



# Ohio Collaborative Community- Police Advisory Board

December 1, 2016 Meeting Summary

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. As a result of the work of the Task Force, on April 30, 2015, Governor John Kasich signed Executive Order 2015-04K establishing the **Ohio Collaborative Community-Police Advisory Board**.

The Collaborative is chaired by Director John Born, Office of Public Safety, and The Honorable Nina Turner, former Ohio Senator. Members appointed by the Governor, including ex officio members, are identified below:

- Sergeant Brian S. Armstead—Akron Police Department, member of the Fraternal Order of Police
- Dr. Ronnie Dunn—Cleveland State University, Professor of Urban Studies and member of the NAACP Criminal Justice Committee
- The Reverend Damon Lynch III—senior pastor, New Prospect Baptist Church
- Chief Michael J. Navarre—Oregon Police Department, member of the Ohio Association of Chiefs of Police
- Honorable Ronald J. O’Brien—Franklin County Prosecutor
- Sheriff Tom Miller—Medina County Sheriff’s Office, member of the Buckeye State Sheriff’s Association
- Commissioner Lori Barreras—member of the Ohio Civil Rights Commission
- Councilman Michael H. Keenan—City of Dublin, local government representative
- Austin B. Harris—student at Central State University

Ex officio members:

- The late Honorable George V. Voinovich—former U.S. Senator, Governor of Ohio, and Mayor of Cleveland
- The late Honorable Louis Stokes, former member of Congress
- The Honorable Tom Roberts, former Ohio senator, life member of the NAACP
- Senator Cliff K. Hite, Ohio Senator
- Senator Sandra Williams, Ohio Senator
- The Honorable Tim Derickson, former Ohio Representative

The purpose of the Collaborative is to advise and work with the Office of Criminal Justice Services (OCJS) in the Ohio Department of Public Safety to implement the Task Force’s recommendations, as identified in the Executive Order.

December 1, 2016, Columbus, OH Meeting of the Ohio Collaborative Community-Police Advisory Board

The Collaborative meeting was held on December 1, 2016 at the Ohio Department of Public Safety. The meeting began at 10:10 A.M. The following members were present at the meeting:

- Director John Born
- Executive Director Karhlton Moore
- The Honorable Nina Turner
- Commissioner Lori Barreras
- Dr. Ronnie Dunn
- Austin B. Harris
- Chief Michael Navarre
- The Honorable Ron O'Brien

Director Born welcomed members of the Collaborative, and introductions were made.

Director Born provided a recap of progress being made by the Advisory Board. Ohio is leading the nation in having state-wide standards. We are seeing tangible evidence of progress in both the community and law enforcement. Many of the largest agencies have been certified or are in the process of being certified. Executive Director Moore has been speaking at forums around the country, including a presentation with the Department of Justice. Real progress is being made through the efforts of both the community and law enforcement. Additionally, progress is being made by law enforcement agencies adopting the standards. While realistically we know that not every agency will be able to meet the standards, this is what we are working toward.

Executive Director Moore then provided an update on the certification process. The process started in February 2016, and since then, more than 250 agencies have begun the certification process. Thus far, 44 agencies have received provisional certification, and 91 have received final certification. In addition, 47 percent of all officers in Ohio (15,979) are in an agency going through the certification process.

The report that is due at the end of March 2017 will discuss the status of every agency in the state. In order to be included in the report as having started the certification process, agencies must have their application submitted by February 1. While OCJS will make every attempt to include agencies that submit after the February 1 deadline, there is no guarantee that those agencies will be reflected as having submitted their documentation.

Executive Director Moore talked about the presentations he has given in Washington, D.C., Virginia, and Atlanta. During these presentations, he focused on the work being done by the Advisory Board. The Department of Justice noted that no other state is undertaking such an effort.

Director Born introduced The Honorable Stephen L. McIntosh, Franklin County Court of Common Pleas and Chair of the Grand Jury Task Force. Judge McIntosh provided a presentation to the Advisory Board on the Report and Recommendations of the Task Force to Examine Improvements to the Ohio Grand Jury System. Advisory Board members were reminded that the Collaborative recommended seven

categories of change, five of which are in Collaborative authority. The remaining two, the grand jury process and law enforcement training, are being handled elsewhere.

Judge McIntosh identified the composition of the Grand Jury Task Force as members representing law enforcement, prosecutors, judges, and educators. He discussed the overriding themes being considered by the Task Force: public trust and confidence in the grand jury system. Judge McIntosh noted the importance of providing citizens with an education on grand juries so that they understand the difference between a jury trial and a presentation to a grand jury. If people do not understand the distinction, they are less confident in the process and will not have trust in it.

Ten recommendations were made by the Task Force. A few key recommendations include:

- 1) Grand juries should be instructed on the importance of their independence in decision-making. Judge McIntosh noted that judges (not prosecutors) need to make sure that the instructions to the grand jury reflect this.
- 2) Given the public's concerns about the secrecy of the grand jury proceedings, limited portions of the proceedings would be made public. Specifically, in those situations in which the presumption of secrecy is outweighed by public interest in transparency, and in which the publicity of the case and the subject is well known, the determination can be made as to what information can be made public. In response to a question, Judge McIntosh explained that the process is traditionally kept secret to protect the identity of the suspect so that his/her reputation is not tarnished if the suspect is not indicted.
- 3) The Ohio Attorney General's Office should have exclusive jurisdiction to prosecute lethal use of force cases, and BCI would be used to conduct the investigation. Judge McIntosh noted that of the approximately 35 lethal use of force cases in 2015, they determined about 3-5 cases would need to be presented to a grand jury. In response to another question, Judge McIntosh noted that this does not only apply to firearm deaths, but rather any use of force that ends in death.

Executive Director Moore encouraged members to read through the report.

The final item on the agenda was finalizing three standards. Each was discussed in turn.

#### Law Enforcement Call Taking/Dispatcher Training Standard

Two changes were recommended. The first had to do with formatting of the standard, and the second involved the distinction between dispatchers and call-takers. OACP suggested that this should be 'telecommunicator training' to highlight that both call-takers and dispatchers would be trained. Association of Public Safety Communications Officials (APCO) is supportive of these changes. Discussion was held as to whom the standard applies, and clarification wording was added in the commentary as a result.

Board members present unanimously approved the Law Enforcement Call Taking/Dispatcher Training Standard.

### Body Worn Cameras Standard

Chief Navarre noted that OACP representatives put much more into their revision of this standard than what was in the original standard, including the addition of bulleted items that spell out the specific elements such a policy shall address. Discussion about disclosure and privacy concerns resulted in wording changes to the standard and to the commentary. A reference to accountability requirements was also added for body camera users and supervisors.

Dr. Dunn expressed a concern that too much emphasis was being placed on the recommendations of OACP to the exclusion of community input, and that there needs to be a true balance between law enforcement and the community. Executive Director Moore reminded the Advisory Board that drafts are received from many sources, including the OACP, and in the end, the final decision is made by the Board. Senator Turner agreed with this and noted that the Board needs find ways to get back in the community and engage.

Mr. Harris noted his concerns about allowing law enforcement to review camera footage after an incident. Chief Navarre explained the importance of footage in making accurate reports, and added that agencies may create a policy prohibiting officer viewing of footage if an officer is accused of committing a criminal act. He indicated one of the bullet points of the standard, which discusses the need for the policy to address criminal and administrative use of camera captured data.

Board members present unanimously approved the Body Worn Cameras Standard.

### Bias-Free Policing Standard

The third standard that was discussed involved racially biased policing. The general purpose of the standard was agreed upon by all. The title was changed from bias-based policing to bias-free policing. Discussion arose as to whether items in the commentary should be part of the standard. Specifically, two items were identified: training and data collection. Mr. Harris suggested that training should be a part of the standard in addition to the commentary, to which others agreed. There was disagreement as to whether data collection should be required by all agencies who adopt this standard. Director Born talked about the need to demonstrate in some way that an agency is engaging in bias-free policing. Dr. Dunn stated that there is no other way to demonstrate this than to collect data, and emphasized that this is one of the most important standards this group will work on. Chief Navarre pointed out the difficulty that some agencies would have in collecting stop data. He added that he is not opposed to data collection and, in fact, supported it while he was chief in Toledo. But he did not feel he could endorse mandated data collection on behalf of all law enforcement agencies. He also raised the concern that we would lose a large number of agencies if such a requirement were mandated.

Chief Navarre suggested that perhaps random viewing of dash/body camera footage (for those who have the capability) could be used as a potential source of data to assess bias. Dr. Dunn suggested that perhaps small agencies can report at the county level. Senator Turner wondered whether technical assistance could be provided to smaller agencies, and Dr. Dunn suggested that analysis could be done at the state level and/or the Ohio Consortium of Crime Science could help. Senator Turner also suggested

that the Board consider restricting the data collection requirement to cities of a certain size (based on either agency or population).

Director Born asked that Dr. Dunn and Chief Navarre create a subgroup to work on this issue and present their recommendations at the next meeting. Mr. Harris agreed to be a part of this subgroup. Senator Turner noted that because this particular certification would not come into play until 2018, it would give the Board a way to talk with law enforcement and the community about this issue. Executive Director Moore instructed the subgroup to identify barriers of data collection, as well as potential solutions to these barriers.

The next meeting is to be in February, at a date to be determined. A Doodle poll will be sent out to allow the Board members to submit their availability. Consideration is being given to moving future Advisory Board meetings around the state, including the locations of the original Town Hall meetings.

The meeting was adjourned at 12:25 P.M.