

**JOINT AMENDMENT TO THE
April 12, 2002
MEMORANDUM OF AGREEMENT**

Between the United States Department of Justice

and

The City of Cincinnati, Ohio and
The Cincinnati Police Department

Joint Amendment to the Memorandum of Agreement
Between the United States Department of Justice
and the City of Cincinnati, Ohio and
the Cincinnati Police Department

I. Introduction

1. On April 12, 2002, the parties resolved the Department of Justice's investigation of an alleged pattern or practice of excessive force throughout the Cincinnati Police Department (the "CPD"), commenced pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, through a Memorandum of Agreement ("MOA"), which was the result of a cooperative effort demonstrating a commitment to constitutional policing on the part of the Department of Justice; the City of Cincinnati, Ohio (the "City"); and the CPD.
2. MOA paragraph 111 indicates that the MOA will terminate five years from the signing date or earlier if the CPD has maintained substantial compliance with each of the provisions of the MOA for two years.
3. The City and CPD have worked diligently to implement the provisions of the MOA. This progress has been reflected in 13 Quarterly Reports issued by the Independent Monitor. Recently, the Monitor's May 2006 Quarterly Report finds the City in compliance with 69 of the MOA's 81 substantive requirements, which have been disaggregated periodically by the Independent Monitor in his Quarterly Reports. The City has maintained substantial compliance with many MOA paragraphs in excess of two years.
4. In order to focus attention on resolving the MOA provisions not yet in compliance, the parties (as that term is defined in the MOA) have resolved to terminate those provisions of the MOA which the Monitor has found the City in substantial compliance for two years or more.
5. The parties have requested that the Independent Monitor issue a special report to identify those provisions which have been in substantial compliance for two years or more.
6. The parties agree that termination with regard to the identified paragraphs will allow the City, CPD, and the Independent Monitor to focus resources on the MOA paragraphs that the CPD and the City have yet to reach substantial compliance.

II. Amended Provision

Pursuant to MOA paragraph 120, allowing the parties to modify the MOA, the parties hereby agree that the following modified language will augment the requirements of MOA paragraph 111, regarding termination of the MOA, as follows:

The parties have agreed to take the following steps:

- A. The parties will jointly request that the Independent Monitor issue a special report identifying all MOA provisions in which the CPD has maintained at least two years of substantial compliance.
- B. The parties agree to terminate the MOA in regards to all such paragraphs identified by the Independent Monitor.
- C. The parties agree that, as the April 12, 2007 termination date approaches, any additional MOA paragraphs identified by the Monitor as reaching two years of substantial compliance will be terminated.

III. Authorization

The signatories below represent by their signatures that they are authorized to enter into this modification and are signing on behalf of their parties and the original signatories to the MOA.

FOR THE UNITED STATES:

DATE July 25, 2006

/s/ Wan J. Kim

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/s/ Shanetta Y. Cutlar

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**FOR THE CITY OF CINCINNATI,
OHIO, AND ITS OFFICES,
AGENCIES, AND DEPARTMENTS**

DATE July 25, 2006

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