which they do not conflict with the Open Meetings Act, City Charter, or Bylaws.

### **Section B – Decorum**

- (1) Each member of the City of Detroit BOPC shall cooperate with the Chair to preserve order and decorum, and no Commissioner shall, by conversation or otherwise, delay or interrupt the proceedings of the BOPC, nor disturb any member while speaking, or fail to abide by the orders of the BOPC or its Chair except as specifically permitted by the rules of the BOPC.
- (2) BOPC meetings shall be conducted in a professional, courteous, and respectful manner. Citizens and Commissioners shall be allowed to state their positions in an atmosphere free of slander, threats of violence, or the use of the BOPC as a forum for politics. Sufficient warnings may be given by the Chairperson. If at any time during the remarks, if any individual shall behave unprofessionally or discourteously, the Chairperson shall cut off comment or further debate.
- (3) Every member of the BOPC desiring to speak shall address the Chairperson and upon recognition by the presiding officer, shall confine their remarks to the question under debate. Commissioners shall always avoid indecorous language or references to personalities. Once recognized, a Board member shall not be interrupted when speaking unless the Chair needs to call a Member to order. If speaking, a Member shall cease speaking when called to order until the question of order is determined.
- (4) When two or more members request the floor at the same time, the presiding officer shall name the one entitled to the floor. The Chair and/or the presiding officer shall be responsible for the orderly conduct of business at each board meeting and shall preserve order and decorum at such meetings. These rules apply both to BOPC meetings and to any and all committees of the BOPC and shall be adhered to at all times.
- (5) Once the Chairperson declares a breach of order, a penalty may be imposed by a majority vote to require the non-compliant Board member to leave for the remainder of the meeting.

**ARTICLE XII – ELECTRONIC MEETINGS**

Meetings of the Board Committees may be held by teleconferencing provided that all members participating can either see or hear each simultaneously. For purposes of this Article, teleconferencing includes videoconferencing, computer conferencing, and audio conferencing.

**APPENDIX - BOARD AND PARLIAMENTARY GOVERNING AUTHORITY**

Governing authority/documents are recommended for use in the following order:

- (A) Open Meetings Act
- (B) City Charter
- (C) BOPC Bylaws
- (D) Current Edition of Robert's Rules of Order Newly Revised
- (E) BOPC Standard Operating Procedures