

# Ohio Task Force on Community-Police Relations

Central State University Public Forum Summary

2/9/2015

Office of Criminal Justice Services



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.

The Task Force is comprised of 24 members, identified below:

- Co-chairs: John Born, Director of the Ohio Department of Public Safety, and State Senator Nina Turner;
- Honorary co-chairs: Senator George Voinovich, Justice Evelyn Stratton, and Congressman Lou Stokes;
- Members of the Ohio House of Representatives : Representative Tim Derickson and Representative Alicia Reece;
- Members of the Ohio Senate: Senator Cliff Hite and Senator Sandra Williams;
- Department of Commerce Director Andre Porter;
- Ohio Attorney General's Office designee Tannisha Bell;
- Ohio Supreme Court Chief Justice designee Sara Andrews;
- Law enforcement representatives: Fayette County Sheriff Vernon Stanforth, who also represents the Buckeye State Sheriff's Association, Akron Police Department Officer Brian Armstead, and Oregon Police Department Chief Michael Navarre;
- Community and faith-based leader representatives: Tom Roberts of the NAACP, Reverend Damon Lynch of the Cincinnati Collaborative, Dr. Ronnie Dunn of Cleveland State University, and Bishop George Murry of the Diocese of Youngstown;
- Business leaders: Bernie F. Moreno, president of the Collection Auto Group, Anthony Munoz, former Cincinnati Bengal and Hall of Fame Inductee;
- Ohio Prosecutor's Association representative Ron O'Brien;
- Cincinnati City Council member Amy Murray; and
- Ohio Association of Community Action Agencies Executive Director Phil Cole.

In accordance with the Executive Order, a series of four public forums is to be held in four geographically diverse regions of the state to seek input and comment from all Ohioans, especially from Ohioans in those communities at the heart of the crisis, which includes African-American males and their families. Additionally, the Task Force is soliciting expert testimony on topics relevant to the community-police relations issue.

#### February 9, 2015: Central State University Public Forum

The second public forum was held on February 9, 2015 at 4:30 PM at Central State University's Robeson Cultural and Performing Arts Center in Wilberforce. The forum commenced with welcoming remarks by the co-chairs, the facilitator, and a representative of the university. This was followed by the testimony of two subject matter experts: criminal defense attorney Samuel Shamansky, and attorney Barbara A.

Bolling, President of the Indiana NAACP Conference. At the conclusion of their testimony, a brief break was given, and public testimony began at 6:30 PM. All individuals were required to sign up prior to speaking. They were given three minutes to testify, and a digital clock was made visible to the speaker. Forty-four speakers provided testimony during the forum. In addition, 12 individuals submitted written testimony and/or recommendations.

The forum concluded at 9:30 PM.

The following pages contain a summary of the expert testimony of Samuel Shamansky and Barbara Bolling, a summary of themes identified throughout the public testimony, and a summary of recommendations provided during the public testimony.

## Expert Testimony Summary

### Samuel Shamansky, Criminal Defense Attorney

- Mr. Shamansky provided a brief overview of the grand jury procedures, and Franklin County prosecutor Ron O'Brien expanded on several of Mr. Shamansky's comments.
  - Ohio has a constitutional requirement for the county prosecutor to call together a group of jurors, consisting of 9-15 citizens, to decide if criminal charges or an indictment should be brought against a potential defendant.
  - The prosecution has a responsibility to present cases to the grand jury; however, grand jurors do have the opportunity to go beyond the information initially provided by the prosecutor. If additional witnesses or evidence is requested by the grand jury, the prosecutor or foreman has to request it in order for it to be presented to the jury. Furthermore, although a citizen cannot simply come forward to the grand jury to testify, he or she can reach out to the prosecutor to be invited to do so.
- Mr. Shamansky discussed the necessity of grand juries to be 'secretive' in order to protect witnesses who come forward and testify, and to protect defendants who may not be indicted for a crime.
- While there are no 'checks and balances' in place to ensure prosecutors are fair or impartial when it comes to charges against law enforcement, oftentimes prosecutors will reach out to prosecutors from another county if a conflict of interest exists.
- For the 26 states that do not have a grand jury, the decision to indict is ultimately made by the prosecutors after a process of information gathering. Compared to these states, Ohio is ahead of the standard with its use of a grand jury.

### Barbara A. Bolling, Attorney and President of the Indiana NAACP Conference

- Ms. Bolling covered the topic of impartial bias and racial profiling, which she suggests should be called 'discriminatory profiling'.
- Ms. Bolling provided statistics from several studies throughout the United States on racial profiling
- There are states that have a law banning racial profiling, but Ohio is not one of them. The list of states can be found in the report.
- Community Citizen review boards were discussed as a way to provide independent oversight. Per Ms. Bolling, these boards should be given the authority to subpoena. Dr. Dunn (a member of the Task Force) responded that Cleveland's citizen review board has been symbolic, but ineffective. He recommended a police auditor or monitor model rather than a citizen review board.
- Ms. Bolling suggested that officers need to engage community members. While they used to engage the public, now parents are forced to teach their children how to act when being engaged by the police, which can instill fear in them.

## Public Testimony Themes

### The Task Force and the Governor need to take this issue seriously.

- While many citizens expressed appreciation for the effort of the Task Force, they are skeptical that their efforts will lead to real change.
- This Task Force should have been formed long ago.
- Youth need to be represented on the Task Force.
- The question was asked whether the people on the panel really speak for the citizens of Ohio.
- It is important for the Task Force to support all recommendations that are made and changes that are implemented as a result of these forums.
- The Task Force and the community need to do a better job getting the word out about the listening tour. Additionally, the Task Force needs to be more approachable/less separate from the citizens. Accessibility is also a problem at Central State—a better location, like Dayton, should have been chosen.
- Some question whether the Governor is truly concerned about police-community relations, or if he authorized the creation of the Task Force to appease citizens.
- The Task Force needs to be more responsive to the questions posed to them at the forum.
- Ohio does not need the Department of Justice to step in—there is no time to wait for the federal government to give their report. We need to look into this now.

### Law enforcement officers must be engaged with the community.

- Police need to better relate to the communities they patrol. They are quick to arrest but not so quick to talk to people in the community.
- The community is also responsible for helping solve the problem. The police and community need to be proactive in starting and sustaining dialogue. However, mechanisms are not necessarily in place in communities to have a full dialogue about the community-police issue.
- People, both young and old, need to know what they can and cannot do when interacting with officers. Likewise, law enforcement need to be trained on how to be respectful to citizens.
- For many children, their first experience with law enforcement officers is a negative one. This needs to change. One place change can occur is in the schools through programming.
- Stop the militarization of police. This does not help to forge positive relationships with the community.

### Racism is real.

- Statistics show that there is racial disparity in how police deal with suspects.
- This is not just about black males. Black females, the transgendered population, those from the deaf community and those with other disabilities, and other marginalized groups experience discrimination.
- The root cause of this issue is implicit bias, which is racism operating in a covert manner. Officers can be assessed and identified for implicit bias, and training is available to decrease implicit bias. If we don't decrease implicit bias, we won't solve our problems.

- Some argue that the issue is not just about race, but that there is corruption in the pattern and practice of police activity.
- There is persistent harassment of young black males being charged with petty crimes. Often they cannot pay fines and get arrested, which then causes many other problems which they cannot overcome and which impacts their futures. It is easy to get in to trouble, but hard to get out of trouble. When people are held down early in life, it is often hard to recover.
- There are unspoken rules for black males. Why?
- People have been asking for equality for years. How many times do they need to ask? How many ways do they need to ask? When will this all end?
- “Pull me over because I’ve broken the law, not because I have a loud muffler.”

#### Transparency of law enforcement is critical.

- A police department’s policies and procedures should be made available to the public.
- Statistics on diversity within the police department should be made available to the public.
- The process for filing complaints against officers is not clearly identified by police departments.
- In police-involved shootings, hiring a special prosecutor from another county is not enough. Prosecutors are too closely aligned with police.
- The initial narrative of the police report carries a lot of weight, and when they are wrong or misleading, it hurts citizens’ trust in police.

#### Law enforcement officers need to be held accountable.

- Several speakers expressed outrage that the officer (and the 911 caller) involved in the John Crawford case was not indicted by the grand jury.
- Police must be held responsible for their actions and face consequences for bad decisions. There seems to be no ‘reasonable standard’ for police behavior; that is, the legal standard for law enforcement officers is different than the standards for other professions.
- Reference was made to ORC 2744.2, which involves immunity for law enforcement unless it can be proven that the offending officer’s actions were willful. This provides immunity against police negligence and should be revised.
- Suspending officers for engaging in racially motivated behaviors, and then letting them back on the job, does nothing but create anxiety for black men. Anxiety leads to fear, which leads to anger.
- Law enforcement cannot be allowed to act with impunity.
- House Bill 681, the “John Crawford Law” being proposed by Rep. Alicia Reece, criminalizes the act of John Crawford, when he should be seen as a victim. The bill cannot make police think they were justified in what they did to John Crawford. [Note that Rep. Reece responded to this concern by stating that the bill is being patterned after a similar bill in California and that the Crawford family presented her with the idea for the bill. The bill is still being crafted and suggestions are welcome.]
- Law enforcement officers need to set a precedent and call out bad officers. Union officials need to do more to get rid of bad officers. There needs to be a change in the culture of policing.
- Legislative change needs to happen. Ohioans should have a longer period of time to file a lawsuit against law enforcement than the current two-year period.

## **Public Testimony Suggestions and Recommendations**

### For the Task Force

- The Task Force needs to show support for all changes that are recommended and/or implemented.
- The Task Force needs to do a better job of getting the word out about the public forums, and they need to consider accessibility when identifying venues for the events.
- Sign language interpreters must be included at future forums.
- The Task Force needs to be more attentive to questions they are asked during the forum.
- Include youth on the Task Force.

### For Law Enforcement and Prosecutors

- Law enforcement agencies need to post their policies and procedures online.
- Law enforcement agencies should make their statistics on officer diversity available online.
- Educate the community, including youth, on how to interact with law enforcement officers, and train officers on how to interact with the community.
- Develop mechanisms to facilitate dialogue with the community.
- Maintain ongoing transparency after a high profile use of force incident to help strengthen the relationship between the police and the community.
- Clearly identify the process for citizens to file complaints against officers.
- Reopen and re-investigate the John Crawford case.
- Hire diverse officers who are from the communities being served by the department, and provide diversity training to current law enforcement officers.
- Stop the militarization of police by not supplying departments with military-style equipment.
- Assess officers for implicit bias, and provide training to officers to reduce implicit bias (this speaker, a WSU psychology instructor, knows of people who give free trainings, and offered to put the Task Force in touch with them).
- For officer-involved shootings resulting in the death of a citizen, simply hiring a special prosecutor from another county is not enough. Identify someone who is less closely allied with the police.
- Educate the community on the grand jury process and make the process less secretive.
- Provide training to officers in areas such as working with the mentally ill population, negotiation tactics, and diversity, and train dispatchers on ensuring officers have the necessary information needed when preparing for a possible use of force.
- Create some form of a citizen review board or police auditor/monitor model to monitor patterns of conduct.

### For the Community and Schools

- Develop mechanisms to facilitate dialogue with law enforcement, both within the community and within schools.
- Start grass roots public policy forums and organizations within communities.
- Increase education in schools on peace-making, non-violence, and anti-bullying.

### For the Governor's Office, State Agencies, and Lawmakers

- Consider revising the proposed HB 681, 'John Crawford Law'. The way it currently reads, the bill criminalizes the victim.
- Revise the statute of limitations regarding lawsuits against law enforcement officers/agencies.
- Allocate funding to low-income areas to improve the community. Fund restorative justice programs.
- Consider revising ORC 2744.2, which provides immunity against police negligence.
- Policy is needed to promote African-American males so they can move forward despite a prior arrest.
- Reconsider where money is better spent: on education or on prisons?
- Enact anti-racial profiling legislation.
- Read through the recommendations that came out of the U.S. Conference of Mayors regarding policing. The report can be found here:

<http://www.usmayors.org/83rdWinterMeeting/media/012215-report-policing.pdf>