



Ohio Collaborative Community- Police Advisory Board

December 4, 2020 Meeting Summary

The Ohio Collaborative Community Police Advisory Board (Collaborative) is a multidisciplinary group consisting of a diverse group of Ohioans including law enforcement, community members, elected officials, academia and the faith based community. The Collaborative was created by executive order 2015-04k on April 29, 2015, after the Governor's Task Force on Community Police Relations completed its work and produced a report with recommendations on how to improve the important relationship between law enforcement and the communities they serve.

The Collaborative is chaired by Assistant Director Karen Huey, Department of Public Safety. Members appointed by the Governor DeWine, including ex officio members, are identified below:

- Commissioner Lori Barreras— Chair of the Ohio Civil Rights Commission
- The Honorable Michael Bell – former Mayor of Toledo
- Representative Juanita Brent – Ohio Representative
- Dr. Ronnie Dunn—Cleveland State University, Associate Professor of Urban Studies and Interim Chief Diversity and Inclusion Officer
- Dr. Robin S. Engel—University of Cincinnati, Professor of Criminal Justice and Director of IACP/UC Center of Police Research and Policy
- Officer Anthony L. Johnson—Columbus Police Department and member, Fraternal Order of Police
- Sheriff Tom Miller—Medina County Sheriff's Office and member of the Buckeye State Sheriff's Association
- BCI Superintendent Joe Morbitzer— Ohio Attorney General's Office
- Reverend Walter S. Moss— Pastor and CIRV Project Director, Stark County Prosecutor's Office
- The Honorable Ronald J. O'Brien—Franklin County Prosecutor
- Chief Justin Páez—Dublin Police Department and member of the Ohio Association of Chiefs of Police
- Sheriff Rob Streck – Montgomery County Sheriff's Office and member of the Buckeye State Sheriff's Association

Ex officio members:

- Senator Sandra Williams – Ohio Senator
- Representative Phil Plummer – Ohio Representative
- The Honorable Tom Roberts—former Ohio Senator and President, Ohio Conference of Units of NAACP
- The late Honorable Louis Stokes— former member of Congress
- The late Honorable George V. Voinovich—former U.S. Senator, Governor of Ohio, and Mayor of Cleveland

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

December 4, 2020 Virtual Meeting of the Ohio Collaborative Community-Police Advisory Board

Due to Coronavirus, the Ohio Collaborative meeting December 4, 2020 was again held virtually using Microsoft TEAMS Live. The following members were present at the meeting:

- Assistant Director Karen Huey, Chair
- Executive Director Karhlton Moore
- Commissioner Lori Barreras
- The Honorable Michael Bell
- Dr. Ronnie Dunn
- Dr. Robin S. Engel
- Officer Anthony Johnson
- Sheriff Tom Miller
- BCI Supt Joe Morbitzer
- Rev. Walter Moss
- Prosecutor Ronald O'Brien
- Chief Justin Páez

Opening Remarks

The meeting began at 10:01 am.

Assistant Director Huey welcomed the newest Collaborative member, Michael Bell. He has a broad background in public safety and public service: served as fire chief for city of Toledo for about 17 years, also served as Ohio State Fire Marshal, then mayor of Toledo. It is good to have this representation from NW Ohio. Former Collaborative member Chief Navarre is now the Lucas Co Sheriff.

Mr. Bell commented that it is great to be on this Board and he wants to learn how he can help.

Assistant Director Huey stated that today we will have a final discussion of the proposed mass gathering standard (renamed Law Enforcement Response to Mass Protests/Demonstrations) and we will discuss updates to the use of force standard. Final drafts were emailed to everyone.

Law Enforcement Response to Mass Protests/Demonstrations

Executive Director Moore started off by thanking his staff for the work they did on the standard, starting with Ed Burkhammer who did a lot of the research and drafting of the standard. Lisa Shoaf was helpful in editing drafts of the standard. He also thanked the Collaborative members for providing feedback, including feedback from Commissioner Barreras that he wasn't able to include in what was just sent out to members. He liked her wording and asked that she discuss her thoughts if she wanted to.

Executive Director Moore noted that he would highlight some of the major changes to the standard, which now reads much more smoothly than the previous draft.

- Bullet 8 on communication plans. The bullet was read aloud. Executive Director Moore pointed out that the Collaborative members had a large discussion on whether social media should be mandatory or encouraged. His sense from the members is that agencies should really use social media, but that we would not require it for some agencies that are not in a position of using social media.

- Bullet 11 on training of officers. The bullet was read aloud. At the last meeting, Collaborative members had a lengthy discussion on whether joint training should be mandated in order for agencies to work together during a mass demonstration, or if we should encourage agencies to train together when possible. Executive Director Moore's sense with previous discussion is that it is not feasible to train together prior to demonstrations and we do not want to put agencies in a position where they could not provide assistance if they were not able to train together. Encourage agencies to train together but recognize limitations in their ability to do so. We don't want to make it difficult for agencies to work together if they cannot train together. We would like them to be able to do it, but we recognize the difficulty in doing this kind of joint training.
- The final bullet comes from Dr. Engel. During protests over the summer, we saw many arrests of people who weren't really doing anything wrong. This is consistent with the presentations we received from Dr. Herold and the Kent State University chief when he talked about focusing on the people who are causing problems during a demonstration--these should be the persons subject to arrest. This bullet recognizes that no one should be arrested for exercising their constitutional rights. Executive Director Moore felt this bullet was important to include, but it is certainly open to the Board for discussion.
- Executive Director Moore stated that this standard gives us a good framework and would like to know if the members are on board.
- He reminded Collaborative members that we changed the way we formulate the standard now. The standards start with the purpose, then the standard itself, which contains the required aspects agencies have to include in their policy, then the commentary to discuss things that we want agencies to be mindful of but are not required. The commentary reflects the presentations we've had, it does a good job sharing with law enforcement some of the things that the Collaborative thinks are important without making it a part of the standard itself.
- Executive Director Moore opened it up for members to discuss.
- Sheriff Miller reported that the Plain Dealer released a synopsis of what went right/wrong in Cleveland with mass protests. This standard can help address where their deficiencies were. Certainly some of what is faced in a large gathering has to do with centralized command and understanding what other agencies are doing/had done. This standard makes the point of what is needed for responding to future mass demonstrations.
- Dr. Dunn stated that he was contacted last night to provide a comment about the report that the Sheriff cited, but did not do so because he hadn't had a chance to review it. But he did make the reporter aware that the Ohio Collaborative is developing a standard on this issue, and he is inclined to send the standard to the reporter after this meeting.
- Chief Páez thanked Executive Director Moore, Assistant Director Huey, and Director Burkhammer for incorporating feedback into the standard.
 - He highlighted that the definition of mass gathering is an important inclusion in enacting policy to meet the standard and delivering services during these events. He then noted that further discussion is needed on bullet 9: MOUs and mutual aid agreements with other agencies.

Mutual aid agreements

Chief Páez noted that it is important to address mutual aid in these types of events. There are two implied concepts in the bullet that might be advantageous to present directly. Officers need to

understand what is expected of them in a mutual aid capacity in regard to their response and assistance. The bullet only addresses the existence of mutual aid agreements, but implied within that bullet are two important concepts: 1) agency guidance for requesting and/or providing mutual aid for mass gatherings; 2) direction for integrating mutual aid, including incident briefing, for responding personnel. He was not sure if these are captured in either the bullet or in the commentary, and he wants to make sure we are capturing the discussion on this issue accurately.

- Dr. Engel stated she completely understands, and that the standard needs to distinguish between having a MOU/mutual aid agreement and what we really want agencies to be thinking about when making use of a MOU/mutual aid agreement.
- Sheriff Miller concurred.
- Assistant Director Huey asked if this could be covered in the commentary, to which Sheriff Miller replied that he thought so, and that the commentary needs to address how this has to be structured.
- Assistant Director Huey commented that maybe we can do both--maybe there is additional line in the bullet that speaks to guidance and integration, and we can provide more explanation in the commentary
- Executive Director Moore agreed and asked Chief Páez to provide wording, to which Chief Páez agreed.
- Superintendent Morbitzer asked whether we should refer to the national incident command system in particular to keep everyone on the same platform. When these events happen, many actions need to kick in, especially with recording and paperwork. There is already a national structure in place.
- Executive Director Moore suggested that we could reference the federal incident command structure in the commentary or we can add it to the existing language in the standard, and asked Superintendent Morbitzer to describe what is in the federal structure.
- Superintendent Morbitzer stated that command hierarchy and reporting mechanisms are included. It lays out not only the structure but also the training that is required for the incident command system. Depending on the rank of the person, there is required training. Most training is online, so there is no big cost. But it does put everyone on the same platform.
- Sheriff Miller also noted that the training is free, and just requires man hours to take the courses. The incident command system also structures also where media people will be. It just structures very well how to take care of these situations. There is no need to reinvent the wheel.
- Dr. Engel asked if there any other competing models that agencies would use. If we are going to require this as part of a standard, it needs to be reasonable for all agencies to comply.
- Morbitzer acknowledged this is a good question and stated that there are some agencies that are not even aware of incident command systems. The problem is that agencies that show up and have no knowledge of incident command systems try to educate at the event, which is the wrong time to educate. This system is proactive and would educate agencies prior to responding to an event.
- Executive Director Moore asked whether given the concern that there may be other competing options available, should the commentary note that agencies should be mindful of or encouraged to use the national system, or should we make it a required part of the standard?

- Superintendent Morbitzer felt that it should be part of the standard. It is our national incident command response system and it should be what everyone is using. The training is free and it outlines the organizational structure and managing the media, establishing rally points. The system should be highlighted pretty heavily so that agencies start to comply with the incident command system.
- Assistant Director Huey noted that it is a little bit more than just having a plan, to which Superintendent Morbitzer commented we just need to give agencies a pointer to find the system and become in compliance.
- Executive Director Moore asked Collaborative members whether they agree that the national incident command system should be a part of the standard, and everyone agreed.
- The system is called the “National Incident Management System” or NIMS.
- Assistant Director Huey asked if we want it to read “Incident command consistent with NIMS” or “Consistent with the National Incident Management System”?
 - Superintendent Morbitzer replied affirmatively, noting that this way everyone knows what we are talking about.
- Dr. Engel pointed out that the language is going to be important—“consistent with” and requiring that they are certified and trained as part of it are different. She is not opposed to either, but clarity needs to be provided as to what we are recommending as the standard.
- Assistant Director Huey reminded everyone that we need to be mindful of the breadth of agencies we are talking about.
- Superintendent Morbitzer stated that the system is scalable, so not only can agencies use this for gatherings, but it should be used for everyday responses. The fire departments use the incident command system every time they make a response, and are way ahead of police in this regard. It is a common response in fire science. This is also good for professional development on a larger scale.
- Sheriff Miller agreed and noted that major medical centers also make use of the incident command structure. Fire departments and medical centers may be able to provide some of the training on incident command systems.
- Mr. Bell also agreed and reported that fire departments have been doing this for over 15 years. If you put together a partnership with them, they would be able to walk you through it. Incident command systems help other departments understand the expectations when they arrive on scene. It gives better control over any incident, large or small. It expands according to what incident you are facing, and is inclusive of other agencies that may become involved. The Collaborative is moving in an appropriate direction.
- Superintendent Morbitzer noted that EMAs can also be a useful resource. Franklin County EMA provides great training that is free. Their in-person classes had multiple disciplines in attendance—Department of Health and different units within cities—and everyone had to work together.
- Sheriff Miller stated that county and state EMAs are required to have “x” number of drills per year, and they could probably be convinced to have a drill on mass demonstration. They are good at putting these trainings together.
- Assistant Director Huey asked if the wording should include “incorporation of NIMS”, and Executive Director Moore stated that incident command should be replaced with “Implementation of the National Incident Management System”.

- Executive Director Moore asked if Collaborative members would like any further discussion on incident command, to which no one replied.
- Executive Director Moore then returned to the mutual aid discussion and the wording that Chief Páez sent him. He read the Chief’s wording out loud.
 - “Guidance for requesting and for providing mutual aid personnel for mass gathering responses,” and underneath this, it says:
 - Mass gathering definition beneficial for Incident Commanders making determination (for the commentary)
 - “Direction for integrating mutual aid into mass gathering responses, including incident briefing for responding personnel.”
 - Chief Páez added that this is an important consideration regarding roles and expectations for response, and is along the lines of what we were talking about with NIMS and incident command.
 - Executive Director Moore asked the Chief if he would see this as additional bullets or part of the MA agreement bullet, to which Chief Páez responded he would incorporate it into the existing bullet, as it speaks to the essence of the mutual aid agreement/MOU bullet, but he would leave it up to other committee members to decide.
- Executive Director Moore stated that he would send this to some OCJS staff to work with the wording. He agreed that it is best to incorporate it into the existing bullet to discuss what, at a minimum, the mutual aid agreements should provide.
- While the wording was being sent to OCJS staff, Dr. Engel let Assistant Director Huey know how impressed she is with this standard because it is informed by practitioners and is supported by the evidence and by community experience. All of these pieces have come together to guide LE moving forward. Dr. Engel is impressed with the group and gave kudos for putting together in writing what the Collaborative members have been trying to articulate over the last couple of calls.

Assistant Director Huey noted that the members should move on to the next agenda item on revising the use of force standard to include chokeholds, while we await the mutual aid bullet revision.

Use of Force/Deadly Force standard

Executive Director Moore stated that the new federal certification process required by the President’s Executive Order runs through the COPS office in DOJ, and in order for agencies to be eligible for federal grants, they need to a number of things, but the biggest is to ban the use of choke holds unless they are being used in a case where use of deadly force is justified.

He then stated that this is consistent with the guidance of the Governor, even prior to the certification issue, in which there was discussion on banning choke holds and to limiting them only to times when deadly force is justified.

Given that there already exists a standard on use of force and deadly force, the easiest way to come into compliance in the long haul is to change our use of deadly force standard to include the same limitation on choke holds.

Executive Director Moore commented that this is another instance where we reached out to the field and spoke with executives, many who had already gone down this road and banned chokeholds. Vascular neck restraints are also included.

There was also discussion on whether choke holds should be one word or two. We settled on two to align with the federal guidance.

The proposed new language on use of deadly force standard inserts a phrase into the existing language. It used to read “Deadly force may be only used under the following circumstances...” and now it reads “deadly force, including but not limited to, the use of a choke hold or vascular neck restraints may be only used under the following circumstances,” and we have the same circumstances that we had before for use of deadly force. We added a footnote to clarify what is meant by chokehold and vascular neck restraint.

Executive Director Moore then asked for thoughts or comments on this change.

- Prosecutor O’Brien noted that it is entirely proper and appropriate, and that he does not know of any agencies that authorize or train on chokeholds or vascular neck restraint. Many have already banned them. The only real issue is that some agencies have remained silent on it. By adopting the standard, that silence specifically requires them to ban choke holds.
- Executive Director Moore agreed, and stated that he has had many conversations with police. Some chiefs had one or two officers trained on vascular neck restraint, but even if the department had people trained, the difficulty in doing this technique made them decide to ban it.
- Sheriff Miller agreed with having the ban included. Most agencies follow Lexipol or CALEA and already have that language in their policies.
- Chief Páez also concurred. This is in line with OACP’s recommendations. CALEA issued a similar standard. It is also in line with the Executive Order and with the Governor’s directive and best practices moving forward.

Assistant Director Huey stated that we will move forward with the changes to this policy, and then asked Executive Director Moore to explain how we are going to incorporate certification of the Collaborative agencies.

- Nearly 500 agencies have been certified in the use of force and deadly use of force standard. For the purpose of the Collaborative, we will not do another recertification for those who have already gone through the process. We give agencies time to come into compliance with the standard. For those who are already in compliance, we have another annual report due at the end of March. We will not deem an agency as out of compliance if they have not had time to change it. Agencies will go through the normal route to come into compliance with their normal schedule.
- For the federal certification, there will be an affirmation process—agencies will provide OCJS with an affidavit that they are in compliance with the national certification and will also provide a copy of their policy. If an agency requests federal funding, the feds will ask OCJS if an agency is in compliance and we can let them know.
- For the 2022 report, we will need to ensure that agencies are in compliance with the national standard with the ban on chokeholds for the purposes of that report, but not for the 2021

report. Agencies being certified for the first time that have the new wording in their policy we will certify as having the new UOF policy.

Executive Director Moore stated that he and Ed Burkhammer will be at the new sheriff's orientation next week and will talk about the standard at the meeting. Sheriff Streck is there now.

[Returning to the bullet on mutual aid]

Executive Director Moore read the revised wording provided by OCJS staff on the mutual aid bullet: "Guidance for requesting and providing mutual [aid] and personnel for mass demonstrations including mutual aid agreements or memoranda of understanding with other police agencies and first responders" and asked Shannon Fisher to send the wording to everyone via email.

Executive Director Moore pointed out that we are looking at this as part of mutual aid, but should this fall under incident command to which Chief Páez replied that it could go in either place, as long as it is covered in the standard.

Chief Páez noted that in reading the second half of the bullet, there are occasions when it is hard to predict who will be available to assist. It's possible that it is less critical that the bullet include an *absolute* of developing a mutual aid agreement/MOU as much as it includes the *components* of the mutual aid agreement. The piece that is not completely articulated in this wording is the direction for responding personnel, including an incident briefing for the responding personnel at the back end. This is more important than the actual enactment of an agreement.

Executive Director Moore re-read what Chief Páez provided to him, and agreed that this is a really critical point that needs to be included in the bullet.

Assistant Director Huey provided some thoughts on wording, which would keep the original bullet, which reads "Mutual aid agreements or memoranda of understanding with other police agencies and first responders" and then it adds: "including guidance for requesting and directing responding agencies for mass protests or demonstrations." She asked if this covers everything, to which Chief Páez responded affirmatively.

Assistant Director Huey noted that with the attention to NIMS we will pick up some of this as well, and Chief Páez agreed.

Executive Director Moore then asked if the members are good with this wording in the 9th bullet: "Mutual aid agreements or memoranda of understanding with other police agencies and first responders. Including, guidance for requesting and directing responding agencies for mass protests or demonstrations."

- Chief Páez noted that the new wording captured everything.
- Dr. Engel pointed out that the second sentence sounds like a fragment. Should be a semicolon rather than a period.

Executive Director Moore asked if anyone else has feedback on the standard, to which no one replied.

Assistant Director Huey—we have adoption and approval for mass protests and demonstrations. She thanked the members.

Assistant Director Huey thanked Dr. Engel for her earlier comments on developing this standard. Hopefully this will be a nice foundation piece for moving forward.

Meeting dates for next year are on the agenda. We can add more meetings if needed.

Executive Director Moore brought up two final items:

- Implicit bias training—only about half of you have completed the training, so if the other half could complete the training that would be ideal.
- This is Sheriff Millers' last meeting. Thanked Sheriff Miller, who has been a part of the Collaborative since the beginning. He has shown great leadership and guidance. He will be missed as a member.
- Sheriff replied that this is very important work, and it has been very enjoyable. The team comes from multiple perspectives. You put a great team together and I was proud to be a part of it. Ohio is ahead of the curve. And I think you should meet every two weeks next year, sorry I can't attend.

Assistant Director Huey also thanked him. She then noted that next up is officer wellness standard, which was tabled as we attended to other things. We probably do not need any more presenters on this topic. It will be the priority for the beginning of next year.

Assistant Director Huey asked if any members had more they wished to say, to which there was no response.

Have a safe holiday and see you next year!

Meeting was adjourned at 11:14.