

MEMORANDUM

TO: City Councilmembers, City Manager
FROM: Mayor Derek Dobies
DATE: September 14, 2021
SUBJECT: Consideration of a motion to adopt first reading and advance to second reading and final adoption an ordinance creating Article V and Sections 21-100 through 21-125 in Chapter 21 of the Code of Ordinances of the City of Jackson, Michigan to create a city Community Police Oversight Commission and set the powers and duties thereof.

Recommendation: Move to adopt first reading and advance to second reading and final passage of the proposed ordinance creating Article V and Sections 21-100 through 21-125 in Chapter 21 of the Code of Ordinances of the City of Jackson, Michigan to create a city Community Police Oversight Commission and set the powers and duties thereof.

The Community Police Oversight Commission ordinance is the result of community-driven conversations in the wake of the George Floyd murder and subsequent advocacy last year. In 2020, myself, the City Manager, and the Director of Police & Fire Services reviewed and updated our city use of force policy, considering the aims of contemporary advocacy. This proposed commission would make that process more regular.

Creating this commission will allow our city to continue the proactive leadership in the smart, equitable, community-oriented policing that the Jackson Police Department strives for and that our community deserves. Through proactive, public engagement and dialogue we can better moderate any future, unwarranted indignation against local policing; when we agree to rules and processes together, we are better positioned to understand and validate them when they're applied. That's how this policy actually supports our men and women in blue.

The ordinance would create a five member board of residents or business owners of the city who reflect the City of Jackson's diverse population, including income level, race, ethnicity, faith, age, gender, sexual orientation, and experiences. It would charge the commission with advising the Director of Police & Fire Services on community relations, policies, procedures, rules, training, recruiting, hiring and other applicable programming. The ordinance also gives the commission advisory responsibilities on the budget, rules and regulations for misconduct, complaints and certain limited investigatory powers within the department.

The City of Jackson Human Relations Commission and Racial Equity Commission both recently advocated drafts of similar ordinances establishing a Community Police Oversight Commission. This ordinance is the consolidation of those efforts, along with the work of myself, the City Manager, the Director of Police & Fire Services, and the Chief Equity Officer.

Public bodies that have codified police oversight are not uncommon in Michigan, and variants of this policy exist in cities like Detroit, Lansing, Ann Arbor, Grosse Ile, and East Lansing. On June 18 of this year, Director Elmer Hitt [publicly spoke about the development of the Community Police Oversight Commission](#) at the 2021 Jackson Juneteenth panel "Racial Inequities – Social Justice and Criminal Justice Reform" at the Michigan Theatre (48 min. into video).

Your consideration is greatly appreciated.

ORDINANCE NO. 2021-##

An Ordinance creating Article V and Sections 21-100 through 21-125 in Chapter 21 of the Code of Ordinances of the City of Jackson, Michigan to create a city Community Police Oversight Commission and set the powers and duties thereof.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

CHAPTER 21 - POLICE

ARTICLE V - COMMUNITY POLICE OVERSIGHT COMMISSION

Sec. 21-100. – Findings.

The City of Jackson and the Jackson Police Department are committed to building trust and positive relationships with all segments of the community. The city cannot achieve this end without addressing the racial disparities in violence and criminal justice, and a desire to create systems that provide greater public transparency and increased accountability. The formation of the Community Police Oversight Commission is a necessary step in reframing the relationship that the residents of Jackson have with the police and an investment in the smart, equitable, community-oriented policing that the Jackson Police Department strives for and that our community deserves.

Sec. 21-101. – Definitions.

For purposes of the Ordinance, the following terms shall have the following defined meanings:

Commission means the Community Police Oversight Commission.

Department means Jackson City Police Department.

Director means the Director of Police and Fire Services.

Sec. 21-102. – Created, purposes.

The purpose of the Commission shall be to:

1. Improve and strengthen police-community relations.
2. Create an environment which allows for better communication, understanding, and relations between the Department and the community.

3. Provide the community with a role in recommending policies and practices that ensure a high quality of police services and to give the community a voice in influencing the selection of leadership for the Department.
4. Provide oversight of the Department with regard to the provision of police services with the goal that the entire community; meaning everyone who lives, works, studies in, or visits the City of Jackson; may live safely and experience equitable treatment in any interactions with the city police.
5. Gather and analyze information, reports, and data on trends and potential issues concerning police conduct and practices and the related impacts on the community and individuals.
6. Provide input, guidance and recommendations to the City Council, City Manager, and the Director of the Department on the development of applicable policy.
7. Work with the city police to encourage the respectful treatment of all persons without undue use of force. This concern is of special significance with respect to segments of the community that are vulnerable and have been marginalized, such as persons of color, immigrants, low-income people, victims of domestic violence, those who suffer from mental illness, and transgender persons.
8. Provide a process for outside review of particular incidents to evaluate the city police response in the incident as well as the sufficiency of any city police investigation related to the incident and to recommend any changes in Department policies or practices.

Sec. 21-103. – Duties, power, and responsibilities.

The City of Jackson Community Police Oversight Commission shall have the following responsibilities:

- A. Foster understanding and communication between the residents of the City of Jackson and the Department and review and advise the Director on community relations between the Department and the community.
- B. Generate community interest and involvement, and promote public awareness of the Department services and programs, including, but not limited to, business and residential crime prevention programs, safety training, domestic violence intervention, community-oriented policing, and other areas of community relations.
- C. Hold regular public meetings to promote awareness of the community complaint processes, solicit input from the community, and convene community conversations regarding Department services, programs, and issues of public safety to encourage and develop an active community-police partnership with an emphasis on improving relations between the Department and residents in the City of Jackson.
- D. Work to strengthen and ensure the application of equal protection under the law throughout the community.

- E. Review, develop, and recommend strategies to the City Council, City Manager, and Director concerning Department policies, procedures, rules, training, recruiting, hiring and other applicable programming.
- F. The Commission shall review and advise rules and regulations for the conduct of the members of the Department, in consultation with the Director and the City Manager.
- G. The Commission shall review and advise the Departmental budget before its submission to the City Manager.
- H. The Commission, in its rules, shall review and advise procedures for receiving and resolving any complaint concerning the operation of the Department.
- I. The Commission shall render an annual report to the Mayor and City Council, which shall include a description and evaluation of the Department's activities during the previous year, including the handling of crime and complaints, if any, and proposals for future plans.

Sec. 21-104. – Investigatory power.

- A. In order to carry out responsibilities included in Sec. 21-103, the Commission shall have the authority to review and examine the actions of the Department with respect to individual incidents after the Department has acted. The review extends to both the conduct of the police officers involved in the incident and to those police officers who examine the incident for disciplinary or other purposes.
- B. Whenever necessary to carry out its assigned duties, the Commissioners shall have the same power to subpoena witnesses, administer oaths and require the production of evidence as the City Council.
- C. The Commission's review and examination shall not precede or be concurrent with Department actions, but shall occur after the Department and city have completed all proceedings related to the incident or action under review, including investigative, criminal, disciplinary, complaint, and other proceedings.

Sec. 21-105. – Limitations.

- A. The creation and operation of the Commission shall not impair the authority and responsibility of the Director, the City Manager, the Mayor, and the City Council, as provided in the City Charter.
- B. Reports, recommendations, conclusions, and findings produced by or for the Commission are not binding, factually or legally, on the City or any part thereof, including the Department, the City Manager, the City Attorney, and the City Council.
- C. All investigative files relating to alleged criminal activity or violation of agency rule by an employee are confidential and may not be disclosed to any third party MCL 423.501.

Sec. 21-106. – Membership.

- A. The Community Police Oversight Commission shall consist of five (5) members nominated by the mayor and approved by city council, who shall be residents or business owners of the city. Members shall serve for three-year terms. In making appointments of members of the Community Police Oversight Commission, the mayor shall recommend, and city council shall appoint, persons who, insofar as possible, have experience and/or an interest addressing positive community police relations in the City.
- B. The terms of office of the first Commission members appointed hereunder shall be fixed by the mayor and city council so that the terms of two (2) members will be for one (1) year, two (2) members will be for two (2) years, and one (1) will be for three (3) years. After the initial commission is formed, all members thereafter will be appointed for three-year terms.
- C. Persons who are current employees of the City or who have been employed by the City, including active or former police officers, within 5 years of nomination shall not be eligible for appointment.
- D. The City Council will designate one (1) of its members to serve as liaisons to the Commission. They will sit with the Commission as non-voting members but otherwise may participate fully in meetings of the Commission.
- E. In making appointments, the City Council shall endeavor, insofar as possible, to ensure that:
 - 1) The overall membership of the Commission reflects the City of Jackson's diverse population, including income level, race, ethnicity, faith, age, gender, sexual orientation, and experience; and,
 - 2) Segments of the community that are vulnerable and have been historically marginalized, including those that may have had negative interactions with law enforcement, are amply represented.
- F. The Commission may establish committees, as appropriate, to assist it relative to its powers and duties under the provisions of this article, provided that all recommendations to City Council shall be made by the Commission and not by a committee of the Commission.
- G. The Commission may, by majority vote of the members, appoint persons who are not members of the Commission to be members of such committees.
- H. Any investigations into complaints against the Department shall be the duty of a Complaint Committee composed of three members of the Commission appointed by City Council, and the City Council member designated liaison.
- I. All members of the Commission shall serve without compensation.

Sec. 21-107. - Severability.

The terms, conditions, and provisions of this ordinance are hereby declared to be severable, and, should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, enforceable or unconstitutional, the City Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, enforceable or

unconstitutional portion, part or provision of this ordinance.

Sec. 21-108 — 21-125. – Reserved.