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CITY of DAYTON, OHIO
OFFICE OF THE CITY COMMISSION

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January 27, 2021

To: Mayor Nan Whaley
Commissioner Jeffrey J. Mims, Jr.
Commissioner Christopher L. Shaw
Commissioner Darryl Fairchild

From: Commissioner Matt Joseph

Re: Police Reform Working Group Recommendations- Oversight
Committee

On January 27, 2021, the Oversight Working Group co-chaired by Mr. Brandon McClain and myself, updated our December 11, 2020 recommendations as follows, regarding the police complaint investigation process. These revised recommendations arise from a further review of the current complaint investigation process and our detailed research on potential alternative models. The committee recommends the following to the city:

1. The City will hire an Independent Accountability Auditor. They will not function as a member of the Police Department and will not work for the City Administration. The Auditor reports to the City Commission and has complete independence to choose which cases to audit.
2. The Independent Accountability Auditor will have the experience needed to fulfill the responsibilities of the position and will be a person who is trusted by the community.

Below is the recommended process for the Independent Accountability Auditor and related complaint investigations as voted on by the Oversight Working Group:

3. A complaint will be received and entered into our new unified complaint intake and tracking system, as represented in the Oversight Working Groups' first set of recommendations on October 7, 2020.
4. The Independent Accountability Auditor can review and audit the DPD's complaint routing process and decisions.
5. The Independent Accountability Auditor can recommend revisiting the routing decision, to change the level of routing investigation from supervisor to PSB or vice-versa.

6. As the Investigation proceeds, the Independent Accountability Auditor has the authority to observe any complaint investigation at either level, can sit in on interviews, can see reports, forms, and other paperwork related to the investigation, and if a key witness has not been interviewed by police, they can recommend police interview that witness with the Auditor present. The Auditor has the authority to immediately act to address any deficiencies they detect by notifying the designated official at the PSB of their concerns. If their concerns aren't answered, the IAA will elevate their concerns to the person the IAA reports to in senior leadership for resolution.
7. Once the investigation has been completed, DPD will make available to the Independent Accountability Auditor their final evaluation or report. The Independent Accountability Auditor will audit the speed of the responses to complainants to ensure that they have all documentation needed to file an appeal in the new appeals process within the 30-day window.

Below are the other recommended duties and guidelines for the Independent Accountability Auditor to fulfill in their role as voted on by the Oversight Working Group:

8. The Independent Accountability Auditor will also have the authority to observe and review non-complaint investigations, the cases that originate within the police department.
9. The Independent Accountability Auditor will watch closely for patterns of misconduct or other opportunities for improvement and will alert the Clerk of Commission of these in writing, along with recommendations for policy or process changes to alleviate them.
10. The Independent Accountability Auditor will submit a report to the Clerk of Commission each September 1st and March 1st detailing the overall number of cases, how many cases originated from citizen complaints and how many came from inside the police department, the number of cases that they have audited, and what the outcomes of those cases were. These reports will be presented at regular City Commission meetings.
11. The Independent Accountability Auditor will be requested to audit a variety of types of cases in order to ensure quality investigations across the board and to detect patterns and will inform City Commission of any findings. The mix of types of cases that the Independent Accountability Auditor may be required to audit will be reviewed and potentially modified annually by City Commission.
12. The Independent Accountability Auditor will sit on the Policy Review Committee.

Per the working group's charter, the Dayton City Commission has 30 days to respond to the group with one of three options: accept the recommendations, reject the recommendations, or ask the group for further information to be able to evaluate the recommendations.

We understand that accepting a recommendation does not mean that it will be implemented within the 30-day time window. Instead, it means that the City Commission directs the City Manager, Dayton Police Department, or other applicable entity to take action to implement these recommendations as soon as is practicable.

Thank you for your consideration of these recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Joseph". The signature is fluid and cursive, with the first name "Matt" and last name "Joseph" clearly distinguishable.

Matt Joseph
Commissioner

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