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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 

DATE: March 31, 2023

RE: **Council Member Gabriela Santiago-Romero requested the Legislative Policy Division (LPD) provide an opinion addressing whether the City of Detroit is currently in violation of the Municipal Identification Card Program Ordinance**

Short Answer

The city of Detroit is not in violation of the Municipal Identification Card Program Ordinance. According to the City Charter, Section 5-102, The Executive Branch, "Except as otherwise provided by law or this Charter, executive and administrative authority for the implementation of programs, services and activities of city government is vested exclusively in the executive branch."

The mayor has broad authority when it comes to the establishment and implementation of programs and services throughout the city. Although the Municipal Identification Card Ordinance might have emanated from a City Council initiative, the institution and execution of this citywide program rest solely with the executive branch.

Discussion

In 2016, the City of Detroit adopted an ordinance to establish the Municipal Identification Card Program. The legislation was adopted with the intent of increasing access to various services for those residents who for some reason do not have a state-issued ID or driver's license, by providing them an additional means of proving their residency in the city for purposes of accessing city programs, services, and activities, and providing identification to law enforcement.

When the long-anticipated program was launched in 2016, it served to provide a means for a segment of our citizenry to access things many individuals take for granted that require identification, such as getting a library card, going for a medical exam, opening a bank account, or establishing a utility account.

Apparently, the program was well received within the community with over 8,500 cards issued to Detroiters prior to the pandemic¹. It enabled individuals to obtain cards regardless of immigration status, age, or gender identity. However, due to the Covid-19 pandemic, the program was placed on hiatus for two years. During this time, many of the cards issued to persons had reached the two-year expiration date requiring renewal and requests for the issuance of new municipal identification cards went unanswered.

In May of 2022, with some fanfare, the much-awaited program was relaunched, only to be shuttered again two months later. Due to allegations involving privacy concerns regarding data sharing by the vendor in charge of applicant identity information and verification, the City of Detroit fully halted the municipal ID program in July 2022. The specific allegations involved a report that found federal immigration officials could potentially access data collected by third-party companies to target undocumented people². This prompted the city to cease the acceptance of applications and pause the program in order to seek a new vendor to verify applicant identities.

Currently, this is where we find the program today, halted while the administration contemplates abandoning the program all together or bringing on a new vendor to oversee applicant data. Thus, this raises the question of whether the suspension or discontinuation of the program constitutes a violation of the ordinance, it does not.

Conclusion

Instituted as an undertaking to assist in promoting the general welfare, the municipal ID program has unfortunately encountered challenges for which prudence may well dictate its discontinuation, at least temporarily. The suspension of the program was not arbitrary, and it is fully within the discretion of the executive branch to discontinue its operations or investigate alternatives. Although, possession of a municipal identification card was not a pre-requisite to obtaining any city program, service, or activity, the Municipal Identification Card Program served a vital role in the community and gave many Detroiters a sense of freedom and access to basic services which were previously out of reach.

Hopefully, the administration will be able to resume the program with the necessary privacy safeguards in place. Please let us know if we can be of further assistance.

¹ Bridge Detroit, Detroit restarts Municipal ID Program, May 2,2022

² Bridge Detroit, City halts Detroit ID Program, seeks new vendor amid data sharing worries, July 15, 2022