

FINAL REPORT

APRIL 29, 2015

TABLE OF CONTENTS

Letter from the Co-Chairs	3
Letter from the Honorary Chairs	
Members of the Task Force	
Task Force Staff/Acknowledgements	
Overview	
Executive Summary	
Recommendations	
Strategies to Strengthen Trust between Communities and Law Enforcement	
Individual Task Force Recommendations	
Sara Andrews	30
Officer Brian S. Armstead	33
Tannisha D. Bell	44
Philip E. Cole	50
Representative Tim Derickson	53
Dr. Ronnie Dunn	59
Senator Cliff K. Hite	74
Reverend Damon Lynch III	89
Bernie Moreno	93
Councilwoman Amy Murray	
Bishop George Murry	114
Chief Michael J. Navarre	124
Honorable Ronald J. O'Brien	139
Chairman Andre T. Porter	142
Representative Alicia M. Reece	147
Honorable Tom Roberts	152
Sheriff Vernon P. Stanforth	159
Honorable Evelyn Lundberg Stratton	174
Senator Sandra Williams	178
Appendix A: Executive Order 2014-06K	192
Appendix B: Summaries of Task Force Public Forums	196
Appendix C: Written Testimony	229
Appendix D: Emails/Social Media	388
Appendix F : Supporting Documentation	464



OHIO TASK FORCE ON COMMUNITY-POLICE RELATIONS

Honorary Co-chair Honorable George V. Voinovich

Honorary Co-chair Honorable Louis Stokes

Honorary Co-chair Honorable Evelyn Lundberg Stratton

Co-chair NINA TURNER Former Ohio Senator

Co-chair
JOHN BORN
Director, Ohio Dept. Of Public Safety

SARA ANDREWS
Executive Director, Ohio Criminal Sentencing
Commission

BRIAN S. ARMSTEAD Officer, Akron P.D.

TANNISHA D. BELL Assistant Attorney General

PHILIP E. COLE Executive Director, Ohio Association of Community Action Agencies

TIM DERICKSON Representative

DR. RONNIE DUNN
Associate professor, Cleveland State University

CLIFF K. HITE Senator

REV. DAMON LYNCH III Senior Pastor, New Prospect Baptist Church

BERNIE MORENO President, Bernie Moreno Companies

ANTHONY MUÑOZ NFL Hall of Famer

AMY MURRAY Cincinnati Councilwoman

MOST REV. GEORGE MURRY Bishop, Roman Catholic Diocese of Youngstown

MICHAEL J. NAVARRE Chief, Oregon P.D.

PROSECUTOR RONALD J. O'BRIEN Prosecutor, Franklin Co.

ANDRE T. PORTER Chairman, Public Utilities Commission of Ohio

ALICIA REECE Representative

TOM ROBERTS
Ohio Civil Rights Commission

VERNON P. STANFORTH Sheriff, Fayette Co.

SANDRA WILLIAMS Senator April 29, 2015

Governor Kasich:

On behalf of the members of the Ohio Task Force on Community-Police Relations, and the citizens of Ohio, we thank you for the opportunity to serve as the Co-Chairs leading this most important charge of bridging the divide between the community and law enforcement. Over the last four months, it was an honor to serve with the other 22 extraordinary members of the Task Force who volunteered their time in service to this state.

Following this letter are the recommendations, research, supporting documentation, and most importantly, the underlying passion and intent of the citizens of Ohio, Task Force members, experts, and others who provided testimony and information to the Ohio Task Force on Community-Police Relations. There was open and honest dialogue about the challenges and pathways of opportunity. We heard the inspiring voices of our citizens and received their recommendations reflecting their hopes, fears and expectations. This report is very reflective of those voices. We listened.

In compliance with your Executive Order, the Task Force explored the cause of the fractured relationships between communities and law enforcement, examined strategies to strengthen trust between them in order to resolve the underlying causes of friction, and now provide you a report with recommendations and best practices available to communities. While the many pages of this report reflect the comprehensive nature of our collective examination, it is important to note that there was balance within all we heard, read, and received that resulted in the enclosed seven key areas. How these recommendations may be implemented are varied, but it is abundantly clear, as reflected in the recommendations, what needs to be done.

The recommendations, testimony, supporting documentation, and best practices outlined serve as a blueprint for action. It is our collective moral obligation to seek reconciliation, develop relationships, further understanding and build trust. These efforts require the unrelenting commitment of all Ohioans from all walks of life. This report serves as a strong foundation, as we move forward building the collective change that will make an even stronger Ohio.

Respectfully submitted,

Senator Nina Turner

Co-Chair

Director John Born

Co-**Ch**air



OHIO TASK FORCE ON COMMUNITY-POLICE RELATIONS

Honorary Co-chair Honorable George V. Voinovich

Honorary Co-chair Honorable Louis Stokes

Honorary Co-chair Honorable Evelyn Lundberg Stratton

Co-chair NINA TURNER Former Ohio Senator

Co-chair
JOHN BORN
Director, Ohio Dept. Of Public Safety

SARA ANDREWS
Executive Director, Ohio Criminal Sentencing
Commission

BRIAN S. ARMSTEAD Officer, Akron P.D.

TANNISHA D. BELL Assistant Attorney General

PHILIP E. COLE Executive Director, Ohio Association of Community Action Agencies

TIM DERICKSON Representative

DR. RONNIE DUNN
Associate professor, Cleveland State University

CLIFF K. HITE Senator

REV. DAMON LYNCH III Senior Pastor, New Prospect Baptist Church

BERNIE MORENO
President, Bernie Moreno Companies

ANTHONY MUÑOZ NFL Hall of Famer

AMY MURRAY Cincinnati Councilwoman

MOST REV. GEORGE MURRY Bishop, Roman Catholic Diocese of Youngstown

MICHAEL J. NAVARRE Chief, Oregon P.D.

PROSECUTOR RONALD J. O'BRIEN Prosecutor, Franklin Co.

Andre T. Porter

Chairman, Public Utilities Commission of Ohio

ALICIA REECE Representative

TOM ROBERTS
Ohio Civil Rights Commission

VERNON P. STANFORTH Sheriff, Fayette Co.

SANDRA WILLIAMS Senator April 29, 2015

Governor Kasich:

We thank you for the opportunity to serve as Honorary Chairs of the Ohio Task Force on Community-Police Relations to help Ohio find better ways to unite our communities and police. Most importantly, however, we want to thank you for providing Ohio's citizens with an unprecedented opportunity to express their opinions, frustrations, hopes, fears, ideas, and recommendations. It is a model of democracy.

As you know, we provided guidance to the Task Force Co-Chairs before and after each public forum and the subsequent business meetings of the Task Force. We provided ideas, recommended presenters and national experts, and our own reflections based on our life experiences. We were very impressed with the knowledge and the diverse experience of the Task Force members. The Task Force truly represented the great diversity of our state. Yet, we were most inspired by the people's voices and their desire to share their past experiences and knowledge in order to enrich our collective futures and to better Ohio.

The resulting report and recommendations, which resulted from the Task Force's diligence, serves as plan for action. Ohioans should be very proud and optimistic.

Sincerely,

Louis Stokes, Member, United States House of Representatives (retired)

Evelyn Lundberg Stratton

i Ather

Evelyn Lundberg Stratton, Justice, Ohio Supreme Court (retired)

George V. Voinovich, Senator, United States Senator (retired)

TASK FORCE MEMBERS

The Task Force was made up of the following members:

- The Honorable George V. Voinovich of Cleveland (Cuyahoga Co.), former U.S. senator, governor and mayor of Cleveland, Honorary Co-Chair;
- The Honorable Louis Stokes of Beachwood (Cuyahoga Co.), former member of Congress, Honorary Co-Chair;
- The Honorable Evelyn Lundberg Stratton of Columbus (Franklin Co.), former Ohio Supreme Court justice, Honorary Co-Chair;
- Director John Born of Lancaster (Fairfield Co.), Ohio Department of Public Safety, Co-Chair;
- The Honorable Nina Turner of Cleveland (Cuyahoga Co.), former Ohio senator, Co-Chair;
- Officer Brian S. Armstead of Akron (Summit Co.), Akron Police Department and member of the Fraternal Order of Police;
- Philip E. Cole of Columbus (Franklin Co.), executive director, Ohio Association of Community Action Agencies;
- Dr. Ronnie Dunn of Cleveland (Cuyahoga Co.), Cleveland State University associate professor, member of the NAACP Criminal Justice Committee;
- The Reverend Damon Lynch III of Cincinnati (Hamilton Co.), senior pastor, New Prospect Baptist Church;
- Bernie Moreno of Westlake (Cuyahoga Co.), president, Bernie Moreno Companies;
- Anthony Munoz of Cincinnati (Hamilton Co.), former Cincinnati Bengals football player, member of the Pro Football Hall of Fame;
- Councilwoman Amy Murray of Cincinnati (Hamilton Co.);
- The Most Reverend George Murry of Youngstown (Mahoning Co.), Bishop of the Roman Catholic Diocese of Youngstown;
- Chief Michael J. Navarre of Toledo (Lucas Co.), currently with the Oregon Police Department, formerly with the Toledo Police Department, member of the Ohio Association of Chiefs of Police;
- The Honorable Ronald J. O'Brien of Columbus (Franklin Co.), Franklin County Prosecutor;
- · Andre T. Porter of Gahanna (Franklin Co.), Public Utilities Commission of Ohio;
- Sheriff Vernon P. Stanforth of Washington Court House (Fayette Co.), member of the Buckeye State Sheriffs' Association;
- The Honorable Tom Roberts, Ohio Civil Rights Commission, Ohio Conference and Dayton Unit of NAACP;
 Political Action chairman;
- Senator Cliff K. Hite of Findlay (Hancock Co.), Senate President designee
- Senator Sandra Williams of Cleveland (Cuyahoga Co.), Senate Minority Leader designee
- · Representative Tim Derickson of Hanover Twp. (Butler Co.), House Majority designee
- Representative Alicia M. Reece of Cincinnati (Hamilton Co.), president, Ohio Legislative Black Caucus, House Minority Leader designee
- Sara Andrews of Columbus (Franklin Co.), Chief Justice's designee
- Tannisha D. Bell of Columbus (Franklin Co.), Attorney General's designee

TASK FORCE STAFF

The Office of Criminal Justice Services, led by Executive Director Karhlton F. Moore, provided administrative services, funds, staff, and other support services as necessary for the Task Force to carry out its mission:

Jacquetta Al-MubaslatAnjolie GordonDr. Lisa ShoafKatya BubelevaGary HeathJamie StanleyWalter BrownJim LuebbersTony VeljanoskiOliver CorbinKarhlton F. MooreAlan Wedd

Melissa Darby Kristina Nicholson

Carol A. Ellensohn Tim Sexton

ACKNOWLEDGEMENTS

The following experts provided testimony during the public forums or submitted written testimony to the Task Force for consideration:

Lt. Colonel David Bailey, Cincinnati Police Department

Attorney Barbara Bolling, President of the Indiana NAACP Conference

U.S. Attorney Steven Dettelbach, Northern District of Ohio

Attorney Alphonse Gerhardstein, Cincinnati, Ohio

Professor David Kennedy, Director the of Center for Crime Prevention and Control at the John Jay College of Criminal Justice (New York)

Sergeant Anita Madison, Toledo Police Department

Superintendent Garry F. McCarthy, Chicago Police Department

Attorney Samuel Shamansky, Cincinnati, Ohio

Professor Samuel Walker, University of Nebraska at Omaha

Lieutenant Mike Woody (Retired), Akron Police Department and President of Crisis Intervention Team (CIT)

The Task Force received support from other divisions of the Department of Public Safety, including the Director's Office, the Ohio State Highway Patrol, Communications, Legal and Fiscal. The following individuals from the Department of Public Safety assisted the Task Force in its work: Joe Andrews, Tim Bates, Major Michael Black, Andy Bowsher, Kristen Castle, Mark Contosta, Melva Dodd, China Dodley, Anna Firestone, Heather Frient, Chief of Staff Mark Gibson, Jeff Grayson, Barb Hamilton, Captain Gene Jarvi, Rick Imhoff, Kathy Ludowese, Barbara Milks, Assistant Director Joe Montgomery, Teresa Peters, Jessica Pierson, Colonel Paul Pride, Sergeant Jeff Reynolds, Tom Stiver, Kandee Tinkham, Holly Welch, Kelli Whalen, Renelda Woods, and Greg Wyatt.

The following universities hosted the Task Force's public forums and business meetings: Cleveland State University, Central State University, University of Toledo, University of Cincinnati, and The Ohio State University. The Task Force also received support from Cincinnati State Technical and Community College.

The Ohio Task Force on Community-Police Relations was formed by Governor John Kasich on December 12, 2014, to address the fractured relationships that exist between some communities and the police dedicated to serving them. The Task Force was formed after the tragic deaths of Tamir Rice in Cleveland and John Crawford III in Beavercreek. The deaths of these two Ohioans along with a number of other events from across the country served as the impetus for the creation of the Task Force. These events collectively, and the protests and public reaction that followed, also serve as a reminder of the difficult past that many people, have experienced with law enforcement. While these events from across the country are not indicative of the overwhelming majority of outstanding law enforcement professionals, they demonstrate the need for all of us to work together in order to move forward.

The charge of the Task Force was threefold:

- 1. To explore the cause of fractured relationships that exist between some law enforcement and the communities they serve;
- 2. To examine strategies to strengthen trust between communities and law enforcement in order to resolve the underlying causes of friction;
- 3. To provide the Governor with a report including recommendations about best practices available to communities.

The overarching goal of the work of this Task Force is to ensure the safety and security of Ohio's citizens. This basic tenet applies equally to the dedicated men and women of law enforcement as well as every citizen of this state. Communities are best able to thrive when their residents feel safe. One of the most effective ways to ensure that communities are safe is for law enforcement and citizens to work together to solve and prevent problems. There are ample examples of this type of collaborative effort in many communities across this state.

While the Task Force was formed in response to several tragic events in our state, it would be irresponsible to paint all law enforcement officers in a negative light. This state is overwhelmingly served by outstanding law enforcement officers who put their lives on the line every day to ensure our safety. They deal daily with difficult and dangerous situations and are in many instances the best part of a person's worst day. It takes a special person to be a good law enforcement officer. One goal of this report is to provide support to officers in order to enhance tools, training and the understanding they need and deserve to keep them and their fellow citizens safe, and to aid in enhancing their relationships with the communities they serve. At the end of each day, we want our law enforcement officers and the public to be able to go home to their families.

It is also important to listen to the concerns of our citizens, and to be informed by their collective experiences. Input for the development of this report comes from Ohio citizens and experts in the field. The public was asked to provide input in a variety of ways. A listening tour consisting of four public forums was held at the following venues: Cleveland State University; Central State University; University of Toledo and the University of Cincinnati. A public website was created to allow citizens to provide comments. Additionally, the hashtag #beheardohio was created in order to allow the public to participate through social media.







MEETING LOCATIONS





Many citizens provided specific instances when they felt mistreated and/or disrespected by law enforcement. The Task Force heard the difficult and emotional testimony of parents who lost their children during interactions with law enforcement. One young man's testimony at the public forum in Toledo was particularly compelling. He began his comments by commenting on the harmful and short-sided "stop snitching" campaign that unfortunately exists in too many neighborhoods in Ohio and across the country. He then said that law enforcement also engages in its own form of "stop snitching" by refusing to tell on fellow officers who engage in inappropriate behavior.

At each public forum, attendance ranged from 100 to nearly 200 citizens. Speakers providing testimony included persons directly or indirectly impacted by law enforcement, students and faculty, elected officials, and law enforcement officers, among others. Several common themes emerged from the testimony of the public speakers.

- 1. This Task Force is important and the members must take their charge seriously. The creation of this Task Force was felt to be long overdue. There was an overall expression of appreciation that an effort is being made to address this difficult issue; however, skepticism was expressed by some as to whether the Task Force can truly make a difference in instilling change in law enforcement at the local level.
- 2. Law Enforcement must be engaged with the community. Universally, it was felt that the police need to be more engaged with communities in which they work, and more than one citizen suggested they should live in the communities in which they work. Many cited the need for officers to better reflect the communities which they serve, but it was noted by Chief McCarthy of the Chicago Police Department that any officer should be able to go into any community and police it fairly and effectively. Several citizens also noted the need for law enforcement to have more positive interactions with youth at an early age so that these children begin to see police as someone they can trust. Citizens also noted that the community must make more of an effort to engage with law enforcement, and that mechanisms need to be in place to engage in open, honest dialogue.
- **3.** The community perceives race to be an issue among some police officers. Speakers at the public forums identified racism as underlying the fractured relationship between the community and police. Numerous examples were provided during public testimony to suggest that individuals in minority communities, compared to other communities, experience disparity in how they are treated by police.
- 4. Citizens perceive law enforcement to be procedurally unjust. Citizens spoke of being treated unfairly and disrespectfully by law enforcement, being subject to unspoken 'rules' to which they must abide, and being denied a voice when interacting with police. Over time, these factors generate citizens' perceptions of a procedurally unjust justice system. As a result, law enforcement officers are no longer viewed as legitimate authority figures. Citizens noted that transparency in agency policies and procedures is a critical step toward being viewed as being neutral and fair. In order for law enforcement to be viewed as just and fair, citizens were also adamant that officers be held accountable for their actions—administratively and criminally. This

sentiment for accountability was also echoed regarding the judicial process.

5. Training and resources for law enforcement are critical. Citizens realize that officers need resources, including equipment, in order to carry out their jobs effectively and safely. Training was identified as essential, particularly in the areas of threat assessment and de-escalation techniques, and in identification and interaction with persons who have a mental illness or a disability. Mike Woody, president of CIT (Crisis Intervention Team) International, stressed that while it is important for all officers to take part in the basic training on mental illness that is currently provided by the Ohio Peace Officer Training Academy (OPOTA), only a select few within each agency should be specially trained and designated as crisis intervention team officers to handle mental illness crisis calls. Mental health screenings and counseling should also be available for officers who may experience mental health issues themselves.

Task Force members generated their recommendations based, in part, on the invaluable information they received from these venues.



Above: The Ohio Task Force on Community-Police Relations assembles for the first public forum held at Cleveland State University on Jan. 20, 2015.

Right: Barbara A. Bolling, President of the Indiana NAACP Conference, speaks during the public forum held at Central State University on Feb. 9, 2015.





Above: The task Force on Community-Police Relations listens to public testimony during the public forum held at the University of Toledo on Feb. 26, 2015.

Right: Sgt. Anita Madison, Toledo Police Department, speaks during the public forum held at the University of Toledo on Feb. 26, 2015.







Above: Gov. John R. Kasich addresses the Ohio Task Force on Community-Police Relations at the Ohio Union on March 16, 2015.

Left: Superintendent Garry F. McCarthy, Chicago Police Department, speaks during the public forum held at the University of Cincinnati on March 9, 2015.

EXECUTIVE SUMMARY

Accountability and oversight: Action must be taken to ensure that agencies and officers will be held accountable by the communities they serve.

<u>Community education:</u> Create methods to establish the public's understanding of police policies and procedures and recognition of exceptional service in an effort to foster support for the police. Police officers and community members must become proactive partners in community problem solving.

<u>Community involvement:</u> There must be ongoing efforts by law enforcement and the community to build trust and strengthen relationships.

<u>Grand jury process</u>: The grand jury process shall be reviewed by the Supreme Court of Ohio, the Ohio Constitutional Modernization Commission, or appropriate governmental authority, as it applies to the use of force.

Recruiting and hiring: The State of Ohio shall require all law enforcement agencies to adopt, at a minimum, hiring policies. The State will develop a model policy on hiring to be used by law enforcement agencies.

Standards: The State of Ohio shall require all law enforcement agencies to adopt, at a minimum, policies including, but not limited to, the use of deadly force, with the goal of enhancing the protection of all lives. The State will develop a model policy to be used by law enforcement agencies.

<u>Training:</u> In order to allow officers to do their jobs safely and effectively, and to protect the public, the State of Ohio shall require a greater emphasis on, and investment in, training.

Accountability and oversight: Action must be taken to ensure that agencies and officers will be held accountable by the communities they serve.¹

Public and expert testimony recommendations

A clear and consistent theme throughout all four public forums was the need for law enforcement agencies and officers to be accountable for their actions. Transparency is a key element of accountability, and both public and expert speakers stated that the posting of policies and procedures, crime statistics, and critical incident information is a necessary step to becoming more transparent. Agencies should clearly articulate the process for filing complaints, and there should be an independent body, such as a citizen review board or a police monitor, to provide oversight of the complaint process. The speakers noted that when officers engage in misconduct, they should be held administratively, and, if appropriate, criminally accountable. Management needs to ensure that their officers are following procedure, and must use discipline when they are not. Agencies must have more authority to terminate bad officers.

Public and expert testimony discussed the importance of eliminating racially-biased policing. Agencies should get rid of policing strategies that disproportionately impact minorities, such as heavy arrests and sweeps, stops, specialized enforcement units, and quotas. Members of the public noted that Ohio should have anti-profiling legislation.

The timely, accurate, and ongoing release of information to the public on critical incidents is another very important step in being seen as transparent, and all law enforcement agencies should have a policy that emphasizes this. The use of body cameras by police departments was brought up by some citizens as a means of providing transparency to improve accountability, while others discussed the need to look closely at the policies and procedures of their use, particularly with regard to privacy and storage issues.

Public and expert speakers also spoke of the importance of having specially trained officers to interact with persons who have mental illness and other disabling conditions, as agencies must be accountable to all members of their community. Roughly 10 percent of the calls for which officers are dispatched involves a mentally ill person in crisis, and agencies can be found 'deliberately indifferent' by not having the ability to effectively interact with this population.

Proper oversight is a vital tool for gauging officer accountability. Oversight enables agencies to validate and reward excellent officer service as well as to identify and correct officer misbehavior. Community members stressed the importance of independent and unbiased investigations of officer misconduct, including officer-involved shootings. All officer-involved shootings should be investigated, and several suggestions were made regarding how this should be done, including the creation of legislation similar to Wisconsin Bill 409, which appoints a panel to investigate all such incidents.

Data collection is a key element of effective oversight, and both community and expert speakers identified the importance of statewide and local data collection efforts. The state must collect data on officer-involved shooting incidents in order to have a clear picture of the nature and extent of such incidents in Ohio. Agencies must collect data on officer misconduct and use of force incidents in order to

Please note that recommendations are not listed in order of priority.

identify and correct problematic officer behaviors. The public also suggested that agencies document all officer interactions with people who have disabilities or mental illness.

Public speakers also discussed the importance for agencies to ensure their officers are mentally healthy, given the stressful nature of their job. They suggested that agencies provide psychological and emotional counseling for their officers, as well as ways to manage and reduce stress. Supervisors must monitor their officers to ensure their continued mental health and well-being.

Task Force recommendations

The Task Force took all these valuable suggestions into account in developing their recommendations on accountability and oversight. Making information available to the public was seen by many Task Force members as an important step in increasing transparency. Body camera usage was another topic which a few Task Force members felt warranted further review, including consideration of their mandatory use. Several members commented on the need for specialized law enforcement units to interact with persons experiencing a mental health crisis, as officers must be accountable to all citizens.

Many Task Force recommendations involved data collection on the local or state level. Some Task Force members proposed the agency use of an early intervention information system as a data tool for anticipating officer misbehavior and preemptively intervening to correct it. Other recommendations included the creation of a statewide database of decertified officers, and data collection on racially-biased policing.

There were several recommendations offered by individual Task Force members that focused on accountability and oversight. One Task Force member recommended establishing best practices for officer discipline, and requiring law enforcement agencies to keep citizens who submit officer complaints to be kept abreast of the status of the internal affairs investigation. Another member recommended that all officers involved in a shooting or critical traffic accident submit to a blood draw, which could be used during the course of an investigation. One Task Force member recommended agency implementation of a 'no hands on' policy with regard to police contacts.

In addition to focusing on oversight of officer behaviors, Task Force members also stressed the importance of agency oversight regarding the mental and emotional well-being of its officers, which, when left unchecked, can compromise officer and citizen safety.

- Creating an ongoing body to continue to review the issue of community-police relations, and to
 monitor the implementation and progress of the final recommendations that come out of the
 Task Force. This body should include a cross-section of community members, law enforcement,
 academia, elected officials, and clergy.
- Using an outside prosecutor and an independent special investigation unit to ensure that police-involved uses of deadly force cases are conducted in an unbiased and proper manner.
- Creating an independent body for local jurisdictions, such as a monitor or a citizen review board, to investigate incidents alleging police misconduct, or in the absence of such a body, use the

resources of a state agency to conduct a civil/administrative investigation.

- Posting all departmental policies, including discipline policies, and crime statistics to make them easily accessible to the public, thus increasing their transparency.
- Creating specialized crisis units or officers (referred to as Crisis Intervention Teams, or CIT) to respond to mental health crisis situations, as it is vital for law enforcement agencies to be able to serve and protect persons who have mental illness.
- Implementing and regularly monitoring a standardized early intervention information system to anticipate and identify patterns of problematic behavior, in order to correct performance problems before they result in a serious form of misconduct.
- Creating a statewide database through which law enforcement agencies are required to report on all officer-involved shootings, in order to understand the nature and extent of such incidents. This database should be examined and reported on annually.
- Thoroughly investigating body camera policies and procedures to develop best practices for their use by law enforcement. Body cameras are being called for by the public as a tool to increase the transparency of law enforcement-citizen interaction; however, there are many unresolved questions regarding their use, including issues of privacy, storage capacity and duration, access to records, mandatory versus discretionary camera use, and cost, among others.
- Enacting anti-profiling legislation at the state level, to instill trust in the legitimacy of law enforcement. Such legislation should prohibit a law enforcement agency or official from targeting or stopping motorists or pedestrians on the basis of race, ethnicity, minority group status, religious affiliation, gender identity or sexual orientation, unless that status is used in combination with other identifying factors. The legislation should include data collection and annual training on biased policing.
- Collecting social demographic data on all involuntary, police-initiated contacts with citizens
 whether within the context of motor vehicle traffic, pedestrian, or bicyclist stops. Demographic
 data should be recorded on all vehicle stops where a warning is issued and on stops where a citation is issued in lieu of arrest. The data should be reported to the Ohio Attorney General's Office
 which will be responsible for analyzing and reporting on the data annually to the public. If an agency or officer is found to be engaging in discriminatory policing, remedial action should be taken.
- Creating a statewide database to allow law enforcement agencies to submit a detailed report
 whenever an officer is terminated or resigns in lieu of termination. This database shall include
 a description of the alleged misconduct and shall be available to any other law enforcement
 agency in the state.
- Offering officers access to trained professionals who can provide appropriate support and who
 can assess officers when deemed necessary, in order to protect and ensure their mental health
 and well-being.
- Enacting legislation that prohibits the use of quotas by all law enforcement agencies, given that
 the use of quotas can disproportionately impact minority communities and erode their trust in
 law enforcement.

<u>Community education</u>: Create methods to establish the public's understanding of police policies and procedures and recognition of exceptional service in an effort to foster support for the police. Police officers and community members must become proactive partners in community problem solving.

Public and expert testimony recommendations

In the forums, the public noted that not only is it important for law enforcement to understand the community in which they work, but it is also important for the public to understand the work that the officers do to keep the community safe. Increasing mutual understanding builds trust and respect and strengthens the community-police relationship. Several suggestions focused on creating positive educational interactions between police and youth. Teaching the community, and especially youth, the appropriate ways to interact when approached by an officer was viewed as valuable, and conversely, citizens also suggested that officers should be trained on how to better interact with the community they serve. It was also suggested that law enforcement teach the community about strategies they can use to make their communities safer.

Task Force member recommendations

Based on the community's input, the Task Force developed several recommendations to raise the community's awareness of law enforcement's daily activities. Specific emphasis was placed on positive engagement with youth in the community.

- Identifying and/or expanding appropriate and effective policing strategies, including community policing strategies, for use by local law enforcement, as heavy enforcement and arrests can increase community distrust of police, eroding their legitimacy. Some specific recommendations called for working with communities to develop culturally-specific strategies, and reviewing strategies of other communities that have successfully implemented community policing strategies, such as Cincinnati and Los Angeles.
- Teaching community members, including youth, how to interact with police, as unnecessary engagement or escalation of force between law enforcement and citizens can result if citizens do not know how to appropriately interact with police. A variety of ways were proposed to achieve this, including the development of informational cards, the creation of a media campaign, and the teaching of this information in driver education classes.
- Allowing community members, including youth, to view videos of officer stops and take part in law enforcement ride-alongs and simulation exercises, followed by discussions with law enforcement regarding their perceptions and experiences of these activities, to increase their awareness and understanding of law enforcement officers' daily activities and duties.
- Having communities review the Department of Justice findings of cities such as Cincinnati, Cleveland, Philadelphia, Ferguson, and others, to learn from them the steps they took to improve community-police relations.

•	Creating public service announcements for local media outlets that focus on improving understanding between the community and police.	

<u>Community involvement:</u> There must be ongoing efforts by law enforcement and the community to build trust and strengthen relationships.

Public and expert testimony recommendations

Speakers at each of the four public forums clearly articulated the need for law enforcement to be engaged with the community, and public and expert testimony revealed ways in which this could be accomplished. Suggestions included requiring the officer to be from the community in which he or she works, or having officers assigned to neighborhoods for long periods of time to develop relationships with residents and business owners. Allowing officers to volunteer in the communities in which they work was another idea brought forth. Public and expert speakers also noted the importance of ensuring that the composition of a law enforcement agency is reflective of the community it serves. Several suggestions focused on creating positive interactions between police and youth, such as offering school-based and community-based programs that focus on prevention and anti-violence, developing a law enforcement mentoring program with youth, and encouraging law enforcement to have a presence in schools and school-related events that goes beyond enforcement.

As some citizens and law enforcement officers noted, the community-police relationship is a two-way street, and both parties need to make an effort to reach out to one another. Suggestions were made regarding venues in which citizens and law enforcement could come together. The development of neighborhood safety plans was offered as a way to promote community involvement in developing strategies to address crimes.

Task Force recommendations

The Task Force expanded upon these suggestions in generating recommendations. Their recommendations focused on ways to encourage law enforcement officers to be engaged with their community and their schools, as well as the need to increase funding for the purpose of hiring community policing officers. One Task Force member recommended the establishment of youth advisory councils to allow youth to have a voice in the law enforcement process and to help bring up issues that need to be addressed in their communities. Another Task Force member recommended the development of a statewide campaign aimed at both the community and law enforcement that targets acts of discrimination, bullying, workplace hostilities, and violence, similar to the Department of Homeland Security's "If You See Something, Say Something" program.

- Encouraging ongoing dialogue among local community members, law enforcement, and other representatives of the criminal justice system, including judges, using roundtable discussions, community events, block watch meetings, and other organized gatherings.
- Increasing opportunities for law enforcement to interact positively with youth in the community and in schools, through appropriate and effective programming, including mentorships, as youth are often the focus of law enforcement activity.

<u>Grand jury process:</u> The grand jury process shall be reviewed by the Supreme Court of Ohio, the Ohio Constitutional Modernization Commission, or appropriate governmental authority, as it applies to the use of force.

Public and expert testimony recommendations

Speakers at the public forums expressed concerns about the grand jury process. To many, the grand jury process is perceived as unfair on several levels. Officers and prosecutors work together, and thus, investigations of officer misconduct by the prosecutor are seen as biased. Grand juries are closed to the public, and for this reason are perceived as secretive. One public speaker suggested educating the community on the grand jury process, and others discussed the need to make the details of the grand jury proceedings available to the public at their conclusion. Another member of the public recommended disallowing officers to waive their right to a full jury in an officer-involved death. In addition to holding law enforcement officers accountable for their behaviors, some suggested that there needs to be more prosecutorial accountability, and that perhaps there should exist an oversight committee for prosecutors, similar to that which has been recommended for law enforcement.

Task Force recommendations

While the focus of the Task Force was specific to community-police relations, it became evident during the public forums that further analysis of the judicial process, and in particular the grand jury process, is necessary. With this in mind, the Task Force developed their recommendations. Several recommendations were offered by individual members. One Task Force member recommended amending Rule 6 of the Rules of Criminal Procedure to permit the Presiding or Administrative Judge of the court of common pleas upon request of the prosecutor to be present and preside over grand jury proceedings when it is in the interest of justice, with the judge bound by secrecy as well, unless the court orders otherwise. Another Task Force member recommended abolishing the grand jury and replacing it with a preliminary hearing, which is a transparent and open process. A Task Force member suggested judicial budgets should be removed from local governance to elevate judges away from local influences. Another member encouraged diversity in the composition of grand juries, as well as educating the grand jury about its right to ask for more information and witnesses.

- Judicial oversight of the grand jury process.
- Creating an open and transparent grand jury process by authorizing the release of the grand jury testimony when, in the interest of justice, there is a particularized need, and the safety of witnesses would not be impacted.
- Requiring a grand jury to review all officer-involved deaths or serious injuries, in the absence of an independent investigation.

<u>Recruiting and hiring:</u> The State of Ohio shall require all law enforcement agencies to adopt, at a minimum, hiring policies. The State will develop a model policy on hiring to be used by law enforcement agencies.

<u>Public and expert testimony recommendations</u>

Members of the community stressed the importance of having a law enforcement agency whose officers reflect and relate to the community they serve. At the same time, they recognized the difficulty some communities have in recruiting minority and female officers. Posting an agency's diversity statistics was seen as a necessary step to identify discrepancies between an agency and its community. Numerous tactics were suggested to increase the recruiting and hiring of female and minority candidates. Some also felt it important to hire officers who live in the communities they would serve. Ensuring the hiring of qualified officers is important, some also mentioned screening officers for racist attitudes and behaviors.

Task Force recommendations

Task Force members concurred with the need to recruit a more diverse police force that is reflective of its community. They had several ideas on how to increase recruiting, particularly in school settings. Some offered ideas on residency incentives, and one Task Force member suggested requiring officers to live in the communities they work. Task Force members also felt changes are needed in the hiring process, particularly with regard to pre-screening and testing of candidates.

- Engaging in best practice efforts to recruit qualified, diverse persons reflective of the community—beginning in middle school and high school, and continuing in college—for those who have an interest in pursuing a career in law enforcement. Recruiting efforts should focus on female and minority candidates, and economic incentives may be used to encourage candidates to pursue a college degree. Individual Task Force members made the following suggestions:
 - Using human resource experts to validate civil service exams for job requirements and to permit appointing authorities to hire a diverse work force.
 - Broadening educational requirements to allow for non-college experiences.
 - Implementing a pre-hire education seminar or counseling process to familiarize applicants with the hiring process.
 - Increasing transparency in the hiring process by being more forthcoming when someone does not pass the background phase.
 - Providing internships for minority youth at local law enforcement agencies.
 - Providing a full scholarship to any public Ohio university for qualified minority or female candidates of urban communities, followed by a four-year commitment in law enforcement in an urban Ohio community.
 - The use of a media campaign targeting minority youth with a message about making a difference in communities through a career in law enforcement.

- Creating minimum hiring, testing, and pre-screening policies for use by law enforcement agencies that include psychological assessments, including implicit bias pre-screening, physical fitness assessments, extensive character, employment, and criminal background investigations, and assessments of bias in order to ensure that candidates are physically, emotionally, and mentally fit.
- Restoring local funding sources and creating new funding sources to focus on the hiring of additional officers, so that agencies can increase the number of officers devoted to community policing.
- Providing residency incentives for hiring officers living within the jurisdiction, in order to encourage law enforcement officers to be more engaged with the community they serve.

<u>Standards:</u> The State of Ohio shall require all law enforcement agencies to adopt, at a minimum, policies including, but not limited to, the use of deadly force, with the goal of enhancing the protection of all lives. The State will develop a model policy to be used by law enforcement agencies.

Public and expert testimony recommendations

Standards can help ensure behavior accountability and maintain a culture of integrity. Given the complexity of policing, speakers at the public forums called for developing policies and procedures to ensure the consistency and quality in investigating use of force. Expert testimony suggested that all agencies adopt a formal policy on de-escalation.

Task Force recommendations

In response to the public's concerns, Task Force members developed recommendations on use of force as well as the release of information to the public. Task Force members also felt it important to ensure that officers have the resources necessary to conduct their jobs safely and effectively. One Task Force member recommended requiring each agency to have a written policy regarding investigations of officer-involved deaths. Another member recommended having policies and best practices for officer discipline. One Task Force member recommended the state should set a minimum requirement for each municipality to maintain in terms of equipment, and that the state should identify cutting-edge technology that will allow officers to do their jobs better, safer, and more effectively. Another Task Force member recommended establishing a statewide protocol on how to communicate with the public regarding police-involved shootings.

- Reviewing and/or revising policies regarding justifiable use of force, with a goal of enhancing the
 protection of the lives of officers, suspects, and the public. Consider having all agencies adopt a
 formal policy on de-escalation.
- Adopting an agency policy for the release of information to the public, as per the State's Public Records Law (ORC 149.43), in recognition that providing timely, complete, and accurate information to the public in the aftermath of a critical incident is important to maintaining a trusting relationship with the community. Public records laws should be amended to provide for the release of the investigative information upon completion of any criminal and administrative action taken.
- Ensuring the availability of sufficient resources to allow officers to conduct their jobs safely and effectively.

<u>Training:</u> In order to allow officers to do their jobs safely and effectively, and to protect the public, the State of Ohio shall require a greater emphasis on, and investment, in training.

Public and Expert Testimony Recommendations

The need for additional law enforcement training was identified by community members at each of the four public forums. Public testimony focused primarily on specific types of training that should be provided to officers. One area of training centered on improving the quality and nature of interactions with diverse populations, including those with mental illness or other disabling or developmental conditions. Appropriate training on interacting with youth was stressed by some, who mentioned the need for a developmentally informed approach to interacting with children to protect them and advance their well-being. Other areas of training that were mentioned include cultural competency and diversity training, incorporating training on bias, and threat assessment and de-escalation/less-lethal techniques, among others. Recommendations of current and former law enforcement officers concurred with these training needs.

Task Force recommendations

Task Force members developed numerous recommendations regarding training topics as a result of the insight they gained from the public and expert testimony. Recommendations were given by some regarding the structure and function of the Ohio Peace Officer Training Commission. Numerous Task Force members expanded on their training recommendations to include detail on the length and frequency of basic and advanced training, and specific training was recommended for chiefs and sheriffs. A few noted the need to work collaboratively with the Ohio Attorney General's Advisory Group on Law Enforcement Training. Also recommended by some members was the creation of a resource center to provide training and technical assistance to officers and agencies. There were a few recommendations provided by individual Task Force members. One recommendation discussed expanding the authority of the Ohio Peace Officer's Training Curriculum over advanced training and basic academies. Another recommendation suggested the development of a training video created by law enforcement executives discussing successful management of controversial officer-involved shooting deaths. Another focused on the creation of state run and funded training academies.

- Evaluating the members of the Ohio Peace Officer's Training Commission for possible expansion to ensure diversity, community representation, and alternative perspectives so that the Ohio Peace Officer Training Commission has the expertise to identify necessary training for all law enforcement officers. Suggestions include a diversity officer, an expert in civil rights law or designee from Ohio Civil Rights Commission, a member of the Fraternal Order of Police, an expert in child and adolescent development, and a public representative.
- Assigning the Task Force to work with the Ohio Attorney General's Advisory Group on Law Enforcement Training to identify and develop training topics for basic and advanced courses for all law enforcement.

- Requiring 40 hours of training for newly appointed chiefs and sheriffs, to include diversity training and emphasis on historical perspectives and law enforcement-community relations.
- Developing training on community policing for executive-level chiefs and sheriffs to ensure their understanding and recognition of this way of policing.
- Re-evaluating the minimum hourly requirement for both basic and advanced training.
- Increasing or including in the basic training curriculum the following topics:
 - Interacting with the mentally ill and others with disabilities using Crisis Intervention Team principles
 - Interacting with adolescents, including training on the principles of child and adolescent development and how this impacts police-youth interactions
 - Diversity and cultural competency/sensitivity, with emphasis on historical perspectives and community-police relations
 - Interpersonal relations and the issue of race
 - Biases, including implicit bias
 - · Threat assessment
 - De-escalation techniques and alternatives to deadly force, including Tasers and verbal communication
 - Policing non-violent demonstrations
 - Standards for lawful vehicle and stop-frisk detentions
 - When to engage in a foot pursuit
 - Personal stress management and stress reduction
- Increasing the minimum yearly continuing professional training requirement and mandating continuing professional training in the following areas:
 - Diversity and cultural competency/sensitivity, with emphasis on historical perspectives and community-police relations
 - Interacting with the mentally ill and others with disabilities using Crisis Intervention Team principles
 - Use of force scenario and reality-based training
 - De-escalation techniques and alternatives to deadly force, including Tasers and verbal communication
 - Police-community relations and building partnerships in the community
 - Legal updates
 - Narcotics
 - Problem-oriented policing

- Precision driving
- Self-defense
- · Hand-to-hand fighting skills
- Weapon retention
- Threat assessment
- · Biases, including implicit bias
- Responding to confrontations involving a weapon that is not a firearm
- Policing non-violent demonstrations
- Standards for lawful vehicle and stop-frisk detentions
- When to engage in a foot pursuit
- · Personal stress management and stress reduction
- · Active shooter
- Developing statewide standards for establishing training on cultural competency, including a certification process for contractors seeking to provide such training, to ensure quality.
- Coordinating efforts across criminal justice agencies, including the Ohio Attorney General's Office, to review the funding needed to accomplish training requirements, should training be increased and/or mandated.
- Establishing an 'incubator' or resource center to provide training, resources, and practical assistance to agencies and governments across the state, in order to keep them informed and up-to-date on the latest policing strategies and techniques.

STRATEGIES

Strategies to strengthen trust between communities and law enforcement

There is growing evidence to suggest that some traditional approaches to policing can harm community-police relations. Tactics that are perceived to be enforcement-heavy and result in mass arrests can reduce the legitimacy of police in the eyes of the public. The following policing strategies have been identified as promising or "evidence-based," meaning that research has demonstrated their effectiveness when the strategies are implemented with fidelity.

<u>Problem-oriented policing.</u> Unlike the 'standard,' primarily reactive and incident-driven model of policing, problem-oriented policing requires police to be proactive in identifying and responding to problems in the community. Eck and Spelman's (1987) SARA model identifies the four steps involved in implementing problem-oriented policing: <u>S</u>canning to identify and prioritize potential problems; <u>A</u>nalysis of the problem to determine appropriate responses to the problem; <u>R</u>esponse by police to develop and implement the appropriate intervention to solve the problem; <u>A</u>ssessment to determine if the response worked.² There are variants of this model that are used for problem-solving, but they all generally focus on identifying the problem, developing and implementing a strategy, and assessing the success of the strategy.

Problem-oriented policing strategies have been used to address a variety of crime issues, including gun and violent crimes, perpetrated by a small number of active offenders in relatively small geographical units. While the focus of these strategies may differ across agencies, they all stress data-led, proactive investigation and enforcement rather than reactive calls for service.

Community Initiative to Reduce Violence (CIRV). The CIRV model has been implemented in many cities across the country and several cities here in Ohio. The following cities have implemented CIRV in Ohio: Canton; Cincinnati; Dayton; Toledo and Youngstown. CIRV incorporates several evidence-based strategies that include a type of problem-oriented policing known as focused deterrence. The idea behind focused deterrence strategies is that police focus their efforts on deterring a small, particularly active group of offenders causing the majority of the trouble in the community by clearly communicating to them swift, certain, and severe consequences if they engage in specific criminal activity. Many focused deterrence strategies combat violent crime caused by gangs or other organized groups, but the strategy can be tailored to the specific needs of the community. The CIRV strategy appeals to law enforcement and communities for a number of reasons. First, it requires law enforcement and the community to work together to reduce crime. This aids in building relationships between the community and law enforcement, and helps to build trust and understanding. Second, because the strategy is laser focused, it allows law enforcement to make more efficient use of its limited resources. This focus also appeals to the community because the law abiding members of the community do not feel unfairly targeted as they do during large sweeps. The strategy also seeks to deter criminal behavior and thus avoids mass incarceration by focusing on the very small population of high-rate offenders committing the majority of crimes.

² Eck, J.E. & Spelman, W. (1987). *Problem Solving: Problem-Oriented Policing in Newport News*. Washington, D.C.: Police Executive Research Forum.

STRATEGIES

<u>Place-based policing strategies.</u> lace-based policing strategies, sometimes referred to as hot spots policing, is similar in many respects to focused deterrence strategies in that there is a focused concentration of enforcement effort, but the focus is on a specific geographical area with high crime rather than a specific group of offenders committing crimes. There is no single hot spots strategy; rather, the specific tactics for implementing such a strategy vary across contexts. Another type of place-based policing is directed patrol, which typically targets geographical areas larger than hot spots, such as neighborhoods.

Police legitimacy and procedural justice training. When the community feels it is being treated fairly and equally by police, they will view law enforcement as being legitimate. As a result, the public has trust and confidence in the police and views the police as honest and hardworking. They defer to the law and to the authority of police. And they believe that police actions are moral and appropriate. Communities of color, such as the black community, that have historically experienced inequality and unjust treatment, will often view law enforcement with cynicism, feeling they are illegitimate, unresponsive, and ill-equipped to ensure public safety.³

Law enforcement, likewise, experience frustration. Systemic, social factors outside of law enforcement's control, such as educational, health, and economic disparities, create inequalities in our most troubled communities. However, the criminal justice system often becomes the primary source for addressing the crime and violence issues that are symptomatic of these underlying problems.⁴

There is pressure for police chiefs to do what is needed to reduce crime and violence and bring criminals to justice. This sometimes translates into high enforcement and arrests, which are the traditional tools available to them. Overuse of these tools can exacerbate feelings of mistrust for law enforcement and thus reduce public support for police. When residents of a community do not trust or respect the police, they are less likely to cooperate with police, to provide information, to reach out for assistance or to report a crime, making it more difficult for law enforcement to do their job effectively and ultimately making the community less safe. This, unfortunately, may lead some police to believe that residents do not care about their own communities.

Procedural justice is a means to attaining legitimacy. People want their side of the story to be heard by police. People want to know that officers are acting neutrally and that decisions made by an officer are being applied fairly. People want to be treated with respect and dignity. And people want officers to be sincere and caring about their needs and concerns. Police legitimacy is not only an ideal, but is functionally and operationally important in facilitating public cooperation with police and a citizen's willingness to obey the law.⁵

Training would allow law enforcement to better understand the concepts of procedural justice and police legitimacy. This will enable the police to build stronger relationships with the communities they serve.

³ Kirk, D.S., & Papachristos, A.V. (2011). *Cultural Mechanisms and the Persistence of Neighborhood Violence*. American Journal of Sociology, 116(4), 1190-1233.

⁴ National Network for Safe Communities. Racial Reconciliation. Retrieved from http://nnscommunities.org/our-work/innovation/racial-reconciliation.

⁵ Tyler, T. (2004). Enhancing Police Legitimacy. The ANNALS of the American Academy of Political and Social Science, 593, 84-99

STRATEGIES

<u>Community-oriented policing.</u> Community-oriented policing focuses on close collaboration between the community and law enforcement in working together to solve problems impacting the community. Three aspects of community policing characterize most programs: 1) some level of community involvement; 2) decentralization, which can give increased discretion to line officers; and 3) problem solving.⁶ While specific community policing activities have not been associated with dramatic impacts on crime, they may allow police to incorporate principles of procedural justice into their interactions with citizens, which can lead to improved police-community relations.

Cities across the country are implementing these strategies to strengthen police-community relations. The following pages highlight the work of three such cities that have developed innovative programs to address this important issue. These cities recognize that police alone cannot solve a city's crime problems, but rather that it takes a combined, collaborative effort between the police and the community.

<u>Cincinnati Collaborative Agreement.</u> The purpose of the Cincinnati Collaborative was to reduce the friction that existed between some members of both the community and the Cincinnati Police Department, and to foster a safer community where mutual trust and respect is enhanced among citizens and police.⁷ There were five goals of the Collaborative:

- Police officers and community members will become proactive partners in community problem solving
- Build relationships of respect, cooperation and trust within and between police and communities
- Improve education, oversight, monitoring, hiring practices, and accountability of the Cincinnati Police Department
- Ensure fair, equitable, and courteous treatment for all
- Create methods to establish the public's understanding of policies and procedures and recognition of exceptional service in an effort to foster support for the police.

Significant police reform was accomplished as a result of the Collaborative and the efforts of the Collaborative partners. The Cincinnati Police Department began to implement community problem-oriented policing, and officers received training using the SARA model as the process for community problem solving. They revised use of force policies, improved use of force investigation protocols, and developed use of force training. The Department worked to eliminate biased policing, particularly with regard to persons stopped by police, and they collected data on all such stops. The Department deployed Mental Health Response Teams. They created the Citizen Complaint Authority, comprised of seven citizens appointed by the Mayor and approved by City Council, a full-time Executive Director and support staff, and a team of professional investigators, to investigate serious interventions by police officers and to

⁶ Center for Evidence-Based Crime Policy. Community Policing and Procedural Justice. Retrieved from <a href="http://cebcp.org/evidence-based-policing/what-works-in-policing/research-evidence-review/community-policing/what-works-in-policing/research-evidence-review/community-policing/what-works-in-policing/research-evidence-review/community-policing/

Retrieved from http://www.cincinnati-oh.gov/police/linkservid/27A205F1-69E9-4446-BC18BD146CB73DF2/showMeta/0/

⁸ City of Cincinnati, American Civil Liberties Union Foundation of Ohio, & Fraternal Order of Police. (2007). Collaborative Agreement Parties Announce Transition Period Plan. [Press Release]. Retrieved from http://www.cincinnati-oh.gov/police/linkservid/CA88DFA8-EA4D-4D38-B1F380C658A81D91/showMeta/0/

STRATEGIES

review and resolve all citizen complaints in a fair and efficient manner. They instituted an employee early warning system. The department made police policies and crime statistics available and accessible to the public. The Community-Police Partnering Center was established to develop and implement strategies to reduce crime and disorder while facilitating positive engagement and increased trust between the police and neighborhoods. They established the Cincinnati Initiative to Reduce Violence, or CIRV, an evidence-based strategy centered on the partnership between the community, law enforcement, and social service providers, as they work together to denounce violence in their city.

Los Angeles Police Department. The Los Angeles Police Department has two units focused on community-police relations: the Community Policing Unit and the Community Relations Section. The Community Policing Unit provides information and training on community policing. The Community Relations Section incorporates several community policing strategies in their effort to identify, reduce, eliminate, and prevent problems that impact community safety and order. The department's Community-Police Problem Solving program trains officers to use the SARA model. Community-Police Advisory Boards are comprised of residents and businesses that help facilitate the flow of information between law enforcement and the community. The department hosts Senior Lead Officer Summits twice a year with Senior Lead Officers and key community stakeholders in each of 18 city neighborhoods to discuss the most significant problems in each of the neighborhoods. Police and Community Collaborative Teams consist of small groups of Senior Lead Officers, community representatives, and a local city council representative to find ways to address problems identified at the summits. The police department also divides these 18 neighborhoods into smaller units which are permanently assigned one patrol car to provide services in this area. A coordinator works with these officers and others to identify crime and quality of life problems.

Chicago Alternative Policing Strategy (CAPS). The Chicago Police Department created the Chicago Alternative Policing Strategy, or CAPS, to bring the police, the community, and other city agencies together to identify and solve neighborhood crime problems, rather than simply react to their symptoms after the fact. Problem solving at the neighborhood level is supported by a variety of strategies. Beat officers are given long-term assignments in neighborhoods to allow them time to develop relationships with residents and business owners. They conduct regular beat community meetings involving police and residents to exchange information on crime and disorder problems and to develop strategies to combat the problems using a model similar to the SARA problem solving model. Extensive training for both police and community are also provided through CAPS. Mandatory training is given to officers on procedural justice and police legitimacy. Through the Integrated Community Engagement Training Program, community engagement efforts are refocused to encourage community members to have greater involvement.

⁹ Los Angeles Police Department. Community Policing Unit. Retrieved from http://www.lapdonline.org/support_lapd/content_basic_view/731.

¹⁰ Chicago Police Department. What is COPS? Retrieved from https://portal.chicagopolice.org/portal/page/portal/ClearPath/Get+Involved/How+CAPS+works/What+is+CAPS



Problem to address: Grand Jury process Recommendation (Please include justification why this will address the problem): Recommend the Ohio Constitutional Modernization Commission examine and review the grand jury process and submit proposed amendments, if necessary. Does this recommendation require: Legislative Action: YesX□ No□ Executive/Administrative Action: YesX□ No□ Additional funding required: Yes□ NoX□ Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 1 of 3 Party responsible for implementation (you may choose more than one): Governor □ AG □ Legislature X□ Association □ College/University □ Local Government Other: Submitted by: Sara Andrews



Problem to address: Public confidence in justice system

Recommendation (Please include justification why this will address the problem): Ohio Judges, with the support of the Ohio Judicial Conference, will convene local, regional roundtables with justice system and community leaders, to seek ways to improve public confidence, support transparency and accessibility and promote public education in the justice system.
Does this recommendation require: Legislative Action: Yes□ NoX□ Executive/Administrative Action: Yes□ NoX□ Additional funding required: YesX□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 2 of 3
Party responsible for implementation (you may choose more than one): Governor □ AG □ Legislature □ Association □ College/University □ Local Government □ Other: X□ judiciary and judicial conference
Submitted by: Sara Andrews



Problem to address: Procedural Fairness: transparency and public confidence of local justice system processes – ie. Courts, law enforcement, municipal government.

Recommendation (Please include justification why this will address the problem): The recommendations of the Task Force on the Funding of Ohio Courts, established by Chief Justice O'Connor in 2014, are forthcoming. Therefore, if the problem is not addressed in those recommendations, the Task Force should include initiating the collection of data to identify critical local justice system processes and improve information available on the impact of those processes – such as the availability of information regarding code violations, bond schedules and basic rights to the public as well as the impact to local government budgets of forfeitures, fines and fee schedules in the next steps.



Problem to address: Minority representation in law enforcement does not match the racial make-up of our State. It has been difficult to attract minority candidates into the profession.

Recommendation (Please include justification why this will address the problem): This problem can be addressed in numerous ways to widen the net to attract minority candidates: 1) Establish law enforcement training programs at minority high schools, similar to the Explorer Posts that exist today and provide the funding to make this successful. 2) Create and fund internships for minority youth at local law enforcement agencies that wish to pursue a career in law enforcement. 3) Establish a media relations campaign that targets minority youth with a message about making a difference in our communities through a career in law enforcement.

Does this recommendation require: Legislative Action: Yes X No□ Executive/Administrative Action: Yes X No□ Additional funding required: Yes X No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mo important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor X AG Legislature X Association College/University Local Government X Other: Click here to enter text.
Submitted by: Ohio Fraternal Order of Police and Brian Armstead, member of the Task Force on Community – Police Relations



Problem to address: Oftentimes peace officers are only seen by young community members when taking enforcement actions, leading to a negative opinion of law enforcement officers and conversely, law enforcement officers often only see young community members when they are taking enforcement action, leading to a negative opinion of youth.

Recommendation (Please include justification why this will address the problem): Expand Governor Kasich's Community Connectors program that provides mentorships to young students to include local law enforcement agencies. Using law enforcement officers to provide a mentor to a young student may make the world of difference to the young person and to the officer.

Does this recommendation require: Legislative Action: Yes X No□ Executive/Administrative Action: Yes X No□ Additional funding required: Yes X No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mo important). Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor X□
AG □
Legislature X
Association
College/University □
Local Government X
Other: Click here to enter text.
Submitted by: Ohio Fraternal Order of Police and Brian Armstead, member of the Task Force on



Problem to address: The best deterrent to a law enforcement use of force is another officer being present. The incidents of force being used decrease when enough officers are present to deter aggression. It also lessens the amount of force needing to be used when more officers are present. Ohio has lost thousands of officers in the last 5-6 years due to the downturn in the economy and the loss of local government funds provided by the State of Ohio, coupled with a decrease in federal grant funding. The downsizing of Ohio's law enforcement agencies have reduced services and programs, like community policing units all across Ohio. D.A.R.E. does not exist in the vast majority of Ohio today due to this and other reasons. Agencies are concentrating only on core services, like responding to calls and investigating the most major of crimes due to this.

Recommendation (Please include justification why this will address the problem): Restore local government funding for use by local political jurisdictions to hire and deploy law enforcement officers, enabling officers to concentrate on community relationship building and partnerships and other positive programs that increase trust and positive interactions between the police and the community.

Does this recommendation require:
Legislative Action: Yes X No□
Executive/Administrative Action: Yes X No
Additional funding required: Yes X No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mo important): Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor X□
AG □
Legislature X
Association
College/University □
Local Government X
Other: Click here to enter text.
Submitted by: Ohio Fraternal Order of Police and Brian Armstead, member of the Task Force on Community – Police Relations



Problem to address: Political jurisdictions that use their law enforcement officers to generate revenue for the operation of the jurisdiction, it creates many unnecessary negative contacts between law enforcement and the community, often the segments of the community that can least afford fines and penalties. This was the cause of many of the underlying issues in Ferguson, Missouri.

Recommendation (Please include justification why this will address the problem): Enact legislation that prohibits the use of "quotas" by all law enforcement agencies. No law enforcement officer should be mandated to issue citations or make arrests for the purpose of reaching some "activity" goal that is in reality a mandate to raise revenue.

Does this recommendation require: Legislative Action: Yes X No□ Executive/Administrative Action: Yes X No□ Additional funding required: Yes X No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important). Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor X AG Legislature X Association College/University Local Government X Other: Click here to enter text.
Submitted by: Ohio Fraternal Order of Police and Brian Armstead, member of the Task Force on Community – Police Relations



Problem to address: Ohio has over 30,000 law enforcement officers throughout the state. Many do not have the basic, less-lethal equipment options that are created to give officers the ability to use less force in emergency situations. Without those options, these incidents are much more dangerous for officers and the citizen.

Recommendation (Please include justification why this will address the problem): Provide funding to provide every law enforcement officer adequate equipment that will give him/her options to the use of deadly force.

Does this recommendation require: Legislative Action: Yes X No□
Executive/Administrative Action: Yes X No
Additional funding required: Yes X No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor X□ AG □
Legislature X
Association
College/University □
Local Government X
Other: Click here to enter text.
Submitted by: Ohio Fraternal Order of Police and Brian Armstead, member of the Task Force on Community – Police Relations



Problem to address: There is a big lack of understanding between the community and law enforcement on what actions cause specific reactions. Most policing tactics have never been explained to the community. This lack of understanding contributes to community tensions and mistrust.

Recommendation (Please include justification why this will address the problem): Columbus Division of Police has a program called "Bridging the Gap" and the Long Beach, California Police Department sponsors a program called "Why'd You Stop Me" and each attempt to bring information to young people to increase the level of trust and understanding between the police and them. Our recommendation is to create similar training programs and present it to all Ohio 9th and 10th grade students and adequately fund this program to make it successful. Also, create and fund public service announcements for local media outlets educate the using the same principles as found in these training programs.

Does this recommendation require:
Legislative Action: Yes X No□
Executive/Administrative Action: Yes X No□
Additional funding required: Yes X No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mos
important): Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor X□
AG □
Legislature X
Association □
College/University □
Local Government X
Other: Click here to enter text.
Submitted by: Ohio Fraternal Order of Police and Brian Armstead, member of the Task Force on Community – Police Relations



Problem to address: Community Policing strategies have been declining in use in Ohio's cities and counties due to the fact that Community Policing is very manpower intensive. This strategy has been found to have a great deal of impact in building community and police partnerships and relationships but the funding from the federal government has dwindled to almost nothing and there has never been state funding for this purpose. There has been a lot of testimony and comment both to and from this Task Force about the need to re-double the efforts to engage in community policing in our cities and counties and that is supported strongly by the Fraternal Order of Police. However, it cannot just be mandated without giving the tools needed by local jurisdictions to make successful.

Recommendation (Please include justification why this will address the problem): Create a grant process that awards one (1) million dollars per Ohio House District each year of the Ohio biennial budget (for a total of \$198 million dollars) to Ohio's local law enforcement agencies within those districts for hiring and deployment of sworn officers specifically for community policing efforts. This would fund at least one thousand, one hundred (1100) officers in our state to work specifically on building community partnerships, which would have a tremendous impact on our state in a variety of positive ways. If Ohio wants this kind of immediate action to bolster community partnerships, it needs to commit the resources necessary to make it happen.

·
Does this recommendation require:
Legislative Action: Yes X No□
Executive/Administrative Action: Yes No
Additional funding required: Yes X No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most
important). Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor X
AG □
Legislature X
Association
College/University □
Local Government □
Other: Click here to enter text.
Submitted by: Ohio Fraternal Order of Police and Brian Armstead, member of the Task Force on

Community - Police Relations



Problem to address: Recent changes in sentencing has reduced the potential penalties for causing harm to Peace Officers and additional laws need strengthened to protect Peace Officers as well. If the assaults on officers and deadly situations in which officers find themselves in were reduced, officer involved shootings and other uses of force would be reduced.

Recommendation (Please include justification why this will address the problem): Increase the penalty for Assaulting a Peace Officer and the victim is a peace officer or an investigator of the bureau of criminal identification and investigation, the penalty would be a felony of the 4th degree with a mandatory prison sentence of at least 12 months. If serious physical harm would occur as a result of the commission of this offense, then the penalty would be a felony of the 3rd degree with a mandatory sentence of at least of at 24 months. Increase the penalty for Aggravated Menacing where the victim is a peace officer or an investigator of the bureau of criminal identification and investigation and the offenders uses a deadly weapon to a felony of the 4th degree. This recommendation is aimed at those who point weapons at a peace officer and that crime is currently a misdemeanor. Increase the penalty for Resisting Arrest to a felony of the 5th degree when the offender uses violence against the law enforcement officer. (Non-violent resisting arrest would still be a misdemeanor of the 2nd degree)

Does this recommendation require: Legislative Action: Yes X No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes X No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mos important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor X AG Legislature X Association College/University Local Government Other: Click here to enter text.
Submitted by: Ohio Fraternal Order of Police and Brian Armstead, member of the Task Force on



Problem to address: Ohio Peace Officers Training Commission does not have enough input from the community and law enforcement practitioners.

Recommendation (Please include justification why this will address the problem): Change the make-up of the Ohio Peace Officers Training Commission from its existing composition of: Two Police Chiefs; Two Sheriffs; the Superintendant of the Ohio State Highway Patrol; a Special Agent in Charge of the Federal Bureau of Investigation; a member of the public and a representative of the Ohio Department of Education to a new composition of: Change the make-up of the Ohio Peace Officers Training Commission from its existing composition of: Two Police Chiefs; Two Sheriffs; the Superintendant of the Ohio State Highway Patrol; a Special Agent in Charge of the Federal Bureau of Investigation; Two members of the Fraternal Order of Police; three members of the public, one of which must be from the Ohio Civil Rights Commission and a representative of the Ohio Department of Education. Adding members of the Fraternal Order of Police to the Commission is necessary because they represent the people who are doing the training and receiving the training and have the direct knowledge of what the problems law enforcement are having in our communities. Adding additional members of the public to the Commission is necessary because they have the most knowledge of how police training is impacting their community.

Does this recommendation require: Legislative Action: Yes X No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No X
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor X AG Legislature X Association College/University Local Government Other: Click here to enter text.

Submitted by: Ohio Fraternal Order of Police and Officer Brian Armstead, member of the Ohio Task

Force on Community-Police Relations



Problem to address: Basic Training for all Ohio Peace Officers can be improved by adding mandatory topics of instruction for every single person who becomes a Peace Officer in our state. There are several topics of instruction that can be increased to better train our Peace Officers to serve our citizens.

Recommendation (Please include justification why this will address the problem): Increase the basic training curriculum in every Ohio Basic Peace Officer Academy by: 1) Twelve (12) hours of training on interacting with the mentally ill, using the C.I.T. principles. 2) Four (4) hours of training in diversity and cultural competency and this curriculum will be developed by O.P.O.T. C. and the Ohio Task Force on Community/Police Relations.

Does this recommendation require: Legislative Action: Yes□ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor □ AG X Legislature □ Association □ College/University □ Local Government □ Other: X The Ohio Task Force on Community-Police Relations
Submitted by: Ohio Fraternal Order of Police and Officer Brian Armstead, member of the Ohio Task

Force on Community and Police Relations



Problem to address: Continuing Professional Training for active Ohio Peace Officers is lacking. Attempts to bolster this through casino funds have been blocked by those with other training priorities. This program can be funded through using all of the existing training funds generated by casino taxes and developing other sources of revenue. This program was designed to give local governments the ability to train officers on emerging and important topics and community-police relations is an extremely important topic. The current law allows for the Ohio Peace Officers Training Council to mandate twenty-four (24) hours of annual training in total and eight (8) of those 24 hours can be mandated on a certain topic(s) provided that funding is available. The funding that goes back to local agencies is \$20 per hour, per officer. That funding must be dedicated to training purposes only.

Recommendation (Please include justification why this will address the problem): Mandate that all Peace Officers receive Continuing Professional Training in the following topics: 1) Four (4) hours of training in diversity and cultural competency in 2015 and once every five (5) years thereafter. 2) Four (4) hours of training on interacting with the mentally ill with emphasis on tactics to minimize the use of force when possible in those situations in 2015 and once every five years thereafter. 3) Four (4) hours of training in the use of force that includes scenario based exercises and reality based shoot/don't shoot scenarios in 2016 and once every five (5) years thereafter. 4) Four (4) hours of training in tactics to reduce the use of force to be conducted in 2016 and once every five (5) thereafter. 5) Four (4) hours of training on building partnerships in the community in 2017 and once every five (5) years thereafter. All of this training needs to be conducted through the existing Continuing Professional Training fund and program that currently exists.

and program that currently exists.
Does this recommendation require: Legislative Action: Yes□ No□
Executive/Administrative Action: Yes X No
Additional funding required: Yes X No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important). Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor X AG X Legislature X Association College/University Local Government Other:
Submitted by: Ohio Fraternal Order of Police and Officer Brian Armstead, member of the Ohio Task

Force on Community and Police Relations



Problem to address: Click here to enter text.
Police training
Recommendation (Please include justification why this will address the problem): Click here to enter text.
It is recommended that this Task Force follow the recommendations of the Attorney General's Police Training Task Force. That task force has worked with experts from the community, clergy, and law enforcement to examine the current police training policies and to make recommendations on what changes should be made. The recommendations are now available.
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mos important): 1
Party responsible for implementation (you may choose more than one): Governor □ AG ☒ Legislature □ Association □ College/University □ Local Government ☒ Other: □ Click here to enter text.
Submitted by: Tannisha Bell, Section Chief Crime Victim Services Section Attorney General Mike DeWine's Office



Problem to address: Click here to enter text.
During the listening sessions, community members voiced concerns over the perceived lack of accountability for law enforcement officers.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
Set minimum standards, or establish best practices, for officer discipline. Allow the standards to be made available to the public.
Citizens who make complaints should be updated of the status of the investigation by internal affairs. The policies and procedures of IA should be made available to the public.
These recommendations demonstrate transparency to the public and it allows the public to be assured that disciplinary action will be taken for officers who do not follow the law.
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes⊠ No□
Again, funding may be required in order to create websites for police departments or to update websites with the recommended information.
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor ☒ AG ☐ Legislature ☐ Association ☐ College/University ☐ Local Government ☒ Other: ☐ Click here to enter text.
Submitted by: Tannisha Bell, Section Chief, Crime Victim Services Section, Ohio Attorney General

Mike DeWine's Office



Problem to address: Click here to enter text.
Communities perceive that there is a lack of transparency in law enforcement agencies.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
Law enforcement agencies should have department policies and procedures (those that will not compromise officer safety) online for the public to view.
Does this recommendation require: Legislative Action: Yes□ No⊠ Figure 1 the (Administrative Action) Mo□
Executive/Administrative Action: Yes□ No□ Additional funding required: Yes⊠ No□
Additional funding may be needed for departments to update (or create) websites:
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mos important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor ⊠
AG ⊠
Legislature □ Association □
College/University □
Local Government ⊠
Other: Click here to enter text.
Submitted by: Tannisha Bell, Section Chief Crime Victim Services Section Attorney General Mike DeWine's Office



Problem to address: Click here to enter text.
Officers are not familiar with the communities that they are policing. Communities often lack trust in local law enforcement.
Recommendation (Please include justification why this will address the problem): Click here to enter text. Strengthen community-oriented policing. Officers should become familiar with the communities that they police. There is a need for school resource officers Officers should be based in the community and accessible to residents. Community events with local police agencies.
All of these recommendations will strengthen relations between police and communities, thus building trust and having more productive relationships.
Does this recommendation require: Legislative Action: Yes□ No⊠ Executive/Administrative Action: Yes□ No⊠ Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor □ AG □ Legislature □ Association ⊠ College/University □ Local Government □ Other: □ Click here to enter text.
Submitted by: Tannisha Bell, Section Chief, Crime Victim Services Section

Attorney General Mike DeWine's Office



Problem to address: Click here to enter text.
Additional information is needed on those who choose to enter into police academies and who wish to be police officers. Pre-screening should done before a person is admitted into a police academy, not after.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
The recommendation is to mandate pre-screening for those choosing to become officers. The screening should include, but not be limited to: psychological testing, implicit bias testing, and a behavioral assessment. Pre-screening will allow police academies to immediately identify those who may not be fit to protect and serve the public. The goal is to eliminate those deemed not fit before they are admitted into academies.
Does this recommendation require: Legislative Action: Yes□ No□ (maybe) Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor ⊠ AG ⊠ Legislature ⊠ Association □ College/University □ Local Government ⊠ Other: □ Click here to enter text.
Submitted by: Tannisha Bell, Section Chief, Crime Victim Services Section

Ohio Attorney General Mike DeWine's Office



Problem to address: Click here to enter text.
The lack of diversity in law enforcement.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
Increase recruitment efforts for minorities. An ideal place to recruit minorities is in high schools and colleges. Having school resource officers in schools give juveniles the opportunity to interact with a member of law enforcement and to learn more about the profession. Additionally, some of the best talents are found on college campuses, so recruitment efforts should expand to colleges and universities.
Does this recommendation require: Legislative Action: Yes□ No⊠ Executive/Administrative Action: Yes□ No⊠ Additional funding required: Yes□ No□ Unsure
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor □ AG □ Legislature □ Association □ College/University ⊠ Local Government ⊠ Other: □ Click here to enter text.
Submitted by: Tannisha Bell, Section Chief, Crime Victim Services Section, Ohio Attorney General Mike DeWine's Office

49



<u>Problem to address</u>: This recommendation will address the issues of training, community involvement, communications and trust between the law enforcement community and the communities they serve. There is a lack of understanding of cultures of our neighborhood communities, especially minority communities, and of the culture of law enforcement. To bridge this gap, Ohio must encourage true dialogue between all the communities, particularly focusing on the gaps between actions in the communities and perceptions by law enforcement.

Recommendation: Some of the training conducted through simulations should be conducted in public schools and other meeting places including churches. In this training, a simulation of a developing situation would be played, stopped at the appropriate time and both the police and the students or other community members present would discuss what each saw in the simulation, what they believe would happen next and why. They would then state what they would do in the situation and predict the outcome. After this discussion, they would return to the simulation and watch the actions taken and the outcome. They would then continue the discussion. Throughout the simulation and scussions, to promote understandings, all parties would have to discuss the "who", "what", "where" and "why" of their statements, actions they would propose and outcomes they predict. Understanding comes with communication, explanations and efforts to understand. This action and others of this type promote understanding and open communications, both of which are needed to promote better community-police relations.

Does this recommendation require:
Legislative Action: Yes□ No⊠
Executive/Administrative Action: Yes⊠ No□
Additional funding required: Yes□ No□ If funding is required, it should be minimal
Recommendation Rank: #1

Party responsible for implementation (you may choose more than one):

Governor ⋈

Submitted by: Phil Cole, Executive Director, Ohio Association of Community Action Agencies.



<u>Problem to address</u>: The problem to be addressed is the possible overreaction by police in encounters with citizens, especially minorities. In testimony at the public hearings, we heard of numerous unnecessary stops. We need to mitigate the effects of bias on these encounters and, hopefully, reduce the numbers of violent encounters. The Las Vegas Metropolitan Police Department (LVMPD) has implemented a policy called "No Hands On" that appears to have had a measurable effect. This was reported in the September 6, 2014 *National Journal*. We need, at the very least, to request the Attorney General or the Department of Public Safety to study this policy.

Recommendation The "No Hands On" policy says that whenever possible, the police officer pursuing a suspect cannot be the same officer to apprehend a suspect or use force. Las Vegas found that the pursuing officer tends to be more aggressive in their apprehension techniques. In large, urban areas there are usually enough officers near a given scene for this practice to work. People are less likely to resist multiple officers and the presence of other officers tends to mitigate the tendency to use too much force by an officer working alone. It fits with the stand back and reassess strategy currently being discussed after recent shootings. The "No Hands On" policy along with intensive trainings, communicating with the local population, Crisis Intervention Trained officers, and other things, has helped lead Las Vegas to a significant reduction in use of force incidents. They declined from 1,400 in 2005 to 842 in 2012. This is worth further study by Ohio.

Does this recommendation require:
Legislative Action: Yes□ No□
Executive/Administrative Action: Yes□ No□
Additional funding required: Yes⊠ No□
Recommendation Rank: #2
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG ⊠
Legislature ⊠
Association ⊠
College/University ⊠
Local Government ⊠
⊃ther: □ Click here to enter text.

Submitted by: Phil Cole, Executive Director, Ohio Association of Community Action Agencies



<u>Problem to address</u>: This recommendation is to address the standards for law enforcement. While it is true that formal education does not teach common sense, we should not belittle the knowledge gained by an appropriate college degree. Students who major in criminal justice, sociology or a limited number of other degrees related to law enforcement or criminal justice, who have expressed their intention to enter careers in law enforcement, should be encouraged to begin as patrol officers. Most take the criminal justice degree and plan to work for the FBI or another agency that is not necessarily local. A more educated and well trained force is better than one lacking either of those two important characteristics.

Recommendation: To encourage highly qualified individuals to begin by learning Ohio's communities, Ohio should offer additional economic incentives to graduates of criminal justice and related bachelor degree programs who have shown an intention to enter the criminal justice field and are willing to serve as patrol officers. This should include a strong loan forgiveness program (in addition to any offered now) for serving three years and, in the case of minority graduates, also offering one time payments of an additional bonus above regular salary after the completion of their first year. Having eople in the field with strong educational backgrounds, including formal education in forensics and elated areas, should provide local police departments with knowledgeable people in the field and higher up if they are promoted. This recommendation should only be offered to graduates who previously demonstrated a desire to work in law enforcement as it requires people who are truly interested in the profession and have actual understanding of the risks involved.

Does this recommendation require:
Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes□ No□
Additional funding required: Yes⊠ No□
The General Assembly should designate some funding for this and start it as a pilot program in
Cleveland or Cincinnati.
Recommendation Rank: #3
Party responsible for implementation (you may choose more than one):
Governor
AG □
Legislature ⊠
Association □
√ollege/University □
Local Government □

Submitted by: Phil Cole, Executive Director, Ohio Association of Community Action Agencies



Problem to address:
Poor relationship between Community leaders and Law Enforcement officials
Recommendation (Please include justification why this will address the problem):
 On-Going 'task-force" like meetings held locally, hosted by law enforcement and community leaders Law enforcement to offer "ride-alongs" to community leaders for insight and perspective Academies and local law enforcement to provide "Simulations", allowing community leaders to experience the need to make rapid assessments and possible life saving decisions.
Does this recommendation require:
Legislative Action: Yes□ No⊠
Executive/Administrative Action: Yes□ No⊠ Additional funding required: Yes□ No⊠
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 1
Party responsible for implementation (you may choose more than one):
Governor □ AG □
Legislature □
Association □ College/University □

Local Government
Other: □
Submitted by: Tim Derickson



Problem to address:
Lack of relationships between Law enforcement and children in school
Recommendation (Please include justification why this will address the problem):
Increase Law Enforcement presence in Ohio schools with programs like DARE (but not necessarily the DARE curriculum). We could utilize a RFP to help identify curriculum being used in schools.
Does this recommendation require: Legislative Action: Yes□ No□ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 2
Party responsible for implementation (you may choose more than one): Governor ☒ AG ☐ Legislature ☐ Association ☒ College/University ☐ Local Government ☐ Other: ☐
Submitted by: Tim Derickson



Problem to address:
Poor relationships between community and local law enforcement agencies
Recommendation (Please include justification why this will address the problem):
Consider expanding the "Cincinnati model" as a Pilot Program outside Cincinnati.
Does this recommendation require:
Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes□ No□ Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mos
important): 3
Party responsible for implementation (you may choose more than one): Governor ⊠
AG □
Legislature ⊠ Association ⊠
College/University
Local Government Other:
Other:
Submitted by: Tim Derickson



Problem to address:
Poor relationships between law enforcement and community
Recommendation (Please include justification why this will address the problem):
Further review the L.A. model briefly described at the Task Force meeting
ration fortion the E.F. throad briefly addented at the vacal error meeting
Does this recommendation require:
Legislative Action: Yes□ No⊠
Executive/Administrative Action: Yes No
Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mos important): 4
important). 4
Dorty rean enable for implementation (you may shoose more than and):
Party responsible for implementation (you may choose more than one): Governor ⊠
AG ⊠
Legislature □
Association □
College/University □
Local Government □
Other:

Submitted by: Tim Derickson



Problem to address: Bias-Based Policing, i.e. Racial Profiling

Testimony was given at each of the four public forums held throughout the state of police-citizen encounters entailing allegations or indications of racial profiling. Ms. Barbara Bolling, Esq. and President of the Indiana NAACP presented data from the national NAACP's report on racial profiling, "Born Suspect." This report highlighted the racial disparities in involuntary police-citizen stops, i.e. "stop-and-frisk" and traffic stops. In addition a number of young African-American males spoke passionately about being racially profiled by police. Particularly compelling was the experience shared by the mother of a recently discharged Navy veteran, who also relayed his story of being detained and physically abused by a police officer.

The most frequent contact the average citizen has with the police occurs as a result of a traffic stop. Nationally, approximately 40 million persons 16 years of age or older had a face-to-face encounter with police in 2008, the most recent year for which this data is available, 59 percent of which resulted from a traffic stop or accident. Although allegations by minorities, particularly Blacks, that they are singled out by law enforcement for disparate treatment is not a new phenomenon, as evidenced by the 1968 Kerner Commission Report, the increased use of "pretextual stops" by law enforcement since the mid-1980s as a tactic in the "War on Drugs," has exacerbated the already historically adversarial relationship between police and the African-American community and brought racial profiling to the forefront as one of the most contentious social and political issues confronting local law enforcement and public officials across the nation (Dunn & Reed, 2011).¹

Federal survey data between 2002 and 2008 shows that while black, white, and Hispanic motorists are stopped by police at similar rates, Blacks and Hispanics are more likely to have their vehicles searched and receive a traffic citation than are White motorists. The research literature has also consistently shown that minorities are no more likely and often less likely to be in possession of drugs, guns, or other forms of contraband than are whites. Skolnick and Fyfe,² identify routine traffic stops, and stops of suspicious vehicles as two of the most frequent and "potentially violent situations," (PVs) between police and citizens. Central to addressing the current crisis of police use of deadly force against unarmed citizens is to monitor, and where it is not in response to a specific, known, and articulable violation of local, state, or federal law, reduce the frequency of these involuntary police-citizen interactions.

In a 1999 study commissioned by the Ohio Legislature to examine the extent of racial profiling in the state, Dr. David Harris found that "no police agency of any size in Ohio kept any data that included the race of drivers subjected to police stops," (Harris, 2002). While some agencies may have since begun to collect the relevant data, it undoubtedly is not collected in a uniform, systematic, and consistent manner in jurisdictions throughout the state. Using municipal court traffic citation data, Harris found that African-American motorists were disproportionately stopped and ticketed by police relative to their percentage of the driving-age population and were anywhere from 1.8 to 2.04 times as likely to be ticketed as were other motorists in the cities of Columbus (Franklin County), Dayton, Toledo, and Akron.

¹ Dunn, R. A., & Reed, W. L. (2011). Racial Profiling: Causes & Consequences. Dubuque, IA: Kendall-Hunt Publishing Co.

² Skolnick, J. H., & Fyfe, J. J. (1993). Above the Law: Police and the Excessive Use of Force. New York: The Free Press.

³ Harris, D. (2002). Profiles in Injustice: Why Racial Profiling Cannot Work. New York: The New Press.

Similarly, while the relevant racial demographic data was not available through the municipal court in Cleveland at the time of Harris' study, subsequent studies conducted once this data was available found significant racial disparities in the ticketing of Black motorists in comparison to non-Black motorists. Two studies I conducted analyzing racial traffic ticketing patterns in Cleveland (2004 & 2012) and surrounding suburban jurisdictions in Cuyahoga County (2012), which used a more precise measure of the driving population than Harris' study, found that ticketing of Blacks exceeded the expected proportion relative to their percentage of the driving population by 45% and 53% in the respective studies. Blacks were also 2.13 and 2.55 times as likely to be cited by police as were White motorists in these studies (Dunn, 2004⁴; Dunn & Reed, 2011; Dunn, 2012⁵).

Recommendation (Please include justification why this will address the problem):

It is recommended that anti-profiling legislation be enacted at the state level. Ohio is one of 20 states that do not have racial profiling legislation at the state level. This legislation should require the collection of social demographic data on all involuntary, police-initiated contacts with citizens whether within the context of motor vehicle traffic, pedestrian, or bicyclist stops. Demographic data should be recorded on all vehicle stops where a warning is issued and on stops where a citation is issued in lieu of arrest. This data should be reported to the Ohio Attorney General's Office which will be responsible for analyzing and reporting of this data annually and made available to the general public. If an agency or officer is found to be engaged in discriminatory policing remedial actions including retraining, or disciplinary actions etc., should be taken to eradicate the biased practices. These measures will provide for the systematic and uniform collection of racial demographic data on all traffic stops as well as enhance accountability and transparency to ensure that neither individual officers nor law enforcement agencies engage in practices of biased or discriminatory policing against any persons either intentional or unintentional. Legislation designed to address this problem was researched and drafted in 2014 by then State Senator and current Task Force co-chair Nina Turner and State Senator Sandra Williams both of Cleveland. This bill however was not introduced in the General Assembly. It is therefore recommended that this Task Force adopts and endorses that legislative bill or uses it as a template on which to develop a bill with the requisite components and language to address the problem or concerns of bias-based policing (see attached legislative bill).

⁴ Dunn, R. A., (2004). Spatial Profiling: *To What Extent Do The Cleveland Police Department's Traffic Ticketing Patterns Target Blacks?* Unpublished doctoral dissertation, Cleveland State University.

⁵ Dunn, R. A., & Riebel, D. (2012). An Analysis of Traffic Ticketing Patterns in Selected Jurisdictions Within Cuyahoga County. Unpublished manuscript, Cleveland State University.

Does this recommendation require:				
`_egislative Action: Yes⊠ No□				
Executive/Administrative Action: Yes⊠ No□				
Additional funding required: Yes⊠ No□				
			•	
Recommendation Rank (Please provide a rank for each	h of your recommendati	one in order of impor	tance with #1 hei	മെ ന്നമ
important): #1		ons in order or impor	tance with #1 ben	19 11100
,				
	-h +h	anali		
Party responsible for implementation (you may	cnoose more than	i one).		
Governor 🗵				
AG ⊠				
Legislature ⊠		*		
Association □			•	
College/University □				
Local Government □				
Other: Click here to enter text.				
Submitted by: Dr. Ronnie A. Dunn		·		



Problem to address: Investigation of deaths involving law enforcement officers. A number of police involved shootings resulting in the death of unarmed citizens has contributed to a climate of distrust and questioning of the legitimacy of law enforcement officers within certain communities both nationally and within the State of Ohio. Protests were held throughout the state in response to the shooting deaths of John Crawford III in Beavercreek, Ohio and Tamir Rice in Cleveland. While the latter case is still under investigation, the grand jury did not bring an indictment against the officer involved in the shooting death of John Crawford. These and similar incidents across the nation have created a national crisis in relation to policing, which was the impetus for the creation of this Task Force.

Recommendation (Please include justification why this will address the problem): It is recommended that the State of Ohio establish an independent investigation team at the state level convened to investigate all police involved deaths. This legislation should be modeled after that enacted in the State of Wisconsin — 2013 Assembly Bill 409. This would require each law enforcement agency to have a written policy relative to the investigation of officer involved deaths. See the Wisconsin Bill for specific information and details that should be included in this legislation.

relative to the investigation of officer involved dand details that should be included in this legis		e the Wisco	nsin Bill for	specific in	formation
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes⊠ No□					
Recommendation Rank (Please provide a rank for each mportant): #2	ch of your reco	ommendations i	n order of impo	rtance with #1	being most
Party responsible for implementation (you may	/ choose m	ore than or	<u>e)</u> :		
Governor ⊠					
AG ⊠				•	
Legislature ⊠	•				
Association □					
College/University □					
Local Government ⊠		•			
Other: Click horo to enter toy					

Submitted by: Dr. Ronnie A. Dunn



Problem to address: Collection and reporting of data on both lethal and non-lethal police-involved shootings. The recent scrutiny of police-involved shootings has brought to light the fact that while precise national data is available on the number of law enforcement officers killed in the line of duty, such data on the number of civilians killed annually as a result of police-involved shootings is not available.

Recommendation (Please include justification why this will address the problem): It is recommended that the State of Ohio require all law enforcement agencies in the state to uniformly collect and report data on all officer-involved shootings, whether they result in a fatality or not, whether the person was armed or unarmed, and the final disposition of the ruling in the shooting investigation e.g. justified/unjustified. This policy should require this data be reported to both the Ohio Attorney General's Office and the FBI as part of this agency's Supplemental Homicide Report. The state level data should be examined annually and reported to the general public via the AG's webpage and a report to the Legislature. This data will provide greater transparency into the frequency of the use of deadly force by law enforcement which could implicate areas where training is needed, help place such incidents in the proper perspective, and help enhance public perceptions of police legitimacy.

<u>Does this recommendation require:</u>	•					
Legislative Action: Yes⊠ No□			•			
Executive/Administrative Action: Ye	∍s⊠ No□		•			
Additional funding required: Yes□	No⊠					
Recommendation Rank (Please providing important): #3	de a rank for eac	h of your recommen	dations in order	of importance	with #1 bei	ng most
					• .	
Party responsible for implementation	<u>on (you may</u>	choose more tl	<u>han one)</u> :			
Governor ⊠						
AG ⊠						
Legislature ⊠						٠
Association □						
College/University □				• •		
Local Government ⊠					•	
Other: Click here to enter text.						

Submitted by: Dr. Ronnie A. Dunn



Problem to address: Insuring that cultural competency/diversity training procured by law enforcement agencies is designed to and addresses the relevant issues fundamental to the current national crisis in community-police relations, i.e. conflict and deadly encounters between African Americans, particularly males, other people of color, and the police. In the wake of this national crisis a burgeoning cottage industry has evolved to meet the enormous demand created by law enforcement agencies seeking to provide their officers with cultural competency or diversity training to better equip them to interact with persons of diverse cultural backgrounds, e.g. blacks, Hispanics, Muslims, and members of the LGBTQ community. Given this heightened demand for such training it is important that some type of standards and criteria be established to help safeguard law enforcement agencies from purchasing such training that does not adequately incorporate or address the relevant issues, concerns, or voice of members from the impacted communities/cultural groups, which in essence would not meet the needs of law enforcement nor the affected groups. I have seen firsthand evidence of a contractor eager to corner the market in providing such training to police agencies develop curriculum without the engagement, input, or feedback of members from the communities most impacted by these adverse community-police relations. This is problematic in that this is contradictory to the concept of cultural competency¹, diversity, and inclusion and will undoubtedly serve to only perpetuate the status quo in interactions between police and persons of color and other minority groups. In addition, law enforcement agencies and administrators will not likely be very knowledgeable consumers of the type and quality of cultural competency training that their agency should procure to aid them in offsetting the problems germane to the current crisis.

Recommendation (Please include justification why this will address the problem): Therefore, it is suggested that this Task Force establish a certification or registration process that contractors seeking to provide cultural competency training to law enforcement agencies are required to obtain from the appropriate state board, or Commission, e.g. Ohio Civil Rights Commission, State Chapter of the NAACP, Commission on Hispanic-Latino Affairs, etc. This process can be modeled after that utilized by the Ohio Department of Education which required contractors providing Supplemental Educational Services under the No Child Left Behind Act to be registered with that agency and meet certain qualifications. Contractors offering cultural competency training in this realm should have to provide evidence that they have engaged members and the perspectives of the minority communities in the development of the curriculum provided to the law enforcement community.²

¹ Reed, W. L., **Dunn, R.** A. & Colby, K. (2011). "Increasing Cultural Competency Among Public Health Workers," in Handbook of African American Health: Social and Behavioral Interventions. Lemelle, A., Reed, W., & Taylor, S. (Eds.) Springer Publishing.

² Marks, J. P., Reed, W., Colby, K., **Dunn, R.** A., Mosavel, M., & Ibrahim, S. A. (2004). "A Culturally Competent Approach to Cancer News and Education in an Inner City Community: Focus Group Findings." Journal of Health Communication, 9, 143-157.

Does this recommendation require:	
Legislative Action: Yes⊠ No□	
Executive/Administrative Action: Yes□ No□	
Additional funding required: Yes□ No⊠	•
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance important): #4	with #1 being most
Party responsible for implementation (you may choose more than one):	
Governor □ AG □	
Legislature ⊠	
Association ⊠	
College/University	
Local Government □	
Other: ⊠ Designated State Board, State NAACP	
Submitted by: Dr. Ronnie A. Dunn	•



Problem to address: Hiring standards and screening: The Tamir Rice shooting incident brought to light the deficiencies in the hiring and screening standards of some local law enforcement agencies. There was a failure on the part of the particular law enforcement agency to do a thorough background check including the examination of the prior law enforcement work experience of the officer involved in this incident. It also highlighted a failure to thoroughly examine the psychological testing and fitness of this individual to work in law enforcement. While this is but one case, it raises serious concerns about the hiring practices and standards of police agencies in general.

Recommendation (Please include justification why this will address the problem):

Therefore, it is recommended that the hiring, testing, and screening standards of the Ohio State Highway Patrol be adopted as the minimum standards employed by local law enforcement agencies across the state. This includes multiple levels of screenings, physical fitness assessments, psychological assessments, and background and character investigations.

In addition to the Multi-Domain Assessment which includes psychological screening, it is recommended that Implicit Bias Testing, e.g. Implicit Association Test¹, be incorporated into the hiring screening process. Scientific research in the field of cognitive psychology has demonstrated that as humans we all exhibit some form of biases on a subconscious level. And these biases are in operation and can influence ones' behaviors and actions despite the fact that they may and often do contradict the consciously unbiased values and beliefs held by the individual. Although a candidate may show a bias toward a particular racial, ethnic, or cultural group, this should not disqualify them from joining the law enforcement agency, rather it indicates the need for training to help illuminate and ultimately offset the influence of such biases on ones' actions and behavior.² There is a body of research that has established that once such biases are identified, interventions can be implemented to diminish its effects. The key is to first recognize and acknowledge that such biases do exist and does not make one a racist, bigot, or sexists, but must be addressed to overcome them.

¹ Greenwald, A. G., & Banaji, M. R. (1995). Implicit social cognition: Attitudes, self-esteem and stereotypes. *Psychological Review* 102:4 – 27.

² Sommers, S. R., & Ellsworth, P. C. (2000). Race in the courtroom: Perceptions of guilt and dispositional attributions. *Persanality and Social Psychology Bulletin 26:1367 – 1379.*; Harris, D. A. (2007). The Importance of Research on Race and Policing: Making Race 5alient to Individuals and Institutions Within Criminal Justice. University of Pittsburgh, *Legal Studies Research Paper Series*, v. 6, 1, 5-24.

Does this recommendation require: Legislative Action: Yes⊠ No□
. •
Executive/Administrative Action: Yes⊠ No□
Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mos important): #5
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG ⊠
Legislature ⊠
Association □
College/University □
Local Government ⊠
Other: ⊠ State Highway Patrol
Submitted by: Dr. Ronnie A. Dunn



Problem to address: Hiring standards and screening: The Tamir Rice shooting incident brought to light the deficiencies in the hiring and screening standards of some local law enforcement agencies. There was a failure on the part of the particular law enforcement agency to do a thorough background check including the examination of the prior law enforcement work experience of the officer involved in this incident. It also highlighted a failure to thoroughly examine the psychological testing and fitness of this individual to work in law enforcement. While this is but one case, it raises serious concerns about the hiring practices and standards of police agencies in general.

Recommendation (Please include justification why this will address the problem):

Therefore, it is recommended that the hiring, testing, and screening standards of the Ohio State Highway Patrol be adopted as the minimum standards employed by local law enforcement agencies across the state. This includes multiple levels of screenings, physical fitness assessments, psychological assessments, and background character investigations.

In addition to the Multi-Domain Assessment which includes psychological screening, it is recommended that Implicit Bias Testing, e.g. Implicit Association Test¹, be incorporated into the hiring screening process. Scientific research in the field of cognitive psychology has demonstrated that as humans we all exhibit some form of biases on a subconscious level. And these biases are in operation and can influence ones' behaviors and actions despite the fact that they may and often do contradict the consciously unbiased values and beliefs held by the individual. Although a candidate may show a bias toward a particular racial, ethnic, or cultural group, this should not disqualify them from joining the law enforcement agencies, rather indicates the need for training to help illuminate and ultimately offset the influence of such biases on ones' actions and behavior². There is a body of research that has established that once such biases are identified, interventions can be implemented to diminish its effects. The key is to first recognize and acknowledge that such biases do exist and does not make one a racist, bigot, or sexists, but must be addressed to overcome them.

¹ Greenwald, A. G., & Banaji, M. R. (1995). Implicit social cognition: Attitudes, self-esteem and stereotypes. *Psychological Review* 102:4 – 27.

² Sommers, S. R., & Ellsworth, P. C. (2000). Race in the courtroom: Perceptions of guilt and dispositional attributions. *Personality and Social Psychology Bulletin 26:1367 – 1379*.

Does this recommendation require:	
Legislative Action: Yes⊠ No□	
Executive/Administrative Action: Yes⊠ No□	
Additional funding required: Yes⊠ No□	
B 17	and the second s
·	of your recommendations in order of importance with #1 being most
important): #6	
Party responsible for implementation (you may c	choose more than one):
Governor ⊠	
AG ⊠	
Legislature ⊠	
Association □	
College/University □	
Local Government ⊠	
Other: ⊠ State Highway Patrol	
• •	
Submitted by: Dr. Ronnie A. Dunn	



Problem to address: A number of the law enforcement agencies in Ohio, particularly in its urban areas, have come under some type of investigation or guidance by the U.S. Department of Justice's Civil Rights Division, e.g. Cleveland, Cincinnati, Warren, Steubenville, and the Franklin County Sheriff's Department. There has also been racial unrest in both Cincinnati and Toledo in 2001 and 2005 respectively and tensions are once again high as a result of three police-involved deaths of unarmed citizens in the state. These events have led to a climate of distrust of police among many in the African-American community and other minority communities and a questioning of the legitimacy of police within these communities. This Task Force was commissioned by Governor Kasich in response to these and other factors.

Recommendation (Please include justification why this will address the problem): While the work under taken by this Task Force is commendable, and the recommendations put forth will ideally result in some actionable items, the issues at the core of the divide between the impacted communities and the police are deep-seated. Therefore, it is recommended that a standing State Commission on Community-Police Relations be established to monitor the implementation and progress of the recommendations that come out of this Task Force. In addition, this Commission should continue to review the policies, practices, and procedures of law enforcement agencies across the state and research and identify the best practices in problem-oriented, community-policing, within both a national and international context, for replication by Ohio law enforcement agencies. The Commission should be comprised of a cross-section of the state's minority communities, law enforcement, academia, elected officials, and the clergy.

Does this recommendation require:

Legislative Action: Yes⊠ No□

Executive/Administrative Action: Yes⊠ No□

Additional funding required: Yes⊠ No□

important): #7	
Party responsible for implementation (you may choose more than or	<u>ne)</u> :
Governor ⊠	
AG ⊠	
Legislature ⊠	
Association □	
College/University □	
Local Government □	
Other: Click here to enter text.	
Submitted by: Dr. Ronnie A. Dunn	

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most



Problem to address: Bias-based policing and potentially volatile police-citizen interactions during traffic stops.

Recommendation (Please include justification why this will address the problem): It is recommended that the Ohio State Legislature reconsider the use of traffic cameras in the administration of traffic law enforcement. The most frequent incidence of police/citizen contacts takes place in the context of traffic stops. Nationally, 59% of all police/citizen encounters in 2005 occurred as a result of a traffic stop. Also, the most potentially volatile and certain encounter that a police officer has in the routine performance of their duties is a traffic stop as attested to in the testimony of Toledo Police Sergeant Anita Madison, who stated that "she approaches every stop as if her life is in danger." This is also evidenced in the most recent police-involved shooting death in South Carolina, which resulted in the death of Walter Scott, an unarmed motorist. The use of traffic cameras would reduce the number of police-citizen interactions for the most obvious traffic violations, i.e. speeding and running a red-light.

In addition, the use of traffic cameras will remove the potential for bias-based policing in that the traffic camera provides an objective record of events, regardless of a motorist's race/ethnic, socioeconomic class, gender, sexual orientation, religion or any other social variable. In essence, the raffic cameras level the playing field for all motorists regardless of social background by removing human subjectivity and the potential for any type of bias, intentional or implicit, to affect the outcome of the traffic encounter. This was the original intent of the use of the traffic cameras as recommended to the Cleveland mayoral administration by this author in 2004, which was the first municipality to adopt the use of the cameras in the state, not to generate revenue which unfortunately became the focus of the debate on the cameras use throughout the state.

While this issue is very contentious and currently being challenged in the courts, this is an opportunity to address through legislation at the state level, the most troublesome aspects of the cameras use, namely due process during the appeal of contested traffic tickets and the placement of the cameras. The Legislature can enact legislation that sets basic state standards governing their usage by establishing administrative guidelines for the appeals process and basing the placement of the cameras on volume of traffic and traffic accident data for each municipality, which regional planning agencies throughout the state should maintain.

Given the heightened scrutiny and challenges that policing is under at the local, state, and national levels, and the related increased public support, demand, and usage of Body-Worn Cameras to record the behavior and interactions of law enforcement with the public, it would be unfortunate and somewhat hypocritical not to use the power of camera technology to record the law violating behavior of the public while reducing the risk that we place our law enforcement officers in daily through the enforcement of routine traffic laws. I would strongly recommend that our state elected officials reconsider the use of traffic cameras.

Does this recommendation require:
egislative Action: Yes⊠ No□
Executive/Administrative Action: Yes⊠ No□
Additional funding required: Yes□ No⊠
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): #7
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG ⊠
Legislature ⊠
Association □
College/University □
Local Government ⊠
Other: Click here to enter text.
Submitted by: Dr. Ronnie A. Dunn

¹ Eith, C., & Durose, M. R. Contacts between Police and the Public, 2008. U.S. Department of Justice, Office of Justice Programs: Washington, D.C.

^{II} Dunn, R. A. (2009). Measuring racial disparities in traffic ticketing within large urban jurisdictions. Public Performance and Management Review, 32, 537-561.; Dunn. R. A., & Reed, W. L. (2011). Racial Profiling: Causes & consequences. Dubuque, IA: Kendall-Hunt Publishing Co.



Problem to address: Training - Chiefs of Police

Recommendation (Please include justification why this will address the problem): I recommend the attached legislation, listed as L-131-0808-1, be adopted by the General Assembly and implemented with the assistance of the Attorney General and local governments. This legislation, created in conjunction with the Ohio Association of Chiefs of Police, creates a training course for new chiefs, modeled after the successful course for new sheriffs. The legislation includes a clause requiring the training course to include "diversity training, with an emphasis on historical perspectives and community-police relations." I am also engaged in discussions about the funding mechanism included in the bill as the Attorney General has expressed interest in helping to pay for this new course. I believe that more training for the leaders of our law enforcement community would be a step toward solving the roblems we've discussed.

Does this recommendation require:
Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes⊠ No□
Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mos important): 1
Party responsible for implementation (you may choose more than one): Governor □
AG ⊠
Legislature ⊠
Association □
College/University □
Local Government ⊠
Other: Click here to enter text.
Submitted by: Senator Cliff Hite

Reviewed As To Form By Legislative Service Commission

L_131_0808-1

131st General Assembly Regular Session 2015-2016

. B. No.

A BILL

To	amend sections 505.49, 737.052, and 737.15 and	1
	to enact section 109.804 of the Revised Code to	2
	require the Ohio peace officer training	3
	commission to develop and conduct a chief of	4
	police training course for newly appointed	5
	chiefs of police appointed on or after January	6
	1, 2016, to require the attorney general to	7
	appoint a chief of police training education	8
	committee, and to require newly appointed chiefs	9
	of police of villages, municipal corporations,	10
	and townships to attend the training course	11
	before or within six months of appointment as a	12
	chief of police.	13

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 505.49, 737.052, and 737.15 be	14
amended and section 109.804 of the Revised Code be enacted to	15
read as follows:	16
Sec. 109.804. (A) The Ohio peace officer training	17
commission shall develop and conduct a chief of police training	18

4wdiujyx9chqhnsxdfvgau

. B. No. L_131_0808-1	Page 2
course lasting forty hours for newly appointed chiefs of police	19
appointed on or after January 1, 2016. The commission shall	20
establish criteria for what constitutes successful completion of	21
the course. The commission shall conduct the course at the Ohio	22
peace officer training academy and shall offer the course	23
semiannually.	24
(B) The attorney general shall appoint a chief of police	25
training education committee. The committee shall consist of	26
five members and shall include at least one member of the Ohio	27
peace officer training commission and at least one member of the	28
Ohio association of chiefs of police. The commission and the	29
committee jointly shall determine the course topics, which shall	30
include, among other topics, diversity training with an emphasis	31
on historical perspectives and community-police relations, to be	32
offered during the chief of police training course and shall	33
meet at least semiannually to consider matters of curriculum,	34
extensions, and equivalency training.	35
(C) A newly appointed chief of police may request an	36
equivalency exemption from the chief of police training course	37
by submitting a request and supporting documentation to the	38
chief of police training education committee not more than ten	39
calendar days following the person's appointment as a chief of	40
police. The Ohio peace officer training commission may grant an	41
equivalency exemption based on an evaluation of the person's	42
request and the documentation submitted to the new chief of	43
police training education committee. The chief of police	44
training education committee shall determine the curriculum	45
components eligible for equivalency exemption and notify the	46
person of any remaining coursework needed to comply with the	47
chief of police training course requirements.	48

. B. No. L_131_0808-1	Page 3
(D) Upon presentation of evidence by a newly appointed	49
chief of police that because of a medical disability or other	50
good cause the newly appointed chief of police is unable to	51
complete the chief of police training course, the chief of	52
police training education committee may defer the requirement	53
for the newly appointed chief of police to complete the chief of	54
police training course until the disability or cause terminates.	55
(E) As used in this section, "newly appointed chief of	56
police" means a person who did not hold the office of chief of	57
police on the date the person was appointed chief of police.	58
Sec. 505.49. (A) As used in this section, "felony" has the	59
same meaning as in section 109.511 of the Revised Code.	60
(B)(1) The township trustees of a township police	61
district, by a two-thirds vote of the board, or a joint police	62
district board, by majority vote of its members, may adopt rules	63
necessary for the operation of the township or joint police	64
district, including a determination of the qualifications of the	65
chief of police, patrol officers, and others to serve as members	66
of the district police force.	67
(2) Except as otherwise provided in division (E) of this	68
section and subject to division (D) of this section, the	69
township trustees of a township police district, by a two-thirds	70
vote of the board or the joint police district board, by	71
majority vote of its members, shall appoint a chief of police	72
for the district, determine the number of patrol officers and	73
other personnel required by the district, and establish salary	74
schedules and other conditions of employment for the employees	75
of the township or joint police district. The chief of police of	76
the district shall serve at the pleasure of the township	77

trustees or the joint police district board and shall appoint

. B. No. L_131_0808-1

Page 4

108

109

79 patrol officers and other personnel that the district may 80 require, subject to division (D) of this section and to the rules and limits as to qualifications, salary ranges, and 81 numbers of personnel established by the board of township 82 trustees or the joint police district board. The township 83 84 trustees may include in the township police district and under the direction and control of the chief of police any constable 85 appointed pursuant to section 509.01 of the Revised Code, or may 86 87 designate the chief of police or any patrol officer appointed by the chief of police as a constable, as provided for in section 88 509.01 of the Revised Code, for the township police district. 89

- 90 (3) Except as provided in division (D) of this section, a patrol officer, other police district employee, or police 91 constable, who has been awarded a certificate attesting to the 92 satisfactory completion of an approved state, county, or 93 municipal police basic training program, as required by section 94 109.77 of the Revised Code, may be removed or suspended only 95 under the conditions and by the procedures in sections 505.491 96 to 505.495 of the Revised Code. Any other patrol officer, police 97 district employee, or police constable shall serve at the 98 pleasure of the township trustees or joint police district 99 100 board. In case of removal or suspension of an appointee by the board of township trustees of a township police district or the 101 joint police district board, that appointee may appeal the 102 decision of either board to the court of common pleas of the 103 county in which the district is situated to determine the 104 sufficiency of the cause of removal or suspension. The appointee 105 shall take the appeal within ten days of written notice to the 106 appointee of the decision of the board. 107
- (C)(1) Division (B) of this section does not apply to a township that has a population of ten thousand or more persons

. B. No. L_131_0808-1	Page 5
residing within the township and outside of any municipal	110
corporation, that has its own police department employing ten or	111
more full-time paid employees, and that has a civil service	112
commission established under division (B) of section 124.40 of	113
the Revised Code. The township shall comply with the procedures	114
for the employment, promotion, and discharge of police personnel	115
provided by Chapter 124. of the Revised Code, except as	116
otherwise provided in divisions (C)(2) and (3) of this section.	117
(2) The board of township trustees of the township may	118
appoint the chief of police, and a person so appointed shall be	119
in the unclassified service under section 124.11 of the Revised	120
Code and shall serve at the pleasure of the board. A person	121
appointed chief of police under these conditions who is removed	122
by the board or who resigns from the position shall be entitled	123
to return to the classified service in the township police	124
department, in the position that person held previous to the	125
person's appointment as chief of police.	126
(3) The appointing authority of an urban township, as	127
defined in section 504.01 of the Revised Code, may appoint to a	128
vacant position any one of the three highest scorers on the	129
eligible list for a promotional examination.	130
(4) The board of township trustees of a township described	131
in this division shall determine the number of personnel	132
required and establish salary schedules and conditions of	133
employment not in conflict with Chapter 124. of the Revised	134
Code.	135
(5) Persons employed as police personnel in a township	136
described in this division on the date a civil service	137
commission is appointed pursuant to division (B) of section	138
124.40 of the Revised Code, without being required to pass a	139

. B. No. L_131_0808-1	Page 6
competitive examination or a police training program, shall	140
retain their employment and any rank previously granted them by	141
action of the township trustees or otherwise, but those persons	142
are eligible for promotion only by compliance with Chapter 124.	143
of the Revised Code.	144
(6) This division does not apply to constables appointed	145
pursuant to section 509.01 of the Revised Code. This division is	146
subject to division (D) of this section.	147
(D)(1) The board of township trustees or a joint police	148
district board shall not appoint or employ a person as a chief	149
of police, and the chief of police shall not appoint or employ a	150
person as a patrol officer or other peace officer of a township	151
police district, township police department, or joint police	152
district on a permanent basis, on a temporary basis, for a	153
probationary term, or on other than a permanent basis if the	154
person previously has been convicted of or has pleaded guilty to	155
a felony.	156
(2)(a) The board of township trustees or joint police	157
district board shall terminate the appointment or employment of	158
a chief of police, patrol officer, or other peace officer of a	159
township police district, township police department, or joint	160
police district who does either of the following:	161
(i) Pleads guilty to a felony;	162
(ii) Pleads guilty to a misdemeanor pursuant to a	163
negotiated plea agreement as provided in division (D) of section	164
2929.43 of the Revised Code in which the chief of police, patrol	165
officer, or other peace officer of a township police district,	166
township police department, or joint police district agrees to	167
surrender the certificate awarded to that chief of police,	168

Page 7 . B. No. L 131 0808-1 patrol officer, or other peace officer under section 109.77 of 169 the Revised Code. 170 (b) The board shall suspend the appointment or employment 171 of a chief of police, patrol officer, or other peace officer of 172 a township police district, township police department, or joint 173 police district who is convicted, after trial, of a felony. If 174 such chief of police, patrol officer, or other peace officer 175 files an appeal from that conviction and the conviction is 176 upheld by the highest court to which the appeal is taken, or, if 177 no timely appeal is filed, the board shall terminate the 178 179 appointment or employment of that chief of police, patrol officer, or other peace officer. If the chief of police, patrol 180 officer, or other peace officer of a township police district, 181 township police department, or joint police district files an 182 appeal that results in that chief of police's, patrol officer's, 1.83 or other peace officer's acquittal of the felony or conviction 184 of a misdemeanor, or in the dismissal of the felony charge 185 against the chief of police, patrol officer, or other peace 186 officer, the board shall reinstate that chief of police, patrol 187 officer, or other peace officer. A chief of police, patrol 188 officer, or other peace officer who is reinstated under division 189 (D)(2)(b) of this section shall not receive any back pay unless 190 the conviction of that chief of police, patrol officer, or other 191 peace officer of the felony was reversed on appeal, or the 192 felony charge was dismissed, because the court found 193 insufficient evidence to convict the chief of police, patrol 194

(3) Division (D) of this section does not apply regarding 196 an offense that was committed prior to January 1, 1997.

officer, or other peace officer of the felony.

(4) The suspension or termination of the appointment or 198

195

L 131 0808-1 employment of a chief of police, patrol officer, or other peace 199 officer under division (D)(2) of this section shall be in 200 accordance with Chapter 119. of the Revised Code. 201 202 (E) The board of township trustees or the joint police district board may enter into a contract under section 505.43 or 203 505.50 of the Revised Code to obtain all police protection for 204 the township police district or joint police district from one 205 206 or more municipal corporations, county sheriffs, or other townships. If the board enters into such a contract, subject to 207 division (D) of this section, it may, but is not required to, 208 209 appoint a police chief for the district. (F) The members of the police force of a township police 210 district of a township, or of a joint police district board 211 212 comprised of a township, that adopts the limited self-government 213 form of township government shall serve as peace officers for the township territory included in the district. 214 (G) A chief of police or patrol officer of a township 215 police district, township police department, or joint police 216 district may participate, as the director of an organized crime 217 task force established under section 177.02 of the Revised Code 218 or as a member of the investigatory staff of that task force, in 219 an investigation of organized criminal activity in any county or 220 counties in this state under sections 177.01 to 177.03 of the 221 Revised Code. 222 (H) (1) A newly appointed chief of police appointed on or 223 after January 1, 2016, shall attend a chief of police training 224 course conducted by the Ohio peace officer training commission 225 pursuant to division (A) of section 109.804 of the Revised Code 226 within six months following the person's appointment as a chief 227 of police under this section. While attending the chief of 228

. B. No.

Page 8

. B. No. L_131_0808-1	Page 9
	000
police training course, a newly appointed chief of police shall	229
receive compensation in the same manner and amounts as if	230
carrying out the powers and duties of the office of chief of	231
police. The costs of conducting the chief of police training	232
course and the cost of meals, lodging, and travel of a newly	233
appointed chief of police attending the chief of police training	234
course shall be paid from the budget of the township police	235
district or the budget of the joint police district board that	236
appointed the newly appointed chief of police.	237
(2) "Newly appointed chief of police" means a person who	238
did not hold the office of chief of police on the date the	239
person was appointed chief of police.	240
Sec. 737.052. (A) As used in this section, "felony" has	241
the same meaning as in section 109.511 of the Revised Code.	242
(B)(1) The director of public safety shall not appoint a	243
person as a chief of police, a member of the police department	244
of the municipal corporation, or an auxiliary police officer on	245
a permanent basis, on a temporary basis, for a probationary	246
term, or on other than a permanent basis if the person	247
previously has been convicted of or has pleaded guilty to a	248
felony.	249
(2)(a) The director of public safety shall terminate the	250
employment of a chief of police, member of the police	251
department, or auxiliary police officer who does either of the	252
following:	253
(i) Pleads guilty to a felony;	254
(ii) Pleads guilty to a misdemeanor pursuant to a	255
negotiated plea agreement as provided in division (D) of section	256
2929.43 of the Revised Code in which the chief of police, member	257

. B. No. L_131_0808-1

Page 10

282

283

of the police department, or auxiliary police officer agrees to 258 surrender the certificate awarded to the chief of police, member 259 of the police department, or auxiliary police officer under 260 section 109.77 of the Revised Code. 261

- (b) The director shall suspend from employment a chief of 262 police, member of the police department, or auxiliary police 263 officer who is convicted, after trial, of a felony. If the chief 264 265 of police, member of the police department, or auxiliary police officer files an appeal from that conviction and the conviction 266 is upheld by the highest court to which the appeal is taken or 267 if the chief of police, member of the police department, or 268 auxiliary police officer does not file a timely appeal, the 269 director shall terminate that person's employment. If the chief 270 271 of police, member of the police department, or auxiliary police officer files an appeal that results in that person's acquittal 272 of the felony or conviction of a misdemeanor, or in the 273 dismissal of the felony charge against that person, the director 274 shall reinstate that person. A chief of police, member of the 275 police department, or auxiliary police officer who is reinstated 276 under division (B)(2)(b) of this section shall not receive any 277 back pay unless that person's conviction of the felony was 278 reversed on appeal, or the felony charge was dismissed, because 279 the court found insufficient evidence to convict that person of 280 the felony. 281
- (3) Division (B) of this section does not apply regarding an offense that was committed prior to January 1, 1997.
- (4) The suspension from employment, or the termination of
 the employment, of the chief of police, member of the police
 285
 department, or auxiliary police officer under division (B)(2) of
 this section shall be in accordance with Chapter 119. of the
 287

Revised Code.	288
(C)(1) A newly appointed chief of police appointed on or	289
after January 1, 2016, shall attend a chief of police training	290
course conducted by the Ohio peace officer training commission	291
pursuant to division (A) of section 109.804 of the Revised Code	292
within six months following the person's appointment as a chief	293
of police. While attending the chief of police training course,	294
a newly appointed chief of police shall receive compensation in	295
the same manner and amounts as if carrying out the powers and	296
duties of the office of chief of police. The costs of conducting	297
the chief of police training course and the cost of meals,	298
lodging, and travel of a newly appointed chief of police	299
attending the chief of police training course shall be paid from	300
the budget of the city department of public safety for which the	301
newly appointed chief of police was appointed.	302
(2) "Newly appointed chief of police" means a person who	303
did not hold the office of chief of police on the date the	304
person was appointed chief of police.	305
Sec. 737.15. (A) Each village shall have a marshal,	306
designated chief of police, appointed by the mayor with the	307
advice and consent of the legislative authority of the village,	308
who need not be a resident of the village at the time of	309
appointment but shall become a resident thereof within six	310
months after appointment by the mayor and confirmation by the	311
legislative authority unless such residence requirement is	312
waived by ordinance, and who shall continue in office until	313
removed therefrom as provided by section 737.171 of the Revised	314
Code.	315
(B) No person shall receive an appointment under this	316
section after January 1, 1970, unless, not more than sixty days	317

Page 11

. B. No. L_131_0808-1

prior to receiving such appointment, the person has passed a	318
physical examination, given by a licensed physician, a physician	319
assistant, a clinical nurse specialist, a certified nurse	320
practitioner, or a certified nurse-midwife, showing that the	321
person meets the physical requirements necessary to perform the	322
duties of village marshal as established by the legislative	323
authority of the village. The appointing authority shall, prior	324
to making any such appointment, file with the Ohio police and	325
fire pension fund a copy of the report or findings of said	326
licensed physician, physician assistant, clinical nurse	327
specialist, certified nurse practitioner, or certified nurse-	328
midwife. The professional fee for such physical examination	329
shall be paid for by such legislative authority.	330
(C)(1) A newly appointed chief of police appointed on or	331
after January 1, 2016, shall attend a chief of police training	332
course conducted by the Ohio peace officer training commission	333
pursuant to division (A) of section 109.804 of the Revised Code	334
within six months following the person's appointment as a chief	335
of police under this section. While attending the chief of	336
	337
police training course, a newly appointed chief of police shall	338
receive compensation in the same manner and amounts as if	
carrying out the powers and duties of the office of chief of	339
police. The costs of conducting the chief of police training	340
course and the cost of meals, lodging, and travel of a newly	341
appointed chief of police attending the chief of police training	342
course shall be paid from the budget of the village for which	343
the newly appointed chief of police was appointed.	344
(2) "Newly appointed chief of police" means a person who	345
did not hold the office of chief of police on the date the	346
person was appointed chief of police.	347

Page 12

. B. No. L_131_0808-1

. B. No. L_131_0808-1	Page 13
Section 2. That existing sections 505.49, 737.052, and	348
737.15 of the Revised Code are hereby repealed	349



Problem to address: Training – Peace Officer Training Academy
Recommendation (Please include justification why this will address the problem): Add a course to the Peace Officer Training Academy requirements that represents diversity training, with an emphasis on historical perspectives and community-police relations.
Does this recommendation require: Legislative Action: Yes□ No⊠ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 2
Party responsible for implementation (you may choose more than one): Governor □ AG ☒ Legislature □ Association □ College/University □ Local Government □ Other: □ Click here to enter text.

Submitted by: Senator Cliff Hite



Problem to address: Click here to enter text.

Attached is a summary of all of the recommendations I have received from staff. The problems my recommendations focus on are (1) community relations/engagement and (2) Investigation/Accountability. I will refer to other recommendations where possible to aid in drawing our ideas together.

The recommendations set out below are related and are grounded in our twelve years implementing the Cincinnati Collaborative Agreement. The problems we addressed in Cincinnati were reflected in all of the testimony and pain I witnessed from community members in our hearings. People of color feel occupied, not served by the police. Crime strategies are focused on arrests, often without attention to causes. Police use too much force. Investigations of officer involved shootings and violence lack integrity. The recommendations below are grounded in the five principles that guided our Cincinnati Collaborative and where possible I am literally adapting the text of our Collaborative to serve our purposes. The principles or goals of the Collaborative were agreed to by ALL stakeholders – communities of color, police officers, police administration, business, social services, youth, majority communities, and faith communities:

First Goal: Police Officers and Community Members Will Become Proactive Partners in Community Problem Solving

Second Goal: Build Relationships of Respect, Cooperation and Trust Within and Between Police and Communities

Third Goal: Improve Education, Oversight, Monitoring, Hiring Practices and Accountability of CPD

Fourth Goal: Ensure Fair, Equitable, and Courteous Treatment for All

Fifth Goal: Create Methods to Establish the Public's Understanding of Police Policies and Procedures and Recognition of Exceptional Service in an Effort to Foster Support for the Police

Recommendation (Please include justification why this will address the problem): Click here to enter text.

1. Adopt and Promote Problem Solving as the Principle Strategy to Address Crime (community relations/engagement (first, second, fourth collaborative goals). The State and local governments should adopt problem solving as their principle strategy for addressing problems of crime and disorder. An incubator or resource center should be established in affiliation with the Cincinnati Police Department and the University of Cincinnati School of Criminal Justice and the Cincinnati Community Police Partnering Center to provide training. resources and practical assistance to agencies and governments across the state as they adopt problem solving. Adequate staff and funding must be provided and the work must be sustained over time since this involves a change in law enforcement culture.

Explanation:

- a. Community problem oriented policing is one form of police work that seeks resolution of troublesome circumstances in the community. These troublesome circumstances are framed as problems to solve. They usually reveal themselves as a form of repeat patterns of offending, victimization, or locations. First, problems need to be carefully defined. A useable problem definition requires a description of harmful behaviors and the environments where these behaviors occur.
- b. The second principle guiding community problem oriented policing is that problems are carefully analyzed prior to developing a solution. Community problem oriented policing is an information intensive strategy that places a premium on data, intelligence, community input, and analysis. The analysis is designed to reveal critical aspects of the problem that can be altered to effect a reduction in the problem.
- c. The third principle is that the police and their partners engage in a broad search for solutions based on the analysis of information. A law enforcement response is always a possibility, but may not be required. Rather, a range of options is explored, often drawing from the field of "situational crime prevention" that block opportunities to commit crimes and disorder. Effective solutions to problems may require the active participation of and partnership with other government agencies, community members, and the private sector. This implies that for a community problem oriented policing strategy to be effective there must be close police-community relations and the local government must support this approach.
- d. The fourth principle is that problem-solving efforts are evaluated to determine if the problem has been reduced. Here again, the use of information technology and analysis is critical to assure continuous improvement. If the problem has been successfully addressed, the police can move on to other problems. If it has not, then more work needs to be done, including a re-analysis of the problem or a search for alternative solutions.
- e. This strategy can be implemented through a problem-solving process known as SARA (Scanning, Analysis, Response, and Assessment) which uses the principles set out above to effectively address crime, disorder, and the fear of crime in communities.
- f. This recommendation calls for the Ohio State Problem Solving Resource Center to be housed in Cincinnati where there is a robust problem solving effort underway. The Cincinnati Police Department has been implementing problem solving department-wide using the SARA model since 2006. A copy of the Cincinnati Problem Solving procedure is attached. The University of Cincinnati School of Criminal Justice is a leading center for problem solving world-wide. The Cincinnati Community Police Partnering Center works with the Cincinnati police to engage local residents in problem solving. The Ohio State Problem Solving Resource Center will be anchored among these partners and through those relationships be positioned to assist state-wide immediately.

g. This recommendation expands and builds on the ideas set out by Rep Reece, Amy Murray, Tim Derickson, and Bernie Moreno and relates to many of the others.

2. Independent Investigation of Serious Officer Involved Injuries to Citizens.

- a. This recommendation states that the local jurisdictions should either establish a Citizen Complaint Authority as described below or enlist the Ohio Bureau of Investigation to do a civil/administrative investigation in addition to the criminal investigations it now provides. Local jurisdictions must not assume that a failure to indict by a grand jury means that officers have followed use of force procedures and should escape discipline. That requires a separate, independent investigation.
- b. Local governments shall be encouraged to establish a Citizen Complaint Authority (CCA) modeled on the Cincinnati Citizen Complaint Authority. The CCA will have three components: (1) a Board of seven diverse citizens appointed by the chief elected official and approved by the local legislative authority, (2) a full-time Executive Director with appropriate support staff, and (3) a team of professional investigators. Each investigator shall have prior professional experience in investigations, and may be a former police or other law enforcement officer from outside the jurisdiction.
- c. Each citizen complaint, excluding matters involving criminal investigations, will be directed to the CCA regardless of where it initially is filed. At a minimum, the CCA shall open its own investigation upon (i) receipt of a complaint of serious misconduct, or (ii) knowledge by the Executive Director of allegations of serious police intervention, including, but not be limited to, major use of force, shots fired or deaths in custody.
- d. As a condition of employment, all police officers and other employees are required to provide truthful and accurate information to the CCA. In addition to the foregoing, when a key witness other than an employee of the jurisdiction refuses to cooperate in an investigation, the Executive Director may recommend to the Board that a subpoena be issued to compel such testimony, and the Board shall have the authority to request such a subpoena from the legislative body. Subpoenas for the attendance of persons shall be secured only through the jurisdiction's legislative body. The Board shall have the authority to issue subpoenas for documents, photographs, audio tapes, electronic files and tangible things.
- e. Following a hearing, the Board may either approve or disapprove the Executive Director's findings and recommendations. Where the findings and recommendations are approved, they shall be submitted to the Police Chief and the Appointing Authority of the jurisdiction. If they are disapproved, the Board shall state its reasons and may direct that further investigation be pursued. The Board may issue its own findings and recommendations, and submit them along with the Executive Director's original report to the Police Chief and the Appointing Authority. In all cases, the Appointing Authority and Police Chief will refrain from making a final decision on discipline until after receipt of the CCA report. All investigations and recommendations shall be completed within ninety days unless that period is extended for good cause.
- f. The CCA will examine complaint patterns and police policies and procedures and make any recommendations that might provide opportunities for the police and community to reduce complaints and improve trust.
- g. If a jurisdiction does not establish a CCA, it should be required to secure an investigation of all serious police interventions by the Ohio Bureau of Criminal Investigation (BCI) with respect to any potential criminal violations as well as compliance with local use of force and other procedures for use in any potential

- discipline proceedings. Appropriate safeguards under *Garrity v. New Jersey* must be provided to any employee. This may require additional funding for BCI.
- h. This recommendation relates to others provided by Rev. George Murry, Tom Roberts, Michael Navarre, Amy Murray, Dr. Ronnie Dunn, Sheriff Stanforth, Ron O'Brien, Andre Porter, Sen Williams, and Rep. Reece.

Does this recommendation require:
Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes⊠ No□
Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Both of these proposals deserve top priority
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG ⊠
Legislature ⊠
Association □
College/University ⊠
Local Government ⊠
Other: Click here to enter text.
Submitted by: Click here to enter text. Rev. Damon Lynch



Task Force Recommendations	S
Problem to address: Lack of minority and diverse policer officers. This lacks of diffeeling within the community that the police do not understand or sympathize with	iversity leads to the their issues.
Recommendation (Please include justification why this will address the problem): Provide a "full any Ohio public University or Community College for female or minority (underrept of urban communities. The students would have to qualify for admission, but the include room, board, and meals. They would study criminal justice and, when the serve a minimum of four years in law enforcement as a police officer in an urban	oresented) residents scholarship would ey graduate, would
Does this recommendation require: Legislative Action: Yes□ No□ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes□ No□	
Recommendation Rank (Please provide a rank for each of your recommendations in order of important): #1	tance with #1 being most
Party responsible for implementation (you may choose more than one): Governor ⊠ AG □ Legislature □	
Association □	

College/U	niversity ⊠
Local Gov	rernment □
Other:	Click here to enter text.



Problem to address: Police departments have officers on the squad that do not follow proper policies and procedures. When this happens, the actions of this very few group of officers leads to a lack of credibility within the community of the entire department.

Recommendation (Please include justification why this will address the problem): Provide a uniform, state-wide early information and intervention system (EIIS) that is a benchmark in the country. This system will allow everyone from first level supervision to the Ohio Department of Public Safety to receive, analyze, and act upon officer related data. Use of this data will help identify potential problems well before they become "incidents." Sometimes small problems become really big ones!

Does this recommendation require:

Legislative Action: Yes⊠ No□

Executive/Administrative Action: Yes⊠ No□

Additional funding required: Yes⊠ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): #2

Party responsible for implementation (you may choose more than one):

Governor ⊠

 $\mathsf{AG} \boxtimes$

Legislature ⊠

Association ⊠

College/University □
Local Government ⊠
Other: Click here to enter text.



Problem to address: Police departments face significant financial pressures, resulting in a steady decline in funding for training. As in any organization, the lack of training causes a breakdown in the quality of the human capital being deployed. This leads to police officers being put in situations in which they have little or no expertise. We have seen the results quite clearly with both tactical and decision making errors that have led to the loss of life (Crawford/Rice). The job of being a police officer should be dramatically elevated in Ohio. We need to commit to holding up this profession as just that ... for professionals; well trained and ready for any situation.

Recommendation (Please include justification why this will address the problem): The State of Ohio should establish five regional, State run and State funded, police training academies that would not only conduct initial officer training, but would also provide on-going instruction on the following: Crisis intervention, mental health, narcotics, tactics, cultural competency, problem oriented policing, and inherent bias training. Although I do not believe this task force is the appropriate one to get granular on the who/how/when of this, we can recommend that the Governor act quickly to either adopt the Attorney General's task force recommendations or ask subject matter experts such as the Police Executive Research Forum (PERF) to provide more detailed recommendations. These five centers will ensure consistent, world-class training for all Ohio Police Officers.

Does this recommendation require:

Legislative Action: Yes⊠ No□

Executive/Administrative Action: Yes⊠ No□

Additional funding required: Yes⊠ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): #2

Party responsible for implementation (you may choose more than one):

Governor ⊠
AG ⊠
Legislature ⊠
Association ⊠
College/University □
Local Government ⊠
Other: □ Click here to enter text.



Problem to address: Faith in the police department by those who they are charged with serving is critical to successful law enforcement. When excessive force complaints come in or deadly force is used, the community sessions made it crystal clear that the community does not have confidence that the department will investigate "themselves" properly or fairly. This is a central issue to ensuring police legitimacy.

Recommendation (Please include justification why this will address the problem): The State of Ohio should adopt the Wisconsin model and institute a special investigations unit within the Department of Public Safety to investigate complaints as laid out in the Bill.

Does this recommendation require:

Legislative Action: Yes⊠ No□

Executive/Administrative Action: Yes⊠ No⊠ Additional funding required: Yes⊠ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): #4

Party responsible for implementation (you may choose more than one):

Governor ⊠

AG ⊠

Legislature ⊠

Association ⊠

College/University □

Local Government □

Other:

Click here to enter text.



Problem to address: Having the police seen by the community as "the good guys" is critical to their ability to solve crimes and ensure laws are followed. Too often, we heard from community members that 911 calls were misinterpreted or the officers lacked the tools and equipment necessary for them to do their jobs properly.

Recommendation (Please include justification why this will address the problem): Ohio should set a minimum requirement for each municipality to maintain in terms of equipment (computers, radios, etc). In addition, the State should be constantly on the look-out for "cutting edge" technology that will allow officers to do their jobs better, more efficiently, and safer for themselves and the community. For instance, there may be an opportunity to seek technology that sends 911 voice recordings directly to a squad car. That would be an example of a technology the State can validate and then provide to municipalities across Ohio.

municipalities across Ohio.
<u>Does this recommendation require</u> : Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes No
Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mointenant): #5
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG □
Legislature ⊠
Association □

College/U	niversity ⊠
Local Gov	rernment □
Other: □	Click here to enter text.



Problem to address:	Police	Training
---------------------	--------	----------

Recommendation (Please include justification why this will address the problem):

- 1. Work with Attorney General Dewine and his Task Force on Police Training. They are looking at this subject in depth and we should share and collaborate to come out with next outcome for changes needed in Police Training statewide.
- 2. Increase minimum yearly training. Currently it is funded at a minimum 4 hours per year. This drastically needs to be increased. Should include key training in active shooter situations, crisis intervention training and reality based training. The better and more often we provide training, the better results when Police Officers are faced active shooter (or alleged active shooter situation.)

Does this recommendation require:

Legislative Action: Yes□ No□

Executive/Administrative Action: Yes□ No□ Additional funding required: YesX□ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 1



Task Force Recommendations
Problem to address: Lack of consistency in communicating about police involved shootings
Recommendation (Please include justification why this will address the problem): We need a state-wide best practices approach of how to communicate to the public in police involved shootings.
All Police Chief's and Sheriff's should understand this protocol and it should be used in each and every police involved shooting. Should include how and when information is released, key people in community to contact about incident, communication protocol with family, media and local leaders. From my understanding it is critical that we are open and transparent immediately after a shooting.
Does this recommendation require: Legislative Action: Yes□ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 2
Party responsible for implementation (you may choose more than one): Governor □x AG □ x

Legislature L
Association
College/University □
Local Government □
Other: Click here to enter text.
Submitted by: Amy Murray



i	Problem	tο	address:	How	to	tall	to	nolice	
ı	Problem	ю	acciress:	now	Ю	Talk	10	DONCE	ż

Recommendation (Please include justification why this will address the problem): We heard from many parents that they were afraid for their children and wanted to know how to have them speak/interact with police.

- 1) Students in Akron developed a card that they share at schools that was created by students (from what I have heard) that tells young black youth how to speak and interact with police if they are stopped. This would be great to share throughout the state.
- 2) Wild idea but we need to get message out to all drivers of what they should do if stopped by police. After seeing videos of police stops where police officers are shot at you understand that there is no "routine traffic stop". People should be aware if your are stopped what you should do to protect yourself and the police office (hands on steering wheel to show you have no weapon). Can we introduce this type of information at Driver's Education classes or on driver's exam. This way we will know all drivers have this critical information.

Does this recommendation require:

Legislative Action: Yes□ No□

Executive/Administrative Action: Yes No No Additional funding required: Yes No

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 3
Party responsible for implementation (you may choose more than one):
Governor
AG □
Legislature □
Association
College/University □
Local Government □
Other: □ not sure who would be responsible
Submitted by: Amy Murray



Task Force Recommendations
Problem to address: Police Relationships in their community
Recommendation (Please include justification why this will address the problem): Look at the Cincinnati model and develop specific plans to enhance relationships between police and community leaders. Should include identifying key leaders in the community for police to build their relationship, police attending monthly neighborhood council meetings, having new Police Officers spend first week on force providing community service work in neighborhoods etc.
Does this recommendation require: Legislative Action: Yes□ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No□x
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 4
Party responsible for implementation (you may choose more than one): Governor □ AG □

Legislature □
Association □
College/University □
Local Government □X
Other: ☐ Click here to enter text.
Submitted by: Amy Murray



Task Force Recommendations
Problem to address: Communities understanding how police make split second decisions
Recommendation (Please include justification why this will address the problem): I think it is important that the community have an opportunity to participate in Police Simulations and see actual video from police stops. It will better help the public understand that each stop could be life-threatening (for all involved) and the situations and decisions that police officers have to make in a split second. At a recent neighborhood summit in Cincinnati this was one of our most well attended classes and people left understanding more of what the police officers face in this situations.
Does this recommendation require: Legislative Action: Yes□ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 5
Party responsible for implementation (you may choose more than one): Governor □

AG L
Legislature □
Association □
College/University □
Local Government ☐ X
Other: Click here to enter text.
Submitted by: Amy Murray



Task Force Recommendations
Problem to address: Independent ivestigation of police involved shootings
Recommendation (Please include justification why this will address the problem): One of the items that was
mentioned time and time again at the public comment sessions were that people did not feel that the officer involved shootings were fairly reviewed. They felt that it was done internally and that justice would not prevail. We should implement a state wide policy for police involved shootings that takes the investigation out of the local community and have a state/region team that investigates police related shootings.
Does this recommendation require: Legislative Action: Yes□ No□ Executive/Administrative Action: Yesx□ No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 2
Party responsible for implementation (you may choose more than one): Governor □

AG ⊔ x
Legislature □
Association □
College/University □
Local Government □
Other: □ Click here to enter text.
Submitted by: Amy Murray



Problem to address: Click here to enter text.
The perception of bias in favor of police officers when a citizen is killed.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
 Adopt a bill similar to Wisconsin Assembly Bill 409 that requires an independent investigation of the death of a citizen when a police officer is involved.
Does this recommendation require:
Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes No
Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): #1
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG 🗆
Legislature 🗵
Association Called a // University C
College/University ☐ Local Government ☐
Other: Click here to enter text



Problem to address: Click here to enter text.
Inconsistent diversity training among police forces
Recommendation (Please include justification why this will address the problem): Click here to enter text.
2. Establish a state-wide accreditation process which includes standardized diversity training.
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): #2
Party responsible for implementation (you may choose more than one): Governor ☒ AG ☐ Legislature ☒ Association ☐ College/University ☐ Local Government ☐ Other: ☐ Click here to enter text.

116



Problem to address: Click here to enter text.
The need for ongoing training.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
 Require police officers to engage in ongoing training just as other professionals, such as doctors, must do.
<u>Does this recommendation require</u> : Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): #3
Party responsible for implementation (you may choose more than one): Governor \boxtimes AG \square
Legislature ⊠
Association □
College/University
Local Government □
Other: Click here to enter text.



Problem to address: Click here to enter text.
The perception of bias on the part of the prosecutors in favor of the police.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
4. Mandate non-political Police Review Boards for every jurisdiction.
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): #4
Party responsible for implementation (you may choose more than one): Governor ☒ AG ☐ Legislature ☒ Association ☐ College/University ☐ Local Government ☐ Other: ☐ Click here to enter text.



Problem to address: Click here to enter text.
Lack of diversity and lack of knowledge among Grand Jurys.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
5. Encourage diversity (White-Black-Hispanic; male-female; urban-suburban) in the composition of Grand Jurys and better instruct them about their right to ask for more information or and more witnesses.
Does this recommendation require:
Legislative Action: Yes□ No□ Executive/Administrative Action: Yes□ No□
Additional funding required: Yes No
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): #5
Party responsible for implementation (you may choose more than one):
Governor
AG 🗵
Legislature Association
Association College // Iniversity
College/University ☐ Local Government ☐
Other: Click here to enter text



Problem to address: Click here to enter text.
The lack of knowledge especially among young people of how to respond when stopped by a police officer.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
6. Mandate instruction on how to respond when stopped by a police officer to be included in all drive education programs.
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): #6
Party responsible for implementation (you may choose more than one): Governor □ AG ☒ Legislature □ Association □ College/University □ Local Government □ Other: □ Click here to enter text.



Problem to address: Click here to enter text.

Lack of Training in General - I cannot imagine working for a police agency that does not put a strong emphasis on training, both at entry level and ongoing. Sadly, I have discovered that some agencies, for a variety of reasons, do very little training after a police officer is hired. The State mandate is minimal (4 hours in 2014 and 4 hours again in 2015).

Recommendation (Please include justification why this will address the problem): Click here to enter text.

The State of Ohio should establish a mandatory training requirement for all active law enforcement officers through the Ohio Police Officers Training Commission (OPOTC), much the same way they do at entry level. There are literally hundreds of subjects that could be included. Our task force should identify the most important ones and establish the frequency requirement (eg. annually, every 3 years, or every 5 years, etc.) Mandatory topics should include legal update (8 hours every year), problem-solving policing, reality based firearms training (shoot/ don't shoot scenarios), cultural diversity, precision driving, self-defense, hand to hand fighting skills, weapon retention, threat assessment, and verbal communication).

Does this recommendation require:
Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes No
Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most
mportant): Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor 🛛
AG 💢
Legislature ⊠
Association □
College/University □
Local Government
Other: 🛛 Click here to enter text. O.P.O.T.A.
Submitted by: Click here to enter text. Chief Michael J. Navarre, Oregon Police Division



Problem to address: Click here to enter text.

Officer-Involved Shootings involving suspects who are either unarmed or armed with a weapon that is not a firearm - Lack of training given to police officers after receiving basic certification training at the time of hire.

Recommendation (Please include justification why this will address the problem): Click here to enter text.

Every law enforcement officer in the State shall receive training in threat assessment and responding to confrontations with individuals who are either unarmed or armed with a weapon that is not a firearm (e.g. knife, screwdriver, brass knuckles, scissors, etc. or bare fists). The training shall be mandatory, consisting of an eight (8) hour block and should occur minimally every 5 years.

Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes☒ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor AG Legislature Association College/University Local Government Other: Click here to enter text. O.P.O.T.A.

Submitted by: Click here to enter text. Chief Michael J. Navarre, Oregon Police Division



Problem to address: Click here to enter text.

Oftentimes, police officers are allowed to resign when facing serious disciplinary action or termination. The officers then seek employment in other parts of the State where their past misdeeds are unknown. Prospective employers may conduct a cursory background check and find out only that the officer has resigned. Some employers are reluctant to give any more detail in fear of a civil lawsuit. The end result is that bad officers are being rehired to do the same job in another jurisdiction.

Recommendation (Please include justification why this will address the problem): Click here to enter text.

A data base should be created at the State level, possibly in the Office of the Attorney General, whereby all Law Enforcement agencies in the State will be mandated to submit a detailed report to the State whenever a police officer is terminated or resigns in lieu of termination. The report shall include a description of the alleged misconduct and shall be available to any other law enforcement agency in the State upon request.

Does this recommendation require: Legislative Action: Yes ☑ No□
Executive/Administrative Action: Yes No
Additional funding required: Yes No 🕱
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor 🛛
AG ⊠
Legislature 🕱
Association
College/University □
Local Government □
Other: Click here to enter text.
Submitted by: Click here to enter text.



Problem to address: Click here to enter text.

Many police departments do not adequately reflect the communities they serve in terms of diversity. Many of these same departments struggle with antiquated civil service testing procedures which may or may not have an adverse impact on minority applicants.

Recommendation (Please include justification why this will address the problem): Click here to enter text.

Make Ohio a lateral entry state for police agencies similar to what is currently done in the State of California. This would supplement the civil service testing process currently used. Police agencies looking to increase their diversity can actively recruit experienced officers from other departments throughout the state. Lateral entry also provides an incentive for police agencies to strive for excellence in order to retain their employees.

Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes□ No⊠
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor ☒ AG ☒ Legislature ☒ Association ☐ College/University ☐ Local Government ☒ Other: ☒ Click here to enter text. OACP — FOP
Submitted by: Click here to enter text. Chief Michael J. Navarre, Oregon Police Division



Problem to address: Click here to enter text.
Some police departments go to great lengths and invest a great deal of time looking into the background of prospective employees. Others do very little.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
Establish minimum requirements for conducting a background investigation of individuals who apply for employment as police officers in the State of Ohio. This should include checking with the applicant's prior employers in the last 10 years and an extensive criminal history check. Additionally, psychological testing should be mandatory and not optional.
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No⊠
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor AG Legislature Association College/University Local Government Other: Click here to enter text.
Submitted by: Click here to enter text.



Currently, there is no mandate for a grand jury review of officer-involved death investigations. Oftentimes, the decision is made by the County Prosecutor whether to proceed or not. This creates a serious lack of distrust by community members and more specifically by the surviving family members.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
Absent passage of a Bill establishing an independent oversight panel, there should be a mandate that all incidents resulting in death or serious injuries, involving a police officer in the performance of his or her duties, be presented for review to a County Grand Jury to determine if any criminal laws have been violated.
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No⊠
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.

Party responsible for implementation (you may choose more than one):

Governor 💢
AG 💢

Legislature 🛛

Association ☐ College/University ☐

Local Government □

Other:

Click here to enter text.

Submitted by: Click here to enter text.

Problem to address: Click here to enter text.



Problem to address: Click here to enter text.
Many police officers are physically unfit to perform their duties. Although we have a standard that must be met at entry level, police officers are not required to meet a standard to maintain employment. A lack of fitness may lead to an escalation in the use of force that would otherwise be unnecessary.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
Adopt the Cooper physical fitness standards (relative to age and gender) and require that it be met annually by all police officers in the State of Ohio in order to maintain employment. Existing employees can be excluded under a "grandfather clause", but the new regulation should apply to all future hires.
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes⊠ No□
Additional funding required: Yes□ No⊠
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor ☒ AG ☒ Legislature ☒ Association ☐ College/University ☐ Local Government ☒ Other: ☒ Click here to enter text. ○ A C P F o P

Submitted by: Click here to enter text. Chief Michael J. Navarre, Oregon Police Division



Problem to address: Click here to enter text.

Substance abuse is a problem in our society that affects all professions, including police officers. An officer's "fitness for duty" may be questioned during a death investigation. A short window of opportunity exists for ascertaining the presence of illegal substances in an officer's blood stream, which may have affected his or her judgment.

Recommendation (Please include justification why this will address the problem): Click here to enter text.

Require all police officers who fire their weapons in the performance of their duties to submit to a blood draw at a predetermined medical facility. The blood would then be stored during the course of the investigation and only tested upon consent of the officer whose blood was drawn or through court order. This mandatory blood draw should also apply anytime a death occurs in an incident involving a police officer in the performance of duties.

Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes□ No⊠
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor AG Legislature Association College/University Local Government Cother: Click here to enter text. Co.A.C.P. — F. D. P.
Submitted by: Click here to enter text.



Problem to address: Click here to enter text.

Most law enforcement officers drive an automobile on a routine basis. The nature of the work requires them to drive at high rates of speed, responding to calls and trying to catch fleeing drivers. Accidents happen - sometimes resulting in serious injury or death. The public demands an impartial investigation.

Recommendation (Please include justification why this will address the problem): Click here to enter text.

The State Highway Patrol shall be designated as having primary jurisdiction in the investigation of all traffic accidents involving an on-duty police officer, which results in death or serious injury. If a death occurs, police officers shall be required to submit to a blood draw at a predetermined medical facility. The blood would then be stored during the course of the investigation and only tested upon consent of the officer whose blood was drawn or through court order.

Does this recommendation require: Legislative Action: Yes□ No☒ Executive/Administrative Action: Yes☒ No□ Additional funding required: Yes□ No☒
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor AG □ Legislature □ Association □ College/University □ Local Government College Click here to enter text. O. ACP - F.O.P.
Submitted by: Click here to enter text.



Problem to address: Click here to enter text.

Oftentimes, there are no witnesses to an officer-involved shooting and/or confrontation when a death occurs other than police officers. This results in a lack of trust by the community in the surviving officer(s) account of what occurred. Additionally, frivolous complaints are oftentimes lodged against police officers to be used as leverage by a defendant facing criminal charges.

Recommendation (Please include justification why this will address the problem): Click here to enter text.

Both of the aforementioned problems can be addressed with the mandatory use of body worn cameras (BWC's), much the same way that dash cam videos are currently being used by most police agencies. This cannot happen overnight due to many "yet to be resolved" issues such as privacy, data storage, cost, and most importantly, when is the BWC turned on and when does it get turned off. This should be a long term goal. I would recommend that the State of Ohio make this a mandate within 5 years and that funding be made available for purchase.

Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes⊠ No□	
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.	
Party responsible for implementation (you may choose more than one): Governor □ AG ☒ Legislature □ Association ☒ College/University □ Local Government ☒ Other: ☒ Click here to enter text. F.o.P — o.A.C.P.	
Submitted by: Click here to enter text. Chief Michael J. Navarre, Oregon Police Division	



Problem to address: Click here to enter text. Newly appointed Police Chiefs are not required to receive any training in their new duties and responsibilities. In smaller departments, promotion of a chief from the rank of patrolman, with no prior administrative experience, oftentimes occurs. "Baptism by Fire" can be a great learning experience, but may also come with serious and irreversible consequences. Recommendation (Please include justification why this will address the problem): Click here to enter text. The OACP has proposed a Bill that mandates a 40 hour block of training for newly appointed chiefs. Senator Hite has agreed to sponsor the bill and is currently making some revisions. I would recommend that the Governor endorse the Bill and encourage its passage by the House and Senate. Does this recommendation require: Legislative Action: YesX No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes⊠ No□ Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text. Party responsible for implementation (you may choose more than one): Governor 🕱 AG 🕱 Legislature X Association [] College/University Local Government

Submitted by: Click here to enter text.

Other: Click here to enter text. O.A.C.P.



Problem to address: Click here to enter text.

A serious lack of distrust exists in the community with respect to the investigation and judicial review of incidents involving police officers and resulting in death. Many in the community and some members of this Task Force would like to adopt the State of Wisconsin's Assembly Bill 409, which addresses both the make-up of the investigative team and also a review panel that is charged with overseeing the investigation. Most of the police chiefs in Ohio would be opposed to this action and truly believe that "its not broken, so don't try to fix it." Most police departments do an outstanding job investigating their own and work quite well with their local prosecutors if criminal charges are warranted. Sadly, there are others that are either inept or simply not qualified to handle an officer-involved shooting investigation.

Recommendation (Please include justification why this will address the problem): Click here to enter text.

Examine Wisconsin's Assembly Bill 409 in detail and speak to folks in that State that have had to work with it and find out if it is working. Involve representatives from the OACP and FOP in the discussions and come up with language that is mutually agreeable to both and also the community. I would be more inclined to accept the oversight panel as a mandate and making the outside investigative team as an option. Further, the law enforcement members of the oversight panel should have extensive experience in conducting and/or overseeing officer-involved death investigations.

Does this recommendation require: Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes No
Additional funding required: Yes⊠ No□
Additional funding required: YesiX NoL)
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being mos
important): Click here to enter text.
Party responsible for implementation (very many changes the many)
Party responsible for implementation (you may choose more than one): Governor
AG IX
Legislature (X)
Association Callege # Introduction
College/University
Local Government
Other: Click here to enter text. O.A.C.P. — F.O.P.
Submitted by: Click here to enter text. Chief Michael J. Navarre, Oregon Police Division



Problem to address: Click here to enter text.

Most police agencies in the State never have to deal with the aftermath of a controversial officer-involved shooting death and are ill-prepared to make critical decisions. Quite frankly, the Ferguson, Missouri Police Department made a lot of mistakes which we all can learn from. There are larger Departments in the State of Ohio who have dealt with these situations and are very adept at Crisis Management. The community demands openness and transparency.

Recommendation (Please include justification why this will address the problem): Click here to enter text.

Make a short training video utilizing best practices and expert testimony from Police Chiefs who have frequently and successfully managed these types of situations. The video can then be distributed electronically to every Sheriff and Police Chief in the State of Ohio. An emphasis should be placed on early notification to key community leaders and the timely release of all pertinent information.

Does this recommendation require: Legislative Action: Yes□ No⊠
Executive/Administrative Action: Yes⊠ No□
Additional funding required: Yes□ No⊠
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being more
important): Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor X
AG 💢
Legislature □
Association □
College/University □
Local Government □
Other: Click here to enter text. O.A.C.P.
Submitted by: Click here to enter text.



Problem to address: Click here to enter text.
Some police officers are inadequately prepared to handle individuals who exhibit mental deficiencies. Lack of training given to police officers after receiving basic certification training at the time of hire.
Recommendation (Please include justification why this will address the problem): Click here to enter text.
Every law enforcement officer in the State shall receive 16 hours of training in the Police Academy at the time of hire in dealing with individuals who exhibit mental illness. Thereafter, every law enforcement officer in the State shall receive eight (8) hours of training in this subject every 5 years. This training shall include a visit to a mental health facility.
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor AG Legislature Association College/University Local Government Other: Click here to enter text. O.P.O.T.A.

Submitted by: Click here to enter text. Chief Michael J. Navarre, Oregon Police Division



Problem to address: Click here to enter text.

Does this recommendation require: Legislative Action: Yes□ No⊠

Some police departments are reluctant to make their policies and procedures available to the public. This creates distrust. Most, if not all, of these policies are public record under Ohio law, unless they meet one of the defined exceptions outlined in the ORC. Very few of these policies meet the exception criteria.

Recommendation (Please include justification why this will address the problem): Click here to enter text.

Remind all law enforcement agencies of their legal obligation to comply with the State's Public Records Law (ORC 143.42) and strongly encourage them to make these available on Department websites and in Department lobbies.

Executive/Administrative Action: Yes⊠ No⊡ Additional funding required: Yes⊡ No⊠
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most mportant): Click here to enter text.
Sarty responsible for implementation (you may choose more than one):
Governor 🕱
AG Ⅸ
_egislature □
Association □
College/University
∟ocal Government 💢
Other: Click here to enter text.
Submitted by: Click here to enter text.
Chief Michael J. Navarre, Oregon Police Division



Problem to address: 1. Basic Training of Police and Periodic In-Service Training—Subject areas to be mandated 2. Funding of the Basic and In-Service Training that is mandated 3. Mandated Training, Courses and Programs in the Grade, Middle and High schools in Ohio—What to do when faced with a Police encounter 4. Law enforcement agencies should recruit, hire and retain officers to reflect the diversity of their community 5. Transparency in Police investigation of Use of Force 6. Upon request of the Police Chief, Mayor, Sheriff or Prosecutor Independent investigators to supplement or replace investigators from the local agency should be available and funded.7. Lack of reliable information on police shootings and in-custody deaths. 8. Reliability of information provided by local law enforcement.9. Community trust between police agencies and the public should be improved.10.Grand jury proceedings are secret and therefore their proceedings and conclusions are subject to question in controversial cases.11. Collective Bargaining agreements between political subdivisions and police unions address investigation and definitions of police misconduct and imposition of discipline for noncompliance.

Recommendation (Please include justification why this will address the problem): 1. Basic and In-Service training of police agencies should include/expand training on the following subject areas: Cultural sensitivity addressing Diversity and sensitivity issues; Mental health and disability issues including language barriers and the hearing impaired; implicit bias; Use of Social and Mental health workers when dictated by circumstances known in advance or observed at a scene; Threat assessment and Tactics with de-escalation; policing non-violent demonstrations; standards for lawful vehicle and stop-frisk detentions; when to engage in a foot pursuit; alternatives to deadly force including a taser and verbal skills; personal stress management and stress reduction. 2. The Dept of Public Safeety Budget, Attorney general Budget, OPOTA budget, and Office of criminal Justice Services Budget should be reviewed to determine what iss necessary as supplemental or grant to political subdivisions to accomplish training requirements—they cannot just be mandated, they also must be funded. 3. All Students should be educated from an early age what to do when encountering a police-citizen contact-as a victim, witness, traffic offender, on the street or when commanded to stop, or when being arrested. 4. All necessary review of civil service exams by HR experts which are validated for job requirements should occur with the goal to permit appointing authorities to hire a diverse police force reflective of race, religion, minority, gender, sexual orientation, and national origin. Recruitment in Middle, High schools and area colleges encouraging a law enforcement career. Encourage residency and provide incentives to officers living within the jurisdiction they patrol. 5. Each political subdivision should be mandated to adopt a policy that provides early, timely, complete and accurate information to the public when an officer of that agency has used deadly force that results in the death of a

citizen. That information should include: name of officer(s), weapon used, name of victim, request for the public to provide information, and circumstances that justified the use of deadly force, with the assurance that as more information becomes available it will be released. Public records laws should be amended to provide the release of the investigative information upon completion of criminal and administrative action taken.6. BCI&I Agents should be designated to conduct independent investigations of police shootings and in-custody deaths where there has been a request by the local police chief, mayor, sheriff or prosecutor. Additional personnel or overtime costs will be accrued by the Attorney General's office that must be provided. Some have suggested a requirement that ALL such deaths be independently investigated or the subject of a special prosecutor. Most cases are not controversial—they may involve undisputed self defense or justifiable homicide cases or suicide by cop. There is no reason to require BCI&I to investigate all cases but when requested by the local officials BCI&I is the appropriate agency. Local officials should recognize when such a request is appropriate due to perceived conflicts and public perception, and both the Attorney General and prosecutors offices across the state should organize a mechanism to respond when such requests are made. 7. All police agencies should be required to report all facts, information, demographics of officer involved shootings to the Dept. of Public Safety and/or Attorney General, who shall compile and publish that information on an annual basis. 8. To assure reliable information police agencies should be encouraged to acquire cruiser cams, adopt policies for their use, and explore the use of shoulder cameras. 9. Community policing strategies should be expanded and the Cleveland, Ferguson and Philadelphia DOJ findings and reports should be reviewed by each agency and steps taken to implement appropriate recommendations tailored to their jurisdiction. 10. Statutes and court rules should be amended to require that in all cases heard by grand juries involving the use of deadly force against a citizen by a law enforcement officer that the legal and constitutional standards in the cases of Tennessee v. Garner 471 US 1(1985), Graham v. Connor 490 US 386 (1989) and State v. White 2015-Ohio-492 (2015) be read to the grand jury. The Ohio Supreme Court should consider amending Rule 6 of the Rules of Criminal Procedure to permit the Presiding or Administrative Judge of the court of common pleas upon request of the prosecutor to be present at and preside over grand jury proceedings when it is in the interest of justice, with the judge bound by secrecy as well, unless the court orders otherwise. The Rule also may be reviewed to authorize the release of the grand jury testimony when in the interest of justice, there is a particularized need, safety of witnesses would not be impaired and the chief justice of the ohio supreme court finds that the grand jury considered a case involving police use of deadly force, that it is in the interest of justice to release such testimony, that weighing the need for secrecy and the need for transparency that in that case the interests of disclosure predominate. 11. The Cincinnati Collaborative agreement that was reached between the city, the federal court and the police union should be reviewed by political subdivisions to determine the applicability of that model for receiving complaints and investigating allegations of police misconduct.

Does this recommendation require:

_egislative Action: Yes⊠ No□

Executive/Administrative Action: Yes \boxtimes No \square

Additional funding required: Yes⊠ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG ⊠
Legislature ⊠
Association ⊠
College/University □
Local Government ⊠
Other: Click here to enter text.
Submitted by: Prosecutor Ron O'Brien



Problem to address: Explore the cause of fractured relationships between law enforcement and communities.

The work of the Task Force thus far has involved traveling the state and listening to the general public and several speakers with an expertise or special knowledge of law enforcement – community relationships. We heard a father describe the pain caused and uncertainty resulting when a loved one was lost after an interaction with law enforcement. We heard young, older, and disabled citizens describe their need to be understood by law enforcement. Others described the distrust that people of color have in being confronted by law enforcement and the fear that interactions could lead to the loss of life. Several citizens asked that the task force acknowledge and explore the role and history of race, slavery, segregation, civil rights struggles and their underlying impact on the fractured community-law enforcement relationships. Still others submitted to the task force that the root causes were still deeper and that we should focus on the impacts of poverty, the lack of opportunity, quality education, financial stress, and fractured family relationships.

We explored the daily risks and dangers encountered by law enforcement in their efforts to protect citizens. We deepened our understanding and appreciation for the work of law enforcement. The physical and mental toll on police officers resulting from their service was discussed in depth and cited as an area of needed support. Finally, community policing models were compared and contrasted to the use of special task forces (e.g., stolen car units, drug units) in addressing specific crimes.

This request of the Governor – to explore the cause of the fractured relationships – is perhaps the most important of his directives because it asks that we explore the underlying and root causes of issues perplexing law enforcement and communities. Although our efforts have resulted in broad public testimony and input thus far, the task of effectively addressing root causes of the fractured community – police relationship is much broader than we've had time and resources to address. Accordingly, I make the following suggestion:

Recommendation (Please include justification why this will address the problem): The report of the Task Force should acknowledge the testimony as summarized above. Additionally, our report should suggest to the Governor that an ongoing review of the underlying causes of the friction is needed. Such a broadened review could be useful in informing modifications to future law enforcement training and efforts by law enforcement to enhance its connection, interaction and accountability with the community.

Does this recommendation require:

Legislative Action: Yes⊠ No□

Executive/Administrative Action: Yes⊠ No□

Additional funding required: Yes⊠ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.

Party responsible for implementation (you may choose more than one):

Governor ⊠

AG 🗆

Legislature 🖾

Association □

College/University □

Local Government

Other: Click here to enter text.



Problem to address: Strengthen Trust between Law Enforcement and Communities

Recommendation (Please include justification why this will address the problem): TRAINING & STANDARDS

- 1) Individuals carrying out the unique public responsibility of law enforcement must be carefully selected and should meet high standards. New standards should be developed for the selection and qualifications of new officers addressing their physical and psychological capacity as well the unique cultural challenges to be confronted within local communities.
- 2) The standards regarding when it is justifiable for law enforcement to use force should be reviewed. The Task Force report should suggest this review with a goal of enhancing the protection of the lives of officers, suspects, and the public. A statewide compilation of data regarding officer involved uses of lethal or deadly force should be created and made available to the public with all law enforcement agencies in the state participating.
- 3) The Task Force report should recommend that the Governor work to ensure that uniform statewide standards are developed to address the vicarious trauma impacting law enforcement. Protecting and assuring the mental health of officers must become a priority. There should be frequent reviews by trained professionals of the emotional and mental state of police officers regardless of whether an officer has been involved in an incident where a firearm is deployed.
- Training of new and existing officers should provide a level of cultural awareness specific to the communities being served and should address any challenge that officers might have in meeting safe policing standards when interacting with diverse populations. The Task Force report should encourage the Governor to work to ensure uniform standards statewide for initial and ongoing training to address cultural awareness as well as the existence of any existing biases, including implicit hisses.

biases.	
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes⊠ No□	
Recommendation Rank (Please provide a rank for each important): Click here to enter text.	of your recommendations in order of importance with #1 being most
Party responsible for implementation (you may o	choose more than one):
Governor ⊠	
AG □	
Legislature ⊠	
Association □	
College/University □	
Local Government □	
Other: Click have to enter text	•



Problem to address: Strengthen Trust between Law Enforcement and Communities

Recommendation (Please include justification why this will address the problem): COMMUNITY INVOLVEMENT

- 1) A policing model where law enforcement seeks to develop and maintain relationships with local citizens is desirable. Likewise, a structure to encourage communication to build ties with police is needed. These relationships, if sincerely developed between law enforcement and the communities they serve, could result in increased respect and understanding and improved safety for police and community as well. The responsibility to develop these relationships and to ensure respect and understanding is equally upon the community and law enforcement. The improved relationships should be developed, in part, in traditional ways such as police in uniforms attending scheduled public meetings to talk with the public about policing. Or in less formal ways, perhaps police could become mentors (off-duty) to kids in local schools. Perhaps the faith based community could connect officers and members in true dialogue. In short, the means used to improve relationships has to be open to all ideas and approached with an open mind and willing spirit from both law enforcement and community.
- 2) The Task Force report should recommend that the Governor call upon the public to assist law enforcement in developing and rolling out a campaign to enhance the public awareness of how to interact with law enforcement during stops and other scenarios.

being most

Legislative Action: Yes⊠ No⊟ Executive/Administrative Action: Yes⊠ I	No□				
Additional funding required: Yes⊠ No□					
Recommendation Rank (Please provide a ran important): Click here to enter text.	nk for each of your	recommendatio	ns in arder of	importance v	vith #1
Party responsible for implementation (yo	ou may choose	e more than	one):		
Governor ⊠					
AG 🗆			•		
Legislature ⊠					
Association		-		i.	
College/University □				•	-
Local Government □					
Other: ☐ Click here to enter text.				•	
		•			



Problem to address: Strengthen Trust between Law Enforcement and Communities

Recommendation (Please include justification why this will address the problem): **OVERSIGHT & ACCOUNTABILITY** In the unfortunate occurrence of a police involved death, increased oversight and accountability are desired. The Task Force report should include the recommendation of standards for local law enforcement to require that investigations be assisted by an agency that does not employ officers involved in the incident.

Does this recommendation require:	
Legislative Action: Yes⊠ No□	
Executive/Administrative Action: Yes⊠ No.	
Additional funding required: Yes⊠ No□	
, to all the tax	

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.

Party responsible for implementation (you may c	<u>hoose more than one)</u> :
Governor ⊠	
AG □	,
Legislature ⊠	
Association	
College/University □	
Local Government	
Other: Click here to enter text.	
Submitted by: Director Andre T. Porter	•



Problem to address: Strengthen Trust between Law Enforcement and Communities

Recommendation (Please include justification why this will address the problem): TRUST AND JUDICIAL PROCESS The executive order did not request that the task force review the judicial process. However, much of the testimony that the Task Force received related to the judicial process. Those providing public testimony indicated their concern with the process, its lack of transparency and the role of prosecutors. The Task Force report should recommend to the Governor that he acknowledge the concerns and that he ask the Ohio Supreme Court to conduct a review of the grand jury process and provide him with a report of changes to be made.

Does this recommendation require:
Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes No
Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG □

Other: \square Click here to enter text.

Legislature ⊠
Association □

College/University ☐ Local Government ☐



Problem to address: Click here to enter text.
To Build and Strengthen Police Community Relations
Recommendation (Please include justification why this will address the problem): Click here to enter text. Expand on the Cincinnati Collaborative Agreement Model - The Community Partnering Center by
establishing Statewide Community Partnering/Incubator Centers (Cincinnati can train and help stablish centers in other regional parts of the state to be located in the community and include colice, community trainers, faith leaders, youth)
Does this recommendation require: Legislative Action: Yes□ No□ Executive/Administrative Action: Yes□k No□ Additional funding required: Yes□k No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor x .G Legislature Association College/University

Local Government ☐

Other: ☐ Click here to enter text.

Submitted by: Rep. Alicia Reece



Problem to address: Click here to enter text.
Trust in the system
Recommendation (Please include justification why this will address the problem): Click here to enter text.
Statewide Citizen Review Complaint Authority
Does this recommendation require: Legislative Action: Yes□ No□ Executive/Administrative Action: Yes□X No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor □X AG □X Legislature □ Association □ College/University □ cal Government □ Other: □ Click here to enter text.
Submitted by: Rep. Alicia Reece



Problem to address: Click here to enter text.
Lack of Trust in the Justice System
Recommendation (Please include justification why this will address the problem): Click here to enter text.
* Establish Independent Prosecutor or Prosecution Division to deal with Police/Citizen Deadly force incidents (Release info and transcripts in a timely manner to the public) * Have an open/transparent Grand Jury Process involving these types of incidents
Does this recommendation require:
Legislative Action: Yes□ No□ Executive/Administrative Action: Yes□X No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor □
AG □X Legislature □
ssociation
College/University ☐ Local Government ☐
Other: Click here to enter text.

Submitted by: Click here to enter text. Rep. Alicia Reece



Problem to address: Click here t (ACCOUNTABILITY) Hand	to enter text. deling of investigations of deaths involving law enforce	ement .
Recommendation (Please include A law similar to the State Wisc	e justification why this will address the problem): Click here to enter to consin, team of outside, the local prosecutors review t	ext. the case.
Does this recommendation red Legislative Action: Yes⊠ No Executive/Administrative Action Additional funding required: Ye	□ on: Yes□ No□	
Recommendation Rank (Please important 1	e provide a rank for each of your recommendations in order of importar	nce with #1 being most
Party responsible for impleme Governor ☑ AG □ Legislature ☑ Association □ College/University □ _ocal Government □ Other: □ Click here to enter text	entation (you may choose more than one):	

152

Submitted by: Tom Roberts



Problem to address: Click here to enter text. (TRAINING)
Lack of Diversity Training for police officers
Recommendation (Please include justification why this will address the problem): Click here to enter text.
Add a Diversity Officer from one of our Schools of Higher Education to the Commission .
Add person who has back ground in Civil Rights law or education, to the Commission.
Does this recommendation require:
Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes No
Additional funding required: Yes□ No□
December 1 Care Developer
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 2
importanty. Z
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG 🗆
Legislature Association
Association □ College/University □
Local Government □
Other: Click base to enter toyt

Submitted by: Tom Roberts



Problem to address: Police Office lack of broad prospective of his/her service, role to protect and defend
Recommendation (Please include justification why this will address the problem): Click here to enter text.
Require police officers to have a degree beyond a high school education
Does this recommendation require:
Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□
Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 3
Party responsible for implementation (you may choose more than one): Governor ⊠
AG ⊠
Legislature ⊠
Association
College/University □
Local Government Other: Click bore to outsit tout
Other: Click here to enter text.

Submitted by: Tom Roberts



Problem to address: Systemic Racism in the Criminal Justice System in Ohio
(police, prosecutor and the courts)
Recommendation (Please include justification why this will address the problem): Click here to enter text. The Legislature and The Supreme Court establish a Task Force to review and make recommendation for change
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 4
Party responsible for implementation (you may choose more than one): Governor □ AG □ Legislature ⊠ Association □ College/University □ Local Government □ Other: ⊠ Ohio Supreme Court

Submitted by: Click here to enter text.



Problem to address: Trust	
Recommendation (Please include justification why this will address the probled drafted for implementation universally by Ohio Law Enforcementation universally b	nt governing the use and application o I policy and procedure for the use,
	•
Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes⊠ No□	
Recommendation Rank (Please provide a rank for each of your recommen important): 1	dations in order of importance with #1 being most
Party responsible for implementation (you may choose more the Governor □	nan one):
AG ⊠ Legislature ⊠ Association ⊠	
College/University □ Local Government ⊠	
Other: Click here to enter text.	
•	

Submitted by: Sheriff Vernon Stanforth



Problem to address: Accountability

Recommendation (Please include justification why this will address the problem): Expand authority of OPOTC over advanced training and basic academies. Implement best practice policy and procedures for adoption by law enforcement agencies including hiring and retention of peace officers. Expanded authority of the Ohio Peace Officers' training commission to investigate and decertified peace officers. OPOTC would have the authority to establish training and standards for Bureau of Criminal Investigation agents specifically assigned to investigate alleged police misconduct. The request for an investigation could be initiated by the local authority (chief of police, mayor, or legislative governing body, the municipal law director/solicitor, the county prosecutor, or the county sheriff), or the Attorney General. The investigation results would be referred to the local authorities for administrative action. The Attorney General would retain prosecutorial discretion. All agencies would be required under the law to supply peace officer separation documentation including agreed upon settlements to the Commission. The Commission would create and maintain a decertification database

Does this recommendation require:

Legislative Action: Yes⊠ No□

Executive/Administrative Action: Yes⊠ No□

Additional funding required: Yes⊠ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 2

Party responsible for implementation (you may choose more than one):

Governor ⊠

AG ⊠

Legislature ⊠

Association ⊠

College/University □

Local Government ⊠

Other: ⊠ OPOTC

Submitted by: Sheriff Vernon Stanforth



Task force in	CCOIII	moma	autons	
Problem to address: Accountability part 2				
			,	
			4	
		•		
Recommendation (Please include justification why this provide guidelines for law enforcement admin the "who-what-when-where" of a critical incide address the community. Guidelines including name, photo, training records, personnel recopolicy. Administrators would know what to do community would know they are being address	nistrators to e ent. At a tim of the timely a ords, etc. nee o. Media wo	effectively ad e of crisis is and appropria ed to be impl uld know wh	dress police rand the time to the release of emented in a latto expect.	elated incidents; o figure out how t the officer's best practice
				•
			•	
		4		
				•
Does this recommendation require:				
Legislative Action: Yes□ No⊠	,			
Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes□ No⊠				
7 (daille franching for all car from 1902)			÷	•
Recommendation Rank (Please provide a rank for e important): 8	each of your reco	ommendations in	order of importan	ce with #1 being most
· · ·	,	<i>.</i>		
Party responsible for implementation (you ma	av choose m	ore than one	<i>i)</i> ,	
Governor □	-7			
AG □ Legislature □				•

Association 🖾
College/University □
Local Government ⊠
Other: Click here to enter text.

Submitted by: Sheriff Vernon Stanforth



Task roice Recommendations	
Problem to address: Community Involvement	
Recommendation (Please include justification why this will address the problem): Legislatively increase the composition of the Ohio Peace Officers' Training Commission by two, one to be a designee from Ohio Civil Rights Commission, and the other an additional citizen appointment at the governor's discretion. It is recommended to maintain an unequal number of commission members.	the
	-
Does this recommendation require:	
Legislative Action: Yes⊠ No□	
Executive/Administrative Action: Yes⊠ No□	
Additional funding required: Yes□ No⊠	
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being m	
important): 3	เบรเ
Party responsible for implementation (you may choose more than one):	
Governor ⊠	
AG 🖂	
Legislature ⊠ Association ⊠	
College/University □	
Local Government □	
Loods Obtominent L	

Other:

Click here to enter text.

Submitted by: Sheriff Stanforth



Problem to address: Community Involvement

Recommendation (Please include justification why this will address the problem): The term "Community Policing" is used often when addressing community and police relations. That discussion often surrounds the "beat" officer or an assigned community relations officer and related duties. The task force must focus on the implementation of community policing program from the TOP DOWN and not form the bottom up. Extensive executive level training must be initiated with Chiefs and Sheriffs to ensure their buy-in of the concepts of community policing. During the US Department of Justice's Community Oriented Policing (COPS) programs of the 90's, funding encouraged administrators to participate in the hiring of additional "community policing" officers. Many law enforcement agencies back doored the purpose of the program. When funding ceased many agencies did not incorporate the added positions into the general operating budgets and community policing abruptly stopped across the country.

Does this recommendation require:

Legislative Action: Yes⊠ No□

Executive/Administrative Action: Yes⊠ No□

Additional funding required: Yes⊠ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 9

Party responsible for implementation (you may choose more than one):

Governor □
AG □
Legislature ⊠
Association
College/University □
Local Government ⊠
Ofher: 🔯 OPOTC

Submitted by: Sheriff Vernon Stanforth



Problem to address: Judicial Process

Recommendation (Please include justification why this will address the problem): Every grievance has two sides, one of which will not be satisfied. Our judicial system is designed to be fair and impartial in all its matters. Although several issues could be effectively addressed to enhance the public concept and trust of the system. Judicial budgets should be removed from local governance to elevate judges way from local influences. Judges should be authorized to petition the Supreme court to appoint a Grand Jury Magistrate to independently oversee the grand jury process including the presentation of cases which are or appear to be in conflict with the local county prosecutor. The Grand Jury Magistrate will be certified and registered with the Supreme Court. The grand jury would remain a random selection of citizens of the court's jurisdiction and remain a secret proceeding unless the judge of the court of common pleas decrees otherwise. This decision could be challenged to a higher court.

<u>Does this recommendation require:</u> Legislative Action: Yes⊠ No□

Executive/Administrative Action: Yes□ No⊠ Additional funding required: Yes⊠ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): 10

Party responsible for implementation (you may choose more than one):

Governor □
AG □
Legislature ⊠
Association □
College/University □
Local Government ⊠
Other: M Ohio Supreme Court

Submitted by: Sheriff Stanforth



Problem to address: Standards: There are maincluding law enforcement.	ny "standards" imbedded within any organization,
and the second of the second o	
•	
•	
has authority governing minimum basic training	will address the problem): Currently, the training commissior g standards only. Of importance should be the with oversight of the training commission. All law and sanctioned by the commission.
	•
•	
•	
Does this recommendation require:	
Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes⊠ No□	
Additional funding required: Yes⊠ No□	
Additional fanding required: 16525 14015	
Recommendation Rank (Please provide a rank for ea important): 10	ch of your recommendations in order of importance with #1 being most
Party responsible for implementation (you may	/ choose more than one):
Governor □	
AG ⊠	
Legislature 🗵	
Association College/University	
College/University	·

Local Government ☐ Other: ☒ OPOTC

Submitted by: Sheriff Stanforth

Community - Police Relations Public Records draft 3-22-15

In general, I believe that improved public access to the already public records of law enforcement agencies → leads to accountability, which → leads to better behavior by officers, entire agencies, and even of the citizens involved in police encounters. For example, studies show that police use of force, and complaints of disrespect, decline, sometimes dramatically, following implementation of cruiser and body cameras. The following are a few ways that current levels of openness could be further improved under existing laws at little or no cost:

- As a best practice, Ohio law enforcement agencies could post their initial incident reports online, through a spreadsheet or a database search function. Ex.: http://www.clevelandheights.com/index.aspx?page=1526. Most initial incident reports are already public record, subject to limited exemptions.
- 2. L.E. agencies should remember that many investigative records are not <u>required</u> to be withheld from public requests. Where an investigation would not be compromised, voluntary release can benefit the department's community relations and public image.
- 3. Participating L.E. agencies provide a wealth of statistics to the Ohio Incident Based Reporting System (OIBRS), including information about characteristics (race, gender, ethnicity, age, etc.) but not the identity, of offenders and victims. This information, subject to any current OIBRS limits, could be proactively released by departments so that constituents understand the local patterns of crime and enforcement. http://www.ocjs.ohio.gov/crime_stats_reports.stm
- 4. Ohio L.E. agencies should make their public records policies highly visible on their home web page, in easily understood language addressing the most commonly requested law enforcement records, and specific contact information for making a request. Ex.: http://www.oregonohio.org/Police/police.html
- 5. Taped records from cruisers, booking areas, telephones, and body cameras pose both accountability opportunities, and privacy concerns. Law enforcement statewide associations should provide, at the least, recommended best practices to facilitate proper public access to these records, including the explanation of under what circumstances and for how long these records can be withheld.
- 6. Mediation by respected neutrals, including but not limited to the Attorney General's Public Records Mediation Program, should be accepted and promoted by L.E agencies to quickly resolve public records disputes over department records.

As shown by the exemplary links in items 1, 3, and 4, some of these practices are already in use by some Ohio agencies, and can be accomplished at relatively little expense by most others. The thought behind all of them is to use currently maintained law enforcement records to better inform the public about local law enforcement practices and trends.



Problem to address: Lack of knowledge or training of law enforcement on child and adolescent development. Youth are fundamentally different than adults in significant ways, which has been recognized by the U.S. Supreme Court in the context of interrogation and sentencing of youth, and by the International Associations of Chiefs of Police (IACP). The IACP reports that nationally between 4 to 5 million youth ages 16-19 have face-to-face encounters with police each year (does not include children under 16 years of age who have police encounters).

Recommendation (Please include justification why this will address the problem): Include mandatory training for all law enforcement officers on how to effectively interact with adolescents to increase safety and effectiveness, as well as to improve relationships for both officers and youth. The training should address principles of child and adolescent development, including the impact of trauma, and how this impacts police-youth interactions. Similar training has been implemented for School Resource Officers in Ohio. The IACP identifies the importance of understanding of adolescent development in police interviews and interrogations of juveniles as well as in overall approaches to youth in its recent publication "The Effects of Adolescent Development on Policing," which includes 10 strategies for officers to improve interactions with youth. Having at least one member with child and adolescent development expertise on the Ohio Peace Officer Training Commission should also be included in this recommendation to ensure the provision of appropriate training.

For more information, see the letters sent to the Taskforce by the Case Western Reserve University's

Schubert Center for Child Studies and the Juvenile Justice Coalition. Does this recommendation require: Legislative Action: Yes□ No⊠ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes□ No⊠ Recommendation Rank (Please provide a rank for each of your recommendations in order of importance): 1 Party Responsible: Governor □ AG 🖂 Legislature □ Association □ College/University □

Submitted by: Eve Stratton



Problem to address: Lack of clarity on role and/or overreliance on school resource officers (SROs) in routine discipline matters undermines their ability to focus on school safety. Too often SROs, who are placed in schools to help maintain safety, are being called upon to act as disciplinarians for students. This role can cause conflict with students and parents, who see minor age-appropriate incidents, such as a scuffle on the bus, elevated to criminal activity.

Recommendation (Please include justification why this will address the problem): Develop and promote the adoption of a model memorandum of understanding (MOU) between school districts and SROs. The Attorney General's Task Force on Criminal Justice and Mental Illness has been in discussions about developing this document, which would help to clarify the role of SROs in schools, including in what situations they can and should intervene.

For more information, see the letters sent to the Taskforce by the Case Western Reserve University's Schubert Center for Child Studies and the Juvenile Justice Coalition

Conduct Contents of Child Clades and the Savernic Sas	succ Coantion.		
		•	
Does this recommendation require:			
Legislative Action: Yes□ No⊠			
Executive/Administrative Action: Yes⊠ No□			
Additional funding required: Yes□ No⊠			
Recommendation Rank (Please provide a rank for each of y	our recommendations	in order of importa	ınce): 2
Party Responsible:			
Governor □			
AG ⊠			
Legislature □			
Association □			
College/University □		•	
•		•	

Submitted by: Eve Stratton



Problem to address: Increasing positive interactions between police and youth in the communities they serve.

Recommendation (Please include justification why this will address the problem): Law enforcement officials should be encouraged to engage in positive activities with youth in order to build trust. Events in counties throughout Ohio have included basketball games and bowling events with law enforcement and youth. More formally, law enforcement officials could establish youth advisory councils to allow youth to have a voice in the law enforcement process and help bring up issues that may need to be addressed in their communities.

For more information, see the letters sent to the Taskforce by the Case Western Reserve University's Schubert Center for Child Studies and the Juvenile Justice Coalition

Schubert Center for Child Studies and tr	ie Juvenile Ji	istice Coaliti	on.		
Does this recommendation require:					
Legislative Action: Yes□ No⊠					
Executive/Administrative Action: Yes⊠	No□				
Additional funding required: Yes□ No⊠					
Recommendation Rank (Please provide a	rank for each of	your recomme	ndations in ord	er of impor	tance): 3
Party Responsible:					
Governor					
AG ⊠	•				
Legislature □					
Association □		•	•		
College/University □					
Submitted by: Eve Stratton					



Problem to address: Increasing awareness of and addressing implicit bias in policing. Implicit bias is the unconscious "positive or negative mental attitude towards a person, thing, or group" and may conflict with one's expressed beliefs. Although implicit bias is not intentional it impacts both perceptions and behaviors. Implicit bias is present in every person and may contradict what a person explicitly says or thinks, but is especially critical in law enforcement officials who must make high impact, often split second, decisions regularly with potentially significant consequences.

Recommendation (Please include justification why this will address the problem): Law enforcement officials should undergo implicit bias evaluations and receive training on recognizing and reducing implicit bias, including specific strategies to counter-act and limit the potential impact of bias. Programs such as "Fair and Impartial Policing" http://www.fairimpartialpolicing.com/), for example, provide various levels of training to law enforcement from patrol to line-supervisors and mid-management depending

sity's

Submitted by: Eve Stratton	
College/University □	
Association Outline (film)	
Legislature □	
AG ⊠	
Governor □	
Party Responsible:	
Recommendation Rank (Please provide a rank for each	ch of your recommendations in order of importance): 4
Additional funding required: Yes□ No⊠	
Executive/Administrative Action: Yes⊠ No□	
Legislative Action: Yes□ No⊠	
Does this recommendation require:	
For more information, see the letters sent to the T Schubert Center for Child Studies and the Juvenil	



Problem to address: The lack of communication and collaboration with local organizations: Minority racial and ethnic groups around the country have often view themselves as targets of abusive treatment at the hands of law enforcement. There has been a wealth of documented assessments regarding racial variation, but overall, there has been less research exploring the sources of these differences at the intersection of demographic, interactional, and ecological levels. It is imperative to address the problems associated with community-police interactions. It seems as though local law enforcement agencies have conflicting perspectives, poor communications, concerns and outright various ideologies on how they are supposes to enforce the law while being charged with protecting and serving their respective community. When it appears that law enforcement represents the interests of the communities in which they police, there is general harmony. When police are out of sync with these sentiments, there is discontent and dissention.

Recommendation (Please include justification why this will address the problem): Without community involvement, the social interaction between the police and community will fail, because the level of distrust between the police and the community is too high for changes to be successful. Full transparency, which allows for open communication and oversight, is essential. There must be continued community involvement through permanent structures to continue to involve the community and police together in the maintenance of excellence of police services to the public. Law enforcement agencies can learn from organizations that have been able to change process to improve internal awareness and communication about issue of race and culture and address disproportionate impact of police services on communities of color. First, there should be a development of curriculum for training officers on interpersonal relations and the issues of race. New officers can be trained for trial purposes. Once the effectiveness of the training is acquired, training for all officers can be provided. The creation of a centralized use-of-force database may be used to improve community policing, especially in neighborhoods where there are higher crime rates, greater police presence, and disparate impacts of policing. Second, enhance law enforcement training and organizational strategies to increase employee's understanding and ability to work across racial and ethnic differences. This could be done by ensuring that all officers provided a historic context—through training—to understand the present reality of the neighborhoods they work in. Superior officer should also ensure that foot patrol officers' contacts with people in the neighborhood are professional and respectful, and that force is used appropriately regardless of race. Third, there should be a local mandate that would partner local law enforcement agencies with culturally specific organizations to develop effective strategies to police diverse communities. This would be very beneficial to the growth of the community-police partnership. One possible vehicle for addressing the training portion could be S.B. 23 (Thomas) as an already introduced option that includes training requirements for deescalation skills, mental health awareness and response, and cultural competency. There is also an appropriation to support the local law enforcement entities in offering this training. Many of the issues we face are complex and will require long-term planning, but we should act now on known issues with possible solutions.

Does this recommendation require:
Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes No
Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor
AG ⊠
Legislature ⊠
Association
College/University □
Local Government ⊠
Other: Click here to enter text.
Submitted by: Senator Sandra Williams



Problem to address: The nonexistence of use-of force databata has been brought to the forefront by recent police-involved deaths that have struck a nerve throughout the nation in locations including Cleveland, New York, and in Ferguson, Missouri. The U.S. Department of Justice 2014 report on Cleveland Police cited a pattern of misconduct saying, "We discovered that officers do not effectively de-escalate situations, either because they do not know how, or because they do not have an adequate understanding of the importance of de-escalating encounters before resorting to force whenever possible." Attorney General Eric Holder called for better record-keeping on how often police officers use force or are them-selves attacked, saying current efforts to compile the data are incomplete. Holder added, "better data are needed on both categories to provide a more accurate picture of relations between police and the communities they serve." "It is incumbent upon all of us to protect both the safety of our police officers and the rights and well-being of all of our citizens," Holder said. "We can, and we must examine new ways to do both." Therefore, there is an opportunity to learn from data and implementing policy and training improvements that are informed by what is happening in the community and within the police force. Effective research requires an investment of resources that are presently scarce, but there may be academic partners who will lend their expertise to strengthen Ohio's local law enforcement's approach to data collection and analysis.

Recommendation (Please include justification why this will address the problem): Local law enforcement should be required to report all 'use-of-force' incidents both verbally and in writing through a "Use of Force" data collection report. Some data is currently captured by local law enforcement departments, but it is not consistently or effectively utilized to improve organizational outcomes. I also thank my colleague Sen. Thomas for including such a provision in his S.B. 23 which could with adjustments be used as a mechanism to start this process. In order to coordinate the data collection process, one of the statewide agencies like the Attorney General's, the Secretary of State, or the office of Public Safety should be charged with convening a small team of internal and external experts, including a research specialist, to evaluate and redesign the Force Date Collection Report form so that it gathers data that is useful in improving policy and training (i.e. situational data, questions to identify circumstances of the incident, and effectiveness or ineffectiveness of force used). I recommend that Ohio Department of Public Safety compile annual reports on force data that can be easily understood by internal and external audiences. Gather, analyze and report meaningful force data on an annual basis. Current data does not permit analysis of the role of race in use of force. Correlate subject injury data with race/ethnicity data. Correlate officer race/ethnicity and gender with the race/ethnicity and gender of arrestee. Provide more contextual analysis of force data (cross correlate race/ethnicity data with other variables such as the suspected crime, level of intoxication, time of incident, and neighborhood). More time and additional opportunities should be given to lead scenario based discussions and conduct situational analysis of the data so that officers understand the impact of the numbers and the effectiveness of their actions.

Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes⊠ No□
Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG ⊠
Legislature ⊠
Association
College/University ⊠
Local Government ⊠
Other: Click here to enter text.

Submitted by: Senator Sandra Williams



Problem to address: The secretive grand-jury process has eroded trust in the criminal justice process. This is true especially related to the treatment of police officers as grand juries overwhelmingly indict citizens while simultaneously overwhelmingly refusing to indict officer accused of excessive or inappropriate use of force.

Recommendation (Please include justification why this will address the problem): Abolishment and Replacement of the Grand Jury Process: The criminal justice system in the United States has been one to admire since its inception. But as all things evolve over time, our judicial system is not an exception to the rule. Over the past several decades, the United States has had to abandon outdated judiciary practices throughout its history, and now it's time to abolish another—the grand jury. Prior to the institutional development of district attorneys and prosecutors in our modern day criminal justice system, the grand jury originally had two main functions. The first was to protect people against subjective governmental power and influence. The second allowed individuals to present a criminal case to prosecute against someone, in which the grand jury would or would not solidify their request. Today, prosecutors manipulate and influence the grand jury to their own discretion. The prosecutor essentially tells the grand jurors what needs to be done and presents and tailors the evidence and witnesses accordingly. This process is held in a secret, non-transparent proceeding—without the customary due process protections for the accused. The prosecutor has significant influence over how the grand jury views the case. Essentially, prosecutors can impress upon the jury the image of the case they want to convey. There is no chance for cross-examination, and it is entirely up to the prosecutor as to which victims appear and in which order. Replacement: I recommend the grand jury process be abolished and replaced with a healthier solution conducting a preliminary hearing. Unlike the grand jury, the preliminary hearing process is completely transparent. It is recorded, the defendant is present, and a judge decides if there is probable cause to hold a trial. Many of the same procedural rules that govern trials apply in preliminary hearings. The defense and prosecution may also object to evidence and testimony offered by the other side. Preliminary hearings can be conducted in open court where the public, the defendant and defendant's family, any victims, the media, and any other interested people may all be present. In rare cases, however, the judge may decide to close the courtroom. This may be in the case of a sex crime or where the victim is under 18 years of age. Unlike a preliminary hearing, held in court with the defense present, the grand jury does not make its decision in the context of a challenged proceeding—where the defending party is present. Rather, grand jurors see and hear only what prosecutors put before them. Since there is no one to contest the prosecutor's evidence, grand juries almost always return an indictment as requested by the prosecutor. Moreover, the grand juries in Cleveland, Ferguson, and Staten Island that recently cleared police in the killings of Tamir Rice, Michael Brown, and Eric Garner, exemplify another example of how insufficient the grand jury system has become. Reforming or modernizing the grand jury process is not an option—absolute abolishment of the grand jury and replacing the process with a preliminary hearing is the only viable alternative. Transparency is the main objective to this recommendation. We should work with the Ohio Supreme Court, members of the judiciary, prosecutors, and defense attorneys to support bringing this important modernization to our judicial system.

Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes⊠ No□ Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor ☒ AG ☒ Legislature ☒ Association ☒ College/University ☒ Local Government ☒ Other: ☐ Click here to enter text.
Submitted by: Senator Sandra Williams



Problem to address: Policing People with Mental Illness: Police officers are often called to intervene as first responders in situations better suited for service providers or case workers. Due to budget constraints, I believe we have not invested enough funds into expanding service options for vulnerable populations. Our police officers must continually interface with people who are in crisis. Lack of funding has hindered the possibility of investing in resources in crisis intervention training. This training would ensure effective and compassionate responses to crisis situations. With increasing population diagnosed with mental illness and substance abuse, and the limited resources needed to serve this demographic, there must be continued and updated training for our officers to ensure safe and effective interventions with people who are in crisis.

Recommendation (Please include justification why this will address the problem): I recommend that there be additional funding allocated toward ongoing resources to better equip officers to respond effectively in crisis situations—to better communicate with people with mental illness. In addition to the crisis intervention training, law enforcement agencies should develop a specialized crisis unit to respond to mental health crisis situations. For some departments, in-house units may be essential, for others coordination with neighboring jurisdictions may be the best course. There should also be a continued partnership with community organizations and public agencies to develop thoughtful, progressive, and effective strategies to identify ways to reduce use of force on medically vulnerable individuals, people with mental illness, and people who are addicted to drugs and/or alcohol.

Does this recommendation require: Legislative Action: Yes□ No□
Executive/Administrative Action: Yes⊠ No□
Additional funding required: Yes□ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most
Important): Click here to enter text.
mponany. Growners of Children and Children a
Party responsible for implementation (you may choose more than one):
Governor
AG ⊠
Legislature □
Association □
College/University □
Local Government ⊠
Other: Click here to enter text.
Submitted by: Senator Sandra Williams



Problem to address: Establish a committee to investigate police-involved shootings: Having the police investigate deaths that take place in their own custody is like having airlines investigate plane crashes or having farmers investigating instances of agricultural products tainted. It's an obvious conflict of interest that does absolutely nothing to discourage police officers from using excessive force.

Recommendation (Please include justification why this will address the problem): The Ohio legislature can pass a bill that requires that deaths that take place in police custody in Ohio be investigated by outside investigators, just like how the National Transportation Safety Board (NTSB) investigates plane crashes that take place on U.S. soil and how the U.S. Department of Agriculture (USDA) is responsible for ensuring the safety of the U.S. food supply. The law can require a team of at least two investigators from an outside agency to lead reviews of such deaths. It can also require reports of custody death investigations throughout the state to be publicly released if criminal charges are not filed against the officers involved. Officers also must inform victims' families of their options to pursue additional reviews via the U.S. attorney's office or a state-level John Doe investigation. Under the proposed legislation, each law enforcement agency must have a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer employed by the law enforcement agency as follows: The policy must require an investigation that is conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death. If the officer-involved death being investigated is traffic-related, the policy must require the investigation to use a crash reconstruction unit from a law enforcement agency that does not employ a law enforcement officer involved in the officerinvolved death being investigated, except that a policy for a state law enforcement agency may allow an investigation involving a law enforcement officer employed by that state law enforcement agency to use a crash reconstruction unit from the same state law enforcement agency. The policy may allow an internal investigation into the officer-involved death if the internal investigation does not interfere with the investigation conducted by the outside investigators. The policy may contain a provision that compensation for participation in an investigation required under the Act may be determined in a manner consistent with mutual aid agreements. Under the proposed legislation, the law enforcement agency must provide the information about these three processes when it makes a reasonable attempt to provide the victim of an officer involved death with written information concerning the rights of victims within 24 hours after making initial contact with the victim.

Does this recommendation require:

Legislative Action: Yes⊠ No□

Executive/Administrative Action: Yes□ No□ Additional funding required: Yes⊠ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important). Click here to enter text.

Party responsible for implementation (you may choose more than one).
Governor ⊠
AG ⊠
Legislature ⊠
Association □
College/University □
Local Government ⊠
Other: Click here to enter text.
Submitted by: Senator Sandra Williams



Problem to address: Discriminatory Practice (Racial Profiling): We have learned from the recent tragedies of police violence that it is clear that we need comprehensive federal, state, and local policies that outlaw racial profiling and rein in police excessive force. Racial profiling continues to plague our nation despite the constitutional guarantee of equal treatment under the law. In 2011, the Leadership Conference on Civil Rights report found evidence of widespread racial profiling, showing that African American and Hispanics are disproportionately likely to be stopped and search by police, even though they're less likely to be found possessing contraband or committing a criminal act. The NYPD's controversial "stop and frisk" program showed similar evidence of racial profiling, with police targeting Black and Latinos about 85 percent of the time². In nearly nine out of 10 searches, police find nothing. Profiling undermines public safety and strains police-community trust. When law enforcement officers target residents based on race, religion, or national origin rather than behavior, crime-fighting is less effective and community distrust of police grows. To root out this ineffective tactic that undermines public confidence, we need stronger policies against racial profiling at all levels—from local to federal— as well as more effective training and oversight of police officers and systems of accountability.

Recommendation (Please include justification why this will address the problem): I recommend the drafting of legislation that would address bias based policing with respect to racial profiling. The law shall prohibit a law enforcement agency or official from targeting or stopping motorists or pedestrians on the basis of race, ethnicity, minority group status, religious affiliation, gender identity or sexual orientation, unless that status is used in combination with other identifying factors in seeking to apprehend a specific suspect.

There should be an internal law enforcement agency policy that is designed to eliminate racial profiling by the agency and its officers. This policy shall include educational training by the law enforcement agency on an annual basis and if an officer is found to be engaged in a practice of racial profiling. This training must include: Understanding of historical and cultural systems that perpetuate racial profiling; assistance in identifying racial profiling practices; and providing officers with self-evaluation strategies to preempt racial profiling.

The drafted legislation should include requirements for data collection which will allow the tracking of race-based policing without escalating tension between an officer and an individual at a stop. In which the peace officer shall be charged with collecting the information based on the officer's own observations.

The subject(s) of the stop shall not be asked to provide the following information: A description of the vehicle or bicycle; license plate number; race, ethnicity, approximate age, and gender of the operator and any passengers of the motor vehicle or bicycle, or the pedestrian; the location of the stop, including the street and address number; approximate duration of the stop; the basis for the stop, including the alleged offense; and the date and time of the stop. Whenever a law enforcement officer conducts of search of the motor vehicle,

¹ Rights, T. L. (2011). Restoring a national consensus: The need to end racial profiling in america. Washington, DC: The Lead.

² Shen, A. (2013, May 22). White people stopped by new york police are more likely to have guns or drugs. Retrieved from ThinkProgress: http://thinkprogress.org/justice/2013/05/22/2046451/white-people-stopped-by-new-york-police-are-more-likely-to-have-guns-or-drugs-than-minorities/

bicycle, or person, the law enforcement agency that employs the officer shall collect the following: Legal basis and rationale for the stop and search or sniffing; the nature of any contraband discovered; the exact oral or written warning delivered to the suspect; the race of the individual as perceived by the officer; and the charge or charges filed against the suspect as a result of the search or sniffing.

Does this recommendation require: Legislative Action: Yes⊠ No□ Executive/Administrative Action: Yes□ No□ Additional funding required: Yes⊠ No□
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one): Governor ☒ AG ☒ Legislature ☒ Association ☐ College/University ☐ Local Government ☒ Other: ☐ Click here to enter text.
Submitted by: Senator Sandra Williams



Problem to address: Law Enforcement Hiring Process: No factor has been more crucial to the reduction in crime levels than the partnership between law enforcement agencies and the communities they serve. By embracing the philosophy of community policing, law enforcement agencies have been able to work with citizens to create safer towns and cities. To be effective, police cannot operate alone; they require the active support and assistance of their communities. Central to maintaining that support is the recognition that law enforcement agencies must reflect the diversity of the communities they serve. Every day, our law enforcement officers come into contact with individuals from a different cultural backgrounds, socioeconomic classes, religions, sexual orientations, and physical and mental abilities. Each of these groups brings a different perspective to police-community relations and, as a result, our officers must be prepared to respond to each group in the appropriate fashion. Failure to recognize and adjust to community diversity can foster confusion and resentment among citizens and quickly lead to a breakdown in the critical bond of trust between a law enforcement agency and its community.

Recommendation (Please include justification why this will address the problem): Review hiring standards and processes to eliminate those that unintentionally work against diversity, while maintain appropriate screening standards. Some examples of implementation could be done by broadening the education requirement and/or offering pre-hire education seminars and counseling. With respect to education requirements, jobs in law enforcement will be more accessible to applicants of color. College has historically been less affordable for many people of color, and it's been shown that a variety of non-college experiences can be as good or better preparation for a career as a police officer. With the implementation of a pre-hire education seminar or counseling process, applicants will become more familiar with the hiring process. The hiring process has long been untimely and background investigations have been both rigorous and impersonal. Communities of color have viewed these processes with suspicion. Where feasible, the law enforcement agencies need to be more forthcoming about reasons for failure in the background phase to allay suspicion and build trust. I also suggest developing more avenues for recruiting new officers by altering the recruitment program. Currently, only a select few are charged with recruiting new officers to the police force. I believe using more people, especially less seasoned officers to recruit new officers will attract additional talented personnel and increase the number and diversity of police applicants. The overall goal is to develop a workforce that more closely represents the city's diversity to improve mutual understanding between the law enforcement officers and the communities they serve.

Does this recommendation require:

Legislative Action: Yes□ No□ Executive/Administrative Action: Yes⊠ No□

Additional funding required: Yes□ No□

Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.

Party responsible for implementation (you may choose more than one):
Governor ⊠
AG ⊠
Legislature ⊠
Association
College/University □
Local Government ⊠
Other: Ohio Dept. Public Safety; Labor Organizations
Submitted by: Senator Sandra Williams



Task Force Recommendations

Problem to address: Residency Requirements:

Submitted by: Senator Sandra Williams

Residency requirements for police officers have long been tied to better relations between cops and the communities they are charged with protecting. The requirements in big cities are not as common as they used to be due to General Assembly action to limit home rule authority on this issue. The other hand the whole purpose of residency requirements is to give public employees a real stake in the cities they serve, and of course to capture the revenues that they've generated. You should live in the city you work in because you get to know the people and the people get to know you. I believe having a residency requirement generates tax revenue for the city, and it creates a connection between police officers and the community. If law enforcement officers live in the city, they will become actual stakeholders in the communities and neighborhoods they serve and they will become part of the city. They will not just coming in from the suburbs, there's an allegiance to the community they serve other than a paycheck. When it comes to role models or empathy, it would certainly be extraordinarily valuable if the police force could reflect our communities. Especially in professions called upon to deal with people in crisis within the community.

Recommendation (Please include justification why this will address the problem): The only probable recommendations I have would be to repeal section 9.481 of the Ohio Revised Code. Section 9.481 prohibits residency requirements for certain employees, including law enforcement officers. There could also be incentives provided to officers who choose to stay in the communities they serve.

provided to officers who choose to stay in the communities they serve.
Does this recommendation require: Legislative Action: Yes⊠ No□
Executive/Administrative Action: Yes□ No⊠
Additional funding required: Yes□ No⊠
Recommendation Rank (Please provide a rank for each of your recommendations in order of importance with #1 being most important): Click here to enter text.
Party responsible for implementation (you may choose more than one):
Governor ⊠
AG ⊠
Legislature ⊠
Association
College/University □
Local Government ⊠
Other: Ohio Dept. Public Safety; Labor Organizations



Executive Order 2014-06K

Announcing the Ohio Task Force on Community-Police Relations

WHEREAS, a recent series of events in Ohio and elsewhere in the nation has highlighted the fractured relationships that exist between some local communities and the police dedicated to serving them; and

WHEREAS, trust between these communities and the law enforcement officials who serve them is essential to building safe communities; and

WHEREAS, safe communities are essential to creating and sustaining opportunities for the residents of those who call that community home; and

WHEREAS, it has become apparent that too many people in communities of color feel that the protective shield that law and order is intended to provide is not working for them, and this underlying friction can only be resolved by enhancing the confidence felt by the community in their relationship with law enforcement; and

WHEREAS, the vast majority of law enforcement officers in Ohio are honest, decent, hard-working people who every day put their safety and lives on the line in very dangerous situations in service to their communities; and

WHEREAS, developing strategies to build or re-build trust between people and their governments in our local communities is essential to advancing all Ohioans' interests in keeping our streets safe; and

WHEREAS, consistent with Ohio's history of people from all across the state and from all walks of life working together to solve problems, community input and advice is necessary for understanding the views and feelings of community members and determining the best practices that are useful to improving police-community relations; and

WHEREAS, diversity of thought and experience allows voices from across the state to provide important input to promote better understanding—and improvement—of police-community relations;

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution and the laws of the State of Ohio do hereby order and direct that:

 The Ohio Task Force on Community-Police Relations ("Task Force") is hereby created to explore the cause of fractured relationships between communities and law enforcement, to examine strategies to strengthen trust between them in order to resolve the underlying causes of friction, and to provide me with a report with recommendations about best practices available to communities.

2. The Task Force shall be comprised of:

- a. The Director of the Ohio Department of Public Safety, John Born, as Chairperson of the Task Force, and State Senator Nina Turner as Co-Chairperson;
- b. Two members of the Ohio House of Representatives in the One Hundred Thirty-First Ohio General Assembly, one appointed by the Speaker of the House and one appointed by the Minority Leader of the House of Representatives;
- c. Two members of the Ohio Senate in the One Hundred Thirty-First Ohio General Assembly, one appointed by the Senate President and one appointed by the Minority Leader of the Senate;
- d. Up to 17 additional members to be appointed by the Governor, as follows:
 - (1) Up to four designees of the Governor;
 - (2) A designee of the Ohio Attorney General;
 - (3) A designee of the Chief Justice of the Supreme Court of Ohio;
 - (4) Up to 11 additional members to be chosen from among the following stakeholder groups: local law enforcement, organized labor, community leaders, the faith-based community, business, municipalities, and local prosecuting attorneys.
- e. Such honorary co-chairpersons as may be named by the Governor.
- 3. Staff support and resources necessary for the Task Force to fulfill its obligations as outlined in this Executive Order shall be provided by the State of Ohio through the Office of Criminal Justice Services, in coordination with the Office of the Governor. This shall include space to gather and consider information necessary for developing the recommendations and report called for in this Order. The Chairperson, Co-Chairperson, and members of the Task Force shall serve without compensation for their work on the Task Force, but may be reimbursed for their reasonable and necessary travel expenses in the conduct of Task Force business.

- 4. Following the initial meeting of the Task Force, the Task Force shall establish a schedule of public forums to be held throughout the state. The public forums shall meet the following criteria:
 - a. No less than four in number, but the Task Force may schedule such additional public forums as it deems necessary.
 - b. The forums shall be held in geographically diverse regions of the state, and shall seek to obtain input from urban, suburban and rural communities.
- 5. The Task Force shall use the forums to seek input and comment from all Ohioans, especially from Ohioans in those communities at the heart of this crisis, which includes African-American males and their families. The Task Force may solicit expert testimony on any topics the Task Force considers relevant, including best community policing practices, law enforcement training, the criminal justice system, standards for law enforcement interaction with the community, and community oversight and involvement in law enforcement. In addressing these areas, the Task Force may:
 - a. Research, collect information and identify the concerns of local communities, including the information gathered in the public forums described above;
 - b. Examine successful law enforcement training programs relating to community outreach and interaction with people in communities of color;
 - c. Evaluate and recommend how the local communities may better understand police practices and training and support police efforts to enforce the law; and
 - d. Recommend best practices on education and training of law enforcement regarding community outreach, interaction with people in communities of color, and other issues.
- 6. The Task Force also should identify in its report any additional issues that the Task Force believes merit further future exploration and consideration by experts in the areas so identified.
- 7. The Task Force should seek to complete the public forums by March 31, 2015, and prepare by April 30, 2015, a report directed to me, the Speaker of the Ohio House of Representatives, the President of the Ohio Senate, the Chief Justice of the Supreme Court of Ohio, and the Ohio Attorney General, setting forth specific recommendations on how to improve police-community relations in our communities.

I signed this Executive Order on December 12, 2014, in Columbus Ohio, and it will expire upon submission of the Task Force's report pursuant to this order.



John R. Kasich, Governor

Jon Husted, Secretary of State

Ohio Task Force on Community-Police Relations

Cleveland State University Public Forum Summary

1/20/2015
Office of Criminal Justice Services



On December 12, 2014, Governor John Kasich signed Executive Order 2014-06K announcing the creation of the **Ohio Task Force on Community-Police Relations**. The charge of the Task Force is threefold: 1) To explore the cause of fractured relationships between communities and law enforcement, 2) To examine strategies to strengthen trust between the community and law enforcement in order to resolve the underlying causes of friction; and 3) To provide the Governor with a report with recommendations about best practices available to communities.

The Task Force is comprised of 24 members, identified below:

- Co-chairs: John Born, Director of the Ohio Department of Public Safety, and State Senator Nina Turner;
- Honorary co-chairs: Senator George Voinovich, Justice Evelyn Stratton, and Congressman Lou Stokes;
- Members of the Ohio House of Representatives: Representative Tim Derickson and Representative Alicia Reece;
- Members of the Ohio Senate: Senator Cliff Hite and Senator Sandra Williams;
- Department of Commerce Director Andre Porter;
- Ohio Attorney General's Office designee Tannisha Bell;
- Ohio Supreme Court Chief Justice designee Sara Andrews;
- Law enforcement representatives: Fayette County Sheriff Vernon Stanforth, who also represents
 the Buckeye State Sheriff's Association, Akron Police Department Officer Brian Armstead, and
 Oregon Police Department Chief Michael Navarre;
- Community and faith-based leader representatives: Tom Roberts of the NAACP, Reverend
 Damon Lynch of the Cincinnati Collaborative, Dr. Ronnie Dunn of Cleveland State University, and
 Bishop George Murry of the Diocese of Youngstown;
- Business leaders: Bernie F. Moreno, president of the Collection Auto Group, Anthony Munoz, former Cincinnati Bengal and Hall of Fame Inductee;
- Ohio Prosecutor's Association representative Ron O'Brien;
- Cincinnati City Council member Amy Murray; and
- Ohio Association of Community Action Agencies Executive Director Phil Cole.

In accordance with the Executive Order, a series of four public forums is to be held in four geographically diverse regions of the state to seek input and comment from all Ohioans, especially from Ohioans in those communities at the heart of the crisis, which includes African-American males and their families. Additionally, the Task Force is soliciting expert testimony on topics relevant to the community-police relations issue.

January 20, 2015: Cleveland State University Public Forum

The first public forum was held on January 20, 201S at 4:30 PM at Cleveland State University's Waetjen Auditorium in downtown Cleveland. The forum was preceded by a brief Task Force meeting that was made open to the public. The forum commenced with welcoming remarks by the co-chairs, the facilitator, and a representative of the university. This was followed by the testimony of two subject

matter experts: Steven Dettelbach, U.S. Attorney for the Northern District of Ohio, and Professor David Kennedy, Director of the Center for Crime Prevention and Control at the John Jay College of Criminal Justice. At the conclusion of their testimony, a brief break was given, and public testimony began at 6:30 PM. All individuals were required to sign up prior to speaking. They were given three minutes to testify, and a digital clock was made visible to the speaker. Twenty-two individuals, some from as far away as Youngstown and Cincinnati, provided testimony during the forum. In addition, six people submitted written testimony or questions for the Task Force.

The forum concluded at 9:15 PM.

The following pages contain a summary of the expert testimony of U.S. Attorney Dettelbach and Professor Kennedy, a summary of themes identified throughout the public testimony, and a summary of recommendations provided during the public testimony.

Expert Testimony Summary

Steven Dettelbach, U.S Attorney for the Northern District of Ohio

- Policing is more dangerous and difficult than ever, but this does not mean that problems can be swept under the rug.
- The Department of Justice found that Cleveland Police Department (CPD) engaged in pattern of excessive force.
 - The four primary manifestations of unreasonable force identified include:
 - Unnecessary use of deadly force, such as shootings, head-strikes;
 - Unreasonable use of non-lethal force, such as chemical sprays, fists;
 - Excessive force was used against people who are mentally ill or in crisis, while those
 officers who have received mental health training (CIT) were not being sent on
 mental health crisis calls; and
 - Poor and dangerous tactics that place officers in situations where avoidable force becomes inevitable and places officers and civilians at unnecessary risk.
 - The three primary causes, or structural deficiencies contributing to the pattern of excessive force include:
 - Lack of accountability by not always addressing, investigating, and/or documenting use of force and allegations of misconduct;
 - Community policing strategies not being accurately embedded in CPD culture; and
 - Lack of resources for the department, including training and equipment, to allow officers to do their jobs safely and effectively.
- It is very difficult to prosecute law enforcement federally.
 - Proof is needed, not only of excessive force, but also officer acknowledgement of excessive force.
 - More prosecution options are available at the state level.

<u>David Kennedy, Director of the Center for Crime Prevention and Control at the John Jay College of Criminal Justice</u>

- We should not fall into the trap of delving into individual incidents. This is a systemic problem.
- Poor black neighborhoods have unconscionable levels of violence. They are the only areas with this type of violence.
 - o 80%-90% of gunshots in really bad neighborhoods are not called in to the police.
- Though we've reduced the violence in these neighborhoods over the last two decades, there have been unintended consequences.
 - 25% of the incarcerated people in the world are in the U.S.
 - Minorities are overrepresented among the incarcerated.
 - Black males have a substantially higher chance of going to jail now than they did back in the 60's under Jim Crow laws. In D.C., the likelihood of a black man going to jail is nearing 100%.
 Refer to Michelle Alexander's book "The New Jim Crow".

- Going to jail can have life-ruining consequences, such as the inability to be gainfully employed, and the increased likelihood of children of incarcerated parents becoming incarcerated themselves.
- The attitude of being watched and monitored by the police makes people feel less like citizens, and when people do not feel like citizens, they stop acting like citizens by being less likely to vote, to report crimes, etc.
- Being treated hurtfully by law enforcement for decades detaches people from the community.
- The relationship between communities and police has become broken as a result of these unintended consequences.
- Things we need to keep in mind.
 - o Even bad guys are good guys most of the time.
 - This is a crisis of legitimacy. People no longer feel like police are legitimate. And when legitimacy goes down, crime goes up.
 - Don't assume racism.
 - That is what we have been turning to for generations, and at one point that was the right place to look. It is not anymore.
 - Communities experience police actions as racism. Although race is a factor, the bigger problem that we are seeing now is an issue with community-police relations.
 - Police officers are trying to save people's lives.
 - They often know that they are taking illegal actions; they just do not know what else to do.
 - What the community desperately wants is a different kind of law enforcement.
 - We are judging each other by the worst things we do.
 - An amazingly small amount of people drive the worst crimes, but it is assumed that all members of the community are or may somehow be responsible for crime, so the police end up alienating everyone.
 - Focus on the neighborhood instead of the very small number of people that drive violent crime in the neighborhood (1%).
 - We need to honor our history and learn from and acknowledge it.
 - We are all biased; we cannot help it. But what looks like racism, tastes like racism, and has the same outcomes as racism is NOT always racism.
 - What most of these people really want is to hear the police admit they were wrong, and to apologize for the wrong.
 - We need to be aware of how the community views police when they are interacting with the community or are at a crime scene. Officers often engage in dark humor, and it can be perceived as insensitive or even racist by bystanders.
- Community Initiative to Reduce Violence (CIRV) principles
 - Reconciliation
 - Implicit Bias
 - Procedural Justice

Public Testimony Themes

This Task Force is important.

- The Task Force needs to take community-police relations seriously, as change is needed.
- It is troubling that this public forum is being held at the same time as another public meeting and not many are represented at this meeting.
- Ohio is ground zero for the issue of poor police-community relations, with more Department of Justice investigations and consent decrees than most other states.
- Will these issues be taken seriously if the majority of (white) legislators are unable to relate to the struggles of the minority populations?
- What are the political realities of the recommendations the Task Force makes, as their recommendations are not binding? [One legislator on the Task Force responded that nothing can be done if issues are not brought to their attention.]
- In reality, most of the work will be done at the local level. The focus needs to be on what the locals
 can do to promote change. The chief and safety director are much closer to the locals than the
 legislators are.
- The focus needs to be on the human issue, not the color issue.

Law enforcement officers must be engaged with the community.

- Officers need to be from the community in which they patrol/work. If they are not in the
 community, they need to make an effort to get to know the community. Somewhere we have lost
 the connection between the officer and the community.
- Kids are learning at an early age to hate the police. Communities need DARE-like programs in schools to teach kids that police are good and to build positive relationships between the police and youth.
- Everyone is talking about what law enforcement needs to do to change, but no one is mentioning
 what the community needs to do to instill change.

Citizens perceive a lack of procedural justice.

• Even within a multi-racial neighborhood of the same socio-economic status, black and white residents have different experiences with the police.

Racism is real.

- The real issue here is race. There is racial bias. Biases result in faulty assumptions
- This is all a conspiracy. Could the increase in law enforcement shootings and killings of civilians be related to the election of President Barack Obama?
- "This is straight-out racism". Black individuals are treated as second- and third-class citizens.
- Stop killing unfairly.

Law enforcement need to be held accountable.

- The public needs to see more accountability amongst law enforcement and the courts.
- There was no mention from the panel about law enforcement discipline.
- There is collective anger amongst the black community, and thus, a need for reconciliation and movement toward respect and justice for the black community. Accountability (or lack of) needs to be addressed.
- There is a lack of transparency within police departments.
- Bill 409 out of Wisconsin creates a five-member panel and a special investigator to investigate all LE-involved deaths. Ohio should look at implementing something similar. [Note: This speaker, Edwin Little, offered to help the Task Force develop recommendations.]

Resources are needed for law enforcement.

- Funding is needed for equipment to allow officers to do their jobs effectively.
- The ability of law enforcement to effectively interact with and willingly try to understand persons
 with disabilities or mental health issues was raised as a concern. These individuals want their voices
 to be heard and not ignored because of their inability to communicate with law enforcement. Law
 enforcement training in this area is needed.
- CIT resources are needed in Cleveland. Mental health services are available in the city, law
 enforcement just need to collaborate with them.
- Counseling for law enforcement is needed. It is unclear what kind of ongoing (and mandatory?)
 psychological/emotional support law enforcement receives, whether or not they experience
 something traumatic in the line of duty.

Public Testimony Suggestions and Recommendations

For the Task Force

- Better marketing is needed for the listening tour. It should have been advertised earlier to generate better attendance. The Task Force should consider returning to Cleveland for another meeting.
- Presenters should provide actual data when challenged on the information they present.
- Need for more community representation on the Task Force panel, was disappointed in the lack of representation.
- The Task Force should prepare a statement acknowledging that race is at the center of communitypolice relations. Communities will continue to distrust law enforcement unless this is acknowledged
 publicly. The work of the Task Force would have more meaning if this acknowledgement is made,
 and it would validate the concerns of the public.

For the Law Enforcement Agency

- Law enforcement officers should be tested for drugs after a shooting incident, and/or on a regular basis.
- Officers should be highly qualified and hired from within the community they are serving, and better
 efforts need to be made to recruit minority populations from within the communities.
- Law enforcement agencies should look to ROTC for recruitment ideas, such as recruiting in high school.
- Increase and improve equipment for officers including the use of body-worn cameras, which can
 help improve the high-quality public service expected of police officers and promote the perceived
 legitimacy and sense of procedural justice that communities have about their police departments.
- Officers build a culture of partnership with the community in which they serve. They should meet
 with community organizations on a regular basis to familiarize themselves with the communities
 they serve.
- Law enforcement agencies should eliminate "moonlighting" of their officers. It may not be fair to other businesses that law enforcement is providing security to some but not all.
- Law enforcement agencies should publicly post their policies and procedures on their website, as Cincinnati Police Department currently does.
- More training of law enforcement officers and dispatchers is needed, to include problem solving,
 first aid, crisis intervention and mental health. Mental health providers should work with and train
 law enforcement, and perhaps even be dispatched to mental health-related incidents. Consider the
 pilot work being done in Portland, Oregon in this area.
- More CIT officers are needed.
- Document all reports of law enforcement interaction with civilians who have disabilities and/or mental health issues.
- Law enforcement agencies should provide better training on non-violent conflict resolutions when
 interacting with civilians, and should provide positive reinforcement when de-escalating procedures
 are applied successfully.

- Both the community and law enforcement need to work together to gain a better understanding of one another as a group.
- To prevent any misunderstanding of law enforcement commands, create pre-recorded instructions
 that law enforcement can play during a traffic stop or other interaction with a civilian. This will give
 the civilian a chance to understand what is going to happen and what needs to be done before law
 enforcement approaches them.
- There should be zero tolerance for officer misconduct.
- Enforcement strategies that disproportionately affect minorities should be rejected, and arrests should be reserved for the most serious offenses.
- Law enforcement officers must be held accountable under criminal and administrative law.
- Intelligence based policing is important—if this is not about race, then use stats/data to prove it.
 Agencies must show they are not biased in order to receive grant funding.

For the Community

- Similar to victim safety plans, create neighborhood safety plans, as what is being done in Seattle.
 Get buy-in from the community.
- There is a need for law enforcement to reach out to and interact with children early on. Hate and fear is being taught and instilled within these younger generations, this needs to be reversed.
- Ensure that public policies and practices incorporate a developmentally-informed approach to
 protect children and young people and to advance child well-being.
- Both the community and law enforcement need to work together to gain a better understanding of one another as a group.

For the Governor's Office, State Agencies, and Lawmakers

- Enact legislation that would create a deputized force.
- Make it easier to hold prosecutors accountable for their actions in the courtroom--no more blanket immunity.
- Consider creating a bill similar to Wisconsin Bill 409, which appoints a panel to investigate all officer-involved shootings.
- End the Racial Profiling Act and bring it to the state level.
- Fund research on the disparate impact of policing.
- Use money from the Governor's/State's rainy day fund because it's raining now. Put it toward community policing endeavors.
- The Governor should consider creating a permanent Community Policing Board, or an independent citizen accountability commission/board, to monitor the recommendations and, more generally, to take a long-term look at this issue.
- The Governor should consider creating an independent citizen accountability commission
- Lawmakers should revisit expungement laws to help ex-offenders get back to work.

Ohio Task Force on Community-Police Relations

Central State University Public Forum Summary

2/9/2015
Office of Criminal Justice Services



On December 12, 2014, Governor John Kasich signed Executive Order 2014-06K announcing the creation of the **Ohio Task Force** on **Community-Police Relations**. The charge of the Task Force is threefold: 1) To explore the cause of fractured relationships between communities and law enforcement, 2) To examine strategies to strengthen trust between the community and law enforcement in order to resolve the underlying causes of friction; and 3) To provide the Governor with a report with recommendations about best practices available to communities.

The Task Force is comprised of 24 members, identified below:

- Co-chairs: John Born, Director of the Ohio Department of Public Safety, and State Senator Nina Turner:
- Honorary co-chairs: Senator George Voinovich, Justice Evelyn Stratton, and Congressman Lou Stokes:
- Members of the Ohio House of Representatives: Representative Tim Derickson and Representative Alicia Reece;
- Members of the Ohio Senate: Senator Cliff Hite and Senator Sandra Williams;
- Department of Commerce Director Andre Porter;
- · Ohio Attorney General's Office designee Tannisha Bell;
- Ohio Supreme Court Chief Justice designee Sara Andrews;
- Law enforcement representatives: Fayette County Sheriff Vernon Stanforth, who also represents
 the Buckeye State Sheriff's Association, Akron Police Department Officer Brian Armstead, and
 Oregon Police Department Chief Michael Navarre;
- Community and faith-based leader representatives: Tom Roberts of the NAACP, Reverend
 Damon Lynch of the Cincinnati Collaborative, Dr. Ronnie Dunn of Cleveland State University, and
 Bishop George Murry of the Diocese of Youngstown;
- Business leaders: Bernie F. Moreno, president of the Collection Auto Group, Anthony Munoz, former Cincinnati Bengal and Hall of Fame Inductee;
- Ohio Prosecutor's Association representative Ron O'Brien;
- · Cincinnati City Council member Amy Murray; and
- Ohio Association of Community Action Agencies Executive Director Phil Cole.

In accordance with the Executive Order, a series of four public forums is to be held in four geographically diverse regions of the state to seek input and comment from all Ohioans, especially from Ohioans in those communities at the heart of the crisis, which includes African-American males and their families. Additionally, the Task Force is soliciting expert testimony on topics relevant to the community-police relations issue.

February 9, 2015: Central State University Public Forum

The second public forum was held on February 9, 2015 at 4:30 PM at Central State University's Robeson Cultural and Performing Arts Center in Wilberforce. The forum commenced with welcoming remarks by the co-chairs, the facilitator, and a representative of the university. This was followed by the testimony of two subject matter experts: criminal defense attorney Samuel Shamansky, and attorney Barbara A.

Bolling, President of the Indiana NAACP Conference. At the conclusion of their testimony, a brief break was given, and public testimony began at 6:30 PM. All individuals were required to sign up prior to speaking. They were given three minutes to testify, and a digital clock was made visible to the speaker. Forty-four speakers provided testimony during the forum. In addition, 12 individuals submitted written testimony and/or recommendations.

The forum concluded at 9:30 PM.

The following pages contain a summary of the expert testimony of Samuel Shamansky and Barbara Bolling, a summary of themes identified throughout the public testimony, and a summary of recommendations provided during the public testimony.

Expert Testimony Summary

Samuel Shamansky, Criminal Defense Attorney

- Mr. Shamansky provided a brief overview of the grand jury procedures, and Franklin County prosecutor Ron O'Brien expanded on several of Mr. Shamansky's comments.
 - Ohio has a constitutional requirement for the county prosecutor to call together a group of jurors, consisting of 9-15 citizens, to decide if criminal charges or an indictment should be brought against a potential defendant.
 - o The prosecution has a responsibility to present cases to the grand jury; however, grand jurors do have the opportunity to go beyond the information initially provided by the prosecutor. If additional witnesses or evidence is requested by the grand jury, the prosecutor or foreman has to request it in order for it to be presented to the jury. Furthermore, although a citizen cannot simply come forward to the grand jury to testify, he or she can reach out to the prosecutor to be invited to do so.
- Mr. Shamansky discussed the necessity of grand juries to be 'secretive' in order to protect witnesses
 who come forward and testify, and to protect defendants who may not be indicted for a crime.
- While there are no 'checks and balances' in place to ensure prosecutors are fair or impartial when it
 comes to charges against law enforcement, oftentimes prosecutors will reach out to prosecutors
 from another county if a conflict of interest exists.
- For the 26 states that do not have a grand jury, the decision to indict is ultimately made by the prosecutors after a process of information gathering. Compared to these states, Ohio is ahead of the standard with its use of a grand jury.

Barbara A. Bolling, Attorney and President of the Indiana NAACP Conference

- Ms. Bolling covered the topic of impartial bias and racial profiling, which she suggests should be called 'discriminatory profiling'.
- Ms. Bolling provided statistics from several studies throughout the United States on racial profiling
- There are states that have a law banning racial profiling, but Ohio is not one of them. The list of states can be found in the report.
- Community Citizen review boards were discussed as a way to provide independent oversight. Per
 Ms. Bolling, these boards should be given the authority to subpoena. Dr. Dunn (a member of the
 Task Force) responded that Cleveland's citizen review board has been symbolic, but ineffective. He
 recommended a police auditor or monitor model rather than a citizen review board.
- Ms. Bolling suggested that officers need to engage community members. While they used to engage
 the public, now parents are forced to teach their children how to act when being engaged by the
 police, which can instill fear in them.

Public Testimony Themes

The Task Force and the Governor need to take this issue seriously.

- While many citizens expressed appreciation for the effort of the Task Force, they are skeptical that their efforts will lead to real change.
- This Task Force should have been formed long ago.
- Youth need to be represented on the Task Force.
- The guestion was asked whether the people on the panel really speak for the citizens of Ohio.
- It is important for the Task Force to support all recommendations that are made and changes that are implemented as a result of these forums.
- The Task Force and the community need to do a better job getting the word out about the listening tour. Additionally, the Task Force needs to be more approachable/less separate from the citizens.
 Accessibility is also a problem at Central State—a better location, like Dayton, should have been chosen.
- Some question whether the Governor is truly concerned about police-community relations, or if he authorized the creation of the Task Force to appease citizens.
- The Task Force needs to be more responsive to the questions posed to them at the forum.
- Ohio does not need the Department of Justice to step in—there is no time to wait for the federal
 government to give their report. We need to look into this now.

Law enforcement officers must be engaged with the community.

- Police need to better relate to the communities they patrol. They are quick to arrest but not so quick to talk to people in the community.
- The community is also responsible for helping solve the problem. The police and community need to be proactive in starting and sustaining dialogue. However, mechanisms are not necessarily in place in communities to have a full dialogue about the community-police issue.
- People, both young and old, need to know what they can and cannot do when interacting with
 officers. Likewise, law enforcement need to be trained on how to be respectful to citizens.
- For many children, their first experience with law enforcement officers is a negative one. This needs to change. One place change can occur is in the schools through programming.
- Stop the militarization of police. This does not help to forge positive relationships with the community.

Racism is real.

- Statistics show that there is racial disparity in how police deal with suspects.
- This is not just about black males. Black females, the transgendered population, those from the deaf community and those with other disabilities, and other marginalized groups experience discrimination.
- The root cause of this issue is implicit bias, which is racism operating in a covert manner. Officers
 can be assessed and identified for implicit bias, and training is available to decrease implicit bias. If
 we don't decrease implicit bias, we won't solve our problems.

- Some argue that the issue is not just about race, but that there is corruption in the pattern and practice of police activity.
- There is persistent harassment of young black males being charged with petty crimes. Often they
 cannot pay fines and get arrested, which then causes many other problems which they cannot
 overcome and which impacts their futures. It is easy to get in to trouble, but hard to get out of
 trouble. When people are held down early in life, it is often hard to recover.
- There are unspoken rules for black males. Why?
- People have been asking for equality for years. How many times do they need to ask? How many ways do they need to ask? When will this all end?
- "Pull me over because I've broken the law, not because I have a loud muffler."

Transparency of law enforcement is critical.

- A police department's policies and procedures should be made available to the public.
- Statistics on diversity within the police department should be made available to the public.
- The process for filing complaints against officers is not clearly identified by police departments.
- In police-involved shootings, hiring a special prosecutor from another county is not enough.
 Prosecutors are too closely aligned with police.
- The initial narrative of the police report carries a lot of weight, and when they are wrong or misleading, it hurts citizens' trust in police.

Law enforcement officers need to be held accountable.

- Several speakers expressed outrage that the officer (and the 911 caller) involved in the John Crawford case was not indicted by the grand jury.
- Police must be held responsible for their actions and face consequences for bad decisions. There
 seems to be no 'reasonable standard' for police behavior; that is, the legal standard for law
 enforcement officers is different than the standards for other professions.
- Reference was made to ORC 2744.2, which involves immunity for law enforcement unless it can be
 proven that the offending officer's actions were willful. This provides immunity against police
 negligence and should be revised.
- Suspending officers for engaging in racially motivated behaviors, and then letting them back on the
 job, does nothing but create anxiety for black men. Anxiety leads to fear, which leads to anger.
- Law enforcement cannot be allowed to act with impunity.
- House Bill 681, the "John Crawford Law" being proposed by Rep. Alicia Reece, criminalizes the act of
 John Crawford, when he should be seen as a victim. The bill cannot make police think they were
 justified in what they did to John Crawford. [Note that Rep. Reece responded to this concern by
 stating that the bill is being patterned after a similar bill in California and that the Crawford family
 presented her with the idea for the bill. The bill is still being crafted and suggestions are welcome.]
- Law enforcement officers need to set a precedent and call out bad officers. Union officials need to
 do more to get rid of bad officers. There needs to be a change in the culture of policing.
- Legislative change needs to happen. Ohioans should have a longer period of time to file a lawsuit
 against law enforcement than the current two-year period.

Public Testimony Suggestions and Recommendations

For the Task Force

- The Task Force needs to show support for all changes that are recommended and/or implemented.
- The Task Force needs to do a better job of getting the word out about the public forums,
 and they need to consider accessibility when identifying venues for the events.
- Sign language interpreters must be included at future forums.
- The Task Force needs to be more attentive to questions they are asked during the forum.
- Include youth on the Task Force.

For Law Enforcement and Prosecutors

- Law enforcement agencies need to post their policies and procedures online.
- Law enforcement agencies should make their statistics on officer diversity available online.
- Educate the community, including youth, on how to interact with law enforcement officers, and train officers on how to interact with the community.
- Develop mechanisms to facilitate dialogue with the community.
- Maintain ongoing transparency after a high profile use of force incident to help strengthen the relationship between the police and the community.
- Clearly identify the process for citizens to file complaints against officers.
- · Reopen and re-investigate the John Crawford case.
- Hire diverse officers who are from the communities being served by the department, and provide diversity training to current law enforcement officers.
- · Stop the militarization of police by not supplying departments with military-style equipment.
- Assess officers for implicit bias, and provide training to officers to reduce implicit bias (this speaker, a WSU psychology instructor, knows of people who give free trainings, and offered to put the Task Force in touch with them).
- For officer-involved shootings resulting in the death of a citizen, simply hiring a special prosecutor from another county is not enough. Identify someone who is less closely allied with the police.
- Educate the community on the grand jury process and make the process less secretive.
- Provide training to officers in areas such as working with the mentally ill population, negotiation tactics, and diversity, and train dispatchers on ensuring officers have the necessary information needed when preparing for a possible use of force.
- Create some form of a citizen review board or police auditor/monitor model to monitor patterns of conduct.

For the Community and Schools

- Develop mechanisms to facilitate dialogue with law enforcement, both within the community and within schools.
- Start grass roots public policy forums and organizations within communities.
- Increase education in schools on peace-making, non-violence, and anti-bullying.

For the Governor's Office, State Agencies, and Lawmakers

- Consider revising the proposed HB 681, 'John Crawford Law'. The way it currently reads, the bill
 criminalizes the victim.
- Revise the statute of limitations regarding lawsuits against law enforcement officers/agencies.
- Allocate funding to low-income areas to improve the community. Fund restorative justice programs.
- Consider revising ORC 2744.2, which provides immunity against police negligence.
- Policy is needed to promote African-American males so they can move forward despite a prior arrest.
- Reconsider where money is better spent: on education or on prisons?
- Enact anti-racial profiling legislation.
- Read through the recommendations that came out of the U.S. Conference of Mayors regarding policing. The report can be found here:
 - http://www.usmayors.org/83rdWinterMeeting/media/012215-report-policing.pdf

Ohio Task Force on Community-Police Relations

University of Toledo Public Forum Summary

2/26/2015
Office of Criminal Justice Services



On December 12, 2014, Governor John Kasich signed Executive Order 2014-06K announcing the creation of the Ohio Task Force on Community-Police Relations. The charge of the Task Force is threefold: 1) To explore the cause of fractured relationships between communities and law enforcement, 2) To examine strategies to strengthen trust between the community and law enforcement in order to resolve the underlying causes of friction; and 3) To provide the Governor with a report with recommendations about best practices available to communities.

The Task Force is comprised of 24 members, identified below:

- Co-chairs: John Born, Director of the Ohio Department of Public Safety, and State Senator Nina Turner;
- Honorary co-chairs: Senator George Voinovich, Justice Evelyn Stratton, and Congressman Lou Stokes:
- Members of the Ohio House of Representatives: Representative Tim Derickson and Representative Alicia Reece;
- Members of the Ohio Senate: Senator Cliff Hite and Senator Sandra Williams;
- Department of Commerce Director Andre Porter;
- · Ohio Attorney General's Office designee Tannisha Bell;
- Ohio Supreme Court Chief Justice designee Sara Andrews;
- Law enforcement representatives: Fayette County Sheriff Vernon Stanforth, who also represents
 the Buckeye State Sheriff's Association, Akron Police Department Officer Brian Armstead, and
 Oregon Police Department Chief Michael Navarre;
- Community and faith-based leader representatives: Tom Roberts of the NAACP, Reverend Damon Lynch of the Cincinnati Collaborative, Dr. Ronnie Dunn of Cleveland State University, and Bishop George Murry of the Diocese of Youngstown;
- Business leaders: Bernie F. Moreno, president of the Collection Auto Group, Anthony Munoz, former Cincinnati Bengal and Hall of Fame Inductee;
- Ohio Prosecutor's Association representative Ron O'Brien;
- Cincinnati City Council member Amy Murray; and
- Ohio Association of Community Action Agencies Executive Director Phil Cole.

In accordance with the Executive Order, a series of four public forums is to be held in four geographically diverse regions of the state to seek input and comment from all Ohioans, especially from Ohioans in those communities at the heart of the crisis, which includes African-American males and their families. Additionally, the Task Force is soliciting expert testimony on topics relevant to the community-police relations issue.

February 26, 2015: University of Toledo Public Forum

The third public forum was held on February 26, 2015 at 4:30 PM at University of Toledo's Scott Park Auditorium. The forum commenced with welcoming remarks by the co-chairs, the facilitator, and University of Toledo Interim President Dr. Nagi Naganathan. This was followed by the testimony of two subject matter experts: Mike Woody, President of Crisis Intervention Team (CIT) International, and

Toledo Police Sergeant Anita Madison, Project Manager for the Toledo Community Initiative to Reduce Violence (TCIRV). At the conclusion of their testimony, a brief break was given, and public testimony began at 6:30 PM. All individuals were required to sign up prior to speaking. They were given three minutes to testify, and a digital clock was made visible to the speaker. Twenty-seven speakers provided testimony during the forum. In addition, one individual submitted written testimony.

The forum concluded at 8:45 PM.

The following pages contain a summary of the expert testimony of Mike Woody and Sgt. Madison, a summary of themes identified throughout the public testimony, and a summary of recommendations provided during the public testimony.

Expert Testimony Summary

Mike Woody, President, Crisis Intervention Team (CIT) International

- Mr. Woody provided a brief overview of the history leading up to the development of CIT
 - o In 1988, the Supreme Court ruled that the Canton Police Department was 'deliberately indifferent' by not training their officers in first aid on a regular basis because the probability of needing to use first aid in police work was so high.
 - Deliberate indifference can now apply to police departments that lack mental health training, as roughly 10 percent of the calls for which officers are dispatched involves a mentally ill person in crisis.
- · Ohio CIT training was brought to Ohio in 2000. Since then,
 - Approximately 7,500 Ohio officers (33% of Ohio's full-time officers) have taken the CIT course to date.
 - o 551 agencies out of 950 (58%) have sent officers to a CIT training course
 - o All major cities are participating in CIT
- Contrary to what many may believe, studies show that CIT training should <u>not</u> be mandatory for all
 officers, for several reasons:
 - Not all officers care about mental health training. It requires special officers to work with this population.
 - CIT officers handle many more mental health calls than 'regular' officers, which builds experience and rapport with community members.
 - CIT officers feel committed and special when they are one of the select few who receive the training.
 - o The community cannot accommodate training for every officer.
- Core elements of CIT
 - Officers should volunteer for participation
 - o Officers should be monitored after training
 - o There should be a partnership with the community to facilitate CIT training
 - There should be recognition and awards for CIT participants
- In a recent incident in Cleveland in which a person mental illness died during a police encounter, it
 must be noted that despite the fact that Cleveland has 540 trained CIT officers, a CIT officer was not
 sent on the call. CIT is about more than just training officers. There must be appropriate strategies in
 place beyond CIT training to bring about a culture change.

Sergeant Anita Madison, Toledo Community Initiative to Reduce Violence (TCIRV)

- Sgt. Madison described the Toledo Community Initiative to Reduce Violence, or TCIRV, as a citywide
 collaboration between law enforcement, service providers, and the community which utilizes a
 focused deterrence strategy to reduce gun violence.
- A very small percentage of the population is responsible for a majority of the violence in a city. In Toledo, less than one percent of the population commits 70 percent of the violence.
- When implemented with fidelity, TCIRV can:

- Reduce incarceration, through its targeted approach to enforcement
- Help offenders, by providing access to services for those who want to make a change in their lives
- Address racial conflicts, by bringing law enforcement and the community together in a shared goal to reduce violence
- o Dramatically reduce gun violence, from 30 to 70 percent when implemented with fidelity
- Prior to TCIRV, gun violence was the #1 cause of homicide in Toledo. Two years later, it was the #3
 cause of homicide.
- Sgt. Madison stated that focused deterrence strategies like TCIRV successfully build positive
 relationships with the community because they focus on a small number of offenders, such as youth
 gang members or repeat violent offenders. However, these strategies will not completely eliminate
 the need for other police procedures if an officer feels threatened.
- Sgt. Madison spoke of the difficulties in recruiting minority officers. She commented on the difficulty
 in recruiting black officers in the current tense environment evident throughout the country. She
 also stated that policing is a tough job and it is not something that appeals to everyone. Sgt.
 Madison felt it is important to establish rapport with the school system and be present in the
 schools to talk to youth before they get caught up in the criminal justice system.
- The Toledo Chief of Police was available to take questions regarding hiring practices of the
 department. Chief Kral provided the steps involved, and noted that Toledo recently created a fulltime recruiting unit to help with the hiring process.
 - Candidates take a civil service test (70% pass rate).
 - Candidates fill out a 20+ page background investigation form, and record checks are conducted on every place that they have lived.
 - o A panel discusses the findings of the background investigation with the candidates.
 - An assessment team of officers discusses the negatives associated with each candidate. Too
 many negatives disqualify someone from being hired. There is an appeals process for people
 who are disqualified.
 - o Interviews take place with candidates.
 - Candidates are ranked and the police chief picks his class.
 - Candidates take part in physical fitness testing, and following this, they begin Police Academy.

Public Testimony Themes

Law enforcement officers must be engaged with the community.

- Law enforcement officers need to remember that they are also members of the community.
- Police departments need to do more with regard to recruitment and hiring to reflect the communities they serve.
- The community-police relationship is a two-way street. The community needs to make an effort to reach out to law enforcement as well.

Law enforcement is not viewed as being legitimate by the communities they serve.

- People do not trust the police and are afraid of them. They cannot trust that the officers responding to a call will not be a threat to them.
- Citizens are afraid to 'snitch' to police for fear of consequences and or perceived lack of action.
- The police 'Code of Silence' must be addressed.
- It is important to remember that not every person in uniform is out to harm citizens. This kind of thinking is discriminatory.

Law enforcement officers must be held accountable.

- Police cannot be above the law.
- Those in power need to be held accountable.
- There should be independent investigations for law enforcement officer misconduct.

Citizens perceive a lack of procedural justice.

- Law enforcement must protect and serve ALL people. Black lives matter.
- Communities need to be treated equally (e.g., police response times, punishment).
- Some officers are attracted to the power that their position holds. Officers must have compassion.
- There are a disproportionate number of black males in jail today. The justice system has never been fair for people of color.
- There are no checks and balances in the criminal justice system to ensure fair and equal treatment.
- In some communities, it feels like law enforcement are 'fishing' to find a problem because there is
 the perception that black males are more dangerous than others. As a result, the community feels
 targeted and over policed.

Resources are needed for law enforcement.

- Training for officers is important. All officers should receive specialized trainings for interacting with specialized populations.
- Officers also need to understand how to interact with people from different cultures, as officers tend to be aggressive with cultures they don't understand.
- Counseling for officers is also important. There should be mandatory screenings and checkups to
 ensure officers are emotionally well and do not suffer from mental illness.

Public Testimony Suggestions and Recommendations

For Law Enforcement and Prosecutors

- Training is needed for all law enforcement on how to interact with special populations.
- Department policies and procedures should be made available online.
- It is important to provide officers with counseling who may be experiencing emotional instability or mental illness.
- Ensure that law enforcement agencies are using best practices with regard to recruitment and hiring.
- Cultural awareness training is needed for law enforcement officers.
- Increase public awareness of the processes and actions that community members can take to make their neighborhoods safer.

For the Community and Schools

- Teach children in school how to interact with police.
- Get the community involved with police through programs such as block watch and other processes that encourage citizens to report crime to police.
- Prevention needs to be a big part of the solution. Provide prevention programs for youth in schools, such as the "Just Us" program.

For the Governor's Office, State Agencies, and Lawmakers

- Consider implementing some 'minimum standards' for law enforcement agency policies in Ohio.
- Grant funding should be made available to help put people to work, as this systemic issue contributes to the problem.
- Independent investigations, such as what is being proposed in Wisconsin, should be considered for cases of police-involved shootings.
- A forgiveness system should be in place for non-violent felons that have no further offenses.
- Provide for research on cultural practices in police departments, such as racially-biased policing, etc.).
- Look closely at the policies and procedures for body cameras, particularly with regard to storage issues and privacy of victims.

Ohio Task Force on Community-Police Relations

University of Cincinnati Public Forum Summary

3/9/2015
Office of Criminal Justice Services



On December 12, 2014, Governor John Kasich signed Executive Order 2014-06K announcing the creation of the **Ohio Task Force on Community-Police Relations**. The charge of the Task Force is threefold: 1) To explore the cause of fractured relationships between communities and law enforcement, 2) To examine strategies to strengthen trust between the community and law enforcement in order to resolve the underlying causes of friction; and 3) To provide the Governor with a report with recommendations about best practices available to communities.

The Task Force is comprised of 24 members, identified below:

- Co-chairs: John Born, Director of the Ohio Department of Public Safety, and State Senator Nina Turner;
- Honorary co-chairs: Senator George Voinovich, Justice Evelyn Stratton, and Congressman Lou Stokes;
- Members of the Ohio House of Representatives: Representative Tim Derickson and Representative Alicia Reece;
- Members of the Ohio Senate: Senator Cliff Hite and Senator Sandra Williams;
- Department of Commerce Director Andre Porter;
- Ohio Attorney General's Office designee Tannisha Bell;
- Ohio Supreme Court Chief Justice designee Sara Andrews;
- Law enforcement representatives: Fayette County Sheriff Vernon Stanforth, who also represents
 the Buckeye State Sheriff's Association, Akron Police Department Officer Brian Armstead, and
 Oregon Police Department Chief Michael Navarre;
- Community and faith-based leader representatives: Tom Roberts of the NAACP, Reverend
 Damon Lynch of the Cincinnati Collaborative, Dr. Ronnie Dunn of Cleveland State University, and
 Bishop George Murry of the Diocese of Youngstown;
- Business leaders: Bernie F. Moreno, president of the Collection Auto Group, Anthony Munoz, former Cincinnati Bengal and Hall of Fame Inductee;
- Ohio Prosecutor's Association representative Ron O'Brien;
- · Cincinnati City Council member Amy Murray; and
- Ohio Association of Community Action Agencies Executive Director Phil Cole.

In accordance with the Executive Order, a series of four public forums is to be held in four geographically diverse regions of the state to seek input and comment from all Ohioans, especially from Ohioans in those communities at the heart of the crisis, which includes African-American males and their families. Additionally, the Task Force is soliciting expert testimony on topics relevant to the community-police relations issue.

March 9, 2015: University of Cincinnati Public Forum

The fourth, and final, public forum was held on March 9, 2015 at 4:30 PM at the Kingsgate Marriott Conference Center on the University of Cincinnati campus. The forum commenced with welcoming remarks by the co-chairs, the facilitator, University of Cincinnati President Dr. Santa J. Ono, and Cincinnati State Technical and Community College President Dr. O'Dell M. Owens. This was followed by

the testimony of three subject matter experts: Superintendent Garry F. McCarthy of the Chicago Police Department, Attorney Alphonse Gerhardstein of the Cincinnati Collaborative Agreement, and Lt. Colonel David Bailey of the Cincinnati Police Department. At the conclusion of their testimony, a brief break was given. Prior to the start of public testimony, two additional speakers were given time to address the Task Force. The first speaker was John Crawford II, father of John Crawford III, who was shot by a Beavercreek police officer in a local Wal-Mart store. The second speaker was Senator Cecil Thomas, former police officer for the Cincinnati Police Department. Public testimony began at 6:30 PM. All individuals were required to sign up prior to speaking. They were given three minutes to testify, and a digital clock was made visible to the speaker. Forty-four speakers provided testimony during the forum. In addition, two individuals submitted written testimony.

The forum concluded at 9:55 PM.

The following pages contain a summary of the expert testimony of Superintendent McCarthy, Lt. Colonel Bailey, and Mr. Gerhardstein, a summary of the additional speakers Mr. Crawford and Senator Thomas, an overview of themes identified throughout the public testimony, and a list of recommendations provided during the public testimony.

Expert Testimony Summary

Superintendent Garry F. McCarthy, Chicago Police Department

- Superintendent McCarthy discussed the need to first recognize how we got to this problem in order
 for us to be able to fix it. In addition to the historical context, there are deeper social, economic, and
 political issues that have contributed to the current situation. Acknowledgement of past mistakes is
 an important first step.
- Communities hold cynical views of the law and of law enforcement—they are perceived as illegitimate, unresponsive, and ill-equipped to handle public safety.
- The events taking place in Ferguson were not handled well. There was a lack of transparency by police, which created a vacuum that was filled by speculation and guesses. Additionally, the police turned demonstrations into riots, as confrontation begets confrontation.
- Good data is essential—the goal is not to arrest everyone, but to be strategic and specific in
 identifying the population that needs to be incarcerated, and this relies on good data. The use of
 intelligence-led policing allows officers to arrest the right people at the right time, while not
 offending the community. Many of the large agencies are engaging in these strategies, and the
 challenge is to get this information to the smaller communities.
- It is troubling that some agencies have appeared to abandon community policing for specialized units, like task forces, which make use of heavy-handed enforcement and arrests. These specialized units also take officers off the beat, which leads to dysfunctional and understaffed departments. By eliminating task forces, putting officers on beats, and adopting strategic practices like Ceasefire and Community Oriented Policing, these changes led to a 40% reduction in crime over 4 years, historic lows in violence, fewer officer complaints, a reduction in arrests, and all-time high clearance rates.
- Diversity on the police force is important; however, if done right, any officer should be able to work
 in any community. Superintendent McCarthy is troubled by the fact that cities are segregated, and
 does not feel that officers should be segregated as well.
- The immediate causes of crime, in his opinion, are guns and gangs. However, the systemic or root causes of crime are poverty, lack of education, breakup of the family, and godless children.
- There is a disconnect between how officers are trained and how they are supposed to act. On one hand, officers are trained as though they are in boot camp, and they are sent out like the military, but on the other hand, they are told to 'be nice' when interacting with citizens in the community.
- Superintendent McCarthy suggested that it is advisable to work with experts at local universities to
 identify evidence-based practices. This is how the Chicago Police Department brought about the
 legitimacy training that all officers are now required to take.
- The media need to do a better job of telling the good stories that happen in the bad neighborhoods. The focus should be on the 4%-6% of people that cause 80% of the crime.
- The police should be subject to the constraint of the law. Final decisions on discipline are not always
 decided on by the chief. The system should be reconsidered at all levels in order to produce better
 results.

Civil Rights Attorney Alphonse Gerhardstein

- Mr. Gerhardstein provided context for the Cincinnati Collaborative Agreement. There were four parts to the Collaborative Agreement:
 - Use of force reform, which led to the introduction of Tasers;
 - Creation of the citizen complaint review board (called the Citizens Complaint Authority in Cincinnati) to address the issue of accountability;
 - Institution of an early warning system to identify police misconduct and to encourage biasfree policing; and
 - Implementation of problem-oriented policing to identify strategies to solve problems that go beyond traditional arrest and focus on repeat offenders, repeat victims, and repeat locations.
- Mr. Gerhardstein made several suggestions based on the Cincinnati Collaborative Agreement:
 - Transparency is important. The public needs to know what is going on, and there needs to be public accountability. Procedure manuals, crime data, and critical incident information needs to be available.
 - Reject strategies that disproportionately impact minorities, such as stops and specialized
 units. There should be a high hit rate on stops. Specialized units, such as the Vortex Unit at
 Cincinnati Police Department, involved heavy enforcement but resulted in a low hit rate.
 - Choose problem-solving solutions that engage non-police services, such as health departments, park departments, highway maintenance, utilities, and others
 - Thorough training is important, and measuring proficiency after training is critical.
 - Threat assessment training is important, and it needs to go beyond the classroom to include simulations.
 - Mental health training is important, and it needs to go beyond the classroom to include real experiences.
 - Use Tasers carefully, as departments have not adapted policies to the risks of use (e.g., center mass shots can kill, but this is what officers are trained to do).
 - Hold officers accountable, administratively and criminally. Management needs to ensure that their officers are following procedure, and use discipline when they are not.
 - Don't use police as a funding vehicle. Local government should not profit through police actions. This upsets communities.

Lt. Colonel David Bailey—Cincinnati Police Department

- How do you change the culture of a police agency focused on massive arrests, sweeps, and the war
 on drugs of the 1990s? A Memorandum of Agreement was developed between the community, the
 police union, and the city administration. It provided agencies with best practices on use of force,
 documentation, citizen complaints, employee tracking, and training.
- Specific changes that were implemented in the department:
 - Changes in foot pursuit policy, since they can frequently lead to fatalities.

- All officers get 32-40 hours of mental health training. Additionally, mobile crisis response teams are stationed in each district and are called in the event of a mental health incident.
- Moderation of the use of chemical irritants.
- Change in the use of canines from a biting tool to a finding tool.
- o Formation of the Citizen Complaint Association (CCA) that is accessible to citizens.
- Utilization of an employee tracking system, along with quarterly meetings to review problematic officers.
- What are the results of these efforts?
 - o Training has led to a reduction in crime and arrests.
 - o Instead of mass arrests and sweeps, they use programs like CIRV, place-based strategies, and community building. CIRV is a strategy to focus on the small proportion of the population causing the most violence. Place-based strategies identify the locations where most of the problems occur and determine the legal strategies that can address them. The Neighborhood Enhancement Program concentrates city services and community redevelopment efforts in an area for a short period of time.
 - The key is to bring everyone to the table and work with the community to gauge need and implement solutions.
- It can be difficult to institutionalize these efforts in other departments. Cincinnati's success came in
 part because a federal judge implemented the order to do so. There needs to be great partnerships,
 the will to change, and openness to other ideas. We need to work with communities to identify the
 problems and together come up with solutions.

John Crawford II

The father of John Crawford III spoke passionately to the Task Force about the death of his son prior to the start of public testimony. He spoke about the need for officers to value life, as some officers become desensitized on the job. Mr. Crawford also talked about the need for accountability for law enforcement officers' actions as well as prosecutors' actions. He recommended a prosecutorial oversight committee be established to review cases of officer misconduct.

Senator Cecil Thomas

Cecil Thomas spoke to the Task Force next. He is a former law enforcement officer from Cincinnati Police Department, and a current senator of the ninth district. He sees the fractured relationship between the community and police as a deep, systemic problem. Cincinnati has made progress toward healing this relationship and should be used as a model for other cities. He recommended steps that departments could take to move forward, including the creation of a police commission for investigating use of force incidents, better data collection to proactively identify problems, better training in de-escalation techniques, mental health, and cultural sensitivity.

Public Testimony Themes

The Task Force needs to take this issue seriously and produce results.

- The community wants to be able to trust that the Task Force is sincere in taking these issues seriously, but some have their doubts.
- The community wants to know that the Task Force will not deliver empty promises, but that they will use their power to ensure that change will take place.
- Some citizens thanked the Task Force members for starting this dialogue in their communities.
- A few citizens commented that they felt that they were not really being heard by the Task Force.
- Several speakers noted the importance of having youth included on the Task Force when
 recommendations are being made, as youth are most often the individuals targeted and
 stereotyped by law enforcement.

Accountability is important.

- Law enforcement need to respect the law and the citizens they serve.
- Problems arise when there are no consequences for officers who break rules.
- Legislators should also hold people who make false reports accountable (referencing the Beavercreek incident).
- There needs to be more prosecutorial accountability. Perhaps an oversight committee for prosecutors would be beneficial.
- There needs to be a change in the grand jury process.
- The system needs to ensure that there is no conflict of interest with regard to prosecutors' investigation of law enforcement.
- Citizens should be able to monitor progress and oversee changes that occur within law enforcement agencies.
- Data should be collected in order to identify problems within law enforcement agencies, such as use
 of force. A police commission should be created to investigate use of force cases.
- Parents also need to hold their kids accountable.

Law enforcement and the community must be engaged.

- Law enforcement officers should live within the communities they serve.
- There needs to be more summer and after-school programming (including anti-violence programming) and activities, especially for youth, in order to keep them occupied and to expose them to positive role models.
- Youth need to be taught how to interact with law enforcement, and they need occasions to interact with officers in a positive way. This is also true of youth involved in foster care.
- The dynamic between the community and law enforcement must change. There must be mutual respect.
- Law enforcement must find ways to build respect and trust.
- The police are not the only ones to blame-the community needs to take responsibility and learn respect.

 How do we change the culture of our society so that it places importance on the things that matter most? Community members need to be responsible and informed.

Resources and training are vital for law enforcement.

- There is a need for community oriented policing, but a lack of resources is holding agencies back from implementing elements of community oriented policing.
- Several speakers noted the importance of training for law enforcement, including cultural sensitivity training, de-escalation training, mental health training, and implicit bias training.
- Department protocols are needed for use of Tasers and for interacting with persons with mental illness
- Departments must find ways to teach law enforcement how to manage and reduce stress.

Law enforcement must be sensitive and respectful.

- Law enforcement need to value human life. Too often they lack compassion.
- This is a human issue, not a racial issue.
- Law enforcement may not always respect citizens, but they should at least respect the law.
- Law enforcement is trained to enforce the code, not protect citizen—this should be questioned.
- There is a need for qualification standards to become a law enforcement officer. Candidates should be tested for racist attitudes.

There are larger systemic issues at play.

- Too much money is spent on incarceration, and not enough on education.
- The focus needs to be on restorative justice.
- The 'War on Drugs' and associated drug laws are racist. Marijuana should be legalized.
- Inequality is the biggest problem—if you are not seen as equal, then you are treated differently.
- Education is an important tool for creating change.
- Poverty and education are the real issues.
- Racism and sexism is at the heart of the issues we are struggling with. The community and law
 enforcement need to communicate in order for system change.

Public Testimony Suggestions and Recommendations

For the Task Force

- Include youth on the Task Force. Ensure their voices are heard.
- Look closely at the Cincinnati Collaborative Effort and promote the work that they have done to improve community-police relations.

For Law Enforcement and Prosecutors

- All officers should read The New Jim Crow, by Michelle Alexander.
- Data collection is important. Crime data should be collected and analyzed to inform community
 oriented policing strategies. Use of force data should be collected and reviewed to identify problems
 with officer behavior.
- A few recommendations were made to address the perceived conflict of interest between law
 enforcement and prosecutors in use of force cases, including the creation of a commission or special
 panel for the investigation of use of force cases, or the use of federal prosecutors to investigate local
 cases.
- Officers should live in the community they serve.
- A citizen complaint authority should be established to allow citizens to file complaints against
 officers for misconduct. This authority should consist of citizens, attorneys, and investigators. In
 Cincinnati, the CCA has been shown to be an effective tool that seeks justice and builds trust.
- Law enforcement agencies should make their statistics, as well as policies and procedures easily available to the public.
- Training is very important for law enforcement. Recommended areas of training include mental
 health, de-escalation, cultural sensitivity, and implicit bias training. Training and resources are also
 recommended to cope with stress.
- There should be qualification standards to which all officers must be held. Testing for racial bias should be included.
- A citizen monitoring board should be formed representing a cross-section of the community to
 oversee changes made in any agreement for continual improvement of use of force policies and
 performance by police.

For the Community and Schools

- Promote anti-violence and other programming for youth, especially after school and in the summer.
- Encourage positive interactions between youth and police, either at school or through other programs. Encourage mentorships between police and youth involved in foster care.
- Find ways to bring citizens and the police together to talk openly about their differences.

For the Governor's Office, State Agencies, and Lawmakers

- Legislators need to focus their efforts on restorative justice.
- Research is needed on identifying strategies to reduce poverty.
- Legislators should look at ways to hold third parties accountable in officer-involved death cases (reference to the John Crawford III case)

Dear sir:

I am very pleased that you see the need and are putting together a task force to focus on the relationship of the various police entities and the general public they serve. As a lifelong resident of the state of Ohio I always thought of the police as being a friend and protector there to defend the rights of all the citizens of this great nation. However I also know that everybody should be held accountable for their conduct and actions. To do otherwise serves to enable the offender.

Unfortunately we have laws of the book that provides immunity to a person regardless of how irresponsible his actions or to what degree he jeopardized the life, limb and property of many others. I beg of you to take this seriously and offer it to your panel for their consideration.

I became aware of this problem on Dec. 2nd of 2012 when a police officer from the village of North Hampton, located in Pike Township in Clark County, Ohio decided on his own, with no request for assistance from any of the first responders investigating a 2 car accident 7 miles outside of his jurisdiction to rush to the scene as fast as his cruiser would carry him and a 18 year old unauthorized passenger aboard. His high speed run ended when he lost control and crashed onto our property located in German Township in Clark County, Ohio. This is all verifiable and on record. I would very much appreciate an opportunity to present this evidence to your appointed task force

It is my contention and that of many others that an immature and irresponsible person can turn a vehicle into a weapon even more dangerous than a firearm. In discussions with the German Township Police, our Trustees, Clark County Sheriff Gene Kelly and his chief deputy and State Representative elect Kyle Koehler I found no disagreement to this contention. But each of the above have indicated they feel powerless to address this problem due to the wording of the Ohio Revised code 2744.02 that provides immunity unless the injured party can prove the offending officer acted in "Willful or Wanton Manner". How can this possibly be proven?

I would like to suggest to your appointed task force they review this O.C.R. and consider adding wording that requires anyone claiming immunity under this law be required to produce a video as public record to support their claim they in fact were responding to an emergency and acted in a reasonable manner.

I would be forever grateful for consideration to this plea as it will reduce my fear that such a thing may happen again with much greater consequences.

Gerald R. Sheets 3030 Troy Rd. E-mail Grandpasheets@wor.com

Springfield, Oh 45504 Phone (937)399-2657

Question:

Task Force on Community-Police Relations
Public Hearing
Cleveland State University
January 20, 2015

WRITTEN TESTIMONY

PLEASE COMPLETE THIS FORM IF YOU ARE PROVIDING WRITTEN TESTIMONY.

Printed Name: MICHAEL DOVER
Signature: Auto M. Dove
Contact Information (optional):
Address: BRATENANCK, ##03 City/State/Zip: RNATENANC BOOH 44108
Check the box if your written testimony is contained in a separate document.
CINCINNATIPUBLICLY POSTS
MANDES + REVISIONI. II
THERE ANY REASON POSTED THEM
IN ALL ONID POLICE RONCES
WOULD IN ANY WAY SUPER
(continue on back side if needed)

Quartion

Task Force on Community-Police Relations Public Hearing Cleveland State University January 20, 2015

WRITTEN TESTIMONY

PLEASE COMPLETE THIS FORM IF YOU ARE PROVIDING WRITTEN TESTIMONY.

Printed Name: Cabnella Celeste
Signature:
Contact Information (optional):
Address: Schwlart Cerker, Cwien
City/State/Zip: Clyllad, Off 44106
·
Check the box if your written testimony is contained in a separate document.
about how we protect
_ Children & young (nople -
_ now can we make sure
our public policies + practices
our public policies + practices incorporate a developmentally informed
approach and ofvance child well-being?
advanced (continue on back side if needed)

Task Force on Community-Police Relations Public Hearing Cleveland State University January 20, 2015

WRITTEN TESTIMONY

PLEASE COMPLETE THIS FORM IF YOU ARE PROVIDING WRITTEN TESTIMONY.

Printed Name: LILLIAN SHARPLEY
Signature:
Contact information (optional):
Address: 1801 CHARLES Rd #3
City/State/Zip: <u>East Cleveland Off 44112</u>
Check the box if your written testimony is contained in a separate document.
RECOMMENDATIONS:
1. Provide positive Reinforcement when de Escalaring
Procedures are Applied + Successfully.
2. Provide training on problem Solving
3. Revisit Residency requirements because its onefult
to police a community that you don't know or
have invested in.
4. Build A Culture of PARTNERShip WITH The COMMUNITY. (continue on back side if needed)
5. MAKE THE ISSUE OF RACISM MORE PROMINENT IN THE

Task Force on Community-Police Relations Public Hearing Cleveland State University January 20, 2015

WRITTEN TESTIMONY

PLEASE COMPLETE THIS FORM IF YOU ARE PROVIDING WRITTEN TESTIMONY.

THIS FORM IS A PUBLIC RECORD

Signature: Amazona
Contact Information (optional):
Address: chammons @ city. Cleveland. oh. U.S
City/State/Zip:
Check the box if your written testimony is contained in a separate document.
It would be promising and einclusive
If the panel consisted of more
grass-roots members as well as those from the legal Civil Rights
those from the legal Civil Rights
Community. I am Concerned
about the forthcoming narrative
having a political posture which may ->
(continue on back side if needed)

tend to Sanitize the counter Marrative of Citizens who experience a Separate reality.

Thank You

I appland Gov. Kosich for his Vision.

AND TOP OF FREE PROPERTY OF A SECOND OF THE SECOND OF THE

the second that the control of the second of

The state of the s

自己的 经自己的 医神经病 医自己的 医克斯特氏病 医克克斯氏管 医克克斯氏管

Questions

Task Force on Community-Police Relations Public Hearing Cleveland State University January 20, 2015

WRITTEN TESTIMONY

PLEASE COMPLETE THIS FORM IF YOU ARE PROVIDING WRITTEN TESTIMONY.

Printed Name: A NGEZA WOODSON
Signature: Lyele Wesde
Contact Information (optional):
Address:
City/State/Zip:
Check the box if your written testimony is contained in a separate document. The reality after the DUT report was issued here in Cleveland is funding for many of the recommendations Stated. (Depta Health training Cultural Sensativity etc.) What reassurance or who is willing to Secure funding in this budget cycle
Secure Funding in this budget cycle for officers to get this training? (continue on back side if needed)

(2.) After April 30th and your recommendations given

Will you include the recommendation of an independent citizen account ablity commission/board to monitor the recommendation and to report boals to the community?

Thank You



Nickie J. Antonio State Representative House District 13

77 South High Street, Floor 11 Columbus, OH 43215

(614) 466-5921 Rep13@ohiohouse.gov

Testimony

January 20, 2015 Cleveland meeting-Cleveland State University from State Representative Nickie J. Antonio To the Ohio Task Force on Community Police Relations

Chair Dir. John T. Born of Lancaster (Fairfield Co.), Ohio Department of Public Safety, Co-Chair The Hon. Senator Nina L. Turner of Cleveland (Cuyahoga Co.), and distinguished Members of the Committee thank you for your commitment to the work necessary to making our Ohio Communities safe and sound for all her residents as well as the first responders and those entrusted with keeping the peace- to serve and protect.

My name is Nickie Antonio and I am proud to serve as the State Representative for Ohio House District 13 which is comprised of Lakewood and portions of the Westside of Cleveland including the Cudell Recreation Center the site of the tragic shooting of young Tamir Rice by a Cleveland Police officer. I am very familiar with Cudell Rec Center- In my youth- Cudell was the place to take art classes and to swim in the summer- over the years I continue to be a frequent visitor to Cudell as it serves a central community meeting location and at election time, is a busy polling location in the district. I tell you this to let you know that there is an active community around the Cudell Community Center. The safety and security of the residents in the neighborhood is also challenged with regard to drug and gang activity and the perils experienced by those living in poverty. When we pledge our allegiance to the flag of this country we intone the words—with liberty and justice for all , including those living in poverty, those people of color, those struggling with addiction as well as our municipal leaders, our police officers, our first responders.

As we convene this gathering on the heels of our remembrance of Dr. Martin Luther King whose legacy calls us all into the responsibility of sounding the alarm when the condition of any in our community has risen to emergency status, we also honor Dr. King's memory and those who gave their lives for the civil rights of future generations, we honor their lives by acknowledging that this is a complex issue which requires honor and respect of all who have braved mediocrity, apathy, and futility to seek solutions and take risks by speaking our truth here today. We cannot fall into the trap of taking sides, of "if you are not with us you are against us" thinking. I stand on the side of "all are created equal" and a desire to seek solutions to make it so.

I join in chorus of those who call for an increase in training for our police officers; in-service training that includes first-aid and CPR but also includes a focus on Crisis Intervention Training with regard to dealing with those in mental health crisis.

The tragic case of Tanisha Anderson, a women with mental illness who died while in police custody and whose death was ruled a homicide, brings to the forefront the need for training, coordination and collaboration with mental health providers and experts in our communities. In Cleveland we are fortunate to have Frontline Services- who have a 24 hour crisis intervention team. They have the expertise to initiate crisis response after the fact with their Traumatic Response Team program. I am familiar with Frontline from my time working with non-profits and my work as an executive director of a women's outpatient treatment program in the years prior to my election to the House of Representatives. They do outstanding work that could be replicated.

I suggest that we look throughout Ohio for similar providers who are the experts to team up with law enforcement in places where this is may be a new idea. In those cities like Cleveland where the connection and a favorable collaboration exists now it is imperative that we dedicate more resources to expand their capacity.

In order to improve the work of addressing the mental health needs of community policing we could also do the following (in no way an exhausted list) with adequate resources and funding:

- 1) Expand Law enforcement Trainings in Mental Health Crisis Interventionincluding increased training for dispatch
- 2) Increase Program Staffing to work with Law enforcement to provide followup on police documented calls that included mental health issues
- 3) Create a pilot program to dispatch Mental Health professionals to the scene and policies similar to those recently introduced in Portland, Oregon*.

*It should be noted that the Portland Police Bureau recently drafted policies following a DOJ investigation that required changes to police policies, training and oversight. I have attached a copy of the Portland Mental Health Crisis Response- a directive that "would require officers to use special skills to avoid unnecessary violence and potential civil liability and to safely de-escalate encounters".

I also echo the calls for an increase and improvement in equipment for our officers who risk their lives every day in our communities. I have stood with our safety forces and defended their right to collectively bargain for wages and a safe work environment and I will continue to do so. They deserve to have vehicles that are fully functional and in safe working condition, radios that work and I support the introduction of body worn cameras which can help improve the high-quality public service expected of police officers and promote the perceived legitimacy and sense of procedural justice that communities have about their police departments. "Furthermore, departments that are already deploying body-worn cameras report that the presence of cameras often improves the performance of officers as well as the conduct of the community members who are recorded. This is an important advance in policing. And when officers or members of the public break the law or

behave badly, body-worn cameras can create a public record that allows the entire community to see what really happened". (www.justice.gov/.../47201491213471)

In conclusion, as a State Representative I believe we have a responsibility in State government to prioritize Community safety and security as a top urgency. As I have indicated through my recommendations, to accomplish improvements in training, equipment and programs requires investments of funding, some of which have been reduced in recent budget years through a significant reduction in funds that support Community Municipalities- known as local government funds and other tax shifts that have rendered many communities with inadequate funds to properly train and equip first responders. It has been estimated that more than 900 million dollars have been cut from local governments funds in the past 4 years of the Kasich administration. I have been a consistent and fervent supporter of reinstating these tax dollars, many of which, are dedicated to support local safety forces. f we are serious about improving the sate of the safety of our communities then we must work to stop starving our communities and work to support reasonable strategies for peace and security for all members of our communities as well as those with law enforcement responsibilities. Working tighter we can be better and stronger. Thank You



Dear Members of the Ohio Task Force on Community-Police Relations:

On behalf of the Juvenile Justice Coalition (IJC), I am writing to submit comments to the Task Force specifically regarding law enforcement interactions with children.

JJC is a statewide policy organization that focuses on improving the juvenile justice system in Ohio and moving the system further toward utilizing research- and evidence-based best practices. JJC has provided training on the juvenile justice system and adolescent development to various groups, including Ohio School Resource Officers and adult prison correctional officers staffing the Department of Rehabilitation and Correction's Youthful Offender Unit, which houses Ohio youth under the age of 18.

Research has firmly established that youth are fundamentally different than adults in many ways and these unique youthful characteristics can complicate interactions with law enforcement, particularly if youth are regarded as "small adults." In recent years, adolescent development research has found that brain development continues into an individual's 20s, with some of the more significant changes occurring through the late teen years. Overall, as compared to adults, youths' brains are wired to make them more impulsive, more susceptible to peer pressure, and more likely to take risks. All of these characteristics make it difficult for youth to make reasoned decisions, particularly in "heat of the moment" situations. In addition, youth develop unevenly, meaning a youth who may be very physically developed (i.e. tall and 200 pounds) may look like an adult, but may not have an adult's ability to reason or make consistent decisions. Finally, certain hallmarks of adolescence — challenging authority, arguing for the sake of arguing, being overly dramatic, and jumping to conclusions — can automatically trigger certain responses in law enforcement officials not trained to deal with adolescent behaviors.

These differences between youth and adults have been recognized nationally as having a specific effect on law enforcement procedure. For example, in 2012 the International Association of Chiefs of Police released a report on juvenile interrogation. The report found several negative impacts of interrogating youth, including a higher likelihood of false confessions and the costs associated with these confessions as well as negative emotional and psychological impacts on youth (including potentially creating a negative association with law enforcement). The report called on police departments to develop youth-specific interrogation parameters that comported with tenets of adolescent development. The U.S. Supreme Court also has recognized that law enforcement officials must take extra care when interrogating a youth and determining whether a youth can knowingly waive his or her Miranda rights given his or her age.

Arrest can have extremely negative impact on youth. A recent study showed that youth who were arrested were much more likely to drop out of school and much less likely to enroll in four-year colleges compared to non-arrested peers. Unfortunately, arrest also is one of the most racially and ethnically disparate points in the juvenile justice system. In 2013, Black youth in Ohio were arrested nearly four times more than White youth. In the 14 counties where the vast majority of Black youth live, making the arrest rates for White and Black youth equal would have required 13,000 fewer Black youth to be arrested in 2013 alone. Once they are in the system, Black youth are much more likely to move deeper into the system; in Fiscal Year 2013, despite making up only 17% of Ohio's population, Black youth made up 49% of youth adjudicated delinquent of felonies, 57% of youth

committed to DYS facilities and 82% of youth in adult court. These disparities persist despite multiple studies showing that Black and White youth commit offenses at similar rates.

JJC strongly urges the Task Force to adopt several youth-specific recommendations, including:

- Providing law enforcement officials with specific training on adolescent development, including how to
 engage with and respond effectively to youth, de-escalation strategies, and dealing with particular populations
 of youth, such as youth who have been exposed to violence and trauma.
- Developing specific policies and procedures for working with youth, including but not limited to interrogation, arrest, and use of force.
- Moving toward more community-based and strength focused policing models that allow officers to become familiar with the community they police, including the strengths of and challenges faced by youth in the community.
- Having youth advisory boards to open and maintain dialogue between officers and the youth in the communities they patrol.
- Examining and implementing model juvenile justice programs throughout the state, such as establishing a
 youth reception center where officers can take a youth after an arrest instead of a detention center, and
 nationally.

We believe these recommendations would help improve safety for both law enforcement officials and the communities they serve, as well as help keep Ohio's youth on a positive path. The JJC stands ready to build on our existing relationships with law enforcement and provide additional technical assistance, including trainings, protocol and policy review, and information on model programs in Ohio and nationally for working with youth, to law enforcement agencies across the state.

Thank you for your service on the Task Force and for the opportunity to provide comment on this important topic. If you have any questions, please contact me through the information listed below.

Sincerely,

Erin Davies, Executive Director Juvenile Justice Coalition

edavies@jjohio.org

614-400-5548

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing written testimony or you wish to submit a question.

THIS FORM IS A PUBLIC RECORD

DEBOXAH A WILCOX, Pt choraled. Well Signature: Contact Information (optional): 2279 ANDREW Kd. Check the box if your written testimony/question is contained in a separate GRASSROOT PUBLIC POLICY TUSTITUTES document. WANT TO RECOMMEND THAT THE TASK FORCE CONVENE SUSTAINED DELIBERATIVE DIXLOGUES ON POLICE AND COMMOLINIFY RELATIONSHIPS; EVERYDAY
EVERYDAY CITIZENS TIZENS, HAVE THE ANSWEAS TO SOLVE THIS COMPLEX AND DIFFICULT PROBLEM / PROBLEMS. SUSTAINED DIA LOQUES CAN KEEP CATTENS AND POLICE ENGAGED IN BUILDING AUTHENIC HEALTHY RELATIONShips. THIS APPROACH WILL PERMIT PUBLIC POLICY TO dEVELOP FROM THE GRASSHOOT LEVEL. (continue on back side if needed) LET'S OPEN A SPACE AND LET PUBLIC POLICY IN METANDES TO POLICE AND COMMAUNITY RELATIONS BE SHAPED AND

· CIVIC ENGLAGE MENT - GLASS KOOTS POLICY DELE COPMENT.

Multicultural ROMPETENCY APPROACH - INCLUSIOENESS

buing People Together Across diffeneres;

Cultural differences, St That Police &

EVERYDAY GIVIENS CAN UNLEARN KACISM,

SEXISM, Adultism, Hole-ism, heterosexism,

And other biases

And the second s

and the second of the second o

a menoral production of the second and section is a second of the production of the second of the second of the

and the state of the second of

the the control of the stage that it is not been been a sectionally the second

CONFINENCY CONSULTANTS + ASSOC.

CONFINENCY @ SBC 9/06A1. NET

937. 212-0486

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing <u>written testimony</u> or you wish to submit a <u>question</u>.

THIS FORM IS A PUBLIC RECORD

Printed Name: Darsheel Kaur + Ohio Student Association

Signature: Doguel Selve
Contact Information (optional):
Address: 397 (olonial Dr.
City/State/Zip: Beavercreek of 45434
Check the box if your written testimony/question is contained in a separate document.
I am recommending on allocation of finds towards
Communitypies most devestated by poverty and police
abouse to support local co-ops and job programs,
affordable and non-exclusionary housing , community
Schools, restorative justice & community education programs.
Restorative justice education and beining across the
state for practitioners, eventually creates jobs in schools,
prisons, and the criminal justice system (continue on back side if needed) Communities need power, to influence their lives and deal cuith crimes in their spaces.

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing written testimony or you wish to submit a question.

THIS FORM IS A PUBLIC RECORD

Gentile **Printed Name:** Cantilo Signature: _ Contact Information (optional): Check the box if your written testimony/question is contained in a separate document. CAM 10 (continue on back side if needed)

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing written testimony or you wish to submit a question.

Printed Name: James C Bailey
Signature:fames Clare
Contact Information (optional):
Address: 309 W South College St
City/State/Zip: Yellow Springs, OH 45387
Check the box if your written testimony/question is contained in a separate document.
The credibility of this tack force in large
· · · · · · · · · · · · · · · · · · ·
part will depend on whether there is justice for Crawford and Rice. It is
shows to anyone who has viewed the
videos that they were murdered by the
police.
Note: Chief Navare and Mr. O'Brien had
a private conversation (continue on back side if needed) throughout Ms Bollings presentation.

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing written testimony or you wish to submit a guestion.

Printed Name: ROSEMARY F. BAILEY
Signature: Roseman F. Borley
Contact Information (optional):
Address: 304 w. South College St.
City/State/Zip: Yellan Springs, OH 45387
Check the box if your written testimony/question is contained in a separate document.
1. I see a very strong need for training in combating Institutionalized
Racism. What is the state dring to ensure that this happens in individual
Police departments.
2. Police should 1st and foremost be Peaceteepers who consider used
a weapon as a last resort. Police should be smart, well-trained and practiced
in the art of defusing difficult situations. Look at policing in the UK as an
example. In fact police should not consider using guns at all unless dealup with real criminals (continue on back side if needed)
dealing with real criminals (continue on back side if needed)

3. Police need to be trained in the decriminalization of all people. We seem to have accepted that it's at for the police to escalate charges when questioned. What happened to democracy?

4. Lastly, but not leastly, what happened to judice for all? What is the Attorney Generals Office going to to to right the wrong that was done to John Crawford I by his bladant murder. No one seeing the videor end have voted to not underted the PShice Officer unless they were racist. The Grand Juny in this case was clearly plawed unless they did not see the video. Is secondaris not enough time to respond to any command even if John Crawford had been committing a crime. He woon't!

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing written testimony or you wish to submit a question.

Printed Name: LINDA BALES (ODD
Signature: Lindu Bules John
Contact Information (optional):
Address: 3532 Rosehill Ave.
City/State/Zip: Dayton OH 45440
Check the box if your written testimony/question is contained in a separate document.
1 Strengthen training of police officers by ensuring they
sell on more information than a 911 Caller when preparing to passible use g lettel force.
(2) When a police person kills someone in the line of duty
+ a possibility of implicit racism exists, the jurisdiction
needs to provide intensive truing on racial bias framen
ASAP rather then waiting until any investigations is completed.
(continue on back side if needed)

- (3) A complete overhaul of the Grand Jury process & may be appropriate + needed. Is a "special" prosecutor reched who is not associated with police depts. To avoid any appearance of collection of or corruption?
- (4) In the lase of John Crawford, there is a sense that the response of the Beaverereck City Council for been less than Compassionate, Several of the with the Council of magor of dedn't hear a word about the depth of such a tragedy as this killing. I understand the need to be president about not revealing any facts, etc. to be president about not revealing any facts, etc. about a case, but a statement expressions about a case, but a statement expressions removes or sadness about the loss of life would have brought some level of heeling.
- (5) Would recommend recommendations from the recent U.S. Conference of mayors he: policing.
- (a) Origing transparence ofter a high profile well force incident within the boundaries of the law following the event would help strengthen relationships between community opolice
- (4) Increased education in public schools on peace making, non-violence, anti-ballying would be a gift!

Thanks!

Othera. Fannin@ gmail.com
would the to specifically follow upon
accessibility for future enough.

Please follow-up.

Sincorety Jones Jones

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing written testimony or you wish to submit a guestion.

Printed Name: LOUISE SMITH
Signature: Smith
Contact Information (optional):
Address: 422 N. STAFFORD ST.
City/State/Zip: YELLOW SPRINGS OH 45387
Check the box if your written testimony/question is contained in a separate document.
Suggeturo:
on officer + 911 caller
on offier + 911 caller
case of police officers
3. Grand July moles revision: in cases w/ Police shootings
2. Grand Juny process revision regarding no secrecy in the case of police officers 3. Grand Juny process revision: in cases w/ Police shooting, Special prosecutor comes from OUT OF STATE approvided by Onio Sugneme Ct, not Attorney Gen.
4. Anti-Kacial Profiling Legislation
5. Police auditor/monita model
1 G to monute patterns of anduct
· - 10 MINITED PARAMETER

- 6. Outlaw military Egypment in Community Policing
- 7. Comminity Police Academy where officers Deam anti-racist Strategres

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing written testimony or you wish to submit a question.

THIS FORM IS A PUBLIC RECORD

Printed Name: ANNET. BOHLEN -WATSON

Signature: <u>Ame r. Bohlemubs</u>ton

	· · · · · · · · · · · · · · · · · · ·
Contact Information (optional):	
Address: 136 E. jumestone St	
City/State/Zip: yellow Springs, 0+ 45387	
Check the box if your written testimony/question is contained in a document.	separate
THE GRAND JURY SYSTEM IS USELY PROBLEMATICS F	TOPL
POLICE CASES SINCE POLICE ARE IN CLOSE CONTACT WI	TH PROSECUTORS.
The secrecy of the proceedings is ANADDITION.	AL PROBLEM
BECAUSE THE POHCE ARE EMPLOYERS OF THE COMMUNIC	TY AWD TRANSPAR
PUBLIC INUDIUSMENT IS ESSENTIAL TO RESOLUTION	U OF
ANY IRREGULARITIES - ANOTHER GRAND SUPY DROBUS	an is
THE JURY SELECTION PROCESS, PURLAPS THEY SHOULD	D BE ELETED
(continue on back side	if needed)

nother than selected. The community knows very little about the grand Jury process and that is a serious problem. Our institutions, paid for by our taxdollaws should be eminently understood by the populace.

Police training should include methodologies for negotiation, working with mentally ill community members, intervening in domestic crises as well as other training regarding in domestic crises as well as other training regarding

the criminal element and their acturties. It is my understanding that officers are receiving swat training a emonaged to act without taking into account the potential problems with that heavily armed amped up attack free.

we have lost a cityen in yellow springs during a heavily armied swart attack on a yellow springs nesident where there is represent the police who swarmed in from all over refused to allow the preterns powered to go to him despite his crying for them.

In Proble county several years ago a young man, clayton through was hilled by police in a sunt ATTACK THAT turned up nothing illegal.

The police who ran into the wal-Mart in Blaurereck Ohio did not allow John Crawford the HT to defend hunself when it was alkan that he was threatening no one around. Killing him was a crime in my new, being killed by the police

In a case of a cityen being killed by the police another person should be running the grand bury surstigation.

Division training is Essential.

Stop the military ortion of the police. We need communish policing where relationships with communish members that are respectful thiendly wherever possible.

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing written testimony or you wish to submit a guestion.

Printed Name: Janes Groper J-
Signature: dence Cayre L
Contact Information (optional):
Address: 430 W. PICASant St.
City/State/Zip: Spring Fie W/Ohio 145506
Check the box if your written testimony/question is contained in a separate document.
why have the price or recent ron my butter
young that have been Shooting people Who
have no weapons visible or isn't a major
threat? Huhy couldn't they use their tazar
of pepper spray, or touter metal rod when a man
15 Charging them of why dan I considered a threat IF
I walk into a Store with my boodica?
(continue on back side if needed)

As a Africa America Man my nother to 12 mc their re unspoken rules I have to follow like: take my bodie off in the store and make my band visible (but what if In Cow), If i from the police they will shoot me. what Is it true, that the police would shoot me in the back for running (Lypotherically). Why are Caucasias approved and considered mentally ill when they shoot just the format various (rimes, but a African American is considered and considered an

and the state of t

The second section of the section o

The same of the contract of the same of th

The following the second of the second of the second of

Task Force on Community-Police Relations Public Hearing Central State University February 9, 2015

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing written testimony or you wish to submit a question.

THIS FORM IS A PUBLIC RECORD

Printed Name: Lynn Buffington
Signature:Brffyt
Contact Information (optional):
Address: 354 W. Ashleat Lone
City/State/Zip: Beaver Creek, 1H 45440
Check the box if your written testimony/question is contained in a separate document.
- My faith community is largely suburban and
white, Our Fellowship building is south of Dayton.
Attached is on the statent by our Board and
demonstrating concern about police shooting
draths,
(continue on book side if needed)

Statement of the Miami Valley Unitarian Universalist Fellowship Anti-Racism Task Force and Board For Public Witness and Public Action With Specific Citations

"Unitarian Universalists ...strive to be of service to our communities and advocate for change on local, state, national, and international levels.

Through the Unitarian Universalist Standing on the Side of Love campaign we amplify the voices of the oppressed through online media; we show up in partnership at justice events across the country; we lobby national leaders... and above all we work to make love real in the world."

http://www.uua.org/love/

In Ohio there have been two recent deaths of young African-Americans shot and killed by white police officers. The August 5 shooting of John Crawford III in Beavercreek was in our own community and the Nov 22 shooting of Tamir Rice was in Cleveland. In both cases, the victims were holding toy or replica guns, and there are videos of the shootings that show that the victims were not given adequate time to respond to police commands before the police officers opened fire.

"Given all that has transpired in the last few months around the killing of Michael Brown, police brutality, systematic racism, escalating tension in Ferguson and around the country, it's time to hold our police forces accountable when they abuse their powers and the citizens they have sworn to protect. And as a people of faith, we must be a loud, unified voice for change." Peter Morales http://standingonthesideoflove.org/blog/my-people-of-faith-will-we-answer/

"Recognizing that racism is an institutionalized pattern reaching far beyond Ferguson, Missouri (or any single incident)...," The Anti Racism Task Force and Board of the Miami Valley Unitarian Universalist

3

Fellowship joins in solidarity with the Unitarian Universalist Association and with many others around the country to say that #BlackLivesMatter.

http://www.uua.org/worship/index.php?utm_source=UUA.org+Updates +RSS&utm_medium=feed&utm_campaign=Feed%3A+uuaupdates+%28UUA.org+Updates%29

Task Force on Community-Police Relations Public Hearing University of Toledo – Scott Park Campus February 26, 2015

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:

You are providing written testimony or you wish to submit a guestion.

THIS FORM IS A PUBLIC RECORD

Kimberly Grable

Signature:

Contact Information (optional):

Address: 3851 Sheffeld Count

City/State/Zip: Dlads, OH 43623

Check the box if your written testimony/question is contained in a separate document.

the are you (Teb-Comming-Lawenbrient) educating our youth of laws, showing vision, leadering in our community?

What can I (we) do it lenders to quide our youth its they grow and past their growth to future years when?

(continue on back side if needed)



.719 South Main Street Dayton, OH 45402

PHONE: 937-341-5000 FAX: 937-341-5002

info@cap-dayton.org http://www.cap-dayton.org

The Reverend Wayne Morrison Board Chairman

The Honorable Dean Lovelace Vice Chairman

John Gilmore Secretary

Barbara Fee Treasurer

John T. Donnellan President & CEO

Joyce E. Price, CCAP Vice President & COO

Stephen V. Pipenger Vice President & CFO Summary of presentation to Governor's Task Force on Police-Community Relations.

February 9, 2015

Central State University, Wilberforce, Ohio

John T. Donnellan President and CEO



COMMUNITY ACTION PARTNERSHIP OF THE GREATER DAYTON AREA

COMMUNITY-POLICE RELATIONS SURVEY

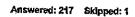


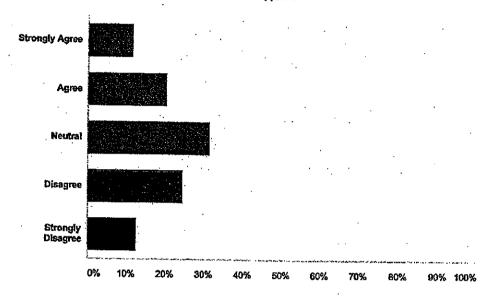
Thank you for taking the time to complete this survey. This informal survey is being collected to give feedback at an Ohio Task Force Community-Police Relations Meeting being held Feb. 9th at Central State. For more information, please visit: http://www.ocjs.ohio.gov/otfcpr/

	· 1,	In general, police o	fficers treat all	citizens equally a	according to the law	:
		Strongly Agree	Agree	☐ Neutral	☐ Disagree	Strongly Disagree
	· 2.	The police are usua	lly courteous:	•		•
,		Strongly Agree	Agree	☐ Neutral	Disagree	Strongly Disagree
	3.	The police stop too	many people or	n the street withou	out good reason:	
		Strongly Agree	Agree Agree	Neutral	☐ Disagree	Strongly Disagree
	4.	Police officers are u	sually honest:		•	•
		Strongly Agree	☐ Agree	☐ Neutral	Disagree	Strongly Disagree
:	5.	Most police officers tasks:	in my neighbo	rhood use only t	he amount of force i	necessary to accomplish their
		Strongly Agree	☐ Agree	☐ Neutral	☐ Disagree	Strongly Disagree
	6.	Officers seem conte	nt staying in the	eir patrol cars rat	her than interacting	with citizens:
		☐ Strongly Agree	Agree Agree	☐ Neutral	☐ Disagree	Strongly Disagree
	7.	The officers are usu	ally intimidatin	g:		· .
		Strongly Agree	Agree Agree	☐ Neutral	☐ Disagree	Strongly Disagree
	8.	How good are the poneighborhood:	olice doing in d	ealing with the p	roblems that really	concern people in your
	•	Excellent	☐ Good	☐ Fair	☐ Poor	☐ Very Poor
	9.	How would you rate theft, and theft from	the job the pol vehicles:	ice are doing in 1	reducing non-violen	t crimes such as burglary, auto
		Excellent	☐ Good	☐ Fair	☐ Poor	☐ Very Poor
	10.	How would you rate	the relationship	p between the po	lice and the commu	nity?
•		Excellent	☐ Good	☐ Fair	☐ Poor	☐ Very Poor

Racial Pro	E1:	
	ty Policing	
	cation with residents/community members	
Police Bru		
	ty reluctance to share information ("snitching")	
_	onse Time	
☐ Other (ple	ase specify)	
o you have any sug	gestions for improving community-police relations in Ohio?	
_	· ·	
		;
Vhat would you like	the Ohio Task Force to know about community-police relations in Ohio?	
/hat would you like	e the Ohio Task Force to know about community-police relations in Ohio?	•
That would you like		
Vhat would you like		
emographic Inforn	nation	
emographic Inform Sex Identity:	nation Male Female Trans/Other	White
emographic Inforn Sex Identity: Age:	mation Trans/Other Trans/Other 18-29 30-49 50-69 Over 70	White

Q1 In general, police officers treat all citizens equally according to the law:

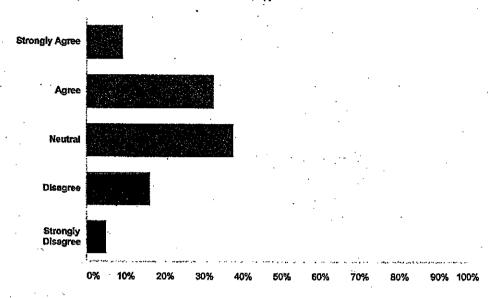




ver Choices	Responses	
Strongly Agree	11.52%	25
Agree	20.28%	44
Neutral	31.34%	68
Disagree	24.42%	53
Strongly Disagree	12,44%	27

Q2 The police are usually courteous:

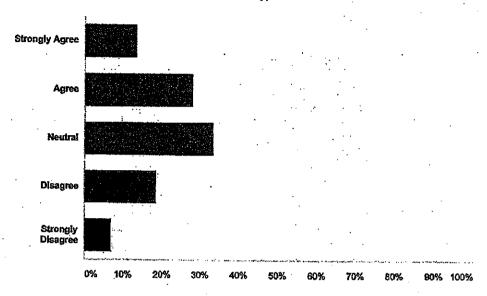
Answered: 217 Skipped: 1



Answer Choices	Responses	
Strongly Agree	9,22%	20
Agree	32.26%	·70
Neutral	37,33%	81
Disagree	16.13%	35
Strongly Disagree	5.07%	- 11
Total		217

Q3 The police stop too many people on the street without good reason:

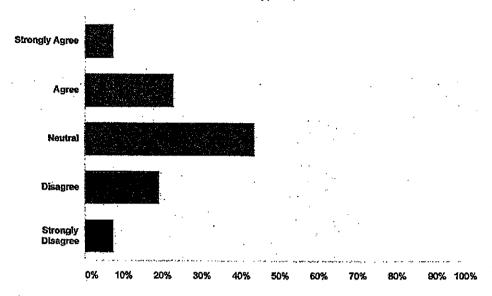
Answered: 218 Skipped: 0



nswer:Choices Strongly Agree	Responses 13,30%	29
Agree	27.98%	61
Neutral	33,49%	73
Disagree	18.35%	40
Strongly Disagree	6.88%	15

Q4 Police officers are usually honest:

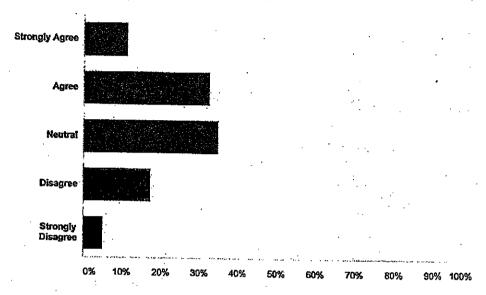
Answered: 216 Skipped: 2



Answer Choices	Responses	
Strongly Agree	7.41%	16
Agree	22.69%	49
Neutral	43.52%	94
Disagree	18.98%	41
Strongly Disagree	7.41%	16
Total		216

Q5 Most police officers in my neighborhood use only the amount of force necessary to accomplish their tasks:

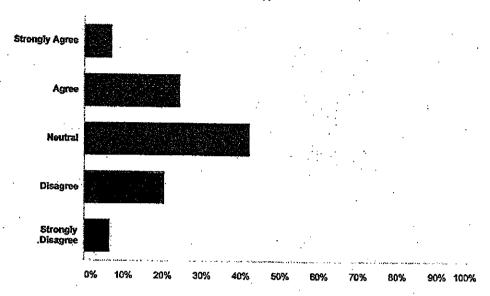
Answered: 217 Skipped: 1



Answer Choices	Responses	
Strongly Agree	11.06%	24
Agree	32.26%	70
Neutral	34.56%	75
DIsagree	17.05%	37
Strongly Disagree	5.07%	. 11
Total		217

Q6 Officers seem content staying in their patrol cars rather than interacting with citizens:

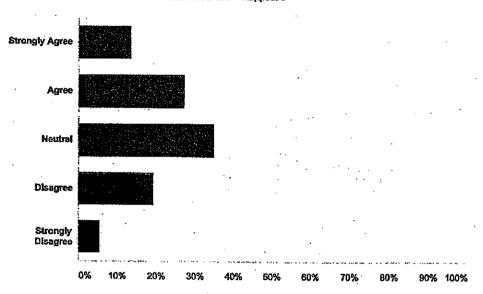
Answered: 218 Skipped: 0



Responses.	
6,88%	. 15
24.31%	53
42.20%	. 92
20.18%	. 44
6.42%	. 14
	6.88% 24.31% 42.20% 20.18%

Q7 The officers are usually intimidating:

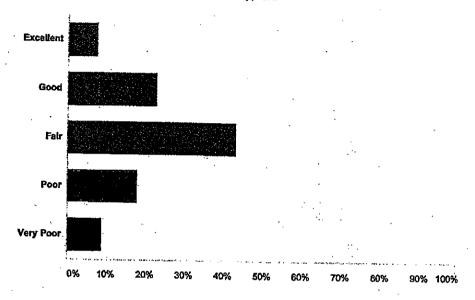
Answered: 218 Skipped: 0



Answer Choices Responses		
Strongly Agree	13.30%	29
Agree	27.06%	59
Neutral	34.86%	76
Disagree	19.27%	42
Strongly Disagree	5.50%	12
Total		218

Q8 How good are the police doing in dealing with the problems that really concern people in your neighborhood:

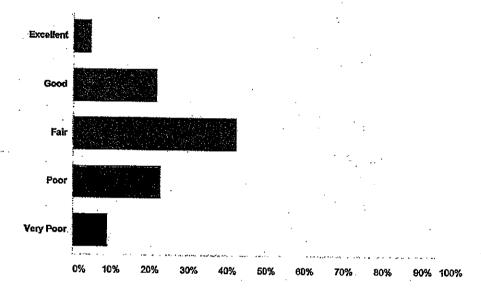
Answered: 215 Skipped: 3



Answer Choices	Responses
Excellent	7,44%
Good	22,79%
Fair	43.26%
Poor	17.67% 3
Very Poor	8.84%
Total	21

Q9 How would you rate the job the police are doing in reducing non-violent crimes such as burglary, auto theft, and theft from vehicles:

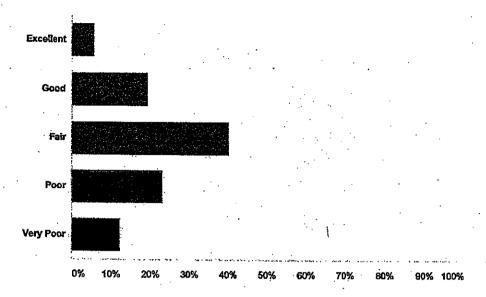
Answered: 213 Skipped: 5



wer-Choices	Responses	
Excelient	4.69%	10
Good	21,60%	46
Fair	42.25%	90
Poor	22.54%	48
Very Poor	8.92%	19

Q10 How would you rate the relationship between the police and the community?

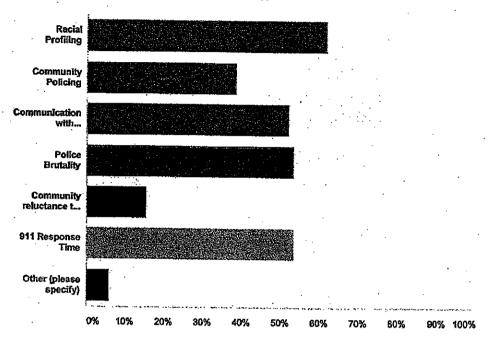
Answered: 214 Skipped: 4



Answer Choices		Résponses	
Excellent		5.61%	12
Good		19.16%	41
Fair	,	40.19%	. 86
Poor		22.80%	49
Very Poor		12.15%	. 28
Total			214

Q11 Please select the THREE most important issues to you about police-community relations:

Answered: 155 Skipped: 63



Answer C	hoices:	Responses	
Rack	al Profiling	61.94%	96
Com	munity Policing	38.71%	60
Com	nunication with residents/community members	52,26%	B1
Police	e Brutality	53.55%	83
Com	nunity reluctance to share information ("snitching")	15,48%	24
911 F	esponse Time	53.55%	83
Other	(please specify)	5,81%	9
Total Res	oondents: 155		
# (1)	Other:(please:specify)	Date	
1 .	Neighborhood patrolling	2/5/2015 9:48 PM	
2	Politeness and respect	2/5/2015 9:35 PM	
3	Some are unfair when judging between an immigrant and citizen during traffic accident.	2/5/2015 5:49 PM	··
4	the drug trafficking	2/5/2015 3:12 PM	
5	Dispatcher asked during a 911 call could I tell if the woman screaming for help sounded black or white	2/5/2015 2:37 PM	

Community-Police Relations Survey

SurveyMonkey

6	long as they show up If I need them	2/2/2015 4:41 PM
7	Intimidation	1/30/2015 3:26 PM
8	Police not seen at all	1/30/2015 3:24 PM
9	. Integrity	1/29/2015 2:17 PM

Q12 Do you have any suggestions for improving community-police relations in Ohio?

Answered: 46 Skipped: 172

# .*** ****	Responses	Date
1	Police need to be fair.	2/9/2015 11:50 AM
2 .	Police don't care about black people if you are poor.	2/9/2015 11:49 AM
3	Come to our neighborhood more.	2/9/2015 11:47 AM
4	i don't like the police. They should not judge us,	2/9/2015 11:46 AM
5	. Talk to the people before shooting.	2/9/2015 11:45 AM
5	Spend time in our neighborhood.	2/9/2015 11:44 AM
7 .	; Talk	2/9/2015 11:28 AM
8	Making better observation of what they are seeing when going to the scene of a crime.	2/9/2015 10:56 AM
3	Interact with the community more than what they are doing.	2/9/2015 10:54 AM
10	More programs for police and adults and children so they can communicate in churches in community.	2/9/2015 10:53 AM
11	Response time could be faster.	2/9/2015 10:42 AM
12	If the cities would pay more, they would do their jobs better.	: 2/9/2015 10:36 AM
13	Body cams they can not turn off or delete. Hire more officers that reflect the ethnicity of the communities they police in.	2/9/2015 10:35 AM
14	Come together	2/5/2015 11:53 PM
15	: More open communications	2/5/2015 11:51 PM
16	No just they need to be more respectful to people.	2/5/2015 11:43 PM
17	Try to stick to the book,	; 2/5/2015 11:39 PM
18	Treat all citizens the same.	. 2/5/2015 11:29 PM
19	They are always there if you need help. Pretty fast service.	2/5/2015 10:35 PM
20	Invest passion into your job and not just make it about a check. And stop abusing your badge when disagreements or misunderstandings arise that seems like the only times officers embrace their careers.	2/5/2015 9:57 PM
21	Stop misdemeanor harassment	2/5/2015 9:52 PM
2	People need to be aware of surroundings.	2/5/2015 9:42 PM
23	Need more police officers	2/5/2015 7:33 PM
24	Sensitivity training/some cops enjoy & take advantage of their power as law enforcers.	2/5/2015 7:32 PM
25	Police should be more sensitive to community issues and people who are living in poverty because they always have something going on in life!	2/5/2015 5:53 PM
26	. A meet and greet	2/5/2015 5:50 PM
27	Just to be fair to every resident without consideration of origins or colors. The recruiters would select patriots and people lovers not racists and weak persons.	2/5/2015 5:49 PM
8	More communication between community and police.	2/5/2015 3:23 PM

Community-Police Relations Survey

SurveyMonkey

	<u></u>	,,
29	If an officer is very fearful when policing in a certain community, you should quickly terminate employment before you cause injury to self or death to others.	2/5/2015 3:19 PM
30	Test to judge the police's view on african-american males and the amount of force required to assess a cituation.	2/5/2015 2:52 PM
31	More community meetings in the community, not in downtown bulklings- come to the neighborhoods.	2/5/2015 2:37 PM
32	More training for police, but all the training in the world will not change hearts. Unfortunately it takes G-d and a willingness to change hearts.	2/5/2015 2:19 PM
33	No because nothing will change.	2/3/2015 5:10 PM
34	Stop killing black men.	2/3/2015 5:02 PM
35	Hire more police officers!	2/3/2015 4:59 PM
36	I think it is difficult to decide who and what officer would follow protocol. I pray for good relations with law enforcement around the nation.	2/3/2015 4:52 PM
37	Training is the key to methods of community relations. Service is what they are going to provide, so public speaking, customer relations, and most importantly, self-control will create a reluctant and positive outcome.	2/3/2015 4:49 PM
38	More blacks	2/3/2016 4:13 PM
39	Police should organize forums where citizens can also share their concerns.	2/2/2015 3:45 PM
40	Better psy testing for police officers	1/30/2015 3:26 PM
41	Yes, more communication with residents and police being present in neighborhood. Response time too slow.	1/30/2015 3:24 PM
42	I'm sure it would be difficult in today's society but when pulling someone over it is not necessary to treat everyone like a criminal.	1/30/2015 3:03 PM
43	Keep training & learning laws.	1/29/2015 2:23 PM
44	Don't make assumptions before arriving at the scene.	1/29/2015 2:17 PM
45	Police to converse with the public at a public meeting, plain clothes and unarmed	1/29/2015 10:42 AM
46	Community Holline	1/29/2015 10:39 AM
*		

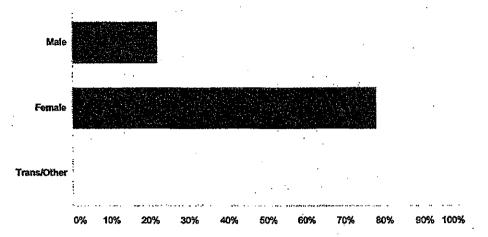
Q13 What would you like the Ohio Task Force to know about community-police relations in Ohio?

Answered: 25 Skipped: 193

# ·	Responses	Date
1	Making a better observation before acting on a crime.	2/9/2015 10:56 AM
2	Patrol with the officers then they can see for themselves.	2/9/2015 10:54 AM
3	Its not good any everyone needs to come up with more ideas to make it better! The community should play a part in that!	2/9/2015 10:53 AM
4	People tend to not call the cops because half the time in Dayton they won't show up or show up too late.	' 2/9/2015 10:39 AM
5	Get to know their community better.	2/9/2015 10:36 AM
6	We don't trust the police because they abuse their authority.	2/9/2015 10:35 AM
7	Keep the community clean	2/5/2015 11:58 PM
8	Be fair to all no matter color or gender	2/5/2015 11:22 PM
9	It is fragile	2/5/2015 11:06 PM
10	I believe in profiling due to terrorist problems in America. But I don't think everyone (like a passenger) should be run through the system when they are not involved in a situation.	2/5/2015 10:35 PM
11	Talk to us with respect.	2/5/2015 10:29 PM
12	Just do their job	2/5/2015 7:33 PM
13	Police should ask more questions and be involved in their communities instead of just to so-called protect and serve!	2/5/2015 5:53 PM
14	Give enough and adequate training to the police who seem to ignore their role.	2/5/2015 5:49 PM
15	That there needs to be more communication forums in the community.	2/5/2015 3:23 PM
16	I will continue to pray for the safety of all.	· 2/5/2015 3:19 PM
17	The police make you fearful to approach better. Better response to calls; as long as it is not the west side of town-seems like wait until the shooting is over and then come attitude.	2/5/2015 2:37 PM
18	The truth	2/5/2015 2:19 PM
19	White police are very, very disrespectful when dealing with black people and black men. They hate and use force whenever they can. They need to stop it because they treat white different.	2/3/2015 5:02 PM
? 0	The community is with the law enforcement in most situations.	2/3/2015 4:52 PM
21	They are intimidating & brutal. My children are even afraid of them.	1/30/2015 3:26 PM
2	There are some who think they are above the law just because they have a badge and that isn't right.	1/30/2015 3:03 PM
3	I was assaulted (domestically) by my husband and his friend and the police didn't believe me. They shamed me and refused to file charges.	1/29/2015 2:17 PM
4	Police could/should inforce a civilized dress code. Speak constantly & continously against saggin' pants on males and females.	1/29/2015 10:42 AM
5	The concern that police brutality is giving them a bad image	1/29/2015 10:39 AM

Q14 Sex Identity:

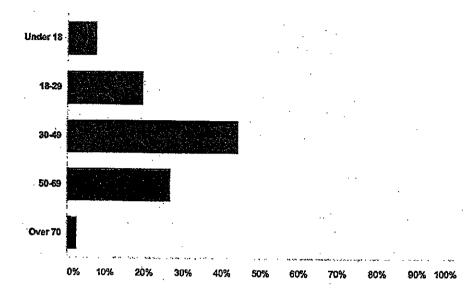
Answered: 159 Skipped: 59



Answer Choices	Responses		
Male	22.01%		35
Female	77.99%		124
Trans/Other	0.00%	-	0
Total			159

Q15 Age

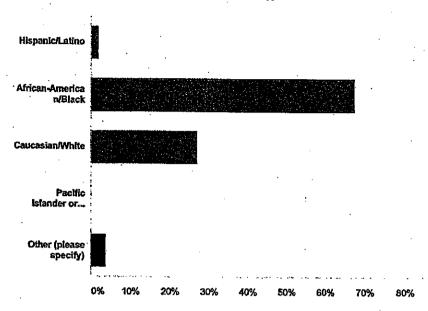
Answered: 159 Skipped: 59



Answer Choices	Responses	es las
Under 18	7.65%	12
18-29	19.50%	31
30-49	44.03%	70
50-69	26.42%	42
Over 70	2.52%	4
Total		159

Q16 Race

Answered: 157 Skipped: 61



Answer Choices			Responses	
Hlspanic/Latino			1.91%	3
African-American/Black	-		67.52%	106
Caucasian/White		·	26.75%	42
Pacific Islander or Asian			0.00%	0
Other (please specify)			3.82%	6
Total				157

#:.	Other (please specify)	Date
1	, blank	2/9/2015 10:42 AM
2	blank	2/6/2016 11:03 PM
3	2 or more races	2/5/2015 3:11 PM
4	Bi-racial	1/30/2015 3:29 PM
5	Caucasian and Native American	1/30/2015 3:26 PM
6	Black & Asian	1/29/2015 10:42 AM

Task Force on Community-Police Relations
Public Hearing
University of Toledo – Scott Park Campus
February 26, 2015

WRITTEN TESTIMONY AND/OR QUESTIONS

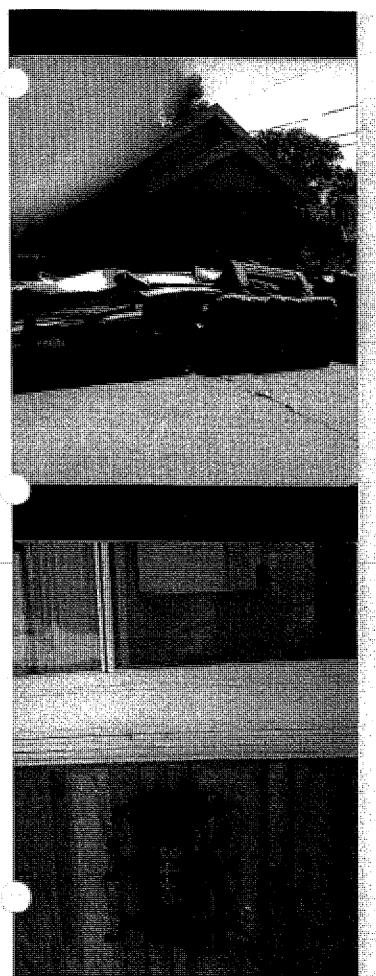
Please Complete this Form if:

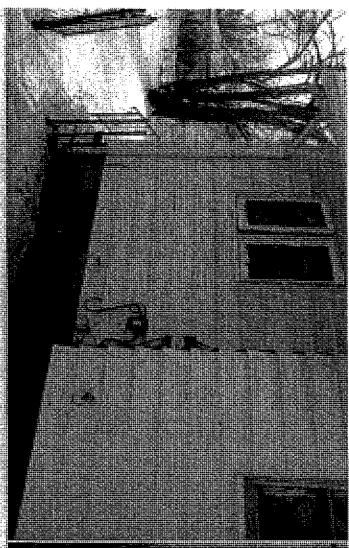
You are providing written testimony or you wish to submit a question.

据:1 1500 F 160	
THIS FORM IS A PUBLIC RECORD	
Signature: Douglas M Whitne	· · · · · · · · · · · · · · · · · · ·
Signature: Manage M. White. Contact information (optional):	
Address: (20 4/9) 30 4-1015	
City/State/Zip: TOKEDO DAIO	
	od in a congreto
Check the box if your written testimony/question is contained document.	cuill a schalare
most recent. Had my ho	me proben
into by a doctor that pu	Assed a
facint lot crossed the stu	et for
the puce of 5100 to back <	Tayeso
poeter-thought be such	ased my
house. His Brother and another	Les gentlemon
thew all my furniture on	tor Curb
Rolled up all my Godfinue on ba	ch side if needed)
love stat toll charge, bed	te
BOTH ENTRAYCE & REAR DOORS ST	THE DESTROYEL
the common of the control of the con	

susting multiple windows to beep gaining access to my home.

That 917 Call 5/2 hours on a sinday moves did see an afficer. these two gotheren that apologises for no one slawing up I'm stroked the way. Police treated me o as if I were the bad supported the factor of always do only walls only walls and coll got both plates and coll got for mot of the stay put do not you there that whit shows up. purato after 20 minutes tells me to head over of agoin police treated me very poorly would not let me out of my truck When I asked why. They replied To Cold out the White Everyone was stoneling and shall see that I was up on take and I de own the home, They was still rude. Soid I should thank on for remodeling my home one gay brud 3 variont for linense-they did nothing to him. I mas still sick to my









Task Force on Community-Police Relations Public Hearing University of Toledo - Scott Park Campus February 26, 2015

WRITTEN TESTIMONY AND/OR QUESTIONS

Please Complete this Form if:	
You are providing written testimony or you wish to submit a question.	
THIS FORM IS A PUBLIC RECORD	
Printed Name: DOUG WHITING	Ŋ.
Signature: Longlas M Whiling	
Contact Information (optional):	
Address: (ell - (4 (f 1) 15 of f) ()	
City/State/Zip:	
	3.00
Check the box if your written testimony/question is contained in a separate document.	
A LANGE TO A LANGE TO A STATE OF THE STATE O	20021
De la	u o
County Jul, for a Drinking Charge, asked The	
at 815 am - 8140 am that I needed ?	5
Use bathion 9/31/95. Then say on sa	her
that I went in front of subject plat	
no Contest? Their sent me out side of	- 101
never did I as to Court Metson	en e
Debites Sherriff (continue on back side if neede	
Jupun Steel Theede	the
Red Marke meters	Ty.

Ene Street by Egts Richard Murphys! Honting a gun at me stating he head I've been rumaring my month about him o', Multiple times prior to this & went to Internal affoirs. So this time I filed a report with the FBI, They arested me multiple times folse Charges that stuck with one exercised when Charges were dismissed table. That metal table with Jeather wist Cuffs and anklets that pud Chairs Conected to Simbs on metal table fore down. There paper work reads 13 to 4 days is note like 18 days. all difficult aussions they put leather all gloves on hit me in force lossing all four top teth split my gums top of tell my hard were charned behind my back Told him I had aid fast to stop him from beating me, all my Charges were so for out in life field IN THE NAME OF THE LAW all pecause my father was dating his will the mind go we want the first that had all are the Tree on Community

minute the and Doshing inside 8:40 am Satitus 8 at 8:60 am anns don't like (GUMBIES) to reliase of Britishes, When hord are hird my book!

Mett thing of fenow they're releasing me o out what of Called the side door. THIS IS WHAT THE ATTORNEY GENERALS SAID WAS (ST/MPUSS/BIG) OH But I went to Internal Hois - M. also Federal Bureau Of investigations with this one ince, Atternal affairs was as ines for this Soft Ru stemmen from de Trued to switch has always on toft at booked to me a a firm heard you was running your This Drinking Charge the Ques what they say (NO CONTEST GUILTY) never went infront of judge

wash paper work I have ich is sout rom where Brother ATHIS LCCS Goes bock of years on drunking Clar other I had to do 72 AA michigant Sifore I could get my sons back, So A CHARGE NEVER WENT IN FROMT O

This man would leave messages on our recorder which was tel Cassette tapes in answering m buch in at we Catch his breathe for time that would n record had hind a desk weeks may was already en he was still o

changels 11-13-24-36 you Caused so much Havie in the THEY ARESCHEDUS WHY NOW with Stack men bush these police o ichal Murph Murder Austifical te was time Oak lose to home Community POLICE RELATIONS

In December of 2012 & lost my Children for these 20 you all GLORDS (HOG WASH, REKORDS) flose to 30,000 dollars later 7,600 was my sons Chicking Song account is LUCAS COUNTY Children Services Reported to them multiple times for Statings on drugs to my Children 2008, Gott. Stire Operation gours marijuara of Don't impare Vision to rouse Ohildren Cose Close o 2006 Son had Il bruises on him from step dad Can not get these perture from either 1665 on Police department. nuther, and told anto them this long 175 15 Very FRUSTRAT When I'm told every where some we simply don't tong onto a Vears time for Somthing of had an Records 20 years ago

& All NFL football planer his sind Vunconcious dues aleande and a double responds as my Eouble Jopardy A Haver on my Sons My sons were sing Swerch abused after Case workers would sons suestions on Ver forced to live by authorities. rensporters of my sono to Corres Smoke time windows would not warm up from Hot water

est little or been Broken into lice didn't show up hours first day for hours sword Ilden again in Amuain De sart with Vandoneway where the laying every where wooden Chandled sem used All Colfs to one of the guittenan was taring one and is by the R. SMALLWOOD

neided 12 hour to speak of NOW DO YOU SEE NHY? rappino Ir, Smallwood chasel property Owns the
ect from mist house on the
ech states 3477 my house
on 3446, 51000 facount
to reads his Deed POLICE Treated me as Records from I soulces showed and was up on my Tails 1461 POLICE REPORT READ Treat as a Crimina Treaspass YOU SHOULD THANK THEIN TOR REMODELING YOUR HOME UNBELIEVABIE

house to me shows up. Police did not allow mel them everyone is out of there Values. But me when I asked the afficer whitein. Spirator I'm dis abled can not period of time of a estendies also Told me to thouse them for remodeling home o Hirestoner was first Comment of this misur Here are just a few Pietures of my Home of

When I went to 555 Ene Unnicipal Cont Prosecutos were I was sent whall murphy, Obstruction to me when had Il bruesto DBSTRUCTION OF JUSTICE Well me knowing what I need not to be placed. metal table in restraints on Stick shaffed into my nection so It stay, away, It not hard alffs

edo-n- Police don '& hold onto Mil navare Covered for this bad ASSESSES THERE MEN THOUN MICK ON HIP and a THROW ON THERE ANKLE



2006 on 1.1670 TANDOUTSS ALL ALBERT TI I SOK-N- MRINHTE BEATINGS WHAT THEY CALL THE ELEVATOR. But its really a room.

304

TETE HEARING VOICE sold not Believe what I just heard

Just TO MENTION ONG- DRAWED SUT 1-1 May 56

son in the leads

winess Please !

To Now DREKL MICES 415 KNOWN COCAMIE LAST GIRLFRIENDS BY ALER5

omer naturaly, SUE SMITH DE sed-n-alt myslef &



Whiting which is mind usiness ans Reading this Tosh folle Ruhard ever said he like to kill! MY GOD GUYS I'M SORRY THIS COULDN'T BE MORE BACK WARDS

NHAT PARIENT CAN ANT IGNORE IT LOVE MY SONS do

96

This Truelin stems to this There gove Theston me being arrested again 2015 Loss INSANE I PONX 360° PROTECTIVE) Children Services ten to aways said POLLUMBUS IN THEY TOLD ME IMPOSS TO MOT GO IN FRONT OF ONDOR WHEN STR-YING-IN JAIL of Please for got a genera care full of Proof of

We didn't desure this Blass

Point Out!

In 1992 is the year they deemed me mentally incompated to stand to never attended Cause throwed Case out of Court day Later Want to point out to you is the same you entered Livery LABORERS INTERNATIONAL UNION hise hours I was 5 Mens LIFES NO Phys meds The little to high to atterd mental retardation fourthis What allowed them to 95 Hardruff all nite till In-95 STRAP ME TO METRI Table

ing were it Clearly Made on police bort Somestic Violones (THREATS) 1993 - Years before Ordest boy was Drinking Charge tere Documents at m∈ Court don't even start tall 9,00 my lost name "W" Jet reports places Federal Burker of Intestigat I have (We'll go to gov Center) sing Charge landing me in a to others. I DON'T GET MY CHILDREI

oppened to ma 1. I NEVER Showed up day one 9-2014 of house bow on Dehastingo of Hout a got hondeuffed 101/2. by mos horder for Charges where IS THIS (UM ES OF AMERICA

Pat McCollum's Dream of Ohio Police Mentoring Children in Foster Care



Pat McCollum to understand the plight of children who have experienced early childhood trauma. As foster relations, The Cincinnati Police Department (CPD) has been working with early childhood trauma expert Ms level of interaction with law enforcement. With the ever looming national issue of community-police **The Problem**- Children in foster care are generally behind in education, social skills and have a higher

through the Don't Count Me Out campaign Community-Police Relations and the Community Connectors mentoring project. Her dream is that all children in foster care have a police officer as a mentor care mother to more than 70 children over the last 20 years, Ms. McCollum believes Governor John Kasich is on the right track with his Ohio Task Force on

Statistics

- At the end of 2013, there were 1,444 children in Hamilton County Protective Supervision (foster or kinship care) which included Temporary and Permanent Custody and Planned Permanent Living Arrangement
- Competency. Throughout the year the department averaged 604 cases under Supervision at any given time. The numbers of youth interacting with law enforcement begins to grow when they are in the 7th and 8th grade. in 2013 the Hamilton County Probation Department received 817 cases, 664 referred for Investigation/Supervision, 153 cases referred for

				•			
19 20 and over	8	7	ᇕᄗ		3 3	. 5 °	Age at Referral
<u>e</u>							₩ 2
₽.				12124 1214			# 7
Ž				1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1.50		6 C
4							<u> </u>
		+		, v) ¥		<u>a</u> 6
	. :	÷	<i>:</i>	1			t Referral
					ųγ.		=
		-		: : :			. 5
					-7 v 3	•	<u>ī</u>
		•					2
•					9.50		Ų
				, , ,,			7.
٠.							Ť
							<u> </u>
						•	5
							Į.
			-	11.0			
				W.			
				. 355.4 <u>1</u>			Ž
							7
				1600			
7.0	န္ မွ	귫	हुं ह		:8	-~	엄
	-	Ot.	wo				2012
				:15776			
9 . (.)		•	•				
					100		
				1 % (S) 			
				92.7			
	-						
٠.		•					
						•	
			•				
Ņ	<u>بر</u>	=	<u> </u>		ى كار	n 63 (o 22
~	2	8	ZZ S		F 12.25		22/3
		-					•

- In 2013, the Youth Center processed 6,074 intakes (youth presented to detention under arrest), which represents a 4% increase from the previous year. http://www.hamilton-co.org/juvenilecourt/Annual_Report/2013_Annual_Report.pdf
- Children of color remain in care longer: 17 months for African American children vs. 9 months for White children

from the Annie E. Casey Foundation Race Matters Tool Kit

Connectors grant may be one potential resource to help realize her vision of better community-police relations. The young people she serves have the highest rate of interaction with law enforcement. In February of 2015, Ms. McCollum was honored by Governor Kasich because of her educational work and foster care advocacy. The Governor's Community

Pat McCollum Background

and Social Work (BSSW, LSW), and Master Degree in Community Health Planning and Administration (MS, Ms. McCollum graduated from University of Cincinnati where she received undergraduate in Human Services

marketing, police/community relations, diversity awareness and strategic planning. behind Ms. McCollum are subject matter experts in mentoring, workforce development, public relations Ms. McCollum has been an early childhood trauma expert and trainer 17 years. The team of professionals

ine Dream

who has a history of successfully working with the community and police. grades. With the support of law enforcement and Ohio mayors and the Governor, the dream can become a reality. Ms. McCollum wants to work with anyone Ohio will change the trajectory of their lives. Her Don't Count Me Out campaign will begin as a media campaign designed to educate the community about the Ms. McCollum would like to see children in foster care get a fair shoot at a good life. She believes matching foster children with police officers in the State of plight of high risk youth in Cincinnati and attract mentors. It will culminate in the training and matching of police officers with higher risk youth in the 7th and 8th

For more information

Police officers who wish to become mentors or foster parents who would like a mentor for their child contact:

Sgt. Olivia Greer

Cincinnati Police Department

Youth Services Unit

513-681-0052

Governor's Ohio Task Force on Community-Police Relations or Community Connectors mentoring program contact:

Lynn Stevens

Office of the Governor

Minority Affairs Director

Columbus, Ohio 614-644-0871

Don't Count Me Out Campaign Amber Twitty (daughter of retired assistant police chief and community-police mentoring professional, Ren Twitty)

513-800-0126

Testimony Governor Task Force on Community Police Relations

March 9, 2015

Alphonse A. Gerhardstein
Civil Rights Attorney
Gerhardstein & Branch Co LPA
432 Walnut Street
Room 400
Cincinnati, OH 45320
513-621-9100
www.gbfirm.com
agerhardstein@gbfirm.com

Tutored by Tragedy. I still have the jacket Timothy Thomas was wearing when he was fatally shot by a Cincinnati Police Officer on July 7, 2001. I also have the Cincinnati Police Department (CPD) foot pursuit policy that was implemented through the Collaborative. It is a simple document that requires a risk assessment and teamwork. Under this policy it is unlikely that an officer, gun out, will rush alone down a dark alley to confront a young man wanted for traffic and other nonviolent misdemeanors. Timothy Thomas is dead. But this new policy has prevented other deaths and injuries. In fact, under the use of force reforms implemented during the Collaborative Agreement, including expanded mental health training, injuries to officers and injuries to citizens during arrests are dramatically reduced. And we have had no recurring civil disturbances focused on police abuse. We are making progress in Cincinnati.

What is the Collaborative on Police Community Relations? The Collaborative was a class action agreement between the African American Community, the police union, and the City administration. Federal Judge Susan Dlott supervised the agreement for six years (2002-2008). A monitor and subject matter experts advised the court on compliance. The Collaborative was merged with the Department of Justice Memorandum of Agreement on use of force and accountability and both were jointly implemented. Under the agreements all the reform terms became the policies of the department. Training was aligned with those policies. Performance measures were aligned as well. When court supervision ended the parties agreed to continue following the agreement and have met regularly with the Cincinnati City Manager to make sure that is happening. One-third of the sworn ranks were hired during court supervision. The Collaborative is now a national model on how to achieve change in the police culture.

Goal of Trust. The main goal of the Collaborative Agreement was to increase trust between the African American Community and the CPD. Why does that matter? Because policing should serve the common good. How did we learn what would serve the common good? We listened. First, to our history and second to the community. Listening to our history. The lawsuit that resulted in the Collaborative Agreement traced 33 years of unrest – from the race riots in 1967 to 2000. That history tracked repeated

flashpoints followed by efforts not to solve problems but to appease. We found thirteen blue ribbon panel reports; thirteen sets of broken promises. No wonder trust was at low ebb.

Listening to our community. We identified eight stakeholder groups early in our collaborative process. This problem was not going to be solved by lawyers in a back room. It needed air. The voice of the people needed to be heard. Online surveys and facilitated group meetings were pursued over a period of several months. This process was supplemented by the community conversations sponsored by the <u>Cincinnati Enquirer</u> in its city-wide Neighbor to Neighbor dialogues and the excellent Study Circle sessions sponsored by Cincinnati Human Relations Commission that were ongoing at this time. We listened. The Collaborative Agreement — negotiated by the police union, the City administration and the community — relied heavily on the wisdom that came from that dialogue.

How did implementation of the Collaborative Agreement start building trust?

- 1. Use of Force Reform. Under the agreement use of force policies were rewritten and officers have been trained consistent with those revisions. Tasers were adopted and incidents carefully tracked. Canine deployment was carefully reviewed and has been gradually revised to reduce incidents of dog bites. Mental health response teams were developed and training expanded to every member of the sworn force. Injuries to citizens and officers both went down.
- 2. Accountability. Good policies require a system for holding officers accountable when they violate policies. That is why the Citizens Complaint Authority was established. With an independent professional staff its investigations provide an informed community perspective on individual cases and their decisions are presented to the City Manager before he decides on officer discipline. The CCA also reviews policies in action and recommends changes when appropriate. The CPD has also implemented an employee tracking system which collects all of the daily performance data on each officer in an effort to serve as an early warning system about those who may engage in misconduct.
- 3. Bias Free Policing. The CPD collects data on every traffic stop. Supervisors track officers who are outliers those who stop more persons of color than others who work that same beat. They are identified and any bias addressed. During the six years of court supervision The Rand Corporation studied the data, surveyed citizens and officers and studied hundreds of mobile video recorder tapes. They issued several comprehensive reports detailing the challenges we face. The Rand Corporation reported that African American Citizen attitudes toward the police only slightly improved during the years of court supervision. Some of this was attributable to the enduring power of negative perceptions. Some was attributable to the impact of "proactive police" strategies (like sweeps and stop and frisk) which we did not eliminate until late in the process.

4. Community Problem Oriented Policing (CPOP). This is the most far reaching aspect of the Agreement. The City agreed to adopt problem solving as the "principal strategy for addressing crime and disorder problems." This has two aspects: community engagement and police department adoption of problem solving. In a nutshell CPOP is evidence based policing. It requires that we approach crime and disorder as problems defined through careful analysis of data. When we do this we find that that much disorder is traceable to repeat offenders, repeat victims and repeat locations. Strategies are then tailored to solve those problems by enlisting the resources and stakeholders appropriate to the problem. Sometimes these are police resources only; sometimes other government agencies are needed; sometime the community is needed. In 2014 a review of problem solving was done by an expert from the UC Criminal Justice Department, Dr. John Eck. His recommendations are now being implemented.

The community got engaged. We established — with the generous support of local corporations and private donors - the Community Police Partnering Center to enlist the community in problem solving. At one point the Center was working in more than half the neighborhoods and had trained thousands of residents in problem solving techniques. Many individuals and organizations joined the Friends of the Collaborative. Local residents stepped up. Unfortunately the funding for the Partnering Center is now at risk and we need to solve that problem to keep this organization available to us.

Why bother with Problem Solving? The answer takes us to the core goal of the Collaborative. Trust. If policing is evidence based then officer deployment will have a solid foundation in the analysis of the facts of a problem. The CPD can explain to the community how the effort is tailored to the problem. And clear outcome measures will be articulated to measure the deployment to insure that it is done fairly and effectively. Two examples show this best. First, many of us have been supportive of the violent crime initiatives, including the Cincinnati Initiative to Reduce Gun Violence. These efforts are a good example of problem solving as they are based on careful study and application of resources to those identified as most at risk for violence. They are evidence based and have reduced violence without increasing arrests. Contrast this with Vortex, a unit of 50 officers that traveled to "hot spots" and swept up all law violators no matter how small clogging the Justice Center with folks who jay walked or loitered. The Rand studies confirmed that "proactive police" strategies like Vortex cause many people in the African American community to feel harassed rather than protected. The Court appointed monitor concluded that Vortex was not based on problem solving principles. Vortex was undoing much of the good will that solid problem solving efforts created. When Vortex was disbanded the community no longer experienced strategies that looked and felt like police occupation of communities of color. Problem solving is the opposite as that strategy and is based on service. Trust can grow with problem solving guiding the police.

Recommendations based on the Cincinnati Experience

- Urge departments to choose transparency over secrecy. Before the Collaborative, securing information from the CPD was impossible. Now the procedure manual is online. Crime data is on line. Critical incidents are promptly revealed to the public and information shared as it is known. Criminal investigations regarding discrete crimes should remain confidential but those investigations are a very small part of a city's effort to improve overall safety.
- 2. Reject strategies that disproportionately impact people of color. Stop and frisk campaigns disproportionately impact people of color. The low hit rate on contraband, drugs and guns does not support the investment. Innocent people are treated like criminals and turn against the police, who remain forever bitter about police encounters. Strategies that are fair will reduce arrests and reduce mass incarceration of African Americans without compromising safety.
- 3. Choose problem solving strategies that engage non police services and the public. Problem solving and data driven strategies engage health departments, park departments, highway maintenance, utilities, law and others. The public is key. Locate the property owners, contiguous property owners, tenants, customers, and all those who encounter the problem to be solved. Enlist their support. Use a process like the SARA model so people know where they are on the path to resolving the problem.
- 4. Train officers very thoroughly, particularly in mental health and threat
 assessment. Mental health training is key. Many instances of excessive force
 against unarmed citizens involve subjects that are mentally impaired or under the
 influence of drugs or alcohol. Provide access to community mental health
 resources in the field. Secure EMS back up when appropriate. Train about
 excited delirium, seizure disorders. Learn de-escalation strategies. Practice. Use
 scenario based training for mental health and for threat assessment generally to
 reduce unnecessary force. Repeat mental health and threat assessment training
 annually. Personalize the training to make it rea. The Tanesha Anderson family
 of Cleveland is willing to place her story in the training materials as a reminder to
 officers to be vigilant in this important work.
- 5. Update taser policies and training. After several years of experience with tasers the City of Cincinnati in collaboration with the CCA using a very transparent process amended its taser policy to reduce the risk of heart and other injuries. Taser shots to the chest can kill. The preferred target zone is challenging to implement as it does not comply with typical shots to center mass. The answer is training and practice. Agencies must spend the money on sufficient cartridges so officers gain competence to deploy tasers effectively in the field. See the study

- our firm did on this issue at http://www.gbfirm.com/litigation/documents/54 TaserRisksReport.pdf.
- 6. Hold officers accountable criminally and administratively. Many have written about the need for a thorough, independent criminal investigation whenever an officer kills a member of the public. But what about discipline? This is the easiest to do but in my experience the most universally ignored. Cincinnati does this correctly through a vigorous internal investigation as well as a review by the Citizen's Complaint Authority. Even if the officer is not indicted, if he or she violated department policy and training, the officer should still be disciplined. Cruiser cams enhance supervision in Cincinnati and allow helpful random audits of officer conduct. In any other well-run business, work rules are strictly enforced. Police officers should not get a pass.
- 7. Police as Funding Vehicles. Make sure that police do not become funding resources for their local governments. This is a big issue in the DOJ report on Ferguson, Mo and it happens here in Ohio. See Consent decree in *Thomas v. Koebel*, et al USDC, SD OH, Case No. 2:10-cv-00139 (attached).

JAMES BONINI

SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

2010 JUL 16 P: 12: 15

Tammy Thomas,

VISION

ELLIC 151 / COURT
SOUTHERN DIST OHIO
Case No. 2:10-cv-00139 FAST DIV. COLUMBUS

Plaintiff

VS.

Judge Michael H. Watson

Steven Koebel et al.,

Magistrate Judge Norah McCann King

Defendants

AGREED PERMANENT

INJUNCTION

On April 29, 2010, the Plaintiff filed a Motion for a Preliminary Injunction seeking to enjoin Defendant Village of Middleport from convening and adjudicating cases in the Middleport Mayor's Court under its current policies. Doc. 19. Pursuant to Fed. R. Civ. Proc. 65, the parties have now stipulated to the entry of a permanent injunction as follows:

WHEREAS the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution requires notice to persons charged with crimes of the charges pending against them, and an opportunity to respond to them, entitling an individual the right to appear in court and speak;

WHEREAS The Sixth Amendment and the Due Process Clause of the U.S. Constitution guarantee to those charged with crimes the right to counsel, the right to call witnesses, and the right to confront their accusers;

WHEREAS the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution requires that criminal cases be adjudicated by a neutral decision-maker;

WHEREAS the Village of Middleport seeks to conduct proceedings in Mayor's Court consistent with the U.S. Constitution;

THEREFORE, the Parties agree that:

- 1. The Defendant Village of Middleport ("the Village"), the mayor of Middleport, and each of the Village officers, principals, agents, servants, employees, successors and assigns, and all those in concert or participation with Defendant, are permanently enjoined from adjudicating "contested" cases in its Mayor's Court.
- 2. A "contested" case is a case where an individual pleads not guilty or requests a trial.
- The Village Mayor's Court may adjudicate cases where an individual pleads guilty or no contest.
- 4. The Village will adopt, implement and comply with the Ohio Supreme Court rules applicable to Mayor's Court, described as the "Mayor's Court Education and Procedure Rules" attached hereto as "Attachment 1" herein in its entirety (including the Appendix of Forms) and any amendments issued by the Ohio Supreme Court to said rules.
- There will be an audio, video or stenographic record made of all proceedings in the Village Mayor's Court.

- 6. Whoever serves as Mayor shall obtain the minimum number of hours of continuing education required by Rules 3 and 4 of the Mayor's Court Education and Procedure Rules, as adopted by the Supreme Court of Ohio. The Defendant Village shall keep and maintain all certificates of attendance that are received under Rule 5, and copies of these certificates shall be made available upon request.
- 7. This injunction shall not prohibit the Village from retaining the services of a qualified, neutral attorney as magistrate and permitting the magistrate to hear contested and uncontested cases as permitted by law.
- 8. No rights shall be denied to the accused in the Village Mayor's Court due to poverty and provisions shall be made to permit all rights to be exercised regardless of wealth.
- All announcements, forms and scripts used by the presiding officer
 of the Village Mayor's Court will comply with the terms of this injunction.
- 10. Only the plaintiff shall have standing to enforce this injunction. Prior to any filing in court the plaintiff must give notice to Counsel for the Village of any alleged failure to abide by the injunction and the Village must have at least 30 days to respond to the concerns of Plaintiff.
- 11. Pursuant to 42 U.S.C. §1988 Plaintiff shall be deemed the prevailing party with respect to the claim for injunctive relief. The parties shall attempt to negotiate and/or mediate the attorney fee and expense claim and if they are not successful the plaintiff may apply for fees and expenses in this Court. Should the

issue of fees and expenses be submitted to the Court, no interest shall accrue on any award for the period from the date of this order through the date such motion for fees and expenses is filed.

SO ORDERED

UNITED STATES DISTRICT JUDGE

Agreed:

s/Alphonse A. Gerhardstein
Alphonse A. Gerhardstein
Counsel for Plaintiff Tammy Thomas

s/William Charles Curley
William Charles Curley
James Quinn Dorgan, III
Counsel for Defendant Village of
Middleport

	The GOOTS Produce Residivical rates
:	Stock Good Strong relations w/ Polac
	Task Force on Community-Police Rélations Public Hearing
	University of Cincinnati – Kingsgate Marriott
	March 9, 2015 JOHNS OF AJI RACES WRITTEN TESTIMONY AND/OR QUESTIONS
	Please Complete this Form if:
	You are providing written testimony or you wish to submit a question.
	THIS FORM IS A PUBLIC RECORD
I	Printed Name: 40/2004 Johnson
	Signature: 1000000 (SKLICK)
. (Contact Information (optional):
V	Address: 858 HUMBIUS AVE
(all	City/State/Zip: CIMINIOLI, (Wil) 45329
in the state of th	Check the box if your written testimony/question is contained in a separate document.
NO -	We need more summer and Afterschool
a shirt	prograus in adition w/ commonty church's
1,000 J	no the more DIVITS, more ACADENTIC SEIDLES POUR
(UN EXTRA CURICULAR (SURIUS RAD) FORCH SEMPLANTIA
g	les deterr eux month's from the nothing
7 X	o do state of mind" like die 1/2/10/4/1
<u>.</u> 	rule to Start The libeliest Hills 1600th Leader
A	DOOD 40 PIOF EVENTABILITY (continue on back side if needed)
10	All troubled (101111/16) (Procedul MOESON)
70	The state of the s

to open it's doors to our epoch and Recently the walnut Hills Baptist Church has become willing, however 17 THINK IT NEEDS to be ABLESSIBLE IN All COMMUNITIES (Structured We SOME).

- W/ Drus AWARENESS and Education

- Mollies - Perieve

12-17

- Eastacy -Marijuaka has being exposed as not popular of fashionable morals a volve Establishment of Ethic Systems that produce solve Tax polyus Citizens Timental Hayling a 18818-GCHB, CCHB - Coming up w/a clicke Hory to Moke It Cool & follow the rules I have also have Spoke w/ private sector employees willing to that D and Euploy- it we 18-25yr This submitted plan will be typed up By Morch 18th, computer trainers Soo read mess, computer trainers Desume a contract strained lity, interview

Marcc "...to forgo the luxury of separate ways when a common path can be found..."

Metropolitan Area Religious Coalition of Cincinnati

Cincinnati
632 Vine Street, Suite 606
Cincinnati, Ohio 45202

Phone 513.721.4843
Fax 513.721.4891
Email marcc@fuse.net
Web www.marcconline.com

Archdiocese of Cincinnati

Association of Unity Churches

Baptist Ministers Conference of Cincinnati and Vicinity

Cincinnati Conference (Evangelical Lutheran Church in America)

Church of the Living God

Cincinnati Islamic Center

Diocese of Southern Ohio (Episcopal)

Disciples of Christ - SW Ohio

Interdenominational Ministers Aliance

JCRC of The Jewish Federation

Miami Association (American Baptists)

Ohio River Valley District (United Methodist Church)

Presbytery of Cincinnati

Religious Society of Friends

Unitarian Universalist Council of Greater Cincinnati

United Church of Christ

Volunteers of America Of Greater Chio

Rabbi Margaret J. Meyer
President
Tiffany Zents
Vice President
Connie Widmer
Vice President
Nancy Walters
Secretary
Ken Bordwelt
Treasurer

Margaret A. Fox Executive Director Angela Wright Office & Technology Meneger March 9, 2015

State of Ohio Governor's Task Force Community – Police Relations Cincinnati Hearing

RE: Metropolitan Area Religious Coalition of Cincinnati Statement
On Community-Police Relations

Co-Chairs, State Senators and Representative and Appointed Members of the Community at Large of State of Ohio Governor's Task Force on Community-Police Relations:

Background

The Metropolitan Area Religious Coalition of Cincinnati (MARCC) is an interfaith coalition with seventeen denominations that make up its membership. Those denominations represent Jews, Muslims, Protestants, Roman Catholics and Unitarian-Universalists. MARCC works to improve public policies and in the process civil discourse.

The mayor of Cincinnati introduced MARCC to metropolitan Cincinnati on April 4, 1968 at 12 Noon. Then at 4PM that day Dr. Martin Luther King was shot and killed in Memphis, Tennessee. Riots broke out in Cincinnati that evening.

At the time, one of the few connections between local government and the African-American community were the religious leaders of the denominations that were members of MARCC. MARCC brokered, through that leadership and its relationships in both the African-American community and local government, the beginning of what would become a long-standing conversation about racial tension, and advocacy to remedy institutional racism in our metropolitan region.

MARCC's Role

Serious racial disturbances occurred again in 2001. This time the lawsuit ended up in U.S. District Court, Southern District of Ohio, Western Division before Judge Susan Dlott. A Consent Decree was formulated resulting in two agreements: The Memorandum of Agreement addressed the policy changes needed in the Cincinnati Police Department to reduce use of force, and the Collaborative Agreement developed a collaborative community partnering plan for community problem oriented policing.

The six-stage Cincinnati collaborative process began with a focus on goal-setting about future relations between police and community. Judge Dlott oversaw the collaborative process. She appointed Jay Rothman, Ph.D., president of The ARIA Group, as Special Master to conduct this process. MARCC was contacted by Mr. Rothman to

participate as one of the stakeholders. MARCC delegates, representing a cross-section of denominations, were engaged in the effort through focus groups and committees.

In addition to that work, MARCC convened meetings between the Police Chief and African American clergy leadership on a regular basis, and continues to do so as needed. MARCC informed denominations and their congregations about the reforms. MARCC also worked with the Court appointed monitor of the Memorandum of Agreement, Saul Green and his team.

The MOA was fully complied with by Cincinnati Police Department in 2007. MARCC requested a one year extension for the CA so the Cincinnati Police Department could make sufficient progress on the CA goals. MARCC denominational leaders wrote formal statements on why the extension was needed. Other organizations did the same. Those statements were filed with the extension request. Judge Dlott granted the one year extension.

When the one year extension of the CA ended in August 2008, MARCC recommended to City Manager Milton Dohoney that a monitoring group be formed with representatives from a cross-section of the community including the Cincinnati Police Department and attorneys involved in the court cases. The City Manager established the Manager's Advisory Group (MAG), it monitors the CA implementation and continues to meet.

MARCC Recommends

MARCC found the following processes and protocols to be some of the most helpful outcomes from both agreements:

- Mental Health Protocol Training for Police Police Officers need to be trained in
 particular protocols when approaching or arresting a person with mental health challenges.
 When officers received this training the use of force and the number of arrests of those
 persons declines.
 - 2) Use of Tasers The use of Tasers instead of guns reduced death by use of force significantly. Yet without specific protocols and training of police officers on how and when to use Tasers, a Taser can become a deadly weapon. The use of Tasers cannot replace the need for on—thebeat policing.
 - 3) Analysis of Crime Data by Police and Community Patterns of crime can inform community oriented policing strategies. CPD has incorporated statistical analysis practices due to the MOA. Sufficient resources need to be given to this effort to better equip police and therefore communities for collaborative problem solving.
 - 4) The Citizens Complaint Authority— The CCA is the way citizens file complaints against police officers for misconduct within an established system of government. The appointed CCA Board consists of citizens, attorneys and investigators. An investigation is done and disposition is made unfounded, sustained, not sustained, exonerated. The process provides the needed checks and balances on police misconduct and the quality of the citizen complaint. CCA provides thorough investigations, evaluations and shows patterns of misconduct. It is an effective tool that seeks justice and builds trust.

5) Citizens Monitoring Process – It is critical that a monitoring board be formed representing a cross-section of the community (police, citizens, attorneys, local government) to oversee changes made in any agreement for continual improvement of use of force policies and performance by police, and collaborative community oriented policing.

Respectfully,

Rabbi Margaret J. Meyer President of MARCC Margaret A. Fox Executive Director

Contact: Margaret A. Fox, 513.721.4843 or mafmarcc@fuse.net



Ohio Senate

Senate Building Columbus, Ohio 43215 614-466-5980 Phone

State Senator Cecil Thomas 9th District

Governor's Task Force on Community Police Relations Forum Cincinnati, OH March 9, 2015

Director John Born, Co-Chair Senator Nina Turner, Co-Chair

Public Forum Testimony State Senator Cecil Thomas

To Co-Chairs Dr. Born and Senator Turner, members of the Governor's Task Force on Community-Police Relations, other elected officials in attendance, and citizens of the ninth state senate district, thank you for the opportunity to present testimony on an important and timely issue that is facing our state and nation.

I stand before you today speaking from a unique perspective—one as a former law enforcement officer and another as a leader who hears the voices of the community. For 27 years, I served as a member of the Cincinnati Police Department. During my tenure—from my start as a rookie cop to a homicide detective—I worked in all 52 neighborhoods where I had the opportunity to meet community residents and honor my commitment to serve and protect.

Upon my retirement from the force, I served as the Executive Director of the Cincinnati Human Relations Commission (CHRC) where I worked directly with city and community leaders to bring comprehensive solutions to the issues that Cincinnati was facing in 2001. Later, I was elected to the Cincinnati City Council where I served as Chairman of the Law and Public Safety Committee. In my

Serving: Hamilton County thomas@ohiosenate.gov

current role as State Senator for the 9th District I serve as Ranking Member on the Criminal Justice Committee and the Criminal Sentencing Commission.

I would like to take a moment to applaud the Governor for creating this task force and the fine work of the members thus far as you have traveled throughout the state to speak directly with the community.

Recent events in Beavercreek, Cleveland, Ferguson, MO, and New York City have brought attention to the relationships between police and the communities that they are sworn to protect. These incidents indicate a deeper systemic problem that requires a long-term solution. Discussing these issues is a crucial step in addressing the disconnect that many, including myself, feel is between the community and police officers.

I am elated that the task force has come to Cincinnati as we have faced issues of this nature nearly 14 years ago. While results are still being measured, it is my belief that we have made considerable steps that can be modeled across the state. It is my hope that task force members will review the actions that the Cincinnati has taken as well as others that I will detail in a moment to create a framework built on fostering trust. My forty years of experience indicates that we can begin to tackle these issues with proven, data driven solutions that include the creation of an ongoing Community-Police Relations Commission, collecting data on law enforcement activity and police training in community focused de-escalation techniques.

Community Police Relations Commission

Research has shown that community oriented policing is the most effective method of policing versus an order maintenance style. However, due to a lack of resources and limited access to data and research, many departments focus strictly on maintaining order, as opposed to engaging in identifiable best practices, which makes both the police and community safer. A combination of order maintenance and community oriented policing should be the ultimate goal.

The commission would be comprised of 18-members who represent organizations such as the Fraternal Order of Police, Ohio Conference of the NAACP, American Civil Liberties Union (ACLU) of Ohio, Ohio State Troopers and the Ohio Student Association among others.

They will be tasked with investigating and evaluating the circumstances and standards surrounding the use of force in police response to conflict situations and recommend best practices. The commission would connect policymakers with law enforcement officials and community leaders to implement such solutions. A similar blueprint is working for Cincinnati and the commission could carry on the work of the current task force.

Data Collection on Law Enforcement Activity

Data collection on law enforcement activity is imperative because police departments are often unware of biases in their use of force patterns. For example the Department of Justice report on the use of police force in Ferguson, Missouri indicates that African Americans make up 67% of the population, but account for 85% of the drivers stopped by police, 90% of those issued tickets and 93% of those arrested. The point of data collection is to identify problems and also measure the success to solve the problems.

The data collection component specifically includes the following:

- Requires the race, age and gender of one or more individuals be recorded
 after each officer related incident if the law enforcement agency requires a
 report to be filed.
- Requires a law enforcement officer who issues a traffic ticket to record the perceived race of the individual.
- Requires a law enforcement agency to file a report with the Attorney
 General and the Department of Public Safety if the actions of a law
 enforcement officer resulted or have alleged to have resulted in: the death

of the individual; physical injury to the individual; a request for medical assistance; the offer or provision of medical assistance to an individual.

After Cincinnati's civil unrest in 2001, data collection revealed 105 policies and procedures that need to be changed or totally eliminated. Thus data collection is a key component to developing long-term solutions to these issues. We cannot develop solutions if we do not have solid evidence to use as a reference.

Law Enforcement Training

Finally, it is imperative that we increase law enforcement training in Ohio. Proper law enforcement training in the areas of de-escalation, mental health and cultural sensitivity can protect citizens and law enforcement from unnecessary confrontations leading to death, municipalities from resentment and litigation and foster trust in our communities.

- De-escalation skill training teaches officers to use alternative methods to diffuse a situation before resorting to deadly force. This type of training would have been useful in Beavercreek and Cleveland.
- Mental health crisis intervention training prepares officers for encounters with citizens suffering from mental illness. This training would have been beneficial in the recent officer related shootings in Pasco, Washington and Los Angeles, California.
- Cultural sensitivity training prepares an officer to better serve his or her community through understanding through experiences, rather than preconceived notions.

These recommendations are not final solutions to the issues that need to be addressed, however, they provide a starting point for our state to work toward better community and police relations. I have introduced Senate Bill 23, legislation that would codify these recommendations. I look forward to working with the Governor, members of the task force, my colleagues in the General Assembly and all interested parties on these issues in the future.

In closing I would like to reflect on the words of President Obama at the 50th Anniversary of the Bloody Sunday where those in the Civil Rights Movement courageously marched across the Edmund Pettus Bridge for the right to vote.

"There's nothing America can't handle if we actually look squarely at the problem. And this is work for all Americans, not just some. Not just whites. Not just blacks. If we want to honor the courage of those who marched that day, then all of us are called to possess their moral imagination."

We have the opportunity to repair the relationship between the community and law enforcement. It will require patience, understanding and most importantly action. Change starts with a need and action. We see the need. Now let us act. I would like to thank Task Force Chairs Director Born and Senator Turner for affording me the opportunity to offer testimony. I am happy to answer any questions from members of the task force at this time.



Unitarian Universalist

Justice Ohio

PO Box 56, Medina OH 44258 http://ohiomeadville.org/uujo/ uujo@ohiomeadville.org

Statement for the Ohio Task Force on Community-Police Relations Cincinnati Public Forum, March 9, 2015

Unitarian Universalist Justice Ohio organizes statewide to promote education, service and advocacy consistent with UU religious principles and to witness with and on behalf of marginalized groups and individuals. UUs have a long history promoting human rights that inspires our current response when Ohio fails to hold accountable officers who use lethal force without justification.

A Grand Jury in Xenia failed to indict officer Sean Williams who without just cause killed John Crawford at the Beavercreek Wal-Mart. In response to the lawsuit brought by the parents of Tamir Rice, killed by police officer Timothy Loehmann, the City of Cleveland blamed the 12 year old child for his "failure . . . to exercise due care." Convinced that the local, state and national authorities will fail to act, justice activists in Cleveland have organized a People's Tribunal on April 11 to provide justice for the victims.

Repeated cases of police impunity in the U.S. prompted five UN human rights rapporteurs to express their concerns last December 5 in a statement calling for improved training and "to ensure that minorities are recruited into the police [where] they are underrepresented." The UN Special Rapporteur on minority issues, Rita Izsák, noted the failure of grand juries to indict in cases with video evidence showing excessive use of force. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, stressed that international law allows the use of lethal force only where it is absolutely necessary to protect life and noted: "The laws of many of the States in the US are much more permissive, creating an atmosphere where there are not enough constraints on the use of force. A comprehensive review of the system is needed - the enabling laws, the kinds of weapons the police use, the training they receive, and the use of technology such as on-body cameras to ensure accountability.

(OVER)

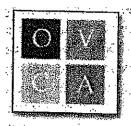
Recommendations

- 1. In order to avoid the inevitable conflict of interest when local prosecutors are responsible for investigating use of lethal force by police, Ohio must assure truly independent investigations by wholly impartial authorities of alleged illegal conduct.
- 2. Even if the misconduct does not result in a criminal prosecution, officers who violate established policies must be subject to administrative discipline.
- 3. In addition to mandatory reporting about deaths in custody, public reports should also be required whenever an officer uses a gun or taser that causes serious injury.
- 4. For the benefit of both officers and the public, training in use of tasers, response to mentally ill people, and the use of lethal force must be significantly improved. Ohio needs clear mandates for licensed law enforcement officers on what academies must teach and what must be included in recertification.
- 5. Training should also educate officers in the history of violence suffered by racial minorities and the resulting distrust of law enforcement.
- 6. The successful Cincinnati Collaborative Agreement demonstrates that police departments must engage in ongoing dialogue with citizens for effective community oriented policing.

In addition to presentations at today's hearing, UUJO Justice Advocates have spoken at earlier Task Force sessions in Cleveland and Wilberforce. Despite the four public hearings, some have questioned whether meaningful-change can occur without a mass movement that engages in more direct action. Yesterday I joined over 500 UUs, including many from Ohio, at yesterday's march in Selma. Fifty years ago, two members of our faith community, Rev. James Reeb and Viola Liuzzo, gave their lives in the moral struggle for racial justice.

In 2015, UU Justice Ohio urges the Ohio Task Force to call for immediate, effective action that promotes confidence both at home and abroad that our legal system is truly color blind.

Howard Tolley, Executive Director



Programme Companion Animals. Inc.

性性缺陷 经运动分别 医次线 计可读器 化生物作物 医阿拉马氏病 经营销

McTigue & McGinnis, LLC c/o Mark McGinnis, Esq. 545 East Town Street Columbus, OH 43215

-March 10,2015 cyro coeps, or or god verterated place and converses as it is a company of the con-

Ohio Depty of Public Safety (1) The results and the supported training to the control of the con

株で作り、3ので第一変数と発明する

Honorable George Voinovich, Louis Stokes, Eve Stratton

Co-Chairs, Ohio Task Force on Community Police Relations

Office of Criminal Justice Services/OTFCPR

P.O. Box 182081

Columbus, Ohio 43218-2081

Re: Mandatory Companion Animal Encounter Training for Ohio Law Enforcement

网络克里 医线性皮肤

onant 18. j. internto con una comunicata tradicia, ante docto a gallo lo fullo accidental de casa e la filoco e Los este sete sed configur grove e la destina, atuan Contradicia (Place e Clase Antej, Artigo, de Francia).

Dear OTFCPR Members:

On behalf of Ohio Voters For Companion Animals (OVCA), I wish bring to your attention the growing concern in Ohio about the lack of existing training that results in the tragic death of Ohio's companion animals from police shootings. OVCA has approximately 14,000 constituents in 42 Ohio Counties. In addition, making canine encounter training mandatory in Ohio is fully supported by our coalition of grassroots animal welfare groups including: Nitro Foundation/Nitro's Ohio Army, Justice for Herbie, Joseph's Legacy, Ohio Coalition of Dog Advocates, Paws and the Law and Matt Ditchey, Esq., board member for Angels for Animals.

The sad reality of the growing problem of police companion animal encounters that often result in the companion animal being badly hurt or killed is not unique to Ohio, but Ohio has a unique opportunity to address this problem. In February of this year, Senator Cecil Thomas took the important step of introducing Senate Bill 23 to establish the Ohio Community-Police Relations Commission to investigate the condition of community-police relations and review the use of force by law enforcement officers, and require training in community-focused de-escalation techniques, mental health and special condition response, and cultural sensitivity. We applied Senator Thomas's efforts and urge this Task Force to include mandatory animal companion encounter training as a component of this bill.

Many people consider their companion animals to be part of the family. When a companion animal, typically a dog is shot, it is widely publicized and not only devastating to the family involved, but also to the officer involved in the shooting and causes a great strain on the relationship between law enforcement and the community. A quick internet search on this topic will reveal just how prevalent in Ohio the problem has become. Some notable examples include an incident in 2008, a police officer in Medina Ohio shot and killed a family dog when the officer approached the home and the dog, which the officer identified as a pit bull mix, but it was later determined to be a female boxer who had puppies just weeks earlier growled as the officer approached. In February 2013, there was a similar incident with a family dog in Sandusky Ohio, and just a few weeks ago, in Columbus Ohio, police officers allegedly shot a suspect on whom they were serving a warrant when the suspect's dogs became aggressive and the bullets meant for the dogs hit the suspect. These tragic incidences are readily preventable with proper training on animal behavior and the use of non-deadly force. This issue is not only a concern of the animal welfare community; this issue is also a growing concern of law enforcement and was highlighted in the October 2014 issue of Police Magazine.

Although this is sometimes addressed locally, it is becoming increasing more important and prevalent to address this issue on a statewide level. In 2013, Colorado enacted legislation to address canine and police encounters and currently there is a similar bill pending in Texas. Further, there are many training options readily available, for example, the United States Department of Justice has developed a comprehensive training program on this topic and there are many individuals in the Ohio animal welfare community that are qualified to conduct training.

We feel that while Ohio is considering taking the important step of protecting its communities and enhancing the ability of law enforcement to do a difficult job, it would be remiss in not including a canine encounter training component.

Thank you for your important work on this task force and for allowing us to voice the concerns of so many Ohioans who feel that the time has come for Ohio to give its law enforcement personnel the tools necessary to face these growing challenges. Please let us know if you need any additional information or if we can assist in answering any questions you may have.

Sinderely

Sandra Horvath, Esq.

Director Legislative/Legal Affairs

Ohio Voters for Companion Animals



March 2015

Memo from Ohio Student Association to the Governor's Task Force on Community Police Relations

Platform for Responsible Policing:

The killings of John Crawford III, Tanisha Anderson, and Tamir Rice are not the abnormal result of freak accidents. Rather, these deaths are the predictable outcome of a flawed criminal justice and law enforcement system that is not accountable to the communities they police, disproportionately targets black communities, and too often sees the people it is supposed to protect and serve as threats. The situation has led us to an untenable position that cannot continue if our state and our nation wants to live up to the bold ideals our country was founded on. Failure to find meaningful solutions will inevitably lead us back to this same place — more dead black bodies in the street and a task force meeting to discuss what others in the community already know is a glaring problem in our communities.

Ever since a Greene County grand jury decided to not indict Officer Sean Williams, youth across the state have been calling for a fundamental shift in the relationship of power between our communities and the system of law enforcement. We believe that there are a number of policy changes to pursue that will begin to shift the relationship for the better. There are also a number of values that should form the foundation of any policing initiatives.

What follows is a number of recommendations that youth in the Ohio Student Association think will begin to balance the relationships of power between law enforcement and the communities—they police. We have recommendations that we hope this task force will take under consideration and advocate for at the State, Local, and Federal levels. Our recommendations cover multiple areas of police authority—(1) recruitment, (2) training, (3) deployment, (4) accountability and (5) advancement.

Much of this work has been completed based off the research and hard work of the Organization for Black Struggle and organizers and activists facing police violence and reform in their own communities.

Recruitment:

- 1. Residency Requirements: Police Officers must live within the jurisdiction that they police,
- 2. Affirmative Action: hiring for racial and gender parity is a minimum requirement so that the police reflect the population they are policing.

Training:

1. Enhanced Personal Unarmed Combat Training: Police should have to qualify in unarmed combat to give them more confidence and less dependence on their weapons in street encounters.



- 2. Conflict Resolution Training: An officer should be taught to and rewarded for deploying deescalation/conflict resolution training.
- 3. Threat Progression Training: Police should be taught that there are different levels of response to the public so that they only use force as a last resort, and then only against violent individuals.
- 4. Implicit Bias Training: An officer must be trained in cultural core competencies.

Deployment:

- 1. Demilitarize All Police Forces: Withdraw from the Department Of Defense 1033 (DOD 1033)

 Program and withdraw from the Forfeiture/Seizure Program to buy military grade gear. □
- 2. Stop Using the Police as Collection Agents: Remove ticket quotas and fees and fines as primary mechanisms to fund municipal government.
- 3. First Response Escalation Model: Police responses will not begin at lethal force but will scale up to it and the guidelines will be designed in conjunction with the Citizen's Review Board/Civilian Accountability Project. □

Accountability:

1. Creation of an effective and automated Early Warning System:

In order to produce an effective disciplinary/rewards system we recommend that there be an automated Early Warning System that consists of a database that takes into account the following: (a) numbers and patterns of disciplinary complaints against each officer by citizens and police personnel; (b) allegations of racial bias and domestic violence, civil actions against the officer; (c) use of force as documented in the "use of force" reports; (d), illegal entries and searches as documented in the "search and seizure" reports;(e)other reliable indicia of "at risk" officers and which recommends increased monitoring, supervision, and/or counseling of the officer when the threshold for triggering action by the Early Warning System is reached.

Media Accountability System:

Body and Dash cameras where the data is controlled by a Citizen's Review Board/Civilian Accountability Project entity and shared with the community and police together.

Civilian complainants must be treated equally with the accused officer:

We propose and recommend that civilian complainants be treated equally with the officer in question. Both the civilian and the officer must be questioned in the same detail about



the alleged conduct, the officer's word must not automatically be accepted over that of the civilian, and reasons must be given for sustaining or not sustaining all cases. \Box

4. Consideration of substance and patterns of civilian complaints of officer misconduct by the Citizen's Review Board/Civilian Accountability Project (CAP) and Internal Affairs Division (IAD) investigators and supervisors:

We propose and recommend that the substance and patterns of all civilian complaints of police misconduct against an officer be considered by police disciplinary investigators, supervisors, and internal auditors, and that disciplinary complaints of misconduct be included in the periodic evaluations of officers, considered in promotion decisions and that nothing in the Police Union contract shall be interpreted to interfere with this. \Box

5. Police officers who provide information about other officers' wrongdoing be protected from reprisals:

Police officers who provide information about other officers wrongdoing should be given protection from reprisals and where necessary rewards for providing testimony concerning other officers wrongdoing by allowing transfers to other units and in some cases promotions. Investigators should be permitted to reward officers who risk personal harassment by disclosing other police officer's misconduct. The promise of rewards is a necessary and effective tool in discovering and eliminating misconduct within any close association of people.

6. Participatory Budgeting: Control of amount and spending of police funds through a community process.

Advancement:

- 1. Consideration of substance and patterns of civilian complaints of officer misconduct by the Citizen's Review Board/Civilian Accountability Project (CAP) and IAD investigators and supervisors: We further propose and recommend that the substance and patterns of all civilian complaints of police misconduct against an officer be considered by police disciplinary investigators, supervisors, and internal auditors, and that disciplinary complaints of misconduct be included in the periodic evaluations of officers, considered in promotion decisions and that nothing in the Police Union contract shall be interpreted to interfere with this.
- 2. Advancement is based on demonstrated expertise and commendations: This is in field use of Quality Policing training competencies and not carrying too many censures from the accountability section of the initiative. □
- 3. Adherence to Best Practices Connected to Advancement: People who are promoted demonstrate Quality Policing practices and those who don't are not promoted.



Ohio Student Association | 82 E 16th Ave, Columbus Ohio 43201 | 614.209.7498 www.OhioStudentAssociation.org | @ohiostudents | osa@ohorganizing.org



FRATERNAL ORDER OF POLICE OF OHIO, INC.

222 East Town Street, Columbus, Ohio 43215-4611 (614) 224-5700 Fax (614) 224-5775 www.fopohio.org



President JAY McDONALD Marion, P.D.

Vice President
GARY WOLSKE
Garfield Heights, P.D.

Secretary MARK DRUM Delaware, P.D.

Treasurer RON HAINES ODNR-Parks

2nd Vice President DERRIC McDONALD Dayton, P.D.

Sergeant at Arms JASON PAPPAS Columbus, P.D.

Immediate Past President NICK DIMARCO Garfield Heights, P.D.

District Trustees First TROY MINEARD Akron, P.D.

Second MARC LAUTENSCHLEGER Dover, P.D.

Third RON SUSANA Sandusky, P.D.

Fourth
DARRIN LOGAN
Newark, P.D.

Fifth ED BUNS Hamilton, P.D.

Sixth MIKE WATKINS Lima, P.D.

Secenth

DAMIAN GLASER

Cleveland, P.D.

Eighth
BILL SARINGER
North Olmstead, P.D.

GREG TOYEAS Cincinnati, P.D.

Tenth ERIC T. LEHNHART BCI&I

Eleventh SHAUN LAIRD Columbus, P.D.

National Trustee CHET DeLONG Columbus, P.D.

Chief Counsel PAUL L. COX

Dear Co-Chairs Born and Turner,

On behalf of the 25,000 members of the Fraternal Order of Police of Ohio, I want to thank Governor Kasich for the establishment of this task force and for including Officer Brian Armstead as part of it. Thanks to you and all members of the task force for their hard work in this process.

We're excited about what may come from this process, there's a real possibility that a recommendation from this effort will have a great impact on our state. However, there's also the possibility that mistrust and rancor will continue if the task force focuses on topics that divide rather than unite us.

Policing is a unique profession. Officers are often tasked with the impossible. We confront the worst aspects of our society like violence, hate, and intolerance one minute and then we're asked to smile and be personable the next. Most of the time, we pull it off as the professionals we aspire to be. Most often, interactions between police and community members occur without controversy. Arrests per police contact with citizens is very low, the use of force is even lower. Most crucially, the use of deadly force is even lower that. That's not to say that improvements cannot or should not be made.

Increasing trust and positive interactions should be the goal of this task force.

The Fraternal Order of Police asks that the task force recognize that solutions that may work in larger cities may not work well in small townships or villages. Roughly 90% of Ohio's law enforcement agencies have less than 20 officers, 50% have less than 10 officers. What brings good results in Cleveland or Cincinnati may not help much in one these smaller agencies.

We look forward to continuing to discuss the recommendations ahead of the production of the final report.

Sincerely,

Jay McDonald



Policy & Practice Recommendations Regarding Police Interactions with Children and Youth Commentary Submitted to Cleveland Mayor Jackson, U.S. District Attorney Dettelbach and Ohio Task Force on Community Police Relations Executive Summary, March 2015

The following summary highlights key data and recommendations submitted for consideration by the Schubert Center for Child Studies, joined by several CWRU faculty associates, to improve interactions between children and youth and police and the justice system. The full commentary and reference citations can be found at: http://schubert.case.edu/files/2015/03/Final-Police-and-Youth-Letter-3.19.15.pdf

Background: Police Encounters with Children and Youth and the Importance of Understanding Child and Adolescent Development to Inform Effective Policing

Youth contacts with police in the U.S. are significant. Nationally, 4 to 5 million youth ages 16 to 19 have face-to-face encounters with police annually. This estimate omits a number of children, including those under 16 who may encounter police at school or at home during a parent arrest. Racial disproportionality exists in juvenile arrest and detention rates. In addition to the recent fatal shooting of 12 year old Tamir Rice, the USDOJ investigation of the Cleveland Division of Police identified examples of patterns of excessive use of force involving interactions with juveniles that raise concerns.

Principles of child and adolescent development provide critical insight on potential interactions between police and young people. Children are still developing and are fundamentally different from adults, including neurologically, psychosocially and emotionally. Key differences between adolescents and adults include decreased impulse control and future orientation, increased reward seeking and risk taking, and greater influence by the presence of peers. Children with intellectual deficits, developmental delays, mental illness and other special needs may further impair or skew judgment. The importance of adolescent development on law enforcement is highlighted in a March 2015 paper entitled "The Effects of Adolescent Development on Policing" released by the International Association of Chiefs of Police and the March 2015 report by the President's Task Force on 21st Century Policing.

Policy Recommendations to Improve Interactions and Outcomes Between Police and Children & Youth

We suggest policy changes in four areas directly impacting children and adolescents: (1) incorporate developmentally-informed law enforcement strategies; (2) adopt trauma-informed policing; (3) address implicit bias; and (4) reevaluate the role of police in the school setting (see link to full commentary for more details).

Recommendation 1: Incorporate Developmentally-Informed Policing

Training on child development is essential for law enforcement officers to understand the differences between children, youth, and adults and how to appropriately respond to young people. To do so, we recommend:

- (a) Include at least one member with child development expertise on the Ohio Peace Officer Training Commission.
- (b) Incorporate specific training on adolescent development into the standard police recruit training program and require all existing officers to receive training on adolescent development.
- (c) Adopt model juvenile Miranda warnings and interviewing techniques as a matter of best practice.

- (d) Require parental notification prior to interviewing or placing a child in detention and consider policy changes limiting waiver of counsel for juveniles.
- (e) Adopt measures to ensure procedural justice, in combination with substantive due process protections, to strengthen the relationship between law enforcement, youth and the broader community.
- (f) Reframe police recruitment strategies to attract and retain officers whose primary goal is public service.

Recommendation 2: Adopt Trauma-Informed Policing

Adverse childhood experiences, such as abuse, neglect, witnessing violence and parental incarceration can be traumatic and have both immediate and have life-long consequences on healthy development. In addition to employing a developmentally informed strategy for policing, we also suggest training on the impact of trauma during childhood and potential police interactions. As such, we recommend:

- (a) Incorporate strategies to minimize child trauma during parental arrest.
- (b) Minimize the use of "Stop and Frisk" and unnecessary stops of adolescents.
- (c) Educate officers on the experience of microagressions and racism as trauma.

Recommendation 3: Address Implicit Race Bias

Implicit bias is the unconscious "positive or negative mental attitude towards a person, thing, or group" and may conflict with one's expressed beliefs. Implicit biases persist and may be powerful determinants of behavior precisely because people lack personal awareness of them. While implicit biases of all kinds are common, police officers should be aware of how implicit biases about race can unconsciously influence their decision-making and ways to counteract this bias in tactical procedures.

(a) All officers should be provided training on implicit bias and implicit bias reduction strategies.

Recommendation 4: Reevaluate the Role of Police and Exclusionary Discipline Practices in School

By virtue of their status as a minor and public school student, certain segments of the population may regularly encounter police in their school environment. Despite the fact that juvenile violent crime and the rate of nonfatal victimizations against students both at and away from school is at its lowest in the last two decades, schools across the country, and in Ohio, have seen an increase in law enforcement presence in schools in an effort to address school safety. There is some debate over whether the increased placement of law enforcement officers in schools fosters greater trust and understanding between children and authorities or leads to increased criminalization of student conduct and removal of children from school. Minimally, we recommend:

- (a) A comprehensive review of the use and impact of police in our community's public schools and related discipline policies, including the Cleveland Metropolitan School District and throughout the state of Ohio, in order to make public recommendations for appropriate school-police policy and practice improvements.
- (b) School districts which choose to have school-based police officers (whether municipal, school district or private security) should have a memorandum of understanding to clarify roles and expectations of law enforcement and the parameters of the school-police partnership.

Together these recommendations will lead to a more informed and effective police force and justice system, particularly in its interactions with children and young people, that will better serve the public's shared interest in safe communities, fair administration of justice and positive community relationships.

For more information about the Schubert Center for Child Studies and the full commentary, please go to: http://schubert.case.edu/



Policy & Practice Recommendations Regarding Police Interactions with Children and Youth Commentary Submitted to Cleveland Mayor Jackson, U.S. District Attorney Dettelbach and Ohio Task Force on Community Police Relations Executive Summary, March 2015

The following summary highlights key data and recommendations submitted for consideration by the Schubert Center for Child Studies, joined by several CWRU faculty associates, to improve interactions between children and youth and police and the justice system. The full commentary and reference citations can be found at: http://schubert.case.edu/files/2015/03/Final-Police-and-Youth-Letter-3.19.15.pdf

Background: Police Encounters with Children and Youth and the Importance of Understanding Child and Adolescent Development to Inform Effective Policing

Youth contacts with police in the U.S. are significant. Nationally, 4 to 5 million youth ages 16 to 19 have face-to-face encounters with police annually. This estimate omits a number of children, including those under 16 who may encounter police at school or at home during a parent arrest. Racial disproportionality exists in juvenile arrest and detention rates. In addition to the recent fatal shooting of 12 year old Tamir Rice, the USDOJ Investigation of the Cleveland Division of Police identified examples of patterns of excessive use of force involving interactions with juveniles that raise concerns.

Principles of child and adolescent development provide critical insight on potential interactions between police and young people. Children are still developing and are fundamentally different from adults, including neurologically, psychosocially and emotionally. Key differences between adolescents and adults include decreased impulse control and future orientation, increased reward seeking and risk taking, and greater influence by the presence of peers. Children with intellectual deficits, developmental delays, mental illness and other special needs may further impair or skew judgment. The importance of adolescent development on law enforcement is highlighted in a March 2015 paper entitled "The Effects of Adolescent Development on Policing" released by the International Association of Chiefs of Police and the March 2015 report by the President's Task Force on 21st Century Policing.

Policy Recommendations to Improve Interactions and Outcomes Between Police and Children & Youth

We suggest policy changes in four areas directly impacting children and adolescents: (1) incorporate developmentally-informed law enforcement strategies; (2) adopt trauma-informed policing; (3) address implicit bias; and (4) reevaluate the role of police in the school setting (see link to full commentary for more details).

Recommendation 1: Incorporate Developmentally-Informed Policing

Training on child development is essential for law enforcement officers to understand the differences between children, youth, and adults and how to appropriately respond to young people. To do so, we recommend:

- (a) Include at least one member with child development expertise on the Ohio Peace Officer Training Commission.
- (b) Incorporate specific training on adolescent development into the standard police recruit training program and require all existing officers to receive training on adolescent development.
- (c) Adopt model juvenile Miranda warnings and interviewing techniques as a matter of best practice.

- (d) Require parental notification prior to interviewing or placing a child in detention and consider policy changes limiting waiver of counsel for juveniles.
- (e) Adopt measures to ensure procedural justice, in combination with substantive due process protections, to strengthen the relationship between law enforcement, youth and the broader community.
- (f) Reframe police recruitment strategies to attract and retain officers whose primary goal is public service.

Recommendation 2: Adopt Trauma-Informed Policing

Adverse childhood experiences, such as abuse, neglect, witnessing violence and parental incarceration can be traumatic and have both immediate and have life-long consequences on healthy development. In addition to employing a developmentally informed strategy for policing, we also suggest training on the impact of trauma during childhood and potential police interactions. As such, we recommend:

- (a) Incorporate strategies to minimize child trauma during parental arrest.
- (b) Minimize the use of "Stop and Frisk" and unnecessary stops of adolescents.
- (c) Educate officers on the experience of microagressions and racism as trauma.

Recommendation 3: Address Implicit Race Bias

Implicit bias is the unconscious "positive or negative mental attitude towards a person, thing, or group" and may conflict with one's expressed beliefs. Implicit biases persist and may be powerful determinants of behavior precisely because people lack personal awareness of them. While implicit biases of all kinds are common, police officers should be aware of how implicit biases about race can unconsciously influence their decision-making and ways to counteract this bias in tactical procedures.

(a) All officers should be provided training on implicit bias and implicit bias reduction strategies.

Recommendation 4: Reevaluate the Role of Police and Exclusionary Discipline Practices in School

By virtue of their status as a minor and public school student, certain segments of the population may regularly encounter police in their school environment. Despite the fact that juvenile violent crime and the rate of nonfatal victimizations against students both at and away from school is at its lowest in the last two decades, schools across the country, and in Ohio, have seen an increase in law enforcement presence in schools in an effort to address school safety. There is some debate over whether the increased placement of law enforcement officers in schools fosters greater trust and understanding between children and authorities or leads to increased criminalization of student conduct and removal of children from school. Minimally, we recommend:

- (a) A comprehensive review of the use and impact of police in our community's public schools and related discipline policies, including the Cleveland Metropolitan School District and throughout the state of Ohio, in order to make public recommendations for appropriate school-police policy and practice improvements.
- (b) School districts which choose to have school-based police officers (whether municipal, school district or private security) should have a memorandum of understanding to clarify roles and expectations of law enforcement and the parameters of the school-police partnership.

Together these recommendations will lead to a more informed and effective police force and justice system, particularly in its interactions with children and young people, that will better serve the public's shared interest in safe communities, fair administration of justice and positive community relationships.

For more information about the Schubert Center for Child Studies and the full commentary, please go to: http://schubert.case.edu/



Schubert Center for Child Studies Case Western Reserve University 10900 Euclid Avenue 615 Crawford Hall Cleveland, Ohio 44106-7179

Phone: 216-368-0540 Fax: 216-368-1196 E-mail: schubertcenter@case.edu Web: schubert.case.edu

March 12, 2015 Resubmitted March 19, 2015 with additional signatories

Dear Mayor Jackson, U.S. District Attorney Dettelbach and Ohio Task Force on Community Police Relations Co-Chairs Mr. Born and Ms. Turner, and Honorary Co-Chairs Stokes, Stratton and Voinovich:

Thank you for this opportunity to provide comment on the important issue of community police relations, particularly as it relates to children and young people. The Schubert Center for Child Studies at Case Western Reserve University (Schubert Center) bridges research, education, policy and practice for the well-being of children and adolescents. The fatal shooting of 12 year old Tamir Rice coupled with findings of the U.S. Department of Justice's Investigation of the Cleveland Division of Police (USDOJ Investigation) and the creation of the Ohio Task Force on Community Police Relations has stimulated collective reflection and requires an informed response. We submit this letter to bring attention to the unique concerns of children and young people in the context of police involvement.

The first two sections of this letter presents some of the background data and findings concerning youth encounters with the police and justice system, as well as a brief summary of the scientific literature regarding how children and young people are developmentally different from adults and as such present distinct challenges to law enforcement, as well as require appropriate protections. Policy change recommendations are presented in the third section, focusing on recruitment, training, core activities, tactical decision-making and strategies and oversight of our police and dispatchers, particularly in their interactions with young people, to advance community safety and well-being for all citizens.

I. Police Encounters with Children and Youth

While uniform data collection and reporting on children and youth encounters with police is limited, young people make up a significant portion of the population. In Ohio, there were 28,507 juvenile arrests in 2012.¹ Nationally there were 1.3 million arrests of children under the age of 18 in 2012; the vast majority of which were for property related offenses rather than violent crime.² The number of police-youth encounters are considerably greater than arrests alone. For instance, a recent report by the International Association of Chiefs of Police notes that nationally between 4 to 5 million youth ages 16-19 have face-to-face encounters with police each year, and these estimates do not include those children under 16 years of age.³ These estimates also do not include the millions of children who experience police encounters simply by attending their public school, due to the major increase in the placement of school-based law enforcement officers in elementary, middle and high schools throughout Ohio and the nation.

Racial disproportionality in arrest rates and incarceration have been well documented.⁴ These patterns also exist for juveniles. Nationally, the 2012 arrest rate for black youth ages 10-17 was more double the rate for white youth.² Major arrest databases at the state, county and metropolitan area include data by race and by age separately, but not by race and age combined, preventing the tracking of juvenile racial disproportionality.^{1,5} Locally, of the 3,574 Cuyahoga County Juvenile Court dispositions (sentencing of delinquency and unruly adjudications) in the last reported year, 73 percent were Black youth and 24 percent were White youth.⁶ While the majority of Cuyahoga County juvenile dispositions involved youth 15 years or older, the total includes 81 Black and 23 White children 12 years and under.⁶ Disproportionate minority youth involvement with the criminal justice system contributes to minority adolescents' perceptions of the criminal justice system as unjust.⁷

Information regarding racial disparities in the use of police force, including police homicides, is hindered by a lack of standard collection of data regarding use of force locally and nationwide. The USDOI Investigation provides a number of examples, however, demonstrating that the pattern of excessive force use within the Cleveland police department also extends to interactions with juveniles. One case example involves an officer punching a handcuffed 13 year-old boy "Harold" in the face and another incident involved the use of a Taser on a youth called "Ivan" when the two officers present could have controlled him using lesser force. As noted in the USDOI Investigation, the cases described in the report "only comprise a small subset of the total number of incidents that we found problematic" and are indicative of broader patterns of force use.

II. How an Understanding of Child and Adolescent Development Informs Effective Policing

Principles of child and adolescent development provide critical insight on potential interactions between police and young people, especially in highly charged situations, and offer guidance on how to best interact, as well as defuse and de-escalate volatile or otherwise potentially dangerous situations. An assessment of the implications of recent advances in behavioral and neuroscience research presented in a 2013 report by the National Research Council emphasizes the importance of a developmental approach to justice system involved youth. Adolescents differ from adults at the neurological and psychosocial levels. Adolescent brains are more prone to immediate pleasure/reward seeking and less capable of advanced self-regulation and impulse control, resulting in a greater amount of reckless behavior during this period. In other words, immaturity causes youth not only to underestimate the level of risk but also to downplay the threat of punishment that is oriented toward the future rather than the present. Intellectual and psychosocial deficits caused by developmental delays, mental illness, and drug dependency can also impair or skew rational calculations of risk and reward made by adolescents.

Adolescents are particularly susceptible to poor judgment in the presence of peers and under stressful conditions, both of which are common factors in police-youth encounters. Adolescents are socially and emotionally immature, and are more likely to respond to peer pressure.^{11,14}

The importance of adolescent development on law enforcement is highlighted in a March 2015 paper entitled "The Effects of Adolescent Development on Policing" released by the

International Association of Chiefs of Police.³ It notes a number of characteristics of youth thinking and behavior that lead to greater risk-taking and dangerous behavior, such as feeling invulnerable, placing more value on the present than the future and easy distraction.³ The report provides key developmentally-informed strategies for law enforcement interactions with youth.³

The March 2015 report by the President's Task Force on 21st Century Policing further expresses the necessity of a developmental approach to law enforcement's interaction with juveniles. 15 Recommendation 4.6 from the report states "Communities should adopt policies and programs that address the needs of children and youth most at risk for crime or violence and reduce aggressive law enforcement tactics that stigmatize youth and marginalize their participation in schools and communities." This includes reducing the number of youth transferred into the adult system and zero tolerance policies that increase policing in schools. Recommendation 4.7 emphasizes the importance of prioritizing youth leadership: "Communities need to affirm and recognize the voices of youth in community decision making, facilitate youth-led research and problem solving, and develop and fund youth leadership training and life skills through positive youth/police collaboration and interactions." 15

III. Policy Recommendations to Improve Outcomes Between Police and Children/Young People

In addition to the recommendations put forth by the USDOJ Investigation letter regarding policies for use of force, crisis intervention training in working with the mentally ill, protocols for evaluating the use of force, and improved data collection and monitoring measures, we suggest policy changes in four areas directly impacting children and adolescents: (1) incorporate developmentally-informed law enforcement strategies; (2) adopt trauma-informed policing; (3) address implicit bias; and (4) reevaluate the role of police in the school setting.

(1) Incorporate Developmentally-Informed Policing

Training on child development is essential for law enforcement officers to understand the differences between children, youth, and adults and how to appropriately respond to young people. Ensuring that officers understand key features of normal adolescent development, such as impaired long-term decision-making and challenging authority as a natural feature of healthy development, is important for ensuring the best possible outcome from police-youth interactions. In order to do so, we recommend the following:

- (a) Include at least one member with child development expertise on the Ohio Peace Officer Training Commission in order to emphasize the importance of providing development training as a component of standard police training.
- (b) Incorporate specific training on adolescent development into the standard police recruit training program and require all existing officers to receive training on adolescent development. Several existing training curriculums address aspects of adolescent development relevant to police. The "Policing the Teen Brain" program developed by the Massachusetts Bay Transit Authority teaches officers about

neuroscience, developmental differences, mental health differences, trauma, demographic and cultural factors, and juvenile law. A number of evaluations have found dramatic reductions in juvenile arrests and improved police understanding of adolescent behavior. The "Police Interactions with Youth" program targets disproportionate minority contact and police attitudes towards young people by training officers on development and equal treatment of minority youth. This program significantly improves police knowledge of youth development and attitudes towards youth. The goal is also to improve police tactical decision-making in the field during interactions with young people.

- (c) Adopt model juvenile Miranda warnings and interviewing techniques as a matter of best practice. A fundamental understanding of adolescent development is essential to give adequate Miranda warnings when questioning a child. A review of 122 juvenile Miranda warnings found that many warnings are beyond the cognitive capacity of most juveniles and that Miranda warnings should be tailored to a 4th grade or below reading level. 18 The International Association of Chiefs of Police has produced a training key for giving Miranda warnings to a juvenile, recommending that officers read rights one at a time, have child repeat back the meaning in their own words, use specific suggested language at an appropriate reading level, and tape Miranda warnings. 19 A developmentally-informed approach to interviewing has benefits for both law enforcement and youth, as appropriate interview procedures can ensure that statements will hold up as voluntary in court.¹⁹ Lessons from child victim interviewing on building rapport, open-ended questions, honesty and avoidance of influence can be applied to questioning juvenile suspects. 19 The International Association of Chiefs of Police recommends that juvenile interview procedures include: (1) recording interviews from start to finish, (2) the presence of a friendly adult, such as a parent or guardian, in the interview, (3) avoiding leading questions, (4) avoiding any coercive statements, even subtle ones such as "Everything will be okay if you talk to me," and (5) taking breaks after every hour.19
- (d) Require parental notification prior to interviewing or placing a child in detention and consider policy changes limiting waiver of counsel for juveniles in custodial interviews. A review of *Miranda* warnings found that a number of adolescents do not fully understand their legal rights, including the role of counsel during interrogations and the consequences of waiving their *Miranda* rights. ¹⁸ Ohio Rule of Juvenile Procedure Rule 3 provides guidelines and some limits on waiver of counsel by children²⁰; however, the Rule does not extend to the initial custodial interrogation and should be reviewed and revised to ensure adequate protections for children and adolescents in these circumstances.
- (e) Adopt measures to ensure procedural justice, in combination with substantive due process protections, to strengthen the relationship between law enforcement, youth and the broader community. Procedural justice is "the notion that people are more likely to comply with law and policy when they believe that the procedures utilized by decision-makers are fair, unbiased, and efficient." We urge the Cleveland Division of Police, as well as the broader criminal justice system (prosecutors, judges, defense

counsel, detention administrators, etc.) to promote a culture of law enforcement and community safety that emphasizes fairness and justice. Adolescence is marked by a heightened sensitivity to perceived unfairness, and teenagers are particularly prone to seeing the world in white and black terms. Furthermore, longitudinal research on high-risk adolescents demonstrates that a low proportion of youth offenders go on to be serious adult offenders.^{22,23} The goal of the juvenile justice system should be intervention to reintegrate offending youth into the community, rather than simply punishment.²²

Legal socialization, the process by which individuals acquire attitudes and beliefs about the law, legal authorities, and legal institutions, informs how children and adolescents learn cooperation with or resistance to legal authority.²⁴ Childhood legal socialization is directly tied to children's evaluations of the law as fair or unfair, shaping their behavior through adulthood.²⁵ Ensuring more positive interactions with police can improve attitudes concerning legal cynicism and legitimacy, lead to more positive perceptions of police, and assist in gaining long-term trust of young people.

For instance, the USDOJ Investigation highlights an officer who exemplified this kind of positive community relationship building who "during a ride-along greeted many residents by name and stopped to speak with some of them. Children in the neighborhood called out to him and waved as he drove by." While so important to his role and effectiveness as an officer, the officer noted that he got to know the neighborhood due to his own concern and interest rather than any direction from command staff or as part of his job requirement. Efforts to promote positive interactions with the community should be a core expectation of law enforcement and the broader justice community.

Ronald Davis, Director of the U.S. Department of Justice Office of Community Oriented Policing Services (COPS), noted recently at a National Initiative for Building Community Trust and Justice meeting in Columbus, Ohio: "Public safety is measured not simply by the absence of crime but also by the presence of fairness and justice." Procedural justice requires community participation; giving a voice to those in the legal process; fairness, objectivity, and transparency in decision-making; dignity and respect for rights throughout the legal process; ensuring those involved understand the process; and sincerity and good intentions from legal authorities. Procedural justice benefits both the community and law enforcement, as "people are more likely to police themselves if they believe that laws are fair, legitimate, and ought to be followed." Youth should be an explicit focus to any procedural justice efforts.

The use of call in strategies also have the potential for teaching young people that they are valued by the community and have greater potential than engaging in criminal activity. These strategies, piloted in the Drug Market Intervention Strategy, High Point Intervention, and Operation Ceasefire^{28,29}, aim to dismantle criminal organizational structures by working with community leaders and family members to intervene with youth committing minor offenses, while still holding them accountable for their actions. These strategies help reframe both law enforcement's understanding of high crime communities and community understanding of the role of law enforcement, enhancing

the legitimacy of the criminal justice system. The Murrieta Youth Accountability Team intervention is a program similar to this call-in strategy targeted at juvenile offenders.³⁰

(f) Reframe police recruitment strategies to attract and retain officers whose primary goal is public service, with strong social, conflict resolution and communication skills and an interest in positive youth interactions and role modeling.

(2) Adopt Trauma-Informed Policing

In addition to employing a developmentally informed strategy for policing, we also suggest training on the impact of trauma during childhood and potential police interactions. Adverse childhood experiences (ACE) such as childhood abuse, neglect, witnessing domestic violence, poverty, and parental incarceration have lifelong health consequences, such as the increased risk of alcohol and substance abuse, depression, heart disease, sexually transmitted diseases, and unintended pregnancies.³¹ Minimizing child trauma during interactions with law enforcement should be a core goal of policies related to children and adolescents. With this goal, in addition to the above recommendation concerning police training on child and adolescent development, we recommend:

(a) Incorporate strategies to minimize child trauma during parental arrest. Parental arrest is a key point for police interactions with children. Witnessing the arrest of a parent can be a traumatic experience. Positive impressions of police during this process enforce children's trust and respect for law enforcement, while negative interactions with police can damage trust and cause trauma.³² 52% of state inmates and 63% of federal are parents of minor children.³³ The International Association of Chiefs of Police (IACP) and Strategies for Youth (SFY) have both produced model arrest protocols for minimizing trauma as well as example policy language.^{32,34} The model arrest protocols include having dispatchers ask if children are present, minimizing trauma by keeping handcuffing and questioning out of sight of children and ensuring children are placed with a safe caregiver following arrest. ^{32,34}

The example policy language produced by IACP includes:

"Whenever possible, the child should be diverted from official custody and be placed with a responsible caregiver. The primary goal of this policy is to minimize trauma experienced by the child who witnesses a parent's arrest and the separation caused by the arrest while maintaining the integrity of the arrest and the safety of officers, suspects, and other involved individuals." 32

We recommend that the Cleveland Division of Police adopt similar language and policies in order to minimize children's trauma during interactions with the police. SFY also provides information regarding child development informed reactions to parental arrest. We recommend that this information be incorporated into officer training on child development.

(b) Minimize the use of "Stop and Frisk" and unnecessary stops of adolescents. A study recently published in the American Journal of Public Health which surveyed more than 1,200 men between the ages of 18 and 26, found higher rates of reports of stress, anxiety and trauma in those who experienced multiple or intrusive stop and frisk encounters with police than among young men who had fewer or no such interactions. While not a specific focus of the USDOJ Investigation it nevertheless noted concerns regarding "stops, frisks, and full searches without the requisite level of suspicion." Surveys of youth in high crime communities in New York City document high levels of repeated stops, use of force during stops and an association between stops and decreased likelihood of reporting a crime to the police. 36

In addition to trauma and related effects, adolescent experiences of being unfairly stopped by police or arrested may unintentionally increase future delinquency, as adolescents perceive that they are likely to be viewed as guilty.³⁷ While there are certainly circumstances that warrant adolescents being stopped by police, we recommend that they be limited to when officers have the appropriate level of reasonable suspicion of illegal activity. Furthermore, during these stops, officers should be attentive to how adolescent development may influence their behavior or understanding and aim to prevent escalations whenever possible.³⁶

(c) Educate officers on the experience of microagressions and racism as trauma. Public health researchers studying health disparities have conceptualized the lifelong experiences of racism and daily microagressions as trauma having long-term health consequences. Microagressions are "brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward people of color." Experiences of racism may result in elevated stress hormones causing long-term damage leading to a lifetime of negative health outcomes, such as increased risk for premature birth, obesity and early death. We recommend that officers receive appropriate training to better understand how life experiences of discrimination can be trauma-inducing and unconsciously influence interactions in order to improve encounters with minority populations.

(3) Address Implicit Race Bias

Implicit bias is the unconscious and often unintentional "positive or negative mental attitude towards a person, thing, or group." Importantly, everyone experiences implicit biases even where they may conflict with one's expressed beliefs. Many argue that implicit biases persist and are powerful determinants of behavior precisely because people lack personal awareness of them and they can occur despite conscious non-prejudiced attitudes or intentions. While implicit biases of all kinds are common, police officers should be aware of how implicit biases concerning race can unconsciously influence their decision-making. For example, research shows that Black children are viewed as older and less innocent than White children, and this association is directly linked to racial disparities in policing. Officers aware of this implicit bias

and who receive training to counteract this bias may be more likely to engage in more appropriate tactics.

- (a) We recommend that all officers be provided with training on implicit bias and implicit bias reduction strategies. The National Center for State Courts provides seven evidence-based strategies for reducing implicit bias in the courtroom.⁴⁴ many of which could be translated to police work. Other research supports additional bias reduction strategies such as, stereotype replacement, counter-stereotypic images, perspective taking and increasing opportunities for contact with a group to counteract implicit bias.⁴² We recommend that the Cleveland Division of Police require all recruits, patrol officers, and first line supervisors to undergo implicit bias training. The Fair and Impartial Policing (FIP) training program provides a number of law enforcement training options and a "Train the Trainer" program targeted at both patrol officers and first line supervisors.⁴⁵
- (4) Reevaluate the Role of Police and Exclusionary Discipline Practices in the School Setting

By virtue of their status as a minor and public school student, certain segments of the population regularly encounter police in their school environment. Despite the fact that juvenile violent crime and the rate of nonfatal victimizations against students both at and away from school is at its lowest in the last two decades⁴⁶, schools across the country, and in Ohio, have seen an increase in law enforcement presence in schools in an effort to improve school safety. However, increased security measures, including guards, are associated with more incidences of school-based crime, even when controlling for other school factors, such as size, SES and location⁴⁷. Another study found that while the presence of school resource officers (SROs) is significantly associated with fewer incidents of serious school violence, school violence was significantly higher when security officers carried firearms⁴⁸.

There is some debate over whether the increased placement of law enforcement officers in schools fosters greater trust and understanding between children and authorities or leads to increased criminalization of student conduct and removal of children from school.⁴⁹ As school officials and law enforcement work more directly together, the increasingly interdependent relationships between school officials and law enforcement authorities, coupled with the proliferation of zero tolerance policies in public schools, has led to the increased criminalization of youth behavior.⁴⁹ In addition to arrests and criminal charges, the use of out-of-school suspensions (OSS) for misbehavior better handled through in-school interventions has resulted in large numbers of young people being alienated from school. The vast majority of OSS are for non-violent conduct. For instance, in Ohio, the combined number of OSS in 2012-2013 for truancy (7,161) and "disobedient/disruptive behavior" (113,615) was greater than the total OSS for every other reason combined (fighting, weapons, drugs, alcohol, harassment/intimidation/bullying, etc.). This is particularly concerning given that students removed from school for disciplinary reasons are more likely to drop out or become involved in the juvenile justice system.^{50,51}

(a) Given the concerns raised and the high stakes for children and youth to be successful in school, we recommend a comprehensive review of the use and impact

of police in our community's public schools and related discipline policies, including the Cleveland Metropolitan School District and throughout the state of Ohio, in order to make public recommendations for appropriate school-police policy and practice improvements. Such a review should include a literature review, data collection and analysis of multi-year school-level discipline data including: number of school security and police officers, school-based arrests, referrals to juvenile court, charges for school-related behaviors, OSS and expulsions by category and student demographic data (age, gender, race, special education, etc.), as well as attendance, graduation and drop out data. The Council of State Governments released a comprehensive report on school-police partnerships that offers research and practiceinformed strategies that should serve as guidelines this review.⁵² The review should be co-chaired by high level public leaders and conducted by a workgroup composed of diverse stakeholders, including school district administrators, school security and law enforcement, child and adolescent behavioral health professionals, student counselors, parents and students, community-based and afterschool providers, researchers and other community leaders, such as Family and Children First Council members, faith-based leadership, and academic institutions. The review should be completed within a reasonable time but no later than six to nine months, and include specific findings and recommendations for policy and practice improvements related to police presence, security and school safety.

(b) School districts which choose to have school-based police officers (whether municipal, school district or private security) should have a memorandum of understanding to clarify roles and expectations of law enforcement and the parameters of the school-police partnership. The MOU should be developed in partnership with school and police leaders with input from teachers, parents, students and other stakeholders. At a minimum, the MOU should ensure that officers are not utilized to respond to minor misbehavior that can be appropriately addressed through school discipline and should minimize arrests or formal referrals to the court when possible. ⁵²

Together these recommendations will lead to a more informed and effective police force, particularly in its interactions with children and young people, that will better serve the public's shared interest in safe communities, fair administration of justice and positive community relationships. The Schubert Center for Child Studies is ready and willing to be helpful in whatever capacity we can to best advance this important work.

Thank you for your consideration of these comments and your commitment to improving the quality of life for all of our citizens.

Respectfully,

Gabriella Celeste

Director, Child Policy

Galinelle West

O, ,

Dr. Jill Korbin

Director

Lisa Damour, PhD
Director, Laurel School's Center for Research on Girls
Clinical Instructor of Psychology, Case Western Reserve University

Mary Erdmans, PhD

Associate Professor of Sociology, Case Western Reserve University

Robert L. Fischer, PhD

Co-Director, Center on Urban Poverty & Community Development Jack, Joseph and Morton Mandel School of Applied Social Sciences

Donald K. Freedheim, PhD
Founding Director, Schubert Center for Child Studies
Professor Emeritus of Psychology, Case Western Reserve University

Brian Gran, PhD, JD

Associate Professor of Sociology and Law, Case Western Reserve University

REFERENCES

- Ohio Department of Public Safety, Office of Criminal Justice Services. Crime Statistics and Crime Reports. 2015. http://www.ocjs.ohio.gov/crime_stats_reports.stm.
- Office of Juvenile Justice and Delinquency Prevention. OJJDP Statistical Briefing Book. 2014. http://www.ojjdp.gov/ojstatbb/crime/ JAR_Display.asp?ID=qa05260.
- International Association of Chiefs of Police. The Effects of Adolescent Development on Policing, 2015. http://www.theiacp.org/ Portals/0/documents/pdfs/IACPBriefEffectsofAdolescentDevelopmentonPolicing.pdf.
- The Sentencing Project. Racial Disparity. 2015. http://www.sentencingproject.org/template/page.cfm?id=122.
- Federal Bureau of Investigation, Criminal Justice Information Services Division. Crime in the United States 2012. 2013. http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/persons-arrested/persons-arrested.
- Cuyahoga County Court of Common Pleas Juvenile Division. 2013 Annual Report. 2014. http://juvenile.cuyahogacounty.us/ annual_report/pdf/2013AnnualReport.pdf.
- 7. Hagan J, Shedd C, Payne MR. Race, Ethnicity, and Youth Perceptions of Criminal Injustice. Am Sociol Rev. 2005;70:381-407.
- 8. Excessive or reasonable force by police? Research on law enforcement and racial conflict in the wake of Ferguson. *Journal Resour*. http://journalistsresource.org/studies/government/criminal-justice/police-reasonable-force-brutality-race-research-review-statistics. Accessed March 6, 2015.
- United States Department of Justice, Civil Rights Division, United States Attorney's Office, Northern District of Ohio. Investigation of the Cleveland Division of Police, 2014. http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/12/04/ cleveland_division_of_police_findings_letter.pdf.
- 10. Committee on Assessing Juvenile Justice Reform; Committee on Law and Justice; Division of Behavioral and Social Sciences and Education; National Research Council (U.S.). Reforming Juvenile Justice: A Developmental Approach. (Bonnie RJ, Johnson RL, Chemers BM, Schuck J, eds.). Washington, D.C: The National Academies Press; 2013.
- Steinberg L. Adolescent Development and Juvenile Justice. Annu Rev Clin Psychol. 2009;5(1):459-485. doi:10.1146/annurev.clinpsy. 032408 153603
- 12. Steinberg L. A social neuroscience perspective on adolescent risk-taking. Dev Rev. 2008;28(1):78-106. doi:10.1016/j.dr.2007.08.002.
- Casey BJ, Jones RM, Hare TA. The Adolescent Brain. Ann N Y Acad Sci. 2008;1124:111-126. doi:10.1196/annals.1440.010.
- Arnett J. The Young and the Reckless: Adolescent Reckless Behavior. Curr Dir Psychol Sci. 1995;4(3):67-71. doi: 10.1111/1467-8721.ep10772304.
- 15. President's Task Force on 21st Century Policing. Interim Report of the President's Task Force on 21st Century Policing. 2015. http://www.cops.usdoj.gov/pdf/taskforce/Interim_TF_Report.pdf.
- Bostic JQ, Thurau L, Potter M, Drury SS. Policing the Teen Brain. J Am Acad Child Adolesc Psychiatry. 2014;53(2):127-129. doi: 10.1016/j.jaac.2013.09.021.
- 17. LaMotte V, Ouellette K, Sanderson J, et al. Effective Police Interactions With Youth: A Program Evaluation. *Police Q*. 2010;13(2): 161-179. doi:10.1177/1098611110365689.
- Rogers R, Hazelwood LL, Sewell KW, Shuman DW, Blackwood HL. The comprehensibility and content of juvenile Miranda warnings. Psychol Public Policy Law. 2008;14(1):63-87. doi:10.1037/a0013102.
- 19. International Association of Chiefs of Police. Training Key #652: Interview and Interrogation of Juveniles.

- Ohio Supreme Court. Ohio Rules of Juvenile Procedure. 2014. http://www.supremecourt.ohio.gov/LegalResources/Rules/juvenile/ JuvenileProcedure.pdf.
- Birckhead TR. Toward a Theory of Procedural Justice for Juveniles. Rochester, NY: Social Science Research Network; 2009. http://papers.ssm.com/abstract=1463034. Accessed March 9, 2015.
- 22. Mulvey EP. Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders. 2010.http://www.pathwaysstudy.pitt.edu/documents/Highlights%20from%20the%20Pathways%20to%20Desistance%20Study.pdf.
- 23. Schubert CA, Mulvey EP, Steinberg L, et al. Operational Lessons from the Pathways to Desistance Project. Youth Violence Juv Justice. 2004;2(3):237. doi:10.1177/1541204004265875.
- Piquero AR, Fagan J, Mulvey EP, Steinberg L, Odgers C. Developmental Trajectories of Legal Socialization among Serious Adolescent Offenders. J Crim Law Criminol. 2005;96(1):267-298.
- Fagan J, Tyler TR. Legal Socialization of Children and Adolescents. Soc Justice Res. 2005;18(3):217-241. doi:10.1007/ s11211-005-6823-3.
- Office of Justice Programs. National Initiative for Building Community Trust and Justice. 2014. http://ojp.gov/communitytrust.htm. Accessed March 9, 2015.
- Gold E, Bradley M. The Case for Procedural Justice: Fairness as a Crime Prevention Tool. Community Polic Dispatch. 2013;6(9). http://cops.usdoj.gov/html/dispatch/09-2013/fairness_as_a_crime_prevention_tool.asp. Accessed March 9, 2015.
- 28. Kennedy D. Drugs, Race and Common Ground: Reflections on the High Point Intervention. Natl Inst Justice J. 2009;(262):12-17.
- Kennedy D. Practice Brief: Norms, Narratives, and Community Engagement for Crime Prevention. 2010. http://nnscommunities.org/ uploads/Haas_practice_brief_finalwinter2010.pdf.
- International Association of Chiefs of Police. Murrieta Youth Accountability Team. Youth Focus Polic Resour Cent. 2015. http://www.iacpyouth.org/ProgramDirectory/ProgramProfile.aspx?c=1790. Accessed March 9, 2015.
- Felitti VJ, Anda RF, Nordenberg D, et al. Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. The Adverse Childhood Experiences (ACE) Study. Am J Prev Med. 1998;14(4):245-258.
- 32. International Association of Chiefs of Police. Safeguarding the Children of Arrested Parents. 2014. http://www.theiacp.org/Portals/0/documents/pdfs/Safeguarding%20Children%20of%20Arrested%20Parents%20-%20Final_Web_v2.pdf.
- 33. Glaze LE, Maruschak LM. Parents in Prison and Their Minor Children. 2008. http://www.bjs.gov/content/pub/pdf/pptmc.pdf.
- Strategies for Youth. Protocol Recommendations. http://strategiesforyouth.org/sfysite/wp-content/uploads/2014/10/SFY-Procotol-Recommendations-.pdf.
- 35. Geller A, Fagan J, Tyler T, Link BG. Aggressive Policing and the Mental Health of Young Urban Men. Am J Public Health. 2014;104(12):2321-2327. doi:10.2105/AJPH.2014.302046.
- 36. Fratrello J, Rengifo AF, Trone J. Coming of Age with Stop and Frisk: Experiences, Self-Perceptions, and Public Safety Implications. 2013. http://www.vera.org/pubs/special/stop-and-frisk-reports. Accessed March 9, 2015.
- Wiley SA, Slocum LA, Esbensen F-A. The Unintended Consequences of Being Stopped or Arrested: An Exploration of the Labeling Mechanisms Through Which Police Contact Leads to Subsequent Delinquency. Criminology. 2013;51(4):927-966. doi: 10.1111/1745-9125.12024.
- Sue DW, Capodilupo CM, Torino GC, et al. Racial microaggressions in everyday life: Implications for clinical practice. Am Psychol. 2007;62(4):271-286. doi:10.1037/0003-066X.62.4.271.
- Feagin J, Bennefield Z. Systemic racism and U.S. health care. Soc Sci Med 1982. 2014;103:7-14. doi:10.1016/j.socscimed. 2013.09.006.
- Paradies Y. A systematic review of empirical research on self-reported racism and health. Int J Epidemiol. 2006;35(4):888-901. doi: 10.1093/iie/dv1056.
- 41. Stanford School of Medicine. FAQ on Implicit Bias. 2015, http://med.stanford.edu/diversity/FAQ_REDE.html.
- 42. Devine PG, Forscher PS, Austin AJ, Cox WTL. Long-term reduction in implicit race bias: A prejudice habit-breaking intervention. J Exp Soc Psychol. 2012;48(6):1267-1278. doi:10.1016/j.jesp.2012.06.003.
- Goff PA, Jackson MC, Di Leone BAL, Culotta CM, DiTomasso NA. The essence of innocence: Consequences of dehumanizing Black children. J Pers Soc Psychol. 2014;106(4):526-545. doi:10.1037/a0035663.
- 44. National Center for State Courts. Strategies to Reduce the Influence of Implicit Bias. 2012. http://www.ncsc.org/~/media/Files/PDF/Topics/Gender%20and%20Racial%20Fairuess/IB_Strategies_033012.ashx).
- 45. Fair and Impartial Policing. Fair Impartial Polic. http://www.fairimpartialpolicing.com/. Accessed March 10, 2015.
- Robers S, Kemp J, Rathbun A, Morgan RE. Indicators of School Crime and Safety: 2013. 2014. http://nces.ed.gov/pubs/2014/2014042.pdf. Accessed March 12, 2015.
- Nickerson AB, Martens MP. School Violence: Associations With Control, Security/Enforcement, Educational/Therapeutic Approaches, and Demographic Factors. Sch Psychol Rev. 2008;37(2):228-243.
- Jennings WG, Khey DN, Maskaly J, Donner CM. Evaluating the Relationship Between Law Enforcement and School Security Measures and Violent Crime in Schools. J Police Crisis Negot. 2011;11(2):109-124. doi:10.1080/15332586.2011.581511.
- Pinard M. From the Classroom to the Courtroom: Reassessing Fourth Amendment Standards in Public School Searches Involving Law Enforcement Authorities. Ariz Law Rev. 2003;45(4):1067-1124.
- Skiba RJ, Rausch MK. Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness. In: Evertson CM, Weinstein CS, eds. Handbook of Classroom Management: Research, Practice, and Contemporary Issues. Mahwah, NJ: Erlbaum; 2006;1063-1089.
- Council on School Health. Out-of-School Suspension and Expulsion. Pediatrics. 2013;131(3):e1000-e1007. doi:10.1542/peds. 2012-3932.

52. Morgan, E., Salomon, N., Plotkin, M., and Cohen, R., The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System, School-Police Partnerships. New York: The Council of State Governments Justice Center, 2014; 183-267.



Schubert Center for Child Studies Case Western Reserve University 10900 Euclid Avenue 615 Crawford Hall Cleveland, Ohio 44106-7179

> Phone: 216-368-0540 Fáx: 216-368-1196

E-mail: schubertcenter@case.edu

Co-Chairs of the Ohio Task Force on Community-Police Relations Mr. John Born, Director, ODPS Ms. Nina Turner, former Ohio Senator Ohio Department of Public Safety Office of Criminal Justice Services/OTFCPR P.O. Box 182081 Columbus, Ohio 43218-2081

March 12, 2015

Dear Mr. Born and Ms. Turner:

Thank you for this opportunity to provide comment on the important issue of community police relations, particularly as it relates to children and young people. The Schubert Center for Child Studies at Case Western Reserve University (Schubert Center) bridges research, education, policy and practice for the well-being of children and adolescents. The fatal shooting of 12 year old Tamir Rice coupled with findings of the U.S. Department of Justice's Investigation of the Cleveland Division of Police (USDOJ Investigation) and the creation of the Ohio Task Force on Community Police Relations has stimulated collective reflection and requires an informed response. We submit this letter to bring attention to the unique concerns of children and young people in the context of police involvement.

The first two sections of this letter presents some of the background data and findings concerning youth encounters with the police and justice system, as well as a brief summary of the scientific literature regarding how children and young people are developmentally different from adults and as such present distinct challenges to law enforcement, as well as require appropriate protections. Policy change recommendations are presented in the third section, focusing on recruitment, training, core activities, tactical decision-making and strategies and oversight of our police and dispatchers, particularly in their interactions with young people, to advance community safety and well-being for all citizens.

I. Police Encounters with Children and Youth

While uniform data collection and reporting on children and youth encounters with police is limited, young people make up a significant portion of the population. In Ohio, there were 28,507 juvenile arrests in 2012. Nationally there were 1.3 million arrests of children under the age of 18 in 2012; the vast majority of which were for property related offenses rather than violent crime. The number of police-youth encounters are considerably greater than arrests alone. For instance, a recent report by the International Association of Chiefs of Police notes that nationally between 4 to 5 million youth ages 16-19 have face-to-face encounters with police each year, and these estimates do not include those children under 16

years of age.³ These estimates also do not include the millions of children who experience police encounters simply by attending their public school, due to the major increase in the placement of school-based law enforcement officers in elementary, middle and high schools throughout Ohio and the nation.

Racial disproportionality in arrest rates and incarceration have been well documented.⁴ These patterns also exist for juveniles. Nationally, the 2012 arrest rate for black youth ages 10-17 was more double the rate for white youth.² Major arrest databases at the state, county and metropolitan area include data by race and by age separately, but not by race and age combined, preventing the tracking of juvenile racial disproportionality.¹⁵ Locally, of the 3,574 Cuyahoga County Juvenile Court dispositions (sentencing of delinquency and unruly adjudications) in the last reported year, 73 percent were Black youth and 24 percent were White youth.⁶ While the majority of Cuyahoga County juvenile dispositions involved youth 15 years or older, the total includes 81 Black and 23 White children 12 years and under.⁶ Disproportionate minority youth involvement with the criminal justice system contributes to minority adolescents' perceptions of the criminal justice system as unjust.⁷

Information regarding racial disparities in the use of police force, including police homicides, is hindered by a lack of standard collection of data regarding use of force locally and nationwide. The USDOJ Investigation provides a number of examples, however, demonstrating that the pattern of excessive force use within the Cleveland police department also extends to interactions with juveniles. One case example involves an officer punching a handcuffed 13 year-old boy "Harold" in the face and another incident involved the use of a Taser on a youth called "Ivan" when the two officers present could have controlled him using lesser force. As noted in the USDOJ Investigation, the cases described in the report "only comprise a small subset of the total number of incidents that we found problematic" and are indicative of broader patterns of force use.

II. How an Understanding of Child and Adolescent Development Informs Effective Policing

Principles of child and adolescent development provide critical insight on potential interactions between police and young people, especially in highly charged situations, and offer guidance on how to best interact, as well as defuse and de-escalate volatile or otherwise potentially dangerous situations. An assessment of the implications of recent advances in behavioral and neuroscience research presented in a 2013 report by the National Research Council emphasizes the importance of a developmental approach to justice system involved youth. Adolescents differ from adults at the neurological and psychosocial levels. Adolescent brains are more prone to immediate pleasure/reward seeking and less capable of advanced self-regulation and impulse control, resulting in a greater amount of reckless behavior during this period. In other words, immaturity causes youth not only to underestimate the level of risk but also to downplay the threat of punishment that is oriented toward the future rather than the present. Intellectual and psychosocial deficits caused by developmental delays, mental illness, and drug dependency can also impair or skew rational calculations of risk and reward made by adolescents.

Adolescents are particularly susceptible to poor judgment in the presence of peers and under stressful conditions, both of which are common factors in police-youth encounters. Adolescents are socially and emotionally immature, and are more likely to respond to peer pressure. 11,14

The importance of adolescent development on law enforcement is highlighted in a March 2015 paper entitled "The Effects of Adolescent Development on Policing" released by the International Association of Chiefs of Police. It notes a number of characteristics of youth thinking and behavior that lead to greater risk-taking and dangerous behavior, such as feeling invulnerable, placing more value on the present than the future and easy distraction. The report provides key developmentally-informed strategies for law enforcement interactions with youth.

The March 2015 report by the President's Task Force on 21st Century Policing further expresses the necessity of a developmental approach to law enforcement's interaction with juveniles. Recommendation 4.6 from the report states "Communities should adopt policies and programs that address the needs of children and youth most at risk for crime or violence and reduce aggressive law enforcement tactics that stigmatize youth and marginalize their participation in schools and communities." This includes reducing the number of youth transferred into the adult system and zero tolerance policies that increase policing in schools. Recommendation 4.7 emphasizes the importance of prioritizing youth leadership: "Communities need to affirm and recognize the voices of youth in community decision making, facilitate youth-led research and problem solving, and develop and fund youth leadership training and life skills through positive youth/police collaboration and interactions." 15

III. Policy Recommendations to Improve Outcomes Between Police and Children/Young People

In addition to the recommendations put forth by the USDOJ Investigation letter regarding policies for use of force, crisis intervention training in working with the mentally ill, protocols for evaluating the use of force, and improved data collection and monitoring measures, we suggest policy changes in four areas directly impacting children and adolescents: (1) incorporate developmentally-informed law enforcement strategies; (2) adopt trauma-informed policing; (3) address implicit bias; and (4) reevaluate the role of police in the school setting.

(1) Incorporate Developmentally-Informed Policing

Training on child development is essential for law enforcement officers to understand the differences between children, youth, and adults and how to appropriately respond to young people. Ensuring that officers understand key features of normal adolescent development, such as impaired long-term decision-making and challenging authority as a natural feature of

healthy development, is important for ensuring the best possible outcome from police-youth interactions. In order to do so, we recommend the following:

- (a) Include at least one member with child development expertise on the Ohio Peace Officer Training Commission in order to emphasize the importance of providing development training as a component of standard police training.
- (b) Incorporate specific training on adolescent development into the standard police recruit training program and require all existing officers to receive training on adolescent development. Several existing training curriculums address aspects of adolescent development relevant to police. The "Policing the Teen Brain" program developed by the Massachusetts Bay Transit Authority teaches officers about neuroscience, developmental differences, mental health differences, trauma, demographic and cultural factors, and juvenile law. A number of evaluations have found dramatic reductions in juvenile arrests and improved police understanding of adolescent behavior. The "Police Interactions with Youth" program targets disproportionate minority contact and police attitudes towards young people by training officers on development and equal treatment of minority youth. This program significantly improves police knowledge of youth development and attitudes towards youth. The goal is also to improve police tactical decision-making in the field during interactions with young people.
- (c) Adopt model juvenile *Miranda* warnings and interviewing techniques as a matter of best practice. A fundamental understanding of adolescent development is essential to give adequate Miranda warnings when questioning a child. A review of 122 juvenile Miranda warnings found that many warnings are beyond the cognitive capacity of most juveniles and that Miranda warnings should be tailored to a 4th grade or below reading level. 18 The International Association of Chiefs of Police has produced a training key for giving *Miranda* warnings to a juvenile, recommending that officers read rights one at a time, have child repeat back the meaning in their own words, use specific suggested language at an appropriate reading level, and tape Miranda warnings. 19 A developmentally-informed approach to interviewing has benefits for both law enforcement and youth, as appropriate interview procedures can ensure that statements will hold up as voluntary in court. 19 Lessons from child victim interviewing on building rapport, open-ended questions, honesty and avoidance of influence can be applied to questioning juvenile suspects. 19 The International Association of Chiefs of Police recommends that juvenile interview procedures include: (1) recording interviews from start to finish, (2) the presence of a friendly adult, such as a parent or guardian, in the interview, (3) avoiding leading questions, (4) avoiding any coercive statements, even subtle ones such as "Everything will be okay if you talk to me," and (5) taking breaks after every hour.¹⁹
- (d) Require parental notification prior to interviewing or placing a child in detention and consider policy changes limiting waiver of counsel for juveniles in custodial interviews. A review of *Miranda* warnings found that a number of

adolescents do not fully understand their legal rights, including the role of counsel during interrogations and the consequences of waiving their *Miranda* rights. ¹⁸ Ohio Rule of Juvenile Procedure Rule 3 provides guidelines and some limits on waiver of counsel by children²⁰; however, the Rule does not extend to the initial custodial interrogation and should be reviewed and revised to ensure adequate protections for children and adolescents in these circumstances.

(e) Adopt measures to ensure procedural justice, in combination with substantive due process protections, to strengthen the relationship between law enforcement, youth and the broader community. Procedural justice is "the notion that people are more likely to comply with law and policy when they believe that the procedures utilized by decision-makers are fair, unbiased, and efficient." We urge the Cleveland Division of Police, as well as the broader criminal justice system (prosecutors, judges, defense counsel, detention administrators, etc.) to promote a culture of law enforcement and community safety that emphasizes fairness and justice. Adolescence is marked by a heightened sensitivity to perceived unfairness, and teenagers are particularly prone to seeing the world in white and black terms. Furthermore, longitudinal research on high-risk adolescents demonstrates that a low proportion of youth offenders go on to be serious adult offenders. The goal of the juvenile justice system should be intervention to reintegrate offending youth into the community, rather than simply punishment. 22

Legal socialization, the process by which individuals acquire attitudes and beliefs about the law, legal authorities, and legal institutions, informs how children and adolescents learn cooperation with or resistance to legal authority.²⁴ Childhood legal socialization is directly tied to children's evaluations of the law as fair or unfair, shaping their behavior through adulthood.²⁵ Ensuring more positive interactions with police can improve attitudes concerning legal cynicism and legitimacy, lead to more positive perceptions of police, and assist in gaining long-term trust of young people.

For instance, the USDOJ Investigation highlights an officer who exemplified this kind of positive community relationship building who "during a ride-along greeted many residents by name and stopped to speak with some of them. Children in the neighborhood called out to him and waved as he drove by." While so important to his role and effectiveness as an officer, the officer noted that he got to know the neighborhood due to his own concern and interest rather than any direction from command staff or as part of his job requirement. Efforts to promote positive interactions with the community should be a core expectation of law enforcement and the broader justice community.

Ronald Davis, Director of the U.S. Department of Justice Office of Community Oriented Policing Services (COPS), noted recently at a National Initiative for Building Community Trust and Justice meeting in Columbus, Ohio: "Public safety is measured not simply by the absence of crime but also by the presence of fairness and justice." Procedural justice requires community participation; giving a voice to those

in the legal process; fairness, objectivity, and transparency in decision-making; dignity and respect for rights throughout the legal process; ensuring those involved understand the process; and sincerity and good intentions from legal authorities. Procedural justice benefits both the community and law enforcement, as "people are more likely to police themselves if they believe that laws are fair, legitimate, and ought to be followed." Youth should be an explicit focus to any procedural justice efforts.

The use of call in strategies also have the potential for teaching young people that they are valued by the community and have greater potential than engaging in criminal activity. These strategies, piloted in the Drug Market Intervention Strategy, High Point Intervention, and Operation Ceasefire^{28,29}, aim to dismantle criminal organizational structures by working with community leaders and family members to intervene with youth committing minor offenses, while still holding them accountable for their actions. These strategies help reframe both law enforcement's understanding of high crime communities and community understanding of the role of law enforcement, enhancing the legitimacy of the criminal justice system. The Murrieta Youth Accountability Team intervention is a program similar to this call-in strategy targeted at juvenile offenders.³⁰

(f) Reframe police recruitment strategies to attract potential officers whose primary goal is public service, with strong social, conflict resolution and communication skills and an interest in positive youth interactions and role modeling.

(2) Adopt Trauma-Informed Policing

In addition to employing a developmentally informed strategy for policing, we also suggest training on the impact of trauma during childhood and potential police interactions. Adverse childhood experiences (ACE) such as childhood abuse, neglect, witnessing domestic violence, poverty, and parental incarceration have lifelong health consequences, such as the increased risk of alcohol and substance abuse, depression, heart disease, sexually transmitted diseases, and unintended pregnancies.³¹ Minimizing child trauma during interactions with law enforcement should be a core goal of policies related to children and adolescents. With this goal, in addition to the above recommendation concerning police training on child and adolescent development, we recommend:

(a) Incorporate strategies to minimize child trauma during parental arrest. Parental arrest is a key point for police interactions with children. Witnessing the arrest of a parent can be a traumatic experience. Positive impressions of police during this process enforce children's trust and respect for law enforcement, while negative interactions with police can damage trust and cause trauma.³² 52% of state inmates and 63% of federal are parents of minor children.³³ The International Association of Chiefs of Police (IACP) and Strategies for Youth (SFY) have both produced model arrest protocols for minimizing trauma as well as example policy language.^{32,34} The model arrest protocols include having dispatchers ask if children are present,

minimizing trauma by keeping handcuffing and questioning out of sight of children and ensuring children are placed with a safe caregiver following arrest. 32,34

The example policy language produced by IACP includes:

"Whenever possible, the child should be diverted from official custody and be placed with a responsible caregiver. The primary goal of this policy is to minimize trauma experienced by the child who witnesses a parent's arrest and the separation caused by the arrest while maintaining the integrity of the arrest and the safety of officers, suspects, and other involved individuals." ³²

We recommend that the Cleveland Division of Police adopt similar language and policies in order to minimize children's trauma during interactions with the police. SFY also provides information regarding child development informed reactions to parental arrest. We recommend that this information be incorporated into officer training on child development.

(b) Minimize the use of "Stop and Frisk" and unnecessary stops of adolescents. A study recently published in the American Journal of Public Health which surveyed more than 1,200 men between the ages of 18 and 26, found higher rates of reports of stress, anxiety and trauma in those who experienced multiple or intrusive stop and frisk encounters with police than among young men who had fewer or no such interactions. While not a specific focus of the USDOJ Investigation it nevertheless noted concerns regarding "stops, frisks, and full searches without the requisite level of suspicion." Surveys of youth in high crime communities in New York City document high levels of repeated stops, use of force during stops and an association between stops and decreased likelihood of reporting a crime to the police. 36

In addition to trauma and related effects, adolescent experiences of being unfairly stopped by police or arrested may unintentionally increase future delinquency, as adolescents perceive that they are likely to be viewed as guilty.³⁷ While there are certainly circumstances that warrant adolescents being stopped by police, we recommend that they be limited to when officers have the appropriate level of reasonable suspicion of illegal activity. Furthermore, during these stops, officers should be attentive to how adolescent development may influence their behavior or understanding and aim to prevent escalations whenever possible.³⁶

(c) Educate officers on the experience of microagressions and racism as trauma. Public health researchers studying health disparities have conceptualized the lifelong experiences of racism and daily microagressions as trauma having long-term health consequences. Microagressions are "brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward people of color." Experiences of racism may result in elevated stress hormones causing long-term damage leading to a lifetime of negative health outcomes, such as increased risk for premature birth, obesity and early death. We recommend that officers receive

appropriate training to better understand how life experiences of discrimination can be trauma-inducing and unconsciously influence interactions in order to improve encounters with minority populations.

(3) Address Implicit Race Bias

Implicit bias is the unconscious and often unintentional "positive or negative mental attitude towards a person, thing, or group." Importantly, everyone experiences implicit biases even where they may conflict with one's expressed beliefs. Many argue that implicit biases persist and are powerful determinants of behavior precisely because people lack personal awareness of them and they can occur despite conscious non-prejudiced attitudes or intentions. While implicit biases of all kinds are common, police officers should be aware of how implicit biases concerning race can unconsciously influence their decision-making. For example, research shows that Black children are viewed as older and less innocent than White children, and this association is directly linked to racial disparities in policing. Officers aware of this implicit bias and who receive training to counteract this bias may be more likely to engage in more appropriate tactics.

(a) We recommend that all officers be provided with training on implicit bias and implicit bias reduction strategies. The National Center for State Courts provides seven evidence-based strategies for reducing implicit bias in the courtroom. An analysis of which could be translated to police work. Other research supports additional bias reduction strategies such as, stereotype replacement, counter-stereotypic images, perspective taking and increasing opportunities for contact with a group to counteract implicit bias. We recommend that the Cleveland Division of Police require all recruits, patrol officers, and first line supervisors to undergo implicit bias training. The Fair and Impartial Policing (FIP) training program provides a number of law enforcement training options and a "Train the Trainer" program targeted at both patrol officers and first line supervisors.

(4) Reevaluate the Role of Police and Exclusionary Discipline Practices in the School Setting

By virtue of their status as a minor and public school student, certain segments of the population regularly encounter police in their school environment. Despite the fact that juvenile violent crime and the rate of nonfatal victimizations against students both at and away from school is at its lowest in the last two decades⁴⁶, schools across the country, and in Ohio, have seen an increase in law enforcement presence in schools in an effort to improve school safety. However, increased security measures, including guards, are associated with more incidences of school-based crime, even when controlling for other school factors, such as size, SES and location⁴⁷. Another study found that while the presence of school resource officers (SROs) is significantly associated with fewer incidents of serious school violence, school violence was significantly higher when security officers carried firearms⁴⁸.

There is some debate over whether the increased placement of law enforcement officers in schools fosters greater trust and understanding between children and authorities or leads to

increased criminalization of student conduct and removal of children from school.⁴⁹ As school officials and law enforcement work more directly together, the increasingly interdependent relationships between school officials and law enforcement authorities, coupled with the proliferation of zero tolerance policies in public schools, has led to the increased criminalization of youth behavior.⁴⁹ In addition to arrests and criminal charges, the use of out-of-school suspensions (OSS) for misbehavior better handled through in-school interventions has resulted in large numbers of young people being alienated from school. The vast majority of OSS are for non-violent conduct. For instance, in Ohio, the combined number of OSS in 2012-2013 for truancy (7,161) and "disobedient/disruptive behavior" (113,615) was greater than the total OSS for every other reason combined (fighting, weapons, drugs, alcohol, harassment/intimidation/bullying, etc.). This is particularly concerning given that students removed from school for disciplinary reasons are more likely to drop out or become involved in the juvenile justice system.^{50,51}

- (a) Given the concerns raised and the high stakes for children and youth to be successful in school, we recommend a comprehensive review of the use and impact of police in our community's public schools and related discipline policies, including the Cleveland Metropolitan School District and throughout the state of Ohio, in order to make public recommendations for appropriate school-police policy and practice improvements. Such a review should include a literature review, data collection and analysis of multi-year school-level discipline data including: number of school security and police officers, school-based arrests, referrals to juvenile court, charges for school-related behaviors, OSS and expulsions by category and student demographic data (age, gender, race, special education, etc.), as well as attendance, graduation and drop out data. The Council of State Governments released a comprehensive report on school-police partnerships that offers research and practice-informed strategies that should serve as guidelines this review. 52 The review should be co-chaired by high level public leaders and conducted by a workgroup composed of diverse stakeholders, including school district administrators, school security and law enforcement, child and adolescent behavioral health professionals, student counselors, parents and students, community-based and afterschool providers, researchers and other community leaders, such as Family and Children First Council members, faith-based leadership, and academic institutions. The review should be completed within a reasonable time but no later than six to nine months, and include specific findings and recommendations for policy and practice improvements related to police presence, security and school safety.
- (b) School districts which choose to have school-based police officers (whether municipal, school district or private security) should have a memorandum of understanding to clarify roles and expectations of law enforcement and the parameters of the school-police partnership. The MOU should be developed in partnership with school and police leaders with input from teachers, parents, students and other stakeholder. At a minimum, the MOU should ensure that officers are not utilized to respond to minor misbehavior that can be appropriately addressed through

school discipline and should minimize arrests or formal referrals to the court when possible. 52

Together these recommendations will lead to a more informed and effective police force, particularly in its interactions with children and young people, that will better serve the public's shared interest in safe communities, fair administration of justice and positive community relationships. The Schubert Center for Child Studies is ready and willing to be helpful in whatever capacity we can to best advance this important work.

Thank you for your consideration of these comments and your commitment to improving the quality of life for all of our citizens.

Respectfully,

Gabriella Celeste Director, Child Policy Dr. Jill Korbin

Director

REFERENCES

- Ohio Department of Public Safety, Office of Criminal Justice Services. Crime Statistics and Crime Reports. 2015. http://www.ocjs.ohio.gov/crime_stats_teports.stm.
- Office of Juvenile Justice and Delinquency Prevention. OJJDP Statistical Briefing Book. 2014. http://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05260.
- International Association of Chiefs of Police. The Effects of Adolescent Development on Policing. 2015. http://www.theiacp.org/Portals/0/documents/pdfs/IACPBriefEffectsofAdolescentDevelopmentonPolicing.pdf.
- 4. The Sentencing Project. Racial Disparity. 2015. http://www.sentencingproject.org/template/page.cfm?id=122.
- Federal Bureau of Investigation, Criminal Justice Information Services Division. Crime in the United States 2012. 2013. http://www.fbi.gov/about-us/cjis/uer/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/persons-arrested/persons-arrested.
- Cuyahoga County Court of Common Pleas Juvenile Division. 2013 Annual Report. 2014. http://juvenile.cuyahogacounty.us/annual_report/pdf/2013AnnualReport.pdf.
- 7. Hagan J, Shedd C, Payne MR. Race, Ethnicity, and Youth Perceptions of Criminal Injustice. Am Sociol Rev. 2005;70:381-407.
- Excessive or reasonable force by police? Research on law enforcement and racial conflict in the wake of Ferguson. Journal Resour. http://journalistsresource.org/studies/government/criminal-justice/police-reasonable-force-brutality-race-research-review-statistics. Accessed March 6, 2015.
- United States Department of Justice, Civil Rights Division, United States Attorney's Office, Northern District of Ohio. Investigation
 of the Cleveland Division of Police. 2014. http://www.justice.gov/sites/default/files/opa/pressreleases/attachments/2014/12/04/cleveland_division_of_police_findings_letter.pdf.
- Committee on Assessing Juvenile Justice Reform; Committee on Law and Justice; Division of Behavioral and Social Sciences and Education; National Research Council (U.S.). Reforming Juvenile Justice: A Developmental Approach. (Bonnie RJ, Johnson RL, Chemers BM, Schuck J, eds.). Washington, D.C: The National Academies Press; 2013.
- Steinberg L. Adolescent Development and Juvenile Justice. Annu Rev Clin Psychol. 2009;5(1):459-485. doi:10.1146/annurev.clinpsy.032408.153603.
- 12. Steinberg L. A social neuroscience perspective on adolescent risk-taking. Dev Rev. 2008;28(1):78-106. doi:10.1016/j.dr.2007.08.002.
- 13. Casey BJ, Jones RM, Hare TA. The Adolescent Brain. Ann N Y Acad Sci. 2008;1124:111-126. doi:10.1196/annals.1440.010.
- Arnett J. The Young and the Reckless: Adolescent Reckless Behavior. Curr Dir Psychol Sci. 1995;4(3):67-71. doi:10.1111/1467-8721.ep10772304.
- President's Task Force on 21st Century Policing. Interim Report of the President's Task Force on 21st Century Policing. 2015. http://www.cops.usdoj.gov/pdf/taskforce/Interim_TF_Report.pdf.
- Bostic JQ, Thurau L, Potter M, Drury SS. Policing the Teen Brain. J Am Acad Child Adolesc Psychiatry. 2014;53(2):127-129. doi:10.1016/j.jaac.2013.09.021.
- LaMotte V, Ouellette K, Sanderson J, et al. Effective Police Interactions With Youth: A Program Evaluation. Police Q. 2010;13(2):161-179. doi:10.1177/109861110365689.
- Rogers R, Hazelwood LL, Sewell KW, Shuman DW, Blackwood HL. The comprehensibility and content of juvenile Miranda warnings. Psychol Public Policy Law. 2008;14(1):63-87. doi:10.1037/a0013102.
- 19. International Association of Chiefs of Police. Training Key #652: Interview and Interrogation of Juveniles.

 Ohio Supreme Court. Ohio Rules of Juvenile Procedure. 2014. http://www.supremecourt.ohio.gov/LegalResources/Rules/juvenile/JuvenileProcedure.pdf.

 Birckhead TR. Toward a Theory of Procedural Justice for Juveniles. Rochester, NY: Social Science Research Network; 2009. http://papers.ssm.com/abstract=1463034. Accessed March 9, 2015.

Mulvey EP. Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders. 2010.http://www.pathwaysstudy.pitt.edu/documents/Highlights%20from%20the%20Pathways%20to%20Desistance%20Study.pdf.

- Schubert CA, Mulvey EP, Steinberg L, et al. Operational Lessons from the Pathways to Desistance Project. Youth Violence Juv Justice. 2004;2(3):237. doi:10.1177/1541204004265875.
- Piquero AR, Fagan J, Mulvey EP, Steinberg L, Odgers C. Developmental Trajectories of Legal Socialization among Serious Adolescent Offenders. J Crim Law Criminol. 2005;96(1):267-298.
- Fagan J, Tyler TR. Legal Socialization of Children and Adolescents. Soc Justice Res. 2005;18(3):217-241. doi:10.1007/s11211-005-6823-3.
- Office of Justice Programs. National Initiative for Building Community Trust and Justice. 2014. http://ojp.gov/communitytrust.htm. Accessed March 9, 2015.
- Gold E, Bradley M. The Case for Procedural Justice: Fairness as a Crime Prevention Tool. Community Polic Dispatch. 2013;6(9). http://cops.usdoj.gov/html/dispatch/09-2013/fairness_as_a_crime_prevention_tool.asp. Accessed March 9, 2015.
- 28. Kennedy D. Drugs, Race and Common Ground: Reflections on the High Point Intervention. Natl Inst Justice J. 2009;(262):12-17.

 Kennedy D. Practice Brief: Norms, Narratives, and Community Engagement for Crime Prevention. 2010. http://nnscommunities.org/uploads/Haas__practice_brief_finalwinter2010.pdf.

- 30. International Association of Chiefs of Police. Murrieta Youth Accountability Team. Youth Focus Polic Resour Cent. 2015. http://www.iacpyouth.org/ProgramDirectory/ProgramProfile.aspx?c=1790. Accessed March 9, 2015.
- Felitti VJ, Anda RF, Nordenberg D, et al. Relationship of childhood abuse and household dysfunction to many of the leading causes
 of death in adults. The Adverse Childhood Experiences (ACE) Study. Am J Prev Med. 1998;14(4):245-258.
- International Association of Chiefs of Police. Safeguarding the Children of Arrested Parents. 2014. http://www.theiacp.org/Portals/0/documents/pdfs/Safeguarding%20Children%20of%20Arrested%20Parents%20-%20Final_Web_v2.pdf.
- 33. Glaze LE, Maruschak LM. Parents in Prison and Their Minor Children, 2008. http://www.bjs.gov/content/pub/pdf/pptmc.pdf.
- Strategies for Youth. Protocol Recommendations. http://strategiesforyouth.org/sfysite/wp-content/uploads/2014/10/SFY-Procotol-Recommendations-.pdf.
- 35. Geller A, Fagan J, Tyler T, Link BG. Aggressive Policing and the Mental Health of Young Urban Men. Am J Public Health. 2014;104(12):2321-2327. doi:10.2105/AJPH.2014.302046.
- Fratrello J, Rengifo AF, Trone J. Coming of Age with Stop and Frisk: Experiences, Self-Perceptions, and Public Safety Implications.
 2013. http://www.vera.org/pubs/special/stop-and-frisk-reports. Accessed March 9, 2015.
- Wiley SA, Slocum LA, Esbensen F-A. The Unintended Consequences of Being Stopped or Arrested: An Exploration of the Labeling Mechanisms Through Which Police Contact Leads to Subsequent Delinquency. Criminology. 2013;51(4):927-966. doi:10.1111/1745-9125.12024.
- Sue DW, Capodilupo CM, Torino GC, et al. Racial microaggressions in everyday life: Implications for clinical practice. Am Psychol. 2007;62(4):271-286. doi:10.1037/0003-066X.62.4.271.
- Feagin J, Bennefield Z. Systemic racism and U.S. health care. Soc Sci Med 1982, 2014;103:7-14. doi:10.1016/j.socscimed.2013.09.006.
- Paradies Y. A systematic review of empirical research on self-reported racism and health. Int J Epidemiol. 2006;35(4):888-901. doi:10.1093/ije/dyl056.
- 41. Stanford School of Medicine. FAQ on Implicit Bias. 2015. http://med.stanford.edu/diversity/FAQ_REDE.html.
- Devine PG, Forscher PS, Austin AJ, Cox WTL. Long-term reduction in implicit race bias: A prejudice habit-breaking intervention. J Exp Soc Psychol. 2012;48(6):1267-1278. doi:10.1016/j.jesp.2012.06.003.
- Goff PA, Jackson MC, Di Leone BAL, Culotta CM, DiTomasso NA. The essence of innocence: Consequences of dehumanizing Black children. J Pers Soc Psychol. 2014;106(4):526-545. doi:10.1037/a0035663.
- National Center for State Courts. Strategies to Reduce the Influence of Implicit Bias. 2012. http://www.ncsc.org/~/media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/IB_Strategies_033012.ashx).
- 45. Fair and Impartial Policing. Fair Impartial Polic. http://www.fairimpartialpolicing.com/. Accessed March 10, 2015.
- Robers S, Kemp J, Rathbun A, Morgan RE. Indicators of School Crime and Safety: 2013. 2014. http://nces.ed.gov/pubs2014/2014042.pdf. Accessed March 12, 2015.
- Nickerson AB, Martens MP. School Violence: Associations With Control, Security/Enforcement, Educational/Therapeutic Approaches, and Demographic Factors. Sch Psychol Rev. 2008;37(2):228-243.
- 48. Jennings WG, Khey DN, Maskaly J, Donner CM. Evaluating the Relationship Between Law Enforcement and School Security Measures and Violent Crime in Schools. *J Police Crisis Negot*. 2011;11(2):109-124. doi:10.1080/15332586.2011.581511.
- Pinard M. From the Classroom to the Courtroom: Reassessing Fourth Amendment Standards in Public School Searches Involving Law Enforcement Authorities. Ariz Law Rev. 2003;45(4):1067-1124.
- Skiba RJ, Rausch MK. Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness. In: Evertson CM, Weinstein CS, eds. Handbook of Classroom Management: Research, Practice, and Contemporary Issues. Mahwah, NJ: Erlbaum; 2006:1063-1089.
- Council on School Health. Out-of-School Suspension and Expulsion. Pediatrics. 2013;131(3):e1000-e1007. doi:10.1542/peds.2012-3932.
- Morgan, E., Salomon, N., Plotkin, M., and Cohen, R., The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System, School-Police Partnerships. New York: The Council of State Governments Justice Center, 2014; 183-267.



POLICE DEPARTMENT

JEFFREY P. KRUITHOFF CHIEF OF POLICE

March 12, 2015

Ohio Dept. of Public Safety
Office of Criminal Justice Services/OTFCPR
RO. Box 182081
Columbus, Ohio 43218-2081

Dear Task Force Members,

I have appreciated the opportunity to follow your progress as you have traveled around the great state of Ohio holding community meetings on Community-Police Relations. Unfortunately, I was only able to attend your recent meeting in Cincinnati in person, and I want to commend you for your patience and perseverance in going through this process.

Although I suspect you have heard about every view point imaginable during your travels. After numerous conversations with my peers, I feel compelled to make a statement that I hope will assist in your deliberations. You clearly have important work ahead of you, and I wish you the best in your endeavor.

As introduction, I am in my 43nd year of work in the Criminal Justice System, mostly as a sworn law enforcement officer and the last 23 as a Police Administrator. I have the usual degrees, and advanced schools for my position, and belong to all the major professional organizations, but still struggle with the basic question, "Why is American law enforcement still struggling with issues with our African American residents?" Having spent most of my career in a very diverse community (Battle Creek Michigan) that was many times filled with tension between the police and various neighborhoods, I have seen the level of conflict, on three other occasions in my career, similar to what we are experiencing now. It seems that at some point, we will need to rethink some issues and concepts or we are doomed to fall once again. I would respectfully ask that the task force consider the following.

- 1. Abandon the term "Community Oriented Policing" as a viable solution to the problems we face and start calling it Community Oriented Government. The very definition of Community Oriented Policing reflects that it must be Community Oriented Government to be effective. I have subscribed to the concepts of Michigan Stare University Professor Robert Trojanowicz, the father of Community Oriented Policing, since the early 1980's. But the reality is that any viable solution to a crime or societal problem involves more than the police. Even the simplest of neighborhood crime or disorder issues will likely involve other areas of local or county government to permanently resolve. As Superiotendent Garry McCarthy indicated, we must stop putting the solution to these issues at the feet of the police. Even seeing the progression from Community Oriented Policing to Problem Oriented Policing, which occurred in the 1990's, the real truth is that every government worker or elected official needs to be engaged for this to be successful.
- 2. Support the overhaul of training for police officers in Ohio from top to bottom. Currently, snyone can put themselves through the police academy and eventually become a police officer in hundreds of departments within our State. Only a handful of the larger and mostly urban cities maintain their own academy and with the possible exception of the Ohio Highway, it is these agencies that are having the most problem interactions with our diverse communities.

City of Springboro 320 West Central Avenue Springboro, Ohio 45066 Phone 937 748 4815 Fax 937 748 0815 www.ci.springboro.oh.us The Ohio Peace Officer Training Academy does an excellent job ensuring all of these future officers are taught the ins and outs of criminal law, search and seizure, and handling the tools of their profession, but where do they learn the subtleties of implicit bias, racial diversity, human interaction skills, interpersonal communication and body language that really become the core skills used on a daily basis. Some suggest the need for a second abbreviated academy experience after 2 years on the job to teach these skills. I would suggest that this is an excellent idea and should be a requirement to continue your certification under Ohio law.

Recently, I was looking for a Diversity class to send an officer to as the result of his violation of our social media policy. There was none available and it is only within the last 2 months that some classes have developed. Internet classes are all good, but as Mr. Gerhardstein said in Cincinnati, where is the proof that the student absorbed and understood the material. The curriculums must demand that type of hands on training opportunity is provided. At the very least a testing mechanism at the end of the training should be required.

Racial Diversity and Interpersonal Communication skills were core subjects when I taught them at the Michigan Academy, and routinely available for in-service training in that state. Attending the Healing Racism Institute was mandatory for all of my command staff. This training provided some measure of assurance that police officers understood some of the more historical and relevant issues dealing with a diverse community. Since I have come to Ohio, I am limited as a Chief to the occasional "soft skills" class offering for my officers, or other regional training that is provided without much assistance from the State in terms of supporting the values desired in our officers. I believe we can do better.

A number of speakers and writers have called for the Task Force to support the premise that training opportunities must be increased. As I understand it, the Attorney General is also reviewing police training in his own task force. I would encourage this Task Force to support these efforts and offer the following as some of the more critical areas:

a. Dealing with the Mentally III. These training opportunities have to be expanded. We have had to rely locally on developing Crisis Intervention Teams with the mental health professionals in our region while the State has been mostly silent on any assistance in providing these classes as part of a law enforcement curriculum.

b. More de-escalation skills training that require hands on skill development. This is not something that can be learned via an internet class. Most police officers who have reached many years in service can recall a number of times they "could have shot" but "did not shoot", or found the need for aggressive use of force unnecessary, when perhaps it was allowable under the use of force policy. How did they develop and learn that skill and how do we teach the subtle nature of that skill set to others?

c. Judgment and scenario based vs. tactical and proficiency based. In other words, are we more concerned with spending time learning to hit the bulls-eye or spending more time learning when to shoot? This applies to all uses of force and includes vehicle operations and pursuits.

- d. Too many uses of force by police officers are because they used poor tactics with a suspect which resulted in more force being used, and when that use of force could not be linked to a verifiable threat. This was clear in the death recently in New York. As a result the NYPD is instituting a three officer arrest policy. Don't initiate the arrest process unless you are able to complete it successfully using sound tactical procedures. This was supported in the DOJ study of the Cleveland police department and must be institutionalized in the training of all Ohlo officers.
- 3. Support that the police use of force as retribution becomes a crime and not merely a violation of a department policy. The Cleveland DOJ report highlights the number of times force was used because the person was an "uncooperative jerk" where no verifiable threat occurred. The time is long past to reinforce this is criminally wrong behavior.

- 4. Support a system that provides the police administrators in the State the ability to request a police officer be decertified through OPOTA. for sustained violations of honesty or moral ethics. Unfortunately, I have been led by the facts of an incident to discharge dozens of police officers in my career. I have no problem that these discharged officers were able to take advantage of a binding arbitration process where I was required to prove my case, and fortunately I have prevailed in each of those arbitrations. However, many of these same officers find themselves in smaller, rural or suburban police agencies that perform no background investigation prior to hiring. Additionally, there are many other arbitration cases where the finding is that a police officer who was dishonest still deserves to be retained. When will the day come that a Police Chief and a Union President are able to stand side by side in agreement that a certain officer should not be allowed to continue to represent a community because he violated the trust in his cath of office?
 - Superintendent McCarthy pointed out that over 25% of the officers that he recommends be fired retain their job because of a dysfunctional review system in place. I believe that California requires by state law that all police officers receive a background to certain standards. I am certain that they do for candidates for police chief.
- 5. Support or recommend that Lexipol type policy systems be instituted in the police agencies of our State. Over 50 police agencies in Ohio (mine included) made the effort to implement the Lexipol policy system that reflects the best practices in our country. This list of agencies is growing and the policy system requires a test be taken by officers every work day with a practical scenario test question regarding those policies to ensure that the agency's policies are indeed the practices that are employed in each encounter with our residents and citizens. This was done with financial assistance from various liability carriers in the state. Unfortunately, any other support from the State was non-existent.
- 6. Finally, and probably the most controversial observation I would offer is a suggestion to support and recognize that many small and ill-equipped police agencies should be provided a viable alternative to having their own agency. The potential liability exposure of a police officer taking enforcement action is the same whether that is a one man police agency responding to an incident or an officer in a large metropolitan area. Unfortunately, the infrastructure costs to maintain a well trained and capable police officer is most often beyond the means of a small village or township. Our profession is painted with a wide brush and we are all required to live with court decisions and laws that arise out of what many times are poor policing practices by untrained and unqualified officers. Numerous examples exist where excellent policing services are provided to smaller communities that also provide for significant local input and communication with the officer assigned to their community.

It was a giant wake up call to many of the police professionals of our country when a small suburban department like Perguson changed the national debate for years to come. I am certain that the committee recognizes that the issues facing Community-Police Relations is not a big city problem. I represent one of the agencies that Representative Reece expressed concern about in your most recent meeting. Springboro is a smaller, suburban, more affluent community with little neighborhood diversity and most of its ethnic diversity is among professional people. Its officers are brimming with the same optimism and excitement about achieving their career goal as any other person, but I know are also filled with the implicit bias that each and every one of us is filled with based on our own life experiences. All I and many of my peers are requesting; is that the Task Force provides meaningful tools, training opportunities and practices that can assist us in providing service that is a sensitive and provides for effective guardians of our communities.

In conclusion, the agencies, the elected representatives, and the citizens of the great State of Ohio, stand strong to bring us through this issue. All it will take is willingness to build trust one small step at a time. A program from my home state (that state up north) that has worked well is called Advocate and Leaders for Police and Community Trust (ALPACT). It has worked well when that inevitable conflict occurs between a police agency and the community it serves. When that conflict is over a fatal encounter or questionable use of force, the need for communication and trust building is most critical, but needs to be built in those incremental steps far before those kinds of incidents occur. I have always found it personally frustrating when it is suggested that the federal government needs to step in and help out as if the federal government has some kind of moral high ground on issues of respect for diversity, or understanding human interactions.

Thank you for your time and consideration.

Sincerely,

Jeffrey Paul Kruithoff, C.L.R.E. Chief of Police City of Springborn, Ohio



OHIO ASSOCIATION OF CHIEFS OF POLICE, INC.

April 15, 2015

Director John Born, Chairperson Ohio Department of Public Safety 1970 West Broad Street Columbus, OH 43223

State Senator Nina Turner, Co-Chairperson Ohio State Senate Building 1 Capitol Square Columbus, OH 43215

Dear Director Born and Senator Turner,

On Thursday, April 9, 2015, the Executive Board of the Ohio Association of Chiefs of Police (OACP) met with Oregon Police Chief Michael Navarre, who is a member of the Governor's Task Force on Community-Police Relations. The purpose of this meeting was for Chief Navarre to brief the Board Members on the progress of the Task Force and for a discussion to occur on what he deemed to be the most significant recommendations that have been submitted thus far.

The purpose of this letter is to inform you of the official position of the OACP, as it relates to each of these issues. While the OACP is in favor of many of the recommendations, an overriding issue is the financial implications they will have on local government. The OACP would like to see funding programs in place to fulfill any mandated recommendations.

I would ask that this letter be submitted to each of the Task Force Members for their review and that the positions of the OACP be given due consideration prior to submitting the final report to Governor John Kasich. The recommendations have been subdivided into twelve categories, as follows. The position of the OACP is enumerated in each category.

Training

- The OACP supports the concept of mandated in-service training and a minimum of 40 hours annually for every law enforcement officer. This mandate will undoubtedly provide a huge financial burden on many police departments across the State. It is recommended that the initial mandate for annual training in 2016, start at 24 hours and increase 8 hours each year to 40 hours. It is also strongly recommended that due consideration be given to providing financial assistance to police departments in reaching this objective. Some suggested potential sources of funding include: \$1 from every citation issued; \$1 from every life insurance policy sold; a dollar amount from each cable bill or car registration fee.
- The OACP supports the concept of mandating certain subjects for every law enforcement officer in the State; however, every department is different and positions within each department have different needs. Therefore, it is recommended that the topics for 50% of the mandated training be chosen by the individual department.

Training (continued)

- The OACP supports passage of a Senate Bill sponsored by Senator Cliff Hite, requiring 40 hours of training for new Chiefs of Police appointed on or after January 1, 2016.
- The OACP supports the concept of establishing a best practices approach of how to communicate to the public after an officer-involved shooting. A short training video, utilizing these best practices and expert testimony from Police Chiefs who have frequently and successfully managed controversial officer-involved shooting deaths, is a good idea.
- The OACP supports the idea of reviewing the basic training curriculum in every Ohio Basic Peace Officer Academy to insure that a sufficient numbers of hours are taught on the subjects of interacting with the mentally ill and also on diversity and cultural competency.
- The OACP supports the establishment of a certification or registration process for contractors seeking to provide cultural competency training to law enforcement agencies.
- The OACP supports the concept of establishing State run and State funded Regional Police Training Academies throughout the State that would not only conduct initial officer training, but would also provide ongoing instruction. If this concept is furthered, the OACP would like to have input on the number and location of these regional academies.
- The OACP supports the recommendation that the budgets of the Department of Public Safety, the Attorney General, OPOTA and the Office of Criminal Justice Services be reviewed to determine what is necessary as supplemental or grants to political subdivisions to accomplish training mandates.

State-Wide Accreditation Standards

- The OACP supports the concept of establishing state-wide accreditation process, which provides standardized diversity training.
- The OACP supports the establishment of minimum standards and best practices for officer discipline.
- The OACP supports the idea of looking at the Cincinnati model to develop specific plans to enhance relationships between the police and community leaders.
- The OACP supports the concept for developing an effective automated early warning system to help identify police officers that have a propensity to use unnecessary force and/or who are consistently discourteous when dealing with members of the public.

Police Officer Hiring & Retention

- The OACP supports the creation of a state-wide database accessible to all law enforcement executives, whereby reports shall be submitted by individual Police Chiefs and Sheriffs, documenting instances where police officers are allowed to resign in lieu of facing serious disciplinary actions, including termination.
- The OACP supports the concept of monies being made available to Ohio's local law enforcement agencies for the hiring and deployment of sworn officers, specifically for community policing efforts; however, the OACP cautions that due consideration must be given to the sustainability of those funds.
- The OACP supports the creation of minimum requirements for conducting background investigations of all individuals who apply for employment as police officers in the State.
- The OACP supports a mandate that every applicant be given a psychological evaluation.

Police Officer Hiring & Retention (continued)

• The OACP supports the concept of higher education for all police officers. The OACP feels that this should be encouraged, but not mandated.

Police Equipment & Body Cameras

- The OACP supports the concept of body worn cameras and encourages all police departments to establish pilot programs; however, the OACP does not think that it is the right time to mandate their purchase and use. Without an alternative funding source, the purchase of body worn cameras is cost prohibitive for many departments. The OACP would like to be involved in any state-wide policy pertaining to the use of these cameras. It should be noted that many issues have yet to he resolved, including privacy, data storage and when the cameras must be turned on.
- The OACP supports the concept of the State providing funding to local law enforcement to purchase less lethal equipment for its officers to use in emergency situation; i.e. tasers, expandable asp, aerosol spray, etc.
- The OACP opposes the recommendation to withdraw from the Department of Defense's 1033 Program, which provides equipment to local law enforcement. It should be noted that many departments rely heavily on this program to provide equipment that they otherwise could not afford. The OACP does support review of the guidelines of the 1033 Program.

Education Programs

- The OACP supports the creation of programs similar to "Bridging the Gap", used by Columbus Police and "Why'd You Stop Me?", used by Long Beach, California, to attempt to bring information to young people to increase the level of trust and understanding between them and the police.
- The OACP supports the idea of mandating instruction on how to respond when stopped by a police officer to be included in all driver education programs.

Grand Jury

- The OACP agrees with the recommendation that the Ohio Constitutional Modernization Commission examines and review the Grand Jury process and submit proposed amendments, if necessary.
- The OACP agrees with the mandate that all incidents resulting in death or serious injury
 involving a police officer, in the performance of his or her duties, be presented for review to
 a County Grand Jury to determine if any criminal laws have been violated.
- The OACP is opposed to the abolition of the Grand Jury process.
- The OACP agrees with the recommendation that Statutes and court rules should be amended to require that in all cases heard by Grand Juries involving the use of deadly force against a citizen by a law enforcement officer that the legal and constitutional standards in the cases of Tennessee v. Garner 471 US 1 (1985), Graham v. Connor 490 US 386 (1989) and State v. White 2015-Ohio-492 (2015) be read to the grand jury.
- The OACP agrees with the recommendation that the Ohio Supreme Court consider amending Rule 6 of the Rules of Criminal Procedure to permit the Presiding or Administrative Judge of the court of common pleas upon request of the prosecutor to be present at and preside over grand jury proceedings when it is in the interest of justice, with the judge bound by secrecy as well, unless the court orders otherwise.

Grand Jury (continued)

• The OACP has carefully considered the recommendation that Grand Jury testimony be released to the general public. The OACP recognizes the need for transparency, but is concerned with the safety of witnesses who testify.

Physical Fitness Standard

The OACP supports the recommendation that a physical fitness standard be adopted for all
law enforcement officers in the State to meet on an annual basis, in order to maintain
certification; however, the OACP would like the opportunity to provide input on how this
standard will be established and administered.

Independent Investigation & Oversight (State of Wisconsin, Assembly Bill 409)

• The OACP has carefully studied Assembly Bill 409 passed by the State of Wisconsin in 2013. The Bill provides an oversight committee, composed of 5 members and an investigative team consisting of at least 3 individuals, including at least 2 different agencies that do not employ the law enforcement officer involved in the death being investigated. Further, Assembly Bill 409 provides for a mandatory blood draw of any officer involved in a death incident. The OACP neither supports nor opposes adoption of this concept. It is our feeling that much more information is needed before we can form an educated opinion. If the State of Ohio chooses to go down this road, the OACP would like the opportunity to provide input and talk to individuals in the State of Wisconsin concerning the workability of this law.

Ohio Revised Code Penalty Increase for Certain Offenses

• The OACP supports the recommendations furthered by the Fraternal Order of Police (FOP) which would increase the penalties for certain crimes in which the police officer is the victim. This would include increasing the penalty for assault on a police officer to a felony of the 4th degree with a mandatory prison sentence of at least 12 months, increasing the penalty for aggravated menacing, where the victim is a peace officer and offender uses a deadly weapon to a felony of the 4th degree, and increasing the penalty for resisting arrest to a felony of the 5th degree, where the offender uses violence against the law enforcement officer.

Ohio Peace Officer Training Commission (OPOTC) Representation

 The OACP is not opposed to increasing the make-up of the OPOTC with an emphasis on adding line officers and increasing diversity.

Mandatory Data Collection

- The OACP is not opposed to the mandatory collection of social, demographic data on all involuntary, police initiated contacts with citizens, whether within the context of a motor vehicle traffic, pedestrian or bicyclist stop. However, the OACP would like the opportunity to provide input on how this mandatory data collection policy will be administered.
- The OACP is not opposed to a requirement that all "use of force" incidents be reported through a use of force data collection report. However, the OACP would like an opportunity to provide input on how this report is designed and how the policy is administered.

Permanent State Commission on Community-Police Relations

The OACP supports the concept of establishing a standing State Commission on Community-Police Relations to monitor the implementation and progress of the recommendations that come out of the Governor's Task Force.

Thank you for the opportunity to provide feedback on these issues and recommendations.

Respectfully submitted,

Chief Joseph A. Morbitzer, CLEE

2014-2015 OACP President

Chy Ja Monbulger

Westerville PD

Jan Brutton

Donna Braxton
Executive Director

cc: Karhlton F. Moore, Executive Director, Ohio Office of Criminal Justice Services Ohio Department of Public Safety

Chief Keith C. Torbet, CLEE, Wauseon PD 2014-2015 OACP 1st Vice President

Chief Jeffrey Mitchell, CLEE, Lebanon PD 2014-2015 OACP 2nd Vice President

Chief Michael Navarre, Oregon PD

Recommendations for the Task Force on Community and Police Relations

- 1.) Mandate that officers serve 50 hours of community outreach every year by volunteering at homeless shelters, the Ronald McDonald House, Big Brother/Big Sister programs, etc. in order to maintain a humble grasp on the humanity of the members of the communities that they serve. This would be beneficial to the ongoing sensitivity training of the officers, as well as to the communities by providing extra help in areas that may be under-staffed.
- 2.) Invest more in the D.A.R.E. program or create a new program for children that extends beyond drug abuse to be more of a mentor program. Establish a "junior academy" for middle school students as a monthly program to educate students about what police do and to create a positive association with police officers.
- 3.) Establish a mentor program for juvenile detention centers where police officers participate in team building and bonding activities with the troubled youth. This could include community outreach programs. Every officer should be assigned one mentee biennially.
- 4.) A simple and effective method would be community luncheons with the police force. There can also be a panel with the police chief to answer questions from the community. This could help promote transparency and bring about more trust in the police force. Extending that idea, there could also be similar events at elementary schools where the police officers come in and talk to students about what police officers do. Through a greater frequency of interaction, stereotypes towards police officers could be addressed in a more meaningful way.
- 5.) Instead of focusing on abysmal drug prevention programs that have failed, police officers and teachers in the community should focus on education as an enabling tool for underprivileged youth. By have bi-weekly library nights, a police officer and teacher can have a group of kids and together work on homework, reading, etc. This could promote feelings that the system is responsive to the youth and could discourage them from drugs or crime.
- 6.) When interviewed, Ted Lysiak, superintendent of James A. Garfield Local School District in Garrettsville, Ohio expressed that rebuilding police-community relations, particularly with school-age children, is to maintain high visibility, on both sides, in the community and school. The police at this school district are actively involved at every sporting event, and monitor the schools as the students leave at the end of each day. Carrying on these tasks will keep a trusted relationship between the community and law enforcement.

Ohio Task Force on Community-Police Relations

Emails

2/3/15

Oliver

Thanks for sharing Task Force information with me during my call this morning.

At next Monday's Community - Police Relations Hearing at Central State, I wish to speak on behalf of Unitarian Universalist Justice Ohio.

Our faith based organization has a Criminal/Racial Justice Action team that has sponsored public witness events in Columbus on the theme Black Lives Matter. For twelve years I served on the faculty of Wilberforce University before joining the political science department at the University of Cincinnati.

One of the policy changes our organization favors involves the investigation/prosecution of officers responsible for fatalities by an agent independent of the local prosecutors who have ongoing work relationships with local law enforcement personnel.

For the March 10 hearing in Cincinnati if you are unable to locate a venue, perhaps Rev. Damon Lynch III could help identify a large African American Congregation to provide space with ample free parking.

Best wishes, and I look forward to Monday's hearing.

Howard
Howard Tolley
Executive Director
UU Justice Ohio
http://ohiomeadville.org/uujo/
Professor Emeritus
University of Cincinnati
513 281-2515
Mobile 408 348-1181

Name = Taunya Hart Address = 7169 Klyemore Dr City = Huber Heights, OH ZipCode = 45424 Email = thart35@yahoo.com

Comments = #beheardohio - I attended your forum last night at Central State University and felt it was a wonderful forum where the community had an opportunity to witness the Task Force address the issues of Racial Discrimination and Racial Bias from leading experts, as well as, express their views on law enforcement's perception from the publics point of view. I was disheartened from the community's response because I think they did not really understand the Task Force's mission to create change within our state regarding the relationship of the law enforcement and the community. I know you have two more engagements for the Task Force to meet with the community but I have two suggestions from a citizen's perspective. First, if possible, I think you should include a mission statement within the handouts by adding a sticker, if handouts have already printed or include this after the agenda. Secondly, I think you should contact the local media and become agressive with advertising for your last two forums. I think both of my suggestions would hopefully been provide a level of clarity for the audience on what the goal of this Special Task Force. The Task Force can create change especially in light of the heightened concerns for justice equality. Also, I feel people will show up if you advertise it aggressively using newspaper, radio, community events, etc.

Please feel free to contact me if you would like to discuss any of my suggestions. Sincerely, Taunya Hart

Name = Kent De Spain Address = Antioch University Midwest, 900 Dayton Street City = Yellow Springs ZipCode = 45387 Email = kdespain@antioch.edu

Comments = I want to thank you for the Commission's visit to Central State University last night. I heard important and passionate testimony from many people in my community.

But I did have a serious concern about the "presentation," let's call it, of your commission. And it made me feel like you seriously "don't get it." These are my points of concern:

- 1) The physical set-up of the gathering placed a great distance between the members of the commission and the public who came to interact with them. You were way down there on the stage, and we were way up in the auditorium. How can we feel like you are equal members of our Ohio community, there to listen to our concerns, when you are separated into a privileged space?
- 2) The location of the event was relatively remote from the larger population centers of the Dayton region, and the signage was almost non-existent. I was not very familiar with the CSU campus at night and circled around and around trying to find where to park and where to enter the Robeson center. These events should be easy to get to, easy to find, and easy to enter, so that everyone feels included and welcome.
- 3) The most disturbing aspect of the whole event was the following: for each person to enter or exit the auditorium, they had to walk by a gauntlet of Ohio State Police troopers. I counted 9 standing in a line when I left. And each and every one of those troopers was tall, male, armed, and white, and they did not interact (in what I saw) hardly at all with the participants of the event. What were you thinking here? While the presence of the troopers may have been necessary for security, why was there no attempt made match their diversity with that of the community you were asking to come? If you wanted to send a message that Ohio police are white, authoritative, intimidating, and aloof, you have succeeded mightily. But might I suggest that you take another approach. Even security personnel can interact with the public (how else can you really understand people's mood and intentions) and they can show that they are we and we are they.

Appearances matter. They set the power structure and the tone. Is this what you really wanted to communicate?

Thanks, Kent De Spain Chair, Health and Wellness Antioch University Midwest SUBMIT = Submit

2/14/15

Name = Patricia A Andwan Address = 32 CHALMERS LN City = CINCINNATI ZipCode = 45218-1027 Email = pandwan@fuse.net

Comments = When and Where is the upcoming Ohio Task Force meeting to be held at the University of Cincinnati. Your website states March 9; a 2/10 article states later this month at UC; another article gives the date of March 10.

Please advice and make sure the public has been given adequate media notice of this IMPORTANT event.

Thank you!!

2/15/15

Oliver:

Thanks once again for responding to my queries when I phoned and emailed about the Task Force hearing to be held in Cincinnati on March 9.

Our city has become a model for reform in part as the result of efforts by a nationally recognized attorney Al Gerhardstein who was invited to submit testimony to President Obama's Task Force to Strengthen Public Trust, Improve Police Accountability, and Improve Public Safety. His case in re Cincinnati Policing 209 F.R.D.395 (S.D. OH. 2002 resulted in significant, successful reforms in policies, training, performance metrics and public education.

Ohio's Community Police Relations Task Force should hear from him as one of the two invited speakers on March 9. He is completing work on a brief for a case to be argued in the U.S. Supreme Court in April, but will be in Cincinnati and available on March 9.

Law Firm Website: http://www.gbfirm.com/

Cell phone: (513) 659-4765

Office: 513 621-9100 #17

Please share this information with those responsible for selecting the two invited speakers.

Also please let me know as soon as a location has been selected so that I can publicize the March 9 forum.

Best Wishes,

Howard

Howard Tolley
Executive Director
UU Justice Ohio
http://ohiomeadville.org/uujo/
Professor Emeritus
University of Cincinnati
513 281-2515
Mobile 408 348-1181

3/4/2015

Name = Terry Brown
Address = 1731 Tuxworth Ave
City = Cincinnati
ZipCode = 45238
Email = teddyb23@netscape.com

Comments = Since submitting a earlier written letter to task force members (State Rep Reece, State Senator Turner and Governor) Cincinnati Police/Hamilton County Sheriff Office/other law enforcement have illegally GPS Track my cars and following my every whereabouts trying to harass me. CPD officers have tried to cause accidents on public streets which I had to call 911 on CPD officers to date. I have sent written complaints (fax, email and U.S. Certified Mail) to (CPD) Chief Jeffrey Blackwell and elected official Sheriff Neil and they both have not responded. The issue started when I made complaints of CPD officers allowed a company called GWC Construction, 3736 Dina Ave, Cincinnati, Ohio 45211 knowingly to break and enter my home trying to collect a debt for my mortgage lender JP Morgan Chase. When I called 911 for my protection, CPD each time would come 3 hours later or not at all then finally told me GWC is allowed to break and enter my home due its a civil matter as oppose a criminal matter. I'm a Paralegal and submitted case law showing clearly its against the law and is a criminal When I informed CPD since they knowingly allowing GWC or whom ever to break and enter my home I'm going to protect myself with my gun or any weapon. Then I'm going to their offices or homes and dispute my mortgage account in the same manner GWC came to my home. Since November 2014 CPD/Hamilton Sheriff Dept openly have let me know they have GPS my cars openly follows my whereabouts just to harass me and even try to cause car accidents. Now I have to protect myself from law enforcement officers. I go to the store they park in front of the store then try to hit me with their cars. I went to the doctor this past Monday and they sent plain clothes officers or street informants to come inside where I was tried to get my attention by coming toward me in a violate matter. Once again, I decided to be armed ready to protect myself and I'm not going to be responsible of these people getting hurt or killed. Chief Blackwell and Sheriff Neil and all their officers need anger management. I prefer the task force could set up community police monitoring force by (like a secret shopper type) monitoring police conduct without them noticing. It should be a monthly review by their superiors from the monthly reports made by the monitoring team on how to improve their job by knowing the laws (Mortgage/Tenant Land Lord etc.) they should never say its a civil matter due they don't want to deal with an lenders violating criminal laws. Just think, if I or any citizen does the same they would considered its a criminal matter and CPD/law enforcement is not going to tell a business tuff luck its a civil matter and leave.

I'm also requesting that State Officials (Justice Department) assist me to remove/trace these GPS Tracking Devices on my cars in bringing criminal actions against any law enforcement officers who illegally tampered with my cars to place the GPS Tracking Devices.

SUBMIT = Submit

3/8/2015

Oliver:

I hope to speak at the Task Force forum in Cincinnati and will have hard copies of the attached two page position statement for UU Justice Ohio.

I was delighted to learn that Al Gerhardstein was invited to make a presentation.

Thanks,

Howard

Howard Tolley

Executive Director

UU Justice Ohio

http://ohiomeadville.org/uujo/

Professor Emeritus

University of Cincinnati

513 281-2515

Mobile 408 348-1181

^{**}his attachment is below on the next 2 pages.



Unitarian Universalist

Justice Ohio

PO Box 56, Medina OH 44258 http://ohiomeadville.org/uujo/ uujo@ohiomeadville.org

Statement for the Ohio Task Force on Community-Police Relations Cincinnati Public Forum, March 9, 2015

Unitarian Universalist Justice Ohio organizes statewide to promote education, service and advocacy consistent with UU religious principles and to witness with and on behalf of marginalized groups and individuals. UUs have a long history promoting human rights that inspires our current response when Ohio fails to hold accountable officers who use lethal force without justification.

A Grand Jury in Xenia failed to indict officer Sean Williams who without just cause killed John Crawford at the Beavercreek Wal-Mart. In response to the lawsuit brought by the parents of Tamir Rice, killed by police officer Timothy Loehmann, the City of Cleveland blamed the 12 year old child for his "failure... to exercise due care" Convinced that the local, state and national authorities will fail to act, justice activists in Cleveland have organized a People's Tribunal on April 11 to provide justice for the victims.

Repeated cases of police impunity in the U.S. prompted five UN human rights rapporteurs to express their concerns last December 5 in a statement calling for improved training and "to ensure that minorities are recruited into the police [where] they are underrepresented." The UN Special Rapporteur on minority issues, Rita Izsák, noted the failure of grand juries to indict in cases with video evidence showing excessive use of force. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, stressed that international law allows the use of lethal force only where it is absolutely necessary to protect life and noted: "The laws of many of the States in the US are much more permissive, creating an atmosphere where there are not enough constraints on the use of force. A comprehensive review of the system is needed - the enabling laws, the kinds of weapons the police use, the training they receive, and the use of technology such as on-body cameras to ensure accountability.

(OVER)

Recommendations

- 1. In order to avoid the inevitable conflict of interest when local prosecutors are responsible for investigating use of lethal force by police, Ohio must assure truly independent investigations by wholly impartial authorities of alleged illegal conduct.
- 2. Even if the misconduct does not result in a criminal prosecution, officers who violate established policies must be subject to administrative discipline.
- 3. In addition to mandatory reporting about deaths in custody, public reports should also be required whenever an officer uses a gun or taser that causes serious injury.
- 4. For the benefit of both officers and the public, training in use of tasers, response to mentally ill people, and the use of lethal force must be significantly improved. Ohio needs clear mandates for licensed law enforcement officers on what academies must teach and what must be included in recertification.
- **5.** Training should also educate officers in the history of violence suffered by racial minorities and the resulting distrust of law enforcement.
- 6. The successful Cincinnati Collaborative Agreement demonstrates that police departments must engage in ongoing dialogue with citizens for effective community oriented policing.

In addition to presentations at today's hearing, UUJO Justice Advocates have spoken at earlier Task Force sessions in Cleveland and Wilberforce. Despite the four public hearings, some have questioned whether meaningful change can occur without a mass movement that engages in more direct action. Yesterday I joined over 500 UUs, including many from Ohio, at yesterday's march in Selma. Fifty years ago, two members of our faith community, Rev. James Reeb and Viola Liuzzo, gave their lives in the moral struggle for racial justice.

in 2015, UU Justice Ohio urges the Ohio Task Force to call for immediate, effective action that promotes confidence both at home and abroad that our legal system is truly color blind.

Howard Tolley, Executive Director

Name = Willis Stanley Address = 891 Summerfield In City = Cincinnati ZipCode = 45240 Email = wdstanley1@aol.com

Comments = I spoke this evening in Cincinnati. A couple recommendations. Have the attorney that followed the Chicago Chief, put together two videos that each Law Enforcement department in the state of Ohio must watch. One geared toward law enforcement supervisors and one for cadets. He will know how to structure them both.

Second, Departments that have diverse division should have those units on a weekly basis recap areas that need addressing or areas that were handled well. Most of your officers of color will want to assist with making non officers of color more aware of how actions could have been improved. The non officers of color will either adjust or not take it serious and complain. These will be your problem officers.

SUBMIT = Submit

Name = Vanisa Siler Address = 564 Dutch Colony Dr. City = Cincinnati ZipCode = 45232 Email = vanisa.siler@gmail.com

Comments = I first would like to thank you for bringing the task force down to Cincinnati. I was granted the opportunity to speak and for that I am much appreciative; which is why I am writing. During my three minutes, I stated that I had no faith in the task force. I must say that when Nina Turner retorted after I sat down, I was happy to see her frustration with my statement because her reaction made it clear: you all do care. I can relay this to my neighbors in Winton Terrace whom I initially invited to attend the forum; those who vocalized their lack of faith and unwillingness to come as they deemed attending a waste of time because "ain't nothin' gonna change". There are many specifically living in these impoverished neighborhoods who think that they have been forgotten about in the House, the Court of Law, the Cincinnati Police Department, etc.

I do want to clarify that by no means is this lack of faith personal. It should be understood why faith has been lost. I don't doubt your abilities as individuals, but I have been in the presence of many great individuals working together to create change without much happening. After so many times witnessing this, one cannot be blamed for losing hope. My apologies to Nina Turner and the other members of the task force if I offended any of you with my brutally honest statement. What must be realized is that my sentiments resonate with many in my neighborhood; this is why I look forward to the positivity and change this task force will bring to communities of color across Ohio. Hopefully something unprecedented can come from this and faith can be restored or finally gained in our communities. Thanks to you all for listening.

SUBMIT = Submit

Name = luis tj leal Address = 3332 stanhope dr City = toledo ZipCode = 43606 Email = echalon@webtv.net

Comments = homeland security evidence substantiates law enforcement conspiracy against me including to but not limited to campaign monies at recent gop lincoln dinner honoring law enforcement and or the supreme court of ohio chief for ruling against producing my evidence. your organization are loaded with some of these unfit for public service persons and who have been approached for this evidence and related conspracy.

SUBMIT = Submit

Name = Vanessa Enoch
Address = 8172 Misty Shore Drive
City = West Chester
ZipCode = 45069
Email = vanessa.enoch@gmail.com
Comments = Statement presented to the Ohio Task Force On Community-Police Relations:

First, I'd like to express my appreciation to Governor Kasich for allowing the citizens of Ohio to speak out on community-police relations and to the three women who requested that this taskforce be convened: Former State Senator Nina Turner, Representative Alicia Reece, and Sandra Williams. This is a step in the right direction. As an Ohioan, I applaud the efforts of the leaders in our great state to lead the efforts to bring healing to our communities. I look forward to seeing positive outcomes as a result of this process.

I attended the taskforce meeting in Cincinnati, however I chose to provide input using this vehicle, rather than speaking at the public forum. I would like to provide the following input:

I believe that an interdisciplinary approach is needed to solve the inherent problems of community-police relations in our state. Reform is needed across all sectors of our law enforcement and the judicial system; this includes policing, the grand jury process, jury selection, within the judiciary, and in the office of the prosecutor.

Suggested policing reforms

As a law-abiding citizen, I was arrested last year for having an iPad in the public Hamilton County courthouse. I was at the courthouse that day conducting research as a Ph.D. student and reporting on the trial of Judge Tracie Hunter. It was my first day attending the hearings. As a law abiding, professional African-American mother of two, I was unjustly and unfairly arrested and detained, and humiliated that day by Deputy Sheriffs in the Hamilton County Courthouse.

My case was well documented, as it was covered on every news channel in Cincinnati. An officer illegally searched my iPad, after threatening that he would arrest me if I didn't unlock it. After being threatened, I complied, and even after discovering that I had not videotaped anything, I was still arrested and chained to a bench for over an hour in the Sheriff's office. I did nothing to provoke my arrest, and even after the arrest I maintained a level-head and despite my mature response, I was severely mistreated solely based upon the color of my skin! I can be assured that my arrest and maltreatment was racially motivated, because there were 10-12 others (white citizens) operating iPads and news stations recording the incident that day, none of them were arrested or detained. It was not illegal to have an iPad or a recording device in the halls of the courthouse, however my face was broadcasted all over every news channel, and the Sheriff circulated a false report that contradicted the incident captured by several news and civilian cameras.

While I was detained, I asked to use the restroom multiple times and was told no. Minutes after I was told that I couldn't use the restroom, one of the same officers that I asked, approached a young white female sitting next to me if she needed to use the restroom. When she said yes, she was promptly escorted to the restroom. I was never allowed to go. When I explained why I was in the courthouse

that day, one deputy responded saying, "You people are going to learn to do what we tell you to do in our courthouse". He was referring to my initial refusal to be illegally and unjustly searched. I believe that the impetus for my arrest was an effort to thwart the reporting of the harassment of Judge Hunter's former bailiff, and the intent of the arresting officer was to destroy evidence of the harassment that I witnessed. In 2014, this type of a racially motivated attack has no place in community policing.

Policing recommendations:

- Citizens must be protected against officers who violate the law, by holding those officers personally responsible for the things that they do under the color of the law. Personal responsibility would include firing officers who unjustly and falsely arrest, make false statements, destroy evidence, and use excessive force. Such officers should also be swiftly and criminally charged, just like any other citizen who violates the law.
- Law abiding citizens should have the right to question why they are being arrested and what law they are allegedly violating prior to an arrest. It took nearly an hour and a half for them to come up with a charge for me. And, ultimately the charges didn't fit the incident. Officers must be disciplined, fired, and charged for making false reports the same way any other citizen would be.
- As a citizen, I expect to be treated respectfully, just as an officer has an expectation that citizens should respect him or her.
- It should be mandatory that someone being detained should have the right to use the facilities. As a woman, it can be especially extremely embarrassing to not be allowed to go to the restroom and attend to personal needs.
- Officers must be properly screened and should appear before community panels to be questioned prior to hiring to ensure that they don't harbor preconceived notions of racial prejudice.
- Officers should undergo annual sensitivity training.
- Officers should be required to be residents of the communities where they are stationed.
- Officer diversity should mirror the population for which they serve. There should be equal representation and racial diversity in accordance with the percentage of diversity in that city.

Grand jury and trial jury process recommendations:

- There needs to be an investigation and reform of the grand jury process.
- Grand juries and juries need to be representative of a cross section of the community and should be balanced by race, age, sex, religion and political persuasion, to avoid impropriety and race related decision-making. Judge Tracie Hunter's trial has proven that the jury selection is not a random process, with a pool composed of over 98% Republican voters and from Republican based communities. This should be investigated!
- In cases of political figures, high profile cases, and police-related killings, special prosecutors selected from outside the jurisdiction should oversee all legal proceedings, including the grand jury selection, trial jury selection, and trial proceedings.
- Both parties, on a bi-annual basis, should select 2 jury commissioners. There is no such thing as a jury coordinator in the Ohio Revised Code; yet such a person is responsible for selecting jurors in Hamilton County.

Prosecutor and Judicial recommendations:

- Prosecutors and judges should not be afforded immunity: The case of Prosecutor Jason Phillabaum, who was recently prosecuted in Butler County for adding gun charges to indictment of a suspect without the grand jury being previously presented evidence about the offense, altering documents in that case as well as one other, and withholding exculpatory evidence in another case has demonstrated why prosecutors should not be afforded absolute immunity. Corrupt practices by judges and prosecutors have been identified across the country. In Hamilton County, Prosecutor Joseph Deters has aggressively pursued the prosecution of child support offenders, while he has been allowed to go unpunished for his own neglect of child support obligations. Other attorney's have lost their law license for neglecting child support obligations. A civilized society cannot allow the police to police themselves! Absolute power corrupts absolutely! Everyone must be required to follow the law, especially those given the authority to enforce it.
- Prosecutors should be prosecuted for presenting false charges to the grand jury.
- Attorneys and judges should not be allowed to donate to prosecutor's campaigns and judges should not be allowed to donate to the prosecutor. And, they should not be allowed to try cases in the courtroom of Judges if either has given to the others campaign. This presents a conflict of interest and the appearance of impropriety when either party has to argue cases or rule on cases of someone they have donated to.

Respectfully submitted by Vanessa Enoch

SUBMIT = Submit

3/10/15

Name = Albert Schlueter
Address = 115 N HIGH ST
City = YELLOW SPRINGS
ZipCode = 453872005
Email = aschlueter@centralstate.edu
Comments = Statement to Governor's Task Force—Cincinnati 9 March 2015

I told my story in the three minutes you allowed at Central State. I am back. At Central State one of you, Dr. Dunn, I believe, urged us to ask questions of the panel. I am going to try that.

I am curious. How many of you on this panel have read this book, "The New Jim Crow", written by Michelle Alexander? Please raise your hands. [Six hands were raised, all black.]

I believe that this is an extremely important book, one that should be required reading by, not only all of you task force members, but by every law enforcement officer in this country.

I am very impressed with your presenters here in Cincinnati. At the Central State University hearing one of your speakers was Attorney Shanahan from Columbus. Another question. Why was he invited? I apologize for the cat calls he received from the audience. Every speaker should receive respect. But I do understand the audience's disappointment in him. First, he did not even know the names of John Crawford and Tamir Rice, referring to them as the guy shot at Walmart and the kid in Cleveland. To those in the audience he seemed to show no respect for those killed unnecessarily. He made them objects rather than people with names. Not only that, but he stated that not only did he treat Blacks the same as Whites, but that in Franklin Country all Blacks and Whites are treated the same. Mass incarceration is happening in Franklin County like it is occurring across this country even if he fails to see a problem. I would remind you that Ms Alexander did much of the work on her book while at the OSU Law School in Franklin County. So I have another question. Why didn't you invite someone like her to make a presentation? Someone who has researched the topic in depth, recognizes the problem and has the facts.

Most of my life I have taught at historically black universities in Mississippi and Ohio. I have also taught in Africa. Some of that time I lived in black communities. I have an African American son and grandchildren. Yet, I know that racism remains in me. After all, I was born and raised in Ferguson, MO. I graduated from Ferguson High School. For years I have worked hard to use compensating strategies for that racism that still remains in my head. I believe I have been effective. But this is only because I recognize the problem and work hard at it constantly. Yet, when I take the implicit association test online at understanding prejudice.org I come out slightly biased toward whites. I am embarassed by this. You cannot solve a problem unless you recognize one exists.

Fifty years ago in Selma, Alabama law enforcement abused their power and brutally attacked people peacefully protesting. Today I see in Ferguson, MO, Beavercreek, Ohio, Cleveland and many other places law enforcement continuing the vestiges of that Selma racism. They seem to feel that can do anything with no consequences. I believe that we have a serious problem. My last question for you is this, "Do you agree that we have a problem?"

SUBMIT = Submit

3/11/15

Name = Carolyn Kazel-Rowbotham

Address = 33578 Bainbridge Road

City = North Ridgeville

ZipCode = 44039

Email = <u>carolyn@ohiovotersforcompanionanimals.com</u>

Comments = Regarding Senate Bill 23

Fitting additional training into the budget and schedules of law enforcement agencies is difficult, and as a citizen, I can only imagine the organization it would take. I am asking that you please open your hearts and consider including training for police when encountering companion animals to prevent any more loss-of-pet tragedies from happening. With Senate Bill 23, we have an opportunity to address this issue and integrate training to better equip officers in the future. This issue also hits home for me, as I was a resident of Westlake for over 10 years when an incident surprised many of us. A few years ago in Westlake, a family's dog was shot by an officer when he believed the dog to be acting in an aggressive manner and posing a threat. I don't know what actually happened as I was not there, and I respect the hard work that our officers do, however it is possible that the dog was defending his/her family. Dog behaviors are things to consider when entering a property, for the safety of the officer, the pet, and individuals involved. I attended a rally and was able to see and hear how distraught family and friends were regarding this incident, and as much as we tried to understand it from the officer's perspective, we couldn't help but feel that it could have been avoided.

As an educator, I see the value in what it means when people say "we never stop learning." Though it comes with a cost, please consider providing an opportunity to law enforcement to learn how to better de-escalate a situation involving companion animals and how to protect themselves, the pet, and the family.

Sincerely, Carolyn Kazel-Rowbotham SUBMIT = Submit

3/11/15

Name = Sandra Horvath, Esq.

Address = McTigue & McGinnis, LLC, 545 East Town Street

City = Columbus ZipCode = 43215

Email = sandy@ohiovotersforcompanionanimals.com

Comments = Re: Mandatory Companion Animal Encounter Training for Ohio Law Enforcement

Dear, OTFCPR Members:

On behalf of Ohio Voters For Companion Animals (OVCA), I wish bring to your attention the growing concern in Ohio about the lack of existing training that results in the tragic death of Ohio's companion animals from police shootings. OVCA has approximately 14,000 constituents in 42 Ohio Counties. In addition, making canine encounter training mandatory in Ohio is fully supported by our coalition of grassroots animal welfare groups including: Nitro Foundation/Nitro's Ohio Army, Justice for Herbie, Joseph's Legacy, Ohio Coalition of Dog Advocates, Paws and the Law and Matt Ditchey, Esq., board member for Angels for Animals.

The sad reality of the growing problem of police companion animal encounters that often result in the companion animal being badly hurt or killed is not unique to Ohio, but Ohio has a unique opportunity to address this problem. In February of this year, Senator Cecil Thomas took the important step of introducing Senate Bill 23 to establish the Ohio Community-Police Relations Commission to investigate the condition of community-police relations and review the use of force by law enforcement officers, and require training in community-focused de-escalation techniques, mental health and special condition response, and cultural sensitivity. We applied Senator Thomas's efforts and urge this Task Force to include mandatory animal companion encounter training as a component of this bill.

Many people consider their companion animals to be part of the family. When a companion animal, typically a dog is shot, it is widely publicized and not only devastating to the family involved, but also to the officer involved in the shooting and causes a great strain on the relationship between law enforcement and the community. A quick internet search on this topic will reveal just how prevalent in Ohio the problem has become. Some notable examples include an incident in 2008, a police officer in Medina Ohio shot and killed a family dog when the officer approached the home and the dog, which the officer identified as a pit bull mix, but it was later determined to be a female boxer who had puppies just weeks earlier growled as the officer approached. In February 2013, there was a similar incident with a family dog in Sandusky Ohio, and just a few weeks ago, in Columbus Ohio, police officers allegedly shot a suspect on whom they were serving a warrant when the suspect's dogs became aggressive and the bullets meant for the dogs hit the suspect. These tragic incidences are readily preventable with proper training on animal behavior and the use of non-deadly force. This issue is not only a concern of the animal welfare community; this issue is also a growing concern of law enforcement and was highlighted in the October 2014 issue of Police Magazine.

Although this is sometimes addressed locally, it is becoming increasing more important and prevalent to address this issue on a statewide level. In 2013, Colorado enacted legislation to address canine and police encounters and currently there is a similar bill pending in Texas. Further, there are many training options readily available, for example, the United States Department of Justice has developed a comprehensive training program on this topic and there are many qualified individuals in the Ohio animal welfare community that are qualified to conduct training.

We feel that while Ohio is considering taking the important step of protecting its communities and enhancing the ability of law enforcement to do a difficult job, it would be remiss in not including a canine encounter training component.

Thank you for your important work on this task force and for allowing us to voice the concerns of so many Ohioans who feel that the time has come for Ohio to give its law enforcement personnel the tools necessary to face these growing challenges.

Sincerely,

Sandra Horvath, Esq.
Director Legislative/Legal Affairs
Ohio Voters for Companion Animals
SUBMIT = Submit

3/11/15

Name = Twila Page
Address = 3123 Kimball
City = Toledo
ZipCode = 43610
Email = purnhrt@accesstoledo.com
Comments = OPEN LETTER TO THE TOLEDO POLICE DEPARTMENT:

Please accept this letter as an inquiry, not as a combative missive. I just have one question that I want answered. Why do the police hate us? The us I refer to is the black community in Toledo and our children. I mean after all, what have we done to the police community other than provide a good living to you, your families and your children. Your income is one of the highest, you have sick time, vacation time, you are able to send your children to the best schools, you retire with a fantastic pension and you can live in communities like Maumee, Perrysburg, Rossford and Sylvania. Yet, when you leave for work your wives are "terrified." Imagine how we parents of black children feel when our children leave our homes to go to the store, go to school or go to the movies. To your wives: We are terrified.

We are forced to live in high crime, blighted areas, patrolled by men and women who hate us. We work, we take care of our families are forced to send our children to substandard schools but provide your children access to quality educations while living in bright, shiny communities. Why do you hate us and our children? Why are your wives "terrified" because you come into our communities? So you say police men are killed by people like us and at the end of the day you just want to go home. We want our children to come home also unencumbered by the hatred exhibited by the toledo police.

Well, you have come into our homes and killed us and destroyed our property, terrified our children and our grandchildren and we are afraid of you, so why do you hate us. When we see you, you don't speak, you drive down the street, you don't smile, you come to our meetings and you act like we are invisible, we come to your workplace (Safety Building) and you don't smile, speak or even give us a nod of you head. Cold and unfeeling...Everyone knows that to promote harmony with others you first have to say hello and have a mutual respect for each other, after all our city taxes pay your salaries. We trusted the police enough to vote one of your own into the highest office of the city. You didn't vote the former policeman in, because the majority of you don't live in the city that you terrify. Why do you hate the black community and our children? Why do you take us into alleys, threaten, beat and humiliate us.....at the end of the day we just want to go home to our families.

Do you know how terrifying it is for you to be behind us when we are driving? No black person wants to be driving in front of the police in Toledo, Ohio not even we who don't have warrants, are insured and properly licensed, Why should we feel that way, when all we are doing is going to the store for a loaf of bread AND we pay your salary?

Ok, I will give you this. Two policemen have been killed by two citizens of Toledo in the last 50 years. That is tragic but one of the murderers was a young white boy....yet young black boys are your prey, our children children that we love, children that we want to aspire to be the best that they can be. Sure some of our children aren't perfect. Neither are your children but you hate our children. We don't hate yours, we, the over policed and the underserved. We, who think twice before even considering calling the police. Why? Because we don't know how that call will turn out, what could be the result. We could

wind up arrested, beaten or dead because we said the wrong thing, looked the wrong way, didn't move fast enough. Consequently, sometimes we just don't call.

I am particularly offended by the statement of Brandon Otano-Groves, "For every cop that shoots an unarmed african american There's 20 black guys that shoot an unarmed african american. So we really need to find I guess the moral line here not just its another white guy shooting another black kid it's deeper than that." This statement assumes that all "african americans are violently inclined to shoot another african-american. This negates the fact that white people are just as, if not more violent to other white americans than our community could ever be. Yet, you don't hate these violent criminals.....nor do you express extreme contempt for their actions.....and you hate our children.

Fact: White on White violence: Mother kills Baby Elaina and hides her body in a garage for months while police look for the baby, Jobe kills policeman Keith Dressel, Grandmother and uncle kill three young children to keep them from returning to their biological mother, young man stabs his mother at the breakfast table almost beheading her, mother siams baby to the ground, mother kills baby, mother hangs 11 year old son, man hunts down girlfriend and kills her in a strip mall on Byrne Rd., and the coup de gras, University of Toledo Policeman kidnaps, rapes and kills young female student and leaves her body in a field.

Why do you hate us? ~ Twila Page 1/3/2015 SUBMIT = Submit

3/12/15

Name = Gabriella Celeste, JD

Address = Schubert Center for Child Studies, CWRU | 10900 Euclid Avenue | Crawford Hall room 615

City = Cleveland

ZipCode = 44106-7179

Email = gabriella.celeste@case.edu

Comments = Dear Ohio Task Force on Community Police Relations:

Please see this letter from the Schubert Center for Child Studies at CWRU in regards to the USDOJ Investigation of the Cleveland Division of Police and community-police relations. The letter is available at http://schubert.case.edu/files/2015/03/Final-Police-and-Youth-Letter-3.12.15.pdf

For questions, please contact Gabriella Celeste, JD, Director of Child Policy at the Schubert Center for Child Studies at gabriella.celeste@case.edu or 216.368.5314.

Thank you for your consideration of these comments and recommendations.

Sincerely,

Schubert Center for Child Studies SUBMIT = Submit

3/14/15

Name = Robert Ryan Address = 9514 Conklin Ave City = Blue Ash ZipCode = 45242 Email = robryan@fuse.net

Comments = I am pleased to see a serious discussion has been initiated on Community-Police relations. This is one of the most important interactions between citizens and government. A fundamental governmental policy that is at the root of the friction, and distrust between citizens and the police is this policy we euphemistically call the DRUG WAR. It really should be called Prohibition 2.0, which is at the heart of most of the violence in our community.

The range of negative impacts is tremendous. The policy of Prohibition 2.0 (AKA DRUG WAR) has many facets and faces such as our bulging jail population, police being trained to be at war with the community, cancer patients being denied access to marihuana, student being denied loans, poor treatment of the mentally ill, empowering thugs, criminals and cartels, children suffering from Dravets syndrome with no legal effective medication, feeding corruption at many different levels, funding terrorist, being a hidden tool of racism and much more. I could go on and create a wheel of misfortune linked to this policy.

This task force is a step in the right direction, but the continuation of our Drug War will be the downfall of the intended aim of this task force. I recommend the Ohio government and representatives initiate a blue ribbon panel documenting the impact of the Drug War on our society.

Furthermore it is time to end this self destructive war on our own people, starting with the repeal of marijuana prohibition. I firmly believe that people need to be responsible for their actions and the resulting consequences. We need to start an open and honest dialogue on how to implement an drug control policy that is not prohibition (aka the Drug War). I do not support or condone drug abuse, but what we are doing today is not working and is actually counterproductive.

SUBMIT = Submit

The form was processed by http://www.SnapHost.com/captcha/ on 13:30 Mar 14 2015 UTC

3/14/15

Name = Thor Tangvald, MD Address = 621 Lexington Ave. City = Terrace Park ZipCode = 45174 Email = thor@cinci.rr.com

Comments = I've been a psychiatrist for 26 years in the local Cincinnati community. 2 of my siblings are attorneys in prosecuting office, 1 is a defense attorney who is also married to an attorney. 1 sibling is married to a state cop.

I have 3 different hero's in my life: cops, fireman, and military. They run toward danger that others run from, I honor our heros who put their lives on the line every day for the greater good of America. But this illegal status of marijuana is WRONG, yet police are forced to implement our laws as written.

I implore you, please, legalize marijuana. The basis of it's illegal status is rooted in racism, the rationale for its illegality has no scientific merit, the cost to society is mind boggling, the time is NOW to legalize it.

I have many physician friends who support its legalization, but who have grave trepidation even exercising their democratic rights as American citizens due to fear of retaliation by the state medical boards. But, behind closed doors its another matter all together.

I implore you, please legalize marijuana, implementation of drug laws horribly racist, utility is futile, expense is immense and intolerable, destruction is phenomenal to families once a criminal always a criminal, unbelievable amount of disabilities, marijuana not harmful, useful in vast number of psychiatric and medical diagnoses. No one ever died of marijuana overdose, but we are losing thousands a year du to the dirge of opiates. There is an increasingly large number of states which have recognition of utility of marijuana. We in Ohio should not be the last state to do so.

In America we have spent a trillion dollars on war on drugs since June 1971, when President Nixon declared a "war on drugs." These results being worthless statistically. Amount spent annually in the U.S. on the war on drugs: More than \$51,000,000,000 Number of people arrested in 2013 in the U.S. on nonviolent drug charges: 1.5 million Number of people arrested for a marijuana law violation in 2013: 693,482 Number of those charged with marijuana law violations who were arrested for possession only: 609,423 (88 percent) Number of Americans incarcerated in 2013 in federal, state and local prisons and jails: 2,220,300 or 1 in every 110 adults, the highest incarceration rate in the world Proportion of people incarcerated for a drug offense in state prison who are black or Latino, although these groups use and sell drugs at similar rates as whites: 57 percent. Arrests, convictions and imprisonments are massively racist, and is a basis for the racial discord we are experiencing now.

I find it morally and ethically repugnant to have our nation of the free having the largest number of people in prison of any nation. To have our nation even suggest a war on our own people is horrifying and completely nonviable

A majority of Ohio's citizens want marijuana legal, where's the resistance? Ohio: Majority of Voters Want to Legalize Marijuana, Nearly 9 out of 10 Support Medical Use by Erik Altieri, NORML Communications Directo rFebruary 24, 2014

Polling data released today by Quinnipiac University revealed that a majority of Ohio voters support legalizing marijuana for recreational use and nearly 9 out of 10 support legalizing marijuana for medicinal use.

The drug wars are the very foundation of racism, the basis of the suspicion regarding young black males in Walmart handling BB guns. Stop the marijuana persecution, the heinous legal racism that leads to poverty, single family homes, atrocious education, poor productivity of blacks, the obscene amount of disability and dependency of blacks and latino's, the increasing anger among whites who do not want to support blacks and latino's in jail, probation, and disability.

Stop the bias against the races, stop the drug wars, stop the persecution of marijuana users both medical and recreational. Listen to your constituency, LEGALIZE, NOW.

Thor Tangvald, MD

SUBMIT = Submit

The form was processed by http://www.SnapHost.com/captcha/ on 15:31 Mar 14 2015 UTC

3/14/15

Name = Jeremy Corder Address = 301 Westline Dr. City = Mason ZipCode = 45040 Email = Jeycor12@gmail.com

Comments = The current war on drugs has turned too many people into criminals. Locally I know dozens of people who are sick and could benefit from legal access to cannabis. Instead they are forced to deal with black market dealers with no guarantee of a safe product, the ever present threat of being caught, and the real possibility of losing your drivers license because of a plant. Ohio residents need change. We deserve better. I implore you to end the war on drugs. It is time for us to see the police as our defenders, not our prosecutors.

SUBMIT = Submit

The form was processed by http://www.SnapHost.com/captcha/ on 16:36 Mar 14 2015 UTC

3/15/15

Name = Jeanette Weigel
Address = 1704 Green Valley Dr.
City = Toledo
ZipCode = 43614
Email = <u>i.hopeful@yahoo.com</u>
Comments = Dear Ohio Task Force on Community-Police Relations:

I was encouraged to go to this site and write about my experience recently in regards to a 911 call, that was placed on Nov. 3rd, 2015, within the Maumee and Toledo Districts.

I was on my way home from Catawba, Ohio, on the early morning of Nov. 3rd, 2015, when I noted that a car had appeared to be following me, after entering the Toledo and Maumee District area's. I made a 911 call while at a Speedway Gas Station in Maumee, in regards to reporting someone following me. I was rerouted to the Toledo Dispatcher, as I had asked if this was the Toledo Dispatch for 911. I asked about making a report that night, to the 911 dispatcher, and was told I could come downtown to make a complaint report. I decided it was very early in the morning, around 4 am or so, and that I would not do that at that time, as I had a very busy day ahead of me. I had another job potential, and application with interview that day, as well as a time to connect with my church early in the morning, for some assistance with computer use to do an on line application process, as well as some legal documents that had a deadline to be filled, that day. I bought a large cappachino that morning at a Speedway Gas Station in Maumee, Ohio District, and decided to figure out how I could best organize my day ahead of me. I pulled out of the Speedway Gas Station and started down the road towards my son's home and the area of the church that I attended, when what appeared to be possibly the same color car, silver mid-sized, that may have been following me before. I then took a few turns to see if the car was continuing to follow me, I sped up; the follower sped up; I slowed down the follower slowed down; I took a side street and circuitous route and the follower did, as well. I was genuinely concerned and frightened. I could see the car color but little else. I turned my interior light on during the second 911 call, so the person could see that I was calling on my phone, at that point the car sped around me and down the road, in front of me, going very fast, beyond me. So, I told the Toledo Dispatcher the car was gone down the road, as I gave the color of the car, that is all I could see in the dark, as it sped around me. I then noticed that my gas tank was nearly on E. so I decided to go back to the Speedway Gas Station, where I had stopped earlier to refuel for the busy day ahead of me. While starting to pump my \$20.00 of gasoline into my gas tank, after paying for it inside, a Maumee Police officers car pulled up in a stall beside my car. I thought nothing of it, at the time. I continued to pump my gas, when the officer approached me, asking if I had placed that 911 call earlier, and I replied, yes sir, I did. He then said; "Where is the emergency?" I stated that I had called because someone had been following me earlier and that it was handled already by a Toledo Dispatch taking the call, and that I had a very busy day, and just wanted to get on with my day. He then started to ask me questions about where I had lived before, in Maumee, and hadn't I reported other incidents of a light bulb being removed from outside of my apartment there, and some Christmas lights that were removed, also? He then stated; " I think you think these things happen and I think you think someone is following you, why don't you get some help for yourself?" All of these events did happen and were validated, by others as well, neighbors and my son. I began to explain to this to the police officer that I had other incidents of things that were a concern, a year ago, in September, when my son's house was broken into, in the middle of the day light, at 1:30 in the afternoon. I was upstairs, getting ready to take a bath, but I decided to make a phone call, at that time, and the person who was down stairs, ran out of the house, I saw the person, who was getting into a midsize, silver car, in the neighbors driveway. I was able to give a description of the black man, with a baseball cap, and his car

color, and size of the car, to the police officers in Toledo at that time, as well as detective Quiggley, who collected a cigarette butt outside of my son's garage door, where the broken deadbolt lock and forced entry took place, along with a splintered door frame, and evidence of damage to the door with a large dent in the door, as well from the outside. Neither my son, nor I, smoke. The cigarette butt, was taken, by detective Quiggley, for the future, and I was told, for potential evidence.

As, you can see there was ample reasons for me to have concern and call a 911, the night of Nov. 3rd, 2015. I was also stalked in the year 2012, while coming home early in the morning from a campaign headquarters, where I was a part of that campaign, for Angela Zimmann, running for the 5th District of Congress, in Ohio. At that time I lived on Wharton Rd., in Holland, Ohio. My son came over that night to stay with me, after my keys were taken out of my car, leaving me in the dark, on the porch, of my then rented house, where I had to back into my door, one hand dialing 911 and the other opening the door, to enter. I did see a silhouette figure of a person, coming over the drivers side of the car and in front of it, as I slammed the front door shut, that night. The Lucas County Police came to answer that call and searched the area. I was told that the person would probably come back and try to take my car. My son assisted that night by parking his car with an alarm, behind my car, so it could not be stolen out of the driveway. My son then moved my belongings and me, out of this house, and my things were put in storage for awhile, later moving into Maumee, Ohio, on East Williams Street.

Now, that this story has been told, I hope that it will be taken more seriously when a 911 call is phoned into a police department. I am so disappointed at the outcome of the Nov. 3rd, 2015, incident, as I was not validated, and harassed as well, demeaned, and it resulted in an arrest, after I was asked to take out my drivers license for the officer to see, as I followed his request by taking out my purse and attempting to remove my wallet, when he swung his arm across my trunk, knocking my purse onto the driveway area, bank statements, receipts, etc. scattering, as an attendant came out, say; "Oh, my God, Oh, my God, it will be ok, honey!" The Maumee Police officer, then, pushed my back over the trunk of the car and pushed my head down forcefully. I was shocked and traumatized, and asked; "What is going on?" He stated; yelling at me, "Shout Up, just shout up, I am arresting you." I replied: "For what?" I just wanted to understand why I was being arrested when I had complied to his request. He then put handcuffs on me, very tightly and jerked my up, cutting my wrist with the handcuffs. The whole entire evening was extremely traumatic and all over a 911 call. I would like to tell you that I feel safe now that all this has taken place, if ever a need to dial a 911 again, but I do not. I had to spend time at the correction center downtown and was not allowed to call out for a bondsman, to get released for many days, there were so many wrongs in all of this case. 5 days and 4 nights, incarcerated for a 911 that was a legal 911, by definition from a search at UT.'s Law Library on 911 calls. I presented this information to the Maumee Police Dept. as a definition of a legal 911, after the agreement was made as to appeals. I have copies of a letter submitted to them and to explain my guilty plea of a 911, due to advise of my council, before the research on 911 calls, showed clearly, I would have been within the definition of when to call a 911 and why. I was also told by my city council member in Toledo, Ohio, D. Michael Collins, at the time of my son's house being broken into, twice in one week, that if ever I felt I was concerned or in potential danger, to not hesitate to call a 911. I was also told this by detectives on this case, as well. I was even given information from Mike DeWine's office as to being able to get Ohio's Victim's of Crime Compensation program, as a Application was sent to me, after my son's home was broken into 2 times in one week, while I was there.

I would be glad to send you copies of letters of recommendation from this case in Maumee, Ohio, and my account of that night, as was submitted to Maumee Courts, on 3/11/2015.

A woman should never feel fearful to call a 911, when being followed.

I do believe my case is one that is notable and it might appear that my civil rights have been violated. Please feel free to contact me, at the above address or call me for more information, at 567-395-1618.

Sincerely,
Jeanette S. Weigel SUBMIT = Submit

The form was processed by http://www.SnapHost.com/captcha/ on 07:50 Mar 15 2015 UTC

3/15/15

Name = Jeanette Weigel Address = 1704 Green Valley Dr. City = Toledo ZipCode = 43614 Email = <u>i.hopeful@yahoo.com</u>

Comments = I was encouraged as I listened to the Dec. 5th, 2014 meeting with Gov. Kasich and Mike DeWine, I only hope our theory will produce good out comes and practice.

I agree with the Gov. on the Pressure Cooker theory. This is why we do need to listen more before we react and communicate in our communities more effectively.

Police officers do have a serious and sometimes dangerous job, but knee jerk reactions when listening may benefit everyone involved, may profit us all.

Being heard and then validated is very, very, important to people.

Conflict resolutions and mediation bring a more peaceful resolve for all concerned.

Employment is a very real issue for everyone, and people need to have hope, I do agree.

If people are able to sustain themselves and, or, their families, communities are healthier in general. There are many issues to be looked at here. I do believe that better police training is needed. How to respond in the least violent manner, with a good result.

I have friends who's children are police officers as well, and have some friends who are police officers, too. There are always two sides to a story and it is getting to the issues, surrounding a situation, that can make the difference in a good resolve.

Look, Listen, and Learn. Gaining a better understanding, is gaining a resolve in the most peaceful environment.

Thank you for taking my comments and my views, too.

I am looking forward to Our State Motto inaction, "With God All Things Are Possible"

3/15/15

Name = lynn fabian

Address = 28910 buffalo rd

City = kensington

ZipCode = 44427

Email = lt.fabian@yahoo.com

Comments = It"s seriously time to look at things from a reality point of view. Especially when it comes to the medicinal aspect.

SUBMIT = Submit

The form was processed by http://www.SnapHost.com/captcha/ on 17:23 Mar 15 2015 UTC

Name = Michael A. Dover Address = 1 Bratenahl Place City = Bratenahl ZipCode = 44108

Email = michaelalandover@gmail.com

Comments = I testified in the hearing at Cleveland State, but wish to submit this Open Letter for the Task Force's review, as it was the basis for my testimony. Thank you for your efforts:

Open Letter to the Movement for Justice for Tamir Rice

(PDF copy here: http://tinyurl.com/mbp76bk)

I am writing to my fellow activists in this movement. As I understand it, our movement is demanding a specific response aimed at justice for Tamir Rice. We are demanding structural and cultural change in the Cleveland Police Department and other law enforcement agencies in the city, county and nation. We are insisting that the nation address the many neglected social and economic demands of the civil rights movement. I write as an active participant in the present movement; as a consistent social activist since 1966; as a social worker concerned for the needs of our people and communities and as a sociologist concerned with the need for better public access to public records in the interests of democracy. I am writing to suggest we also raise one specific demand.

Transparency: The immediate release and website posting of all operational, disciplinary and training policies and procedures!

What: Not just the City of Cleveland, but also the County Sheriff, the RTA Transit Police, the CMHA police, the CWRU and CSU polices forces, and the police forces of local governments.

What: Inclusion of all materials, including all of the equivalent policies to those now public from Cincinnati: http://tinyurl.com/lmzoboe

When: Immediately, as they now are, not after a long process or review.

On a public sector website, as PDF files and eventually in a more user friendly manner How:

Why: Would permit analysis of these policies in light of best practices nationally and internationally.

Questions

- Wouldn't this give criminals information about police procedures? Criminals likely know these procedures already. There is no evidence that public release of these policies elsewhere has endangered police. Making these policies public can enhance police/community relations and help reduce fatalities and injuries of law enforcement personnel and others alike.
- Where has this been done before? The Cincinnati Police Department Procedure Manual is a public document: http://tinyurl.com/imzoboe. According to this website, "The Cincinnati Police Department Procedure Manual is to provide an official guide outlining the way to do many of the routine operations which confront the Cincinnati Police Department. The Procedure Manual was last updated on 11/13/2014."

• What kinds of policies would be on such a website? Based on the Cincinnati site, it would include policies on Use of Force (Revised 11/14) Handling Suspected Mentally III Individuals and Potential Suicides; Police Interaction With Homeless Encampments; Labor Disputes and Strikes; Rumors/Potential Civil Disturbances; Operating a Vehicle Under the Influence (OVI): Processing & Arrest; Investigation of Rape and Other Sexual Assault Offenses; Crime Victim/Witness Notification and Assistance; Domestic Violence; Hate Crimes: Response to Racial, Religious, Ethnic/National Origin, or Sexual Orientation Bias Incidents; Endangering Children Offenses; Discharging of Firearms by Police Personnel; Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders; Citizen Complaints and Reports of Favorable Police Conduct.

More information: Michael A. Dover, M.S.S.W., Ph.D. (216-645-1555), michaelalandover@gmail.com SUBMIT = Submit

The form was processed by http://www.SnapHost.com/captcha/ on 15:37 Apr 12 2015 UTC

Name = Laurie Burdine
Address = 11805 W. State Route 163
City = Oak Harbor
ZipCode = 43449
Email = laurieburdine@outlook.com

Comments = My name is Laurie Burdine, the issue of police deaths is very near and dear to my heart as I lost my brother Craig Burdine in 2007 as a result of an in custody death. After reviewing his autopsy Dr. Michael Baden ruled his death a homicide due to the fact that he suffered asphyxiation after a blunt force trauma and fresh fracture to the trachea on 8/11/2007. His death occurred within five minutes of arriving at the Sandusky County Jail in Fremont Oh. No internal investigation was EVER done by the Sherriff's department, nor county prosecutor, or office of the Attorney General. That is why my family would like to see Ohio follow Wisconsin by passing legislation that requires police departments to bring

Critical Audio recordings and jail surveillance footage was available for the time shortly before and shortly after his death occurred but was missing for the critical 10 minutes that would have provided a record of his homicide taking place. For this reason we believe all footage and recordings of all law enforcement and jail activities should be handled by an unbiased third party and only that third party.

in at least two independent, unbiased, third party investigators in all officer involved deaths.

Also, due to the high stress that all law enforcement officers face, my family and I would like to see random drug and alcohol screening as well as ongoing mental health evaluations before and during employment.

Law enforcement need to remember that they are in place to PROTECT AND SERVE the citizens and therefore should make every attempt to be compassionate and preserve human life. If a suspect needs to be stopped, they can be shot in the leg etc. NOT SHOOT TO KILL.

We would also like to see extensive ongoing training in the use of deadly / excessive force. When to use it and more importantly when not to.

Thank you for taking the time to read and consider our thoughts. We hope and pray something will change because Craig Burdine's life mattered and so do ALL LIVES!

SUBMIT = Submit

The form was processed by http://www.SnapHost.com/captcha/ on 22:33 Apr 24 2015 UTC

★ Home 47 Notifications ★ Messages	# Discover
✓ Everything #beheardohio	a ts for #beheardohio save
People	Top/All
Photos	OhioHomelandSecurity @Ohio_OHS · Mar 17
Videos	Kasich pushes group to find balance with community, police #beheardohio ow.ly/KqZ2f
News	♦ t3 ★ •••
Advanced Search	Blacklivescincy @blacklivescincy · Mar 9
✓ All people	With that, the last testimony was given by a woman "Whose cousin was murdered by Cincy PD" #BeHeardOhio #PacktheHouseUC #BlackLivesMatter
People you follow	长
✓ Everywhere	Blacklivescincy @blacklivescincy · Mar 9 "I want to thank you, but I will reserve that for when something is actually done" #BeHeardOhio #PackTheHouseUC
Near you	★ £7 ★ •••
Columbus Trends - Change	en e
#TheHobbit Promoted by Warner Bros.	Blacklivescincy @blacklivescincy Mar 9 "Senator Turner, I feel like you invited someone to dinner and told them what not to order to young people" #BeHeardOhio #PacktheHouseUC
#NationalPuppyDay #SelfiesForNash	♦ 13 ★ ···
Ted Cruz Wrestlemania #TheFosters	Blacklivescincy @blacklivescincy · Mar 9 " I'm here because #BiackLivesMatter my solution is undoing racism." #BeHeardOhlo #PacktheHouseUC
Xbox	♦ ₹ ★ •••
Spring Empire :	A AUGUSTA AND AND AND AND AND AND AND AND AND AN
Walmart	OHStudentAssociation @OHIOStudents - Mar 9 "We don't want advocates. We want to speak for ourselves." @ReignQueenJoh of our Dayton team at the Governor's task force #beheardOhio
	th t7 2 ★ 4 •••
Who to follow Refresh View all	
Lucy May �� @Lucy May Cincy × + Pollow	Blacklivescincy @blacklivescincy · Mar 9 "Recommendations without consequence to police officers who don't adhere to standards will produce the same result" #BeHeardOhio
COTS HIL @COTS HIL X Followed by Ohio Fire Marsh	♦ 13. ★ •••
Grand Ohio Tragint Streets La Follow	Ann Thompson @annthompsonwxu · Mar 9
Westerville Electric @Wvill X Followed by Westerville Poli	Task Force public hearing winding down. Panel will get recommendations to Gov @JohnKasich by end of April #beheardohlo
* Follow	4 t3 * ···
Popular accounts Find friends	Blacklivescincy @blacklivescincy • Mar 9 "Honor the executive order you have and value youth representation"
And the second s	#BeHeardOHio #PackTheHouseUC
© 2015 Twitter About Help Terms Privacy	4 t3 * ···
Cookies Ads info Brand Blog Status Apps Jobs Advertise Businesses Media Developers Cricket	Blacklivescincy @blacklivescincy · Mar 9 "Our problem in this city is the liquidation of Black wealth" #BeHeardOhio

#PackthehouseUC #BlackLivesMatter



Blacklivescincy @blacklivescincy · Mar 9

"We are a product of systems that failed up, and u are the system ... we don't want advocates, we want a seat" #BeHeardOhio #PackTheHouseUC



*



Blacklivescincy @blacklivescincy - Mar 9

"If we as leaders can get in the ear of the people really hurting" #BeHeardOhio #BlackLivesMatter #PackthehouseUC





Blacklivescincy @blacklivescincy · Mar 9

"I was arrested at 13 years old, with a gun in the 60s" #BeHeardOhio #Black Lives Matter #PackthehouseUC



£7





Blacklivescincy @blacklivescincy - Mar 9

The task force members seem a bit frustrated by the direct commentary of the young people #BeHeardOhio #PackTheHouseUC



£7





Blacklivescincy @blacklivescincy - Mar 9

"Agitation brings about change" #BlackLivesMatter #PackTheHouseUC #BeHeardOhlo



ዸቕ



Cherika @rikascastle___ · Mar 9

1st phone is dead. 2nd one on 3% 拳拳 #beheardOhio #PackTheHouseUC



包】





Blacklivescincy @blacklivescincy · Mar 9

"I need you to listen to these young people, young people keep agitating" #BeHeardOhlo #PackTheHouseUC



£7





Blacklivescincy @blacklivescincy · Mar 9

"When people lose confidence in systems, anarchy ensues" #PackthehouseUC #BeHeardOhio



ŧ₹





Blacklivescincy @blacklivescincy · Mar 9

"Other professions have mandatory yearly training, Ofcrs in OH do not have that requirement" #BeHeardOhio #PackTheHouseUC



£7

\$₹ 1



Blacklivescincy @blacklivescincy · Mar 9

"its important 4 young people to have a seat at the table because young lives r being lost" #BeHeardOhio #PackthehouseUC #BlackLivesMatter

4

ሲጌ 1

t 1



Blacklivescincy @blacklivescincy · Mar 9

"Im saying to the young people if u have a prob with this task force this is the wrong place" #BeHeardOhlo #BiackLivesMatter #PackthehouseUC



£

.



Blacklivescincy @blacklivescincy - Mar 9

"We are not the enemy" Sen Nina Turner #BeHeardOhio #BlackLivesMatter #PackTheHouseUC

◆

乜录

423

•



Blacklivescincy @blacklivescincy - Mar 9

"We are creating terrorist in these communities because of police behavior" #PackTheHouseUC #BlackLivesMatter #BeHeardOhio

4 4 *



Blacklivescincy @blacklivescincy - Mar 9
"Unless we lay down and lick the ground, they gonna still walk our spine"
#BeHeardOnfo #PackTheHouseUC #BlackLivesMatter

4 17 * ...



Cherika @rikascastle__ · Mar 9

We have to avoid the police. That should not be so as a person of color!!! #PackTheHouseUC #beheardohio #nojusticenopeace





Blacklivescincy @blacklivescincy · Mar 9

"There's a lack of respect from police officers in general" #BeHeardOhlo #BlackLivesMatter #PackTheHouseUC



七本 1



Cherika @rikascastle___ - Mar 9

Two people died that day!!! #justiceforjohncrawford #nojusticenopeace #beheardohio #PackTheHouseUC





Cherika @rikascastle__ - Mar 9

So the police officers left... I got questions??? #PackTheHouseUC #beheardohio



£3





Blacklivescincy @blacklivescincy · Mar 9

"Its not police responsibility to teach our kids to read" #BeHeardOhio #PackTheHouseUC



£7





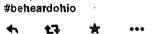
Cherika @rikascastle___ · Mar 9

Praise the Lord! Jesus Loves You!!! #PackTheHouseUC #beheardohio













J-LeeZy @JLeeZabeth · Mar 9 10/3/14 OSA #shutitdown in front of Beavercreek PD for 3 hours after Evers refused to meet our demands #nojusticenopeace #beheardohio







Cherika @rikascastle__ · Mar 9

We need collective work and responsibility!!! #kujichagulia #PackTheHouseUC #beheardohio





OHStudentAssociation @OHIOStudents · Mar 9

When a young person of color is the victim of police violence in Ohio, prosecutors magically turn into defense attorneys. #beheardohio



1 ₹ 7

★ 6

and the second s



J-LeeZy @JLeeZabeth · Mar 9

10/1/14-10/3/14 OSA & supporters occupied Beavercreek PD for 3 days, demanding a meeting with Chief of Police Dennis Evers #beheardohio





J-LeeZy @JLeeZabeth - Mar 9

9/24/14 Over 100 community members gathered in Dayton, creating a task force to end police violence #beheardohio



425



Blacklivescincy @blacklivescincy · Mer 9 "How can you ignore hundreds of years of racism?" #BeHeardOhio #PackTheHouseUC





Blacklivescincy @blacklivescincy · Mar 9

"Police are harassing and killing American citizens, where's the civilization?" #BeHeardOhio #PackTheHouseUC #BlackLivesMatter





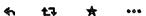
J-LeeZy @JLeeZabeth · Mar 9

9/24/14 Special Prosecutor Piepmier announced no indictment on Officer Williams #justiceforjohncrawford denied #beheardohio





Cherika @rikascastle___ · Mar 9
Killing Black Women...passengers...mentally ill... It has to stop!
#BlackLivesMatter #PackTheHouseUC #beheardohio





Blacklivescincy @blacklivescincy · Mar 9

"You say Cincinnati has gotten better? Cincinnati hasn't gotten better " #BeHeardOhio #PacktheHouseUC





Cherika @rikascastle__ · Mar 9

When hearts change the violence stops #PackTheHouseUC #beheardohio





OHStudentAssociation @OHIOStudents · Mar 9

Finally into public testimony at the governors task force on community police relations, not 1 person under 30 is on the panel. #beheardOhio





Blacklivescincy @blacklivescincy · Mar 9

Checking in at the wrap of the Ohio Task Force on Police Community Relations #BeHeardOhio #BlackLivesMatter #PacktheHouseUC

h £3-1 ∱1 •••



Cherika @rikascastle__ · Mar 9

Racial Profiling... Killing of Unarmed Black Men... Harassment of Black Business Man... Welcome to America #PackTheHouseUC #beheardohio

4 t31 * **



Cherika @rikascastle__ · Mar 9

"Racial Profiling: Causes and Consequences" -Dr.Ronnie Dunn I'll check it out #beheardohio #PackTheHouseUC

4 t3 * ...



Ann Thompson @annthompsonwxu · Mar 9

Speakers recommending improvements -better analysis of crime data, mental health protocol, overhaul criminal justice system #beheardohio

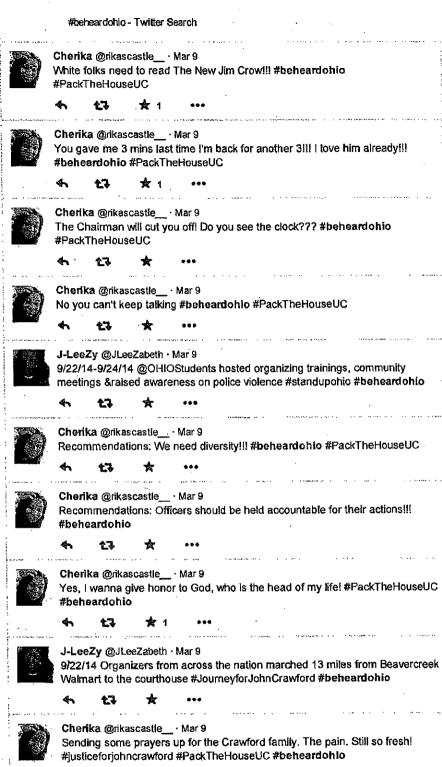
h t3 * **

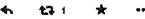


Cherika @rikascastle__ · Mar 9

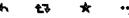
Recognize that you are prejudice and work on it!!! #beheardohio #PackTheHouseUC

如好食…





Cherika @rikascastle___ · Mar 9
They want civil unrest!!! #PackTheHouseUC #beheardohlo



Nina Turner @ninatumer · Mar 9

Hearing passionate words from John Crawford Jr telling his son John Crawford

Ill story to the OH Task Force. #beheardohio @JohnKasich

4 t3 x **



Cherika @rikascastle___ Mar 9
Shouldn't be about black and white, should be about right and wrong!
#JohnCrawford Jr. #justiceforjohncrawford #PackTheHouseUC #beheardohlo





OHStudentAssociation @OHiOStudents · Mar 9

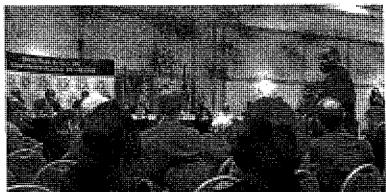
"It is 2015 and in some ways we're worse off than we were 400 yrs ago." The father of #JohnCrawford speaking at #BeheardOhio





Ann Thompson @annthompsonwxu · Mar 9

John Crawford II says he's still hurting -what he calls the "murder" of his son by Beavercreek Police #beheardohlo







Cherika @rikascastle__ Mar 9
When you kill, you can't change that. That's fact!!! #JohnCrawford
#beheardohio #PackTheHouseUC



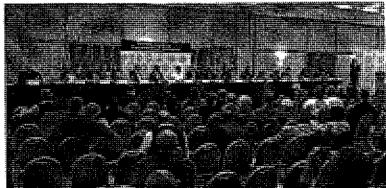


OHStudentAssociation @OHIOStudents · Mar 9
"Officer Sean Williams already killed someone. He has an appetite for killing & he hasn't been fired" father of #JohnCrawford #beheardohio

1 10 \$ 3 · · ·



Michael D Pitman @MDPitmanJournal · Mar 9
Ohio community-police task force in Cincinnati underway. #beheardohio



View photo



Cherika @rikascastle__ · Mar 9
Say it like it is!!! Why is the officer still an officer??? He Murdered my son!!!
#JohnCrawford #justiceforjohncrawford #beheardohio

◆ 位 次 1 · • •



OHStudentAssociation @OHIOStudents · Mar 9

Father of #JohnCrawford III at the Gov. Task force saying there are some fundamental questions that they seem unable to answer #beheardOhio







J-LeeZy @JLeeZabeth · Mar 9

The father of #JohnCrawford is speaking about the lack of value of life in the eyes of police officers #beheardohio







Cherika @rikascastle__ · Mar 9

Police officers need to value life!!! #beheardohio #justiceforjohncrawford #PackTheHouseUC







Cherika @rikascastle__ · Mar 9

Police officers don't just wake up just wanting to shoot folks...say what??? Yea that's a lie!!! #PackTheHouseUC #beheardohio







Cherika @rikascastle__ · Mar 9

Yes the fundamental things!!! Let's get to it-Police Brutality is the issue! #beheardohio #PackTheHouseUC



13





Ann Thompson @annthompsonwvxu · Mar 9

Father of John Crawford III, whose son was killed by Beavercreek Police, is the first speaker #beheardohio



13





OHStudentAssociation @OHIOStudents · Mar 9

Students here at the governor's task force on community police relations, 2.5 hrs in & no one from community has spoken yet #beheardohio



£3 7





J-LeeZy @JLeeZabeth · Mar 9

8/19/14 DeWine held a press conference releasing the tape to the Crawford family #beheardohio







J-LeeZy @JLeeZabeth · Mar 9

8/18/14 It took @OHIOStudents +allies ratiying outside DeWine's office for them to release the tapes of John Crawford's murder #beheardohlo





Ann Thompson @annthompsonwvxu · Mar 9

45 people signed up to speak at Ohio Task Force on Comm-Police Relations public forum #beheardohio





Cherika @rikascastle__ · Mar 9

Well it's time for our voices to be heard! #PackTheHouseUC #beheardohio The people are ready to speak!!!





J-LeeZy @JLeeZabeth · Mar 9

8/16/14 @OHIOStudents & allies did a silent march to Beavercreek PD demanding them to #releasethetape #justiceforjohncrawford #beheardohlo * t7 * •



J-LeeZy @JLeeZabeth · Mar 9 8/11/14-8/15/14 @OHIOStudents started to demand justice by holding a statewide vigil, honoring all the black lives lost #beheardohio

♠ €3 ★ ···



J-LeeZy @JLeeZabeth · Mar 9 8/7/14 @OHIOStudents did a power analysis & decided Mike DeWine was responsible for Crawford's death #justiceforjohncrawford #beheardohio

4 • • •



Jason G. Willis Ed.D @NKUChief · Mar 9

Can't have goal to build trust w/ community by itself. Must hire officers w/ dispositions who want to and have ability to do so #beheardohio



Ann Thompson @annthompsonwwxu · Mar 9
Task Force recess until 6:30 then public comments #beheardohio



Cherika @rikascastle__ · Mar 9

It's not enough to just show up for training, actually learn something.-Alphonso Gerhardstein #beheardonio #PackTheHouseUC

4 t3 A ...



J-LeeZy @JLeeZabeth - Mar 9

8/5/14 John Crawford killed by police in Beavercreek Walmart for picking up toy gun after false report of a threat caused panic #beheardohio

e 27 * ...



J-LeeZy @JLeeZabeth · Mar 9

7/14/14 Less than a month after John Crawford, Mike Brown, Eric Garner+others were killed, Ferguson erupts & movement expands #beheardonio

4 47 4 ...



J-LeeZy @JLeeŻabeth · Mar 9

7/14/14 Unjust arrests protesting police brutality & National Governors Association meeting #beheardohio

4n £3 \$...



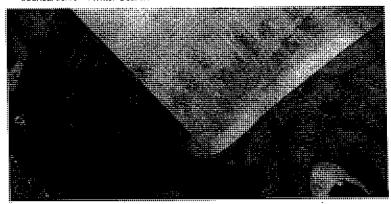
Ann Thompson @annthompsonwxu · Mar 9
Cin Police Lt Col Dave Bailey tells task force how use of force has been modified including Taser policy#beheardohio

4 tr * **



Cherika @rikascastle__ Mar 9
Currently listening. Public commentary starts soon. #beheardohio
#PackTheHouseUC

#beheardohio - Twitter Search



6 €31 / ★ ***

View photo



Ann Thompson @annthompsonwxxu Mar 9
According to Gerhardstein don't use police as a funding vehicle #beheardohio

. 43 at ••



Ann Thompson @annthompsonwvxu · Mar 9
At public forum Gerhardstein says Tasers should be policed very carefully #beheardohio

4 17 \$..

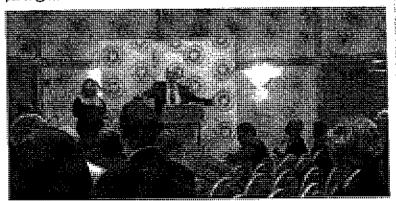


Ann Thompson @annthompsonwxu · Mar 9
Gerhardstein recommends transparency, says Cincinnati Police crime stats are online...tells nerds go at it #beheardohio

. 1구 🖈 👓



Ann Thompson @annthompsonwxu - Mar 9
Attorney Al Gerhardstein is detailing Cincinnati's Collaborative Agreement to panel @ forum #beheardohio



47.2 大1 ***

View photo



Ann Thompson @annthompsonwxu · Mar 9 .@DAMON3RD asks how can we fix accountability of system? McCarthy says not sure we should have elected officials as prosecutors #beheardohio

4 13 * **



Michael D Pitman @MDPitmanJoumal - Mar 9 "
"In a macho society in police, I think we don't know how to handle being scared." Chicago Police Superintendent Garry McCarthy #beheardohlo

. 好 * "



Nina Turner @ninatumer - Mar 9
The Ohio Task Force on Community Policing is @uofcincy right now. Make your voice heard! #beheardohio

◆ t3 14 ★6 ·



Ann Thompson @annthompsonwxu · Mar 9
Community policing needs a structure just like a business model says McCarthy #beheardohio

. £31 ★1 •



Ann Thompson @annthompsonwxu · Mar 9 .@Chicago_Police Sup. McCarthy says Good crime data leads to stopping the right person at the right time #beheardohlo

h **t**] 1 ★ •

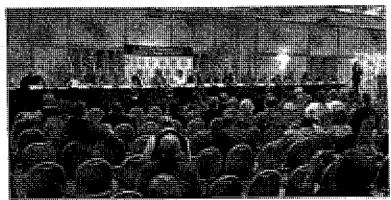


Michael D Pitman @MDPitmanJournal · Mar 9
"We can do a lot better. We can do a heck of a lot better." Chicago Police
Superintendent Garry McCarthy #beheardohio

h t3 * "



Michael D Pitman @MDPitmanJournal Mar 9
Ohio community-police task force in Cincinnati underway. #beheardohio



View photo



Ann Thompson @annthompsonwxxu · Mar 9
.@PrezOno offering seed money to @uofcincy researchers."universities ought to be where these types of discussions take place" #beheardohio

h t32 🛪 •

t7 1



Ann Thompson @annthompsonwvxu · Mar 9
Getting ready to start OH Task Force on Comm-Police Relations public forum
@uofcincy#beheardohio



← 131 ★ ***

View photo



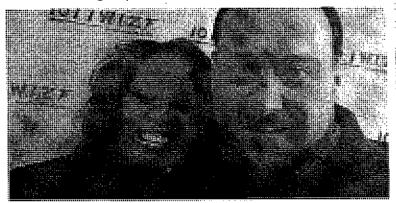
101.1 The Wiz @wiznationcincy · Mar 9
RP @aliciareece @wiznationcincy w/ @Dj_Skillz talking about Gov
Community/ Police Taskforce. Listen during the "Drive At 5". #beheardohio

\ 13 ★ ••

View conversation



alicia reece @aliciareece Mar 9 @wiznationcincy w/Dj skill talking about Gov Community/ Police Taskforce. Listen to interview @5:20pm. #beheardohio



View phote



Michael D Pitman @MDPitmanJournal - Mar 9 V
I'll be covering and tweeting from tonight's community-police task force forum in Cincinnati. #beheardohlo

有 好 2 大 2 **



Cherika @rikascastle___ Mar 9
Standing in solidarity with @OU_Unheard today and other's like them. Do work, and fight! #powermoves #PackTheHouseUC #beheardohlo

也 131 人 1 · · ·



Cherika @rikascastle__ · Mar 9

John Crawford killed by police in Beavercreek Walmart for picking up toy gun after false report of a threat caused panic #beheardohio

h t3 ★ **



FBK @FBKwrites · Mar 9
·@FOX19AmyW @UofCincinnati @ninaturner #beheardohio
drewmar.org/kasich-police-...

4 13 1 x 1 **

#beheardohio - Twitter Search



Jennifer Baker @jbakerohio · Mar 9 Here's who is speaking at @JohnKasich police-community relations forum at @UofCincinnati;

#beheardohio @Amy_Murray bit.ly/1wITPKB





FOX19 @FOX19 · Mar 9

Here's who is speaking at @JohnKasich police-community relations forum at @UofCincinnati:

#beheardohio @Amy_Murray bit.ly/1wiTPKB

k. 47. ★ ••

View summary



donald nguyen @donaldnguyen5 · Mar 9

Madison Police Chief did right by visiting shot black teen's family immediately irrespective of whose fauit! #blacklivesmatter #BeHeardOhlo



全县

女 1 • •



Ally Kraemer @AllyKraemerWCPO · Mar 9

The forum is at the Kingsgate Marriott on UC's campus from 4:30-8:30. All are welcome, follow along using #beheardohio @WCPO



£7.





Ally Kraemer @AllyKraemerWCPO · Mar 9

A community forum to discuss police & community relationships is set for tonight at UC, #beheardohio bit.ly/1MmvIPi @WCPO

State Senator Thomas @Thomas4Ohio · Mar 8 Don't forget tomorrow, the Ohio Police Community Relations Task Force Forum will meet in Cincinnati. #beheardohio facebook.com/events/1072214.... FBK @FBKwrites · Mar 8 drewmar.org/kasich-police-... #beheardohio FBK @FBKwrites · Mar 8 #beheardohio drewmar.org/kasich-police-... 彙 Ohio Senate Dems @OhioSenateDems · Mar 7 The next Ohio Police Community Relations Task Force Forum will take place on Monday @uofcincy. #beheardohio ow.ly/K2do9 alicia reece @aliciareece · Mar 6 @donjuanfasho @wiznationcincy thanks for spread the word! #beheardohio alicia reece @aliciareece - Mar 6 @wiznationcincy thanks for spreading the word! #beheardohio View conversation State Senator Thomas @Thomas4Ohio · Mar 3 The next Ohio Police Community Relations Task Force Forum will take place in Cincy on 3/9. Pls attend & #beheardohlo facebook.com/events/1072214.... Ohio State Patrol @OSHP - Mar 2 This week's News in :90 features #beheardohio, Severe Weather Awareness Week and #K9Chloe. Video at ow.iy/JP2fz OHinvestigativeUnit @Ohio_OIU · Mar 2 This week's News in :90 features #beheardohio, Severe Weather Awareness Week and #K9Chloe, Video at ow.ly/JP2fv **t**3 1 OhioHomelandSecurity @Ohio_OHS - Mar 2 This week's News in :90 features #beheardohio, Severe Weather Awareness Week and #K9Chloe. Video at ow.ly/JP2fq Anti-HTCoordinator @OhioAntiHTrfk · Mar 2 This week's News in :90 features #beheardohlo, Severe Weather Awareness Week and #K9Chloe, Video at ow.ly/JP2fk

OHCrimJusticeSvcs @Ohio_OCJS · Mar 2

This week's News in :90 features #beheardohio, Severe Weather Awareness Week and #K9Chloe. Video at ow.ly/JP2d2



OhioEmergMedServices @Ohio_EMS · Mar 2

This week's News in :90 features #beheardohio, Severe Weather Awareness Week and #K9Chloe. Video at ow.ly/JP2cU



Ohio_EMA @Ohio_EMA · Mar 2

This week's News in :90 features #beheardohio, Severe Weather Awareness Week and #K9Chloe. Video at ow.ly/JP2cL



OHBureauMotorVehicle @Ohio_BMV - Mar 2

This week's News in :90 features #beheardohio, Severe Weather Awareness Week and #K9Chloe. Video at ow.ly/JP2cF







Motorcycle Ohio @MotorcycleOhio · Mar 2

This week's News in :90 features #beheardohio, Severe Weather Awareness Week and #K9Chloe. Video at ow.ly/JP241



ŧ٠





Cliff Hite @Cliff_Hite - Feb 27

Joined @JohnKasich's Community-Police Relations Task Force @UToledo last night. Always seeking feedback #BeHeardOhio bit.ly/1DyPhzJ

• \$4 \$



Cliff Hite @Cliff_Hite · Feb 27

Joined @JohnKasich's Community-Police Relations Task Force @UToledo last night. Always seeking feedback #BeHeardOhio bit.ly/1DyPhzJ

應图 Toledo News Now

Police and community relations task force meets in Toledo to get the... By Toledo News Now @ToledoNewsNow

Members of the task force represent law enforcement, ministries, elected officials and community leaders. Thursday night's meeting in Toledo is the third of four statewide forums.

View on web

ቁ **ኒ**ን 1 ጵ 2 👓



Anita Madison @armadison · Feb 26

What an awesome opportunity to speak at the Governors Task Force Forum #BeHeardOhio





George Kral @gkraltoledo · Feb 26

I was honored to be able to address the Ohio Task Force on Community -Police relations tonight. #BeHeardOhio



View photo



John C. Jones @RevJohnC - Feb 26

Dynamic testimony from a young man (Justin) at this task force on community-police relations. #BeHeardOhio #CHOOSEwisely

4 t3 \$...

* 4

1. 2



Nina Turner @ninatumer · Feb 26 I'm @UToledo for 3rd Oh Task Force on Community-Police Relations. Doing the people's work. Get involved #BeHeardOhio



OhioHomelandSecurity @Ohio_OHS - Feb 26 Public invited to attend Toledo forum discussing Ohio's police-community relations ow.ly/JGPFC #beheardohio

NBC 24



Public invited to attend Toledo forum discussing Ohio's police-comm... A group looking into police and community relations in Ohio plans to meet with residents of the Toledo-area community.

View on web



OHCrimJusticeSvcs @Ohio OCJS · Feb 26

Public invited to attend Toledo forum discussing Ohio's police-community relations ow.ly/JGPpZ #beheardohio

仓认

View summary



OhioHomelandSecurity @Ohio_OHS · Feb 26

TODAY - Ohio Task Force on Community-Police Relations public forum at Univ. of Toledo's Scott Park Aud. ow.ly/JGA0Q #beheardohio

t₹

OHCrimJusticeSvcs @Ohio_OCJS · Feb 26

TODAY - Ohio Task Force on Community-Police Relations public forum at Univ. of Toledo's Scott Park Aud. ow.ly/JGzXg #beheardohio

t 1



donald nguyen @donaldnguyen5 · Feb 22

.@donnabrazile We have been marching in Beavercreek OH for Selma, for #johncrawford #BlackLivesMatter #Oscars #BeHeardOhio

27

View conversation



donald nguyen @donaldnguyen5 · Feb 10

Media has to stop saying #JohnCrawford was shot cuz he didn't put toy gun down. Only 0.36 sec between police order and shot! #BeHeardOhio

全3 1



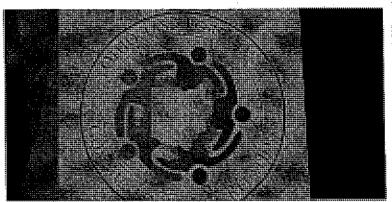
donald nguyen @donaldnguyen5 · Feb 10

Central State U. profs black son stopped by police 7 times in 1 night driving in town in his mom's Jaguar. #BeHeardOhio #blacklivesmatter

← t3 ★ **



donald nguyen @donaldnguyen5 · Feb 10
So many passionate stories on community-police relations #beheardohio. 4 starters, hire diverse/non racist officers?



View photo



Justin Hundley @Redbengais · Feb 10 Stop acting like thugs #beheardohio

` t3 ★1 **



ActivistAnnie @AnarchistAnnie · Feb 9
Also one aware of his own implicit biases. No racism in trials or cases in Columbus in past 20 years? Please. #beheardohio

· 43 🛊 •



ActivistAnnie @AnarchistAnnie · Feb 9

Next time pick a lawyer who knows the names #TamirRice & #JohnCrawford to speak at a task force started because of their deaths.#beheardohio

♦ €3 ★ ***



Analog Music CompanY @AnalogMusicComp · Feb 9 #beheardohio first, listen. Be open to change. Make community positive engagement, trust, n economic education opportunity. Watch resilience

h th ★ ••



Beairshelle Edmé @BeairshelleWDTN · Feb 9
Citizens gather @CentralState87 for "community-police relations" task force
On @WDTN #beheardOhio is it working?



View photo

#beheardohio - Twitter Search



Cynthia J. Hammond @CSUPrezHammond · Feb 9 Glad to host the state-wide forum on community-police relations. #centralstateuniversity #beheardohio



Edwina B. Clark @EBlackC · Feb 9 @CentralState87 to hear the community talk about police-community relations. #beheardohio.

4 t31 \$ ***



Ohio-HomelandSecurity @Ohio_OHS · Feb 9
State task force on community-police relations to meet at Central State Univ.
Tonight #beheardohio ow.fy/IJf0y

♦ €31 ★ ***

ee.is

OHCrimJusticeSvcs @Ohio_OCJS · Feb 9
State task force on community-police relations to meet at Central State Univ.
Tonight #beheardohio ow.ly/lJl0y

4 13 1 ...



OhioHomelandSecurity @Ohio_OHS · Feb 5
Ohio Task Force on Community-Police Relations to hold public forum at @CentralState87 Feb. 9 at 4:30pm #beheardohio

WE WANT TO HEAR FROM YOU



Voice your input by using #beheardohio

h 231 A ***

View photo

GR.IS

OHCrimJusticeSvcs @Ohio_OCJS · Feb 5
Ohio Task Force on Community-Police Relations to hold public forum at @CentralState87 Feb. 9 at 4:30pm #beheardohio

WE WANT TO HEAR FROM YOU



Voice your input by using **#beheardohio**

View phot

26.JS

OHCrimJusticeSvcs @Ohio_OCJS · Feb 2

Ohio Task Force on Community-Police Relations to hold public forum at @CentralState87 Feb. 9 at 4:30pm #beheardohio

WE WANT TO HEAR FROM YOU



Voice your input by using #beheardohio

View photo



OhioHomelandSecurity @Ohio_OHS · Feb 2
Ohio Task Force on Community-Police Relations to hold public forum at @CentralState87 Feb. 9 at 4:30pm #beheardohio

We want to hear from you



Voice your input by using #beheardohio

View photo



Zach @zschreck · Jan 28
It's always a delight to speak with @ninaturner! #BeHeardOhio

. 23. 💠



OhioHomelandSecurity @Ohio_OHS - Jan 28
The Ohio Task Force on Community-Police Relations wants to hear from you at one of these public forums, ow.ly/l6RpC #beheardohio

4 231 *



OHCrimJusticeSvcs @Ohio_OCJS - Jan 28

The Ohio Task Force on Community-Police Relations wants to hear from you at one of these public forums. ow.ly/I6Rpx#beheardohio

4 t3 * ...



Ohio State Patrol @OSHP Jan 27
This week's News in :90 features @cle_state public forum #beheardohio & @Ohio_BMV investigators combat fraud ow.ly/11Tnw

44 £31 🖈 ili ***





OhioHomelandSecurity @Ohio_OHS - Jan 27

This week's News in :90 features @cle_state public forum #beheardohio & @Ohio_BMV investigators combat fraud ow.ly/l1Tnp





Anti-HTCoordinator @OhioAntiHTrfk · Jan 27
This week's News in :90 features @cle_state public forum #beheardohio & @Ohio_BMV investigators combat fraud ow.ly/l1Tnl

OHCrimJusticeSvcs @Ohio_OCJS · Jan 27

This week's News in :90 features @cle_state public forum #beheardohio & @Ohio_BMV investigators combat fraud ow.ly/l1Tj8

OhioEmergMedServices @Ohio_EMS · Jan 27 This week's News in :90 features @cle_state public forum #beheardohlo & @Ohio_BMV investigators combat fraud ow.ly/I1Tj3

4 t3 \$ ***



Ohio_EMA @Ohio_EMA · Jan 27

This week's News in :90 features @cle_state public forum #beheardohio & @Ohio_BMV investigators combat fraud ow.ly/i1TiY

.....

OHBureauMotorVehicle @Ohio_BMV · Jan 27

This week's News in :90 features @cle_state public forum #beheardohio & @Ohio_BMV investigators combat fraud ow.ly/I1TiT

* £3 * ...



Motorcycle Ohio @MotorcycleOhio · Jan 27
This week's News In :90 features @cle_state public forum #beheardohio & @Ohio_BMV investigators combat fraud ow.ly/l1TiE



OhloHomelandSecurity @Ohio_OHS · Jan 21
Police urged to directly engage minority communities #beheardohio-limaohio.com ow.fy/HGMzl

• **£**₹1 🕏

OHCrimJusticeSvcs @Ohio_OCJS - Jan 21
Police urged to directly engage minority cor

Police urged to directly engage minority communities #beheardohio - fimaohio.com ow.ly/HGMzj

♠ t31 ★ ••

OhioHomelandSecurity @Ohio_OHS · Jan 21
Ohio Task Force on Community-Police Relations meets for the 1st time at Cleveland State - #beheardohio ow.ly/HGLTz



OhioHomelandSecurity @Ohio_OHS - Jan 21

If you were unable to attend last night's public forum in Cleve - Voice your input using #beheardohio



View photo

OHCrimJusticeSvcs @Ohio_OCJS - Jan 21

If you were unable to attend last night's public forum in Cleve - Voice your input using #beheardohio



OHCrlmJusticeSvcs @Ohio_OCJS - Jan 21

Ohio Task Force on Community-Police Relations meets for the 1st time at Cleveland State - #beheardohio ow.ly/HGLTy

OhioHomelandSecurity @Ohio_OHS - Jan 21 Five takeaways from task force forum on police and community relations #beheardohio | cleveland.com ow.ly/HGlgW View summary -OHCrimJusticeSvcs @Ohio_OCJS - Jan 21 Five takeaways from task force forum on police and community relations #beheardohio cieveland.com ow.ly/HGlgS View summary 全 1 OhioHomelandSecurity @Ohio_OHS · Jan 21 RT @imcdonaldonfop: Onio task force on community/police relations is soliciting comment at #beheardohio £3 OHCrimJusticeSvcs @Ohio_OCJS - Jan 21 RT @jmcdonaldohfop: Ohio task force on community/police relations is soliciting comment at #beheardohio ሲኔ

OhioHomelandSecurity @Ohio_OHS · Jan 21

OhioHomelandSecurity @Ohio_OHS · Jan 21

OHCrimJusticeSvcs @Ohio_OCJS - Jan 21

*

VIDEO - Governor commissioned task force tackles community-police relations - #beheardohio ow.ly/HGLhK

RT @ninaturner: The Ohio Task Force on Community & Police Relations first meeting @CSU. This is a beginning, much work to do #beheardohio

RT @ninaturner: The Ohio Task Force on Community & Police Relations first meeting @CSU, This is a beginning, much work to do #beheardohio

~ £3 ★ ·

View summary

OHCrlmJusticeSvcs @Ohio_OCJS · Jan 21

VIDEO - Governor commissioned task force tackles community-police relations - #beheardohio ow.ly/HGLhl

View summary



Jay McDonald @jmcdonaldohfop · Jan 20 Ohio task force on community/police relations is soliciting comment at #beheardohlo

4 23 4



Nina Turner @ninatumer · Jan 20

The Ohio Task Force on Community & Police Relations first meeting @CSU. This is a beginning, much work to do #beheardohio

£₹ 14 ★ 15

Back to top †

Ohio Office of Criminal Justice Services Edit Page

News Feed

Insights

Messages

Events

APPS

Photos

Notes

PAGES

Pages Feed

Like Pages

Create Page

ceus

Search for people, places and things

Ohio Office of Criminal Justice Services

March 17 ·

Kasich pushes group to find balance with community, police #beheardohio http://ow.ly/KqZ2f

33 people reached

Boost Post

Like · Comment · Share · Hootlet



Ohio Office of Criminal Justice Services

February 20 ·

The Ohio Task Force on Community-Police Relations will hold its 3rd public forum on Feb 26 at the University of Toledo's Scott Park Auditorium from 4:30 - 8:30 pm. More info at http://ow.ly/JkchW#beheardohio

WE WANT TO HEAR FROM YOU



Voice your input by using #beheardohio

21 people reached

Boost Post

Like · Comment · Share · Hootlet



Ohio Office of Criminal Justice Services February 19 ·

The Ohio Task Force on Community-Police Relations will hold its 3rd public forum on Feb 26 at the University of Toledo's Scott Park Auditorium from 4:30 - 8:30 pm. More info at http://ow.ly/JkchW#beheardohio

isk Forc inity-Po

OCJS.OHIO.GOV

16 people reached

Boost Post

TRENDING

Ohlo Office of Criminal Justi...

English (US) · Privacy · Terms · Cookies · More Facebook © 2015

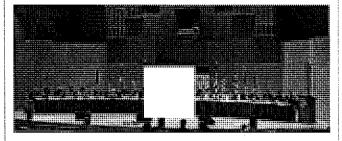
You posted about this.



Ohio Emergency Medical Services

January 27 ·

This week's News in :90 features: The Ohio Task Force on Community-Police Relations holds first of several public forums - Voice your input by using #beheardohio and BMV Investigations Section Working to Combat Identity Fraud



01:40

146 Views

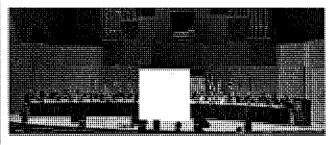
Like · Comment · Share · Hootlet



Ohio Office of Criminal Justice Services

January 27 ·

This week's News in :90 features: The Ohio Task Force on Community-Police Relations holds first of several public forums - Voice your input by using #beheardohio and BMV Investigations Section Working to Combat Identity Fraud



01:40

94 people reached

Boost Post

28 Views

Like · Comment · Share · Hootlet ·

. ,



Ohio Office of Criminal Justice Services

February 9 ·

State task force on community-police relations to meet at Central State Univ. Tonight #beheardohio http://ow.ly/IJI0y



State task force focuses on community-police relations

DAYTONDAILYNEWS.COM

36 people reached

Boost Post

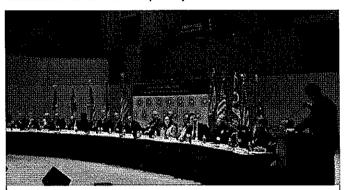
Like · Comment · Share · Hootlet



Ohio Office of Criminal Justice Services

January 21 -

Five takeaways from task force forum on police and community relations #beheardohio cleveland.com http://ow.ly/HGI9F



Five takeaways from task force forum on police and community relations

A new task force seeking to improve relations between Ohio communities and... CLEVELAND.COM

47 people reached

Boost Post

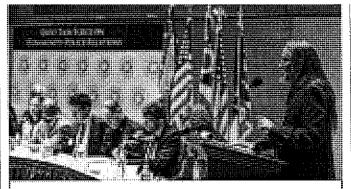
Like · Comment · Share · Hootlet ·



Ohio Office of Criminal Justice Services

January 21 ·

Police urged to directly engage minority communities #beheardohio - limaohio.com http://ow.ly/HGMil



Prilice unged to directly engage minority exemutarities = CLESTLASS per — Poles reaches and the a consideration directly engage...
LineCent. Con. | Reference Gallery Addition of these

35 people reached

Boost Post

Like · Comment · Share · Hootlet ·



Ohio Office of Criminal Justice Services January 21 ·

Ohio Task Force on Community-Police Relations meets for the 1st time at



Ohio Tank Force on Community-Police Relations mosts for the first time...

The Chie Test Perse on Community Police Patietists duties the first time... HERRING LODGE | GY.JOHN HOUSE, BARTEN BURGURON

32 people reached

Boost Post

Like · Comment · Share · Hootlet ·



Ohio Office of Criminal Justice Services

January 28 ·

The Ohio Task Force on Community-Police Relations wants to hear from you at one of these public forums. #beheardohio



00:31

224 people reached

Boost Post

54 Views

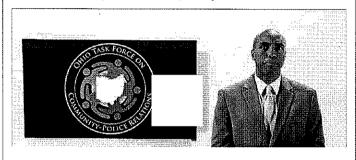
Like · Comment · Share · Hootlet ·



Ohio Bureau of Motor Vehicles

January 28 ·

The Ohio Task Force on Community-Police Relations wants to hear from you at one of these public forums. http://ow.ly/l6R8t #beheardohio



00:31

138 Views

Like · Comment · Share · Hootlet ·

Like Page



Central State University

February 9 ·

Reminder:

Who: The Ohio Task Force on Community-Police Relations

What: Public Forum... See More

Like · Comment · Share · Hootlet · 6



Annie Blanchard John Crawford Black Lives Matter Changing Policing Event Group

February 9 ·

Channel 22's take on tonight's panel discussion and the comments of over 25 people's 3 minutes of commenting. You can comment to the Task Force on Twitter, Facebook or Instagram using #beheardohio or on the task force website http://www.ocjs.ohio.gov/otfcpr/comments.html

Police Relations Panel to Hold Forum in Wilberforce - WKEF-TV ABC 22 News :: News - Top Stories

WILBERFORCE AP -- A state panel exploring the relationship between police...
ABG22NOW.COM | BY SINCLAIR BROADCAST GROUP

.

Like · Share · Hootlet ·



Like · Comment · Share



DrewMar March 8 at 7:02pm · Like Page

#beheardohio

http://drewmar.org/kasich-police-community-relations-task-.../



Ohio Office of Criminal Justice Services and Ohio Homeland Security posted about this.



Ohio Office of Criminal Justice Services February 26 at 11:22am

TODAY - Ohio Task Force on Community-Police Relations public forum at Univ. of Toledo's Scott Park Aud. http://ow.ly/JGzXg #beheardohio

WE WANT TO HEAR FROM YOU



Voice your input by using #beheardohio

71 people reached

Boost Post

Like · Comment · Share



Dps Comm Edit Profile

News Feed

Messages

Events

Photos

(C) Ohio Homeland Se...

Saved

Find Friends

PAGES

- Ohio Bureau of M... 20+
- on Ohio Office of Crimi... 5
- Programme Control of the Control of
- ee Ohio Emergency ... 20+
- i⊗ Ohio Department ... 20+
- Ohio Investigative ...
- Onio Human Traffi... 20+
- Office Figure 1 reas... 2
- Ohio Emergency ... 20+
- Motorcycle Ohio
- 🥰 OH Weather Aware... 14

Pages Feed

Like Pages

Create Ad

Create Page

APP\$

Games



instagram feed tab...
Games Feed

FRIENDS

Close Friends

Hilliard, Ohio Area

Acquaintances

INTERESTS

Pages and Public ...

DEVELOPER

Manage Apps

Insights

GROUPS

Create Group

Find New Groups

EVENTS

Create Event



Ohio Office of Criminal Justice Services
February 9 ·

State task force on community-police relations to meet at Central State Univ. Tonight #beheardohio http://ow.ly/IJl0y



State task force focuses on community-police relations

None

DAYTONDA;LYNEWS,COM

36 people reached

Boost Post

Like · Comment · Share

ecris

THE JUICE FM 107.3

Like Page

February 26 at 9:28am

MPORTANT: The Ohio Task Force on Police-C

IMPORTANT: The Ohio Task Force on Police-Community Relations will hold a public meeting for input TODAY, 4:30pm -8:30pm, Univ. of Toledo's Scott Park Auditorium, (Nebraska & Parkside) Are you concerned about the relationship between the community and law enforcement? Make your voices heard!

According to the Ohlo Dept. of Public Safety:

"Gov. John R. Kasich announced the Ohio Task Force on Community-Police Relations in December after a series of incidents in Ohio and around t... See More

isk Forc inity-Po

www.ocjs.ohio.gov

Public Fortim - Kingsgate Marriott Conference Center Ballroom at the University of Cincinnati 151 Goodman Drive, Cincinnati, OH 45219

OCJS,OHIO,GOV

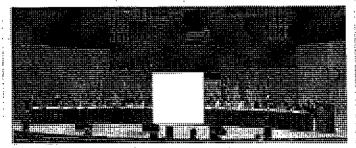
Like Comment Share

A EA

Ohio Emergency Medical Services

Like Page

This week's News in :90 features: The Ohio Task Force on Community-Police Relations holds first of several public forums - Voice your input by using #beheardohio and BMV Investigations Section Working to Combat Identity Fraud



01:40

520 people reached

Boost Post

146 Views

Like · Comment · Share



Miami Valley NORML March 14 at 10:24am · Edited · Like Page

To submit comments to the Ohio Task Force on Community Police Relations, written comments can be submitted via link below http://ocjs.ohio.gov/otfcpr/comments.html

or malled to

Ohio Dept. of Public Safety

Office of Criminal Justice Services/OTFCPR

P.O. Box 182081

Columbus, Ohio 43218-2081

or videos presentations via You Tube using #BEHEARDOHIO

The main site for the Task force is http://ocjs.ohio.gov/otfcpr/index.html

Like · Comment · Share



Ohio State Highway Patroi

March 2 at 10:14am -

This week's News in :90 features the Ohio Task Force on Community Police Relations, (Remember to use #beheardohio to voice your feedback) Severe Weather Awareness Week and #K9Chloe.



01:40

29,120 people reached

Boost Post

7,600 Views

Like · Comment · Share ·

90 3



Ohlo Homeland Security
February 19

The Ohio Task Force on Community-Police Relations will hold its 3rd public forum on Feb 26 at the University of Toledo's Scott Park Auditorium from 4:30 - 8:30 pm. More info at http://ow.ly/JkchW#beheardohio

isk Forc inity-Po

OCJS,OHIO,GOV

ow.ly

161 people reached

Boost Post

Ohio Office of Criminal Justice Services February 2 -

The Ohio Task Force on Community-Police Relations will hold a public forum on Monday, February 9, 2015, 4:30 p.m. - 8:30 p.m. in the Paul Robeson Cultural & Performing Arts Center at Central State

Those who cannot attend may voice their feedback on social media using #beheardohio

WE WANT TO HEAR FROM YOU



TRENDING

Voice your input by using #beheardohio

473 people reached

Boost Post

Like - Comment - Share -

See 2 more posts



Ohio Bureau of Motor Vehicles January 28 ·

The Ohio Task Force on Community-Police Relations wants to hear from you at one of these public forums. http://ow.ly/l6R8t #beheardohio





Find Friends







SPONSORED

Create Ad

00:31

Boast Post

138 Views



Central State University February 9 ·

Like Page

Reminder:

Who: The Ohio Task Force on Community-Police Relations

What: Public Forum... See More

Like · Comment · Share ·



Annie Blanchard John Crawford Black Lives Matter Changing Policing Event Group February 9

Channel 22's take on tonight's panel discussion and the comments of over 25 people's 3 minutes of commenting. You can comment to the Task Force on Twitter, Facebook or Instagram using #beheardohio or on the task force website http://www.ocjs.ohio.gov/otfcpr/comments.html



Talk to a pharmacist today, www.walgreens.com Test strips, Glucose, Insulin, There's a lot that goes into controlling diabetes, Luckily....



The Assaudence Mireconstruction than CLICK TO LEARN MORE.



Adena Bone & Joint.
adena.org
We treat arthritis, injuries and joint pain.
Call us now to schedule an appointment.

English (US) · Privacy · Terms · Cookies · Advertising · More Facebook @ 2015

Chat (1)

Police Relations Panel to Hold Forum in Wilberforce - WKEF-TV ABC 22 News :: News - Top Stories

WILBERFORCE AP -- A state panel exploring the relationship between police officers and the communiti

ABC22NOW.COM | BY SINCLAIR BROADCAST GROUP

Like · Share ·

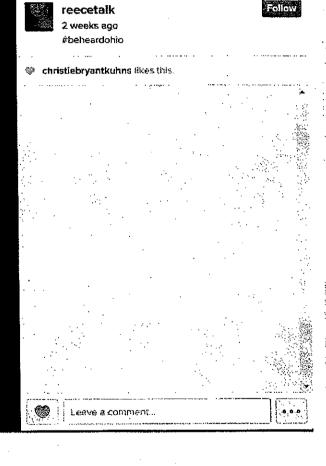
Loading more results...

OHIO STATE REPRESENTATIVE ALICIA REECE INVITES YOU

The Governor's Community-Police Taskforce meeting to hear your thoughts for justice reform in Ohio



This Monday, March 9th @ UC Marriott 151 Goodman Drive, Cincinnati, OH 45219





WE WANT TO HEAR FROM YOU



If you were unable to attend last night's public forum in Cleveland, voice your input using #beheardohio



ohiodps

2 months ago

If you were unable to attend last night's public forum in Cleveland, voice your input using #beheardôhio

gradygunter, dieseldipper101, blackops327 and 14 others like this

Leave a comment.

. . .



State of Misconsin 2013 - 2014 LEGISLATURE



2013 ASSEMBLY BILL 409

October 4, 2013 – Introduced by Representatives Bies, C. Taylor, Berceau, Goyke, Kahl, Kessler and T. Larson, cosponsored by Senators L. Taylor, Lehman and Risser. Referred to Committee on Judiciary.

AN ACT to create 15.07 (1) (a) 6., 15.07 (3) (bm) 7., 15.255 (1m) and 165.855 of the statutes; relating to: investigation of deaths involving a law enforcement officer.

Analysis by the Legislative Reference Bureau

This bill requires each law enforcement agency to have a written policy, subject to the approval of the law enforcement standards board, regarding the handling of deaths involving a law enforcement officer. The policy must require a team of investigators consisting of three individuals, two of whom must be from an agency that does not employ an officer involved in the death being investigated, to prepare a report and provide it to the district attorney of the county in which the death occurred. The district attorney must give the report to the board for the review of officer-involved deaths, which this bill creates and attaches to the Department of Justice. The board must review the report to ensure it addresses all aspects of the death and may request further information from the investigative team. The board may then submit recommendations to the district attorney and may forward the report to any person responsible for the discipline of a law enforcement officer involved in the death.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1	SECTION 1. 15.07 (1) (a) 6. of the statutes is created to read:
2	15.07 (1) (a) 6. The members of the board for review of officer-involved deaths
3	shall be appointed as provided in s. 15.255 (1m) (b).
4	SECTION 2. 15.07 (3) (bm) 7. of the statutes is created to read:
5	15.07 (3) (bm) 7. The board for review of officer-involved deaths shall meet as
6	necessary to perform its duties under s. 165.855 (5).
7	SECTION 3. 15.255 (1m) of the statutes is created to read:
8	15.255 (1m) Board for review of officer-involved deaths. (a) There is
9	created a board for review of officer-involved deaths that is attached to the
10	department of justice under s. 15.03. The board shall be composed of 5 members as
11	follows:
12	1. One retired or reserve judge.
13	2. A former sheriff, chief of police, chief deputy sheriff, or chief deputy chief of
14	police.
15	3. An assistant attorney general.
16	4. A professor or researcher affiliated with a Wisconsin university or college
17	who has expertise in the field of criminal law or criminal justice.
18	5. A former district attorney or assistant district attorney who served in that
19	capacity for at least 10 years.
20	(b) The members of the board under par. (a) shall be appointed by the attorney
21	general for staggered 4-year terms.
22	SECTION 4. 165.855 of the statutes is created to read:
23	165.855 Review of deaths involving officers. (1) Each law enforcement
24	agency shall have a written policy regarding the handling of deaths involving a law

- enforcement officer employed by the agency. Each policy is subject to the review and approval of the law enforcement standards board.
- (2) (a) Each policy under sub. (1) must require a team of investigators consisting of at least 3 individuals, including individuals from at least 2 different agencies that do not employ a law enforcement officer involved in the death being investigated.
- (b) If the death being investigated is traffic related, the policy under sub. (1) must require the investigative team to use a crash reconstruction unit from an agency that does not employ a law enforcement officer involved in the death being investigated. The policy shall give preference to using a unit from the state traffic patrol.
- (c) Each policy under sub. (1) may allow an internal investigation into the death if the internal investigation does not interfere with the duties under this section of the team of investigators under par. (a).
- (d) Each policy under sub. (1) must require any officer involved in the death to submit a blood sample. No person may perform any analysis or test on the blood sample without either the permission of the officer who submitted the sample or a search warrant. At the conclusion of the investigation of the death, the sample may be destroyed if a court approves.
- (3) Compensation for participation on a team under sub. (2) (a) shall be determined in a manner consistent with mutual aid agreements under s. 175.46.
- (4) (a) A team created under sub. (2) (a) shall consult and report to the district attorney of the county in which the death occurred. Except as provided in this subsection, the team shall keep confidential any material and information related to the death and the investigation.

(b) When the report under par. (a) is complete the district attorney shall rel	lease
the report to the board for the review of officer-involved deaths.	

- (c) A team created under sub. (2) (a) shall respond to requests under sub. (5) from the board for the review of officer-involved deaths unless the district attorney restricts the team from a response due to a court order or because a response could jeopardize the prosecution or investigation of an open case.
- (5) (a) When the board for the review of officer-involved deaths receives a report under sub. (4) (b), it shall review the report and evidence to determine if it addresses all aspects of the death. The board for the review of officer-involved deaths may request more information, clarification, or testimony from the investigative team that prepared the report.
- (b) When the board for the review of officer-involved deaths finishes its review of the report, it may make recommendations to the district attorney of the county in which the death occurred and forward the report to any person responsible for disciplining an officer involved.
- (c) Meetings of the board for the review of officer-involved deaths are open to the public but public comment is closed unless the majority of the board votes to allow public comment.
- (6) When the board for the review of officer-involved deaths completes its review of a report under sub. (5), the attorney general shall release the report and any accompanying written files unless the information must be kept confidential by statute.

Section 5. Nonstatutory provisions.

(END)		
expires on the May 1 occurring at least 3 years after the initial appointment.		
(b) Two members, as determined by the attorney general, for a term that		
expires on the May 1 occurring at least 2 years after the initial appointment.		
(a) Two members, as determined by the attorney general, for a term that		
created by this act, the initial members shall be appointed for the following terms: $\frac{1}{2}$		
review of officer–involved deaths specified in section 15.255 $(1m)$ of the statutes, as		
(1) Notwithstanding the length of terms of the members of the board for the		



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 409

Assembly Substitute Amendment 2

Memo published: February 25, 2014

Contact: Melissa Schmidt, Senior Staff Attorney (266-2298)

2013 Assembly Bill 409 relates to investigations of deaths involving a law enforcement officer. Assembly Substitute Amendment 2 (ASA 2) does the following:

ASA 2 replaces the bill with provisions that do the following:

- Defines an "officer-involved death" as a "death of an individual that results directly
 from an action or an omission of a law enforcement officer while the law
 enforcement officer is on duty or while the law enforcement officer is off duty but
 performing activities that are consistent with his or her law enforcement duties."
- Requires each law enforcement agency, including a law enforcement agency in a 1st class city (City of Milwaukee), to have a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer employed by the law enforcement agency as follows:
 - A policy must require an investigation that is conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death.
 - If the officer-involved death being investigated is traffic-related, the policy must require the investigation to use a crash reconstruction unit from a law enforcement agency that does not employ a law enforcement officer involved in the officer-involved death being investigated, except that a policy for a state law enforcement agency may allow an investigation involving a law enforcement officer employed by that state law enforcement agency to use a crash reconstruction unit from the same state law enforcement agency.

- A policy may allow an internal investigation into the officer-involved death if the internal investigation does not interfere with the investigation conducted by the outside investigators.
- Provides that compensation for participation in an investigation may be determined in a manner consistent with mutual aid agreements.
- Requires the investigators conducting the investigation to, in an expeditious manner, provide a complete report to the district attorney (DA) of the county in which the officer-involved death occurred.
- Requires the investigators conducting the investigation to release the report
 provided to the DA if the DA determines there is no basis to prosecute the law
 enforcement officer involved in the officer-involved death. Under ASA 2, the
 investigators are not required to keep confidential any material and information
 related to the death and investigation until the DA makes this determination.
- Creates a right under the Victim's Basic Bill of Rights for a victim of an officer-involved death to be informed about all of the following: (1) the process by which he or she may file either a complaint charging a person with a crime, if permitted by a judge; (2) the process by which he or she may file a complaint under the John Doe investigation proceedings; and (3) the process of an inquest, commonly referred to as a "coroner's inquest."
- Requires that, when a law enforcement agency makes a reasonable attempt to
 provide the victim of an officer-involved death with written information concerning
 the rights of victims within 24 hours after making initial contact with the victim, the
 law enforcement agency must also provide information about the three processes
 listed above.
- Specifies that ASA 2 first applies to officer-involved deaths occurring on the effective date of ASA 2.

Bill History

On February 10, 2014, Representative Bies offered ASA 2. On February 18, 2014, the Assembly adopted ASA 2, and subsequently voted to pass Assembly Bill 409, as amended, on a voice vote. On February 19, 2014, it was received in the Senate.

MS:ty

STATEMENT OF

SAMUEL WALKER

Professor Emeritus of Criminal Justice

University of Nebraska at Omaha

To the

OHIO TASK FORCE ON POLICE-COMMUNITY RELATIONS

March 17, 2015

Introduction

I am Samuel Walker, Professor Emeritus of Criminal Justice at the University of Nebraska at Omaha. I am the author of 14 books on policing, crime policy, and civil liberties.

I bring strong Ohio roots to this testimony. I grew up in Cleveland Heights, Ohio, and I earned my Ph.D. from The Ohio State University.

My books include *The New World of Police Accountability*, with Carol Archbold (2nd ed., 2014); *The Police in America: An Introduction*, with Charles Katz (8th edition, 2013); and *The Color of Justice: Race, Crime, and Ethnicity in America*, with Cassia Spohn and Miriam DeLone (5th edition, 2012).¹

Over the past 40 years I have consulted widely with community groups, citizen oversight agencies, police departments and the U.S. Department of Justice.

In January of this year I testified before the President's Task Force on 21st Century Policing. The *Interim Report* of the Task Force, issued in early March adopted a major part of my recommendation regarding preventing offensive and disrespectful language by police offices.²

The Current Crisis

We are at a special moment in history with regard to policing and police-community relations. The events of last year in Ferguson, Missouri, Staten Island, New York, and Cleveland, Ohio exposed a deep racial divide in America on issues of race and policing. This is a national problem. The President's Task Force is the first such commission since the Kerner Commission, which issued its report in 1968.³

The Governor's Executive Order creating your Task Force noted the "fractured relationships that exist between some local communities and the police." I agree with that assessment.

The Governor's Executive Order noted that "trust" is "essential" for building safe communities. I agree with that analysis.

The Governor's Executive Order noted that "Too many people in communities of color feel" that "policing is not working for them." I agree with that analysis.

We have a special opportunity at this time to examine the problems we face, make meaningful recommendations, and take prompt and effective action.

I offer you a three-part recommendation that consists of (1) a respectful policing initiative; (2) a policy of de-escalating police and community resident encounters, and (3) early intervention systems to track officer performance and identify performance problems that need to be corrected.

A Respectful Policing Initiative

The Task Force should recommend a respectful policing initiative (RPI) for all law enforcement agencies. The RPI involves mandatory annual in-service training for all sworn police officers in the state of Ohio.⁴

Offensive and disrespectful language by police officers is a pervasive national problem. This includes offensive racial and ethnic slurs, common vulgarities, and other forms of disrespect

The Kerner Commission report identified this problem as a serious issue in 1968.⁵ Unfortunately, we have not addressed that problem over the intervening 47 years. To cite only one indicator, offensive language involves 26 percent of all citizen complaints in Washington, DC, 17 percent in San Jose, California, and over 40 percent in New York City.

Offensive and disrespectful language involves several harms.

First, it inflicts an injury to the person who is the target of such language.

Second, over time, it builds a reservoir of anger and distrust about the police, particularly in communities in color. This accumulated anger and distrust was one of the sources for the explosion of demonstrations across the country following the shooting in Ferguson, Missouri, last year.

Third, some incidents escalate into confrontations that involve use of force, and in some cases the use of deadly force – all of which are unnecessary and preventable.

Fourth, because so much offensive and disrespectful language goes unpunished by police departments, it undermines standards of professionalism and proper conduct in those departments.

It is important to emphasize that respectful policing is not "soft" policing, and does not mean that unlawful behavior will be tolerated.

To cite only one example, consider the case of a person jay-walking in the middle of the street. Instead of yelling at that person, calling him a name, and ordering him off the street, the officer should

say "Excuse me, sir. I want to ask you to walk on the sidewalk. You are jay-walking and are a hazard to yourself and to drivers."

The officer's language is firm but respectful. If the person does not comply, some additional persuasion can be used. If all that fails, the officer can then make an arrest.

Over time, respectful policing can begin to build a cycle of mutual respect among the police and community residents. Respect for the police, in turn, can led to greater community cooperation with the police in terms of reporting criminal conduct, providing information about neighborhood problems, and being willing to provide information about criminal suspects.

There is now a growing body social science research on legitimacy, indicating that people notice how they are treated by officials in all social settings and that it makes a difference in how act when dealing with both public and private agencies. Respectful policing can help to build legitimacy and trust in the police.⁶

The training component of the respectful policing initiative would involve mandatory annual inservice training for all sworn police officers in the state of Ohio. The training would consist of clear instruction about which words and manners of speaking are prohibited, along with role-playing training on how officers can effectively respond to perceived disrespect on the part of a community resident. (This is the subject of the next section, on de-escalation.)

The training in the respectful policing initiative can be incorporated into existing in-service training programs. (Any law enforcement agency that does not already have an annual in-service training program is seriously deficient and needs to correct that problem immediately.)

De-Escalation

The second part of my recommendation involves requiring all law enforcement agencies in the state of Ohio to adopt a formal policy on de-escalation, together with the appropriate training for officers.

De-escalation involves the practice of police officers responding to those encounters with community residents which have the potential for escalating into serious conflict with tactics that resolve the situation peacefully. De-escalation involves both verbal and non-verbal techniques.⁷

One of the unfortunate traditions in American policing has been the practice of officers responding to perceived disrespect or non-cooperation by escalating the encounter with either verbal disrespect and/or the use of force. Inappropriate police responses in this regard have acquired the label, "contempt of cop."

In recent years there has been increased recognition of the importance and value of deescalation in policing. The President's Task Force, for example, recommended de-escalation in its recent Interim Report.⁹

A number of police departments have added de-escalation as a formal policy. The new Seattle, Washington, Police Department Use of Force Policy, adopted in December 2013, states that except where the use of force is clear required, an officer's first response should be to de-escalate an encounter.¹⁰

It is important to note that in the new Seattle policy, de-escalation is not an afterthought and is not a separate policy. Instead, it is an integral part of the Use of Force Policy.

The Seattle policy instructs officers that "When safe under the totality of circumstances and time and circumstances permit, officers shall use advisements, warnings, and verbal persuasion." It is important to note that the policy states that officers "shall use," and does not say "may use."

The respected Police Executive Research Forum (PERF) issued a valuable report on de-escalation in 2012, pointing out that de-escalation can help to reduce the use of force by police and also reduce the adverse consequences of uses of force, such as citizen complaints, law suits, and unfavorable publicity regarding the department.¹¹

De-escalation is the natural partner of a policy of respectful policing. As I mentioned earlier, in many instances of offensive language by police officers the community resident escalates his or her behavior and a serious confrontation results.

Working together, respectful policing and de-escalation can, over time, help to build a cycle of mutual respect and trust among police and community residents.

Early Intervention Systems

My third recommendation is for all law enforcement agencies in the state of Ohio to implement an Early Intervention System (EIS).

An EIS is a computerized data base of officer performance. The system may include as few as five or as many as 25 performance indicators. They should include, at a minimum, all uses of force, citizen complaints (and the outcomes of the investigations of these incidents), an officer's disciplinary record, traffic stops and pedestrian stops (with the demographic information about the person stopped), the officer being named in a civil suit against the department, and other items. ¹²

Analysis of the data can then identify officers with high rates of problematic performance. The best method is to use a peer group analysis, with officers being compared with other officers working the same assignment (e.g., patrol, evening shift, high crime area).

Research has found that in every department, there is a small group of officers whose performance stand out in terms of patterns of problematic behavior. There is an old cliché among police chiefs that "5 percent of my officers cause 80 percent of my problems." An EIS can identify those officers.

Officers who are identified by the EIS are then subject to an Intervention. This is NOT discipline. The EIS operates outside of the established discipline system, and its purpose is to correct officer

performance problems. (An officer may, of course, be subject to discipline for any one of the items contained in the EIS data base.)

The intervention may consist of counseling by a command officer, professional counseling on substance abuse or family problems (if those are identified as the underlying problems), or retraining on particular officer performance problems.

Following the Intervention, officers are subject to Monitoring for a period of time to determine whether their performance has improved or whether additional intervention is needed.

The power and special role of an EIS is that it can identify and correct officer performance problems BEFORE they result in a serious form of misconduct such as a use of excessive force, unjustified use of deadly force, or a pattern of racial profiling. That is why they are called "early" intervention systems.

EIS can be a powerful tool for achieving accountability. An EIS, however, does pose a number of administrative challenges. They require close administration by a command officer dedicated to the task, they are very labor intensive, and they involve a number of difficult discretionary decisions.

Conclusion

In conclusion, I want to state that, despite the serious problems that have become evident in that last year, I am somewhat of an optimist on the question of improving policing.

I believe that we know what the problems are and that that we have solutions at hand that will address those problems.

We simply need to will to undertake the needed reforms. I trust that the Task Force will lend its authoritative voice to that end.

¹ My vita and some of my work is available at http://samuelwalker.net

² President's Task Force on 21st Century Policing, *Interim Report* (Washington, DC, March 2015). The Task Force accepted my recommendation in part in Action Item 4.4.1.

³ National Advisory Commission on Civil Disorders, Report (New York: Bantam Books, 1968).

⁴ My testimony to the President's Task Force on 21st Century Policing also involved a recommendation for a respectful policing initiative (Action Item 4.4.1).

⁵ National Advisory Commission on Civil Disorders, *Report*, pp. 302-303.

⁶ See the *Interim Report* of the President's Task Force on 21st Century Policing, for the relevant testimony and academic sources.

⁷ Police Executive Research Forum, *An Integrated Approach* to *De-Escalation and Minimizing Use of Force* (Washington, DC: PERF, August 2012).

⁸ Christy Lopez, "Disorderly (mis)Conduct: The Problem with "Contempt of Cop" Arrests," *Issue Brief* (Washington, DC: American Constitution Society, June 2010).

⁹ President's Commission on 21st Century Policing, Interim Report, Action Item 2.2.1.

¹⁰ Seattle Police Department, Police Monuol, Policy 8.000, Use of Force Policy.

¹¹ Police Executive Research Forum, An Integrated Approach to De-Escalation and Minimizing Use of Force.

¹² Samuel Walker, *Early Intervention Systems for Low Enforcement Agencies: A Management and Planning Guide* (Washington, DC: Department of Justice, 2003).

MEN, WOMEN, AND POLICE EXCESSIVE FORCE: A Tale of Two Genders

A Content Analysis of Civil Liability Cases, SUSTAINED ALLEGATIONS & CITIZEN COMPLAINTS

The National Center for Women & Policing

a division of the Feminist Majority Foundation

DR. KIM LONSWAY, Research Director, National Center for Women & Policing

MICHELLE WOOD, Research Assistant

MEGAN FICKLING AND ALEXANDRIA DE LEON, Research Interns

MARGARET MOORE, Director, National Center for Women & Policing

CHIEF PENNY HARRINGTON, Founding Director & Chair of the Board, National Center for Women & Policing

ELEANOR SMEAL, President, Feminist Majority Foundation

KATHERINE SPILLAR, Executive Vice-President, Feminist Majority Foundation

© April 2002, National Center for Women & Policing, a division of the Feminist Majority Foundation

MEN, WOMEN, AND POLICE EXCESSIVE FORCE: A TALE OF TWO GENDERS

Police executives should want to hire more women officers for many reasons. Here are a few more. Women officers cost substantially less than their male counterparts in terms of civil liability payouts for excessive force lawsuits. Women officers are also significantly under-represented compared to male officers in both citizen complaints and sustained allegations of excessive force. These conclusions are drawn from data regarding seven major U.S. police agencies.

This under-representation of women among the ranks of violent officers takes into account the fact that women currently comprise only 12.7% of sworn law enforcement personnel in large agencies across the country. Given this, we would expect -- statistically speaking -- that female officers in large agencies would also constitute 12.7% of the citizen complaints, sustained allegations, and payouts for excessive force. Yet the data indicate that female officers in large agencies are named in only 5% of citizen complaints for excessive force and an even smaller 2% of the sustained allegations of excessive force. Moreover, women officers in large agencies account for only 6% of the dollars paid out in court judgments and settlements in complaints for excessive force.

In other words, the average male officer on a big city police agency costs taxpayers somewhere between two-and-a-half and five-and-a-half times more than the average woman officer in excessive force liability lawsuit payouts. He is over eight and a half times more likely to have an allegation of excessive force sustained against him, and he is two to three times more likely to have a citizen name him in a complaint of excessive force. These data are simply too striking for police executives to ignore.

Excessive Force Payouts

To determine the gender ratio of payouts in civil litigation for excessive force, data were analyzed from two major law enforcement agencies: Los Angeles Police Department and Cincinnati Police Department. Documents obtained from the city of Los Angeles² reveal that \$63.4 million was paid out during the ten-year period from 1990 to 1999 for judgments or settlements in civil liability lawsuits involving excessive force by a male officer on the LAPD. In contrast, only \$2.8 million was paid out for excessive force cases involving female LAPD officers. At a time when male officers outnumbered female officers on patrol by a ratio of 4:1, the payouts involving excessive use of force by male officers exceeded those for female officers by a significantly larger ratio of 23:1. In other words, the average male officer cost over five and a half times more than the average female officer in terms of excessive force payouts. When payouts for assault and battery are examined, the ratio further increases to 32:1. If only fatalities are considered, it skyrockets to 43:1. Data on the specific breakdown of payouts by the city of Los Angeles are provided in Figure 1.

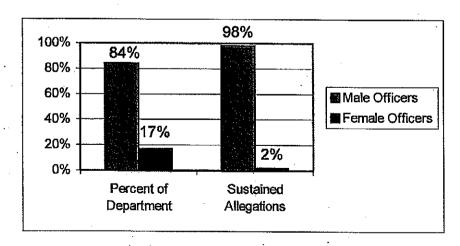
force, male officers account for a full 94.8% of the dollars paid in out-of-court settlements, increasing the ratio of male to female payouts to over 18:1 or almost four times higher than that of their female colleagues.

Sustained Allegations

Lawsuit payouts may not be the best measure of the prevalence of excessive force used by officers, since most excessive force incidents do not result in a lawsuit. Additionally, judgments are likely made only in the most egregious cases and settlements do not necessarily indicate guilt of the officer(s) involved. To further explore this question, research was conducted to determine whether women officers are also under-represented among allegations of excessive force that are sustained by their departments. Nine major U.S. police departments were contacted and asked to provide data on the breakdown of sustained allegations by officer gender. Of these, three departments voluntarily provided the information and they deserve special recognition for their contribution to this important research. Because they requested anonymity, however, data for the three departments will be considered together.

Figure 3 presents the breakdown of sustained allegations by officer gender, for the three police departments providing data. To protect the confidentiality of information provided by these departments, the data are collapsed for presentation. However, it is important to note that the pattern was identical for all three police agencies. When data from the three departments are considered together, only 2.0% of the sustained allegations of excessive force involved female officers. Yet these three departments have an average of 17.4.% female representation among their sworn personnel. In contrast, male officers account for 98.0% of the sustained allegations for excessive force, far in excess of their representation of 82.6% among sworn personnel. This pattern thus mirrors that for payouts, suggesting that male officers are over eight and a half times more likely than their female counterparts to have an allegation of excessive force sustained against them.

Figure 3
Sustained Allegations of Excessive Force and Percent of Department by Officer Gender



officers are about twice as likely as their female counterparts to be the subject of a citizen complaint of any kind.

Figure 5

All Citizen Complaints and Representation of Sworn Personnel by Gender

Department	Years	All Citizen Complaints			Percent
		# Male	# Female	Percent	Sworn
		Officers	Officers	Female	Women
San Francisco PD	1986-2001	41,938	4,548	9.8%	16%
D.C. Metro PD	2001	321	49	13.2%	25%

Source: Original data provided by the San Francisco Office of Citizen Complaints and the Office of Citizen Complaint Review for the District of Columbia.

Conclusions

Whether citizen complaints, sustained allegations, or civil liability payouts are examined, the pattern is the same — the average woman on patrol is significantly less likely to use excessive force than the average man, and as a consequence she exposes the citizens to less abuse and the department to less civil liability. While each of these measures individually could be seen as flawed, the fact that all three measures document exactly the same pattern instills confidence that the findings are consistent. That is, results from all three sources uniformly support the conclusion that female officers are significantly less likely to use excessive force in comparison with their male colleagues.

These findings illuminate the gender differences in policing and the adverse consequences to police departments of the under-representation of women but cannot begin to eliminate the real costs of police brutality. Excessive use of force takes a serious toll on the individuals involved. Both police and community members can be injured or killed when incidents escalate into unnecessary violence. Every year, members of the police and public sustain injury or lose their lives when officers resort to brutality. This is reason enough for police executives to seriously consider any strategy for reducing the excessive use of force.

Yet there are also wider implications. Excessive force incidents severely erode the trust between the police and the public. Every single sustained allegation undermines the confidence that the community places in their police department, and therefore limits the effectiveness of the police to successfully fight crime and serve the public. When the community comes to mistrust the police, they withdraw the cooperation that is essential for police to perform their job safely and effectively. For all of these reasons it is imperative that police executives understand the dynamics of excessive force and the role officer gender plays. Thus, it is important to view this information in light of past research on police use-of-force more generally.

Understanding Gender and Use-of-Force Research

they are not nearly as likely to be involved in use of excessive force" (emphasis added). This is likely because female officers tend to utilize a style of policing that relies more on communication skills than physical force. By using tactics and techniques that de-escalate potentially violent situations, female officers often successfully resolve situations that might otherwise lead to allegations of excessive force.

Of course, critics may argue that women are less likely to be named in excessive force incidents because they avoid potentially dangerous situations that might require use of force and thus the potential for an allegation of excessive force. However, this argument is not consistent with research conducted both in the U.S. and internationally. For example, the research already reviewed demonstrates that female officers use force as often as their male counterparts during the course of routine patrol duties. Additional research documents that male and female officers are equally effective when measured with a wide variety of indicators, ¹⁷ and that there is no meaningful difference between male and female officers in: their activities or productivity on patrol, their commitment to law enforcement organizations, and their performance evaluations received both at the academy and on the job. ¹⁸

In sum, women and men are equally effective at policing, yet female officers tend to perform their job with greater emphasis on communication, less reliance on physical force, and substantially less likelihood of becoming involved in excessive force problems. Yet there are even more advantages that women bring to the field of law enforcement. For example, female officers are less cynical in their view of citizens, and they report greater support for the principles of community policing in comparison with their male colleagues. Female officers also respond more effectively to cases of domestic violence, which represent up to half of all violent crime calls to police agencies. These are all important advantages that police executives would be remiss to ignore, especially in an era where agencies are seeking a greater number of qualified personnel to recruit.

Why So Few Women Officers?

Despite the clear advantages to law enforcement agencies and communities of hiring women police, the number of women in law enforcement remains small and the pace of increase very slow. As previously stated, women comprise only 12.7% of sworn law enforcement positions in large agencies nationwide — a figure that is a paltry four percentage points higher than in 1990, when women comprised 9% of sworn officers (see Note 1). Given that women account for 46.5% of employed persons over the age of 16, their under-representation within the field of sworn law enforcement is particularly striking. Moreover, the most recent data indicate that the progress women have made over the last few decades has stalled or even reversed. Although sworn women gained approximately half a percentage point per year in their representation within large police agencies from 1972 to 1999, the figure has actually declined from 14.3% in 1999 to 13.0% in 2000 and 12.7% in 2001. The message is clear: at the present rate, women will not achieve equality in sworn law enforcement for several generations if at all.

Despite overwhelming evidence that women and men are equally capable of police work, widespread bias in police hiring, selection practices and recruitment policies keeps the numbers

⁸ For each department, the number of sustained allegations is provided for a range of several years, and the specific time frame varied. Yet the representation of female officers is provided only for 2001, a fact that may slightly decrease the difference between the percentage of men and women named in sustained allegations. This is offset by fact that supervisory and management positions are included in the overall representation of female personnel. If only line operations were considered, the representation of women would be significantly higher and the difference between men and women in sustained allegations would increase.

9 Source: Office of the Independent Police Auditor, City of San Jose, www.ci.si.ca.us/ipa/home.html.

¹⁰ Data are only provided for complaints in which the gender of officer(s) could be determined. Source: Office of Citizen Complaints, City of San Francisco, www.ci.sf.ca.us/occ.

Source: Citizen Complaint Review Board and the Office of Citizen Complaint Review. Fiscal Year

2001 Annual Report. Contact information at www.occr.dc.gov.

12 Kenneth Adams et al. (1999). Use of Force by Police: Overview of National and Local Data. National Institute of Justice: Washington, DC. NCJ #176330. Available at www.ncjrs.org.

¹³ Sean A. Grennan (1987). Findings on the Role of Officer Gender in Violent Encounters with Citizens.

Journal of Police Science and Administration. Vol. 15, No. 1, p. 78-85

14 Independent Commission on the Los Angeles Police Department (1991). Report of the Independent

Commission on the Los Angeles Police Department: Summary.

15 For the purposes of this analysis, data are only included for those instances involving use of force in which officer gender could be determined. Source: International Association of Chiefs of Police (2001). Police Use of Force in America. Available from www.theiaco.org.

¹⁶ Based on a random sample of 247 city, county, and state police agencies with 100 or more sworn personnel (see Note 1) and 235 city and county police agencies with fewer than 100 sworn personnel in counties with a population of less than 50,000. Source: National Center for Women & Policing (2002). Equality Denied: The Status of Women in Policing: 2001. Conducted by the National Center for Women & Policing, a division of the Feminist Majority Foundation. Available from www.womenandpolicing.org.

¹⁷ For a review of the extensive U.S. research, please see Susan Ehrlich Martin and Nancy C. Jurik (1996). Doing Justice, Doing Gender: Women in Law and Criminal Justice Occupations, Sage: Thousand Oaks, CA, For a review of research conducted internationally, please see Joseph Balkin (1988). Why policemen don't like

policewomen. Journal of Police Science and Administration, Vol. 16, No. 1, p. 29-38.

18 For a review of this research, please see: National Center for Women & Policing (2000). Hiring & retaining more women: The advantages to law enforcement agencies. National Center for Women & Policing, a division of the Feminist Majority Foundation. Available at www.womenandpolicing.org.

19 See Note 18. Also: M. Cassidy, C.G. Nicholl, & C.R. Ross (2001). Results of a Survey Conducted by the Metropolitan Police Department of Victims who Reported Violence Against Women. Executive Summary published by the DC Metropolitan Police Department.

²⁰ For 2000 Bureau of Labor Statistics on Americans in the labor force, broken down by gender and

racial/ethnic identification, please see http://www.bls.gov/pdf/cpsaat11.pdf.

2121For a review of the research on physical ability testing and police performance, see: Tearing Down the Wall: Problems with Consistency, Validity, and Adverse Impact of Physical Agility Testing in Police Selection. Report prepared by the National Center for Women & Policing, a division of the Feminist Majority Foundation. Available from www.womenandpolicing.org.

IOUTO DEFUSE

One simple answer has been overlooked: Hire more women officers

BY KATHERINE SPILLAR

s THE DEBATE RAGES OVER WHAT TO DO about police use of deadly force, a critical way to reduce police violence and improve police relations with communities has been wholly ignored: requiring police departments to have equitable numbers of women and men in their ranks, who also mirror the racial makeup of the communities they serve.

Unlike arguments over whether body cameras or better training or stricter policies will reduce excessive force, we don't have to speculate whether increasing women in police ranks would make a difference. Studies over the last 40 years have already shown that women officers are less authoritarian in their approach to policing, rely less on physical force than men do, possess better communication skills and increase police response to violence against women.

Most importantly, women officers have proven to be better at defusing potentially violent confrontations with citizens before those encounters turn deadly.

One of the early studies, sponsored by the Police Foundation in 1974, found that women police "act less aggressively and they believe in less aggression," even though they encountered "similar proportions of citizens who were dangerous, angry, upset, drunk or violent." The report concluded that the "presence of women may stimulate increased attention to the ways of avoiding violence and cooling violent situations without resorting to the use of force."

The root of these differences may be found in each gender's attraction to policing. Various studies from the 1960s and '70s found that "policemen see police work as involving control through authority, while policewomen see it as a public service." The studies concluded that the



"women's orientation is more likely to result in better relations with the public."

Study after study in the U.S. and internationally reinforced these early findings, showing that women officers are more likely to follow a community policing model rather than a paramilitary one. They also found that male officers opposed women in the force because they feared women would expose secrets about corruption and violence within their ranks.

But such research remained largely buried in the academic literature until 1991 when, at the urging of the Feminist Majority Foundation, the Christopher Gommission analyzed the gender of Los Angeles Police Department (LAPD) officers involved in excessive-force incidents. Created in the wake of the Rodney King beating by LAPD officers and the officers' subsequent acquittals, the commission found that "female officers are not reluctant to use force, but they are not nearly as likely [as male officers] to be involved in use of excessive force." The commission also noted deep-rooted sexism within the LAPD, and concluded that the department's discrimination against women can "contribute to the problem of excessive force" and create "a disdain for a more patient, less aggressive approach."

The commission added that "many officers, both male and female, believe female officers are less personally challenged by defiant suspects and feel less need to deal with defiance with immediate force or confrontational language." Perhaps if the police officers who confronted Michael Brown and Eric Garner had been women,

32 | WINTER 2015 Ms.

www.feminist.org

Few women can be seen at the police academy



sure in situations of conflict.

the outcome of those encounters would have been very different.

Despite evidence that increasing women in law enforcement might be an effective antidote to police violence, the number of women in policing remains stuck at token levels. As of 2007 (the most recent data available from the Bureau of Justice Statistics), local police departments average just 11.9 percent women in their ranks, only slightly higher than the 7.6 percent of women in local departments 20 years earlier. Larger police departments average slightly higher percentages of women. Many of the smallest police agencies have no women, and the vast majority of all agencies have only token numbers of women in top command positions.

Most of the gains for women police have come about only because of federal court-ordered consent decrees that forced some large police agencies to hire more women and racial minorities. These decrees, dating from the 1970s and many of which are now expiring, were the result of lawsuits pursued by the National Organization for Women (NOW) and the NAACP. But discriminatory recruiting and hiring practices remain the driving factors behind the underrepresentation of women in policing.

Based on the outmoded assumption that strength and agility are key requirements for successful performance as a police officer, 89 percent of police departments, according to a Feminist Majority Foundation study, use some form of physical abilities testing. First introduced in the 1970s after discriminatory minimum-height requirements were no longer permitted, these tests favor upper-

body strength and other components of physical ability, thus resulting in high failure rates for women and smaller-stature men. Yet physical strength has never been shown to predict a police officer's general effectiveness or ability to handle dangerous situations. Indeed, as we saw so clearly in the Eric Garner case, an emphasis on brute physical strength can actually be a liability in terms of civilian protection. Instead, testing should focus on the applicant's ability to defuse potential violence and maintain compo-

graduation ceremony in New York City, December 2014.

What's more, citizens have reiterated in surveys since the early 1970s that their communities would react more positively to a woman officer compared to a man. The public believes women are better able to defuse potentially dangerous situations, and women officers have declared themselves less cynical and more respectful in their view of citizens. Women police officers have also proven better at responding to violence against women, the largest category of 911 calls to police departments nationwide.

The U.S. Border Patrol recently secured a federal exemption to recruit only women for a major hiring push, as it has recognized that having just 5 percent women in its ranks impedes its ability to work with the tens of thousands of migrant women who cross the U.S.-Mexico border each year-many of whom suffer sexual assaults during their journey. Federal authorities should grant similar exemptions to local police agencies if we are serious about diminishing violence and building community trust.

Many police departments in the U.S., and the elected officials who oversee their operations and set their policies, have ignored the benefits gender balancing would bring to their police ranks. With demands for police reform echoing from the streets to city halls to the White House, we have a perfect opportunity to consider a dramatic, gender-based response.

KATHERINE SPILLAR is executive editor of Ms. and executive director of the Feminist Majority Foundation. She testified before the 1991 Christopher Commission.

www.msmagazine.com

Ms. WINTER 2015 1 33

Investigation of the Cleveland Division of Police



United States Department of Justice Civil Rights Division

United States Attorney's Office Northern District of Ohio

December 4, 2014



U.S. Department of Justice

The Honorable Frank G. Jackson Mayor City of Cleveland Cleveland City Hall 601 Lakeside Avenue Cleveland, Ohio 44114

Dear Mayor Jackson:

The Department of Justice has completed its civil pattern or practice investigation of the Cleveland Division of Police ("CDP" or "the Division"). We have concluded that we have reasonable cause to believe that CDP engages in a pattern or practice of the use of excessive force in violation of the Fourth Amendment of the United States Constitution. We have determined that structural and systemic deficiencies and practices—including insufficient accountability, inadequate training, ineffective policies, and inadequate engagement with the community—contribute to the use of unreasonable force.

Our investigation under the Violent Crime and Law Enforcement Act of 1994, 42 U.S.C. § 14141 ("Section 14141") focused on allegations of excessive force by CDP officers. Section 14141 makes it unlawful for government entities, such as the City of Cleveland and CDP, to engage in a pattern or practice of conduct by law enforcement officers that deprives individuals of rights, privileges, or immunities secured by the Constitution or laws of the United States. The investigation was conducted jointly by the Civil Rights Division and the United States Attorney's Office for the Northern District of Ohio. This letter is separate from, and does not address, any criminal investigation that may be conducted by the Department of Justice. ¹

We opened our investigation after a series of incidents of potential excessive force revealed a rift between CDP and certain segments of the communities it serves. An investigation into one of those incidents by the Ohio Attorney General concluded that the incident was the result of a "systemic failure" by CDP. Numerous leaders and organizations in Cleveland called on us to open an investigation into CDP, including a member of the U.S. Congress, leaders of several different religious communities, civil rights and community groups, and ultimately you, Mayor Jackson. Our investigation found that the concerns raised by community members, civic leaders, and other law enforcement agencies are well-founded.

We recognize the challenges faced by officers in Cleveland and in communities across the nation every day. Policing can be dangerous. At times, officers must use force, including deadly force, to protect lives, including their own. The use of force by police should be guided by a respect for human life and human dignity, the need to protect public safety, and the duty to protect individuals from unreasonable seizures under the Fourth Amendment. A significant amount of the force used by CDP officers falls short of these standards. Although CDP has taken some steps to improve the Division's use of force policies and procedures, these initiatives, by themselves, have been insufficient. The need for sustainable reform is highlighted by the fact

¹ Please note that this letter is a public document and will be posted on the Civil Rights Division's and the United States Attorney's Office's websites.

that just over a decade ago the Department of Justice completed its first investigation of the Cleveland Division of Police. That investigation raised concerns and resulted in recommendations that are starkly similar to the findings in this letter. The voluntary reforms undertaken at that time did not create the systems of accountability necessary to ensure a long-term remedy to these issues.

Throughout our investigation, CDP's leadership has been receptive to our preliminary feedback and technical assistance. We also received cooperation from the patrol officers and supervisors we met, which we value greatly. We recognize that the men and women of CDP want to do their jobs effectively and appropriately. They are trying to do a tough job as best they can. CDP's officers serve the public at great risk. They are working under quite difficult circumstances and we appreciate their willingness to serve. However, as outlined in this letter, more work is necessary to ensure that officers have the proper guidance, training, support, supervision, and oversight to carry out their law enforcement responsibilities safely and in accordance with individuals' constitutional rights. We appreciate your expressed willingness to embrace many of the changes we have highlighted in our conversations with CDP during this investigation. We will continue to work collaboratively with you, the Division's leadership, and other stakeholders to develop sustainable reforms that will resolve our findings. The Statement of Principles that we agreed to on December 2, 2014, is a critical first step in moving toward reform, and we applaud the City's willingness to make its intent to collaborate with us explicit. However, if we cannot reach an appropriate resolution, Section 14141 authorizes the Department of Justice to file a civil lawsuit to "eliminate the pattern or practice" of police misconduct. 42 U.S.C. § 14141.

We thank the members of Cleveland's diverse communities for bringing relevant information to our attention and for sharing their experiences with us. We are encouraged by the many individuals who took an active interest in our investigation and who offered thoughtful recommendations, including community advocates, religious leaders, and members of CDP's patrol officer and management unions. We appreciate those individuals who came forward to provide information about specific encounters with CDP, even when recounting those events was difficult. We also thank the officers who shared information about the many challenges they face. We know that many residents care deeply about preventing the types of incidents described in this letter even as they have a genuine interest in supporting the men and women of CDP who uphold their oaths and work to protect the people of Cleveland.

We appreciate the cooperation and professionalism that you, CDP, and other city officials have displayed during our investigation. We received invaluable assistance from the Division's leadership, and officers. Based on this cooperation, we are optimistic that we will be able to work with the City and CDP to address our findings. We are encouraged that, just two days ago, we agreed to a Joint Statement of Principles to guide our negotiations to remedy the constitutional violations we found. Together, by promoting constitutional policing, we will make CDP more effective and will help build the community's trust in the Division.

I. SUMMARY OF FINDINGS

Our investigation concluded that there is reasonable cause to believe that CDP engages in a pattern or practice of using unreasonable force in violation of the Fourth Amendment. That pattern manifested in a range of ways, including:

- The unnecessary and excessive use of deadly force, including shootings and head strikes with impact weapons;
- The unnecessary, excessive or retaliatory use of less lethal force including tasers, chemical spray and fists;
- Excessive force against persons who are mentally ill or in crisis, including in cases where the officers were called exclusively for a welfare check; and
- The employment of poor and dangerous tactics that place officers in situations where avoidable force becomes inevitable and places officers and civilians at unnecessary risk.

Officers may be required to use force during the course of their duties. However, the Constitution requires that officers use only that amount of force that is reasonable under the circumstances. We found that CDP officers too often use unnecessary and unreasonable force in violation of the Constitution. Supervisors tolerate this behavior and, in some cases, endorse it. Officers report that they receive little supervision, guidance, and support from the Division, essentially leaving them to determine for themselves how to perform their difficult and dangerous jobs. The result is policing that is sometimes chaotic and dangerous; interferes with CDP's ability to effectively fight crime; compromises officer safety; and frequently deprives individuals of their constitutional rights. Based on our investigation, we find that the Division engages in a pattern or practice of using excessive force in violation of the Fourth Amendment.

Like most police departments the Department of Justice has investigated, the majority of the force used by CDP officers is reasonable and not in violation of the Constitution. Nonetheless, we found that CDP officers engage in excessive force far too often, and that the use of excessive force by CDP officers is neither isolated, nor sporadic. In fact, as we indicated when we met with the City in October 2014, determining whether a pattern or practice of the unreasonable use of force exists was not a close case. Thus, even if people have differing views regarding the propriety of any single incident, it would not change the ultimate conclusion that there is a broader pattern or practice of unreasonable force. Our findings, however, do not mean that any individual officers have acted with criminal intent, a wholly different and higher legal standard that is beyond the scope of this letter and this investigation.

We have concluded that these incidents of excessive force are rooted in common structural deficiencies. CDP's pattern or practice of excessive force is both reflected by and stems from its failure to adequately review and investigate officers' uses of force; fully and objectively investigate all allegations of misconduct; identify and respond to patterns of at-risk behavior; provide its officers with the support, training, supervision, and equipment needed to

allow them to do their jobs safely and effectively; adopt and enforce appropriate policies; and implement effective community policing strategies at all levels of CDP.

The pattern or practice of unreasonable force we identified is reflected in CDP's use of both deadly and less lethal force.² For example, we found incidents of CDP officers firing their guns at people who do not pose an immediate threat of death or serious bodily injury to officers or others and using guns in a careless and dangerous manner, including hitting people on the head with their guns, in circumstances where deadly force is not justified. Officers also use less lethal force that is significantly out of proportion to the resistance encountered and officers too often escalate incidents with citizens instead of using effective and accepted tactics to de-escalate tension. We reviewed incidents where officers used Tasers,³ oleoresin capsicum spray ("OC Spray"), or punched people who were already subdued, including people in handcuffs. Many of these people could have been controlled with a lesser application of force. At times, this force appears to have been applied as punishment for the person's earlier verbal or physical resistance to an officer's command, and is not based on a current threat posed by the person. This retaliatory use of force is not legally justified. Our review also revealed that officers use excessive force against individuals who are in mental health crisis or who may be unable to understand or comply with officers' commands, including when the individual is not suspected of having committed any crime at all.

In addition to the pattern or practice of excessive force, we found that CDP officers commit tactical errors that endanger both themselves and others in the Cleveland community and, in some instances, may result in constitutional violations. They too often fire their weapons in a manner and in circumstances that place innocent bystanders in danger; and accidentally fire them, sometimes fortuitously hitting nothing and other times shooting people and seriously injuring them. CDP officers too often use dangerous and poor tactics to try to gain control of suspects, which results in the application of additional force or places others in danger. Critically, officers do not make effective use of de-escalation techniques, too often instead escalating encounters and employing force when it may not be needed and could be avoided. While these tactical errors may not always result in constitutional violations, they place officers, suspects, and other members of the Cleveland community at risk.

Principal among the systemic deficiencies that have resulted in the pattern or practice we found is the Division's failure to implement effective and rigorous accountability systems. The fact that we find that there are systemic failures in CDP, however, should not be interpreted as inconsistent with holding officers accountable in any particular incident. Individual CDP officers also bear responsibility for their own actions once afforded due process of law. Any

² For purposes of this letter, "less lethal force" means a force application not intended or expected to cause death or serious injury and which is commonly understood to have less potential for causing death or serious injury than conventional, more lethal police tactics. Nonetheless, use of less lethal force can result in death or serious injury.

³ The division uses the Taser brand of electronic control weapons and refers to them in its policies as "Tasers." Throughout this report, we will refer to these electronic control weapons as Tasers.

effort to force a decision between systemic problems and individual accountability is nothing more than an effort to set up a false choice between two important aspects of the same broader issues that exist at CDP. Force incidents often are not properly reported, documented, investigated, or addressed with corrective measures. Supervisors throughout the chain of command endorse questionable and sometimes unlawful conduct by officers. We reviewed supervisory investigations of officers' use of force that appear to be designed from the outset to justify the officers' actions. Deeply troubling to us was that some of the specially-trained investigators who are charged with conducting unbiased reviews of officers' use of deadly force admitted to us that they conduct their investigations with the goal of casting the accused officer in the most positive light possible. This admitted bias appears deeply rooted, cuts at the heart of the accountability system at CDP, and is emblematic of the type of practice that justifies a finding under Section 14141.

Another critical flaw we discovered is that many of the investigators in CDP's Internal Affairs Unit advised us that they will only find that an officer violated Division policy if the evidence against the officer proves, beyond a reasonable doubt, that an officer engaged in misconduct—an unreasonably high standard reserved for criminal prosecutions and inappropriate in this context. This standard apparently has been applied, formally or informally, for years to these investigations and further supports the finding that the accountability systems regarding use of force at CDP are structurally flawed. In actuality, we found that during the time period we reviewed that officers were only suspended for any period of time on approximately six occasions for using improper force. Discipline is so rare that no more than 51 officers out of a sworn force of 1,500 were disciplined in any fashion in connection with a use of force incident over a three-and-a half-year period. However, when we examined CDP's discipline numbers further, it was apparent that in most of those 51 cases the actual discipline imposed was for procedural violations such as failing to file a report, charges were dismissed or deemed unfounded, or the disciplinary process was suspended due to pending civil claims. A finding of excessive force by CDP's internal disciplinary system is exceedingly rare. A member of the Office of Professional Standards (or "OPS"), which, among other duties, has been charged with investigating use of deadly force incidents, stated that the office has not reviewed a deadly force incident since 2012. CDP's systemic failures are such that the Division is not able to timely, properly, and effectively determine how much force its officers are using, and under what circumstances, whether the force was reasonable and if not, what discipline, change in policy or training or other action is appropriate.

The current pattern or practice of constitutional violations is even more troubling because we identified many of these structural deficiencies more than ten years ago during our previous investigation of CDP's use of force. In 2002, we provided initial observations regarding CDP's use of force and accountability systems and, in 2004, we recommended that the Division make changes to address some of the deficiencies we identified. CDP entered into an agreement with us, but that agreement was not enforced by a court and did not involve an independent monitor to assess its implementation. The agreement did require CDP to make a variety of changes, including revising its use of force policy and establishing new procedures for reviewing officer-involved shootings. In 2005, we found that Cleveland had abided by that agreement and it was terminated. It is clear, however, that despite these measures, many of the policy and practice reforms that were initiated in response to our 2004 memorandum agreement were either not fully implemented or, if implemented, were not maintained over time. It is critical that the City and

the Division now take more rigorous measures to identify, address, and prevent excessive force to protect the public and to build the community's trust. We believe that a consent decree and an independent monitor are necessary to ensure that reforms are successfully implemented and sustainable. We are encouraged that the City also recognizes that these measures are essential to sustainable reform in the Joint Statement of Principles.

Finally, CDP's failure to ensure that its officers do not use excessive force and are held accountable if they do, interferes with its ability to work with the communities whose cooperation the Division most needs to enforce the law, ensure officer safety, and prevent crime. Instead of working with Cleveland's communities to understand their needs and concerns and to set crime-fighting priorities and strategies consistent with those needs, CDP too often polices in a way that contributes to community distrust and a lack of respect for officers – even the many officers who are doing their jobs effectively. For example, we observed a large sign hanging in the vehicle bay of a district station identifying it as a "forward operating base," a military term for a small, secured outpost used to support tactical operations in a war zone. This characterization reinforces the view held by some—both inside and outside the Division—that CDP is an occupying force instead of a true partner and resource in the community it serves. While CDP's leadership recently adopted a new community policing initiative, the Division must undergo a cultural shift at all levels to change an "us-against-them" mentality we too often observed and to truly integrate and inculcate community oriented policing principles into the daily work and management of the Division.

Although we did not investigate CDP's search, seizure, and arrest practices, our force review revealed concerns we would be remiss not to address. The documents we reviewed to determine the lawfulness of CDP's force practices often described stops, searches, and arrests by officers that appear to have been unsupported. Notwithstanding the limited nature of this review, what we saw suggests that some CDP officers violate individuals' Fourth Amendment rights by subjecting them to stops, frisks, and full searches without the requisite level of suspicion. Individuals were detained on suspicion of having committed a crime, with no articulation or an inadequate articulation in CDP's own records of the basis for the officer's suspicion. Individuals were searched "for officer safety" without any articulation of a reason to fear for officer safety. Where bases for detentions and searches were articulated, officers used canned or boilerplate language. Supervisors routinely approved these inadequate reports without seeking additional information from the officers about the circumstances that justified the encounter that ultimately concluded with a use of force. Given the possibility that CDP's practices in this regard violate the Constitution and the near certainty that they breed more distrust in the community, we have asked that the Division work with us to address these concerns as well, and we appreciate your commitment in the Joint Statement of Principles to address these issues.

We recognize that the Division has started to implement some reforms to address concerns raised by the Department of Justice, the community and others, but much more is needed. As the City recognized in entering into the Joint Statement of Principles, the failure to take even more remedial action places residents at risk of excessive force and further alienates the Division from the communities it serves. We believe the City's commitment to an Agreement with us that will be entered as a consent order in federal court is crucial to making these remedies effective. Making constitutional policing a core Division value, and building systems of real accountability that carry out that value, will support the vast majority of CDP

officers who strive to and do uphold their oaths to protect and serve the City of Cleveland. This will foster trust with the community, allowing all CDP officers to perform their jobs more safely and effectively.

II. BACKGROUND

The Department began this investigation in March 2013 in the wake of serious allegations that CDP officers use excessive force, and that the Division fails to identify, correct, and hold officers accountable for using force in violation of the Constitution. Several incidents eroded community confidence and suggested there were serious flaws in CDP's use of force practices, including the Division's ability and willingness to hold officers accountable for unlawful, improper, or unsafe conduct. In January 2011, a police helicopter video emerged showing that, earlier that month, officers used excessive force against an unarmed man who had led police on a chase. The force—which included kicks to his head—was used after the man had surrendered to officers and was handcuffed and prone on the ground. None of the officers involved had written a report as to either using or witnessing any force at all, and no officers were appropriately disciplined for failing to report the use of force. In addition, even after the incident received significant attention and the man was prosecuted for his flight, none of the many police officers on the scene identified the officers who had used force that night. As a result, the officers who improperly used force could not be held accountable for their conduct.

In March 2011, the Cleveland Plain Dealer began an analysis of CDP's use of force and, over the next several months, ran a series of articles that described significant problems with CDP's force practices, based on a review of publicly available data. The Plain Dealer reported that CDP officers often engaged in force that appeared to be excessive and in violation of policy; that CDP failed to identify excessive force incidents; failed to conduct adequate supervisory reviews of force incidents; and failed to adequately discipline a small group of officers who were involved in a disproportionate number of use of force incidents, many of which appear to have been unreasonable. The Plain Dealer also reported that, between October 2005 and March 2011, CDP officers used Tasers 969 times, all but five of which the Division deemed justified and appropriate (a 99.5% clearance rate which one police expert said "strains credibility"). The

⁴ See, e.g., Henry J. Gomez, Six Cleveland Police Officers Accused of Brutality Have Used Force on 39 Suspects Since 2009, Clev. Plain Dealer, May 22, 2011, available at http://blog.cleveland.com/metro/2011/05/cleveland_police_officers_accu.html; see also Gabriel Baird, Two Cleveland Police Officers Charged with Assault are Among Department's Most Prolific Users of Force, Clev. Plain Dealer, Mar. 27, 2011, available at http://blog.cleveland.com/metro/2011/03/cleveland_police_officers_kevi.html; Gabriel Baird and Henry J. Gomez, Cleveland Police Chief McGrath Overlooked Conflicting Statements in Use of Force Investigations, Clev. Plain Dealer, June 5, 2011, available at http://blog.cleveland.com/metro/2011/06/cleveland_police_chief_michael_3.html. This material is included not because we are adopting the findings in these reports, but because they do provide appropriate background as to the community-CDP relationship.

Plain Dealer analyzed similar CDP force data in 2007 and found that supervisors reviewed 4,427 uses of force over four years and justified the force in every single case.⁵

On November 29, 2012, over 100 Cleveland police officers engaged in a high speed chase, in violation of CDP policies, and fatally shot two unarmed civilians. The incident inflamed community perceptions, particularly in the African-American community, that CDP is a department out of control and that its officers routinely engage in brutality. The incident began when Timothy Russell and his passenger Malissa Williams drove past the Justice Center in downtown Cleveland, at which point officers and witnesses outside the Justice Center heard what they believed to be a shot fired from the car. It now appears that what they actually heard was the car backfiring. A massive chase ensued, involving at least 62 police vehicles, some of which were unmarked, and more than 100 patrol officers, supervisors, and dispatchers—about 37 percent of the CDP personnel on duty in the City. The pursuit lasted about 25 minutes, at times reaching speeds of more than 100 miles per hour. During the chase, some of the confusing and contradictory radio traffic incorrectly indicated that the occupants of the car may be armed and may be firing from the car. Other radio traffic did not support that conclusion. No supervisor asserted control over the chase, and some even participated. CDP now admits that the manner in which the chase occurred was not in accordance with established CDP policies. The chase finally ended outside the City's borders, in an East Cleveland school parking lot, with CDP vehicles located in front of and behind Mr. Russell's car. In circumstances that are still being disputed in court, thirteen CDP officers ultimately fired 137 shots at the car, killing both its occupants. Mr. Russell and Ms. Williams each suffered more than 20 gunshot wounds. The officers, who were firing on the car from all sides, reported believing that they were being fired at by the suspects. It now appears that those shots were being fired by fellow officers.

The Office of the Ohio Attorney General and its Ohio Bureau of Criminal Investigation and Identification ("BCI") conducted an investigation of the incident, at the conclusion of which BCI issued a report that raised serious questions about CDP's policies, training, supervision, communication, and technology. In an accompanying statement, the Ohio Attorney General, Mike DeWine, said it was a "miracle" that no law enforcement officer was killed during the incident and added, "Our two month investigation reveals that we are dealing with a systemic failure in the Cleveland Police Department. Command failed. Communications failed. The System failed." On December 27, 2012, Cleveland's mayor publicly requested that the Civil

⁵ Gabriel Baird and Henry J. Gomez, <u>Cleveland Police Boast Near-Spotless Taser Record, but Experts Question Credibility of the Numbers</u>, Clev. Plain Dealer, July 20, 2011, <u>available at http://blog.cleveland.com/metro/2011/07/cleveland_police_boast_near-sp.html.</u>

⁶ OHIO BUREAU OF CRIMINAL IDENTIFICATION & INVESTIGATION, PROSECUTOR'S SUMMARY (Feb. 5, 2013), available at http://www.ohioattorneygeneral.gov/bcishootingreport.

⁷ Statement, Ohio Att'y Gen. Mike DeWine, Officer-Involved Shooting of Timothy Russell and Malissa Williams (Feb. 5, 2013), available at http://www.ohioattorneygeneral.gov/Files/Briefing-Room/News-Releases/Cleveland-Officer-Involved-Shooting-Investigation/Officer-Involved-Shooting-Statement-Morning-02-05.aspx. Again, these findings are not being cited because we adopt them in this letter, but because they

Rights Division of the Department of Justice review CDP's use of force policies. Subsequently, six CDP officers were indicted for their actions on November 29, 2012. The City recently agreed to pay \$3 million to settle a civil lawsuit filed by the families of Mr. Russell and Ms. Williams.

In conducting our investigation, we did not assess whether the officers involved in this incident violated the law. This matter is subject to an ongoing criminal prosecution and this findings letter is not intended to interfere with that process in any manner. Nor did we find predication to investigate whether CDP's practices discriminate against minority groups or otherwise deprive individuals of the protections provided by the Equal Protection Clause of the Fourteenth Amendment. We include the November 29, 2012 incident here to describe the serious allegations facing the Division when we began our investigation and the community distrust that CDP must grapple with in ensuring it provides effective and constitutional policing services to all segments of the Cleveland community. We also note that many of the concerns regarding policies, training, supervision, accountability, and equipment that were implicated by that incident were confirmed during our investigation, as set out below. Thus, our investigation revealed a clear pattern or practice of use of excessive force by officers without specific consideration of the November 29, 2012 incident.

III. METHODOLOGY

Our evaluation of CDP's use of force was informed by many sources, including: (1) witness interviews and hundreds of individuals participating in community town hall meetings; (2) the Division's officers, supervisors, and command staff; (3) other stakeholders in the City, including elected representatives of the patrol officer and management unions, the Office of Professional Standards and the Civilian Police Review Board, members of religious communities, and other community leaders; (4) Division documents, including reports documenting officers' use of deadly and less lethal force and materials associated with those reports; (5) Division policies, procedures and training materials, and (6) analysis provided by our expert police consultants.

Throughout our investigation, we sought information relevant to the Division's use of force and worked to gain a comprehensive understanding of the Division, including its leadership, systems of accountability, operations, and community engagement. We conducted

constitute important background from another significant source that provided background for this investigation.

⁸ Leila Atassi, <u>Cleveland Mayor Frank Jackson Seeks Outside Review of All Future Use of Deadly Force Cases</u>, Clev. Plain Dealer, Dec. 27, 2012, *available at* http://www.cleveland.com/metro/index.ssf/2012/12/cleveland_mayor_frank_jackson_5.html.

⁹ John Caniglia, <u>Judge Approve Settlement Reached with Families of Timothy Russell, Malissa Williams Over Deadly Police Chase and Shooting</u>, Clev. Plain Dealer, Nov. 18, 2014, *available at* http://www.cleveland.com/court-justice/index.ssf/2014/11/judge approves settlement reac.html.

multi-day onsite tours in Cleveland in March 2013, April 2013, June 2013, December 2013, February 2014, and July 2014. Collectively during these investigative tours, we met with command staff, most of the district commanders, officers of various ranks and leadership, and officers within the Internal Affairs Unit, among others. We accompanied officers and supervisors in their zone cars during various shifts and in every district. The Division briefed us on changes to its policies and practices. We met with representatives from the officers' and supervisors' unions. In addition to these onsite tours, which involved representatives from both the United States Attorney's Office and the Civil Rights Division, the United States Attorney's Office maintained a steady presence in Cleveland, attending community group meetings and visiting the districts to speak with officers and supervisors.

We also sought to learn more from individuals and groups who had direct interactions with the Division, and whom CDP is sworn to protect. We held multiple community town hall meetings in different regions of the City. During each of our onsite tours in Cleveland, we met with individuals who were willing to talk to us about their experiences with the police. In addition, we conducted three visits to Cleveland, in September 2013, May 2014, and October 2014 focused solely on talking to members of the community. We heard community members' concerns through outreach at community events, recreation centers, local businesses, and public housing units. We met with religious leaders, community activists, and representatives from several organizations that provide services to Clevelanders who are homeless or have a mental illness. We interviewed individuals who had either witnessed or been subjected to force by CDP officers. We verified these accounts where possible by reviewing available documentary, photographic, and video support, as well as Division records.

We were aided in our review by several expert police consultants who have significant experience in constitutional and best-practices policing, including reducing improper uses of force, ensuring officer safety and accountability, and promoting respectful police interactions with the community. Some of these consultants, who have worked for decades in police positions ranging from patrol officer to Chief, joined us during our onsite tours of the Division, participated in one or more of our town hall meetings, conducted interviews with civilians and officers, and accompanied officers and supervisors in their zone cars. The experience and knowledge of these nationally-recognized law enforcement experts has helped to inform our findings.

We reviewed an extensive volume of documents provided to us by the Division, including nearly 600 reports and investigations of officers' uses of force covering a three-year period. We reviewed more than 500 Use of Less Lethal Force Reports for uses of force that occurred between January 2012 and July 2013 and approximately 60 reports produced by the Division's Use of Deadly Force Investigation Team ("UDFIT") between 2010 and 2013, including every deadly force incident that occurred between January 2012 and April 2013. We closely analyzed these documents and applied the relevant legal standards to determine whether the Division's use of force was legally justified. Our review of individual use of force reports and investigations, along with our consultants' opinions on these documents, informed our investigation into whether a pattern or practice of excessive force exists.

¹⁰ CDP refers to its patrol cars as "zone cars."

To evaluate the causes of, and the factors contributing to, the use of unreasonable force, we reviewed internal and external CDP documents addressing a variety of operational issues, including policies and procedures, training, and investigations. For example, our conclusions about CDP's supervision and accountability systems are based on interviews of relevant staff, a review of policies and procedures, approximately 50 Internal Affairs investigations, more than 100 civilian complaint investigations, spreadsheets tracking outcomes of civilian complaints, and spreadsheets tracking disciplinary actions. This represented all of the 2012 and 2013 Internal Affairs investigations provided by CDP and a sample of the civilian complaints filed in 2012 and 2013.

We note that CDP's inability to produce key documents raises serious concerns regarding deficiencies in the Division's systems for tracking and reviewing use of force and accountability-related documents. These documents are necessary to assess whether officers are using force appropriately, to hold officers accountable for unreasonable uses of force, and to gauge the need for additional training, tactical reviews, or policy changes. CDP did not, for example, produce deadly force investigations that occurred after April of 2013 despite multiple requests. CDP was not able to produce some 2012 use of less lethal force reports until more than a year after our initial request for documents and failed to provide a justification for this delay. CDP reported that there were dozens of additional Internal Affairs investigations conducted during the time period we reviewed, but failed to provide these documents despite multiple requests. CDP was also unable to provide final dispositions for every civilian complaint, including complaints filed two years ago. Similarly, to date CDP has not been able to provide Taser firing histories which we requested over five months ago.

These are fundamental documents and pieces of information that should be readily accessible to CDP's leadership to inform decision-making. Instead, it appears that, at best, CDP is too often operating with incomplete or inaccurate information about its force practices. While we understand that CDP leadership may have informal ways to gather more information, a modern police force of CDP's size must have more formalized and structured mechanisms in place. CDP's inability to track the location of critical force-related documents is itself evidence of fundamental breakdowns in its systems and suggests that any internal analysis or calculation of CDP's use of force is likely incomplete and inaccurate. It also suggests that CDP does not accept that they are accountable for documenting and explaining their decisions in such matters to civilian leadership, the City, and the community as a whole.

Not only is CDP unable to track important force-related information, but it also appears that CDP's information is incomplete because some uses of force may not have been reported. CDP recently asserted in our meetings with them that total arrests involving a use of force have declined over the past eight years, as have the percentage of arrests which involve a use of force. CDP also asserted that Taser use declined significantly from 2009 to 2013. However, our review of a sample of 2012 arrest records for persons charged with resisting arrest suggests that some uses of force are not being reported. ¹¹ For the months of February, June and August 2012, there

¹¹ Persons who are resisting arrest and are charged with that offense have almost always engaged in behavior which would be met with some use of force by the officers involved.

were 111 resisting arrest incidents, and for seven of these – over six percent – CDP acknowledges that no use of force report can be located. Furthermore, in all but one of these seven incidents, the arrest reports describe police action that constitutes force as defined by CDP policy, and the remaining one strongly suggests that reportable force was used. In the face of such underreporting, CDP's determination that uses of force have declined is not wholly reliable. The inability to produce Taser firing histories compounds our concerns about the reliability of the data and undermines the assertion that Taser uses have declined.

IV. FINDINGS

We have reasonable cause to believe that CDP engages in a pattern or practice of using unconstitutional force in violation of the Fourth Amendment. Our review revealed that Cleveland police officers use unnecessary and unreasonable force in violation of the Constitution at a significant rate, and in a manner that is extremely dangerous to officers, victims of crimes, and innocent bystanders. This pattern of unreasonable force manifests itself in CDP's use of deadly force, use of less lethal force, including Tasers, and use of force against restrained people and people in crisis.

A pattern or practice may be found where incidents of violations are repeated and not isolated instances. Int'l Bd. of Teamsters v. United States, 431 U.S. 324, 336 n.l6 (1977) (noting that the phrase "pattern or practice" "was not intended as a term of art," but should be interpreted according to its usual meaning "consistent with the understanding of the identical words" used in other federal civil rights statutes). Courts interpreting the terms in similar statutes have established that statistical evidence is not required. Catlett v. Mo. Highway & Transp. Comm'n, 828 F.2d 1260, 1265 (8th Cir. 1987) (interpreting "pattern or practice" in the Title VII context). A court does not need a specific number of incidents to find a pattern or practice, and it does not need to find a set number of incidents or acts. See United States v. W. Peachtree Tenth Corp., 437 F.2d 221, 227 (5th Cir. 1971) ("The number of [violations] . . . is not determinative. . . . In any event, no mathematical formula is workable, nor was any intended. Each case must turn on its own facts."). Although a specific number of incidents and statistical evidence is not required, our review found that CDP officers use unnecessary and unreasonable force in violation of the Constitution a significant percentage of the time that they use force.

A. CDP officers engage in a pattern or practice of unconstitutional force.

Our review revealed that Cleveland police officers violate basic constitutional precepts in their use of deadly and less lethal force at a rate that is highly significant. Claims that officers have used excessive force during an arrest or detention are governed by the Fourth Amendment's reasonableness standard. *Graham v. Connor*, 490 U.S. 386, 394 (1989). "Determining whether the force used to effect a particular seizure is 'reasonable' under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake." *Id.* at 396 (internal quotations and citations omitted). The reasonableness of a particular use of force is based on the totality of the circumstances and "must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id.* As the Sixth Circuit has stated:

The Court has identified three factors that lower courts should consider in determining the reasonableness of force used: (1) the severity of the crime at issue; (2) whether the suspect posed an immediate threat to the safety of the police officers or others; and (3) whether the suspect actively resisted arrest or attempted to evade arrest by flight. These factors are not an exhaustive list, as the ultimate inquiry is "whether the totality of the circumstances justifies a particular sort of seizure."

Baker v. City of Hamilton, Ohio, 471 F.3d 601, 606-07 (6th Cir. 2006) (citations omitted).

The most significant and "intrusive" use of force is the use of deadly force, which can result in the taking of human life, "frustrat[ing] the interest of . . . society . . . in judicial determination of guilt and punishment." Tennessee v. Garner, 471 U.S. 1, 9 (1985). Use of deadly force (whether or not it actually causes a death) is permissible only when an officer has probable cause to believe that a suspect poses an immediate threat of serious physical harm to the officer or another person. Id. at 11. A police officer may not use deadly force against an unarmed and otherwise non-dangerous subject, see Garner, 471 U.S. at 11, and the use of deadly force is not justified in every situation involving an armed subject. Graham, 490 U.S. at 386. The Sixth Circuit has recognized that "even when a suspect has a weapon, but the officer has no reasonable belief that the suspect poses a danger of serious physical harm to him or others, deadly force is not justified." Bouggess v. Mattingly, 482 F.3d 886, 896 (6th Cir. 2007) (emphasis in original). In order to justify the use of deadly force, an officer's "sense of serious danger about a particular confrontation" must be both "particularized and supported." Id. at 891. In making our determination under Section 14141 it is not necessary to show that there is a pattern or practice of intentional or criminal misconduct by individual officers in their unreasonable use of force, and we make no such finding in this letter.

We determined that, as part of the pattern or practice of excessive force, officers fire their guns in circumstances where the use of deadly force is not justified, including against unarmed or fleeing suspects who do not pose a threat of serious harm to officers or others. We also discovered incidents in which CDP officers draw their firearms and even point them at suspects too readily and in circumstances in which it is inappropriate. In part as a result of this dangerous practice, which is both inappropriate and tactically unsound, officers strike people on the head with their guns in circumstances that do not justify deadly force. CDP officers use less lethal force—including Tasers, OC Spray, and strikes to a suspect's body—against individuals who pose little, if any, threat, or who offer minimal resistance, including those who are handcuffed, already on the ground, or otherwise subdued. CDP officers too hastily resort to using Tasers, often in a manner that results in excessive force and demonstrates a pervasive use of poor and dangerous tactics. CDP officers also use Tasers and other forms of less lethal force against individuals with mental illness or under the influence of drugs or alcohol or who have a medical condition affection their cognitive abilities, or who may be unable to comply with officers' demands. Collectively, these practices make up a pattern or practice of constitutional violations.

1. CDP officers shoot at people who do not pose an imminent threat of serious bodily harm or death to the officers or others.

In reaching our conclusion that CDP engages in a pattern or practice of excessive force, we identified several cases in which officers shot or shot at people who did not pose an immediate threat of death or serious bodily injury to officers or others. An incident from 2013 in which a sergeant shot at a victim as he ran from a house where he was being held against his will is just one illustration of this problem. ¹² "Anthony" was being held against his will inside a house by armed assailants. When officers arrived on scene, they had information that two armed assailants were holding several people inside the home. After officers surrounded the house, Anthony escaped from his captors and ran from the house, wearing only boxer shorts. An officer ordered Anthony to stop, but Anthony continued to run toward the officers. One sergeant fired two shots at him, missing. According to the sergeant, when Anthony escaped from the house, the sergeant believed Anthony had a weapon because he elevated his arm and pointed his hand toward the sergeant. No other officers at the scene reported seeing Anthony point anything at the sergeant.

The sergeant's use of deadly force was unreasonable. It is only by fortune that he did not kill the crime victim in this incident. The sergeant had no reasonable belief that Anthony posed an immediate danger. The man fleeing the home was wearing only boxer shorts, making it extremely unlikely that he was one of the hostage takers. In a situation where people are being held against their will in a home, a reasonable police officer ought to expect that someone fleeing the home may be a victim. Police also ought to expect that a scared, fleeing victim may run towards the police and, in his confusion and fear, not immediately respond to officer commands. A reasonable officer in these circumstances should not have shot at Anthony.¹⁴

Another incident from 2012 in which an officer shot a man who was lawfully armed and appeared to be cooperating with the officers' orders further illustrates this problem. Two officers

¹² Throughout this letter, we will provide two or three examples that illustrate each of the problems that we found during our investigation. These examples are far from an exhaustive list of the incidents that we found that violate the Constitution. Indeed, these examples only comprise a small subset of the total number of incidents that we found problematic and upon which we base our conclusions.

¹³ We use pseudonyms for individuals who were the subject of force with CDP officers to protect against disclosing personally-identifying information. We also do not identify CDP personnel by name, as the purpose of these illustrations is not to assess individual liability but to support and illustrate the findings of a pattern or practice.

¹⁴ This incident is a perfect example of the fact that this letter is not making judgments about individual officers' intent while using even unreasonable force. Obviously, the officer here did not intend to shoot a victim in this case. That does not change the fact, however, that under all of the circumstances of this case, firing at the victim was not reasonable and therefore violated the Constitution. In other words, simply saying that an officer's or a Department's actions are not criminal, does not mean that no Constitutional problem exists.

observed "Brian" walking with an open container of beer. When officers asked Brian to stop, he initially refused and walked to a nearby porch, set down his beer and then, according to the resulting report, turned towards the officers' zone car in a manner that indicated he was going to speak with them. The first officer reportedly saw a gun in Brian's waistband, yelled "gun," and pointed his service weapon at Brian. The second officer reported that, in response, Brian raised his hands above his head and informed the officers that he had a concealed handgun license. The second officer moved behind Brian to begin to handcuff him. According to this officer's report, Brian then lowered his hands "a bit" below ear level. Then, the first officer fired a shot that struck Brian in the abdomen. According to reports, Brian's injuries were significant enough that he required immediate lifesaving measures. While the officer who fired the shot alleged that Brian had reached for his weapon, that account conflicts with the statement provided by the officer's partner and the eight civilian witnesses who were on or near the porch at the time Brian was shot, none of whom reported seeing Brian reach for his gun. Numerous witnesses reported that Brian was attempting to cooperate with officers and began lowering his hands in response to an officer's order that he place his hands behind his back.

The officer's use of deadly force in these circumstances was unreasonable. The Sixth Circuit has recognized that a suspect's "mere possession of a weapon is not enough to satisfy [an officer's] burden" of establishing that the use of deadly force was reasonable. See Bouggess, 482 F.3d at 896. The shooting officer's partner and all of the civilian witnesses confirmed that Brian informed the officers that he had a handgun license. Brian took the precise steps advised by the Ohio Attorney General's Office when a person carrying a concealed handgun is stopped for law enforcement purposes. The weight of the evidence suggests that Brian was attempting to comply with officers' orders and did not pose an imminent threat of serious bodily harm to the officers or others, and the officer should not have fired his weapon. 16

We also reviewed incidents where CDP officers shot at people who were fleeing in vehicles as the vehicle was moving away from the officer and the suspects' flights did not pose a threat of serious bodily harm to anyone, rendering the use of deadly force at that point unreasonable. Shooting at a fleeing suspect violates the Constitution when the fleeing suspect does not pose a threat of serious bodily harm to the officer or others. In the Sixth Circuit, "it has been clearly established . . . for the last twenty years that a criminal suspect 'ha[s] a right not to be shot unless he [is] perceived to pose a threat to the pursuing officers or to others during flight." Sample v. Bailey, 409 F.3d 689, 699 (6th Cir. 2005) (citing Robinson v. Bibb, 840 F.2d

¹⁵ See Office of the Ohio Att'y Gen., Ohio's Concealed Carry Laws and License Application, at 14 (rev. April 7, 2014), available at http://www.ohioattorneygeneral.gov/Files/Publications/Publications-for-Law-Enforcement/Concealed-Carry-Publications/2011-Concealed-Carry-Laws-Manual.aspx ("If a person is stopped for a law enforcement purpose and is carrying a concealed handgun as a CCW licensee . . . he shall promptly inform the law enforcement officer that he is carrying a concealed handgun.").

¹⁶ On June 10, 2014, the City of Cleveland settled a lawsuit Brian filed alleging that CDP resorted to excessive force in this incident. We note that certain of the lawsuits that the City has settled involving allegations of excessive force were settled on confidential terms. The use of this practice, which diminishes transparency, merits serious review in such cases going forward.

349, 351 (6th Cir. 1988)); cf. Plumhoff v. Rickard, 527 U.S. _____, 134 S. Ct. 2012, 2021 (2014) (finding officers' use of deadly force against fleeing suspect reasonable where suspect engaged in "outrageously reckless driving," leading officers on a chase that exceeded 100 miles per hour and passing more than two dozen vehicles, several of which were forced to alter course); Hocker v. Pikeville City Police Dep't, 738 F.3d 150, 152, 158 (6th Cir. 2013) (finding police officers' use of deadly force reasonable where officers shot an intoxicated suspect, whom the court found to be a continuing threat, after he led the officers on a seven-mile, high-speed chase at night, then reversed his vehicle, slamming into an officer's patrol car and moving it thirty feet while an officer was temporarily trapped inside). In the words of the Supreme Court, "[i]t is not better that all felony suspects die than that they escape." Garner at 11.

Shooting at vehicles creates an unreasonable risk unless such a real and articulable threat exists. First, it is difficult to shoot at a moving car with accuracy. Missed shots can hit bystanders or others in the vehicle. Second, if the driver is disabled by the shot, the vehicle may become unguided, making it potentially more dangerous. The dangers of this practice are recognized in Division policy, in fact. The problem is, however, that the restrictions created by this policy are not consistently enforced. Both the May 2007 and the March 2013 CDP Use of Force policies state, "Firing at or from a moving vehicle is rarely effective and presents extreme danger to innocent persons...." In its 2013 review of CDP's use of force policies and practices, the Police Executive Research Forum ("PERF") 18 recommended that CDP policy be changed to prohibit the discharge of firearms at or from a moving vehicle unless deadly physical force is being used against the police officer or another person present, by means other than the moving vehicle. 19 In making this recommendation, PERF noted that shooting at a moving vehicle is dangerous because "it does not result in a stopped vehicle—it simply raises the chances of danger from an uncontrolled vehicle."20 We commend CDP for adopting PERF's recommendation regarding shooting at moving vehicles in its most recent Use of Force policy, which was revised in August 2014. However, it is too soon to determine whether CDP's actual practices will also change in light of the new policy. CDP's Use of Force policies revised in

 $^{^{17}}$ CDP General Police Order ("GPO") 2.1.01, *Use of Force*, VI.D.5 (rev. March 22, 2013) and IV.E (rev. May 7, 2007).

¹⁸ CDP retained PERF to conduct a review of the Division's policies and some of its practices related to its use of force. PERF's assessment included a review of CDP's training, supervision and management, less lethal force reporting, early intervention system, and post-traumatic stress aftercare. At the conclusion of that study, in August 2013, PERF issued a report that described its conclusion and made recommendations regarding managing the use of force in CDP, most of which CDP agreed to implement.

¹⁹ On August 23, 2013, CDP issued Divisional Notice 13-342, which revised its Use of Force policy in accordance with PERF's recommendations.

²⁰ PERF, Use of Force Policy and Practices Study for Cleveland Division of Police, at 6 (August 2013) [hereinafter "2013 PERF Report"].

²¹ GPO 2.1.01, *Use of Force*, §VI.D (rev. Aug. 8, 2014).

May 2007 and March 2013 both prohibited officers from shooting at vehicles that were no longer a threat, yet we found that officers nonetheless have done so.

In an incident from 2010, an officer shot a fleeing individual. There, officers had responded to a home because a woman reported that her ex-boyfriend was outside calling her and making threats. As officers were arresting the suspect ("Charles"), "David," who had been sitting in the passenger seat of the car in which he had arrived with Charles, started the car as if to leave. An officer approached the car, pointed his gun at David, and ordered him to turn the car off. According to the officer, David then cut the wheels to the left and sped off so that the vehicle brushed against the officer, pushing him backwards. In response, the officer reported, he fired one round at the driver as he drove off, striking him in the back of the shoulder. Again, while the officer might well have been in danger when the car was next to him, the initial threat posed by David to the officer had ended by the time the officer shot at David, and the officer did not articulate any basis for believing that David was a threat to anyone else. Under these circumstances, the officer's use of deadly force was unreasonable.²²

These incidents are examples of precisely the type of deadly force prohibited by the Fourth Amendment. See Smith v. Cupp, 430 F.3d 766, 773-74 (6th Cir. 2005) (officer violated the Fourth Amendment when he shot at a suspect fleeing in a stolen police cruiser because the officer fired his weapon "after the police cruiser was past" and the potential danger to the public from the suspect's driving off "was not so grave as to justify the use of deadly force"); Sigley v. City of Parma Heights, 437 F.3d 527, 537 (6th Cir. 2006) (officer was not entitled to qualified immunity for shooting a suspect fleeing in a vehicle where he "sh[ot] [the suspect] in the back when he did not pose an immediate threat to other officers"). We found many additional deadly force incidents that violated the Fourth Amendment in our review. These shootings also violated the CDP policy in place at the time, which prohibited shooting at vehicles that no longer pose an imminent threat.²³

²² David filed a lawsuit against the officer alleging, among other things, excessive force and false arrest in violation of the Fourth Amendment of the U.S. Constitution. On Feb. 13, 2013, the court denied the officer's motion for summary judgment in regards to these claims and in regards to the officer's qualified immunity claim, noting that the officer offered "improbable testimony" that the vehicle pushed against the officer and that the officer "never explain[ed] how the [vehicle] moved sideways into him. . . ." CA No. 1:12-CV-01920 (02/13/13 Opinion & Order, dkt. # 16, at 11. The case settled on March 1, 2013.

²³ CDP's Use of Force policy in place at the time, dated May 7, 2007, stated, "Officers shall NOT fire at a vehicle that is no longer an imminent threat." CDP's current policy prohibits officers from discharging their firearms at a moving vehicle unless deadly force is being used against the officer or another person by means other than the vehicle.

2. CDP officers hit people in the head with their guns in situations where the use of deadly force is not justified.

In our review of CDP's use of force, we also found that CDP officers use their guns to strike people in the head in circumstances where the use of deadly force is not justified. Striking someone in the head with an impact weapon is deadly force, as CDP's own policies recognize. 24 Our review of deadly force investigations revealed that CDP officers have hit suspects in the head with their pistols in circumstances that do not warrant deadly force. This practice is partially a result of tactical errors where officers drawn their firearms at inappropriate times. In these circumstances, when officers ultimately engage physically with suspects, they do so while holding a firearm. This is an extremely dangerous practice, increasing the risk of an accidental discharge—which has happened on more than one occasion involving CDP officers—and the risk that a suspect will gain control of the weapon. It also limits the less-lethal options an officer has available to bring an actively resisting subject under control because one of his hands is occupied holding the firearm.

In an incident from 2012 that illustrates this problem, an officer's gun discharged when he struck a suspect in the head with it. The officer, who was off-duty and dressed in civilian clothes, observed what he believed to be a drug transaction take place involving two vehicles and about six suspects. The officer approached them without calling for backup and told them to leave. When "Eric" got out of one of the cars, the officer drew his handgun, pointed it at Eric, and ordered Eric to the ground, identifying himself as a CDP officer but not showing a badge. A witness reported that she saw a man, later identified as the officer, holding a gun to Eric's face while Eric asked repeatedly for the officer to show his badge and expressed disbelief that he was an officer. One of the occupants of the car later told police that he thought they were being robbed. The officer then began wrestling with Eric with his gun still drawn. During the struggle, the officer struck Eric in the head with the weapon, at which time the weapon discharged. Eric then broke free from the officer and ran away. The officer reported that he did not know whether the bullet struck Eric, but that Eric was bleeding from the face as he ran away. The extent of Eric's injuries is unclear based on the documents CDP provided.

This use of deadly force was not reasonable and was quite dangerous for the arrestee, the officer, and the public. An officer's use of deadly force is not justified where a suspect physically resists arrest but poses no imminent danger of serious physical harm to the officer or another. See Bouggess, 482 F.3d at 891 ("It cannot reasonably be contended that physically resisting arrest, without evidence of the employment or drawing of a deadly weapon, and without evidence of any intention on the suspect's part to seriously harm the officer, could constitute probable cause that the suspect poses an imminent danger of serious physical harm to the officer or to others."). Additionally, the officer's actions could reasonably be predicted to escalate the situation because he engaged with Eric while off-duty without any means to identify himself as a

²⁴ GPO 2.1.01, *Use of Force* (rev. Aug. 8, 2014), at 2 (defining deadly force as "any action likely to cause death or serious physical injury" including "head strikes with any hard object"); GPO 2.1.01, *Use of Force* (rev. March 22, 2013), at 2 (also defining deadly force as "any action likely to cause death or serious physical injury," including "head strikes with . . . any hard object."); GPO 2.1.01, *Use of Force* (rev. May 7, 2007), at 2 ("Deadly force includes . . . head strikes with an ASP baton or any hard object.").

police officer and without communicating with 911 or dispatch for back up. Moreover, the officer's decision to physically engage with the suspect while holding his gun was dangerous. Barring extremely rare circumstances, an officer should never do this. This officer could have killed this suspect with his blow, and he also risked shooting the suspect, himself, or innocent bystanders.

Another example of this dangerous and unlawful practice is an incident from 2011 in which an officer struck an unarmed man in the head with his gun after the man had committed a minor, nonviolent offense. "Fred" had tried to shoplift a bottle of wine and a can of beer from a supermarket. The officer, who was working secondary employment at the supermarket, ordered Fred to stop as he was exiting the store. Instead of stopping, Fred ran. The officer followed him and, even though he did not claim to have seen a weapon, approached Fred with his gun drawn and ordered him to the ground. Fred said, "Shoot me." The officer again ordered Fred to the ground, and Fred again said, "Shoot me." As the officer stepped toward Fred, Fred moved toward the officer. The officer then hit Fred on the left side of his head with his gun, forced him to the ground, and handcuffed him. The strike to Fred's head resulted in a laceration that required four staples to close. Again, this use of deadly force against a man who was not armed, had committed a minor offense, and who presented only a minimal threat to the officer was unreasonable and dangerous.

While officers are sometimes required to use force during the course of their duties, they are always required to do so within the constitutional parameters of the Fourth Amendment. Far too often, however, Cleveland police officers use deadly force where they do not have probable cause to believe anyone is in immediate, serious danger. In some instances, their use of deadly force places themselves and others in serious danger. This unjustified use of deadly force violates the Constitution and poses unacceptable risks to the Cleveland community.

3. CDP officers use less lethal force that is disproportionate to the resistance or threat encountered.

Our review of CDP's use of force also found that, in instances in which it is reasonable for officers to resort to some level of force in response to an individual's actions, CDP officers too frequently resort to a type of force that is unreasonable in light of the resistance or threat encountered. Force, including less lethal force, is excessive if the level of force used is disproportionate to the resistance or threat encountered. Ciminillo v. Streicher, 434 F.3d 461, 469 (6th Cir. 2006) ("[I]n this Circuit, it was clearly established that individuals had a general right to be free from unreasonable use of non-lethal force."). CDP officers use less lethal force—including Tasers, OC Spray, and strikes to a suspect's body—against individuals who pose little, if any, threat, or who offer minimal resistance, including those who are handcuffed, already on the ground, or otherwise subdued. CDP officers too hastily resort to using Tasers, and they do so in a manner that results in excessive force a significant percentage of the time and demonstrates a pervasive use of poor and dangerous tactics. CDP officers also use Tasers and other forms of less lethal force against individuals with mental illness or impaired faculties, or who may be unable to comply with officers' demands.

a. Head and body strikes.

CDP officers also use less lethal force on people who are handcuffed or otherwise subdued and pose little or no threat to officers. This practice contravenes well-settled law. See Champion v. Outlook Nashville, Inc., 380 F.3d 893, 902 (6th Cir. 2004) (The Sixth Circuit has "consistently held that various types of force applied after the subduing of a suspect are unreasonable and a violation of a clearly established right."). One egregious incident in which officers resorted to an excessive amount of force, mentioned briefly in the Background section of this letter, occurred in January 2011. On the day in question, officers apprehended Edward Henderson after he fled from the police in a vehicle, leading officers on a chase that lasted about six minutes. Mr. Henderson then pulled over, exited his van, and sat on a highway guardrail, When CDP officers approached, Mr. Henderson walked into a group of trees. As one officer approached with his service weapon drawn, Mr. Henderson responded to commands to lay prone on the ground and spread his arms and legs. Infrared video from a CDP helicopter involved in the pursuit shows numerous officers approaching Mr. Henderson, including one with a gun drawn. The helicopter officer comments, "Looks like they got the male in custody." After Mr. Henderson was restrained, prone on his stomach, officers began kicking Mr. Henderson, and other officers appear to be striking him as well. Mr. Henderson was subsequently brought to the hospital with a broken orbital bone. The force officers used in this incident against an unarmed man, prone on the ground and surrounded by CDP officers, was unnecessary and excessive.

In another incident, an officer punched a handcuffed 13 year-old boy in the face several times. Officers had arrested the juvenile for shoplifting. While "Harold" was handcuffed in the zone car, he began to kick the door and kicked an officer in the leg. In response, the 300 pound, 6'4" tall officer entered the car and sat on the legs of the 150 pound, 5'8" tall handcuffed boy. Harold was pushing against the officer with his legs, but was handcuffed and posed no threat to the officer. Nevertheless, the officer continued to sit on Harold and punched him in the face three to four times until he was "stunned/dazed" and had a bloody nose. In considering the reasonableness of an officer's use of force, courts "must . . . consider the size and stature of the parties involved." Solomon v. Auburn Hills Police Dep't, 389 F.3d 167, 174 (6th Cir. 2004) (finding that a 120 pound, 5'5" tall woman posed "no immediate threat" to the safety of officers who weighed between 230 and 250 pounds and stood at least 5'8" tall). Moreover, this unreasonable use of force appears to have been designed to punish the boy rather than to control him. The Fourth Amendment does not permit force to be used for punishment. See, e.g., Baker v. City of Hamilton, 471 F.3d 601, 607 (6th Cir. 2006) (finding that officer used "unjustified and gratuitous" force when he struck a suspect in the knee because "the purpose of this hit was not to subdue . . . but rather to punish him"); Bultema v. Benzie County, 146 F. App'x 28, 37-38 (6th Cir. 2005) (unpublished) ("[R]egardless of what the suspect may have done to the police officer prior to the arrest, the police officer is constitutionally prohibited from exacting retribution once the suspect has been subdued.").

b. Tasers and OC Spray.

Our review also found that CDP officers use their Tasers and OC Spray inappropriately. Tasers are a valuable tool for law enforcement, but they are also a weapon that exerts a significant amount of force on the person and cannot be used without adequate justification for such a high level of force. One court described the effect of a Taser on a person this way: "The

impact is as powerful as it is swift. The electrical impulse instantly overrides the victim's central nervous system, paralyzing the muscles throughout the body, rendering the target limp and helpless. . . . The tasered person also experiences an excruciating pain that radiates throughout the body." Bryan v. McPherson, 590 F.3d 767, 773 (9th Cir. 2009). CDP officers, however, do not treat their Tasers as weapons which deliver such a high level of force. We found, for example, that officers use Tasers as a weapon of first resort instead of employing lower level force options. We reviewed incidents where officers immediately resorted to the Taser despite the presence of other officers who could help contain the individual using lower levels of force, or where de-escalation techniques might have proved more effective than using force. We also found that officers tase people who are handcuffed and that, in some cases, multiple officers deployed Tasers simultaneously or a single officer deployed a Taser multiple times when only a single use was justified.

Additionally, CDP officers misuse the so-called "drive stun mode" of their Tasers. A Taser may be used in two different ways—either by discharging the pair of darts, which remain connected to the main unit by a conductive wire, or by applying the Taser directly to a person's body while pulling the trigger. In the first method, an electrical circuit is complete that temporarily incapacitates a subject. The second method, called drive stun mode, inflicts pain as a compliance measure without incapacitating the subject. The practice of using Tasers in drive stun mode as a pain compliance tactic should be reserved for situations where other less painful tactics cannot be used and, in fact, may have limited effectiveness because, when used repeatedly, it may even exacerbate the situation by inducing anger in the subject. In its August 2013 report to CDP, PERF recommended that CDP discourage the use of drive stun as a pain compliance tactic, and CDP agreed to do so. PERF also recommended that CDP permit officers to use drive stun only to supplement the probe mode to complete the circuit or as a countermeasure to gain a safe distance between an officer and a subject, but CDP declined to do so, without explanation. In practice, we found that CDP officers frequently use the Taser in drive stun mode.

In one incident that illustrates CDP's inappropriate use of Tasers, an officer used his Taser to drive stun a 127-pound juvenile twice as two officers held him on the ground. Officers believed that "Ivan" matched the description of a possible fleeing suspect wanted for harassing store customers and stealing. Officers chased Ivan on foot, caught up to him, and tackled him. The officers alleged that the 127-pound juvenile "continued to resist" as they both held him on ground, prompting one of the officers to deploy his Taser twice in the juvenile's back in drive stun mode, even though both officers were holding him down. In this incident, the use of the Taser in any mode was unreasonable. There were two officers present and the juvenile was already on the ground and could have been controlled using lesser force.

In another instance from 2013, officers tased a handcuffed, fleeing prisoner, and then drive stunned him twice after having lost control of him while placing him in the back of a zone car. When officers initially confronted the individual, "Jason," he falsely identified himself, so

²⁵ PERF & Community Oriented Policing Services ("COPS"), 2011 Electronic Control Weapon Guidelines, at 14 (March 2011) [hereinafter "2011 ECW Guidelines"].

²⁶ 2013 PERF Report, at 9.

they decided to arrest him for "falsification." They placed him in handcuffs and patted him down for weapons. Finding none, they attempted to place him in the back of the zone car. While they were doing so, the handcuffed Jason somehow managed to escape from the two officers and began running in the middle of the street. The officers gave chase and, when Jason did not comply with commands to stop, one officer attempted to tase him "to stop the male from causing himself severe injuries from falling or being struck." This rationale offered by the officer should have been sufficient on its own for CDP to find this use of force unjustified, as suspects normally fall after being tased. Justifying the use of a Taser to stop a feeling, handcuffed person from falling is simply not credible. See, e.g., Bryan, 590 F.3d at 773 (officer's use of Taser caused the subject to fall face-first onto asphalt, shattering four front teeth and causing facial contusions). Jason continued running, but according to the officers, he eventually tripped and fell to the ground. When the officers caught up to him, they attempted to hold Jason down, but the handcuffed Jason "continued to resist and not comply" with orders. Despite the fact that there were two officers present, the officers drive-stunned Jason twice while he was handcuffed and on the ground. This use of force was unreasonable. The suspect was already on the ground and was in handcuffs. The decision to drive stun him twice appears to have been made more to punish Jason for running rather than to gain control of him, which could have been accomplished with less force, if any. See Baker, 471 F.3d at 607; Bultema, 146 F. App'x at 37-38. In addition to problems with the tasings, the fact that two officers completely lost control of a handcuffed suspect is concerning. This incident of tasing a person who was already handcuffed, a practice that on its face is quite hard to justify, was not the only time we saw it occur. And each and every time we saw officers write that they had tased a handcuffed suspect, the use of force was approved up the chain of command.

Officers also have unnecessarily and unreasonably used OC spray against handcuffed people. A particularly troubling incident occurred in February 2013, when CDP officers placed a so-called "spit sock" on a mentally ill suspect, "Kent," then sprayed OC spray over the spit sock while Kent was handcuffed and in the back of a zone car. Officers apparently then forced him to continue wearing the spit sock. The incident began when officers responded to a male who called 911 and threatened to "blow up the government," among other threats. Numerous zone cars responded to Kent's home. Officers placed Kent in handcuffs and, because he was spitting on them, they placed a spit sock, a hood which helps prevent the transfer of diseases from spitting, over his head. They then placed him in a zone car. Kent began to kick at the rear windows of the zone car, and a sergeant opened the door and ordered Kent to stop. Kent tried to spit on the sergeant and began kicking the window again. The sergeant then sprayed OC spray in the man's face, over the spit sock. CDP records reflect that Kent was not immediately decontaminated, but rather was transported and not decontaminated until he arrived at the hospital. The use of OC spray was unnecessary. Moreover, spraying Kent through a spit sock, then requiring him to wear it, is cruel and amounts to unnecessary punishment. Yet, this tactic was not even questioned by the chain of command.

4. CDP officers use unreasonable force, including Tasers, against individuals with mental illness, individuals in medical crisis, and individuals with impaired faculties.

Another aspect of the pattern we found is that CDP officers too often use unreasonable force against individuals with mental illness, individuals in medical crisis, and individuals with

impaired faculties who may be unable to comply with officers' demands or who may respond to officers erratically for reasons beyond their control. We recognize the challenges that people with mental illness, especially people in mental health crisis, pose to the delivery of police services. It is critical that CDP practices, particularly use of force practices, adequately take into account the population of people with mental illnesses CDP officers encounter and serve. The law requires officers to consider suspects' diminished capacity in assessing the appropriate level of force to use. See Champion v. Outlook Nashville, Inc., 380 F.3d 893, 904 (6th Cir. 2004) (assessing reasonableness of force used on autistic detainee, finding, "[t]he diminished capacity of an unarmed detainee must be taken into account when assessing the amount of force exerted."); see also Sheehan v. City of San Francisco, 743 F.3d 1211, 1231-33 (9th Cir. 2014) (holding that Title II of the Americans with Disabilities Act applies to arrests). In Martin v. City of Broadview Heights, 712 F.3d 951, 954-55 (6th Cir. 2013), a mentally unstable 19-year-old, who was naked and "speaking quickly and nonsensically" died after officers repeatedly struck him in his face, back, and ribs; handcuffed him; and continued to restrain him face-down against the ground. The Sixth Circuit held that officers violated clearly established law when they failed to take into account that the arrestee was unarmed and "exhibited conspicuous signs that he was mentally unstable." Id. at 962. The Court found that the Fourth Amendment required the officers "to de-escalate the situation and adjust the application of force downward," and that "the officers ignored Martin's diminished mental state and used excessive force to control him." Id.

CDP officers, especially the majority who are not specially trained on this issue, do not use appropriate techniques or de-escalate encounters with individuals with mental illness or impaired faculties to prevent the use of force and, when force is used, officers do not adjust the application of force to account for the person's mental illness. In many of the incidents we reviewed, officers' interactions with individuals with mental illness were precipitated by calls for assistance from concerned family members or civilians, and did not involve any allegations that a crime had been committed. The Sixth Circuit has recognized that "the fact that a plaintiff [alleging excessive force] . . . ha[s] committed no crime clearly weigh[s] against a finding of reasonableness." Ciminillo, 434 F.3d at 467.

We reviewed one incident where—in response to a request for assistance—a CDP officer tased a suicidal, deaf man who committed no crime, posed minimal risk to officers and may not have understood officers' commands. "Larry's" mother had requested CDP's assistance because her son, who has bipolar disorder and communicates through sign language, was holding broken glass against his neck and threatening suicide. When officers arrived, Larry went into the bathroom and sat on the edge of a half-filled tub. The officers followed and, without confirming that Larry could communicate through notes, wrote him a note saying that he needed to go to the hospital. Larry waved his hands "aggressively," which the officers interpreted as refusal. One of the officers then grabbed Larry's arm. Larry pulled back, "struggling" with the officer. The other officer then yelled "Taser" and pointed his finger at his Taser. Larry continued to struggle, so the officer tased Larry in his chest. This use of force was unreasonable. As an initial matter, Larry may not have understood officers' commands. But even more importantly, Larry was not a threat to officers—he simply was pulling away from an officer, refusing to leave the bathroom, and he was not suspected of any crime. Officers should have attempted additional crisis intervention techniques instead of resorting to force against this suicidal male.

In another incident involving the use of a Taser against a person in crisis, a CDP officer tased a man, despite the fact that he was suffering a medical emergency and was strapped onto a gurney in the back of an ambulance, because he was verbally threatening officers. Two officers had been flagged down because the man was having seizures and, at the time, was lying on the sidewalk. When the officers spoke with "Mark," he told them that he suffers from grand mal seizures and that he had been drinking. Officers called EMS and, while waiting for EMS to arrive, observed Mark have at least four more seizures. When EMS arrived, officers assisted him into the ambulance, where he was strapped onto a gurney. Once strapped down, Mark became angry and threatened to punch one of the officers and one of the medics. He then tried to unstrap himself from the gurney and balled his fist, stating that he would prefer to walk home. One of the officers then unholstered his Taser, told Mark to calm down, and threatened three times to tase him. Mark continued to try to stand up while threatening to beat the officer. The officer then drive stunned Mark on his top left shoulder. Mark had committed no crime, was strapped down and was in the midst of a medical crisis. His repeated seizures may also have left him confused and disoriented. Indeed, there is no indication that Mark could carry out his threat against the officers, particularly when he was strapped to the gurney. The officers' decision to tase him under these circumstances was unreasonable and may have been counterproductive. See 2011 ECW Guidelines, at 14 (Using a Taser "to achieve pain compliance may have limited effectiveness and, when used repeatedly, may even exacerbate the situation by inducing rage in the subject").

We found several problems with officers' use of force on people who show obvious signs that they are under the influence of phencyclidine ("PCP") that resulted in constitutional violations, including many instances in which CDP officers unreasonably deployed their Tasers multiple times. These are highly volatile and dangerous situations. Based on our review of force reports, these encounters appear to be very common in Cleveland. Despite their prevalence, CDP fails to adequately address and train its officers to effectively respond to these volatile situations. We have seen these ill-prepared officers respond by using excessive force against these individuals, placing themselves and others in danger. In one such instance, officers deployed their Tasers 12 times against a man who was in the street, naked, and high on PCP, including eight times in drive stun mode. In another incident, officers repeatedly tased a handcuffed man who was high on PCP, again using the drive stun mode. The goal in addressing a dangerous situation should be to use the amount of force needed to protect the officer and the public, not to continually inflict pain on a suspect who is unable to rationally comply with police commands.

²⁷ As the PERF guidelines on Tasers note, "there is a higher risk of sudden death in subjects under the influence of drugs and/or exhibiting symptoms associated with excited delirium." The guidelines also note that multiple applications of a Taser or simultaneous applications by more than one Taser may result in fatal or other serious outcomes. Indeed, the PERF guidelines go on to state that "exposure to the Taser for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury."

B. CDP officers commit tactical errors that endanger the Cleveland Community and reduce officer safety as well.

We found that CDP officers commit tactical errors that endanger themselves and other members of the community and may result in the use of excessive force. They too often carelessly and accidentally fire their weapons, at times seriously injuring people who were not a serious threat to officers and placing bystanders at unwarranted risk of serious injury and death. We also found that CDP officers too often fail to de-escalate confrontations and instead engage in questionable and dangerous tactics which place them in danger or result in their use of force that may not have been necessary. While these tactical errors may not always result in constitutional violations, they do at times, and moreover they place officers, suspects, and other members of the Cleveland community at risk. Especially in light of the broader pattern and practice we have observed, these incidents are legally significant.

1. CDP officers carelessly fire their weapons, placing themselves, subjects, and bystanders at unwarranted risk of serious injury or death.

We reviewed incidents in which officers carelessly or accidentally fired their weapons, at times critically injuring people, in instances where it may not have been appropriate to have drawn their firearms at all. An officer's decision to reach into a man's vehicle while the officer had his gun drawn and in his hand resulted in the officer shooting the man in the chest. "Nathan" had tried to make a right turn from the center lane, cutting off and almost colliding with a car that was proceeding straight through the intersection. It was 2:30 in the morning, and the area was crowded with pedestrians who had emptied out of the local bars and restaurants. Nathan was unable to complete the right turn because the street was blocked off, but by this time there were pedestrians crossing behind his vehicle, such that he could not back up into his lane. Consequently, he was stuck in the middle of the intersection, blocking traffic. At this point, an officer approached Nathan's vehicle with his gun drawn. The records of the incident provide no written basis to explain why he drew his gun, which is in itself a troubling fact. In his videotaped statement, the officer merely said he felt "uneasy" because he could not see Nathan's hands. With his gun pointed at Nathan, the officer ordered Nathan to turn off his ignition and to show the officer his hands. The officer claims Nathan did not obey these commands and that he had his right hand down where the officer could not see it. Nathan claims that he had his hands up and was afraid to move them because the officer was pointing his gun at him. When Nathan did not comply, the officer himself attempted to turn off the vehicle. To do so, he leaned his entire upper body into the car and, with his right hand, attempted to turn off the car. Meanwhile, his gun was in his left hand, pointed at Nathan, and his finger was on the trigger. He claims that he then felt force on his hand "like [Nathan] was trying to grab my weapon." The gun discharged, striking Nathan, who had been stopped originally for a potentially unlawful left turn, once in the chest.

This shooting resulted from poor tactics by the officer — both in pulling and pointing his gun and reaching into the car. These tactics resulted in an unnecessary and unreasonable use of force which, at the very least, resulted from the officer having made the dangerous choice to reach into a vehicle while holding his weapon. CDP's current use of force policy, which was in place at the time of this incident, prohibits officers from reaching into vehicles at all, let alone with their gun in their hands, because it is "extremely dangerous and can result in the officer

being dragged by the vehicle."²⁸ It is hard to believe that the officer would have made the decision to lean into the car to try to turn off the ignition if he really thought Nathan might be armed or reaching for a weapon. His decision to reach in with his gun in his hand, with his finger on the trigger, is even more difficult to explain and, in this instance, resulted in the shooting of an unarmed man who had been involved only in a minor traffic incident.

We reviewed incidents where officers accidentally shot their guns while pursuing suspects. In one instance, an officer's decision to draw his gun while trying to apprehend an unarmed hit-and-run suspect resulted in him accidentally shooting the man in the neck. The man was critically injured. One pattern we have observed is that CDP officers do not consider carefully enough their actions in drawing their weapons and pointing them at suspects, actions which may be necessary in some circumstances but which should be far from routine and fundamentally change the tenor of a police-civilian encounter.

We found that officers sometimes draw, point and/or fire their weapons without considering their environment, or the potential harm to bystanders or nearby residents. Officers do not adequately consider the potential destination of rounds fired especially if, as often happens, they miss their intended targets. In an incident from 2011 officers fired 24 rounds in a residential neighborhood, striking nearby houses and vehicles. Officers had responded to a scene where "Oscar" had allegedly shot his girlfriend and threatened to shoot officers, a very serious and dangerous situation. Nine officers arrived to find Oscar on the porch, waving a gun, and at times putting it to his head. Apparently suicidal, Oscar repeatedly told officers to shoot him. Officers approached with weapons drawn, telling Oscar to drop the gun. Oscar refused and began walking down the street, telling officers they would have to kill him. Officers followed. Oscar again put the gun to his head and then pointed it at officers. In response, five officers fired a total of 24 rounds. Three of the five officers fired more than six rounds each. By the time CDP officers stopped firing, six rounds had struck nearby residences; eleven rounds struck a pickup truck parked along a curb; two other rounds struck a second nearby parked pickup; and one round struck the passenger side pillar of an automobile parked along the curb. Oscar ended up in critical condition with gunshot wounds to his right buttocks, right calf, right foot, and left hip.

While we are not concluding that this response represents an application of unreasonable force, this incident illustrates several tactical errors that resulted in too many officers firing too many shots, placing residents of a neighborhood at risk of serious injury. CDP officers failed to follow basic, generally accepted techniques for responding to an armed suspect threatening suicide. For example, although there were nine officers on the scene, it appears that no one person was commanding or controlling the scene. A supervisor or the first-responding officer should have designated various locations from which the officers could seek cover and contain the movement of the suspect. No negotiator was called to the scene. Instead, the officers responding to the scene were unsupervised and grouped together with little or no cover. As a result of these poor tactics, officers placed themselves in harm's way and increased the likelihood that multiple officers would fire their weapons in response to a threat by the suspect. In this instance, the first CDP officer who opened fire appeared justified in doing so because the suspect pointed his weapon at officers. Other officers reported they fired their weapons because

²⁸ GPO 2.1.01, *Use of Force*, §VI.D.4 (rev. March 22, 2013).

they thought the suspect was firing at them. He was not—the suspect's gun was later determined to be inoperable. A police force must be trained to deal with situations in which officers are firing their weapons and take efforts to ensure that officers are firing in response to suspect fire and not in response to fire from other officers. While no residents were inadvertently struck by the errant rounds, the actions CDP officers took in response to Oscars' actions created a scenario in which they unnecessarily subjected neighborhood inhabitants and one another to a heightened risk of death or serious injury.

2. CDP officers use other dangerous and poor tactics, placing members of the Cleveland community at risk.

We also found additional instances in which CDP officers used inappropriate and dangerous tactics that resulted in uses of force that may have been avoidable. We reviewed instances in which officers used force when they should have de-escalated the situation and used a lower level of force, or perhaps avoided the need to use force at all. This is especially true, and troublesome, in the instances described above in which officers used force against people who were in a mental health crisis. But we observed this troubling pattern in other contexts as well, especially where police officers essentially lost their patience with people who were not cooperating or who were verbally abusive to officers.

We also found other instances of poor and dangerous tactics that may have resulted in constitutional violations or other dangerous situations. When handcuffing or searching a suspect, for example, we found incidents in which Cleveland police officers lost control of the suspect, requiring the officers to use force that would not have been necessary had they used sound tactics in the first place that would have enabled them to maintain control. In one incident that illustrates this problem, officers lost control of a suspect during a pat down, used force to gain control of him, and then failed to locate a loaded gun on the suspect before placing him in the zone car and transporting him to jail. In May 2013, two officers approached "Paul" because he looked "suspicious" and might have been urinating in front of a store. After approaching Paul, an officer patted him down "for officer's safety." During the pat down, an officer located a kitchen knife. The officer then informed Paul that he was under arrest. Paul tried to pull away, but the officer's finger got caught in Paul's clothing, breaking the officer's finger. The other officer on scene then stepped in and "tackled" Paul, who was "actively resisting." Once Paul and the officer were on the ground, the officer punched Paul several times, including in his forehead, in the back of his head, and in the middle of his back. The officer who punched Paul did not write a report, and so it is impossible to tell how many times he punched Paul in the head, or the level of resistance he was encountering that he felt necessitated this use of force. The officers reported to the supervisor the conclusory, boilerplate statement that Paul was "actively resisting." The first officer then assisted in the struggle and the two were able to get Paul handcuffed. After transporting Paul to the Central Prison Unit for booking, the officers found a loaded gun in Paul's coat pocket.

Aside from the fact that the officer only used the boilerplate "actively resisting" language in the CDP report, it is troubling that officers lost control of a suspect while they were patting him down. This incident is not discussed because we are making a finding that the officer used too much force, but rather because it is impossible to tell from the record whether the amount of force used was appropriate or not and because the written record demonstrates that the officers'

tactical errors exacerbated a very dangerous situation. Similarly, in the incident discussed above, involving "Jason," a handcuffed suspect escaped while officers were placing him in the zone car. To protect the community, officers must be able consistently to conduct basic police functions without losing control of suspects. Moreover, their loss of control of Paul and Jason required them to use greater force against these suspects, which otherwise may not have been necessary. Last, in Paul's case it obviously is extremely troubling that officers placed an armed man in the back of their zone car because they failed to find the loaded gun when they finally were able to complete the pat down.

Police officers are charged with the ultimate responsibility of protecting the public and keeping the peace—and they may employ the use of force, including deadly force, to do so. However, any use of force must be within the confines of the Fourth Amendment, and we have reasonable cause to believe that CDP officers engage in a pattern or practice of resorting to unreasonable amounts of force when encountering subjects. As discussed further below, the reasons underlying CDP's pattern of unreasonable force vary from its inadequate accountability systems to its failure to embrace and incorporate the concepts of community policing at all levels of CDP.

C. Systemic Deficiencies Cause or Contribute to the Excessive Use of Force.

Police departments have the ability and responsibility to detect and take steps to prevent the use of unreasonable force by their officers. The components of an effective use of force accountability system are well known. Police departments must ensure appropriate training in how and when to use force, and provide the supervision necessary for sufficient oversight of officers' use of force. Departments must also provide their officers clear, consistent policies on when and how to use and report force. Departments must implement systems to ensure that force is consistently reported and investigated thoroughly and fairly, using consistent standards and without regard to improper external factors or biases. The force investigation serves as the basis for reviewing the force incident to determine whether the officer acted both lawfully and consistently with departmental policy, as well as to determine whether the incident raises policy, training, tactical, or equipment concerns that need to be addressed for officer and civilian safety. Use of force aggregate data and trends should be monitored to enable the Division to identify and address emerging problems before they result in significant or widespread harm. CDP fails in all of these areas, and this has created an environment that permits constitutional violations. It has also created an atmosphere within CDP in which there is little confidence in the fairness of the disciplinary process — a lack of confidence which extends from the rank and file all the way to the highest levels of the Division and City leadership. Along with police practitioners, courts have long acknowledged that deficiencies in systems and operations can unequivocally lead or contribute to constitutional violations.²⁹

²⁹ In City of Canton, Ohio v. Harris, 489 U.S. 378 (1989), the Supreme Court held a municipality liable for failing to adequately train its law enforcement officers, recognizing that a law enforcement agency's practices and decision-making can cause constitutional harm. *Id.* at 387.

1. CDP Does Not Ensure that Officers Adequately Report the Force they Use.

A good accountability system begins with an appropriate record of the facts of an incident. That record is far too often lacking at CDP. To help ensure that misconduct and unsafe tactics are identified and can be prevented in the future, the facts of every use of force beyond unresisted handcuffing must be documented accurately and then reviewed fairly and thoroughly. Proper use of force reporting and review are essential parts of any police department's efforts to ensure that its officers are using force in a manner that complies with the Constitution and case law. Cleveland police officers do not adequately document force incidents, rendering it quite often impossible to tell how much force they have used and why.

Until recently, when a use of force incident occurred, each officer at the scene was not required to write a report documenting the incident. Instead, in the case of less lethal force, one officer (not even necessarily the one who applied the force) would typically write a report intended to summarize the actions and observations of every officer on scene. These summary reports made it impossible to discern whose account of events was being reported, making it difficult to hold any one officer accountable for his or her actions. Because only one officer was required to sign the report, there was no indication that the other named officers agreed with or even saw the description of events set forth in the report. Moreover, the officer writing the less lethal force report frequently was not the officer who used the force. At the time of our investigation, this practice was consistent with CDP policy. 30

CDP's use of force reports also suffer from additional deficiencies. Officers' reports repeatedly do not adequately convey the force they have used or why, and CDP therefore has no way of evaluating whether its officers are using force that is excessive, against policy, or that implicates tactical, training, or equipment concerns. Officers use canned or boilerplate language that does not describe with sufficient particularity the type of force they used. They say, for example, that they "employed a takedown maneuver" or that they "took [the subject] to the ground" or even "escorted [the subject] to the ground." This language does not adequately describe the level and type of force used for a supervisor to review and ensure that the force was within constitutional limits. Officers also commonly are unclear regarding exactly how they used a Taser - i.e., whether darts were deployed or whether drive stun was used. In some instances, when officers employ a Taser, they will use it multiple times without justifying each successive use. Officers also fail to adequately describe the level of the threat, if any, posed by those against whom force was used. They justify their use of force with non-specific language about subjects' actions such as "continued to resist" or "took an aggressive stance." And they frequently justify force by expressing a fear that a subject had a weapon without articulating any basis for that fear.

³⁰ The most recent Use of Force policy, made effective in August 2014, states that supervisors investigating force incidents must require all officers at the scene of an incident to complete a narrative describing "any actions of the member and what the member observed and heard." GPO 2.1.01, *Use of Force* (rev. Aug. 8, 2014), at 10. We commend the Division for making this change after our informal discussions with CDP's leadership. As discussed later in this letter, however, it is not yet clear that this policy revision has been adequately implemented.

These deficiencies in officers' report writing and other shortcomings regarding use of force reporting are due, at least in part, to inadequacies in CDP's policies. Officers are giving to their supervisors precisely what is required of them, and supervisors are not requiring enough. In short, there is a boilerplate culture when it comes to use of force reporting. Though CDP has revised and improved its force and related policies, the current policies still provide insufficient guidance to officers on how to report force and what information the reports must contain. There is no requirement, for example, that officers describe with specificity the force they used, or the resistance they encountered. Instead, officers are directed to fill out the "action response continuum" section of the Division's "Use of Less Lethal Force Report." This section of the form contains a series of check boxes, with descriptions such as "other deadly force," "wrestling/pushing member," "striking," and "punching." The policies also contain no prohibition on using conclusory or boilerplate language to describe an officer's or suspect's actions. Additionally, CDP policy does not consider pointing a firearm at someone to be a use of force, and therefore officers are not required to report when they have done so. These shortcomings in CDP's policies inhibit supervisors' ability to review force and ensure that it is within constitutional limits.

In addition to inadequate policy guidance, we are also concerned that policies, as they exist, are not being followed a significant amount of the time. For example, it appears that force sometimes is not being reported at all, despite CDP policy that requires officers to report any force beyond unresisted handcuffing. During our interviews, officers and command staff alike evinced a poor understanding of when force must be reported. One commander stated that he does not believe a shove to be a use of force. Officers also told us that far from punishing an officer who failed to report a use of force, some supervisors discourage officers from reporting force. The policy requires that, when officers use force, they are to notify a supervisor, who is to come to the scene and, in the case of less lethal force, conduct a full investigation. Officers told us that some supervisors express annoyance that they have been called to the scene and have to perform the work necessary to conduct a use of force investigation. Officers reported to us that they sometimes do not call supervisors to the scene of a use of force (and do not otherwise report it) for fear of getting on the wrong side of their supervisor. Officers also told us that some supervisors, upon arriving on scene and assessing the force, instruct officers not to report it, especially where the person upon whom force was used did not receive any injuries.

Finally, none of the approximately 10 officers who participated in or witnessed the use of force against Edward Henderson, described above, filed the required written use of force report or otherwise documented that they had used or witnessed any force against Mr. Henderson. This is despite the fact that Henderson was taken to the hospital with a broken orbital bone and that numerous other officers were on the scene. In other words, officers did not report the force knowing that anyone who conducted an even cursory review of the situation would be able to determine that some force was used. Of course, documenting the incident would likely have required an officer to state the identity of those officers who applied the force in writing, something that has not occurred to this day. This example of an excessive use of force only came

³¹ This form formerly was called a "Use of Non-Deadly Force Report." The division's decision to change the name of this form is consistent with best practices and we commend the division for having made this change.

to light when the video of the incident surfaced. To date, no officers have identified any of the officers who used force in this incident, and no officers have been disciplined for failing to report this incident.³²

2. Supervisory Investigations of Force are Inadequate.

Compounding the problem of inadequate reporting, supervisors conduct insufficient reviews of officers' uses of less lethal force. They make little effort to determine the level of force that was used and whether it was justified. In some cases, supervisors take steps to justify a use of force that, on its face, was unreasonable. Of the hundreds of force incidents we reviewed, supervisors almost never found the force to be unreasonable. That is a record that is simply not credible even in the very best police department. Supervisors also fail to identify and rectify tactical deficiencies that place officers, suspects, and the community at serious risk of harm. In short, the Division is not identifying and preventing unlawful force committed by its officers.

Pursuant to CDP policy, whenever an officer uses force, the officer is to immediately notify a supervisor—typically a sergeant—who is to respond to the scene. In the case of less lethal force, the supervisor is to conduct an "objective, impartial, and complete investigation" of the use of force, by taking action that includes interviewing all witnesses, reviewing all known videos and audio evidence, and checking the officers' reports for accuracy and completeness. GPO 2.1.01, Use of Force, §V.E (rev. Aug. 8, 2014). After completing the investigation, the supervisor is required to write a synopsis of the event, including an evaluation of whether the force used was appropriate and in compliance with CDP policy. The complete investigation packet is then to be sent up the chain of command to a deputy chief, with approvals and appropriate recommendations required at each level.

In practice, these supervisory investigations are cursory and too often appear to be designed from the outset to justify officers' actions. The supervisory synopses often fail to identify necessary information that is missing in the initial officers' reports, and not only do these inadequate reports not result in discipline, but supervisors all the way up the chain of command sign off on these deficient reports. Often, the language included in the supervisor's synopsis is simply a repetition of the language included in the officer's report that itself is facially insufficient. The hundreds of less lethal force reports we reviewed were almost entirely devoid of any analysis by anyone in the chain of command regarding whether the force was reasonable. Instead, they simply state that use of force was within Division guidelines. It is almost as if the goal of the chain of command in many incidents is *not* to create a complete record of the incident that can be subjected to internal and external review, instead of the opposite.

³² Although we have been advised that four officers involved in this incident spent some time on administrative leave without pay, they were not formally disciplined. In addition, CDP did not discipline an additional half dozen officers who witnessed the use of force but failed to report it and failed to identify which officers kicked Mr. Henderson. The City, nevertheless, paid a substantial settlement in a civil suit brought based on this incident.

More specifically, supervisors fail to reconcile or to follow up on key facts or discrepancies between officers', witnesses', and suspects' accounts, or discrepancies between the force described and injuries sustained by subjects, or any other available evidence. Supervisors have even failed to hold officers accountable after discovering that officers misreported the force they used. In one incident, in which an officer apparently choked "Gwendolyn," a woman who was handcuffed to a chair, the officer had written in his report that a fellow officer had "attempted to grab the offender in the chest area." After reviewing security camera footage of the incident, however, the supervisor wrote that the officer had grabbed the subject "by the front of the neck." The supervisor did not take any action or follow up in any way on the fact that the officers had mischaracterized the force they used. Instead, the supervisor approved this use of force and did not feel the need to express any opinion regarding the fact that the officer was minimizing the extent of the incident. The captain who reviewed the investigative packet took no issue with the force used, the different characterizations of the force, or the numerous other deficiencies in the investigation. Instead, he approved the use of force, noting that "although [he] would not normally condone grabbing a handcuffed prisoner by the neck," the limited space in the room and Gwendolyn's attempt to kick the officer justified the officer's use of force. Supervisors' failure to follow up on discrepancies in force reporting undermines CDP's accountability systems and allows unreasonable force to continue.

Indeed, supervisors' analyses of use of force incidents is superficial at best and, at its worst, appears to be designed to justify their subordinates' unreasonable use of force. The incident in which the officer punched the handcuffed 13 year-old in the face three to four times illustrates this problem. There, the officer weighed twice what the handcuffed boy weighed, and there was at least one other officer present who could have helped control him. The supervisor who reviewed the incident noted the size difference, the presence of other officers, and the fact that the boy was handcuffed, yet nevertheless found that this clearly excessive and punitive use of force was "arguably the best response." He justified the face punches because the boy had kicked the officer and attempted to escape the zone car. The supervisor failed to even consider that the punches might have been retaliatory (perhaps because the officer was angry) and unnecessary to secure the boy. He said that, while "at first review" other tactics such as joint manipulation, assistance from other officers, pressure point control, and other tactics might have been considered, to do so would be to view the incident with the benefit of hindsight and therefore inappropriate. This abdication of supervisory responsibility allows unreasonable uses of force to continue unchecked.

In addition to failing to identify and address excessive uses of force, supervisors fail to identify officers who have used poor or dangerous tactics, or who have broken Division rules relating to use of force, and may be in need of additional training or other corrective action. For example, we saw instances in which officers enlisted the assistance of passersby or bystanders to help gain control of and handcuff a suspect. While it is laudable for the public to seek to help the police, this practice of actively seeking public intervention is extremely dangerous and unprofessional—the person could easily be injured, or could interfere with or undermine the officer's efforts or, worse, attempt to hurt the officer or reach for the officer's weapon. Or, the person might use excessive force or tactics that violate the law or CDP policy. In none of these instances did a supervisor note that this practice was inappropriate or recommend training or counseling to discourage it. Moreover, some CDP officers justify the use of unreasonable force against handcuffed or restrained people by asserting that they have lost control of suspects. The

use of force against handcuffed suspects should always be subjected to great scrutiny because it generally is unnecessary. Instead, we found instead that this practice is tolerated – that it is effectively presumed that each time an officer applies force to a handcuffed person that it is one of the rare cases when it was necessary —and, as a result, the practice is tacitly authorized by the Division.

In our review of these investigations, we saw no accountability for supervisors who conducted inadequate less lethal force investigations. In almost all instances, these inadequate reports and investigations were approved all the way up the chain of command with no comment. We saw very few instances in which supervisors up the chain of command conducted any analysis to determine if the use of force was Constitutional and within the established guidelines of CDP. By tolerating supervisors' failures to investigate uses of force, CDP misses the opportunity to correct dangerous behavior, and instead sends the message that there is little institutional oversight or concern about officers' use of force.

On a systemic, Division-wide level, our review of CDP policies and practices revealed that CDP does not examine and analyze force reports to detect common patterns and trends regarding officers' uses of force. Such analyses would help CDP identify disproportionate types of force, which can implicate a need for policy revisions as well as an adjustment to the supervisory review process. As discussed more thoroughly in this letter's section on Training, these analyses can also help pinpoint important topics for training or re-training.

As discussed in more detail later, one root cause of these deficiencies in supervisor review of use of force is a lack of experienced, well-supported, well-trained supervisors. Supervisors also reported that their workloads are simply unmanageable. Sergeants told us that "it's the worst job in the department" and "the work never stops," noting that they might be responsible for five less lethal force investigations during one shift in addition to various other duties. Sergeants also reported that they are isolated from others who have similar positions in different parts of the City, which could be an important source of training and support, and there are too few lieutenants to provide needed guidance and support. For instance, some sergeants reported that they may only see the Lieutenant assigned to their platoon once each week. More broadly, supervisors appeared to have difficulty balancing their responsibility to effectively lead. manage, and hold officers accountable. The level of discomfort with these responsibilities is an indication that CDP is not providing supervisors with the training, guidance, resources, or support required to perform their jobs effectively. Many of these individuals enter the force wanting to excel at their work and serve the public, but they report that their enthusiasm and morale is quickly sapped by a structure that does not provide them with the tools they need to succeed in their jobs.

3. CDP's Internal Review Mechanisms are Inadequate.

Inadequacies in CDP's internal investigation and review mechanisms also contribute to the pattern or practice of unreasonable force that we identified. CDP has several components that share responsibility for investigating officers' alleged violations of criminal law or Division policy and holding officers accountable if violations are found: the Use of Deadly Force Investigation team, the Office of Professional Standards, the Internal Affairs Unit, and the Inspection Unit. CDP has several policies and manuals that attempt to define the varying

responsibilities of these components, but we found that the division of labor was unclear, allowing violations of Division policies to slip between the cracks. Moreover, some responsibilities conferred to particular components by policy are not fulfilled in practice. For example, CDP policy dictates that the Office of Professional Standards, which is primarily responsible for investigating civilian complaints, and the Internal Affairs Unit both investigate an officer's use of deadly force to determine if the officer violated Division policy. In practice, the Office of Professional Standards apparently has not conducted a proper investigation of an officer's use of deadly force since 2012.

During interviews, some members of CDP's staff expressed confusion about which component is responsible for carrying out which particular duties and why. Even with full access to CDP's staff, policies, and procedures, we found the Division's accountability systems to be difficult to navigate; it is unlikely that civilians seeking information on how a particular complaint or investigation will be handled will find a clear answer. Moreover, the lack of clarity regarding who is responsible for what interferes with competent investigations and consistent and fair adjudication of discipline.

a. CDP Fails to Adequately Investigate and Hold Officers Accountable for Misconduct.

Our review found that several of CDP's systems for investigating and holding officers accountable for the use of excessive force are flawed, including Internal Affairs, the Use of Deadly Force Investigation Team, and the Tactical Review Committee. In some cases, these flaws prevented the Division from holding officers accountable for serious misconduct. The deficiencies were apparent in both the quality of the investigations and the outcome of those investigations. The quality of the investigations is compromised by investigators' apparent bias in favor of clearing the officer instead of objectively pursuing all of the available facts — a bias that more than one investigator actually admitted to our team. Many investigations also lacked key documents and appeared incomplete, further undermining their quality. And CDP's improper use of *Garrity* warnings may severely interfere with investigations and prosecutions of criminal misconduct by officers.

³³ See, e.g., OFFICE OF PROFESSIONAL STANDARDS, DEPARTMENT OF PUBLIC SAFETY, PROCEDURAL MANUAL, at 1.3 (undated) [hereinafter "OPS Manual"]; STANDARD OPERATING PROCEDURE MANUAL: THE USE OF DEADLY FORCE INVESTIGATION TEAM, at 13 (rev. March 27, 2013) [hereinafter "UDFIT Manual"].

³⁴ Garrity v. New Jersey, 385 U.S. 493 (1967), prohibits a police department from compelling an employee, through the threat of termination, to provide incriminating statements and then subsequently using those statements in a criminal prosecution.

The Internal Affairs Unit and the Use of Deadly Force Investigation
Team do not conduct thorough and objective investigations of alleged
officer misconduct.

CDP's Internal Affairs Unit is responsible for providing guidance to supervisors regarding officers' alleged involvement in criminal activity and "investigat[ing] all incidents as directed by the Chief of Police." Internal Affairs also investigates any allegation that a CDP officer violated Division policy, unless the allegation arose out of the use of deadly force. Deadly force investigations are conducted by the Division's Use of Deadly Force Investigation Team ("UDFIT"). The UDFIT team does not determine whether the use of deadly force violated criminal law or Division policy, however. It only investigates the incident. Internal Affairs then reviews the UDFIT file and conducts any additional investigation necessary to determine if the officer violated Division policies. CDP's chain of command also reviews the UDFIT file, and it is forwarded to the Prosecutor's Office for review.

While the investigations conducted by the UDFIT team are more thorough than less lethal force investigations, we observed deficiencies in how detectives approached uses of deadly force that were not clearly justified. The reviews appeared to be biased in favor of clearing the officer as opposed to gaining a full and objective understanding of the incident. During officer interviews, for example, detectives asked leading questions, failed to ask important follow-up questions, and failed to resolve inconsistencies. In some instances, investigators failed to take basic investigatory steps. These failures resulted in determinations in favor of the officer that may not have been justified had an adequate investigation been conducted. Indeed, during our interviews with UDFIT investigators, one UDFIT investigator told us that he assumed the officer's use of force was reasonable in 98 percent of the cases. Other UDFIT investigators told us that they intentionally cast an officer in the best light possible when investigating the officer's use of deadly force.

Similarly, our review of Internal Affairs (or "IA") investigations found they frequently lacked key documents, such as transcripts or comprehensive summaries of officer interviews. The quality of investigations, including deadly force investigations, is further compromised by the investigators' failure to ask key questions and take important investigatory steps. Even more troubling, however, is that multiple IA investigators are applying an inappropriate standard of proof when conducting administrative investigations. When we specifically asked several IA investigators what standard they applied, they struggled to find an answer before deciding on "beyond a reasonable doubt." Only one IA investigator responded with the less stringent—and appropriate—"preponderance of the evidence" standard. That raises the probability that for years the great majority of IA investigations have been using a "beyond a reasonable doubt" criminal law standard. These failures fundamentally undermine CDP's ability to hold officers accountable. Indeed, we reviewed investigations where it was clear that CDP should have taken swift action to address an officer's conduct but failed to do so. For example, Internal Affairs reviewed the 2013 incident in which an officer shot at a victim as he ran from the house where he was being held against his will. Internal Affairs determined that there were no violations of Division policy and recommended that the investigation be closed without further action. This is an unacceptable outcome. This case almost resulted in tragedy, and it arose from circumstances

³⁵ GPO 1.3.16, Integrity Control Section Call-Up Teams, §I.D (rev. October 14, 2009).

that are likely to repeat themselves. At a minimum, Internal Affairs should have recognized the need for remedial training.

In another incident discussed earlier, an off-duty officer without any means of identifying himself as an officer inappropriately approached a group of suspects without backup and struck a civilian in the head with his service weapon during a struggle. The officer's use of force in this incident was excessive and he demonstrated poor tactical decisions that placed him and others in danger. Internal Affairs determined that the officer's actions were justified and that no further action should be taken. In addition to failing to recommend further action, in both of the above examples, the officers were referred to in the files by investigators as the "victim," despite the fact that the officers had used excessive force, in one instance against a crime victim the officer had come to rescue.

ii. CDP applies Garrity protections too broadly.

CDP applies Garrity protections too broadly, potentially compromising criminal prosecutions of officers who have committed acts of criminal misconduct. Garrity v. New Jersey, 385 U.S. 493 (1967) prohibits a police department from compelling an employee, through the threat of termination, to provide self-incriminating statements and then subsequently using those statements in a criminal prosecution. However, departments can and should give officers the opportunity to provide voluntary statements. Officers may be willing to give statements without being compelled to do so. Indeed, in many instances, an officer's willingness to provide a statement at the outset of the investigation allows the investigation to proceed more quickly, expeditiously resolves questions of officer misconduct, and identify opportunities to improve tactical and scenario-based training.

CDP has not developed an appropriately nuanced approach when providing Garrity warnings and protections to officers' statements regarding their uses of force. It is our understanding that the county prosecutor determines whether officers will receive Garritv protections regarding the use of deadly force. Although the prosecutor should be consulted and precautions should be taken to make sure the criminal investigation is not tainted, in all use of force incidents CDP should make an independent determination of when and whether to issue Garrity warnings in order to ensure that it meets its obligation to administratively investigate potential violations of CDP's policies in a timely manner. Even more importantly, however, CDP's current practice, as mandated by its Internal Affairs manual, is to provide Garrity warnings and protections for all statements made in administrative investigations. In at least some of these instances, however, officers may not be entitled to Garrity protections. For Garrity to apply, the officer must have wanted to invoke his or her Fifth Amendment rights, but was prevented from doing so by the threat of termination. These circumstances will not be present in all administrative investigations. As a result of CDP's current practices, officers' statements cannot be used in a criminal case even though officers may have been willing to provide statements without being compelled to do so, or may not have been entitled to Garrity protections at all. This overly-broad invocation of Garrity may result in the exclusion of important evidence from an investigation, including exculpatory evidence that would clear the officer. Moreover, while CDP's procedures note that "[e]very measure shall be taken to ensure that a one-way fire wall will exist between concurrent criminal and administrative investigations" to prevent the compelled statement or any information derived from that

statement from being used in the criminal investigation, CDP's policies do not outline how this should occur. 36 This failure may result in tainted criminal prosecutions.

Internal Affairs also fails to adequately investigate civilian complaints that officers used excessive force. Per policy, when the Office of Professional Standards receives a civilian complaint that it determines includes allegations of criminal misconduct, including excessive force, it is to refer the case to Internal Affairs for investigation. As discussed in the following section, investigations of misconduct referred to Internal Affairs through the civilian complaint process were routinely substandard—they are often limited to an interview of the complainant and the collection of basic documents. Internal Affairs failed to take additional necessary steps to investigate these allegations.

iii. CDP does not implement appropriate corrective measures.

Finally, our review of CDP's practices for implementing corrective measures, including discipline against individual officers and changes in tactics or training, revealed several troubling practices. For example, we found instances where an investigation was complete and administrative charges were brought, but the case remained "pending" for an unreasonably lengthy period. In some cases, the reason for the delay was unclear and in other cases the reason for the delay was clear, but not legitimate. We reviewed one instance, for example, where CDP delayed its disciplinary process because of a pending civil case. According to OPS records, the Police Review Board sustained the complaint but, nearly four years later, the case continues to be listed as "pending" in documents tracking CDP's disciplinary decisions. A pending civil case is not a valid reason for delaying CDP's internal disciplinary processes. It can be many years before a civil lawsuit is fully resolved. This practice prevents the Division from swiftly holding officers accountable and sends a message to other officers that they need not fear discipline for their actions.

Also of concern is CDP's threshold for determining that officers have been held accountable for serious misconduct. For example, CDP reported to us that from 2010 through early May 2014, 51 officers had been disciplined related to uses of force. Our review of the particular incidents to which CDP referred showed that discipline for the majority of cases involved either procedural infractions such as failure to submit a timely report, or instances where officers actually suffered no consequences because hearings were not held in time or charges were dismissed for other unexplained reasons. CDP's portrayal of these cases as officers being disciplined in connection with use of force indicates a problematic view of what constitutes holding officers accountable.

Similarly, as part of its deadly force review process, CDP has established a Tactical Review Committee that is responsible for "review[ing] relevant documents, confer[ring] with appropriate technical experts, and decid[ing] recommendations on training, tactics, and equipment issues," but this committee is not being appropriately utilized.³⁷ CDP policy states that the Tactical Review Committee is to review all deadly force incidents once any criminal,

³⁶ See UDFIT manual.

³⁷ UDFIT Manual at 14.

UDFIT, and administrative reviews are complete, yet it appears that, in practice, tactical reviews do not always occur. Though we requested all documents regarding all reviews completed by the Tactical Review Committee between January 1, 2010 and June 28, 2013, we received only 15 reviews from that time period. CDP provided none from 2010 and 2013, and only seven from 2011 and eight from 2012. For context, CDP officers were involved in 23 use of deadly force incidents in 2011 and 22 use of deadly force incidents in 2012. We understand the Tactical Review Committee does not necessarily review a use of deadly force incident during the same calendar year in which the use of force took place, particularly if the incident took place late in the year. Nevertheless, these delays in the review process are unacceptable and allow failures in policy, training, and tactics to continue, potentially resulting in the further use of excessive force due to the same deficiency. We found that eight of the 15 deadly force incidents reviewed were not reviewed until at least a year had passed; four additional incidents were not reviewed until three or four years had passed. Two of the incidents reviewed in 2012 occurred in 2008, and two other incidents reviewed in 2012 occurred in 2009. The utility of these reviews, three to four years after the incident occurred, is greatly diminished.

Even when these reviews are completed, however, many of them are inadequate. Reviewers devoted no more than a single page to many incidents and failed to identify basic failures in training and tactics. Tactical reviews should examine every aspect of a call from dispatch to disposition, and reviewing officers should offer substantive commentary and analysis. Yet many reviewing officers do no more than write "Reviewed" on the form. In three of the tactical reviews, training was recommended, but we did not see any evidence that the recommendations were adopted. We also note that CDP has no equivalent process to review less lethal force incidents, even if the less lethal force resulted in serious injuries. Because of these failures, the Tactical Review Committee does not perform its intended function and undermines CDP's ability to identify and address deficiencies that are resulting in the use of excessive force.

b. CDP Fails to Adequately Investigate Civilian Complaints of Officer Misconduct.

An effective and transparent system for investigating civilian complaints of misconduct is a critical element of a police department's accountability system to prevent the use of excessive force. The Charter of the City of Cleveland requires OPS to conduct "a full and complete investigation" of each complaint of police misconduct filed by a civilian. CDP's policies recognize that, in order to ensure that officers "serve the community in a[n]... accountable manner," there should be "a readily accessible process" to submit complaints of misconduct. CDP's investigations of these complaints should be "timely and thorough" to both "protect citizens from police misconduct and members from complaints that are retaliatory, manipulative or simply misunderstanding of police protocol." Id. But is apparent that the reality falls far short of the written policies on these matters. Our review revealed that CDP's investigations are neither timely nor thorough, that civilians face a variety of barriers to completing the complaint process, and that the system as a whole lacks transparency. As a result, CDP falls woefully short of meeting its obligation to ensure officer accountability and promote community trust.

³⁸ Charter of the City of Cleveland, § 115-4, Investigation and Disposition of Complaints.

³⁹ GPO 1.3.15, Investigations of Police Misconduct, at 1 rev. September 10, 2007).

During our previous investigation of CDP, completed in 2004, we noted significant concerns regarding the civilian complaint process. We concluded that OPS was understaffed; investigators were not provided with the guidance and resources necessary to do their jobs effectively; investigations were untimely; civilians' access to the complaint process was limited; and some complaints that should have been investigated were not. More than ten years later, these problems remain and, in some cases, have worsened. Current deficiencies in the complaint process include impossibly high caseloads for investigators, the inappropriate and premature rejection of civilians' complaints, substandard investigations, significant delays in completing investigations, and the failure to document and track outcomes.

We discovered a troubling pattern of OPS inappropriately rejecting complaints that may have warranted an investigation. Specifically, CDP policy permits complaints to be "administratively withdrawn" in limited circumstances. ⁴⁰ For example, the OPS administrator has the authority to administratively withdraw "[c]omplaints regarding citizens receiving Uniformed Traffic Tickets (UTT)," but only "if the complaint is based entirely on the belief that the citizen did not deserve the UTT . . . because they did not violate the law." Despite this strict limitation, we reviewed examples of OPS withdrawing complaints that alleged that an officer engaged in misconduct. The alleged misconduct occurred during the issuance of a ticket, but the complaint was not "based entirely on the belief that the citizen did not deserve the UTT." Instead, it alleged that the officer violated the law or Division policy. These complaints should have been investigated.

In other instances, OPS inappropriately closed or administratively withdrew civilians' complaints solely for "lack of response" or "lack of cooperation." OPS's manual only permits administrative withdrawal on this basis where there is no other information on which to base an investigation. ⁴² In addition, investigators must first have made diligent efforts to reach the complainant. In practice, however, OPS routinely closes cases after little effort to reach the complainant and despite other information upon which to base an investigation. When complainants "fail to cooperate" with an investigation, CDP should continue the investigation when it has enough information to do so, because CDP has an independent interest in ferreting out misconduct by its officers. Indeed, it has an obligation to do so. Complainants may seek to withdraw complaints or fail to continue to cooperate for reasons wholly unrelated to the merits of their complaints. Moreover, a policy of discontinuing investigations where complainants fail to cooperate may result in subtle or overt efforts by investigators or officers to discourage complainants from proceeding.

When a civilian's complaint is accepted for investigation, investigations are frequently delayed and substandard. OPS does not have sufficient investigative staff to investigate complaints in a timely and thorough manner. Some investigators reported that, while they would prefer to conduct more comprehensive investigations, their staggering caseloads make it

⁴⁰ OPS Manual §8.0.

⁴¹ See Office of Professional Standards/Civilian Police Review Board, Annual Report, at 13 (2011) [hereinafter "2011 OPS Annual Report"].

⁴² OPS Manual §8.0

impossible to take even some basic investigative steps such as seeking out witnesses or visiting the scene of the alleged misconduct. Underscoring the dire need for additional OPS investigators, our recent review revealed that, on average, complaints take six months to complete, which is far longer than is appropriate. We saw many complaints that took more than a year to resolve—a delay that is unreasonable both to the civilian looking for resolution and the officers who bear the burden of recalling the details of the incident. OPS staff reported that, due to the sheer volume, "We just can't touch some complaints." For dozens of complaints, we saw no record they were ever resolved, indicating that the complaints simply fell through the cracks—an unacceptable outcome in a functioning civilian complaint process.

OPS investigations are also frequently substandard. The OPS Manual provides little guidance on the steps that should be taken in order to conduct a thorough investigation, leaving officers to their own devices and resulting in investigations that are inconsistent in content and quality. The investigations we reviewed consistently lacked basic follow up, such as going to the scene and seeking out witnesses. Even when a complaint alleges that an officer engaged in serious misconduct, the entire investigative file may consist only of officer statements, the complainant's signed form and recorded interview, and little, if any, additional documentation. Pursuant to policy, OPS investigators do not interview the involved officer unless the officer requests an oral interview in lieu of a written response. As a result, OPS investigators must rely on written questions and answers to probe the validity of a civilian's complaint, to assess inconsistencies in police reports, or to evaluate the officer's credibility in recounting his or her version of events. Therefore, an effective investigative interview of an officer is impossible. This undermines the investigative process. Additionally, in many of the OPS files we reviewed, it was not clear whether an investigation ever took place or whether the complaint was ever resolved.

CDP's complaint intake process makes it difficult for complainants to successfully make complaints in the first instance. In 2002, we asked that CDP "work with the appropriate union officials to permit the CDP to investigate all citizen complaints, whether signed and written in the complainant's handwriting or not." However, pursuant to CDP policy, the Division still does not investigate all of the complaints it receives—only those that are signed by the complainant. Thus, CDP will not accept anonymous or third-party complaints. This process, which appears to be a result of the Collective Bargaining Agreement between the City and the officer's union, appears to be designed to make it difficult for victims of police misconduct to

⁴³ GPO 1.3.15, Investigations of Police Misconduct, §IV (rev. September 10, 2007).

⁴⁴ Letter from the Chief of the Special Litigation Section to the Director of the City of Cleveland Law Department, at 8 (July 23, 2002) [hereinafter "2002 DOJ letter").

⁴⁵ See GPO 1.3.15, Investigations of Police Misconduct, §I.C; Office of Professional Standards, Department of Public Safety Procedure Manual 3.4.

⁴⁵ GPO 1.3.15, *Investigation of Police Misconduct*, § III.A; Office of Professional Standards, Department of Public Safety Procedure Manual 3.4.

successfully make complaints.⁴⁶ The City must work with the unions to ensure that it is able to investigate all complaints, including from anonymous and third party complainants, whether signed or unsigned.

Once OPS completes its investigation of a complaint, the civilian Police Review Board reviews it and reaches a disposition. The Board's review of these investigations is likewise inadequate. First, the Board's review is based on inadequate information. Investigators are not invited to attend meetings and, as a result, Board members have no opportunity to discuss cases with the investigators who are the most familiar with them. Additionally, the Board has inexplicably instructed investigators not to include an officer's prior complaint and disciplinary history in the investigative file. The Board's failure to assess an officer's prior conduct interferes with its evaluation of the credibility of the current complaint and impedes its ability to discern potential patterns of misconduct.

Second, the Board's decisions lack transparency, which, in turn, undermines accountability. The Board's case files frequently lack final dispositions and, when dispositions are included, there is no evidence of the Board's rationale supporting its decisions. The problems inherent in this practice are demonstrated when the Board sustains a complaint and recommends discipline. The Board members play no role in any disciplinary conference. Rather, OPS investigators, who were excluded from the Board's decision-making process, are required to defend the Board's disposition and disciplinary recommendations at the Chief's conferences. Neither the Chief nor the investigators have the benefit of knowing the Board's rationale. The Board's failure to justify its decisions in writing makes the civilian review process less transparent, places an unnecessary burden on investigators, and increases the likelihood that the Board's decisions will be overturned. Moreover, when the Board's recommendations are overturned, complainants are not informed of this fact, further reducing the transparency of the process. This system is likely to produce ill-informed decisions and unfounded results.

Finally, the Police Review Board and OPS are not fulfilling their obligation to review deadly force incidents. Under the City Charter, the Police Review Board has immense power to review deadly force incidents. The Board may issue subpoenas, compel witnesses, and order that relevant documents be produced. Moreover, the OPS Manual requires OPS and the Board to review deadly force investigations and requires that the OPS Administrator be called to the scene following a use of deadly force. After reviewing a use of deadly force investigation, the Board has the authority to hold a public hearing on the incident or recommend a change in police procedure. The Use of Deadly Force Investigation Team's manual further permits OPS to

⁴⁶ See Collective Bargaining Agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association, Article VIII Bill of Rights, 12(m).

⁴⁷ Charter of the City of Cleveland, ch. 25, § 115-3, Powers and Duties of Board.

⁴⁸ OPS Manual §4.1-4.3.

⁴⁹ OPS Manual §4.4.

decide that an officer should be charged with violating Division policy or receive reinstruction or training.⁵⁰

In practice, Board members and OPS staff reported that they have little involvement in the review of deadly force incidents. The Board has not reviewed an UDFIT investigation since early 2012. This failure undermines community confidence. If the Board and OPS were to appropriately utilize their authority, they could serve as the community's eyes and ears during deadly force investigations, increasing the transparency of the process, and giving voice to the community's concerns by shaping CDP policy and ensuring that any officer who uses deadly force without justification is held accountable and that those who are justified benefit from the community's confidence that the review process was fair and effective.

CDP's civilian complaint system, as a whole, is disorganized and ineffective. CDP was only able to produce a fraction of the case files we requested, and the files produced were often incomplete and lacked basic information about dispositions and outcomes. CDP does not have systems in place to track its performance or decision-making regarding civilian complaints. CDP should have such tracking ability, including the types of complaints it receives, against which officers, and whether those complaints were sustained, unfounded, administratively withdrawn, or closed for other reasons, and what, if any, discipline resulted. CDP should also have mechanisms in place to accurately collect, analyze, and report the critical information that can be derived from civilian complaints, such as areas where additional officer training may be necessary. In addition, CDP has no systems in place to track the performance of OPS and the Police Review Board. While the OPS Manual requires that OPS issue periodic reports and statistical analyses, we found no evidence that this occurs. OPS has not produced an Annual Report that we were shown in three years. Given these deficiencies, and others detailed above, CDP's complaint process has little legitimacy in a City that would benefit greatly from an effective system for addressing the community's concerns regarding its police force.

4. CDP Officers are Inadequately Supported and Trained.

Our review of reports and investigations of officers' use of force, both deadly and less lethal, revealed that CDP officers lack some of the basic support, skills, and knowledge required to safely and effectively respond to situations that commonly arise in law enforcement encounters. We saw evidence that officers do not know how to safely and effectively control subjects. In some cases, officers reported that they lost control of handcuffed subjects and in many instances officers were unable to handcuff a subject, at times resulting in the application of significant force, or in the enlisting of a passerby to help gain control of the subject. We also saw officers' over-reliance on Tasers, and a propensity to too readily draw and even point their firearms, which may be a result of officers' lack of confidence that they will be able to control a situation. Officers also sometimes do not appear to know how to safely handle firearms. We saw too many incidents in which officers accidentally shot someone, either because they fired their guns accidentally, or because they shot the wrong person. In additional incidents, it was pure luck that officers did not accidentally shoot a suspect, a bystander, or another officer. CDP

⁵⁰ UDFIT Manual at 13.

⁵¹ 2011 OPS Annual Report.

needs to ensure that its officers are properly trained; that the training is reinforced through ongoing training and instruction; and that officers are consistently held accountable for failing to abide by their training. Its failure to do so has contributed to the pattern or practice of excessive force that we identified and has placed officers and the community in danger.

CDP does not have effective mechanisms in place to ensure that its officers have received training that is adequate in its content, quality, and quantity. It is critical for a major city police department the size of Cleveland's to have in place ways to evaluate and analyze its training, and to build and revise training programs based on an objective review of trends identified in force reports, civilian complaints, and disciplinary proceedings, as well as changes in the law and emerging issues in the field. CDP lacks many of these mechanisms.

CDP provides its recruit classes with more than the minimum number of hours required by the state, and the number of hours it provides is similar to other departments of its size. However, CDP has not engaged in enough analysis to determine whether the number of hours overall and the content of the training it provides are sufficient for its recruits, or whether the content of the training has been absorbed by the recruits by examining their behavior once they leave the academy. CDP does not devote enough time to some important use of force topics. For example, CDP does not devote enough time to teaching its recruits about its use of force policies. Many officers told us that they do not understand the use of force policies. In its August 2013 report, PERF noted that CDP was only providing four hours of classroom instruction to recruits regarding the basis and legal background of its use of force policies, and that civil liability was also included in this single four-hour block. As stated above, civil liability is a wholly different concept than following CDP policies, and it too often seems to drive the basic review of a use of force incident at CDP. It appears that, since the report was issued, CDP has added an additional four-hour class regarding constitutional issues and CDP use of force policies. If true, one day may still be insufficient for a topic as important as use of force policies.

CDP also has not conducted sufficient analysis to determine whether its in-service training is sufficient or appropriate. Based on our review, not enough in-service training hours are devoted to use of force topics. CDP does have an in-service Training Review Committee that reviews the curriculum and lesson plans for in-service training programs. The committee also develops training topics and is tasked with ensuring that training complies with relevant laws and policies. However, there appears to be little hard analysis behind the committee's methods—members have no data analysis or any other tool with which to analyze training needs. The committee does review use of force investigations and determines whether training topics can be gleaned from those incidents. However, as described below, these measures are insufficient.

CDP should regularly be examining and analyzing force reports to identify deficiencies in training. Currently, the Division does not engage in any analysis of force reports to discover trends, including whether the reports indicate there may be a department-wide issue in a particular area. Indeed, when we asked CDP to provide us with all less lethal force reports for a given time period, it was not able to produce them in a coherent or organized fashion. It is clear that CDP itself has not attempted to analyze these reports to discover on its own the trends we identified during our review. For example, during our review of deadly force investigations, we discovered that many officers do not safely handle their firearms, and they make poor decisions

as to whether it is appropriate or safe to fire them. In more than one incident we reviewed, including the November 29, 2012, shooting deaths of Ms. Williams and Mr. Russell, officers justified having fired their guns on the stated belief that the suspect was firing at them when in fact the gunfire was coming from other officers. We also saw instances in which officers shot someone and claimed that the shooting was accidental. Alarming trends such as these should be identified by the Division and then training should be evaluated to ensure that, in the future, officers have received training sufficient in content and quality to correct these obvious deficiencies.

We also discovered that officers do not effectively de-escalate situations, either because they do not know how, or because they do not have an adequate understanding of the importance of de-escalating encounters before resorting to force whenever possible. They also are sometimes unable to safely and effectively control subjects, resulting in dangerous situations and situations in which officers resort to more force than would have been required had the officer been well-trained. Many officers told us they believe they do not receive enough training, especially scenario-based training and training on appropriate techniques to control subjects. That should change.

CDP also does not provide sufficient and current training on new and revised policies. When a policy is revised, even significantly so, officers are advised of that change in roll-call. Officers informed us that no training accompanies that advisement—the new or revised policy simply is distributed to officers and read aloud. The officer in charge of the training division informed us that no training on that revised policy will occur until the next in-service training, which may be many months away. During our investigation, we observed the inadequacies of this practice with regard to two policies that recently had been revised. CDP recently changed its vehicle pursuit policy to, among other things, limit the crimes for which officers may pursue suspects. This change is important, and in line with national best practices. Officers, however, expressed that they did not understand why the change was made or how it should be implemented. They also expressed their feelings that it was simply an inappropriate overreaction to the November 29, 2012, pursuit and would interfere with their ability to do their jobs effectively. We observed a similar reaction to the Division's decision in response to our recommendation, and consistent with national best practices, to require all officers who observe or use force to write their own report documenting what they saw and did. Again, officers did not understand why the change was made, how it should be implemented, or how it would benefit them. If officers had received formal, coherent training on these policy revisions, including how they will benefit officers and increase safety, their reactions may have been more positive. Moreover, this training would have allowed CDP to ensure that all officers understand the policies and could be held accountable for abiding by them.

CDP also fails to ensure that officers abide by their training and that the practices taught in the academy reflect the actual practices of the Division. For example, we reviewed CDP's curriculum for its training regarding report writing and found that it appropriately instructs officers to avoid police jargon and canned, inexact phrases such as "furtive movement," "suspicious activity," and "suspect resisted." However, we consistently found these phrases and similar ones throughout officers' reports, and these reports were accepted and even endorsed by supervisors. We also saw frequent instances in which officers clearly violated CDP policy, and these violations were neither identified nor corrected by supervisors. And, in most of the

instances of excessive force we identified, supervisors all the way up the chain of command approved the use of force as appropriate. Regardless of what officers learn in the academy or inservice training, in the field officers learn that policy violations, unsafe practices, and—ultimately—excessive force are all acceptable to CDP when supervisors fail to hold officers accountable to the policies and training that are in place.

5. CDP's Use of Force Policy is Still Deficient.

Deficiencies in CDP's use of force policy also contribute to the pattern or practice of excessive force that we found. The use of force policy has changed, but the policy in place at the time of our investigation was confusing, at times conflicted with the law, and did not provide sufficient guidance to officers. Indeed, many officers reported to us that they did not understand the policy and, more generally, did not understand what level of force they were permitted to use under what circumstances. In August 2014, the Division revised its use of force policy to provide additional guidance to officers as to when and how officers may use force. We are encouraged by the Division's efforts to revise the policy and its stated commitment to reform. We still have some concerns about the revised policy, however, as well as the Division's implementation of this and other significant policy changes.

The revised policy remains confusing about when officers may use various levels of force and appears to authorize some of the excessive force we found in our review. For example, the "action response" continuum, which officers are to fill out as part of their less lethal force report, includes an actual check box for hitting someone on the head with a firearm. As an initial matter, it is unclear why a less lethal force report includes a section for deadly force options. It is also unclear why CDP appears to be categorizing hitting someone with a gun as a conventional response when force is needed. This is uniformly understood to be a dangerous practice that should never be permitted except in very unusual and exigent circumstances in which the use of deadly force is authorized; yet, it was a practice we saw CDP officers engaging in too frequently. Additionally, the policy's definition of "Actively Resistant/Self-Destructive Behavior" includes a warning that officers are to be "particularly vigilant of persons presenting cues of an imminent attack" and, as an example of such a cue, lists "yawning with outstretched arms" and "glancing around, assessing the environment." Officers cannot meaningfully apply this definition, given that the policy appears to authorize significant force, including the use of Tasers, against people because they are yawning with outstretched arms or are glancing around, but do not pose an immediate threat. The policy's definition of "Actively Resistant/Self-Destructive Behavior" also includes the action of ingesting narcotics, and thus indicates that an appropriate response may include the use of the Taser. Tasing someone who is trying to destroy evidence by swallowing it can cause the person to choke and die.

The revised force policy also lacks sufficient guidance as to how force should be reported. It does not require specificity in officers' descriptions of the force used and resistance encountered. Instead, it directs officers to describe the force and resistance by checking boxes in the "Action Response section" on the related form. There is no requirement in the policy that an additional explanation of each of these actions be included in a narrative. The revised force policy still does not include the pointing of a firearm at a person in the definition of force, and does not require officers to report having pointed a firearm at a person. The dangers inherent in such a policy choice have played themselves out in Cleveland—officers draw and/or point their

firearms too quickly, perhaps because they do not think of it as something that must be justified by the circumstances they are facing. As we have seen, officers' decisions to draw their firearms have resulted in unnecessary escalations of force, accidental discharges, and dangerous hands-on encounters with suspects while officers are holding their guns. Another consequence of failing to include this action as a reportable use of force is that supervisors do not even know that it has occurred unless it resulted in the use of force or occurred in conjunction with other types of force. Even in these instances, investigators do not investigate the propriety of the officer's decision to have drawn the gun in the first place and instead make conclusory statements about it being done "for officer safety." As a result, no one in CDP knows how often officers are pointing their firearms or under what circumstances, and the Division is unable to identify and rectify training and tactical concerns that this behavior may raise.

This is an example of how a policy decision has enormous ramifications for CDP's ability to engage in effective community policing. When officers point their guns at people without proper justification, even if the encounter does not progress any further, it can be a traumatic event for the citizen. Done enough, communities can come to feel as if they are under siege. Then, instead of seeing the police as an agency that is there to protect them and their communities, they come to see officers as a force that is there to control them through fear. This mentality fosters distrust of the police, reduces cooperation, and interferes with CDP's ability to fight crime while ensuring officer safety.

Officers also reported that official policy does not reflect the practices of the Division, in part because they do not have the technology or equipment to follow policy. A near-universal refrain from officers was that the policies are used to discipline officers when a significant event comes to light, even where the officer's actions reflected the practice of the entire Division and instructions from supervisors. In other words, officers believe that high publicity events are treated differently in terms of discipline by CDP than uses of force that no one is watching. If true, that would also tend to erode community confidence in the police. Although officers do not want to be disciplined, of course, they are more willing to accept consequences when they believe that the result, whether they agree with it or not, is not influenced by external factors but is driven wholly by the facts, the law, and policies that govern their actions.

CDP has expressed a willingness to revise its policies, and has proactively sought input from the Department of Justice and others as to how its policies should be revised. The Division also has quickly responded to suggestions regarding deficiencies in its policies. That is laudable, however, its response has not always been effective. For example, we raised with CDP our concern that not all officers who use or witness force are required to report it. CDP agreed to begin requiring officers to write these reports. While we are encouraged by the Division's response to that feedback, the implementation of this change was carried out haphazardly. Though CDP has now changed its policy to require all officers at the scene of a use of force to write a narrative describing the incident, initially, a deputy chief simply sent an email to the command staff informing them that, effective immediately, all officers on the scene of a less lethal force incident are each to complete a memorandum, to be included in the investigative file, detailing their actions. Officers informed us that they were told of the change in roll-call, but received no explanation of the reasoning behind the change, nor did they receive any training on what it meant or how to implement it. They expressed confusion over what it meant and why it was being required.

Officers told us that they view that process as typical of the way policy changes are implemented at CDP, and they expressed frustration over not knowing exactly what policies and procedures are currently in effect. According to officers, policy changes are usually communicated to officers through "Divisional Notices," with no explanation or training. Moreover, the changes are not reflected in the official policy manual and there is no indication, even in the electronic version of the manual, that a Divisional Notice was issued that changed the requirements of a particular policy. Consequently, officers are confused as to which policies are in effect and have no way of knowing if they are referencing current CDP policy when looking to the manual for guidance as to their actions. Additionally, CDP has no way of holding officers accountable for failing to adhere to policy changes that have been implemented where it is unclear which policy currently is in effect.

6. CDP's Early Intervention System is Inadequate.

CDP does not use an adequate early intervention system to help identify risky and problematic trends in officer behavior before a pattern or practice of misconduct arises, such as the pattern or practice of excessive force that we found here. An early intervention system is a tool used by police departments to provide individualized supervision and support to officers and to manage risk. Specifically, an early intervention system is one or more databases that track various officer activities, including uses of force, civilian complaints, stops, and arrests. An effective early intervention system both tracks this activity and allows the department to analyze patterns of behavior by individual officers or groups of officers to identify those who might be in need of support or intervention from the department. An early intervention system is not a mechanism for imposing discipline. Instead, the goal of an early intervention system is to manage the potential risk to officers, the department, and the community by taking corrective action and providing officers with resources—such as counseling, training, additional supervision, or monitoring, and action plans for modifying future behavior—before serious problems occur.

CDP's early intervention system is ineffective and poorly utilized. Until very recently, it was voluntary and officers identified for inclusion in the program could choose whether or not to participate. This is contrary to national standards and our 2002 recommendation that CDP make participation mandatory. In January of 2014, CDP drafted a revised policy and reported that it is transitioning to a mandatory early intervention program. This is an important and necessary improvement. CDP also reported that it is in the process of securing software that will allow the Division to electronically link data from various components that provide information about officers' activities, including the Internal Affairs Unit and the Office of Professional Standards. It is too early to assess whether CDP will be able to effectively integrate their data analysis through this new software.

However, the system CDP intends to implement still has significant failings. It will not be effective in disrupting problematic patterns of behavior before they occur because the indicators CDP tracks are too limited and those that are tracked may not provide timely information. CDP's draft policy regarding its revised early intervention program appropriately

⁵² GPO 1.1.20, Early Intervention Program (EIP), (January 28, 2014 draft).

states that the intent of the program is to "intervene before discipline is required. It is designed to prevent inappropriate conduct which may, without intervention, rise to a level where discipline becomes necessary." We found, however, that the substantive provisions of the policy and CDP's practices fall short of this goal. Some of the indicators tracked in the current system only provide information that is untimely and based on past events. Moreover, there are additional factors that CDP's early intervention system should be tracking, including criminal allegations and civil claims against officers, in order to provide a more complete picture of officers' activities and potential need for intervention.

Finally, although CDP is tracking some relevant performance indicators, it is not clear when those indicators trigger an assessment of whether intervention is required. Although the revised policy refers to "pre-determined thresholds," such thresholds have not been determined. A precise threshold should be standardized for all officers and incorporated into CDP's policy.

7. CDP Is Not Engaging in Community Policing Effectively at All Levels of the Division.

We began our investigation in the aftermath of a series of high profile incidents that contributed to and highlighted an enormous amount of distrust between CDP and certain communities it serves. Members of racial, ethnic, and language minorities, expressed public outrage at the way they perceive that their communities are treated by CDP. Reports of the enormous amount of force that culminated in the fatal shooting of two unarmed African-Americans in East Cleveland on November 29, 2012; the revelation that officers were caught on tape kicking an African-American man in the head, who was handcuffed, prone on the ground, and appeared to have surrendered, and then did not report having used any force; and claims by a Latino family that officers chased and forcibly handcuffed their teenage son who has Down syndrome while looking for robbery suspects who did not resemble the boy, all had brought to the fore the distrust that had been percolating between the police and the community for years. This level of distrust between the police and the community interferes with CDP's ability to work with the various communities it serves to effectively fight crime and ensure the safety of the people of Cleveland.

A police department dedicated to community policing not only reactively responds to calls for service but also proactively works with the community to create safer, more secure neighborhoods by identifying and addressing the root causes of crime. ⁵⁴ In so doing, the community and the police department together promote greater public safety. This type of police-community partnership is desperately needed in Cleveland. Recently, CDP put into place a new community policing philosophy, including a mission statement and an emphasis on community engagement, professionalism, and respect; has created new community policing

⁵³ GPO 1.1.20, Early Intervention Program (EIP), at 1 (January 28, 2014 draft).

⁵⁴ ROBERT CHAPMAN & MATTHEW SCHEIDER, COPS, COMMUNITY POLICING FOR MAYORS: A MUNICIPAL SERVICE MODEL FOR POLICING AND BEYOND, at 1 (undated); GAYLE FISHER-STEWART, COPS, COMMUNITY POLICING EXPLAINED: A GUIDE FOR LOCAL GOVERNMENTS, at 6 (undated).

goals that include initiating neighborhood improvement plans and working with community groups to create a safer city; and has launched new community policing training. While these initiatives are encouraging, it is far too early to determine their thoroughness, effectiveness, or success. At this point, we can only assess CDP's community policing efforts based on those policies, training, and tactics in place throughout the course of our investigation.

During our investigation, we found that CDP's method of policing contributes to the community's distrust of and lack of respect for officers—officers escalate situations instead of diffusing them and using them as an opportunity to build trust and rapport; officers draw their service weapons on people who are suspected of minor crimes or who do not otherwise pose a threat; and officers use force against people in mental health crisis after family members have called the police in a desperate plea for assistance. Any attempt CDP makes to establish and maintain a positive and beneficial relationship with the community is potentially also undermined by the frequency with which officers appear to stop and search people without meeting the requisite threshold of reasonable suspicion or probable cause. As noted previously in the Summary section of this letter, it appears preliminarily that officers often subject people to stops and searches without the requisite level of suspicion. 55 In addition, despite the fact that we are making no finding regarding racial profiling, we must report that when we interviewed members of the community about their experiences with the police, many African-Americans reported that they believe CDP officers are verbally and physically aggressive toward them because of their race. We also found that, when community members attempt to file complaints about mistreatment at the hands of CDP officers, they are met with barriers and resistance.

Given this backdrop, a comprehensive community policing strategy must be a central component of any police reform in Cleveland. An effective community policing strategy enables law enforcement agencies and the individuals and organizations they serve to develop solutions to problems and increase trust in the police. Community policing involves building partnerships between law enforcement and the people and organizations within its jurisdiction; engaging in problem-solving through proactive measures; and managing the police agency to support community partnerships and community problem-solving. And it translates to all ranks, sectors and units of a police department.

⁵⁵ We note as an example that the field reports and other documents associated with the incident involving Paul did not cite any justification for the pat-down of individual the officers suspected of urinating in public. To justify a pat-down of an individual, an officer must have "reason to believe that he is dealing with an armed and dangerous individual." *Terry v. Ohio*, 392 U.S. 1, 27 (1968); *Bennett v. City of Eastpointe*, 410 F.3d 810, 822-823 (6th Cir. 2005) ("A lawful stop does not necessarily carry with it the authority to conduct a pat-down search."). If there was such a justification, it should have been in the officer's report, a failure that is far too common in the records that we reviewed.

⁵⁶ COPS, COMMUNITY POLICING DEFINED, at 1 (undated); DREW DIAMOND & DEIRDRE MEID WEISS, ADVANCING COMMUNITY POLICING THROUGH COMMUNITY GOVERNANCE: A FRAMEWORK DOCUMENT, at 4 (2009).

In recent years, and throughout the course of our investigation, CDP's concept of community policing has been implemented only superficially. CDP does participate in many programs that are aimed at building relationships with the community to enhance the services it provides. It has a community policing unit. It participates in multidisciplinary efforts, like STANCE⁵⁷ and through the Cleveland Rape Crisis Center, to reach out to community members and groups. Its commanders host and attend community meetings to hear citizen complaints. It participates in federal/state/local task forces that encourage data driven policing and cooperative law enforcement. These efforts are to be praised and recognized. They should, we believe, be continued and enhanced. But these programmatic efforts are not enough. True community policing, discussed herein, must encompass a philosophy of how individual officers interact with and view the communities that they police each and every day. It is about more than attending meetings; it is about how officers talk to and act towards the people they encounter every day. That ethos needs significant improvement throughout CDP.

During our tours, we additionally observed that neither command staff nor line officers were able to accurately or uniformly describe what community policing is or how CDP implements a community policing model. Our review revealed in addition to the programmatic aspects of community policing, that CDP's community policing strategy, at least until recently, has consisted of three elements: a Bureau of Community Policing and district Community Service Units that perform limited community policing functions; supervisors instructing patrol officers to get out of their zone cars and walk around the community while providing little additional guidance or training; and monthly CDP-sponsored community meetings that do not appear to attract the members of the community who have the most strained relationships with the police. This model is insufficient to address the disconnect that currently exists between CDP and some members of the community. CDP's failure to implement a proactive, positive relationship with all of the communities it serves in order to address community concerns and issues has created an environment in which CDP officers will likely have to resort to force more often than they would otherwise.

In a well-run community policing program, the concepts that underpin community policing would permeate all aspects and functions of the police department. CDP lacks many comprehensive strategies that make a community policing program effective. The Bureau of Community Policing consists of one section to which 18 individuals, 16 of whom are officers, are assigned. According to documents provided by CDP, their duties include assisting patrol officers with traffic control; running crime prevention programs in schools and elsewhere; acting as crossing guards at schools; teaching students about substance abuse and gang violence; and recruiting new officers to the force. Yet, we also learned that in recent years CDP has greatly reduced its involvement in key programs in the Cleveland Municipal School System. CDP should ensure that its community policing efforts are comprehensive, and focus on schools and children in addition to neighborhoods in order to build trust. According to an assignment posting provided by CDP, the officers assigned to the Community Services Units within the districts are charged with focusing on quality of life issues by attending community meetings, addressing drug activity, responding to the District Commander's crime initiatives, and performing riot and

⁵⁷ STANCE is part of a comprehensive prevention, reentry and enforcement effort to help prevent gang problems across the nation. *See* http://www.safercleveland.org/stance.html.

crowd control functions.⁵⁸ While some of these functions assigned to the Bureau of Community Policing and the Community Service Units are part of community policing, they are only a small part of an effective community policing model. Indeed, several Community Services Unit officers we spoke with told us that they did not consider the functions they performed to be community policing. Those officers said they spend much of their time addressing burglaries, traffic, and drug problems

Many district commanders, as well as former Chief McGrath, told us that supervisors tell patrol officers to get out of their zone cars, walk around, and get to know residents and store owners. Although we observed that some officers were engaged in thoughtful and effective community policing strategies, we found that there is no organizational support for community policing activities. Instead, they are ad hoc and officer specific. One officer with whom we spent time during a ride-along greeted many residents by name and stopped to speak with some of them. Children in the neighborhood called out to him and waved as he drove by. The officer told us, however, that he got to know members of the community due to his own interest in doing so and that such actions were not mandated by command staff. He does it because like many officers in CDP he cares, but not because it is required as part of his job. A sergeant we spoke with in the same district confirmed that the officer was acting entirely on his own initiative with no encouragement from command staff. But personal dedication and commitment, even if present in a large number of good and honest CDP officers, is not a modern strategy for an organization of the size and importance of CDP. For instance, one district commander we spoke with affirmatively stated that his patrol officers are not held accountable for community policing and are trained solely to answer radio calls in order to "put out fires and move the problem" because, he said, "that is what police do." Several officers we rode with stated that they got out of their zone cars or initiated contact with civilians only when responding to calls. Officers also indicated that they were too busy responding to calls to take time to do anything else, such as walking through neighborhoods or business districts.

Deficiencies in CDP's community policing efforts are, to a certain extent, not surprising. Even with the advent of CDP's new community policing philosophy, we are aware of no CDP policies regarding community policing. We have seen no formal, systemic community policing plan to ensure officers are interacting with civilians; and we have seen no efforts to analyze those interactions and to use the information gained to improve CDP's ability to fight crime. In addition, performance evaluations of officers do not include a community policing component.

We also saw evidence that some officers hold views that are incompatible with community policing principles, and that this attitude is tolerated and encouraged by at least some members of command staff. A former actual Commander of community policing for CDP told us that he believes the culture within CDP is antithetical to a community policing mentality and that officer training instills in officers an "us-against-them" mentality. During an interview with one district commander, he referred to his district as a "forward operating base," and we later observed a large sign hanging in the vehicle bay of that district station identifying it as such. Such metaphors have no place in a community-oriented police department. While a stray

⁵⁸ CDP Inter-office correspondence, Anticipated Assignment to the Community Services Unit (undated); CDP Intra-District Assignment Posing, Anticipated Assignment Community Services Unit (December 1, 2011).

comment here or there would not itself be worthy of report, leadership and messaging do matter, especially in light of the other findings and observations set forth in this letter.

CDP policy⁵⁹ places responsibility for establishing community policing strategies for the Division with the Deputy Chief of Field Operations. Nonetheless, Chief Williams, who at the time was Deputy Chief of Field Operations, told us that CDP has no Division-wide community policing strategy and instead relies on district commanders to establish community policing plans. Many district commanders told us that they have an excellent relationship with those they police, citing, for example, their monthly meetings with community members. We attended several of these meetings, and indeed, those in attendance evinced respect and appreciation for CDP. However, as set forth above, these meetings are not a strategy for every day community policing and they attract a small number of people who reflect only a fraction of the communities CDP serves. Citizens need to know not only the "brass," but they need a trusting relationship with the patrol officers who are in their communities every single day. Many Cleveland residents fear and mistrust CDP and feel that they are in an adversarial relationship with the Division. Although it is harder to accomplish, more needs to be done to try to involve the members of the community who have a less favorable view of CDP.

On another occasion, a commander noted that he had tried to address crime outside of the usual responses to calls for service by contacting the law department and a City councilperson about ways to address the theft of scrap metal, which is a primary problem in his district. Such actions can be an important part of community policing, as a successful community policing strategy depends on cooperation between the police department and other government entities within the city. However, this commander's personal efforts again appear to be an exception to CDP's overall policing strategy, which relies very little on communication and proactive daily partnerships with those they police.

CDP has taken some initial steps to establish an effective community policing approach to interacting with the people of Cleveland and proactively addressing crime. Holding community meetings, encouraging officers to get to know residents, working with the city council and other government entities, and other strategies are all basic building blocks of an effective community policing framework. But much more must be done. CDP must target the communities where distrust of the police is most pervasive. Community meetings must entail a broader representation of community members and must dig deeper into how those members can work with officers to prevent crime. In addition, community policing principles must be formalized and inculcated into the culture of the Division. Underpinning all of CDP's efforts must be a community-oriented philosophy that positions community members and groups as partners in an effort to proactively problem-solve together.

8. CDP's Approach to Individuals in Crisis Is Underdeveloped.

CDP's crisis intervention policies and practices are underdeveloped, and CDP has not yet fully integrated these practices into its response to individuals in crisis, resulting in the use of unreasonable force against these individuals. When individuals experience a mental health crisis, law enforcement officers often are the first responders. In many of these situations,

⁵⁹ GPO 1.2.01, Organizational Structure, §IV. (Rev. Dec. 30, 2011).

officers have been called to the scene by concerned family members who are only seeking help for their loved ones. Frequently, these individuals in crisis have not committed any crime. Too often in Cleveland, however, officers handle these difficult situations poorly and end up resorting to unconstitutional force against people in crisis. Although CDP has invested in improving its response to people in crisis over the last few years, critical work still remains to ensure that officers' interactions with people in crisis are appropriate.

CDP contracts with Cuyahoga County's Alcohol, Drug Addiction, and Mental Health Services ("ADAMHS") to provide some of its officers with crisis intervention training. Once officers have completed this 40-hour block of training, CDP designates them as crisis intervention team ("CIT") officers. Many officers describe this training as the best and most effective training they have ever received while at CDP. The problem, however, is that frequently these trained officers are not the people responding to calls of people in crisis in real time. That needs to change. Currently, at the beginning of each shift, supervisors are to inform dispatchers which zone cars have CIT officers so that dispatchers may assign CIT officers to assist with calls involving individuals experiencing a mental health crisis. However, CDP policy only requires dispatchers to "attempt" to dispatch a CIT officer to a call involving a person in mental health crisis. If CIT officers are already on other assignments, dispatchers are allowed to send only non-CIT officers. Partly as a result of this practice, officers who have not received CIT training are dispatched to handle calls involving individuals in crisis. We saw no evidence that CDP's staffing plan or car plan attempts to ensure that there is adequate CIT coverage or that CIT officers are assigned to shifts with a greater need for their skills.

As discussed above, we reviewed force reports in which officers responded to a call, often from a family member, to assist with an individual in mental health crisis, and the officers used excessive force to control the situation. Had officers used proper de-escalation techniques, it is possible these situations could have been resolved without resorting to force. In many of the problematic incidents we reviewed in which officers used excessive force against a person in crisis, no CIT officer was on scene. The presence of a properly trained CIT officer might have improved the safety of the person in crisis, the person's family, and the officers present.

CDP must change its policies and procedures to require CIT officers to respond to every incident involving an individual in known mental health crisis, even if a non-CIT officer who is first on scene must immediately begin addressing the situation. CDP must also ensure that enough officers respond to these calls. CDP's policy currently requires two officers to respond to calls involving individuals with mental illness. According to the documentation provided by CDP, however, it is common for only one CDP officer to respond to such a call. To ensure that CIT officers are always available in all parts of the city to respond whenever an encounter with someone in mental health crisis occurs, CDP needs to conduct an analysis to determine whether it currently has enough CIT officers and whether it is deploying those officers effectively, and then correct any discovered deficiencies.

⁶⁰ GPO 3.2.17, Crisis Intervention Officers, at 1 (effective October 27, 2004).

⁶¹ *Id*.

In addition to ensuring that it has a sufficient number of CIT officers, CDP must also ensure that its personnel, including its officers and dispatchers, are adequately trained. When choosing which officers will attend CIT training, CDP should select only those officers who have volunteered for the training. All other patrol officers must be given basic training to ensure that they have a general working knowledge of how to respond to and assist individuals who are mentally ill. This will allow patrol officers both to recognize when someone might be experiencing a mental health crisis so that the officer may request the assistance of a CIT officer, and to safely and effectively handle the situation until that CIT officer arrives. Currently, CDP recruits are not receiving sufficient basic mental health training, and it does not appear that CDP has offered any in-service mental health training since at least 2010. CDP's training also must emphasize to all officers that they are to employ verbal de-escalation techniques whenever practicable as a first resort when encountering individuals experiencing a mental health crisis, regardless of whether the individual is violating or has violated the law. CDP policy currently limits the definition of "crisis" in the mental health context to situations when there is no law violation. CDP must expand this definition.

Finally, CDP should establish at least one CDP officer to act as a mental health liaison to facilitate communication between CDP and members of the mental health community. A police department can best serve and respond to individuals with mental illness when it has strong partnerships with mental health professionals, advocacy organizations, and others in the mental health community. CDP needs to involve these partners when creating and revising CDP policies, procedures, and training regimens related to crisis intervention. CDP should also solicit feedback from the mental health community on a regular basis regarding the efficacy of its CIT program. The CIT coordinator can establish and facilitate these relationships and should be available at all times as a resource for families, advocates, caregivers, and others in the mental health community.

One cannot overstate the importance of a robust CIT program. A well-trained cadre of CIT officers, together with patrol officers armed with a basic understanding of mental illness and how it can affect individuals, would provide the proper foundation CDP needs to effectively assist individuals with mental illness. A fully implemented CIT program also would improve the safety of officers as well as individuals with mental illness and their family members. A comprehensive crisis intervention program requires CDP to partner effectively with advocates, service providers, and families in the mental health community to ensure officers are appropriately assisting individuals experiencing mental health crises. While we recognize that CDP has taken significant steps to interact more appropriately with individuals with mental illness, it is imperative that CDP take additional measures to ensure that officers encountering people with mental illness consistently do so in a manner that respects their constitutional rights and provides them with the assistance they need.

9. CDP Equipment, Technology, and Staff Planning are Inadequate.

CDP's failure to appropriately allocate resources—including staffing and equipment—contributes to the pattern or practice of unconstitutional force. In addition, Cleveland police officers are not given the basic equipment, the physical structures, and the technology required to

⁶² GPO 6.1.01, Crisis Intervention Report, at 1 (effective March 1, 2002).

perform their jobs safely and effectively. We found that patrol officers are sent out to perform dangerous jobs without the ability to effectively communicate with the Division or with each other. Consequently, all too often they are placed in a position where they do not have the ability to learn basic information about the civilians with whom they interact. Asking officers to perform their duties without adequate technology, an appropriate staffing plan, a sufficiently professional workspace, or routine and functioning equipment is dangerous to the officer, undermines public safety and is unfair. It also cannot help but drain officer morale and diminish their patience in dealing with the members of the public they encounter.

We recognize that City budgets are severely constrained and that police departments around the country must make difficult decisions about where they will allocate resources at the expense of other needs of the department. We realize that these financial realities have become worse in recent years and that Cleveland has been particularly hard hit. We do not underestimate the difficulty the City and the Division finds itself in, and we recognize that Division leadership struggles with these decisions and their potential ramifications for the hard working men and women of the Cleveland Division of Police. However, the City must provide adequate resources to allow for constitutional and effective policing. As much as any building, stadium, or other public works project, a well-run, professional and constitutional police presence is the foundation of a healthy city in our democracy. Moreover, the City and the Division must work together to ensure that limited resources are allocated thoughtfully and effectively.

An effective police force needs a staffing plan that distributes personnel based on the expected workload at various times during the day. The plan must be systematically designed to use resources effectively, balancing personnel between specialized units, taking advantage of officers with particular skills, and conserving resources by civilianizing certain positions. An effective staffing plan could also help alleviate some of the Division's budget problems. For example, many jobs that could be performed by civilians are currently occupied by sworn officers. These include administrative desk jobs and crime scene technicians. ⁶³

As described above, we found that field supervisors are failing in some of the most fundamental aspects of their responsibilities—reviewing and investigating the uses of force of the officers under their command, and correcting dangerous tactical choices that place the officer and others at risk. The number of officers a sergeant supervises—the sergeant's "span of control"—is a critical factor affecting the adequacy of supervision. Any span of control should take into account the level of activity and type of units being supervised. Additionally, law enforcement agencies such as CDP should deploy its staff to ensure "unity of command," a system in which officers report consistently to one sergeant, and, in most cases, officers and their supervisors have the same days off and the same schedules. That system is meant to ensure that supervisors know their subordinates' strengths and weaknesses, allowing them to better direct their work. CDP does not employ a unity of command structure and, because it has not conducted an adequate staffing study, it does not know whether its span of control is appropriate.

⁶³ We recognize that using civilians in these positions has been a sensitive issue in the past, resulting in litigation and a settlement agreement. Nevertheless, a comprehensive review of CDP's staffing plan should consider the advantages of using civilians in some jobs through the process outlined in that settlement agreement.

An appropriate staffing analysis would allow the Division to know whether it needs more sergeants, or whether to deploy staff differently in order to allow for unity of command and a thoughtful span of control.

While CDP has taken some steps to improve the equipment it provides to officers—for example, it has provided officers with new portable radios relatively recently—other basic equipment is either outdated or nonexistent. For instance, officers lack effective zone car computers, called Mobile Data Computers ("MDCs"), which allow them to effectively access the computer-aided dispatch ("CAD") system. MDCs are essential tools for effective policing and for officer safety. When officers conduct a vehicle stop, officer safety requires that they run the license plate through the computer prior to approaching the vehicle to determine information about the vehicle and its likely driver—for example, whether the vehicle was stolen or involved in a crime, or whether its registered owner is wanted for a crime or has outstanding warrants. Not all of CDP's zone cars have computers and, of those that do, the computers do not all reliably work. Even the MDCs that do work properly do not give officers access to CAD or CDP's Records Management System. CAD includes vital information such as the nature of the call, whether anyone involved is armed, whether shots were fired, how many officers currently are on scene, a description of any suspects, direction of flight, and more. As a consequence, when officers make stops, they often cannot use their computers to obtain this critical information. Leadership reported that officers can request this information through dispatch. In reality, however, this solution is impractical. Officers reported that it takes far too long for officers to receive this type of information through dispatch. Moreover, the radio channel frequently is being used for more pressing and emergent situations, and officers are reluctant to intrude with these types of requests for basic information. One officer who does not have an MDC told us that she will not make traffic stops after dark because, without easily being able to run the license plate, she considers such situations to be too dangerous.

In part because they do not have functioning computers and access to the information in the CAD system, officers use their personal cell phones to communicate when in the field, to talk with their supervisors, to run checks on license places and suspects, to find locations, and to take photographs. The pervasive use of personal cell phones is problematic, particularly because CDP lacks any policy covering this subject. For example, when officers send text messages and take photographs, they potentially are creating evidence, and CDP has no protocol in place for how such evidence will be handled, preserved, or disclosed to prosecutors and defense attorneys. Nor is there any protocol for how this potentially important information will be transmitted to CDP's databases. It also interferes with CDP's ability to hold officers accountable for their actions, because it is impossible to discern what information officers had and when they had it.

The condition of officers' equipment and facilities also makes it difficult for them to comply with some policies and contributes to low officer morale. There are not enough computers at the district stations for officers to be able to easily write their reports, including use of force reports, in a timely manner. At the Fourth District, for example, there was until recently only one computer for all patrol officers. A second computer was added just before our April 2014 visit. Another serious equipment problem facing CDP officers is the condition of the force's vehicle fleet. Officers in all Districts stated that most of the cars are old and in poor repair. Many are out of service, or "bad ordered," at any given time, meaning that there are insufficient cars available to fully staff shifts. Because of the poor condition of CDP's vehicles,

officers told us that some of them carry auto repair equipment and other maintenance materials which they have purchased at their own expense. These problems undermine CDP's ability to have sufficient supervisory review and places officers at risk.

Again, we acknowledge and understand the difficult financial strain on the City and the Division. However, the City must allocate its resources in a way that allows for constitutional policing. The City recently has chosen to spend a significant amount of money on body-worn cameras for some CDP officers. Body-worn cameras are an emerging technology that will likely be a very effective law enforcement tool and we applaud that decision. However, many officers do not even have working computers in their cars. There are many pressing concerns facing the Division, and a failure to thoughtfully assess the Division's needs and prioritize effectively affects officers' and supervisors' ability to do their jobs and erodes morale.

V. CONCLUSION

We recognize that many Cleveland officers have pursued their profession in order to effect positive change within the City and they make great sacrifices to do dangerous work. All of the residents of the City of Cleveland should recognize that as well. Respect and trust must go both ways. As the Sixth Circuit has noted, police officers are charged with the ultimate responsibility of protecting the public and keeping the peace—and they may employ the use of force, including deadly force, to do so. See Hayes v. Memphis Police Dep't, 634 F.2d 350, 352 (6th Cir. 1980). However, any use of force must be within the confines of the Fourth Amendment, and we have found that CDP engages in a pattern or practice of using unreasonable amounts of force in violation of the Constitution. While CDP has taken initial steps to implement new policies and procedures designed to remedy some of the deficiencies described in this letter, it is imperative that the City and the Division now take more rigorous measures to identify, address, and prevent excessive force to protect the public and to rebuild the community's trust. To that end, we believe the only effective mechanism to address these significant problems is to reach a consent decree that provides for a monitor to oversee the implementation of systemic reform in the CDP. The City's agreement, as reflected in the Joint Statement of Principles, is a critical step on the path to reform.

We share your desire to ensure that the City of Cleveland has an effective, accountable police department that controls crime, ensures respect for the Constitution, and earns the trust of the public it is charged with protecting. Recent events have galvanized many in the community to join the public discourse over the future of the Cleveland Division of Police and its relationship with the community. We look forward to working with you, the Division, and the community to address our findings and to restore public trust and promote constitutional policing in Cleveland.

Sincerely,

Vanita Gupta

Nauton

Acting Assistant Attorney General

Civil Rights Division

Department of Justice

Steven M. Dettelbach

United States Attorney

Northern District of Ohio



2012 West 25th Street, 6th Floor Cleveland, Ohio 44113 216 241 3400 adamhscc.org

March 5, 2015

The Honorable Frank G. Jackson Mayor of the City of Cleveland Cleveland City Hall 601 Lakeside Avenue Cleveland, Ohio 44114

The Honorable Steven M. Dettelbach U.S. District Attorney for the City of Cleveland Office of the United States Attorney 801 West Superior Avenue, Suite 400 Cleveland, OH 44113-1852

Dear Mayor Jackson and Mr. Dettelbach:

Please find enclosed recommendations that were developed by members of the Mental Health Task Force, convened by the ADAMHS Board of Cuyahoga County, in response to issues pertaining to mental health that were identified through the U.S. Department of Justice Investigation of the Cleveland Division of Police.

The members, representing over 50 organizations, met for a total of five times on January 8, 15, 23, and February 5 and 11, 2015, spending many hours in workgroups and discussions to formulate these recommendations.

It is the Mental Health Task Force's hope that these recommendations provide elements of training, continued practice and oversight that will insure all Clevelanders with mental illness - and all citizens – are treated safely with dignity and respect.

If you have any questions, feel free to contact me at 216-241-3400, ext. ext. 818, or at denihan@adamhscc.org.

William M. Denihan Chief Executive Officer

Mental Health Task Force Chair

Encl. WMD/sso





Mental Health Task Force Recommendations

For the Consent Decree Between the

U.S. Department of Justice and the City of Cleveland Division of Police

Submitted to:

Mayor Frank Jackson, City of Cleveland
Steven M. Dettelbach, U.S. Department of Justice

March 5, 2015







Mental Health Task Force Recommendations Executive Summary

- The attached recommendations were developed by members of the Mental Health Task
 Force, convened by the ADAMHS Board of Cuyahoga County, in response to issues
 pertaining to mental health that were identified through the U.S. Department of Justice
 Investigation of the Cleveland Division of Police.
- It is the Mental Health Task Force's hope that these recommendations provide elements of training, continued practice and oversight that will insure all Clevelanders with mental illness

 and all citizens – are treated safely with dignity and respect.
- The Mental Health Task Force felt it was important to encompass all behavioral health issues when crafting these recommendations. Therefore, whenever "mental illness" is used throughout this document it also includes alcohol, drug and other addictions, as well as developmental disabilities.
- The Mental Health Task Force accomplished its work through three workgroups and the recommendations are organized by each workgroup:
 - 1. Community Involvement/Engagement:
 - This recommendation establishes a Citizen Police Relationship Committee to foster relationships, review effectiveness of the CIT program, provide general oversight of the consent decree to ensure its implementation and suggest further improvements.
 - 2. CIT (Crisis Intervention Team):
 - Recommendations refer to all aspects of CIT Training for Cleveland police officers and dispatchers.
 - 3. Internal Collaboration:
 - Recommendations address the internal working relationships between police officers, dispatch, and the court and behavioral health systems.
- A list of the Mental Health Task Force Membership is attached. The members, representing over 50 organizations, met for a total of five times on January 8, 15, 23, and February 5 and 11, 2015, spending many hours in workgroups and discussions to formulate these recommendations.
- The Mental Health Task Force realizes that these recommendations will be further
 developed with specific details during the implementation phase of the Consent Decree. It is
 our hope that members of the Mental Health Task Force will be utilized and able to
 participate in as many areas as possible.
- We submit these recommendations to help Cleveland ensure that all citizens are safe and treated with respect and dignity while the city continues to grow as a safe and productive community. We look forward to working with Mayor Frank Jackson, Steven Dettelbach, the Cleveland Division of Police, and the citizens of Cleveland.
- William M. Denihan, Chief Executive Officer of the ADAMHS Board of Cuyahoga County, chaired the Mental Health Task Force meetings. Inquiries may be referred to Mr. Denihan at 216-241-3400, ext. 818, or at denihan@adamhscc.org.

Community Involvement/Engagement Workgroup Recommendation

Oversight:

Establish a Citizen Police Relationship Committee, (aka CPR Committee), with three subcommittees. The overall mission of the CPR Committee is to foster relationships and build support between the police, the community and behavioral health providers and provide oversight through review of dispatcher and police calls and reports to ensure proper treatment and recommend further improvement.

CPR Committee Suggested Membership: This list is not all inclusive, but the following areas of our community should be represented:

- Police.
- · Parents and regular people in the neighborhoods.
- Professionals from the Mental Health, Alcohol and other Drug, Developmentally Disabled and Child and Adolescent Development communities.
- Citizens receiving mental health, AoD and developmental disabilities.
- Citizens representing the culturally diverse make-up of our neighborhoods, such as, African American, Latino, Asian, Russian, LGBT, etc.
- Local businesses.
- Faith-Based groups.
- NAMI and other family groups.
- · Community Development Corporations and Mycom.
- · Representatives from the schools, including parents.
- Youth.
- Informal and formal community leaders.
- 1. Oversight Subcommittee: Charged with reviewing the consent decree and providing citizen oversight with the authority to direct action with its implementation and ensuring that citizens and cultural competency are integrated in CIT Training, and to review data from CIT stops to integrate community support.

Collaborative Integration:

2. Positive Interaction Subcommittee: Charged with bridging the gaps between the community and police that would provide formal introductions of uniformed Police Officers on duty in the neighborhoods and informal activities that integrate police into the life of the community, including visits to Community Drop-in Centers, Treatment Centers, Community Development Corporations, Neighborhood Centers, coffee shops, as well as the establishment of neighborhood police/community hubs staffed with counselors.

Education:

3. Education Subcommittee: Charged with education beyond CIT for both the Community & Police, including public service announcements informing the community about the availability of CIT officers; the promotion of a database where individuals/families in each neighborhood can voluntarily identify as having a mental health, alcohol or other drug and/or developmental disabilities issues; the rights and expectation of both the police and citizens, and a creative way to let the community know about resources that can be utilized before calling for the police to handle a mental health, alcohol or other drug, or a developmentally disabled situation.

CIT (Crisis Intervention Team) Training Workgroup Recommendations

Police Officers Training:

- Voluntary CIT Training for Police Officers:
 - o CIT requires a specialized mind-set to effectively implement the techniques taught through the program. Success depends on the willingness of the officers to participate in the intensive training program and put the techniques into practice.
 - Although success of the CIT program often leads to the idea of mandatory training, not all officers are suited to deal with individuals with mental illness.
 - Mandatory CIT training is not beneficial to a community or the officer, since CIT only works well when the officers have a genuine interest in learning how to help and interact with people living with mental illness.
- New cadets should only be assigned to Field Training Officers who are CIT certified:
 - o Cadets can learn and understand the benefits of CIT training.
 - Field Training Officers can promote CIT and identify potential junior officers to voluntarily participate in the program.
- Train all officers and command staff in Mental Health 101 that includes Mental Health First Aid and De-escalation techniques for all police officers, since many may encounter a person with mental illness throughout their daily interactions.
 - o All non-CIT trained officers, after initial Mental Health 101, should receive annual education on issues of mental health, addiction and developmental disabilities.
- Class size should be kept to 25 officers to promote optimal learning where officers and presenters can build a rapport of trust.
- Infuse additional Cultural Competency Into the CIT Curriculum and all training for police officers, command staff and dispatchers:
 - o Infuse in the curriculum how others view/interact with police.
 - o Curriculum not only addresses **race**, but also **other "cultural" groups** (Homeless, Mental Health, Vets, LGBT, etc.).
 - o Focus on how police can become integrated/involved in the community.
 - Training to address how to engage with the community and special population groups and address language barriers.
 - o Officers need to know the key issues in the community /neighborhood.
 - Require a Refresher Course for officers that previously attended CIT every two to three years.
 - Create specialized City of Cleveland CIT curriculum:
 - Get input from officers regarding course content.
 - o Include more juvenile and suicide prevention based focus.
 - Ensure that all officers know how to diffuse or de-escalate a situation, and all the options available to them, other than jail, when dealing with individuals with mental illness.
 - Provide Mental Health/AOD 101 training, Suicide Prevention, Cultural Competency and Sensitivity Training which addresses approach, compassion, respect, tone, use of words, appropriate communication and common courtesy.

Dispatchers Training:

- A specialized version of CIT training should be developed exclusively for all dispatchers:
 - Special training would be focused on listening, verbal de-escalation and triage, to
 determine the need to dispatch CIT officers. Actual 911 calls involving mental health
 clients can be incorporated into the training to discuss how to respond and for further
 evaluation.
 - o Dispatcher Supervisors should also attend the full CIT Training.
 - Dispatchers should receive a refresher course on the training and/or annual education on issues of mental health, addiction and developmental disabilities.
 - Dispatchers should receive exact location/assignments of all certified CIT officers
 daily by shift for assignment of calls involving mental illness.
 - Need for City of Cleveland to loosen restriction on only allowing 2 dispatchers per training session.

Police Department Coordination:

- Identify a CIT Program Champion at a high level in the command of the Cleveland Division
 of Police to insure that CIT Training is essential to all aspects of daily police operations and
 strategic planning.
- Establish a Coordinator Position within the Police Department:
 - Coordinator should have a demonstrated working knowledge of behavioral health signs and symptoms.
 - Coordinator should be a member of executive management within Cleveland Division of Police to ensure that recommendations are forwarded to decision makers in a timely manner.
 - Coordinator would screen and determine the appropriate CIT trainees.
 - o Important to have a selection process to get the most appropriate CIT trainees.
 - Coordinator responsible for assessing the skills of officers' potential to be a specialized CIT Police Officer.
 - Coordinator Ensure Adequate Coverage CIT Trainees need to be dispersed among all communities and assigned when a call involves a person believed to be mentally ill.
 - Coordinate the trained "Team" of Officers available for all shifts in the identified "priority" precincts, and share this information with dispatchers.
 - Coordinator provides ongoing "mini trainings" and updates regarding mental health during roll-call.
 - Coordinator gathers feedback from officers.
 - Coordinate all mental health related trainings through continuing education program, including how to serve youth.
 - Coordinate statistics sheet and communicate regularly with the ADAMHS Board of Cuyahoga County for follow-up and work with the community for strategic planning.

Oversight:

 Crisis Intervention Team Training's Center of Excellence to conduct a no-cost Peer Review of the CIT Training and Program.

Internal Collaboration Workgroup Recommendations

Coordination:

- Regular and consistent information sharing, data collection and internal collaboration between the Cleveland Division of Police, the court systems and the ADAMHS Board of Cuyahoga County to identify individuals with frequent criminal justice and behavioral health system involvement and ensure that the best services are provided.
 - o Data critical to follow-up by ADAMHS Board of Cuyahoga County from every stop:
 - Name, Race, Age, Gender.
 - Disposition:
 - Diffusion.
 - Refer to Treatment.
 - Book/Jail.
 - Review daily report forms from CIT officers to identify clients that require behavioral health follow-up.

Continuum of Care:

- ADAMHS Board of Cuyahoga County and Cleveland Division of Police should implement a
 "Buddy System" (peer to peer) to individuals with mental illness upon discharge from jail to
 help navigate the systems and maintain recovery.
- ADAMHS Board of Cuyahoga County should make a social worker available to the
 Cleveland Division of Police for mental health consultation on active cases and to follow-up with
 the mental health, alcohol and other drug and developmentally disabled systems.

Opportunities:

- Every police car should be equipped with a Project DAWN Kit (Deaths Avoided with Naloxone). Naloxone, an opiate blocker, reverses the effects of an overdose caused by heroin or other opiate. House Bill 170 authorizes police and emergency personnel to carry and administer Naloxone in case of an emergency.
- ADAMHS Board of Cuyahoga County to create a Drop-off Center on the West Side for police to transport people with a mental illness to reduce travel time and volume at St. Vincent Charity Psychiatric Emergency Room.
- If a person with mental illness is arrested and held in jail, the Cleveland Division of Police will provide information to the ADAMHS Board of Cuyahoga County to ensure referral to jail liaisons for internal and external follow-up and discharge planning.
- Create Jail Diversion Program for low Risk non-violent offenders with a mental illness.
- ADAMHS Board of Cuyahoga County and Cleveland Division of Police to create a Special Co-Responder Team on the East and West Sides of Cleveland that includes a social worker, mental health expert and seasoned police officer that could be called to handle extreme mental health crisis situations and follow-up upon individuals released from treatment.

Mental Health Task Force for DOJ/Cleveland Division of Police Consent Decree Convened by: William M. Denihan, Chief Executive Officer Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County Membership Roster

Organization	First Name	Last Name
ADAMHS		
Mental Health Task Force Chair	William	Denihan
Mental Health Task Force Chair	Frank	Brickner
	Carole	Ballard
	Tami	Fischer
	John	
		Garrity
	Valeria	Harper
	Scott	Osiecki
	Dr. Farid	Sabet
ADAMHS Board of Directors	0.4	Chan
	Mary	Step
ADAMHS Board of Directors/Community Member	Mary	Warr
ADAMHS Board of Directors/Cleveland Schools	Eugenia	Cash
Advocate	Kathy	Stoll
	Ratify	Jion
Beechbrook	Mark	Groner
	Ron	Robinson
·		
Benjamin Rose	Bert	Rahl
	Dere	Rain
Board of Developmental Disabilities	Richard	Cirillo
-	Robert	O'Callahan
Case Shubert Center	Gabriella	Celeste
Calfee, Halter & Griswold LLP	Robert	Triozzi
Catholic Charities	Emily	Currie Manring
0.70		
CATS	John	Scalish
CCJ	n -	
	Dr. Tom	Tallman
CCJ/St. Vincent's	Dr. Leslie	Koblentz
CJCCOE	Mike	Woody
CJCCOE/NEOMED	Ruth	Simera
	INGUI	Juneta
Cleveland Clinic	Dr. Leo	Pozuelo
Cleveland Treatment Center	Leonard	Collins
	Ashley	Martell
	Jeff	Rawlings

Organization	First Name	Last Name
Cleveland Municipal Court	Judge Emanuella	Graves
Community Assessment	Robert	Newman
Community Care Network	Jim	McCafferty
Connections	Esther	Pla
Consumer Protection Agency	Solomon	Harge
		1
Corrections Planning Board	Marty	Murphy
		-
Court of Common Pleas	Lawrence	Acton
	Greg	Popovich
	Judge Joan	Synenberg
DOJ	Jack	Morse
	Craig	Tame
	Michael	Tobin
	Heather	Tonsing Volosin
FrontLine	Rosemary	Creeden
	Susan	Neth
	Rick	Oliver
Greater Cleveland Congregation	Larry	Heller
Hispanic UMADAOP	Nelson	Ramirez
Hitchcock Center for Women	Mary	Bazie
Jewish Family Service Association	Mary Beth	Castillo
Juvenile Court	Bridget	Gibbons
Life Eychange Center	Orlondo	Cunnt
Life Exchange Center	Orlando	Grant
Magnolia	Lori	D'Angolo
Iniagnona	Charles	D'Angelo Huth
	Charles	11461
MetroHealth	Dr. Ewald	Horwath
Wichonzealth	Edward	Munoz
Mental Health/Addiction Advocacy Coalition	Edward	Stockhausen
Murtis Taylor	Lovell	Custard

Olganization	First Name	Last Name
NAMI Cleveland	Michael	Baskin
	Marsha	Mitchell-Blanks
	Ellen	Riehm
NAMI Ohio	Jodie	Ross
NORA	Don	See
NorthCoast Hospital	Doug	Kern
ORCA House	Greg	Uhland
Desitive Education Desarran		G:
Positive Education Program	Ken	Siemen
Recovery Resources	Ron	Manning
	Steve	Morse
Salvation Army	Beau	Hill
Shaker Hts Youth Center	John	Lisy
St. Vincent Charity	Shannon	Jerse
The Centers	Pat	Milloy
	Judy	Peters
	David	Reines
UH Psychiatry Service Line	Lori	Locke
UMADAOP	Jessica	Horn
University Settlement	Derick	Fulton
on a second of the second of t	Beriek	Tuiton
Veterans Treatment Docket	Derek	Moore
VNA	Thom	Huggins
	Kasha	Januszewski
	Jeanne	McMahon
Volunteer Education Services	Erica	Robinson
	Lethea	Thomas

Appointed but (Nearly) Prevented From Serving: My Experiences as a Grand Jury Foreperson

Phyllis L. Crocker

In summer 2003, I was a grand jury foreperson for the Cuyahoga County Court of Common Pleas in Cleveland, Ohio. The service of this grand jury, and my tenure as foreperson, were unique in the annals of grand juries. We were selected and sworn in the same manner as any grand jury, but heard cases for only one day of our four-month term—the last day. In the interim, the prosecutor filed cases in two courts, seeking to discharge us, as being "tainted" by our supervising judge's initial instructions about our duties and the law.

I begin this essay with basic information about grand juries, then tell what happened to our grand jury, and conclude by reflecting on what I learned from this experience. My theme is the tension between the grand jury's independence and the prosecutor's desire to control it. The lesson I learned, intellectually and emotionally, is the depth and tenacity of the prosecutor's assumption that he does control, and has the right to control, the grand jury process. I also learned some lessons about being a client, and believing in oneself and one's principles.

I. BACKGROUND ON CUYAHOGA COUNTY GRAND JURIES

A grand jury is an independent legal body charged with deciding whether an individual within the jurisdiction of the court will be indicted, i.e., formally charged with committing a felony. Every grand jury has a foreperson; in Ohio, the supervising judges select forepersons.\(^1\) Traditionally, grand jury forepersons are community leaders, such as ministers, doctors, or teachers. They are not necessarily knowledgeable in the law, but knowledge of the law is not prohibited. Lawyers may serve as forepersons, as may law professors. Still, when I told friends and colleagues that I had been appointed foreperson, the general reaction was, "You can't do that! You know too much!" What I think they meant was that I was too criminal-defense oriented: I teach criminal law courses and I have represented men on death row in Texas in their post-conviction appeals. Nonetheless, other law professors had also served as grand jury forepersons, including a Case Western University School of Law professor who co-authored the

Visiting Professor of Law, Northeastern University School of Law, Associate Professor of Law, Cleveland-Marshall College of Law. J.D., 1985, Northeastern University School of Law. I am grateful to Judge Burt W. Griffin for asking me to serve as a grand jury foreperson. I thank Susan Becker, Jeffrey Alan Coryell, Kathleen Engel, Daniel J. Givelber, Jack Guttenberg, and Margery Koosed for commenting on prior versions of this essay.

OHIO REV. CODE ANN. § 2939.02 (Anderson 2004).

leading treatise on Ohio criminal law practice, and a Cleveland-Marshall College of Law professor who had once been a criminal defense attorney.²

Apart from the appointed foreperson, the grand jury is composed of citizens from the community, drawn from the same pool as trial jurors. Like those asked to serve on trial juries, potential grand jurors are subject to voir dire. The supervising judge instructs the grand jury about its responsibilities. Unlike trial juries, however, the judge does not instruct the grand jury on the law that applies in an individual case—the prosecutor does that.

In Cuyahoga County, the term of each grand jury is four months.³ The prosecutor's office presents fifty to seventy cases a day, two days a week. If grand jury members have questions about the facts, they may ask the witnesses; if they have questions about the law, they ask the prosecutor. Thereafter, the prosecutor leaves the room and the grand jury, in secret, discusses and votes on whether to indict.

While intellectually I knew that grand juries are supposed to be independent legal bodies, I did not appreciate the significance of that independence prior to my service. The reality is that grand juries depend greatly on prosecutors. Due to that dependence, grand juries rarely decline to indict, and are often criticized as mere rubber stamps for the prosecutor. It is not surprising, however, that grand jurors rely on prosecutors. They have to hear and decide large numbers of cases in a short amount of time, yet have little knowledge about the criminal justice system, let alone the elements of criminal offenses. Grand jurors know what the judge states in the initial general instructions, and what the prosecutor tells them about the law as to specific offenses. This creates a singular reliance on the prosecutor.

Prior to my service, at least two Cuyahoga County grand jury forepersons had raised concerns about the indictment process. Both were troubled by the abundance of low-level drug possession cases in which the prosecutor sought indictments, in particular, cases of possession of a crack pipe with cocaine residue. One foreperson was concerned that it appeared that the City of Cleveland prosecuted these cases as felonies, while the suburbs processed them as misdemeanors. The other was disturbed by the apparent racial bias of this

भेक्षेत्रपद्भवत् ।

practice.⁶ One foreperson also expressed concern about the pressure to indict at the high number of cases on which they were expected to indict each day.⁷

These issues also troubled Judge Burt W. Griffin, the supervising judge for our grand jury. He decided to address these and other concerns through the instructions that he gave us. The prosecutor objected formally by filing two lawsuits challenging Judge Griffin's instructions and our grand jury hearing any cases. And the prosecutor objected informally in related negotiations to my serving as foreperson. Underlying the particular complaints the prosecutor raised was, I believe, his fundamental objection to Judge Griffin interfering with the way the prosecutor was accustomed to controlling the grand jury. In the next section I explain what happened in more detail, because the details best reveal the depth and tenacity of the prosecutor's assumptions about his control of the grand jury.

II. THE TERM OF THE GRAND JURY

In April 2003, Judge Griffin asked if I would serve as foreperson of the grand jury he would supervise during the May 2003 Term. It was an honor to be asked, and it fulfilled one of my long-held wishes. The grand jury serves a crucial gate-keeping role in the criminal justice system, yet its proceedings are secret. As a law professor I teach about grand juries, but this was an opportunity to learn how the process really functions. I was thrilled, if somewhat daunted, by the prospect.

When Judge Griffin approached me, he explained the concerns other grand jury forepersons had raised. He told me he planned to prepare a special charge for our grand jury addressing these and other issues, including the independence of the grand jury. We also talked about my views on the death penalty. I am opposed to the death penalty, so I told him that I would not vote to indict a death penalty case.

On April 30, 2003, prospective grand jury members assembled in Judge Griffin's courtroom. The prosecutors questioned us, principally about making the necessary time commitment. To my surprise, Judge Griffin announced that I had recused myself from any death penalty case that might be presented to the grand jury. At the time, I was not pleased with this statement—I had not agreed to do it—but it turned out to be wise.

Lewis Katz, author of BALDWIN'S OHIO PRACTICE: CRIMINAL LAW (2003), and Jack Guttenberg, at Cleveland-Marshall College of Law.

Four grand juries are empanelled each term.

A See, e.g., Susan W. Brenner, The Voice of the Community: A Case for Grand Jury Independence, 3 VA. J. Soc. Pot.'y & L. 67, 67 (1995) ("Despite its auspicious origins, the federal grand jury has become little more than a rubber stamp, indiscriminately authorizing prosecutorial decisions,"); Andrew D. Leopold, Why Grand Juroys Do Not (and Cannot) Protect the Accused, 80 Corner, L. Rev. 269, 263 (1995) ("The grand jury is frequently criticized for failing to set as a meaningful check on the prosecutor's charging decision; according to the clickés it is a 'rubber stamp,' perfectly willing to 'indict a ham sandwich' if asked to do so by the government'").

Letter from The Rev. Marvin C. McMickle, Ph.D., Grand Jury Foreperson September Term 2001, to Presiding Indge McMonagle (Feb. 19, 2002); Memorandum from Dorothy McComb to Bill Monroe, Grand Jury Foreman, September Term 2002 (Dec. 3, 2002) (both on file with author).

The demographics of the county are such that primarily African-Americans face follony indictments in low-level drug possession cases in Cleveland, while primarily whites face misdemeanor charges for the same offense in the suburbs.

See Memorandum from Dorothy McComb, supra note 5, at 4-5.

In Ohio, the indictment must include the aggravating circumstances that make a person eligible for the death penalty. See Ohio Ray. Code Ann. § 2929.04 (Anderson 2004). Thus, the grand jury may affect whether a case proceeds as a death penalty case by refusing to indict on the aggravating circumstances. My opposition to the death penalty would keep me off a trial jury, but the grand jury does not decide whether the person should be sentenced to death. Sill, I would not vote to make that a possibility.

2004]

MY EXPERIENCES AS A GRAND JURY FOREPERSON

cases between the City of Cleveland and the suburbs. to the perceived problem of differential prosecution of low-level drug possession consequences of the act through an example of how a barroom fight could be a explained the relationship between the elements of the act, state of mind, and Second, he described by example the basic elements of a crime. The instructions explained the relationship of the burdens of proof required to indict and to find an Once the nine grand jurors and five alternates were selected and sworn in, Judge Griffin gave us copies of our ten-page set of instructions and read them to juries. The instructions suggested that the grand jury might want to pay attention identified an issue of prosecutorial discretion that concerned him and other grand felonious, aggravated, or simple assault depending on the facts. existed to believe beyond a reasonable doubt that the accused committed the crime. jury did not decide a person's guilt, it should ensure that sufficient evidence probably committed the offense." The instructions explained that, while the grand You have a duty not to indict if the evidence does not show that the defendant shows that the defendant committed the offence beyond a reasonable doubt. . . . an indictment for a particular offense if you are satisfied that the evidence probably accused guilty. The instructions stated, inter alla, that the grand jury "may issue hoped would enable the grand jury to exercise its independence. administrative issues, Judge Griffin addressed additional matters that, I believe, he Apart from the usual instructions about procedures, secrecy, and related First, he

said nothing at the time. No one expected what transpired next, watching the prosecutors' body language that they were not pleased, although they critical of the system. 10 As Judge Griffin read the instructions, it was evident by Judge Griffin attached to the instructions the two grand jury reports that were

Griffin I told him that I had, at the judge's request." who had faxed one of the reports criticizing the indictment process to Judge was aflutter. Eventually he told me, in that telephone call, that he wanted to know something that had come up in a case. It is embarrassing to admit, but my stomach the Cuyahoga County Prosecutor's Office asking to come to my office to discuss On Friday, May 2, 2003, I received a telephone call from an investigator for

would never expect. So, intellectually, I knew better. statements made in those conversations can be used against people in ways they they should not, how people think (wrongly) they can do no harm, and how Procedure at the time and in that class we discuss why people talk to police when I know I should not have talked to the investigator. I was teaching Criminal

notion of who and what he controlled. communication with Judge Griffin and perhaps that violated the prosecutor's would not be so foolish, but to a certain extent I think that is exactly what he was doing. Circumstances (i.e., the fax) suggested that I had had some independent have called Judge Griffin. Was he trying to intimidate me? Some suggested he prosecutor had questions about attachments to the judge's instructions, he should Moreover, why was the prosecutor's office having an investigator call me? If the believe the prosecutor had the right to question my actions in that capacity, criminal justice system, to which the prosecutor would present cases. I do not Nevertheless, I feit that the prosecutor's office should not have I was the foreperson of an independent legal body in the

prosecution of drug possession cases as "an act to prevent the prosecution of felonies under Ohio law." 16 on the law. 15 Finally, the prosecutor characterized the discussion of differential prosecutor also objected to Judge Griffin telling the grand jury that I was its expert burden of proof from probable cause to proof beyond a reasonable doubt, 14 matters, 13 numerous objections to the instructions, ranging from evidentiary to policy because Judge Griffin had improperly instructed us on the law. He raised The prosecutor contended that our grand jury could not render effective service That same day, the prosecutor filed a motion to discharge our grand jury. 12 Most notably, the prosecutor maintained that the instructions raised the

edition of the Cleveland Plain Dealer on May 4, 2003, the lead headline in the Pleas, seeking to terminate our grand jury and empanel a new one. In the Sunday McMonagle, the Presiding Judge for the Cuyahoge County Court of Common Griffin, who had the power to correct any errors. Instead, he filed with Judge The prosecutor did not file the motion to discharge our grand jury with Judge

8 18 3

Judge Burt W. Griffin, Crand Jury Charge, May Term 2003, at 6 (on file with author)

When Judge Griffin was preparing the instructions, he could not find one of the grand jury reports he had given me, so he called me and asked me to fax it to him. He attached that copy of the top of the page. report to our grand jury instructions, with the Cloveland-Marshall fax number still appearing at the

¹² In Re Grand Jury May Term, 2003 Mon./Wed., "B" Side, State's Objection to Grand Jury Instructions and Motion to Discharge/Terminate Grand Jury filed May 2, 2003 (on file with author) [hereinafter State's Objection].

Many of the prosecutor's objections were on the ground that Judge Griffin stated terms that were not required by Ohio law; for example, the instruction addressed presenting evidence that negates an accused's guilt, allowing the grand jury to request additional evidence, and telling an accused that she had the right to testify. While Ohio law did not require these instructions concerning grand jury procedures, arguebly Chio law did not prohibit them

OHIO JURY INSTRUCTIONS—CRIMINAL § 410.15 (2002) (Grand jury instructions) be returned against those who are probably guilty of criminal acts." OHIO JUDICIAL CONFERENCE. public purpose would be served by indicting a person when it appears to you that the evidence is not sufficient to sustain a conviction. . . On the other hand, it is equally important that indictments shall doubt, the standard for indicting remained at a probable showing that the accused committed the crime. This was consistent with the language recommended by the Ohio Judicial Conference: "No ¹⁴ No court ever ruled on the merits of the prosecutor's objections, but I believe the prosecutor mischaracterized the instructions. Although they referred to proof beyond a reasonable

This was indeed an error that, I understand, from one of my lawyers, Judge Griffin readily

State's Objection, supra note 12, at 15.

295

MY EXPERIENCES AS A GRAND JURY FOREPERSON

Metro Section read, "Prosecutor Claims Judge Tainted Grand Jury." That set the tone for what followed.

On that Sunday, I took the unusual step of conferring with a lawyer about representing the grand jury with respect to the prosecutor's motion. Being a client was new territory for me. But this lawyer did all the right lawyerly things: he asked me to tell him the facts and then gave me a detached and considered opinion on how we could proceed. This was quite helpful, because I was feeling under attack, and not wholly capable of knowing how to proceed. He agreed to represent the grand jury if we asked. 18

and could apply new instructions. We decided to talk to a lawyer about presenting our views to the court. to hear cases, that the relevant parties should correct any problems with the response was that they wanted to serve; it was an honor to have been selected were incredulous that the prosecutor sought to discharge us. Their immediate instructions, and that we were not tainted because we had not yet heard any cases We quickly agreed to tell Judge McMonagle that we wanted to carry out our duty the few ways, apart from military service, that citizens could serve their country. Several harkened back to the prosecutor's comment that jury service was one of was not to think about indictments, but whether to respond to the prosecutor's explained the situation to the other grand jurors, and I indicated that our first task seeking to disband us. Many of the grand jurors had no idea what was going on. scrvice. I suspected that we would not hear any cases, since the prosecutor was lawsuit. Our ensuing discussion was a highlight of this tale. On Monday, May 5, 2003, the grand jury assembled to begin our term of The grand jurors

The lawyer I had consulted arrived to talk to us just as the supervising prosecutor for the grand jury arrived, also to talk to us. The supervising prosecutor was not pleased that a private attorney was present. He demanded to be part of our conversation, and said that everything had to be on the record—we could not meet in secret. The supervising prosecutor questioned whether we were even entitled to representation. This was one of the many times when it was wonderful to have an attorney. I was angry that the prosecutor was, as I saw it, trying to interfere with the grand jury. But the attorney calmly replied to the supervising prosecutor that we were on uncharted ground as to whether a grand jury could have a lawyer, but why not let the grand jury talk to him? We did ultimately meet with the lawyer, and without the prosecutor's company. The lawyer agreed to represent us and advocate our position that we wanted to serve and could carry out our duty.

Later that day, our lawyer reported to us about a meeting that had taken place in Judge McMonagle's chambers. Our lawyer was not hopeful about a resolution of the prosecutor's lawsuit. The prosecutor had three conditions: the errors in the instructions must be cured; a new judge must preside over the grand jury; and I must no longer serve as foreperson. I was surprised by the last condition, but I thought it fair to let the grand jury decide whether to proceed without me. Their immediate response was "if you go down, we all go down together." I found this an extraordinary moment of group cohesion: we had spent only one day together but already saw ourselves as a unit. Undoubtedly our allegiance to the group was hastened because we felt we were under attack. We saw ourselves as a functioning group, not a collection of individuals, with a shared sense of the importance and value of our service.

Nothing more transpired on our first scheduled day to hear cases, and we returned on May 7, 2003, our next scheduled day to serve. On the advice of counsel, we composed and sent to Judge Griffin a written request to resolve the prosecutor's objections, re-instruct us, and let us do our job. In response, Judge Griffin set a hearing for May 9th to hear the prosecutor's claims and to re-instruct us.

Later that morning, the assistant prosecutor who supervised grand jury proceedings came to visit us, as he said he did with all grand juries. First, however, he spoke to me in an outer office. He suggested that I had done research for Judge Griffin's instructions and he would be glad to hear my thoughts on ways to improve the grand jury process. He proposed that we have lunch sometime to discuss my ideas. I was astonished. The supervising prosecutor acted as though our grand jury would not serve. Otherwise, why was he proposing lunch with the grand jury foreperson? Did he do that with all forepersons? Was it not improper for a prosecutor to meet ax parte with the head of the body that would consider his requests for indictments? Certainly, a prosecutor could not have lunch with the trial jury foreperson during a trial. The supervising prosecutor did not seem to honor any proper sense of boundaries, other than those he himself set.

On May 8, 2003, the day before the hearing Judge Griffin had set, the prosecutor filed an Affidavit of Disqualification in the Supreme Court of Ohio, 21 This is the procedure a litigant may utilize if she believes that a judge is biased, prejudiced, or otherwise unqualified to preside over a court proceeding. 22 The

James F. McCarty, Prosecutor Claims Judge Tainled Grand Jury, CLEV. PLAIN DBALER, May 4, 2003, at B1.

¹⁸ That same day I spoke to another attorney about representing me personally. Since I had been singled out by the prosecutor's office, it seemed possible that my interests and the grand jury's might diverge at some point.

The court reporter later told us that the prosecutor had gone on the record to object to om meeting; to my surprise, he called our meeting ex piarte. At the behest of the other grand jury

members, I also went on the record to explain why we spoke to a lawyer. I am not sure what "record" these statements are part of, but the court reporter took down what we said.

Leter I learned that the prosecutor did not want me to continue because he believed that I had collaborated with Indge Griffin on the instructions, even though Judge Griffin told the prosecutor that I had not done so.

Affidavit of Disqualification of Judge Burt W. Griffin, In re: Judge Burt W. Griffin, Supervising Judge of the Cuyahoga County Grand Jury, S. Ct. No. 03-AP-050 (May 8, 2004) (on file with the author) [hereinafter Affidavit of Disqualification].

OHIO REV. CODE ANN. § 2701.03 (Anderson 2004)

2004J

MY EXPERIENCES AS A GRAND JURY FOREPERSON

297

prosecutor claimed that Judge Griffin was unqualified because he intentionally tainted the grand jury through his erroneous instructions. Chief Justice may remove the judge if he finds appropriate grounds. Here,

thought that Chief Justice Thomas Moyer would expeditiously resolve the matter. before Judge Griffin would occur and Judge McMonagle would not proceed on the Common Pleas of jurisdiction over the pending legal challenges. proceedings regarding the grand jury, no lengthy delay was expected. Everyone Motion to Discharge the Grand Jury. Despite this sudden derailment of the local The immediate effect of this new lawsuit was to divest judges in the Court of No hearing

next weeks were filled with informal negotiations as different local judges and no further action would occur. However, though no official action took place, the One might have also expected that, while waiting for the Chief Justice to rule,

lawyers attempted to broker a resolution of the dispute.

firmly believed that I had done nothing wrong, that I should not be an issue in this dispute, and that the prosecutor should not be able to control the judge's selection of a foreperson. Yet, I believed, for a short time, that the process would move offer, in writing, to resign. This was the most difficult moment for me because l believed that I had collaborated with Judge Griffin on writing the instructions; thus, I could not be an unbiased foreperson.²³ At one point, in mid-May, I did proposals about me. The most difficult proposal for me, which came early on, was me. I never heard about the debates over the instructions; I did hear numerous forward if I resigned. Thankfully, Judge Griffin ignored my offer. that I offer to resign as grand jury foreperson. Apparently, the prosecutor still The negotiations focused on two issues: the content of the instructions and

the point was to show my good faith, meaning that I was prepared to follow any that I was disqualified to serve as foreperson. My personal lawyer suggested that acting independently of the prosecutor. As to meeting with the prosecutor, or one course, this was a somewhat naïve view: I was an issue, to the extent that I was instructions given by Judge Griffin, which I considered the critical issue. "I" was an issue, it felt like a ruse—it took the focus off of the grand jury second, I could not identify the benefit of such meetings. Every time I heard that proposed meetings for two reasons: first, I did not think I should be an issue; meetings between different prosecutors and me. I did not agree to most of the new instructions, that I did not have a hidden agenda, and that I was a "nice point, what did the prosecutor want to hear me say? I was concerned that whatever said would not satisfy the prosecutor and then could be used against me to claim his assistants, I was both baffled and wary. What could I say? Or, more to the Other proposals made by judges or lawyers connected to the dispute involved

was that we do our jobs and no objective fact suggested that I would not do that wrong. The prosecutor did not have to like me, nor I him. All that was required failed to meet with his approval and show that I was a "nice person." This was prosecutor: the prosecutor had no right to review the judge's selection of a grand jury foreperson. But, apparently, the prosecutor felt entitled to challenge me if l My lawyer's explanation raised another reason for not meeting with any

issue of my serving as foreperson. of the grand jury process. That was the last attempt at informally resolving the second, the prosecutor surely did not get to choose my lawyer. To me, this final wanted to keep the legal representation of the grand jury and of me separate, and demand revealed the depth of the prosecutor's belief that he controlled all aspects did not agree to this proposal, but they would agree to my coming with the grand jury's lawyer. 24 Perhaps I continued to be naïve, but this astonished me. First, I the prosecutor might use whatsver I said. I was told that the prosecutor's office personal lawyer was present. This arrangement would case my concern about how breakfast with a judge and one or two prosecutors. I agreed to meet as long as my prosecutors were suggested, I did agree to one proposal. This one was for As time wore on, and more and different configurations of meetings with

McMonagle lifted the pressure by appointing an interim grand jury to hear cases until the issues about our grand jury were resolved.²³ empanelled at the same time as ours, but supervised by different judges, had to hear an overload of cases. This put an unfair burden on them. Eventually, Judge three hundred to four hundred cases. In our stead, the three other grand juries sixty cases a day, two days a week. By the end of May, we would have processed built up from our grand jury not hearing cases. We would have heard on average Apart from the general inclination of judges and lawyers toward negotiated settlements, one might wonder why, in this situation, so many efforts were made more to do with the effect of the dispute on the criminal justice system. by so many people. In large part, it had little to do with the actual dispute, and Pressure

expected Chief Justice Moyer to promptly rule. This did not happen. The parties had filed their briefs regarding the Affidavit of Disqualification, and Chief Justice Moyer, who had been out of town, would return on June 1, 2003. ceased, in part because of the interim grand jury, and in part because we were told By early June, attempts to resolve the issues surrounding our grand jury had

might not. I speculated that perhaps he saw this as a small local dispute between the prosecutor and a judge that would end when the term of the grand jury ended By mid-July Chief Justice Moyer had not ruled, and I began to think that he

[&]quot;a planned act in conjunction with the grand jury foreperson." See Affidavit of Disqualification, supra note 21, at 1. The fact that Judge Griffin had recused me from potential death penalty cases meant that the prosecutor could not claim that I was biased because of my views on the death penalty The prosecutor's Affidavit of Disqualification maintained that the judge's instructions were

Although not said, the apparent objection to my counter proposal was who my lawyer was—one of the best criminal defense lawyers in the community.

Ohio law specifies how a grand jury must be selected, see Ohio REV. CODE ANN. § 2932.02 (Anderson 2004), and it is unclear if that procedure was followed with the interin grand jury. This mised a separate issue about whether any indictment from that grand jury was legal

2004]

299

On August 4, 2003, Chief Justice Moyer denied the Affidavit of Disqualification.²⁶ He held that the Affidavit was not the forum to decide the correctness of the grand jury instructions and that the prosecutor had not shown that Judge Griffin was unqualified. Therefore, he concluded, Judge Griffin could continue his role of supervising the grand jury.

I was on vacation when this occurred. On my return, I found out not only that Chief Justice Moyer had denied the Affidavit, but also that Judge Griffin and the prosecutor had both taken steps in response. On August 5th, Judge Griffin had set one hearing for August 20th to hear the prosecutor's objections to his instructions, and another on August 25th to re-instruct the grand jury. On August 12th, the prosecutor had subpoensed Judge Griffin and me to a hearing in Judge McMonagle's courtroom also on August 20th. The prosecutor seemed to be reviving his Motion to Discharge the grand jury.

A flury of activity ensued. Judge McMonagle recused himself from hearing the prosecutor's motion so a new judge was assigned to the case. My lawyer filed a motion to quash my subpoena, and Judge Griffin's lawyer filed a motion to quash his subpoena. A great deal of closed-door negotiations took place about the instructions. As my lawyer told me, we had become a footnote in the proceedings: finally, the issue was, as it should have been all along, the instructions. The prosecutor agreed to discuss the instructions with Judge Griffin, although he retained the right to contest the instructions and to move to discharge the grand jury. I remained doubtful that we would hear a case before our term expired on August 27th.

To my surprise the parties agreed on a new (and greatly modified) set of instructions. On August 25th, Judge Griffin re-instructed us, and on August 27th, the last day of our term, we heard cases. The experience of hearing cases was awesome in the best sense of the word; it was humbling, breathtaking, and overwhelming. I viscerally understood the power of the grand jury: we, and no one else, decided if a person should be indicted on felony charges. I also fully understood how ill-equipped we were to carry out that duty, independently. For our grand jury, Judge Griffin instituted one change that I cannot imagine proceeding without: he gave each of us copies of the Ohio Criminal Code provisions that define felonies. This meant that we could each refer to the language of the crimes charged, rather than simply rely on what the prosecutor told us. This was an essential tool for us to exercise our own judgment about whether to indict, yet it was the first time any grand jury had been given their own set of statutes.

MY EXPERIENCES AS A GRAND JURY FOREPERSON

III. REFLECTIONS

My tale ends on a basically positive note: our grand jury heard cases; Judge Griffin implemented a key innovation by providing the grand jury with a tool to educate ourselves and develop some independence; and I am told that the new assistant prosecutor assigned to supervise grand juries wants every grand juror to have a copy of the relevant stantes. But I cannot forget what this grand jury went through to get to that point, nor that we heard cases for only a single day.

of instructions, I remained grand jury foreperson, and we heard cases, if only for a failed. In the end, the prosecutor's office worked with Judge Griffin on a new set somehow had to prove myself, on his unarticulated terms. All of those attempts the way, he sought to have me removed, although never formally, never by any motion in court, but by insimuating that I should or could be disqualified and grand jury discharged. Then he sought to have Judge Griffin disqualified. Along by the instructions, but to quash them. First, the prosecutor sought to have the away. Apparently, the way to regain control was not to confront the issues raised directly with the judge; he just wanted the instructions, and our grand jury, to them; he tried to make an end-run around Judge Griffin. He did not want to deal Griffin's instructions, he did not file a motion with Judge Griffin seeking to change theme and my lesson at every step. When the prosecutor objected to Judge to control the process. When I reflect on the term of our grand jury, I see both my experiencing the depth and tenacity of the prosecutor's belief that he had the right independence and the prosecutor's control of the grand jury-and my lesson-I began my tale by stating my theme—the tension between grand jury 8

While I did not learn as much as I had hoped about how the grand jury operates, it was still a worthwhile experience for the judge, the grand jury, and myself. Now that I am not in the thick of it, it is easier to see that. I know I have a vested interest in finding value in this fairly sordid tale. But, I believe that for Judge Griffin it was important that he prevailed and retained supervision over this grand jury, and that he was able to institute some change in the process. For the other grand jurors, it was important to know that they were not seen as tainted and were allowed to carry out their duty. For me as grand jury foreperson, it was important to not give in and to take a stand for grand jury independence, which I believe I did in some small measure.

Still, my contribution, and the judge's innovations, were really quite minor responses to much greater systemic problems with the grand jury process. While I believe in the grand jury in theory, my experience as a grand jury foreperson leads me to question, and ultimately to doubt, the continued vitality and viability of the grand jury.

The fundamental problem for each new grand jury is that its members do not know, nor are they given the means by which to learn, what it means to be an independent legal body. In many ways it is understandable that grand jurors do not recognize their independence: the grand jury is supervised by a judge, and receives

Entry, In Re: Judge Burt W. Griffin, Supervising Judge of the Cuyahoga County Grand Jury, S. Ct. No. 03-AP-050 (August 4, 2003) (on file with the author).

2004]

all of its information on the law and the facts of each case from the prosecutor. While the prosecutor has the obligation to seek justice, it also represents the State in the very cases in which it seeks indictments. This means that the prosecutor is not neutral. For the most part that partisan role is appropriate: we want the prosecutor to zealously represent its client, the State. It is, however, problematic in the grand jury context. The system enforces grand jury reliance on the prosecutor—the attorney for the State—as its source of knowledge. The grand jury is given no means by which to obtain knowledge about the process or the law apart from the prosecutor. Grand jurors are given no substantial training on the law. On the rare occasion that a member of the grand jury has independent knowledge of the legal system, as I discovered, it is not necessarily viewed as positive. The sheer number of cases a grand jury is expected to vote on each day further exacerbates the lack of knowledge and training. Even if grand jurors wanted to educate themselves, no time is permitted for that vital effort.

Many others before me have grappled with how, and whether it is possible, to foster real grand jury independence. In the late 1970s, Ovio C. Lewis, then a law professor at Case Western University School of Law, wrote a thoughtful critique of the grand jury system based on his service as a Cuyahoga County Grand Jury Foreperson. He identified minimally necessary reforms for a grand jury to have "a modest chance to attain its reputed function," including "additional resources, such as independent legal counsel, investigators, and clerical staff," and "extensive training." He noted that the training should "apprise the grand jurors fully concerning their power and obligations." Ultimately, however, Professor Lewis concluded that "the reforms suggested would appreciably complicate grand jury proceedings... and the grand jury would only continue as 'a pawn in the technical game instead of ... a great historic instrument of lay inquiry into criminal wrongdoing." Because of this, he saw abolition as "the only rational course of action."

Other scholars and grand jurors, more recently, have affirmed Professor Lewis's criticisms, but not his conclusion. Many critiques focus on the lack of

grand jury independence, identifying, as both Professor Lewis and I do, the problem of prosecutorial power over grand jury decision-making. Professor Leopold observed that a key problem is that grand jurors are not qualified to answer the basic question put to them: does probable cause exist to believe that the suspect committed the crime charged?³³ Leopold notes, "we are asking non-lawyers with no experience in weighing evidence to decide whether a legal test is satisfied, and to do so after the only lawyer in the room, the prosecutor, has concluded that it has."³⁴ Professor Brenner makes a similar point: "Even if grand jurors for some reason do not identify with the prosecutor, their ignorance of the law makes it very difficult to challenge a prosecutor's conduct of an investigation or wish to indict." ³⁵

Leopold and Brenner call for reform of the system, not its abolition. Brenner urges states, and the federal system, to adopt the procedure Hawaii has used since 1978—provide each grand jury with its own lawyer, to act as a legal advisor. This would give grand jurors a more balanced perspective and invigorate their independence. Leopold sees legal counsel as being marginally useful; he suggests, however, that the "natural, but radical implication of the desire for a decisionmaker with both expertise and independence from the government is to replace the grand jurors with lawyers who are randomly selected from the community. He acknowledges that while this would increase grand jury independence, it would also decrease the sense that the grand jury represents the community. Despite the limitations of the proposed reforms, both scholars conclude that the institution of the grand jury is too important to abolish.

While abolishing the grand jury sounds severe, I agree with Professor Lewis and believe it may be the more honest answer. 40 Grand juries simply do not have

Ovio C. Lewis, The Grand Jury: A Critical Evaluation, 13 AKRON L. Rev. 33 (1979) (discussing the history of the grand jury, other criticisms of grand juries, and the experience of his grand jury).

He also identified the need to eliminate the scorecy rule, develop a system for citizens to bring complaints directly to the grand jury, allow a witness's attorney to be present during questioning, improve the quality of evidence necessary to sustain an indictment, require transcripts of grand jury proceedings, and increase judicial supervision. See Id. at 64-66.

²⁹ Id. at 64 n.164

ii Id. at 66 (quoting United States v. Johnson, 319 U.S. 503, 512 (1943))

^{3.} 3.

³² See, e.g., BLANCHE DAVIS BLANK, THE NOT SO GRAND JURY (1993) (suggesting reforms based on her service as a federal grand juror in New York); Susan W. Bromner, Is the Grand Jury Worth Keeping, 81 JUDICATURE 190 (1998); Leopold, supra note 4; see also Gregory T. Fouls, Reading the Jurors Their Rights: The Continuing Quastion of Grand Jury Independence, 79 No. L.J.

^{323 (2004) (}proposing changes to grand jury instructions to restore its historical and constitutional independence, including the power to refuse to indict).
3 Leopold, supra note 4, at 264.

ž

Brønner, supra note 32, at 198.

As Brenner notes, "Since we are, for practical purposes, stuck with the institution, we should pursue simple measures to enable grand juries to achieve their potential role as an important voice of the community." Brenner, supra note 32, at 68. Leopold does not call for abolition, but cautions that "those who do ignore the grand juries deficiencies—and the unfairness that follows—should bear a heavy burden of justifying the conclusion that real change is not feasible. . . . [Maintaining a grand jury in name only fails to carry that burden." Leopold, supra note 4, at 324.

^{5&#}x27; Brenner, supra note 4, at 124-27.

³⁸ Leopoid, supra note 4, et 314.

³⁹ Id at 322,

The alternative to indicting by grand jury is proceeding by preliminary hearing in which a judge hears evidence from both prosecution and defense and decides whether sufficient evidence exists to charge the defendant with the specified crimes. See WAYNE R. LAFAYEET AL., CRIMINAL PROCEDURE 714-23 (4th ed. 2004). Currently, the federal government, the District of Columbia, and eighteen states proceed by grand jury indictment. Id. at 744.

the knowledge or time to exercise their independence in deciding whether to charge individuals from the community with the commission of crimes. This state of affairs has existed for so long that prosecutors not only take it for granted, but also balk when efforts are made to restore some of that independence. In this light, the prosecutor's objection to our grand jury hearing cases was unprecedented, but it is, perhaps, not surprising. This observation reveals the depth of the problem: to make grand juries independent would require not only the changes Professor Lewis identified, but a change in the mind-set of those who control the grand jury system. I say this not as an indictment of any particular prosecutor or judge, but as a comment on the degree of entrenchment of the grand jury system as it has come to exist. Sadly, I believe the challenge is too great and our collective resolve insufficient to carry out the depth and breadth of change required to revitalize the independence of the grand jury.

Duress Is Not a Justification

Kyron Huigens

I. INTRODUCTION

Peter Westen's and James Mangiafico's recent article arguing that duress is a justification is interesting, provocative, and dead wrong. It barely dents (never mind demolishes) the majority view that duress is an excuse, one grounded on the notion that it is unjust to punish someone who has violated the criminal law only because he failed to resist a motivation that could not have been resisted by anyone who claims the right to punish him.

does not capture all that we want to accomplish with an excuse of duress reconfiguration would be acceptable to them and, in any event, the reconfiguration thesis to make it more plausible. But it is an open question whether exclusively analyzable as justification. It is possible to reconfigure W & M's about genuine excuse. As a result, they fail to demonstrate that duress cases are examples show that fault is present in duress cases, W & M say little or nothing They misconceive excuse, confusing it with non-fault. While their arguments and examples can be analyzed as justification but not as excuse, they are mistaken succeed in this effort, they fail to show that there is no case of duress that can also be analyzed as a case of excuse. That is, they fail to show that duress is uncontroversial criteria are analyzable as cases of justified action. justification and never an excuse.' Second, to the extent W & M believe that their W & M show that hypothetical cases that are identifiable as duress on relatively ustification in the sense that they apparently intend: that duress is in all cases a Westen and Mangiafico (hereinafter "W & M") make two major errors. First While they

II. THREE WAYS OF LOOKING AT DURESS

According to W& M, a case of duress has three identifying features: a three party relationship; a purposefully coercive threat; and less protection for the defendant than self-defense but more protection than necessity.³ It is the last feature that occupies W & M for the most part. They focus on the fact that whereas self-defense doctrine authorizes the use of deadly force to oppose the

Id. et 842

303

Professor of Law, Benjumin N. Cardozo School of Law. I wish to thank Joshua Dressler for his thoughtful and extremely helpful comments on an earlier draft.

Peter Westen & James Mängiafico, The Criminal Defense of Duress: A Justification, Not an Excuse—And Why It Matters, 6 Buff. CRIM. L. REV. 833 (2003).

^{*} See id. at 925

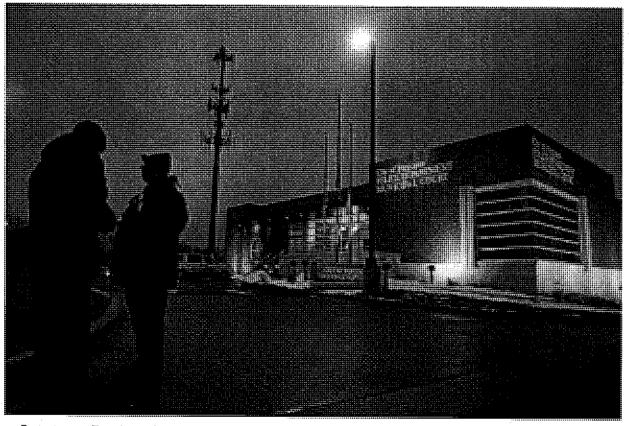
START DOWNLOAD



Convert Any File to a PDF - Word, Jpeg, Gif, Rtf - Free...



Ferguson Police Routinely Violate Rights of Blacks, Justice Dept. Finds



Protesters on Tuesday outside the Ferguson Police Department, which is accused of violating the constitutional rights of blacks.

WHITNEY CURTIS FOR THE NEW YORK TIMES

By MATT APUZZO MARCH 3, 2015

WASHINGTON — Ferguson, Mo., is a third white, but the crime statistics compiled in the city over the past two years seemed to suggest that only black people were breaking the law. They accounted for 85 percent of traffic stops, 90 percent of tickets and 93 percent of arrests. In cases like jaywalking, which often hinge on police discretion, blacks accounted for 95 percent of all arrests.

The racial disparity in those statistics was so stark that the Justice Department has concluded in a report scheduled for release on Wednesday that there was only one explanation: The Ferguson Police Department was routinely violating the constitutional rights of its black residents.

The report, based on a six-month investigation, provides a glimpse into the roots of the racial tensions that boiled over in Ferguson last summer after a black teenager, Michael Brown, was fatally shot by a white police officer, making it a worldwide flash point in the debate over race and policing in America. It describes a city where the police used force almost exclusively on blacks and regularly stopped people without probable cause. Racial bias is so ingrained, the report said, that Ferguson officials circulated racist jokes on their government email accounts.

In a November 2008 email, a city official Rapack Obama would not be president long because "what black man holds a steady job for four years?" Another email included a cartoon depicting African-Americans as monkeys. A third described black women having abortions as a way to curb crime. **Most Popular on NYTimes.com**

RELATED COVERAGE



Justice Department to Fault Ferguson Police, Seeing Racial Bias in Traffic Stops MAR 1, 2015

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

IN RE CINCINNATI POLICING

Case No. C-1-99-317

Judge Dlott

COLLABORATIVE

<u>AGREEMENT</u>

1. The Cincinnati Black United Front ("Front"), the American Civil Liberties Union of Ohio Foundation, Inc. ("ACLU"), on behalf of the class, as defined herein ("the Plaintiffs"), the City of Cincinnati ("City"), and the Fraternal Order of Police ("FOP"), hereinafter collectively referred to as the "Parties" hereby enter into this Collaborative Settlement Agreement dated as of (the "Agreement" or "Collaborative Agreement") providing for full and complete settlement of the claims of all of the Parties as described in certain litigation commenced by Plaintiff Bomani Tyehimba against the City and others in United States District Court in case No. C-1-99-317 as later sought to be amended by Amended Complaint and subsequent pleadings filed by the Front and the ACLU on or after March 1, 2001, against the City and others, herein described as the Litigation, in consideration of the mutual promises of the Parties and pursuant to the terms and conditions set forth below, all subject to the approval of the Court.

TABLE OF CONTENTS

- I. VALUE STATEMENT
- II. INTRODUCTION
- III. CLASS CERTIFICATION
- IV. PURPOSE OF SETTLEMENT AGREEMENT
- V. OPERATIVE PROVISIONS
 - A. The Parties Shall Implement a Policing Strategy of Community Problem Oriented Policing (CPOP)
 - B. Parties' Mutual Accountability and Responsibility for Evaluation Of The Implementation of the Agreement
 - C. Use Of Force And Status Of Terms Of The Department Of Justice Agreement
 - D. The Parties Shall Collaborate to Ensure Fair, Equitable, and Courteous Treatment for All
 - E. Civilian Review. The City Will Establish A Citizen Complaint Authority.
- VI. MONITORING AND DISPUTE RESOLUTION
- VII. INDIVIDUAL ACTIONS, MEDIATION
- VIII. MISCELLANEOUS

I. VALUE STATEMENT

2. The overall Collaborative Agreement described in this document contains a description of problem oriented policing which frames the overall philosophy and practices at its core. Central to a problem solving orientation is that problems are dilemmas to be engaged and learned from and that blame is an obstacle to progress. The overall collaborative effort suggests an alternative to blame: that different groups within the community with different experiences and perspectives share much more in common than not, and can work together on common goals and solve problems together.

II. INTRODUCTION

- 3. This Collaborative on Police Community Relations was proposed by the Parties, authorized by the City Council of the City of Cincinnati and established by United States District Judge Susan J. Dlott as an alternative dispute resolution effort to resolve social conflict, improve community relations, and avoid divisive litigation. The Collaborative has been pursued with Judge Dlott's direction, encouragement and assistance as a joint project of the Parties. The Litigation alleges racially biased policing by the Cincinnati Police Department ("CPD"). The City and the FOP have denied the allegations but have agreed to pursue this unique partnership as a means of resolving the conflict. The court has appointed as Special Master, Jay Rothman, Ph.D., who has been leading the resolution process.
- 4. The Collaborative includes outreach to the entire Cincinnati community through eight stakeholder groups: African-Americans, social service and religious organizations, businesses and philanthropic groups, police line officers and spouses, City officials, white citizens, other minorities and youth. The community outreach included responses to an online questionnaire as well as interviews with citizens for whom a computer was not easily accessed. Feedback sessions were used to collect and discuss the information that was gathered. Over 3500 persons participated in this process. The collaborative also included an expert research effort headed by John Eck, Ph.D., charged with identifying best practices and model programs. The results of this community dialogue and expert research were shared with the Parties for use in settlement negotiations.
- 5. The Parties have studied and received the results from community based work done through Study Circles by the Cincinnati Human Relations Commission; Neighbor to Neighbor, sponsored by numerous Cincinnati organizations; suggestions by the National Conference for Community and Justice (NCCJ) and Cincinnati Community Action Now (CCAN).
- 6. The Collaborative has engaged the entire community in a constructive dialogue that has resulted in an ongoing commitment to cooperation between the police and the community. The Parties, through this Agreement, make a commitment to promote and foster this ongoing cooperation.

III. CLASS CERTIFICATION AND FRIENDS OF THE COLLABORATIVE

7. The Parties agree that the goal of securing continuing, broad based community commitment to implementation of the terms of this Agreement shall be accomplished through certification of a plaintiff class action under Fed.R.Civ.P. 23(b)(2). The representative plaintiffs shall be

the Cincinnati Black United Front ("Front") and the American Civil Liberties Union of Ohio Foundation, Inc. The Parties shall permit the Urban League of Cincinnati and NAACP, Cincinnati Branch to join as class representatives within thirty days of the signing of this Agreement if they agree. The Parties agree to the certification of a mandatory class for settlement purposes under Fed. Rule Civ. P. 23(b) (2). The class shall be defined as:

All African-American or Black persons and people perceived as such who reside, work in and/or travel on public thoroughfares in the City of Cincinnati, Ohio either now or in the future and who are stopped, detained, or arrested by Cincinnati Police Officers or their agents, and citizens of any race who have been or will be subjected to a use of force by Cincinnati police officers and their agents.

- 8. A community advisory committee of Cincinnati organizations, the Friends of the Collaborative, shall be established within 30 days of the approval of this Agreement by the Court. Such Committee will consult with and support the parties regarding the implementation of the Agreement.
- 9. The Parties agree that they are entering into this class action settlement agreement for settlement purposes only. Any acquiescence or agreement to the class certification in this case does not constitute an admission of liability or fault by the City of Cincinnati or any of its officials, agents, or employees and may not be used as evidence in any proceeding by any member of the class except proceedings under this Agreement.

IV. PURPOSE OF SETTLEMENT AGREEMENT

10. The purposes of this Agreement are to resolve social conflict, to improve community-police relationships, to reduce crime and disorder, and to fully resolve all of the pending claims of all individuals and organizations named in the underlying litigation, to implement the consensus goals identified by the community through the collaborative process (listed below), and to foster an atmosphere throughout the community of mutual respect and trust among community members including the police. The Parties recognize that there has been friction between some members of both the community and the CPD. The ultimate goal of this Agreement is to reduce that friction and foster a safer community where mutual trust and respect is enhanced among citizens and police. This Agreement reflects the following goals adopted by the 3500 respondents through the feedback process developed by the Parties through the Collaborative:

First Goal: Police Officers and Community Members Will Become Proactive Partners in Community Problem Solving

Second Goal: Build Relationships of Respect, Cooperation and Trust Within and Between Police and Communities

Third Goal: Improve Education, Oversight, Monitoring, Hiring Practices and Accountability of CPD

Fourth Goal: Ensure Fair, Equitable, and Courteous Treatment for All

Fifth Goal: Create Methods to Establish the Public's Understanding of Police Policies and Procedures and Recognition of Exceptional Service in an Effort to Foster Support for the Police

11. Further, this Agreement will resolve the issues raised by the amended complaint and motion for preliminary injunction. The Parties believe that this settlement can support and build upon the current mission statement of the Cincinnati Police Department:

"The mission of the Cincinnati Police Department is to work in partnership with the citizens of the community to provide a safe environment where the quality of life may be improved through delivery of fair and impartial police services."

- 12. The Parties, their agents, successors and all persons in active concert or participation with any of them shall abide by the terms of this Agreement.
- 13. This Collaborative Agreement is founded on three principles. First, the social conflict necessitating this Agreement arises out of a cultural context much broader than police community relationships. Second, many conflicts can be addressed through careful analysis based on detailed information and a willingness to explore a wide range of alternatives. This is called problem solving. Third, achieving mutually agreeable solutions to the above mentioned goals described by the citizens of Cincinnati is the criteria for success. Consequently, this Agreement is outcome oriented, putting great emphasis on objective measures of police-citizen relations and police effectiveness. Only through comprehensive measurement can we determine if progress is being made and whether the means for reaching mutually agreeable solutions to these goals are working. This is one form of accountability. Though problem solving is described first and outcome accountability is described last these two principles are woven into the entire plan.
- 14. It is understood and agreed that the terms and implementation of this Agreement are not intended to and shall not be construed to violate the terms of any collective bargaining agreement by and between the City and the FOP or any other entities representing employees of the City, and further will not include any terms and conditions of employment that must be negotiated by and between the FOP and the City.
- 15. The Plaintiffs and FOP shall cooperate with the City to develop and implement a plan of community engagement to prepare Cincinnati residents, business owners, non-profit agencies, community and religious organizations, and others as partners with the City in problem solving activities.

V. OPERATIVE PROVISIONS

A. The Parties Shall Implement a Policing Strategy of Community Problem Oriented Policing (CPOP)

16. The City of Cincinnati, the plaintiffs and the FOP, shall adopt problem solving as the principal strategy for addressing crime and disorder problems. Initiatives to address crime and disorder will be preceded by careful problem definition, analysis and an examination of a broad range of

solutions. The City of Cincinnati will routinely evaluate implemented solutions to crime and disorder problems, regardless of the agency leading the problem-solving effort. The City will develop and implement a plan to coordinate the City's activities so that multi-agency problem solving with community members becomes a standard practice. Such an approach does not preclude law enforcement and prosecution.

Introduction to Community Problem Oriented Policing

- 17. The City of Cincinnati is committed to community problem-oriented policing (CPOP) as a means to reduce crime and improve the quality of life for its citizens. The plaintiffs and the FOP join in that commitment. The Cincinnati Police Department (CPD) recognizes CPOP as the next phase of effective community policing. Current research and case studies from around the world indicate that the problem-solving process known as SARA (Scanning, Analysis, Response, and Assessment) effectively addresses crime, disorder, and the fear of crime in communities. The Parties acknowledge that there are broad causes of crime and disorder. For a long period of time the police have been looked at as the only entity to address crime and disorder in our community. This Agreement is designed to encourage the Parties to commit to help the police and community work together to address crime, disorder, and quality of life issues in the Cincinnati metropolitan area.
- 18. The CPD has recently adopted a strategic plan that embraces community problem-oriented policing. This Settlement Agreement builds on that commitment. Implementing a widespread, in-depth community problem-oriented policing strategy in Cincinnati can increase the police, City, and community effectiveness in preventing and solving crime, reducing disorder, improving quality of life, and restoring functional neighborhoods.
- 19. The CPD consulted Advisors Helping Agencies in the development of its strategic plan in order to gain an outside perspective of the Cincinnati Police Department. One of the goals identified through this process was the use of problem oriented policing, in partnership with the community, to implement effective solutions. This is the process the CPD adopted to help communities solve problems. Part of this goal is the implementation of a problem tracking and reporting system to document successes and failures. The CPD is still implementing this system and is working to improve it. The Collaborative Agreement will directly assist in this effort.

Explanation of Community Problem-Oriented Policing

- 20. Community problem-oriented policing is one form of police work that seeks resolution of troublesome circumstances in the community. These troublesome circumstances are framed as problems to solve. They usually reveal themselves as a form of repeat pattern of offending, victimization, or locations. First, problems need to be carefully defined. A useable problem definition requires a description of harmful behaviors and the environments where these behaviors occur.
- 21. The second principle guiding community problem-oriented policing is that problems are carefully analyzed prior to developing a solution. Community problem-oriented policing is an information intensive strategy that places a premium on data, intelligence, community input, and analysis. The analysis is designed to reveal critical aspects of the problem that can be altered to effect a reduction in the problem.

- 22. The third principle is that the police and their partners engage in a broad search for solutions based on the analysis of information. A law enforcement response is always a possibility, but may not be required. Rather, a range of options is explored, often drawing from the field of "situational crime prevention" that block opportunities to commit crimes and disorder. Effective solutions to problems may require the active participation of and partnership with other City agencies, community members, and the private sector. This implies that for a community problem-oriented policing strategy to be effective there must be close police-community relations and the City must support this approach.
- 23. The fourth principle is that problem-solving efforts are evaluated to determine if the problem has been reduced. Here again, the use of information technology and analysis is critical to assure continuous improvement. If the problem has been successfully addressed, the police can move on to other problems. If it has not, then more work needs to be done, including a re-analysis of the problem or a search for alternative solutions.
- 24. Beginning in the fall of 1993 through February 1994, all CPD personnel received eight hours of police problem solving training using the SARA model as the process for community problem solving. The CPD has also specifically trained all neighborhood officers in the SARA model. In 1998, Police Officers and Police Specialists received a one-hour overview of community oriented policing that examined successes of community oriented policing. The overview also helped educate beat officers on how neighborhood officers could assist them in finding solutions to problems on their beat. Also in 1998, the problem solving method was used during Critical Incident Training for all Sergeants and Lieutenants. All of this suggests a solid foundation for even more focused and comprehensive commitment to community problem-oriented policing.
- 25. The CPD also uses crime analysis and mapping for problem solving. CPD analysts receive numerous requests for information during the analysis and assessment phases of problem solving. They have the ability to draw a picture of crime for those involved in the problem solving initiative. Several years ago, the CPD, Klotter Street Homeowners Association and the Cincinnati Public Works Department collaborated to develop a strategy for combating increasing incidents of theft and vandalism in the Klotter Street neighborhood. This is only one example of the use of technology and crime mapping for problem solving by the City and provides a further successful foundation for this Collaborative Agreement.
- 26. Citizens of Cincinnati have expressed a strong and uniform desire to see greater positive interaction between the police and the public. During the nine-month collaborative process in 2001, the public called for the City to "reinforce and expand community-oriented policing and practice." They have recommended that the City "establish and maintain greater understanding, positive interaction, and communications between the community and the police." They have asked the City to "promote a partnership of shared responsibility for community problem-solving." Citizens want to "develop more trust, respect and acceptance between the police and community." They want to "increase public's understanding of police policies, procedures, duties and roles." The public wants to "foster greater

¹ They used the SARA model for problem solving and the project and findings were published in Crime Mapping Case Studies: Successes in the Field, Volume 2, 2000, Police Executive Research Forum.

appreciation and support for police through professional and public recognition of outstanding service as well as awareness of the motivations of police officer and challenges they face." Citizens want to "improve communications and foster greater understanding, trust, respect and sensitivity between the community and the police." And the public wants to "increase community accountability and responsibility."

- 27. The Parties, and especially the CPD, understand that fully engaging the community is a fundamental key to effective law enforcement. The CPD will continue to implement policies and procedures that are guided by the principles of community problem-oriented policing. In accordance with these principles, the CPD continues to work in partnership with the community to solve problems that impact the community. As part of that process the Department has expanded its successful Citizens on Patrol Program to include neighborhoods of Bond Hill, College Hill, Madisonville, Mt. Washington, Price Hill, Carthage, Hartwell, Westwood, Northside, Clifton/University Heights/Fairview (CUF), Kennedy Heights and Pleasant Ridge. This program started with only four communities in 1997. Its success was recognized by other neighborhoods that wanted to work in partnership with the police to take back their neighborhoods. Neighborhood officers have been encouraged to utilize the SARA model and explain the process to citizens.
- 28. It is abundantly clear that the citizens of Cincinnati and their police officials want a two way dialogue about effective and fair policing. Taking a proactive and preventative approach toward informing the public about police operations will go a long way toward improving police-citizen relations and preventing information vacuums that increase friction between the community and the police. The ultimate goal of this Agreement is to reduce that friction and foster a safer community where mutual trust and respect is enhanced among citizens and police.

Implementation of Community Problem-Oriented Policing (CPOP)

- 29. The Parties shall be jointly accountable for the implementation of community problem solving policing. The Parties, through their attorneys, shall meet each of the development deadlines by drafting whatever policies, procedures or other documents that may be necessary to carry the commitments of this Agreement into operation. The Parties will work together to mutually insure that each of the following implementation steps is accomplished by the deadlines set for implementation.
 - a) The City, in consultation with the other Parties, shall develop and implement a plan to coordinate City departments with the CPOP focus of the CPD.

Plan Development Deadline: 60 days after fairness hearing. Plan Implementation Deadline: 90 days after fairness hearing.

b) The Parties shall develop and implement a system for regularly researching and making available to the public a comprehensive library of best practices in community problem-oriented policing.

Plan Development Deadline: 60 days after fairness hearing Plan Implementation Deadline: 90 days after fairness hearing c) The City, in consultation with the Parties shall develop a "continuous learning" process through the CPD. Experiences with problem solving efforts in the field will be documented and disseminated throughout the police department and made available to the public. Problem solving will continue to be emphasized in (included but not limited to) academy training, in-service training, and field officer training.

Plan Development Deadline: 60 days after fairness hearing Plan Implementation Deadline: 90 days after fairness hearing

d) The Parties will seek out information on how problem solving is conducted in other police agencies. Research and best practices on successful and unsuccessful methods for tackling problems, and analogous processes used by other professions (e.g., conflict resolution, organization development, epidemiology, military, civil engineering, and business) will be disseminated.

Plan Development Deadline: 60 days after fairness hearing Plan Implementation Deadline: 90 days after fairness hearing

e) The Parties, consistent with the Community Partnering Program, attached as Exhibit A, shall conduct CPOP training for community groups, jointly promote CPOP, and implement said CPOP training.

Plan Development Deadline: 60 days Plan Implementation Deadline: 90 days

f) The Parties shall coordinate efforts undertaken through the Community Partnering Program and establish an ongoing community dialogue and interaction including but not limited to structured involvement between the CPD and youth as well as with property owners, businesses, tenants, community and faith-based organizations, motorists, low income residents and other city residents on purposes and practices of CPOP.

Development Deadline for training and informational materials: 60 days after fairness hearing Plan Implementation Deadline: Immediate. 90 days after fairness hearing

g) The Parties shall establish an annual CPOP award to recognize the efforts of citizens, police officials, and other public officials who have made substantial contributions to CPOP by addressing community problems in Cincinnati.

Deadline to Complete Award(s) Design: 120 days after fairness hearing Deadline for Implementation: 180 days after fairness hearing

h) The City, in consultation with the Parties and consistent with the Ohio Law, shall develop and implement a system for consistently informing the public about police policies and procedures.

In accomplishing this item, The City, in consultation with the Parties, shall conduct a communications audit, and develop and implement a plan for the improvement of internal and external communications. This will be funded by NCCJ pursuant to the attached description, Exhibit B.

System Development Deadline: 60 days after fairness hearing System Implementation Deadline: 120 days after fairness hearing

i). The CPD shall create and staff a Community Relations office that will coordinate within the CPD implementation of this Agreement.

Deadline for Creation of Community Relations Office: 60 days after fairness hearing

j) The Parties shall describe the current status of problem solving throughout the CPD and what is being done to improve it through an annual report. Each party shall provide information detailing what it has done relating to its role in CPOP.

Implementation Deadline: One year after fairness hearing

k) CPD District Commanders and Special Unit Commanders or officials at comparable levels shall prepare quarterly reports that detail problem solving activities within their Districts. To the extent practicable, these reports shall identify specific problems addressed and steps taken by the City and the community toward their resolution. The reports also shall identify obstacles faced and recommendations for future improvement. Consistent with individual privacy and relevant law, these reports shall be available to the public through the CPD's Community Relations Office.

Deadline to Commence Quarterly Reports: 90 days after fairness hearing

l) The Parties shall review existing courses and recommend any new ones that may be appropriate for the Police Training Academy in order to effectively and accurately inform police recruits, officers and supervisors about the urban environment in which they are working.

Deadline to Complete Course Review and Design: 90 days after fairness hearing Deadline for Implementation: 120 days after fairness hearing

m) The Parties, in conjunction with the Monitor, shall develop and implement a problem tracking system that will have the goal of documenting problem-solving activities, including problem definition, analysis and response activities and information, evaluation results, and partnerships with police, government, and community organizations and individuals.

System Development Deadline: 180 days after the fairness hearing System Implementation Deadline: 240 days after the fairness hearing

n) The City shall periodically review its staffing plan in light of its commitments under CPOP and make revisions as necessary subject to funding provisions of this Agreement.

Deadline for Staffing Plan review: ongoing

o) The City shall review and, where necessary and appropriate, revise, police department policies and procedures, organizational plans, job descriptions, and performance evaluation standards, consistent with its commitment to CPOP.

Deadline to Complete Review: 60 days after fairness hearing

Deadline for Revision: 90 days after fairness hearing

p) Consistent with applicable federal and state law regarding protection of personal privacy and the Ohio Public Records Act, the City shall design a system that will permit the retrieval and linkage of certain information including that which is already collected by the CPD but may not be routinely searchable under the present system. Further the system shall enable the tracking of repeat offenders, repeat victims, and/or repeat locations that are necessary to community problem oriented policing. Finally, the system established under this paragraph shall include, but not be limited to, that information necessary to comply with the terms in this Agreement regarding nondiscrimination in policing and early warning.

Deadline to Complete Request for Proposal: 180 days after fairness hearing Deadline for Implementation: to be determined by the Monitor

q) The City, in consultation with the Parties, shall study the options and then determine if and how to best secure appropriate information technology so that police officers, supervisors, managers, and executives, as well as other City agencies and community members, can get access to timely and useful information needed to detect, analyze, and respond to problems and evaluate their effectiveness subject to the provisions of this Agreement with respect to funding.

Deadline for Development of Procurement Plan: 180 days after fairness hearing

Deadline for Securing Funding: 240 days after fairness hearing

Deadline for Procurement: one year after fairness hearing

Deadline for Implementation: immediately regarding those aspects that need no new purchases,

otherwise two years after fairness hearing

B. <u>Parties' Mutual Accountability and Responsibility for Evaluation Of The Implementation of the Agreement</u>

Introduction

30. The Parties, in consultation with appropriate experts and under the supervision of the Monitor, shall develop a system of evaluation to track the attainment of goals agreed to between the Parties in the Settlement Agreement. This tracking enables the Agreement to serve as a mutual accountability plan. The term "mutual accountability plan" is defined as a plan that ensures that the conduct of the City, the police administration, members of the Cincinnati Police Department and members of the general public are closely monitored so that the favorable and unfavorable conduct of all is fully documented and thereby available as a tool for improving police-community relations under this

Agreement. The Parties will regularly meet with the Monitor to study the results of the evaluation instruments and determine what changes, if any, in the Agreement or in their actions should be pursued in light of the evaluation results. That system shall also include a plan for determining what parts of this evaluation oversight may be transferred from the Monitor's supervision to a successor agency before this Agreement expires in order that ongoing evaluation efforts of police-community relations continue.

Protocol Development

- 31. The Parties shall, with the advice of expert consultants, and under the supervision of the Monitor, develop a Protocol to accomplish this system of evaluation. This Protocol (hereafter, the "Evaluation Protocol") shall be developed within 90 days of the Court approval of this Agreement, and implementation shall be commenced not more than 60 days thereafter.
- 32. The Evaluation Protocol shall set forth (i) a schedule for implementation of its terms, (ii) the cost of implementation, (iii) the individual or entity that will perform its requirements, (iv) data collection methods, forms, and procedures, (v) guidelines for analysis of collected data and reporting formats, (vi) levels of statistical confidence and (vii) levels of statistical power.²

Cost

33. The cost to implement the provisions of this Section B, including the cost to implement the Evaluation Protocol, shall not exceed the limit set forth in paragraph 130.

Elements of Evaluation Protocol

34. This Evaluation Protocol shall include (1) periodic surveys; (2) periodic observations of programs in which the police are involved; (3) and annual statistical compilations of police interactions with the community and the community's interactions with the police.

Periodic Surveys.

- 35. Subject to final decision after development of the Evaluation Protocol, the Parties anticipate utilizing several types of surveys regarding events occurring after the signing of this Agreement. The Evaluation Protocol shall provide that for all probability sample surveys, the Parties will assure that the response rate of sampled respondents is not lower than 70 percent.
 - a) A probability sample³ of citizens will be surveyed, periodically citywide. This survey will provide a barometer of citizen attitudes toward and satisfaction with the police. The survey

² Statistical confidence refers to the probability that a difference between two groups is real and not due to randomness. Statistical power refers to the ability to detect a given non-random difference between two groups.

³ A probability sample is a group of people selected in a way that allows researchers to calculate the proportion of the population they represent with known accuracy. Simple random samples are a type of probability sample, but there are many other types as well.

should be large enough that meaningful distinctions can be drawn among neighborhoods, race, gender and ages of respondents. Special consideration will be given to the use of a non-probability sample of residents who have no fixed address and who are likely to be missed by probability sampling. The citywide survey of citizens will include measures of neighborhood conditions, fear of crime, community efficacy, awareness of policing efforts, participation in policing efforts, perception of policing effectiveness, police responsiveness, performance, officer civility and demeanor, and citizen conduct with the police. The surveys shall also include multiple items that are specifically designed to fairly measure identification and prioritization of problems; awareness of community problem oriented policing efforts, participation in such efforts, and program effectiveness in community relations.

- b) A probability sample of citizens with police encounters will be surveyed periodically to determine the nature of the contacts, citizens' perceptions of the police involved and the outcomes of the contacts. These citizens will be drawn from police records, including but not limited to lists of citizens attending neighborhood meetings with the police, involved in police-community problem-solving efforts, stopped and questioned by the police, and arrested by the police. The periodic survey of citizens with police encounters will include: measures of police responsiveness, performance, demeanor, the perceived performance of other city agencies involved in the problem-solving process, the perceived effectiveness of the problem solving itself, and perceived community receptiveness to police involvement. The exact nature of the questions asked will depend on the nature of the encounter. Consequently, citizens involved in traffic stops and citizens involved in police-community problem-solving efforts will be asked similar questions about police demeanor, for example, but different questions about the outcomes of the encounter.
- c) A probability sample of police officers, specialists, sergeants, lieutenants, and other members of the Cincinnati Police Department who have significant contact with the public and their immediate families will be surveyed periodically to determine their perceptions of their organizational work climate, citizen support, and methods for improving the CPD and police-community relations. The periodic survey of officers will include measures of officer perceptions of personal safety, perceptions of citizen conduct, their perceptions of support or lack thereof from the CPD, the City, and elected officials, and recommendations for improving the working conditions and effectiveness of police officers. Such surveys shall also include multiple items that are specifically designed to fairly measure identification and prioritization of problems, participation in community problem oriented policing efforts, program effectiveness in community relations. The reasonable surveys of members of the CPD and members of their families shall not be deemed an unfair labor practice and the results of the survey shall not be utilized by the City for any purpose other than those set forth in this Agreement.
- d) Probability samples of officers and citizens involved in the citizen complaint processes will be taken to determine their levels of satisfaction with the fairness of the process. Also, a probability sample of officers involved in internal investigations and the disciplinary processes will be taken to determine their levels of satisfaction with the fairness of the process.

Periodic Observations

36. The Evaluation Protocol shall include provision for periodic observations of a representative sample of community-police meeting, problem-solving projects, and citizen complaint processes to examine how police and citizens interact in these settings. The periodic observations of problem-solving activities and community policing programs will focus on describing the activity, meeting, or process and the characteristics of effective and ineffective programs, procedures, processes, and personnel.

Privacy and Anonymity of Survey and Observation Respondents

37. The Evaluation Protocol shall provide protection for the privacy of the individual survey and observation respondents (citizens and members of the CPD and their immediate family members) who must feel confident in providing frank and meaningful information. The protocol shall assure that no data with individual respondent identifiers will be released to the public, news organizations, members of the CPD, the City, or other Parties to this Agreement. These survey data and observation data collected as part of this Agreement shall be retained by the Monitor and access to data with personal identifiers shall be restricted to the Monitor, the Monitor's staff, and others the Monitor designates for the sole purpose of accomplishing the goals of this Agreement. This provision may be implemented with any appropriate protective order issued by the Court.

Statistical Compilations from Official Records

- 38. In addition to surveys, and subject to the final determination of the Parties, the Evaluation Protocol shall include a means for providing the following data to the Parties and the public by the City of Cincinnati on a periodic basis. Citizen and officer information shall not carry personal identifiers but shall include age (by subgroupings of 7-17, 18-25, 26-35, 36-45, 46-55, 56-65, and 65 and over), race, national origin, gender, geographical area (by neighborhood), years of service, rank, assignment and other characteristics as deemed appropriate.
- 39. Compilations shall include an analysis, by percentage attributable to each of the 52 city neighborhoods:

Arrests

Reported crimes and drug complaints

Citations of vehicles and pedestrians

Stops of vehicles and pedestrians without arrest or issuance of citation

Uses of force

Citizen reports of positive interaction with members of the CPD by assignment, location, and nature of circumstance⁴;

⁴ All favorable encounters between citizens and police officers shall be reported as soon as they are made known to the City and police administrations and any police supervisor. Citizens, City councilpersons and their staffs, all City departments, divisions and agencies and their staffs, City and

Reports by members of the CPD of unfavorable conduct by citizens in encounters with the police Injuries to officers during police interventions
Injuries to citizens during arrests and while in police custody
Citizen complaints against members of the CPD

40. For each of the above items, the city shall provide to the Monitor incident-based data so that the nature, circumstances, and results of the events can be examined. These data will allow examination of trends in the use of force, their geographic patterns, their association with criminal activity, and differences among groups.

Evaluation of Problem Solving Processes

41. The Evaluation Protocol shall also include data recording processes for study of the problem-solving projects undertaken by members of the CPD and the community and the community-police meetings attended by members of the CPD. For these items, the Evaluation Protocol will allow an assessment of core strategic processes of the Cincinnati Police Department.

Evaluation Of Video And Audio Records

42. The Evaluation protocol shall also include a procedure for representative sampling of police vehicle mounted video and audio recordings in all police districts, and for creating a database describing the sampled recordings. If possible, the protocol will seek to develop a method to study how citizens of various racial and ethnic backgrounds are treated by the police, and how these same people treat the police. Compliance with this term shall be coordinated with compliance with the City-DOJ Agreement attached as Exhibit C.

Evaluation of Staffing

43. The Evaluation Protocol shall also allow examination of the hiring, promotion and transfer processes within the CPD. Accordingly, the Protocol shall require review of data from the CPD regarding staffing, including data on recruits, promotions, transfers, retirements, and overall organizational staffing by rank, assignment, race, gender, age, and years of experience with the CPD.

Evaluation Reports

44. Using the data from the above sources, and subject to the final determination of the Parties, the evaluation protocol will include provision for periodic reports that will address each of the following questions, taking into consideration breakdowns by age (by subgroupings of 7-17, 18-25, 26-

police administrations and their staffs, and all members of the CPD shall be encouraged to promptly report all favorable or positive actions taken by all members of the CPD to ensure that a complete record of all such favorable and positive actions are made a permanent part of any data base relating to the CPD's dealings with the community.

35, 36-45, 46-55, 56-65, and 65 and over), race, national origin, gender, geographical area (by neighborhood), years of service, rank, assignment and other characteristics as deemed appropriate:

Is public safety improving throughout the City of Cincinnati?

Have the number of reports by police of unfavorable conduct by citizens during encounters with the police increased or decreased in the neighborhoods of Cincinnati?

Is police use of force declining relative to the City's population and serious crime rate? Is police use of force equitably distributed across racial, gender, and age groups, once involvement in crime, disorder, and other relevant factors is taken into account? Do police officials feel their supervisors, City officials, and citizens support their actions?

Are the citizen complaint processes and discipline outcomes perceived to be fair by involved citizens and officers?

Are police-community relations improving throughout Cincinnati?

What can be done to continue to reduce police use of force, make police activities more equitable, address community problems, increase the fairness of the citizen complaint process, improve police-citizen relations, and improve community safety?

Has the use of police force declined/ or increased relative to the number of police/citizen contacts?

Were persons of any particular race or national origin, gender, or age in any of the fifty-two community geographic areas subjected to a disproportionate share of use of force by the police? Were members of the CPD in any of the fifty-two community geographic areas subjected to a disproportionate share of use of force by persons of any particular race or national origin, gender, or age?

Is there any correlation between the answers to the two previous questions?

Are community problems being successfully addressed

Are police problems being successfully addressed?

Do police officers feel that their supervisors, City elected and appointed officials, and citizens have done anything positive or negative with respect to supporting their police-related actions? Do citizens have any adequate means for positive engagement with police officers and police officials?

Do lower ranking members of the CPD have any adequate means for positive engagement with higher ranking police officials and elected and appointed officials of the city?

Do members of the CPD have any adequate means for positive engagement with the community?

Is the citizen complaint process perceived to be fair by the involved citizens?

Is the citizen complaint process perceived to be fair by the involved police officer?

Is anything further required to make the citizen complaint process more fair?

Is the police complaint process against citizens perceived to be fair by the police?

Is the police complaint process against citizens perceived to be fair by the involved citizen?

Is anything further required to make the police complaint process against citizens more fair?

Are police/community relations improving throughout the Cincinnati area?

What is required to improve police/community relations throughout the Cincinnati area? Is public safety improving throughout the Cincinnati area?

What has been done to continue to reduce police and citizen use of force?

What has been done to help make police activities toward the citizens more equitable?

What has been done to help make citizen activities toward the police less confrontational?

What has been done to help the police respond to the citizens in a more respectful manner?

What has been done to help the citizens respond to the police in a more respectful manner? What has been done to improve community safety?

What has been done to improve police safety?

What has been done to encourage citizens to report favorable or positive actions taken by members of the CPD?

- 45. The Parties will publish an annual report answering these questions (along with summaries of supporting data). The City will distribute this report to City libraries and schools, community and social service organizations, religious organizations, neighborhood associations, business associations, police officer associations and organizations, higher educational institutions, and news organizations, and shall make the report available for pick-up in readily accessible points in the City. The report will also be available from the City's website.
- 46. Measurement of the success of the mutual accountability process shall be based on the following criteria:

Was an accountability system implemented in accordance with the terms of this Agreement?

Was the data gathered in a manner consistent with the terms of this Agreement?

Was the data analyzed in a full and fair manner?

Was the data published and distributed in a manner consistent with the terms of this Agreement?

Was the data fully and fairly used to assess progress toward attaining the goals set forth in this Agreement?

Was the data used to adjust City, police and community strategies to address problems, reduce police and citizen use of force and improve police/community interaction?

C. Use Of Force And Status Of Terms Of The City - Department Of Justice Agreement

- 47. The City shall abide by the terms of the City-Department of Justice ("DOJ") Agreement attached as Exhibit C (hereafter referred to as the "City-DOJ Agreement"). This Paragraph shall be enforceable solely through the mechanism of Paragraph 113 hereof.
- 48. There are many persons in the community who contend that officers should report when they draw a firearm. The parties to the collaborative have been unable to agree on this issue. In the spirit of the collaborative and in an effort to settle the entire matter and considering the best interest of the entire community, the parties have agreed to this protocol:
 - a) The parties hereby agree to this expedited citizen complaint process for addressing concerns based on pointed firearms.
 - b) Any person who believes that an officer has unnecessarily pointed a firearm at a person on or after March 31, 2000 may file a complaint with any of the Plaintiff organizations,

- the CPD, or other available civilian complaint processes. Any cases previously investigated and adjudicated since March 31, 2000, shall be sent directly to the Monitor.
- c) That complaint shall be immediately investigated by a select team of CPD officers selected by the Chief after consultations with the plaintiffs.
- d) The investigator(s) shall make a determination on each complaint within thirty days of the time it is filed, absent exceptional circumstances, and shall file said determination with the parties and the complainant and Monitor.
- e) After six months, all of the complaints and investigator determinations shall be provided to the Monitor. The Monitor shall compile the data and forward it to the Conciliator.
- f) The Conciliator shall review the information provided by the Monitor. If the Conciliator finds, by a preponderance of the evidence, that there exists a pattern of improper pointing of firearms at citizens, then the parties agree that the city shall henceforth require officers to report all instances where they point a firearm at or in the direction of a citizen. This provision is subject to the dispute resolution process set forth more fully at Paragraph 113 and appeal under Fed. R. Civ. P. 53.
- 49. Due to the fact that the Joint Settlement Agreement between the City and the Department of Justice was negotiated without the involvement of the Fraternal Order of Police (FOP), and because the City-DOJ Agreement contains a substantial number of items that may create many additions, modifications, and deletions to the current Police Procedure Manual that have not yet been submitted to the FOP in compliance with the terms of Article XII, Section 5 of the Collective Bargaining Agreement by and between the City and the FOP, the FOP does not agree to, adopt, or afford any precedential effect to the terms of the City-DOJ Agreement, but will allow it to be appended to the Collaborative Agreement, so long as the FOP reserves the right to raise issues relating to the City-DOJ Agreement through the Monitoring, Reporting, and Dispute resolution provisions of the Collaborative Agreement. The decision of the FOP, acting as a Collaborative partner, not to file any unfair labor practice claims or grievances as a result of the above shall not be used as a precedent, estoppel, or waiver by the City in this matter or in any unfair labor practice claim involving the City and the FOP.

D. The Parties Shall Collaborate to Ensure Fair, Equitable, and Courteous Treatment for All

50. The City shall provide police services in a fair and impartial manner without any discrimination on the basis of race, color, or ethnicity. The City, in consultation with the Parties, shall take appropriate action to track compliance as set out in this section.

Implementation of Commitment to Bias-Free Policing

51. The City, pursuant to Ordinance 88-2001, has commenced an effort to measure whether any racial disparity is present in motor vehicle stops by the CPD. The analysis of this data will be reported pursuant to Paragraph 39.

- 52. The Parties shall cooperate in the ongoing training and dissemination of information regarding the Professional Traffic Stops Bias-Free Policing Training Program.
- 53. The Monitor, in consultation with the Parties, shall in all public reports, include detailed information including, but not limited to, the racial composition of those persons stopped (whether in a motor vehicle or not), detained, searched, arrested, or involved in a use of force with a member of the CPD, as well as the race of the officer stopping such persons.
- 54. In providing police services, the members of CPD shall conduct themselves in a professional, courteous manner, consistent with professional standards. Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer shall explain to the citizen why he or she was stopped or detained in a professional, courteous manner. An officer must always display his or her badge on request and must never retaliate or express disapproval if a citizen seeks to record an officer's badge number. This paragraph shall be incorporated into the written CPD policies.

E. <u>Civilian Review. The City Will Establish A Citizen Complaint Authority.</u>

55. The new Citizen Complaint Authority (CCA) will replace the Citizen Police Review Panel (CPRP) and the police investigations functions of OMI. The CCA's mission will be to investigate serious interventions by police officers, including but not limited to shots fired, deaths in custody and major uses of force, and to review and resolve all citizen complaints in a fair and efficient manner. It is essential that the CCA uniformly be perceived as fair and impartial, and not a vehicle for any individuals or groups to promote their own agendas. It is also essential that the CCA be encouraged to act independently consistent with its duties.

Staffing and Powers of CCA

56. The CCA will have three components: (1) a Board of seven Citizens appointed by the Mayor and approved by City Council, (2) a full-time Executive Director with appropriate support staff, and (3) a team of professional investigators.

The Board of Citizens

57. The Board will include a diverse array of seven individuals, from a cross-section of the Cincinnati community, who have the requisite education and experience to impartially review evidence and render judgments on alleged officer misconduct. The Mayor will accept nominations from the City's fifty-two Community Councils, business, civic, social service and other agencies and organizations. The Mayor also will accept applications from individual City residents. The members will serve for a maximum of two terms of two years each, except that three of the initial appointees will be appointed for one year. Those three shall be limited to a single second term of two years in order to ensure that the Board has staggered terms. In the event of the resignation, removal, death, or incapacitation of a member of the panel, any replacement member shall serve the remainder of that term.

- 58. Applicants for a position on the Board shall execute a signed release authorizing a thorough background check, including a criminal check. No person may serve on the Board who has been convicted of a felony, assault on a police officer, or any crime of dishonesty. The results of the background check for any person appointed to the Board shall be a matter of public record and shall be retained for five years.
- 59. The Board shall select a chairperson from among its members, who shall serve for a term of one year.
- develop Standards of Professional Conduct and a comprehensive training program for Board appointees. Said standards shall be approved by the City Manager. Before assuming office and prior to beginning their duties, each member of the Board shall be required to complete a basic course of training, including courses at the Cincinnati Police Academy, instruction in constitutional and criminal protections, and ride-alongs with members of the CPD assigned to patrolling the City, in order to fully and adequately inform each Board member of the training and duties of Cincinnati police officers. Each appointee must promise to abide by the Standards and satisfactorily complete the training as a condition of appointment and prior to service on any cases. The Mayor, after consultation with the other Board members, may remove an individual from the Board for cause, including failure to strictly abide by (including action inconsistent with) the Standards or failure to properly discharge the duties of the office. The Mayor shall seek to act in a manner consistent with the recommendations of the other Board members.
- 61. The CCA will not commence operations until each member of the Board has satisfactorily completed the training program and promised to abide by the Standards. Until that time, OMI and the Citizens Police Review Panel shall continue in their current roles. Thereafter, new appointees to the Board shall be afforded up to a maximum of ninety (90) days to complete training and promise to abide by the Standards. The CCA shall assume jurisdiction over all of the police cases pending before OMI and the CPRP at the time of the transfer. There shall be no break in civilian review as a result of this transition.
- 62. The Board and Executive Director shall develop the specific procedures necessary for the CCA to carry out its mission, including the procedure to convene hearings on cases, procedures for investigations, procedures for coordination of work with CPD, and other operating procedures. Consistent with the City Charter, any procedures affecting the administrative service shall be approved by the City Manager.
- 63. Board members shall be compensated at the rate of \$100 per meeting. The chairperson shall be compensated at the rate of \$125 per meeting.
- 64. The City Solicitor shall provide legal counsel on a routine basis to the CCA. The City Solicitor shall designate an assistant city solicitor for the CCA who shall maintain independence from and not be involved with any other legal work involving the CPD or individual police officers. If the Board determines on an individual case that it requires outside counsel, it shall notify the City Solicitor. The Solicitor will respond to and cooperate fully with the Board to employ counsel whenever the Solicitor determines in the exercise of her professional discretion that there is the need for such outside

counsel. If the City Solicitor determines that there is no need for outside counsel she shall explain her determination to the City Manager, who shall relay it to the Board.

Executive Director

- 65. The City Manager shall appoint the CCA's Executive Director, who shall be an unclassified employee of the City. The City Manager shall consult with the Board and seek the Board's recommendations, provided, however, that the final selection of the Executive Director shall be made by the City Manager. The Executive Director shall serve as an unclassified employee and may be discharged by the City Manager after consultation with the Board. This provision shall not relieve the City Manager of the duty to respect the need of the Executive Director to act independently, consistent with the duties of the Executive Director. The Executive Director will be accountable for the efficient operations of the CCA, and for the achievement of the desired outcomes set forth above.
- 66. The Executive Director shall have professional experience in the investigation of allegations of police misconduct, and he/she should be perceived as fair and impartial. To this end, the City Manager and other City officials, including elected officials, shall be prohibited from interfering with individual investigations.
- 67. The Executive Director shall be responsible for day-to-day operations of the CCA, including (i) recommendations for hiring of professional and support staff, (ii) preparation, submission and adherence to a budget, (iii) conduct and timely completion of investigations, (iv) reporting to the City on the CCA's work, and (v) maintaining an effective working relationship with the CPD and other branches of government. Within the resources allocated by City Council, the Executive Director shall ensure that the CCA's human and other resources are sufficient to ensure timely completion of investigations and maintenance of complete and accurate records.
- 68. As a condition of employment, all police officers and city employees are required to provide truthful and accurate information to the CCA. In addition to the foregoing, when a key witness other than a City employee refuses to cooperate in an investigation, the Executive Director may recommend to the Board that a subpoena be issued to compel such testimony, and the Board shall have the authority to request such a subpoena from City Council. Subpoenas for the attendance of persons shall be secured only through City Council. The Board shall have the authority to issue subpoenas for documents, photographs, audio tapes, electronic files and tangible things, subject to approval by the Board's legal counsel.

Investigators

69. The City's Office of Municipal Investigations currently has four full-time investigators assigned to police cases. The CCA shall have a minimum of five professional investigators and one support person to achieve timely completion of all investigations. Each investigator shall have prior professional experience in investigations, and may be a former police or other law enforcement officer from outside the City.

CCA Investigation Process

Intake and Assignment

- 70. Each citizen complaint, excluding matters involving criminal investigations, will be directed to the CCA regardless of where it initially is filed, and the Executive Director, in consultation with the Board, shall establish criteria to determine whether specific complaints are suitable for CCA investigation or referral to the CPD's Citizen Complaint Resolution Process (CCRP). At a minimum, the CCA shall open its own investigation upon (i) receipt of a complaint of serious misconduct, or (ii) knowledge by the Executive Director of allegations of serious police intervention. The CCA will immediately provide the CPD with detailed information regarding the complaint, including the time and location of the underlying events and the name(s) of the officer(s) involved.
- 71. Where a complaint is to be investigated by the CCA, it will be assigned to an investigator within 48 business hours of receipt. The CPD shall notify the CCA Executive Director immediately upon the occurrence of a serious police intervention and the Executive Director shall immediately dispatch an investigator(s) to the scene. The CPD shall not interfere with the ability of the CCA investigator to monitor the work of the CPD at the scene and to monitor all interviews conducted by CPD. CCA investigators shall not physically enter the crime scene or delay or impede a criminal investigation.
- 72. The Chief of Police will retain the discretion to initiate a parallel CPD investigation of any complaint under investigation by the CCA. In addition, the CPD will investigate all complaints initiated within the Department (*i.e.*, where the complainant is a police employee).

CPD and City Cooperation

- 73. Police officers and other City employees will be required to submit to administrative questions consistent with existing constitutional and statutory law. See, e.g., CMC §13(f); §20(f)(5). The Executive Director of CCA shall have reasonable access to city records, documents and employees, including employee personnel records and departmental investigation files and reports consistent with Ohio public record laws. CCA investigations shall be conducted consistent with professional standards.
- 74. The Chief of Police and the Executive Director will develop written procedures that will assure the timely exchange of information and the efficient coordination of CCA and CPD investigations.

CCA Investigations

75. The CCA will complete its investigations within 90 days of its receipt of the complaint from a complaining citizen, provided, however, that the Executive Director may extend an investigation upon consultation with the Board. The time required to complete investigations will be a performance accountability measure.

⁵ "Serious police intervention" shall include, but not be limited to, major use of force, shots fired or deaths in custody.

- 76. Upon completion of a CCA investigation, the Executive Director will forward the investigative report to the Board. That report shall include any positive information about the officer that may be relevant. Similarly, where a complaint is referred to the CCRP, the CPD will report the results of that process to the CCA, and the Executive Director will submit those reports to the Board. Each CCA report shall include proposed findings and recommendations. The Executive Director shall recommend each report either for a Board hearing or summary disposition. The complainant and respondent officer(s) also will be provided the investigative report, and each may challenge the report and/or appeal the Executive Director's recommendation to the Board.
- If the Board conducts a review hearing, its purpose shall be to confirm the completeness of the CCA investigation and approve or disapprove the Executive Director's report (findings and recommendations). The Board's review hearing will not be an adversarial proceeding and should not be used to reinvestigate the matter. The Board may receive witness testimony including that of the complainant and/or police officer(s). Interviews of city employees or other witnesses shall be conducted only in closed inquiry sessions unless the witness requests otherwise. Such sessions shall not be open to the public and shall include only CCA Board members, and any necessary staff or support personnel. A written record shall be kept of any statements, testimony, or other evidence obtained in such sessions. Any city employee directed to answer questions in an inquiry session shall be advised that the statements and answers given can be used only for administrative purposes relating to city employment and cannot be used in any criminal proceedings involving that employee. Such advice shall be consistent with the constitutional principles identified in Garrity v. New Jersey. The employee shall be further advised that a failure or refusal to answer truthfully and completely can subject the employee to disciplinary action including termination. Any employee directed to appear before the CCA for such an inquiry session may bring a legal representative or other support person of choice. Any police officer or complainant, who is directly involved in the circumstances under review, may also attend such sessions and may bring a legal representative or support person, who shall be strictly limited to consultation and such persons may not otherwise participate in the inquiry proceedings.
- 78. Following a hearing, the Board may either approve or disapprove the Executive Director's findings and recommendations. Where the findings and recommendations are approved, they shall be submitted to the Police Chief and City Manager. If they are disapproved, the Board shall state its reasons and may direct that further investigation be pursued. The Board may issue its own findings and recommendations, and submit them along with the Executive Director's original report to the Police Chief and City Manager. In all cases, the City Manager and Police Chief will refrain from making a final decision on discipline until after receipt of the CCA report. The City Manager shall agree, disagree or agree in part with any findings and recommendations of either the Board or the Executive Director, and she shall inform the Executive Director and the Board in writing of any reasons for agreeing in part or disagreeing with said findings and recommendations. It shall be the Executive Director's responsibility to inform the officer(s)involved in the complaint and the complainant when a final decision has been reached on a complaint.
- 79. Reports prepared by the CCA, the CPD or the City Manager pursuant to this process shall be publicly available to the extent provided by Ohio law.

Records

- 80. The CCA and CPD will create a shared electronic database that will track all citizen complaints, including the manner in which they were addressed (e.g., CCA investigation or CCRP) and their dispositions. Subject to restrictions which may exist in any applicable collective bargaining agreements, this database also will capture data sufficient for the CCA and the CPD to identify officers involved in repeat allegations, citizens making repeat allegations and circumstances giving rise to citizen complaints. This data will be integrated into, or regularly shared with, an electronic information management system to be developed by the CPD. Procedures will be adopted to secure information which is not subject to release under Ohio law.
- 81. In addition to the foregoing, the CCA shall maintain its files for each investigation for a period of five years or such shorter period as may be provided in any applicable collective bargaining agreement. Where feasible, those files shall include tape-recorded interviews of officers, complainants and witnesses. These data will be made available for the accountability system.

Prevention

- 82. There are two methods used for reducing citizen complaints: (i) thorough investigation of officers charged with misconduct, and (ii) examination of complaint patterns to identify at-risk officers, citizens and circumstances. The former represents the traditional method of complaint prevention. The latter method involves an examination both of circumstances that lead to complaints and opportunities to alter those circumstances. It is a problem-solving approach that may prove effective in Cincinnati.
- 83. The CCA will examine complaint patterns that might provide opportunities for the CPD and community to reduce complaints. At a minimum, the CCA will look for three types of patterns: (i) repeat officers, (ii) repeat citizen complainants, and (iii) repeat complaint circumstances. Following the identification of such patterns, the CCA and the CPD jointly will undertake a problem-solving project to determine the reason(s) for the pattern and whether there are opportunities to eliminate or reduce root causes. Where feasible, this project should involve both affected officers and the community.

Information Dissemination

- 84. The CCA will develop a clear and direct information brochure to inform citizens how they can access the CCA and how the CCA operates. The City will make this brochure available to all citizens, including at public libraries and other public facilities.
- 85. The Executive Director will be responsible for working with the CPD and community to develop and implement an information plan that ensures officers and citizens fully understand the investigation, mediation, restoration, and prevention processes outlined above, and that the CCA's achievements are clearly articulated to the public and the CPD.

86. The CCA shall issue annual reports summarizing its activities for the previous year including a review of significant cases and recommendations. Such reports shall be issued to City Council and the City Manager, and made available to the public.

Resources and Redundancy

- 87. The City Council will allocate resources sufficient for the CCA and CPD to accomplish the foregoing.
- 88. The CPRP and police investigation functions of OMI will be eliminated, and associated resources will be allocated to the CCA.

89. ACCOUNTABILITY MEASUREMENTS

Was the CCA established on a timely basis?

Was the CCA fully staffed and resourced?

Was an effective Memorandum of Understanding developed establishing a co-operative working relationship between the CPD and the CCA?

How many complaints were handled and what were the categories of those complaints?

What was the time to disposition of the complaints?

What were the outcomes of the complaints?

Was a mediation process established?

Was a restorative justice process established and evaluated?

Were basic goals/objectives/outcomes achieved?

VI. MONITORING AND DISPUTE RESOLUTION

90. The provisions of this Article VI shall be construed consistent with, and shall in no way modify or amend, the provisions of Paragraph 130.

Selection of the Monitor

- 91. Within 150 days of the execution of the City-DOJ Agreement, in accordance with the timetable set forth below, the Parties, together with the DOJ, will select a Monitor with law enforcement experience who will review and report on the Parties' implementation of, and assist with the Parties' compliance with, this Agreement.
 - a. Within 30 days of the execution of the City-DOJ Agreement, the Parties, together with the DOJ, jointly will issue a solicitation for bid proposals for appointment of the Monitor. In addition to a targeted national mailing, the solicitation shall be published in several national newspapers, and the websites of the Parties and the DOJ. The City shall bear the cost of publicizing the solicitation.
 - b. The deadline for the submission of such proposals will be 30 days after publication of the solicitation on City's website.

- c. All proposals for providing the monitoring under this provision shall include, but not be limited to, plans for experts to be utilized, resumes and *curriculum vitae* of proposed experts, cost proposals, and any other information that the Parties and the DOJ deem necessary.
- 92. If the Parties and the DOJ are unable to agree on a Monitor within 150 days, each Party and the DOJ will submit two names of persons with law enforcement experience, along with resumes or *curriculum vitae* and cost proposals, to the Court, and the Court will appoint the Monitor from among the names of qualified persons submitted.
- 93. The Monitor, at any time, may request to be allowed to hire or employ such additional persons or entities as are reasonably necessary to perform the tasks assigned to him/her by this Agreement. The Monitor shall notify the Parties and the DOJ in writing if and when the Monitor wishes to select such additional persons or entities. The notice shall identify and describe the qualifications of the person or entity to be hired or employed and the monitoring task to be performed. If the Parties and the DOJ agree to the Monitor's proposal, the Monitor shall be authorized to hire or employ such additional persons or entities. Any Party or DOJ has ten days to disagree with the proposal. If the Parties and the DOJ are unable to reach agreement within ten days of receiving notice of the disagreement, the Court shall resolve the dispute.
- 94. The City shall bear all reasonable fees and costs of the Monitor. In selecting the Monitor, the Parties and the DOJ recognize the importance of ensuring that the fees and costs borne by the City are reasonable, and accordingly, fees and costs shall be one factor considered in selecting the Monitor. In the event that any dispute arises regarding the payment of the Monitor's fees and costs, the Parties, the DOJ, and the Monitor shall attempt to resolve such dispute cooperatively. If the Parties and the DOJ are unable to reach Agreement, the Court shall resolve the dispute.
- 95. In the interest of expediting the selection and contracting processes for the Monitor, the Parties and the DOJ shall be exempt from local contracting procurement regulations and all such regulations shall be considered waived for this purpose.
- 96. The Monitor shall not be subject to dismissal except upon good cause and the Agreement of all of the Parties and the DOJ or by the Court upon motion of one of the Parties or the DOJ and a showing of good cause.

Selection of the Conciliator

97. The Honorable Michael R. Merz, United States Magistrate Judge, will be appointed by the Court pursuant to Fed. R. Civ. P. 53 as the Conciliator for compliance with this Agreement.

Duties of the Monitor

- 98. The Monitor will only have the duties, responsibilities, and authority conferred by this Agreement. The Monitor shall not, and is not intended to, replace or take over the role and duties of any City or CPD employee. The Monitor may not modify, amend, diminish, or expand this Agreement.
- 99. The Monitor shall offer the Parties technical assistance regarding compliance with this Agreement. Technical assistance will be provided to a party upon request by that party, and it will be offered consistent with the provisions of this Agreement.
- 100. The City and the CPD shall provide the Monitor with full and unrestricted access to all CPD and City staff, facilities, and documents (including databases) necessary to carry out the duties assigned to the City and the CPD by this Agreement, provided, however, that the Monitor shall not have access to any materials protected from disclosure by the attorney-client privilege and/or work product doctrine. Any materials or information claimed to be protected by the attorney-client or work product privilege shall be logged with information including author, date, nature of the material, reason for the claim of privilege, and persons to whom the material was disseminated. The Monitor shall cooperate with the City to access people and facilities in a reasonable manner that, consistent with the Monitor's duties, minimizes interference with daily operations.
- 101. The Monitor shall retain any non-public information in a confidential manner and shall not disclose any non-public information to any person or entity absent written notice to the City and either written consent by the City or a court order authorizing disclosure. In monitoring the implementation of this Agreement, the Monitor shall maintain regular contact with the Parties.
- 102. The Monitor shall file with the Conciliator written public reports detailing the Parties' compliance with and implementation of each substantive provision of this Agreement. The first such report shall be 180 days after Court approval of this Agreement, and quarterly thereafter. The Monitor may make recommendations to the Parties regarding measures necessary to ensure full and timely implementation of this Agreement.

Compliance Reviews

- 103. In order to monitor and report on the Parties' implementation of this Agreement, the Monitor, shall, *inter alia*, regularly conduct compliance reviews to ensure that the Parties have implemented and continue to implement all measures required by this Agreement. The Monitor shall, where appropriate, when measuring compliance, employ appropriate sampling techniques.
- 104. Each Party shall designate a person or persons to serve as liaisons to the Monitor for compliance purposes. The City Solicitor shall serve as a liaison between the City and the Monitor, and shall assist with the City's compliance with this Agreement.

Reports and Records

105. Between 90 and 120 days following Court approval of this Agreement, and every three months thereafter until this Agreement is terminated, the Parties shall file with the Monitor a status

report, including any supporting documentation, delineating all steps taken during the reporting period to comply with this Agreement.

- 106. During the term of this Agreement, and subject to record retention requirements and procedures imposed by state or local law, any existing consent decree, or any relevant collective bargaining agreement, the Parties shall maintain all records documenting compliance with this Agreement and all documents required by or developed pursuant to this Agreement.
- 107. The Monitor shall issue quarterly public reports to the Parties and the Conciliator detailing the Parties' compliance with and implementation of this Agreement, after filing the first such report 180 days after Court approval of this Agreement. These reports shall not include information specifically identifying any individual officer. Drafts of the status reports will be provided to each of the Parties at least 10 days prior to publication to afford the Parties an opportunity to identify factual errors.
- The Monitor shall not issue statements or make findings with regard to any act or omission of any Party, or their agents or representatives, except as required by the terms of this Agreement. The Monitor may testify in any enforcement proceedings regarding provisions of this Agreement and the Parties' compliance. The Monitor shall not testify in any other litigation or proceeding with regard to any act or omission of any Party, or any of their agents, representatives or employees, related to this Agreement or regarding any matter or subject that the Monitor may have received knowledge of as a result of his or her performance under this Agreement. Unless such conflict is waived by the Parties, neither the Monitor nor a member of his or her staff shall accept employment or provide consulting services that would present a conflict of interest with the Monitor's responsibilities under this Agreement, including being retained (on a paid or unpaid basis) by any current or future litigant or claimant, or such litigant's or claimant's attorney, in connection with a claim or suit against the City or its departments, officers, agents or employees. The Parties agree to request an appropriate protective order for non-public records in the possession of the Monitor. The Monitor shall not be liable for any claim, lawsuit, or demand arising out of the Monitor's performance pursuant to this Agreement. Provided, however, that this paragraph does not apply to any proceeding before a court related to performance of contracts or subcontracts for monitoring this Agreement.
- 109. The reporting requirements set forth in Paragraphs 102 to 107 herein do not limit the reporting requirements under the DOJ-City Agreement.

Duties of the Conciliator

- 110. The Conciliator will evaluate the Monitor's reports, instruct the Parties on how to remedy areas of non-compliance and, if necessary, may issue an order pursuant to Fed. R. Civ. P. 53, on issues of compliance regarding particular provisions of this Agreement.
- 111. The Conciliator shall be responsible to review the quarterly reports of the Monitor and to determine whether each of the Parties is in compliance with the Agreement, pursuant to Fed. R. Civ. P. 53.
- 112. If the Conciliator determines that a Party is not in substantial compliance with a provision of this Agreement, he shall so inform the Party, and the Party shall have 60 days from receipt of such

notice to cure the asserted failure. If the Party fails to cure the asserted failure within that period, then the Conciliator may without further notice, issue an order consistent with the Agreement. Any party may appeal said order pursuant to Rule 53.

- 113. If the Monitor determines in a report made pursuant to the City-DOJ Agreement that the City is not in substantial compliance with a provision of the City-DOJ Agreement, the Monitor shall notify the Special Litigation Section of DOJ in writing. If the DOJ declines after 60 days to move the court for specific performance to correct persistent substantial non-compliance, then the Monitor shall notify the Parties to this Agreement of that dispute, and the Parties may request, and the Conciliator shall, giving due deference to the action or determination of the DOJ, determine whether the City is in substantial compliance with a provision of the DOJ Agreement. If the Conciliator determines that the City is not in substantial compliance with a provision of the DOJ Agreement, and if the City fails to remedy that non-compliance within 60 days of the Conciliator's determination, then the Conciliator shall issue an order directing such compliance pursuant to Fed. R. Civ. P. 53. In the event a Party disagrees with the Conciliator's order, that Party may appeal to the Court pursuant to Rule 53. The Parties agree that the Department of Justice shall be permitted to intervene beginning at the Conciliator level regarding the terms of the City-DOJ Agreement with the Court in the event of such proceedings.
- 114. Pursuant to the dispute resolution process set out in this Agreement, in the event that the Court finds that any Party has engaged in a material breach of the Agreement, the Parties hereby stipulate that the Court may enter the Agreement and any modifications pursuant to paragraph 124 as an order of the Court and to retain jurisdiction over the Agreement to resolve any and all disputes arising out of the Agreement.

VII. INDIVIDUAL ACTIONS, MEDIATION

115. All litigation matters regarding the damage claims in the case at bar (*Tyehimba v. City of Cincinnati*) and the following cases, in which the statute of limitations have not expired, are tolled until July 1, 2002:

Antonio Johnson v. City of Cincinnati, Case No. C-1-99-1063

Matthew Shaw v. City of Cincinnati, Case No. C-1-00-1064

Mark A. Ward v. City of Cincinnati, Case No. C-1-99-494

Charles A. Wiley v. City of Cincinnati, Case No. C-1-00-267

Lisa Youngblood-Smith v. City of Cincinnati, Case No. C-1-00-434

Elsie Carpenter v. City of Cincinnati, Case No. C-1-99-227

Nathaniel Livingston v. Thomas Streicher, Case No. C-1-01-233

Lasha Simpson v. Thomas Streicher, (re force on 4/14/01)(to be refiled federal court)

Claim of Vinnie Clarke and Terry Horton

Claim of William Haysbert

Claim of John E. Harris

Claim of Ms. Stephanie Keith and Paul Keith

Claim of Enrico Martin

Claim of Roderick Glenn

Claim of Arnold White

Claim of Tony Stillwell Claim of Sheila Barnes Claim of Iweka Okaraocha Claim of Patricia Watkins

Undersigned Plaintiffs' counsel are counsel of record for the above and are authorized to so stipulate on their behalf.

116. The Parties agree to develop an expedited arbitration process for the above cases within thirty days of the approval of this Agreement. The process will include a provision for an exchange of lists by the City, the attorney for any individual defendants and the claimants of the cases and claims each party is willing to submit to arbitration. All statutes of limitation that have not expired are tolled until July 1, 2002 in the above matters. All settlements achieved shall be available to the public. For any case on the above list that is not settled by July 1, 2002, that case may be filed if not already filed or returned to the active litigation docket if already pending.

VIII. MISCELLANEOUS PROVISIONS

- 117. This Settlement Agreement is the product of extensive arms-length negotiations by competent legal counsel for the Parties.
- 118. The Parties agree that they are entering into this class action settlement agreement for settlement purposes only. Any acquiescence or agreement to the class certification in this case does not constitute an admission of liability or fault by the City of Cincinnati and may not be used as evidence in any proceeding for damages by any member of the class.
- 119. No Party shall retaliate in any manner against any other Party or person for their participation in this case.
- 120. All Parties hereto agree to exercise their best efforts and to take all reasonable steps necessary to effectuate the Settlement set forth in this Agreement.
- 121. This Agreement constitutes the entire Agreement among the Parties with regard to the subject matter of this Agreement.
- 122. Any notice, request, instruction or other document to be given hereunder by any Party hereto to any other Party (other than class notification) shall be in writing and delivered personally or sent registered or certified mail, postage prepaid, to the Parties as follows:

To: Cincinnati

City Manager with a copy to City Solicitor Fay Dupuis City Hall 801 Plum Street Cincinnati, OH 45202 To: Class Counsel and plaintiffs or class members:

Alphonse A. Gerhardstein Class Counsel 1409 Enquirer Building 617 Vine Street Cincinnati, OH 45202

Kenneth L. Lawson Class Counsel 1575 Kroger Building 1014 Vine Street Cincinnati, OH 45202

Scott T. Greenwood Class Counsel 1 Liberty House P.O. Box 54400 Cincinnati, Ohio 45254-0400

ACLU Foundation of Ohio, Inc. 4506 Chester Avenue Cleveland, OH 44103

To: Fraternal Order of Police

Don Hardin Steve Lazarus 915 Cincinnati Club Building 30 Garfield Place Cincinnati, OH 45202

- 123. This Agreement is a public document and shall be posted on the websites of the City or CPD and of the Plaintiffs.
 - 124. This Agreement may only be modified in writing and on consent of the Parties.
- 125. The Parties agree to join in a motion to approve a class action settlement that will incorporate the terms of this Agreement and protect the City from other lawsuits seeking injunctive relief on the matters addressed herein. Further, the Parties agree that this is not a consent decree and stipulate to continuing jurisdiction and venue in the United States District Court for the Southern District of Ohio for enforcement in accordance with this Agreement's provisions. Further, the Parties agree that this matter may be appropriate for administrative processing in the Court's discretion after the fairness hearing.
- 126. The Agreement will terminate five years after the Court approval of this Agreement. The Agreement may terminate earlier if the City-DOJ Agreement between the City and DOJ has terminated, and if the Parties agree that the plaintiffs, the FOP and the City have substantially complied with each of the provisions of this Agreement and maintained substantial compliance for at least two years. Such

Agreement will not be unreasonably withheld. If the Parties do not agree, the issue of early termination shall be submitted to the Conciliator. The burden shall be on the party owing the duty to demonstrate that it has substantially complied with each of the relevant provisions of the Agreement and maintained substantial compliance for at least two years. For the purposes of this paragraph, "substantial compliance" means there has been performance of the material terms of this Agreement. Materiality shall be determined by reference to the overall objectives of this Agreement. Noncompliance with mere technicalities, or temporary failure to comply during a period of otherwise sustained compliance, shall not constitute failure to maintain substantial compliance. At the same time, temporary compliance during a period of otherwise sustained noncompliance shall not constitute substantial compliance.

Long-Term Fiscal Impact Of Collaborative Agreement

- 127. The plaintiffs agree to take lead responsibility for securing funding for the Community Partnering Program through grant applications to local and national philanthropic organizations. The other Parties agree to assist with the grant application process as needed. It is estimated that such cost will total at least \$175,000 per year early in the Agreement but that cost could be reduced as CPOP takes root in the community.
- 128. The other costs associated with this Agreement shall be the responsibility of the City subject to the provisions of this section.
- 129. The Parties agree that for the purposes of budgeting, all technology purchases, one-half of the increased expenditures associated with civilian review of alleged police misconduct, one-half of the police staffing expenses and one-half of the monitoring costs necessary will be required to satisfy the terms of the City-DOJ Agreement, regardless of the relationship between the DOJ and the Collaborative Agreements. The Parties will cooperate in seeking federal and private assistance with those costs. The City will be ultimately responsible for those costs.
- 130. The Parties estimate that the overall cost attributable to the City of meeting the terms of this Agreement, other than the costs of the preceding paragraph attributable to the City-DOJ Agreement, is five million dollars. These costs include, e.g., the costs of implementing CPOP, implementing and evaluating the Parties' mutual accountability, monitoring, and operating civilian review. If the overall cost to the City under this Agreement is in excess of an average of one million dollars per year over the life of the Agreement, or in excess of one million two hundred fifty thousand dollars in the first year, the Parties shall revisit the schedule for implementation of the terms of this Agreement to determine if that schedule should be modified in light of the cost.
- 131. Any procurement of services or goods under the terms of this Agreement shall be open to all persons, including African-Americans, regardless of race or gender and affirmatively available to all African-American vendors, consistent with City policy.
- 132. During the life of this Agreement, if any Party is unable to meet an interim or long-term goal due to finances, that Party shall notify the others and the Monitor of the problem, all efforts that have been taken to resolve the problem, and any plan to address the problem in the future. The Monitor shall investigate the relevant facts and make a recommendation on the issue to the Parties and the Conciliator.

Parties:
Cincinnati Black United Front
American Civil Liberties Union of Ohio Foundation, Inc.
The City of Cincinnati
The Fraternal Order of Police
Plaintiffs and Proposed Plaintiff Class Counsel:
Kenneth L. Lawson Trial Attorney for Plaintiff Class
Scott T. Greenwood Trial Attorney for Plaintiff Class
Alphonse A. Gerhardstein Trial Attorney for Plaintiff Class
Defendants' Counsel:
Fay D. Dupuis City Solicitor
Trial Attorneys for Defendants

Donald Hardin Trial Attorney for Individual Defendants And the Fraternal Order of Police

Other Supporting Documentation

Researchers test how police react to danger:

Video at http://www.today.com/video/today/57022819#57022819

Interim Report of the President's Task Force on 21st Century Policing":

http://www.cops.usdoj.gov/pdf/taskforce/interim_tf_report.pdf