



DAYTON

Citizens' Appeal Board ("CAB")

The Current Process



Complaint Filed



PSB or Police Supervisor
conducts
Complaint/Investigation

- 1. Not Sustained
- 2. Exonerated
- 3. Unfounded



1. Sustained

The Independent
Accountability Auditor audits
investigations.



Complainant has the
right to appeal to
Citizens Appeal Board
("CAB")

- 1. CAB may subpoena witnesses.
- 2. CAB may request additional investigation from PSB.
- 3. CAB may sustain or not sustain investigation
- 4. CAB cannot administer discipline.

Reviewed at all levels
through chain of command
and discipline administered



Citizens' Appeal Board (“CAB”)

- If citizen disagrees with outcome of the investigation they have right of appeal to Citizens Appeal Board (“CAB”)
- CAB’s authority is found in Chapter 34, Division 3 of Dayton Revised Code.
- Members appointed by City Commission and not part of the DPD
- CAB is comprised of five voting members
 - One member should be a former member of law enforcement, one member from legal community, and the other three members shall be selected at-large
 - Each member serves a two year term. No member may serve more than three consecutive terms
- Assistant City Manager, Chief of Police, and HRC Executive Director serve as ex-officio nonvoting members



Current Board Members

- **Chairman**: Anne Pfeiffer
- **Legal Community**: Branford Brown
- **Former Peace Officer**: David Fox
- **At-Large**: Julio Mateo
- **At-Large**: Ashly Onyia
- Non-Voting: Joe Parlette, Deputy City Manager
- Non-Voting: Erica Fields, HRC Executive Director
- Non-Voting: Richard Biehl, Chief of Police

CAB Process: How to Appeal

- Appeal form should be sent with letter of PSB findings
- Appeal must be filed to CAB within 30 days of PSB issuing findings

[REDACTED] has completed the investigation of your complaint of misconduct involving Dayton Police Department officers.

His investigation included a review of your written statement, reports prepared by the officers involved in this incident, review of the cruiser camera footage, statements from witnesses, and an extensive check of departmental records.

After reviewing all the evidence, [REDACTED] was unable to obtain sufficient evidence to support your allegations of misconduct.

I have reviewed the investigation and I concur with [REDACTED] decision. No disciplinary action is being taken against the officers.

In the event you disagree with my decision, you may file an appeal with the Citizens Appeal Board. Enclosed are an Appeal Form and a brochure, which explains the appeal process.

It is our goal to conduct the most thorough and impartial investigation possible on all citizen complaints about departmental service or its officers. Your concerns, as well as others, are what enable the Dayton Police Department to strive for and hopefully, attain the highest possible service to the community.

If you have any questions concerning the investigation, please contact me at the Central Patrol District headquarters at (937) 333-1108; or if you have any questions about the appeal process, please contact the Professional Standards Bureau, at (937) 333-1017.

Sincerely,



Hearing the Appeal

- CAB will review the Police Department's investigation of the complaint and the information provided in the appeal form
- CAB may conduct a Public Hearing.
- CAB will hear testimony from the appellant, may subpoena witnesses, and may request additional investigation by the PSB
- At the Public Hearing, the officer involved will be invited to give voluntary testimony
- CAB then determines whether it sustains or does not sustain the PSB's investigation findings

CAB's Decision: What Happens?

- CAB submits its findings to City Commission and recommendations become public record
- CAB does not have disciplinary authority but will merely determine whether it concurs with PSB investigation
- Discipline of employee is generally determined solely by Chief of Police because it is a “personnel matter.”
- The City Commission may meet with the Chief of Police to discuss findings and seek additional remedies

Citizens' Appeal Board

