

September 20, 2023

Via email only to quatez.pressley@detroitmi.gov
QuanTez Pressley, Chairperson
Board of Police Commissioners
1301 Third Street Suite 767 South
Detroit MI 48226-2503



Re: OCI Community Impact Reports

Dear Chairperson Pressley:

This firm represents the Detroit Police Officers Association. This is written to object to the Office of the Chief Investigator's recent decision to provide the Commission with selected and incomplete excerpts from pending investigations where the OCI had made some preliminary determination that Police Officers have allegedly engaged in some questionable action, unnecessarily "escalating" an encounter with a citizen or citizens. This information is styled as a "Community Impact Report." At the Commission meeting on September 7, several Commissioners properly expressed both procedural and substantive concerns over this OCI presentation. The Department's Assistant Chief, attending on behalf of the Chief, characterized this OCI report as "horribly inappropriate."

There is no legitimate reason for the OCI to make such reports. Moreover, as Chief White spelled out in his September 13, 2023 letter, the Commission's action violates Michigan law as well as the Collective Bargaining Agreement between the Association and the City. Accordingly, the Association respectfully urges the Commission to direct the OCI to immediately cease and desist from this activity.

The OCI's rationale for making such reports appears somewhat benign – to "ensure" that the community is made aware that the Commission is talking about the subject of Police Department's interactions with citizens. But that reasoning is premised on the mistaken notion that the Commission is not currently well aware of the activities of Police Officers.

The Chief Investigator's procedure, with its dubious rationale, is, in reality, a device to signal a pre-determined outcome and a rush to judgment that inevitably poisons what should be a fair and impartial review of *all* the relevant evidence. A die is cast by the Chief Investigator's selective and biased presentation. If the Chief Investigator was genuinely interested in the fundamental

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fairness that should be an essential component of any investigation, not to mention genuine transparency, he would hold his tongue until the investigation is, in fact, completed. Instead, while unable to articulate any selection criteria, he picks some complaints and focuses on provocative excerpts from an nascent investigation and forms a conclusion, offering only lip service to any “further” investigation.

This Commission should not authorize, tolerate or condone the OCI’s illegal and arbitrary approach to the evaluation of selected citizen complaints, presented under the guise of ensuring that the Board is aware of Police Department activities. The statutory and contractual rights and interests of everyone who is involved – citizens, witnesses, law enforcement officers, the Commission and Police Department -- requires nothing less.

The immediate cessation of the Chief Investigator’s illegal, flawed and prejudicial procedure is expected. In the absence of this corrective action, the Association will pursue any and all available legal remedies.

Very truly yours,

James M. Moore
jim@unionlaw.net

JMM/mtt

cc: Jim Holley, Board Vice Chairperson
Victoria Shah, Board Secretary
Charles Raimi, Law Department
Adam Saxby, Law Department
James E. White, DPD Chief
Grant Ha, DPD
Charles Fitzgerald, DPD
Michael Parrish, DPD
Detroit Police Officers Association
Detroit Police Lieutenants and Sergeants Association
Detroit Police Command Officers Association