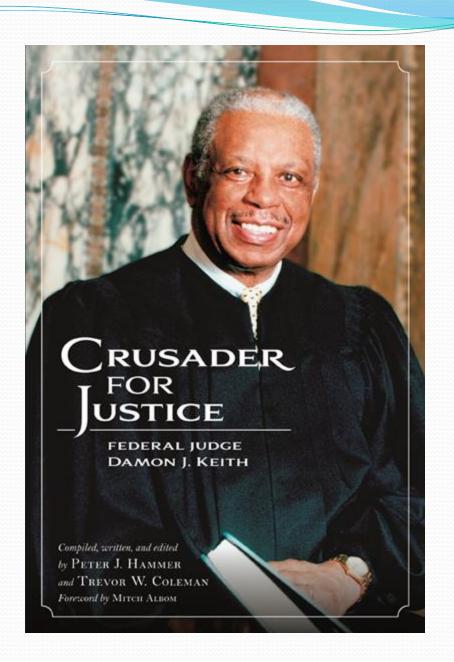
# Detroit Board of Police Commissioners: 21st Century Police Reform

Peter J. hammer Professor of Law & Director Damon J. Keith Center for Civil Rights Wayne State University Law School September 3, 2020



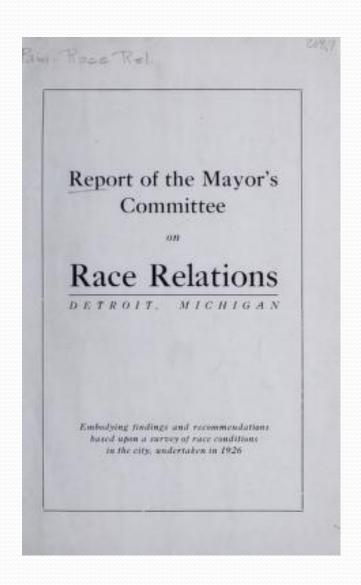
### Why is civilian oversight so vital?

- Civilian oversight is essential to counter the racialized brutality inherent in traditional police institutions
- Civilian oversight is essential to transform policing and define new sources and practices of public safety
  - But, a deeper understanding of spatial-structural racism will be essential to this task

# Civilian oversight was a response to history of racialized police violence

- Detroit racial unrest 1925
- Detroit Race Riot 1943
- Detroit Rebellion 1967
- STRESS early 1970s

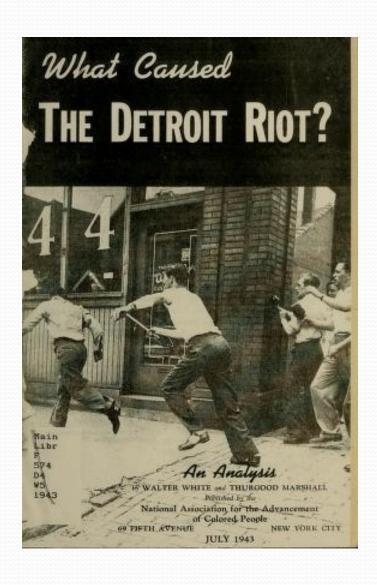
### Detroit racial unrest 1925



#### Causes 1925 unrest

- Report of the Mayor's Committee on Race Relations Detroit Michigan (Reinhold Neibuhr, Chair) (1926)
  - Housing
  - Crime and Police
  - Education
  - Health
  - Recreation
  - Industry
  - Welfare and Community Organizations

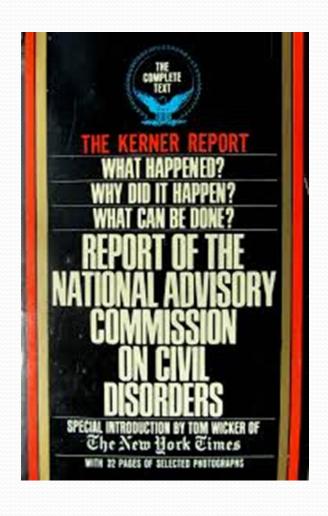
### Detroit Race Riots 1943

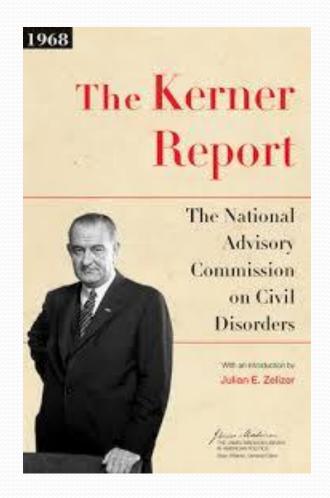


#### Causes 1943 race riot

- What Caused the Detroit Riot? An Analysis (NAACP)
  (Walter White & Thurgood Marshall) (1943)
  - Police Department
  - Recreation
  - Education
  - Housing
  - Labor

### Detroit 1967 rebellion





### Causes 1967 rebellion

- Kerner Commission Report (1968)
  - First Level of Intensity
    - 1. Police practices
    - 2. Unemployment and underemployment
    - 3. Inadequate housing
  - Second Level of Intensity
    - 4. Inadequate education
    - 5. Poor recreation facilities and programs
    - 6. Ineffectiveness of the political structure and grievance mechanisms (deficit of democracy)

### 1974 Charter reform

- Stop The Robberies and Ensure Safe Streets (STRESS)
- Create Civilian Police Oversight Board (1974)
- Detroit leading in the process
- Edward J. Littlejohn
  - Law and Police Misconduct, U. Det. J. Urb. L., 1980
  - Civil Liability and the Police Officer: The Need for New Deterrents to Police Misconduct, U. Det. J. Urb. L., 1980
  - The civilian police commission: a deterrent of police misconduct, U. Det. J. Urb. L., 1981

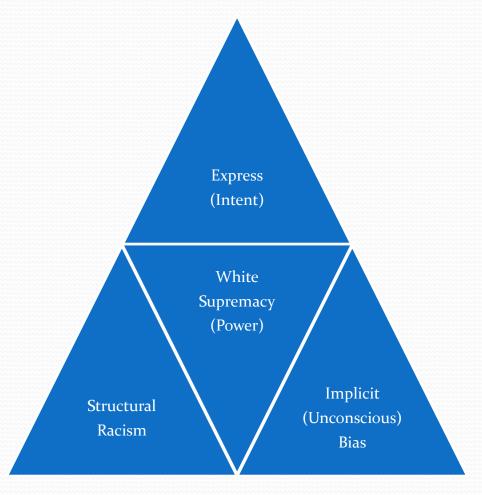
### BOPC has tremendous authority

- Structural authority
  - Budgetary
  - Role in selecting Police Chief
  - Appoint civilian Director of Police Personnel
- Policy authority
- Civilian Complaints
- Police Department Personnel

# BUT civilian oversight is fragile and under constant siege

- Antithetical to traditional racialized police institutions
- Deficit of democracy in Detroit
  - Emergency Manager gutted BOPC 2013
  - Growth of "authorities" not democracy (Land Bank, Lighting Authority, GLWA)
- Working in a regional environment defined by spatialstructural racism
  - Police oversight must be more thoughtful and aware of the implications of how race and racism operates to undermine public safety

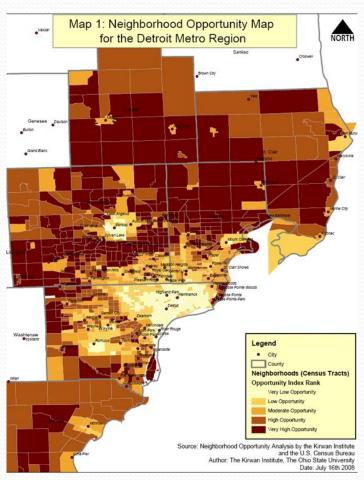
### Structuralized Racialization (Verb)



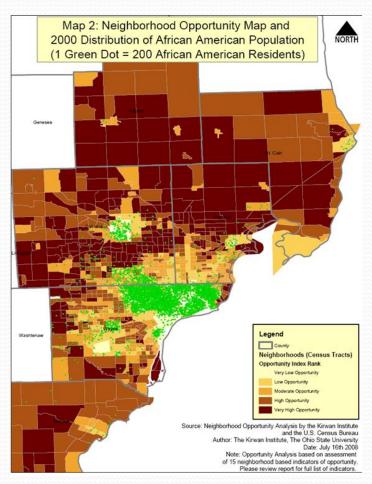
## Spatial Racism in S.E. Michigan

- Michigan Roundtable-Kirwan Institute Opportunity Mapping
- Defining Opportunity
  - Housing
  - Employment
  - Schooling
  - Health
  - Transportation
  - Food security
  - Living environment
- Mapping Opportunity

### Segregation Wealth & Opportunity



# Spatial Racism in S.E. Michigan



### Impacts every social policy issue

- Food security
- Maternal health
- Public Transportation
- Access to health care
- Physical safety
- Quality of schools
- Job opportunities
- Childhood asthma
- Municipal distress

- Social services
- Police Brutality
- Childhood obesity
- Emergency Management
- Infant mortality
- Water shutoffs
- Tax foreclosures
- Life expectancy
- Mass incarceration

# We are living in an historic moment

- The name "George Floyd" has come to symbolize the cumulative effect of four-hundred years of racism in America
- We face the dual pandemics of 1) police brutality and
  the racially disparate impact of Covid-19
- These pandemics are interrelated
  - Covid 19: Intersection structural racism & policies of fiscal austerity
  - Police brutality: Intersection structural racism & militarization

## How should BOPC respond?

- <u>Traditional mission</u>: Use tremendous powers of civilian oversight to restrain the abuses inherent in racialized police practices
- Transformative mission: Use the tremendous powers of civilian oversight re-envision and re-define the sources of public safety in Detroit

### New thinking in a new era

- Racism declared a public health (safety) emergency
- What are real sources of safety?
  - Good housing
  - Good jobs
  - Good education
  - Good food
  - Good environment
  - (Detroiters Bill of Rights)
- Dollar test: what produces more safety 1\$ for police or 1\$ in jobs, housing and education?

# Thank you

