



# Ohio Collaborative Community-Police Advisory Board

July 29, 2015 Meeting Summary

On December 12, 2014, Governor John Kasich signed Executive Order 2014-06K announcing the creation of the **Ohio Task Force on Community-Police Relations**. The charge of the Task Force is threefold: 1) To explore the cause of fractured relationships between communities and law enforcement, 2) To examine strategies to strengthen trust between the community and law enforcement in order to resolve the underlying causes of friction; and 3) To provide the Governor with a report with recommendations about best practices available to communities. As a result of the work of the Task Force, on April 30, 2015, Governor John Kasich signed Executive Order 2015-04K establishing the **Ohio Collaborative Community-Police Advisory Board**.

The Collaborative is chaired by Director John Born, Office of Public Safety, and The Honorable Nina Turner, former Ohio Senator. Members appointed by the Governor, including ex officio members, are identified below:

- Officer Detective Brian S. Armstead—Akron Police Department, member of the Fraternal Order of Police
- Dr. Ronnie Dunn—Cleveland State University, Professor of Urban Studies and member of the NAACP Criminal Justice Committee
- The Reverend Damon Lynch III—senior pastor, New Prospect Baptist Church
- The Most Reverend George Murry—Bishop of the Roman Catholic Diocese of Youngstown
- Chief Michael J. Navarre—Oregon Police Department, member of the Ohio Association of Chiefs of Police
- Honorable Ronald J. O'Brien—Franklin County Prosecutor
- Sheriff Tom Miller—Medina County Sheriff's Office, member of the Buckeye State Sheriff's Association
- Lori Barreras—member of the Ohio Civil Rights Commission
- Mayor Michael H. Keenan—City of Dublin, local government representative
- Austin B. Harris—student at Central State University

Ex officio members:

- The Honorable George V. Voinovich—former U.S. senator, governor of Ohio, and mayor of Cleveland
- The Honorable Louis Stokes, former member of Congress, honorary co-chair
- The Honorable Tom Roberts, former Ohio senator, life member of the NAACP
- Senator Cliff K. Hite, Ohio Senate
- Senator Sandra Williams, Ohio Senate
- Representative Tim Derickson, Ohio House

The purpose of the Collaborative is to advise and work with the Office of Criminal Justice Services (OCJS) in the Ohio Department of Public Safety to implement the Task Force's recommendations, as identified in the Executive Order.

July 29, 2015, Columbus, OH: Second meeting of the Ohio Collaborative Community-Police Advisory Board

The second meeting of the Collaborative was held on July 29, 2015 at 10:00 AM at the Ohio Department of Public Safety. The following members were present at the meeting:

- Prosecutor Ron O'Brien
- Officer Detective Brian Armstead
- Senator Cliff Hite
- Chief Michael Navarre
- Mayor Michael Keenan
- Sheriff Tom Miller
- Commissioner Lori Barreras
- Reverend Damon Lynch III
- Honorable Tom Roberts
- Senator Sandra Williams

Co-chairs Director Born and Senator Turner welcomed members of the Collaborative. Director Born provided a brief review of the last meeting. Following this, Director Born introduced Daniel Shaw, regional program manager of the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). The following is a summary of Mr. Shaw's presentation.

- CALEA was created to improve law enforcement service by creating a national body of standards developed by law enforcement professionals. The International Association of Chiefs of Police (IACP), Police Executive Research Forum (PERF), National Organization of Black Law Enforcement (NOBLE), and the National Sheriffs Association (NSA) partnered to obtain a grant to develop an accreditation agency. As a result, CALEA was established in 1979.
- Members of the Commission are appointed by the Executive Directors of these four associations. They are appointed to a term of three years. Eleven members are selected from law enforcement and ten members are selected from the public and private sectors.
- CALEA consists of four separate programs:
  - Law enforcement accreditation program—a tiered law enforcement accreditation program in which participating agencies can enroll in either CALEA Law Enforcement Accreditation or CALEA Advanced Law Enforcement Accreditation
  - Public safety communications accreditation program—an accreditation program that provides a communications center, or the communications unit of a public safety agency, with a process to systematically review and assess its operations and procedures
  - Public safety training academy accreditation program—an accreditation program that promotes superior public safety training services. The standards prescribe 'what' academies should be doing, but not 'how' they should do it.
  - Campus security—an accreditation program designed for educational campus security agencies or departments

- Enrollment in CALEA is voluntary. CALEA supports the use of incentives to assist an agency's voluntary accreditation and their pursuit of excellence, versus a mandate or penalty for noncompliance.
- Agencies who enroll to go through the accreditation process must progress through three phases:
  - Self-assessment—Agencies must compare the CALEA standards to their own policies and procedures, and adjust them when necessary. This process takes about 2.5 to 3 years to complete.
  - Qualitative review—Agencies must request an onsite assessment. Assessors will be assigned to the agency to review the standards and policies/procedures. Agencies are assessed using several methods, such as a review of files, interviews, public information sessions, and observation.
  - Commission review and decision—The Commission meets a few times a year to review agencies and determine whether they meet the accreditation standards.
- There are 485 CALEA standards, falling into one of six areas. Some standards fall into the 'other' category. Of these identified as 'other', agencies must comply with 80% of such standards.
- CALEA looks to other sources, such as IACP and DOJ to make sure their standards are always up to date. Because they maintain a contemporary set of standards that are constantly being reviewed to meet the needs of today's police department, they are considered the 'gold standard' in public safety.
- CALEA's model has been copied but not successfully replicated. Many states have tried to replicate the CALEA standards, but their programs fall short because they do not build integrity in their models. Additionally, their assessors almost always have an inherent conflict of interest (e.g., CALEA assessors may not assess agencies within their own state)
- Potential criticisms of CALEA:
  - Cost prohibitive. This is why CALEA supports incentives for agencies. It costs an agency around \$10,000 for the three-year accreditation process, in addition to the cost of the assessment itself and annual maintenance fees.
  - Time consuming. The self-assessment phase of the process can take upwards of 2.5 years to complete.
- Agencies can (and do) become decertified, but the failure rate of agencies is generally low. This is in part because agencies will remove themselves from the recertification process before they are identified by CALEA as failing.
- CALEA is moving to a new four-year reassessment process; however, CALEA will review each agency annually on certain major standards (e.g., use of force, pursuits, etc.). An agency's CEO must provide a written statement annually that they are still in compliance.
  - This can be used by the State when making a determination as to whether an agency is compliant with the minimum standards.
- Other states have done some form of statewide standardization
 

○ Missouri	○ Florida
○ Virginia	○ Georgia

- New Jersey
- Indiana

There may be others. Some fall apart. Some work collaboratively with CALEA.

The next guest speaker was Kevin Davis, law enforcement and firearms writer, trainer, and consultant. In this context, he represented himself, not the agency he works for. He spoke on the use of force in terms of law and policy.

### Legality

- Use of force policies must be legal.
- Not all agencies know the law when it comes to use of force.
- Training is key. There are different types of training:
  - Basic: In Ohio, training increased from four hours to six hours, and the OPOTC curriculum is excellent
  - In-service: Providing ongoing training is important.
  - Investigations: There is no curriculum for use of force investigations. Some larger agencies have training on how to conduct a use of force investigation, but most other agencies do not.
  - Supervision/leadership. Chiefs and high-level executives should have investigation training. Many only get this after an incident occurs.
- *Tennessee v. Garner*. This case relates to the use of deadly force and abolishes the fleeing felon rule. The killing of a fleeing suspect is a 'seizure' under the Fourth Amendment, and is constitutional only if reasonable. Officers cannot resort to deadly force unless they have probable cause to believe that the suspect poses an immediate threat of death or serious bodily harm either to the officer or to others.
- *Terry v Ohio*. This case relates to stop and frisk based on 'reasonable articulable suspicion'. The Supreme Court held that the Fourth Amendment prohibition on unreasonable searches and seizures is not violated when a police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person may be armed and dangerous.
- *Graham v Connor*. This case relates to objective reasonableness and the use of force. The Supreme Court held that an officer may only use that force which is both reasonable and necessary to effect an arrest or detention. The Fourth Amendment protects against unreasonable searches and seizures. What is 'reasonable'?
  - The Court set forth an objective reasonableness standard, and specified three factors to be considered: the severity of the crime, whether the suspect posed an immediate threat, and whether the suspect was actively fleeing/evading the officer.
  - Other factors can also be considered, such as the size or age of the suspect.
  - Reasonableness must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

- An officer's actions must be objectively reasonable in light of the facts and circumstances known to the officer, without regard to the underlying intent or motivation.
- There must be consideration of the 'legitimate anxiety factor'—that is, officers must make split second judgements in circumstances that are tense, uncertain, and rapidly evolving.
- Reasonableness and consideration of the totality of the situation need to be considered.
- The physiological effects to an officer (or to anyone—including the suspect) in a fight or flight situation are significant, and need to be understood and considered. They include:
  - Tunnel vision, where the focus is on the perceived threat
  - Auditory exclusion, where the ability of the brain to receive and process audio information is reduced, often while another sense (such as vision) is heightened.
  - Increase in strength
  - Reduction in fine motor skills
  - Memory distortion or loss
  - Time distortion

Go to [www.forcescience.org](http://www.forcescience.org) for more information on the science and human dynamics behind deadly force encounters.

- Standards for police use of force
  - Objective reasonableness, allowing for a range of force options, rather than a specific response, and no requirement to use 'minimum force'
  - How much force is acceptable? May not use more force than the law allows.

### Policy

- Policies are guidelines.
- They can be all-inclusive or minimal. The more restrictive and complicated the policy, the more difficult they can be to understand, interpret, and implement.
- The policy, at its most basic level, should mirror the law.
- Remember that in order to raise the standard, the training needs to be improved.

### Concluding remarks by Director Born

- Raising the bar in Ohio is the goal. Some agencies have no standard.
- A model policy statement will be circulated at the next meeting. It will meet the DOJ, IACP, and CALEA standards and will incorporate the reasonableness standard. The group needs to wordsmith it.
- The next meeting is on August 11<sup>th</sup>. The group needs to start identifying other standards to work on.

The meeting concluded at 12:45 PM.