

OUTLINE OF PROPOSED CITIZEN CONTROL COMMISSION

I. COMPOSITION:

A. Sixteen Citizen Members

1. Not city employees
2. Elected from each precinct at time of Municipal Election
3. Four year terms
4. Chairman and Secretary selected by entire body of commissioners
5. First election to be held at the time of the first scheduled election after the adoption of the Control Commission, but no later than August, 1970.

B. Full-time salaried investigators - at least 10

1. Chosen by the Commissioners, to serve at their pleasure
2. Authorized by the Commissioners and the Common Council to have full access to all Department files, records, reports, etc. and personnel in the course of any investigations.

C. Police Staff

1. Appointed by the Police Commissioner with the approval of the mayor.
2. Investigators reporting to the Commission.
3. Precinct assistants to civilian complaint offices.

D. Civilian Complaint Officers

1. Appointed by the Commissioners and serve at their pleasure.
2. Take complaints and monitor police activity at the precinct level.
3. One Complaint Officer at each precinct.

E. A panel of three members, including the Commissioner from the precinct out of which the dispute arose and two other commissioners appointed by the chairman one of which must be from an adjoining district, constitutes a panel competent to investigate and recommend on particular cases.

F. Salaries

1. The Commissioners will be paid an annual salary of \$5000 per year.
2. The investigators will be paid an annual salary of \$8000 to \$12000 per year.
3. The civilian complaint officers will be paid an annual salary of \$7000 to \$10,000 per year.

II. JURISDICTION

The Commissioners shall have jurisdiction to investigate:

- A. Complaints by injured persons -- lodged with the Commission and signed --alleging police misconduct or omissions in the relation between the injured party and the police.
- B. Complaints by third parties, including organizations such as neighborhood associations, civil rights groups, tenants unions, welfare rights organization, OEO funded programs lodged with Board and signed--alleging police misconduct or omissions in relations between the police and the community.
- C. Complaints against an officer referred to the Commission by the Department alleging police misconduct or omissions in relations between the police and the community or individual citizen.
- D. Evidence of Police misconduct which comes to light during any judicial proceedings, e.g. coerced confessions, violations of the Mallory or Miranda rules, illegal searches and seizures. Case would be referred to the Commission by defense attorneys or, upon the Police Commissioner's request, by the Corporation Counsel, or the courts.
- E. Complaints by Civilian Complaint Officers observing police acts, conduct or omissions to act in relations between the police and community or individual citizen.

POWERS OF THE COMMISSION:

- A. After investigating a particular case and after a hearing if one is requested by either the complainant, the officer involved, one of the Commissioners or the Department, the Commission may take all action including:
 1. Dismissal of the Complaint.
 2. Disciplining the officer or officers involved by fines, suspensions, discharges, or transfers.
 3. Other appropriate relief, such as apologies to the accused or expunging of records.
- B. The Commission may attempt informal settlements and may mediate after an investigation and prior to a hearing if neither party desires a formal hearing.
- C. The Commission shall, in instances where it deems it advisable, recommend revisions in Departmental policies, procedures and practices to the Police Commissioner. The Commissioner would retain the power of veto. If vetoed, the suggested change would be implemented within 90 days after the recommendation was made.
- D. The Commission shall render a report to the Common Council and Mayor at least once a year, detailing the character, status and disposition of the cases handled in the period covered.
- E. The Commission will establish neighborhood offices in conjunction and cooperation with existing private and public neighborhood community officers and organizations.
- F. The Police Commissioner will retain his power to suspend any member of the force in any case involving relations with the community or an individual citizen and take the appropriate disciplinary action but the officer against whom such actions are taken has a right to a hearing before the Commission prior to a termination, suspension or reduction in his pay.

IV. PROCEDURES:

- A. Each complaint shall be investigated initially to the extent deemed necessary by the Subcommittee of three. The results of such investigation, both by the Commission's inspectors and the Departmental inspectors if provided, shall be made available to complainant and the respondent officer upon their request before the hearing, if a hearing is held.
- B. Hearings
 1. If the Commission subcommittee does not order a hearing, but the

complainant or officer insists a hearing shall be ordered.

3. The Commission may proceed with an investigation and hearing even if the complainant indicates a desire to withdraw.

C. Conduct of Hearings

1. Hearing shall be public.
2. Both complainant and respondent officer may be represented by counsel and both will receive a detailed specification of the charges at least 10 days prior to the hearing.
3. The Commission will endeavor to provide counsel for either the complainant or respondent not able to retain counsel.
4. Complainant, respondent and the Commission may present witnesses and introduce documentary and other tangible evidence.
5. Formal evidentiary rules and procedures need not apply but the hearing will be conducted in conformity with the requirements of due process.
6. The Complainant and respondent shall have complete power of cross examination and confrontation of all relevant witnesses.
7. The Commission shall have full subpoena power to subpoena witnesses and all documents and reports. Subpoenas shall be issued on behalf of every party for good cause shown. Failure to honor subpoenas will result in contempt and the commissioner had the power to adjudge a party witness, or deponent guilty of contempt.
8. Both the complainant and the respondent officer will have full and complete discovery powers prior to the commencement of the hearing.
9. The decision of the Subcommittee or the full committee on appeal shall be based only on the evidence and testimony introduced at the hearing.
10. A stenographic record of all hearings shall be kept, and this record and all other evidence submitted at the hearing shall be matters of public record.
11. In each case the Subcommittee of the Commission shall render a statement of reasons in support of its decision, and a copy of this shall be given complainant and the respondent.

D. Appeals

Appeals may be made by either the Complainant or the officer charged to the entired Commission within 40 days of the initial decision. The Commission shall order a full public hearing and shall render a statement

of reasons in support of its decision. A copy of this statement shall be given complainant and the respondent officer.

E. Decisions of the Commission or the Subcommittee will be reconsidered only upon written statement to the commissioner from the officer involved indicating that he has further testimony or new evidence which may mitigate the sentence.

F. Pendency of criminal and/or civil actions connected with the incident which gave rise to the complaint:

1. The procedures of investigation will not be terminated or affected in any way by the pendency of a criminal or civil trial.
2. The hearing and appeal will not be effected in any way including postponement and adjournment by the pendency of a civil or criminal trial, but in no case will a hearing be held when either party requests adjournment or postponement because a criminal trial before a judge or jury is in progress.
3. The transcript or evidence introduced at the hearing will not be made available later in a criminal trial and the testimony and evidence or results of a criminal trial will not be made available or affect in any way the hearing before the commission.

FOURTH DISTRICT
COLEMAN A. YOUNG
BOX 240
LANSING, MICHIGAN 48902

THE SENATE
LANSING, MICHIGAN

MINORITY FLOOR LEADER
COMMITTEES ON:
EDUCATION & ELECTIONS

MEMO:

TO: All Members of the Civilian Police Appeals Commission Committee
FROM: Coleman Young *CA*
DATE: June 30, 1969
RE: Progress Report

As of today, the Attorney General has finally approved the proposed ballot language for our proposed charter amendment providing for a Civilian Police Trial Board. You will note the change in name from Appeals Commission to Trial Board. This Change was necessitated by legal considerations.

I have forwarded the approved language to M.G. Advertising for layout and printing of the petitions. These petitions should be out of the printers by the end of this week. I will call a special committee meeting as soon as petitions are available.

Meanwhile, I will urge all members of the Committee to proceed with plans for an all-out mobilization for a petition drive during the month of July, so that we can achieve our objective of one hundred thousand signatures.

To date I have received only one \$100.00 contribution from a participating organization. If you are a member of a participating organization that has agreed to contribute a minimum of \$100.00 towards the defrayment of petition campaign expenses, I urge that you see that your organization puts a check in the mail to me here in Lansing.

You will be hearing from me as soon as the petitions are ready.

COLEMAN A. YOUNG

P.S.-Pending printing of petitions, tentative plans call for a meeting of the Steering Committee at NAACP Office, Wednesday, July 9th and meeting of full committee, July 12th. You will be notified in confirmation of both of these meetings.

nm

of conspiracy.

a conscientious law officer in the diligent pursuit of justice.