

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

**October 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 ELEVENTH  
QUARTERLY REPORT**

**EXECUTIVE SUMMARY**

This is the Eleventh 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 April 1, 2004 through June 30, 2005, though we also review more recent activities from July 1, 2005 to September 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**

**General Policies (MHRT Team and Foot Pursuits)**

The CPD Police Academy, in partnership with mental health professionals, trained an additional 29 officers in June and 30 officers in September, 2005, in responding to incidents involving persons who are mentally ill. As we have noted in prior Reports, the Mental Health Response Team (MHRT) program has received very positive appraisals from mental health professionals, community members and members of the CPD. The CPD is in compliance with these MOA provisions. We also determined that the CPD is in compliance with the foot pursuit provisions of the MOA.

**Use of Force**

The use of force statistics for the second quarter of 2005 continue to reflect the substitution of the Taser for most other kinds of use of force. There were 143 Taser deployments in this quarter. The number of chemical sprays, physical force and takedowns have significantly decreased since the first quarter of 2004, while the number of Taser deployments appears to have leveled in the last two quarters. The Monitor found that the Taser deployments and other use of force incidents reviewed this quarter were in compliance with the use of force model required by the MOA. The Monitor also found the CPD to be in compliance with the MOA provisions for chemical spray and canine deployment.

## **Incident Documentation and Investigation**

In September 2005, the Department of Justice and the CPD agreed on the documentation and investigation requirements for Taser incidents. The Monitor will assess whether the CPD is in compliance with the Taser documentation requirements in the next quarter.

This quarter, the Monitor Team reviewed a sample of 67 investigative files involving use of force incidents. The CPD is in compliance with the investigative requirements of the MOA, including: having supervisors respond to the scene to investigate, evaluate and document each incident; ensuring that all officers who witness a use of force provide a statement regarding the incident; having the investigating supervisor complete a Use of Force Report that is reviewed by a lieutenant or higher.

## **Citizen Complaint Process**

The City's complaint intake process is open and accessible and meets the MOA requirements. However, in the second quarter of 2005, the CPD identified a number of complaints that were received by the CCA and referred to the CPD's Internal Investigations Section (IIS), but IIS did not assign an investigator to the complaint and did not investigate the complaint. In August 2005, the CCA and the CPD developed written procedures for ensuring that all complaints are received by and appropriately acted upon by both agencies. The Monitor believes that this protocol should bring the City into compliance in the next quarter.

The Monitor reviewed a sample of citizen complaint investigations that were completed in the second quarter of 2005. While several of these investigations were well conducted and thorough, the Monitor identified others that were not consistent with the MOA requirements. The City is not in compliance with the requirement that investigations be completed within 90 days of the complaint. We also noted investigations where not all of the relevant evidence was considered, or where relevant witnesses were not identified and interviewed.

## **Management and Supervision**

Since October 2004, the CPD's risk management system, the Employee Tracking Solution (ETS), has been on-line, and officers and supervisors are entering records such as use of force reports and citizen complaints into the system. In that time, however, the vendor had difficulty converting data from the CPD's old databases so that they can be imported into the ETS. It also was not able to implement the analysis and risk assessment components of the system, which compares the activities of officers with their peers, to identify

officers and units whose activity is significantly above or below the average. Without these capabilities, the CPD has not yet begun identifying officers, supervisors and units for administrative review and appropriate intervention, based on potential at-risk behavior.

The system's difficulties appear to have been corrected in September. The Monitor is hopeful that the CPD will be able to use the system in the next quarter to come into compliance with the MOA provisions.

### **Training**

As in the last several quarters, the Monitor finds the CPD to be in compliance with the MOA training requirements.

## **COLLABORATIVE AGREEMENT**

### **CPOP**

There has been significant progress on CPOP issues this quarter. The Parties continued to add to the library of best practices related to CPOP; joint CPOP training for communities (both problem-specific training and general training on the SARA model) was conducted; a date is set for a CPOP community awards ceremony; District Commanders and Unit Commanders prepared more detailed problem solving quarterly reports; the Parties collaborated on an Annual Report about CPOP; and additional CPOP team efforts were undertaken. In addition, the Community Police Partnering Center (Partnering Center) continues to make important contributions to Cincinnati CPOP through training, support, and community education events.

Other developments this quarter suggest that progress will continue in the next quarter as well. A new problem tracking system is being developed that is expected to be on-line in the next quarter. The system offers more opportunities for officers to input details of problem solving efforts, and it will have enhanced search capabilities. The CPD also is moving forward with a new RMS system that should be able to retrieve and link information in the CPD's current databases, and enable the CPD to track repeat offenders, repeat victims, and repeat locations, so as to identify trends and patterns. In addition, the CPD is beginning to undertake a revision to its performance evaluation system. Areas where redoubled efforts would result in compliance include additional problem solving training for CPD members beyond the COP officers, documenting analysis and use of research in problem solving efforts; continued efforts in community dialogue and engagement, and a review of CPD staffing in light of CPOP.

## **Evaluation Protocol**

The RAND Corporation has undertaken significant work this quarter in conducting an evaluation of the CA and measuring the extent to which the goals of the CA are being accomplished. RAND has fielded four sets of surveys and collected much of the data. RAND researchers attended community meetings and problem solving projects to examine police-community relations, and RAND has begun a review of approximately 300 video and audio recordings of interactions between CPD officers and citizens (many of them traffic stops). It also has collected from the CPD traffic stop data from 2003 and 2004, which it is currently in the process of analyzing. RAND's first annual report on these projects will be released in the next quarter. The Parties are in compliance with the CA provision requiring the development of an evaluation protocol. Because the components of the evaluation protocol are in the process of being undertaken, the Parties are in partial compliance with implementation and the requirement of public reporting of the results of the evaluation protocol.

## **CCA**

This quarter, the CCA and the CPD developed written procedures for the timely exchange of information and the efficient coordination of the CCA and the CPD investigations. This will ensure that complaints coming in to the CPD will be directed to the CCA in a timely manner, and that complaints received by the CCA will also be received by the CPD and an investigation opened. As reported by the CCA, the City is also now in compliance with CA requirement that the CPD allow CCA investigators to monitor the work of the CPD at the scene of serious police interventions, and monitor CPD interviews.

The CPD also adopted an SOP setting out procedures for CPD action in those cases where the CCA sustains a complaint. This should provide for 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. Also, if the City Manager agrees with the CCA's determination, the CPD must then take appropriate corrective action, including discipline. The Monitor will be able to assess whether the City is in compliance with these provisions in the next quarter.



## **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.

The City took commendable actions in implementing the MOA during the quarter that bear noting:

### MOA

- The DOJ and the CPD agreed on documentation and investigation requirements for Taser incidents.
- The CCA and the CPD developed written procedures that ensure all complaints received by the CCA are referred to IIS and appropriately investigated, and all complaints received by the CPD are referred to CCA so a decision can be made by CCA whether a CCA investigation should be opened.
- CCA staff have now been trained on the Employee Tracking Solution (ETS), the CPD's risk management system that maintains records of uses of force and citizen complaints. Software facilitating access to the CPD's ETS system has been installed on CCA computers, and CCA staff now have access to the ETS system on a read-only basis. This training and computer access will facilitate CCA investigations.
- A Standard Operating Procedure (SOP) relating to CCA/CPD investigations has been adopted by the CPD that will facilitate reconciliation of parallel investigations, particularly when the CPD and the CCA arrive at different findings. The SOP also provides direction on the imposition of appropriate discipline following a final determination by the City Manager of a sustained finding.
- The Police Academy, in partnership with mental health professionals, has trained an additional 59 new MHRT officers bringing the total compliment of MHRT officers to 154.
- The CPD has revised its MVR policy to require officers to use their MVR/DVR equipment to record all prisoner transports.

Each of these actions moves the CPD closer to substantial compliance with the terms of the MOA. The protocols and SOPs related to CCA/CPD investigations and disciplinary actions demonstrate important cooperation between the two agencies that is so important to enhancing community trust and public safety.

Significant progress has also been made by the Parties in CA implementation:

#### CA

- The Parties are still reviewing the Monitor's suggestions for CPOP compliance standards for CA paragraphs 29(a) – 29(q), but they appear to be nearing accord on the development of agreed-upon deliverables for these paragraphs.
- The Parties' Problem-Solving Annual Report does an outstanding job of documenting this year's (September 2004 through August 2005) accomplishments, lessons learned, and next steps with respect to problem solving and CPOP.
- Discussions are complete regarding the development of an alternate dispute resolution process for resolving police-related claims.
- The CPD increased the number of quarterly reports on problem solving from District and Unit Commanders.
- The quality of the problem-solving efforts undertaken collaboratively is improving.
- The Parties have agreed to a joint statement in support of CPOP that will soon be published, and have outlined a process to submit to Judge Merz to end their facilitated meetings, and to return to meetings conducted without judicial oversight.

In our Introduction to the Independent Monitor's Quarterly Reports, we have tried to strike a balance between the accomplishments by the Parties in the quarter under review, and a candid appraisal of the important issues that still need to be addressed. There remain important issues to be addressed by the Parties, but we want to focus attention at this moment on the excellent work by the Parties this past quarter. As noted above, much progress has been accomplished on implementation of both the MOA and the CA. We commend the Parties on more than just the policies and procedures adopted, the

personnel trained, and the increased quality of reporting. Just as important as the increased productivity and quality of work completed, is the fact it could not have been accomplished without collaborative, productive relationships being at work between the Parties. We look forward to this work continuing.

## **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**

The Police Academy, in partnership with mental health professionals, completed a 40-hour training course for 29 new MHRT officers during the week of June 20th. Another 40-hour training course for 30 additional MHRT officers was held the second week of September. The additional MHRT officers bring the total complement to 154 MHRT officers.

During the second quarter of 2005, the CPD received 1,672 calls involving mentally ill persons. In 104 of those instances, the call did not meet the criteria for dispatch and was cancelled or the call was handled by another agency. In 182 cases, the call was dispatched as another incident type and later changed to a MHRT by the responding officers. This equates to 1,386 calls eligible for MHRT officer dispatch. For 1,217 of the calls, a MHRT officer was dispatched. Thus, MHRT officers were dispatched to 88 percent of MHRT eligible calls.

For this reporting period, there were 2 calls for which an MHRT officer was not working, and 24 calls for which an MHRT officer was working but not available for dispatch (2 percent). An additional 41 calls handled were categorized as “unknown” (3 percent). The remainder of the calls (102) were ones in which an MHRT response was disregarded by the supervisor or the situation was handled before MHRT arrival (7 percent).

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 second 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	273	240
CPD only	162	110
Mobile Crisis Team only	43	62
CPD assisted by the Mobile Crisis Team	50	41
Mobile Crisis Team assisted by CPD	18	26
Total individuals identified	181	168
Mobile Crisis Team consultations	2	1

### **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. We particularly commend the CPD for training additional MHRT officers, to help bolster the work of the current MHRT officers.

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 has reiterated to its supervisors that they should review 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 was discussed during roll-call scenario training on May 6, 2005.

## **3. Assessment**

The Monitor reviewed 29 use of force 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 all 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 twelve quarters.

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<sup>1</sup> The Monitor also reviewed complaint investigations that involved foot pursuits, although these incidents occurred in prior quarters. The investigating supervisor in Tracking No. 04129 did not evaluate the officer's foot pursuit.

## 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	2 <sup>nd</sup> Q 2005
Chemical Irritant - Unrestrained Subjects	69	102	96	140	92	90	76	30	10	8	8	12
Restrained Subjects	24	15	26	15	19	15	10	9	10	9	11	10
Physical Force	52	67	71	79	27	29	17	4	2	1	4	4
Takedowns with injury					26	12	11	4	8	6	10	3
Non-compliant suspects					35	48	40	41	30	31	23	18
PR 24	9	7	5	3	5	4	0	0	1	0	0	0
Canine	5	5	2	5	2	2	4	1	3	5	6	7
Taser	1	1	1	2	0	0	72	177	198	148	137	143
Beanbag/ Foam round	1	0	0	4	0	0	1 foam	0	0	0	0	0
Pepperball	1	0	1	1	5	2	0	0	0	1	0	0
Firearms Discharge	0	0	1	0	0	1	3	2	0	0	1	2
<b>Total</b>	162	197	203	249	211	203	234	268	262	209	200	199

The use of force statistics for the second 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.

### 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 second quarter of 2005, there were 143 Taser deployments. Just over half of these deployments occurred during a foot chase of the subject (54 percent). Also in this quarter, there were no serious injuries to subjects reported by the CPD as the result of a Taser deployment. There were 14 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 first quarter of 2005 and the previous quarters of 2004.

In its August 12, 2005, MOA Status Report, the CPD noted that there were 12 Taser incidents in the second quarter of 2005 in which the subject had a deadly weapon (firearms, knife). There was an additional incident in which the CPD states that the use of the Taser prevented a suicide attempt. 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.

## **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 36 Taser incidents that the Monitor Team reviewed this quarter, the documentation and investigation indicated that in all but one of the incidents, the officer’s use of force was reasonably related to the level of resistance and actions of the suspect.<sup>2</sup> This did include several incidents where the subject’s resistance consisted of “conspicuously ignoring” the officer, refusing to lie on the ground, refusing to put his/her arms behind his/her back and submit to being handcuffed, or refusing to spit out contraband that the officer believed the subject had in his or her mouth. However, because the CPD’s use of force policy allows officers to use the Taser if a subject is non-compliant, and the CPD puts the Taser at the lowest level of the use of force continuum (along with chemical spray), these circumstances are within the scope of the requirements of the MOA.

With respect to other use of force incidents, of the 31 incidents the Monitor reviewed, there was only one incident 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. 2005-61010).

The Monitor finds the City in compliance with MOA ¶¶12 and 13.

## **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

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<sup>2</sup> Our concern in this incident (Tracking No. 2005-67740.1), was not the use of the Taser itself, but the length of time the officer deployed the Taser. Although the officer states that the Taser worked intermittently, the first deployment was for 35 seconds and the second deployment was for 11 seconds. Officers are trained to apply the Taser for five second bursts.

- 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
- 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 22 deployments of chemical irritant for the second quarter of 2005, ten involving subjects who were restrained and 12 involving subjects who were not restrained. Of the 22 reports, the CPD states that two did not document a warning of impending force (Tracking No. 2005-66908, 2005-68712). Decontamination of sprayed individuals occurred in each of the deployments, except for two cases in which CPD reports that the subject refused decontamination assistance from the officer (Tracking No. 2005-665336, 2005-68734).

### **3. Assessment**

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

The Monitor Team reviewed 15 chemical spray incidents from the first and second quarters 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. 2005-61010, 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 all 15 of the cases (in compliance with MOA ¶14(e)).
- 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 determines that the CPD is in compliance with MOA paragraphs 14-19.

### **C. Canines [MOA ¶20]**

In the second quarter of 2005, there were 171 total canine deployments, 28 canine apprehensions (where a suspect was found and arrested) and seven canine bites. This is a bite ratio of 25 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.
- 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 seven incidents involving a canine bite.

Pursuant to paragraph 20, the CPD calculates canine bite ratios for its Canine Unit and for each canine/handler team for six-month periods. The bite ratios for the six-month period ending June 30, 2005 is as follows:

	<u>Deployments</u>	<u>Finds</u>	<u>Bites</u>	<u>Ratio</u>
January 1, 2005 - June 30, 2005	316	56	13	23.2%

This bite ratio is above the 20 percent unit threshold set out in the MOA for a review of canine operations, and reflects an increase in the bite ratio compared to earlier quarters that the Monitor has reviewed. In addition, the CPD calculated the bite ratios for each handler/canine team. Five of the handler/canine teams had a bite ratio above 20 percent for the six-month period. Based on the bite ratio of the Canine unit and several of the canine handler teams, the Special Services Commander reviewed each of the canine bite incidents to assess whether they were consistent with CPD policy and the MOA.

### **3. Assessment**

#### **a. Policy**

The CPD's Canine policy meets the requirements of the MOA. Canine training is assessed under MOA ¶84.

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

The Monitor reviewed the deployment reports for 169 deployments in the second quarter of 2005. All deployments except for one were authorized by a supervisor. Canine warnings were given in 98 deployments, while announcements were not made in 67 incidents that involved a suspect reasonably believed to be armed, and three article searches. There was one deployment where a canine warning was not documented, but the subject surrendered when the canine approached and there was no bite, so either the warning was given or the subject recognized that he was being tracked by a police canine in time to surrender. Most of the deployments were on-lead tracks. Of the off-leash deployments, 21 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 four off-leash searches of residences or apartments, one off-leash search of a school, and nine off-leash searches where the deployment form does not list the type of building searched.

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

The Monitor reviewed five canine bite investigations from the first and second quarter of 2005. In each case, supervisory authorization was given in compliance with the MOA. Also, a canine warning was made in three cases, while in two cases the subject was reasonably believed to be armed (Tracking Nos. 61081.1 and 63427.1). 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 in one of the supervisory investigations, the chain of command identified deficiencies in the investigation, and counseled the supervisor (Tracking No. 63427; leading questions).

As discussed above, the Special Services Commander reviewed the investigations of canine bites for the six months from January 1, 2005 to June 30, 2005 in light of the bite ratio being above 20 percent. This review is in compliance with MOA ¶20(h). While the Commander's review evaluated whether each canine bite complied with CPD policy and the MOA, it did not address what might account for the increase in the Unit's bite ratio over the past several quarters. There are a variety of factors that may have influenced this increase, relating to the type of suspect being tracked, the actions of the

suspects, the time of day or place of the search, training issues of the canine teams, or changes in the number of deployments or finds. There may not be a definitive answer to this question, but it is one worth asking.

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 second 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 the 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 four incidents in the second 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 three incidents in the second 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.

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

In previous quarters, the Monitor addressed the disagreement over whether MOA paragraph 24 requires that taped statements be taken in investigations of Taser incidents. As we stated in our Eighth Quarterly Report, the Monitor recognizes that given the large number of Taser deployments, audiotaping interviews in use of force investigations for every Taser 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.”

The purpose of the MOA documentation and investigation requirements is to enable the CPD to properly review and evaluate officer use of force, ensuring that officers use force appropriately. They also allow the Department to analyze use of force incidents, trends and patterns to determine if any revisions to tactics, training or procedures are advisable.

In September 2005, the Department of Justice and the CPD agreed on the documentation and investigation requirements for Taser incidents. Taped statements will be taken of the subject, the involved officers and all witnesses, including officers, when the Taser is deployed against a restrained person (e.g., a person handcuffed). The CPD also agreed to take a taped statement when the subject makes a complaint or alleges excessive force or misconduct by an officer. A complaint in this situation would be where the subject’s description of the use of force, or the events leading up to the use of force, are different than the officer’s description of the incident. Also, the CPD agreed that even in investigations in Taser incidents where taped statements are not required, the investigative report will include information that the subject was interviewed.

### **3. Assessment**

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

This quarter, the Monitor reviewed 18 Non-Compliant Suspect/Arrest Report Forms (Form 18NC) 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 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 second quarter of 2005, there were only three 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."

The Monitor Team reviewed seven Injury to Prisoner Reports from takedowns from the first and second quarter of 2005.<sup>3</sup> The Monitor Team finds that the reports 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 takedown to arrest, and evaluated compliance with the CPD's policy and procedure. The CPD is in compliance with the MOA requirements for these incidents.

#### **c. Taser**

The Department of Justice and the CPD have now resolved the issue of what level of documentation and investigation is required for Taser incidents.

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<sup>3</sup> There was also one Injury to Prisoner Report related to a use of chemical spray.



The Monitor will assess whether the CPD is in compliance with these requirements in the next quarter.<sup>4</sup>

## **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.

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<sup>4</sup> We note that there were two Taser incidents reviewed this quarter where taped interviews were made because the subjects were restrained.

## **2. Status**

There were no changes in policies or procedures with respect to the investigation of force incidents during this 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 67 investigative files involving use of force incidents (including 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 but one, 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 [Tracking No. 61010.1] (MOA ¶27).
- In all of the incidents except two, the supervisor reviewed the basis for the initial stop and seizure and determined whether the officer's actions were within CPD policy [Tracking Nos. 60605.1, 65327.1](MOA ¶27).
- In all 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. 68063.1 (MOA ¶30).
- 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. 68411.1, 62349.1, 62347.1). 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. 60605.1, 63957.1, 61010.1, 67740.1, 65327.1, 68063.1] (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. The Monitor makes both a qualitative and quantitative assessment of the CPD's compliance with these requirements. (MOA ¶29)

For the canine bite investigations and investigations of chemical spray on restrained subjects (where there are tapes of the supervisor's interviews), the Monitor determined that improper leading questions were used in only one case, and in that case, the supervisor was counseled by the chain of command (Tracking No. 63427.1). 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>5</sup> We did review taped interviews of complaint investigations involving use of force incidents. In those cases, we found that investigators did not use leading questions.

With respect to the other requirements of paragraph 29, the Monitor Team found that most 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, the Monitor could not conclude from the documentation that all relevant witnesses were identified and interviewed, all relevant evidence was considered, material inconsistencies between witnesses were not explored, and areas of relevant inquiry and follow-up questions were addressed: Tracking Nos. 60605.1, 68063.1, and 61010.1.<sup>6</sup>

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<sup>5</sup> Nor can the Monitor assess whether the CPD made appropriate credibility determinations in incidents with only a written use of force report.

<sup>6</sup> In one case, chemical spray was used because the officer erroneously thought that the subject had contraband in his mouth, and the report did not articulate the basis for the officer's belief or the reasons why force was necessary. A second report states that subject was with "a group of people" that the involved officer believed was involved in a drug transaction. It is not known whether any of these individuals, or possibly others, may have

The Monitor concludes that the CPD is in compliance with MOA paragraphs 26, 27, 28, 29 and 30, and that the CPD is in partial compliance with MOA paragraph 31.<sup>7</sup>

## **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 for 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 were two firearm discharges at a suspect in the second quarter of 2005. There is one outstanding investigation of firearms discharges from the previous quarter (05-pi-01). That case was submitted to the Firearms Discharge Board on June 14, 2005.

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been relevant witnesses. In a third case, at least two officers were on-scene in addition to involved officer, but the report does not state whether these officers were interviewed and corroborated the involved officer's statement.

<sup>7</sup> This is the first quarter where the Monitor has found the CPD to be in compliance with ¶29 of the MOA. The Monitor will continue to evaluate use of force investigations for compliance with these requirements going forward.

### **3. Assessment**

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

Last quarter, the Monitor Team reviewed FDB Reports from incidents in 2004, along with the CIS and IIS investigations of those cases. The investigations and FDB reports from the incidents in 2005 have not been completed, so the Monitor is unable to make a determination of compliance at this time.

## **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 at municipal offices and CPD district stations. CPD officers are required to carry brochures and complaint forms in their vehicles while on duty.
- If a citizen objects to an officer's conduct, that officer will inform the citizen of his or her right to make a complaint. Officers will not discourage any person from making a complaint.
- 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**

The CPD has identified a number of cases in 2005 where a complaint was made to the CCA and the complaint form was sent to IIS (and received by IIS), but IIS did not assign an investigator to the complaint and did not investigate the complaint. These complaints were investigated by the CCA, but there was no parallel CPD investigation when the CCA investigation was submitted to the City Manager for a final decision on the disposition of the complaint. In July 2005, the CPD identified this problem, opened investigations in these cases, and transferred the Commander of IIS to a different command.

In August 2005, the CCA and the CPD developed written procedures for ensuring that all complaints received by the CCA are referred to IIS and appropriately investigated; and that all complaints received by the CPD are referred to the CCA, so a decision can be made by the CCA regarding whether a CCA investigation should be opened. The protocol addresses the timely exchange of information and the coordination of complaint investigation. In addition to faxes and a weekly exchange of complaints that are hand-carried to the other agency, CCA and CPD representatives will meet monthly to reconcile the CCA and CPD case logs.

## **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.

In this quarter, the Monitor reviewed 15 citizen complaint files from the first and second quarters 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 identified two of the 15 cases in which an officer or supervisor did not inform the citizen of his or her right to make a complaint, but rather discouraged the complainant from making the complaint. [Tracking Nos. 05036, 05043].

In addition, based on the cases that were referred to the CPD from the CCA, but were not opened as investigations, the Monitor finds that the CPD is not 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.

Therefore, the CPD is not in compliance with MOA ¶¶36 and 37.

The City has now put in place new protocols to compare the cases that the CCA has in its files with the cases that the CPD has in its files, to ensure that every complaint is opened and investigated appropriately. The Monitor will evaluate compliance with these new procedures in the next quarter.

## **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 second quarter of 2005 showed that a total of 72 cases were cleared during the quarter. Of those cases, 20 exceeded the 90-day investigative requirement. Review of the ETS data of CCRP cases closed during the second quarter of 2005 showed that 22 cases were cleared during this time frame. Three of those cases exceeded the 90-day investigative requirement.<sup>8</sup>

## **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 15 IIS investigations and eight CCRP investigations in this quarter. Of these, ten investigations were complete and thorough and in compliance with the MOA requirements. The Monitor has determined that the CPD is not in full compliance with some of the MOA provisions however.

- Three complaints involved investigations where the on-scene investigation was conducted by a CPD member who authorized or

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<sup>8</sup> The CPD has stated that there may have been other CCRP cases investigated in the second quarter of 2005, which were not in the ETS system.



was involved in the conduct that was the basis of the complaint. [Tracking Nos. 04129; 05036; 62675.1]. (MOA ¶40)

- Improper leading questions were not used in the investigations, with the exception of Tracking No. 05043. (MOA ¶41)
- The Monitor Team found that in many of the cases, the CPD considered all relevant evidence, including circumstantial, direct and physical evidence, as appropriate. Complaint investigations where not all of the relevant evidence was considered, or where relevant witnesses were not identified and interviewed, included Tracking Nos. 04080, 04129, 05006, 62159.1, 62675.1, 62972.1, 65176.1, and 67312.1.<sup>9</sup> (MOA ¶¶41, 49(f))
- 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. 04080, 04129, 62972.1. (MOA ¶¶41, 49(g))
- The investigating supervisor reviewed the initial stop and search and seizure in all cases. (MOA ¶41)
- Not all complaint investigations reviewed and resolved all relevant police activity, including conduct not included in the initial complaint [Tracking No. 05043]. (MOA ¶42)
- Not all IIS complaint investigations included taped interviews of complainants, involved officers and witnesses [Tracking No. 05035]. This complaint stemmed from the deployment of a Taser in which the field supervisor did not take taped statements, and IIS did not follow up to conduct taped interviews. (MOA ¶49(a))
- In most 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, however, in Tracking Nos. 04080, 04129, 05043. (MOA ¶50)

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<sup>9</sup> In one IIS investigation, Tracking No. 04309, the supervisor did not document his efforts to identify potential witnesses, but when this was raised with CPD's Inspections Section, the Inspections Lieutenant was able to confirm that the supervisor did make sufficient efforts to identify potential witnesses.

- Seven of the eight 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. One complaint alleged a use of force (though a low level one) that should have been investigated by IIS, even though the investigation later determined that the officer escorted the complainant and did not use force [Tracking No. 62319]. (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 ¶¶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 in partial compliance with MOA ¶¶40, 41, 49 and 50.

**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 second quarter of 2005, 72 cases were investigated and closed by IIS. Those cases were closed as follows:

Sustained	48
Sustained Other	2
Exonerated	4
Not Sustained	6
Unfounded	12

During the second quarter of 2005, 22 cases were investigated and closed through the CCRP process. Those cases were closed as follows:

Sustained	2
Sustained Other	0
Exonerated	3
Not Sustained	6
Unfounded	11

### **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 a sufficient number of investigators, with a minimum of five
- CPD officers must answer CCA questions; the CCA executive director shall 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

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

## **2. Status**

In August 2005, the CCA and the CPD finalized formal procedures for the timely exchange of information and efficient coordination of CCA and CPD investigations. The protocol was included in the CPD's August 12, 2005 MOA Status Report. All complaints received at the CPD are to be sent to IIS, which will then fax a copy of the complaint to the CCA. In addition, on a weekly basis, IIS will hand-carry the complaints to the CCA. For complaints received at the CCA, the CCA will hand-carry complaints to the CPD on a weekly basis. Each entity will maintain a record of the complaints it forwards to the other. They will also review and reconcile information about complaints received from the other entity with its own current investigations. IIS and CCA staff also meet regularly to ensure that citizen complaints are forwarded to the CCA in a timely manner.

In addition to the protocol on exchange of information, CCA staff have now been trained on the Employee Tracking Solution (ETS), the CPD's risk management system that maintains records of uses of force and citizen complaints. Software facilitating access to the CPD's ETS system was installed on CCA computers at the end of July 2005, and CCA staff now have access to the ETS system on a read-only basis.

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. On August 4, 2005, an SOP relating to disciplinary action resulting from CCA investigations was adopted by the CPD. Under the SOP, the CCA Director, the Administrative Bureau Commander, and the IIS Commander will meet monthly with the City Manager to reconcile findings of investigations where the CCA has conducted a parallel investigation. No disciplinary action on a parallel investigation will be imposed prior to review by the City Manager. After the City Manager determines whether to agree, disagree or agree in part with the CCA findings, the Police Chief will direct IIS to implement any disciplinary action as needed, based on the City Manager's decision.

### **3. Assessment**

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

The City has now developed a formal written protocol for coordinating parallel CCA and IIS investigations and ensuring a timely flow of information between the agencies. While the City was not in compliance with MOA ¶¶52 and 54 in the second quarter of 2005, the Monitor believes that these new procedures will address these concerns. The Monitor will assess compliance with these requirements in the next quarter.

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 for the second quarter of 2005. There are still cases where the CPD has not completed its investigation of allegations on which the CCA sustained violations, so that these cases have not yet gone to the City Manager for a final decision.

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

The Monitor Team will be reviewing CCA investigations in the next quarter for compliance with the MOA requirements.

### **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.

For almost a full year since October 2004, the vendor of the ETS system has been working to complete the data conversion for all of the historical data that is to be imported into the new system. According to the CPD, almost all of the historic data has been converted to the new system and there are only approximately 75 old records with errors that need to be corrected.

The vendor also has had difficulties completing the analysis and weighting functions of the system. This is the component of the system that identifies officers and units whose data relating to particular fields (e.g., use of force, citizen complaints, or vehicle accidents) are significantly above or below those of their peers. The CPD had anticipated that the analysis and weighting function would be implemented for use sometime in the second quarter. On September 15, 2005, the CPD reported that the ETS system was now correctly calculating the average and standard deviations for the analysis and weighting functions. The ETS system needs only to be adjusted because the weights assigned to Taser deployment from October 2004 to April 2005 were incorrect.

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 second quarter of 2005. If this analysis is done correctly, the CPD will complete an official analysis in October 2005 for the third 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 was the level of security in place to ensure that officers and others who can log on to the system are not able to access open internal investigations. The vendor has addressed this issue so that there are now no "backdoors" to open investigations. It also appears that the data on disciplinary action has not been completely inputted in the system and available for analysis.

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 was 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. However, Chief Streicher did direct that supervisors investigating citizen complaints or uses of force pull up all of the ETS data on the officers involved in the investigation.

### **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 ETS components for data analysis, pattern identification, supervisory assessment, supervisory intervention, documentation and audit. Therefore, the requirements prescribed in MOA ¶62(a), (b), (c), (d), (e), (f), (i), (j) and (k) have not been met.

While CPD records are being entered into the ETS system (¶58), and the system is being used by the CPD for a variety of management purposes, the lack of the weighting and analysis component has meant that the CPD has not yet been able to use it for its main purpose under the MOA: identifying patterns of activity for each data category, and then initiating intervention for individual officers, supervisors, and units based on appropriate activity and pattern assessment of the data in the system. The CPD is not in compliance with MOA ¶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. For example, the CPD has not made any general effort to evaluate which officers are deploying Tasers to a greater degree than their peers, and reviewing whether that level of activity is appropriate. 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 second quarter of 2005. Eighty complaints were filed with the Department from April through June. An audit of 21 cases was conducted on the closed investigations. A summary of the audit was prepared on July 15, 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 18 complainants, and four complainants were contacted. The audit found that the CCRP investigations reviewed met the criteria set forth above.

The Inspections Section also conducted a semiannual audit of IIS investigations in this quarter. Eight cases were reviewed and a summary of the audit prepared on July 14, 2005. The audit found that the cases reviewed were in compliance with the policies, procedures and standards of the CPD.

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**

The Monitor reviewed the documentation of the Inspections Section's audits of the CCRP and the IIS process. The Inspections Section now uses a checklist to document its review of IIS and CCRP cases. Based on this documentation, the Monitor finds the CPD in compliance with MOA ¶¶ 67, 68 and 69. We note, however, that the Inspection audit of IIS cases was not a general audit of IIS's procedures and operations. It evaluated the specific investigations reviewed, but did not, for example, address the concern about complaints that were made to the CCA and referred to IIS, but not investigated by IIS. Also, with respect to the CCRP audit, quite a few of the calls to complainants did not result in contacting the complainant. This may be because the complainants were not at home during the day when the calls were made. We recommend that Inspections attempt to call complainants at other times when they are not at home during the workday.

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

### **1. Requirements**

The MOA requires that mobile video recorders (MVR) 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, to the extent practical
- 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 a stop is not recorded, officer shall notify the shift supervisor of the reason why the stop was not recorded

- 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 of the CPD's 236 marked units. Due to budget issues the CPD is not sure when the remaining vehicles will have MVR (or DVD) recorders installed.<sup>10</sup>

In early 2005, the CPD standardized the process by which supervisors would conduct random reviews of MVR tapes and DVR discs, and implemented a required form for supervisors to complete indicating what, if anything, was found on the review, as well as any intervention.

In the second quarter of 2005, the CPD also revised its MVR policy, Procedure 12.537. Officers are now required to use their MVR/DVR equipment to record all prisoner transports. The camera is to be turned to face the rear seat for recording purposes.

## **3. Assessment**

The Monitor, the CPD and the Department of Justice will discuss the requirements of the MOA's MVR provisions in the next quarter. Currently, not all vehicles have recorders installed. The Monitor will review in the next quarter whether the police cars without MVRs are being used for police activities that should be recorded under the MOA. In addition, in incidents involving cars equipped with MVRs, we will examine whether MVRs were used and the tapes reviewed as required by the MOA.<sup>11</sup> The RAND Evaluation Protocol also includes a review of MVR tapes, and the Monitor will assess the information from that component of the Evaluation Protocol. For these reasons, the Monitor will defer a compliance determination until the next quarter.

We do note that manual activation of the MVR was used in two incidents in which an officer deployed chemical spray on a restrained individual being transported in the police car [Tracking Nos. 65239.1, 64415.1]. The MVR provided the investigating supervisor, the chain of command and the Monitor with information corroborating the officer's statement. Now that the CPD policy requires MVR activation for all prisoner transports, the investigating

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<sup>10</sup> The CPD disagrees that the MOA requires that all vehicles be equipped with MVRs, and takes the position that the MOA provision only relates to CPD vehicles which have MVRs.

<sup>11</sup> Two of the investigative files involving traffic stops reviewed in this quarter did not appear to have an MVR tape (Tracking Nos. 04080, 05043).

supervisor and chain of command will have MVR tapes to review in all incidents where force is used on persons being transported in the police car.

**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.

To date, 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 now implemented, reports on disciplinary action are not yet available through ETS.

The CPD and the CCA are currently in the process of finalizing a CPD/CCA Citizen Complaint Case Management System. The CPD/CCA Citizen Complaint Case Management System will include the following fields: CCA Case Number, CPD Case Number, CPD Date Received, CPD Date Closed, Incident Date, Allegations, Complainant Name, Sex and Race, Officer Name, Sex and Race, CPD Disposition, CCA Disposition, Date Submitted to City Manager, City Manager’s Disposition, CPD Action. When cases have conflicting findings from the CCA or the CPD, these cases will be the focus of the City Manager’s attention for resolution.

The CPD and CCA manually prepared a spreadsheet on cases received by the CCA from January 2005 to June 2005, which includes the discipline imposed for those cases completed and sustained.

### **3. Assessment**

The Monitor will assess compliance with the discipline provisions of the MOA in the next quarter.

## **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**

In January 2005, the Academy Director retired. Since that time, Captain Howard Rahtz has been Acting Director of the Academy. Captain Rahtz remains responsible for the quality of training, the development of the curriculum, the selection and training of instructors and trainers, establishing evaluation procedures and conducting assessments to ensure that the training remains up to date and responsive to the organization's needs. The Training Committee met on August 25, 2005. Ethics training is being scheduled for September and December and management training is scheduled to begin in October 2005.

In addition, the Training Academy and the Inspections Section have developed a new in-service training entitled *Use of Force Training, A to Z*, that covers a review of tactics, a use of force scenario, and training on reporting and investigation.

## **3. Assessment**

The CPD is in compliance with these provisions.

## **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**

In-service training (“Advanced Tactical Training”) for supervisors and police officers was conducted in August and September. This eight-hour training module included instruction and materials that relate to the provisions of this paragraph of the MOA, including verbal judo and communication skills, investigation of use of force incidents, report writing, etc. The curriculum included classroom presentations, practical exercises and scenarios, case preparation and review of investigations and reports that stem from incidents. Although this training was not directly based on the handling of citizen complaints, the skills imparted and the subject matter are relevant. This type of training reinforces a comprehensive approach and encourages supervisors to develop the critical thinking and interpersonal skills necessary to effectively deal with the broad range of investigations they are required to handle, be they internal investigations or citizen complaints.

## **3. Assessment**

CPD is in compliance with this section of the MOA.

### **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 previous reports and the above section, the Training staff continues to coordinate and administer courses such as the new supervisors’ course, continuing professional training in supervision and leadership expectations, and other related subjects. In addition to the training provided to sworn employees, the Training Academy has developed and is providing in-service training for non-sworn supervisors and personnel. During this quarter, the Academy began providing a one-day training course for non-sworn employees that includes training and familiarization with CPOP, an update on

the Collaborative Agreement and a review of basic customer service and communication skills designed to help employees gain the respect and trust of the citizens with whom they interact.

### **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**

Nothing to report this quarter.

### **3. Assessment**

The Monitor Team will observe and review canine training in the next quarter.

## **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 has continued to develop and furnish learning scenarios for roll call training that are often based on actual CPD incidents. These scenarios are then scheduled, per a master calendar, for roll call training



each month with the shift supervisors responsible for presenting and discussing the topics.

The scenarios this quarter included topics such as foot pursuits, use of force, MHRT incidents, racial profiling, search and seizure and problem solving examples.

On September 15, 2005, a Monitor Team member attended *Use of Force Training, A to Z*, hosted at the Training Academy and instructed by Specialist Bruner and Sergeant Tanner. The scenario-based training exercise was designed for supervisors, officers, and specialists currently assigned to patrol. Each of the five patrol districts were represented by a patrol sergeant. Four of the five districts were represented by officers.

Training began with a briefing that described the course outline, a review of tactics, verbal judo, and scene safety. The tactical review specifically highlighted radio techniques, approach tactics, verbal commands, foot pursuit policy and considerations, communication amongst partners, and arrest control tactics and techniques. The scenarios took place outdoors on the old training field located adjacent to the Academy building. Each scenario was videotaped from start to finish in order that it may be reviewed by the class later in the day. That review and critique brought great value to the exercise.

Two officers were assigned a radio run regarding a crime stoppers tip involving a subject wanted for a felonious assault against police which occurred the night before. A detailed clothing description and location was provided. The officers responded and found a subject fitting the previously provided description. Upon their approach, the subject began to run. As the officers pursued, rounding a makeshift corner, the subject displayed a weapon and pointed it in the officer's direction. He discarded the weapon, ran a brief distance, and then stopped. When he did so, he quickly began advancing towards the officers in an aggressive manner. The Taser was deployed and the subject was taken into custody. A supervisor was dispatched to the scene and a use of force investigation was initiated. The sergeant and officers were then provided with a binder that contained additional instructions and copies of all the reports necessary to complete the investigation, initiate court proceedings, and update the ETS with regard to the incident. After lunch, the Inspections Section Lieutenant conducted a detailed review of their reporting. There was much discussion regarding the importance of thorough and accurate completion of the reporting. This was followed by a presentation by the Rapid Indictment Unit, and a tactical review of the morning's exercise.

### **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 City Solicitor's office and the CPD took place on June 24, 2005. The meeting included discussion of civil cases relating to allegations of officer misconduct. A second meeting was held on August 25, 2005, which will be reviewed in the next quarter.

**3. Assessment**

The CPD is 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**

This requirement is being met as a result of these topics/issues being covered in the basic academy and new supervisors' course. Also, as noted in Section IV.C (above), the CPD is also covering these issues in the training provided to non-sworn personnel.

### **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**

Nothing to report this quarter.

### **3. Assessment**

The CPD remains in compliance with this provision.

## **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**

The Annual firearms familiarization training was completed in July and firearms qualification immediately commenced.

## **3. Assessment**

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>12</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 2004, the City reported that it will move towards Community Problem-Oriented Government. “To this end, CPOP is viewed as part of a whole and not a stand-alone program, as citizens will have several

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<sup>12</sup> Over the course of Monitor reporting, the Parties had disagreed 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. The CPD will use Form 560 to report problem solving. This form was revised in the summer of 2005 to incorporate some of the feedback from the Parties and the Monitor. Efforts and initiatives that are not problem-solving for purposes of this Agreement may be better suited for presentation through other venues.

ways to access services. Each access point will lead to a comprehensive, timely service response.”

Also in December 2004, 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 stated that it was considering combining CPOP electronic files into an existing electronic database that tracks service requests, permits and code violations to 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. In the spring of 2005, 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 agreed to continue discussions to revise the tracking system the CPD had developed to document CPOP projects. Also in the spring, the City’s Code Enforcement Task Force<sup>13</sup> developed and distributed to CPD employees and community leaders a Citizen’s Guide to Community Action: Addressing Nuisance Complaints and Neighborhood Blight, an extremely good example of the value that coordinated city services can bring to addressing specific types of community problems that cross city agency boundaries.

In June 2005, the City outlined a revised structure for accessing City department resources to support CPOP:

I. The Neighborhood Code Enforcement Response Teams (NCERT) will serve as a primary way to access city department resources to support CPOP. 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.

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

III. Additional coordination includes:

Principal City Departments for CPOP Coordination - The following city departments will have designated CPOP Liaisons by neighborhood: Buildings and Inspections, Health, Police, Fire, Community Development

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<sup>13</sup> The Partnering Center Executive Director sits on the Code Enforcement Task Force.

and Planning, Transportation and Engineering, Metropolitan Sewer District, Water Works, Recreation, Public Services and Parks. 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 - The Call Center Manager of the City's Service Tracking System, known as Customer Service Response (CSR) 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.

This quarter, the City reports that its Service Tracking System (CSR) will be a separate system from the CPOP database tracking system. CSR will be linked to CPOP, however, to expand access for data entry to other city departments. The link will also provide CPOP users the ability to view CSR service requests and actions taken in the CPOP window interface. The two systems should be on-line next quarter. During this quarter, COP officers, their sergeants, the Partnering Center and the Plaintiffs were briefed about the capabilities the new system will have. The new tracking system and CSR will be housed in new desktop computers and are expected on line in October.

In another development this quarter, the City Manager expanded the role of S. Gregory Baker, Manager of Police Relations. He is now also responsible for coordinating citywide implementation of CPOP.

### **3. Assessment**

The Monitor believes that the new, separate city service tracking system (CSR) will be a benefit to police and citizen problem solvers and the link that will be established between the revised CPOP tracking system and the CSR can facilitate interagency collaboration. We look forward to seeing the system on line.<sup>14</sup>

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<sup>14</sup> We report on improvements proposed to the CPOP tracking system in 29(m).

As we noted in prior Reports, 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, 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 Parties' publications review committee agreed to the inclusion of each of the items:

- [Crime and Place: Plenary Papers of the 1997 Conference on Criminal Justice Research and Evaluation](#)  
Taylor, Bazemore, Boland, Clear, Corbett, Feinblatt, Berman, Sviridoff & Stone, NCJ, July 1998
- [The Expanding Role of Crime Prevention Through Environmental Design in Premises Liability](#)  
Gordon and Brill, National Institute of Justice, Research in Brief, April 1996
- [Gang Suppression and Intervention: Community Models—Research Summary](#)  
Spergel, Chance, Ehrensaft, Regulus, Kane, Laseter, Alexander & Oh, Office of Juvenile Justice and Delinquency Prevention, October 1994
- [Juvenile Crime as a Community Health Issue—An Analysis of the 1998 Muskegon County Juvenile Division Survey](#)  
Muskegon County Health Department, Muskegon County Family Court, January 2000
- [Crime, Grime, Fear and Decline: A Longitudinal Look](#)  
Ralph B. Taylor, National Institute of Justice, Research in Brief, July 1999
- [Reducing Youth Gun Violence: An Overview of Programs and Initiatives—Program Summary](#)  
Shay Bilchik, Office of Juvenile Justice and Delinquency Prevention, May 1996



- [Responding to Gangs: Evaluation and Research](#)  
Reed and Decker, NCJ, July 2002
- [Chapter 12, The Business Community](#)  
New Directions from the Field: Victims Rights and Services for the 21st Century, U.S. Department of Justice, 1998
- [Selected Annotated Bibliography on Youth and Gang Violence Prevention, Community Team Organizing and Training, and Cultural Awareness Curricula](#)  
Family and Youth Services Bureau, U.S. Department of Health and Human Services, May 1995
- [Youth Gang Drug Trafficking and Homicide: Policy and Program Implications](#)  
James C. Howell, Juvenile Justice Journal, Office of Juvenile Justice and Delinquency Prevention, December 1997

The CPOP website now links to over 50 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 40 problem-oriented guides for police on specific crime and safety problems, as well as evaluations of specific responses to crime. The website also links to the Partnering Center brochure, [cagisperm.hamilton-co.org/cpop/documents/PartneringCenterbrochure%20color.pdf](http://cagisperm.hamilton-co.org/cpop/documents/PartneringCenterbrochure%20color.pdf), which provides information about the Center, about CPOP and about problem-solving and the SARA model.

The Partnering Center forwarded the links for the new publications to the Hamilton County Public Library for inclusion in County Library website <http://www.cincinnati.org/cpop/> devoted to CPOP, so residents have resources in countering crime. Partnering Center staff direct residents to these resources. The County Library has supported the work of CPOP in other ways as well; this quarter it provided space for CPOP training at the Walnut Hills branch.

The CPD did not adopt the Monitor’s recommendation that it post the best practices library on its Department website in addition to the CPOP website, because there is a link in the official CPD website to the CPOP website and from there the library is accessible.

### **3. Assessment**

Again, the Monitor compliments the Parties for their collaboration on a comprehensive library. The CPOP library may be the most comprehensive web library on a police department website. The Parties have been in compliance with this section for five consecutive quarters.

As we have noted in prior reports, section 29(b) is also related to sections 29 (c) and (d). We believe that compliance for 29(c) and 29(d) will require training within the CPD of some of the 29(b) best practices, as well as their use in crime reduction efforts. Towards that end, we recommend that the CPD broaden dissemination of the best practices library to all officers, not just CPOP officers (adding it to the CPD's website is one way to do this).

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
- 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: In December 2004/January 2005, the CPD included a 50-minute CPOP training presentation into the Department's annual management training. In the spring 2005, the City Manager met with police recruits matriculating into their FTO phase. She spoke about the impact of police tactics in inner-city neighborhoods. In late May and early June, the CPD, the Partnering Center, and the Regional Community Policing Institute jointly presented CPOP training for new sergeants and FTOs. The training included information about the following:

- the Collaborative Agreement (CA) and the Memorandum of Agreement (MOA)
- the Department's collaboration with the Community Police Partnering Center (Partnering Center)

- the SARA model and how it is incorporated by the Department in problem solving efforts
- access and utilization of the CPOP website
- practical examples of CPOP projects
- the proactive role of sergeants and FTOs in this new style of policing

The training curriculum used is comprehensive, it contains a number of scenarios for the supervisors and FTOs to discuss, details about the CA and MOA, and information about resources that are available to supervise/manage CPOP efforts (POP guides, scenario role-plays, CPOP website, etc.).

This quarter, the CPOP Committee identified the need for joint training between the Partnering Center and the CPD's COP supervisors and officers. The training, held July 20<sup>th</sup>, was presented jointly by the CPD and CPPD. Each segment had a CPD presenter teamed with a Partnering Center presenter and included CPD Lt. Colonel Richard Janke and Partnering Center Executive Director Richard Biehl. The training covered the following topics:

- A CPOP administrative perspective and experience
- City-wide integration
- The roles of the Partnering Center, the CPD, and stakeholders
- Crime analysis and data collection
- The work flow process
- CPOP website update and improvements – presented by CAGIS
- City Watcher
- Project COPSMART

During this training, the CPD unveiled a template for a new CPOP Tracking System. Both CPD officers/supervisors and Partnering Center employees showed great enthusiasm for the capabilities of the new system, which is expected to go on-line next quarter. The new system is discussed in further detail in 29(m).

Experiences with problem-solving efforts in the field will be documented and disseminated throughout the CPD: During the last half year, the CPOP tracking system, which is the system the CPD uses to document its CPOP efforts, has been under revision. The new system will be operational in October. The CPOP efforts described in the old tracking system will be transferred to the new system. These earlier efforts will require updating by the officers because the new system requires more information about projects.

Also this quarter, the CPD issued its first problem-solving roll call training bulletin (included as Appendix 1). To that end, CPD's Community Relations Unit officer (P.O. Katie Werner) consulted with Michael Scott, Director of the Center for Problem-Oriented Policing, about the potential for the use of roll call training bulletins containing problem-solving examples. The first roll call training scenario provides a good example of a problem-solving effort aimed at reducing a drug market operating on a bridge in Kennedy Heights. One roll call a month will be devoted to problem-solving roll call training.

Experiences with problem-solving efforts in the field shall be made available to the public: The revised tracking system, expected to be on-line in the next quarter, is designed to contain more precise descriptions of crime/safety problems. The public will have access to it through the CPOP website. (See section 29(m) for more details.)

Problem solving will continue to be emphasized in (but not be limited to) academy training, in-service training, and field officer training: In the spring of 2005, the Partnering Center offered a 2-day training about problem-oriented policing, crime prevention through environmental design, and situational crime prevention. Sixteen CPD officers attended. Problem solving will also be featured in roll call training each month.

### **3. Assessment**

The Monitor applauds the effort made this quarter. It represents an increase in commitment to training around CPOP. We believe that the training undertaken in the last two quarters is a good first step towards introducing Department employees to CPOP, including employees outside the COP unit. We believe the CA requires that the CPD prepare and schedule additional training opportunities for its employees to underscore its commitment to CPOP as the principal policing strategy of the CPD.<sup>15</sup>

With respect to documenting and disseminating problem solving experiences in the field throughout the CPD, we believe that the roll call bulletin is an excellent start, but is not sufficient by itself to meet compliance.

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<sup>15</sup> The Monitor anticipates attending some of the CA training in upcoming quarters.

The bulletin is well done and contains a well-constructed problem-solving project.<sup>16</sup> Since the bulletin will only be used one day, we believe that the CPD must quickly pick up the pace of documenting and disseminating problem solving experiences. Similar one-page write-ups of other problem-solving efforts that have undergone some evaluation can be disseminated in other ways, for example through the Blue Wave, the Department's new newsletter, or in Staff Notes, which go out to all Department employees. If problem solving efforts undertaken by CPD have not yet been evaluated, then CPD can draw on problem-solving efforts from other departments and share them as a basis of discussion among officers and units about types of problems CPD employees can undertake.

As for public accessibility of problem-solving efforts, the CPD's problem-solving descriptions remain accessible to the public via internet on the CPOP website. As mentioned earlier, the problem-solving descriptions contained in the CPOP website tracking system will migrate to the new system and will be updated with additional details to conform to the format of the new system. The CPD is in compliance with the public dissemination requirement of this subsection.

Concerning the emphasis on problem solving throughout the CPD, we are heartened to see the additional training that has occurred and hope to see the inclusion of CPOP in many more of the training sessions the CPD presents, as required by the CA. But to date, the CPD is not in compliance with this subsection requirement. The roll call training should supplement, but not supplant more intensive training that covers the fundamentals of problem solving and the role each person in the organization has in it.

In earlier Reports, we noted that 29(b), (c), and (d) are linked. These and other CA sections are meant as ways to facilitate the adoption of problem solving as the CPD's principal strategy to reduce crime and disorder in Cincinnati. We have found the Parties in compliance with the public dissemination requirements under 29(b) and (c). However, because problem solving is to be adopted as the "principal strategy for addressing crime and disorder problems," the portions of 29(c) and (d) that deal with training and dissemination within the Department require fuller efforts, as they are meant as a way to effectuate significant change in the organization. We have determined that the City is in partial compliance with the requirements of 29(c) for training and dissemination to CPD members. This applies for 29(d) as well.

Currently, of the four subparts to this subparagraph, the Parties are in compliance with the public dissemination requirement. Progress on the other

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<sup>16</sup> The photographs of the Kennedy Heights Bumping the Bridge effort provide a wonderful visual description of one of the responses applied in that project.

elements of this CA section is required. The Parties are in partial compliance with this section of the CA.

### **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**

In the spring, the Partnering Center disseminated research on one particular problem, providing 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. This quarter, the Partnering Center provided additional material related to violence and violence reduction. These are now included on the CPOP website. The CPD invited the Partnering Center to participate with other CA partners in a “Violence Reduction CPOP Initiative.” As a result, the group has contacted key community representatives to begin discussion of a potential role for citizens and the community in such an initiative.

The CPD believes that the tracking system, which will be operational in October, offers additional opportunities for officers to examine or review research on crime/safety problems. The new system will contain a query asking the officer: What guidelines (manuals, problem-solving examples, etc.) were used? Next to the query is a box entitled: Give specifics. In addition, a tool on the side bar within the Tracking System is a clickable icon that leads users to problem-solving material that can be reviewed to aid an officer in tackling crime/safety problems.

### **3. Assessment**

We noted in our last Report that the sharing of gun violence reduction strategies is an excellent start, and we believe the Parties’ inclusion in a violence reduction initiative is also a positive step.

In addition, like the CPD, we are hopeful that the newly revised tracking system will elicit more detailed information from users and spur users to look

at other problem solving efforts or manuals and guides when undertaking a project. We believe the new system holds great promise.

As we noted in last quarter's Report, 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 (the CA specifically mentions situational crime prevention); 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**

In the spring 2005, the 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. In addition, to promote CPOP, the Partnering Center participated in a number of call-in radio shows on WDBZ AM to promote CPOP and the Partnering Center. Also in the spring, the Partnering Center arranged for domestic violence prevention training, presented Blight Index training, and provided SARA training focused on litter and blight issues. Also during the spring, the Friends of the Collaborative met and held a panel discussion with the media about the coverage, role, and responsibility of the media in informing the public about the Collaborative Agreement, CPOP and the Partnering Center. By mid-June 2005, the Parties reported 19 active CPOP teams among the 31 neighborhoods trained. At that time, the Partnering Center outreach staff provided support to 32 different neighborhood problem-solving efforts.

This quarter, the Parties report continued progress. The Parties state that expertise is building among Partnering Center and CPD staff with the goal of providing the highest quality problem solving training and support to citizen stakeholders. Recently, one of the Partnering Center's community outreach workers, Amy Krings, was promoted to the position of Senior Community Outreach Worker/Trainer and she is developing additional specialized curriculum to assist communities in addressing crime and disorder problems. She also provides training and mentoring to other Partnering Center outreach workers. The Partnering Center's contract consultant, Cassandra Robinson, remains on the Partnering Center staff, supporting other staff members with CPOP efforts, and assisting the Friends of the Collaborative Committee.

Ms. Robinson has led the effort to enlist the 13 current and “formal” Friends of the Collaborative to support the work of the CA, CPOP and the Partnering Center. CPOP Teams also regularly work with additional Friends groups who have not yet completed a Work Plan and been approved by the Partnering Center Board.

The following list provides a snapshot of the trainings presented by Partnering Center and CPD staff during this reporting period:

- 18 basic SARA trainings<sup>17</sup>
- 15 trainings to developing CPOP Teams
- 22 trainings to active CPOP teams

The CPD and the Partnering Center have outlined a training schedule for neighborhoods for the remainder of 2005. Some communities originally scheduled to receive training during the third quarter of 2005 were put later in the calendar or taken off the schedule for a variety of reasons, such as lack of community coordination or readiness for the training, the problem-specific training requested by the community is not yet developed, and scheduling challenges in setting up jointly-facilitated CPD/Partnering Center trainings. Communities scheduled for next quarter are CUF, Millvale, Westwood, Over-the-Rhine, Downtown/Central Business District, North Fairmount, South Fairmount, and English Woods.

The CPD and the Partnering Center also sponsored other, problem-specific training this quarter including:

- Court Watch Training: Terry Cosgrove of the City Law Department co-presented three Court Watch trainings which the Partnering Center coordinated. These well-attended trainings provided step-by-step information about tracking court cases and providing citizen input in the court process. An additional training is scheduled in September. Citizens attending were highly appreciative of the training.
- Landlord and Crime Prevention Training: Police Specialist Kelly Raker presented information to interested landlords in three sessions this quarter about protecting their investments by preventing or removing drug activity from their property.

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<sup>17</sup> Four of the trainings this quarter were for basic SARA training in the communities of Corryville, Hartwell, Bond Hill and Walnut Hills.



- In late June 2005, the Cincinnati-Hamilton County Community Action Agency hosted social services professionals for an educational session on CPOP. The event was presented by the Friends of the Collaborative. The event's objectives were to offer leaders and professionals within the social services community current information on the goals, achievements and challenges ahead for the CA, discuss the gaps social services can fill in providing solutions to problems of crime and disorder, and seek commitments of support as Friends of the Collaborative.

The Friends Committee of the Partnering Center's Board of Directors intends to offer these issue-specific trainings to citizens throughout the remainder of 2005. Outreach continues in additional neighborhoods to engage new citizens in CPOP efforts and schedule additional SARA and other problem-solving trainings.

In addition to joint trainings, the Parties have agreed to a joint statement promoting CPOP and emphasizing their commitment to CPOP. As stated by the Parties: "We believe the application of the problem solving method used in Community Problem Oriented Policing offers the greatest hope of creating a strong and lasting Community/Police partnership that will result in safer neighborhoods." The full statement is included in Appendix 2.

### **3. Assessment**

The Partnering Center and the CPD participated in a number of co-hosted trainings this quarter, both SARA training and problem-specific training. We also see the training for the social service workers as a significant step in trying to bring to the table another valuable resource, since some problems are beyond the scope of city workers, the community, and the Partnering Center to address. The training now provided around specific crime/disorder problems is an example of the creativity that problem solving can lead to when used regularly. We look forward to observing additional training of this type that is being planned. The Parties should be extremely proud of what has been accomplished under this section of the CA. These joint endeavors hold great potential for the success of the CA.

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 spring of 2005, 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.<sup>18</sup>

While the Parties did not report in their CA Status Report any jointly held community dialogue events in this quarter, the Partnering Center did continue to host the “The Buzz” radio program once a month, with the July program focused on Tasers and the August program featuring the Executive Director of the CCA. In addition, the Partnering Center and the Police Academy scheduled a Corryville “Student Police Academy” on September 10 and 17, 2005.

## **3. Assessment**

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.

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<sup>18</sup> 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. An article about the forum can be found at <http://www.citybeat.com/2005-06-01/news.shtml>.

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

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

### **2. Status**

In February 2005, the Parties distributed fliers to attendees of Xavier University's Neighborhood Summit announcing a CPOP awards process. In late spring, the Partnering Center's 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. The Partnering Center has budgeted \$10,000 to support the awards program. The Partnering Center Board President Herb Brown and Board Member Don Hardin, an attorney for the Fraternal Order of Police, also pledged financial support towards the awards.

The CPOP Awards ceremony is scheduled for October 27<sup>th</sup> at the Cintas Center at Xavier University. Award applications were distributed to various parties in July and August. Partnering Center outreach workers are also disseminating award packets at CPOP team and community meetings, and offer assistance to citizens seeking help with the application process. The Awards Committee will meet regularly leading up to the ceremony. The Parties have identified five award categories and developed judging guidelines, and a selection committee will be formed to evaluate award nominations.

### **3. Assessment**

The judging guidelines show that a lot of hard work went into preparing for the annual CPOP Awards and we expect that deserving projects and groups will be honored through the process.

With approximately 22 active CPOP neighborhood teams, an awards ceremony recognizing the committed efforts of those engaged in problem solving will be a timely addition. Members of the Monitor Team hope to attend the Awards Ceremony to help honor the awardees and the joint accomplishment of the Parties. Once the awards program has been held, the Parties will be in compliance with this section of the CA. The Parties are in partial compliance with this CA requirement.

### **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 the 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 formed a communications council comprised of representatives from the CPD, the NCCJ, and Hollister, Trubow, and Associates (HT&A). It met during the spring to implement a plan for internal and external communication. The City posted a job description and conducted interviews. In the interim, HT&A began a number of tasks that the Community Relations Coordinator will eventually assume, including creating 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

Also in the spring, representatives from HT&A contacted personnel in all sections and units of the CPD seeking information and cooperation. They

began several initiatives, including creating police trading cards and writing of “good news” stories that are shared with local media.

This quarter, the position for the Community Relations Coordinator (CRC) was re-posted seeking applications. According to the Parties, the scope of services for the CRC will serve as the communications plan. Pending the addition of the CRC, several components of the plan were begun with the help of HT&A:

- In July 2005, the CPD implemented a new design for the weekly Staff Notes
- In August 2005, the first edition of *The Blue Wave* newsletter arrived in the homes of officers, civilians, retirees, and their families
- HT&A continues to develop “good news” and informational news stories for the local and neighborhood newspapers, including the Cincinnati Herald.

### **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 the CPD’s procedure manual. The link provides access to community members who are engaged with the police through CPOP involvement. We believe that this sends a signal to the Cincinnati public of an increased willingness to create more transparent police operations, which is essential to building trust in the community.

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 not developed, although there is a scope of services outlined in expectation of hiring a Community Relations Coordinator.

The City is in partial compliance with this component of paragraph 29(h). The Monitor hopes to review a draft of the communications plan and meet with the community relations coordinator, when 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. In the fall of 2004, the CPD assigned an officer to the CRU to assist with the implementation and reporting requirements of the Agreement. She is also 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.

Last quarter, the CRU officer revised the CPOP Problem Solving Worksheet<sup>19</sup> and parts of the CPOP website. This quarter, the CRU officer collaborated with CAGIS to redesign the CPOP tracking system, preview a template for the system with some of its customers (officers, Partnering Center staff, and the Plaintiffs' attorney), and increased the number of unit commanders preparing quarterly problem solving reports.

## **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 first CPOP Annual Report in September 2003. The Parties submitted the next CPOP Annual Report in September 2004. Milestones documented in the 2004 Report included:

- 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

The Parties' 2005 Annual Report shows significant progress this year. As of August 2005, 31 neighborhoods received SARA problem solving training, 17

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<sup>19</sup> We discuss the problem-solving worksheet under section 29(k).

neighborhoods have developing CPOP Teams and there are now 20 active CPOP teams in the City. A summary of the highlights of the 2005 CPOP Annual Report is included in Appendix 3 to this Report.

The Annual Report describes in important detail a number of active CPOP Team projects, including an assessment of their results. The following are included in Appendix 3:

- District 1: Kennedy Heights: Drug Trafficking and Loitering
- District 2 Riverstar Park: Excessive Noise, Illegal Drinking, Disorderly Conduct and Littering
- District 3 Lower Price Hill: Building Relationships of Trust and Respect
- District 3 Lower Price Hill: Apartment House Used for Drug Abuse and Prostitution
- District 4 Avondale: Drug Trafficking, Littering and Graffiti
- District 5 Northside: Abandoned Buildings Contributing to Drug Trafficking and Disorderly Behavior

The Annual Report also lists the efforts this year by the ACLU to support the work of the Collaborative Agreement and the MOA, by reporting out to community groups and organizations about the CA, the MOA and police reform. It also includes specific CPD efforts to engage with neighborhood residents on problem solving, in addition to the work of the CPOP teams. Such efforts include, for example: (a) an abandoned building in Lower Price Hill at 3321 Price Avenue used for criminal activities, specifically drug use and prostitution, was declared a public nuisance and secured; (b) in four neighborhoods, College Hill, Over the Rhine, Walnut Hills and East Walnut Hills, CPD installed cameras to help monitor activity in crime hot spots.

One of the most noteworthy aspects of the 2005 CPOP Annual Report is a section devoted to “lessons learned.” These lessons are reprinted directly below:

- Although not all crime problems necessitate significant citizen participation in problem solving initiatives, some crime problems can be addressed by citizen engagement and participation. Enforcement initiatives, without sustained action by community stakeholders, often have limited and short-term benefits. Further,

offender-based strategies often have limited ability to impact crime since only one in five serious crimes are solved by police.

- Many of the successful CPOP initiatives in Cincinnati have been citizen led and have benefited from the creativity of citizens at all stages of the SARA problem solving process.
- Before a CPOP team can really reduce crime at a target location, the police and the community representatives have to be able to trust each other. Where trust is low, the foundation of a CPOP initiative needs to focus on relationship building between citizens and the police.
- Much of the work of CPOP initiatives is about changing the culture of a neighborhood. For example, it is about “Who owns the public space?” “What is the space designated for?” Sometimes just replacing criminal activity in a public location with something legitimate is enough to displace or reduce the problem.
- Leadership development, or the empowerment of community residents, takes place hand-in-hand with the development of CPOP teams and neighborhoods.
- “Small wins” are important as long as they accomplish something of significance for a community. Something as simple as securing a stop sign or a street light can give a CPOP team the confidence to pursue larger projects.
- Problem solving looks very different neighborhood to neighborhood. The problems confronting neighborhoods, although often similar in nature, involve varied responses which reflect the capacity and strengths of individual communities. To maximize success, neighborhood CPOP initiatives need to engage the unique gifts of the community - individuals, citizen associations, business and nonprofit organizations, educational and faith-based institutions - in the problem-solving process. Teams are most successful when their diversity reflects the diversity of a neighborhood.

The Annual Report also shares the tasks and aspirations of the Collaborative partners for the coming year. Some of these are bulleted below.

- In the next year, the fourth year of the Collaborative Agreement, the Parties will work to expand the number of neighborhoods engaged in CPOP initiatives while increasing the sophistication of the application of the SARA process.



- Engaging new citizens in the CPOP process will be accomplished by outreach efforts by the Cincinnati Police Department and the Community Police Partnering Center, with support being provided by the American Civil Liberties Union and the Fraternal Order of Police. In order to enroll more citizens in crime reduction efforts, the Cincinnati Police Department will provide additional information to the public about crime and disorder problem solving efforts and opportunities for citizens to participate through the department's *Blue Wave* quarterly newsletter and other media with the assistance of the public relations firm, Trubow & Associates. The Partnering Center, now fully staffed with twelve outreach staff, will engage in grassroots mobilization of community stakeholders to create and support CPOP teams in over 30 neighborhoods. The Partnering Center will also continue to communicate the value and importance of citizen involvement in addressing neighborhood crime and disorder problems by hosting the monthly "BUZZ on CPOP" radio show on WDBZ, 1230 AM, as well as making cameo appearances on local television and radio programs.
- As CPOP continues to be implemented throughout Cincinnati's neighborhoods, the sophistication of CPOP problem-solving initiatives will also be enhanced. Problem identification through the scanning process will be amplified by the addition of seven additional crime analysts to support problem solving in the five police districts and by special investigative units. The problem identification through the examination of police data (calls for service, reported crimes, and arrests) will be amplified by the Community Police Partnering Center outreach staff who will survey citizens to learn of community concerns as well as crime and disorder incidents not reported by police.
- Factors contributing to neighborhood crime and disorder problems will also be better identified by the police districts' crime analysts who will be responsive to requests from neighborhood CPOP teams to provide statistical and analytical support of identified CPOP problems. This statistical and analytical support will be enhanced by environmental surveys, created by the Community Police Partnering Center and administered by citizens, designed to assess and measure physical and social disorder related to community crime and safety problems. Analysis of police data and data from citizen and environmental surveys will help CPOP participants to more fully understand crime and safety problems and better guide them regarding potential effective strategies to address these problems. The accumulated data will also provide benchmark

measures of the existing safety of identified locations of CPOP initiatives. These benchmark measures can then be used to evaluate effectiveness of CPOP initiatives after responses have been implemented.

### **3. Assessment**

In the Annual Report, the Parties are asked to 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.

This year's Annual Report, the highlights of which are included in Appendix 3, documents the progress the Parties achieved collaboratively and individually. The efforts undertaken this year are the result of significant hard work. They reflect tremendous success and can be a source of inspiration for Cincinnatians. Although disagreement between the CPD and the Monitor over access and compliance dampened the level of cooperation for a period of several months this year, the work on the ground by CPD officers, the Partnering Center Staff, and the ACLU continued to keep CPOP active, and once the Court resolved the disagreement, it is clear that the pace of change and CPOP-related activity increased significantly. The Monitor is impressed with how much was ultimately accomplished and of the increasing quality of the initiatives undertaken by the Collaborative partners. We believe that the Annual Report offers the citizens of Cincinnati proof that change is not only possible, but an effective way to increase the level of trust and crime reduction skills of both citizens and the police. The Parties are in compliance with 29(j).

#### **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.

Last quarter, only two Districts submitted problem-solving reports. District 1 submitted five problem-solving efforts and District 5 submitted two problem-solving efforts. The types of crime/safety problems the reports identified include drug dealing, prostitution, vehicle crime, litter, abandoned buildings, and animal abuse. Also last 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 the five Districts.

This quarter, all five Districts submitted problem solving reports, including the Downtown Services Unit, which is part of District 1. District 1 submitted six efforts, including two from the Downtown Unit. District 2 submitted five projects. District 3 submitted one project, District 4 submitted two, and District 5 submitted five projects. In addition, the Criminal Investigations, Police Communications, Central Vice Control Section and the Traffic Section submitted reports.

In addition, the CPD revised its hard copy form for reporting problem solving, Form 560, including some changes suggested by the Parties and the Monitor.

For the problem-solving reports, some officers provided updates in the current tracking system, some on paper, and some in both places. Officers are receiving training in September and October so that they will be able to use the new tracking system.

Highlights of the reports include:

- The use of a multi-agency response to drug dealing on Dayton Street in District 1 and the contemplation of use of a nuisance suit to turn the problem properties around
- The promise of follow-up by Downtown Cincinnati Incorporated Outreach Social Worker and the Homeless Coalition with people improperly soliciting in the Downtown area
- The use of environmental changes to reduce drug dealing, loitering, and littering in a District 2 strip mall in Madisonville
- Identification of a hotel used in part to house the mentally ill where drug dealing and other problems occur

- Assistance offered to property owners when felony drug activity is identified as occurring on their rental property
- A community-based program designed to encourage witness participation in identifying and prosecuting violent offenders as part of a collaborative between CPD, the Cincinnati Human Relations Commissions, and citizen volunteers
- The development of critical incident plans for all schools
- The reporting by the Traffic Division of repeat crash locations in different parts of the city

The Monitor is working with the CPD to help ensure that problem solving reports contain adequate information so that future problem solvers in the Department can review efforts from other parts of town that are relevant to a problem encountered in their own District or Unit and gain knowledge.

### **3. Assessment**

The number of Unit Commander quarterly reports increased this quarter.<sup>20</sup> Based on our conversations with the CPD, we believe we will see greater detail in the next quarter's reports. The new tracking system should provide a clearer outline for officer reports, although some Unit Commanders may have to submit their reports without the help of the tracking system, because the new system will be loaded only on COP computers, at least initially.

This quarter, a number of the problem-solving reports were more descriptive of identified problems than prior quarterly write-ups, and we recognize this as an improvement. We will continue to work with the CPD on improving the reporting. This quarter showed great progress.

We noted in prior Reports that 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

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<sup>20</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 prior Reports, we also noted that each of the units should include individual reports about specific crime/safety problems.

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(1)**

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. 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 early spring of 2005 the FOP suggested several areas for potential training, which we reported in our April 2005 Monitor Report.

Last quarter, the Plaintiffs planned on attending three separate training topics: the Collaborative Agreement, Current Issues, and training for new FTOs, but did not end up attending.

This quarter, the Parties did not report any review of training in their Status Report.

### **3. Assessment**

If the Collaborative Agreement training is held again by the CPD, we believe it is very important for the Plaintiffs to attend. This training is a direct outcome of the CA and is responsive to a number of CA provisions. For compliance with this CA provision, we look for the Parties to review and consult on curricula, the Partnering Center to participate in CPD training, and for the FOP, Plaintiff and the Partnering Center to make recommendations on training and the CPD to consider and respond to those recommendations. The FOP's recommendations to the CPD for additional training on specific topics place the Parties 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 undertake them. The CPD reviewed previous Monitor Reports and prepared a draft document for review by neighborhood area sergeants. 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.

In the interim, the CPD made improvements in the current 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,” we hoped would 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>21</sup>

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<sup>21</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*

This quarter, the CPD is making major changes to the website, and the new problem tracking system is expected to be on-line in October. The CPD forwarded a draft template of the system to the Monitor in August, allowing for an early discussion about the capabilities of the system while it was still under design. The system appears more flexible than the prior system, offers more opportunities for officers to input details of problem-solving efforts, and the system offers enhanced search capabilities. In addition, the system is linked to other useful database systems allowing officers, Partnering Center outreach workers and citizens easy access to some of Cincinnati's other city agencies and resources. CPD reports that the system will:

- Track CPOP cases as well as CPD and Partnering Center problem-solving activities
- Simplify the creation of cases by permitting the user to click on Arcview/GEN 7, an automated computerized mapping tool that is tied into the shared City's and County's geographic information system
- Query for other existing problems by searching locations, districts, neighborhoods, and officers
- Query for permit and code enforcement issues
- Hyperlink to any report prepared by the Partnering Center concerning a specific problem-solving case in the database
- Allow participation by other departments and the Partnering Center so they can provide detail on their participation in the problem-solving process or add in details of their analysis
- Allow officers to create "virtual teams" within a problem-solving case, between other City agency employees, the CPD, and CPOP members, and offer quick mail and message boards
- Link to 911 calls for service so officers can look at real time data about a location

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*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.

COP officers, the Partnering Center staff, and the Plaintiffs previewed the system in late July, and training for officers is occurring in September. The COP officers will receive new computers to house the program and it should be in working order in October.

### **3. Assessment**

Improvements to the problem-tracking system are a positive advance. The Community Relations Unit and CAGIS have worked extremely hard to revamp the system and offer officers, the Partnering Center, and COP members a more advanced system. We believe that the system, like any system, will only be as good as the information inputted. We are hopeful that the CPD will work diligently with its supervisors so they can mentor their officers in using the system effectively. Doing so will add precision to the problem-solving projects and help advance the Department's knowledge base about problem locations. With any new system there may be hiccups initially, and in fact the officers using the system may need additional mentoring and coaching during the first two months of its operation. We believe that the CPD is committed to doing what is necessary to make the system a success.

Because the system is not yet in place, the Monitor will defer our compliance determination, but we are very hopeful about this new development.

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

The City shall periodically review staffing in light of CPOP, and make revisions as necessary, subject to the CA funding provisions. 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.

In the spring of 2005, 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.”

Last quarter, the CPD advised the Monitor and the Parties that it would 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. In July, the CPD selected from among sworn personnel its new crime analysts. In mid-July, they, and one of the Department’s more seasoned crime analysts, along with a lieutenant and an alternate, attended a five-day crime analyst computer training the Alpha Group presented in Bowling Green, Ohio. The new analysts followed up with 32 hours of “in-house” training.

The new crime analysts are assigned to each of the five districts, Criminal Investigations Section (CIS), and Central Vice Control Section (CVCS - Street Corner Unit and Vice Unit). The CPD expects the crime analysts to provide the District and CIS/CVCS Section Commanders with timely and accurate tactical and strategic crime information so that the Department’s resources can be effectively deployed to hotspots identified with input from the crime analysts and the community. The CPD ordered fourteen new computers so the analysts could focus their efforts on CPOP, directing resources to hotspots as identified by the police department, the community, stakeholders, and collaborative partners.

The CPD reports that on June 30, 2005, Chief Streicher announced the formation of a Five-Year Strategic Planning Committee. The Committee includes several community members. Their goal is to define the Police Department’s strategic organizational direction and its commitment to CPOP over the next five years. A strategic plan is due to Chief Streicher by the end of 2005.

### **3. Assessment**

As we noted in our last Report, the crime analyst profession is quickly coming into its own. The CPD has chosen sworn personnel and is now training them in the basics of crime analysis. We believe that the hiring and training of additional crime analysts is an important step in moving towards a more information-driven department.

The CA requirement for a review of staffing and making necessary revisions goes beyond just having additional crime analysts, however. It requires an assessment of the Department’s organization in light of the adoption of problem solving as the principal strategy for addressing crime and disorder problems. The Monitor recognizes that Chief Streicher has initiated a new five-year strategic planning process. The CA outlines the Department’s

organizational direction and should be a foundation for any new five year strategic plan. We also note that the development of a strategic plan is time consuming and requires a tremendous amount of organizational energy. The CPD should ensure that it continues to focus on fulfilling its already defined responsibilities under the CA, which form the basis for re-establishing trust between Cincinnatians and the police.

Although the Department has now begun training additional officers in crime analysis, the Monitor does not believe this is sufficient to consider the Department in partial compliance. We conclude that the CPD is not in compliance with this subparagraph 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. The police job descriptions and performance review standards were forwarded to and approved by the Civil Service Commission without input from the Plaintiffs (See January 2005 Monitor Report). In our April 2005 Report, we determined that the revisions did not meet the requirements of this CA paragraph. We stated our reasons in the April and July 2004 reports.

In its September 2005 CA Status Report, the Parties acknowledge that the current performance evaluation system is outdated. The CPD states that the Five-Year Strategic Planning Committee will review the current organizational plans, job descriptions, and police department standards to recommend changes consistent with CPOP. Also, on July 13, 2005, Chief Streicher approved a “performance evaluation process improvement team (PIT) to fundamentally change the current performance evaluation system the police department is using.”

According to the CPD, the performance evaluation PIT team is a diverse group of police department sworn members of various ranks, gender, and race. Additionally, both the Fraternal Order of Police and Sentinel Police Organization have representatives on the team. The performance evaluation PIT team met in August 18<sup>th</sup> to discuss the change process and will submit a new system to the Chief before the end of the year, with plans to implement the new system in 2006. The CPD states that “the current outdated system of numerically scoring eighteen trait categories is purely subjective with no interaction from the evaluated member. Planning Section has received several

contemporary performance evaluation systems used by other police departments throughout the country.”

### **3. Assessment**

In our prior two Reports we said that 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 CPD agrees that the system in place is outdated. What is needed is an acknowledgement that the performance appraisal system must 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 City is not 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. In 2003, the City developed design specifications for a Request for Proposal (RFP), and 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 to three and reviewed product demonstrations in January 2005. Vendors addressed CAD, RMS, systems integration, and product security issues, and follow-up concerns about their products and services. A full time project manager is now assigned to minimize delays, cost overruns and ensure project success. Last quarter, the City selected Motorola as the vendor and began contract negotiations. This quarter, contract negotiations continue, workshops were held the first several weeks in August to review system requirements, and the project kick-off is tentatively planned for October.

The CPD believes that it should be found in compliance or at least partial compliance. The CPD states:

Although there is not a single “system” to meet the requirements of 29(p), the department has made use of information it currently has and utilized crime analysis to perform the functions intended to be met by the “system.” As such, CPOP teams are routinely provided information as it relates to scanning, analysis and assessment.

Additionally, the department has added seven crime analyst positions, one in each district, one in the Criminal Investigations Section, and one in Central Vice Control Section. And although we do not have all information on one “system,” the spirit of this requirement is being met with current capabilities.

### **3. Assessment**

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 the 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. While the current systems provide some information, they are systems that are based on old models of policing, where incidents were documented typically as isolated or non-recurrent events, where pattern analysis might focus on an offender “m.o.,” rather than also on repeat location, repeat location types, repeat victim, and repeat victimization. The CPD is not using its current system to this capacity; the CA calls for systems that can do these things.

The City is not in compliance with this CA provision.

#### **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. The City selected Motorola and remains

in contract negotiations. This quarter, the CPD states that the CPD is concerned with the Monitor's assessment of non-compliance in this category.

“The CPD feels that progress has been made towards implementing a system as evidenced by the selection and current negotiations with a vendor. This progress should be at least an acknowledgement of partial compliance.”

The CPD adds that it routinely provides information to CPOP teams for different stages of the SARA model. The CPD provides information to communities to substantiate funding for Safe and Clean grant applications. Also, the CPD collates information to be part of quality of life indicators for various city departments to targeted interventions and enhanced CODE enforcement areas. The CPD also notes that its seven new crime analysts will disseminate the information in a more timely way and so “the spirit of this requirement is being met with current capabilities.”

### **3. Assessment**

The Monitor has not found sufficient evidence of analysis in the projects the CPD has submitted thus far to find the CPD in compliance. In only a few projects is there a mention of the exact number of calls for service for a location, and the projects do not include an analysis of the calls and what they suggest about the problem. Many of the problems that CPD is now undertaking in the community likely have been problems for years, repeat locations that are only recently being worked in a fashion that is somewhat different from an incident-driven response. The Monitor believes that it is too soon to assign partial or full compliance to a system that is not even set. The CPD's revised tracking system is not in place and for two years the Monitor has sought greater detail on specific problem-solving efforts that would show evidence of analysis. While the CPD has selected a vendor and entered into contract negotiations for a new system, compliance cannot be determined until the new system is on firmer ground.

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.

### **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 fielded the surveys in June, July and August, 2005.

The community survey will involve contacting a random sample of 3000 individuals living in each of the City's 52 neighborhoods. The questions relate to residents' perceptions of the quality of police services, knowledge of CPD activities, and perceptions of the professional standards of the CPD. To date, RAND has analyzed preliminary data from 1000 respondents.

For the survey of citizens with police interaction, RAND mailed surveys to a random sample of 1429 individuals. The sample was drawn from police records on traffic citations and crime incident reports, so the citizens surveyed will be persons who have been stopped, cited, or arrested by the police, or who have been victims of crime. The questions relate to the respondent's perception of the officer's behavior during the interaction, including questions about the perceived fairness and professional standards of the police. RAND expects the surveys to be completed in October 2005.

RAND has also mailed surveys to 143 CPD field officers. The surveys assess officers' perception of personal safety, working conditions, morale, organizational barriers to effective policing, fairness in evaluation and promotion, and attitudes of citizens in Cincinnati. RAND also identified 229 matched pairs of officers and citizens involved in the citizen complaint process in 2004. The surveys will assess the respondents' perceived fairness of the complaint process, the level of input citizens and officers have in the process, and the final resolution of the complaint. RAND will analyze the results from this first round of surveys and include the results in its first annual report, which will be completed in the next quarter.

### **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.”

RAND is currently conducting its analysis of traffic stops from 2003 and 2004, and will include the results of this analysis in its annual report. RAND will also review the findings of the previous study by Professors Eck, Lui and Bostaph, and comment on similarities and differences in findings and techniques.

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

RAND will be examining police-community interaction and problem solving through community meetings and problem solving projects. During this quarter, RAND researchers attended at least 15 meetings and problem solving projects and surveyed participants in those meetings. RAND has coded the data from the observations and surveys and is in the process of analyzing the data. The findings from this task will be included in the RAND annual report.

### **d. Statistical Compilations**

RAND requested statistical compilations from the CPD in June 2005 and began receiving data in August of 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 the CPD with a representative sample of incidents to review, and requested tapes for these incidents. It has received tapes for all the months through May 2005. During this quarter, RAND test-coded the tapes to determine the reliability of its measures, trained its coders, and coded over 300 videotaped incidents. The coding of 2004 data is now complete. Analysis of the data will be included in the annual report.



## **f. Staffing**

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

### **3. Assessment**

RAND has fielded surveys and collected most of the data for its first annual report, due December 2005. It is now in the process of completing that work and analyzing the information it has collected. 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 completed or reported, the Parties are only in partial compliance with implementation and with the requirement of public reporting of the results of the Evaluation Protocol. With the publication of RAND's first report in the next quarter, however, the Parties will have a strong basis for assessing whether the CA goals are being accomplished, and will have a benchmark to measure progress in 2006.

### **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 and much of 2005 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>22</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.

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

The evaluation protocol will include a review of statistical compilations. These data should include use of force data, including the race of officers and subjects of use of force. Racial data on CPD use of force should be available to RAND for its review, but the most recent RAND quarterly 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 second quarter of 2005, the CPD received 51 reports of favorable officer conduct. The reports are widely available to citizens, they are at all CPD and public facilities, on the CPD

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<sup>22</sup> A Terry stop is one where the officer has reasonable suspicion to believe the person is committing or has committed a crime.

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 for its annual report. The CPD will need to address the concerns that RAND identified in its June 2005 Quarterly Report, discussed above at p. 83, RAND Traffic Stop Analysis, regarding the completion rate of contact cards for traffic stops, in order to be in full compliance.

**b. Data Collection on Pedestrian Stops**

The Parties are not 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 four Reports, the Monitor has not seen evidence that the Parties are cooperating in ongoing bias-free policing training. Therefore, we find that the Parties are not in compliance with this CA provision.

## **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 testing measures for coding video and audio tapes of police-citizen interactions. After reviewing the MVR tapes in this next quarter, RAND will include its analysis of these interactions in its December 2005 annual report.

### **3. Assessment**

The CPD has put policies and procedures in place in compliance with this CA provision. RAND's report on its review of police-citizen interactions, to be completed in December, will enable the Monitor to assess whether the CPD is implementing its policies in compliance with the CA 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 will 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 chose Board member Richard Siegel as the chairperson of the CCA. Two new Board members [David Black and Lorrie Platt] were appointed this 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 the 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 shall 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. A written protocol was finalized and approved this quarter. The protocol addresses the concerns from previous quarters that a number of complaints were received by the CPD and investigated, but not referred to the CCA until well after the complaint was filed, and in some cases not until after the CPD had completed its investigation.

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. As noted in Chapter 2 above, the CCA staff now have access to the CPD's ETS system, and the City also compiles a spreadsheet of all complaints and their CCA and CPD status, to track their handling in the two agencies.

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 has not yet issued its annual report for 2004. This report should be completed this quarter, to be in compliance with CA ¶86.

## **3. Assessment**

Now that the CCA and the CPD have developed written procedures for the timely exchange of information and the efficient coordination of the CCA and the CPD investigations, the City is in compliance with CA paragraph 74. Also, with these procedures in place, it appears that the City is now able to comply with paragraph 70, requiring that each complaint be directed to the CCA in a timely manner. As reported by the CCA, the City is also now in 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.

The coordination of the CCA and IIS procedures, and the new SOP setting out procedures for CPD action in those cases where the CCA sustains complaints has also put the City in a position to comply with CA 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. The Monitor will be able to assess whether the City is in compliance with this provision in the next quarter.

**CHART OF MOA COMPLIANCE STATUS**

**CHART OF CA COMPLIANCE STATUS**

<b>MOA Para.</b>	<b>MOA Requirement</b>	<b>Compliance Status</b>
10	Mental Health Response Team (MHRT)	Compliance
11	Foot pursuits	Compliance
12	Use of Force	Compliance
12a	Use of Force Policy shall use clear terms	
12b	Define force as in MOA	
12c	Incorporate force model	
12d	Individuals should be allowed to submit to arrest before force used	
12e	Advise that excessive force will be subject officers to discipline	
12f	Prohibit chokeholds	
12g	Remove term “restraining force” from policies and procedures	
13	Make policy revisions publicly available; publish on website	Compliance
14	Chemical Spray	Compliance
14a	Define terms in chemical spray policy	
14b	Limit spray to cases where force necessary to protect persons, to effect arrest, or prevent escape	
14c	Spray used only where verbal commands would be ineffective or endanger officer	
14d	Supervisory approval needed for spray on crowd, absent exigency	
14e	Verbal warning and time for compliance required, unless dangerous	
14f	Aim at upper torso and face	
14g	Guidance on duration and distance for spray	
14h	Decontamination within 20 minutes	
14i	Medical attention when needed	
14j	Don’t keep subject face down	
14k	Spray on restrained persons used only when subject or other likely to suffer injury or escape	
15	Spray on restrained person investigated with tapes; investigations reviewed by Inspections Section	Compliance

16	Sufficient restraining equipment in cars, and officers to be trained to use	Compliance
17	In-service training on chemical spray	Compliance
18	Accounting of spray canisters	Compliance
19	Periodic review of research on choice of spray	Compliance
20	Canines	Compliance
20a	Revise canine policy; improve operations, and introduce “improved handler-controlled alert curriculum”	
20b	Policy shall limit off-leash searches to commercial buildings and search for suspect wanted for offense of violence or reasonably suspected of being armed	
20c	Approval of supervisor needed for deployment	
20d	Loud and clear announcement required before deployment, time to surrender	
20e	Canines not allowed to bite unless subject poses risk of imminent danger, or is actively resisting or escaping	
20f	1. Dog called off at first possible moment. 2. Bites of nonresistant suspects prohibited. 3. Medical treatment must be sought.	
20g	CPD to track deployments, calculate bite ratio monthly	
20h	Bite ratio included in risk management system; 20% ratio triggers review	
21	Beanbag Weapon	Compliance
21a	Define terms in beanbag weapon policy	
21b	Weapons may only be used to incapacitate subject to prevent physical harm	
21c	Prohibit use to prevent theft or minor vandalism	
21d	Prohibit use against crowd, unless specific target who poses threat of imminent physical harm	
21e	Weapon use can be inappropriate even if only option is to let subject escape	
21f	Supervisor required to approve use against crowd	
22	Enforce provision limiting simultaneous rounds against single individual	Compliance

23	Verbal warning to be given before use of beanbag shotguns, where distance makes it practical	Compliance
24	<ol style="list-style-type: none"> <li>1. All uses of force reported as CPD reports use of force.</li> <li>2. Report form will indicate each and every type of force.</li> <li>3. Report to contain supervisor's narrative, and taped statement.</li> <li>4. Supervisors shall have access to force reporting database.</li> <li>5. Special form for canine deployments, tracking.</li> </ol>	Compliance [Compliance with respect to revised MOA ¶24 for Taser incidents will be reviewed in the next quarter]
25	Gun pointing contingency	N/A
26	<ol style="list-style-type: none"> <li>1. Officers to notify supervisors after use of force.</li> <li>2. Supervisors to respond to scene.</li> <li>3. Supervisors involved in incident will not investigate force.</li> </ol>	Compliance
27	<ol style="list-style-type: none"> <li>1. Supervisors will investigate force. Include description of facts.</li> <li>2. Investigation will review basis of stop and seizure.</li> </ol>	Compliance
28	<ol style="list-style-type: none"> <li>1. IIS will respond and investigate incidents of serious use of force.</li> <li>2. Inspections will review canine bites, beanbags and batons</li> </ol>	Compliance
29	<ol style="list-style-type: none"> <li>1. Prohibit investigators from leading questions.</li> <li>2. Consider all relevant evidence and make credibility determinations.</li> <li>3. No automatic preference for officer.</li> <li>4. Resolve material inconsistencies.</li> </ol>	Compliance
30	All officers who witness force will provide a statement; be identified on force form; and forms will indicate whether medical care was provided, or refused.	Compliance
31	<ol style="list-style-type: none"> <li>1. Lt. or higher will review each investigation and identify deficiencies.</li> <li>2. Appropriate corrective action taken for deficient investigations.</li> </ol>	Partial Compliance

32	Firearms discharge investigations will account for shots, locations, and include ballistic or crime scene analysis	Defer until Next Quarter
33	1. Create firearms discharge board. 2. Board will review all discharges. 3. Board's reports will determine whether force was in policy, proper tactics used, lesser force available.	Defer until Next Quarter
34	Firearm Board's policy requirements; return incomplete investigations; annually review patterns; 90 days for review	Defer until Next Quarter
35	Program to inform public of complaint process	Compliance
36	1. Complaint forms available at various locations, CPD stations, in police vehicles. 2. Officers will not discourage any person from making complaint	Not in Compliance
37	1. Complaints can be made through variety of processes. 2. Every complaint will result in written form. 3. Every complaint resolved in writing. Complaint will have unique identifier, and be tracked by type.	Not in Compliance
38	Allegations filed with CPRP, OMI, CCA will be referred to IIS in 5 days.	Compliance
39	Complaints evaluated using preponderance of evidence standard	Compliance
40	Officers involved in incident shall not investigate incident	Partial Compliance
41	1. Investigating agency will consider all relevant evidence. 2. No automatic preference. 3. Resolve material inconsistencies. 4. Consider and train investigators on credibility determinations.	Partial Compliance
42	1. All relevant police activity and each use of force will be reviewed. 2. Investigation not to be closed if complaint	Compliance

	withdrawn. 3. Guilty plea not to be used to decide whether force is in policy.	
43	Complainant will be kept informed	Compliance
44	Each allegation to be closed with one of four dispositions	Compliance
45	Unit Commanders to evaluate investigations to identify problems and training needs.	Compliance
46	IIS will investigate complaints of force, pointing firearms, searches and seizures and discrimination. IIS will determine which complaints it investigates. Only complaints not in IIS jurisdiction will be eligible for CCRP	Compliance
47	CCRP complaints will be fully investigated and adjudicated, prior to resolution meeting. Willingness of complainant to participate in resolution meeting will have no bearing on outcome.	Compliance
48	CCRP complaints will be handled through chain of command. Investigator will prepare report, with description of incident, summary and analysis of all evidence, findings and analysis. Investigation will be reviewed by District or Unit Commander, who will order additional investigation when appropriate.	Defer until Next Quarter
49	Thoroughness of Investigations	Partial Compliance
49a	IIS investigations will have taped interviews of complainant, officers and witnesses.	
49b	Interviews of complainant and witnesses will be at times and sites convenient for them when practicable.	
49c	Prohibit group interviews	
49d	Notify supervisors of investigation	
49e	Interview all appropriate CPD officers, including supervisors	
49f	Collect and analyze appropriate evidence, including canvassing of scene.	
49g	Identify all material inconsistencies in officer and witness statements.	



50	<ol style="list-style-type: none"> <li>1. IIS report will include description of allegation, summary of all evidence, proposed findings and analysis.</li> <li>2. IIS will complete investigations within 90 days absent exceptional circumstances.</li> </ol>	Not in Compliance
51	CCA will assume all responsibilities from OMI	Compliance
52	<ol style="list-style-type: none"> <li>1. All complaints will be directed to CCA.</li> <li>2. CCA will have jurisdiction over, and will investigate itself, excessive force, improper pointing of firearms, unreasonable searches and discrimination complaints.</li> <li>3. CCA will accept 3<sup>rd</sup> party complaints.</li> <li>4. CCA will have sufficient investigators.</li> </ol>	Not in Compliance
53	CPD officers will answer CCA questions. CCA will have access to CPD records and personnel.	Compliance
54	City to develop procedures re timing, notification, and interviewing of witnesses so parallel investigations are effective.	Not in Compliance
55	City will take appropriate action, including imposing discipline or non-corrective action where warranted, regarding CCA investigations.	Not in Compliance
56	<ol style="list-style-type: none"> <li>1. CCA will complete investigations within 90 days;</li> <li>2. City Manager to take action within 30 days of completion of CCA investigation</li> </ol>	Defer until Next Quarter
57	CPD to expand risk management system. Use system to promote civil rights and manage risk and liability.	Partial compliance
58	System will collect 10 data elements	Compliance
59	System will include appropriate identifying information for each officer	Compliance
60	CPD will prepare for review and approval of DOJ a Data Input Plan	Compliance
61	CPD to prepare for review and approval of DOJ a	Compliance

	protocol for using the risk management system.	
62	Use of Risk Management System	Not in Compliance
62a	Protocol will contain data storage, retrieval, reporting, analysis, pattern identification, supervisory assessment.	
62b	Protocol will require system to analyze data on individual officer, average activity, patterns by officers, and by all officers within unit.	
62c	Protocol will require system to generate monthly reports describing data, data analysis, identifying individual and unit patterns	
62d	CPD commanders, managers, and supervisors to review system reports (at least quarterly) and evaluate individual officer, supervisor and unit activity.	
62e	CPD commanders, managers, and supervisors initiate interventions for officers, supervisors or units based on activity and pattern assessment.	
62f	Intervention options include discussion, counseling, training, monitored action plans. All interventions to be documented in writing.	
62g	Actions taken will be based on all relevant information, not just numbers.	
62h	Data to be accessible to commanders, supervisors and managers, and supervisors will promptly review data on officers transferred into their units.	
62i	Commanders, managers and supervisors will be evaluated on their use of system.	
62j	System to be managed by Inspections. Inspections will do quarterly audits.	
62k	Protocol will require regular reviews (not less than quarterly) of all relevant risk management system information to evaluate officer performance citywide, and make appropriate comparisons regarding performance of units to identify patterns or series of incidents.	
63	City will maintain officer data in system during officer's employment and five years after. Aggregate statistical data will be kept indefinitely.	Defer until Next Quarter
64	System to be developed on specified schedule.	Compliance
65	CPD to use existing databases for risk management until new system implemented.	Not in Compliance

66	CPD may propose future changes, subject to review and approval of DOJ	N/A
67	CPD to develop protocol for audits; with regular fixed schedule for audits.	Compliance
68	1. CPD will conduct quarterly audits of CCRP complaints. 2. CPD will conduct semi-annual audit if IIS investigations.	Compliance
69	Regular meetings with local prosecutors to identify issues in officer, shift or unit performance.	Compliance
70	MVRs	Defer until Next Quarter
70a	Mandatory activation of video cameras for all traffic stops, pursuits.	
70a	Mandatory activation of video cameras for all traffic stops, pursuits.	
70b	To the extent practical, recording of requests for consent to search, vehicle searches, drug detection canines	
70c	To the extent practical, manual activation for incidents in which the prisoner being transported is violent	
70d	Supervisors to review tapes from incidents involving force, injuries to prisoners, vehicle pursuits, complaints	
70e	CPD retain and preserve tapes for at least 90 days, or longer when incident is subject to investigation	
71	If officer knows camera is not working, officer will notify shift supervisor	Compliance
72	1. CPD will conduct periodic random reviews of MVR tapes for training and integrity purposes. Reviews will be documented in a log book. 2. CPD to conduct random reviews of equipment.	Compliance
73	CPD will upgrade its Police Communications Section technology	Compliance
74	CPD will maintain a written protocol or checklist to guide PCS operators on responding to situations	Compliance

75	(1) CPD will revise its disciplinary matrix to take account of violations of different rules rather than just repeated violation of same rule. (2) CPD will revise matrix to increase penalties for excessive force, improper searches and seizures, discrimination, or dishonesty. Revised matrix will allow CPD to impose appropriate punishment when misconduct exhibits lack of fitness for duty.	Defer until Next Quarter
76	CPD will take disciplinary action when matrix calls for disciplinary action. CPD will consider non-disciplinary, corrective action (in addition to discipline) even where discipline is imposed.	Defer until Next Quarter
77.	(1) CPD will coordinate use of force training to ensure quality, consistency and compliance with policy. (2) CPD will conduct regular reviews, at least semi-annually.	Compliance
78	Director of training academy will (a) ensure quality of training; (b) develop and implement use of force training curricula; (c) select and train CPD officer trainers; (d) develop and oversee in-service training and roll-call curricula; (e) establish evaluation procedures; (f) conduct needs-assessments.	Compliance
79	CPD will provide training consistent with CPD policy, law and proper police practices; ensure that only mandated objectives and approved lesson plans are taught.	Compliance
80	CPD curriculum and policy committee will review all use of force training and use of force policies on regular basis. The committee will include academy staff, command staff, cross section of field personnel, and representative of City Solicitor's office.	Compliance
81	Use of Force Training	Compliance
81a	Use of force training will include CPD's use of force model	

81b	Proper use of force decision making	
81c	CPD's use of force reporting requirements	
81d	Fourth Amendment and other constitutional requirements	
81e	Examples of scenarios on force decision making	
81f	Interactive exercises emphasizing proper force decision making	
81g	Proper amount of chemical spray, proper targets and procedure	
81h	De-escalation techniques to allow arrest without force, disengagement, area containment, surveillance, waiting out subject, summoning reinforcements, or letting subject temporarily evade arrest may be appropriate response, even when force is legally justified.	
81i	Additional training on extracting subjects from stationary cars and disabling cars.	
81j	Threat assessment	
81k	Additional training on interacting with persons who are mentally ill	
81l	Factors to consider in limiting or continuing a pursuit	
82	1. CPD will provide all officers charged with accepting complaints training on handling complaints. Training on role of CCA, IIS, CCRP to new recruits and as part of annual in service training. 2. Training on burden of proof, factors to consider in assessing credibility, to supervisors responsible for investigating complaints.	Compliance
83	Leadership training for CPD supervisors. Provided to sergeants within 30 days of their assuming supervisory responsibilities	Compliance
84	Canine Training	Defer until Next Quarter
84a	Canine training will be modified: development and implementation of comprehensive training curriculum and lesson plan identifying the goals, objectives and mission of Canine Unit, consistent with canine policy as amended by MOA.	
84b	1. CPD shall purchase only professionally bred dogs. 2. CPD to ensure that all canines, handlers and	

	supervisors shall be formally trained in the canine policy and can carry it out.	
84c	Canines to receive annual recertification and periodic refresher training.	
84d	CPD to ensure that handlers are capable of implementing policy; able to maintain control of, and contact with the canine to ensure that the canine is not allowed to bite a suspect without legal justification.	
84e	Canine trainers shall be certified canine instructors.	
85	Training instructors engage students in meaningful dialogue regarding scenarios	Compliance
86	CPD to periodically meet with Solicitor's office concerning conclusion of lawsuits involving allegations of misconduct; to be incorporated into training.	Compliance
87	Copies of the agreement to be provided to all CPD and relevant City employees. Initial training within 120 days of implementation. Training thereafter to be part of in-service training.	Compliance
88	FTOs: 1. CPD to enhance program. Protocol to address criteria and selection of FTOs, and sets standards requiring assessment of officer's past complaint and disciplinary history. 2. FTO appointment subject to review for reappointment at Training Director's discretion. 3. District Commanders also will have discretion to remove FTO officer, in consultation with Training Director.	Compliance
89	FTOs will be reviewed at least bi-annually, with recertification dependent on satisfactory performance and feedback from Training Academy	Compliance
90	1. CPD to ensure that all officers complete mandatory annual re-qualification firearms training. 2. Increased in-service firearms training consisting of completion of re-qualification courses and a passing score on target shooting trials. 3. Professional night training and stress training in annual in-service. 4. CPD will revoke powers of officers failing	Compliance

	recertification. 5. Firearms instructors will critically observe students. 6. CPD will create and implement a checklist identifying evaluation criteria. Checklists to be completed for each student by instructor; to include a. maintains finger off trigger; b. maintains proper hold and stance; c. uses proper force decision making	

CA ¶	CA PROVISION	COMPLIANCE STATUS
	<b>Interagency Collaboration</b>	
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	Partial Compliance
	<b>Best Practices</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	Compliance
	<b>Continuous Learning Process Through the CPD Around Problem Solving</b>	
29(c)	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 (included but not limited to) academy training, in-service training, and field officer training	Partial Compliance
	<b>Research Successful and Unsuccessful Ways to Tackle Problems</b>	
29(d)	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.	Partial Compliance
	<b>Joint Promotion of CPOP and CPOP Training</b>	
29(e)	The Parties, consistent with the Partnering Center, shall conduct CPOP training for community groups, jointly promote CPOP, and implement CPOP training.	Compliance
	<b>Community Dialogue and Structured Engagement with Specific Groups</b>	
29(f)	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	Partial Compliance



	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.	
	<b>CPOP Annual Award</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.	Partial Compliance
	<b>Informing the Public about Police Policies and Procedures - Communications Audit</b>	
29(h)	The City, in consultation with the Parties and consistent with the 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.	Partial Compliance
	<b>Staff a Community Relations Office</b>	
29(i)	The Parties shall create and staff a Community Relations office that will coordinate with the CPD implementation of this Agreement.	Compliance
	<b>Problem Solving Annual Report</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.	Compliance
	<b>CPD District Commander and Special Unit Commanders/Officials Submit Problem Solving Reports</b>	
29(k)	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	Partial Compliance

	relevant law, these reports shall be available to the public through the CPD's Community Relations Office.	
	<b>Police Academy Training</b>	
29(l)	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.	Partial Compliance
	<b>Implement Problem Tracking System</b>	
29(m)	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.	Defer until Next Quarter
	<b>Update Staffing Plan in Light of CPOP</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.	Not in Compliance
	<b>Revise CPD Policies, Procedures, Organizational Plans, Job Descriptions, and Performance Evaluations consistent with CPOP</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	Not in Compliance
	<b>Information Retrieval Systems Consistent with Analysis Needs</b>	
29(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.	Not in Compliance

	<b>Availability of Timely Information to Detect, Analyze, and Respond to Problems, and Evaluate their Effectiveness</b>	
29(q)	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.	Not in Compliance
	<b>Evaluation Protocol</b>	
30	The Parties, in consultation with appropriate experts and under the supervision of the Monitor, shall develop a system of evaluation to track the attainment of goals agreed to between the Parties in the Settlement Agreement.	Compliance
31	The Parties shall, with advice of expert consultants and under the supervision of the Monitor, develop a Protocol to accomplish the system of evaluation	Compliance
32	The Evaluation Protocol shall set forth a schedule of implementation of its terms; the cost of implementation; the individual or entity that will perform its requirements; data collection methods; guidelines for analysis of collected data and reporting; level of statistical confidence; and levels of statistical power.	Compliance
33	The cost to implement the Evaluation Protocol shall not exceed the limits of the CA	NA
34	The Evaluation Protocol shall include (1) periodic surveys; (2) periodic observations of programs in which the police are involved; (3) and annual statistical compilations of police interactions with the community and the community's interaction with the police	Partial Compliance
35	Periodic Surveys	Partial Compliance
36	Periodic Observations	Partial Compliance
37	Privacy and Anonymity of Survey and Observation Respondents	Compliance

38	Statistical Compilations	Partial Compliance
39	Statistical Compilations	Partial Compliance
40	The City shall provide to the Monitor incident-based data so that the nature, circumstances, and results of the events can be examined.	Partial Compliance
41	Evaluation of Problem Solving Processes	Partial Compliance
42	Evaluation of Video and Audio Records	Partial Compliance
43	Evaluation of Staffing	Partial Compliance
44	The Evaluation Protocol will include the provision of periodic reports	Partial Compliance
45	Annual Reports on Evaluation Protocol	Not in Compliance
46	Measurement of the success of the mutual accountability process	Partial Compliance
	<b>Use of Force and DOJ Agreement</b>	
47	The City shall abide by the terms of the DOJ Agreement (the MOA)	Compliance
48	Expedited citizen complaint process for addressing concerns based on pointed firearms. The Conciliator shall review six months of complaint and investigation determinations, and decide whether a pattern of improper pointing of firearms at citizens exists.	Compliance
49	FOP agrees the DOJ Agreement can be appended to the CA, so long as it reserves the right to raise issues related to the DOJ Agreement through the dispute resolution process	NA
	<b>Fair, Equitable and Courteous Treatment</b>	
50	The City shall provide police services in a fair and impartial manner without any discrimination on the basis of race, color or ethnicity. The City, in consultation with the Parties, shall take appropriate action to track compliance.	Compliance
51	Analysis of the data collected to measure whether any racial disparity is present in motor vehicle stops will be reported	Partial Compliance

	pursuant to the Evaluation Protocol (¶39).	
52	The Parties shall cooperate in the ongoing training and dissemination of information regarding the Professional Traffic Stops Bias-Free Policing Training Program.	Not in Compliance
53	The Monitor shall include in public reports detailed information including the 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.	Not in Compliance
54	In providing police services, the members of CPD shall 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 part of an investigation, the officer shall explain to the citizen why he or she was stopped or detained.	Compliance
<b>Civilian Complaint Authority</b>		
55	The new Citizen Complaint Authority (CCA) will replace the Citizen Police Review Panel and the police investigations function of the OMI.	Compliance
56	The CCA will have three components: (1) a Board of seven citizens; (2) a full time Executive Director; (3) a team of professional investigators.	Compliance
57	The Board will include a diverse array of seven citizens.	Compliance
58	Applicants shall execute a signed release authorizing a background check.	Compliance
59	The Board shall select a chairperson from among its members.	Compliance
60	The Board and Executive Director in consultation with the city manager, shall develop standards of professional conduct and a comprehensive training program for Board members.	Compliance
61	The Board will not commence operations until each member of the Board has completed the training.	Compliance
62	The Board and Executive Director shall develop specific	Compliance

	procedures for the CCA to carry out its functions.	
63	Board members shall be compensated per meeting	NA
64	The City Solicitor shall provide legal counsel on a routine basis for the CCA.	Compliance
65	The City Manager shall appoint the CCA's Executive Director.	Compliance
66	The Executive Director shall have professional experience in the investigation of allegations of police misconduct.	Compliance
67	The Executive Director shall be responsible for day-to-day operations of the CCA.	Compliance
68	All police officers and city employees are required to provide truthful and accurate information to the CCA.	Compliance
69	The CCA shall have a minimum of five professional investigators.	Compliance
70	Each citizen complaint, excluding matters involving criminal investigations, will be directed to the CCA regardless of where initially it is filed, and the Executive Director, in consultation with the Board, shall establish criteria to determine whether specific complaints are suitable for CCA investigation, or referral to the CPD's CCRP. At a minimum, the CCA shall open its own investigation upon (i) receipt of a complaint of serious misconduct, or (ii) knowledge by the Executive Director of allegations of serious police intervention.	Compliance
71	Where a complaint is to be investigated by the CCA, it will be assigned to an investigator within 48 hours of receipt. The CPD shall notify the CCA Executive Director upon the occurrence of a serious police intervention. The CPD shall not interfere with the ability of the CCA investigator to monitor the work of the CPD at the scene.	Compliance
72	The Chief of Police shall retain discretion to initiate a parallel CPD investigation of any complaint under investigation by the CCA. In addition, the CPD will investigate all complaints initiated within the Department.	Compliance
73	Police officers and other City employees will be required to submit to administrative questions. The CCA shall access	Compliance

	to city records, documents, and employees. CCA investigations shall be consistent with professional standards.	
74	The Chief of Police and the Executive Director will develop written procedures that will assure the timely exchange of information and the efficient coordination of CCA and CPD investigations.	Compliance
75	The CCA will complete its investigations within 90 days of receipt from a complaining citizen, provided, however, that the Executive Director may extend an investigation upon consultation with the Board.	Defer until Next Quarter
76	CCA investigations will be forwarded to the Board; each CCA report shall include proposed findings and recommendations.	Defer until Next Quarter
77	If the Board conducts a review hearing, its purpose shall be to confirm the completeness of the CCA investigation and approve or disapprove the Executive Director's report. Review hearing procedures.	NA this Quarter
78	Following a hearing, the Board may either approve or disapprove the Executive Director's findings and recommendations. The Board may issue its own findings and recommendations and submit them along with the Executive Director's report to the Police Chief and the City Manager. In all cases, the City Manager and Police Chief will refrain from making a final decision in discipline until after receipt of the CCA report. The City Manager shall agree, disagree, or agree in part.	Defer until Next Quarter
79	Reports prepared by the CCA, the CPD, or the City Manager pursuant to this process shall be publicly available.	Compliance
80	The CPD and the CCA shall create a shared electronic database that will track all citizen complaints, including the manner in which they were addressed and their dispositions. The database shall capture data sufficient for the CCA and CPD to identify officers involved in repeat allegations, citizens making repeat allegations, and circumstances giving rise to citizen complaints.	Defer until Next Quarter
81	The CCA shall maintain files for each investigation for a period of five years.	Compliance

82	There are two methods for reducing citizen complaints: (i) through investigation of officers charged with misconduct, and (2) examination of complaint patterns to identify at-risk officers, citizens, and circumstances.	NA
83	The CCA will examine complaint patterns that might provide opportunities for the CPD and community to reduce complaints. At a minimum, the CCA will look for three types of patterns: (i) repeat officers (ii) repeat citizen complainants, and (iii) repeat complaint circumstances. Following the identification of such patterns, the CCA and CPD jointly will undertake a problem solving project to determine the reason for the pattern and whether there are opportunities to eliminate or reduce root causes.	Partial Compliance
84	The CCA will develop a clear and direct information brochure.	Compliance
85	The Executive Director will work with the community to develop an information plan.	Compliance
86	The CCA shall issue annual reports summarizing the activities for the previous year, including a review of significant cases and recommendations.	Not in Compliance
87	The City Council will allocate resources sufficient for the CCA and CPD to accomplish the foregoing.	Compliance



## APPENDIX 1



# Cincinnati Police Academy

## Roll Call Training

( )



### **Scenario: Bumps on the Bridge**

**Scenario:** What would you do?

### **Critical Issues:**

### **Discussion:**

A CPOP team was formed to analyze and better understand the problem. They discovered that the majority of the calls for service to the area occurred between 1300 and 2230 hours. They also noticed a direct correlation between drug activity and the Kennedy Bridge. The bridge provided a place to sit as well as a place to hide illegal contraband.

The team observed activity at the corner and discovered that drug dealers loitering on the bridge would flag down customers in vehicles, run under the bridge to get the drugs, and return to the customer to complete the transaction. Man-made paths under the bridge provided dealers with an escape route should the police attempt to approach them.

The Redwood Carry-Out is located on the corner of Kennedy and Woodford. The CPOP team interviewed the owner of the carryout and learned that the carryout created the illusion that legitimate business was occurring.

### **Response**

The CPOP Team wanted to put a stop to the loitering problem. Overhanging trees provided loiterers with shade while they sat on the bridge. The team worked with the City to have the trees cut back. Next, the team contacted Transportation and Engineering to install a fence under the bridge to cut out escape routes. Members glued multi-colored plastic "Bumps" to the seating area of the bridge to keep drug dealers from sitting on it. Over 300 "bumps" were glued to the ledge. They used chalk to write positive messages on the bridge including "Live Long, Live Strong, Drug Free", "Drug Free Men are Sexy", "No Drugs in the Heights", and "Do Not Buy or Sell Drugs Here". The team created informational pamphlets on drug rehabilitation to pass out to "customers".

### **Assessment**

There has been a decrease in drug sales activity near the bridge and the carryout. There has also been a reduction in drug sales and disorderly activity on Northdale Place.

*(Problem Solving 2005)*

**APPENDIX 2**

**Joint Statement on Commitment to CPOP**

**REV. 09/14/05**

**COMMUNITY PROBLEM ORIENTED POLICING: OUR COMMITMENT**

Community Problem Oriented Policing (CPOP) is a new and innovative method for involving the community, the city and the police in a cooperative process for resolving our local crime and safety problems. Under CPOP, citizens have the opportunity to identify those areas within their own communities where crime and safety problems occur. Once a problem is identified the citizens, in cooperation with the police and the Community Police Partnering Center, take the following steps to solve the problem:

1. Perform a careful analysis identifying contributing key elements;
2. Develop and implement responses to resolve the problem; and
3. Assess the effectiveness of the actions they have taken.

Responses that are employed may be preventive in nature and may involve the aid of other public agencies, the community, and the private sector when their involvement has the potential for significantly contributing to the reduction of the problem. Responses may also include, if possible, engagement of the people seen as the source of the problem, the residents living near the problem location, and appropriate social service and faith based groups. Responses may also include law enforcement actions such as investigation, arrest, and prosecution.

**We have *already* achieved many successes in solving problems through the CPOP process.**

The parties to the Collaborative Agreement – the American Civil Liberties Union (representing the various communities in Cincinnati), the City of Cincinnati, and the Fraternal Order of Police, Lodge No. 69 – have adopted problem solving as the principal strategy for addressing crime and disorder problems in the city. We are all committed to working with all citizens as partners in this process.

We believe the application of the problem solving methods used in Community Problem Oriented Policing offer the greatest hope of creating a strong and lasting Community/Police partnership that will result in safer neighborhoods. PLEASE JOIN US IN THIS EFFORT.

For more information contact:  
Community Police Partnering Center – 559-5451  
Community Problem Oriented Police – Lt. Larry Powell at 352-2972

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Signature

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Signature

### APPENDIX 3

#### SUMMARY OF PARTIES' ANNUAL PROBLEM-SOLVING REPORT

The Parties' 2005 Annual Report shows significant progress this year. As of August 2005, 31 neighborhoods received SARA problem solving training, 17 neighborhoods have developing CPOP Teams and there are now 20 active CPOP teams in the City. The list below shows, by District, the trained teams, the developing teams and the active teams in Cincinnati. "Trained teams" are prepared to do CPOP but are as of yet inactive; "developing teams" are in the problem identification stage; and "active teams" are those that have identified problems, the District Commander approved the project and a CPD representative (most often the Neighborhood officer) and the Partnering Center outreach worker are supporting the team as they apply the SARA process.

##### District 1

West End	active team
Pendleton	developing team
Over-the-Rhine	developing team
CBD / Riverfront	trained

##### District 2

Oakley	trained (previous problem resolved)
Hyde Park	trained
East End	developing team
Kennedy Heights	active team (plus participation in 25 Cities initiative)
Columbia Tusculum	trained
Mt. Lookout	trained
Linwood	trained
California	trained (previous CPOP problem resolved)
Evanston	active team
East Walnut Hills	active team
Pleasant Ridge	active team
Madisonville	active team (plus participation in 25 Cities initiative)

##### District 3

East Price Hill	developing team
West Price Hill	developing team
Sedamsville	trained
Westwood	developing team
South Cumminsville	developing team
Lower Price Hill	active team (plus participation in 25 Cities initiative)
North Fairmount	developing team
South Fairmount	developing team
English Woods	trained
Fay Apartments	trained

Millvale	developing team
<u>District 4</u>	
Roselawn	active team
Bond Hill	active team
Mt. Auburn	trained (previous CPOP problem resolved)
Corryville	developing team
Paddock Hills	trained
Hartwell	developing team
Carthage	active team
North Avondale	active team
Avondale	active team
Walnut Hills	active team
<u>District 5</u>	
Mt. Airy	developing team
Winton Terrace/ Winton Hills	developing team
Northside	active team
College Hill	active team
Clifton	developing team
University Heights	developing team
Fairview	developing team
Camp Washington	trained

Some of the CPOP Teams' efforts described in the Annual Report are reprinted below.

**District 1: Kennedy Heights: Drug Trafficking and Loitering**

After citizens identified a problem of drug dealers sitting on the Kennedy Avenue Bridge, located on Kennedy between Woodford and Northdale, the Kennedy Heights CPOP team decided to tackle this problem by increasing natural surveillance and applying a unique Crime Prevention Through Environmental Design (CPTED) strategy.



*After the Kennedy Heights bridge was prepared for the bump molds, concrete was poured into Easter eggs and attached to the bridge. At the bump party, CPOP members wrote anti-drug messages in chalk.*

This CPTED strategy involved using plastic Easter eggs as molds and pouring concrete into one side of them. This created concrete “bumps,” oval on one side and flat on the other, which were then glued to the bridge to deter drug dealers from sitting there while waiting to make a sale. Additionally, fencing was installed underneath the bridge to block access to what had become a convenient hiding place for drugs.

On several occasions beginning in early summer 2005, the team organized over 40 people, including police, Kennedy Heights residents, and some residents from the neighboring community of Madisonville, to come out and glue the concrete bumps onto the bridge. The group also had cookouts for the neighborhood, posted positive anti-drug messages with chalk on the bridge, and passed out information flyers to passing motorists about what they were doing on the bridge (see photos above). This helped show the determination of the neighborhood to take control of the situation. The group continues to host the popular “bump parties” periodically to provide any needed maintenance, add new bumps to the bridge, and maintain a positive community presence at this former “hot spot” for drug activity.

Finally, District 2 Police and the Kennedy Heights Citizens on Patrol (COP) team have implemented “direct patrols” of this target area after this problem was identified, which has improved the relationship between neighborhood residents and the police.

### **District 2 Riverstar Park: Excessive Noise, Illegal Drinking, Disorderly Conduct and Littering**

Every summer, the softball field at Riverstar Park on Linneman had become a focal point for inappropriate behavior by some visitors. Noise, illegal drinking in the park, public urination and littering made the park an increasing liability for area residents. Not only were they reluctant to use the park themselves, but the disruption at the park was such that it interfered

with the residents' sleep and safety, as alcohol-impaired visitors drove out of the park.

The problems occurred primarily at night. Residents had reported these issues to the police for 15 years. They joined forces with the local community council to revoke the park's license permitting alcohol consumption. That effort failed, although park officials promised to enforce drinking in designated areas; unfortunately, they were unsuccessful in doing so.

The California CPOP team decided to make one more attempt to negotiate with Riverstar Park owners and managers to correct this situation. The residents asked them to make good on their previous promise to limit alcohol consumption to designated areas. They also requested a fence be repaired to serve as a "buffer zone," separating softball activities from the residential area and that park lighting be redirected so it did not shine into area homes. The CPOP team also contacted appropriate City agencies, including the CPD, for the enforcement of City codes and laws.

The fence has been repaired, lighting redirected and the enforcement by District 2 police of laws related to public drinking, littering, public urination and noise have made the park a more pleasant and safer place for all. Local residents enjoyed a quieter and better managed 2005 summer than they had for the previous 15 years and are hopeful this improved situation will continue.

### **District 3 Lower Price Hill: Building Relationships of Trust and Respect**

Trust of the police and willingness to cooperate with them are not universally held behaviors. The Lower Price Hill CPOP team recognized that improving their neighborhood would have to start by first building positive relationships of mutual trust and respect between area residents and the officers who served their community.

Fear of being perceived as a "snitch" made many Lower Price Hill residents unwilling to cooperate with the police, even if such cooperation would benefit the quality of community life. The CPOP team began a series of Friday Night Police/Community Walks with the Neighborhood Officer, Steve Ventre. The first walk in July 2004 attracted 41 people, 36 of whom were residents. This was considered remarkable, given the fear previously and openly expressed by many residents of interaction with police. Subsequent walks, which continued through the summer of 2005, have also been successful. Residents are now involved in policing their neighborhood, providing important resources to the community and identifying hot spots.

During the walks, CPOP team members have handed out information about resources for help with drug addiction. The participating residents have had an opportunity to talk with Officer Ventre and share their concerns, while

learning about the services he and his colleagues are able to provide to improve the neighborhood.

The walks have served both as an opportunity for community residents to develop a relationship with an officer, and also as a way to scan the neighborhood for problems. The CPOP team identified two: drug trafficking and prostitution at the corner of Stores and Neave, and a crime-ridden apartment building on St. Michael Street. Strategies for addressing these two situations are now being developed.

In recognition of the increasing number of Hispanic people living in Lower Price Hill, the CPD and the Partnering Center staff have also passed out brochures written in Spanish that explains how to behave if one is stopped by the police. A representative of the Talbert House has also passed out instruction sheets about the CPD-supported Latino beeper project, which connects a Latino interpreter via telephone to officers at the scene of any incident if needed.

### **District 3 Lower Price Hill: Apartment House Used for Drug Abuse and Prostitution**

At 2122 St. Michael Street in Lower Price Hill, in an eight-unit apartment building, the residents in the two units that were still occupied were allowing their units to be used for criminal activity, specifically drug use and prostitution. Complaints from area residents resulted in an increase of police being dispatched to this address.

Although the increase in police runs to the units slowed the criminal activity down, it continued to persist. The Cincinnati Building Department was asked to inspect this complex, which is managed by Metro Management. Several building code violations were found. Previous requests for improvements had been ignored. This time, a letter was issued by the CPOP team and the Lower Price Hill Community Council, as well as the Building Department, with assistance provided by Councilman Chris Monzel's office. The managers were ordered to board up vacant apartments and make necessary repairs to occupied units and the building as a whole.

Metro Management finally acted on the letters regarding code violations and community requests for action. The two remaining tenants were evicted and the building was boarded up making it inaccessible for habitation.

### **District 4 Avondale: Drug Trafficking, Littering and Graffiti**

The work of the Avondale CPOP team culminated in a series of events that "took back" the corner of Rockdale and Burnet Avenue previously overrun with drug activity as well as marred by litter and graffiti, making it both unsafe



and unattractive. An abandoned Mobil gas station was identified as a gathering spot for drug dealers and their clientele.

Work on this situation began in the spring of 2004 when the abandoned gas station was torn down and the land donated to the community. The team began the work of converting the lot into a neighborhood market and on August 28, 2004, the first “Jay Street Market” was held featuring food vendors, crafts, games for children and entertainment. This well-attended event resulted in media coverage by both the *Cincinnati Enquirer* and WCPO-Channel 9. Participating with CPOP was Local Initiative Support Corp Community Safety Initiative (LISC-CSI), the Avondale Business Association, the Avondale Community Council and the Injury Free Coalition. A second Jay Street Market event was held in May 2005.

The CPOP team then reached out to the community’s 54 churches enlisting their support for Jay Street Market events for 2005. The partnership with the Avondale Community Council and LISC was continued in making an application for a “Safe & Clean” grant from the City to purchase the tools for maintaining the vacant lot, as well as utilizing it for other positive community activities.

A survey of Hickory Street residents was conducted regarding a possible street closure to reduce drive-through drug activity. A block-by-block initiative is underway for the ten block radius surrounding the intersection of Rockdale and Burnet. The goal is to develop block clubs that will use SARA methodology for problem solving situations in each block’s immediate area. Finally, several team members are meeting with owners of area businesses to assist them in improving their operations so they may become stronger and more viable members of the business community.

District 4 police continue to monitor this area. Although the calls for police assistance are still higher than desired, they have reduced over the months since the CPOP team began their work.

### **District 5 Northside: Abandoned Buildings Contributing to Drug Trafficking and Disorderly Behavior**

Numerous vacant and abandoned houses along Fergus Street were identified as the focus of criminal activity. Residents became increasingly fearful and their reports of gunfire, apparent drug dealing and drug usage escalated. A CPOP team formed to address the issue. They surveyed area residents to identify concerns that were impacting the quality of life in the neighborhood.

During the analysis phase, it was discovered that Fergus has suffered from a lack of individual home ownership and occupied dwellings on the street.

Fewer than 20 percent of people own their own homes, and the vacancy rate has fluctuated between 40 and 50 percent for the last year and the last several, based on city and county information. Analysis of police data in the year 2003 revealed that Fergus Street had more calls for service and reported crime than any other street, and the data available for 2004 showed the same trend. Based on anecdotal recollections of other District 5 police personnel, they recalled this being the case throughout their careers in D5.

Trespassing had long been a source of trouble for this area as well. Since many of the houses are unoccupied and literally “abandoned,” these structures offered a refuge for drug dealing, prostitution and other sexual activities, drug abuse, and some highly-publicized cases of arson. The police department and the City have worked diligently to gain the cooperation of property owners to receive “right of entry” permission in order to enter the property and “discourage” trespassing.

Calls for service analysis also revealed two prominent “hot spots” on this street. One was a private residence where domestic issues were typically the source of the call, and another was a market on the corner of Chase Avenue and Fergus Street, by the Children’s Park. For the last seven years, the community of Northside tried to pressure this store to voluntarily give up its liquor license, which allows it to sell beer and wine. Not only was it well-known that the owners did nothing to deter the drug dealers and loiterers in the area, there were also concerns that the store may be profiting from the illegal activity in front of the store.

The District’s Violent Crimes Squad, beat officers, Community Response teams and Street Corner Unit targeted the area for increased surveillance and enforcement including more walking patrols by officers in uniforms, bicycle patrols and covert operations. In addition, the Northside Citizens on Patrol made Fergus Street one of their areas of increased focus.

Armed with statistics, personal testimony, and a mobilized community, the group pressured the city relentlessly to object to this store’s liquor license before the Ohio Liquor Control Board. As a result, the owner did not contest the objection and recommendation, and agreed to voluntarily surrender the liquor license. This store is now closed and up for sale, and a member of the CPOP team may purchase it.

In an effort to get current and meaningful feedback from the residents and the property owners on Fergus Street, two surveys have also been distributed, collected and analyzed. Both surveys revealed that litter, drug dealing, and youth loitering were paramount concerns. Since this store was considered by most involved in the process to be a significant contributor to each of these problems, it is hoped that its closing will reduce each of these indicators.

The CPOP team organized a street cleaning/litter pick-up effort with emphasis on “meet and greet” the area’s residents. A letter was sent to owners of vacant or abandoned property, and of rental property, on Fergus Street, to alert them to the concerns and seek to involve them in the problem-solving process.

To engage new community residents in the process, the CPOP team has repeatedly knocked on doors of Fergus residents informing them of what is going on and inviting them to participate in their activities. The reason for the repeated follow-ups is that many residents, when first called on, said they felt isolated and ignored by the rest of the community. To ensure that all residents felt included in this and other neighborhood safety initiatives, the team has conducted regular door-to-door walks since November 2004.

Based on resident reports of feeling isolated, the CPOP team has also held outdoor events on Fergus, including cookouts and marshmallow roasts to try and engage folks in a meaningful manner. In another attempt to foster relationships and trust with Fergus residents, a faith-based group, Churches Active in Northside (CAIN), has invited them to be a part of an interactive program called CommUnity Bridge, which is designed as an inter-racial outreach and dialogue to voice and address relevant issues and concerns.

Besides the abandoned and unoccupied buildings, many houses on Fergus are in violation of city code. The Northside team has done painstaking analysis through videotaping, photographs, and written documentation to identify and capture the specifics of these problems. They have formed a very productive partnership with the City (Terry Cosgrove, Neighborhood Officer Terri Windeler, and the CERT teams), to address these issues.

The team has taken a two-tiered approach to confronting property owners on these issues. One was to send a letter informing the owner that the team noticed the code violations (spelling them out in detail), and that they assumed the owner was a responsible citizen who didn’t want his place to “go to seed.” This letter also informed the owner that the CPOP team was willing to help him get his house in order, should the homeowner need some assistance.

As the six-month mark approaches from the time the first letter went out, those who did not respond and continue to neglect their properties were sent another letter, this one informing them again of the violations, and stating that the team would be bringing all available resources to bear against them until the problems are fixed.

The Northside CPOP team has also participated in the “Blight Index” analysis on Fergus Street through Keep Cincinnati Beautiful, which, along with

their ongoing CPOP plans, will likely be used as the basis for a grant from KCB during the next round of awards.

The Northside CPOP team has over 15 very active members, as well as other community participants who assist and support the team in the Response phase of this effort. The team is fully implementing the SARA model of problem solving and is getting tremendous cooperation from community stakeholders in their initiatives. Perhaps the most notable accomplishment with this team is that the Partnering Center staff member assigned to the team has been able to step back a bit and support the team without having to assume a leadership role. Community leaders have emerged, understand the SARA process and are fully capable of implementing it on their own. The team members have largely taken over the process, and the Center outreach worker can now serve in an advisory and support role, while participating as necessary in community-driven initiatives.

### **ACLU Efforts in Support of the Collaborative Agreement and the Memorandum of Agreement**

ACLU activities this year also supported the work of the Collaborative Agreement and the MOA by reporting out to community groups and organizations about the CA and MOA and police reform. Activities below are reprinted from the Annual Report.

#### **Black Family Reunion**

This popular event, which celebrates the culture and history of African Americans, is held along the riverfront each summer, attracting thousands of people. The ACLU had a booth at the event, distributing information on the organization's work, as well as updating them on the status of the Collaborative Agreement (CA) and its progress towards building a better, safer Cincinnati for all citizens.

#### **Undoing Racism Forum**

During this three-day forum, the ACLU made a presentation on the Collaborative Agreement/Memorandum to the Agreement (CA/MOA). Included was information on how interested area citizens could become involved in this process through organizations such as CPOP.

#### **Our Story Expo/Book Fair**

The ACLU made another presentation on the CA/MOA at this event. The organization also distributed information on appropriate behavior when stopped by the police and bookmarks with reprints of the Bill of Rights. This event was formerly called the Mark Pastor Book Fair.

#### **ACLU Member Meeting**

Organized by the ACLU Cleveland office for Cincinnati area ACLU members, a presentation was made for ACLU members, as well as interested local citizens, on the status of the CA, the implementation of various CPOP programs and police use of force issues.

### **Brian Garry Cable Access**

ACLU representatives took part in Mr. Garry's weekly cable access call-in show, discussing both the status of the CA and CPOP programs.

### **UC Law School Forum**

The ACLU took part in a panel discussion along with representatives from local social justice organizations and political leaders. The discussion focused on issues of police reform and how ordinary citizens can become involved.

### **UC Social Activism Forum**

ACLU representatives spoke to a University of Cincinnati class regarding the CA/MOA, showed the video and fielded questions. Information was distributed on appropriate behavior when stopped by the police, as well as the Bill of Rights bookmark.

### **Taser Forum**

The ACLU organized a community forum on Taser usage. Panel participants included representatives from the Taser manufacturer, the Cincinnati Police Department, the Citizens Complaint Authority (CCA) executive director, a physician and the ACLU. Audience participation and questions were encouraged.

### **International Socialist Organization Community Activism Forum**

The issue of police reform was discussed during this community forum in which the ACLU took part.

### **Women's City Club Forum on Youth – "Changing the Conversation"**

Author and nationally recognized expert on successful organizational leadership Peter Block moderated a forum with youth on the issues they face in their daily lives. Several agencies including the ACLU took part in this program.

### **Juneteenth Celebration**

At this celebration of the emancipation of slavery, the ACLU sponsored a booth where they distributed relevant materials and provided an update on the CA/MOA to interested booth visitors. Volunteers were also recruited for future events.

### **African Culture Festival**

A “meet the candidates” event was held in Avondale and the ACLU made a presentation on its role in the CA, as well as updated on its implementation status.

**BUZZ Show (July)**

The ACLU took part in a call-in program monitored by Ronald Twitty on the use of Tasers.

**BUZZ Show (August)**

The Parties to the CA, which included the ACLU, took part in a program monitored by Rick Biehl from the Community Police Partnering Center. The show discussed issues related to the CCA and its role in police reform. The program also discussed the RAND Corporation and its work evaluating satisfaction of the goals in the CA.

**CPD Efforts in Support of the Collaborative Agreement**

CPD has made many contributions to the CA during this year. Bulleted below is a list prepared by the CPD.

DATE	DESCRIPTION	Joint CPD –
November 2004	CPD Management Training included CPOP session	
January 11, 2005	Officers attended Problem Solving Training with community leaders	
January 2005	SARA Training in Pendleton	√
February 2005	Neighborhood Summit: “Citizens Response to Open Air Drug Markets” Training	√
March 2005	Gary Cordner, Department of Justice and Police Studies, EKU, and Gregory Saville Criminologist & Urban Planner	√
April 7, 2005	Neighborhoods SARA trained	√
April 26, 2005	Domestic Violence Prevention Training attended by 12 citizens	
April 28, 2005	Price Hill CPOP Trained	
May 9, 2005	Neighborhoods SARA trained	√
May 17, 2005	Corryville CPOP Trained	√
May 2005	CPD training scheduled for new full-time officers	
May 7, 2005	Blight Index Training given to 14 citizens in South Cumminsville	√

May 24, 2005	CPOP Training with RCPI representative to new sergeants and full-time officers	√
June 9, 2005	Neighborhoods SARA trained	√
June 21, 2005	Walnut Hills CPOP trained	
June 28, 2005	OTR & Downtown CPOP Trained	
June 2005	CPOP training scheduled for new full-time officers	
June 5, 2005	CPOP Training w/RCPI representative to new sergeants and full-time officers	
July 3, 2005	Neighborhoods SARA trained	√
July 20, 2005	Joint training	√

The CPD has also engaged in some problem-solving with neighborhood residents. Examples are reprinted below from the Annual Report.

- An abandoned building in Lower Price Hill at 3321 Price Avenue was the center of numerous calls for police investigation because of its suspected use for criminal activities, specifically drug use and prostitution. Investigation confirmed that the building was going through foreclosure. Numerous attempts to contact the deed owner to secure the property and enforce no trespassing laws were unsuccessful. The Cincinnati Building and Inspections Department declared the building a public nuisance and ordered it boarded. Orders were also issued for the property to remain vacant. As a result of the Building and Inspections Department's orders for the building to remain vacant, District 3 police were able to arrest trespassers for vice and drug violations, as well as trespassing. Since the building has been secured, no additional damage has been done to the property.
- Cars parked in front of Saylor Park School at 6700 Home City Avenue waiting to pick up children in the 2 to 2:30 p.m. time frame were blocking the Queen City Metro bus. Changing the hours of the school's dismissal was not an option. However, the Metro bus schedule could be changed. Issuing parking citations to violators might seem to be the logical response, but parents waiting for children had no options of where to wait. Driving up and down the street would waste gas and create unnecessary additional traffic. When the CPOP team explained the situation to Metro bus management, the Metro administration was cooperative in working to help correct the situation by changing its schedule. The change in bus schedule gives parents a place to wait briefly and then be out of the way before the

bus arrives. Metro has not called in any parking violation complaints since changing its schedule to a later arrival. Cooperation works for all!

- In four neighborhoods, College Hill, Over the Rhine, Walnut Hills and East Walnut Hills, CPD installed cameras to help monitor activity in crime hot spots. The cameras provide real-time images via the internet at [www.CityWatcher.com](http://www.CityWatcher.com). Video of several crimes captured on tape are featured on the site. Grant money from Cincinnati's Safe and Clean Neighborhood fund enabled the Police Department to purchase the cameras. Operating fees for the system are covered by each community through grants or contributions from neighborhood businesses. There are 134 CPD officers that can enter information and 21 citizen volunteers are trained to use the equipment. P.O. Eric Franz, coordinator the Volunteer Surveillance Team that assists in monitoring the cameras, sees the cameras as a valuable crime prevention tool: "The cameras allow us look into neighborhoods where historically people have been too scared to call the police or too scared to tell us what's going on. So we have an eye in the sky or eye in the storefront."

Additional highlights from the Annual Report include:

- The Parties reached agreement on April 21, 2005 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.
- Some vacant buildings or apartments have become a haven for illegal activities. When cooperative and concerned landlords want the police to assist in controlling the use of their property, they can grant "Right of Entry" to the police. The process is simple. The landlord writes a blanket letter to the Chief, granting the CPD the right to act as agents of the property. Landlords are then required to post "No Trespassing" signs that are clearly visible to anyone entering the property.
- This year, an interagency collaboration to reduce prostitution called Off The Streets, researched possible programs and decided to adopt San Francisco's John School. Under that program, those arrested for soliciting prostitutes attend a John School where instructors, including former prostitutes, share the dangers and exploitation involved in prostitution hoping to reduce John recidivism. The interagency collaboration in Cincinnati is seeking funds to develop a similar effort.



- The Safe and Clean Neighborhood Grants awarded approximately \$200,000 in the last year to support specific crime reduction tools in specific places, such as Flash Cams, murals, landscaping, and lighting.
- This year, the Code Enforcement Response Team (CERT) filed criminal charges against the persons in control of a multi-family unit at on Dayton Street in the West End; the persons in control of eight “junk yards” located in the West End; and the corporation in control of a large apartment complex on Glenway Avenue Price Hill.
- The West End Business Association identified the area’s salvage yards as one of the most critical problems inhibiting the community’s future business development. There are eight salvage yards in a small area. Local residents, businesses and City Departments have linked environmental hazards to these operations including burning chemicals and metals, leaking batteries, fuel dumped into the City water supply, and seepage of chemicals and oil into the ground and sewers. The managements of these salvage yards have resisted attempts to regulate their operations and have not corrected the problems. The majority of local community groups gave strong support to the City to regulate the operation of these eight salvage yards. The various hazards and violations fell under the jurisdiction of multiple City departments including, but not limited to, the Fire, Health, Building and Inspections and Police Departments. Careful investigation and research was conducted prior to development of an action plan. The Hamilton County Sheriff’s Office assisted by providing aerial 35mm photos of the sites in preparation of the legal case. The project was selected for implementation because of both serious concern over community health-related issues and the strong community support. The problem analysis included collaboration with other governmental agencies such as the Environmental Protection Agency. Because current City codes governing salvage yards are ambiguous, the legal issues were complex. The Code Enforcement Team (CERT) meets every other week for two months reviewing collected data. Once all City Departments reached a satisfactory understanding of the issues, a problem solving strategy was developed. The CERT strategy included the execution of eight administrative search warrants to determine the level of environmental hazards on each property. The majority of the violations fell under the Building and Inspections, Health, and Fire Departments codes. Following the searches, seven of the yards were cited for criminal code violations. This was further complicated due to multiple violations and the number of people cited (both owners and business operators). The majority did not comply with licensing and insurance regulations; compliance with City Codes will be complex issues for them to resolve. Because of the number of violations and people involved, it is unclear at this time how

long the court process will take. The community is continually updated on this process. Feedback has been positive, although an organized assessment process has not been put in place.

The Annual Report contains a section devoted to lessons learned. These lessons are reprinted below:

- Although not all crime problems necessitate significant citizen participation in problem solving initiatives, some crime problems can be addressed by citizen engagement and participation. Enforcement initiatives, without sustained action by community stakeholders, often have limited and short-term benefits. Further, offender based strategies often have limited ability to impact crime since only one in five serious crimes are solved by police.
- Many of the successful CPOP initiatives in Cincinnati have been citizen led and have benefited from the creativity of citizens at all stages of the SARA problem solving process. The following are some of the initial lessons learned in working in partnership with citizens in neighborhood CPOP initiatives:
  - Before a CPOP team can really reduce crime at a target location, the police and the community representatives have to be able to trust each other. Where trust is low, the foundation of a CPOP initiative needs to focus on relationship building between citizens and the police.
  - Much of the work of CPOP initiatives is about changing the culture of a neighborhood. For example, it is about “Who owns the public space?” “What is the space designated for?” Sometimes just replacing criminal activity in a public location with something legitimate is enough to displace or reduce the problem.
  - Leadership development, or the empowerment of community residents, takes place hand-in-hand with the development of CPOP teams and neighborhoods.
  - “Small wins” are important as long as they accomplish something of significance for a community. Something as simple as securing a stop sign or a street light can give a CPOP team the confidence to pursue larger projects.
  - Problem solving looks very different neighborhood to neighborhood. The problems confronting neighborhoods, although often similar in nature, involve varied responses which reflect the capacity and strengths of individual communities. To maximize success, neighborhood CPOP

initiatives need to engage the unique gifts of the community - individuals, citizen associations, business and nonprofit organizations, educational and faith-based institutions - in the problem solving process. Teams are most successful when their diversity reflects the diversity of a neighborhood.

The Annual Report also shares the tasks and aspirations of the collaborative partners for the coming year. Some of these are bulleted below.

- In the next year, the fourth year of the Collaborative Agreement, the Parties will work to expand the number of neighborhoods engaged in CPOP initiatives while increasing the sophistication of the application of the SARA process.
- Engaging new citizens in the CPOP process will be accomplished by outreach efforts by the Cincinnati Police Department and the Community Police Partnering Center, with support being provided by the American Civil Liberties Union and the Fraternal Order of Police. In order to enroll more citizens in crime reduction efforts, the Cincinnati Police Department will provide additional information to the public about crime and disorder problem solving efforts and opportunities for citizens to participate through the department's *Blue Wave* quarterly newsletter and other media with the assistance of the public relations firm, Trubow & Associates. The Partnering Center, now fully staffed with twelve outreach staff, will engage in grassroots mobilization of community stakeholders to create and support CPOP teams in over 30 neighborhoods. The Partnering Center will also continue to communicate the value and importance of citizen involvement in addressing neighborhood crime and disorder problems by hosting the monthly "BUZZ on CPOP" radio show on WDBZ, 1230 AM, as well as making cameo appearances on local television and radio programs.
- As CPOP continues to be implemented throughout Cincinnati's neighborhoods, the sophistication of CPOP problem solving initiatives will also be enhanced. Problem identification through the scanning process will be amplified by the addition of seven additional crime analysts to support problem solving in the five police districts and by special investigative units. The problem identification through the examination of police data (calls for service, reported crimes, and arrests) will be amplified by the Community Police Partnering Center outreach staff who will survey citizens to learn of community concerns as well as crime and disorder incidents not reported by police.
- Factors contributing to neighborhood crime and disorder problems will also be better identified by the police districts' crime analysts who will be

responsive to requests from neighborhood CPOP teams to provide statistical and analytical support of identified CPOP problems. This statistical and analytical support will be enhanced by environmental surveys, created by the Community Police Partnering Center and administered by citizens, designed to assess and measure physical and social disorder related to community crime and safety problems. Analysis of police data and data from citizen and environmental surveys will help CPOP participants to more fully understand crime and safety problems and better guide them regarding potential effective strategies to address these problems. The accumulated data will also provide benchmark measures of the existing safety of identified locations of CPOP initiatives. These benchmark measures can then be used to evaluate effectiveness of CPOP initiatives after responses have been implemented.

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