

Oversight Committee Meeting Minutes from September 11th, 2020

Committee Members Present: P. Bradley, M. Deffet, D. Foward, T. Griffith, Chair M. Joseph, M. King, C. Maragaño, Chair B. McClain, D. McDonald, K. Moss, R. Walker, J. White,

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

Chair Joseph called the meeting to order at 10:35am. There were no objections to the minutes from the previous meeting. Chair Joseph reminded everyone of the charter and asked for committee members to have cameras on. D. Foward's camera was non-operational, and Chair Joseph requested that L. VanderKaay assist in securing a microphone and camera for future use.

Chair Joseph then reminded committee members of their requested assignment to ask 3-5 individuals on their experience or estimation of the current complaint system. He then opened the floor to committee feedback.

T. Griffith shared that the people she spoke with knew to start at the police, perhaps by calling 911 or going to a website, however there were parts of the system they did not understand and would likely need clarification.

P. Bradley said that people he spoke to said to overwhelming go check the website and reiterated that it was important for the process to be transparent and available online. He also said that people would go to contacts in the City Commission office or the City Commissioners directly but said that he believed this was a rarity. Others said that depending on the severity they would go directly to the media.

K. Moss echoed similar feedback-some would contact the media, some would call 911, and others would make complaints in their area by flagging down a police cruiser near where they live.

Chair Joseph said these comments underlined the goal of having a consistent process for people to follow and is in line with previous comments by P. Saunders who said that people often call 911 or the media, and in general have expressed frustration in the process.

Chair Joseph then reviewed where the committee currently was in the process. The committee is currently looking at the complaint intake process, who is responsible for intakes, and community awareness of where to make complaints. This is the first of a three-part process, after which the committee will look at who handles/investigates complaints-including the possibility of a third party outside the City, and finally the committee will look at the Appeals Board makeup and structure. He thanked P. Bradley and M. King for their comments and questions regarding independent processes at the last meeting. He then turned it over to Chair McClain.

Chair McClain then reviewed the criteria being used to evaluate possible recommendations. They are below:

- A. Does the potential recommendation make the process more accessible to all? This includes people who would make anonymous complaints, where there has previously been some difficulty in everyone who wants to make an anonymous complaint feeling like the process was accessible.
- B. Does the potential recommendation make the process more transparent? This was identified as a critical criterion for a number of reasons. Chair McClain reiterated numerous comments and general feedback from the committee, including identifying a transparent model that people can look at (such as to HRC's 100-day process for action on cases as an example recommendation). Several people have mentioned improvements could include having more reportable and complete data, having some sort of timeline or notification for people currently going through the complaint process, and Chair McClain mentioned a previous comment made by P. Saunders who said in his experience there were people who were as upset if not more by the complaint process as opposed to crux of the complaint by the end of the process.
- C. Does the potential recommendation make the process more efficient at delivering results? Chair McClain reiterated feedback from people who have used or inquired about the current process who believed it to be inefficient and not streamlined.
- D. Does the potential recommendation increase trust in the process? Chair McClain mentioned feedback regarding people who do not currently trust the process, and would instead go to the media for assistance, and who hold a lack of trust around reporting issues with police.
- E. Does the potential recommendation increase the longevity of the process? Chair McClain said this criterion included a process that is sustainable and build bridges and pathways of cooperation through other continual systems in the city of Dayton and the surrounding areas.
- F. Has this process been efficiently used before by other cities? Has it withstood the test of time?

T. Griffith encouraged the committee to make a specific commitment to racial and economic accessibility, especially in how people relate to the process. She mentioned that in her experience, often people can feel like they are looked down upon because of their race or socioeconomic status, and that we are sensitive in this process to those concerns, especially people or are immigrants or illiterate.

Chair McClain suggested adding something specific to criterion A regarding equal access to all people.

P. Bradley reiterated that equity throughout the process as a specific commitment would increase transparency.

Chair Joseph asked how this would be different from criterion A as it currently stands.

P. Bradley suggested tweaking or rephrasing criterion A to define accessibility as equitable across all socioeconomic, racial, and ability levels, including the possible phrase “Equitably Accessible”.

Chair McClain and M. Deffet continued to clarify the language and agreed.

K. Moss asked why criteria A and B weren’t currently inclusive.

T. Griffith clarified her previous comment that she has had previous experiences in this system that is supposed to be unbiased, but in her experience and that of folks she has worked with, that is not the reality. People do not trust the system to be unbiased against them. She continued by saying that what we all want is an equitable system, and that is easy for the committee to say and agree with the intention of it be equitable, but if our intention is for that to truly be the case, we should be more intentional in stating that.

D. Forward did not have camera access but said he would follow up with committee staff regarding so. He then made comments clarifying whether this was regarding the Citizen’s Appeal Board.

Chair McClain said that we were not currently discussing the Appeals Board, and that we were in the complaint intake part of the process.

Chair Joseph said that we would look at the language for criterion A to reflect the wishes of the committee, but the committee otherwise approved the criteria. He then outlined the next task for the committee. Using the criteria just agreed upon by the committee, the committee then is asked to evaluate recommendations that have come forward from committee members and staff based on research and discussion. He then said that if a recommendation is more urgent, it may fit more than one criterion, but the efficacy of the recommendations should not be based on how many criteria they fulfill, but whether they meet at least one. This process will eventually lead to a ranking of importance of recommendations based on this evaluated criteria and will eventually lead to drafted recommendations that will go before the City Commission. He then asked all committee members to pull up the recommendation sheet.

Upon evaluating recommendation one (the stated policy of investigating anonymous complaints to the fullest extent and means possible), P. Bradley suggested it fulfilled criterion A, D, E, and F. Several committee members agreed. Chair Joseph also mentioned that this would lead to better data of overall trends.

M. Deffet mentioned that in the 3-5 people who he spoke to regarding the complaint process. He said that the sophisticated people he talked to knew that there was some kind of complaint process, but generally didn’t know what it looked like. He said that while recommendation one would be helpful, it wouldn’t necessarily affect the people he talked to. Regardless, he believed it was important to investigate as far as we can and as wide as we can.

Upon evaluating recommendation two, the committee agreed that criteria A, C, D, E, and F were applicable.

Upon evaluating recommendation three, P. Bradley said that this fulfilled all criteria, and reiterated D. Demmings' previous comments regarding this recommendation and the need for more accessible, and effective processes in regarding to the public

M. Deffet contributed that he believed this was the number one recommendation.

R. Walker then mentioned that the 3-5 individuals that he spoke to, including family members had no idea about the complaint process, and that this recommendation would be critical.

Upon evaluating recommendation four, the committee agreed it fulfilled criterion A.

Upon evaluating recommendation five, Chair Joseph said that he believed it fulfilled criteria B, D, and F. He mentioned that this would include big picture and specific data for complaints, and that other cities do structural reporting.

J. White asked that when cases are in process, is anything including the structure of the complaints available in the public record?

A. Blankenship responded that regarding pending investigations nothing is available in the public record, but post investigation just about everything is available in the public record.

Upon evaluating recommendation six, the committee agreed it fulfilled criteria B and D.

Upon evaluating recommendation seven, the committee agreed it fulfilled criteria B, C, and D. Various ways to implement this recommendation were discussed, including weekly emails sent out to people who have filed complaints.

Upon evaluating recommendation eight, the committee agreed it fulfilled criteria B and D.

Upon evaluating recommendation nine, the committee agreed it fulfilled all criteria. M. Deffet agreed that if fulfilled criteria A, E, and F. He also wanted to know how City records were retained were affected/similar to state and federal complaints of a similar nature. He also reiterated a previous concern regarding how long data and complaints were retained. He believed that it said in the FOP contracts that it can be removed from an officer's record in two years. He said that he believed that it should be retained forever, and that the community should be able to see if an officer has a history of misconduct accusations or based complaints. He said he believed this would be important for founded complaints, though he was not necessarily excluding unfounded complaints.

J. White said it might be important to keep records based on a classification of complaints based on the level of offenses, and that you could transfer out certain complaints that were of a less serious nature.

Chair McClain continued to clarify this comment that there was need for specific language laying out how complaints would be classified, for how long each level of complaints would be kept, and for how long officer information should and will be kept.

Chair Joseph said that committee staff would discuss on Monday during their executive call more specific language for this criterion for the committee to evaluate in the future. He said that the committee would air on the side of caution in order to have the strongest recommendations possible.

Upon evaluating recommendation 10, the committee agreed it fulfilled criteria B, D and E.

Upon evaluating recommendation 11, the committee agreed it fulfilled criteria B and D.

Upon evaluating recommendation 12, the committee agreed it fulfilled criterion A.

Upon evaluating recommendation 13, the committee agreed it fulfilled criteria A, C, D and F.

Chair Joseph then brought Recommendations 14 and 15 up for discussion.

R. Walker asked whether the language for a City third party that is non-police or City Manager's office include HRC, or would it also include a completely independent body?

P. Bradley brought up his previous concern for sustainability of funding for a new complaint system in either HRC or an independent party.

R. Walker said he wanted recommendation options that included both an option for HRC and a fully independent process for committee members to look at.

D. Foward said that a fully independent process of the city was of interest and priority to the NAACP and agreed that having verbiage on both would be important.

Chair Joseph offered another option of perhaps Mediation Center being another third party avenue and said this was another thing committee staff would get more specific language on, would present to the committee, and agreed to delay evaluating it on criteria until that more specific language.

Upon evaluating recommendation 16, the committee agreed it fulfilled all criteria.

Upon evaluating recommendation 17, the committee agreed it fulfilled criteria A and E. The use of 911 to activate a complaint process was used as an example.

Chair Joseph that reiterated two recommendations that committee staff would follow up for the committee: the first regarding data retention and complaints, and second being a possible non-police/City Manager city-complaint process and a non-city complaint process that would be brought back to the committee.

Chair McClain offered a point of order for committee members and encouraged them to keep an eye out for emails for suggestions and commitments regarding the various revised recommendations that committee staff would bring, and that the goal of the Committee is to bring as strong recommendations as possible. He reminded the committee that the next meeting will be September 29th from 5:00pm-6:30pm and adjourned the meeting at 11:55am.

Next Meeting: September 29th, 5:00pm-6:30pm.