

COMMISSIONERS

NAN WHALEY, MAYOR  
MATT JOSEPH  
JEFFREY J. MIMS, JR.  
CHRISTOPHER L. SHAW  
DARRYL FAIRCHILD

DIRECTOR  
CITY COMMISSION OFFICE  
ARIEL WALKER

CLERK OF COMMISSION  
RASHELLA LAVENDER



**CITY of DAYTON, OHIO**  
**OFFICE OF THE CITY COMMISSION**

101 WEST THIRD STREET • P.O. BOX 22 • DAYTON, OHIO 45401  
CITY HALL • (937) 333-3636 • www.daytonohio.gov

March 8, 2021

TO: Police Reform Working Group- Oversight

FROM: Ariel Walker  
Director, Office of the City Commission

RE: Recommendations Regarding Complaint Investigation

On January 27, 2021 the Oversight Working Group voted to put forward the following twelve recommendations to the Dayton City Commission (abbreviated below):

1. The City will hire an Independent Accountability Auditor (IAA) with autonomy over which cases they audit. They will report to the City Commission.
2. The IAA will have the experience needed to fulfill the responsibilities of the position and be trusted by the community.
3. A complaint will be received and entered into the unified complaint intake and tracking system
4. The IAA can review and audit the DPD's complaint routing process and decisions.
5. The IAA can recommend revisiting the routing decision made by DPD.
6. The IAA has the authority to observe and make recommendations to the PSB.
7. Once completed, DPD will make available to the IAA the final evaluation or report. The IAA will ensure that a citizen has all the documentation needed to file an appeal in the 30-day window if necessary.
8. The IAA will have authority to observe and review non-complaint investigations.
9. The IAA will watch closely for patterns and alert the Clerk of Commission of these in writing.
10. The IAA will submit a report to the Clerk of Commission each March and September 1<sup>st</sup> detailing the overall number of cases, their origination, how many were audited, and the outcomes and will be presented at a regular City Commission meeting.
11. The IAA will be requested to audit a variety of types of cases in order to ensure quality investigations and will inform the City Commission of any findings.
12. The IAA will sit on the Policy Review Committee.

In reference to items that relate to the position of Independent Accountability Auditor:

- In reference to items 1 and 2, the City Commission Accepts the recommendation to hire an Independent Accountability Auditor with autonomy. The City Commission Directs the City Manager to create an Independent Accountability Auditor position in the City of Dayton and identify an individual with the experience needed to fulfill the responsibilities of the position that is trusted by the community.
- The City Commission recognizes the reasoning behind the recommendation that the Independent Accountability Auditor reports to the City Commission. As all reform committee recommendations are submitted and implemented, we will work with the City Manager's office to finalize the location of such services in an appropriate location, to ensure staffing levels are available. The City Commission will report back to the Working Group.

In reference to items related to the Investigative process:

- In reference to items 3, 4, 5, 6, and 7, the City Commission Agrees. The City Commission directs the City Manager to work with the necessary departments to outline policy guidance for the Independent Accountability Auditor. This policy will include the following areas:
  - Once the unified complaint intake and tracking system is implemented, the Independent Accountability Auditor will enter the information into the system.
  - The Independent Accountability Auditor will be able to review and audit the DPD's complaint routing process and can recommend to DPD revisiting the routing decision.
  - The Independent Accountability Auditor will have access to the investigation while in-process through observation of interviews and review of reports, forms, or other paperwork related to the investigation.
  - The Independent Accountability Auditor can make recommendations to the Professional Standards Bureau and has authority to immediately intervene through a designated official at the Professional Standards Bureau. Unresolved concerns can be elevated to the Independent Accountability Auditor's senior leader.
  - The Independent Accountability Auditor provides oversight, but is not directly involved in an investigation and does not have organizational authority over Professional Standards Bureau personnel. Should a complaint escalate into a criminal investigation, the Independent Accountability Auditor will no longer be able to participate or provide oversight to the investigation.
  - Once the investigation has been completed, DPD will make available to the Independent Accountability Auditor the final evaluation or report. The Independent Accountability Auditor will audit the speed of the responses to complaints to ensure that they have all the information needed to file an appeal within the 30-day window.

In reference to the duties of the Internal Accountability Auditor:

- In reference to items 8, 9, 10, 11, and 12, the City Commission Agrees. The Independent Accountability Auditor will have the ability to observe and review both internally generated investigations as well as those initiated by a citizen. They will be charged with looking for patterns of misconduct or other areas for improvement. An audit report will be presented to the City Commission during a regular City Commission Meeting on the first Wednesday of both March and September. The report will contain a number of data points including but not limited to: the overall number of cases further identified as internally and externally generated, the number of cases audited, and the outcome of those cases. It is the goal of the Independent Accountability Auditor to review a variety of cases to ensure quality in all types of investigations and allow for the detection of patterns. This can be revisited by the City Commission at any time. The Independent Accountability Auditor will sit on the Policy Review Committee.
- The process for elevating these complaints will depend on the final location of the Independent Accountability Auditor function. As all reform committee recommendations are submitted and implemented, we will work with the City Manager's office to finalize the location of such services in an appropriate location, to ensure staffing levels are available. The City Commission will report back to the Working Group.

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.

Sincerely,



Ariel Walker

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