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Chairman Mayor Coleman A. Young:

I would like to call this meeting to order.

Ladies and gentlemen, by virtue of the authority vested in my as Mayor of the City of Detroit, and as required by the Charter of the City of Detroit, I hereby convene the appointed Board of Police Commissioners for the purpose of officially being sworn into office. I call upon the Honorable James Bradley, Clerk of the City of Detroit, to swear in the Commissioners.

Mr. Bradley:

I would like the candidates to come together as a group.  
(Commissioners complied)

I would like you to raise your right hand. (Commissioners complied)

Do you, Reverend Charles W. Butler, Susan Mills Cooper, Douglas A. Fraser, Edward J. Littlejohn, Alexander B. Ritchie, solemnly swear that you will support the Constitution of the United States and the Constitution of this State, and that you will faithfully discharge the duties of the office of a member of the Board of Police Commissioners of the City of Detroit to the best of your ability? And do you solemnly swear that you are a United States Citizen, a resident of the City of Detroit, and qualified elector, so help you God?

Commissioners: I do. (in unison)

Chairman: Ladies and gentlemen, you have witnessed, it says here, the swearing in of the Board of Police Commissioners of the City of Detroit. They are now authorized to sit, hear, and decide matters properly brought before them. Having a quorum of Commissioners present, I hereby convene their initial meeting. I welcome those of you in the audience who have come out to this significant occasion for indeed with the implementation of our new Charter, which calls for a five-member civilian Board of Commissioners and a Chief of Police rather than a single Commissioner, we are launching a new era in our City of police-community relations and civilian input into the Police Department.

I would like now to introduce to you our five Commissioners: Commissioner Charles Butler, Commissioner Susan Cooper, Commissioner Douglas Fraser, Commissioner Edward Littlejohn, and Commissioner Alexander Ritchie. (Applause)

It obviates the next line of the script.

I am sure all of you know Police Chief Philip G. Tannian, who is effectively steering our Police Department through a tenuous period of reorganization called for under the new Charter. He and his men deserve

Gary Lee: I'm sorry, I didn't hear that. Where are you going to meet?

Chairman: 1300. The Police Department. Headquarters, I think you call it. At 3 o'clock on Friday.

Commissioner Littlejohn: Are we agreed to discuss the staff criteria at that meeting?

Chairman: Yes. The Chief said it would be prepared.

Now if that's all on the question of staff, at least temporarily, let's go to the discussion of the affirmative action program and I call upon Chief Tannian.

Chief Tannian: The question was asked what the salary for the Board of Commissioners secretary was. It is \$18,300.

Before I start, I would like to introduce Mr. James Andary, who is legal counsel for the City of Detroit, who has been retained for ~~the City~~ this particular problem. I don't know if all of you are aware of it, but we are involved in multiple lawsuits on this subject.

This particular chart was intended to depict visually the history, going back to 1944, the history of hiring within the Detroit Police Department. The line at the top, of course, is the number of white applicants hired -- not absolute numbers but in terms of percentages. The line across the bottom, the red line, is zero, and the black line represents in terms of percentages, the number of blacks hired ~~the~~ each year. I think that very dramatically and visually that for many, ~~a~~ many years, there was such a gulf between the two, and in some years, the hiring of minority applicants was so low as to be almost non-existent. That's important to keep in mind when we start talking about the promotional system and how it functions. Let me set this one over here for a moment.

This presents graphically the Department today. This is in terms of absolute numbers as you read on the top, and then the percentage of black to white. This is the overall Department in terms of police officers -- 872 black officers and 3134 white. This is where we stand in terms of sergeants. As you can see, well over 90% of the sergeants are white, less than 5% are black. Here's where we stand on lieutenants. Same disparity, and then supervision, as a whole, within the Department and that, I think, very graphically displays the disparity. When you take it in conjunction with the hiring ~~fact~~ practices of the Department over the last several years, I think it presents a rather dramatic and understandable situation.

This is the present promotional system. It is composed of a written exam, a performance evaluation rating, promotional rating, veteran's preference points, depending upon certain dates and whether you served in Korea, World War II, the Vietnam conflict; the seniority points and then two points for college credit, ~~dep~~ Depending upon how many veteran's points, you could, in fact, come in over 100%. That's theoretically possible. Practically, it does not happen.

Chief Tannian:n

I just want to point out that in my experience and talking to people around the Department, I have found that this particular rating area tends to be influenced, not totally, of course, but significantly, by seniority. I have, time after time after time, had reasonably young police officers with less than ten years on the job come up and complain to me about how the performance evaluation system functions in favor of the more senior officers. And then you add on top of that that seniority is an additional eight points. I think that we begin to build a case for the impact that seniority has on the overall promotional system. Now I think also that it is important to emphasize that just two points on the final promotional list can make a difference of up to 100-150 positions as to where he stands. Now take that into consideration. You have a written exam and you can have two people come in relatively the same but because of the historical hiring patterns of the Department, one is black and one is white. The black officer has far fewer years on the job and so consequently, the white officer ends up well above him on the list. This is the point where many, many well-qualified black officers don't even come within reach of a promotion.

Chairman: What would be that sharp a difference? The promotional evaluation rating. If that an on-going evaluation of all the officers?

~~Chief~~ Chief Tannian: Yes.

Chairman: Judgements made by all the supervisors he might have?

Chief Tannian: Yes, that's right. It's made by supervisors in these two categories -- sergeants and lieutenants. And again, that leads to some feeling, particularly on the part of black officers, many of them for many and many years, never get rated by any other minority. They are always rated by white supervision and it gives them at least the feeling, if not the actual fact, that they are not being treated fairly. Now this system was allowed to function the way that the previous Charter intended it to function and what I experienced was that the first promotions that came out of the list allowing this to function, I ended up with 41 people promoted. Forty were white and only one was minority. Now I think that in addition to all the other factors, further makes the case that if I allowed the promotional system to function as it had ~~is~~, that I would be fifteen or twenty years before I would begin to see any impact in the sergeant and lieutenant area, not to mention above the lieutenant area. So I felt that I had to take some affirmative action to correct a historic imbalance as to the way the promotional system functioned.

Chairman: Have you run any tests or surveys, an examination of what would happen, would there be a dramatic change if you eliminated entirely the performance evaluation ratings. Take that out and make the judgment on the basis of the other criteria. Would that be an adequate change?

Chief Tannian: That one we have not made. We have made some. One of our difficulties is that all of the material and all of the data on the promotions is written on papers and when we try to do that kind of analysis,

Chief Tannian:

it takes hours and hours and several human beings to do it and that particular evaluation has not taken place. I would hope that when I come back to you with the proposed new promotional system for the upcoming exam in the fall, we will be able to answer that question.

1. Chairman: I'd like to ask Chief Tannian how long before ~

Chief Tannian: ~~I'd say that the exam question~~  
I'd say somewhere about \_\_\_\_\_

Commissioner Butler: I got the impression that

the system as it now functions, there is no recourse to that system.

Chief Tannian: Yes, there is. It is reviewed, for example. If a sergeant rates a police officer, it is then reviewed by the lieutenant and the commanding officer. An individual police officer has the right to appeal that rating.

Chairman: The promotional rating, I noticed that is not in the criteria for sergeant but it is in the test. What does that mean?

Chief Tannian: That's a rating made by the supervisory people as to this individual's ability or potential<sup>ly</sup> function in the next higher rank. That also tends to be influenced by seniority.

I think you should understand that about two years ago, three female police officers in the Detroit Police Department started a law suit in Federal Court, alleging discrimination on the basis of sex in hiring, promotion and job assignments. That lawsuit has now been completed in the District Court and we are reviewing it in great detail. But Judge Freeman has ordered these four things: #1, he has ordered that we hire one female for every male until the current list of female applicants is exhausted. #2, he has ordered that we use the same entrance ~~exam~~ examination for both men and women. #3, That we assign graduates from the Criminal Justice Institute to job assignments without regard to sex, and #4, that we promote 19 women to the rank of sergeant by what is known as "dipping down" on the list, by-passing other candidates for sergeant and promote them in terms of an affirmative action program for women. because when I was hit with this, I felt like I was left with no alternative but to take some affirmative action because Judge Freeman ruled for part of the class that is protected by Civil Rights legislation. I had to take affirmative action. It is inconceivable, given the historic patterns and the current situation in the Department, and the way the current promotional system functioned at the beginning of this year, I felt there was no alternative but to take some affirmative action.

Chief Tannian: I would like to show you, and I have intentionally taken the names off -- Officer A, B, and C are all black police officers in the Detroit Police Department. They took either the lieutenant or sergeant promotional exam, and this is what it shows. For example, Officer A got a written score of 93, his position without the seniority factor on the list was #11. He had 8 years \_\_\_\_\_ seniority after the other factors were cranked in, he dropped to #36, or out of the running for the first promotional group.

Officer B scored 90, was # 26, had six years and three months, and dropped to #69.

Officer C got 89 on the exam, placed 30, had four years and ten months, dropped to #54.

And there is example after example after example of that happening on the list and I think that it is to be expected in view of the emphasis that seniority puts on the promotional process and taking into consideration the hiring ~~para~~ patterns of the Department. I don't have minority applicants in any kind of numbers who have more than 5-7 years on the job. They can't begin to accumulate this kind of seniority that it takes, and then when you understand that two points can make a difference of 100-150 positions, you can see what happens to most minority applicants. The innuendo, I guess ~~it~~ could be best described, that the affirmative action program will promote unqualified people, I think is totally false. Here are four examples, and I could give others, of people who have taken the promotional exam and but for seniority, would have a substantial position on the list.

Chairman: Does that assume that -- I see that there is one column missing here and that's the performance evaluation rating and it seems to me that that is historically \_\_\_\_\_ also. \_\_\_\_\_

Chief Tannian: Yes, sir, yes, sir. The word ~~performance evaluation~~ in seniority means the performance evaluation and, where appropriate, promotional ratings. This one, this one, and this one, are all together.

Commissioner Ritchie: Chief Tannian, are these examinations given on certain dates? \_\_\_\_\_

Chief Tannian: Normally that's the case. In the past, it has been based upon the needs of the Department. Some months ago, I adopted a policy that I would have regular exams on an annual basis in order to give everyone in the Department to take a promotional exam at the earliest opportunity that they qualify for it in their career.

Commissioner Ritchie: And as a result of that \_\_\_\_\_, you have what you call an eligibility list?

Chief Tannian: Yes. I have a list right now which has, depending upon which rank you are talking about, anywhere from one to two hundred, to \_\_\_\_\_ four hundred.

Commissioner Ritchie: That's what I'm curious about. You do have a list and that list consists of all the names of persons who, in the past, have taken examination and their evaluation rating and within some kind moot standard, have qualified. Within the men on the list there are variations \_\_\_\_\_ between the eligibility and the results. Is that right?

Chief Tannian: Yes. Let me stress something. The present promotional lists have on it only those people who took the promotional exam that we gave last fall. It does not include anybody from previous exams or previous lists. In other words, if you're #180 on the list and the Department promotes up to #179, then you have to take the exam over again and re-qualify in order to get on the new list. You don't automatically fall onto the new list. So there is no carry over from one list to the other, but you are correct that there was an exam last fall and it went through the procedure of gathering the seniority points, the promotional evaluation, the performance evaluation, etc., so that we end up with a combined score for everyone and that combined score determines your placing on that promotional list. The point that I make is that because of the historic hiring patterns of the Department, we end up with the minority members of the Department clustered from the middle down in the list and the white applicants for promotion clustered near the top of the list.

Commissioner Ritchie: But they are still on the list?

Chief Tannian: Yes, right.

Commissioner Ritchie: \_\_\_\_\_ They have at least \_\_\_\_\_

And then I gather, in the past, promotions proceed on the basis of numerical group.

Chief Tannian: There is a ~~hixstx~~ history of "dipping" on the list for various purposes, and I won't get into the why of it, but my predecessors, either by by-passing on the list or dipping, going back I think it went back almost 20 years, and everyone of them did one or the other within their tenure as police commissioner. So what I have suggested here is not something new and foreign to the Department, it is just that I have suggested it as an affirmative action program to correct the imbalance that I have in supervision rather than do it for very personal reasons.

Commissioner Cooper: How many people are on the current promotional list and how many do you \_\_\_\_\_

Chief Tannian: I don't have those numbers. I would say that I have up to three hundred and something on the sergeant list and close to 200 on the lieutenants lists. I don't have the numbers in my head. Do you know?

Commander Tsampikou: What was the question?

Chief Tannian: How many are on the sergeants list?

Commander Tsampikou: As originally published?

Chief Tannian: No. As it stands now.

Commander Tsampikou: It was 295 on the original list. I don't know what the extension.

Chief Tannian: And I added 70 some, so it would be between three and four hundred. You know what the lieutenants list?

Three hundred seventy-five on the sergeants lists and 200, I think, for lieutenant. The vacancies that we will have, I can't really give you a good answer to that because it depends upon the speed with which we implement the reorganization. There were a great many new sergeants put into the budget and depending upon how quickly we implement that will determine how fast we need those sergeant positions.

Chairman: Let me just run through a hypothetical case, so I can understand. Let's take Officer B, he finishes in the #69 position and then subsequentk to the examination, you have openings and you put in 66 people. He is now third from the top. Then you have another examination and he slips to 150.

Chief Tannian: That's right, that's correct. And then you begin to see what tremendous press seniority has from about this point in the Department back. ~~XXXXXXXXXXXXXXXXXXXX~~ Because as things stand today, you accumulate seniority points at the rate of one half point per year for the first ten years, and then one quarter point per year for the subsequent ten years, and then thereafter, ~~one~~ up to one eighth of a point per year.

Chairman: Just let me ask a question another way. I could finish with a written score of 90 and still never make it to sergeant.

Chief Tannian: That's right. This man right here, who wrote a 93 on the written exam, being #36, if that was the lieutenant's list, and I am not sure which one is from which list, he could very well not be promoted because I don't have the need for 36 lieutenants that particular year.

Chairman: Take an extreme case, you have 35 promoted and he would be first on the list and be swept off at the next examination.

Chief Tannian: That's right, that's correct.

Commissioner Littlejohn: If I perceive it correctly, what you talking about it  
\_\_\_\_\_  
Now if you assume \_\_\_\_\_  
discrimination is continuing?

Chief Tannian: Yes. I think with the impact of the \_\_\_\_\_ figure \

Commissioner Littlejohn: No, only the examination.

Chief Tannian: Yes, the examination is one of the better ones in the country. Nothing is perfect, it ~~was~~ could stand some improvement, but it is one

of the better ones in the country.

Commissioner Littlejohn:

In regard to supervisory personnel, ~~ix~~ I think your chart indicates that less than ~~xxxxxx~~ ~~only~~ ~~about~~ 5% of the supervisory personnel of the police department <sup>are minority</sup>. So as we face the situation now, we have a ratio \_\_\_\_\_ What you're saying is that ~~you agree~~ the ingredient that will ~~seniority~~ ~~and~~ ~~prevention~~ ~~of~~ prevent additional discrimination is the seniority.

Chief Tannian: Well, I'm not, no, I would put that must emphasis on it. It's seniority plus these two are very, very subjective and they do get steered in the direction of seniority. I have had more police officers than I can count who have ten years or less on the Department, come to me and say you know what my sergeant or my lieutenant or my inspector said to me and I say no. They say my sergeant or lieutenant said that I really deserve an 85, but because I only got six years on the job and Sam has 18, he deserves a promotion, therefore Sam is going to get the higher rating and I get one of the lower ones because my chance will come in later years.

Commissioner Littlejohn: In other words, the performance ~~evaluation~~ evaluation and promotional rating is used ~~to perpetuate~~ as a grievance tool.

Chief Tannian: That's right.

Commissioner Littlejohn: What I'm trying to get at is that if the performance paragraph \_\_\_\_\_ that they must be perpetuating, by seniority and other factors, where you have no black officers or a disproportionate number of black officers in the Department, even though the seniority system itself \_\_\_\_\_.

Chief Tannian: That's right

Commissioner Littlejohn: In other words what you are saying is that seniority .....

Chief Tannian: I understand what you are saying. ~~That's~~ You're right.

Commissioner Littlejohn: But it does hamper the situation that exists

\_\_\_\_\_ If you had a minority officer who did have seniority, the system would not operate \_\_\_\_\_

Chief Tannian: That's correct. I think that if we had had a reasonable hiring practices back in the 40's and 50's ~~then~~ then the seniority factor would not have the effect it is having today.



Commissioner Littlejohn: Then we're agreed that there is \_\_\_\_\_  
\_\_\_\_\_

Chief Tannian: Yes, sir.

Commissioner Littlejohn: Then in essence, if we take that, in essence what we are saying is that Officer A, B, or C are a typical situation. There is nothing unusual about it.

Chief Tannian: I could get you numerous other examples.

Commissioner Littlejohn: \_\_\_\_\_ that you have is that a very high ~~percentage~~ <sup>potential</sup> of minority officers ~~or~~ who are on or in the job \_\_\_\_\_, will be placed in a final position lower than ~~that of~~ a \_\_\_\_\_

Chief Tannian: That's correct.

Commissioner Littlejohn: Chief, let me ask \_\_\_\_\_

I think prior to ~~to~~ this kind of graphic demonstration \_\_\_\_\_

the citizens of this community are left with the impression that this is not the case. The one-sided view of exactly what it is you are trying to do. The examination has been a critical factor and I think you are extremely sensitive to to that. \_\_\_\_\_  
\_\_\_\_\_

Chief Tannian: I look around the room and see several media here, would anyone like to volunteer?

Commissioner Littlejohn: No, I'm not \_\_\_\_\_ the media, I'm addressing myself to ~~to~~ our public relations. \_\_\_\_\_  
\_\_\_\_\_

Chief Tannian: I think a fair answer to that is that it was determined that this issue would ultimately be finalized as a result of some court action, based upon the advice of legal counsel, which I think was very well brought out, the Mayor and I, it was suggested that we not make public comment concerning this endeavor because it was felt that it might be harmful to the lawsuit. Recognizing that there were two scopes -- one was the court action and the other one was the fight for public recognition of these kinds of facts. We decided that winning the court suit had to be first, therefore it was suggested that the Mayor and I not make ~~our~~ concerted public ~~or~~ comments on the subject.

Commissioner Littlejohn: \_\_\_\_\_

Chief Tannian: No. I think that as of today, that is no longer the case.

Commissioner Butler: \_\_\_\_\_

The total number of black officers, by total numbers is 872 in the Department. then you talk about supervision and I assume that you are talking about the tip of an iceberg. It seems to me that it is \_\_\_\_\_ against the system.

If you were to promote all 872 black officers tomorrow, you would still have some real problems in regards to balance in the Department. Is that a correct assumption.?

Chief Tannian: The 872 would go a long way toward correcting the problem. Then I'd have none here.

Commissioner Butler: Am I correct in saying that this is only the tip of the iceberg and that another big problem is in terms of the hiring policy as well as promotion.

Chief Tannian: I think you can see, back into the late 60's, the Department began to make some progress toward minority hiring. The curve continues to climb. So far this year, in 1974, we are hiring minority, non-minority at about the 49-51 per cent. So if we continue to do that for the next few years, this disparity here will begin to correct itself. But I can't begin to correct the disparity, for example at the lieutenant area until many of these police officers get to be sergeants. And then there is a certain amount of time they have to serve to get experience ~~in the~~, to ~~get~~ get a handle on the job of being a sergeant before they move to lieutenant.

I suggest to you that we have a serious problem, one that needs to be addressed immediately. The longer we delay it, the longer it's going to be before we begin to see any significant numbers farther up the line.

Commissioner Butler: What I was just asking is whether or not the police department \_\_\_\_\_

Chief Tannian: The recruiting problem is currently being worked on. That's a subject that we will present later on at another time. As I indicated, so far this year, we're running at an almost ~~30~~ 50-50 ratio.

Commissioner Littlejohn: Do you have any feedback from a few of the men in respect to police work in the community?

Chief Tannian: Yes

Commissioner Littlejohn: In predominately black or all black community, \_\_\_\_\_ a substantial number of \_\_\_\_\_ ?

Chief Tannian: Yes, that was the last point I was going to make, before the questioning started. I have what I call the executive committee and it is made up of many of the senior command officers, all of the chiefs, and in those areas where I do not have a chief, the division commander is present. It is interesting to note that when ~~x~~ we start talking about personnel and its

deployment, it turns into a regular, almost violent, argument sometimes, fighting over two classes of minorities. I have a big fight over female police officers and I have a very large fight over black police officers. Every precinct commander in town wants a ~~kk~~ black lieutenant. I haven't got enough. I only have eleven for the entire department and I've got 13 precincts, not to mention the various bureaus and sections and units in the department. Then you need to understand that the rank of sergeant is not necessarily a supervisory position. We have two kinds of sergeants in the Detroit Police Department. We have supervisory sergeants and then we have investigative sergeants. That means, for example, that the Homicide Bureau is almost exclusively sergeants. Now I can't conceive of having a city with a minority population the size of that this city has without having some of these sergeants in an investigative capacity in the Homicide Bureau, and in an investigative capacity in the Narcotics Squad. So consequently, instead of 61, well you think you should be able to get them about the Department, it's not so. I have to concentrate an inordinate percentage of them in the investigative area because, as you indicated, many areas of the city are 100% black, many of them ~~xxx~~ have a racial balance to them, so consequently I need black investigators. So then I end up with that many fewer black supervisors, and then that tends to impact the emotional attitude and the perspective of these black police officers who are, in fact, working in the precincts in terms of the only supervisors they see come overwhelming from the white column.

Commissioner \_\_\_\_\_: Do you have a breakdown on how many sergeants are serving in a supervisory capacity and those who don't?

Chief Tannian: I don't have that figure.

Mayor Young: \_\_\_\_\_

at

and it underlined the point that Commissioner Butler made that the heart of the problem of the \_\_\_\_\_ lies the percentage or lack of percentage of ~~minority~~ minorities in the Police Department and we have an objective I put out an Executive Order, of bringing the ratio of black to white over a four year period to ~~to~~ 50-50 in respect to ~~compulsory~~ \_\_\_\_\_ and the existing population. We are never going to have a pool to draw upon regarding supervisory positions or ~~the~~ indeed to have effective law enforcement. I think it is very obvious that the Police Department \_\_\_\_\_ that these two problems be approached concurrently. It just happens that we are involved in a motion, a legal matter, first. \_\_\_\_\_

Chief Tannian: I think, just to dramatically show what the Mayor really means. If I want to have one sergeant on duty in each precinct, 24-hours a day, 7 days a week, it takes 5 point some people. Let's just say five. We have thirteen precinct. I can't put one sergeant in each precinct to go around the clock, even if I put them all in the precincts. I haven't got enough lieutenants to have just one in each precinct, much less around the clock.

I would -- I have a policy statement that I would recommend to you, Mr. Chairman, if I may, I would like to read through it. It is subject to change by the Commissioners as they deem appropriate. It says:

It has been determined that the Detroit Police Department has submitted facts and statistics that would indicate that de facto discrimination exists in the hiring of blacks and other minority groups as police officers contrary to the U. S. and Michigan Constitutions and the Civil Rights Acts.

It has also been determined from those facts that de facto discrimination exists in the promoting of Blacks and other minority groups to supervisory positions in the Detroit Police Department contrary to U. S. and Michigan Constitutions and the Civil Rights Acts.

It is necessary because of past and present discrimination in the hiring and promotional policies of the Detroit Police Department that this Board establish an Affirmative Action policy that will guarantee to every individual who is now a police officer or who intends to pursue a career as a police officer, a policy of equality in hiring and in promotion and most importantly, an Affirmative Action Program of enforcement to support that policy.

The U. S. Constitution, the Michigan Constitution, the Civil Rights Acts and the overwhelming moral principle of equality compels this Board to take Affirmative Action to guarantee to all persons equality in their promotional and hiring rights.

THEREFORE, BE IT RESOLVED, that the Chief of Police is instructed to take immediate affirmative action to eliminate any discriminatory hiring practices that systematically exclude minority groups from being appointed as Detroit Police Officers, and

BE IT FURTHER RESOLVED, ~~that~~ that the Chief of Police take Affirmative Action to promote minorities from the existing promotional lists, and

BE IT FURTHER RESOLVED, that the Chief of Police establish criteria, with weighted component parts, used to establish promotional lists that are non discriminatory with respect to minority groups, and

BE IT FURTHER RESOLVED, that the Chief of Police shall regularly report to the Board of Commissioners on the effectiveness of this Affirmative Action policy in order that this Board may re-evaluate and, if necessary, order additional action that may have to be taken.

I'd like to lay that in front of you so that we seriously consider it on Friday morning. Thank you very much .

Chairman: Are there any further questions or comments?

Commissioner Littlejohn: May I ask either the Chief or legal counsel that it available . , what the current status of the pending litigation -- what impact does that have on the Board adopting that resolution.

Chief Tannian: I would defer to legal counsel, Mr. Andary.

Mr. Andary: Commissioners, our advice to the Department and the Mayor's Office and the Chief of Police was that current action taken by the Board of Commissioners no way effects pending litigation that is in \_\_\_\_\_ and Circuit Court. ~~It is~~ I think, at this point, this Commission, Board of Commissioners, can make a determination and review the policy that was submitted to it, independent of any \_\_\_\_\_ or problems that exist with pending litigation.

Chief Tannian: I ~~may~~ might add, too, it is also my understanding that we are not under any injunction in either Court at the present time that would preclude us from taking any kind of action that this Board deems appropriate and necessary.

Commissioner Littlejohn: With regard to the Mayor, We are talking about a known party.

Mr. Andary: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Commissioner Ritchie: Mr. Chairman, if I may address a question to counsel. Mr. Andary, you are with the Corporation Counsel's Office of the City of Detroit?

Mr. Andary: No, I'm a special assistant.

Commissioner Ritchie: You did take a look at the history of the Department and you evaluated it in the light of the really current, hardly novel, principles which govern other organizations, and it is your opinion \_\_\_\_\_ Board of education many years ago, they acted upon it. It is your opinion, that this Board can \_\_\_\_\_ take steps to eliminate discrimination \_\_\_\_\_

Mr. Andary: \_\_\_\_\_ to the Chief and to the Mayor's Office, we concluded the overwhelming case of de facto discrimination that compelled us not only to the Civil Rights Act, but to the overwhelming moral principles of equality that the Mayor's Office, since early January, be taken from the \_\_\_\_\_ immediately. We can't run the risk of another subpoena until this is won. \_\_\_\_\_ on behalf of women of the Department, the laws are

are the same, the impact of discrimination is identical, so the conclusion would be inevitable as to what would be required of us in Court. Therefore, \_\_\_\_\_ compels this Board to take Affirmative Action immediately. It was through the ~~agx~~ agreement reached, in concentration with a number of attorneys working in the Corporation Counsel's Office, with all the - \_\_\_\_\_ that were made available to us by the Police Department.

Commissioner Littlejohn: \_\_\_\_\_ we are duty bound to do this \_\_\_\_\_ legislation happens to be. There is a real obligation on the part of the Commission to take affirmative action.

Mr. Andary: Yes, that's correct.

Commissioner \_\_\_\_\_:

Mr. Andary: There is language in the Charter to provide for ~~addi~~ affirmative action to be taken by the Personnel Departments of all agencies to begin immediately to take affirmative action to bring about a labor force that is racially composed similar to the labor force in the existing community. That is under the Personnel section of the Charter.

Commissioner Littlejohn: I had reference to the Michigan Constitution \_\_\_\_\_ and the City Charter \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I assume that since we are a creature of the new Charter and will be functioning under the new Charter, I have a great deal of discussion about the fact that other \_\_\_\_\_

\_\_\_\_\_ indicating that the Charter under which the Police Department - \_\_\_\_\_  
\_\_\_\_\_

So my question is really a \_\_\_\_\_ one, in a sense, how are we functioning \_\_\_\_\_

Mr. Andary: I think what we are dealing with is the redrafting of competitive examinations that are going to be administered soon, under the new Charter, I believe in the upcoming months-- I think we are looking toward November. As far as being restrained as to whether we will be bound by the previous Charter or bound by the existing Charter, it goes beyond the bounds \_\_\_\_\_ of the new Charter that the laws for affirmative action in the personnel section of ~~affected by~~ the new Charter. We are not constrained by the previous Charter, which had no provision for affirmative action. Accordingly, we would be well able to move with the existing rationale until \_\_\_\_\_ is available. \_\_\_\_\_ some affirmative action policy.

Mayor: Sounds like two lawyers talking \_\_\_\_\_

Commissioner Littlejohn: Are you saying that we have no option and can go by the old Charter?

Mr. Andary: No, I don't think that there is an option. I think we are bound by the new Charter. We have to take affirmative action pursuant to other legal \_\_\_\_\_ in volved in this Charter. You don't have any problem with the old Charter being in effect at the time the promotional lists were struck.

Commissioner Littlejohn: But my question was , promotions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mr. Andary: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Commissioner Littlejohn: In other words, you can be last \_\_\_\_\_  
\_\_\_\_\_ this Commission's achievements.

Chief Tannian: I think that maybe I can throw a little light on it. The list came into effect under the old Charter and the old Charter mandated that it must last for at least one year. Now I don't think having the new Charter go into effect can circumvent that. It came into effect under all of the old policies and procedures of the old Charter. I think what Mr. Andary is saying is that the new Charter, plus court decisions around the country, plus the U. S. Constitution, the Michigan Constition, force this Board into dealing with the fact that old promotional systems did not provide for ---  
\_\_\_\_\_ a reasonable minority candidates into the various ranks, and therefore you must take affirmative action.

Commissioner Littlejohn: I understand that. I think it said that the old list must be in existence for one year.

Mr. Andary: I understand what you are saying. I thought you wanted me to define whether there was any conflict between the previous Charter and the existing new Charter that would effect the promotional opportunities given the list we had now.

Chairman: Let a non-lawyer ask the question ~~another way~~ a different way. Let me rephrase it from the Charter then I'll follow the question on promotions. The Chief of Police shall make all promotions within the Department. All promotions shall be with the approval of the Board. Those shall be made on the basis of a competitive examination administered by the Director of Folicc Personnel except for positions about the rank of lieutenant or its equivalent. All examinations will be prepared by the division of police personnel with the concurrence of the Board. No person who has taken an examination and has been placed on a register of employees eligible for promotion may be passed

over in favor of an employee with a lower examination score unless the Chief of Police files with the Board and the Division of Police Personnel written reasons acceptable to the Board. Any person having been passed over may appeal to the Board.

My question is, do you see anything in the language that I just read that would preclude you and us from carrying out the affirmative action program?

Mr. Andary: No. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cases interpreting de facto discrimination, from the legal point of view clearly state the position that even if the Charter exists, that in some ways ~~compels~~ compels the perpetuation of discrimination that has existed over a period of time, it must, too, step aside and allow affirmative action to this Board. Notwithstanding that, within the blunt terms of this paragraph This Board is well within its policy-making function to make the determination that affirmative action is necessary in order to conform with the Constitutions, Civil Rights Acts, and the Charter of the City of Detroit.

Commissioner Ritchie: Isn't it not a fact that where there is a Constitutional \_\_\_\_\_, that no Charter nor a kind of binding agreement, nor any kind which may have been added into \_\_\_\_\_, or even the ~~raw~~ law of the State, that the Constitution would be the only fact that we would consider.

Chairman: Even if that were not so, your position is the language of the Charter, laying aside the Constitution of the United States, laying aside and setting ~~aw~~ aside the Constitution of the State, within the Charter itself that would stand alone and still commit us to carry forth the affirmative action program.

Mr. Andary: Yes

Chairman: Are there any other questions? If not, why don't we be agreeable that this affirmative action policy be placed on the agenda also for Friday Afternoon.

The next point on the agenda is other business. If no one else has any business, I have one letter that was addressed to me as a Commissioner and perhaps the other members of the Commission also received it. It is from a Wayne H. Dance. Did everyone see that document in which he complains about the lack of police enforcement on the ordinance that deals with vendors on the street between the hours, as I recall, 4 pm to 6 pm. This is a procedural matter because I think we have to respond to everybody that writes to us. But if anyone else has any other \_\_\_\_\_ until the investigation comes through.

Chief Tannian: I can give you a report right now. I also got the same letter. What it is is a controversy between the established florists, many of whom are out in the suburban areas, and the downtown street florists,



who are selling flowers . The two of them are in a sort of struggle as to who is going to continue to exist. They are now in some serious negotiations over a possible amendment to the City Ordinance. It is my understanding that we have been asked to stand still for the moment while those negotiations are on-going, and then see comes about. I would suggest that we do exactly that. The two parties who are most concerned about it are, in fact, talking to each other.

Chairman: Any comments or discussion on it? If not, I would accept a motion to set this aside temporarily to let the two parties try to work it out \_\_\_\_\_

Commissioner Littlejohn: Mr. Chairman, I would if the Chief \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chairman: The letter was mailed July 15th.

Chief Tannian: I would think that a reasonable length of time would be 30 days. They should be able to work it out in that period of time.

Chairman: Why don't we have a report from the Chief say in three weeks from ~~xxx~~ now.

Commissioner \_\_\_\_\_: So moved

Commissioner \_\_\_\_\_: Seconded

Chairman: The move was supported that we have a report on this matter in the matter of three weeks. All in favor signify Aye.

Commissioners: Aye

Chairman: Contrary-minded? No/ Ax

Is there any other business to come before the Board?

Commissioner Littlejohn: \_\_\_\_\_. We might request an presentation with respect to the operation of the Professional Standards Section. That would be scheduled early, probably not this Friday, but I would suggest the following Friday.

Chief Tannian: We are prepared to do that this Friday if you like at the convenience of the Board.

Chairman: My feeling is that we have enough for this upcoming Friday to handle. Why don't we plan for it the following Friday? That would be August 2. Is that agreeable?

Commissioner Littlejohn: Chief, I am anticipating you and I shouldn't do this. You anticipate putting recommendations before the Commission in