

POLICE COMMUNITY RELATIONS & REVIEW COMMISSION COMMUNITY MEETING

ITEM 1.

Call to order.

The Oxford Police Community Relations & Review Commission meeting of April 27, 2017 was called to order at 7:01 p.m. by Pat Meade. Members present were: Deirdre DeLong, Aimin Wong, Amber Franklin, and Shana Rosenberg. Jonathon Joseph arrived at 7:50 p.m.

Douglas R. Elliott, Jr., City Manager; John Jones, Police Chief; John Buchholz, Assistant to the Chief – Business & Outreach; and Amy Gabbard, Office Manager, were in attendance for the City.

ITEM 2.

Approval of Agenda.

Amber Franklin moved to approve the agenda; Shana Rosenberg seconded. The motion passed 5-0-0.

ITEM 3.

Approval of Minutes of the December 15, 2016 Meeting.

Deirdre DeLong moved to approve the minutes; Amber Franklin seconded. The motion passed 5-0-0.

Approval of Minutes of the February 16, 2017 Meeting.

Amber Franklin moved to approve the minutes; Shana Rosenberg seconded. The motion passed 5-0-0.

ITEM 4.

Discussion.

A. USE OF FORCE – POLICY & STATISTICS

Pat Meade started off by saying that Chief Jones shared the policy and statistics with members of the board via email. Copies were passed out to members of the public. Chief Jones stated that our Use of Force policy was recently reviewed and certified by the Ohio Collaborative Board. He explained and described what statistics were provided and then opened the floor to questions.

Doug Elliott pointed out that it is not just the use of a handgun that requires a Use of Force report. Physical force, among other types of force, also requires a Use of Force report to be filed.

He reiterated that Chief Jones requires both an Incident Report and a Use of Force report to be filled out. Chief Jones interprets the policy (referring to page 10 of the policy) to mean that Use of Force reports should be filed when physical force is used (take down, something that can cause injury, etc.) so that it can be reviewed and tracked.

Amber Franklin asked that, for the public's benefit, Chief Jones explain the difference between Display of Force vs. Use of Force, to which Chief Jones explained that a "display of force" is actually pulling out a weapon (firearm, Taser, etc.) and displaying it. It requires a report, which is above what the Ohio Collaborative Board requires. Typically you are only going to see firearms as the type of force displayed on Display of Force reports.

Pat Meade expressed his concern over the Taser being listed as a "non-lethal" weapon vs. a "less lethal" weapon, to which Chief Jones said the Taser policy has been updated to include the terminology "less lethal" in lieu of "non-lethal", and the terminology in the Use of Force policy will be changed when the policy is updated.

Pat Meade then expressed his concern over the policy section that addresses administrative sanctions (page 2 of the policy) and the fact that there are no specific sanctions listed, no "here's what happens if you do this". Chief Jones said that every reported use of force has an internal review. Additionally, when there is serious injury or an in-custody death, a criminal investigation is possible. In that case, the chief would contact the Ohio Attorney General's Office to use BCI to conduct the investigation. Furthermore, it is Prosecutor Gmoser's policy that all officer involved shootings are reviewed by a grand jury.

Sara Siff, a member of the public, reviewed the Use of Force policy and wanted to know who the Community Services Section Commander was, to which Ms. Siff was told it was Lt. Fening. Ms. Siff also had read online that in the Charter it said that the city had a Safety Director and she wanted to know who that was, to which Doug Elliott replied he is the Safety Director.

Ms. Siff had a question about the Use of Force – Physical "23 and under" age group. She wanted to know if they were college students who were drunk, to which Chief Jones advised that anecdotal evidence would suggest yes, they were underage students who were fleeing from the officers.

Linda Kimball stated she wanted to hear the commission's response to the PD's policy on use of force at the next meeting as well as their response to the data that was provided at the last meeting.

Linda Kimball wanted to know if using force on someone fleeing on foot was addressed in the policy. Pat – in the beginning of the policy it addresses when an officer can use force. (Pat - started small and escalated – example joint in pocket vs. armed robbery – why fleeing?) Deirdre said there may be a deeper root of the reason why the subject is fleeing. Officers don't know why

until they are caught. Chief Jones stated that vehicle pursuits are addressed in a separate policy whereas foot pursuits are encompassed in the Use of Force policy.

Chief Jones discussed the US Supreme Court case *Graham v. Connor*, whose findings determine the legality of use of force decisions. When determining whether the amount of force was justified, they look at the severity of the crime, whether there was an immediate threat to the safety of officers or others, and was the subject actively resisting or attempting evade arrest. The officer's force should be applied in the same way that a "reasonable officer" would in the same circumstances.

Linda Kimball stated that it is her belief that a Taser is just as lethal as a firearm (the basic function of the weapon). Conversely, a firearm is just as less lethal as a Taser. She said if you are trained to hit the torso or head, you are likely to kill someone; if you are trained to hit the leg or arm, you are not. Deirdre DeLong reminded Linda Kimball that shooting someone in the leg or arm does not necessarily stop the aggressor. Additionally, she said it is also incredibly difficult to hit a moving arm or leg, especially after an adrenaline dump, plus officers must take into account backdrop awareness. Chief Jones agreed to disagree with Linda Kimball regarding the function of the weapon and he said that while questioned at times, a Taser is still an important tool to have available to officers, as it has saved lives. Chief Jones understands that it is a concern and ultimately it's a balance and a judgement call. The industry is continuing to work on developing more less-lethal options.

Linda Kimball shared with members of the commission a report entitled, "2016 Center for Policing Equity". She specifically pointed out the report states that nationally, the number of use of force incidents is greatest against African Americans.

Sara Siff wanted to know if an investigation into any Use of Force reports had been initiated in recent memory and if so, what the circumstances were. Pat Meade replied the commission has not been involved in any excessive force investigation and Chief Jones replied that he has not received any excessive force complaints since he's been Chief of Police. He reiterated that an administrative review of the use of force report is conducted. Furthermore, if excessive force was suspected in a case, an internal investigation would be started.

Sara Siff said it seemed to her that if an officer is being investigated for excessive use of force, it would be easy for him/her to say that he/she didn't know something [section c. 1.3.2 (4) "facts unknown to the officer cannot be considered] that basically you can use that section of the policy as get out of jail free card. In attempt to clarify what Ms. Siff meant, Deirdre DeLong asked for Ms. Siff to give her a scenario, to which Ms. Siff gave the example of someone fleeing from the police, they got entangled, the subject fell down and broke his arm. What Ms. Siff was saying was that nothing the suspect says during the investigation is a mitigating factor for the suspect, like "I forgot to take my medication" or "my girlfriend just broke up with me". Shana

Rosenberg tried to clarify Ms. Siff's concern by rewording it, saying any justification can then be made because there can always be extenuating circumstances that the officer doesn't know – it's the phrasing of that particular section of the policy that Ms. Siff is concerned about. The bottom line was Ms. Siff wants an updated policy, one with more policy, one that specifies what is permissible and what isn't. On the other hand, Pat Meade said if the policy becomes too specific, it is going end up leaving something out. Policies are meant to be general and the chief cautioned that you paint yourself into a corner with a very specific policy. There are remedies if someone believes that the force used against them was excessive. It is why we are training - to avoid this situation to begin with.

Amber Franklin said that she joined the National Association for Civilian Oversight of Law Enforcement (NACOLE) and will obtain use of force policies from other departments that are roughly the same size as OPD. Doug Elliott reminded everyone that the Ohio Collaborative Board reviewed the policy, and is going to review other policies, including body cameras. Pat Meade replied that body cameras can help sort out/get information about an incident.

Chief Jones said he will continue to look at our Use of Force policy and noted that there are other policies out there we can look at (IACP and 11 organizations came together and reviewed policy).

Pat Meade was looking for patterns (trend data) when reviewing the Use of Force reports and suggested including the time of day on the report.

Regarding page 17 of our policy, Pat Meade was interested in learning about what type of specialized weapons OPD has and suggested the commission members take a tour of the police department so that they can see our equipment. This way they can get a better understanding of what we have and why we have it.

Chief Jones concluded the discussion about use of force by stating that use of force is always changing and dynamic, it's not always pretty, and he invited the commission to attend our use of force training and simunition training.

B. CONCERNS OF THE COMMISSION AND COMMUNITY

Amber Franklin reported that a student interviewed her about arrest data and noted that the arrest of African Americans doubled in the summer. Ms. Franklin did not believe that was reflective of anything dubious going on the with police and she reminded everyone that of the arrest numbers that were referenced, they could be re-arrests, not Oxford citizens, multiple arrests/multiple charges, etc. She went on to say there is a concern about bias in general and that it is challenging using data that uses Census data from 2010. Because we are a college town, the population also fluctuates. History is important and she recognized that she hasn't lived here as long as others have so she doesn't have the history like others do.

Pat Meade said we learned the importance of obtaining STOP data at the last meeting and that smaller departments will be required to collect the data by 2020 per the Ohio Collaborative Board. Shana Rosenberg brought up the clipboard analogy again and wondered why officers can't just input the data into a spreadsheet using their mobile data computers. Chief Jones explained that in the CAD system, the data would be tied to a call for service. He said he knows there is better software out there that can produce the data. It was stated that people form their perceptions on what they don't know and that our department has to have a reality to show the community. Lexi Marsh wanted clarification on a statement made during the clipboard analogy regarding the officers' ability to "fudge the numbers", to which Chief Jones explained that if an officer waited to the end of his/her shift to fill in his spreadsheet, the officer may not remember every stop he/she made and therefore, may forget or inaccurately report the data. He said that ultimately having software that incorporates the data into its system is the way he'd like to collect this information. Sara Siff said using data can be problematic, as when you have a small data set, there's less certainty.

Aimin Wang pointed out that if a certain type of citation is given out more to a certain population, it does not necessary mean there is a bias. Other factors may be the reason for a higher number.

Amber Franklin reported that it appeared she was acting on behalf of the commission during an interview, which eventually was featured on patch.com. Amber Franklin said it was a student reporter and Ms. Franklin didn't realize it was being published. Although Ms. Franklin stands by what she said during the interview, her intention was not to be representative of the commission.

Linda Kimball wanted to know why OPD was at LCNB last Wednesday, to which Pat Meade said it was MUPD that was there, not OPD.

Linda Kimball brought up the possibility of sharing with Talawanda School District the cost of a consultant who specializes in Conflict Resolution. The consultant is a former member of the Ohio Dispute Resolution Commission. The superintendent is applying for a grant to help cover the cost. Chief Jones said he would take a look at Ms. Kimball's information, but the school district hasn't approached the city with the cost sharing proposal. Furthermore, OPD officers are already receiving de-escalation training and trauma informed policing specific to law enforcement, and the training schedules take into consideration officer scheduling issues.

C. FUTURE MEETINGS AND TOPICS FOR DISCUSSION

The next meeting is scheduled for 7 p.m. on Thursday, August 17, 2017 at the Oxford Courthouse. Oxford Township PD will be invited and introduced to the board.

ITEM 5.

Adjourn.

Deirdre DeLong moved to adjourn at 8:28 p.m.; Amber Franklin seconded. The motion passed 5-0-0.