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**CITY of DAYTON, OHIO**  
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March 16, 2021

**TO:** Police Reform Working Group- Recruitment, Promotion, and Discipline

**FROM:** Ariel Walker  
Director, Office of the City Commission

**RE:** Recommendations on Recruitment

On February 2, 2021 the Recruitment, Promotion, and Discipline Working Group voted to put forward the following recommendations to the Dayton City Commission:

1. Ensure that an interview panel for police recruit selection is diverse and includes representation from the community alongside relevant city staff.
2. If a banding system is adopted for police recruit selection, explore ways to ensure that the process is not creating undue burden for applicants of color.

In reference to item 1, the City Commission Agrees. The City Commission directs the City Manager to work with Civil Service, the Dayton Police Department, and other necessary departments to create an interview process for police recruits. There is an understanding that this will increase the length of the interview process and encourage a process that is as timely as possible.

In reference to item 2, the City Commission Agrees that the City should explore ways to ensure that the banding process does not create an undue burden for applicants of color. Upon review of the recommendation that a band be expanded if a commensurate percentage of applicants of color are not represented, the City of Dayton Law Department has advised that this would not be constitutional (see references below). Selections can only be made based on merit and fitness as defined by the Ohio Supreme Court.

As all five Reform Committees continue their work and make recommendations, the City Commission is committed to providing updates during the due diligence and implementation process.

Thank you for your work on behalf of the City of Dayton.

Sincerely,



Ariel Walker

Cc: Ms. Dickstein, Mr. Parlette, Ms. Lofton, Ms. Doseck, Chief Biehl

References:

[The Ohio Constitution, Article 15 Section 10](#)

“Appointments and promotions in the civil service of the state, several counties, and cities, shall be made according the merit and fitness, to be ascertained as far as practicable by competitive examinations.”

[City of Dayton Charter, Article 10, Section 95 \(B\) 1](#)

“The competitive class shall include all positions and employment for which it is practicable to determine merit and fitness of an applicant by competitive examination.”

[City of Dayton Charter, Article 10, Section 96](#)

“The Board, subject to the approval of the Commission, shall adopt, amend, and enforce a code of rules and regulations, providing for appointment and employment in all positions in the classified service, based on merit, efficiency, character, and industry, which shall have the force and effect of law; shall make investigations concerning the enforcement and effect of this chapter and of the rules adopted. It shall make an annual report to the Commission.”

[Ohio Supreme Court, International Association of Firefighters, Local No. 136 V. Dayton Civil Service, 107 Ohio St. 3d 10, 836 N.E.2d 544, 547, Paragraph 22.](#)

“We agree that female or minority status does not of itself indicate merit, fitness, efficiency, character, or industry.”