

Use of Force Committee Meeting – August 1, 2022

Attendees: Rev. Dr. David Fox, Angelina Jackson, Dr. Kevin Watt, and Donald Domineck present in person. Jacob Wourms, Dr. Carmen Culotta, Cheryl Scroggins, and attended via Zoom. Torey Hollingsworth, Anastasia Stowers, Chief Kamran Afzal, Lt. Col. Eric Henderson, Major Jimmy Mullins, Lt. Eric Sheldon and Andy Sexton were present as City of Dayton staff.

Angelina Jackson called the meeting to order at 5:35 p.m.

Torey Hollingsworth read the roll call

Ms. Jackson asks for a motion to approve the June 30, 2022 meeting minutes.

Dr. Kevin Watts makes the motion, Reverend David Fox seconds. The June 30, 2022, meeting minutes are approved 7-0.

Ms. Jackson made an opening statement to begin the discussion of the DPD/Law Department proposal for the Use of Force policy language. She discussed:

- The purpose of the meeting is to discuss the committee's response to the City Commission before they provide a response on the recommendations brought forth by the Use of Force Working Group in Spring 2021.
- This committee meeting will be utilized to discuss the June 30th's police recommended policy and formulate a formal response to provide to the Commission.
- Ms. Jackson gave the following timeline of the relevant actions on the proposed Use of Force policy up until this point:
 1. March 22, 2021
 - a. Initial recommendations from the committee were submitted to the commission.
 2. March 27, 2021
 - a. Additional recommendations were submitted
 3. April 22, 2021
 - a. The commission issued a memo that directed the Law Department to review the proposed policy language and specifically review the concepts of "proportionality" and "necessity".
 4. April 2021-October 2021
 - a. The implementation committee was tasked with reviewing the implementation of recommendations that have already been adopted.
 5. June 2021
 - a. The working group articulated a concern that the IACP, which was being considered as an outside consultant to assist the Law Dept. in its review, had already weighed in opposing a change from the "objectively reasonable" standard.

- b. There were attempts to contact other police departments that implemented “proportionality” or “necessity” in use of force standard as well as any data showing negative consequences from the change.
- 6. November 4, 2021
 - a. Cleveland police department met with a working group of city staff and community members.
 - b. There was discussion on use of necessity, proportionality and objective reasonableness in Cleveland police department’s use of force policy.
- 7. December 2021
 - a. There is no action within the citizen part of the committee.
- 8. June 30, 2022
 - a. Law Department was asked to review and present it by June 30th 2022.
- The committee would like to respond to Commission in 30 days but if additional time is necessary to formulate an intelligent response that will be granted.
- Ms. Jackson shared a document she prepared showing differences between the working group recommendations and recommended policies by PD/Law
 - Everything is contained except for the element of “necessity” and several specific use of force prohibitions
 - The committee has no authority to make changes to the working groups’ recommendations. However, the committee is tasked with providing thoughts or feedback on the Law/DPD language to the Commission.

After Ms. Jackson’s statement, the group discussed the two proposed policies.

- Dr Watt expressed concern that DPD did not offer enough information as to why “necessity” was excluded
- Andy Sexton from DPD explained that they believe “necessity” is covered despite it not being mentioned explicitly in the policy. It is mentioned in the Rules of Conduct, which govern all police interactions, not just use of force.
 - The difference: The Rules of conduct are overarching over all policies. It can apply to any situation. It conveys general expectations of behavior.
 - Lt. Eric Sheldon explained that policy flushes out the rules of conduct, to help decide what is reasonable. It is the manual of procedure that directs officers on how to respond to situations. It is a “how to” guide.
- Chief Afzal acknowledged that some of this material does not translate easily to a non-police audience. But in conversations with FOP, the training committee, and others internal to DPD, there was concern about “necessity” in particular and how it would be interpreted in the use of force policy.
- There was a discussion about shortening the length of the policy to make it more digestible to officers.
- There was a discussion about the de-escalation policy, and how it should cross-reference the new standalone de-escalation policy in the UOF policy.

- Cheryl Scroggins asked for clarity on the term “necessity”. Using an example scenario, she asked, if there are 10 officers present, why would one person be shot multiple times by different officers after the person has already been shot?
 - Chief Afzal said that was a perfect example of what they were concerned about in including “necessity,” and would not be prevented. The issue there is that officers each have to react individually to end a threat – they cannot assume others are going to do so.
 - Col. Henderson mentioned the Oregon District shooting – multiple officers fired there, which is why the threat was ended so quickly. If they had waited for someone else to fire, more deaths or injuries could have occurred.
 - Donald Domineck asked if there is there training available that specifies a point person to fire in these situations.
 - Col. Henderson said officers are trained to fire when they feel it is a life threatening situation, and to stop when the threat is ended. Each officer makes independent decisions.
 - Ms. Jackson said she had not seen data to show that “necessity” caused officers to hesitate and not react to deadly situations, but acknowledged not much data is available.
- Dr. Carmen Culotta asked how the FOP was consulted in the course of creating the DPD/Law version of the document and how that impacted what was brought forward. She said she believed it was not within the scope of Law/DPD’s charge to determine how the use of force policy recommendations would affect retention of officers.
 - Chief explained that the FOP were consulted in the process, and that he felt that internal officer support mattered given the amount of attrition the department has already seen. Ultimately, FOP members have to carry out the policy and need to be able to execute on it. But the rationale for removing things came to be that language is long and redundant.
 - Mr. Sexton explained that FOP was consulted only on the language, and was not approached in the context of attrition, etc.
- Ms. Jackson said she was concerned that the FOP’s response was not shared with the entire committee and she did not understand what their pushback was
- Chief Afzal tried to voice the concerns they raised, that force was still very rare and they wanted to make sure their voices were considered in this process.

Ms. Hollingsworth gave updates on logistics. The next meeting was scheduled 9/1 in the PRC.

Ms. Jackson asked for a motion to adjourn. Ms. Scroggins made the motion, and Dr. Watt seconded.

Meeting adjourned at 7:09 p.m.