



Ohio Collaborative Community- Police Advisory Board

August 19, 2019 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, including ex officio members, are identified below:

- Commissioner Lori Barreras— Chair of the Ohio Civil Rights Commission
- Representative Juanita Brent – Ohio House
- 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
- The Reverend Walter S. Moss— Pastor and CIRV Project Director, Stark County Prosecutor's Office
- Chief Michael J. Navarre—Oregon Police Department and member of the Ohio Association of Chiefs of Police
- Honorable Ronald J. O'Brien—Franklin County Prosecutor

Ex officio members:

- Senator Sandra Williams, Ohio Senate
- Representative Phil Plummer, Ohio House
- 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) in the Ohio Department of Public Safety to implement the Task Force's recommendations, as identified in the Executive Order.

August 19, 2019, Columbus, OH Meeting of the Ohio Collaborative Community-Police Advisory Board

The Collaborative meeting was held on August 19, 2019 at the Ohio Department of Public Safety. The meeting began at 10:08 AM. The following members were present at the meeting.

- Assistant Director Karen Huey
- OCJS Executive Director Karhlton Moore
- Representative Juanita Brent
- Dr. Robin Engel
- Officer Anthony L. Johnson
- Sheriff Tom Miller
- Rev. Walter S. Moss
- Chief Michael Navarre
- The Honorable Ronald J. O'Brien

Assistant Director Huey opened the meeting by providing an overview of the agenda focusing on the development of a pursuit policy standard.

Executive Director Karhlton Moore thanked everyone for attending the meeting, and introduced the first speaker, Jeff Furbee, Columbus Police Department legal advisor.

Jeff Furbee, Assistant City Attorney, Columbus PD legal counsel

- [see Power Point]
- Ohio requires a pursuit policy, but does not dictate what is in it.
- The police pursuit policy is one of the most frequently reviewed police policies.
- What needs to be considered in developing a pursuit policy?
 - How to define a pursuit to capture desired conduct
 - For what does an officer pursue? In what manner? Speed? Length of time? Jurisdiction?
 - How are pursuits documented and controlled/managed/terminated
 - How are they reviewed/evaluated/investigated/disciplined after the fact?
 - In Ohio, the law sets the legal boundaries but does not define best practices.
 - Relevant ORCs: 4511.03, 4511.24, 2744.02, 2744.03
 - Officers are immune to the traffic code and speed when pursuing.
 - Pursuit case law: *Argabrite v Neer*, *Hardesty v Alcantara*, *McConnell v Dudley*
 - What to take from the law relative to the formation of a pursuit policy?
 - Must comply with ORC
 - Due regard for safety of others as to speed, intersections, audible sounds, signals
 - Willful/wanton/reckless misconduct

Jennifer Knight, Acting Deputy Chief Columbus PD

- Pursuit policy is the most evolving policy they have, having been revised 10 times in 20 years. The most recent version took place Feb 28, 2019 (it is available online: <https://www.columbus.gov/police-divisiondirectives/>).
- Every year they generate a report based on all pursuit incidents, which includes an evaluation of pursuit data for trends.
- CPD has a very restrictive pursuit policy, and as a result, they have roughly 25-45 pursuits/year. Most pursuits last 3-5 minutes.

- Pursuits are dangerous for officers and the public, and can be costly in terms of vehicle costs.
- Incidents have become more high profile, particularly with the increase in video camera usage.
- It is important to develop policy that can be understood and applied in rapidly evolving and stressful situations.
- Steps in developing policy:
 - Begin by defining what constitutes a pursuit.
 - What will govern the officer's decision to engage in a pursuit?
 - Engage vs. continue pursuit? This must be asked continually throughout a pursuit.
- Changes in pursuit policy occur in response to high visibility incidents, public pressure, and officer behavior.
- CPD policy was articulated. Things to consider:
 - Decision on when to engage
 - When to terminate
 - Role of supervision
 - What vehicles are authorized to pursue
 - How to respond to requests for assistance by other agencies
 - How pursuits should be documented and investigated
 - How officers should be trained
 - Stopping tactics (must align policy with policies governing use of stopping tactics)
- Factors driving policy
 - Responding to improvements and changes in technology (especially video)
 - Critical and high profile incidents
 - Changes and trends in officer and suspect behavior during pursuit responses
- Policy does matter
 - Broad and flexible
 - Considers the differences between agencies and areas being policed
 - Must be supported by training
- 2018 pursuit review report now available which evaluates all incidents, identifies trends, and provides recommendations.
- Q&A
 - Clarification was sought regarding pursuits across jurisdictions and liability issues
 - What about issues of liability? Courts will look at violation of policy as one factor in determining willful/wanton behavior; however, a violation of policy does not necessarily mean the courts will hold the department liable, because CPD has such a restrictive policy.
 - Do all departments have a pursuit policy? May not have robust policies.
 - Training on conducting pursuits is very important, but can be very costly to do real-world scenarios. Can training be shared amongst departments? It can, but large agencies often pay a premium for such training and often do not even have enough room for their own officers, let alone officers from another agency.
 - How involved is collective bargaining? Specific to CPD, they are not involved in any negotiations with regard to this kind of policy, as it would be a 'horrible precedent' to set. CPD assesses and revises the policy as they see fit based on the data they collect. They do notify the FOP about policy changes for informational purposes.
 - What are examples where officer behavior influences policy change? PIT maneuvers.

- IACP has a model policy center, and their pursuit policy is currently under review. They are not going to put out a model policy but rather a consideration document and corresponding research paper.
- What do you see as a baseline for all agencies?
 - Important that each agency identify what works best for them. IACP is 'kicking the can' for very good reason—it is hard to identify a single policy that will work across all agencies, urban/rural, large/small, etc. The resources available to an agency is another big factor to consider.
 - Important to evaluate the cost/benefit of a pursuit
 - Lights/sirens and due regard are the minimum
 - Legal standard as the baseline
 - Must be a list of offenses identifying what can be pursued

Major Swindell, OSHP commander of the Office of Field Operations

- OSHP has 59 patrol posts, both urban and rural. Different environments to consider, so the policy has to be very broad.
- Pursuit policy is the number one policy that gets reviewed
- Their pursuit policy generally falls in line with that of CPD
- Multiple factors to consider when deciding whether to initiate a pursuit, such as the seriousness of an offense, number of occupants, traffic volume, etc.
- Primary pursuing officer responsibility
 - Provide info to dispatcher and supervisor
 - Speed, description of vehicle and suspect
 - Reason for pursuit
 - Intention (continue, terminate, tactics)
 - Back-up unit will assume radio communication and allow primary officer to focus on driving
 - Only two units will be directly involved and no caravanning will take place unless advised by supervisor
- Supervisor responsibility
 - Direct and control pursuit through effective communication
 - Supervisor not required to be physically present
 - Once supervisor terminates a pursuit, the pursuing officer will immediately deactivate lights and sirens and return to normal patrol operations
- Pursuits with other agencies
 - Officers shall evaluate their participation based on the provisions of OSHP policy
 - They will try to determine the reason for the pursuit and a supervisor will be notified immediately
- Crossing state boundaries
 - Will not cross unless the nature of the felony is such that it would result in risk of death or serious injury to the public. Supervisor must approve.
- Many intervention techniques were described. Training is needed for some of these techniques, as they can be dangerous to implement.
- OSHP risk management reviews the pursuit policy at least yearly, and review the previous year's incidents to identify trends.

- Troopers and dispatchers are trained and tested annually, and roll call or refresher training is conducted every two years.
- Pursuit incidents are reviewed by management and then sent to District for further review. RTR committee will review incidents that result in death or serious injury.
- Annual assessment:
 - 1207 pursuits and/or response to resistance
 - 826 vehicle pursuits
 - 189 pursuits were terminated by a supervisor or trooper
 - Pursuits make up a very small number of OSHP incidents, less than ½ of 1%. In 2018, OSHP had 1.5 million incidents and a total of 1,207 pursuits.
- Q&A
 - Do you conduct traffic offense pursuits? Yes
 - Do you have supervisors calling off pursuits even if it falls within the policy? Sometimes, mostly for minor violations
 - OSHP has to deal frequently with crossing jurisdictions. Will often terminate because it is hard to know that quickly what the details of the pursuit are.
 - What do you consider the baseline needed for a policy?
 - Supervision: Someone has to be engaged in making a decision. This is obviously an issue for smaller agencies, but in larger agencies supervisor involvement should be possible.
 - Training: Real-life scenario training is important
 - Who is talking with whom during a cross-jurisdictional pursuit? Often one dispatcher is talking with another dispatcher. If information on the pursuit is not readily available, the supervisor will terminate.
 - Members discussed regional communication centers and dedicated pursuit channels.
 - How do stats on pursuits and terminations compare to that of other agencies? Unsure, but OSHP does a seven-year rolling comparison. OSHP does not have a 'goal'—they use the data to look at trends and determine policy changes.

Executive Director Moore thanked the presenters and discussed next steps.

- It is the hope that by the next meeting we can have something we can all agree to with regard to a standard, and that the standard will be in place by the end of the year.
- Everyone should look at the draft as a starting point and make suggestions for changes.
- If there is anyone else we should hear from before making a decision on the pursuit standard, let OCJS know.
- The next meeting will likely be scheduled in October, and will be done via Doodle poll.
- The draft can be provided to others for feedback. BSSA and OACP have received a draft.
- Keep in mind we are writing a standard, not a policy.
- We can reach out to rural jurisdictions for their pursuit policies and perspectives on pursuits.
- CALEA standards should also be sent out.
- Next standard for consideration will focus on officer wellness. We may also consider a youth standard.

Meeting adjourned at 12:04 PM.