

Use of Force Meeting Minutes 9/19

Attendees via zoom: Rev. Dr. David Fox, Angelina Jackson, Donald Domineck, Dr. Carmen Culotta, Jacob Wourms, Cheryl Scroggins and Dr. Kevin Watt attended via Zoom. Torey Hollingsworth, Sarah Fenton, and Andy Sexton were present as City of Dayton staff. Darius Beckham, Commissioner Shenise Turner-Sloss, Commissioner Daryl Fairchild, Mayor Jeffery Mims also attended.

Angelina Jackson called the meeting to order at 5:08pm

Torey Hollingsworth read the roll call.

Ms. Jackson stated that the agenda for today is to vote on their response to Dayton City Commission in response to the Dayton City Police Department's proposed use of force policy. She stated that the City Commission has asked that the Committee postpone their vote per the letter that was sent last week. She wanted clarification on that request.

Mayor Mims clarified the reasoning for the letter from the City Commission. The Commission felt that the Committee and police reform in general needs to be done right and it's not just about getting it done. He further stated that he understands the Committee has been working on this for a long time and many feel it is sufficient timing in taking next steps, but stated that the Commission felt more comfortable with taking a little bit of extra time with mediation to ensure that members of the Committee are more confident on the direction they are going and to get clarity on the issue.

Ms. Jackson stated that she still was not sure what exactly they are being asked to do. Mayor Mims responded that the Commission is asking the Committee to take time to go through a mediation with the Dayton Mediation Center so they can get a better idea of what is needed in terms of the process with the Dayton Police and also what is needed in regard to "necessity;" to meet the needs of the Commission and to the Community as a whole.

Ms. Hollingsworth also remarked that she has talked to Mediation Center staff, their purpose is not to weigh in on issues but rather to help facilitate the conversation. The purpose is also to help facilitate conversations with outside experts to talk to the Committee about information and issues put forth in the proposed use of force policy. She further remarked that the outside experts would be individuals who are not affiliated with the city and would give outside information to the Committee members and answer questions, with Mediation serving as the facilitators of that conversation for that.

Dr. Culotta stated that the working group had outside consultants and wanted to know why there is lingering questions surrounding this and if it is the Committee that has questions or DPD. Ms. Hollingsworth commented that the outside experts are essentially people with different backgrounds and outside perspectives, such as academia and legal experts. The proposal is to make sure everyone has a full understanding of this issue and are comfortable moving forward.

Dr. Culotta asked who is uncomfortable within the Committee or is it the City Commission or DPD that is uncomfortable moving forward. No one within the committee commented stating they were uncomfortable. Ms. Hollingsworth stated that in the last meeting it appeared there were terms being discussed that were being used and interpreted in different ways by different people and it was really about making sure there was a common understanding of the terms within the Committee. Ms. Jackson asked if someone within the Committee made this request. Ms. Hollingsworth replied that a specific committee member did not make this request.

Ms. Jackson asked if there is there a timeline for the proposed mediation. Ms. Hollingsworth stated that the mediation team would meet individually with each member of the Committee, with the goal of

having an initial group discussion by next meeting. She further commented that it would take longer to get panel of outside experts set up. Ms. Jackson asked if it would be complete by Oct. 3rd meeting. Ms. Hollingsworth said no, the outside experts would take longer than October 3rd.

Ms. Jackson asked if the Committee had any more questions in regard to this.

Ms. Scroggins stated she understands the impression that some committee members are not familiar with terminology, but they have all had opportunity to review terminology and background history on process. Even though they may not be as readily able to use the terminology as someone who does this every day, she feels that all committee members are up to date on terminology and they do understand "proportionality," "necessity" and "objective reasonableness" and other terms that it could appear they are stuck on to outside members. Most of the terminology and recommendations have been adopted by DPD, so they are really only trying to work out one or two recommendations that were not.

Ms. Jackson asked if there were any more questions, no members had questions. She then called Committee members to make a motion if they would like to delay the vote on their response to the Commission and undergo mediation.

Mr. Wourms stated he felt comfortable with delaying the vote until Oct 3 and having more mediation, but not beyond October 3rd. He stated that he would love the Committee to make an effort in doing what is being requested of them, but there are also tasks and duties assigned to the Committee in the charter that have yet to be completed and that needs done before the end of the year. He feels two weeks is more than enough time to get a better understanding of the terms "necessary" and "objective reasonableness."

Mayor Mims asked for more information from Ms. Hollingsworth on the timeline with the Mediation Center. She stated that the Mediation Center could start meeting individually with the Committee immediately, but the outside experts cannot meet until after October 3rd and that would be part of the mediation process, as mediation are not content experts and just help facilitate conversation. Dr. Culotta requested further clarity in regards to mediation and asked, "facilitate a conversation with us [The Committee] and who?" Ms. Hollingsworth replied that mediation would help facilitate a conversation between the Committee and the outside experts.

Mr. Wourms would like to state on the record that experts were brought in during the working group by the Law Department, this has been an ongoing process for over a year and the Committee is holding firm on their Oct. 3rd deadline.

Dr. Culotta commented that she is not sure how mediators would be helpful to her personally in talking to outside experts or academics. Dr Culotta is an academic herself and the Committee has a panel of experts already within their ranks including three people with doctorates and an attorney. Dr. Culotta is confused as to what mediation would need to translate for them and why they would need to be involved in terms of consulting with outside experts, as every member of the Committee is well-versed with the material enough to have dialogue involving outside experts without a mediator present. She said that the impression she got from the letter from the Commission was proposing mediators in the Committees ongoing conversations with DPD. Ms. Hollingsworth amended that she was wasn't clear before, but it also is to help facilitate conversation with DPD as well. Ms. Hollingsworth further commented that good working relationships between DPD and the Committee are important, as DPD holds several seats on the Committee as non-voting members.

Mr. Domineck asked whether the Mediation Center would be interviewing the Committee as a group or individually. Ms. Hollingsworth stated that the mediation process begins individually but in the long run it is a group dialogue.

Mr. Domineck wanted City Commission input about the mediation. Commissioner Turner-Sloss commented that the Commission knows that everyone in the committee is well versed, the mediation will be utilized to help facilitate with non-voting members. She asked if it would be of value if mediation would be able to skip the individual interviews to push the ball forward. Ms. Hollingsworth said she can certainly ask, but the challenge is any outside experts being able to come in by Oct 3 is not something that the Commission can guarantee.

Mayor Mims asked if there has been thought to extend past Oct. 3rd deadline. The Committee and Mr. Wourms responded with no. Mayor Mims asked why, and Mr. Wourms replied that the Committee has agenda items that need complete by the end of the year, and they only have so much time to complete them. Mayor Mims asked if that was everyone's opinion in the Committee or just Mr. Wourms opinion. Mr. Wourms replied that everyone is welcome to speak.

Commissioner Fairchild interjected and stated he would like to speak and state his opinion if permissible. Mayor Mims stated that he just wondered if more time was needed for the Committee to go thru mediation and how the members of Committee felt about taking more time to clarify concepts.

Ms. Jackson stated that what she did not understand why the Committee can't vote to send the response to the Commission and also do mediation. She reminded the Commission that the Committee is trying to remain open-minded. Ms. Jackson said as far as giving non-voting members a chance to be heard, they have given plenty of opportunity to do so at the June 30th meeting, August and September meeting. She questioned why mediation is an either/or proposition, as it could be very useful in the ongoing process with their duties and with conversations with DPD. She called for any voting members who wish to motion to postpone and to go to mediation, to do so at that time.

Commissioner Fairchild stated there seems to be two issues: one is on the vote and one is around the ongoing relationships with non-voting members and DPD. Commissioner Fairchild said that when presented with the situation, it was presented that members of the Committee didn't understand the terms, but it seems like based on this meeting that they do and he does not want the delay to impact the committee and what they need to get done if that is the case.

Ms. Jackson stated that the floor was open for anyone wishing to make a motion. No motion was made by members of the Committee in regard to postponing this evening's vote.

Ms. Jackson called the Committee to vote on their correspondence to City Commission in response to DPD's proposed use of force policy.

Mr. Domineck wanted to know where the Commissioner's stand, he felt that the Commissioners have not given a straight answer as to how they feel on the matter. Mayor Mims replied that he had not heard from all voting members as to where they stood in regards to postponing the vote, and that only two voting members had commented on the matter. Dr. Culotta replied that no voting member put forth that they wanted to delay the vote. Mr. Domineck clarified that the mayor had been clear about how he feels in regards to the Committee members voting today, but stated he feels the City Commissioners are riding the line and stated he felt it was disingenuous.

Commissioner Turner-Sloss clarified why she agreed to sign the letter calling for the Committee to postpone their vote. She said that she signed so that the Committee and DPD could come together with

mediation as a facilitator to have better conversation and come to an understanding of the concepts. She stated these are just recommendations they are providing, but the voting members ultimately decide how to proceed here. Commissioner Fairchild explained and clarified his previous points as well in regard to the Committee's understanding of key terms and concepts. He asked Mr. Domineck if it was clear to him now. Mr. Domineck stated he was still confused, he also clarified that he has a problem with Commissioners coming in at the end of the process and stating their opinion, it just adds to confusion of the process.

Mayor Mims interjected said it is up to the Committee at this point, it was their understanding that there was confusion within the Committee surrounding the key concepts and terms, and the Commission was simply asking them for consideration in taking more time and bringing in Mediation for clarify before taking the next step. Mr. Domineck commented he did not want to be influenced one way or the other by people's political agenda. He feels that there is a behind the scenes political agenda.

Mayor Mims stated he understood and appreciated that, and then explained why the Commission and Mayor convened here today. He explained that the Commission is simply asking them to take more time to feel comfortable with where they are at in the process. He brought up Cleveland's police reform efforts and how that took 3 years; however, they were forced to undergo that process and Dayton was not. He emphasized that there is a difference in just getting it done vs getting it done right.

Mr. Wourms replied that Cleveland's Police Department timeline was 3 years; however, that did include implementation and training. Mayor Mims replied that Cleveland PD underwent police reform because they didn't have a choice, and that Dayton PD did, so the timeline is going to be different.

Ms. Scroggins stated that are stuck on a few terms and explained the Committee's stance on their recommendations to DPD. She stated that DPD was not far off from the working group's recommendations. She does not think they should set aside their recommendations but is open to mediation for the terms and concepts that they are not in agreement with DPD on.

Ms. Jackson, again, called for a motion to delay vote, to which no voting member responded. Ms. Scroggins stated they were already past that. Ms. Jackson then called to formally vote on the formal response to be sent to the Commission on the DPD's use of force policy.

Mr. Domineck stated he think we should hear from the other voting members first and whether they understand. Dr. Watts, Ms. Scroggins, Dr. Fox all confirmed they understood. Dr. Fox stated he understands, but stated he is a bit lost in terms of what interests the Committee has at heart. He assumed he would be working with the City Police Department on policies that affect the community. He further stated he is not against mediation, but if there's a push to get it done, he's okay with that too. He discussed that the best interest of the community is what is important here.

Ms. Jackson then commented that this Committee was tasked with sending a response to the Commission about the proposed use of force policy, but whether that response is sent or not should not affect mediation. Mediation should still be on the table, and that sending their recommendations to the City Commission should not impede that. She stated that this Committee has been very open to dialogue with DPD. Ms. Jackson again requested to formally vote on the response to be sent to the Commission on the DPD's use of force policy. She asked Mr. Wourms to display the letter in the chat box, to which he confirmed that it was in the chat for the voting members to review.

All members reviewed document containing the formal response to be sent to City Commission.

Motion to vote on the response to be sent to the City Commission was made by Ms. Jackson, Ms. Scroggins and Dr. Watts seconded that motion.

Those in favor: Dr. Watt, Mr. Wourms, Ms. Scroggins, Ms. Jackson

Members opposed: Mr. Dominek and Dr. Fox.

Mr. Dominek voted no because he stated the City Commissioner's changed their minds and he feels like politics are too involved. He did not feel comfortable sending a formal response and thinks the Committee needs more time.

Forum is carried to send initial correspondence.

Angelina Jackson asks for a motion to adjourn the meeting.

Dr Watts makes the motion. Jacob Wourms seconds the motion.

Meeting adjourned at 6:02 p.m.