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CITY of DAYTON, OHIO
OFFICE OF THE CITY COMMISSION

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March 22, 2021

To: Mayor Nan Whaley
Commissioner Matt Joseph
Commissioner Christopher L. Shaw
Commissioner Darryl Fairchild

From: Commissioner Jeffrey J. Mims, Jr.

Re: Police Reform Working Group Recommendations

On March 18, 2021, the Use of Force working group voted to put forward the following recommendations to the Dayton City Commission.

1. Revise the use of force policy to adopt a statement of “purpose” that provides that officers must respect the sanctity of all human life, act in all possible respects to preserve human life, do everything possible to avoid unnecessary uses of force, and minimize the force that is used, while still protecting themselves and the public (See proposed language attached).
2. Revise the use of force policy to adopt a policy statement that requires that officers use only that force which is necessary, proportional to the level of resistance/aggression/noncompliance, and objectively reasonable based on the totality of the circumstances as outlined in the Supreme Court case of *Graham v. Connor*, 490 US 386. Further, that when safe and feasible to do so, officers shall take all reasonable measures to de-escalate an incident and reduce the likelihood or level of use of force. Further, that any use of force that is not necessary, proportional, and objectively reasonable and does not reflect reasonable de-escalation efforts, when safe and feasible to do so, is prohibited and inconsistent with department policy. (See proposed language attached)

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 recommendation, reject the recommendation, or ask the group for further information to be able to evaluate the recommendation.

Accepting this 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 this recommendation as soon as is practicable.

Thank you for your consideration of this recommendation.

Sincerely,

A handwritten signature in blue ink, reading "Jeffrey J. Mims, Jr.", with a stylized, cursive script.

Jeffrey J. Mims, Jr.
City Commissioner

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

STATEMENT OF PURPOSE

The primary purpose of this policy is to establish guidelines relative to the use of force and an officer's duties before, during and after the use of force. Sworn law enforcement officers have been granted the authority to use force when necessary to accomplish lawful ends. That authority is grounded in the responsibility of officers to comply with the laws of the State of Ohio regarding the use of force and to comply with the provisions of this policy. Equally important is law enforcement's obligation to prepare individual officers in the best way possible to exercise that authority.

In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. Use of force should never be considered routine. In exercising this authority, officers must respect the sanctity of all human life, act in all possible respects to preserve human life, and do everything possible to avoid unnecessary uses of force, and minimize the force that is used, while still protecting themselves and the public.

POLICY STATEMENT

It is the policy of the Dayton Police Department that officers hold the highest regard for the sanctity of human life and the inherent dignity, liberty, and worth of all individuals. Police officers are authorized to use only reasonable force when necessary to protect life, property and to maintain order. The responsible exercise of this authority is among the most critical aspects of law enforcement. Excessive or unjustified force in response to resistance/aggression/non compliance undermines community confidence in the department and its officers and will not be tolerated. Ultimately, it may subject the officer, the department and the city to criminal and/or civil liability.

It is the policy of this department to use only that force which is necessary, proportional to the level of resistance/aggression/noncompliance, and objectively reasonable based on the totality of the circumstances as outlined in the Supreme Court case of *Graham v. Connor*, 490 US 386. When safe and feasible to do so, officers shall take all reasonable measures to de-escalate an incident and reduce the likelihood or level of use of force.

Because of the impact that incidents involving the use of force have on the department and the community, it is important that all incidents be promptly and completely documented, and fairly and accurately investigated. Thorough documentation and investigation is necessary to protect the rights of the public, the officer, and the interests of the department and the city.

The Dayton Police Department recognizes that officers are often forced to make split-second decisions about the use of force in tense, uncertain and rapidly evolving situations. Every incident will be reviewed based on the totality of the circumstances known by the officer at the time and from the perspective of a reasonable officer, in the same or similar circumstances.

Any use of force that is not necessary, proportional, and objectively reasonable and does not reflect reasonable de-escalation efforts, when safe and feasible to do so, is prohibited and inconsistent with department policy.