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DETROIT POLICE DEPARTMENT

Administration Division
INTER-OFFICE MEMORANDUM
Citizen Complaint Bureau

Date February 1, 1968

To: **Commanding Officer, Citizen Complaint Bureau**

Subject: **GUIDELINES FOR THE SUCCESSFUL HANDLING OF CITIZEN COMPLAINTS.**

To protect both citizens and the police, all complaints against police officers must be investigated thoroughly and objectively.

In order to protect innocent officers from receiving unwarranted and often injurious publicity in disciplinary cases, the information contained in disciplinary reports will be securely safeguarded.

In their resentment against police authority, some citizens accuse police officers of misconduct without having any basis for doing so. An objective investigation will serve to support the police officer who is endeavoring to do his job properly and relieve him of the fear of punishment for allegations which are unsubstantiated.

The police, who are required to insure compliance by the public with a standard of conduct established by law, have a double obligation to police themselves. The standard of conduct to which police officers must adhere is on a higher level than that expected of the average citizen. They must not only avoid the occasion of sin but even the appearance of sin.

It is in the interest of every member to rid the department of those who have, by their conduct, betrayed the trust placed in them and tarnished the reputation of the organization. A police officer is a responsible person and must answer for a crime like any other citizen.

To protect such an individual against disciplinary action is a perversion of the fraternal spirit that exists in police service and undermines the confidence of the public in its police department.

A police department is fully justified in utilizing all investigative procedures and techniques which are legally available to it in ferreting out criminal violations or violations of departmental regulations.

The need for a variety of continuous checks to assure compliance with established procedures is recognized. An awareness that such a check is being made does not constitute an affront to a police officer but rather a reminder of the sensitive nature of his work and the need for maintaining high standards in his chosen profession.

ON MISTAKES

The man who makes no mistakes is the man who takes no action. Any action involves a prior decision; a force of many policemen is required to make thousands of decisions each day; there must inevitably be some mistakes in judgment or action.

Citizens are not as incensed by a mistake as they are by police efforts to conceal or deny it. Openly admitting a mistake is the first step in correcting it.

WHEN A MISTAKE IS MADE THREE THINGS MUST BE DONE:

1. It must be freely admitted, without fear or attempt to shift the blame.
2. Steps must be taken to correct the procedures or attitudes that made such a mistake possible.
3. The mistake must be rectified. An apology may suffice; if injury or damage is involved, appropriate measures for compensation must be found.

Every member of the department has an obligation to be loyal to his superior officers, to the administration of the department and to the city government which employs him so long as those to whom he is responsible are acting lawfully and in accordance with department policy. He owes a fair day of work for his pay. He has an obligation to uphold and support department policies as long as he remains an active member of the department.

Loyalty, like friendship, is a two-way process, management including all supervising and commanding officers, must have a concern for the welfare of the subordinates and a responsibility to support them in their proper actions. This does not include protecting them from the consequences of their misdeeds.

There are things that we may not be able to figure out -- such as, How much force should a police officer have used in effecting a legal arrest. There is a basic discretion vested in a police officer when he is dealing with a violent situation, and afterwards, no one can fairly judge whether the pounds of pressure exerted by his fist or billy club were scientifically calculated to be the least amount of physical force needed to subdue this person.

And in dealing with violent crime, the police officer who knows that his own life or the life of a citizen is in jeopardy, has legal discretion to take any reasonable means to protect it. --

And taking such measures, he deserves the support of his department and the community. (But these are not the type of incidents that cause us our greatest concern.)

Community groups have demonstrated their willingness to shoulder their responsibilities with reasonable understanding when they are apprised of all the facts in a given situation, and we in law enforcement must demonstrate our willingness and ability to take proper action against members of our force when they violate the rules and regulations or the law.

This does not mean that every infraction made by a police officer is a hanging offense or requires discharge. We deal with difficult and complicated problems - our men must make decisions in the heat of combat and based on their beliefs at the time of the action. And, if the officer's judgment, though poor, was not motivated by greed or prejudice, the correction could be merely further instruction or a reprimand. The correction, in any case, should be commensurate with the infraction. (Disciplinary action, if any, must be based on the just determination of the facts and enforcement officials must have the courage to withstand internal and external pressures, and do what is just.)

If the officer deserves correction, he should have it -- as we would expect it in any other function of government or any other walk of life.

Any situation, where the truth is allowed to be covered up by official reports, is productive to the greatest amount of hostility and disregard for law. A belief that the truth is being glossed over is a major source of problems in the area of which we are speaking.

Following are some basic guidelines on the establishing of a Citizens Complaint procedure and the investigation of complaints. It should be well understood, the following guidelines of complaint investigation cannot possibly cover all situations and all departments; nor can any investigation transcend the excellence of the professional police investigator whose prime target should be a moral commitment to an objective compilation of facts based on the rules of evidence.

It is recommended that the Task Force Report: The Police, compiled by the President's Commission on Law Enforcement and Administration of Justice, pages 193-202, be reviewed. This section of the report will give some very valuable information concerning this subject.

(see attached outline)