

Police Reform Recruitment Working Group
Meeting Minutes
October 27, 2020

Mayor Whaley and Judge Parker convened the meeting.

Will Smith gave an update on the other working groups' progress.

- Oversight: Working on making a process of complaints to be more accessible. Recommendations put forward on that. Now starting to dive into the complain investigation process at the professional standards bureau (PSB).
- Use of force: Passed body camera recommendation. Now looking at "show of force" issues, ie. when an officer brandishes a weapon, what is the process for tracking, etc.
- Community engagement: Made a recommendation on alternative response models, meaning a responder other than a police officer will be dispatched to certain kinds of calls.
- Training: Focusing on de-escalation policies, trainings, and systems of accountability.

Torey Hollingsworth then lead the group through voting on the remaining recommendations that were not discussed in the previous meeting.

The group passed the recommendation put forward by Chrisondra Goodwine that the recruitment cutoff age be increased to 40. The vote passed unanimously.

Several recommendations related to the outcomes of the civil service test were discussed. Sgt. Heyob clarified that he was not proposing completely doing away with the written test, but was suggesting that significant changes would need to be made to get significant results.

- Ken Couch said he liked the idea of "banding" like what is done in Columbus. That would put test takers into percentile bands, ie. 70/80/90 band. Then anyone in the band would be eligible to move forward.
- Similarly, William Gillespie made the suggestion that Civil Service maintain an open list – essentially allowing anyone who passes the written test (70% and above) could be interviewed by DPD. This would give DPD more authority and accountability for hiring.
- David Lawrence mentioned that Dayton Public Schools, which Civil Service does preemployment work for, does something along those lines – letting the top 20% move forward.
- The group decided to put these conversations in the "parking lot" because they all deal with the Rule of One. The group decided to revisit the rule of one after looking more closely at the promotion process. Ken Couch reminded everyone that the FOP would have a role in the ultimate decision here.

Another recommendation put forward by William Gillespie dealt with hiring police from other departments, specifically from other "richly diverse" cities. His suggestion is that these recruits could skip the civil service pre-employment process, and go directly into the Academy.

- Rev. Fox agreed – he suggested that this could be a "lateral transfer"
- Chrisondra Goodwine also liked it – by being able to transfer credentials as an officer, it would help to "professionalize" the career.

- William Gillespie mentioned that this could align with Governor DeWine's suggestion around credentialing police officers through a statewide licensing process.
- Ofc. Savage raised concerned that recruiting from other departments could bring those departments to Dayton Police. She was concerned that taking out some of the preemployment checks could allow bad apples to slip through.
- Mr. Gillespie suggested that by hiring existing officers, Dayton could look at their previous records and reputations in their communities.
- Ken Thomas raised that pensions transferring, especially from other states, could be an issue.
- The group decided to make a recommendation asking for Dayton Police to examine the issue of reciprocity. The vote passed unanimously.

William Gillespie also suggested giving preference points for residents. The group decided to ask for an opinion from the Law Department as to whether or not that is legal.

Ken Couch then gave a short presentation on the FOP negotiation process, based on the short video sent around to the group.

- Everything regarding promotions and discipline has to be bargained. Pre-employment cannot be bargained on, per state law.
- There are two bargaining units in the Dayton FOP – one for officers, and one for sergeants and lieutenants
- There are 4 pages of rules related to promotions in each contracts. Each contract represents 30 or 40 years of deals.
- If something was previously specified in a contract, it must be negotiated again.
- The FOP and Dayton management have not negotiated on promotions since 2012.
- There is currently a one year contract under negotiation because of the poor economic conditions. Recommendations from this process will likely be negotiated next year instead of during this contract. Ken said he will try to put placeholders in for these issues.
- The rule of one is very important to the FOP

There are three steps to resolving conflicts in the negotiation:

1. Mediation
2. Fact finding – each side gives their position, a recommendation is made and then the Commission and FOP membership vote. Must pass by 2/3.
3. Conciliation (called binding arbitration elsewhere)

Majors and deputy chiefs have a different promotion process because they are not in the union. They do an assessment test based on scenarios. Those tests go to HR (not Civil Service) and then the City Manager does the interviews. They typically do a round of community interviews as well. After the interviews, HR reveals the rankings on the assessment.

The current diversity by rank, approximately:

Officers are about 6% black
 Sergeants are about 6% black
 No Lieutenants are black

No majors are black

One deputy chief is black (out of three senior commanders)

William Gillespie said it is very hard to promote people who are not already there. The whole force is very white, so it is not surprising that the leadership is white.

David Lawrence gave a presentation on the promotion process for sergeants and lieutenants. There is a written examination, which is created internally. That is the only factor determining whether or not someone is promoted to those ranks, nothing about performance or leadership skills.

Sgt. Heyob, who has taken both the sergeant and lieutenants tests, feels that the test is not a good indicator of who will be good at the job. He learned that Cincinnati has the same process for sergeants, but for lieutenants and up their promotions are like the non-union process in Dayton.

- He said that the test is hard, but somewhat arbitrary. Much of it is memorizing materials. People with administrative experience typically do well because they know the policies best.
- The performance review process is not a great indicator either, because they are often rote. Giving someone a review other than satisfactory requires more paperwork, and that is often shunned.
- Cincinnati has a 4 to 1 rule. If there are four people on the list that are white males and are hired, they must skip to the next non-white or female person on the list for the 5th position.
- The group asked for information about other cities' promotion policies

William Gillespie talked about "over-filling" – or hiring more people than intended in order to hire diverse candidates. Ken Couch said Dayton does that in some cases – it is ultimately up to the city manager.

Chrisondra Goodwine asked if women or people of color didn't want to take promotions, and if so why? She also asked if the group could talk to the department leadership/command staff about their commitment to diversity in recruitment.

William Gillespie said he thought there was likely a reluctance to be promoted – across the board – because they don't want to end up with the worst sergeant assignment. Getting promoted can feel like a demotion.

Sgt. Heyob talked about his own experience – and echoed that people who get promoted to sergeant often will lose pay for a period of time because they lose overtime pay.

- Seniority as an officer is nice, and a promotion takes away that cushy situation. Plus, many people feel like they lose the service component of the job when they move into management roles.
- There is a saying that a bad supervisor is the best motivation to take the sergeant's test

Ofc. Brown has taken the sergeant's test but didn't score high enough. She is interested in moving into leadership like she was when she was a guard in the prison system.

- But she understands why many people are not interested. You have to significantly rework your life and schedule to become a sergeant. The schedules are odd, and that can be especially tough with childcare.

Ofc. Savage said she feels like she reaches more people as an officer. Community-minded folks who come into policing often don't want to be promoted because it takes you off the street.

Ken Couch said this is reflected in who wants to enter leadership – it is often white males. However, he said that every diverse candidate that has applied to become a major has been promoted into senior command.

David Fox reflected that DPD has long had a diverse senior command staff.