

## **Oversight Committee Meeting Minutes from February 24th, 2021:**

Committee Members Present: P. Bradley, M. Deffet, M. Ecton, A. Gillig (in for P. Saunders), T. Griffith, Chair M. Joseph, C. Maragaño, Chair B. McClain, A. Pfeiffer, R. Robinson, T. Wahlrab, R. Walker, J. White

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

Chair McClain called the meeting to order at 5:04pm.

Chair McClain thanked everyone, brought forward the previous minutes, and then passed the floor to Chair Joseph.

Chair Joseph thanked Chair McClain, and shared that as discussed at our last meeting, we held a listening session with the Community Engagement Working Group, and he would like to know the thoughts of members of the committee that were present. He also mentioned as an action item there was interest in on-going communication with the Community Engagement group so that both groups have an idea on what's going on in either group, and to know whatever passes that seems appropriate. He then opened the floor for members who were present at the last meeting.

T. Wahlrab said he was there and said that he didn't know that he'd meet so many interesting people. It reassured him as to who was involved and the general matters of insight and diplomacy. He said that he was interested in more conversations perhaps through direct email or additional meetings to get to know other members more, not necessarily just about police reform concerns moving forward.

Chair Joseph said he appreciated the suggestion and said that there was a way to make that happen.

W. Smith said that he appreciated that thought, and that was something that other groups have done by facilitating their own independent conversations. He said that he is already working on a collective list and contact sheet across all groups, and wants to give folks who have participated so far the option to opt out if they wish, but most folks have seen something like that as a good thing. He said that one of the things people have been most grateful for throughout this process is connecting with new folks and building community over time. He said that committee members should look out for such communication by the end of the week.

T. Wahlrab said that he appreciated that and that he knew that sometimes conversations shift and change. Documentation around many of the issues that came up at the cross-group meeting might be appreciated. He also said he appreciated Commissioner Joseph's diplomatic approach regarding conversation around the priority boards system that came up. He said that it is more complex than just one viewpoint, and wondered how we have the politician

managing people's truths and perceptions. He said that's not the only time that's happened in the past few months, doesn't know what to make of that.

Chair Joseph said that the need for communication on these topics is something we all share, as this can be a tough subject to dive into.

M. Ecton said that it was interesting to look at some of the Community Engagement Group's proposals and look at their possible ways forward. He said that he had been doing research for the last 6-7 months on policing alternatives, including Montgomery Co. Maryland, but felt like a lot of items that the Community Engagement group discussed were things that were being discussed across the country, but not necessarily needed locally. He said he has yet to find a model he is comfortable with, and that he is glad to be in this group, as he doesn't know how he'd fare in the other group.

Chair Joseph said that we were glad to have him in our group as well. He also thanked R. Walker for originating the idea, and asked if he or others would be interested in being a liaison to the other group.

R. Walker said that he apologized for being late to the cross-committee call, but he left with a deep appreciation of the total process. He said as much as he has appreciated being a part of this group, he has also been interested in participating in institutional looking and reflection. How do we build ourselves guidelines and automatic systems to work within for us to function and allow us to see the aspect of this process as a part of a whole? He said that we are moving in the right direction and doing well, and he is looking forward to seeing the final process and what it will mean to the community.

Chair Joseph said that if we focus on our part, we can also be receptive and learn to see the fruits of other groups. While he has trust in the team at the City, you always worry about something you are not directly involved in, so while he was worried about the other groups, he is glad to see that the groups have moved forward and made really good recommendations.

He went on to say that there has been so much loss and grief this year, underlined by the fact that two members were not able to attend due to funerals, so he asked the committee to please let him know if they need anything.

W. Smith said that it was great to have T. Wahlrab at the last "supergroup" meeting (the cross-committee group across all five working groups to work together for cohesion throughout the process), and if any other members were interested to please let him know.

Chair Joseph shared his screen of the revised CAB (Citizen's Appeals Board), and that we are planning on reviewing this at the next meeting, and if possible, vote. If not, we would vote at the meeting after that, so this is the meeting to say something if there are problems and issues.

He highlighted a few of the previous discussed items including: having an appeal within 30 days unless reasonable exception, the adding of members and ex-officios, including members that would specifically represent minority and immigrant rights organizations, removing the prohibition of someone serving on CAB with a previous conviction, increasing term limits for CAB members and staggering them, changing CAB meetings to be monthly as opposed to an as-needed basis, requesting the IAA to audit cases, including funding for a legal advisor, CAB being able to request IAA to review complaints and the investigation overall, etc.

For number five, T. Griffith said that she still thinks that in addition to an advocate present for appellants, we should specifically include the ability for them to have access to a translator if they need someone who can assist them in speaking and writing.

Chair Joseph asked where exactly in the recommendations it should be placed.

A. Pfeiffer said that it's probably important to include both as it's different to have an advocate than to have a translator, which is an ADA requirement.

T. Griffith agreed, and said it would still be helpful to spell it out in our recommendations.

J. Davis agreed and said that HRC would already work to provide that through a contract with Vocalink, as they do for Welcome Dayton.

T. Wahrab said that from his work with the Dayton Mediation Center, he wasn't sure of the exact language, but someone functioning as an advocate, interpreter, someone to just be there with the appellant, could be labeled a support person.

T. Griffith said that it currently reads like an interpreter for the hearing impaired based on the specific language.

She and Chair Joseph indicated that we would also support that, but we should expand the language to be more inclusive.

M. Deffet agrees with T. Wahrab for appellants to come before CAB to be able to bring an advocate or support person, and we should mind the language of text, as those are two different things.

Chair Joseph moved on to discussing having the officier be asked to give voluntary testimony at the CAB hearing, and if they declined then their sworn statement from the incident would be read. He asked if there was anything else to add.

J. Davis said that one added value to this approach is that it could be less traumatic for the individual.

A. Pfeiffer asked if we can change “will be invited” to “may be invited”. Chair Joseph said he deferred to her as CAB chair. A. Pfeiffer said that it makes sense so the board is not backed into a corner.

A. Blankenship said that we should consider the statement as shall be invited would be better as there might be a complainant that would want to know the officer knew the appeals hearing was happening.

Chair Joseph underlined that was perhaps a reason why CAB could decide or not to leave it open.

M. Deffet said that maybe there could be language that they are always invited, but the complainant could have the option to decline the officer’s participation.

A. Pfeiffer said that she doesn’t know if that’s always the case, as some flexibility at times is helpful where having the officer present could be triggering. Since it is really a civil matter, if CAB gets this then they’ve had a great opportunity for the appellants’ voice to be heard, potentially for the first time.

T. Griffith suggested using the term invited. A. Pfeiffer said that would still not leave the room she was looking for.

M. Deffet said that he wants to protect the complainant, and he hadn’t thought about the fact that it could be overwhelming for them to see the officer again.

From there, the decision moved to word choice around a potential conflict coaching session with the Mediation Center for appellants.

M. Schaller asked L. VanderKaay to distinguish between mediation and conflict coaching.

L. VanderKaay said that conflict coaching is a one-on-one basis, working through things with an individual from the Mediation Center in preparing for a conflict, trial, etc. Mediation is for two people working through difference with the presence of a mediator.

Chair Joseph continued with highlighting changes to the potential recommendations, including an automatic right to come before the board with certain appeals, and automatically being able to share documents, data, and evidence including footage from body worn cameras.

J. White said that he was concerned with body cameras how much footage would be captured, and would be worried that someone engaging in behavior they shouldn’t be would be using cameras appropriately. T. Wahlrab said he shared those concerns.

T. Griffith said that it was important for officers to be there, and important for the person who is making the complaints to hear their testimony. She continued that it was also important for

the officer to hear about what they did and what they did not do wrong. She said that there's a lot to be said in holding accountability and facing someone across the table with strong feelings **about your actions.**

Chair Joseph said that he agreed, and the only reason to disagree is to give CAB that flexibility.

L. VanderKaay underlined that the committee was talking about having the structure to make someone be on the record about the incident. Chair Joseph said that again CAB could request that at any time, it just gives flexibility if CAB wouldn't want an officer present.

J. Davis added that this is unless the complaint requests not to have them present.

A. Pfeiffer said that she would have to think about that.

M. Deffet underlined that we are just talking about inviting someone, and clarified that we are **not talking about adding in subpoena power, so we should keep that in mind.**

Chair Joseph included looking at changes to the recommendations, including CAB being able to make process suggestions to the policy review committee, a post-hearing survey, and **continued to clarify language.**

J. White suggested saying that organizations like the NAACP could also be invited to participate **in trainings as well with CAB.**

T. Wahlrab said that he thinks that's a good point, and seems like a part of the community **engagement and true outreach process moving forward.**

Chair Joseph asked if there was anything else we needed to include, or if there anything else to talk about?

T. Griffith said that she had a question as to who would be responsible for additional changes to this process once we've finished and that as people change, who could come in and make changes to this document. She wanted to know how the document could be protected in the **future.**

Chair Joseph said that there was as much protection on this document as anything in the Commission, if that's comforting, though there is more responsibility for CAB that he believed would be difficult to take away. He said that the key is electing good people and for those **people to do a good job.**

M. Schaller inquired about adding language about making applications available for CAB.

R. Walker said that he had a question for clarity regarding #11-in regards to ongoing collaboration with the community engagement group, would that go together along with CAB?

Chair Joseph said that it was a good point, and to put in the recommendation moving forward, and that ultimately standing groups working on community engagement would all be sorted out in the end, and that we should check on it in a few months and make sure that's the case. He said it was important for that to be coordinated.

T. Wahlrab wondered how we collaboratively work together to add bits of information so this is protected in the future. He also said that he didn't know how these things would be both protected and changed in the future, and how they are respected and cared for.

Chair Joseph said that the executive committee would meet again next Monday to work on language and have a longer discussion.

R. Robinson said that he would like to see the final recommendations and comments around 48 hours ahead of time.

Chair Joseph said that we would update the draft we are working on, and put more thought in it being updated to put together any fixes. He then turned it over to Chair McClain.

Chair McClain said that thanks to everyone's good work, we would close early, and to make sure the committee would have the document ahead of time with added suggestions. He adjourned the meeting at 6:16pm.