

**City of Cincinnati  
Independent Monitor's  
Tenth Quarterly Report**

**July 1, 2005**

Quarterly Report regarding compliance with and implementation of the Memorandum of Agreement between the United States Department of Justice and the City of Cincinnati and the Cincinnati Police Department, and the Collaborative Agreement between the Plaintiffs, the Fraternal Order of Police and the City of Cincinnati

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**CITY OF CINCINNATI  
INDEPENDENT MONITOR'S TENTH  
QUARTERLY REPORT**

**EXECUTIVE SUMMARY**

This is the Tenth Report of the Independent Monitor under the Memorandum of Agreement (MOA) between the City of Cincinnati and the United States Department of Justice, and the Collaborative Agreement (CA) among the City of Cincinnati, the Plaintiff class, and the Fraternal Order of Police (FOP). The period covered is from January 1, 2004 through March 31, 2005, though we also review more recent activities from April 1, 2005 to June 30, 2005.

This report details the implementation of and level of compliance with the MOA and the CA. The MOA calls for police reforms in the areas of police use of force, citizen complaints, risk management, and training. The CA calls for the implementation of Community Problem-Oriented Policing (CPOP), mutual accountability and evaluation, bias-free policing and the establishment of the Citizen Complaint Authority (CCA).

**MEMORANDUM OF AGREEMENT**

Over the last several quarters, the Monitor has been in discussions with the City and the Department of Justice regarding the definition and standards to be used in determining compliance with the MOA. Also during this quarter, the Monitor utilized a new template for reviewing use of force and complaint investigations, and assessing whether officers are implementing CPD's use of force policies in compliance with the MOA.

**Use of Force**

The use of force statistics for the first quarter of 2005 continue to reflect the substitution of the Taser for most other kinds of use of force. The number of chemical sprays, physical force and takedowns have significantly decreased since the first quarter of 2004. In addition, while there were 137 Taser incidents in the first quarter of 2005, this is a decrease in Taser deployment since the third and fourth quarter of 2004. The Monitor has found the CPD to be in compliance with the MOA provisions relating to use of force policy, training and implementation, as well as the provisions for chemical spray and canine deployment.

## **Documentation and Investigation**

While the Monitor has determined that the CPD is in compliance with the documentation provisions related to the use of hard hands and takedowns, the CPD is not in compliance with the documentation and investigation provisions for Taser incidents. The investigations did not include taped statements and the CPD has not yet agreed to a modification of the requirement of taped interviews, which would limit the number of incidents in which a taped statement is required. The use of force reports also do not document the interviews of the subjects of Taser incidents or the information from those interviews. The Monitor also determined that there were use of force investigations and citizen complaint investigations in which not all relevant witnesses were identified and interviewed, material inconsistencies between witnesses were not explored, and follow-up questions and areas of relevant inquiry were missed. Therefore, there are MOA provisions with which the CPD is not in compliance.

## **Risk Management**

During this quarter, the Monitor attended a demonstration of the risk management system (the ETS system), showing the system's ability to track officers, incidents and activities. The vendor of the system is still working on the data conversion of all of the historical data that needs to be imported into the system. The vendor also has had difficulty implementing the analysis function of the system that calculates weighted risk assessments and provides comparisons of officers and units. Without these capabilities, the CPD has not yet begun identifying officers and units for administrative review based on potential at-risk behavior.

## **Training**

The CPD continues to demonstrate strong compliance with the MOA training requirements. This quarter, the Monitor reviewed the recruitment and selection process for newly selected Field Training Officers (FTOs), and observed FTO training. The training that the CPD provides continues to be of high quality and responsive to the needs of both the community and the officers.

## **COLLABORATIVE AGREEMENT**

### **CPOP**

There has been some measured progress on CPOP issues this quarter. Last quarter, we stated that it will be up to the CPD to demonstrate that Department-wide adoption of this approach permeates the Department's tactics, training, promotions and assignments. While work remains for the

City and the CPD, several important steps have been taken that are consistent with CPOP progress this quarter.

The CPD training for new Field Training Officers (FTOs) included a module about CPOP. Also, the City Manager met with recruits who were matriculating into their FTO phase about the impact of police tactics in inner-city neighborhoods. During the meeting, she emphasized the importance of the CA and CPOP as positive ways to assist officers in respecting all people and valuing human life. This quarter, we are encouraged by the CPD's District Commander reports. The quality of the reports has improved, although only two of the five patrol District Commanders submitted reports. The City has agreed that future CPOP initiatives will comply with the agreement memorialized in April, 2005. In addition, the CPD participated in a community forum on Taser use of force. While the forum was at times contentious, we commend the CPD's participation, as it represents an effort to reach out to the community on a significant issue of concern. We also commend the Plaintiffs for setting up the Taser forum, and the Parties for finding agreement about what constitutes problem solving.

This quarter, the Community Police Partnering Center (the Partnering Center) continues to make important contributions to Cincinnati CPOP. The Partnering Center again offered crime-specific training for community members on domestic violence, and conducting a blight and nuisance index. It also conducted outreach about the Collaborative and CPOP. In addition, the Partnering Center continues to provide linkages to evaluated crime reduction strategies for the CPOP website.

### **Evaluation Protocol**

The RAND Corporation was selected by the Parties to be the Evaluator and to implement the Evaluation Protocol of the CA. RAND will be conducting surveys; collecting and analyzing traffic stop data to assess whether racial bias influences police activity; observing CPOP projects and community meetings; reviewing statistical compilations and CPD staffing; and evaluating video and audio recordings of police-citizen encounters. RAND has collected a significant amount of data from the CPD and has finalized the survey questions and the forms for its observations. Because the components of the Evaluation Protocol have not yet been implemented, the Parties are not yet in compliance with implementation or with the requirement of public reporting of the results of the Evaluation Protocol. We believe, however, that several of the components of the Evaluation Protocol will be implemented in the next quarter, and the Monitor will be able to report on the analyses conducted by RAND in our next Report.

## **CCA**

The CCA and the CPD have not yet developed written procedures for the timely exchange of information and the efficient coordination of the CCA and the CPD investigations, as required by both the MOA and CA. Without these procedures in place, it appears that the City also has not been able to comply in a timely manner with the CA provision requiring that each complaint be directed to the CCA. The protocol is also needed for the City's compliance with the CA requirement that the CPD not interfere with the ability of the CCA to monitor the work of the CPD at the scene, and monitor CPD interviews.

It also appears that the City is not in compliance with the CA requirement that the City Manager and the Chief of Police refrain from making a final decision on discipline until after receipt of the CCA investigation and report. If the City makes a final decision on discipline before considering the CCA investigation and report, it would be unable to take appropriate action on the CCA findings, should the City Manager agree with the CCA disposition.



## **CHAPTER ONE. INTRODUCTION**

During this quarter, the Parties and the Monitor continued to hold meetings facilitated by Magistrate Judge Michael R. Merz. These meetings were held in furtherance of the January 24, 2005 Stipulation between the FOP, Plaintiffs and the City related to the issues of: implementation of CPOP including determining and measuring outcomes, use of Tasers, the operation of the CCA, and the alternate dispute resolution process contemplated by paragraph 116 of the CA.

Actions and events that took place during the quarter that bear noting include:

### MOA

- There has been a reduction in use of force incidents for three straight quarters. These reductions are largely the result of fewer Taser deployments in the last two quarters.
- The Parties have conducted productive discussions regarding Taser usage, training, and Taser download capabilities.
- Strong compliance with MOA training requirements continued this quarter. The Monitor reviewed the recruitment and selection process for newly selected FTOs and observed FTO training. Also, the City Manager met with recruits who were finishing their Academy training about the impact of police tactics in inner-city neighborhoods. During the meeting, she emphasized the importance of the CA and CPOP as positive ways to assist officers in respecting all people and valuing human life.

### CA

- The Monitor provided the Parties proposed CPOP compliance standards for CA paragraphs 29(a) – 29(q) for use in their development of agreed-upon deliverables for these paragraphs. Paragraphs 29(a) through 29(q) are the agreed steps for implementing CPOP in Cincinnati, and the deliverables are the expected outcomes that will be used to measure compliance.
- The Parties have collaborated on strategies to assist in accomplishing the crime reductions recently mandated by City Council.
- The Parties reached agreement on crediting CPD CPOP initiatives under the CA, the analysis component for CPD officers to use in documenting

problem solving efforts, and a reaffirmation that the proper definition of problem solving is that contained in paragraph 16 of the CA.

- Discussions have resumed regarding the development of an alternate dispute resolution process for resolving claims.
- The Plaintiffs and the City conducted a May 25, 2005 community forum on Tasers

There are three issues that need to be addressed. First, an agreement on documenting and conducting Taser investigations is still pending. In our Ninth Report we noted that the Monitor had submitted a Taser Documentation and Investigation Proposal to the City and the Department of Justice for their consideration. Although the proposal has been discussed with both parties, an agreement has not been reached. Second, the CPD is still putting the ETS system into place. The analysis component and weighting of risk assessment of officers and units is not yet functional, and the vendor is continuing the input of historical data. It is hoped that the system will be fully operational in the next quarter. Third, there are several issues relating to the operations of the CCA that need to be addressed by the City and the Parties, to ensure that investigations of the CCA and CPD are appropriately coordinated, that the CCA receives complaints from the CPD in a timely manner, and that the City takes appropriate action, including disciplinary action if warranted, on CCA investigations.

Members of the Monitoring Team conducted several site visits this quarter that included ride-alongs with CPD supervisors, and observation of FTO training, the May 25, 2005 Community Forum on Tasers, and examples of problem solving that were conducted by CPOP teams.

## **CHAPTER TWO. MEMORANDUM OF AGREEMENT**

### **I. General Policies**

#### **A. Mental Health Response Team [MOA ¶ 10]**

##### **1. Requirement**

The CPD is required to create a “cadre of specially trained officers available at all times to respond to incidents involving persons who are mentally ill.” These officers will be called to the scene and assume primary responsibility for responding. Training for these officers shall include multi-disciplinary intervention training, with a particular emphasis on de-escalation strategies, as well as instruction by mental health practitioners and alcohol and substance abuse counselors. The CPD also shall implement a plan to partner with mental health care professionals, to make such professionals available to assist CPD officers on-site with interactions with mentally ill persons.

##### **2. Status**

During this reporting period, the CPD received 1,452 calls involving mentally ill persons. In 99 of those instances, the call did not meet the criteria for dispatch and was cancelled or the call was handled by another agency. In 202 cases, the call was dispatched as another incident type and later changed to a MHRT by the responding officers. This equates to 1,151 calls eligible for MHRT officer dispatch. For 1,025 of the calls, a MHRT officer was dispatched. Thus, MHRT officers were dispatched to 89 percent of MHRT eligible calls.

For this reporting period, there were only 11 calls for which an MHRT officer was working, but not available for dispatch. An additional 41 calls handled were categorized as “unknown.” The remainder of the calls (74) were ones in which an MHRT response was disregarded by the supervisor or the situation was handled before MHRT arrival.

The Psychiatric Emergency Services Department of University Hospital continues its partnership with the CPD. This partnership has enabled Mobile Crisis Team personnel to work within police districts in conjunction with police personnel. Currently, the program operates in Districts One and Five.

For the first quarter of 2005, statistics were maintained for individuals in both districts who could be identified as being in need of mental health services. Identification is made through an incident history, police reports (Form 316), or by hospital records. Information regarding the number of MHRT runs handled by police, the Mobile Crisis Team, or a combination of both is also tabulated.

<b>2004 Fourth Quarter</b>	<b>District One</b>	<b>District Five</b>
Total runs	240	221
CPD only	146	123
Mobile Crisis Team only	32	34
CPD assisted by the Mobile Crisis Team	50	46
Mobile Crisis Team assisted by CPD	12	18
Total individuals identified	176	145
Mobile Crisis Team consultations	3	0

**3. Assessment**

The Monitor finds the CPD to be in compliance with the requirements of MOA paragraph 10, including MHRT policy and training, availability of trained MHRT officers during all shifts; appropriate responses to MHRT calls; and a partnership with mental health professionals making such professionals available to assist the CPD onsite in interactions with mentally ill persons.

As we have noted in prior quarters, the MHRT program has received very positive appraisals from mental health professionals, community members and members of CPD.

**B. Foot Pursuits [MOA ¶ 11]**

**1. Requirement**

The MOA requires the CPD to develop and adopt a foot pursuit policy. The policy must require officers to consider particular factors in determining whether a foot pursuit is appropriate.

**2. Status**

The CPD states in its most recent MOA Status Report that supervisors are reviewing officers' foot pursuits in every Use of Force report where the incident involves a foot pursuit. Supervisors assess whether the foot chase was tactically sound and in conformance with the CPD's policy and procedure. The tactical and risk considerations involved in foot pursuits were reiterated during roll-call training on January 8, 31, February 12, and March 12, 2005.

**3. Assessment**

The Monitor reviewed 41 use of force or complaint investigations in which a foot pursuit was involved. The supervising investigator documented a

review of the foot pursuit on the Use of Force report in 39 (95 percent) of these cases.<sup>1</sup>

The CPD’s policy, training and actual practice on foot pursuits is in compliance with this MOA paragraph.

**II. Use of Force**

In the table below, we provide the statistics for Use of Force incidents for the last eleven quarters.

**USE OF FORCE TABLES**

	3 <sup>rd</sup> Q 2002	4 <sup>th</sup> Q 2002	1 <sup>st</sup> Q 2003	2 <sup>nd</sup> Q 2003	3 <sup>rd</sup> Q 2003	4 <sup>th</sup> Q 2003	1 <sup>st</sup> Q 2004	2 <sup>nd</sup> Q 2004	3 <sup>rd</sup> Q 2004	4 <sup>th</sup> Q 2004	1 <sup>st</sup> Q 2005	
Chemical Irritant - Unrestrained Subjects	<del>69</del>	<del>102</del>	<del>96</del>	<del>140</del>	<del>92</del>	<del>90</del>	<del>76</del>	<del>30</del>	<del>10</del>	<del>8</del>	<del>8</del>	Deleted: 4
Restrained Subjects	24	15	26	15	19	15	10	9	10	9	11	Deleted: 84
Physical Force	52	67	71	79	27	29	17	4	2	1	4	
Takedowns with injury					26	12	11	4	8	6	10	
Non-compliant suspects					35	48	40	41	30	3	13	
PR 24	9	7	5	3	5	4	0	0	1	0	0	
Canine	5	5	2	5	2	2	4	1	3	5	6	
Taser	1	1	1	2	0	0	72	177	198	148	137	
Beanbag/ Foam round	1	0	0	4	0	0	1 foam	0	0	0	0	
Pepperball	1	0	1	1	5	2	0	0	0	1	0	
Firearms Discharge	0	0	1	0	0	1	3	2	0	0	1	
<b>Total</b>	<del>162</del>	<del>197</del>	<del>203</del>	<del>249</del>	<del>211</del>	<del>203</del>	<del>234</del>	<del>268</del>	262	181	190	Deleted: 186

The use of force statistics for the first quarter of 2005 continue to reflect the substitution of the Taser for most other kinds of use of force. The number of chemical sprays, physical force and takedowns have significantly decreased since the first quarter of 2004. In addition, while there were 137 Taser incidents in the first quarter of 2005, this is a decrease in Taser deployment since the third and fourth quarter of 2004.

<sup>1</sup> The investigating supervisor in Tracking No. 2004-0459 and 04131 did not evaluate the officer’s foot pursuit.

- Deleted: 186
- Deleted: 212
- Deleted: 229
- Deleted: 264
- Deleted: 222
- Deleted: 218
- Deleted: 244
- Deleted: 277
- Deleted: 9
- Deleted: 8

## **A. General Policies [MOA ¶¶ 12-13]**

### **1. Requirements**

Under the MOA, Cincinnati is required to revise its Use of Force policy. The revised policy must do the following:

- It must clearly define the terms used in the policy
- The term “force” must be defined as it is defined in the MOA
- It must incorporate a “Use of Force model” that relates the officer’s responses and use of force options to the actions of the subject, and teaches that disengagement, area containment, or calling for reinforcement may be an appropriate response to a situation
- Whenever possible, individuals should be allowed to submit to arrest before force is used
- Advise against excessive force
- Prohibit choke holds
- The term “restraining force” must be removed from the CPD’s policy
- The CPD’s revised Use of Force policy must be published on the CPD’s website and be disseminated to community groups

### **2. Status**

There were no changes in the CPD’s Use of Force policies or procedures in the fourth quarter of 2004.

#### **Taser Implementation**

In the fourth quarter of 2004, there were 137 Taser deployments. Almost half of these deployments occurred during a foot chase of the subject. There were 16 minor injuries to subjects associated with these incidents, mostly minor abrasions and cuts. This number is a decrease from the number of injuries that occurred from Taser incidents in the fourth quarter of 2004. In the first quarter of 2005, there were no serious injuries to subjects reported by the CPD as the result of a Taser deployment.

In its May 12, 2005, MOA Status Report, the CPD noted that there were eight Taser incidents in the first quarter of 2005 in which the subject had a deadly weapon (firearms, a knife, or a hatchet). There were three additional incidents in which the CPD states that the use of the Taser prevented suicide attempts. Clearly, the use of the Taser is a valuable tool for officers in situations with such serious circumstances. Moreover, the officer's ability to handle and apprehend a resistant subject using a Taser, without having to physically engage in a struggle, appears to have reduced both officer injuries and subject injuries.

The debate about Tasers, at least as it relates to the MOA, is thus not about its use in situations where other uses of force would clearly have been necessary absent the Taser. Rather, the issue is whether officers are relying on Tasers to such a degree that they might use them in situations where standard arrest control techniques or additional communications skills might have obviated the need for a use of force. The CPD Use of Force policies, Procedure 12.545, states that officers should "[u]se the X26 Tasers to control actively resisting subjects, aggressive non-compliant subjects, violent or potentially violent subjects." In situations where subjects are "passively resisting," for example "conspicuously ignoring" the officer, the CPD should ensure that officers are properly considering alternatives to force such as de-escalation, verbal commands, or arrest control techniques.

The Monitor team recognizes that Tasers are often being deployed in situations where an officer is pursuing a fleeing subject. The CPD notes that in such situations, the officer will not be able to apprehend the subject using verbal commands or de-escalation. In the first quarter of 2005, 46 percent of Taser deployments occurred as the result of a foot chase. Even in these situations, of course, the CPD must ensure that the officer has probable cause to arrest or reasonable suspicion to detain the individual.

### **3. Assessment**

The Monitor has previously determined that the CPD's Use of Force policy and training are in compliance with the MOA provisions. During this quarter, the Monitor reviewed the CPD use of force investigations to assess whether officers are implementing the CPD's use of force policies in compliance with the MOA. As required by the MOA, the CPD's procedures incorporate a use of force model that "relates the officer's responses and use of force options to the actions of the subject."

In the 33 Taser incidents that the Monitor Team reviewed this quarter, the documentation and investigation made clear that in 31 (94%) of the incidents, the officer's use of force was reasonably related to the level of resistance and actions of the suspect. There were two incidents, however,

where the Monitor could not conclude that this was the case (Tracking Nos. 2004-0569, 52969).<sup>2</sup>

With respect to other use of force incidents, there was one other incidents in which the Monitor could not conclude that the force used was reasonably related to the actions and level of resistance of the subject (Tracking No. 52382).

The Monitor finds the City in compliance with these provisions.

## **B. Chemical Spray [MOA ¶¶ 14-19]**

### **1. Requirements**

The CPD must revise and augment its chemical spray policy to do the following:

- Clearly define terms
- Limit use of spray, including against crowds, to only those cases where force is necessary to effect the arrest of an actively resisting person, protect against harm, or prevent escape
- Provide that chemical spray may be used only when verbal commands would be ineffective
- Require supervisory approval for use of chemical spray against a crowd, absent exigent circumstances
- Require a verbal warning and the opportunity to comply before using a chemical spray, unless doing so would be dangerous
- Require officers to aim at the subject's face and upper torso
- Provide guidance on duration of bursts and recommended distance
- Require officers to offer to decontaminate sprayed individuals
- Request medical response for complaining subjects

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<sup>2</sup> In addition, there were two complaint investigations (IIS-04275/CCA-04479 and CCA-04428) where the Monitor cannot conclude that the use of the Taser was reasonably related to the resistance and actions of the suspect.



- Prohibit keeping sprayed subjects in a face down position any longer than necessary
- Prohibit use of spray on a restrained person, except to protect against harm or escape
- Use of spray against restrained persons must be investigated, including tape-recorded statements of officers and witnesses
- Investigations of these incidents must be reviewed by the CPD's Inspections Section
- Provide restraining equipment in CPD squad cars
- Provide in-service training on chemical spray
- Account for chemical spray canisters
- Periodically review research on chemical spray

## **2. Status**

There were 19 deployments of chemical irritant for the first quarter of 2005, 11 involving subjects who were restrained and eight involving subjects who were not restrained. Of the 19 reports, the CPD states that one did not document a warning of impending force (Tracking No. 2005-64050). Decontamination of sprayed individuals occurred in each of the deployments, except for one case in which CPD reports that the subject refused decontamination assistance from the officer (Tracking No. 2005-63411).

## **3. Assessment**

The CPD's policies regarding the use of chemical spray comply with the MOA.

The Monitor Team reviewed 19 chemical spray incidents from the fourth quarter of 2004 and the first quarter of 2005.

- In all but one of the incidents reviewed, chemical spray was used where force was necessary to protect persons from physical harm, to effect the arrest of an actively resisting subject, or prevent the escape of the subject (in compliance with MOA ¶14(b)). In Tracking No. 52382, the Monitor cannot conclude that spray of the restrained subject was necessary to avoid injury or prevent escape of the subject.

- A verbal warning that chemical spray would be used was made in 16 of the cases (in compliance with MOA ¶14(e)); no warning of chemical spray was given in Tracking Nos. 51830, 52907, and 60412, but the exigencies of the incident were documented in Tracking No. 60412.
- Spray was aimed at the appropriate target and for the proper duration, and the subject was offered decontamination, except where decontamination was refused (in compliance with MOA ¶¶14(f), 14(g), 14(h)).

The Monitor did review one IIS investigation relating to an incident in the second quarter of 2004 in which a sergeant used chemical spray on a restrained prisoner because the subject would not stop being loud and disorderly (Tracking No.IIS-04158). In this case, however, the CPD supervisor investigating the use of force concluded that it violated CPD policy, and the Department imposed appropriate discipline.

The Monitor determines that the CPD is in compliance with MOA paragraphs 14-19.<sup>3</sup>

### **C. Canines [MOA ¶20]**

In the fourth quarter of 2004, there were 139 total canine deployments, 30 canine apprehensions (where a suspect was found and arrested) and six canine bites. This is a bite ratio of 20 percent.

#### **1. Requirements**

The MOA requires the CPD to revise and augment its canine policies, subject to the review and approval of the Department of Justice. The CPD is to make continued improvements in its canine operations, including the introduction of an “improved handler-controlled alert curriculum” and the use of new canines. Specifically, the new canine policy must:

- Limit off-leash deployments to searches of commercial buildings or for suspects wanted for a violent offense or reasonably suspected of being armed.
- Require approval of a supervisor before deployment, except for on-leash deployments.

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<sup>3</sup> The Monitor finds the CPD in compliance with MOA paragraph 14 even though there were two cases in which it does not appear that the officer warned the subject of impending use of spray, as required in paragraph 14(e). This is an issue we will continue to monitor and assess in future quarters.

- Provide for a loud and clear announcement, warning of the canine deployment, and require officers to allow the suspect time to surrender.
- Handlers shall not allow their canines to bite a person unless the person poses an imminent danger, or is actively resisting or escaping.
- Where the canine does bite a person, the dog shall be called off at the first moment the dog can safely be released. The policy shall prohibit canines from biting nonresistant subjects. Also, immediate medical attention must be sought for all canine related injuries.
- The CPD shall track deployments and apprehensions, and calculate bite ratios. These bite ratios shall be included in the Risk Management System.

## 2. Status

During the first quarter of 2005, the CPD had six incidents involving a canine bite.

Pursuant to paragraph 20, CPD calculates canine bite ratios for its Canine Unit and for each canine/handler team for six-month periods. The bite ratios for the following six-month periods are as follows:

	<b>Deployments</b>	<b>Finds</b>	<b>Bites</b>	<b>Ratio</b>
August 1, 2004 – January 31, 2005	311	58	11	18.97%
September 1, 2004 – February 28, 2005	308	56	11	19.64%
July 1, 2004 – December 31, 2004	294	56	11	19.64%

Bite ratios for these periods remain below the 20 percent unit threshold, but they are very close to 20 percent, and they reflect an increase in the bite ratio compared to earlier quarters. In addition, the CPD calculated the bite ratios for each handler/canine team. One of the handler/canine teams had a bite ratio above 20 percent for all three of the six-month periods, while four of the nine teams had a bite ratio above 20 percent for at least one of the six-month periods.

### **3. Assessment**

#### **a. Policy and Training**

The CPD's Canine policy meets the requirements of the MOA. The Monitor Team will examine canine training in the next quarter to assess the CPD's compliance with the MOA's requirement that the CPD use an "improved handler-controlled alert curriculum."

#### **b. Canine Deployments**

The Monitor reviewed the deployment reports for the 139 deployments in the first quarter of 2005. All deployments except for one were authorized by a supervisor. Canine warnings were given in 102 deployments, while announcements were not made in 37 incidents that involved a suspect reasonably believed to be armed, and seven article searches. There were no deployments where a warning should have been made but was not. Most of the deployments were on lead tracks. Of the off leash deployments, 29 were for searches of commercial buildings or subjects wanted for an offense of violence or reasonably suspected of having a weapon, consistent with the CPD policy and MOA provisions. There were three off leash searches of residences or apartments, two off leash searches of schools, and three off leash searches where the deployment form does not list the type of building searched.

#### **c. Review of Investigations**

The Monitor reviewed seven canine bite investigations from the fourth quarter of 2004 and first quarter of 2005. In each case, supervisory authorization was given in compliance with the MOA. Also, a canine warning was made in each case, except where the subject was reasonably believed to be armed (Tracking Nos. 2004-0766, 53177, 53179, 53237). In reviewing the canine bite investigations, the Monitor has determined that the circumstances of the canine engagements were consistent with the MOA provisions. We also note that while there were initial flaws with the supervisory investigations, the chain of command identified deficiencies in the investigations and required them to be corrected (Tracking Nos. 40480, 52616, 53177, 53179, 53237, 60303).

The Monitor concludes that the CPD is in compliance with paragraph 20 of the MOA.

**D. Beanbag Shotguns and 40 Millimeter Foam Round  
[MOA ¶¶21-23]**

There were no beanbag shotgun or 40 millimeter foam round deployments in the first quarter of 2005. The CPD is in compliance with the MOA requirements relating to beanbag shotgun deployment.

**III. Incident Documentation, Investigation**

Documenting and reporting officers' use of force allows CPD supervisors to evaluate the appropriateness of the individual use of force and to track an officer's behavior over time. It also allows CPD to analyze use of force incidents, trends and patterns to evaluate officer tactics and determine whether any changes in procedure or training are needed.

**A. Documentation [MOA ¶¶24-25]**

**1. Requirements**

- All uses of force are to be reported. The Use of Force form shall indicate each use of force and require evaluation of each use of force. Use of Force Reports will include the supervisor's and officer's narrative description, and the officer's audio-taped statement.
- The CPD will implement an automated data system allowing supervisors access to all use of force information.
- The CPD will implement a Canine Deployment form.
- If the gun pointing requirement is triggered under the Collaborative Agreement, data reported shall be included in the risk management system.

**2. Status**

**a. Hard Hands and Takedowns without Injury**

According to the CPD, there were 13 incidents in the first quarter of 2005 involving a takedown or use of hard hands, without an injury to the suspect.

### **b. Hard Hands and Takedowns with Injuries**

The CPD reports that there were ten incidents in the first quarter of 2005 in which an officer used hard hands or a takedown and the suspect was injured, but not a serious enough injury to require hospitalization.<sup>4</sup>

### **c. Taser Investigations and Documentation**

As noted in our Second, Fifth and Eighth Reports, paragraph 24 requires that taped statements be taken in investigations of use of force incidents, including Tasers, except where the Agreement specifically states otherwise. However, as we stated in our Eight Quarterly Report, the Monitor recognizes that given the large number of Taser deployments, audiotaping interviews in use of force investigations for every deployment would take significant time for supervisors and would require additional time for Command staff. Given these concerns, the Monitor agreed to work with the CPD and the Justice Department “to develop an appropriate provision that reflects professional police standards and the goal of the MOA.” On March 17, 2005, the Monitor submitted a proposal for Taser investigation and documentation.

The purpose of the proposal is for the Department to properly review and evaluate officer use of force, ensuring that officers use force appropriately. It is also intended to allow the Department to analyze use of force incidents, trends and patterns to determine if any revisions to tactics, training or procedures are advisable.

While the Department of Justice agreed to the March proposal, the City of Cincinnati responded with objections to aspects of the proposal on May 15, 2005. In light of the CPD concerns, the Monitor has revised the proposal for Taser documentation and investigation, and provided the proposal to the Parties.

## **3. Assessment**

### **a. Hard Hands and Takedowns Without Injury (Non-Compliant Suspect Forms – Form 18NC)**

This quarter, the Monitor reviewed the Non-Compliant Suspect/Arrest Report Forms that involved a takedown or use of hard hands, and in which the subject was not injured. In each of these reports, the officer provided a narrative and included a description of the events leading up to the use of

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<sup>4</sup> Under the proposal agreed to by the CPD and the DOJ, no audiotapes of interviews are required for incidents involving the use of hard hands or takedowns “that result in injury, if the injury does not result in hospitalization.” The term “hospitalization” was not specifically defined as to whether or not it included treatment at a hospital, in addition to admission to the hospital. This is an issue the Monitor will address with the CPD and the Department of Justice for hard hands and takedowns, as well as for Tasers.

force, the subject's resistance, and the officer's actions to overcome the resistance. The forms were reviewed by a supervisor, who provided written comments on the tactics used and the appropriateness of the use of force. The CPD is in compliance with the requirements applicable to these incidents.

### **b. Hard Hands and Takedowns, With Injury**

During the first quarter of 2005, there were ten takedowns or use of hard hands that resulted in injury to the suspect, but not hospitalization.

In May 2004, the Department of Justice and the City of Cincinnati accepted a proposal developed by the Monitor to address any disputes relating to documentation and investigation of these incidents. Interviews of the officers, subject and witnesses were not required to be taped. The investigative report will include a narrative description of the events leading to the use of force, the subject's resistance, and the force used by the officer. In addition, the investigation "will include a review and determination of whether the officer's actions in regard to the initial stop or seizure were within CPD policy, and a review and determination of whether the use of force was within CPD policy."

In the Monitor's Sixth Report, we noted that the CPD reports hard hands and takedowns with injury on its Injury to Prisoner Report, Form 18I, and that the Form 18I does not have separate questions for documenting the investigating supervisor's or the District/Section Commander's assessment of whether the initial stop or seizure was consistent with CPD policy, or whether the force used was consistent with CPD policy.<sup>5</sup> However, we stated that as long as the information was included in the Report, which form is used was a matter for CPD discretion.

In reviewing the 2005 Injury to Prisoner Reports, the Monitor Team finds that the reports do include a narrative description of the events leading to the use of force and the force used. Also, in the reports, the supervisors reviewed the officers' initial stop, decision to arrest, and use of the take down to arrest, and evaluated compliance with CPD's policy and procedure. The CPD is in compliance with the MOA requirements for these incidents.

### **c. Taser**

The Monitor cannot conclude that the CPD is in compliance with the documentation and investigation requirements relating to Taser incidents. First, the investigations did not include taped statements and the CPD has not yet agreed to a modification of the requirement of taped interviews, which would limit the number of incidents in which a taped statement is required.

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<sup>5</sup> CPD's Use of Force Report, Form 18F, does include these questions.

Second, the Taser use of force reports do not document the interviews of Taser subjects or the information from those interviews.

## **B. Investigation [MOA ¶¶26-31]**

### **1. Requirements**

- Officers to notify supervisor following any use of force, or allegation of excessive force. Supervisor to respond to scene. Incident not to be investigated by officer who used force or who authorized force.
- CPD supervisors will investigate each use of force incident, with evaluation of compliance with CPD policies and tactics, including the basis of any stop or seizure.
- IIS will respond to scene of all “serious uses of force” and all canine bites with serious injuries. Inspections Section will review all investigations of canine bites, beanbags, foam rounds and baton uses.
- Investigators prohibited from asking leading questions. Investigators to consider all relevant evidence and make credibility determinations. No automatic preference for officer’s statement over citizen’s; statements of witness with connection to complainant should not be discounted. The CPD to resolve material inconsistencies. The CPD will train investigators on factors to consider in investigations.
- Investigators to ensure that all witness officers provide statement. Supervisors will ensure that reports list all officers involved or on scene, and document any medical treatment or refusal of medical care.
- Lieutenant or higher will review each investigation conducted by CPD supervisors and identify any deficiency and require corrections. CPD supervisors to be held accountable for quality of investigations. Appropriate non-disciplinary or disciplinary action will be taken if investigations are not thorough, properly adjudicated, or where appropriate corrective action is not recommended.

### **2. Status**

There were no changes in policies or procedures with respect to the investigation of force incidents during this quarter.



In the CPD's February 2005 MOA Status Report, the Monitor Team was invited to "shadow" supervisors as they investigate use of force incidents. We accepted that invitation and had team members ride in Districts during this quarter. While there were no use of force investigations conducted during these ride alongs, the shadowing was helpful and informative. We will continue to do the same in the next quarter.

### **3. Assessment**

#### **a. Policy**

The CPD's policies on investigating Use of Force incidents comply with the MOA.

#### **b. Review of Force Investigations**

During this quarter, the Monitor Team reviewed 65 investigative files involving use of force incidents (including firearms discharges, Taser deployments, canine bites, hard hand and takedowns, and chemical sprays). We reached the following conclusions from those investigations:

- In all of the use of force incidents, the officer notified a supervisor, and the supervisor responded to the scene (MOA ¶26).
- There were no incidents where the use of force was investigated by a supervisor who used force or authorized the use of force, or whose conduct led to the reportable incident (MOA ¶26).
- In all of the incidents, the supervisor investigated, evaluated and documented the incident giving rise to the use of force, and the documentation included facts and circumstances that either justified or failed to justify the officer's conduct. (MOA ¶27)
- In all but one of the incidents, the supervisor reviewed the basis for the initial stop and seizure and determined whether the officer's actions were within CPD policy. (MOA ¶27)<sup>6</sup>
- In all but one of the incidents, all officers involved in or at the scene of the use of force were identified on the Use of Force Report and provided a statement, with the possible exception of Tracking No. 50306 (MOA ¶30).

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<sup>6</sup> The incident in which the supervisor did not document or evaluate the officer's initial stop and seizure was Tracking No. 2004-0569.

- All of the use of force investigations were reviewed by a lieutenant or higher. In a number of incidents, the lieutenant or captain reviewing the investigation determined that the investigation was not sufficiently thorough and directed that any deficiencies be corrected (Tracking Nos. 04182, 40480, 52616, 53177, 53179, 53237, 60303). There were other investigations, however, where the supervisor failed to conduct a thorough investigation or make an appropriate determination, but the shortcomings were not identified by the chain of command (Tracking Nos. 04155, 04172, 04180, 04259, 52382). (MOA ¶31)

The MOA also requires the CPD in use of force investigations to consider all relevant evidence; to prohibit investigators from using improper leading questions; to prohibit investigators from giving an automatic preference for officers' statements over witness statements, or to disregard statements of interested witnesses; and to make efforts to resolve material inconsistencies between witness statements, and make credibility determinations where appropriate. To a great extent, the Monitor makes a qualitative assessment of the CPD's compliance with these requirements. (MOA ¶29)

For the canine bite investigations (where there are tapes of the supervisor's interviews), firearms discharge investigations (where there are tapes and transcripts of investigative interviews), and investigations of chemical spray on restrained subjects, the Monitor determined that improper leading questions were not used. For the other use of force investigations, such as Tasers and chemical spray on unrestrained subjects, where the Monitor does not have tapes or transcripts of interviews, we could not determine whether improper leading questions were used.<sup>7</sup> We did review taped interviews of complaint investigations involving use of force incidents, including Tasers. With the exception of Tracking No. 04180, we found that investigators did not use leading questions.

With respect to the other requirements of paragraph 29, the Monitor Team found that the majority of the use of force investigations: considered all relevant evidence; identified and interviewed relevant witnesses, identified and explored material inconsistencies among witnesses and evidence; and avoided bias (in favor of police) in questions or the description of evidence and events. This was not true in all investigations, however. In the following investigations, not all relevant witnesses were identified and interviewed, not all relevant evidence was considered, material inconsistencies between witnesses were not explored, and areas of relevant inquiry and follow-up questions were missed in Tracking Nos. 2004-0569, 50306, 52382, 52907, 60608. Also, for some

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<sup>7</sup> Nor could the Monitor assess whether CPD made appropriate credibility determinations in incidents with only a written use of force report.

additional investigations, the Monitor could not conclude from the documentation whether all of the witnesses were identified and all of the relevant evidence considered.

The Monitor concludes that the CPD is in compliance with MOA paragraphs 26, 27, and 30, and that the CPD is in partial compliance with MOA paragraph 29 and 31.

**C. Review of Critical Firearms [MOA ¶¶ 32-34]**

**1. Requirements**

- Critical Firearms Discharges. The CPD investigations will account for all shots, and locations of officers discharging their firearm. The CPD will conduct appropriate ballistics or crime scene analysis, including gunshot residue or bullet trajectory tests.
- A Firearms Discharge Board (FDB) shall review all critical firearms discharges and review IIS and CIS investigation for policy compliance, tactical and training implications. The FDB will prepare a report to the Chief of Police. The FDB will determine (a) whether all uses of force during encounter were consistent with CPD policies and training; (b) whether the officer(s) used proper tactics; (c) whether lesser force alternatives reasonably were available.
- The policy for the FDB shall include: a review within 90 days from the end of the criminal investigation; FDB to act as quality control; authorize recommendations to the Chief of Police; require annual review for patterns, with findings to the Chief of Police.

**2. Status**

There was one firearm discharge at a suspect in the first quarter of 2005. There were five outstanding investigations of firearms discharges from previous quarters. Their status is as follows:

<b>Police Investigation Number</b>	<b>Status</b>
04-pi-01	FDB report approved by Chief Streicher on January 25, 2005.
04-pi-02	FDB report approved by Chief Streicher on January 13, 2005.
04-pi-03	FDB report approved by Chief Streicher on March 11, 2005.
04-pi-04	FDB report approved by Chief Streicher on February 7, 2005.
04-pi-05	FDB report approved by Chief Streicher on April 27, 2005.
05-pi-01	CIS currently investigating incident

### **3. Assessment**

The CPD's policy on critical firearms discharges and the Firearms Discharge Board complies with the MOA.

The Monitor Team reviewed the five FDB Reports from incidents in 2004, along with the CIS and IIS investigations of those cases. The CPD is in compliance with MOA paragraph 32 that firearms discharge investigations account for all shots and locations of the officers, to the extent possible, and that it conduct appropriate ballistics or crime scene analysis. The CPD is also in compliance with the requirement that the Board review each IIS and CIS investigation, interview the principal CIS and IIS investigators, and include in its report a summary and analysis of all relevant evidence. The Board's reports to the Chief also determined: (a) whether all uses of force during the encounter were consistent with CPD policies and training; (b) whether the officer(s) used proper tactics; and (c) whether lesser force alternatives were not reasonably available.

The Monitor concludes that the CPD is in compliance with MOA paragraphs 32, 33 and 34.<sup>8</sup>

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<sup>8</sup> The Monitor does note a concern with respect to one of the incidents that involved a handcuffed prisoner in a police car who was able to take out a hidden handgun and fire it at the police officer who was driving the car. The officer was able to exit the car and return fire. The investigation and FDB review of the firearms discharge itself was in compliance with the MOA and with CPD policy. However, the IIS investigation of the search of the prisoner by several officers before he was placed in the car identified not just tactical and procedural errors, but also a potential factual misrepresentation on the part of one of the officers. Nonetheless, the CPD did not sustain any violations in the investigation, but instead only directed the officers to additional training.

#### **IV. Citizen Complaint Process**

##### **A. Openness of Complaint Process [MOA ¶¶ 35-38]**

###### **1. Requirements**

- Publicity program for complaint process
- Availability of complaint forms, informational brochure
- Complaints may be filed in any form. Intake officers not to opine on veracity or mental capacity. Complaint form completed for every complaint
- Every complaint to be resolved in writing
- Each complaint gets a unique identifier that will be provided to the complainant, and each complaint is tracked by the type of complaint
- Copies of allegations filed with the Citizen's Police Review Panel (CPRP), the Office of Municipal Investigations (OMI), Citizen Complaint Authority (CCA), Human Relations Commission referred to IIS within five (5) days

###### **2. Status**

There were no changes in procedures regarding complaint intake during this quarter. The CPD continued to conduct inspections to ensure that complaint forms and materials were available in police buildings, police vehicles, and the public places outlined in the MOA.

###### **3. Assessment**

The City is in compliance with the MOA requirement that complaint forms and informational material be made available in public buildings such as City Hall, the library and CPD District buildings, and that officers carry forms and materials in their vehicles at all times while on duty. (MOA ¶¶35, 36)

In this quarter, the Monitor reviewed citizen complaint files from the fourth quarter of 2004 and the first quarter of 2005, to determine compliance with the MOA provision prohibiting officers from discouraging any person from making a complaint, and that complaints can be filed in any form, including in writing or verbally, in person or by mail, telephone, fax or e-mail.

The Monitor has determined that the CPD is in compliance with these provisions, although there was one case in which the complainant was told he had to report the complaint in person (Tracking No. 04118). We have also found the CPD in compliance with the requirements that a complaint form will be completed for each complaint, that each complaint be assigned a unique identifier, and that each complaint be resolved in writing. (MOA ¶37) There was only one Taser incident where the subject asserted that he was complying with the officers commands and that the Taser was unnecessary, but where a complaint was not filed (Tracking No. 2004-0569).

**B. Investigation of Complaints [MOA ¶ ¶39-50]**

**1. Requirements**

- Preponderance of evidence standard; City will develop appropriate training
- Officers who used spray or other force, or authorized the conduct at issue, may not investigate the incident
- All relevant evidence to be considered
- No automatic preference of officer's statements. Investigators will attempt to resolve inconsistencies. No leading questions. All officers on the scene are required to provide a statement
- All relevant police activity, including each use of force, will be investigated; searches and seizures will be evaluated. Investigations are not to be closed simply because a complaint has been withdrawn
- Conviction of the complainant will not be used as evidence of the appropriateness of the action of the CPD officer
- Complainant to be kept informed
- IIS to investigate complaints of force, pointing firearms, searches, discrimination
- Citizen Complaint Resolution Process (CCRP) complaints will be fully investigated
- CCRP complaints will be investigated by the chain of command, with report. District or unit commander will evaluate investigation

For IIS Investigations:

- Interviews at convenient times
- Prohibit group interviews
- Notify supervisors of complaints
- Interview all appropriate CPD officers, including supervisors
- Collect and analyze all appropriate evidence; canvas scene for witnesses; obtain medical records
- Identify material inconsistencies
- Report on investigation to include a summary, proposed findings and analysis
- Investigation to be complete within 90 days, absent exceptional circumstances

**2. Status**

Review of the data of IIS cases closed during the first quarter of 2005 revealed that a total of 67 cases were cleared during this time frame. Of those cases, 42 exceeded the 90-day investigative requirement. Review of the data of CCRP cases closed during the fourth quarter of 2004 showed that a total of 71 cases were cleared during this time frame. Of those 71 cases, 10 exceeded the 90-day investigative requirement.

**3. Assessment**

**a. Time Period of Investigation**

Based on the data provided by the CPD, the CPD is not in compliance with the requirement that investigations be completed within 90 days of receiving the allegations.

**b. Review of Investigations**

The Monitor reviewed 38 IIS investigations and six CCRP investigations in this quarter. Of these, the majority were complete and thorough and in compliance with the MOA requirements. The Monitor has determined that CPD is not in full compliance with some of the MOA provisions however.

- There were no complaints that were investigated by CPD members who authorized or were involved in the conduct that was the basis of the complaint. (MOA ¶40)
- Improper leading questions were not used in the investigations, with the exception of Tracking No. 04180. (MOA ¶41)
- The Monitor Team found that in the majority of cases, CPD considered all relevant evidence, including circumstantial, direct and physical evidence, as appropriate. (MOA ¶¶41, 49(f)) Complaint investigations where not all of the relevant evidence was considered, or where relevant witnesses were not identified and interviewed, included Tracking Nos. 04291, 04195, 04191, 04259, 04288, 2005-62585.
- Complaint investigations where sufficient efforts were not made to resolve material inconsistencies between evidence and witness statements, or where relevant areas of inquiry and follow up questions were not addressed, included Tracking Nos. 04118, 04155, 04172, 04258, 04259, 04282, 04288, 2005-62585. (MOA ¶¶41, 49(g))
- The investigating supervisor reviewed the initial stop and search and seizure in all but four of the cases (Tracking Nos. 04131, 04268, 04275, 04289). (MOA ¶41)
- Not all complaint investigations reviewed all relevant police activity, including conduct not included in initial complaint (Tracking Nos. 04118, 04172, 04289). (MOA ¶42)
- Not all IIS complaint investigations included taped interviews of complainants, involved officers and witnesses (Tracking Nos. 04256, 04259, 04277, 04289, 04290). (MOA ¶49(a)) Several of these complaints stemmed from the deployment of Tasers in which the field supervisor did not take taped statements, and IIS did not follow up to conduct taped interviews.
- In the majority of the cases reviewed by the Monitor Team, the investigator prepared a report that included a description of the alleged misconduct, any other misconduct identified during the course of the investigation, a summary and analysis of all relevant evidence gathered, and proposed findings and analysis supporting the findings. The report was not complete in Tracking Nos. 04118, 04172, 04191, 04275. (MOA ¶50)



- Each of the CCRP complaints were appropriately assigned as CCRP cases, as they did not involve allegations of use of force, pointing of firearms, searches or seizures, or discrimination. (MOA ¶46)
- The CCRP complaints were investigated and adjudicated prior to a complaint resolution meeting. (MOA¶47)

The Monitor finds that the CPD has complied with MOA ¶¶40, 42, 43, 46 and 47. The City is not in compliance with the requirement that investigations be completed within 90 days of the filing of the complaint. (MOA ¶50) The CPD is not in full compliance with MOA ¶¶41 and 49.

**C. Adjudication of Complaints [MOA ¶44-45]**

**1. Requirements**

- Every allegation to be resolved with one of four determinations – unfounded, sustained, exonerated, not sustained
- Unit commanders to evaluate each investigation to identify problems and training needs

**2. Status**

During the first quarter of 2005, 67 cases involving 68 allegations were investigated and closed by IIS. Those cases were closed as follows:

Sustained	28
Sustained Other	1
Exonerated	14
Not Sustained	9
Unfounded	15

During the first quarter of 2005, 45 cases were investigated and closed through the CCRP process. Those cases were closed as follows:

Sustained	7
Sustained Other	1
Exonerated	12
Not Sustained	7
Unfounded	18

**3. Assessment**

The City is in compliance with the requirement in MOA ¶44 that every complaint be closed with one of four dispositions: sustained, not sustained, unfounded or exonerated. (“Sustained-Other” is a sustained disposition for a violation that was not initially alleged in the complaint, but that was identified by the CPD.)

**D. Investigations by the CCA [MOA ¶¶51-56]**

**1. Requirements**

- The CCA is to assume all of the responsibilities of the Office of Municipal Investigation (OMI) within 120 days from the date of the Agreement
- Copies of all complaints, no matter with which office they are filed, will be directed to the CCA; the CCA is to have jurisdiction over complaints of excessive force, pointing firearms, unreasonable search or seizure, or discrimination; the CCA shall have sufficient number of investigators, with a minimum of five
- CPD officers must answer CCA questions; CCA director to have access to CPD files and records
- City to develop formal procedures regarding timing, notification, and the interviewing of witnesses to ensure that parallel investigations conducted by CCA and IIS do not impair the effective investigation of incidents
- City will take appropriate action, including imposing discipline and providing for non-disciplinary corrective action where warranted, on CCA completed investigations

- CCA will complete investigations within 90 days; City Manager to take appropriate action within 30 days of CCA completion of investigation

## **2. Status**

The CCA and the CPD have not yet finalized formal procedures for the timely exchange of information and efficient coordination of CCA and CPD investigations. A protocol has been drafted, but as of the May 15, 2005 facilitated meeting, it had not been finalized and approved. In the Parties' June 5, 2005 Status Report, the CCA identified 29 cases that were received at CCA after the complaint was already investigated and closed by CPD. The most recent case was one that was completed by CPD on March 15, 2005 after a six month investigation, but was not sent to the CCA until April 11, 2005.

In prior quarters, the Monitor also raised concerns that there were complaint cases that were sustained by the CCA, and the CCA disposition was agreed to by the City Manager, but no discipline was carried out because the CPD had not sustained a violation.

In the City's February 12, 2005 MOA Status Report, the City stated that IIS was working in conjunction with CCA to develop a matrix containing the following information:

- CCA#/IIS#
- Complainant Name
- Incident date
- Allegation
- Officer's Name
- CCA Disposition
- IIS Disposition
- CPD Action
- City Manager's Action

In addition, the City has stated that it has manually tabulated a matrix listing those cases where the CCA and IIS disagree on the disposition. The actual number of cases falling within that category is estimated to be between eight to ten percent of all cases. Although the Monitor has requested this list on several occasions, it has not yet been provided.

### **3. Assessment**

#### **a. Operations and Procedures**

As noted above, the City has not developed a formal written protocol for coordinating parallel investigations. In addition, there are several items which have been identified by the CPD that impeded the timely flow of information between the agencies. Given the lack of these procedures and the delay in referring cases to the CCA, the City is not in compliance with MOA ¶¶52 and 54.

With respect to MOA ¶55, requiring that the City take appropriate action, including discipline where warranted, on completed CCA investigations, the Monitor cannot find the City in compliance. In addition to the lack of information regarding the CPD action in those cases where the City Manager has agreed to a CCA sustained disposition, there is a second issue that the Monitor has identified. There have been a number of complaint investigations where the CPD has completed its investigation, and then communicated its disposition to the involved officers, before the CCA has presented its determinations to the City Manager and the City Manager has had an opportunity to make her decision whether to agree with the CCA finding or the CPD finding. Even where the CPD has sustained a violation and taken some disciplinary action (such as counseling or an ESL based on a sustained finding), the action taken and sustained violation may be different (and potentially less serious) than the violation that the CCA has sustained. If these actions -- communicating the CPD disposition to the officer before the City Manager is able to make her decision on CCA's investigation -- result in impeding the ability of the City to take appropriate action on CCA determinations, then the City is not in compliance with MOA ¶55. They appear also to be contrary to ¶78 of the CA (see Chapter 3, Section V.C, below).

#### **b. Sample Investigations**

The Monitor Team has reviewed 12 CCA investigations from the first quarter of 2005. The majority were complete and thorough and in compliance with the MOA requirements.

- Improper leading questions were not used in the investigations. (MOA ¶41)
- The Monitor Team found that in 11 of the 12 cases, CCA considered all relevant evidence, including circumstantial, direct and physical evidence, as appropriate, and made efforts to resolve material inconsistencies between evidence and witness statements (MOA ¶41). A relevant witness was not interviewed and thus not all of

the relevant evidence was considered, in investigation Tracking No. 04344.

- The Monitor found that the investigator in each of the twelve cases evaluated the initial contact and search and seizure involved in the incident. (MOA ¶41)
- The CCA conducted an investigation of all relevant police activity, including conduct not included in initial complaint, in each of the 12 cases. (MOA ¶42)

The Monitor finds the CCA to be in compliance with MOA ¶¶41-44.

## **V. Management and Supervision**

### **A. Risk Management [MOA ¶¶57-64]**

#### **1. Requirements**

Under the MOA, the CPD is required to enhance and expand its risk management system by creating a new “computerized, relational database.” The CPD is to use the data in this system “to promote civil rights and best practices, manage risk and liability, and evaluate the performance of CPD officers.”

- The information in the Risk Management System is to include:
  - uses of force
  - canine bite ratio
  - canisters of chemical spray used
  - injuries to prisoners
  - resisting arrest, assault on a police officer, and obstruction charges, where a use of force has occurred
  - critical firearms discharges
  - complaints, dispositions
  - criminal and civil proceedings against officers
  - vehicle pursuits
  - pointing of firearms (if added)
  - disciplinary actions
- The CPD must develop a plan for inputting historic data now in existing databases (Data Input Plan)
- The CPD must develop a protocol for using the risk management system, subject to Department of Justice approval

- The protocol will include the following elements: data storage, data retrieval, reporting, data analysis, pattern identification, supervisory assessment, supervisory intervention, documentation, and audit
- The system will generate monthly reports
- CPD commanders, managers and supervisors must review, at least quarterly, system reports and analyze officer, supervisor, and unit activity
- CPD commanders and managers must initiate intervention for officers, supervisors or units, based on appropriate “activity and pattern assessment” of the information in the system
- Intervention options are to include counseling, training, action plans; all interventions must be documented in writing and entered into the system
- The data in system must be accessible to CPD commanders, managers and supervisors; they must review records of officers transferred into their units
- Schedule for system development and implementation:
  - 90 days from April 12, 2002: issuance of RFP, with DOJ approval
  - 210 days from RFP: selection of contractor
  - 12 months from selection of contractor: beta version ready for testing
  - 18 months from selection of contractor: computer program and hardware to be “operational and fully implemented”

## **2. Status**

According to the CPD, the ETS system went live on October 1, 2004. Supervisors began entering data into the new system on that date.

During this quarter the Monitor was provided a demonstration of the application by the CPD. In attendance at the demonstration were representatives of the DOJ and the Plaintiffs. The demonstration showed the system’s ability to track officers, incidents, and activities. The system appeared easy to use and functional. Additionally, the Monitor Team was able to observe field sergeants enter information into the system, as well as the sergeants making queries of the application. The field supervisors we observed

appeared to be thoroughly trained in completing incident reports, entering data, and reviewing data on officers under their command.

The vendor of the ETS system is still working on the data conversion for all of the historical data that is to be imported into the new system. The CPD states that the conversion is now expected to be complete in the second quarter of 2005.

The vendor has also had difficulties completing the analysis and weighting functions of the system. The analysis functionality or capability was not available for the ETS demonstration, as it was not calculating weighted risk assessments or completing comparisons of officers and units correctly. The CPD anticipates that the analysis and weighting function will be implemented for use sometime in the second quarter.

Once the data conversion and analysis tool have been corrected, the CPD will perform a test analysis. This test analysis will use data from the first quarter of 2005. If this analysis is done correctly, the CPD will complete an official analysis in July using data from the second quarter of 2005.

The MOA and the CPD procedures require supervisors at the end of each 28 day work period to conduct a review of the ETS data on officers under their watch. The review is of the previous 12 months of activity. Because the weighting and analysis aspect of ETS is not yet functional, supervisors have not been conducting these reviews. The CPD is also awaiting completion of the analysis tools and input of historical data before starting the quarterly reports by District, Section and Unit Commanders.

A third problem with the ETS system is the level of security in place to ensure that officers and others with access to the system can not have access to open internal investigations. Until this issue is resolved, much of the data concerning citizen complaints and IIS investigations is not being inputted into the ETS system. Only data from cases that are closed are fully entered into the system. It also appears that the data on disciplinary action has not been completely inputted in the system and available for analysis. It is hoped that these issues can be addressed in the second quarter of 2005.

While the ETS system was being developed, the MOA required the CPD to use existing databases to monitor officer behavior. As we have noted in prior reports, the CPD maintained a manual risk management system known as the Department Risk Management System (DRMS). This system used existing databases and a matrix of risk factors to identify officers who are subject to an administrative review. Officers who accumulated more than a certain number of points within a 12 month period based on this matrix were identified for review.

During this quarter the CPD did not use the Department Risk Management System, as supervisors are entering all data into the ETS system. Given that the analysis software of the ETS system is not yet functional, CPD supervisors and managers have not yet begun to conduct quarterly or 28 day work period reviews, to identify officers for potential interventions.

### **3. Assessment**

#### **a. Protocol and Data Input Plan**

The CPD is in compliance with the MOA requirements for the ETS protocol and data input plan. (MOA ¶¶60, 61)

#### **b. Implementation of ETS system**

The Monitor will continue to assess the CPD's use of the ETS system and implementation of the requirements of the ETS protocol as the system becomes operational in the next quarter. However, at present, there are several aspects of the ETS protocol that are not yet able to be implemented. These include the requirements prescribed in MOA ¶¶62(b), (c), (d), (e), (f), (i), (j) and (k). The CPD is not yet in compliance with MOA ¶¶58 and 62.

#### **c. Manual Risk Management System**

Because the CPD stopped using the manual risk management system and started inputting the information into the ETS system instead, the CPD is unable to properly assess and evaluate its members until the analysis functionality is working. Therefore, the CPD is not in compliance with MOA ¶65.

### **B. Audit Procedures [MOA ¶¶67-69]**

#### **1. Requirements**

- The CPD to develop a protocol for audits
- The CPD to conduct regular audits of the citizen complaint process and integrity audits of IIS investigations
- Meetings with prosecutors to identify officer performance issues

#### **2. Status**

The CPD Inspections Section conducted an audit of the CCRP process for the first quarter of 2005. Sixty-three complaints were filed with the



Department from January through March. A random audit of 24 cases was conducted on the closed investigations. A summary of the audit was prepared on April 14, 2005.

The Inspections Section reviewed the files for the following criteria:

- The CCRP complaints were entered into the database and the case files were in a secure area.
- The required forms were completed for each CCRP investigation.
- All files contained the appropriate documents, including CAD and MDT printouts, photographs, arrest forms and offense reports.
- The investigating supervisor documented when the complainant was advised of the investigation disposition, even if the complainant chose not to participate in a CCRP meeting.

The Inspections Section also attempted to contact complainants to evaluate whether their views and actions were accurately captured in the CCRP reports. Calls were made to 17 complainants, and six complainants were contacted. The audit found that the CCRP investigations reviewed met the criteria set forth above.

The Inspections Section will audit IIS investigations in this quarter.

The CPD also had conversations with representatives from both the City and County Prosecutor's Offices to discuss individual and/or collective officer performance issues. According to the CPD's Status Report, both Mr. Ernest McAdams, from the City Prosecutor's Office, and Mr. Karl Kadon, from the Hamilton County Prosecutor's Office, stated that there are currently no areas of concern pertaining to officer, shift, or unit performance

### **3. Assessment**

Improvements in the CCRP audit process included (1) documenting which CCRP cases were reviewed; and (2) Inspections' attempt to contact and follow up with complainants. Also, the cases were chosen by a random sample. We believe these improvements move CPD toward compliance with the CCRP audit requirement. We have recommended that the Inspections Section also use checklists or other audit forms to document their review of CCRP files.

The CPD is in compliance with MOA ¶¶67 and 69. The Monitor will assess compliance with MOA ¶68 in the next quarter when the Inspections Section conducts its integrity audit of IIS investigations.

## **C. Video Cameras [MOA ¶¶ 70-72]**

### **1. Requirements**

The MOA requires that all patrol cars be equipped with mobile video recorders (MVR). These MVRs are to be used in the following situations:

- Mandatory activation of MVR for all traffic stops
- Recording of consent to search, deployment of drug sniffing canines, and vehicle searches
- Recording of violent prisoner transport, where possible
- Supervisors to review all tapes where there are injuries to prisoners, uses of force, vehicle pursuits, citizen complaints
- CPD to retain and preserve tapes for 90 days, or as long as investigation is open
- If stop is not recorded, officer to notify shift supervisor
- Periodic random reviews of videotapes for training and integrity purposes; supervisors are to keep a log book of these reviews
- Random surveys of equipment are to be conducted

### **2. Status**

Currently, the CPD has installed recorders in all but 24 marked units. Due to budget issues the CPD is not sure when the remaining vehicles will have MVR or DVD recorders installed.

In previous reports we noted that while the CPD appears to be conducting the required random reviews of videotapes, it was unclear whether these reviews generated any outcomes, in terms of changes in tactics, training, counseling of officers or otherwise. During this past quarter, the CPD standardized the review process of the tapes and discs as well as implementing a required form for the supervisor to complete indicating what, if anything, was found on the review, as well as any intervention.

### **3. Assessment**

The CPD is still in partial compliance with these provisions of the MOA. Not all vehicles have recorders installed.<sup>9</sup>

We also note that manual activation of the MVR was used in two incidents in which an officer deployed chemical spray on a restrained

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<sup>9</sup> In addition, two of the investigative files involving traffic stops did not appear to have an MVR (Tracking Nos. 04291, 2004-51065).

individual being transported in the police car (Tracking Nos. 04312, 51208). The MVR provided the investigating supervisor, the chain of command and the Monitor with information corroborating the officer's statement. As the MOA and CPD procedures require, the MVR should be activated manually to the extent practical for incidents in which the prisoner being transported is violent. It was not used in six of eight incidents involving violent prisoners being transported. We recommend that the CPD highlight this issue for its officers.

**D. Police Communications Section [MOA ¶¶ 73-74]**

The CPD is in compliance with these provisions.

**E. Discipline Matrix [MOA ¶¶ 75-76]**

**1. Requirements**

- CPD to revise disciplinary matrix to increase penalties for serious misconduct violations, such as excessive use of force and discrimination
- CPD will revise the matrix to take into account an officer's violation of different rules, rather than just repeated violations of the same rule
- Where matrix indicates discipline, it should be imposed absent exceptional circumstances. The CPD shall also consider non-disciplinary corrective action, even where discipline is imposed

**2. Status**

In 2002, the CPD adopted a revised discipline matrix. The Department of Justice approved the revised discipline matrix, but stated that compliance would depend on actual implementation of discipline. In its letter to the City of Cincinnati, the Department of Justice stated:

“For the CPD to satisfy the increased penalty requirement of the MOA also depends on the exercise of considerable discretion. In response to the requirement to increase penalties for certain types of infractions, the CPD raised the maximum penalty that can be imposed for certain infractions, but has not changed the minimum sanction that can be imposed. Thus, the CPD will not have actually increased the penalty for these offenses if it habitually imposes the minimum disciplinary action allowed under the matrix.”

In addition, the CPD added language in the Manual of Rules and Regulations that executives using the discipline matrix “must take into account an officer’s violations of different rules within the same section rather than just repeated violations of the same rule.” While this language is consistent with the MOA, the CPD has noted that a Peer Review Panel (which an officer can request for discipline involving a written reprimand and/or a suspension of up to three days) “is not required to follow the progressive discipline process for repeat violations of the same section of the matrix.” The FOP states that the Peer Review procedures are set forth in the collective bargaining agreement and thus should not be altered.

### **3. Assessment**

The CPD has not had the capabilities to track electronically the disciplinary penalties imposed in each case where a violation of policy has been sustained. Although the ETS system is in now being implemented, the data on disciplinary action is not yet available.

We also raised the concern in prior Reports regarding those cases where the CCA sustained an allegation that was determined by the CPD to be not sustained, exonerated or unfounded. The City’s Status Report states that “the CCA is currently ‘marrying up’ the CPD’s 2004 database with their database. The result will be a spreadsheet identifying cases with conflicting findings. The City Manager will then address those cases.” Because the City has not yet addressed and resolved these issues, Cincinnati is not yet in compliance with these MOA provisions.

## **VI. Training**

### **A. Use of Force—Management Oversight and Curriculum [MOA ¶¶ 77-81]**

#### **1. Requirements**

This section of the MOA requires the CPD to:

- Coordinate and oversee use of force training to ensure that it complies with applicable laws and CPD policies
- Designate the Academy Director with responsibility for:
  - the quality of training
  - the development of the curriculum
  - the selection and training of instructors and trainers
  - establishing evaluation procedures

- conducting regular (semi-annual) assessments to ensure that the training remains responsive to the organization's needs
- Provide annual use of force training for all recruits, sworn officers, supervisors and managers
- Have the curriculum and policy committee regularly review use of force training and policies to ensure compliance with laws and policies

## **2. Status**

Although the Academy Director's position remains unfilled, the MOA provisions concerning training are being met. The Training Committee convened on April 28, 2005 to review and assess ongoing organizational training needs and develop a plan to prioritize and meet those needs.

The two-day in-service training for sworn officers continued during the second quarter of this year and has now been completed. The 99<sup>th</sup> recruit class was scheduled to begin on June 27<sup>th</sup>. The curricula for both the recruit class and the in-service training sessions deal with the use of force policy, and these modules are regularly updated based on field experiences and evolving legal considerations.

## **3. Assessment**

The CPD remains in compliance with this provision of the MOA.

## **B. Handling Citizen Complaints [MOA ¶82]**

### **1. Requirements**

The MOA requires the CPD to provide training on the handling of citizen complaints for all officers charged with accepting these complaints. The training must emphasize interpersonal skills so that citizen concerns and fears are treated seriously and respectfully. This training must address the roles of the CCRP, IIS, CCA and CPRP so that complaint takers know how and where to make referrals. For the supervisors who investigate and determine outcomes of citizen complaints, their training must include how to establish appropriate burdens of proof and evaluate factors related to establishing complainant and witness credibility. The objective is to ensure that their recommendations regarding the disposition of complaints are unbiased, uniform, and legally appropriate.

## **2. Status**

A three-week training program for new supervisors was conducted in June. This course included training in the handling of complaints, the complaint policy and procedures involved, and the role and responsibilities of supervisors.

## **3. Assessment**

The Monitor reviewed the curriculum, lesson plans and materials for this training, and the CPD is in compliance with this section of the MOA. The Monitor Team hopes to observe training on handling and investigating citizen complaints the next time it is offered.

### **C. Leadership/Command Accountability [MOA ¶ 83]**

#### **1. Requirements**

The MOA requires that CPD Supervisors will continue to receive training in leadership, command accountability and techniques designed to promote proper police practices. Within 30 days of assuming supervisory responsibilities, all CPD sergeants are to receive this training, and it will be made part of the annual in-service training. This requirement acknowledges the important role leaders at all supervisory levels play in ensuring that an appropriate demeanor, behaviors, and tactics are used in the operations of the agency.

#### **2. Status**

As noted in the previous section (see above), the Training staff administered the new supervisors' course and that training was provided either prior to or in close proximity to the time that new supervisors are promoted. The curriculum for that course continues to be updated as necessary and the most recent course was expanded to 120 hours of training. Also, the curriculum for the in-service training sessions for supervisors and managers does stress the MOA and other policy requirements involving command accountability that are associated with those roles. Sixteen supervisors participated in the June training.

#### **3. Assessment**

The CPD is in compliance with this provision.

**D. Canine Training [MOA ¶84]**

**1. Requirements**

The MOA requires the CPD to modify and augment its training program. This includes the complete development and implementation of a canine training curricula and lesson plans that identify goals, objectives and the mission of the Canine Unit specified in the MOA. Formal training on an annual basis for all canines, handlers, and supervisors is also required, as is annual re-certification and periodic refresher training with de-certification resulting when the requirements are not met. Within 180 days of the MOA, the CPD was required to certify all in-house canine trainers.

**2. Status**

The Monitor will be reviewing canine training in the next quarter.

**3. Assessment**

Compliance with this provision will be assessed in the Monitor's next Quarterly Report.

**E. Scenario Based Training [MOA ¶85]**

**1. Requirements**

The CPD is required to ensure that training instructors and supervisors engage recruits and officers in meaningful dialogue regarding particular scenarios, preferably taken from actual incidents involving CPD officers. The goal is to educate the officers regarding legal and tactical issues raised by the scenarios.

**2. Status**

The Training Academy continues to develop and provide new learning scenarios for use in roll-call training sessions each month. The scenarios are developed around particular categories (search and seizure considerations, use of force incidents, judgment and decision-making, CPD policies, etc.) and the supervisors and managers can select from a wide range of cases or examples, many of which are based on actual CPD incidents.

**3. Assessment**

The CPD remains in compliance with this provision.

**F. Revised Training Based on Review of Civil Lawsuits Pertaining to Officer Misconduct [MOA ¶86]**

**1. Requirements**

The MOA requires that the CPD periodically meet with the Solicitor's Office to glean information from the conclusion of civil lawsuits alleging officer misconduct with the purpose of using the information to develop or revise training. This requirement is related to Paragraph 85.

**2. Status**

The quarterly meeting between the CPD and the City Solicitor's Office was scheduled for June 24<sup>th</sup>. A copy of the agenda was not available at the time this Report was being prepared. The previous meeting was held in January and was discussed in the Monitor's Ninth Quarterly Report.

**3. Assessment**

Based on the activity in prior quarters and the scheduling of the June meeting, the CPD continues to be in compliance with this provision.

**G. Orientation to the MOA [MOA ¶87]**

**1. Requirements**

The MOA requires the City and the CPD to:

- Provide copies of the MOA and explain it to all CPD and relevant City employees
- Provide training for employees affected by the MOA within 120 days of each provision's implementation
- Continue to provide training to meet this requirement during subsequent in-service training

**2. Status**

The CPD continues to provide information on the MOA to new employees and supervisors in the course of various training sessions such as Management Training, In-service Training and the Academy Training.



### **3. Assessment**

The City remains in compliance with this provision.

## **H. FTO Program [MOA ¶¶ 88-89]**

### **1. Requirements**

The MOA requires the CPD to develop a protocol to enhance the FTO program to include:

- The criteria and method for selecting FTOs
- Setting standards that require appropriate assessment of an officer's past complaint and disciplinary history prior to selection
- Procedures for reappointment and termination of FTOs at the Training Academy Director's discretion
- Reviewing FTOs at least bi-annually with recertification dependent on satisfactory prior performance and feedback from the Training Academy

### **2. Status**

The Monitor reviewed the recruitment and selection process for the new group of FTOs selected this quarter. The FTO Coordinator took an active role in recruiting candidates by making personal visits to the Districts and encouraging applications by those viewed as being ready to step into this role. He was thorough in reviewing the complaint and disciplinary history of potential candidates. Of the 29 officers who applied, 16 were selected to attend the FTO training. Candidates were eliminated for such things as having a history of doing incomplete work, sustained complaints, excessive use of force and driving accidents.

The FTO in-service training session was conducted in April and May. Several of the training modules during the FTO training were also observed. The training included excellent video scenarios that are designed to prepare the FTOs for being effective coaches and evaluators of the trainees during their real-world performance.

The Monitor team also had an opportunity to speak informally with several of the new FTOs who participated in this training. They observed that the FTO Committee and FTO Coordinator are doing an excellent job in selecting officers who have the desire and potential to be effective FTOs.

### **3. Assessment**

The CPD is in compliance with this provision.

The Training Academy should be commended for their continuing efforts to deliver high quality training for the CPD, its desire to improve the FTO program and ensuring professional policing services are provided to the community vis-à-vis the training that is offered. The Monitor has been impressed with the caliber of individuals who have overseen and been engaged in the FTO program.

The CPD could benefit from the establishment of written procedures that support the FTO program protocols and processes that recently have been created. As changes occur in the future and turnover inevitably happens with the personnel assigned to this program, these written procedures will be helpful and ensure clarity, consistency and unbiased decision-making. For example, developing a written procedure for the recruitment and selection process will provide continuity during such transitions; provide guidance and ensure consistency on the part of the FTO committee and FTO coordinator; ensure accurate tracking and assessment of candidates; and establish what the criteria are that will be used to select or not select candidates.

During this quarter, we did not review the complaint or disciplinary history for the FTOs who desire to be reappointed. This review of existing FTOs will be conducted in a subsequent reporting period.

#### **I. Firearms Training [MOA ¶¶ 90-91]**

##### **1. Requirements**

The MOA requires all CPD sworn personnel to complete mandatory annual re-qualification firearms training to include satisfactorily completing all re-qualification courses and achieving a passing score on the target shooting trials, professional night training and stress training to prepare for real-life scenarios. The CPD is required to revoke the police powers of those officers who do not satisfactorily complete the re-certification.

The MOA also requires firearms instructors to critically observe students and provide corrective instruction regarding deficient firearm techniques and failure to utilize safe gun handling procedures at all times. CPD is required to create and implement an evaluation criteria checklist to determine satisfactory completion of recruit and in-service firearms training. For each student, the firearms instructors will complete and sign a checklist verifying satisfactory review of the evaluation criteria.

## **2. Status**

Annual firearms familiarization training began this quarter and is scheduled to be completed in July. Following the completion of familiarization training, the annual re-qualification process will begin.

## **3. Assessment**

The CPD remains in compliance the provisions in ¶¶ 90-91 of the MOA.

## **CHAPTER THREE. COLLABORATIVE AGREEMENT**

Problem solving is at the center of the Collaborative Agreement, and each CA requirement is a building block in shaping a police agency into a community problem oriented policing (CPOP) organization. As noted in paragraph 16 of the CA: “The City of Cincinnati, the plaintiffs and the FOP, shall adopt problem solving as the principal strategy for addressing crime and disorder problems.” This fundamental approach grew from a jointly signed Agreement that seeks a positive, collaborative path for Cincinnatians towards improved police-community relations, organized around more effective policing.<sup>10</sup> Progress on CPOP and Cincinnati Police Department reform is reported below.

### **I. Implementation of CPOP [CA ¶29]**

#### **1. Requirement 29(a)**

The City, in consultation with the Parties, shall develop and implement a plan to coordinate the work of City departments in the delivery of services under CPOP.

#### **2. Status**

In the second quarter of 2003, the Parties formally adopted a CPOP coordination plan, entitled the “City of Cincinnati Plan for Community Problem-Oriented Policing.” Since then, liaisons from the Departments of Buildings and Inspections, Public Services, Community Development and Planning and Health, Parks and Recreation, Fire, Water Works, and Metropolitan Sewer District received training on their roles and responsibilities as resources to the Problem Coordinators (the CPD member or Partnering Center outreach worker assigned to a CPOP team).

In December, the City reported that it will move towards Community Problem-Oriented Government. “To this end, CPOP is viewed as part of a whole

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<sup>10</sup> Over the course of Monitor reporting, the City has disagreed with the Monitor and the Plaintiffs about the types of efforts that constitute problem-solving for reporting purposes. On April 21, 2005, the Parties reached agreement on the definition of problem solving. The Parties agreed that future reporting of problem solving will have the identifying characteristics of (a) problem definition, (b) the analysis of the problem, and (c) the range of alternatives considered. This is memorialized in an ACLU correspondence with the Parties of the same date. Efforts and initiatives that are not problem-solving for purposes of this agreement may be better suited for presentation through other venues. The CPD will use a Form 560 to report problem solving. This form is under revision and will incorporate feedback from the Parties and the Monitor. We ask that the CPD share a draft of revisions with the Monitor (and the Parties) to reduce the likelihood that a form is again adopted that may require further revisions.

and not a stand-alone program, as citizens will have several ways to access services. Each access point will lead to a comprehensive, timely service response.”

The City Manager’s office created a CPOP Integration Team comprised of City departments that will review CPOP actions and improvements that can support the CPD. The City states that it is considering combining CPOP electronic files into an existing electronic database that tracks service requests, permits and code violations. This can provide “real-time” data on cases and access to citizens for updates.

In February 2005, the Parties met and agreed upon a final definition for CPOP. Last quarter, the Parties stated that they believe the CPOP definition will “inform an updated structure for the City department participation in CPOP.” At the same time, the Parties have also agreed to continue discussions to develop and implement mechanisms for tracking and documenting CPOP projects.

In our last Report we noted that “while Community Problem-Oriented Government makes great sense, and other cities have adopted this approach, we want to ensure that CPOP requests do not lose priority (except when appropriately trumped). We also want to ensure that the service request system does not replace a CPOP tracking system.”

This quarter the City outlined the revised structure for accessing City department resources to support CPOP:

The Neighborhood Code Enforcement Response Teams (NCERT) will serve as a primary way to access city department resources to support CPOP. In April, 2005, the City established five new NCERT Teams co-terminus with police district boundaries. Teams will serve as self directed work units consisting of one representative from each of the following Departments: Buildings and Inspections, Health, Police, and Fire, with support on an as-needed basis by Law. NCERT Teams, facilitated by Neighborhood Sergeants, will address the most serious safety code violations and provide access to city department resources to support CPOP. One NCERT has operated for approximately 18 months and a summary of their work flow follows:

- Select new NCERT cases based upon citizen complaints, police referral or field observations
- Research property history for existing open orders and investigations

- Determine if probable cause exists for a search warrant from a judge (if not, research continues)
- If search warrant issued, property searched, preferably the search is videotaped
- Vacate order or evacuation order issued if necessary
- Assist occupants with alternative housing if needed
- Issue orders against the property owner
- Re-inspect within the timeframe dictated by the violation
- If non-compliance, cite for failure to comply and take to the Housing Court

Neighborhood Sergeants evaluate proposed CPOP cases and facilitate CPOP Teams, and facilitate access to NCERT Team. Neighborhood Sergeants will have a city database (Customer Service Response and Knowledge Database) on their desktops for easy access. Neighborhood Sergeants will be guided by the following template:

- Single Service Safety Issue - Neighborhood Sergeants determine if an active case
  - ⇒ active case – provide citizen or staff member the active Customer Service Response (CSR) or Permits Plus case number
  - ⇒ non active case – refer to the CSR
- Single Service, Non-Safety Issue – same steps as above
- Repeated Safety Issues – Neighborhood Sergeants determine if a CPOP team is appropriate:
  - ⇒ If CPOP team is appropriate – Neighborhood Sergeants refer to the NCERT Team to access the services of their departments.
  - ⇒ Departments without an NCERT Team – Neighborhood Sergeants refer to the CPOP liaison in the following departments: Community Development and Planning, Transportation and Engineering, Metropolitan Sewer District, Water Works, Recreation, Public Services and Parks, and or use the CSR Knowledge Database
  - ⇒ Neighborhood Sergeants copy the Community Police Partnering Center on all potential CPOP cases.

Additional coordination is outlined below:

Main City Departments for CPOP Coordination - The following city departments will have designated CPOP Liaisons by neighborhood. Each will have access to update actions taken on CPOP cases: Buildings and Inspections, Health, Police, Fire, Community Development and Planning, Transportation and Engineering, Metropolitan Sewer District, Water Works, Recreation, Public Services and Parks. Departments will report quarterly any CPOP Liaison staff changes to the CPD Community Oriented Policing Coordinator. Department Directors will add CPOP to the agendas for regularly scheduled senior management and division meetings.

Police Resources Meetings - Neighborhood Sergeants will represent the NCERT Teams at these meetings. Community Development and Planning staff (Development Opportunity Teams - DOT) will also attend these meetings to share resources as appropriate. Neighborhood Sergeants provide NCERT and DOT Teams with Police Resource meeting minutes.

Patterns of Service Request - CSR Call Center Manager will review service requests and CAGIS maps to determine if patterns exist for increased number of calls for service for any given area. Repeated safety issues will be referred to the Neighborhood Sergeants for CPOP consideration and non-safety issues will be referred to the appropriate departments.

Also during this quarter, the City's Code Enforcement Task Force<sup>11</sup> developed and distributed to CPD employees and community leaders a Citizen's Guide to Community Action: Addressing Nuisance Complaints and Neighborhood Blight.

### **3. Assessment**

The Citizen's Guide to Community Action: Addressing Nuisance Complaints and Neighborhood Blight -- developed by the City with leadership contributions from the CPD, the Partnering Center, and Keep Cincinnati Beautiful -- is a fine example of the value of coordinated information dissemination about specific types of common community problems that cross city agency boundaries.

As the City revises its new approach to service delivery, we ask the Parties to keep in mind that a City service request tracking system cannot by itself replace a CPOP tracking system. We see these as two separate systems although they could be linked. The CPOP tracking system must contain

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<sup>11</sup> The Partnering Center Executive Director sits on the Code Enforcement Task Force.

greater detail about a CPOP case so that others in the organization, the Partnering Center, and the community can see how a specific crime/safety problem was identified, the dimensions of the problem, the analysis undertaken and what was learned from it, solutions drawn from the analysis, whether solutions were implemented, and to what extent the interventions reduced the problem.

As we stated in our last Report, the Monitor's assessment of compliance requires documentation of the City's implementation of its coordination plan. This can include the number of agencies involved, the range of City services provided, the number of projects with interagency cooperation (including the work of the Neighborhood Code Enforcement Response Teams), and whether the intervention assisted in reducing the problem.

Based on a review of the CA Status Report and our site visits, the Monitor finds that the City is in partial compliance.

### **1. Requirement 29(b)**

The Parties will develop a system for regularly researching and making publicly available a comprehensive library of best practices related to CPOP.

### **2. Status**

This quarter the Parties added 11 new publications (listed below) to the CPOP website <http://cagisperm.hamilton-co.org/cpop/default.aspx> under the 'Problem Oriented Policing Best Practices' tab. The Partnering Center suggested their inclusion and the Parties' publications review committee agreed to each of the suggestions:

- Juvenile Violence Research
- Understanding and Preventing Violence
- Youth, Gangs, Drugs Violence Connection
- Promising Strategies to Reduce Youth Gun Violence
- Boston Operation Cease Fire
- Reducing Firearm Violence Through Directed Patrol – Indianapolis
- Reducing Gun Violence – St. Louis Consent to Search Program
- Strategic Approaches to Reducing Gun Violence – Indianapolis
- Working With Victims of Gun Violence
- Youth Gun Violence Deterrence in Portland
- Youthful Offenders' Perception of Gun Violence

The CPOP website now links to over 40 different publications about crime, disorder, partnerships, problem-solving, and community policing under a "problem-oriented policing best practices" tab. In addition, the website



contains links to more than 30 problem-oriented guides for police on specific crime and safety problems.

The CPOP website now also has a link to the Partnering Center [cagisperm.hamilton-co.org/cpop/documents/CPPCbrochure%20color.pdf](http://cagisperm.hamilton-co.org/cpop/documents/CPPCbrochure%20color.pdf), where a very user-friendly brochure provides information about the Center, about CPOP and about problem-solving and the SARA model.

Last quarter, the Partnering Center provided the County library with some of these publications. This quarter, an ACLU representative and Partnering Center staff met with the Hamilton County Public Library staff and offered to serve as a resource to community residents interested in participating in neighborhood CPOP efforts. The Hamilton County Library developed a website <http://www.cincinnati.library.org/cpop/> containing POP Guides and other crime prevention resources the Partnering Center provided and has acquired physical resource materials (POP Guides) to assist community residents in CPOP efforts. The Hamilton County Library now also offers space to conduct CPOP training.

### **3. Assessment**

The collection of on-line publications on the CPOP website now stands as one of the most comprehensive collections on a police website. The Parties have been in compliance with this section for four consecutive quarters. We believe that compliance for 29(c) and 29(d) will require training within the CPD of some of these best practices and their application on community crime/safety problems, as well as their use in crime reduction efforts. Towards that end, we recommend that the best practices library also be on the CPD's website, to broaden dissemination to all officers.

With the work of the Parties and the Partnering Center in developing the virtual best practices library and making these publications available in hard copy through the Hamilton County Library, the Monitor finds the Parties to be in compliance with CA ¶29(b).

#### **1. Requirement 29(c)**

The City, in consultation with the Parties shall:

- Develop a continuous learning process through the CPD,
- Document and disseminate experiences with problem-solving efforts in the field throughout the CPD,

- Make available to the public experiences with problem-solving efforts, and
- Emphasize problem-solving in (but not limited to) academy training, in-service training, and field officer training.

## **2. Status**

Each of the elements of this section is discussed below.

Continuous Learning Process in the CPD: Last quarter, a 50-minute CPOP training presentation was included in the Department's annual management training in December 2004 and January 2005. The presentation by the CPD CPOP coordinator emphasized the goals of the CA, described differences between community and problem-oriented policing, and emphasized the core elements of CPOP, including adoption of the CPOP philosophy organization-wide. This quarter, the City Manager met personally with recruits who were matriculating into their FTO phase to present a session on the impact of police tactics in inner-city neighborhoods. She emphasized the importance of the CA and CPOP as positive ways to assist officers in respecting all people and valuing human life, while "getting the bad guys off the street and keeping the good people safe." CPD training academy staff state that this is now a regular part of new recruit training.

Experiences with problem-solving efforts in the field will be documented and disseminated throughout the CPD: The CPOP website contains efforts begun in the last year, but we are uncertain whether CPD officers are accessing and using the website. Design improvements are in the works for the site and tracking system, which are intended to improve the quality of the descriptions of the problem solving efforts and their readability. This quarter, in conversations with patrol and neighborhood officers during ride-a-longs and at the districts, the Monitor Team found that some of the neighborhood officers are occasionally accessing and using the website to examine CPOP best practices. Patrol officers encountered during this quarter's site visits (as on prior visits) appear unaware of the website and the problem solving guides, or if aware, are not accessing them.

Experiences with problem solving efforts in the field shall be made available to the public: Problem solving efforts are on the CPOP website within the tracking system and are accessible to the public by internet. CPD has made a few design improvements to the system. Additional design improvements are expected this upcoming quarter so problem solving cases are clearer and easier to access.

Problem solving will continue to be emphasized in (but not be limited to) academy training, in-service training, and field officer training: Last quarter, the Partnering Center offered a 2-day training about problem-oriented policing, crime prevention through environmental design, and situational crime prevention, with 16 CPD officers attending. During this quarter, the field training officer (FTO) class attended by new FTOs included a module on CPOP, which was observed by a member of the Monitoring Team. The CPD's COP Coordinator delivered the training in an enthusiastic and professional manner.

Included in the training were: a recounting of the CPD's history leading up to the MOA and the CA; the importance of the MOA and the CA in building community confidence and trust in CPD; elements of the CA relevant to CPOP; a discussion of the CPD's mission; a review of the SARA model; a description of the Charlotte-Mecklenburg Police Department FTO program in which each trainee identifies a problem and works through the problem with the support of his or her FTO as part of its overall assessment of each trainee; ways to make time in patrol for problem solving and the expectation that all officers be involved in problem solving, not just neighborhood officers; an introduction to the Partnering Center and the CPD website, urging FTOs to personally "travel" the website with their trainees; mention of the Problem-Oriented Policing Guides, with a handout listing them and their value for FTOs; an introduction to the Neighborhood Code Enforcement Response Teams; a discussion of the increased role that crime analysis will play in supporting problem solving at the districts; a discussion of the beat profile which will be developed by each trainee as part of the FTO training; and an overview of the CPOP annual awards. In late June, training for new supervisors will also contain a CPOP component.

### **3. Assessment**

The efforts described above are laudable, and are necessary pieces in the adoption of problem solving as an organization-wide philosophy of the CPD. Last quarter, we noted the presentation of key CPOP points in the CPD's management training, and the more comprehensive 2-day training offered by the Partnering Center. This quarter, the City Manager's presentation of her views during recruit training is a good example of top leadership emphasizing the importance of the CPD's new approach to policing. It is important that CPD's leadership do so as well with its new recruits and with CPD's other employees, civilians and sworn.

With respect to documenting and disseminating problem solving experiences in the field throughout the CPD, we believe more work is needed to achieve compliance. The CPOP tracking system is currently under design review. The Department may also want to consider additional ways of crafting and disseminating descriptions of problem solving experiences to CPD members. Accurate documentation of problem solving efforts at the

district/unit level is important to support the dissemination of relevant and useful information throughout the CPD. The Monitor will review problem solving documentation in different Districts next quarter and report on these in our next Report.

As for public accessibility of problem-solving efforts, the CPD's problem-solving descriptions are available to the public via internet. The CPD is in compliance with the public dissemination requirement of this subsection, but the CPD has agreed to change the form and the format for these descriptions so that the POP cases can more easily be interpreted by readers.

Concerning the emphasis on problem solving throughout the CPD, we noted last quarter there had not been sufficient emphasis. We believe the CPOP coordinator's presentation in the FTO curriculum is an important step. We hope to see the inclusion of CPOP in many more of the training sessions CPD presents, as required by the CA.

Currently, of the four subparts to this subparagraph, the Parties are in compliance with the public dissemination requirement. Progress on the other elements of this CA section is required, and the Parties are in partial compliance with this section of the CA.

In the next quarter, the Monitor will review any curriculum and lesson plans used to train employees in problem solving. We also recommend that those CPD employees engaging in crime analysis be trained in problem analysis, problem solving, and situational crime prevention. Other developments that will assist the CPD in implementing this CA provision would be providing employees with examples of problem write-ups that assist them in their own documentation of problems; training that is specific to sergeants, lieutenants and captains, and covers their changing role in supervising, coaching, managing, and leading problem solving; and updating training curricula with recent examples and experiences from the field and best practices information.

### **1. Requirement 29(d)**

The Parties will research information about how problem-solving is conducted in other police agencies and disseminate research and best practices on successful and unsuccessful methods for tackling problems. The Parties will also disseminate information on analogous problem-solving processes used by other professions.

### **2. Status**

The Community Police Partnering Center provided the Parties with a synopsis of the elements of effective community youth gun violence prevention

strategies and an overview of effective youth gun violence initiatives in three cities: Boston, Richmond (CA), and Minneapolis-St. Paul, as reported in *Promising Strategies to Reduce Youth Gun Violence*, published by the Office of Juvenile Justice and Delinquency Prevention.

### **3. Assessment**

As the Monitor Team has noted in prior reports, 29(b), 29(c) and 29(d) are closely tied, and these and other CA sections are meant as ways to facilitate the adoption of problem solving as CPD's principal strategy to reduce crime and disorder in Cincinnati.

As we noted in 29(b), the Parties established a CPOP "best practices" library and included research publications and guides on the CPOP website and at City libraries. We have found the Parties in compliance with the public dissemination requirements of 29(b) and 29(c). However, because problem solving is to be adopted as the "principal strategy for addressing crime and disorder problems," dissemination of problem solving "throughout the CPD" to CPD members requires more than the inclusion of problem solving research on the CPOP website. We have determined that the City is not yet in compliance with the requirements of 29(c) for training and dissemination to CPD members. This applies for 29(d) as well.

The sharing of gun violence reduction strategies is an excellent start, but more is required under 29(d) for compliance. The following developments would demonstrate compliance with 29(d): research is used in problem solving projects (see 29b); projects apply situational crime prevention if appropriate; projects that are on POP Guide topics show awareness of the guide and its elements; research is used in crime reduction and traffic problem reduction efforts; best practice knowledge is used as a skills measure in the performance evaluations. The Parties are in partial compliance with this provision.

#### **1. Requirement 29(e)**

The Parties, through the Community Police Partnering Center, will conduct CPOP training for the community and jointly promote CPOP.

#### **2. Status**

During this quarter, the Community Police Partnering Center held several "issue-specific" trainings, trained stakeholders new to CPOP in basic SARA methodology, and continued outreach in several Cincinnati neighborhoods to enlist residents to participate in the spring and summer SARA trainings.

Several times during this quarter, the Partnering Center participated in a two-hour information and call-in radio show on WDBZ AM, "The Buzz of Cincinnati," to promote CPOP and the Partnering Center. On March 26<sup>th</sup>, neighborhood residents from Madisonville and Avondale were on the air discussing CPOP efforts in their communities. This show also featured District 2 Captain Michael Cureton and two members of the Madisonville Citizens on Patrol Team. This was the second broadcast about CPOP since February (the first discussed the Collaborative Agreement). A third broadcast this quarter focused on youth gun violence and a fourth radio call-in show was broadcast live from Avondale's "Jay Street Market 05," an event held as part of a CPOP response to the problem of drug sales and use and other illegal activity in and around the area of Burnet and Rockdale.

Additional trainings held during this reporting period included:

- On April 26<sup>th</sup>, one of the Partnering Center outreach workers arranged for domestic violence prevention training by the Rape, Crisis and Abuse Center (RCAC, formerly Women Helping Women). The training provided information about domestic violence, abusive behaviors, and available community resources through the YWCA and RCAC, as well as "best practices" for community responses.
- On May 4<sup>th</sup>, a Partnering Center outreach worker presented Blight Index Training to community members in South Cumminsville. The training showed residents how to conduct a Blight Index as the first step in addressing vacant and blighted buildings in their neighborhood.
- On May 17<sup>th</sup>, the Partnering Center provided SARA training focused on litter and blight issues in Corryville.
- Additional basic and issue-specific SARA trainings are scheduled for late June in Madisonville, Walnut Hills, East Walnut Hills, and Over-the-Rhine/Downtown.

Also as part of the Parties' outreach efforts, the Friends of the Collaborative held its quarterly meeting on April 28, 2005. The meeting included a panel discussion by media – the Cincinnati Enquirer, the Cincinnati Post, the Cincinnati Herald, and City Beat -- about the coverage, role, and responsibility of media in informing the public about the Collaborative Agreement, CPOP and the Partnering Center.

The Parties report that there are 19 active CPOP teams with 31 neighborhoods trained. The Partnering Center outreach staff provides support to 32 different neighborhood problem-solving efforts.

During a site visit this quarter, the Monitoring team observed several CPOP teams in action. Some examples include:

At a **West End CPOP team** meeting in District, a Neighborhood House community organizer facilitated a well designed, focused problem-solving session in which community members identified two specific problems: (1) a privately owned lot with criminal activity; and (2) neighborhood and convenience stores in the West End with crime and disorder activities, and then described in detail the specific behaviors and activities which are problems for the neighborhood. The team was provided with fact sheets and articles on similar problems in other jurisdictions, information on best practices in addressing similar problems, and calls-for-service and complaint data. As the team reviewed the information together, they also brainstormed ideas for further analysis of each problem, including an environmental assessment of the problem locations. The facilitator emphasized the importance of research in understanding a problem, and “having a plan.” Team members also reported on actions they had taken after the previous meeting: developing a letter to distribute to neighborhood churches to learn about church resources to support youth; collecting and analyzing survey data of local seniors to ascertain their feelings of safety in the community.

The **Carthage CPOP team** had identified a specific location experiencing drug dealing, gunfire, and robberies. Poor visibility of the premises makes it a magnet for criminal activity. The problem is compounded by a language barrier, with most victims of robberies being Latino and Guatemalan. A dynamic District 4 officer provided research on best practices to the members, referred members to the CPOP website, handed out an RCPI card summarizing the problem solving process, and walked the group through scanning and analysis. The officer was supported by a Partnering Center outreach worker (who had been hired by the Partnering Center only six weeks prior). The team was enthusiastic and focused, with members actively participating and volunteering for tasks. While some responses to the problem were discussed as part of an overall effort to manage the problems at the location, the officer did a masterful job of keeping the team on task, specifically focused on completing the analysis of the problem before responses were developed.

**Northside CPOP** has taken a step-by-step approach to looking at one block that has been the site for drug dealing and loitering for years. The block has some abandoned and uncared for properties, many of them rentals, and there is a convenience store at the corner that has contributed to the loitering and drugs problem. Armed with information, the community resisted its license renewal. The CPOP team surveyed the block’s property owners about crime levels and their potential participation in a CPOP effort to turn around the block.

### **3. Assessment**

The Partnering Center, the Plaintiffs, and members of the CPD participated in several significant community outreach efforts. This quarter also featured several important trainings – SARA, CPOP, domestic violence, and blight index training. As we have mentioned in prior Reports, we see tremendous added value from the additional training developed around specific crime/disorder problems, as it gives neighborhood groups who are interested in specific problems the kind of in-depth information they need to address an acute community problem.

Also, the work by the active CPOP teams is advancing. The CPOP teams mentioned above are just a few of the teams working on problem solving efforts.

The Parties are in compliance with this section of the CA.

#### **1. Requirement 29(f)**

The Parties shall coordinate efforts through the Community Police Partnering Center to establish ongoing community dialogue and structured involvement by the CPD with segments of the community, including youth, property owners, businesses, tenants, community and faith-based organizations, motorists, low income residents, and other city residents on the purposes and practices of CPOP.

#### **2. Status**

In the previous quarter, the Parties did not jointly sponsor any community dialogue efforts. This quarter, the Parties participated in (and a Monitoring Team member observed) a community forum on Taser use. The forum was held to provide information about CPD Taser policies and practices, and address community concerns about their use. A panel including the CCA Director, an ACLU attorney, an executive from Taser International, a cardiologist from a local hospital, and the CPD's Assistant Chief of Operations were asked to respond to scenarios posed by the moderator about CPD policy in use of force situations. For each scenario, the moderator posed the question: "Prior to the Taser, how would officers have responded?" Panelists then directly addressed questions from the audience. Community members ranged from youth to seniors, with many expressing strongly dissenting views on the use of force in general and the use of Tasers. The moderator and panelists made respectful attempts to provide a context for the dialogue, respond to community concerns, describe the process for filing complaints regarding use of force, the process for the CCA's review of cases, and encourage



community members to use the established complaint processes should they have concerns about the use of Taser by CPD officers.<sup>12</sup>

### **3. Assessment**

Given the court-related developments of last quarter, it is not surprising that the Parties did not jointly coordinate any efforts at community dialogue last quarter. We believe that the Taser use of force forum this quarter was an honest effort to face community concern and to provide details about the CPD's policy. We hope that Parties will make other opportunities available this summer for community dialogue about important policing issues.

The Parties are in partial compliance with this section of the CA. Full compliance with this provision would entail a plan for structured dialogue, joint promotion of events and a review of the feedback from those events. It would also demonstrate compliance if the Parties scheduled follow-up meetings, and reported on the outcomes of the discussions and meetings, descriptions of areas of agreement and disagreement in the dialogue, and next steps.

#### **1. Requirement 29(g)**

The Parties shall establish an annual award recognizing CPOP efforts of citizens, police, and other public officials.

#### **2. Status**

The Awards Committee met in February and decided to hire an event planner for an awards ceremony. Also in February, fliers announcing the CPOP awards were included in packets distributed to attendees at the Xavier University Neighborhood Summit. Last quarter, the Partnering Center's newly-hired community analyst began a review of CPOP project data (calls for service, citizen surveys, environmental surveys) to check post-project data against project baseline data. Those CPOP teams whose projects appear to have had the greatest impact will be encouraged to submit award applications. In its April-approved budget, the Partnering Center included \$5000 to support an awards program this year. The Awards Committee met in May and expects to meet regularly to coordinate a fall awards ceremony.

Award categories have been identified by the committee and a selection committee will be formed to evaluate all award nominations. Award nominations will be solicited beginning in the third quarter of 2005.

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<sup>12</sup> An article about the forum can be found at <http://www.citybeat.com/2005-06-01/news.shtml>.

### **3. Assessment**

Because an awards program has not yet been accomplished, the Parties are not yet in compliance with this section of the CA. However, as we noted in prior Reports, the rolling out of joint CPOP training took precedence over the awards process, so the Parties and communities will have the skills to address problems. With approximately 19 active CPOP neighborhood teams, an awards ceremony recognizing the committed efforts of those engaged in problem-solving will be a timely addition.

The Parties have taken significant steps in moving the program forward and the Monitor anticipates that an awards ceremony will take place in the fall.

#### **1. Requirement 29(h)**

The City, in consultation with the Parties, shall develop and implement a communications system for informing the public about police policies and procedures. In addition, the City will conduct a communications audit and develop and implement a plan for improved internal and external communications. The National Conference for Community and Justice (NCCJ) will fund the communications audit.

#### **2. Status**

This CA section has two parts: (1) informing the public about CPD policies and procedures, and (2) conducting a communications audit and developing and implementing a plan for improving internal and external communications. With respect to the first, CPD policies and procedures are accessible from the City website. On the second, the communications audit was conducted in 2002. The Parties intended to develop a communications plan in Spring 2004 through the CPOP Committee, although a plan has not yet been developed. In December, the CPD reported that it had accepted (and the City Council approved) the NCCJ's offer of a loaned executive to help the CPD implement aspects of the communications audit.

The "loaned executive" will serve as the CPD's Community Relations Coordinator and become the primary liaison between CPD and the community for purposes of implementing portions of the communications audit. The December Status Report listed at least 19 separate first year activities for the Coordinator, including developing a strategic communications plan, developing a "new relationship initiative between the CPD leadership and community, business and political leaders," and establishing community relations activities to raise the visibility of CPOP, Citizens' Police Academy, Youth Services and other CPD Initiatives.

The City has now formed a Communications Council comprised of representatives from the CPD, the National Conference for Community and Justice (NCCJ), and Hollister, Trubow, and Associates (HT & A). It meets regularly to implement a plan for internal and external communication. The “loaned executive” is not yet on board. The City posted a job description and is conducting interviews. In the interim, HT & A has begun a number of tasks that the Community Relations Coordinator will eventually assume, including creating several concept papers for:

- a semi-annual report from the Cincinnati Police Chief to the city’s community leaders
- an annual report, *Report to the Community We Serve*
- a quarterly internal newsletter for officers, civilian employees, retirees, and their families

Representatives from HT & A have contacted personnel in all sections and units of the CPD seeking information and cooperation. HT & A has already begun several initiatives, including creating police trading cards and writing “good news” stories that will be shared with local media, including Police Memorial Week activities, state-wide/regional awards won by CPD personnel, the new state of the art communications center, report on Collaborative Agreement successes, reductions in use of force, “crime stoppers” successes, report on racial profiling study, Taser usage and success, CPOP successes, citizen police academy.

### **3. Assessment**

Concerning the first part of this CA section, accessibility to policies and procedures, they remain available to the public on the CPD’s website, <http://www.cincinnati-oh.gov/cpd>. The City is in compliance with this part of paragraph 29(h). There is also a link in the City’s CPOP website (<http://cagisperm.hamilton-co.org/cpop/>) to CPD’s procedure manual. The link gives access to community members who are engaged with the police through CPOP involvement.

Concerning the second part of this CA section, the City conducted a communications audit, but the plan for improved internal and external communications is still being developed. The City is in partial compliance with this component of paragraph 29(h). The Monitor hopes to review the communications plan in the next quarter, and meet with the community relations coordinator, if that person is brought on board.

### **1. Requirement 29(i)**

The CPD will create and staff a Community Relations Office to coordinate the CPD's CA implementation.

### **2. Status**

The CPD created a Community Relations Unit (CRU) in 2003. The CRU is a division of the Police Relations Section. Initially, the CRU Manager reported to the Executive Manager of Police Relations and assisted in coordinating the implementation of the CA. In early 2004, the CRU Manager was transferred to the Records Division to achieve budget savings. The CPD stated that the CRU manager will allocate half her time to assisting RAND (the CA evaluator) by providing documentation and records needed to conduct its evaluation of the Parties' progress with the CA. In the fall, the CPD assigned an officer to the CRU. She is tasked with redefining the CPD's quarterly Unit Commander CPOP reporting process, making recommendations about the CPD's current problem tracking system, and assisting with implementing aspects of the communications audit. She will also assist with the implementation and reporting requirements of the Agreement. As stated in our Ninth Quarterly Report, this is a very positive development.

Last quarter, the CRU officer revised the CPOP Problem Solving Worksheet<sup>13</sup> and parts of the CPOP website. The Parties did not report on progress during this quarter but note that "the position of Community Relations Coordinator will not only be an asset to the CPD as a whole but will serve as a positive addition to the CRU."

### **3. Assessment**

The City is in compliance with this CA requirement.

### **1. Requirement 29(j)**

The Parties shall describe the current status of problem solving throughout the CPD through an annual report. Each Party shall provide information detailing its contribution to CPOP implementation.

### **2. Status**

The CPD submitted its CPOP Annual Report for 2003 in September 2003. The Parties submitted their 2004 CPOP Annual Report in September 2004. Milestones documented in the 2004 Report included:

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<sup>13</sup> We discuss the problem-solving worksheet under section 29(k).

- The establishment of the Community Police Partnering Center
- Development of joint CPOP training delivered by the CPD and the Partnering Center outreach staff
- Delivery of joint training to numerous Cincinnati communities

### **3. Assessment**

The Monitor anticipates an annual report in September 2005. The Parties should document problem solving efforts that reflect CPOP training and best practices, specific problem definition, and in-depth analysis, an exploration and range of solutions, and assessment. The Parties should also describe continuous learning by CPD around problem solving and best practices, and identify problem solving training needs within the CPD and the community.

#### **1. Requirement 29(k)**

The CPD District Commanders and Special Unit Commanders or officials at comparable levels shall prepare quarterly reports detailing problem-solving activities, including specific problems addressed, steps towards their resolution, obstacles faced and recommendations for future improvements.

#### **2. Status**

On April 21, 2005, the Parties reached agreement on the definition of problem solving. The Parties agreed that future reporting of problem solving will have the identifying characteristics of (a) problem definition, (b) the analysis of the problem, and (c) the range of alternatives considered. This is memorialized in an ACLU correspondence with the Parties on that date.

The problem solving form the CPD will use to report problem solving is under revision, based on input from the Parties and the Monitor. The CPD's Planning Section is currently working on this assignment.

This quarter, only two Districts submitted problem-solving worksheets. District 1 submitted five problem-solving efforts and District 5 submitted two problem-solving efforts. The types of crime/safety problems identified for problem-solving are specific locations where drug dealing, prostitution, vehicle crime, litter, abandoned buildings, and animal abuse occur.

This quarter, the Monitor Team met with Street Corner Narcotics, rode along to the top ten narcotics locations in the City (based on a one-year data

set), and met with the intelligence officer about the types of information the CPD looks at when a location is the subject of repeat narcotics complaint. The Monitor Team also met with District and COP officers in District Commands.

### **3. Assessment**

The purpose of Unit Commander quarterly reports is to detail problem-solving efforts. Only two Unit Commanders provided problem-solving reports on specific problem solving efforts.<sup>14</sup>

We commend the authors of the write-ups submitted, as they are significantly more descriptive of identified problems than prior quarterly write-ups. Paperwork does not need to be overwhelming, but precision is important, just as it is with arrest reports. We again refer to prior Monitor Reports where we describe the type of detail expected in these reports.

Compliance with this CA provision will be demonstrated more clearly when all of the District and Unit Commanders prepare quarterly reports, and the reports reflect: an increasing use and proficiency in problem solving in the unit; a greater reliance on analysis and less reliance on unevaluated efforts; a wide range of tactics – civil, situational crime prevention, zoning, environmental, etc.; and the reports describe the Unit Commanders' actions and plans to involve the entire command in problem-solving and CPOP activities, rather than just the COP officers.

The CPD is in partial compliance with this section of the CA.

#### **1. Requirement 29(l)**

The Parties will review and identify additional courses for recruits, officers and supervisors about the urban environment in which they are working.

#### **2. Status**

In March 2004, the Parties proposed a timeline beginning in May 2004 for review of Academy courses and implementation of additional courses.

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<sup>14</sup> In January 2003, the Monitor advised the City that it would expect quarterly problem-solving reports from special unit officials in Street Corner Narcotics, Vice, Planning, Crime Analysis, and Criminal Investigations Section (covering activities of homicide, personal crimes, major offenders, financial crimes units), Youth Services, Downtown Services Unit, Special Services Section (covering park unit, traffic unit), as well as the District Commanders. The Monitor requested this because problem solving, under the CA, is a Department-wide approach to addressing crime. As we noted in our prior Reports, these units are integral to CPOP success. In the next Report the Monitor expects individual reports about specific crime/safety problems from each of the units.

Plaintiffs and the FOP agreed to meet with District Commanders and audit CPD training to recommend changes or additions. The Plaintiffs and the FOP reported in the June and September 2004 CA Status Reports that they had not yet done this. In the last quarter, the CPD provided the Plaintiffs with the new Academy training schedule and the FOP suggested several areas for potential training.

This quarter, the Plaintiffs had planned on attending three separate training topics: the Collaborative Agreement, Current Issues, and training for new FTOs, but it appears that Plaintiffs were unable to do so.

### **3. Assessment**

This quarter, as noted in section 29(c), the City Manager participated in new recruit training discussing the impact of police tactics in inner-city neighborhoods. She emphasized the importance of the CA and CPOP as positive ways to assist officers in respecting all people and valuing human life while “getting the bad guys off the street and keeping the good people safe.” Although the Plaintiffs were unable to attend training in this quarter, we encourage them to attend CPD training in the next quarter.

For compliance with this CA provision, we look for the Parties to consult on the curriculum, the Partnering Center to participate in CPD training, and the CPD’s consideration and response to the FOP’s, Plaintiff’s and Partnering Center’s recommendations for revisions to training. The Parties are in partial compliance with this section of the CA.

#### **1. Requirement 29(m)**

The Parties, in conjunction with the Monitor, shall develop and implement a problem tracking system for problem-solving efforts.

#### **2. Status**

Late last year, the CPD recognized that its problem tracking system required improvements and tasked its Community Relations Unit to improve the system. CPD reviewed previous Monitor Reports and prepared a draft document for review by neighborhood area sergeants. Last quarter, the Parties met several times about the problem tracking system and reached agreement on the following items, which they shared with Judge Merz and the Monitor at the March 10<sup>th</sup> facilitated meeting:

1. The Parties will work on a mechanism for posting items on the CPOP website.

2. The Parties will develop an analysis process that captures and provides more detail in the problem tracking process.
3. The Parties will modify the tracking process as a result of items 1 and 2 above.
4. The Parties will reach consensus on problems to be posted on the CPOP website – i.e., District Commanders (neighborhood officers), and Partnering Center staff will have joint approval and shared responsibility to coordinate and share information about the problems to be posted as CPOP on the website.

Last quarter, the CPD made some improvements in the website and tracking system. The website now contains contact information for the Partnering Center, and within the tracking system, one is able to move from one SARA element to another in a CPOP case without going back each time to the main screen. Another useful modification, changing the “Comments” section in each section to “Give Specifics” may have the effect of increasing the level of detail officers include in each project. As for identifying the names of property owners of problem properties in CPOP reports, the CPD has raised concerns that doing so “poses privacy and protection issues for those involved.” As we noted in our last Report, unless Ohio law prohibits it (typically property owner information is a public record), we believe omitting this information will be a missed opportunity.<sup>15</sup>

This quarter, the CPD states that changes are currently being implemented to the CPOP database to improve access by the Partnering Center. A tentative timeline has been created in an effort to keep the established tasks on track. Changes to the website should address the Monitor’s concerns of “missing pieces in the system.”

### **3. Assessment**

Improvements to the problem tracking system will be a positive advance. We ask that CPD share drafts for an improved tracking system with the

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<sup>15</sup> On the issue of adding property owner names in the CPOP tracking system when addressing a problem property, property owner information is public record and the value of naming these property owners in a CPD database, even one open to the public, is that it allows the CPD *and the community* over time to see if there is a pattern to the property owners; for instance, do some own multiple problem properties in different parts of the city and are slumlords? Some of the responses considered against an owner of multiple problem properties (in different districts) may be different than those considered against an owner who has only one problem property. This also suggests that it would be helpful to be able to search the tracking system for certain types of patterns, such as by landlord.



Monitor. Because the Parties are in the process of revising and improving the problem tracking system, the Monitor will defer our compliance determination.

### **1. Requirement 29(n)**

The City shall periodically review staffing in light of CPOP. The CA requires ongoing review of staffing rather than a review by a certain deadline.

### **2. Status**

In prior reports, the CPD has stated that it regularly reviews staffing to match workload requirements with resources. On numerous occasions (starting with our Third Quarterly Report in October 2003), the Monitor requested the CPD's staffing formula and a description of how the CPD applies it. In September 2004, the CPD provided a description, including the formula used.

Last quarter, Plaintiffs suggested that the description the CPD provided of its staffing approach supplies the "mechanics of its staffing plan," but has not changed "in light of its commitment under CPOP" and the CA requirement that problem solving become the CPD's principal approach to crime and disorder. In addition, since crime analysis is key to problem solving, Plaintiffs suggested that the City should increase the budget for crime analysis capacity within the CPD. At that time CPD had 1.5 analysts for just over 1,000 sworn officers. According to the CPD, the Crime Analysis Unit "provides data and analysis to all of the CPD districts, sections, and units, and to the community, to enhance problem-solving and law enforcement."

This quarter, the CPD advised the Monitor and the Parties that it intends to increase its complement of crime analysts by adding an analyst to each of the five patrol Districts and one each to Vice Control and Criminal Investigations – for an increase of seven. Planning and Personnel are currently developing the job descriptions, selection criteria, and training for the analyst positions, which will be filled by sworn personnel.

The CPD reports that sworn staff within the Investigations Bureau in units such as Street Corner, Vice, Major Offenders Unit, also performs analysis of data specific to the needs of their unit, with collaboration with the Department's chief analysts. These personnel will also be provided any additional training identified for the district crime analysts. Additionally, once training is completed, periodic meetings will be held between these individuals to share information and best practices.

### **3. Assessment**

We believe that the hiring of additional crime analysts is an important step in moving towards a more information-driven department. The crime analyst profession is quickly coming into its own, and departments no longer have to confine their selection pool for choosing an analyst to those already within a department. In many departments, crime analysts come equipped with university-level and sometimes graduate coursework as preparation. The graduate criminal justice program at the University of Cincinnati may be a place CPD can look to recruit potential crime analysts. Last quarter's CA Status Report contained a report, authored by two University of Cincinnati graduate students, about the impact of street closing on drug dealing on 13<sup>th</sup> Street in Pendleton. It is an excellent example of the kind of work that can be done by crime analysts in a problem solving department.<sup>16</sup> So too is the work undertaken by the Partnering Center's newly hired crime analyst contained in his assessment of interventions used to turn around an open air drug market in Lower Price Hill.

The City is not yet in compliance with this section of the CA.

#### **1. Requirement 29(o)**

The City shall review, and where appropriate, revise police department policies, procedures, organizational plans, job descriptions, and performance evaluation standards consistent with CPOP.

#### **2. Status**

In late 2004, the City and the Civil Service Commission approved new police job descriptions and performance review standards.<sup>17</sup>

In our last Report, we determined that the revisions did not meet the requirements of this CA paragraph. We restate our reasons below:

"The CPD uses ten categories to evaluate all officers' performance and then approximately eight additional categories based on assignment and rank. Of the initial ten categories by which all sworn personnel are rated, two are changed in the new evaluation form: *problem solving* substitutes for *maintaining equipment* and *community interaction* substitutes for *meeting and*

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<sup>16</sup> The analysis examined if crime decreased in Pendleton and on the 500 block of 13<sup>th</sup> Street after a traffic barricade. The graduate students also examined if crime displacement occurred, and if so, how much and to where. The information contained in the report would be worthwhile to share with any CPOP team considering barricades.

<sup>17</sup> CPD forwarded the police job descriptions and performance review standards to the Civil Service Commission for approval without the knowledge of the Plaintiffs (See January 2005 Monitor Report)

*dealing with the public.* The eight remaining categories for all CPD members are:

- quality of work
- judgment
- attendance and punctuality
- completion of assignment
- grooming and dress
- physical conditioning
- attitude towards department policy
- developing and assisting other officers

As noted, the additional eight categories depend upon rank and assignment. For patrol officers, the eight additional rated categories are:

- investigation and case preparation
- handling stressful situations
- preventive patrol
- quantity of work
- teamwork
- gathering of criminal intelligence information
- writing police reports
- processing evidence

The Rating Manual contains the criteria qualifying an officer for one of six performance ratings (outstanding, excellent, very good, satisfactory, improvement needed, unsatisfactory) for each of 18 rated categories. Each performance rating has a point value: outstanding = 25 points; excellent = 20 points; satisfactory = 15 points; improvement needed = 10 points; and unsatisfactory = 5 points. For instance, the Problem Solving category reads as follows:

Outstanding - Is the one highest achiever in this category ever encountered by the rater.

Excellent - Has an exceptional ability to identify potential or existing problems. Shows unusual initiative and innovation in seeking appropriate solutions.

Very Good - Displays considerable ability in identifying potential or existing problems through use of the SARA problem-solving method. Shows initiative and innovation in seeking appropriate solutions.

Satisfactory - Has a broad understanding of the SARA problem-solving method and utilizes it in making decisions to assist the public.

Improvement Needed - Consistently fails to identify problems, either potential or existing. Somewhat understands the SARA problem-solving methodology for consistent application in CPOP teams.

Unsatisfactory - Unable to identify a problem or utilize the SARA problem-solving process.

We have several concerns with this first section. First, while SARA is mentioned (the police problem solving acronym representing Scanning, Analysis, Response, Assessment) only two of its elements are highlighted in the rating description: problem identification and solutions (response). The absence of analysis and assessment leaves out important elements. Analysis and assessment are key to the form of CPOP the CPD is to adopt.<sup>18</sup> Second, the *improvement needed* rating mentions CPOP teams. Under the CA, problem solving is to become the principal strategy to fight crime and disorder in Cincinnati, not just for the CPOP teams.

We are also concerned about aspects of the category *Community Interaction*. The ratings in that category are as follows:

Outstanding - Is the one highest achiever in this category ever encountered by the rater.

Excellent - Handles all dealings with the public in an extremely professional manner. Is highly receptive to individual problems and makes a special effort to provide assistance. Builds effective working relationships with residents and businesses through utilization of Community Problem Oriented Policing methods.

Very Good - Consistently friendly and courteous to the public and fellow employees. Is highly receptive to problems of individual citizens and makes an effort to provide assistance through Community Oriented Policing methods.

Satisfactory - Has a working knowledge of Community Problem Oriented Policing and projects a competent and efficient image when dealing with the public and fellow employees.

Improvement Needed - Is frequently rude or indifferent in almost all dealings with the public and fellow employees.

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<sup>18</sup> It appears that the CPD took language from a rating category used in its previous evaluation rating system -- the Civil Service approved version from 1978. The category called *Problem Identification and Resolution* in that version applies only to staff officers, and is identical in the current rating system as well (see page 29 of current system). The *Problem Identification and Resolution* section is 26 years old. Problem solving language in the personnel evaluation rating system should be updated to reflect the way it is used in the Collaborative Agreement.

Unsatisfactory - Refuses to deal with the public and/or fellow employees and always acts rude or indifferent toward them.

For “improvement needed,” an officer must be rude or indifferent “in almost all dealings with the public and fellow employees.” Certainly an officer who is frequently rude or frequently indifferent to the public needs improvement, even if it is with only a portion of his/her dealings with the public.

Overall, the Monitor believes that the revisions fail to place problem-solving as the CPD’s central approach. Officers, supervisors, and managers can receive a good rating in other categories and be eligible for promotion without doing well in problem solving and community engagement. Moreover, the other categories in the rating system are virtually identical to the 1978 Civil Service approved CPD evaluation rating system, suggesting that problem-solving is simply an add-on. This can signal to employees that very little has changed.

In our January 2005 Report, we recommended that the Parties meet to discuss these issues, with the CA as the guide.

Last quarter, the CPD stated it revised its job descriptions, procedures and plans where appropriate and that it “believes that it is in full and substantial compliance with this provision.” CPD completed training on the changes, adding:

It is through the training and implementation process that the priority of problem-solving is established. The CPD is actively engaged in the performance evaluation process as its managers and supervisors rate personnel on their 2004 performance. The CPD will be reviewing the ratings and will assess the effectiveness of the written materials and the training in order to evaluate the success of implementation.

This quarter, the CPD states that it would welcome the Monitor’s comments as to specific areas which need to be addressed. The CPD believes the Monitor’s previous assessment to be vague and highly subjective in regard to assessing compliance. The Department will be convening a Project Team to review the current performance evaluation system and would welcome this additional information.

### **3. Assessment**

The performance appraisal system should be consistent with the CA and MOA, it should support problem solving, reflect that problem solving is the principal strategy of the Department, and be a means of accountability within

the Department. The performance evaluations as they currently stand are not adequate for compliance under this section.

The City is not yet in compliance with this section of the CA.

### **1. Requirement 29(p)**

The City shall design and implement a system to easily retrieve and routinely search (consistent with Ohio law) information on repeat victims, repeat locations, and repeat offenders. The system also shall include information necessary to comply with nondiscrimination in policing and early warning requirements.

### **2. Status**

As noted in our prior Reports, the City expects to meet this requirement through the acquisition of a new Records Management System (RMS) and Computer Aided Dispatch (CAD) system. The City contracted with Gartner Consulting and in late 2003 began reviewing design specifications for a Request for Proposal (RFP). The City's Purchasing Department released an RFP for the CAD and RMS project on June 22, 2004. Five vendors submitted proposals by the August 20, 2004 due date. The Department narrowed the number of bidders in late 2004 and in January 2005, the three remaining vendors each provided three days of product demonstration. Vendors addressed CAD, RMS, systems integration, and product security issues, and follow-up concerns about their products and services. A full time project manager, a sworn lieutenant, is now assigned to minimize delays, cost overruns and ensure project success.<sup>19</sup> In February and March, the City conducted vendor reference checks. This quarter, the City selected a vendor and began contract negotiations.

### **3. Assessment**

The City is not yet in compliance with this CA provision. In reviewing the system chosen for the CPD, the Monitor will assess whether the system is capable of retrieving and linking information in the CPD's current computers; enables CPD to track repeat offenders, repeat victims, and repeat locations; whether it is used in problem solving, CPOP cases, District/Unit Commander reports, Planning and Analysis Reports, and Crime Analysis Unit reports; and whether it increases the CPD's ability to identify trends and patterns and use them to undertake problem solving efforts.

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<sup>19</sup> Lt. Carmichael helped develop and implement the CPD's Employee Tracking System.

### **1. Requirement 29(q)**

The City shall secure appropriate information technology so that police and City personnel can access timely, useful information to problem-solve (detect, analyze, respond, and assess) effectively. The CA established February 5, 2003, as the deadline for development of a procurement plan, April 5, 2003, to secure funding, August 5, 2003, to procure systems, and August 2004 to implement any new purchases.

### **2. Status**

The Parties believe that the new RMS system will also meet the requirements of this section of the CA. As noted in 29(p) above, the City selected a vendor and began contract negotiations. In addition, the CPD states this quarter that “the Department’s Crime Analysis Unit uses current technology and produces such specific reports as requested.”

### **3. Assessment**

The City is not in compliance with this section of the CA.

## **II. Evaluation Protocol [CA ¶¶ 30-46]**

### **1. Requirements**

The CA calls for a system of evaluation to track attainment of CA goals. This tracking serves as a “mutual accountability plan.” According to the CA, “[t]he term ‘mutual accountability plan’ is defined as a plan that ensures that the conduct of the City, the police administration, members of the Cincinnati Police Department and members of the general public [is] closely monitored so that the favorable and unfavorable conduct of all is fully documented and thereby available as a tool for improving police-community relations under the Agreement.”

The Evaluation Protocol must include the following components:

- Surveys
  - of citizens, for satisfaction and attitudes
  - of citizens with police encounters (neighborhood meetings, stops, arrests, problem-solving interactions), for responsiveness, effectiveness, demeanor
  - of officers and families, for perceptions and attitudes
  - of officers and citizens in complaint process, on fairness and satisfaction with complaint process

- Periodic observations of meetings, problem-solving projects, complaint process; with description of activity and effectiveness
- Periodic reporting of data to public, without individual ID, but by age, race, gender, rank, assignment and other characteristics. The data, to be compiled by the City's 52 neighborhoods, are to include arrests; crimes; citations; stops; use of force; positive interactions; reports of unfavorable interactions; injuries to citizens; complaints
- Sampling of in-car camera and audio recordings; database of sampled recordings; study of how people are treated by police
- Examination of hiring, promotion and transfer process
- Periodic reports that answer a number of questions, including:
  - Is use of force declining, and is it distributed equally?
  - Is the complaint process fair?
  - Do officers feel supported?
  - Is problem solving successful?
  - Are police-community relations improving?
  - Is progress being made on issues of respect, equity and safety?
  - Is safety improving?

## **2. Status**

The RAND Corporation was selected by the Parties to be the Evaluator and to implement the Evaluation Protocol, and RAND entered into a contract with the City of Cincinnati to accomplish these tasks. In February 2005, members of the RAND team came to Cincinnati to meet with the Monitor Team and Party representatives, and to begin their evaluation efforts.

### **a. Surveys**

RAND shared draft surveys with the Parties in December 2004. Revisions to the surveys were made between January and April, and the final surveys were completed in April 2005. Data for the survey mailing lists was obtained in May 2005 and RAND is planning to field-test the surveys in June and analyze the results in July. There will be 3000 respondents for the community survey, 1000 respondents for the citizen police interaction surveys (citizens who have been stopped, cited, arrested by the police or who have been victims of crime), 100 respondents for the police officer survey, and 160 officers and 160 complainants for the citizen complaint survey.



## **b. Traffic Stop Analysis**

RAND is developing several different benchmarks and analyses to assess whether racial biases influence police activities in the decision to stop, cite, and search vehicles in Cincinnati. RAND has requested and obtained data from the CPD for Cincinnati traffic stops, including contact cards and CAD logs. They have identified some problems with the data, including some dates on which an unusually low number of stops were reported. RAND also compared the CAD logs for traffic stops with the contact cards to assess whether officers are completing contact cards for traffic stops. In its June quarterly report, RAND states that “[o]verall, it appears that 25% to 33% of traffic stops are not being documented with a contact card.”

Whether this missing traffic stop data will affect the analysis of vehicle stop data is unclear. As stated by RAND, it “will be problematic if failure to complete contact cards is associated with officer bias. That is, if problem officers are not completing the form, then naturally we will be unable to detect bias. Only if these undocumented traffic stops are missing at random, such as randomly lost in the shuffle, will our analysis be unaffected.”

## **c. Periodic Observations and Problem Solving Processes**

This quarter, RAND developed a list of CPOP and community council meetings to be observed and surveyed using the forms and surveys RAND developed and reviewed with the Parties. A RAND field researcher came to Cincinnati on three trips in April and May 2005 to conduct observations and distribute the surveys. RAND is currently coding the data from the observations and surveys.

## **d. Statistical Compilations**

RAND will be requesting statistical compilations from CPD in June 2005 for inclusion in its annual report.

## **e. Evaluation of Video and Audio Records**

Each year, RAND will sample approximately 300 video and audio recordings of incidents between CPD officers and citizens. It will use multiple trained coders to view each tape and make a variety of objective measurements and subjective ratings. The ratings will allow RAND to describe the events, measure verbal and nonverbal social cues, and assess the emotional state of both the officer and the driver. RAND will analyze differences in these measures as a function of the race of the driver and the officer.

RAND provided CPD with a representative sample of incidents to review, and requested tapes for these incidents. IT has received tapes for all the

months through February 2005. RAND is now test-coding the tapes to determine the reliability of its measures.

#### **f. Staffing**

RAND will provide a description and analysis of staffing by using staffing reports supplied by the CPD.

### **3. Assessment**

While the components of the Evaluation Protocol are still being implemented by RAND and the Parties, a significant amount of work has been accomplished. The Monitor will work closely with the Parties and RAND to begin the process of evaluating whether the goals of the CA are being achieved.

The Parties are in compliance with the CA provisions requiring the development of a system of evaluation, and a protocol for accomplishing this evaluation. Because the components of the Evaluation Protocol have not yet been implemented, the Parties are not yet in compliance with implementation or with the requirement of public reporting of the results of the Evaluation Protocol. We believe, however, that several of the components of the Evaluation Protocol will be implemented in the next quarter, and the Monitor will be able to report on the analyses conducted by RAND in our next Report.

### **III. Pointing Firearms Complaints [CA ¶48]**

The investigations of complaints of improper pointing of firearms from March 2000 to November 2002 were forwarded to the Conciliator, Judge Michael Merz, in July 2003. The Parties also submitted supplementary materials to Judge Merz for his review in making his decision under Paragraph 48. On November 14, 2003, Judge Merz issued his decision. Judge Merz determined that there has not been a pattern of improper pointing of firearms by CPD officers. Therefore, CPD officers will not be required to complete a report when they point their weapon at a person. The Parties are in compliance with the provisions of Paragraph 48.

#### **IV. Fair, Equitable and Courteous Treatment**

The CA requires the Parties to collaborate in ensuring fair, equitable and courteous treatment for all, and the implementation of bias-free policing. Data collection and analysis are pivotal to tracking compliance, and training is essential to inculcate bias-free policing throughout the ranks of the CPD. The Monitor, in consultation with the Parties, is required to include detailed information regarding bias-free policing in all public reports. The collection and analysis of data to allow reporting on bias-free policing is to be part of an Evaluation Protocol developed with the advice of expert consultants.

##### **A. Data Collection and Analysis [CA ¶¶38-41, 51, 53]**

###### **1. Requirements**

As part of the Evaluation Protocol, the CPD is required to compile the following data to be analyzed, by percentage attributable to each of the City's fifty-two neighborhoods:

- Arrests
- Reported crimes and drug complaints
- Citations of vehicles and pedestrians
- Stops of vehicles and pedestrians without arrest or issuance of citation
- Use of force
- Citizen reports of positive interaction with members of the CPD by assignments, location, and nature of circumstance
- Reports by members of the CPD of unfavorable conduct by citizens in encounters with the police
- Injuries to officers during police interventions
- Injuries to citizens during arrests and while in police custody
- Citizen complaints against members of the CPD

Paragraph 40 requires that the City provide to the Monitor incident-based data so that the nature, circumstances and results of the events can be examined.

Paragraph 51 references Ordinance 88-2001, which identifies required data to be reported and analyzed to measure whether there is any racial disparity present in motor vehicle stops by the CPD. The local ordinance requires the following information be gathered:

- The number of vehicle occupants
- Characteristics of race, color, ethnicity, gender and age of such persons (based on the officer's perception)
- Nature of the stop
- Location of the stop
- If an arrest was made and crime charged
- Search, consent to search, probable cause for the search; if property was searched, the duration of search
- Contraband and type found
- Any additional information

Paragraph 53 of the Collaborative Agreement requires the Monitor, in consultation with the Parties, to include in all public reports, detailed information of the following:

- Racial composition of those persons stopped (whether in a motor vehicle or not), detained, searched, arrested, or involved in a use of force with a member of the CPD
- Racial composition of the officers stopping these persons

## **2. Status**

### **a. Traffic Stop Data**

CPD officers continue to collect traffic stop data on Contact Cards. The 2004 data have been forwarded to RAND for analysis.

### **b. Pedestrian Stop Data**

The CPD has revised its Investigatory Stops Policy, Procedure 12.554, to require a Contact Card be filled out for (1) all vehicle stops, and for (2) any vehicle passenger detention that meets the definition of a Terry stop.<sup>20</sup> For consensual citizen contacts, the policy states that an officer **may** complete a Contact Card, if the officer believes the card will provide intelligence information and the information is provided voluntarily. However, the procedure is silent on whether officers are required to complete Contact Cards for Terry stops stemming from pedestrian encounters. Current practice leaves this up to the discretion of the officer.

The Parties had no additional information to report on this issue in their CA Status Report.

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<sup>20</sup> A Terry stop is one where the officer has reasonable suspicion to believe the person is committing or has committed a crime.

**c. Use of Force Racial Data**

The June 2004 Rand Quarterly Report indicates it has requested statistical compilations from the City in June 2005. The Report did not describe any analysis of use of force data.

**d. Data on Positive Police-Citizen Interaction**

The Parties have agreed to a Report of Favorable Police Conduct form, which has been printed and disseminated. During the first quarter of 2005, the CPD received 38 reports of favorable officer conduct. The reports are widely available to citizens, they are at all CPD and public facilities, on the CPD website, and each CPD vehicle contains a supply. The CPD has initiated inspection of some of these places to ensure an adequate supply of reports, including CPD facilities, CPD neighborhood stations, designated public facilities (libraries, recreation centers, etc.) and designated CPD vehicles. The inspections are completed either monthly or quarterly.

**e. Data on Unfavorable Citizen Interactions**

The Parties have developed a protocol for the reporting and tracking of unfavorable citizen interactions. The Parties to the CA agree that:

- Rude and discourteous conduct by citizens toward police is a problem that can be addressed by community problem-oriented policing
- The conduct at issue is typically not criminal and is normally protected by the federal and state constitutions
- A protocol for tracking rude and discourteous conduct by citizens toward the police can be developed through problem-solving while respecting the constitutional rights of all citizens

The Parties developed a protocol for reporting and tracking such conduct, and permitting the evaluation team (RAND) to perform statistical compilations and prepare required reports of such conduct to the Parties, pursuant to paragraphs 38, 39, 40, 44, 45 and 46 of the CA. The protocol has been entered by Judge Dlott as “Protective Order Re: Mutual Accountability Reports of Unfavorable Conduct by Citizens During Implementation of the Collaborative Agreement.” The FOP is taking steps to see that appropriate sealed containers are located in all police Districts and units of assignment, and that the Mutual Accountability Form 1 (MA-1) is printed in sufficient numbers. The FOP is working with the CPD to ensure the form is made available to all CPD officers.

### **3. Assessment**

#### **a. Traffic Stop Data Collection**

The CPD is collecting traffic stop data on Contact Cards, which are now being sent to RAND for analysis. RAND is checking quality and consistency of the data fields, and will be preparing its analysis of the data in the next quarter. The CPD will need to address the concerns that RAND has identified regarding the completion rate of contact cards for traffic stops, in order to be in full compliance.

#### **b. Data Collection on Pedestrian Stops**

RAND has requested statistical compilations produced by the City for this data. The Parties are not yet in compliance with this requirement.

#### **c. Use of Force Racial Data**

RAND has requested statistical compilations produced by the City for this data. The Parties are not yet in compliance with this requirement.

#### **d. Favorable Interactions**

The Parties are in compliance with this CA requirement.

#### **e. Unfavorable Interactions**

The Parties have developed a protocol for reporting unfavorable interaction by CPD officers with citizens. The protocol has been approved and entered by the Court as “Protective Order Re: Mutual Accountability Reports of Unfavorable Conduct by Citizens During Implementation of the Collaborative Agreement.” Mutual Accountability Forms have been developed and are being made available at all police districts and units of assignment. It is not clear to the Monitor whether the Parties are in compliance with this CA requirement.

### **B. Training and Dissemination of Information [CA ¶ 52]**

#### **1. Requirement**

The Collaborative Agreement requires that all Parties cooperate in the ongoing training and dissemination of information regarding the Professional Traffic Stops/Bias-Free Policing Training Program.

## **2. Status**

The Parties did not report any update relating to this provision in the last quarter. No progress is reported on the Parties cooperating in ongoing training and dissemination of information regarding Professional Traffic Stops/Bias-Free Policing Training.

## **3. Assessment**

As we noted in our last three Reports, the Monitor has not seen evidence that the Parties are cooperating in ongoing bias-free policing training. Therefore, we cannot find the Parties in compliance at this time.

### **C. Professional Conduct [CA ¶ 54]**

#### **1. Requirement**

Paragraph 54 of the CA requires that when providing police services, officers conduct themselves in a professional, courteous manner, consistent with professional standards. Except in exigent circumstances, when a citizen is stopped or detained and then released as a part of an investigation, the officer must explain to the citizen in a professional, courteous manner why he or she was stopped or detained. An officer must always display his/her badge on request and must never retaliate or express disapproval if a citizen seeks to record an officer's badge number. These provisions are to be incorporated into written CPD policies.

#### **2. Status**

This provision has now been incorporated into procedures 12.205 and 12.554, and put into effect. The CPD's Manual of Rules and Regulations also generally mandates courteous, fair treatment of all.

RAND is in the process of developing and testing measures for coding video and audio tapes of police-citizen interactions. After reviewing the MVR tapes in this next quarter, RAND will begin an analysis of these interactions .

#### **3. Assessment**

In the Monitor's review of MVR tapes in the last quarter, the Monitor determined that the officers involved in those interactions conducted themselves in a professional and courteous manner, consistent with professional standards. The City is in compliance with this provision.

## **V. Citizen Complaint Authority**

### **A. Establishment of CCA and CCA Board [CA ¶¶ 55-64]**

#### **1. Requirements**

- The City will establish the Citizen Complaint Authority
- The CCA will replace the CPRP and investigative functions of the OMI. The CCA will investigate serious interventions by police including shots fired, deaths in custody, major uses of force; and will review and resolve citizen complaints
- The CCA Board will consist of seven citizens; the CCA will be run by an Executive Director and have a minimum of five professional investigators; the Board must be diverse
- The Board and Executive Director to develop standards for board members, and training program, including Academy session and ride-along
- The Board and Executive Director will develop procedures for the CCA
- The CCA will examine complaint patterns
- The CCA will develop a complaint brochure, as well as information plan to explain CCA workings to officers and public
- The CCA will issue annual reports
- The City Council will allocate sufficient funds for the CCA

#### **2. Status**

The CCA has been operating and investigating complaints since January 6, 2003. A CCA Board of seven members is in place, having undergone a training program before beginning work and reviewing complaints. The CCA has also established procedures for its Board meetings, appeal hearings, and its investigations. The CCA Board has chosen Board member Richard Siegel as the new chairperson of the CCA. Also, in 2004, the CCA issued an annual report for its work in 2003. A 2004 annual report should be developed next quarter.



### **3. Assessment**

The City is in compliance with the provisions relating to establishing the CCA and the CCA Board.

#### **B. Executive Director and Staff [CA ¶¶ 65-67]**

##### **1. Status**

As noted in earlier Reports, Mr. Wendell France was selected to be the new Executive Director of CCA and started in April 2004. The CCA also has five investigators on staff, consistent with the minimum number of investigators required by the Agreements.

##### **2. Assessment**

The Parties are in compliance with these provisions of the CA.

#### **C. CCA Investigations and Findings [CA ¶¶ 68-89]**

##### **1. Requirements**

- Each citizen complaint, excluding criminal matters, is to be directed to the CCA, regardless of where it is initially filed.
- Where a complaint is to be investigated by CCA, an investigator will be assigned within 48 hours.
- The CPD shall notify the CCA Executive Director immediately upon the occurrence of a serious police intervention (including, but not limited to, major use of force, shots fired, or deaths in custody), and a CCA investigator shall immediately be dispatched to the scene. The CPD shall not interfere with the ability of the CCA investigator to monitor the work of the CPD at the scene and to monitor all interviews conducted by CPD. (CA ¶71)
- CPD officers and city employees will submit to CCA administrative questions. The executive Director of the CCA shall have reasonable access to city records, documents and employees, including employee personnel records and departmental investigative files and reports. (CA ¶73)
- The Chief of Police and the CCA Executive Director develop written procedures that will assure the timely exchange of information and the efficient coordination of CCA and CPD investigations. (CA ¶74)

- The decisions of the CCA shall be forwarded to the City Manager, and the City Manager and the Police Chief “will refrain from making a final decision on discipline until after the receipt of the CCA report.” The City Manager shall agree, disagree or agree in part with the CCA’s findings and recommendations. (CA ¶78)
- Paragraph 80 requires the CCA and the CPD to develop a shared database to track all citizen complaints, the manner in which they are handled, and their disposition. The data will be integrated into an electronic information management system developed by the CPD.
- Paragraph 83 of the CA calls on the CCA to examine complaint patterns that might provide opportunities for the CPD and the community to reduce complaints. Following the identification of such patterns, the CCA and the CPD are to jointly undertake a problem-solving project to address the issues raised.

## **2. Status**

Paragraph 74 requires that the Chief of Police and the Executive Director develop written procedures that will assure the timely exchange of information and the efficient coordination of CCA and CPD investigations. While there currently may be an implied understanding of this process, the CCA has recommended that a written procedure be developed to ensure that each party is aware of the process. A draft written protocol has been developed by Cincinnati, but it has not been finalized and approved.

During this quarter, the CCA has identified the following investigations which were not received from CPD in a timely manner. These cases were received by the CCA after closure by the Cincinnati Police Department (“R” is a CCRP case):

<b>CCA #</b>	<b>Complainant</b>	<b>Incident Date</b>	<b>Closed CPD</b>	<b>Received at CCA</b>
04328R	Mary Evanick	03-15-04	07-12-04	07-26-04
04329R	Terence Shears	04-23-04	07-21-04	07-26-04
04330R	Jennifer Teets	06-04-04	07-12-04	07-26-04
04337R	Jacqueline Roland	06-11-04	07-18-04	08-02-04
04338R	Ronald White	05-26-04	07-13-04	07-26-04
04373R	Devon Shields	02-18-04	08-10-04	08-17-04
04374R	Karima Thomas	07-13-04	08-09-04	08-17-04
04506R	April Sims	09-24-04	10-21-04	11-03-04
04505R	Alisha Poellnitz	06-08-04	10-15-04	11-15-04
04509R	Tyrone Thacker	12-01-03	11-03-04	11-15-04
04520R	Michael Masana	06-26-04	11-09-04	11-22-04
04251R	Gerald Burst	10-03-04	10-22-04	11-22-04
04523	Jessica Battle	10-15-04	11-02-04	11-22-04
04524	Courtney Beard	06-05-04	11-17-04	11-22-04
04525	Matthew Rucker	10-05-04	10-19-04	11-22-04
04539	Pierre Shaw	08-26-02	12-01-04	12-02-04
04540R	Chavez Brewer	11-17-03	12-01-04	12-02-04
04541R	Tierre Jackson	04-04-03	11-19-04	12-02-04
04551R	Robert Thrower	09-04-04	12-02-04	12-09-04
05008	Samuel Johnson	08-21-04	12-30-04	01-10-04
05009	Christie Manchaame	07-17-03	01-05-04	01-10-05
05010	Malone Amason	07-21-04	12-29-04	01-10-05
05051R	Shirley Sullivan	11-25-04	01-09-05	02-11-05
05050	Donte Howard	11-15-04		02-11-05
05048	Robert Campbell	12-17-04		02-11-05
05063R	Terry Shoopman	03-14-04	02-10-05	02-25-05
05065	Ronecia Harris	08-13-04	02-17-05	02-25-05
04036	Sonny Jackson	01-27-05	02-22-05	02-25-05
05092	Clare Iverson	07-30-04	03-15-05	04-11-05

As follow up to the written protocol and the outstanding CPD-CCA case referrals, a series of meetings have been conducted involving Assistant Chiefs Cindy Combs and Richard Janke and S. Gregory Baker, meeting with the Executive Director and Chief Investigator of CCA and the CPD Internal Investigations Commander. As result of this series of meetings, several items have been identified by the CPD, which impeded the timely flow of information between the two agencies, as well as necessary follow up activity. Those issues

are being addressed by the CPD and will be incorporated within the written protocol. Specifically, IIS will provide CCA with a copy of their protocol for transmitting and referring information to CCA, and in turn CCA will place in writing current practices for transmitting and referring information to IIS. Further, future meetings between the CPD and the CCA will include a CPD Assistant Chief.

Paragraph 80 requires the CCA and the CPD to develop a shared database to track all complaints, the manner in which they are handled and their dispositions. According to the CA Status Report, the CCA has been unable during this quarter to engage the vendor (Cristnet/Motorola), nor has the CCA received a response to its initial proposal. Therefore, the CCA will attempt to identify another vendor who is capable of developing the required interface between the CCA and the CPD. The CCA will solicit the guidance/input of RCC in this process.

In regard to the City Manager's actions subsequent to the CCA findings that disagree with IIS findings, the CPD and the CCA are in the process of developing a spread sheet that depicts the CCA and IIS disposition of cases, the City Manager's Action and the CPD's Action. It is anticipated that this information for 2005 will be completed for the next CA Report. In addition, both agencies are working on a process whereby this information will be routinely updated and readily available.

Paragraph 86 requires the CCA to issue annual reports summarizing its activities for the previous year including a review of significant cases and recommendations. Such reports shall be issued to the City Council and the City Manager, and made available to the public. The CCA states that it will complete and publish the annual report for the year 2004 within the next 30 days.

### **3. Assessment**

The CCA and the CPD have not yet developed written procedures for the timely exchange of information and the efficient coordination of the CCA and the CPD investigations. Therefore, the City is not yet in compliance with paragraph 74. Also, without these procedures in place, it appears that the City has not been able to comply with paragraph 70, requiring that each complaint be directed to the CCA, in a timely manner. The protocol is also needed for the City's compliance with CA paragraph 71, requiring that the CPD not interfere with the ability of the CCA to monitor the work of the CPD at the scene, and monitor CPD interviews.

It also appears that the City is not in compliance with paragraph 78, requiring that the City Manager and the Chief of Police refrain from making a final decision on discipline until after receipt of the CCA investigation and

report. If the City makes a final decision on discipline before considering the CCA investigation and report, it would be unable to take appropriate action on the CCA findings, should the City Manager agree with the CCA disposition. As we noted in Chapter 2, Section IV.D, the City has not provided documentation of the actions taken by the CPD where the City Manager agrees with the CCA findings that are different from the findings of the CPD.

With respect to paragraph 83, the CCA prepared an analysis that was reviewed by the Police Chief and the CCA Board. Paragraph 83 now calls for the CCA and the CPD to jointly “undertake a problem-solving project to determine the reason(s) for the pattern and whether there are opportunities to eliminate or reduce root causes. Where feasible, this project should involve both affected officers and the community.” It is unclear whether this joint problem solving effort is being undertaken.

**APPENDIX**

**DRAFT BENCHMARKS AND STANDARDS FOR DEFINING CA COMPLIANCE**

CA ¶	CA PROVISION	ELEMENTS OF THIS CA SECTION	DEFINITION OF COMPLIANCE AND LINKAGES TO OTHER COLLABORATIVE AGREEMENT SECTIONS	DOCUMENTS AND SOURCES
	Interagency Collaboration	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
29(a)	The City, in consultation with the other Parties, shall develop and implement a plan to coordinate City departments with the CPOP focus of the CPD	<ol style="list-style-type: none"> <li>1. Develop plan for interagency coordination around CPOP, with Parties' input</li> <li>2. Train City staff on plan</li> <li>3. Implement Plan</li> </ol>	<ol style="list-style-type: none"> <li>1. The Parties are consulted</li> <li>2. A coordination plan is developed with consultation with the Parties</li> <li>3. Employees in different City agencies are trained on CPOP action plan</li> <li>4. The Plan is implemented</li> <li>5. The Plan works to coordinate city services around CPOP, and addresses the interagency collaboration needs of the community problems undertaken</li> </ol> <p><b>Linkages to:</b> Training for officers in use of inter-agency collaboration</p>	<p>Evidence of Compliance includes:</p> <ol style="list-style-type: none"> <li>1. Documentation of Parties' input</li> <li>2. A written plan is available</li> <li>3. Officers, the Parties, and community problem solvers are aware of the plan</li> <li>4. Minutes of interagency coordination meetings</li> </ol> <p>Potential Measures of Compliance include the following:</p> <ul style="list-style-type: none"> <li>• Number of agencies involved</li> <li>• Range of City services provided</li> <li>• Number of projects with interagency cooperation</li> <li>• Number and type of interagency interventions requested</li> <li>• Time period between request for City agency involvement and City agency completion of action</li> <li>• Description of whether the intervention assisted in reducing the problem</li> </ul> <p>CPD should also review whether other agencies should be involved in the process. For example, while social service agencies</p>

				are often County entities rather than City entities, they can be key to creating solutions to, or reducing the harm from, a problem (like Off the Streets anti-prostitution effort).
	<b>Best Practices</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(b)	The Parties shall develop and implement a system for regularly researching and making available to the public a comprehensive library of best practices in community problem oriented policing	<ol style="list-style-type: none"> <li>1. Parties develop a plan for researching best practices in community problem oriented policing</li> <li>2. Develop criteria for adopting something as a best practice</li> <li>3. Decide how frequently best practices will be added</li> <li>3. Make the best practices available to the public</li> <li>4. Update best practices according to frequency decided</li> </ol>	<ol style="list-style-type: none"> <li>1. A best practices virtual library is on the CPOP website, available to officers and community members</li> <li>2. A best practices virtual library is also on CPD's website (broadens dissemination to all officers, in addition to COP officers)</li> <li>3. FOP and Plaintiffs are involved in researching best practices</li> <li>4. The CPD uses best practices in application of CPOP</li> <li>5. The CPD trains its personnel (including supervisors and managers) in best practices</li> <li>6. The CPD uses best practices to help reduce crime</li> <li>7. The Partnering Center uses best practices library in its menu of training classes with the community and the police department</li> </ol> <p><b>Linkages:</b> Training for CPD officers/supervisors/managers in best practices; training for officers and training for crime analyst; training in situational crime prevention. Also linked with 29(c) and 29(d).</p>	<p>Best practices would be evidenced in different ways:</p> <ol style="list-style-type: none"> <li>1. Web access – both CPD and CPOP website for it to be more widely disseminated and adopted</li> <li>2. Availability of best practices library through other means (such as at public libraries), for members of the public who do not use the CPOP or CPD website</li> <li>3. Best practices are researched and used or adapted in problem solving: in how officers articulate the problem definition for a specific case; the problem analysis undertaken by CPD; and in assessing impact</li> <li>4. Application of situational crime prevention</li> <li>5. Website write-ups reflect training in best practices.</li> </ol> <p><b>Documents and Sources:</b> Research Plan, CPOP/CPD websites, hard copy of best practices library, CPOP write-ups</p>

	<b>Continuous Learning Process Through the CPD Around Problem Solving</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(c)	<p>The City, in consultation with the Parties, shall develop a “continuous learning” process through the CPD. Experiences with problem solving efforts in the field will be documented. Experiences with problem solving efforts in the field will be disseminated throughout the police department. Experiences with problem solving efforts in the field will be made available to the public. Problem solving will continue to be emphasized in academy training, in-service training, and field officer training</p>	<ol style="list-style-type: none"> <li>1. Experiences with problem solving efforts in the field will be documented.</li> <li>2. Experiences with problem solving efforts in the field will be disseminated throughout the police department.</li> <li>3. Experiences with problem solving efforts in the field will be made available to the public.</li> <li>4. Problem solving will continue to be emphasized in <ul style="list-style-type: none"> <li>• academy training</li> <li>• in-service training, and</li> <li>• field officer training</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. Problem solving efforts are documented <ul style="list-style-type: none"> <li>• Parties are clear about the types of efforts that meet the criteria of problem solving</li> <li>• In the interest of clarity, efforts are documented using the SARA format</li> </ul> </li> <li>2. Problem solving documentation (as per CA paragraphs 20-23) includes: <ul style="list-style-type: none"> <li>• Evidence that the problem was carefully defined</li> <li>• Evidence that the problem was carefully analyzed</li> <li>• Evidence that the “police and partners engaged in a broad search for solutions based on the analysis of information”</li> <li>• The effort is evaluated to determine if the problem has been reduced. Baseline measures should be collected in the problem identification and analysis phases.</li> </ul> </li> <li>3. In order to disseminate problem solving to CPD members “throughout the CPD,” the “continuous learning” process includes training for Department employees emphasizing that problem solving is the principal strategy of the police department.</li> </ol>	<p>Evidence of a continuous learning system includes:</p> <ol style="list-style-type: none"> <li>1. A curriculum (with input from the Parties) used to train employees in problem solving, situational crime prevention, how to research problems, how to ascertain best practices, , expectations of the Department for engagement with the community and in problem solving, baseline measures, considering a range of responses, and assessing impact.</li> <li>2. Crime analysts trained in problem analysis, problem solving, and situational crime prevention</li> <li>3. Employees have examples of problem write-ups that assist them in their own documentation of problems</li> <li>4. Problem solving training is incorporated into FTO program, as well as academy and in-service training.</li> <li>5. Training that is specific to sergeants, lieutenants and captains, and covers their changing role in supervising, coaching, managing, and leading problem solving. In addition, sergeants will require information about effective ways to ensure time for officers to problem solve.</li> <li>6. The continuous learning process should include a feedback loop, so that experiences in problem solving in the field are not only documented on the website, but also are incorporated into the training</li> </ol>



			<p><b>Linkages:</b> Training, activity, performance evaluations and job descriptions (awareness and use of best practices), transfers and promotions, tracking system, Unit Commander reports. Also linked with 29(a), 29(b), and 29(d).</p>	<p>provided to officers and the public, along with updates on specific problems. Thus, another measure of success/compliance on this provision will be</p> <ul style="list-style-type: none"> <li>• whether training curricula are updated with recent examples and experiences from the field</li> <li>• whether training curricula contain best practice information</li> </ul> <p><b>Documents and Sources:</b> Training curricula, lesson plans, schedules, course evaluations and other training materials and records; District/Unit commander reports, personnel evaluations, time CPD commits to training employees.</p>
	<b>Research Successful and Unsuccessful Ways to Tackle Problems</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(d)	<p>The Parties will seek out information on how problem solving is conducted in other police agencies. Research and best practices on successful and unsuccessful methods for tackling problems, and analogous processes used by other professions (e.g. conflict resolution, organization development, epidemiology, military, civil engineering, and business) will be disseminated.</p>	<ol style="list-style-type: none"> <li>Parties seek out information <ul style="list-style-type: none"> <li>• Criteria for adopting something as a best practice</li> <li>• Frequency of review</li> </ul> </li> <li>Disseminate information <ul style="list-style-type: none"> <li>• Use information in training</li> <li>• CPD website</li> <li>• CPOP website</li> <li>• Evidenced in problem reduction projects</li> </ul> </li> <li>Information gained is used.</li> </ol>	<ol style="list-style-type: none"> <li>Research of best practices is undertaken by all three parties and the Partnering Center.</li> <li>Problem solving research on the CPOP website gives clear description of the different types of best practices: problem specific, problem oriented policing implementation, situational crime prevention..</li> </ol> <p><b>Linkages:</b> Linked to 29(b) and 29(c), training</p>	<p>Evidence of best practice research (tied with 29(b) and (c)) includes:</p> <ol style="list-style-type: none"> <li>Written criteria for best practice adoption</li> <li>Training curricula and lesson plans (training for officers/supervisors and managers in best practices)</li> <li>Training on problem solving crime analysis for crime analysts [“Becoming a Problem Solving Crime Analyst: In 55 Small Steps”]</li> <li>Conversations with officers during Monitor Team ride-alongs</li> <li>Use of best practices in crime reduction projects and traffic problem reduction efforts</li> </ol>

				<p>6. Availability of best practices on both the CPOP and CPD website</p> <p>7. Best practice knowledge as a skills measure in the performance evaluations.</p> <p>Potential Measures:</p> <ul style="list-style-type: none"> <li>• Whether research is used in problem solving projects (see 29b).</li> <li>• Whether projects apply situational crime prevention</li> <li>• Whether projects that are on POP Guide topics show awareness and use of elements of the guide</li> <li>• Whether research is used in crime reduction and traffic problem reduction efforts</li> </ul>
	<b>Joint Promotion of CPOP and CPOP Training</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(e)	The Parties, consistent with the Partnering Center, shall conduct CPOP training for community groups, jointly promote CPOP, and implement CPOP training.	<ol style="list-style-type: none"> <li>1. Consultation of Parties in developing joint training</li> <li>2. Develop joint training</li> <li>3. Joint promotion of CPOP</li> <li>4. Joint training delivery to community groups</li> <li>5. Assessment of whether training produces desired results (people gained skills and are willing to participate)</li> </ol>	<ol style="list-style-type: none"> <li>1. Parties agree to a joint CPOP curricula</li> <li>2. Presenters are well trained in problem solving and in the joint curricula</li> <li>3. CPD presenters are clear about their role and responsibility in problem solving and that problem solving is to be the principal strategy for addressing crime and disorder problems in Cincinnati</li> <li>4. Joint presentation of curricula</li> <li>5. Community groups trained in CPOP</li> <li>6. Parties develop promotional plan and jointly promote CPOP and CPOP training.</li> </ol>	<p>Evidence of joint promotion and joint training delivery includes:</p> <ol style="list-style-type: none"> <li>1. A jointly agreed upon curriculum</li> <li>2. Joint delivery of training</li> <li>3. Internal expertise in problem solving and best practices in CPD and Partnering Center employees</li> <li>4. Use of these skills in training others inside and outside of the Department</li> <li>5. Enhanced expertise would involve knowledge of how to research problems, how to define problems, how to analyze problems, different types of analysis, baseline data collection, researching similar problems, familiarity with some of the “what works” and “best practices”</li> </ol>

			<p><b>Linkages:</b> 29(f) community dialogue, training</p>	<p>literature, looking at a range of solutions, including situational crime prevention, measuring impact, and the resources available to assist with problem solving.</p> <p>Evidence of CPOP promotion includes</p> <ol style="list-style-type: none"> <li>1. Development of promotional plan</li> <li>2. Public service radio spots</li> <li>3. News articles, notification of training</li> <li>4. Printing and distribution of fliers</li> <li>5. Engagement of “Friends of the Collaborative”</li> <li>6. Promotion of CPOP with community councils</li> <li>7. Joint participation in panel discussions and forums about CPOP and training</li> </ol> <p>Potential Measures:</p> <ul style="list-style-type: none"> <li>• Whether training contains information about CPOP, the Collaborative, and the change to which CPD is committed</li> <li>• Number of community groups/areas trained</li> <li>• Number of groups actively addressing a crime/safety problem</li> <li>• Number of officers/outreach employees conducting the training</li> <li>• Whether projects apply situational crime prevention, best practices, sound methods and are sufficiently described in officer write-ups</li> <li>• Additional types of training offered regularly (and jointly promoted) to affected</li> </ul>
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				<p>communities (open air drug markets, drug dealing in privately owned apartment complexes, graffiti, landlord training, etc.)</p> <ul style="list-style-type: none"> <li>Enhanced public knowledge of CPOP</li> </ul>
	<b>Community Dialogue and Structured Engagement with Specific Groups</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(f)	<p>The Parties shall coordinate efforts undertaken through the Partnering Center and establish an ongoing community dialogue and interaction including, but not limited, to structured involvement between the CPD and youth as well as with property owners, businesses, tenants, community and faith-based organizations, motorists, low income residents and other city residents on purposes and practices of CPOP.</p>	<p>1. The Parties will develop structured engagement and on-going community dialogue with the community through the Partnering Center, on the purposes and practices of CPOP.</p> <p>2. For each element of the community listed in 29(f) [youth, property owners, businesses, tenants, community and faith-based organizations, motorists, low income residents, others], the following steps should be involved:</p> <ul style="list-style-type: none"> <li>Parties develop plan</li> <li>Funding for event or discussions agreed upon</li> <li>Joint promotion of event/discussions</li> <li>Event/discussions held; discuss opportunities for continuation of dialogue</li> <li>Feedback</li> <li>Continuation of dialogue; feedback</li> </ul>	<p>1. For each of these groups, the focus, at least initially, is on the purpose of CPOP and its practices</p> <p>2. CPD and Partnering Center engage in on-going community dialogue.</p> <p>3. The structured involvement can include planned forums, trainings, meetings and mechanisms for feedback.</p>	<p>Evidence of structured involvement includes:</p> <ol style="list-style-type: none"> <li>Written plan</li> <li>Joint promotion</li> <li>Holding of events</li> <li>Review of feedback instrument</li> </ol> <p>Evidence of the on-going dialogue includes:</p> <ol style="list-style-type: none"> <li>Minutes of meetings</li> <li>Agenda outlines, copies of handouts</li> <li>Scheduling of follow up meetings</li> <li>Reports on outcomes of discussions and meetings, interviews with community attendees</li> <li>Descriptions of areas of agreement and disagreement in the dialogue and discussion of next steps</li> </ol> <p>Potential Measures:</p> <ul style="list-style-type: none"> <li>Whether events are planned</li> <li>Whether Parties develop “needs assessment” process to gain information on concerns of community elements</li> <li>Whether all or some of the groups</li> </ul>

				<p>have been approached</p> <ul style="list-style-type: none"> <li>• Whether structured events are held</li> <li>• The number of structured events</li> <li>• Whether publicity about the event is sufficient</li> <li>• Feedback from the events (could include surveys of participant to garner participants' views of events)</li> <li>• Dialogue initiated</li> <li>• Dialogue on-going</li> </ul>
	<b>CPOP Annual Award</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(g)	The Parties shall establish an annual CPOP award to recognize the efforts of citizens, police officials, and other public officials who have made substantial contributions to CPOP by addressing community problems in Cincinnati.	<ol style="list-style-type: none"> <li>1. An annual CPOP award is established</li> <li>2. Criteria for awards are developed</li> <li>3. CPOP Awards ceremony held</li> </ol>	<ol style="list-style-type: none"> <li>1. The Parties meet and develop guidelines for the award</li> <li>2. Criteria for each award is set</li> <li>3. Judging rules are established, and judging form developed</li> <li>4. Funding for the award ceremony is agreed upon</li> <li>5. An awards selection team is established</li> <li>6. Award applications are widely publicized by the CPD, the FOP, and the Plaintiffs</li> <li>7. Awards ceremony date is set and widely publicized by Parties</li> <li>8. Judges review award applications using previously established guidelines</li> <li>9. Awards ceremony held</li> <li>10. Debriefing held and, if need be,</li> </ol>	<p>Evidence includes:</p> <ol style="list-style-type: none"> <li>1. Event planning memo</li> <li>2. Cost sharing agreement</li> <li>3. Award criteria</li> <li>4. Joint dissemination of award information and criteria</li> <li>5. Award decisions</li> <li>6. Invitations delivered/distributed</li> <li>7. Ceremony held</li> <li>8. Participation of elected officials, Parties, CPD managers</li> <li>9. Media coverage</li> <li>10. Debriefing notes on success and ways to improve the process/ceremony</li> </ol> <p>Potential Measures:</p> <ul style="list-style-type: none"> <li>• Funding is appropriately allocated</li> </ul>

			awards guidelines are revised for the following year <b>Linkages:</b> Training, performance evaluations, CPOP training in the community	and obtained <ul style="list-style-type: none"> <li>• Invitations distributed to key officials and community members</li> <li>• Number of CPD managers in attendance</li> <li>• Increasing quality of awardees' projects, contributions as each year progresses</li> <li>• Reengagement to plan for following year's awards process</li> <li>• Inclusion of the CPOP awards process in CPD annual awards process/ceremony</li> </ul>
	<b>Informing the Public about Police Policies and Procedures - Communications Audit</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(h)	The City, in consultation with the Parties and consistent with Ohio Law, shall develop and implement a system for consistently informing the public about police policies and procedures. In accomplishing this item, The City, in consultation with the Parties, shall conduct a communications audit, and develop and implement a plan for the improvement of internal and external communications. This will be funded by NCCJ.	<ol style="list-style-type: none"> <li>1. Parties meet to discuss system for informing public about police policies and procedures.</li> <li>2. The City, in consultation with the Parties, develops a plan and a timetable for the improvement of internal and external communications.</li> <li>3. The City implements the plan.</li> <li>4. NCCJ-funded audit conducted</li> <li>5. Results shared with Monitor and Parties</li> <li>6. City identifies audit recommendations it will implement and provides explanation for those it will not</li> </ol>	<ol style="list-style-type: none"> <li>1. Police policies and procedures are disseminated to the public.</li> <li>2. A plan is developed and implemented for improving internal and external communications.</li> <li>3. Audit recommendations are shared, the City identifies which ones it will put in place and provides reasons why others will not be put in place.</li> </ol> <b>Linkages:</b> 29(f)	Evidence concerning Policies and Procedures: <ol style="list-style-type: none"> <li>1. Dissemination of CPD policies and procedures through various mechanisms</li> <li>2. Policies of import to the community are disseminated in additional ways, with greater opportunities for feedback</li> </ol> Evidence concerning communications audit: <ol style="list-style-type: none"> <li>1. Audit shared with Parties and Monitor</li> <li>2. City responds to recommendations</li> <li>3. Reasonable timetable for implementation of recommendations</li> <li>4. Point person responsible for implementation identified</li> </ol>

				5. Implementation of recommendations
	<b>Staff a Community Relations Office</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(i)	The Parties shall create and staff a Community Relations office that will coordinate with the CPD implementation of this Agreement.	1. Create and staff a Community Relations Office with the appropriate level of staffing to coordinate implementation of the Agreement.	1. Staffing of unit. 2. Adequate authority to accomplish tasks.  <b>Linkages:</b> Staff should receive extensive CPOP training	Evidence: 1. Unit staffed and trained 2. Unit responsive 3. Unit staff have authority to coordinate implementation  Potential measures: <ul style="list-style-type: none"> <li>FTE's in unit and whether it is sufficient</li> <li>Documents provided to Monitor in timely manner</li> <li>Deadlines for implementation are met</li> </ul>
	<b>Problem Solving Annual Report</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(j)	The Parties shall describe the current status of problem solving throughout the CPD and what is being done to improve it through an annual report. Each party shall provide information detailing what it has done relating to its role in CPOP.	1. The Parties meet to agree upon timetable and distribution of work for report preparation 2. Parties clear about reportable problem solving 3. Each party will also detail what they have done to implement CPOP 4. A joint report is submitted 5. Cost for publication and distribution agreed upon	1. Annual report should include contributions from all three parties and the Partnering Center. 2. The report should include a discussion not only of successes and the activities that have taken place, but also of any gaps in problem solving, e.g., what is missing, or still needs to be done. The Parties in successive years should begin to self-identify these gaps and how to remedy them. 3. The reports should reflect problem-solving as described in the CA ¶¶22,23,	Evidence: 1. Timely report submission 2. Each successive year, the report documents problem solving efforts that reflect CPOP training and best practices, specific problem definition, and in-depth analysis, an exploration and range of solutions, and assessment.  Potential Measures: <ul style="list-style-type: none"> <li>Greater accuracy in documenting problem solving, and increasing</li> </ul>

		<p>6. Parties disseminate the report</p> <p>7. Recurs yearly</p>	<p>24, 25</p> <p>4. Each successive year the report should show:</p> <ul style="list-style-type: none"> <li>• Incremental improvement</li> <li>• Broader range of problems addressed</li> <li>• Greater use of research tools</li> <li>• More analytic problem-solving</li> </ul> <p><b>Linkages:</b> Section 29(h) dissemination of policies and procedures</p>	<p>levels of problem solving</p> <ul style="list-style-type: none"> <li>• Report describes advanced training offered in CPD and by Partnering Center</li> <li>• Report describes continuous learning by CPD around problem solving and best practices</li> <li>• Parties identify problem solving training needs within the CPD and community</li> <li>• Report shows increasing advancement by the CPD towards problem solving as its principal strategy for addressing crime and disorder problems</li> </ul>
	<b>CPD District Commander and Special Unit Commanders/Officials Submit Problem Solving Reports</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(k)	<p>CPD District Commanders and Special Unit Commanders or officials at comparable levels shall prepare quarterly reports that detail problem solving activities within their districts. To the extent practicable, these reports shall identify specific problems addressed and steps taken by the City and the community toward their resolution. The reports also shall identify obstacles faced and recommendations for future improvement. Consistent with individual privacy and relevant law, these reports shall be available to the public through the CPD's</p>	<p>1. Each District Commander will submit a quarterly report</p> <p>2. Each Special Unit Commander or officials at comparable levels will submit quarterly report.</p> <p>3. Reports will document only problem solving efforts undertaken, or training planned or accomplished to assist in problem solving..</p> <p>4. The reports will follow the SARA model: Scanning, Analysis, Response, Assessment</p> <p>5. CPOP cases will be reported separately in the problem tracking</p>	<p>1. Those required to submit reports include:</p> <ul style="list-style-type: none"> <li>• District Commanders</li> <li>• Narcotics</li> <li>• Traffic</li> <li>• Community Response Team</li> <li>• Training Section</li> <li>• Alarm Reduction Unit</li> <li>• Youth Services</li> <li>• Vice</li> <li>• Planning</li> <li>• Crime Analysis</li> <li>• Criminal Investigations Section (covering activities of homicide, personal crimes, major offenders, financial crimes units)</li> <li>• Downtown Services Unit</li> </ul>	<p>Evidence:</p> <ol style="list-style-type: none"> <li>1. Documentation of unit efforts</li> <li>2. Accompanying data</li> <li>3. Monitor site visits to different locations</li> <li>4. CPD research efforts</li> <li>5. Discussions with officers/detectives and unit commanders</li> </ol> <p>Potential Measures:</p> <ul style="list-style-type: none"> <li>• The number of reports submitted to the Monitor each quarter</li> <li>• Quality of the reports – whether they reflect problem solving</li> <li>• Increasing proficiency in problem</li> </ul>



	Community Relations Office.	<p>system.</p> <p>6. The reports should contain information about the steps the unit/district commander is taking to move his/her unit towards problem solving as the principal strategy for addressing crime and disorder problems</p> <p>7. The reports should also contain obstacles faced and recommendations for future improvement.</p>	<ul style="list-style-type: none"> <li>• Special Services Section (covering park unit, traffic unit)</li> </ul> <p>2. Reports should be highly specific, without violating Ohio Law, (an intersection with high accident injury levels; a particular drug house or open-air drug market; a specific problem underpass; loitering problem in front of a specific convenience store or specific corner).</p> <p>3. Problems described in the reports should have four subsections: Scanning, Analysis, Response, and Assessment. Scanning/Analysis should include baseline descriptions of the problem.</p> <p>4. As noted in 29(c), problem solving documentation (as per CA paragraphs 20-23) should include:</p> <ul style="list-style-type: none"> <li>• Evidence that the problem was carefully defined</li> <li>• Evidence that the problem was carefully analyzed</li> <li>• Evidence that the “police and partners engaged in a broad search for solutions based on the analysis of information. A law enforcement response is always a possibility, but may not be required”</li> <li>• The effort must be evaluated to determine if the problem has been reduced</li> </ul> <p><b>Linkages:</b> CPD training in problem solving for employees in special units as well as patrol (civilian and sworn). Also</p>	<p>solving among units</p> <ul style="list-style-type: none"> <li>• Increasing use of problem solving by members of these units; less reliance on unevaluated efforts, and greater reliance on analysis</li> <li>• Use of a wider range of tactics (civil, situational crime prevention, zoning, environmental, etc.)</li> <li>• Reports describe the Commanders’ actions and plans to involve the entire command in problem-solving and CPOP activities (rather than just the COP officers)</li> </ul>
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			linked to training in best practices, and linked to training for supervisors and managers (even those in special units)	
	<b>Police Academy Training</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(1)	The Parties shall review existing courses and recommend any new ones that may be appropriate for the Police Training Academy in order to effectively and accurately inform police recruits, officers and supervisors about the urban environment in which they are working.	<ol style="list-style-type: none"> <li>1. CPD will send the Plaintiffs, FOP and the Monitor a list of academy classes planned for the year.</li> <li>2. Plaintiffs, FOP, and the Monitor are invited to attend classes.</li> <li>3. Plaintiffs and FOP attend courses.</li> <li>4. The Parties meet to discuss the appropriateness of additional courses that will improve officers' and supervisors' understanding of policing in an urban environment.</li> <li>5. The CPD will review the ideas and report the acceptance or rejection (with reasons) of suggested courses.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Partnering Center is consulted, as they have spent time with the community and with the police in different communities.</li> <li>2. New training might include steps to introduce recruits and newly-assigned officers to the community in the districts, as well as to community events, community leaders, and engaged citizens.</li> <li>3. New training might include problem-specific training, as this will improve officers' ability to address chronic problems that are common to an urban environment (drug markets, graffiti, trespassing, speeding vehicles in residential areas, etc.).</li> </ol> <p><b>Linkages:</b> Recruit training, FTO training, in-service training.</p>	<p>Evidence:</p> <ol style="list-style-type: none"> <li>1. Recommendations from FOP, Plaintiffs, and Partnering Center</li> <li>2. CPD written response to the recommendations</li> <li>3. Introduction of training recommendations.</li> <li>4. FTO Trainees' evaluations</li> </ol> <p>Potential Measures:</p> <ul style="list-style-type: none"> <li>• Agreement between CPD, FOP, Plaintiffs and Partnering Center that specific additional training is desirable</li> <li>• Parties consult on the curriculum</li> <li>• Partnering Center participates in CPD training</li> <li>• Partnering Center outreach workers participate as trainers in CPD academy on certain classes related to problem solving</li> <li>• FTOs introduce trainees to Partnering Center outreach workers to discuss ways to address chronic safety problems</li> </ul>
	<b>Implement Problem Tracking System</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>

29(m)	<p>The Parties, in conjunction with the Monitor, shall develop and implement a problem tracking system that will have the goal of documenting problem-solving activities, including problem definition, analysis and response activities and information, evaluation results, and partnerships with police, government, and community organizations and individuals.</p>	<ol style="list-style-type: none"> <li>1. The Parties, in consultation with the Monitor, develop a problem tracking system</li> <li>2. The system allows for problem specific searches and area specific searches.</li> <li>3. The system prompts users to enter detailed information so that later users can learn about the problem, its dimensions, responses tailored to it and whether and how much it reduced the problem.</li> <li>4. The system contains information about partnerships with community organizations, individuals and other governmental entities.</li> </ol>	<ol style="list-style-type: none"> <li>1. Consultation with the Parties, Partnering Center and the Monitor</li> <li>2. Tracking system has analytic capabilities; <u>e.g.</u>, can the system compile a report on the problem solving efforts dealing with a particular type of crime (prostitution, for example); can it search by field?</li> <li>3. CPD should address the following issues: <ul style="list-style-type: none"> <li>• Who will be responsible for quality control for the system?</li> <li>• What is the role of the sergeant in assuring quality control for projects being entered?</li> <li>• How will the system interface with any case management and records management systems in CPD?</li> <li>• Can the Partnering Center have access/input to the system?</li> </ul> </li> <li>4. The tracking system contains detailed information, including the following items: <ul style="list-style-type: none"> <li>• The type of property where the problem is occurring (e.g., convenience store, gas station, privately owned apartment building)</li> <li>• The type of place the problem is occurring (e.g., the sidewalk in front of the property, inside the property, behind the property, in the property's</li> </ul> </li> </ol>	<p>Evidence:</p> <ol style="list-style-type: none"> <li>1. CPD consultation with Parties and Monitor</li> <li>2. Review of different systems</li> <li>3. System plan (consult users)</li> <li>4. Test design of system</li> <li>5. Corrections made</li> <li>6. Implement system</li> <li>7. Train users</li> <li>8. Ensure use of system</li> <li>9. Establish quality control</li> </ol> <p>Potential Measures:</p> <ul style="list-style-type: none"> <li>• Whether system is designed to capture problem solving</li> <li>• Whether system is searchable</li> <li>• Whether system captures information about the types of places where crime problems are occurring</li> <li>• Whether future users would understand a project, its dimensions, solutions considered, partnerships, contacts, key players, interventions, and impact based on what was inputted into the system</li> </ul>
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			<p>parking lot)</p> <ul style="list-style-type: none"> <li>• The name of the owner(s) of the property (if public information)</li> <li>• The property manager (if any) of the property (if public information)</li> <li>• Contact information for the owner and the property manager (this information is essential if the officer working on the project is transferred or promoted, as it leaves behind a record for follow-up)</li> </ul> <p><b>Linkages:</b> training in use of system. Also using some of the inputted efforts in community and Department training</p>	<ul style="list-style-type: none"> <li>• Partnering Center has access to system</li> <li>• Ease of use</li> <li>• Accountability for use</li> <li>• Quality control established</li> <li>• Use of inputted efforts in Department and community training</li> </ul>
	<b>Update Staffing Plan in Light of CPOP</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(n)	The City shall periodically review its staffing plan in light of its commitments under CPOP and make revisions as necessary subject to funding provisions of this Agreement.	<ol style="list-style-type: none"> <li>1. The CPD conducts patrol officer workload analyses</li> <li>2. The City will periodically review staffing in light of its commitment under CPOP</li> <li>3. The City will make revisions as necessary based on its staffing review.</li> </ol>	<ol style="list-style-type: none"> <li>1. The CPD reports on its current staffing approach and formula</li> <li>2. The CPD reports the results of recent patrol officer workload analyses</li> <li>3. The City reviews staffing in light of its commitment to adopting problem solving as the principal strategy for addressing crime and disorder problems in Cincinnati</li> <li>4. Revisions identified as necessary from staffing review are made.</li> </ol> <p><b>Linkages:</b> Officer and sergeants training. Also linked to District Commander reports.</p>	<p>Evidence:</p> <ol style="list-style-type: none"> <li>1. CPD provides report on staffing approach and formula</li> <li>2. CPD determination that staffing adjustments provide adequate proactive time</li> <li>3. Proactive time used for problem solving. District Commander write-ups.</li> </ol> <p>Potential Measures:</p> <ul style="list-style-type: none"> <li>• Recommendations from review of staffing plan are implemented</li> <li>• Use of proactive time by patrol officers to engage in problem</li> </ul>

				<p>solving</p> <ul style="list-style-type: none"> <li>• District Commander reports documents patrol officer problem solving</li> <li>• Each year, District Commander reports reflect greater levels of problem solving by patrol officers</li> <li>• The percentage of patrol engaged in problem solving</li> </ul>
	<b>Revise CPD Policies, Procedures, Organizational Plans, Job Descriptions, and Performance Evaluations consistent with CPOP</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
29(o)	The City shall review and, where necessary and appropriate, revise police department policies and procedures, organizational plans, job descriptions, and performance evaluation standards, consistent with its commitment to CPOP	<ol style="list-style-type: none"> <li>1. On-going review of police policies and procedures to see if they impede or promote CPOP</li> <li>2. Specific review of job descriptions to see if they are consistent with commitment to CPOP</li> <li>3. Specific review of performance evaluation standards to see if they are consistent with commitment to CPOP</li> <li>4. Review of organizational plans</li> <li>5. Revisions made in light of reviews</li> </ol>	<ol style="list-style-type: none"> <li>1. The deliverables under this paragraph include modifications and updates to CPD job descriptions, to reflect the CPOP focus of the job. Job descriptions that accurately portray the expected work (in this case analytic problem solving, in addition to other important responsibilities).</li> <li>2. Modifications and updates to personnel evaluation standards consistent with commitment to CPOP.</li> <li>3. Some common policies and procedures that are subject to review and revision in police agencies engaged in community and problem-oriented policing include: police vehicle pursuits; response to the mentally ill; domestic violence response; false alarm policies; alternative call response, and personnel policies related to evaluation, reward, advancement, promotion, and transfer.</li> </ol>	<p>Evidence of review and revisions:</p> <ol style="list-style-type: none"> <li>1. Policy and procedure updates</li> <li>2. Proposed revisions to job descriptions and performance evaluation standards consistent with commitment to CPOP – consistent with problem solving as principal strategy for addressing crime and disorder problems</li> <li>3. Feedback from Parties and Monitor solicited</li> <li>4. Revisions made</li> <li>5. Policies, procedures, organizational plans reviewed to see if they impede or promote POP – occurs perhaps once every 3 or 4 years</li> </ol> <p>Potential Measures:</p> <ul style="list-style-type: none"> <li>• Revised job descriptions consistent with commitment to</li> </ul>

			<p><b>Linkages:</b> training in revised job descriptions and performance evaluation standards will be required; training for sergeants in new systems</p>	<p>CPOP.</p> <ul style="list-style-type: none"> <li>• Revised personnel evaluation standards consistent with commitment to CPOP.</li> <li>• Proactive review of policies related to transfers, special assignment, and promotions</li> </ul>
	<p><b>Information Retrieval Systems Consistent with Analysis Needs</b></p>	<p><b>Elements of this CA Section</b></p>	<p><b>Compliance and Linkages</b></p>	<p><b>Evidence of Compliance and Measures of Compliance</b></p>

29(p)	<p>Consistent with applicable federal and state law regarding protection of personal privacy and the Ohio Public Records Act, the City shall design a system that will permit the retrieval and linkage of certain information, including that which is already collected by the CPD but may not be routinely searchable under the present system. Further, the system shall enable the tracking of repeat offenders, repeat victims, and/or repeat locations that are necessary to community problem oriented policing. Finally, the system established under this paragraph shall include, but not be limited to, that information necessary to comply with the terms in this Agreement regarding nondiscrimination in policing an early warning.</p>	<ol style="list-style-type: none"> <li>1. Review of current capacity of the CPD's information system.</li> <li>2. Study of other systems' ability to retrieve and link repeat offenders, repeat victims, and repeat locations.</li> <li>3. RFP drafted.</li> <li>4. RFP issued.</li> <li>5. RFP finalists determined.</li> <li>6. Vendor reviews.</li> <li>7. Vendor selection.</li> <li>9. Vendor negotiation and implementation milestones and deadlines agreed upon.</li> <li>10. Contract signed.</li> <li>11. Project manager assigned and implementation schedule shared with Parties and Monitor.</li> <li>12. Quarterly reports on implementation deadlines.</li> </ol>	<ol style="list-style-type: none"> <li>1. Until a new system is developed, other methods of identifying repeat offender, repeat victim, and repeat location information are identified and used in the Department.</li> <li>2. Crime analyst provides hot spot information <i>by</i> specific address to district commanders to begin to address them using problem solving.</li> </ol> <p><b>Linkages:</b> Training in problem solving; training in analyzing calls for services; interagency collaboration, review of CPOP cases, District/Unit Commander reports, Planning and Analysis Reports, and Crime Analysis Unit reports for evidence of use of system</p>	<p>Evidence:</p> <ol style="list-style-type: none"> <li>1. RFP issued</li> <li>2. New system can track repeat offenders, repeat victims, and repeat locations</li> <li>3. The information is used in problem solving efforts undertaken at different levels in the Department.</li> </ol> <p>Potential Measures: <u>When new system in place</u></p> <ul style="list-style-type: none"> <li>• System capable of retrieving and linking information in CPD's current computers</li> <li>• System enables CPD to track repeat offenders, repeat victims, and repeat locations</li> <li>• Use in problem solving process; CPOP cases, District/Unit Commander reports, Planning and Analysis Reports, Crime Analysis Unit reports</li> <li>• Greater ability to identify trends and patterns and use them to undertake problem solving efforts.</li> </ul> <p><u>Until new system is in place:</u></p> <ul style="list-style-type: none"> <li>• Crime analysts provide specific repeat address information to District Commanders, along with call for service history (types and number of calls, crime reports) to begin to address these using problem solving.</li> <li>• District Commander reports reflect problem solving efforts undertaken at these specific locations</li> </ul>
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	<b>Availability of Timely Information to Detect, Analyze, and Respond to Problems, and Evaluate their Effectiveness</b>	<b>Elements of this CA Section</b>	<b>Compliance and Linkages</b>	<b>Evidence of Compliance and Measures of Compliance</b>
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29(q)	<p>The City, in consultation with the Parties, shall study the options and then determine if and how to best secure appropriate information technology so that police officers, supervisors, managers, and executives, as well as other City agencies and community members, can get access to timely and useful information needed to detect, analyze, and respond to problems and evaluate their effectiveness subject to the provisions of this Agreement with respect to funding.</p>	<ol style="list-style-type: none"> <li>1. Review of information currently available</li> <li>2. Committee formed with subject matter experts to discuss the types of information typically used in problem solving</li> <li>3. Committee examines what kinds of information is useful in problem solving that could be made available that does not require new purchases</li> <li>4. Committee reviews the types of linkages or accessibility to other City or County databases that would be useful in problem solving</li> <li>5. Committee makes recommendations</li> <li>6. Budget recommendations made</li> </ol>	<p>While the new RMS system purchased under Section 29(p) may remedy some gaps in CPD systems, there may be additional information from other systems that can improve the quality and capacity for employees to problem solve.</p> <p>A review of current systems capacities begins the process. A separate inquiry into the types of information one sees in problem solving efforts also can prompt recommendations for systems or additional linkages.</p> <p><b>Linkages:</b> Systems in other city agencies (such as those engaged in the interagency collaboration efforts described in 29(a)); access to county records; easy access to probation conditions, etc.</p>	<p>Evidence:</p> <ol style="list-style-type: none"> <li>1. Review of capabilities of current CPD systems</li> <li>2. Review of types of information in problem solving efforts</li> <li>3. Review of potential linkages to other city/county databases, recommendations report.</li> </ol> <p>Potential Measures:</p> <ul style="list-style-type: none"> <li>• Improved knowledge of capabilities of current systems</li> <li>• Potential links/access to other systems</li> <li>• New systems recommended that will improve agency capacity to problem solve</li> </ul>
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