

**Report of the Citizens Review Panel
on the
Procedures and Training Programs Utilized
by the Detroit Police Department
Using Force and Less-Than-Lethal Force**

**City of Detroit
Department of Police**

June 1, 2001

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PURPOSE OF THE CITIZENS REVIEW PANEL

Purpose: In September of 2000, Detroit Chief of Police Benny N. Napoleon called for a voluntary Citizens Review Panel (the "Panel") to address citizens' concerns related to the use of lethal force and less-than-lethal force by the Detroit Police Department (the "Department"). **The purpose of the Panel was to meet with the Chief and several executives to review the Department's policies and procedures on the use of lethal force and less-than-lethal force.**

Significantly, the Chief directed that the review not be limited only to officers within the Department. He empowered the Panel to go outside of the City of Detroit to conduct interviews with departments and individuals in the field of law enforcement. By doing so, the Panel could (and in fact, did) foster a greater understanding of police procedures between the community and the Department. Further, following its review, the Panel could afford the Department an opportunity to propose needed changes if they are confirmed by review and analysis of these very important issues.

MEMBERS OF THE CITIZENS REVIEW PANEL

The following individuals were appointed to the Panel:

Reverend Wendell Anthony, Chairman, Citizens Review Panel; President, Detroit Branch NAACP; Pastor, Fellowship Chapel United Church of Christ.

Mario Morrow, Vice-Chairperson, Citizens Review Panel; Educator, Journalist and Political Commentator.

Theo Broughton, Co-founder of Hood Research, Community Advocate.

Mike Fisher, Director of Detroit Community Initiative.

Nate Ford, Businessman and community organizer.

Eddie Harris, Chairman, Chief's Advisory Council; President, Mohican-Regent Homeowner's Association.

Ines DeJesus, Educator and former member of the Board of Police Commissioners, City of Detroit.

Sandi Kanakis, Businesswoman, Chairperson of the 8th Precinct Police Community Relations Organization; Community Activist; President, NoW Detroit Community Organization.

Sheila Powell, Businesswoman, Consultant, Community Activist.

Jim Stapleton, Chairman, Board of Directors, Detroit Urban League; Community Advocate.

Marilyn Thompson, J.D., Businesswoman, Community Organizer, Community Activist.

Reverend Curtis C. Williams, Owner, Trinity Chapel Funeral Home; Pastor, Aijalon Baptist Church; Senior Chaplain, Detroit Police Department.

PART ONE EXECUTIVE SUMMARY

"For police officers to be effective, their enforcement of the law must be framed in mutual confidence between the people served and the people who serve them. Every American must respect the law, and the law must respect every American." Janet Reno, Attorney General, United States Department of Justice, Washington D.C. June 9, 1999.

The current state of affairs within the Department leaves many in our community without a sense of confidence or mutual respect for many in the police department who are in fact duty-bound to both protect, respect and serve the citizens within our community. As citizens of Detroit, all of whom have a stake in the Department that services this community, we approached this task openly. We agreed not to bring any preconceived notions or biases against the Department to the task of making appropriate recommendations for the Department. We did not seek to attach blame to any individual, nor did we seek to cover up, protect or to defend the actions of any entity of our City. This report should not serve as an indictment against every police officer, or against every elected or appointed official who has any connection with the Department itself. Yet it will bring into focus all of those who have some responsibility to make the Department work. Every entity, from the City Administration to all Department personnel, its bargaining unions and citizens, must acknowledge the problems within this system.

Currently, the Department is not working at a level that gives citizens the best results. It is broken and it needs to be fixed. It is imperative that this report is not only reviewed, but key recommendations implemented. The Chief of Police is to be commended for calling for an independent review, but a review is only as good as its implementation. Our Department and our citizens deserve a better system of policing than we currently are receiving. Detroit stands at a crossroads with its Department. At the same time, budgets have been historically reduced for the Department. As a result, services have decreased, thereby creating a greater risk to the community. This is largely due to a lack of material resources, lack of accountability, a shortage of personnel and insufficient budget funding. This current state of affairs within the Department's development and training procedures has fostered a climate that has resulted in:

- Paying out high and unnecessary lawsuit settlements that may have been avoidable.
- An escalation in disregard for the rights of Detroit citizens as evidenced by mass arrests and detainment.
- Inhumane conditions within holding cells of police precincts, including 1300 Beaubien.

Many of the problems identified in this report, existed before the beginning of the current police administration, problems that have been entrenched over the years. We now have an opportunity not only to address them, but to fix them. We hope that Detroit will choose the road that leads to a new, responsible, well-equipped and well-trained Department. If not, we may find

ourselves to be just another study commission or task force, one that resonates throughout the community but falls upon deaf ears.

Since September of 2000, the Panel composed of volunteers from various segments of the Detroit community met, discussed, interviewed and debated issues related to the use of lethal force and less-than-lethal force by the Department. Weekly meetings included, but were not limited to, interviews, field trips, virtual reality demonstrations and voluminous reading material from other police departments around the country. Following the recent rash of shootings in the city of Detroit by members of the Department, it was decided by Detroit Chief of Police Benny N. Napoleon that such a Panel of citizens could help to identify and recommend areas for effective change within the Department. It is very clear that the large sum paid out for lawsuit settlements following a 13-year period from January, 1987 through December, 1999 of \$123,974,439 can indeed be reduced and even eliminated. These unyielding settlements reflecting pre-trial agreements, mediations, arbitrations and judgements are using much needed resources geared toward Departmental budget priorities that can better serve our community.

It was very clear, for example, that less-than-lethal force meant different things to different people within the Department. The differences surrounding less-than-lethal force were found to be rooted in the level of training, the specific culture that prevails within the Department, as well as the direction that comes from the Mayor on down to the man or woman on the street. It was clear to the members of the panel that the mission statement of the Department needed to reflect a higher sensitivity and concern for people, and a mutual respect for fairness and compassion. While the values and Code of Ethics of the Department speak to human life, integrity, laws and Constitution, excellence, accountability, cooperation, problem solving and the officers themselves, both the translation and the adoption of such values and ethics seem to be at odds within the Department.

Further, the issue of training - its length and the areas of training coupled with the necessity for diversity and sensitivity training - have been shown to be a critical problem inside the Department. This has affected the question of when, where and how to use lethal force. Additionally, non-residency of police officers in this community poses an even greater threat of escalation in the use of lethal force. This will have a tremendous impact upon an already challenged culture, one devoid of police candidates who have a vested interest in the community. This is particularly true when candidates for the position of police officer in the city of Detroit may never have shared a cultural experience with the very people they are hired to police.

The culture within the Department can be a very positive combination of police behavior, community response and mutual respect. The "us versus them" perspective from the rank and file, management and the community must be changed to a "we" for the benefit of all. Isolation is a direct result of each segment protecting its own, and not reaching out to communicate with or understand the dimensions of each other's responsibilities. The Department has a greater responsibility in this quest because of its unique position in enforcing the law. The budget

priorities of the Department must be reviewed and prioritized to improve police services, provide for the necessary Weapon Systems and improve the quality of training and the caliber of police officer if corrections and advancement are to be made within the Department. As the Panel moved forward in this process, it was apparent that no single entity is the cause of all problems within the Department.

They are the result of a system that appears to be connected in some areas and disconnected in others, which leads to a lack of communication, and information sharing, accountability, and movement towards an effective Department. The U.S. Department of Justice's, "Police Use of Excessive Force, a conciliation handbook for the police and the community," June, 1999 states: "The mission of a department of police should describe the fundamental role of an organization in support of its vision, why it exists, its purpose, and a single overriding goal statement." The values reflect and determine the guidance for work, decision-making, openness and the major emphasis of the department. Examples of values would be integrity, trust, community sensitivity, accountability and fairness. The Weapon Systems used to achieve most professional results in fighting criminal behavior, as well as lifesaving capabilities, also reflect these values. Tracking officers for problem identification and retraining for policing in the community reflects a value not only for the officer, but for the citizens of the community.

Recruitment must emphasize what the Department values and who best represents the mission and the duty of the Department as it is organized to serve the community. Cooperation must exist between the Department and the citizens. Through such cooperation, not only is the ability to deal with crisis situations improved, but resentments are diminished, barriers are brought down and antagonisms are eliminated. Finally, both incentives and discipline must exist to reflect the Department's highest values and accountability both for its officers and the citizens of Detroit. When officers perform well, they should be recognized by the community and acknowledged within the Department - without exception. When officers perform poorly, they should be evaluated and held accountable to both the Department and the citizens. Poor performance by Department personnel that may endanger the lives of the citizens or fellow officers, reduces the effectiveness of services provided by the Department to this community. Such poor performance must not be tolerated or protected by members of the Department, supervisory staff, all bargaining units, or the citizens of Detroit. Poor performance must be corrected. If not corrected, persons found not in compliance must be disciplined and, if necessary, terminated.

PART TWO

INTERVIEWS WITH EXPERTS IN THE FIELD OF LAW ENFORCEMENT

Focusing on the task assigned, - the formulation of fundamental recommendations for training programs, and the use of lethal and less-than-lethal force options, - on behalf of the Department and community, required extensive analysis from numerous sources. Data was obtained from a variety of resources. The Department's historical and educational data, as well as statistical information, were reviewed. Department site visits were conducted along with interviews with a variety of law enforcement experts (active and retired). Further, the Panel was presented and participated in multiple demonstrations relating to less-than-lethal force options.

The experts were selected based upon their extensive knowledge, community commitment, level of expertise and past or current positions with various law enforcement agencies. The interviewees were willing participants and spoke candidly. The Panel interviewed experts representing the following entities:

- Detroit African-American Police Association
- Detroit Board of Police Commissioners
- DPD Academy/Training
- DPD Firearms Training
- DPD Internal Affairs
- DPD Internal Control Section
- DPD Personnel Bureau
- DPD Risk Assessment
- DPD Swat Tactics Unit
- Detroit Police Officers Association
- Jaycor Tactical Systems of San Diego, Calif.
- Michigan State Police
- Office of the Chief of Police
- The Mayor's Office
- Wayne County Sheriff's Department

The Panel was struck by the interviewees' identification of insurmountable commonalities among the many challenges facing the Department. The findings were as follows:

Summary of Interviews What They Observed and Experienced as DPD Challenges

Myriad challenges face the Department. The majority of those interviewed agreed that the Department has less than adequate funding. Recruiting new officers, and retaining experienced officers, with a less-than-competitive compensation package also is a challenge. With police residency no longer required, the question of commitment to and vested interest in professional service to the community was viewed by many of the experts as a serious concern. Another concern expressed by many Department experts was for the tremendous layers of internal bureaucracy involved in requesting the tools needed to be effective and efficient. Some interviewees suggested that the Department lacks autonomy. As a result, it does not have control over the decision-making process related to rewards, discipline, promotion and/or termination.

Expert Common Link-Challenge Review

- Lack of allocated dollars specifically for the needs of the Department.
- Non-competitive salaries compared to like-size cities.
- Lack of qualified recruits applying.
- Non-existent retention efforts.
- No residency requirement.
- Insufficient equipment for securing and monitoring interrogations, as well as alternative Weapon Systems.
- Internal and external bureaucratic layers, which prohibit accountability and prevent localization of operational efforts within the Department.
- Educating and sharing information with the community to change the negative perception of the Department.

What They Observed and Experienced as DFD Problems

The Department's common-link problems are deeply rooted, although it may seem that they have only recently arisen, because of the flurry of activity that has recently taken place. Deficiencies in manpower, continuous training, morals, ethics, respect and values exhibited by some Department employees toward the public and co-workers, have given the public a negative snapshot of the Department. It is apparent this snapshot is undeserved by many in the Department, those who abide by the Department's Code of Ethics.

Non-compliant practices with the basic Code of Ethics have and will compromise Department staff as well as the community. The experts once again reinforced the tremendous need for additional staff, mandatory training and incentives to retain seasoned, experienced personnel. To begin this task, budgeted dollars are needed to recruit and hire staff, upgrade equipment (computers, scout cars, lethal weapons, less-than-lethal weapons, protective gear, etc.), offer a competitive salary, and provide mandatory continuous training. The pattern and/or practice of dollars allocated on an as-needed reactive basis should be considered insulting as well as unacceptable to the citizens and to Department personnel. Another problem many Department experts shared with the Panel was the handling of the Department operations. Compared to like-size metropolitan cities, Detroit is deficient.

Expert Common Link-Problem Review

- Lack of manpower/staffing (uniform and civilian).
- Lack of mandatory, continuous training.
- Decline and enforcement of best (or force continuum) practices, as specifically detailed in the Department Code of Ethics.
- The community and the Department are at risk with the decline and enforcement of best practices, under the Code of Ethics.
- Insufficient equipment for securing and monitoring interrogations, and insufficient alternative Weapon Systems.
- Insufficient budget necessary to operate a metropolitan police department.
- Insufficient support for the office of Risk Assessment.
- Lack of education and communication about where and how to inquire about the numerous confidential Employee Assistance Programs currently available to Department employees.
- Re-evaluation of current check-and-balance system comprised of civilians working part-time with the ability to make and/or influence Department personnel and/or operational decisions (Board of Police Commissioners).
- Extensive legal liability exposure resulting in excessive pay-outs.

While no law enforcement expert interviewed for this document was quoted, the Panel extrapolated key components of all interviews and identified commonalities. All common links, as indicated above, will play a key role in the recommendation submitted to Chief Napoleon. However, one specific commonality that continuously emerged was the need for a Risk Assessment Department. DPD has an obligation to implement a fully funded, state-of-the-art, fully staffed Risk Assessment Department. The in-depth discussions on Risk Management led to the following analysis:

Risk Assessment

It is indisputable that an effective Risk Management Department is the centerpiece for prevention of loss and liability. It is crucial in minimizing the exorbitant costs of liability related lawsuits. Although such an undertaking is expensive, the reduction in lawsuits will far outweigh the cost. It is also true that the Department currently does not have an automated risk assessment system. Incredibly, the Department must rely upon an antiquated, ineffective hand method. Clearly a Department consisting of more than 4,200 sworn officers cannot be expected to function efficiently in this way.

Historical Perspective

Originally established in 1994 as the Risk Management Division, the Division was downgraded to a Section prior to 1998. Initially, the Risk Management Division focused mainly on worker's compensation issues and some special projects.

After the Division was downgraded, the Department's risk management efforts were minimal. For a brief period, the staff consisted of only two police officers. In May 1999, Chief Napoleon realized the importance of being pro-active, and appointed a second deputy chief to head the Risk Assessment Section. Subsequently, the staffing was increased and the direction and efforts of the Section was changed from worker's compensation to include all exposure areas.

Currently, the Risk Assessment staff consists of one second deputy chief, one lieutenant, three sergeants, two police officers and one contractual risk manager. Although the expansion is noteworthy, it is insufficient for a Department of 4,200 sworn members. It is nearly impossible to be pro-active with the number of problems encountered daily by the Department.

Focus

The Risk Management Section should be responsible for the Department's overall risk management efforts. As such, the Section should identify areas that create the greatest degree of exposure to liability, loss of resources and detect warning signs of troubled officers. The Section then should implement strategies to reduce risk and minimize litigation and loss of resources.

At this time, the most critical undertaking of the Risk Assessment Section is overseeing the development of an automated database referred to by the acronym CALM, for the Compliant and Litigation Monitoring system. Potentially this system should facilitate the risk management efforts by indexing data from various sources, such as: Office of the Chief Investigator for Citizen Complaint Information, Internal Affairs Unit for Criminal Complaint Information and Shots Fired Report, Disciplinary Administration Unit for Internal Patterns of Disciplinary Conduct, Police Law Unit for lawsuit and claims information, Eastern and Western Operations for Police Action Incident Reports, Injured Prisoner Reports and Traffic Accident Reports, and the Academy for Probationary and In-Service Training Histories.

Risk Assessment should monitor all data on a consistent basis to determine behavioral patterns, and identify trends and training deficiencies. If indeed CALM is fully and efficiently developed, it should contain an early warning/early intervention device to immediately identify officers who meet certain criteria.

Currently, the Department does not have an integrated system that allows for accurate monitoring of behaviors and trends. The manual process is cumbersome, tedious, inadequate, and extremely time consuming.

Implementation

Unfortunately, the development of an automated system requires extensive resources. Currently, the Department does not have funds or manpower to devote to the development of this system. As a result, the resources for the project are shared by other departments. The computer programmers have competing projects, so this development is not always a priority.

Comparison to Similar Departments

The Los Angeles County Sheriff's Department estimates it spent \$8 million-\$11 million for the development of its Personal Performance Index system ("PPI"), which it uses to evaluate performance. The initial development phase for the PPI was four years and involved a considerable team of people. Similarly, the Pittsburgh Police Department spent \$5 million-\$6 million. Both the Los Angeles County Sheriff's Department and the Miami-Dade Police Department showed a dramatic decrease in certain incidents with the development of automated

systems. According to Miami-Dade officials, several careers have been salvaged because of early intervention programs.

Each department discussed above experienced a dramatic decrease in the amount of money paid as a result of lawsuits that may have been avoidable.

Conclusion

The City of Detroit spends several million dollars each year for police action incidents. It is estimated that such litigation costs in 1999-2000 exceeded \$20 million. Although not all litigation is avoidable, it is expected that the City of Detroit will experience a substantial decrease in the amount of money paid for police actions with the advent of a database to identify areas of exposure.

A study should be conducted to analyze the cost of establishing a state-of-the-art tracking system versus the costs associated with liability driven lawsuits.

PART THREE COMPARISON OF SIMILAR URBAN CITY POLICE DEPARTMENTS

The Panel was provided with historical and educational data, that provided an internal picture of the Department. Upon review, it became clear that the driving force of the Department has its roots in the tenor of past and present administrations. Instead, a stronger emphasis should be placed on the Code of Ethics, additional resources and training.

The Source material provided revealed that reference to less-than-lethal force options, or specific force continuum training, was lacking. Unquestionably, less-than-lethal force options should be incorporated and continuum force training made mandatory. Sufficient training is a critical component in implementing viable alternatives.

While comparing data from law enforcement agencies statistical information disclosed several deficiencies in the Department: Its budget, a dwindling work force, lack of continuous training, lack of diversity, lack of full implementation of the Office of Risk Assessment, lack of competitive pay scale, outdated weapons (lethal and less-than-lethal), and a lack of a Legal Affairs Division to address police-specific external and internal issues. Overall, it is apparent that Detroit's governmental decision-makers engage in a reactive management style. It is the consensus of the Panel that this focus must be replaced with a pro-active approach.

Methodology

A. Site Visits

Site visits were made as an entire Panel or, at times, by sub-committee. Sub-committee visits were reported to the Panel as a whole. Site visits included:

- DPD Academy (recruitment and personnel).
- Virtual Reality Range.
- Ride-a-longs in scout cars.

B. Demonstrations

Demonstrations to the Panel also were provided. They consisted of less-than-lethal force options, including:

- Monadnock Expandable Baton
- Bean Bags
- MK9 Aerosol Pepper Projector System
- The Pepperball Launcher System A-85
- Tasers

C. Documentaries/Videos

Documentaries and special videos on less-than-lethal force options currently utilized in other cities also were reviewed. Please note that there are newly developed weapon systems, both lethal and non-lethal, and we recommend an annual review of professional documentaries from other Departments and of educational materials on affirmative less-than-lethal force options.

D. Use of Force Reports from Other Departments (Refer to Comparison Table)

The Panel extensively reviewed information from the following Departments:

- Atlanta
- Houston
- Washington
- Philadelphia
- Arlington, VA
- Michigan State
- Chicago
- San Diego
- Los Angeles
- New York
- Los Angeles County Sheriff's
- Wayne County Sheriff's

Comparison Table

A representative table compares the Department to other jurisdictions. It is clear from the data that the Department, in some cases, does not compare to other cities and is, in fact, deficient, largely due to a lack of resources, including the necessary money to implement vital changes.

Representative Comparison Table of Other Metropolitan Departments to Detroit

Police Department	Weaponry On/Off Duty	Non-Lethal Type/When	Academy	Starting Compensation	Automated Risk Management
Detroit	Issued: Glock 22, 23, 27 (June 1992). Can carry: .44 magnum, .45-automatic, 9mm, .357 magnum, .380 and .38 caliber. 5- or 6-shot shotgun in trunk.	Issued: Wooden baton. Issued: Pepper spray (1994).	20 wks class: 18 wks State, 2 wks DPD, 8 wks F/T.	\$25,000 ¹	No
Atlanta	Issued: S&W 9mm. Can carry: .38 revolver as secondary weapon. Shotgun in trunk.	Issued: ASP Metal Baton (2000). Issued: Pepper Spray (1995).	27 wks class, 6 wks F/T.	\$31,334	Yes
Chicago	Can carry: S&W, Baretta, Ruger, SIG-Sauer 9mm's, .357 Magnum, .45-caliber semi-automatic. Shotgun in trunk.	Issued: Wooden baton. Issued: Pepper spray (1998).	25 wks class.	\$33,522	Yes
Houston	Can carry: Any .40-caliber or semi-automatic weapon of choice made by Ruger, SIG-Sauer, S&W, Baretta, Colt. Plainclothes officers carry 9mm, .38-caliber revolver, .357 or .44 Magnum, .45 caliber semi-automatic, .41 magnum. Can purchase shotguns: Remington 870, Benelli 12-gauge semi-automatic.	Issued: Wooden baton. Issued: Pepper spray. Issued: Tasers, fire 2 darts (1980s). Issued: Bean bag rounds (1998). Can purchase expandable metal baton.	28 wks class, 11-17 wks F/T.	\$29,338	Yes
San Diego	Issued: Ruger 9mm (1986). Can purchase: S&W, Baretta and SIG-Sauer 9mm's. Carbine & shotguns in vehicle's passenger area.	Issued: Tasers, fire 2 darts (1980s); Pepper spray (1991); Plastic baton (1984); Plastic nunchuks (1984); metal flashlight (impact weapon); Bean bag rounds (in trunk). Can purchase: Metal expandable batons. Must carry at least impact weapon.	25 : wks class, 6 wks F/T.	\$33,891	Yes
Washington D.C.	Issued: Glock 9mm. Can carry: SIG-Sauer 9mm as a secondary weapon Shotgun in trunk.	Issued: Pepper spray (1993). Issued: Expandable metal baton (1997).	24 wks class.		Yes

¹The salary for Detroit has increased to \$27,863.07. It is uncertain whether the other jurisdictions also have recently increased.

Risk Management Representative Table

Police Department	Risk Assessment	Automatic Tracking	Reduction in Liability Costs
Los Angeles	Yes	Yes	Yes
Miami Dade	Yes	Yes	Yes
Pittsburgh	Yes	Yes	Yes

PART FOUR

DEMONSTRATIONS AND ANALYSIS OF WEAPON SYSTEMS AND SECURITY DEVICES

The Panel has thoroughly examined the question of appropriate Weapon Systems for the Department. As with most reports, some areas often are considered more controversial than others. Over the past several months, the Panel interviewed a number of law enforcement experts, as well as reviewed policies and procedures of similar departments. As indicated in the Executive Summary, experts interviewed by the Panel were well educated on prospective less-than-lethal weapon systems available, as well as their statistical history of preventing possible fatalities.

The Panel believes it is imperative that a review of weapons and policies is performed by the Department annually. The Department has a duty to consistently review each Departmental firearm and weapon policy. If changes are seen as necessary, they should be implemented without hesitation. Further, the Board of Police Commissioners and City Council have the obligation to insure changes are implemented with speed and accuracy, and with sensitivity towards our citizens.

The Panel's research included a detailed analysis of Weapon Systems utilized in our Department, as well as Chicago, Washington D.C., San Diego, Philadelphia, Atlanta and Houston. Further, the Panel personally explored and examined less-than-lethal force systems including wooden batons, pepper spray devices, ASP metal batons (expandable), pepperball launcher systems, 12-gauge bean ball shotgun, metal flashlights, nunchaku (commonly called "nunchuks"), and tasers (presently illegal in the State of Michigan), as well as monitoring devices. As indicated in this section, certain Weapon Systems are utilized in different police departments for a variety of reasons. Our research revealed some officers believe that certain Weapon Systems are more reliable and give officers a greater level of confidence.

As an example, consider our findings in the City of Washington D.C.'s Police Department (a City with similar demographics to Detroit):

METROPOLITAN POLICE DEPARTMENT-WASHINGTON D.C.

The Department, in January 1999, established a new unit entitled the Force Investigation Team (FIT). The FIT was charged with analyzing the Department's use of deadly force and determining where less-than-lethal force may be appropriate. As a result of the FIT's work, the Department experienced a significant decline in intentional police firearm incidents that resulted in death or injury to citizens.

- 1) In 1998, officers shot a total of 32 people; 12 were killed and 20 were injured.
- 2) In 1999, officers shot a total of 11 people; 4 were killed and 7 were injured.
- 3) In 2000, only one (1) person was killed and 6 were injured. (This marks a 78% reduction over 2 years).

The statistics also reflect a marked reduction of rounds fired at persons. The introduction of the Expandable metal baton (ASP), as an alternative to lethal force, was made by the Department, as well as in the use of Pepper spray.

In comparing the Washington D.C. Department's use of less-than-lethal force to that of San Diego, the most controversial weapon used was the nunchuk. The officers used the nunchuks as pain compliance tools. In other words, if they are in a position to get close to a suspect, they wrap the nunchuks around the suspect's wrist. It causes great pain and in most cases the suspect gives up. They are used for the most part during protest rallies. The use of the nunchuks also has resulted in a class-action lawsuit against the San Diego Police Department. The case went before the California Supreme Court (San Diego v Forester). This was a summary suit of 63 cases. The police department won the case.

In a general review of departmental Weapon Systems, most police officers prefer the **Oleoresin Capsicum Pepper spray**. The field officers feel that the spray is more reliable than other sprays that have been used. The spray was issued in 1991.

Tasers (two darts) are not well liked by the officers. The officers are somewhat afraid of the electricity. They have strong reservations about Tasers. They have used the Taser, but just do not like the visual effect it has on them. The range of the Taser is 8 to 10 feet. Margetts states that "the company insists it has a 21 foot range." He stated that that was a bunch of "crap." Tasers are illegal in the state of Michigan.

Shotgun extended (bean bag) is used a lot. This weapon has been in use for four (4) months. Most officers prefer this system to their sidearm.

Training was described as very good. The officers are in class for 25 weeks, 6 weeks of field and 12 weeks additional training as an officer. During these 12 weeks, the officers are assigned and scheduled to each command post. This is a total of 31 weeks as a trainee and 12 additional weeks as an officer.

In summary, it appears that the officers have a great many weapons at their fingertips to use, depending on the situation. **All officers are required to carry at least one impact weapon on their person.** After careful review of other departments, the Panel recommends the following less-than-lethal Weapon Systems to be implemented by the Department:

1) **MK9 Aerosal Pepper Projector system:**

Manufactured by the Armor Holdings Products Division of Defense Technology Corporation of America. This system is comprised of 10% OC solution. OC is an inflammatory, meaning it causes a burning sensation to all exposed skin, the mucous membranes of the eyes and nose, the tongue, and the back of the throat.

2) **The Monadnock Expandable Baton PR24FX (ASP):**

Presently used by the Tactical Services Section. The weapon expands to less than 2 feet, is light to carry and easily stored.

3) **Pepperball Launcher System A-85:**

Manufactured by Jaycor Tactical Systems.

This projectile system combines a safe level of kinetic impact with pepper irritant. Projectiles are accurately delivered on targets at a distance of 30 feet using compressed-air pistols and rifle launchers.

PART FIVE CONCLUSIONS AND RECOMMENDATIONS

RECRUITMENT AND TRAINING:

- Recruitment must be given the highest priority.
- More officers must be put on the streets immediately, using available personnel and increased recruitment.
- Encourage leadership in all areas to recruit from among the young men and women who live in the city of Detroit.
- Starting salaries and increased performance incentives for officers must be improved, as well as increased benefits for continuing education, expanded promotional opportunities and more diverse recruiting in high technology areas.
- Increased academy training in human psychology, conflict resolution, human relationships, cultural diversity, etc.
- Additional hours of academy training must be devoted to professional services development, ethics and role-play in all areas of police interaction with citizens.
- Increased on-the-job training with Field Training Officers.
- Increased diversity and sensitivity training, including the areas of domestic violence, physical impairments such as deafness and other special needs.

ETHICS AND VALUES: From the office of the Chief of Police down through the ranks, the Panel recommends:

- Implementation of a revised mission statement.
- Increased and continuing education on ethics; any changes in the law or ordinances must be reviewed annually.

RISK MANAGEMENT AND TRACKING:

- Immediate funding, personnel and interdepartmental cooperation for the Department's Risk Management Section.
- The Panel believes that Risk Management and Tracking will help to reduce litigation and retain resources for other Departmental priorities.
- The Risk Management Tracking section also can be used to identify exemplarily performance and the rewards such behavior merits.

SIZE OF POLICE FORCE:

- Immediate release of funds to hire new personnel, whether in office positions to free up sworn officers to do police work, more recruitment in multi-ethnic communities and universities or working with the high school, junior colleges, universities and the military. We must increase the recruitment effort from U.S. armed services, and in high technology services.

BUDGET:

- The responsibility for severe monetary restraints placed upon the Department is to be equally blamed on the administration, the legislative body, and the Department itself. If money can be found for lawsuits, money can be found for the tools the Department desperately needs to better service citizens.
- Immediate funding for an integrated computer information system is needed to allow access and sharing of pertinent information.
- The budget should provide for an annual inventory and the appropriate upgrading of all implementation and installation of equipment.
- Immediate funding and personnel deployment to Risk Assessment Section.

PROFESSIONAL SERVICES DEVELOPMENT AND TRAINING:

Most officers spend their time engaging the public and in situations that do not involve the drawing of firearms or crisis situation involving life or death matters. They are for the most part involved in day-to-day human relations that deal with service to the community i.e., complaints, information, directions or local disputes which may be resolved in direct conversation.

- An Office of Professional Services, Development and Training must be implemented immediately to increase better communications and mutual respect between citizens and police department\
- Risk management section for the purpose of evaluating and monitoring inappropriate behavior.
- An increase in education and information of available professional and personal services along with mandatory participation must be made available to officers demonstrating consistent inappropriate behavior.
- Voluntary classes involving personal skill development must be offered.
- Encouragement of officers involvement in outside community activities and recognition for their participation.

WEAPON SYSTEMS AND MONITORING DEVICES:

As stated in Part Four, the recommendations from the Panel for less-than-lethal force weapon systems are as follows:

- MK9 Aerosol Pepper Projector system
- The Monadnock Expandable Baton PR24FX (ASP)
- Pepperball Launcher System A-85

Monitoring Devices:

- Equip marked and unmarked units with visual/audio recording devices.
- Install and equip video/audio recording devices in all booking locations, holding cells, precinct front desk/reception areas, equipment storage facilities, and evidence storage facilities.
- Updated GPS (Global Positioning System) tracking system for the best utilization of police personnel.

PART SIX FINAL SUMMARY

TRAINING PROCEDURES: It is very clear that training is the very essence of any improvement and corrections within the Department. In reviewing the time spent on training by the Department, it must be noted that the Department provides the least amount of training for its officers in its academy. The Department's current time allotment for class and training is woefully inadequate for the level of involvement of its officers. The Panel's research revealed the following disparity in training opportunities for Detroit Police officers when compared to officers in other departments that were reviewed.

- Detroit: 20-21 weeks of class .
- Atlanta: 27 weeks of class, 6 weeks of field training.
- Houston: 28 weeks of class, 11-17 weeks of field training.
- San Diego: 25 weeks of class, 6 weeks of field training.
- Washington: 24 weeks of class.
- Chicago: 25 weeks of class.
- Michigan State Police: 22 weeks of class (training is conducted on a live-in basis, 24 hours per day, seven days per week).

Training is at the **very core** of all that is done to correct inappropriate behavior, instill professional conduct and provide a sound basis for continuous evaluation. It is the opinion of the Panel that the Department should increase its training procedures in all areas that require training. This includes, but is not limited to, psychological training, special needs training (hearing impaired, blind, or physical handicap), weapons training, or retraining to make certain that any problems are identified and improvements made.

WEAPON SYSTEMS: Any Weapon System employed by the Department must be accompanied by appropriate training. It is clear that no matter what Weapon System the panel suggests, there will be those who will object to its implementation, or others who would believe that another system might better serve the Department. Our interest is to recommend a system that will:

- Be effective in saving the lives of members of the Department and the citizens of this community.
- Ensure and demonstrate a respect for citizens of this community while providing a safeguard for the officers who are charged with their use.
- Undergo constant review to make certain they are the most effective and current when utilized in this community.

Weapon Systems recommended by the Panel include:

MK9 Aerosol Pepper Projector System: Manufactured by the Armor Holdings Product Division of Defense Technology Corporation of America. This projector is comprised of 10% OC solution. OC is an inflammatory, meaning it causes a burning sensation to all exposed skin, the mucous membranes of the eyes and nose, the tongue, and the back of the throat.

The Monadnock Expandable Baton PR24FX: Presently used by the Tactical Services Section. (ASP) expands less than 2 feet. Light to carry, easily stored.

Pepperball Launcher System A-85: Manufactured by Jaycor Tactical Systems. This projectile system combines a safe level of kinetic impact with pepper irritant. Projectiles are accurately delivered on targets at a distance of 30 feet using compressed-air pistols and rifle launchers. We find this system to be an excellent choice that can save lives.

MISSION: The current stated mission of the Department is as follows: **"The Detroit Police Department is to provide a safe environment through efficient, cost effective, professional, community based police services to our residences, businesses and visitors."**

While this may sound appropriate for a department store, it does not translate into a sensitivity or a feeling of connectedness to the people the Department serves. It is our recommendation that the Department adopt a statement that reflects a greater sensitivity and a deeper respect for the community in which it serves. To that end, the Panel recommends the following revised statement:

"We, the members of the Detroit Police Department, are dedicated to the highest level of professional standards and the protection of life, property and all rights guaranteed under the Constitution. We are committed to serve all the people in our jurisdiction with respect, fairness and compassion. We are committed to the preservation of peace, order and ordinances with service to the community as our foundation. We will dedicate ourselves to maintain the public trust by holding ourselves to the highest standards of performance and ethics."

Any mission statement must speak directly to the values associated with both decision-making and priorities within the Department. The mission and values must be woven into the Department from the top down, and accountability as well as incentives must be emphasized to guarantee their full adoption.

VALUES: Louis Freeh, Director of the Federal Bureau of Investigation stated:

"The Strategic Plan for accomplishing the FBI's mission must begin by identifying the core values which need to be preserved and defended by the FBI in performing its statutory missions. Those values are: rigorous obedience of the Constitution of the United States, respect for the dignity of all those we protect, compassion, fairness, and uncompromising personal and institutional integrity. These values do not exhaust the many goals which we wish to achieve, but they capsulize them as well as can be done in a few words. Our values must be fully understood, practiced, shared, vigorously defended and preserved."

According to the Department, "Central to our mission are the values that guide our work and decisions, and help us contribute to the quality of life in the city of Detroit." Values provide a basis for organizational beliefs serving as a guide for most actions and operations. Appropriate values:

- Set forth the philosophy of policing, and state in clear terms what the department believes in and stands for.
- Serve as the basis for developing policies, programs and procedures.
- Reflect the community's expectations.
- Establish the framework for individual or group performance.
- Serve as the framework from which the Department can be evaluated.

It is the job of the Chief of Police to take the lead in establishing the values and attitudes between the Department and the community, which creates an environment in which police behavior and accountability is practiced. While the Department currently has a number of values that are established, their implementation and adoption by the rank and file has not been fully accepted. It therefore requires a constant reinforcement in the ethics of policing, and an increase in the basic training of ethics in policing. "When values are not held and articulated by the command staff, officers on the street are not likely to be influenced by them." Green Alpet, and Styles, 1992.

CULTURE: According to the U.S. Department of Justice, Police Use of Excessive Force, "the culture of a police department reflects what that Department believes in as an organization. These beliefs are reflected in the Department's recruiting and selection practices, its operational policies and procedures for training and development, its rewards systems and ultimately, the actions of its officers in delivering services." The Chief of Police is the catalyst by which the culture and the mission of the Department are carried out. It must be clear from the Chief what the levels of expectation are for both the Department and the community in which police officers serve. It is clear that words emanating from the Chief are the very cement that will either bring the Department together, or create a breach in the Department and/or the community. As the commanding officers interpret and reflect the culture, it must be translated to the rank and file in a way that is consistent with the mission, respectful of the general public, and does not lead to an "us versus them" relationship. The manner in which the Chief sends signals and clear messages as it relates to crises in the community, incidents of questionable behavior or citizens' speculation is vitally important. It is important for the community at large that statements by the Chief of Police also will allow the rank and file officers to know that the Chief means business. The community at large must never be left with the perception that the Chief and/or the Department are insensitive to the concerns of the community. These methods of behavior must be emphasized in order to be fully adopted by police officers. As an example, if the Chief stresses a respect for the people in the community, followed by administrative monitoring, review and analysis, then the rank and file officers will respond accordingly. **"Ultimately, the greatest guarantee of citizen safety is a relationship with the police based on mutual trust and respect. The greatest guarantee of officer safety is citizen support and approval."** Edward A. Flynn, Chief of Police, Arlington County, Va, April 8, 1999.

RESIDENCY: One of the great challenges of any police department is to maintain a diverse work force within a diverse community. The Panel believes the hiring of police officers from the community they seek to protect and serve is essential. In the case of the city of Detroit, this reduces the impact of recruits who may never have been involved with **multi-ethnic** groups, or exposed to various languages other than English. This may further lead to very little appreciation for the cultural differences in the community they will be serving. The reversal of the requirement for officers to reside in the cities they will serve will result in a negative impact on the community. This is primarily due to a lack of exposure to the community they will be serving, to inadequate training, and zero necessity for an enhanced sensitivity to the community where the officer works. Many veteran police officers talk about difficulties they have had in multi-ethnic neighborhoods because they have not learned about the ways and mores of the people who live in those neighborhoods. Police who reside in the communities in which they work also provide a greater capacity to diffuse conflict. They enjoy a level of cooperation not provided to officers who simply work a shift, and at the end of the day go back to a totally different environment.

DIVERSITY: The issue of diversity is one that must not be underestimated in its importance to the Department. Diversity training in the area of different racial and ethnic backgrounds is essential. The training is inadequate if it does not also include police officers who reflect the community in which they work. Diversity must incorporate language, culture and values; trainers must come from the various communities in which they are teaching diversity. Members of various multi-ethnic groups should be used in the diversity training process. Stereotypes of individuals and/or groups must not be tolerated in the discharge of the police officer's responsibility to serve the community. Diversity is more than different weapon systems or the color of uniforms. Diversity goes to the very heart, spirit and character of who the police officer is and who the police officer will be serving. It is vital to the success, cooperation and communication of the Department to the community at large.

RISK MANAGEMENT: The necessity for the Department to have a full and comprehensive risk management program is paramount. Risk management must be a priority within the Department and must be utilized in the identification, evaluation and treatment of officers and areas in the Department that need correction. Risk management must not be viewed as a system that is out to get the police officer. Rather, it is a system that is initiated to aid the police officer in his or her work and offset for the Department possible crisis situation that can lead to unnecessary injury or death and lawsuits against the City of Detroit. The greater risk is not in risk management, but to the City of Detroit as a result of police officers and conditions that go unchecked and uncorrected. This can lead to both financial and emotional problems.

BUDGET PRIORITIES: The City Administration and the citizens of Detroit must make the decision to give the budget of the Department a high priority. We are fully aware of the various financial demands placed upon the City. However, if we are to improve the Department, appropriate funding must be allocated for training and alternative less-than-lethal Weapon Systems coupled with an increase in personnel. Our findings reflect a clear indication that when money is cut, so is the ability to professionally serve the citizens of this community.

We do not believe that the Department should be given a blank check. At the same time, we believe that there should be considerable priority given to protect the citizens of Detroit. We must bring conditions up to par with other police departments within our nation in order to guarantee the safety of both police officers and citizens. We call upon the Mayor and the City Council to look very carefully and thoroughly at the areas of recommendation made by this Panel to improve services within the Department. We will not change the conditions of the Department in the long term if we do not make a commitment of financial priority in the short term.

PROFESSIONAL SERVICES DEVELOPMENT: The vast majority of the work of the officers of the Department is not spent in chasing criminals or in firing weapons. It is spent in the day-to-day contact and interaction with the citizens of Detroit. Therefore, there is a great need to improve the professional position and culture of the police officers as it relates to how to deal with the public.

This goes to the issue of having specific training in the areas of basic respect, courtesy, temperament and patience, as well as how to diffuse situations that may lead to conflict. Police officers need to understand that the vast majority of the citizens of Detroit are not criminals attempting to break the law. Likewise, the citizens of Detroit need to understand that the vast majority of police officers are not rogue cops determined to use the law for their own purpose.

There must be an ongoing process for professional development and service extended to the citizens of this community. This must be done through a training process structured by the Department and provided to officers on the street, clerks, desk personnel, supervisors and senior personnel. This will reduce the negative perspective and relationship that exists between the citizens of Detroit who seek service, and members of the Department who provide it.

BINDING ARBITRATION: Binding arbitration is a double-edged sword. This began during the Coleman Young administration as an effort to make certain that minorities and women were given an equal opportunity to serve as police officers. The history of binding arbitration has helped to increase the number of new police officers particularly women and minorities, helping to increase their representation on the Department. Yet, it also is used as a way to protect and retain officers who should be fired.

Binding arbitration makes it very difficult for the Board of Police Commissioners to affirm recommendations for termination made by the Chief of Police. While we recognize the role of all bargaining units in protecting their union members, the issue of policing is a life-and-death matter. All of us have a stake in making certain that the citizens of Detroit are served by the most professional and accountable members of the Department. We cannot give aid and comfort to anyone who creates the very problems that we all seek to eliminate. Binding arbitration must be addressed by the state Legislature and the City of Detroit if we are to eliminate officers who should not be on the department.

This must be done if we are to improve the relationship between the various entities of government (i.e., Detroit Police Officers Association, Chief of Police, City Council, Board of Police Commissioners and the citizens at large). The citizens of Detroit may believe that there is no desire to terminate officers who are guilty of misconduct. It is not always due to a lack of desire on the part of the City to terminate. It is, however, an impediment structured by binding arbitration that does not allow bad officers to be eliminated. Police officers who are guilty of abuse of their authority must either be rehabilitated through retraining, or eliminated through termination.

**PART SEVEN
FINAL REMARKS**

The Department faces several critical challenges if it is going to meet the expectations of the residents it seeks to serve. After careful review, and as explained in this report, the Panel believes a much stronger commitment must be demonstrated.

This is not a moment for politics. The elected officials of our City must arm the Department with sufficient resources to appropriately protect its citizens, which the Panel believes is not now the case. Greater resources must be given for training, both initially as officers join the force, and, in a continuing education effort as their careers proceed. City officials must increase the number of officers available to citizens, and they must do so immediately beginning with the next budgetary cycle. In addition, the Department must be allowed to attract a higher quality of potential applicants. This can be done by raising the minimum salary levels to be competitive with similar law enforcement agencies throughout the country. Further, a review must be made of hiring practices to address issues which may prohibit applicants from successful consideration into the Department such as; credit history, or youthful indiscretions not related to the ability of the applicant to perform his/her duties as a police officer.

While significant responsibility rests with our elected officials, the Panel found several areas of concern that can and must be addressed by the Department. In proposing a new Mission Statement for the Department, as well as an examination of its culture and values, the Panel sought to encompass a greater sense of community assistance and professional services development for the goals and objectives of officers who take to our streets each day. Presently, the Panel believes there is a disconnect between the goals of the Chief's office and the rank and file who patrol our streets. Revising the Statement to reflect a greater personal concern of each officer toward the needs of our citizens and a greater adherence to the Department's code of ethics is essential to any officer beginning his/her career with the Department.

As for the use of force, and as stated earlier, the Panel believes the alternative uses described in Part Five in certain situations can, and will, save lives, without compromising officer safety. Again, it is incumbent upon our city officials to increase the Department's budget so that these alternative forms of Weapon Systems can be purchased, and training provided for proper utilization. Finally, the Panel has grave concerns over the elimination of the residency requirement and the effect it will have on the ethnic composition of its work force. Failure to enact legislation in Lansing reversing this law threatens the very fabric of citizen protection. To that end, the Panel urges our elected leaders to devote considerable political resources in conjunction with legislative leadership in Lansing to attempt to revise this new law.

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In summary, the citizens of the city of Detroit deserve better service than they currently are receiving from their Police Department. It is incumbent upon our city's elected and appointed officials, the Board of Police Commissioners, all bargaining units, appropriate city departments and the citizens themselves to work toward a more effective means of service and protection.