

..Title

Resolution to Form a Community Policing Commission

..Memorandum

This resolution provides for the creation of a Community Policing Commission and provides direction to the City Administrator on the steps required to define the commission's roles and responsibilities, recruit and train commission members, provide staffing and resource support, and develop a set of bylaws for adoption during the first twelve months of the commission's operation. The resolution is provided in response to Resolution 18-0197, "Resolution Creating An Advisory Task Force to Make Recommendations Regarding the Roles and Responsibilities of a Community Policing Commission" (February 5, 2010) and Resolution 18-0397, "Resolution to Confirm Members of an Advisory Task Force to Make Recommendations Regarding the Roles and Responsibilities of a Community Policing Commission" (March 19, 2018). This resolution is supported by an analysis from the City Administrator and the documents the Task Force provided to him for consideration.

Budget and Fiscal Impact: The support requirements for the initial start-up of the Commission are provided in the FY19 Police Department Operating Budget. Resources for the full operation of the Commission and its related work and support will be developed as part of the preparation of the FY2020/2021 Financial Plan.

..Staff

Prepared by: Howard S. Lazarus, City Administrator

Reviewed by: Robert Pfannes, Interim Police Chief,
Arianne Slay, Assistant City Attorney

Approved by: Howard S. Lazarus, City Administrator

Body

Whereas, The call for a police oversight commission was formally referenced for the first time in a report the City's Human Rights Commission (HRC) issued on November 4, and that report called for the creation of an all-volunteer civilian police review board;

Whereas, Subsequent to receiving the HRC report and in response to its recommendations, the City, in conjunction with the HRC, proceeded to procure the services of a consultant to perform an independent review of the Ann Arbor Police Department (AAPD) community engagement practices and that report also recommended the establishment of a community-based policing commission;

Whereas the City established and appointed an Advisory Task Force to provide recommendations regarding the roles and responsibilities of a Community Policing Commission to the City Administrator for consideration, and the Task Force formally met twelve times and members of the Task Force devoted many additional hours reaching out to the community and developing positions and recommendations in smaller workgroups,

Whereas, The Task Force presented its work product to the City Administrator on August 30, 2018 and the City Administrator thoughtfully and diligently studied the work of the Task Force and presented his draft recommendations to the Task Force for discussion on September 6, 2018 and in turn to the City Council at a Work Session on September 13, 2018, and

Whereas, Many of the recommendations of the Task Force are aspirational in nature and need further review for consistency with established laws and ordinances, the City Charter, relevant City policy documents and the applicable collective bargaining agreements, and reconciliation of any differences and conflicts with governing documents will be integrated into the future work of the Commission.

RESOLVED, The City Council establishes the commission with the initial name of the Community Policing Commission in accordance with Section 5.17(a) of the City Charter;

RESOLVED, The Community Policing Commission will consist of eleven voting commissioners appointed by the Council and two advisory, non-voting members. One of the voting members shall be a sitting City Council Member selected by the members of the City Council. One of the voting members shall be a sitting member of the Human Rights Commission selected by that commission. The Mayor shall nominate and the Council shall approve the remaining nine voting members, with consideration of the following criteria:

- In accordance with Section 12.2(b) of the City Charter, members shall be registered electors of the City of Ann Arbor, unless Council waives the residency requirement in accordance with applicable rules and regulations.
- Council shall consider the purpose of the Commission in appointing members. In making appointments, the Mayor and Council shall ensure that the overall membership of the Commission reflects the City's diverse population. They will ensure that segments of the community that are vulnerable and have been marginalized are amply represented, and that the Commission includes members with a variety of skills, expertise, and life experiences bearing on the work of the Commission, such as people who have work or have worked in the fields of mediation, conflict resolution, mental health, housing, homelessness, anti-racism, transformative justice, municipal law, law enforcement, and people who have had significant encounters with the Ann Arbor Police Department.
- Persons who have been engaged in law enforcement within the three years preceding consideration, either as sworn officers or in a non-warranted role directly involved in police operations, shall not be considered for appointment unless concurrence from a majority of the sitting members is provided.

- Current City employees are not eligible to be appointed to the Commission.
- The term of the appointment of the nine Council-appointed members shall be for three years, staggered such that three positions are reappointed each year. No voting member of the commission shall be eligible to serve more than six years within a nine-year period.
- The non-voting advisory members shall be selected by the members of the Commission and shall serve for one-year terms, which are renewable by the Commission. At least one of the non-voting members shall be a youth member of high school or college age. During its first year, the Commission shall develop a method for determining the methods for staggering terms of its initial appointees;

RESOLVED, The City Administrator shall propose a process for recruiting the initial membership of the Commission and a schedule for forming the Commission to the Council within 30 days of Council's adoption of this resolution;

RESOLVED, The City Administrator and Police Chief will provide a scope of training for the initial Commission members, which will be modified after completion based upon the experiences and recommendations of the Commissioners. At a minimum, the training will include a modified version of the Citizens Public Safety Academy and a ride-along with an AAPD officer;

RESOLVED, The City Administrator shall provide administrative and logistical support to the Commission, including designating a staff liaison to assist in the scheduling and conduct of Commission meetings and activities and ensuring appropriate AAPD participation in Commission proceedings;

RESOLVED, The City Attorney shall designate a staff attorney with appropriate and relevant experience to support the Commission; and

RESOLVED, The Commission shall have the following powers, duties, and responsibilities:

1. The Commission shall develop by-laws for its operation and present these to City Council for adoption not later than six months after its initial meeting. The by-laws shall consider all previous work, including studies and recommendations from the Advisory Task Force, HRC, City Administrator, City Attorney, and the AAPD.
2. The Commission shall develop a work plan that includes its biannual goals and objectives that will be provided as input for AAPD two-year financial plans. The Police Chief and City Administrator will reasonably accommodate the

Commission's resource requests as part of the preparation of the AAPD budget.

3. The Commission will issue an annual report describing its activities. At the one-year anniversary of its initiation, the Commission shall prepare a report of its activities and shall provide recommendations for an organizational ordinance to be adopted into City code. The ordinance shall be of similar structure and detail to the ordinances governing similar City commissions.
4. The Commission shall advise the City Council and City Administrator on the following areas:
 - a. The Commission shall have the authority to receive complaints against AAPD and forward them to AAPD for investigation and resolution, including developing processes to protect the anonymity of individuals as allowed under applicable, federal, state, and local law and documents.
 - b. The Commission shall have the authority to independently review AAPD's resolutions of complaints and investigations, and produce independent reports of its findings. These reports will be advisory in nature and will not be binding on the City. The City Administrator shall ensure the Commission is provided with access to the information and resources necessary for the Commission to perform its review, consistent with applicable laws, rules, and governing documents, and in a reasonable time and format.
 - c. The Commission shall receive and review recurring reports on AAPD activities from the Police Chief. The form and substance of these reports shall reflect community interest and will be based upon information that is available or can reasonably be provided.
 - d. The Commission shall review policing policies and procedures, and make recommendations to the City Administrator and the Police Chief that consider best practices nationally and from peer cities, and reflect the concerns and input from community members. The City Administrator will retain the authority to redact information with regards to tactics or approaches that could compromise the safety of the public or the responding police officers.