DETROIT BOARD OF POLICE COMMISSIONERS' RESOLUTION

FOR THE APPOINTMENT/HIRING OF AN INDEPENDENT BOARD ATTORNEY, CONSISTENT WITH THE DETROIT CITY CHARTER

WHEREAS Detroit City Charter states in part *Sec. 7-804. Staff…The Board may hire, in accordance with Article 6, Chapter 4, such additional staff as is necessary to carry out its duties. All members of the staff are under the direction of the Board…* AND

WHEREAS Detroit City Charter states in part *Sec. 7.5-201. Law Department…Nothing in this section is intended to prevent any branch, officer or employee of city government from consulting with legal experts or convening meetings or hearings for the purpose of obtaining information necessary to execute their duties…* AND

WHEREAS An Attorney that is a client of the City, whose obligatory interest is to protect the City from liability has an inherent conflict of interest to provide counsel to a Board whose role is to oversee the Police Department through establishing policy and investigating the public's grievances against members of the department. AND

WHEREAS Both the Detroit Police Department and Detroit City Council appoint and maintain attorneys and full legal teams to support their functions, independent of Corporation Counsel. And, the Board of Police Commissioners has historically maintained an Attorney on staff, and is currently budgeted for an Attorney. AND

WHEREAS To be effective and maintain the public's trust, the following Charter-Mandated responsibilities of the Board of Police Commissioners require dedicated, independent legal expertise:

- "In consultation with the Chief of Police, and with the approval of the Mayor <u>establish policies, rules and regulations</u>;"
- "<u>Act as final authority in imposing or reviewing discipline of employees</u> of the department;"

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- "**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.**"
- In the resolution of complaints, "When a matter is referred to fact finding, the Secretary to the Board and the respondent employee shall attempt to agree upon a person to act as a fact finder. The fact finder must be an attorney."

NOW, THEREFORE BE IT RESOLVED:

The Detroit Board of Police Commissioners will solicit and hire a Michigan Bar Association-licensed Attorney in support of its Charter-Mandated oversight functions and the furtherance of public trust.

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