

# **BOARD OF POLICE COMMISSIONERS**

## **BYLAWS**

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## **ARTICLE 1 – NAME; PURPOSE; AND GOVERNING LAW**

### Section 1 – Name

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

### Section 2- Purpose

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 3 - Creation

The Board was created by the 1974 Charter in Article 7, Chapter 11, Section 7-1102. 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.

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 4 – Governing Law

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 1 General

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 2 Duties of the Board of Police Commissioners

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.

Other Board Duties include the following:

- 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 1      General

The affairs of the organization shall be governed by the Detroit Board of Police Commissioners.

### Section 2      Address

The official address of the Board is:

Detroit Board of Police Commissioners  
1301 Third Avenue, Suite 767  
Detroit, MI 48226

### Section 3      Composition

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 4      Appointed Members

- a) 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.
- b) Appointed members shall serve a term of five (5) years, and not more than one member's term expires each year.
- c) 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.
- d) Appointed members may not serve more than five (5) years consecutively as a member of the Board.
- e) 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.
- f) Appointed members may receive by ordinance reimbursement for parking, mileage and other reasonable expenses.
- g) Appointed members must be residents of the City.

### Section 5      Elected Members

- a) Unless required by state law, elected members shall not be entitled to salaries, retirement health benefits, health benefits or other fringe benefits.

- b) Elected members may receive by ordinance reimbursement for parking, mileage and other reasonable expenses.
- c) 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.
- d) Elected members must be residents of the City.

Section 6 Removal

- a) Appointed Members
  - 1) The Mayor shall not remove appointed members of the Board except for cause (7-802).
  - 2) 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.
  - 3) 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.
- b) Elected Members (Forfeiture of Office)
  - 1) 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
  - vi. Any other misfeasance or malfeasance.
- 2) Permissive Forfeiture: The City Council may determine that the office of an elective city officer should be forfeited under Section 2-107(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.

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.

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 7 Meeting Attendance

Each Board member shall attend all Board meetings and all meetings of any committee on which such Board member serves. Requests to be excused from meetings shall be made prior to the meeting.

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

Section 1      Officers

The Officers of the Board shall be a Chairperson and Vice Chairperson.

Section 2      Election of Officers and Terms

Commencing calendar year 2016, the Members of the Board shall conduct its election for Chair and Vice Chair on the second Tuesday of June. The Members shall elect officers annually from its membership by majority vote. The term of office is for one year or until the successor has been elected. The chairperson may not serve consecutive terms.

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 3      Nomination Process

- A. 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.
- B. It is the responsibility of the candidate to inform the Board Members of his or her intention to run for office.
- C. 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.
- D. The Chair may continue to preside over the nomination process, even if he or she is nominated for an office.

Section 4      Voting

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

Section 5      Taking Office

Newly elected members will assume office on July 1<sup>st</sup> each year.

Section 6      Duties of Officers

The duties of the Officer shall be as follows:

a) Chair: The Chairperson shall, in general supervise the affairs of the Boards.

Presides at all meetings of the Board and shall have the right to vote in all matters put before the board for a vote.

Ensures 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.

Represents, or authorizes a designee to represent the Board with the public in all matters pertaining to the Board.

Signs all documents on behalf of the Board after same has been approved by the Board.

Calls meetings of the Board in accordance with the Bylaws and all applicable laws, rules and regulations.

“Appoints all standing committees and special committees, and serves as ex-official member of all committees.”

Performs all duties incidental to the Office of Chairperson and such other duties as may be presented by the Board.

Vice Chairperson: The Vice Chairperson performs all duties of the Chairperson in the absence or written resignation of the Chairperson or during the Chairperson’s inability or refusal to act.

Has all the powers of the Chairperson and shall be subject to the same restrictions as the Chairperson.

Fills the unexpired term of the Chairperson, should a vacancy occur.

“Serves as a member of any committee whenever designated by the Chairperson.”

Performs such other duties as from time to time may be assigned by the Chairperson or by the Board.

## Section 7 Removal

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 8 Orientation and Training

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. The orientation and training program may include:

- 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.
- h) Issues pending before the Board.

## Section 9 Board Staff

The Board shall appoint personnel necessary to support the Board, as authorized by the Charter, in carrying out its responsibilities. All members of the staff 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 10 Functions of the Secretary to the Board

- a) The Secretary to the Board is responsible for coordinating and managing the day-to-day activities and operations of the Board 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.

Section 11 Limited Delegation of Board Subpoena Power

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 subpoena(s) to secure documentation and other evidence required in the normal course of OCI investigations. As of September 22, 2016, the Board authorizes the amendment of all rules and regulations and operating procedures currently enforced to make said delegation effective immediately.

The limited delegation of this authority to issue subpoena(s) can be revoked by actions of the Board and is limited to subpoena(s) designed to facilitate normal investigative work of the BOPC.

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 1 Open Meetings Act

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 2 The Committee of the Whole shall address all issues that may come before the Board including, but not limited to, those issues addressed by the standing committees: Citizen Complaints, Disciplinary Appeals, Promotional Appeal, Budget, Legal Affairs, Labor Relations, Personnel and Training, and Policy.”

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.

Section 3 Conducting Board Meetings and Business

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) Normally, regular meetings of the Board will follow a routine order of business that include:
  1. Call to order and roll call
  2. Invocation
  3. Approval of the Agenda
  4. Approval of the Minutes
  5. Report from the Chairperson
  6. Report from the Secretary to the Board
  7. Communication or Presentation to the Board from the Chief of Police
  8. New Business
  9. Unfinished Business
  10. Board announcements
  11. Public comment
  12. Recess to closed session, if appropriate
  13. Adjournment

#### Section 4 Special or Emergency Meetings of the Board: Notice

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.

#### Section 5 Annual Meeting

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 6 Quorum

A quorum for action by the Board shall be a simple majority of its 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.

If a quorum is not present at any meeting, a majority of the members present may adjourn the meeting without further notice.

A quorum for committee meetings shall be fifty percent (50%) of its members.”

Section 7 No Voting by Proxy

No member shall be permitted to vote at any meeting by proxy.

**ARTICLE VI –WAIVER OF NOTICE**

Section 1 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 VII - BOOKS AND RESOURCES**

Section 1 The books and records of the Board shall be maintained in accordance with applicable law.

**ARTICLE VIII - SUSPENSION OF RULES**

Section 1 The Board’s rules of parliamentary procedure may be suspended upon the affirmative vote of two-thirds (2/3) of the Board members.

**ARTICLE IX- AMENDMENTS/REVISION TO BYLAWS**

Section 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.

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 shall present the recommended changes 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.

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 X – CONDUCT OF MEETINGS**

- Section 1      The business of the Board and committee meetings shall be conducted in accordance with the latest edition of Roberts Rules of Order: Newly Revised, to the extent to which they do not conflict with the Bylaws, or the City Charter.
- A. 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.
  - B. City of Detroit 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, and if any individual shall behave unprofessionally or discourteously, the Chairperson shall cut off comment or further debate.
  - C. 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.
  - D. 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.”
  - E. Once the Chairperson declares a breach of order, a penalty may be imposed by a majority vote to require the non-complaint Board member to leave for the remainder of the meeting.



## **ARTICLE XI – 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.

### **BOARD GOVERNING DOCUMENTS/PARLIAMENTARY AUTHORITY**

The governing documents are recommended for use in the following order:

- City Charter
- Bylaws
- Rules of Decorum for Board Meetings and in General
- Current Edition of Robert Rues of Order Newly Revised
- BOPC Standard Operating Procedures

