

Status Report presented by Mayor Bill Duncan at the October 7, 2019 Oakwood City Council Meeting

In 2015, Attorney Ellis Jacobs, with Advocates for Basic Legal Equality, Inc. (“ABLE”), contacted the city of Oakwood to request traffic enforcement data. A similar series of requests was made in 2016 and 2017, and Mr. Jacobs was provided data for all years 2015-2017. In September 2019, Mr. Jacobs contacted the city of Oakwood again, requesting a meeting to review a report that he prepared with the assistance of Dr. Martha Hurley, Ph.D., University of Dayton Professor and Director of Criminal Justice Studies.

On October 1, 2019, Oakwood City Law Director Rob Jacques and Director of Public Safety Alan Hill met with Mr. Jacobs and Dr. Hurley. The day before the meeting, the city was provided with a five-page summary report stating that the authors recognize that there were limits on the analysis and data, but think the findings point to a problem on how traffic stops are conducted in Oakwood. The report solely focuses on data from calendar year 2016.

We take all matters related to the delivery of our public safety services very seriously and have already completed an initial review of the report. Through this review, we identified several areas that merit further discussion. They include:

1. There is no underlying data or information provided with the report showing how percentages were calculated for use in the analysis.
2. The report acknowledges that there is no evidence to corroborate the figures used in the pie chart showing the race of people ticketed after a random license plate check. It asserts that the tickets were “likely to have resulted from an officer running the license plate without observing a violation.” (ABLE Report, p. 2.) The Oakwood Public Safety Department does not track stops based on whether they were initiated by observed traffic violations or random license plate checks. Stops were differentiated by ABLE based on an assumption that a stand-alone licensing offense “likely resulted from” a license plate check. This assumption may be true in some instances, but not all.
3. The data is incomplete which was acknowledged in the report: “We did not have all of the data we would have needed to fully explore the causes and consequences of the racial divide in police stops in Oakwood.” (ABLE Report, p. 4.)
4. As stated in the report, the authors were not able to examine or consider a number of variables, including unrecorded stops, time of day factors, individual officer practices, location of stops, and differential enforcement. (ABLE Report, pp. 4-5.)
5. The use of Kettering as a benchmark for comparison is not explained, other than Far Hills Avenue and Shroyer Road continue into Kettering. During the October 1, 2019 meeting with the authors, they acknowledged that they did not consider:

- a. Differences in how the two departments conduct traffic enforcement;
 - b. Differences in traffic patterns on each jurisdiction's portion of these streets; and
 - c. Differences in how the two departments track traffic enforcement data.
6. There is no benchmark for what is, or is not, an appropriate percentage of stops based on random license plate checks, nor is there any benchmark for the number of persons of a particular race that may have outstanding warrants, driver's license suspensions, or other licensing issues that are revealed through random license plate checks.
7. There was no effort to count vehicles or otherwise account for the demographics of the driver on Oakwood's main thoroughfares. The authors acknowledged that those demographics may differ from the demographics of Oakwood residents. This is absolutely the case given that Far Hills Avenue (SR-48) and Shroyer Road are primary thoroughfares connecting the city of Dayton to the southern Montgomery County suburbs. The authors also agreed that there is no feasible method to capture this data. (ABLE Report, p. 2.)
8. The report recommends adoption of anti-bias policies, but the authors did not inquire as to existing policies. We have a policy and it is periodically updated to reflect law enforcement best practices.
9. The report also recommends implementation of training for Oakwood Public Safety Department officers, but again the authors did not inquire as to existing policies or training records. Since 2012, the following training has been completed by Oakwood Public Safety Officers and Command Staff, the vast majority taught by instructors who are recognized at the state or national level as experts in the area.
 - a. March 2012: "Cultural Diversity"
 - Implicit Bias2 Hours
 - b. November 2013: "Cultural Diversity"
 - Maintaining Cultural Awareness in the Workplace
 - Identifying Unintended Bias and How it Manifests1 Hour
 - c. July 2015: "IMPACT – Improving Modern Policing and Community Trust"
 - Building a Culture
 - Implicit Bias
 - Critical Thinking8 Hours

- d. 2016: “Policing in the 21st Century”
- Perceptions, Prejudices, and Biases
 - Associations and Proof of Implicit Bias
 - Overcoming Implicit Biases Through Training
 - Countering Implicit Biases on Your Own
- 8 Hours
- e. March 2018: “Awareness of Cultural Diversity”
- Understanding the positive personal, professional, and community benefits that results from awareness of cultural diversity
- 1 Hour
- f. March 2019: “Cultural Competency: Racial Profiling / Implicit Bias Part 1”
- Community Diversity, Community Perceptions, Citizen/Police Interaction
 - Diversity, Stereotypes, Bias, Implicit Bias, and Conformational Behavior
- 2 Hours
- g. April 2019: “Cultural Competency: Racial Profiling / Implicit Bias Part 2”
- Racial Profiling
 - Community Policing and Gangs
 - Reporting, Monitoring, and Response Strategies
 - Homeless and Mentally Ill
- 2.5 Hours

In our Annual Report to the community we stated:

“Patrol visibility and traffic enforcement play a key role in reducing crime, vehicle accidents, OVI, and traffic offenses that often directly or indirectly contribute to vehicle accidents. Studies have shown that active visible patrol is an effective deterrent to many of these problems. Our overall goal is simple: keep our community safe for residents, pedestrians, cyclists and motorists, and maintain a reputation that Oakwood is a community where traffic laws are enforced.

Traffic enforcement will remain a cornerstone of the Safety Department's policing philosophy. Daily goals and objectives of the Safety Department for uniform patrol and traffic enforcement include:

- Actively conduct traffic enforcement on a daily basis.
- Strictly enforce Oakwood parking regulations.
- Be highly visible to the public.
- Reduce the number of traffic crashes caused by moving violations.
- Focus on school zone enforcement during months when schools are in session.
- Conduct proactive radar enforcement at selected locations.
- Monitor intersections where accidents and signal violations frequently occur.
- Promptly address citizen complaints and concerns regarding traffic laws and violations.”

This issue is very personal to me. In 2001, as a private citizen, I read the original articles in the *Dayton Daily News* as described by Mr. Jacobs and Dr. Hurley in their report.

I was very impressed by the way our former City Manager, Michael Kelly, dealt with this issue. He addressed the matter in a very professional manner, with total transparency. Because of his example, Michael Kelly is the reason I decided to commit to public service.

A primary outcome of the 2001 event was that Oakwood began collecting and reporting detailed data on policing activity, particularly focused on race. For the past 17 years, as a member of City Council, I have read the monthly reports from the Public Safety Department to the City Manager. The reports list the law enforcement, fire, EMS, training, and officer activity in categories including traffic violations cited, warnings, field investigations and arrests. This data is sorted by race/ethnicity.

I see nothing in the reports to suggest any explicit or implicit bias against any race or ethnicity. As City Manager Klopsch reported to the *Dayton Daily News*, “In my nearly 18 years as city manager, I struggle to recall a single instance when a person, of any race, contacted me to express concern about any matter related to a traffic stop or other traffic enforcement incident.”

Nor have I.

Nonetheless, City Council has an obligation along with city staff to analyze the findings of this report. I commit to be as transparent as we were 18 years ago in addressing this matter. To that end, we seek the cooperation of the authors of the report to review their data and methodologies in order to complete a proper assessment. This will enable us to determine if any changes to our policies and procedures are warranted. As with all public services that we provide, we continuously look for opportunities to improve. While we are already conducting regular

training on implicit bias and related topics, we are open to considering additional training as may be warranted. We are also open to discussions about the use of random license plate checks to determine how our policies and procedures compare to law enforcement best practices.