

Commissioners Present:

Janet Jackson, Chair; Brooke Burns, Dr. Chenelle Jones, Dr. Vlad Kogan, Andrea Morbitzer, Pastor Jason Ridley, Erin Synk, Oleatha Waugh, LaShaun Carter, Matthew McCrystal, Traci Shaw, Mary Wehrle, Ellen Moore Griffin, Emily Buster

Commissioners Absent: Tammy Fournier-Alsaada, Dr. Reginald Wilkinson, Tiffany White

Staff Present: George Speaks, Bryan Clark, Elon Simms, Jeff Furbee, Kate Pishotti, Cmdr Bob Meader, Cmdr Michael Gray, Cmdr Greg Bodker & IAB staff, DC Tom Quinlan, Lt Jeff Lipp, Lt Tim Myers

WELCOME

Chair Janet Jackson called the meeting to order at 12:08 pm and welcomed the Columbus Community Safety Advisory Commission (“Safety Commission”) to the 12th meeting of the group.

SAFETY COMMISSION MEETING MINUTES

Chair Jackson remarked that the “staff present” list on the minutes from the November 1, 2018 is incorrect. Staff will amend the minutes to include those present.. Ms. Synk moved to approve the minutes from the November 1 meeting; seconded by Ms. Shaw. Motion passed unanimously.

Chair Jackson asked for clarification on the public status of meetings of our sub-committees. Mr. Clark reported that the minutes from the meetings of sub-committees are subject to public records requests, but are not public meetings, as less than half of the commissioners are present at any one meeting.

REPORT FROM CHAIR JACKSON

Chair Jackson met with Richard Brady, president of Matrix Consulting, this morning. At the meeting, it was decided that:

1. Matrix Consulting staff would like to meet with each commissioner individually. Their administrative staff will schedule those meetings directly with each commissioner.
2. Project timeline needs to be revised to reflect another four-five months from now to complete the work.

REPORT FROM THE HIRING/RECRUITING SUBCOMMITTEE

- A. At this second meeting, recruiting was primary goal. To that end:
 1. Franklin County Sheriff’s Office has a robust recruiting process. Some information was provided by FSCO for the meeting, and the sub-committee hopes to meet with a representative at a future meeting after the first of the year.
 2. Lt. Smith-Hughes and Cmdr Schraeder from CPD’s Minority Recruiting Division (MRD) were provided with a list of questions ahead of the meeting and came well prepared to address the sub-committee.

- a. CPD is in the process of collecting and analyzing data relative to minority recruitment and representation.
 - b. There is funding available for these efforts, which would provide resources to enable CPD to retain these officers in the MRD on a long-term basis, which the committee feels is vital to outreach efforts and strengthening relationships to increase diversity on the police force.
 - c. Working with 3 distinct pools of potential candidates:
 - 1) current city employees
 - 2) CPD explorer program (14-21 yr old)
 - 3) CPD's new cadet program
- B. Next meeting is scheduled for November 29 and will focus on hiring process with a representative from the Civil Service Commission. Also on the agenda is a former CPD officer with a background in recruiting, Anthony Wilson, now the head of security of the Columbus Metropolitan Library System.

PRESENTATION FROM BENCHMARK ANALYTICS

Chair Jackson introduced the founder and president of Benchmark Analytics, Ron Huberman, highlighting his diverse background in police work, city government work and public school administration in the city of Chicago.

Benchmark Analytics was founded by several members who served on President Obama's 21st Century Policing task force, along with the Joyce Foundation, The University of Chicago and several other individuals with diverse experience to think about managing personnel in the police setting.

- A. BA has developed a system of evaluating officers on a much more granular level than just looking at Internal Affairs complaints and use of forces incidents. This model moves beyond these two measures to holistically understand an officer's performance. Research indicates that these seven areas should be measured:
- 1. Officer profile – comprehensive historical record of the major policing-related events in the life of an officer
 - 2. Training – history, education/learning session and certifications throughout an officer's career
 - 3. Activity – maps spectrum of on-duty actions to paint a full picture of an officer's practices, patterns and conduct
 - 4. Use of force – tracks 15 different types of scenarios, as well as vehicle pursuits and traffic crashes involving officers
 - 5. Internal affairs – detailed investigations of an officer, including evidence management and command-channel review
 - 6. Community engagement – tracking all situations and actions resulting in public feedback of an officer or departments, as well as interactions with the community at large
 - 7. Performance evaluation – tracking key performance indicators along with observations, appraisals and recommendations of supervisors and other parties

After compiling all of this data, supervisors are provided with a holistic view of officer performance and can tailor a specific plan for training to correct problem areas.

- B. Early Warning Systems – should alert for exceptional conduct and problem behavior
- 1. Current early warning systems are flawed, often giving false positives (those identified as having a problem but don't ultimately end up with a sustained complaint) or false negatives (those engaged in fundamentally problematic conduct, but never identified). Why does this happen?

- a. officer behavior/conduct should be evaluated in peer groups (those working similar hours/areas)
 - b. context matters – use of force in certain situations (example used was a violent crime where there is a signed complaint) is warranted, but if a pattern presents itself, such as offenders resisting arrest and/or injuries to officers during arrests, this officer would be red-flagged in the early warning system.
2. Preventive Action
- a. first, recognize and reward those who demonstrate exceptional conduct
 - b. second, recognize behavior patterns that call for corrective action and offer training to put the officer on the right path
- C. Action Steps – So What?
- 1. Any plan to address officer behavior needs to feature research-based case management modules for officer-specific intervention
 - 2. Research shows that non-punitive, non-disciplinary correction works best to improve officer conduct
 - 3. Research also indicates that officer correction needs to be based on patterns of behavior, not incidents (IA complaint may not be substantiated, but a problematic pattern may still exist)

Discussion points:

Q: Why are you here today?

A: No contract with the City of Columbus – just here to offer insights into best practices

Q: How does what you offer compare with what we do now?

A: Commander Gray will present CPD's system a little later in this meeting.

Q: How is the community engagement piece measured?

A: Cell phone number is captured by dispatcher and a text is sent after the incident to elicit feedback from citizen involved.

Q: Have you looked at research that involves trauma-informed care?

A: We are still cataloging all of these interventions that have a research base behind them

Q: What does the research show about how officers respond to the incentives offered for good behavior; what interactions are rewarded? And what are the perhaps unintended consequences of that?

A: Survey question sentence structure is critically important to get the results that will ultimately help improve officer behavior. Also, these evaluations are an important tool in the holistic approach to personnel management, but only one of many measures that should be used.

Q: How do you see the non-disciplinary, non-punitive corrective action course playing out with the community in terms of trust?

A: This is part of a good early warning system – an “and” to the internal affairs investigation – that would offer this type of corrective action before a more serious incident happens.

Q: Is your data tracking demographic information related to incidents?

A: Geography matters a lot for peer group purposes – what is the norm in a particular community?

- Q: How do you get officers and supervisors to buy in to this non-punitive, non-disciplinary course of action?
- A: Again, this is an “and” to traditional investigation/discipline course of action. We argue that as a matter of policy, a police department should be engaged in identifying research-based practices that when there is pattern of behavior identified that does not rise to the level of complaint/investigation/discipline, the officer should have the resources made available to him/her that will help correct their behavior. The research suggests that using only discipline to correct behavior is not effective and IA investigations take a long time (18 months or more).
- Q: What are examples of non-disciplinary corrective action?
- A: Mentorships, incremental training in the area of struggle, thoughtful/constructive criticism
- Q: Mentoring – does the sergeant have enough time to deal with an officer?
- A: Structured time dealing with personnel issues matter a lot.
- Q: How do you account for the entire culture of a police department?
- A: There is no substitute for leadership – in the absence of good leadership, data and analytics don’t make a difference – all these things have to be married up. What chips away at a toxic culture is lifting up the officers who demonstrate the type of behavior that deserves respect. Perhaps those rewards must be present as a part of promotions and, over an extended period of time, the culture will change and improve.
- Q: When you talk about leadership and mentoring, would it make sense to place the struggling officer with an officer who has been rewarded for exceptional behavior in the area where the officer is struggling?
- A: Absolutely right – it provides really thoughtful, nuanced, individualized support of that officer.
- Q: In jurisdictions in which you have implemented this technology, does it supplant or supplement existing systems.
- A: We find that departments who utilize our technology can shut off 4-7 other systems that usually exist independently and don’t talk to each other.

Chair Jackson thanked Mr. Huberman for his presentation and his time to speak with commission.

PRESENTATION FROM THE CPD EMPLOYEE ACTION REVIEW SYSTEM (EARS)

Commander Gray, Columbus Division of Police

- A. Objectives:
1. To initiate intervention into an employee’s behavior, using education and deterrence strategies
 2. To reinforce a supervisor’s involvement in an employee’s development
 3. To help the Division defend against “custom and practice” and “failure to train” lawsuits
 4. To explore the positive and negative aspects of an employee’s job performance and to identify risk indicators, behavior patterns and trends in an employee’s performance
 5. To provide information to develop training, policies, procedures and tactical decisions for the Division.
 6. To facilitate positive reinforcement, positive corrective action, training, counseling and peer review.
 7. To maintain the standards of performance within the Division

8. To promote career longevity for the employee

B. Procedures:

1. The IAB generates a statistical review of investigations in their database which goes to the EARS committee twice a year.
2. The EARS committee is volunteer-based and comprised of 20 members of various ranks, patrol zones, and shifts – each member must have served over 3 years with the department and cannot have had departmental charges filed against them in the last 4 years or be under internal investigation at the time of appointment.
3. The committee reviews cases in the top 5% of each of the following categories or in multiple categories: complaints; use of force - level II (mace); use of force - level III and above (TASER, empty hand control, impact weapon, K-9 bite, less lethal weapon, deadly force)
4. The committee will analyze the investigations and look for patterns or trends in a myriad of behaviors.
5. The committee turns over the investigation to the employee's supervisor for review of the employee on a more granular level.
6. The results of the committee's investigation is turned over to the chain of command for review and possible action, such as peer counseling/review, referral to the Employee Assistance Program (offered to all city employees) or Division psychologist, additional training, etc.

C. Challenges:

1. Discussing performance is our job, but not an easy one
2. We often hesitate to "second guess"
3. We do not enjoy conflict with our co-workers
4. Perceptions by officers that review is "negative"
5. We would like to include HR data, such as use of sick leave, tardiness, AWOL incidents, etc.

D. Impact/Results:

1. Reduce complaints
2. Reduce use of force incidents
3. Communicate to supervisors their responsibility to monitor employees
4. Effective employees
5. Enhance the integrity and reputation of the Division

Discussion points:

Q: What are the demographics of the committee members?

A: Of the members on the committee, two are African-American, five are female, and 13 are male whites.

Q: How much of a root-cause analysis do you do on the individual employee when you review the complain or the situation?

A: That is done during the chain of command review, since they know the individual involved. We mostly are looking at patterns of behavior.

Q: Is there a trend analysis done to determine if these behaviors are specific to a shift or precinct or location?

- A: If we see multiple officers on a single shift in a precinct having issues, we would refer that whole unit. Or if officers are having issues working a certain location, we might suggest adding more officers or providing officers with tasers.
- Q: The sergeant of the reviewed employee develops an action plan and then the deputy chief signs off on it – do you find that process works?
- A: It works to the degree that it can, but it may be missing some granular level information, such as HR information.
- Q: You indicated that this is a volunteer opportunity for officers – I assume they still get paid for their time doing the work of the committee?
- A: Yes, though there is no extra pay
- Q: Does the EARS committee track any positives?
- A: No, but the chief asks supervisors to lift up officers who are doing a great job – officers are regularly commended for good work on social media. We actively seek opportunities to commend officers for exemplary behavior.
- Q: Several questions about membership on the EARS committee:
1. What is the term of service? Three years
 2. Is there a strategy for recruitment that increases the diversity of the committee? Members do the recruiting, but we have a hard time finding people to serve.
 3. Is it in the contract that only sworn members can serve? It's not contractual, but through a divisional directive.
- Q: Why are there no members of the public on the committee? The point being that a civilian employee of the police force (1 or 2 members) would bring a different perspective to the review and would not have a large impact on the vote.
- A: It might be prejudicial to have a member of the public performing a procedural review of a use of force case without having had the training of a police officer.

Chair Jackson thanked Commander Gray for his excellent powerpoint presentation and his time.

PRESENTATION FROM CPD INTERNAL AFFAIRS BUREAU

Commander Greg Bodker

- A. The Internal Affairs Bureau (IAB) of the Columbus Division of Police protects the Division's integrity by:
1. Conducting investigations of citizen complaints (either first-person, third-party or anonymous)
 2. Investigating internal allegations of misconduct
 3. Conducting criminal investigations of Division personnel
 4. Investigating allegations of bias and EEO violations
 5. Conducting investigations that are sensitive or newsworthy
- B. What IAB does not do:
1. Investigate officer-involved shootings, unless there is an accompanying administrative investigation

2. Investigate uses of force, unless there is a citizen complaint
 3. Recommend discipline
 4. Require a complainant to fill out a form or swear to a complaint
- C. A citizen complaint system provides:
1. System of accountability which contributes to transparency and trust within the community as well as within the Division of Police
 2. Identifies problematic behaviors with a goal of correcting those behaviors
- D. Who is assigned to IAB?
1. Commander, 2 lieutenants, 24 sergeants (20 specially-trained investigators, 4 intake) with the authority to investigate any Division employee suspected of misconduct
 2. Report directly to the Chief of Police
 3. Housed in separate facility from police headquarters and the intake desk is manned by one of the intake sergeants from 6a-10p
- E. Investigative Dispositions:
1. Exonerated – the evidence indicates the alleged conduct occurred, but the actions taken by the employee(s) were lawful and no misconduct was substantiated
 - a. of the 308 complaints investigated in 2017, 16% were exonerated
 2. Not Sustained – the alleged conduct could not be supported or refuted by a preponderance of the evidence
 - a. of the 308 complaints investigated in 2017, 10% were not sustained
 3. Sustained – the alleged conduct is supported by a preponderance of the evidence and is in violation of the rules of conduct
 - a. of the 308 complaints investigated in 2017, 10% were sustained
 4. Unfounded – the alleged conduct is refuted by a preponderance of the evidence
 - a. of the 308 complaints investigated in 2017, 45% were unfounded
 5. Withdrawn – the complainant retracted the allegations(s) through a verbal or written statement
- F. Most Common Complaints for 2017
1. Actions taken/not taken were improper – 26.2%
 2. Rudeness/profanity – 16.0%
 3. Improper force – 12.3%
 4. Improper search/seizure – 8.7%
 5. Other (violations of policy, slow response) – 39.5%
- G. Demographics/Statistics
1. Complaints filed:
 - a. by women 44% – by men 43%
 - b. by African-Americans 43% – by Caucasians 34% – unknown 10% (via email)
 - c. ages 21-50 – 59%
 - d. cooperative 68% – uncooperative 32%
 2. How complaints are received
 - a. email/internet – 7%
 - b. in person – 17%
 - c. over the phone – 57%

- d. by mail – 2%
- e. internal memo – 0.6%
- 3. How has video-based evidence impacted the complaint process?
 - a. in cases with any type of video evidence, 59.6% of complaints are founded, largely due to memory issues (how complainant remembers what happened vs. the video evidence)
 - b. in cases without any type of video evidence, only 39.4% of complaints were unfounded

H. Best practices currently employed by CPD IAB

- 1. Intake is widely available and accessible (email, FB, phone, in person, office is on the busline, open 16 hours/day)
- 2. Complaint forms are available in multiple languages
- 3. Complaint tracking in Premier 1 software
- 4. Classification of complaints
- 5. All complaints evaluated and/or investigated
- 6. Time limit recommendations
- 7. Electronic recordings of interviews
- 8. Standardized forms
- 9. External audits of the bureau

Discussion points:

Q: Are bias complaints tracked by officer, whether sustained or not?

A: Yes, the database software retains all information related to complaints – the exception is that is the complaint is unfounded, the officer can requested their name be removed from that investigation.

Q: Why was there an increase in the number of complaints in 2016 and a decrease in 2017?

A: Not sure, although large and frequent protests often produce larger numbers of complaints.

Q: Of the number of complaints received by internal memo, what are the statistics on those complaints?

A: Most are from officers complaining about other officers, or a civilian employee against another civilian employee.

Q: How do you handle non-English speaking complainants who call in?

A: We contract with an interpretation service who will conduct a three-way call with the intake sergeant and the complainant.

Q: Would it be possible if this group could review some of the complaints? I would like to know if a citizen review committee would come to the same conclusions?

A: Yes – anytime, anywhere – just let me know. Just an anecdote about memory issues – there was an incident involving a traffic accident to which 3 CPD officers responded. The complainant stated that the officers were rude to him, cursed at him and shoved him out of the way. The video did not have any evidence of the allegations and the complainant accused the police of doctoring the video. If we look at the video, it's audited. Anytime anyone looks at a body-worn camera video, it's audited.

Q: Is video from civilian cell phones is as equally valued as body-worn camera video?

A: Yes, we often request access to cell phone videos.

Q: When the investigation dispositions are finalized, are your findings discoverable in criminal and civil cases?

A: Yes, everything is public record. We often are called to testify in civil cases.

Q: Could we get a further breakdown on the demographics of complainants?

A: Yes, we provide that in our annual report (handed out to commissioners)

Q: When a citizen asks for a badge number from an officer, is the officer obliged to provide it?

A: Yes, the officer has to give that information, but it does not have to be written down.

Chair Jackson thanked Commander Bodker for his presentation and time.

FURTHER COMMENTS

Commissioner McCrystal asked for time to be added to our schedule to review all suggestions that come out of the sub-committees to finalize recommendations to be presented to the consultants. Chair Jackson agreed that we need to do that.

Chair Jackson commented that the consultant has suggested that the commissioners NOT be present at the community meetings, given that attendees may not feel comfortable to speak freely. The consultant will meet individually with each of the commissioners over the next several months.

Our next meeting is Thursday, December 13 from 1p-5p, location to be determined.

Meeting adjourned by Chair Jackson at 5:35 pm.

Respectfully submitted,

Ellen Moore Griffin
Recording Secretary