

December 12, 1969

MEMORANDUM TO: Commission on Community Relations

FROM: Staff

SUBJECT: Analysis of the 1968 Citizens Complaint Bureau Report

#### INTRODUCTION

This is a review of disposition of cases to determine the nature and patterns of complaints and the speed and adequacy of their resolution. Attention is also given to the relative dispositions of cases initiated for infractions of departmental regulations and those initiated by citizen complaints.

This report considers the following matters:

- I. Total number of complaints and most frequent complaint by unit
- II. Final disposition of complaints by Citizen Complaint Bureau
- III. Changes in disposition of Citizen Complaint Bureau complaints, 1965-1968
- IV. Disposition of most frequently alleged offenses
- V. Open and pending cases
- VI. Complaints received by both Michigan Civil Rights Commission and Citizen Complaint Bureau
- VII. Comparison of citizen-initiated complaints and cases of violation of Police Departmental rules
- VIII. Methods of dealing with Citizen Complaint Bureau complaints and internal discipline matters.
- IX. Recommendations
- X. Appendix
  - A. Investigation Process of Citizen Complaints (Flow Chart)
  - B. Cybernetic Developments Incorporated, "Problem Identification Study of the Detroit, Michigan Police Department" (Excerpt - Part IV Citizen Complaint Bureau)
  - C. International Association of Chiefs of Police, "An Inspection Report of the Detroit Police Department" (Excerpt - Section 4 Inspectional Services)

I. Total number of complaints and most frequent complaint by unit

Unit	Number of Complaints	Most Frequent Complaint
13th Woodward	25	physical abuse
DMU	24	physical abuse
10th Livernois	22	physical abuse
5th Jefferson	21	physical abuse
7th Mack	19	physical abuse
2nd Vernor	18	physical abuse
1st Central	17	illegal arrest
12th Palmer Park	14	physical abuse
6th McGraw	12	physical abuse
4th Fort-Green	7	lack of service
11th Davison	6	physical abuse
14th Schaefer	6	physical abuse
15th Conner	5	lack of service
16th Northwest	2	verbal abuse
(Other)	27	lack of service
Total	225*	physical abuse

\*Although the total number of complaints received by OCB totals 213, some complaints were directed at more than one unit. These complaints were included in the total of each unit.

II. Final disposition of complaints by OCB

Total	Favorable to complainant (sustained, partially sustained)	Unfavorable to complainant (not sustained, exonerated, unfounded)
225	96 Cases	137 Cases

DEFINITION OF TERMS

- Sustained - The allegation is supported by sufficient evidence.
- Partially sustained - Part of the allegation is sustained.
- Not sustained - Insufficient evidence to prove or disprove the allegations.
- Exonerated - Incident complained of occurred but was legal and proper
- Unfounded - Incident is false and not factual.
- Adjusted - The complainant and the officer were able to reach an agreement to amicably dispose of the matter.
- Open (or Pending) - The case has not reached its final disposition.

III. Changes in disposition of OCB complaints, 1965-1968

	1968		1967		1966		1965	
	No.	%	No.	%	No.	%	No.	%
Sustained	26	12.2	21	9.5	10	8.4	8	7.6
Partially sustained	33	15.2	14	6.3	10	8.4	11	10.4
Total	(59)	(27.4)	(35)	(15.8)	(20)	(16.8)	(19)	(18.0)
Not sustained	113	53.3	89	40.4	69	58.0	50	47.5
Exonerated	24	11.1	24	10.8	14	11.8	5	4.8
Unfounded	6	2.8	11	4.9	16	13.4	14	13.3
Total	(143)	(67.2)	(124)	(66.1)	(99)	(83.2)	(69)	(65.6)
Pending (open)	*9	*4.2	59	26.7	--	--	17	16.2
Adjusted	2	0.9	3	1.4	--	--	--	--
TOTAL	213	100	221	100	119	100	105	100

\*The number of 9 pending cases supplied in the OCB summary was used to arrive at this percentage. This figure does not correspond to the number shown as "open" in the body of the OCB report. See Section V.

IV. Disposition of most frequently alleged offenses

Offense	Total	Favorable to Complainant	Unfavorable to Complainant	Other
Physical Abuse	112	26	66	20
		23.2%	58.9%	17.9%
Verbal Abuse	37	14	18	5
		37.8%	48.7%	13.5%
Illegal Arrest	32	6	20	4
		23.0%	62.5%	12.5%
Lack of Service	31	4	26	1
		12.9%	83.9%	4.2%

#### V. Open and pending cases

The 1968 OCB report and a subsequent review of OCB's records reveal that of the 213 cases handled by OCB in 1968 only one (from December 1968) is still being investigated by OCB itself. Approximately 31 cases have been investigated and decided by OCB and are still awaiting final disposition by either the Commissioner's Advisory Panel or the Commissioner himself. The earliest of these cases goes back to March 1968.

On May 1, 1969, the approximate date of the drafting of the report, there were still 28 cases on which OCB had not completed its investigation. The earliest of these complaints dated back to February 1968. Also, on May 1, 1969, there were approximately 80 additional cases on which OCB had completed its investigation, but were still pending in the Advisory Panel or the Commissioner's office. The earliest of these cases was filed in January, 1968.

This means that by May, 1969, 108 citizen complaints from 1968 had not reached a final disposition. By December, 1969, approximately 76 of these had been completed but 32 cases from 1968 remain unfinished.

Close examination of OCB statistics indicates that the speedy disposition of cases hoped for on July 31, 1969 when Commissioner Spreen announced a new 16 step investigation process is not being achieved. This condition and the reality of a continuing sizeable backlog of unresolved cases - some more than a year old - is cause for great concern.

#### VI. Complaints received by both MCRC and OCB

About 88 complaints handled by OCB in 1968 were also handled by MCRC. In many cases the final conclusion reached by the two agencies was not the same. This could be a significant area of comparison, but its relevance is lessened by two factors:

1. OCB and MCRC are using different criteria to arrive at their conclusions. OCB is trying to determine if a police officer has misbehaved in any way. MCRC can accept a case only if there is an allegation of discrimination. The OCB can act without allegations of racial discrimination.
2. OCB and MCRC are using different sets of information in making their judgments. OCB has access to the officer for his statement and interviews, in addition to police records and statements of complainants and witnesses. MCRC has only the police records and statements of complainants and witnesses. Due to Detroit Police Officers' Association (DPOA) position on this matter, they are denied access to the officers in person and to OCB's records of his statements and interviews.

With these two important differences in procedure, it is not surprising that MCRC and OCB should often come to different decisions. That the two agencies so often arrive at different conclusions must be a concern when considering police discipline, but a more serious problem, in the view of MCRC, arises where both agree on a case. The MCRC procedure is to discuss the case with officers at OCB, attempting to arrive at a proposal for suitable adjustment of the complaint. MCRC then sends its proposals for adjustment to the Police Commissioner. They have received no response from him on these proposals.

Thirty-seven cases from 1968, and a total of more than 100 going back to 1964, are presently in this stage.

Further processing of these cases by MCRC through public hearings has been delayed by a suit brought against them by the DFOA. Although settlement of this suit seems near, it has not yet been decided.

#### VII. Comparison of citizen-initiated complaints and violations of Police Department rules

Disciplinary action was taken against 33 police officers as a result of citizen complaints to the OCB. Thirty-four officers were disciplined for violations of Police Department rules and regulations. Eight officers went to Trial Boards as a result of OCB action; ten for departmental infractions. No further information is available for comparison at this time. The Police Department has said they will supply us with the basic facts and dispositions of all recent Trial Boards and Commissioner's Hearings (without officers' names); however, we have not yet received that information.

#### VIII. Methods of dealing with OCB complaints and internal discipline matters

A citizen complaint, once investigated by OCB, is reviewed by the Commissioner's Advisory Panel and the Commissioner. The Commissioner decides on the level of punishment the officer will receive--reinstruction, verbal reprimand, written reprimand, Commissioner's Hearing, or Trial Board. An officer can appeal any punishment to a Trial Board. The maximum penalty which a Commissioner's Hearing can administer is loss of pay and leave days. A Trial Board can impose more severe financial penalties or can discharge an officer.

Internal discipline cases do not usually require as much investigation as citizen complaints, because the infraction is usually witnessed by a supervising officer. A Lieutenant or a Sergeant, can suspend an officer upon witnessing any misconduct. Minor infractions are dealt with at the precinct level. More serious infractions are written out and passed through the chain of command to the Commissioner. If the Commissioner upholds the charge, he can issue a reprimand, hold a Commissioner's Hearing or send the case to a Trial Board.

#### RECOMMENDATIONS

It is appropriate to quote again a statement of rationale supporting the internal processing of citizen complaints against police:

"A properly administered complaint review system serves both the special professional interests of the police and the general interests of the community. As a disciplinary device, it can promote and maintain desired standards of conduct among police officers by punishing--and thereby deterring--aberrant behavior. Just as important, it can provide satisfaction to those civilians who are adversely affected by police misconduct. In serving these ends, complaint administrators must not impair the effectiveness of the police as a law-enforcement organ. At the same time, due to the exceptional coercive powers of the police and the impact on individual liberties inherent in their work, the civilian community's interest in police activity should not be underestimated. Public confidence, vital to an effective police department, can be fostered by a well-run and well-publicized complaint review system."

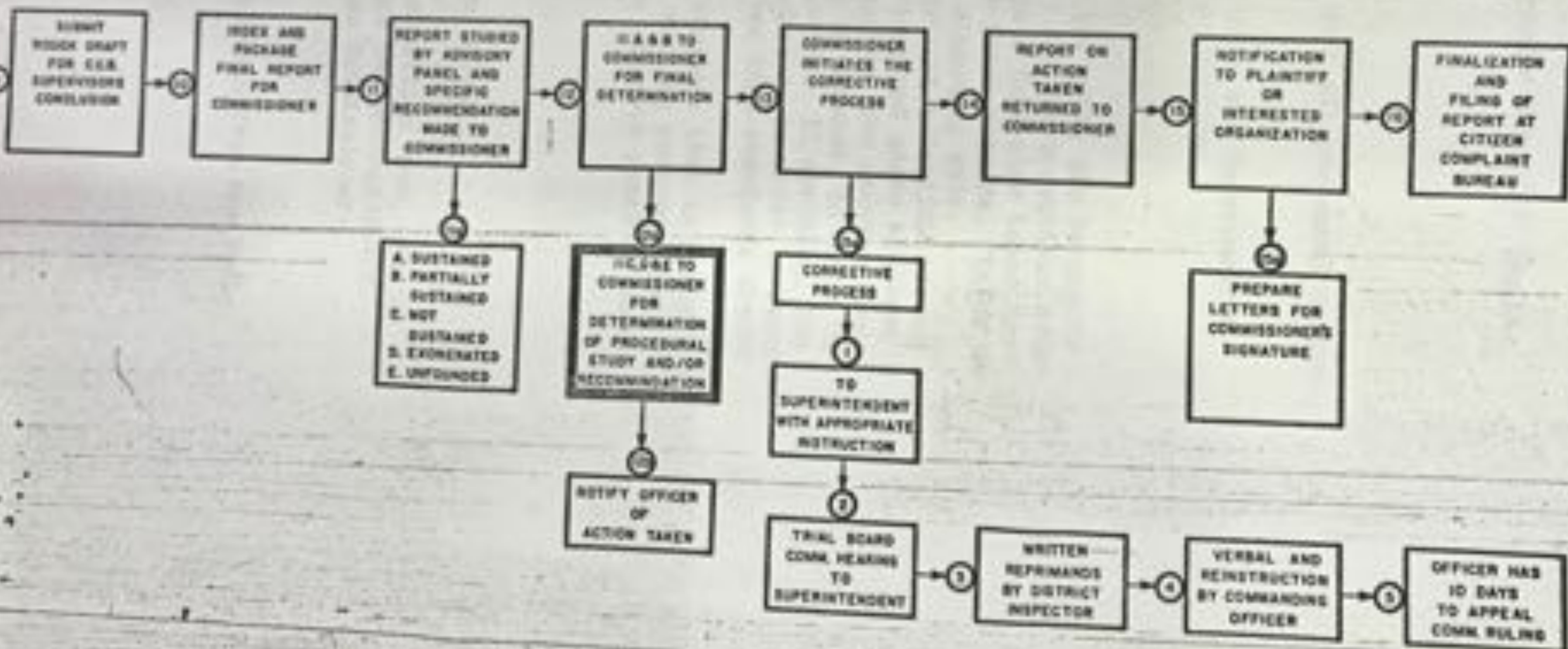
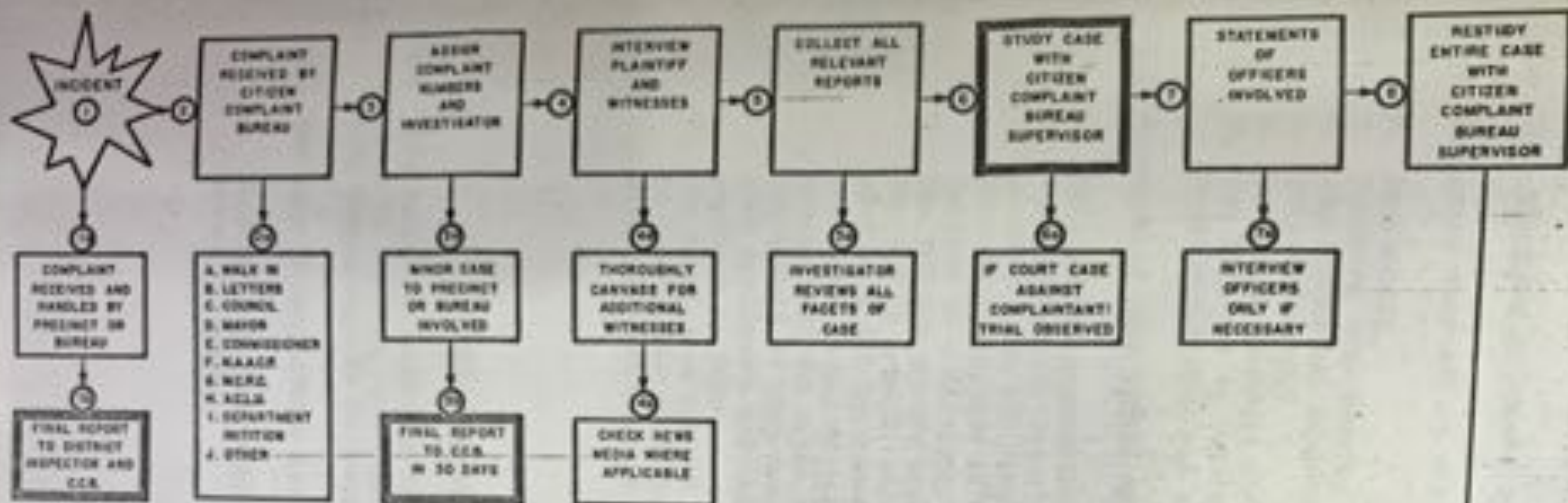
In a staff report submitted by the OCB on August 1, 1969, at the time the Citizen's Police Trial Board was before the community we stated: "A persisting doubt exists among segments of Detroit's black and white communities as to the ability of the Police Department to do prompt, impartial investigations of citizen complaints and render adequate discipline to officers found guilty."

As long as citizen complaints are allowed to remain unresolved for such long periods of time as the analysis of the OCB Report suggests, this agency and others must continue to raise the issue of whether the Police Department has the will to take action in behalf of citizens who are adversely affected by police misconduct. A complaining citizen and indeed a respondent officer has a right to have resolved in a reasonable period of time complaints affecting both of them.

We recommend the following:

1. Currently, responsibility is assigned to a particular person in all phases of the complaint adjudication process except the Advisory Panel to the Commissioner. The functioning of this panel is crucial to the effectiveness of the process and thus should have designated a chairman, or convenor, who can be held responsible for its operation.
2. Staff endorses the recommendation of the Cybernetics report which indicates that, "The DPD senior officials should set down with the heads of the three line organizations and other valid interest groups, and 'brain storm' the complaint receipt, handling, and disposition procedure."

# INVESTIGATION PROCESS OF CITIZEN COMPLAINTS



### PART III

#### Personnel Division

- 3.0 This division is headed by Inspector Robert S. Quaid.
- 3.1 Duties of this office are:
- A. Recruiting,
  - B. Training (see Section XIV),
  - C. Administrative supervision over all personnel matters,
  - D. Medical Bureau,
  - E. Personnel records, and
  - F. The Director is Chairman of both the Department's negotiating team and uniform committee.
- 3.2 Problems of this office are:
- A. This office negotiates with the DPOA, the Sergeants and Lieutenants Association, and the Detectives Association. The DPD should have a full-time Labor Relations Specialist to handle these matters. Labor relations is a delicate, time consuming role.
  - B. The DPD has an outstanding recruit selection system. The DPD is grossly understrength and needs at least another 1,000 policemen. However, the present high personnel standards must not be diluted, in order to merely fill the ranks with bodies. If anything, the job should be made more attractive, in order to secure more applicants and the present high standards should continue to rise.
  - C. The study team did not have adequate time to study, in detail, the promotion and testing program. This should be accomplished at the earliest possible date.

### PART IV

#### Citizens Complaint Bureau

- 4.0 This bureau is headed by Inspector William Owen. He is aided by fourteen investigators and two stenographers. This bureau reports directly to the Commissioner.
- 4.1 The duty of this office is:
- A. Receive complaints against policemen from the individual citizens.



4.2 Problems of this office are:

- A. The practice of patrolmen investigating patrolmen is not sound administration.
- B. This office needs seasoned men with investigative experience.
- C. This office is in desperate need of a full-time legal aide. The role of such counsel would be to:
  1. Provide the officer under investigation with counsel.
  2. Ascertain the legal role of this office during the initial investigation, and, when and if the matter evolves into a trial board hearing.
- D. This whole complaint procedure appears to have gotten out of hand. The men are putting matters on a legal basis. When an officer merely comes in to give his side of the story to a complaint received, he produces his own counsel. This is not bad practice, per se, but when it is done in all minor matters as well, something is wrong with the system.
- E. In the past, complaints were not brought to a conclusion. This is not the case today.
- F. Many times, however, official records of the conclusion are not prepared or filed; e.g., training bulletins are not prepared, nor is an official reprimand placed in the subject officer's file. Proper follow-up should be made of all complaints.
- G. From the point of the Commissioner's decision, to whoever is required to carry it out; the one responsible should, after carrying it out, report back. The disposition of the case should then be in the Commissioner's files.
- H. This office conciliates with the Michigan Civil Rights Commission. Perhaps this should be done by the Commissioner's office and not by those conducting the investigation. This problem should be studied in detail, in a separate intensive management study.
- I. The manner in which the Michigan Civil Rights Commission is advising complainants should be studied thoroughly. The police personnel report a concern about their purported lack of objectivity.
- J. This office should be divorced from the Community Relations Bureau. The reasons are quite obvious.
- K. There is a lack of equipment. The men are required to use their own recorders. The SPD should furnish these.

- L. The DPD should examine the feasibility of setting up a bureau to handle receipt of all complaints; e.g., civilian complaints and internal investigations.
- M. The DPD senior officials should sit down with the heads of the three line organizations and other valid interest groups, and "brain storm" the complaint receipt, handling, and disposition procedure.
- N. This bureau is a mystery to most policemen. Its duties, responsibilities, and methods should be thoroughly explained in a DPD policy statement.

## PART V

### Intelligence Bureau

5.0 We talked to Lieutenant Emmett Kearney and Sergeant Joseph O'Hare.

5.1 The duties of this bureau are:

- A. Compile information on organized crime,
- B. Collect and evaluate information about organized crime,
- C. Maintain the DPD's subversive activities file,
- D. Administer complaints from initial receipt through arrest procedures, and
- E. Maintain their own manual files:
  - 1. Name files
  - 2. Address files
  - 3. Criminal dossier files.

5.2 Problems of this bureau are:

- A. The staff feels they do not have enough discretionary funds. (Currently \$500 a month) This should be studied.
- B. There appears to be much overlapping with the Special Investigations Bureau. This should be studied.
- C. It takes one to two years to learn this job. If a man gets promoted, then he must return to a precinct. Personal contacts, liaisons, etc. are lost. These take time to develop. This may be an area where excess rank may be justified. This should be studied.
- D. This office should have its own reproduction facilities. This is needed to reproduce confidential reports of other agencies. This should not be done on other DPD office machines where paper may, in error, be left laying around.

2. Crime prevention and community relations programs which have already been developed should be assumed by the proposed Crime Prevention Bureau, or, if appropriate, by operating divisions if the program is operational in character rather than educational (e. g., Project Vanguard as contrasted with the Counter Crime Clinic.)
3. Business management functions should be centralized in the Administrative Services Bureau.
4. Functions of the Citizen Complaint Bureau and the Inspectional Service Bureau should be transferred to the Inspectional Services Bureau.

#### Section 4 - Inspectional Services

The term "inspectional services" generally covers internal investigations (that is, complaints against officers for poor service, misconduct and criminal activity), inspections of facilities and procedures, and in some cases, criminal intelligence and vice control efforts.

#### Internal Investigation

The Citizen Complaint Bureau, which is located in a separate building away from headquarters, is almost entirely oriented to complaints from citizens, and about 90 percent of these complaints deal with allegations of excessive force. The remaining 10 percent are related to abuse of authority or discourtesy.

Of 417 cases disposed of in the last two years, 55 percent were classified as "not sustained" (meaning that there was a res gestae but that the charges against the officer could not be verified or proved), 16 percent were sustained (i. e., the officer was judged to be guilty), 13 percent were partially sustained, 12 percent resulted in the defendant being exonerated, and in 4 percent of the cases the incidents themselves were unfounded.

In the area of disciplinary investigations initiated by supervisors, there is a need for a more centralized control and monitoring of investigations. Presently, although there is a seven-man unit assigned, most personnel investigations are conducted by district inspectors or their assigned subordinate supervisory officials. The assignment of an individual's own commanding officer to investigate such cases, without appropriate staff monitoring, can lead to inconsistencies in the level of discipline and other serious problems.

## Inspections

The present inspections function is handled by a district inspector who is assisted by an inspector and one lieutenant. The Inspectional Service Bureau follows a definite plan, in that there is a schedule for field inspections, a manual of procedures to be followed, and sufficient recognition of the importance of the function. The bureau, in addition, is responsible for many committees and projects, some of them totally unrelated to the inspection function. This has occurred simply because the incumbent in the bureau head position has carried duties from previous assignments with him, and some duties were carried in by a previous incumbent. The Inspectional Service Bureau is now engaged in about ten such projects and activities. Some are more urgent than others, but the net result is to detract from time available for inspections.

Since September 1968, the staff has conducted inspections of two precincts; the prosecutor's detail and one of the sections of the personnel division.

## Recommendations

1. The system needs to consolidate the investigative machinery for both complaints by citizens as well as charges initiated by supervisors and others in the department.
2. The present Citizen Complaint Bureau suffers from the inability to require an officer's presence for an interview.
3. The general administrative machinery for handling complaints needs improvement, such as the establishment of procedures for various categories of investigations.
4. The work of the Inspection Service Bureau is proceeding far too slowly. Inspections should be on an exception basis; that is, only irregularities and departures from acceptable procedures should be described, along with recommendations for improvements.
5. The various committee assignments and projects given to this unit should be re-evaluated and reassigned. The committee system is an inefficient way to conduct staff work and should be avoided if there is a well organized research and development unit and adequate staff organization.