DAYTON DIVES DEEP INTO POLICE REFORM

Citizen Reflections on A Community-Driven Reform Initiative

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SUMMARY

In the wake of George Floyd’s murder in Minneapolis on May 25, 2020, and the ensuing worldwide protests, Dayton, like many communities, is experiencing its own overdue reckoning around racial justice and police reform. In response to the national re-examination of policing and local citizens’ demands for change, the City of Dayton initiated an unprecedented citizen-driven effort to review the policies and practices of the Dayton Police Department.

The promise to Daytonians from Mayor Nan Whaley, the City Commission, the City Administration and the police department was that they would come to the table ready to listen and initiate reforms addressing systemic racism and tense police-citizen relations, particularly within Dayton’s Black community. Although Dayton has not witnessed a case of police abuse on a par with the Floyd murder, all concede that the department’s relationship with many Black residents is marked by distrust if not hostility.

Less than a month after Mr. Floyd’s murder, Mayor Whaley and the City Commission announced the creation of five working groups, collectively composed of nearly 125 individuals, to examine police policy and practices.

When the groups completed their review 10 months later in April 2021, they had voted on and approved 142 recommendations. Some of the recommendations have been implemented — outfitting officers with body cameras, for example.
Others — keeping records for 10 years rather than the current four-year limit if an officer is found to have used excessive force — are still being debated and/or are subject to negotiations with the police union.

The decision to accept or reject specific recommendations will be an extended process. Some recommendations — increasing personnel dedicated to recruitment — carry substantial costs. Others, such as updating the department’s use-of-force policy to include explicit guidance on de-escalation, require significant staff training. A committee consisting of members from each of the five working groups is meeting monthly to track implementation of the recommendations and to work through details and questions that the working groups could not resolve in the time allotted for their discussions.

Although all participants said the initiative is an important step toward improving the police department’s relationship with Dayton’s Black community, there is deep-seated skepticism among many working group members about how fast and to what degree policing in Dayton will change as a result of the recommendations.

Some members say they fear the most significant recommendations will be rejected or left to wither, or that the changes will be accepted on paper but not in practice. Numerous members said that when they cited past incidents of offensive or abusive police behavior, police department representatives responded that the alleged actions violated existing policy. Critics of the department say that this disconnect between policy and practice on the street demonstrates the need for a culture change. They argue that police officers’ inherent position of power, the lack of diversity in the department and systemic racism are significant barriers to sustained and substantive reform.

Notwithstanding these doubts, many participants still hold out hope that greater data collection, increased transparency, independent oversight, improved training,
recruitment of diverse police candidates and forced accountability as outlined in their recommendations can result in a more racially and culturally sensitive department.

All participants interviewed for this report praised the members of the Dayton Police Department who served on their respective working groups. They said they felt heard and that the department’s representatives provided thoughtful feedback to their complaints and recommendations — though they often passionately disagreed. Several said officers were anguished by accounts of abuse and disrespect, while at the same time the department feels under attack by the framing of the initiative around “reform.” After the department’s heroic actions during the Oregon District shootings of Aug. 4, 2019, its widely praised response to a May 2019 Ku Klux Klan rally and the November 2019 killing of Dayton Police Officer Jorge Del Rio — all events that produced an outpouring of public support — some interviewees said they empathized with police for feeling whipsawed.

This report is based on interviews with 14 working group participants, as well as the president of the Dayton Fraternal Order of Police. (Numerous others were unavailable or did not respond to requests for an interview.) All interviewees described their participation in the working groups as a positive experience and said they learned from others in their group. They praised the work and the amount of time that their fellow working group members devoted to the effort. (Most groups met bi-monthly for 1.5 to 2 hours and also discussed and researched issues between meetings.) Because of the coronavirus pandemic, nearly all meetings were virtual.
THE PROCESS

Most members of the working groups were invited by the City to join the effort, although some members said they volunteered. The make-up of the groups reflected an intentional effort to include vocal critics of the police department as well as civil-rights advocates, Black activists and citizens who are normally not at the policy-making table and who have had negative experiences with Dayton police. There were at least two police department representatives and at least two Montgomery County Public Defenders on each working group.

A member of the City Commission served as a co-chair of each group, and a representative of the Dayton Mediation Center was empowered to help resolve stalemates or push for compromise.

Working group members said representatives of the Montgomery County Public Defender’s Office were particularly active in making recommendations. Multiple interviewees said the public defenders were critical to identifying issues that led to specific recommendations. They argued the attorneys related important anecdotes and patterns demonstrating unequal treatment of Blacks by police (the frequency, for example, with which Black juveniles are taken to detention and the length of time Black youths spend there as compared to white juveniles).

On the other hand, police representatives expressed concern that the public defenders’ influence resulted in recommendations that prioritize defendants’ rights over victims’ rights and the department’s ability to solve crimes.

It is possible that the context for the initiative — promoting police reform and reducing racial injustice — may have made some working group members feel uncomfortable defending victims’ rights for fear that they might be seen as insufficiently supportive of police reform.
Several people noted that because all meetings were televised on Dayton’s public access channel and live streamed on the City’s website, they were reluctant to speak as openly as they would have done in a less public setting.

**FIG.1: PROCESS INFOGRAPHIC, CITY OF DAYTON**

Announced in June 2020, the City’s police reform initiative is a transformational, community-driven process.

- **Wide Representation**
  
  Across five working groups, the City has partnered with over 125 community members from all backgrounds to design solutions that work for everyone.

- **Active Engagement**

  Groups met weekly or bi-weekly to discuss research and make recommendations. Meetings were live-streamed every week on the City’s website.

- **Police Department Involvement**

  The City’s working groups included officers from every rank of the department. Group recommendations were made alongside the police.

- **Guaranteed Deliverables**

  City resources are being prioritized to carry out group recommendations to the maximum extent feasible. Some recommendations are already in the implementation phase.
The power of the 142 recommendations is in their comprehensiveness. Many are complex, will take time to implement, cost money and will be difficult to execute well. Clearly, some proposals hold the possibility to transform how policing is conducted in Dayton. The following discussion of significant recommendations that interviewees said they are eager to see adopted illustrate the tensions the working groups had to navigate.

HIRE AN INDEPENDENT ACCOUNTABILITY AUDITOR AND CREATE A COMMUNITY APPEALS BOARD

Thirteen of the Oversight Working Group’s 43 recommendations relate to hiring an independent accountability auditor, outlining how that auditor will function and specifying certain duties. All of the recommendations have been accepted by the City Commission.

The auditor will be hired by and report to the City Commission and will have complete freedom in choosing which complaints to investigate. He/she also may sit in on interviews with relevant individuals in a complaint investigation by the police department and review police documents. Witnesses may ask to have the auditor present when officers from the Professional Standards Bureau (the department’s internal investigatory office) conduct interviews.
The group’s intent was to provide independent oversight of the department as a check on the department’s investigations of itself. One participant said the creation of an auditor was a “compromise” — that some members wanted more than a single individual dedicated to oversight responsibility. After hearing from City staff, the group concluded there isn’t sufficient funding to support a multi-person office.

Another Oversight Working Group recommendation is to replace the existing Citizens Appeal Board with a seven-member Community Appeals Board. The appeals board will have the authority to refer complaints to the auditor for investigation or analysis (such as whether an alleged complaint may be part of a larger trend or pattern by a particular officer or in the department generally). The accountability auditor also will be an ex-officio member of the Community Appeals Board.

Neither the existing Citizens Appeal Board nor the new Community Appeals Board will have the authority to mandate disciplinary action.

**ADOPT A DE-ESCALATION POLICY AND REVISE THE USE-OF-FORCE POLICY**

Adopting a formal de-escalation policy and changing the department’s current use-of-force policy were issues taken up by both the Training and the Use of Force working groups. Thirteen of the Training Working Group’s 34 recommendations relate to instituting, and training around, a formal de-escalation policy, while the Use of Force Working Group recommended “revising the use of force policy to include 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.”
Multiple interviewees felt strongly about both issues. Some said current training about de-escalation is inconsistent (varying from trainer to trainer) and that expectations around what constitutes necessary and appropriate de-escalation are unclear. They also wanted to see more reinforcement of de-escalation practices from supervisors.

One interviewee said, “Let’s make sure we’re training our officers consistently. You need to define or identify what de-escalation steps look like. There was no section for that training specifically. We wanted to make the de-escalation policy practical. We wanted to break it down and give actual approaches.”

Related to the de-escalation discussion, the Use of Force Working Group debated in detail appropriate standards for the department’s use-of-force policy. There was intense discussion of changing the use-of-force standard to include a statement of “core principles” and including references to proportionality and “necessity.” Some interviewees said that adding these qualifiers to the existing policy would make it more restrictive and create greater exposure to criminal and/or civil liability for police and the City. Police argued that the change would not be a “best practice.” The City has asked for additional time to review both the recommendation around a “core principles” statement and adding language around proportionality and “necessity.”

**PROVIDE FOR ALTERNATIVE RESPONDERS**

The Community Engagement Working Group recommended creating “alternative responders” who could be dispatched for non-violent 911 calls relating to mental health emergencies, homelessness, drug addiction, trespassing, intoxication and other similar encounters. There was agreement that police are by necessity already “jacks of all trades,” and that they should not be expected to be expert in resolving issues that are more appropriately handled by social workers or mental health personnel.
The goal of the recommendation is to make better use of officers’ time and reduce encounters between police and the public that have the potential to escalate and result in use of force.

This recommendation was accepted by the City, which has added two mental health professionals to its Mobile Crisis Response Team. Sustained and additional funding is being sought. As well, the City has released a request for proposal to seek help creating a new alternative responder model that will be based in part on other communities’ experiences.

A related but more controversial recommendation was to dispatch alternative responders on all juvenile calls for issues including, but not limited to, mental health emergencies, homelessness, drug addiction, intoxication, disorderly conduct and other low-level offenses. A majority of the working group was particularly concerned that police encounters with juveniles result in young offenders — particularly Black youths — being charged with crimes, taken to detention and detained there longer and at rates higher than white youth.

This recommendation, which is under consideration by the Commission, was not supported by police, who argued it is too sweeping and that it would jeopardize public safety. The recommendation specifies that alternative responders should be sent with police for serious incidents involving juveniles.

One interviewee noted that Dayton is served by a regional dispatch center, whose employees who do not work for the City and are not trained by the City. This individual said this change would require increased training of dispatchers who will be asked to make difficult and invariably debatable decisions about whom to send to emergency calls.
GOING FORWARD-IMPLEMENTATION

The working groups initially were charged with completing their reviews by the end of 2020 — six months after the groups met for the first time. They continued meeting into April 2021, at which point the last recommendations were submitted to the City Commission.

To ensure progress continues, an Implementation Group, composed of representatives from each of the five working groups (among others), is meeting monthly for the indefinite future.

All recommendations with status updates are archived on the City of Dayton’s website and regular progress reports are being provided at City Commission meetings.

FIG.2: APRIL 28, 2021 IMPLEMENTATION COMMITTEE ZOOM MEETING, CITY OF DAYTON
INTERVIEW EXCERPTS

OVERSIGHT WORKING GROUP

Paul Bradley, Chair of the Dayton Human Relations Council

- “They (the City) were very interested, methodical and thoughtful about getting diverse voices on every committee. I think that’s the only way this (process) works.”
- “We started with a deficit of trust in the community that was the result of decades of poor relationships and a criminal-justice system that hasn’t worked for everybody equally.”
- “This was one of the biggest local community engagement processes in the history of Dayton. ... This is a legacy moment for the City.”

Mike Deffet, Assistant Montgomery County Public Defender, assigned to juvenile court

- “I wonder if the political will is there (to implement the recommendations), and there are going to be financial issues.”
- “If those two recommendations (hiring an independent accountability auditor and retention of records documenting use-of-force violations) don’t happen, not much is going to happen.”
- “The officers and former officers were certainly respectful. One thing I kept hearing (from them) is, ‘We already do this.’ ”
- “I feel like I learned a lot from the different people involved and that includes having the officers there.”
USE OF FORCE WORKING GROUP

Lt. Col. Matt Carper (will become acting Police Chief in July 2021)

- “I think it was good to convene some sort of groups to help educate the public on what we (Dayton police officers) do — and more importantly — what we don’t do.”
- “I think that that particular topic (treating brandishing of a firearm by an officer as a reportable use of force) was a good example of success. ... The body camera conversation (also) was a good discussion.”

Donald Domineck, New Black Panther Party

- “The Public Defender’s office kind of set the tone for how we were going to make policy change. We really focused on policy changes ... what poor Black men and women were saying about police in Dayton.”
- “It started off tense between myself and some of the police officers. ... One of the officers, I had had run-ins with him on the street as a younger man. ... I had to go deep inside and humble myself and say, ‘I will sit down with these guys and see what they have to say.’ ”
- “The young Black men were very straightforward with the police.”
- “(The process) allowed us to see the humanity in each other. ... There was even a kind of eerie agreement on some of the wording of the policies.”
- “(The police) were willing to hear what we were saying, willing to allow us to express how we felt.”
- “The Black Panther Party was not happy that I participated in this process. ... It was imperative that we put a light on it (police abuse) and tell the police that the community is watching you.”
Angelina Jackson, Assistant Montgomery County Public Defender, assigned to the appellate division

- "(It was) pretty significant — the recommendation to consider the brandishing of a firearm to be considered a use of force. ... When we’re talking about force — that’s one of the most important parts of reform."
- "At times, the meetings did get tense. ... But I don’t think there was ever a point when people weren't able to be heard."
- "It (use of force, police reform) is a lot to wrap your head around if this is not the work you do. There is a huge learning curve. The group was great."
- "I want them (the City Commission) to have what they need (in the way of pros and cons about recommendations) to make an educated vote."

**TRAINING WORKING GROUP**

Stacey Benson-Taylor, City Commission candidate, former AFSCME regional director

- "We started out with relationship-building. ... As we moved into the subject matter, it did become contentious — when we started telling officers things that had been happening in the community. A lot of that was hard for the police officers to hear."
- "(We were told) all officers are trained to get out of the car and say, ‘My name is Officer So-and-So, and you are being stopped because. ...’ But that’s not how we (Black citizens) are being stopped. ... (We emphasized) they (officers) should be prepared for people not to be comfortable being stopped, especially in this day and age. (But they wanted to know) 'Who’s going to train the citizen not to be negative toward us'? ”
- "We won’t know the actual effect of our work until a new training class starts."
• “When the committee would recommend something, one of the police department’s representatives would say, ‘That is going to be tough to do.’ ... Then they would help us create a situation of how it (the idea) could work.”

• “People came out of their shells and spoke their truth, but it (their candor) didn’t hinder the rest of their discussions.”

Mary Tyler, community activist, independent consultant

• “When you bring together diverse representatives, they see life experiences through very different lenses. ... When we first began, one of the introductory phases was, ‘What has been your experience with law enforcement?’ We got to hear a broad range of experiences that were painful to hear. Some were positive.”

• “I was taken aback that law enforcement was taken aback that culture played a role in training. ... If you don’t have ... those who are charged with directing practices and policies onboard, then you’re not going to be successful. If the culture doesn’t align, you’re spending time and investing money (on change) that’s not going to have the results you want.”

• “The police feel that they’re scapegoats in this process that’s being led by the public officials, and ... (just) because other communities are dealing with this issue, that doesn’t relate to what’s happening in Dayton.”

• “We made some (personal connections) that will continue on.”

RECRUITMENT WORKING GROUP

Chrisondra Goodwine, Dayton Human Relations Council, Interim Business & Technical Assistance Administrator/Contract Compliance Officer

• “We emailed each other (between meetings). The conversations were not something you could just stop.”
“We had some focus groups. We were allowed to meet with officers, the (department’s) psychologist (who assesses applicants) and persons at the testing center. ... We talked with women officers on the department, Black officers.”

(One officer) said, ‘I got knocked out the first time (I was given a polygraph). The second time they let me in.’ ... The person administering the polygraph — that’s just one person’s perception. ... He (the officer) was never onboard for getting rid of the polygraph, but he was for making it a better process (such as allowing for appeals by those who fail a polygraph exam and requiring diverse examiners). ... (The current practice is) one Caucasian male is telling people they passed (or not). There is one white male psychologist (evaluating candidates).”

“Extending the age (limit to above 35 for recruits) ... was huge for me (because it allows those with military careers to apply).

Cornell Trammell, community activist

“(We recommended) they should do away with the ‘Rule of 1’ (which requires the City to promote officers and to admit recruits to the police academy strictly according to scores on written tests). Some Black people may not be good on tests. That should not be the No. 1 qualification.” (A charter amendment allowing for the elimination of this requirement was approved by voters on May 4, 2021.)

“(I supported) offering incentives to police officers who help with recruitment (of persons of color). ... We know it’s going to take 15 years (to have a representative police department).”

“There were certain things you could tell they (the officers) weren’t keen on changing, ... but most of the time they were very insightful.”

“If there’s never a George Floyd in Dayton, that’s, in part, because of this process.”
COMMUNITY ENGAGEMENT WORKING GROUP

Youssef Abdul Aziz Elzein, Dayton resident

- “The diversity in our group led to serious discussion about our justice system and our community.”
- “That (the meetings were virtual) added to the success. Nobody had an excuse not to show up. How often do you see my house on a virtual meeting?”
- “Recommending a third-party responder to calls that are not related to crime, that are related to ... a mental health issue, this would be my top priority.”
- “The police officers (on our group) were wonderful. You cannot ask for better participation from police officers sitting in a working group that is trying to reform their department.”
- “My experience (as an Arab-American) is not as bad as what the African-Americans have experienced in this country. ... (Working group members) said that we needed to focus on issues related to African-Americans. I respected that.”
- “I have my sincere concern that they (the recommendations) will not be executed because of the history of this very important issue. ... I might be proven wrong. Since a year ago, what has changed? People of color are still being killed.”
- “In 2019 (after the Oregon District shooting), Dayton police were treated as heroes. ... This (initiative) was labeled ‘police reform.’ That was the biggest part of (the police’s) confusion.”

Lt. Col. Eric Henderson, Dayton Police Department

- “I think it was a very comprehensive process. ... There were conversations that needed to be had, based on what has happened across the country.”
• “I think we (police) provided different viewpoints. ... There were situations where a recommendation was thrown out — for example, some members didn’t want any juveniles to be arrested for domestic violence. We were able to provide information (on why that recommendation would not be appropriate).”

• “It (the process) is a reminder to always look at things from a citizen’s point of view.” “(Sometimes) we’re thinking we’re doing something helpful, and we’re actually doing something harmful.”

**Maj. Brian Johns,** Dayton Police Department

• “You can mend a lot of bridges by talking to people. ... I definitely learned a lot.”

• “That’s the one (the alternative responder recommendation) I liked the most.”

• “One thing that was very clear is they (City officials) are dedicated to this process. ... Some of the recommendations are pretty expensive. ... If you don’t have money, it’s hard to put them into play.”

**Jo’el Jones,** Co-Founder, Neighborhoods Over Politics

• “We came from different areas of the city. ... That forced you to think outside of your own immediate needs. ... This effort was not namby-pamby, but it was respectful. It is the way democracy should work.”

• “We can recommend all we want, but unless there is legislation (by the City Commission) and agreement with the (police) union, it will be for naught.”

• “We can train all we want. We can workshop police officers, but they are workshopped out. Until the narrative about urban Black people changes, we’re still going to continue on this road.”

• “Those officers who are uncontrollable ... they endanger the lives of good officers.”

• “My first image (of police as a child) wasn’t of an officer jumping rope, giving me a popsicle or getting my kitten out of the tree. (It was of my uncle being beaten.)”
• “I believe since it (the initiative) was sponsored by the City of Dayton, it did exactly what the City wanted with ‘proposed’ police reform. … (But) it was the biggest step forward … in my time in the City of Dayton.”
• “I was coming with selfish motives. I’m the mother of two Black males. My 19-year-old does not have his driver’s license because I have not allowed it (for fear of his safety if he were stopped by police).”
• “I’m not sure if the City is ready to be uncomfortable yet. … To have change, people have to be uncomfortable.”

**Marcie Sherman, Assistant Montgomery County Public Defender**

• “Having an alternative responder was the most important recommendation, hands down. Honestly, they (the police) don’t want to respond (to calls that are more appropriately handled by a social worker or mental health professional). And they don’t have the means (or skills).”
• “I gained more respect for police officers. We’re constantly fighting (in court), and I often see police officers make choices that are abhorrent. … (But) they’re there to help. I think it’s more that officers want to help, but there are things standing in their way.”

**DAYTON FRATERNAL ORDER OF POLICE**

**Officer Jerome Dix, President, Dayton FOP (was not on a working group)**

• “The union was purposely left off of these committees. We’re not a happy camper.”
• “Most of the recommendations — the Dayton Police Department is already doing. … There were some good recommendations.”
“(Regarding adopting a de-escalation policy) this is not a one-way street. ... What about de-escalation training of people in the community? The police are tired. ... Nobody wants to put any of the blame on the other side of the street.”

“We can’t do policing without the community.”

“We were adamantly opposed to abandoning the Rule of 1 (which requires the City to promote officers and to admit recruits to the police academy strictly according to scores on written tests). ... I understand what their (the City Commission’s) agenda is. But their agenda is already being met. ... We’ve exhausted every (hiring) list (for police and fire recruits) for the last decade. The (recently passed) charter change (eliminating the Rule of 1) opens up the door for future (hiring) shenanigans.”

“We are in full support of having more diversity. We want diversity here, too. It’s not the Rule of 1 that’s keeping minorities from coming on to the police department. (Rather,) the Dayton Police Department is no longer the police department of choice (because of wages and benefits). We’re the 4th-lowest paid in the region. If you want qualified minorities — why would they come to the Dayton Police Department and be paid $10, $11 per hour less than what they can make elsewhere and with less risk.”


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