

Police Reform Recruitment Working Group  
Meeting Minutes  
December 1, 2020

Mayor Whaley and Judge Parker welcomed everyone to the meeting. Mayor Whaley reported out on recommendations that had gone to Commission that were returned back to the group. Two came back as not accepted.

Amy Blankenship from the Law Department discussed the issues that were flagged by the Law Department. The first was related to the recommendation increasing the recruitment age to 40. Amy explained that increasing the age from 35 would take Dayton out of alignment with the Ohio Revised Code which could open the city to a legal challenge. The concern is that 40 is an arbitrary age – why 40 but not 41, for instance.

Judge Parker knew of a court case where the City of Lorain was sued for increasing their recruitment age to 69. That was upheld in court.

Ken Thomas made clear that even if the age were increased to 69, the applicant would still have to pass the physical fitness test for a 35 year old.

Chrisondra Goodwine said she thought that the increased age cut off was still a priority, even if it had to go higher. William Gillespie agreed, noting that the Air Force age of retirement is over 35 and those retirees could be a good source of recruits.

The group decided to revisit the age recommendation.

The other issue was related to bypassing the preemployment process for recruits coming from other departments. The Law Department said that that was not doable based on a previous lawsuit that challenged an attempt to do something similar with Fire recruits. The group accepted that feedback but encouraged ongoing attempts to recruit from other departments.

Torey Hollingsworth presented the calendar for the remainder of police reform process.

Chrisondra and Natasha Spears reported out on the cross-working group table meeting.

Amy Blankenship presented on what the Oversight Committee has been discussing:

- They began focused on citizen complaints
- Now onto investigations. Importantly, the majority of investigations are NOT triggered by citizen complaints. Instead they are triggered by internal reviews or are automatic in certain cases.
- They are discussing an independent police auditor. They won't DO investigations, but will audit investigations done by the Professional Standards Bureau
- Auditor is like a buzzard flying over the investigations. Likely would answer directly to the City Commission.

Sergeant Robert Rike, the Department Advocate joined the call. He facilitates the disciplinary process:

- Maintains files
- Makes recommendations on consistent discipline
- Updates employee records
- Reviews counseling forms, charges and specifications
- Presents on hearings

All internal investigations with discipline attached run through his office. He reports to a lieutenant, but mostly answers to the Chief. He is assigned to PSB.

In the last 4 years, there have been 3 times where an officer has been charged with excessive force. None of those were the result of a citizen complaint.

The group then discussed the potential of other forms of discipline. Torey Hollingsworth gave an overview of the Aviation Safety Action Program (ASAP), which is intended to track and correct low level policy violations to ensure that more serious offenses with the likelihood to cause harm are less likely to occur.

Aviation is another industry like policing where there are huge consequences when something goes wrong, which makes the need to correct and track low-level policy violations greater. Correcting small issues hopefully makes big issues less likely to occur, and tracking them helps show if there is a need for additional training, changes in policy, or some other kind of corrective action on a broader scale. The point of the program is to encourage voluntary reporting – not necessarily self-reporting, but ideally – by creating a non-threatening environment. This does not necessarily mean that there will not be discipline issued, but the discipline may be less than what would otherwise be proscribed.

In the ASAP program, when a policy violation is reported, the issue is reviewed by an Event Review Committee that is made up of a representative of the airline, the employee's union (pilots, flight attendants, mechanics, etc) and the FAA. That group must come to a consensus about whether or not the violation should be included in the program. If it is not, the violation would go through the normal discipline process. If it is, they then review the violation and make a recommendation about what the corrective action should be. That recommendation goes back to the employer for action to be taken. The ERC maintains all of this data and looks for patterns in issues and can also make recommendations about broader changes.

The program was brought to the group by Sgt. Heyob, who came across it in a workshop with the Wright Brothers Institute. He likes the idea because it gets the union and the officer engaged. There are thousands of small incidents that could be teachable moments, hopefully stopping higher level issues from occurring. Right now, those are often dealt with (if even known by a superior) through an oral reprimand, but they are not tracked.

Chrisondra said she liked the program idea because it promotes a culture shift. She talked about another study she had heard of where nurses from two hospitals were assessed: the one where they were encouraged to self-report and there was minor discipline had fewer mistakes overall. It creates less fear of being wrong, hopefully fewer cover ups.

Travis Dunnington asked – what is the incentive to report? Is there a way to use body cameras?

Heyob – DPD already does checks of the in-car cameras (MVRs) and will do that with body cameras as well. The issue becomes almost an excess of information – SO much tape to review.

A clear policy violation that has always resulted in discipline probably wouldn't work. The program would need to expand what could be cited – although, would need to rely on concern over failure to report. Would have to rely on changing culture by clearly showing what crosses the line.

Natasha Spears asked how the body camera footage would be used and stored.

Heyob did not know exactly, but assumes it will be like the MVR which is kept for several months unless it is part of an investigation. Then it follows that retention schedule.

David Lawrence asked what the issue was we are trying to address – are officers being disciplined properly?

Natasha – we need to be consistent across people. Want to understand how you get to the point of discipline, (ie, the investigation process)

Dianne – can we get definitions, specifically about self-reporting?

Heyob said he was available to talk with a small group about what the ASAP program could look like.