



**DETROIT
BOARD OF POLICE COMMISSIONERS**

1301 Third Street
Suite 767
Detroit, Michigan 48226

Phone 313•596•1830 TTY: 711
Fax 313•596•1831
www.detroitmi.gov

MEMORANDUM

TO: Board of Police Commissioners
FROM: Victoria Shah, Secretary to the Board of Police Commissioners
DATE: September 10, 2023
RE: **Response to concerns regarding the Community Impact Report**

Honorable Commissioners,

This memorandum is intended to formally reply to the concerns that surfaced at the 9/7/2023 Board meeting stemming from the Community Impact Report.

Meeting Agendas and BOPC ByLaws

Please see the attached BOPC ByLaws (as requested) which indicate the following regarding agendas:

“Normally, regular meetings of the Board will follow a routine order of business that include:

1. *Call to order and roll call*
2. *Invocation*
3. *Approval of the Agenda*
4. *Approval of the Minutes*
5. *Report from the Chairperson*
6. *Report from the Secretary to the Board*
7. *Communication or Presentation to the Board from the Chief of Police*
8. *New Business*
9. *Unfinished Business*
10. *Board announcements*
11. *Public comment*
12. *Recess to closed session, if appropriate*
13. *Adjournment”*

As a matter of practice, and predating my appointment, the Board has routinely included additional items on the agenda other than those listed above including:

- Presentations from staff, DPD, various city departments, etc.

- Resolutions, certificates of appreciation, and acknowledgements for DPD, staff, and community members, former Commissioners, and other past and present officials.

Agendas are drafted by staff in consultation with the Chair, and then approved each meeting by the full Board. During the approval of the agenda, the Board has the option to amend the agenda via majority vote; which the Board has done in the past.

The attached Agenda Recommendations Memorandum was discussed with the oncoming Chair on June 26. It was then passed as incoming correspondence and discussed at the 6/29/2023 Board meeting. The recommendations went into effect starting with the 7/6/2023 Board meeting, and has been *approved by the Board at the start of every meeting since*. The 9/7/2023 meeting is the first that Commissioners have expressed concerns that the agenda breaches the ByLaws or that staff has changed the ByLaws. The BOPC ByLaws have not been changed during my tenure as Secretary.

Community Impact Report

The Community Impact Report is designed to be responsive to the community's feedback about what encompasses oversight - police misconduct, reporting and analysis that increase transparency, Citizen Complaint inventory metrics, DPD policy, etc. This report timeslot is a *modest 10 minutes*, and pales in comparison to the unlimited amount of time allowed for crime statistics, police department accolades, and detailed recounts of violence perpetrated in the community.

Escalated Citizen Complaints are brought to the Commissioners' attention so that the Board can influence DPD to take the egregious behavior of these officers seriously. Oversight would assume a conversation be had to consider immediate action to mitigate risk to the public while the investigations continue. Keep in mind that had CI Warfield not brought CCR 76261 to the Board in July, Officer Goodman would still be on the streets in contact with the public instead of on desk duty. The findings of that investigation turned out to be sustained – but that was the *obvious* impending outcome based on the preliminary review of the BWC footage. These are not iffy cases; they are the obvious and egregious ones. And the purpose of bringing these forward at a *public* meeting is 1) to remain compliant with the OMA, and 2) so the Board *gets the credit* with the community for addressing the misconduct.

Concerns were raised that providing these preliminary reports of the video footage somehow disadvantages an officer from receiving “due process”. Consider 2 different but similar circumstances:

1. **Allegation against an officer:** Chief Investigator makes it clear that what he is discussing is an open investigation. He also does not publically share any information that individually identifies the officer (no name or badge). He only recounts what is seen on the video footage that makes the allegations of an egregious nature, and if applicable, any discrepancies between what is in the video and what has been reported so far. (Note that as the investigation continues, what is in the video never changes, so that truth is fixed.) Those who will give the officer “due process” will see the video anyway – OCI Staff, Commissioners, DPD Leadership, Union representatives, etc. Regardless of what the public feels about the report, the public does not weigh in on the decision about that officer.

2. **Allegation against a community civilian:** Now contrast that with a report on an alleged crime by any community civilian. Prior to a trial, and sometimes prior to arrest or even a warrant, DPD shares details of alleged crimes at every Board meeting and during press conferences. Those reports may include things like the suspects' description, a recount of events as preliminarily understood, injuries to the victims, etc. This information is released to the suspect's potential pool of jurors...those who will be tasked with giving this person "due process". Community civilian suspects have a right to due process as well; but we don't let that outweigh the importance of a reasonable level of transparency.

Conclusion

With all of the above being said, please know that my intention is to support the Board in its duty to provide supervisory control and oversight of the Detroit Police Department on behalf of the residents of Detroit. It is never my intention to circumvent or undermine the authority or will of the Board; or to exact any harm to the Police Department. I've demonstrated my transparency and integrity by:

- Providing weekly Secretary Update emails to all Commissioners detailing the business matters of the BOPC and OCI.
- Providing weekly Secretary Reports during Board meetings highlighting for the Commissioners and the public some of those key business matters of BOPC and OCI.
- Bringing matters that require full Board decision to the Board for vote.

Disagreements are normal, healthy, and good to promote diversity of thought and growth. Prior to my appointment, during my application process, and since being appointed I have been transparent about my advocacy for transparency and accountability. These are required to build public trust in the Board of Police Commissioners and the Police Department. My actions as Secretary have been and will continue to be legal, ethical, moral, and in the interest of public trust. I also recognize that I serve at the pleasure of the Board. Which means that the Board may collectively hinder actions; and may at any point revoke my appointment.

The truth of the matter is, *progress is being made in oversight*. The culture and perception is poised to shift from BOPC being viewed as an appendage and co-signer of DPD to the BOPC transparently fulfilling its Charter-mandated duties of supervisory control and oversight of DPD. I am honored to continue supporting this Board in that mission.

Respectfully,

Victoria Shah
Secretary to the Board of Police Commissioner