

May 11, 1973

MEMORANDUM TO: Commission on Community Relations

FROM: Field Services Division

SUBJECT: The April 30, 1973 Meeting of CCR with Police Commissioner Nichols and Staff on Citizen Complaint Section Operations

ATTENDANCE: CCR Commissioners J. Dillard, M. Roxberry and J. Wytrwal
Denise Lewis
Lonnie Saunders
CCR Staff

The CCR, on February 26, 1973, accepted the recommendation of the Police Committee to seek a meeting with Police Commissioner Nichols on issues relating to the citizen complaint resolution process (see attached March 8, 1973 letter). The implications of the lack of information on the progress of investigations of 27 citizen complaints alleging police harassments in connection with the December, 1972--January, 1973 STRESS manhunt incidents and the resulting mounting concerns of the community was the occasion for meeting. As stated by the Secretary-Director, the overriding concern of the CCR is that this community have an effective and impartial vehicle for the handling of citizen complaints and the CCR seeks to make some recommendations for improving the current citizen complaint process.

AGENDA ITEMS CONSIDERED

I. OPENING THE CITIZEN COMPLAINT PROCESS TO PUBLIC SCRUTINY

Since the CCR has not had an opportunity to review Citizen Complaint Section (CCS) annual reports since 1969, the secretary-director strongly recommended that perhaps quarterly there should be a report to the community on:

- "A. the number and types of complaints reviewed
- B. the disposition of complaints with details on disciplinary action taken and/or changes in policies and procedures."

As the City's civil rights agency, we have asked to be provided access to citizen complaint records so that we can evaluate the effectiveness of the process and make a report to the Mayor and Council. This request was made in writing in July, 1972 and has not been responded to to date. We would urge that the Commissioner authorize such an evaluation by CCR.

The Commissioner's response was to authorize the CCS Inspector, Allan Eichman, to supply CCR staff upon request the kind of information requested in the letter of July 11, 1972 (see attachment). Mr. Eichman was instructed to develop a procedure to facilitate sharing CCS information with CCR staff. Mr. Nichols also suggested, as possibly feasible, periodic joint CCR-Police Department press conferences on important community issues to demonstrate that the mission of the two agencies does not preclude possible agreement. He felt the effect on the public could be quite constructive, as a product of effective open communication.

It was agreed that names of officers should not be reported and public comments on CCS cases should be given only in broad terms. However, because of important legal factors, communications on cases involving criminal charges and cases under litigation will be subject to special strictures. The Commissioner's Executive Assistant, Sylvester Lingeman and Lieutenant Delaney of the Commissioner's office were designated as available contact persons for CCR staff during the current period of substantial departmental reorganization.

II. PROBLEMS CCR ENCOUNTERS IN INVESTIGATION AND CONCILIATION OF POLICE COMPLAINTS.

"CCR at this point has no formal arrangement for working cooperatively with CCS on complaints. We continue to experience delays and difficulties in getting copies of departmental records needed for our investigation. A copy of the investigative report from the CCS investigator should be made available to CCR staff on those complaints which we are jointly investigating.

"We would again recommend that procedures be established so that CCR's final report on a complaint will be formally considered by CCS and the Advisory Board as they deliberate on the final resolution of the complaint. There should be an opportunity for CCR and the Police Department to meet and discuss the recommendations on a joint case. Finally, once the Advisory Board has made a decision, CCR should be notified in writing of the determination."

Commissioner Nichols concurred in the recommendation, adding that CCR could be represented on the Board as observer-advisers. However, he stipulated that CCR reports should be submitted to the Advisory Board through the CCS and that the non-adversary nature of the Board's hearing be respected. Mr. Nichols also agreed to ultimately consider giving voting authority to the proposed CCR Board member and the possibility of using civilian investigator-employees on CCS cases. Further, it was agreed that CCR and CCS staff, prior to a May 24, 1973 follow-up meeting with Commissioner Nichols and his staff, should identify a small number of cases which CCR and CCS staffs would investigate jointly as part of a pilot project. However, the Commissioner would not agree to immediately reserve a permanent position on the Advisory Board for CCR.

The Commissioner emphasized the importance of creating in the immediate future a climate of acceptance of the proposed changes--by the Police Department and the public.

III. CHANGE IN THE ROLE AND AUTHORITY OF CCS

"The Commissioner has substantially changed the role of the CCS and this may contribute to their ability to effectively move on complaints. CCS no longer makes a recommendation upon completion of an investigation. The investigation report is forwarded to the Advisory Panel where the decision on the disposition of the case is made. The CCS inspector no longer has a vote on the Advisory Board.

"From the contacts of CCR and the State Civil Rights Commission, there seems to have been a decline in the thoroughness and depth of the investigations done by the CCS staff. This change has come over the past few years and the investigations do not display the same concern about conducting an impartial review that searches out all the facts."

The Commissioner said there has been no real change in the authority of the CCS, although it has ceased making recommendations. The reason for this is to avoid both "rubber stamp" Advisory Board responses or the opposite--adversary confrontations in the Board's decision making. The Commissioner also suggested it might be feasible to use CCR staff expertise in instructing Academy recruits.

Agenda Item IV - Initiation of Action by CCS Where Problems are Evident and
Agenda Item V - Promptness of Action on Sensitive Complaints--will be considered at the May 24 meeting with Commissioner Nichols and his staff.

CURRENT INFORMATION ON STATUS OF CASES AT THE CCS

Prior to the meeting with Commissioner Nichols, CCR staff obtained for the guidance of the Commissioners information regarding CCS as follows:

"The CCS inspector indicated that the number of cases processed by CCS annually is continuously increasing--from about 240 in 1971 to about 275 or more in 1972. However, he said only 31 cases are currently under investigation by CCS and only a few of these are as much as two months old. No cases are awaiting decision by the Commissioner's Advisory Board, although three will be referred to the Board on April 27 and it is expected that they will be decided no later than May 1.

"On April 27, 1973, a CCR staff inquiry into the status of 27 citizen complaints growing out of the December, 1972-January, 1973 STRESS manhunt incidents revealed that they are still "hung up" at CCS. CCS Inspector Eichman and Delore Ricard, District Inspector, in a January 25, 1973 Detroit NEWS account, said written decisions on the cases should start coming to the Council 'in a week to 10 days'."

"A total of 247 citizen complaints are pending in conciliation at the MCRC, with probable cause findings against the police officers. About 190 involve Detroit policemen. Recommendations for adjustments have been made in 90 of these cases. One hundred eighty cases (about 100 involving Detroit officer) are under investigation. One hundred of MCRC's citizen complaint cases have not been conciliated, although investigations have been completed, because of the Police Department's failure to respond to MCRC's May, 1972 request for discussion and development of a mutually agreeable procedure for conciliation of cases. About 35 to 50 very old MCRC cases, more than five years old, have been conciliated and adjusted."

CONCLUSIONS

There appears to be a greater willingness at this time on the part of Commissioner Nichols to recognize the legitimacy of the CCR role in relationship to the police citizen complaint process than CCR staff has been aware of. Although it cannot be concluded from the discussion with Commissioner Nichols that all problems have been or are being resolved between our respective agencies on the citizen complaint issue, a feeling of hope is surfacing. It is the hope that the Department now more fully recognizes the right and responsibility of the CCR to perform consistent with the spirit of Mayor Cavanagh's request at the time the CCB (CCS) was formed: "to periodically report regarding its proper functioning and make recommendations which could improve the operations of the



Bureau". Further, there is hope that the Department may be moving more surely to its policy goal, as expressed by former Commissioner Spreen on July 31, 1969:

March 4, 1973

"The receipt, prompt and proper investigation, and disposition of complaints made by citizens against police officers is a vital and important issue to both the citizens and the police officers involved and to the City itself... A professional police administrator and a professional Department have a public trust and a public responsibility and it is a tremendous one. It includes the professional obligation of self-policing. A professional police officer must set and adhere to a high standard."

Mr. [Name]
Detroit
1300 [Address]
Detroit, Michigan 48226

Dear Commissioner Nichols:

Pursuant to instructions of the Commission, CCR staff has recently contacted by telephone your secretary, Mr. Hewitt, and also Lieutenant Delaney regarding the possibility of an early meeting of yourself and representatives of the CCR and its Police Committee on a significant area of police-community relations.

Because of their important implications for sound police-community relations, the Commission suggests as discussion areas for the proposed meeting:

1. Community perceptions concerning the effectiveness of the entire citizen complaint investigation process;

2. The need for more regular and systematic reporting to the public, and the CCR, on the disposition of citizen complaints, as a means of allaying public concerns as to the intent of the Department to provide full equity for citizens by reasonably prompt disposition of their complaints of professional police actions.

Although these issues have been raised before, it seems particularly appropriate that serious attention be given to them again at this time, to reassure the public of our continuing common interest in police professionalization and fair law enforcement. We have a great concern also for discharging in a responsible manner our legitimate responsibility to routinely examine and evaluate policies and practices having community relations consequences.

We are certain that you share our concern for getting at the substance of the issues which we are proposing for discussion. We are hopeful that you will agree to an early meeting on their resolution as an effective means for discharging our mutual responsibilities in these areas. Please indicate the date that will be convenient for you to set aside for time for these discussions.