



# BYLAWS OF THE INDEPENDENT COMMUNITY POLICE OVERSIGHT COMMISSION

Adopted on \_\_\_\_\_

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## **Article 1 NAME**

The name of this commission is the Independent Community Police Oversight Commission (“Commission”).

## **Article 2 ENABLING AUTHORITY**

The Commission is established by ordinance of the Ann Arbor City Council.

## **Article 3 PURPOSE, OBJECTIVES, AND DUTIES**

3.1 The purpose of the Commission is:

- (1) To improve and strengthen police-community relations.
- (2) To create an environment which allows for better communication, understanding, and relations between the Ann Arbor Police Department (“Department”) and the community.
- (3) To 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) To 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 Ann Arbor – may live safely and experience equitable treatment in any interactions with the police.
- (5) To work with the Department to encourage the respectful treatment of all persons, and 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.
- (6) To provide a process for outside review of particular incidents to evaluate the police response in the incident as well as the sufficiency of any police investigation related to the incident and to recommend any changes in police policies or practices..

3.2 The Commission is responsible to the Mayor and City Council. The Commission is an advisory body and is limited to performing the tasks enumerated by its enabling resolution or ordinance, these bylaws, and otherwise delegated to it by City Council.

#### **Article 4 MEMBERSHIP**

4.1 The Commission consists of 11 voting members, one of whom shall be a youth member, to be appointed by one or more of the City Council liaisons to the Human Rights Commission or liaisons to the Commission; and two nonvoting City Council member liaisons appointed by the City Council. Persons who are current employees of the City or who have been employed by the City, including active or former police officers, within five years of nomination shall not be eligible for appointment.

4.2 All members of the Commission serve without compensation.

4.3 The term of each voting member is three years, except that youth member, if any, is one year. The term of the Council liaisons shall be determined by City Council consistent with Council appointments for committees. Appointments shall be staggered so that one third of the voting members' terms expire each year. At least three months before the expiration of the term of any member of the Commission, the Commission shall initiate a community-wide effort to recruit new applicants, identifying any skills it believes new Commission members should ideally have, but such skills shall not be deemed requirements for membership. The Commission shall advise the City Council liaisons regarding nominations to the Commission.

4.4 Consistent with City Charter § 12.2, each member of the Commission shall be a registered elector of the City of Ann Arbor at the time of appointment, unless this requirement is waived by a resolution concurred in by at least seven members of City Council.

4.5 Consistent with City Code § 1:171, no member shall be allowed to hold over for more than 60 days beyond the appointed term whether or not a successor has been appointed, except that City Council may extend terms for periods of 90 days upon the recommendation of the Mayor and vote of at least six members of Council.

4.6 Consistent with City Code § 1:171, the Mayor shall notify City Council of the expiration of a member's term at least 30 days prior and shall present to City Council all proposed reappointments no later than 60 days after the expiration of the term.

4.7 Consistent with City Code § 1:171, any vacancy on the Commission occurring in the middle of a term shall be filled for the remainder of the term in the same manner as for full-term appointments.

4.8 Members are expected to attend regularly scheduled meetings and to notify the Chair and staff liaison in advance if they expect to be tardy or absent. If a member misses more than three regularly scheduled meetings in a 12 month period, the Chair shall notify the Mayor and may recommend removal of the member.

4.9 Consistent with City Code § 1:171, a member of the Commission may be removed for cause by the Mayor with the approval of City Council.

**Article 5**  
**ETHICS AND CONFLICTS OF INTEREST**

5.1 A member of the Commission shall abstain from discussion or voting on any matter in which that member has a real or apparent conflict of interest. Decisions regarding conflicts of interest shall be evaluated on a case-by-case basis with reasonable application of the principles provided in this Article. A conflict of interest shall at a minimum include, but is not necessarily limited to:

- (1) Discussing, voting on, or otherwise acting on a matter in which a member or any member of his/her immediate family, his/her partner, or an entity with whom the member has family or business ties has a direct financial or beneficial interest.

5.2 A member of the Commission shall neither solicit nor accept gratuities, favors, or anything of monetary value from persons or entities in a position to benefit from a decision of the Commission.

5.3 A member of the Commission shall not obtain, for himself/herself or for any person with whom he/she has business or family ties, any financial or beneficial interest in a matter which may be affected by a decision of the Commission. This restriction shall apply during the member's tenure on the Commission and for one year thereafter.

5.4 A member of the Commission shall disclose the general nature of any potential conflict, real or apparent, and, except when it violates a confidence, shall disclose all pertinent facts relating to the potential conflict. These disclosures shall be made prior to discussion and voting when possible and shall be recorded in the minutes of the proceedings. If the member believes that the potential conflict warrants abstention, they may abstain from discussion and voting on the matter.

5.5 A member who cannot vote due to a conflict of interest shall, during deliberation of the matter before the Commission, leave the meeting or the area where the members sit until action on the matter is concluded.

5.6 When a question has arisen as to whether a member is ineligible to participate in discussion or vote on a matter because of a conflict of interest, the Commission may determine that the member is ineligible due to a conflict of interest by a vote of a majority of the other members present. Upon such a determination, the ineligible member shall not participate in discussion or vote on the matter.

5.7 Members of the Commission shall complete an annual disclosure of organization affiliations that could conceivably present a conflict of interest and shall update this disclosure in writing at any time during the year when such affiliations change.

5.8 Members shall not act, hold themselves out, or permit themselves to be perceived as official representatives or spokespersons for the Commission without authorization from the Commission or the Chair. When communicating for personal purposes on matters that may relate

to the Commission's business, members shall clearly indicate that their statements are made in a personal capacity and do not necessarily reflect the views of the Commission. Whenever a member is asked to speak on behalf of the Commission, the member shall seek permission of the Commission or the Chair in advance.

5.9 To maintain public confidence in the objectivity of the Commission and to avoid the appearance of bias or prejudice, a member shall not speak or appear before the Commission on behalf of or as a representative of a potential or actual petitioner. A member should avoid speaking or appearing before another entity on behalf of or as a representative of a potential or actual petitioner and shall inform the Commission and recuse themselves from such a petition if the member does so. Outside of a Commission meeting, a member shall not advise an actual or potential petitioner regarding a petition, except to inform the petitioner of factual procedures of the Commission. This section does not preclude a member from discussing a petition within the scope of the Commission's duties at a Commission meeting.

5.10 Members of the Commission shall communicate with City staff through the Commission's designated staff liaison, unless otherwise authorized by ordinance or the City administration, and shall follow applicable City administrative policies.

5.11 Members shall conduct themselves in a fair, courteous, and understanding manner at all times in the discharge of their duties, and shall avoid exchanges or actions based upon personal differences. Members shall be respectful of other members, the public, petitioners, and City staff.

## **Article 6 OFFICERS**

6.1 The officers of the Commission shall be a Chair and Vice-Chair. The officers shall be elected each year from among the voting members of the Commission. The officers shall be elected for a one-year term by a majority of the voting members currently serving on the Commission. No member shall serve more than three consecutive full terms in the same office. The term of each officer shall be one year. Elections of officers shall be held no later than the month before the officer's term expires.

6.2 The Chair shall preside at all meetings and shall decide points of order and procedure, subject to the provisions of these bylaws. The Chair shall ensure that all meetings are conducted in an efficient and respectful manner. The Chair shall have the privilege of discussing and voting on all matters before the Commission. The Vice-Chair shall assume the duties of the Chair in the Chair's absence.

6.3 When an office becomes vacant before the expiration of the current term (whether by resignation, removal, incapacity, or other circumstance), the vacancy shall be filled by election in the same manner as for full-term officers and the new officer shall serve the remainder of the term. The replacement officer shall be elected at the next regularly scheduled meeting or as soon as practicable. The Vice-Chair may be elected as replacement Chair, in which case a replacement Vice-Chair shall be elected at the same time.

6.4 No member may hold multiple offices at the same time.

## **Article 7 MEETINGS**

7.1 The Commission shall schedule regular monthly meetings. The entire schedule of regular meetings for the upcoming year shall be posted within 10 days after the first meeting of the year. A change in the schedule of regular meetings must be approved by the Commission, and notice of the change shall be posted within three days after the meeting at which the change is approved.

7.2 Special meetings may be called by the Chair or by the written concurrence of three voting members. Public notice of the special meeting shall be posted at least 18 hours prior to the scheduled starting time. Except when the special meeting is a rescheduled regular meeting, the purpose of the special meeting should be stated in the public notice if practicable, and the Commission should not conduct any business beyond the purpose stated in the public notice, except by unanimous consent of the voting members present.

7.3 The Commission may hold nonvoting working meetings to carry on the work of the Commission. Public notice of the working meeting shall be posted at least 18 hours prior to the scheduled starting time.

7.4 Public notice of regularly scheduled committee meetings shall be posted in the same manner as the schedule of regular Commission meetings. Public notice of nonregularly scheduled or special committee meetings shall be posted at least 18 hours prior to the scheduled starting time.

7.5 Public notice of all meetings shall be posted at City Hall or at any location designated by the City Administrator or City Council.

7.6 When practicable, meetings shall be scheduled to allow the staff liaison to provide notice to all members of the Commission at least 48 hours in advance.

7.7 The Chair may cancel a meeting if there is no business on the agenda or if it is clear that a quorum will not be present. The Chair may cancel a meeting due to weather, emergency, or other circumstances that may substantially limit the ability of members of the Commission or the public to attend. The Chair shall give notice of cancellation to members of the Commission and the staff liaison as soon as possible and at least two hours prior to the scheduled meeting time, when practicable. The staff liaison shall post public notice of the cancellation as soon as practicable. Cancelled regular meetings may be rescheduled in the same manner as special meetings.

7.8 The presence of six voting members shall constitute a quorum. The concurring vote of a majority of all members present and eligible to vote is required for the Commission to act. The right to vote is limited to members of the Commission actually present at the time the vote is taken at a lawfully called meeting. A member who is not eligible to vote on a matter because of a conflict of interest shall not be counted in establishing a quorum for that matter.

7.9 Voting shall be by voice or a show of hands. If the vote is not unanimous, a roll call vote shall be taken and recorded in the minutes.

7.10 The Commission shall keep minutes of all regular and special meetings in accordance with City administrative policies and direction.

7.11 Consistent with City Council Resolution R-642-11-91, all meetings of the Commission's committees and subcommittees shall be open to the public in the spirit of section 3 of the Open Meetings Act.

7.12 Public comment shall be allowed at all meetings. An individual may speak for up to three minutes on any item open for public comment. The Chair may extend an individual's speaking time in the Chair's discretion. Public comment on non-agenda items may be limited in the Chair's discretion.

## **Article 8 AGENDA AND ORDER OF BUSINESS**

8.1 An agenda for each meeting of the Commission shall be developed by the Chair and the staff liaison in consultation with members of the Commission as needed. To the extent practicable, agendas, resolutions, and materials for all regular meetings shall be made available to the public and other members of the Commission at least 48 hours before the meeting's scheduled starting time.

8.2 The order of business at regular meetings shall be as follows. The order of business may be suspended or modified by a majority vote of those members present.

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Agenda
- (4) Approval of Minutes
- (5) Public Comment
- (6) Regular Business
- (7) Communications
- (8) Adjournment

## **Article 9 COMMITTEES AND LIAISONS**

9.1 The Commission may create standing or special committees to carry on the work of the Commission. Standing committees may, but need not be, described in the bylaws. Committees shall be limited to performing the tasks delegated to them by the Commission. Each committee shall include at least one member of the Commission and may include nonmembers in the Commission's discretion.

9.2 Members of committees shall be appointed by the Chair and approved by the Commission.

9.3 In creating each committee, the Commission shall consult with City staff to review the necessity of creating the committee and whether adequate resources exist to support the committee. Committees are subject to applicable City's administrative policies and procedures.

9.4 *Youth Groups.* The Commission or its members may consult with groups composed of youths residing in Washtenaw County under the age of 21 years old, inclusive and may make broad-based outreach efforts with particular efforts to secure the participation of youths from marginalized communities and vulnerable communities, and youths who have had significant encounters with the police.

9.5 *Other Groups.* The Commission or its members may consult with other advisory groups such as a Council of Elders or other demographic groups if doing so will assist the Commission in advancing its purposes. The members of such groups might be those persons who can offer to the Commission experiences with the police that are unknown or unfamiliar to the Commission members and whose perspectives and voices will help the Commission do a comprehensive job of evaluating the policies and practices of the police.

9.6 *Community Liaisons.* The Commission may identify one or more persons in the community who may serve as a liaison for persons who wish to provide suggestions, concerns, or complaints, or other information related to the Commission's purpose, but who do not wish to contact the Commission or City directly, or participate in the complaint process identified in the Commission's enabling ordinance. In identifying community liaisons, the Commission shall take reasonable steps to ensure that the liaisons will:

- (1) Be publicly available to any person wishing to provide information.
- (2) Be available to provide the Commission with regular updates regarding all information received related to their role as a community liaison.
- (3) To the best of their ability, accurately report the information received.
- (4) Understanding that the information the liaison provides to the Commission is likely to be a public record, protect the identity or confidential information of persons who provide information, unless the person expressly authorizes otherwise.

The Commission may evaluate whether and to what extent any of the information received from a community liaison warrants further review, discussion, or response by the Commission, bearing in mind that the Commission likely will not have access to first-hand information.

## **Article 10**

### **PARLIAMENTARY AUTHORITY**

10.1 The rules contained in the current edition of Robert's Rules of Order Newly Revised shall guide the Commission; however, parliamentary procedure shall be flexible and may be adjusted in the Chair's discretion to best serve the needs of the Commission. Nevertheless, all parliamentary procedures must be consistent with these bylaws.

10.2 The Commission shall not adopt or follow any operating rules, regulations, guidelines, or procedures not expressly prescribed by these bylaws.

**Article 11**  
**AMENDMENT OF BYLAWS**

11.1 Amendments to these bylaws may be approved at any regular meeting by a vote of two-thirds of all voting members currently serving on the Commission. Proposed amendments must have been submitted in writing at the previous regular meeting to be considered. Proposed amendments must be submitted to the Office of the City Attorney for review prior to adoption by the Commission. After adoption by the Commission, the bylaws are not effective until approved by City Council.

11.2 These bylaws shall be reviewed periodically by the Commission for possible amendment.

**Article 12**  
**MISCELLANEOUS**

12.1 The City Administrator shall designate a staff member to be the liaison between the Commission and City staff. The City Administrator has final discretion regarding staffing.

12.2 The Ann Arbor City Attorney's Office shall be the legal consultant to the Commission.

**As Amended and Approved by Ann Arbor City Council on November 8, 2018.**