

## **Oversight Committee Meeting Minutes from January 15, 2021:**

Committee Members Present: P. Bradley, M. Deffet, D. Demmings, Chair M. Joseph, M. King, Chair B. McClain, P. Saunders, T. Wahlrab, R. Walker

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

Chair McClain opened the meeting at 10:34am and welcomed members to the meeting. He then turned it over the Chair Joseph.

Chair Joseph began by introducing feedback from City staff regarding concerns over implementation of the Auditor recommendations, and that executive staff will present those concerns and look forward to discussing possible changes to the recommendations. He has asked the city to put off their reply for two weeks to possibly modify or shift recommendations. Chair Joseph reiterated that the committee is under no pressure to do so, but it is important to potentially update those recommendations. He also apologized to P. Saunders and M. Ecton (who was not present) regarding concerns that they both brought up that once again came up in this feedback.

He went onto to say that we should consider that since there is not a separate complaint and investigation unit, we are working within the system we have. However, making sure that the Auditor has the power to look over any of the process, and that if there are changes in the process that this would further underline creating an Appeals Board that is robust, powerful, and consistent. He then turned it over to A. Blankenship to discuss these further in detail.

A. Blankenship went on to the discussion points regarding the IAA position, and reiterated that these more finite details are her specialty. She also underlined that everyone acknowledges how each of these recommendations were vote on and submitted carefully. She went on to outline what happens to recommendations after they are submitted. After these were submitted, she had several meetings with DPD and CMO discussing possible implementation and said again that the committee does not need to change the recommendations if they do not want to.

The first concern was opening the IAA position to possibly be filled by someone on a contract employee basis as opposed to a City employee position, as we have often had difficult in filling such a position, and this would increase the flexibility of putting someone in the role.

Chair McClain said that this flexibility would also ensure that we can have the right person fill that role, and that there will be less delays in getting someone in that position.

T. Wahlrab said that he has usually associated an auditor position with a fiscal role and doesn't really know why we've inherited that term for this position. He said based on what he knew of the City of Dayton's history with contract employees, would that mean that they follow the IRS

metrics? How are they evaluated? Are they doing this work fulltime, or on a case-by-case basis? He didn't know what might be needed moving forward but wanted to share those concerns.

A. Blankenship said it seemed accurate to her conversations at the City that it would fall under previous standards that other contract employees retained by the City have, but that she was unclear to the other answers to those questions at the moment. She said that the person should develop an audit plan at the beginning of taking on the role, which will determine the extent of time.

T. Wahrab said that it is just his goal to ask questions and knows there might not be answers now. He was also curious how firing would work if the auditor is under contract.

R. Walker underlined the importance of accountability and the optics of such a position. When you talk about someone trusted by the community, it sounds good, but he wanted to know how it is based in the community and its needs.

A. Blankenship talked about how the possible selection process for the role would go.

Chair Joseph said that was a good point, and the person must be seen as trustworthy and he had the same thought as P. Bradley [who put a comment in the chat], that regardless of the individual's status in the organization, the key is transparency in the hiring process for the position and that the community should be able to have feedback on the candidates.

A. Blankenship continued onto the next point of concern. The city said that complaints routed to PSB or the supervisor directly, as opposed to that being a duty of the IAA would work better within the current system. The concern from the City was that the IAA routing complaints would slow response time, as the auditor is just one person and works regular hours opposed to officers who are routing complaints 24/7. The suggestion was that the IAA can audit the process. She went on to say that this is something that M. Ecton and P. Saunders brought up as concerns earlier in the process. This could be coupled with the IAA having direct access to DPD & city administration so that they are able to flag the need to reroute a complaint if they see something of concern.

Chair Joseph said that this really gets to process and point of contact, and that the auditor should be able to point out a problem for DPD to fix if necessary but shifts the complaint process immediately so the IAA can stay consistent on auditing.

P. Saunders said that if you look at the initial recommendation about a centralized complaint system, that ties in with an ability to audit, because they can actually review the system in one place and it all makes a bit more sense.

Chair Joseph again reiterated that there was no pressure to change the recommendations, but important to consider appropriate shifts to the overall process.

P. Bradley said that he initially felt pretty strongly about the IAA having routing power, but that it makes sense to have the auditor audit this function both in terms of the supervisor and PSB. He said that there is also a concern for the community who may not trust who they are handing the complaint over to-for example, if a supervisor sees it first, some members might worry that the supervisor is not doing the right thing, and we want to make sure the public trusts those decisions. A big piece of all of this is the intent of the original decision-i.e., the intent of the community to oversee the process.

P. Saunders said that it was important to shed some light on the current complaint routing process between supervisors and PSB. He said that some other departments are set in stone in routing, but that complaints can sometimes shift midstream from one route to another on an as-needed basis. It can also go back and forth on and at various points. He said that as a sergeant, he had gone to his Lieutenant and said, "I don't think that this should be mine", and it has gotten moved to PSB. If it seems like there is criminality involved, he didn't want to be seen as messing it up and wanted to know that the end result would be accurate and trusted. He said it's important for that flexibility, and that it is important for the auditor to look at the system, especially to increase the perception of oversight and transparency.

P. Bradley said that we want citizens without our help to understand the process, what we are doing, and to feel the transparency. We want to make it work with the auditor, and for the whole process to function, and if we overstep and slowdown the process, it is on our committee to work out those concerns.

A. Blankenship went on to the third concern, saying that there has also been a discussion of the IAA functioning potentially as too investigative, and why it is even more important that the audit plans are very clear. If we give them an investigative function, it might diminish their ability to audit throughout the process. This is not necessarily weighing the merits of the investigation, there are just a few nuances in there where recommendations and processes overlap, but to make sure everything works smoothly it is important we talk about these things now.

P. Saunders wanted to apologize to the group, and that he would have shed more light on this concern if he had put two and two together. Currently in his role he sees quite a bit and shared how his role has a lot to do with the current financial auditing of DPD, and how he could see how some of these concerns play out in what he's seen so far. He said that an actual improvement of the response opens the door for a far more transparent process, and that the financial audit has pushed the department to look at how the department is currently functioning, including policies and systems, and could see how the IAA could also support that goal.

D. Demmings said she wanted to go back to the first point, with the current complaint routing system going to PSB and supervisors but how the recommendation would work in that system. She wanted to know whether folks still believed that the auditor would have a diminished role in that process, and how they would truly oversee complaints.

Chair Joseph said that the auditor would have to look at the current system to be able to fix something in the moment, or it will be escalated immediately. Even if something falls through, if the auditor has the staffing, reports, and powers that be to alert, as well as increased empowerment of the appeals board process, we might be able to achieve those goals.

T. Wahrab clarified that he did see the auditor fulfilling some of the investigation process and wanted to clarify whether we were saying to either separate the two-the investigation and audit process-from one another, or if there was some other goal that we wanted to achieve in having the auditor and investigator separate.

P. Bradley said that some of the things we have in mind fit in bigger than the current title of auditor and that there might need to be a new title. He also wanted to clarify if the auditor still has the ability to share their concerns with the powers that be.

Chair Joseph said that he still insists on the ability for the auditor to be able to be open if it is possible to sharing concerns with the powers that be.

P. Saunders wanted to share an example that he had come across regarding a Lieutenant. For example, if the complaint is real, but there is not a policy violation from the officer, such as a towed car on McArthur. How the current complaint system works, perhaps the officer followed policy, but not common sense. Over the next 24 hours, the entire chain of command can be able to look in on the complaint and have one place to look at those complaints. They then do a report to everyone, which kicks off whether there should be a policy review, or if there is another layer to offer an important service to the community.

P. Bradley said that makes sense, as long as we are keeping the intent of the system. He understands the difference between the investigation and audit system, and while we called the role "auditor", he underlined that we did put in some specific investigative power in place, and we would like to look more closely at exactly the stuff we are being asked to change.

Chair Joseph said that we would look at that for next week. He then wanted to go back to the Appeals board conversation with T. Wahrab. He wanted to make the auditor role is clear that they can see something throughout the midst of the process, and that specifically if something slips through, then the Appeals Board covers those powers.

T. Wahrab said that the difference is that CAB is made of volunteers, oftentimes without the knowledge and time to be able to get into all of that.

M. King echoed P. Bradley and said that there is already a model at the federal level-maybe the Inspector General, as a similar system to look at, would be useful and that seemed like the original intent.

Chair Joseph said that he is familiar with that system, and that it is always well stocked with different people serving in different roles. He said that he went to look at the model with Amy and there might be limitations based on how we are looking at this role but appreciated the suggestion.

A. Blankenship said that she had one more thought-which is that the law department brought up how they were going to fit into this role. The Auditor sits in the objective role, and it might be a good idea to keep that in mind for a subjective review.

Chair Joseph said that the executive group was all okay looking at these, shifting the language and that with Chair McClain and would bring them back for discussion. He once again said that there was no pressure to change, and if that's the case we will just bring it back to the Commission.

P. Bradley said that he kind of liked the term inspector general, and as we talk about a broader office that might fit in.

Chair McClain said that he gave an overview of our current system as our previous meeting, and that everyone was asked to come prepared with other appeals systems across the country, whether it is complaint or appeal centered.

T. Wahlrab brought up Las Vegas, saying he had no idea whether this had been previously brought up or not, and also presented on Long Beach, CA's process. He talked through both processes, and then said he would forward them onto the committee.

P. Bradley said that he had looked through a few different models, but that he wanted to bring back to the discussion a few things he saw as important: subpoena power, policy recommendations, power to work in discipline plans, robust trainings, and having returning citizens represented. The boards often differ how they are appointed, and that he would love to have a public defender represented and that is critical for establishing trust in the community and for citizens who are mostly engaging in the current system. He also would like to see larger citizen oversight in the board and structure and wanted to think about the potential engagement in the community to request investigations.

Chair McClain said that there are should be ways to engage in the system and consideration without engaging in the appeals process.

W. Smith said that he thought that was a good point, and that everyone should think through the many things that we brought up, and it makes sense to start thinking about execution and the spirit of what we want. Trust, transparency, and accountability are how we do get there. When we think through all of this, the tethering to the larger process provides accountability and logistical support. He also said with the cross-committee group they are discussing police recruitment, and how community members that really want to go together can't just have conversations about who is not there and why they aren't. The Commission was all there at the

last supergroup meeting and they've made it clear that they want a standing group moving forward.

Chair McClain reiterated the importance of the Appeals Board as a need for an expansive, robust, back-ended process, and if there's anything that slips through the cracks, we have something in place.

T. Wahlrab said that regarding the focus on the policy department-in the context of national and local crisis, we are not trying to influence and blame the police department, but look into larger problems and solutions, and that he would like to be a part of those larger discussions in the cross-committee group.

W. Smith invited him to the cross-committee group.

Chair McClain requested that everyone have a safe and healthy weekend, and that we all have a lot of materials to look at. He adjourned the meeting at 12:00pm.