

Oversight Committee Meeting Minutes from October 20th, 2020

Committee Members Present: M. Deffet, M. Ecton, T. Griffith, Chair M. Joseph, M. King, Chair B. McClain, K. Moss, A. Pfeiffer, R. Robinson, P. Saunders, T. Wahlrab

Staff Present: A. Blankenship, J. Davis, M. Schaller, W. Smith, L. VanderKaay

Chair McClain called the meeting to order at 6:35pm. He began the meeting by encouraging the committee to look over the previous minutes, and wanted the committee to continue discussing alternative models, and reviewing what people had brought to the table. He asked committee members to make their contributions to the discussion.

T. Wahlrab said that Albuquerque's system has some similarities and some differences to our current system but leaves a lot to be desired. He said that Cincinnati was under a court order to create a different system and many have said that it has failed, and they are currently looking for an evaluation. His sense was that folks in Albuquerque also felt like they are not doing well at the moment. He shared his opinion that whatever system we create will need to be tweaked and evaluated because there is a high failure rate.

Chair McClain said that he also looked at Albuquerque and did see some of those same points of concern. He also looked at Austin. He said that this was a great opportunity to learn from the mistakes made from previous agencies, as they may have a process we like, but we may not like all of any current system.

T. Griffith said that she looked at Syracuse, and there were deliberate issues with police letting time limits run out on investigations and it seems to be a real problem. Some of the pushback on Syracuse on what the City was trying to accomplish through the structure and what the department was trying to do.

Chair McClain said that the timeline is a potential concern, however one of our previous recommendations carried over the policies current at HRC and that seemed to be a strong starting point.

T. Griffith said that another thing that stood out to her was that the specific policy for LGBTQ+ and immigrant populations, for example explicitly stating on their website that no one would be taken by police based on their immigration status. She said that the committee hasn't really discussed that previously, but it might be a good thing to include moving forward and make sure there isn't blowback.

Chair McClain said that this goes in line with specific language for people with disabilities that we included in the first round of recommendations, and that he had previously talked with some who had just moved to Dayton from a different community where there was not a priority of caring for people with disabilities, so we want to make sure that everyone feels welcome in Dayton. This could also be a part of the normal process.

M. King said that he looked at the current system in Atlanta and that it seemed really robust, as they have an independent agency appointed by a board. They also seemed to have a clear complaint process, they are very organized, with public hearings both on an ongoing basis. He continued that as T. Griffith said, what we decide will continue to evolve as we put more infrastructure into place.

Chair McClain said that Atlanta also welcomes policy changes from the board, which could be interesting to consider.

M. Schaller added that while P. Bradley could not be at the meeting, he had expressed interest in the oversight system in Newark, NJ, and she put the website in the Zoom chat and said she would ask him to follow up at the next meeting.

Chair McClain said that along with our findings, the committee should also discuss criteria for what we might like.

T. Wahlrab said that he found a website from 2005, and while he didn't know whether it was up to date, it listed police investigation models with three different oversight models 1) police 2) civilian 3) hybrid, and it is unclear where Dayton fits in.

Chair McClain said that breakdown seems to be accurate to how they would be summed up, especially since there would be some independent investigations. He then welcomed Chair Joseph to the call.

Chair Joseph apologized for his lateness, as he had a family matter to tend to. He then said that now that we have looked at various solutions, the committee should move on to looking over criteria we should use to evaluate solutions.

Chair McClain said that transparency should be a key part in any system.

M. Deffet said that he agreed that transparency is important, and that there should also be some authority in the body to make a detailed finding—even if it will not be acted upon by the department and will just be kept for the record—goes some way towards transparency. He continued that that any such findings should be public and detailed and that was important.

Chair Joseph noted both independence and detail as criteria.

R. Robinson said that detail was important, as well as timeliness—when people have a complaint, they don't want to wait forever for resolution.

T. Griffith said that being able to be heard is important feeling that you have a voice in situations regardless of the outcome and on both sides. She continued that this is where the mediation center could play a role, as one of the biggest problems was that people don't feel like they are being heard.

Chair Joseph thanked her for that contribution and added accessibility and offering a voice to criteria.

A. Pfeiffer said she was thankful to join the call and was having tech trouble.

M. King echoed T. Griffith's comment about having a voice, and it made him think of what he had mentioned earlier regarding Atlanta. They regularly meet quarterly, but they can also have special meetings upon an emergency, showing that they not only have a voice but a platform that they can use.

M. Schaller added that the system should also attempt to make people feel safe in the midst of investigations, as they can often be unsettling and scary for participants.

T. Griffith said that she knows of someone's son who is both bipolar and schizophrenic, and they worry about any kind of interaction he might have with police. She believed that some other mental health response would benefit a victim and ensure their safety.

Chair Joseph shared the recommendation from the Community Engagement group involving a mental health response unit. M. Schaller shared that she would make sure to connect T. Griffith with the other group involving this matter.

T. Wahlrab said that it is important to keep in mind a system where participants always have a choice/option to be engaged in the process if they want, and that they can determine their own level of safety and what they are willing to engage with. He said this is why mediation might be an important alternative method, as opposed to a system of doing what you are told when you are told. The shorthand for this is "voice and choice".

Chair Joseph asked for clarification, as the complaint process does include having some control over the process. T. Wahlrab said that this was indeed true but could be especially so with the Mediation Center might be important.

T. Griffith said that from her experiences in juvenile court, there are kids who run into police all the time, and lots of kids who have had interactions (major and minor) run into problems and don't feel like they have a voice in the process. They know that they can and do participate in the process, nonetheless.

M. Deffet said that he appreciated T. Griffith insights and said that when we are thinking about the system, it would be important to have a case person or advocate every step of the way, because often kids in the current system have parents who work or don't know how to navigate the system, so having an ombudsman-styled person would make a difference.

Chair McClain reiterated this statement and said that this should be worded in the criteria as a meaningful opportunity and access to due process.

M. Deffet clarified he was being more specific to juveniles.

Chair Joseph said that we were just discussing criteria, but that he should hold onto it for solutions.

T. Griffith said that she agreed with M. Deffet, as there are kids who come in, specifically unruly kids, that are on a different track than adults. This is not caused by the same issues, but slightly different.

Chair Joseph said that this further emphasized that kids that T. Griffith and M. Deffet were describing we should ensure that they know how to make a complaint and understand the process, and that we hit that hard.

K. Moss said that he would be among the individuals to give kids of that description information on the process, and that we should keep a running list.

T. Griffith said that we have to determine where in the process to inform juveniles-initial detainment? Schools? She reiterated that we need to make sure they know that the opportunity exists, and it is important to get judges and other members of the juvenile system on board.

K. Moss said that before COVID-19 he had real talk Tuesday and that was the perfect opportunity to share such information for community members to talk with juveniles to give information and help with post incarceration, and it could be a good model moving forward.

R. Robinson said that the ultimate goal is to help understand process-some have spoken about people who have gone through the system, and when we are looking to have someone “being heard” what does that mean? How do we make sure that people understand due process?

Chair Joseph said that M. Schaller make a note to explore that in-depth and talk to other committees about the plan for educating people on the process, especially what committees what to do regarding youth. M. Schaller also said that this was a clear recommendation this committee made (#5) and that might be helpful to review in this conversation to make sure we are covering the committee’s wishes.

Chair McClain continued with criteria and said sustainability was an important value.

T. Wahlrab said that with Albuquerque they didn’t seem to have much experience in what they were being asked to do, and that some sort of adequate training would be important.

Chair Joseph said that it is important to look over other pros and cons we had previously discussed.

Chair McClain said that it was important to leave a way for people to feel welcome.

R. Robinson said that someone who works for the government who can make a recommendation should be important, as it is similar to a survey process with the Air Force.

T. Wahlrab clarified whether we were discussing policy recommendations.

Chair Joseph said this might necessitate checking with other committees, specifically the committee handling discipline.

R. Robinson said that there might need to be tiered level of recommendations.

Chair Joseph acknowledged that there was lots going on in the chat, including T. Wahlrab's comments on ethical policing, M. Schaller listing the pros and cons from the committee in a previous meeting, and P. Saunders listing the current policies in place.

Chair Joseph reviewed the criteria that the committee has come up in the meeting (listed below) and asked if there was anything we were missing.

Chair McClain said the ideas of accessibility and welcoming.

Chair Joseph said that fit into the notion of safety.

M. Schaller said that while it might be fairly obvious -- justice for both citizens and officers is ultimately what the system is looking for though it is not always achieved.

Chair McClain said that a natural point of finality is important. For the several people who have legal experience on the call, they can point to the fact that along with injustice is that people who are still awaiting a legal decision can't live their life to the fullest, as they are unsure of their standing, so it is important to make sure that people understand where they are, and if there is an end.

T. Wahlrab said it is important to distinguish finality and closure, and we might be getting the two confused. We aren't expecting everyone to get closure just because the system says so. This includes the assumption is that we are going to improve something, but they know what they are getting into if they get into a disagreement with the police. The goal is not to be perfect but improve the system.

Chair Joseph said that's why we are lucky to have officers engaging in the discussion, as there are lots of different possible systems, and there is lots of breath in this topic.

T. Wahlrab said that it is important understand that we are not fighting with officers, but that we assume that they also want to improve the system, that we do not want to overreach authority, but improve.

M. Deffet said that he was unsure if we needed to address this here, but that it is important to understand that the community as a whole can see if there are a few officers that keep coming up with the same problems in dealing with civilians. This therefore covers transparency, and it's important to keep in mind the horror stories from other places are often individuals who have repeat problems.

J. Davis said that fairness is also important, not only the complainant but the officers also feel like it's fair. This is important because the process should include interviewing all witness, collecting all relevant evidence, and conducting a full and fair investigation no matter what.

M. Deffet said that is an absolute necessity, that officers also get due process. He also said that it is important to be specific about what due process means, that in court or in a lawsuit that through a complaint does not imply someone is at risk or in the wrong, and we don't want to deprive them of due process.

P. Saunders mentioned that this could be better summed up as procedural justice, and that we should incorporate that approach into our criteria. We should make sure that there is not a solution in search of a problem, but rather to increase trust between the community and police. While we are being impacted by other cities, the goal is to prevent anything happening here.

Chair McClain agreed and underlined that this is why it is important to compare solutions, and that transparency is a good solution to that. Chair Joseph continued to make edits to the document as it stands. He also said that he liked the idea of procedural justice, and as T. Wahrab had mentioned big picture view, that it is important to take step back from policy and procedure and wrap around to what we are discussing here.

T. Wahrab said he didn't know how this fit in with the discussion but highlighted an experience that Chair McClain brought up at a previous meeting regarding his interaction with the police when he first came to Dayton and wanted to share an interaction that he had recently with Dayton police in Riverside regarding the care and concern for other vehicles during the midst of a police chase and that they were careful not to injure others, and that he appreciated that care.

Chair Joseph thanked him for sharing, and for the continual discussion.

M. Ecton echoed that T. Wahrab's example was one of leadership and strong policy enforcement, as it is very limited in what you can do to pursue someone in that condition, and that as a young officer you would chase someone until their wheels fell off or there was a crash or a lost turn, and that this is an example of change overtime and policy enforcement. Chair Joseph thanked him sharing that history, and said it showed what the goal of the process is.

W. Smith said that this is a critical thing, and that we learn from examples shared like Chair McClain that this can add humanity to our meetings, and this is often difficult on Zoom.

Sometimes we might need to make that space and acknowledge and appreciate everything in place to truly collaborate as a committee.

Chair Joseph said that he was proud of where the committee is headed and in spite of the virus, we had a strong start to criteria. He underlined that our second meeting is on Nov. 6th.

Chair McClain said that there is a reminder to look through emails and continue to look at solutions. He called the meeting to a close at 7:55pm.

Next Meeting: November 6th, 10:30am-12:00pm