



To: Police Reform Oversight | City Staff
From: Jacob Davis, Senior Civil Rights Investigator
Date: August 25, 2020
Re: Complaint Criteria and Potential Solutions

Criteria for New Process

1. Does it make the complaint process more accessible?

- **Current process:** Some members are concerned that citizens may be confused by the process and that anonymous complaints are uncommon, thus the goal is to make our process more accessible.
- **Alternative:** The San Jose Police Department spells out on their website that anonymous complaints are accepted and investigated. Their website does indicate that a complainant may have to testify if the complaint is appealed to an arbitrator, but the website still tells a potential complainant that an anonymous complaint will be investigated.
- **Potential Approach #1:** We could offer some type of “ethics line” for individuals to call and make anonymous complaints. Our website could indicate that anonymous complaints are accepted and investigated to the fullest extent possible rather than on a “case-by-case basis.”
- **Potential Approach #2:** We could provide complaints in paper, electronic, and telephonic form.
 - We could have de facto partnerships in the community to relay information through brochures and Flyers: Gem City Market, religious institutions, libraries, Dayton Urban Young Life, neighborhood organizations, etc.
 - We could conduct an education and outreach program to ensure members of the public know about the complaint process. Social media is a cost-effective outlet to get information out to citizens.
- **Potential Approach #3:** We could provide access in multiple language formats and accommodate individuals with disabilities.
- **Potential Approach #4:** We could distribute information in a variety of ways.
 - We could conduct an education and outreach campaign.
 - We could form de facto partnerships with places like Gem City Market and neighborhood organizations.
 - We could utilize social media accounts.
 - We could place posters in neighborhoods and gathering places, like recreation centers.
 - The courts could include instructions on filing complaints as a part of their regular paperwork, perhaps during arraignment.
 - We could reach out to individuals and organizations likely to hear complaints and educate them on the process. Examples might be clergy,



neighborhood groups and priority boards, libraries, Dayton Urban Young Life, NAACP, Daybreak, the local health care system, and others.

- In our information outreach, we could include an example of a successful complaint to build faith trust in the process.

2. Does it make the complaint process more transparent than the current process?

- Current Process: Some members are concerned that complainants get lost in the process and that reportable data does not seem to exist. Additionally, there appears to be no timeline for an investigation and often a complainant is not notified of where they are in the process.
- Alternative: The City of Chicago (COPA) became the largest city to publish data of their complaint process in 2017. They maintained confidentiality by publishing in “ranges” rather than exact numbers.
- Potential Approach #1: We could mandate that information be shared about the process at the first contact with the complainant. Such information might include a description of the process and a timeline for investigating the complaint.
 - Additionally, we might want to establish a reporting standard (such as an annual report of number of cases, disposition, and number of appeals).
- Potential Approach #2: We could establish a goal for issuing a cause finding. For example, the Human Relations Council (HRC) has a 100-day goal to investigate and get a probable cause/no probable cause finding in our civil rights investigations.
- Potential Approach #3: We could mandate that investigators send routine “status updates” to the parties. There are also legal-type databases that *could* be used to send updates and store information in an investigation. Most databases also track and create reports/data that might be helpful moving forward.
 - The goal is to capture as much data as possible for reporting purposes.
- Potential Approach #4: We could establish a single point of contact for incoming complainants to ensure the complaint is collected, status updates are communicated, and assistance is provided as needed throughout the process.
 - Complainants would have easy access to a status report, maybe through a case number?
- Potential Approach # 5 We could retain data pertinent to complaints and investigations longer than the currently mandated period of time?

3. Does the process deliver results?

- We could design a system that makes it easy to evaluate performance.
- We could ask for quarterly or other periodic reports on performance.
- We could provide a system which is user-friendly and easy to use for people of all backgrounds.

4. Does it improve community trust in the complaint process?

- Current Process: Some members are concerned that Complainants do not feel comfortable making a complaint to the police about the police.



- Alternative: Current members have called for a parallel investigation to the PSB investigation. Berkeley, California and Cincinnati, Ohio have this as an option for complainants to pursue.
 - https://www.cityofberkeley.info/uploadedFiles/Police_Review_Commission/Commissions/2016/PRC%20Complaint%20Brochure%206-17-16.pdf; and
 - <https://www.cincinnati-oh.gov/ccia/citizen-complaint-investigative-hearing-process/>
- Potential Approach #1: We could establish a parallel investigation mechanism whereby PSB conducts an initial investigation alongside an agency/organization. We would need to either create the organization or utilize existing resources/agencies such as the Ombudsman office.
- Potential Approach #2: We could establish an “ethics line” (i.e. a single point of contact) to act as a third party in collecting the complaint, communicating status updates, and helping the complainant through the process. A similar process is used to gather ‘whistleblower’ complaints at the city.
 - The goal is to provide routine status updates, so the complainant always know where he or she is in the process.

5. Does it create more efficiency in the complaint process?

- Current Process: Some members believe the current process is inefficient and leads complainants to reach out to multiple people during the complaint process.
- Alternative: Some cities have a procedure published online for every investigation.
- Potential Approach #1: We could look at coming out of this working group with a published procedure for every investigation. We do not want to limit how an individual can make a complaint, but we want them to have access to the procedure for making a complaint.
 - Additionally, this will help the investigator assigned to the case, as they will have a short procedure document to follow in **every investigation**. Repetition of the procedure should lead to increased efficiency.
- Potential Approach #2: Establishing a single point of contact for complainants may create increased efficiency to ensure complainants do not have to contact several people to file a complaint or check for status updates.

6. Does it make the complaint process more collaborative?

- Current Process: Some members are concerned that the process is not collaborative in nature, and that too many organizations have distinct pathways into the complaint process
- Potential Alternatives #1: See #4 above re: ethics line (i.e. single point of contact) and parallel investigations. Additionally, we could look at a new hybrid model where the Citizens Appeal Board is involved from the beginning of the process.
- Potential Alternative #2: We could convene all agencies and organizations who generally receive complaints, and ask them to use a standard process to submit the complaints. This may include processes for in-person, over the phone, and



online complaint submission, which would all be funneled into one intake app, to make the process easier to track and to evaluate. The multi-agency Homeless Policy Board intake process is an example of this.

- We could utilize Dayton Delivers as a “one-stop-shop” for information and train employees to perform data entry into the app. See: <https://sfserviceguide.org/> and type in “Police” as an example.
- We could have a centralized database so everyone involved has the same information.

7. Is the complaint process sustainable?

- Goal: We want to ensure the new complaint process is sustainable and provides longevity to the City of Dayton and citizens.