

**City of Cincinnati
Independent Monitor's
Eighteenth Report**

August 2, 2007

Monitor's Report regarding compliance with and
implementation of the Collaborative Agreement
between the Plaintiffs, the Fraternal Order of Police
and the City of Cincinnati

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TABLE OF CONTENTS

	PAGE
INTRODUCTION AND EXECUTIVE SUMMARY	1
CHAPTER ONE. IMPLEMENTATION OF CPOP	4
I. Preparation Leading up to the Transition Year.....	4
II. Expectations for the Transition Year	16
CHAPTER TWO. OTHER CA PROVISIONS	19
I. Evaluation Protocol.....	19
II. Fair, Equitable and Courteous Treatment	21
III. Citizen Complaint Authority.....	25

**CITY OF CINCINNATI
INDEPENDENT MONITOR'S EIGHTEENTH REPORT**

INTRODUCTION AND EXECUTIVE SUMMARY

The Collaborative Agreement (CA) among the City of Cincinnati, the Plaintiff Class, and the Fraternal Order of Police (FOP) calls for the adoption of Community Problem-Oriented Policing (CPOP), mutual accountability and evaluation, bias-free policing and the establishment of the Citizen Complaint Authority (CCA). We have now come to the end of the five year term of the CA, and the CA was scheduled to terminate on August 5, 2007. The May 1, 2007, Monitor's Report described seven CA provisions that had not reached substantial compliance, and these provisions were at the heart of full implementation of the goals of the CA, particularly the adoption of CPOP as the Cincinnati Police Department's (CPD) principal crime-fighting strategy. We urged the Parties to substantially pick up the pace if there was to be any hope of reaching substantial compliance by the appointed date. The Parties have worked very hard the past three months on the important provisions that were not in compliance as of May 1. More important, the Parties recognized that just reaching substantial compliance on paper was not enough – and that it was crucial to take steps to ensure that the important reforms being implemented would become a permanent part of the method of policing in Cincinnati.

In the five years of the Collaborative Agreement, there has been a tremendous amount of progress in many areas of police accountability and reform, but there is also significant work still left to accomplish. For this reason, the Parties have agreed to an extension of portions of the Collaborative Agreement for an additional year. On June 6, 2007, the Parties entered into a stipulation that modifies the CA by creating a one-year transition period until August 5, 2008, to accomplish full implementation of the CA provisions that focus on problem solving and related goals. It was also agreed that the FOP should be dismissed as a Party during this transition period, but it may participate at its option in all aspects of the Collaborative. On July 2, 2007, United States District Judge Susan Dlott approved the Parties' motion to modify and extend the CA. The Monitor commends the CPD and City leadership and the Parties for their efforts, and Judge Michael Merz for his assistance in facilitating this process.

As discussed in this Report, the Parties have agreed on significant changes in the problem-solving procedures that will be used by the CPD, and the CPD has drafted a problem-solving manual for every member of the police department. The extension of the Collaborative Agreement provides for a one year transition period (the "Transition Year") in which these efforts will be implemented and accomplished. This agreement is an important recognition by the Parties that the efforts of the past five years were more than an attempt

to simply change police policies, but instead should result in policing in Cincinnati that effectively enhances public safety and that improves relations between the CPD and the African American community. We are confident that if the problem solving approach is put into practice, it will advance effective, respectful and publicly accountable policing in Cincinnati, and will ensure that the progress made to date is preserved and the reforms will be continued into the future.

This is the Independent Monitor's Eighteenth Report. The period covered is from April 1, 2007 to August 3, 2007.

CPOP

In our last Report, we commended the Parties for full compliance with several CA provisions that resulted in the following benefits to Cincinnatians: a public collection of best practices in community-oriented policing and problem-solving, available on-line and in the public library; jointly-delivered CPOP training to communities that request it; annual CPOP awards for high quality problem-solving projects; police policies and procedures that are transparent to the public because they are reviewable on-line by the public; a communications audit of the CPD and a plan to improve its internal and external communications with its employees and the public; a CPD Community Relations Office; an annual problem-solving report documenting efforts of the police and the community; quarterly problem solving reports, and the addition of training segments in the Police Academy to enhance training on policing in an urban environment.¹

Over the last 90 days, the CPD and the other Parties have made great strides in implementing the remaining CPOP provisions.² The CPD is now preparing to transition from the five years of developing the pieces that make up the CA to a Transition Year in which the CPD will shift to implementation of a collaborative, problem solving way of policing the City. It is developing protocols, policies, and manuals that will be used by CPD employees as it engages in this new style of policing. During this Transition Year, the Monitor Team will be assisting the CPD in developing "in-house" expertise and knowledge about collaborative problem-solving. The Monitor and the Parties will also be looking to the Community-Police Partnering Center to help bring problem solving to the community.

Evaluation Protocol

The CA provisions call for a comprehensive approach to evaluation.

¹ The CA provisions for these items are 29(b), (e), (g), (h), (i), (j), (k) and (l).

² The CA provisions for these items are 29(a), (c), (d), (f), (m), (n), (o), (p) and (q).

On December 12, 2006, the RAND Corporation (RAND) issued its second evaluation report on community-police relations in Cincinnati. Like its 2005 Report, the 2006 Report found that blacks and whites in Cincinnati experience “substantively different types of policing” (RAND Second Year Report, xxiii). It is crucial that the Parties and the larger Cincinnati community “fully and fairly” put this data to use. The RAND Corporation will be issuing its 2007 report in December 2007, and will continue its evaluation efforts into 2008. In addition, the Parties are working together to develop plans for outreach and dialogue with community members about policing, accountability, public safety and the goals of the Collaborative. A cross-section of leaders (traditional and non-traditional) representing key stakeholders will be gathered to prepare a proposal for the Andrus Family Foundation, which would be asked to fund the communication project.

CCA

An important aspect of the Collaborative Agreement was the creation of the Citizen Complaint Authority (CCA), whose mission is to investigate serious interventions by police officers and to review and resolve citizen complaints in a fair and efficient manner. The City is in compliance with the CA provisions relating to the CCA investigation process, intake and assignment, and CPD and City cooperation with CCA investigations. The Parties have agreed that the CPD and the CCA do not need to develop a “shared electronic database,” as the City has developed a manual spreadsheet that includes information on IIS and CCA investigations. Over the past several months, the CPD has updated the matrix to ensure that the data listed is current. The CPD has also provided the Monitor with information on the corrective actions taken by the CPD, including discipline, where the City Manager has sided with a CCA sustained finding, even if the CPD did not sustain the allegation. The City and the CCA are also in compliance with the CA provisions relating to prevention of police misconduct and reducing citizen complaints, and to public dissemination of information about the CCA and how it operates.

CHAPTER ONE. IMPLEMENTATION OF CPOP

August 5, 2007 marks the end of the five-year term of the Collaborative Agreement. The Collaborative Agreement outlined the steps the CPD would need to take to shift to a collaborative, problem-solving policing agency that uses a variety of tools to reduce crime and other safety problems. To ensure full implementation and help transition the CPD into this new style of policing, the City and the ACLU jointly sought a one-year, court-supervised, modification and extension of the Collaborative, which begins August 6, 2007. Judge Susan Dlott approved the extension on July 2, 2007.

During the Transition Year, the Monitor will assist the CPD in establishing systems that support a problem-solving policing agency. Leading up to this transition, the CPD is developing protocols, policies, and manuals that will be used by CPD employees as it engages in this new style of policing. In this Monitor Report, rather than report on individual sections of the Collaborative Agreement, we discuss these efforts and what is expected of the Parties during the Transition Year. During the Transition Year, the Monitor will assist the City by working with different groups within the CPD to develop an infrastructure of knowledge about collaborative problem solving. We will also be working with the Partnering Center in helping bring the community into the problem solving process.

I. Preparation Leading Up to the Transition Year

The Collaborative Agreement seeks to bring about systemic change in the way that policing is accomplished in Cincinnati. The Collaborative Agreement maps out a path to systemic change through the adoption of problem solving as the principal crime-fighting strategy for the CPD. Problem-oriented policing, the foundation of problem-solving policing, is widely recognized as providing fair, equitable, and analytic policing. It moves policing away from generic, broad-brush strategies that over-rely on the criminal justice system, and over-rely on heavy enforcement strategies and saturation patrols, towards highly specific, tailored strategies that offer precision policing. Policing involves the consent of the community; this is achieved through collaboration, the exercise of fair and just discretion, and transparency. These are hallmarks of problem-oriented policing. Police in this and other countries have reduced crime and safety problems using problem solving. Problem-oriented policing has reduced myriad problems, such as shoplifting, robbery, homicide, domestic violence, assaults around bars and nightclubs, traffic accidents, disorderly youth in public places, burglary in public housing, vandalism, graffiti, speeding vehicles in residential areas, drug dealing in apartment complexes, street prostitution, sexual exploitation of teens, and runaway juveniles.

Leading up to the Transition Year, the CPD is quickly developing and revising a number of key policies, procedures, and systems to secure systemic

change and integrate problem solving so that it becomes the CPD's principal crime-fighting strategy. These efforts include:

- Revising the CPD's job descriptions and performance evaluation standards
- Designing a database of repeat chronic crime to include repeat crime locations, repeat victims of crime, and repeat known offenders
- Redesigning a problem-solving tracking system to capture future CPD problem-solving initiatives
- Updating the CPD's problem-solving procedures
- Developing an employee problem-solving manual and a supervisory and managerial curriculum to support it
- Ensuring that all employees have proper training to equip them to engage in this new style of policing
- Creating a team of CPD employees at all levels in the Department who will work with the Monitor Team and assist the Department in quickly absorbing problem-solving knowledge
- Working on a high-level problem-solving initiative that tackles some of the violence Cincinnati is experiencing (CIRV)
- Developing a joint CPD/Plaintiffs communications plan to report on progress and challenges throughout the year

We report on progress on each of these below.

A. Job Descriptions

The Collaborative Agreement identified certain systems that may need revision to support a shift to a problem-solving policing agency. A police department that expects its employees to engage in problem solving is best supported with job descriptions that accurately describe the type of work expected of officers, supervisors, managers and command staff. During this quarter, the CPD revised its job descriptions to reflect the type of work expected from its sworn employees. All sworn employees are expected to:

- Have a working knowledge of Community Problem-Oriented Policing (CPOP) and to apply problem solving as the principal strategy for reducing crime and disorder problems
- Understand the SARA problem-solving methodology and utilize that knowledge to address repeat or chronic problems
- Apply contemporary problem-oriented strategies and situational crime prevention strategies to reduce crime and safety problems
- Support CPOP initiatives to maintain a positive relationship between the Police Department, community members and CPOP participants
- Be active in CPOP teams, committees, and other groups formed to reduce crime or safety problems, and participate in all aspects of SARA through activities, such as identifying repeat crime and safety problems, analyzing problems, developing responses tailored to the problem after exploring a range of responses, implementing responses, and assessing their impact
- Keep supervisors informed of current CPOP issues
- Document problem solving efforts so others can learn from them
- Coach and evaluate officers/investigators in the development of their ability to carry out a problem-solving approach to crime/safety problems (added for supervisory positions)
- Manage work units so that problem solving is the primary crime-fighting approach taken to reduce crime or safety problems (added for lieutenant through lieutenant colonel rank)

The revisions became effective May 22, 2007, and also will be included in the job description that will be posted for the hiring of new recruits.³ On the CPD web page, those seeking recruit employment are able to download a guide from the CPD website at http://www.cincinnati-oh.gov/cityhr/downloads/cityhr_pdf7052.pdf, entitled “Exam Information Process,” that includes information for potential candidates about the recruit selection process and a general statement of duties. The general statement of duties should be revised to include the descriptive phrases from the revised job descriptions. The CPD will be able to use these job

³ At the time of this writing, the City did not have an open posting for police recruits, so while there is no on-line evidence that the revised job description is being used for this purpose, the CPD assured us that it will be.

descriptions as part of the infrastructure to support a problem-solving department, and they can be used to build accountability in the organization around problem-solving.

B. Performance Evaluations Revised, and Training on New Evaluations

The CPD performance evaluation system is one of the areas identified by the Collaborative Agreement for review and revision as part of the CPD's move to a CPOP orientation. In 2006, the CPD agreed that its performance evaluations required updating to reflect a more current approach to assessing employee performance. A task force of Department employees was formed to develop an updated rating system. The revised performance evaluation standards contain core performance anchors for all CPD members, as well as assignment and rank-specific performance anchors.

While the revised standards included some elements of problem solving, in response to recommendations from the Monitor, the CPD has placed additional emphasis on problem solving within the anchors, to make them more compatible with a commitment to problem solving as the CPD's principal crime-fighting strategy. The revised performance evaluation standards now fully connect employee performance measures to problem-solving performance. Changes this quarter include:

Anchor No. 2 - Community Partnerships:

- To earn an "exceptional" rating, the employee must, in addition to other things, "demonstrate creativity and effectiveness in solving community issues"
- To earn an "exceeds standards" rating, the employee must be, in addition to other things, "extremely effective applying 'SARA' process to solve problems and address community concerns"
- To earn a "meets standards" rating, the employee must "understand[] and appl[y] 'SARA' process to solve problems and address community concerns" and "solve[] problems and participate[] in CPOP activities"

Anchor No. 4 – Customer Service:

- To earn an "exceeds standards" rating, the employee must, in addition to other things, "utilize[] appropriate resources to meet the community's needs"

Anchor No. 7 – Problem Solving:

- To earn an "exceptional" rating, the employee must, in addition to other things, "consistently identif[y] appropriate data and information sources to analyze factors that give rise

to the problem” and “assess results of efforts to refine and improve solutions”

- To earn an “exceeds standards” rating, the employee must be, in addition to other things, “extremely adept at documenting and applying all elements of the ‘SARA’ problem-solving process”
- To earn a “meets standards” rating, the employee must “effectively document[] and appl[y] the “SARA” problem-solving process”
- An employee will receive a “needs improvement” rating, if the employee “has difficulty documenting and applying the ‘SARA’ problem-solving process”
- An employee will receive an “unacceptable” rating if the employee, in addition to other things, “shows no aptitude in documenting and applying the ‘SARA’ problem-solving process”

Administrative managers have rank-specific anchors with connections to problem-solving.

Anchor No. 1 – Interaction with Other Units and Agencies:

- To earn an “exceeds standards” rating, the administrator must be, in addition to other things, “skilled in applying the SARA process to effectively address problems of mutual interest”
- To earn a “meets standards” rating, the administrator must “identify[y] problems and focus[] on developing effective solutions”
- The administrator will receive a “needs improvement” rating if the administrator is, in addition to other things, “unable to identify problems and focus on developing effective solutions”

Anchor No. 3 – Research:

- To earn an “exceeds standards” rating, the administrator must, in addition to other things, “display[] strong skills in analyzing issues and evaluating program results and impact”
- To earn a “meets standards” rating, the administrator must “evaluate[] results of decisions and activities undertaken”

Investigators have rank-specific anchors with connections to problem solving.

Anchor No. 1 – Case Management/Resolution:

- To earn an “exceeds standards” rating, the investigator, in addition to other things, must “consistently exceed[] peers in applying problem-solving strategies and tools in dealing with

repeat offenders, victims and locations with documented positive outcomes”

- To earn a “meets standards” rating, the investigator must, in addition to other things, “appl[y] problem-solving strategies and tools in dealing with repeat offenders, victims and locations”
- An investigator will receive a “needs improvement” rating if the investigator, in addition to other things, is “unable to apply problem-solving strategies and tools in dealing with repeat offenders, victims and locations”

Anchor No. 5 – Investigation and Case Preparation:

- To earn an “exceeds standards” rating, the investigator, in addition to other things, must “document[] successful outcomes in the initiation and application of problem-solving strategies where repeat offenders, victims and locations are known to exist”
- To earn a “meets standards” rating, the investigator must, in addition to other things, “initiate[] application of problem-solving strategies where repeat offenders, victims and locations are known to exist”
- An investigator will receive a “needs improvement” rating if the investigator, in addition to other things, has failed to “initiate and apply problem-solving strategies where repeat offenders, victims and locations are known to exist”

Patrol officers have assignment-specific anchors with connections to problem solving.

Anchor No. 3 – Investigation and Case Preparation:

- To earn an “exceeds standards” rating, the patrol officer, in addition to other things, must “document[] successful outcomes in the initiation and application of problem-solving strategies where repeat offenders, victims and locations are known to exist”
- To earn a “meets standards” rating, the patrol officer must, in addition to other things, “initiate[] application of problem-solving strategies where repeat offenders, victims and locations are known to exist”
- A patrol officer will receive a “needs improvement” rating if the patrol officer, in addition to other things, has failed to “initiate and apply problem-solving strategies where repeat offenders, victims and locations are known to exist”

Supervisors also have rank-specific anchors with connections to problem-solving.

Anchor No. 6 – Evaluating Employees:

- To earn a “meets standards” rating, the supervisor must, in addition to other things, “effectively assess[] employees’ knowledge of and skills in carrying out problem-solving responsibilities”
- A supervisor will receive a “needs improvement” rating if the supervisor, in addition to other things, is “ineffective in assessing employees’ knowledge of and skills in carrying out problem-solving responsibilities”

Anchor No. 8 – Leadership:

- To earn a “meets standards” rating, the supervisor must, in addition to other things, “display[] solid knowledge of SARA process and impart[] this to subordinates”

Anchor No. 9 – Personnel Development:

- To earn a “meets standards” rating, the supervisor must, in addition to other things, “consistently coach[] and train[] subordinates in problem solving and application of the SARA process”

These changes, combined with earlier changes around problem solving that the CPD recently made to the anchors, can be part of the infrastructure the CPD can use to help guide behavior that supports problem solving and community-police collaboration. The only remaining item to be resolved before the new standards are implemented is agreement between the FOP and the CPD regarding the appeal process when an employee’s rating changes to a lower rating under the new system. As of the July 2, 2007, All Parties meeting, it appeared that the Parties had worked out their concerns, but that final sign-off from the Chief and the FOP were still needed.

C. Repeat Database Configured

Much of police work involves responding to repeat, chronic problems in the community. Focusing efforts on problems that repeatedly occur is likely to impact crime in Cincinnati. A significant element of problem-oriented policing is the surfacing for analysis of repeat or recurring problems so that police and others can devise new and more effective means of reducing the problems and the harm from them. The Collaborative Agreement required the development of a means of tracking repeat offenders, repeat victims, and repeat locations.

During this quarter, the CPD has developed a database to hold a rolling 12-months of data that is sorted in three ways: by victim name; by suspect name; and by location. The data is District-specific and is provided to the District Crime Analysts. The District Crime Analyst is expected (as per the

draft revision to CPD's Problem-Solving Procedure, discussed later in this Report) to use the database to recommend monthly projects to the District Commander. The project ideas will then be documented on a Form 560, and the District Commander will present the project ideas to the appropriate Community Council to obtain input from community members.

In addition, there are measurable outcomes included in the CPD's draft Problem-Solving Procedures for problem-solving projects, including projects that stemmed from the repeat databases. The measurable outcomes in achieving the goals of problem solving include:

1. Monthly reductions in repeat locations, offenders and victims as measured by a weighted process.
2. Five new projects initiated per District, per month. Specialized units will initiate at least two problem-solving projects per year. The Patrol Bureau Commander will periodically review the volume of projects and make necessary adjustments as needed to ensure the quality of projects and service.
3. POP Guides and other resources are utilized.
4. Problems are favorably resolved with minimal displacement.

The weighted process referred to in item 1 (above) is to be jointly developed by the CPD and the Plaintiffs to help the CPD identify the repeat projects that have some of the most serious harms associated with them. For example, while an apartment complex may have 55 calls in a 12-month period, all complaining of noise because of loud parties, the CPD might seek first to address a repeat problem involving eight incidents, if those eight are associated with a repeat victim of domestic violence being abused in eight separate incidents by the same suspect during that 12-month period.

In the coming months, the Monitor will closely look at the use of the Repeat Database to see if and how District Commanders and others are using it to begin problem-solving projects.

D. New Problem-Solving Tracking System Being Designed

The CPD found that its current CPOP Tracking System was unwieldy. Users had difficulty entering projects and updates, case information was often incomplete, and some of the prompting questions were redundant or phrased in ways that did not elicit useful or precise information. As a result, the quality of the write-ups suffered, making it unlikely these write-ups would be sought out by others in the CPD searching for approaches to solve crime and other safety problems. The Monitor suggested that the CPD develop a more useable and useful system.

This quarter, the CPD has designed a new problem-solving tracking system. The CPD's Information Technology Management Unit and the Police Relations Section co-developed the system. The benefit to having the system developed within the CPD is that if something is amiss with the system, it can be fixed in-house. Fixes to the old tracking system had to come from the Regional Computer Center (RCC), a countywide information technology authority.

The CPD has provided the Monitor with the screen images of the various computer screens that users will see as they utilize the tracking system. The main menu screen contains links to enter a new SARA/CPOP project, revise a project, review all SARA/CPOP cases or conduct a records search. In addition, the bottom half of the first screen houses a "useful links" section that can take users to a variety of sites that will help with data and research. The "useful links" section contains links to:

- CPD CPOP Liaisons
- City CPOP Liaisons
- Hamilton County Auditor
- CPD Quarterly Problem-Solving Reports
- Problem-Oriented Police Best Practices
- Calls for Service by Neighborhood, year-to-date
- Center for Problem-Oriented Policing
- Repeat CFS/Victim/Offender Database

At the very bottom of this first, main screen, is a tab that contains the User Guide. The screens that follow are simpler than those in the old CPOP Tracking System and appear easier to navigate.

The CPD is trying to ensure that the quality of the projects in this Problem-Solving Tracking System improves from those contained in the prior system. The CPD has added an element to the Strategic Plan, Strategy 3.2.8, that identifies the tracking system as an area for monitoring. The Strategy states: "Maintain the integrity of information contained in the problem-tracking system to ensure the accuracy of problem-solving efforts and level of analysis required to effectively address repeat and chronic problems." Second, the CPD added a measurement associated with this Strategy -- quarterly audits of cases entered into the tracking system. Third, Chief Streicher approved a recommendation from its Community Relations Section to establish, within the Section, a Projects Coordination Team to assist Districts, Sections and Units during the scanning and analysis phases of SARA problem-solving projects. The Projects Coordination Team will also make recommendations for responses based on the results of the analysis.

E. Problem-Solving Procedure Revised

During this quarter, the CPD revised its Problem-Solving Procedure 12.370. In doing so, the CPD sought feedback from Plaintiffs and the Monitor, which it incorporated into the Procedure.

The Procedure details the process for opening and closing a problem-solving project, including the steps in between. The Procedure provides definitional clarity to the different parts of problem solving and situational crime prevention, and lists the steps an officer, sergeant, and lieutenant must take in a District or in a Unit when using a problem-solving approach. As mentioned earlier, an employee who opens a project can obtain assistance and guidance from the Project Coordination Team, as well as a crime analyst. Working with the Partnering Center and other stakeholders is encouraged and the SARA process is openly acknowledged in the Procedure as the CPD's principal crime-fighting approach. In addition, the Procedure notes that participation and success in problem solving will be weighed in every sworn employee's annual performance assessment, for all ranks and assignments.

The Procedure, which will become effective in August 2007, places responsibility with crime analysts for using the Repeat Database and recommending suitable "repeat" projects to the District Commander. Projects may come from the Repeat Database, from the community, from the Partnering Center or from CPD members. The District Relief Lieutenant is responsible for ensuring coordination and completion of all projects assigned to that relief. Project Coordination Officers in the Neighborhood Projects Unit (part of the Police Relations Section) provide analysis and response assistance, and monitor the project through its different stages. Unit members will consult problem-oriented policing guides, other relevant material, and situational crime prevention techniques as part of their assistance on a project. The Unit will also conduct quality control reviews at different intervals. Special Units, such as Narcotics, Vortex, Homicide, Traffic, Fraud, Property and Persons Crimes, Parks, and the Downtown Unit are expected to work on at least two separate problem-solving projects a year, while each District is expected to take on five problem-solving projects per month, so long as the District can reasonably handle the projects.

The stated purpose for using problem solving and following the Procedure is:

To define a Departmental process of identifying and addressing problems and community service requests in an effort to improve the quality of life, safety and security of citizens.

The Procedure also lists the expected outcomes from using this approach, including monthly reductions in repeat locations, offenders and victims (discussed earlier in this Report in the section on the Repeat Database).

F. Problem-Solving Manual and Supervisory and Managerial Training to Support It

During this quarter, the CPD also developed a Problem-Solving Manual. This manual will be disseminated to every CPD employee. The CPD again sought feedback from Plaintiffs and the Monitor, which it incorporated into the Manual.

The Manual is a very good guide. The CPD put great effort into creating a substantive and attractive manual. It includes the following sections:

- The CPOP process
- Defining problems for problem-solving
- Principles of problem-solving
- Analyzing problems
- Using crime analysts
- Breaking down calls for service
- Utilizing the repeat database
- Situational crime prevention
- Problem-solving resources
- Encouraging partnerships with the community
- Successful problem-solving initiatives
- The best practices library
- Problem-oriented policing guides

Also, the Manual is clear about responsibility for problem-solving:

In order for problem solving to become CPD's principal strategy for fighting crime, disorder, and other safety problems, *every* officer of *every* rank is expected to engage either directly or in a support role in problem-solving initiatives. This approach is no longer the responsibility of a single unit within the Police Department.

The CPD will need to provide additional training on problem solving within the CPD to ramp up employee ability to engage in problem solving, but we see the Manual as an extremely positive step in being clear with employees about what is expected of them.

G. Roll Call Training

Beginning in June, the CPD provided problem-solving related roll-call training to patrol officers. The June training included information about engaging property owners in exercising their right to evict tenants engaged in drug dealing. In July, the roll-call training focused on the purpose and use of

the inter-agency Code Enforcement Response Team (CERT). The August roll-call training explains Crime Prevention through Environmental Design, known by the acronym CPTED. All three of these – landlord engagement, CERT, and CPTED – are tools officers can use, under certain circumstances, to reduce recurring problem places. The CPD has also prepared September’s roll-call training, which will be about situational crime prevention. The training bulletins that accompany the roll-call training have dual functions: they educate on important topics and they become required reading for promotional exams.

H. Dissemination of Problem Solving Examples

The CPD in May secured copies of the Collaborative Quarterly (the Parties’ joint publication, Vol. 4, 2007) and the CPOP Awards Banquet, Problem-Solving Awards publication and distributed them to all members of the Department. Providing the CPD employees with many examples of problem solving can help them when working on their own CPOP projects. Also, it shows that good work in problem solving is respected and rewarded by the CPD and the community.

I. Vertical Problem-Solving Committee to be Established

The Monitor requested that the Department establish a committee representing a vertical slice in the organization. Those on it will become more expert in problem solving and will serve as a focus group for the Monitor throughout the Transition Year as the Department moves to make problem solving its principal strategy for crime fighting.

J. Cincinnati Initiative to Reduce Violence (CIRV)

The CPD continues its work with Professors David Kennedy and John Eck in developing a highly focused violence reduction project around actively violent individuals. The identified people will be: (1) called in and offered an alternative to a life of violence on the street; and (2) told about the legitimate levers that the police and other agencies will use to ensure that their violence stops if they refuse the offer of help. The initiative will also seek the support of the families of these individuals, as well as community leaders, to persuade them to make a more productive and responsible choice. The first two call-in sessions of the CIRV project were held on July 31, 2007. The Monitor attended these call-in sessions and was impressed with how well the sessions were organized, which reflected the hard work and commitment of all of the stakeholders.

K. Collaborative Agreement Communications Plan Developed

The Collaborative Agreement calls for an ongoing community dialogue and interaction between the CPD and numerous stakeholders, such as youth, property owners, businesses, tenants, faith-based organizations, motorists, low-income residents and other city residents. The Evaluation Protocol section of the CA also calls on the Parties to use the data from the evaluation to improve police community relations and assess whether any actions should be pursued in light of the evaluation results. The Parties have agreed that part of the efforts of the Transition Year will be a project to communicate the progress of the Collaborative Agreement to stakeholder groups in the community, and to seek and respond to input from the community regarding their views on public safety and on police policies, practices and strategies. The Parties will seek funding and expertise from the Andrus Foundation to assist in this effort.

II. Expectations for the Transition Year

At the writing of this Report, the Parties and the Monitor are still discussing some aspects of the Transition Year. The overall expectation for the Transition Year, however, is that fairly rapidly, the CPD will ratchet up the quality and amount of problem solving that employees at all levels are engaged in so that by the end of the Transition Year, the CPD uses a problem-solving approach as its principal crime-fighting strategy. This should also be reflected in the growing percentage of employees that are engaged in this type of crime-fighting approach. There is also an expectation for the Transition Year that among CPD employees at different levels, there will be a rapid accumulation of knowledge about problem solving, problem-oriented policing, and situational crime prevention. In addition, within the Neighborhood Projects Unit and among crime analysts, there should be a working familiarity with the content of many of the problem-oriented policing guides (including the response and tool guides series), the model curriculum in problem solving http://www.popcenter.org/learning/model_curriculum/default.htm, and the Crime Analysis for Problem Solvers guide at <http://www.popcenter.org/Library/RecommendedReadings/60Steps.pdf>. This is important because crime analysts and those assigned to the Neighborhood Projects Unit will be helping to analyze problems and recommending responses to the problems identified.

As mentioned earlier in this Report, during the Transition Year, it is also expected that the CPD:

1. Achieve monthly reductions in repeat locations, offenders and victims as measured by a weighted process.
2. Open five new projects initiated per District, per month. Specialized units will initiate at least two problem-solving projects

per year. The Patrol Bureau Commander will periodically review the volume of projects and make necessary adjustments as needed to ensure the quality of projects and service.

3. Utilize POP Guides and other resources.
4. Resolve problems favorably with minimal displacement.

In the first months of the Transition Year, the Monitor will work with the Parties and with the Partnering Center to set appropriate benchmarks for the year.

A. Finding Time for Problem Solving

Some police agencies find that when first embarking upon problem solving, there has been resistance by officers, supervisors and managers focusing on not having sufficient time to do problem solving, given the need to respond to calls for service. Agencies have found, however, that they have been able to allocate resources and better manage officers' time so that officers are able to engage in problem solving. The Collaborative Agreement called for periodic review of staffing in light of the CPD's commitment to CPOP, so that the time-management issue would be subject to analytic review. Recently, the CPD informed the Monitor that it would not be able to complete a workload analysis review because the CPD does not have the in-house expertise to do the review, and the bidding and review process to hire outside expert consultants would exceed the period of the Transition Year. However, the CPD command staff is convinced that members of the Department do have sufficient time to do problem solving.

In prior years, the Monitor has shared with the CPD command staff that to ensure that patrol officers have sufficient time to engage in problem solving, first line supervisors must help manage officer time and help cluster time blocks for officers to use problem solving to tackle crime and safety problems. In addition, top Department staff should review categories of calls to see if they can be managed differently to free up additional time at the patrol level. The CPD is developing training for its supervisors and managers and it will include expectations on this topic. The Monitor will assist in reviewing the training curriculum if needed.

B. Problem-Solving Training Curriculum Will Require Revision

Fairly quickly into the Transition Year, the problem-solving training the CPD has been providing in-house will need to be upgraded to reflect the quality of problem solving expected and the CPD's expectations of sworn employees (at different levels in the organization) for engaging in problem solving. This will need to be done to create that rapid accumulation of knowledge about how to

do quality problem solving. The Problem-Solving Manual is the foundation, and clearer, more precise skills will need to be taught in an enhanced problem-solving curriculum so the Department can produce quality problem-solving efforts. The Monitor will review the problem-solving curriculum and schedule as it is developed.

CHAPTER TWO. OTHER CA PROVISIONS

I. Evaluation Protocol

1. Requirements

The Collaborative Agreement was developed “to resolve social conflict, to improve community-police relationships, to reduce crime and disorder...and to foster an atmosphere throughout the community of mutual respect among community members including the police” (CA ¶10). One important aspect of the Agreement is its requirement that the parties implement a system of evaluation to track whether the goals of the Collaborative Agreement are being achieved.

The CA calls for an Evaluation Protocol to track attainment of the 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 officers, for perceptions and attitudes
 - of officers and citizens in the complaint process, on fairness and satisfaction with the complaint process
- Periodic reporting of data to the public, without individual ID. The data, to be compiled by the City’s 52 neighborhoods, are to include arrests, crimes, citations, stops, uses of force, positive interactions, reports of unfavorable interactions, injuries to citizens, and complaints
- Sampling of in-car camera and audio recordings, database of sampled recordings, study of how people are treated by police

The Collaborative Agreement requires that the Parties meet with the Monitor “to study the results of the evaluation instruments and determine what changes, if any, in the Agreement or in their actions should be pursued in light of the evaluation results” (CA ¶30). The Collaborative Agreement also

states that “measurement of the success of the mutual accountability process” will be based on whether the evaluation data was “fully and fairly used to assess progress toward attaining the goals” of the Collaborative Agreement, and whether the data was used “to adjust City, police and community strategies to address problems, reduce police and citizen use of force and improve police/community interaction.”

2. Status

The Collaborative Agreement provisions call for a broad and comprehensive approach to evaluation. The RAND Corporation was brought in as a national expert in research, law enforcement and evaluation. The efforts undertaken by RAND in the Evaluation Protocol provide valuable information and lessons learned, that need to be used to improve police-community relations and advance the goals of the Collaborative Agreement.

On December 12, 2006, RAND issued its Second Annual Evaluation Report: Police-Community Relations in Cincinnati. The Parties and the Monitor also provided comments or responses to the RAND report, which were included in the Appendix to the report. The Parties hosted a community forum on the RAND 2006 Report and on policing strategies in Cincinnati on February 1, 2007.

The CPD continues to collect data and provide them to RAND to use for RAND’s 2007 report, which will be issued in December 2007. This report will include an analysis of traffic-stop data, a review of MVR tapes of traffic stops to assess police-citizen interaction, a review of statistical data on crime, calls for service, arrests, uses of force and complaints. In addition, the Parties are in the process of determining whether some of the MVR tapes of police stops that RAND used to evaluate police-citizen interactions can be used as a training tool for both police officers and the community. The RAND effort will continue into 2008.

3. Assessment

RAND’s 2005 First Year Report and 2006 Second Year Report reinforce and validate the Collaborative Agreement’s approach that problem solving must be the principal strategy for addressing crime and disorder in Cincinnati. RAND “underscored a point from last year’s report: The City needs to avoid the assumption that effective law enforcement and good community relations are mutually exclusive goals, and to work to find policies that can maximize both outcomes” [p. 92].

RAND’s 2006 Second Year Report repeated many of the findings of its 2005 First Year Report. Because of where black and white residents live in the city, and because of police decisions on deployment and crime control

strategies, blacks and whites have very different experiences with policing in Cincinnati. Black residents are more likely than whites to live in neighborhoods characterized by crime and disorder, and residents in high-crime neighborhoods in Cincinnati are more likely to see “proactive policing” such as aggressive traffic enforcement, pedestrian stops, and officers patting down individuals on the street corner. The RAND Reports provide a powerful explanation for the wide gap in perceptions about policing between whites and blacks in Cincinnati. The agreement to enter into a Transition Year is important evidence that the Parties recognize that this chasm needs to be bridged. As part of this effort, the Parties will be working to develop community dialogue and a communications proposal with the Andrus Family Foundation. RAND’s evaluation work will also continue through the Transition year and will provide a benchmark to measure whether the goals of the Collaborative are being achieved.

The Parties are in compliance with the CA provisions requiring the development of a system of evaluation, and implementation of the Evaluation Protocol.

II. 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 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

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

These data are reviewed by RAND in the Evaluation Protocol.

2. Status

a. Traffic Stop Data

CPD officers continue to collect traffic-stop data on Contact Cards. The 2006 data was forwarded to RAND for its analysis for the 2007 RAND report.

b. Pedestrian Stop Data

The Parties have agreed that this provision is not needed to accomplish the aims of the CA, and will no longer be applicable.

c. Use-of-Force Racial Data

Racial data on CPD use of force will be provided to RAND for its next annual report.

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 fourth quarter of 2006 and the first quarter of 2007, the CPD received reports of favorable officer conduct reported on positive contact forms, and letters of commendation recognizing outstanding performance by CPD officers. The favorable officer conduct reports are widely available to citizens at all CPD and public facilities, on the CPD website, and each CPD vehicle contains a supply.

e. Data on Unfavorable Citizen Interactions

The Parties to the CA have agreed that:

1. Rude and discourteous conduct by citizens toward police is a problem that can be addressed by community-oriented policing
2. The conduct at issue is typically not criminal and is normally protected by the federal and state constitutions

3. A protocol for tracking rude and discourteous conduct toward the police can be developed while still respecting the constitutional rights of all citizens

The Parties have 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 and the Monitor. The protocol has been approved and entered by Judge Dlott.

The FOP has purchased and installed locked collection boxes in all police districts, and has also printed and distributed the reporting forms to ensure that all members of the CPD have the capability of reporting unfavorable conduct by citizens for use in compiling information that will document the date, time, and location of the unfavorable conduct, as well as the age, race, sex, and national origin of the person committing the unfavorable conduct, and a description of the unfavorable conduct witnessed by the reporting police officer. The forms are to be collected from the locked collection boxes and transmitted to the Partnering Center where they will be stored until delivery to RAND to be analyzed.

3. Assessment

a. Traffic-Stop Data Collection

The CPD collects traffic-stop data on Contact Cards, which are used by RAND for analysis. The Parties are in compliance with this requirement.

b. Data Collection on Pedestrian Stops

The Parties have agreed that this provision should be deleted.

c. Use of Force Racial Data

The Parties are 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. Mutual Accountability Forms have been developed. Now that these are available for completion and collection, the Parties are in compliance with this provision.

B. Training and Dissemination of Information

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

In 2006, Mr. Barry Webb, Lieutenant Anthony Carter and Sergeant Tom Tanner of the Police Academy, and Mr. S. Gregory Baker, developed a “Cross Cultural Communications” course. The course was presented to all police supervisors in October and November 2006, and was presented to all police specialists and officers in 2007. The class was conducted in a two and a half hour course between January and April 2007, spread out over 29 sessions. According to the CPD, spirited dialogues have transpired promoting further thought and reflection among officers. The course addresses the Racial Profiling Traffic Stop Study and the perceptions of African Americans and police officers in conducting traffic stops.

3. Assessment

With the delivery of bias-free training to officers as part of in-service training in 2007, the Parties are in compliance with this provision.

C. Professional Conduct

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 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.

3. Assessment

The CPD has put policies and procedures in place in compliance with this CA provision. The City is in compliance with this provision of the CA.

III. Citizen Complaint Authority

A. Establishment of CCA and CCA Board

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 a training program, including Academy sessions and ride-alongs
- 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 an information plan to explain CCA workings to officers and the 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 was appointed and completed a training program before beginning work and reviewing complaints. The CCA

has also established procedures for its Board meetings, appeal hearings, and investigations. In December 2006, Mayor Mark Mallory appointed three Board members, John Fronduti, Kristen Myers, and Ozie Davis, to replace CCA Board members Rick Seigel, Dr. Walter Bowers II, and Camille Haamid, whose terms expired at the end of 2006. Stephen T. MacConnell is now the Board chair of the CCA.

3. Assessment

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

B. Executive Director and Staff

1. Status

Mr. Kenneth Glenn, previously the CCA's Chief Investigator, was appointed as the Executive Director of the CCA, on November 6, 2006. The CCA currently 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

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 the 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 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 issued its 2006 Annual Report in March 2007. This report is available on its website at http://www.cincinnati-oh.gov/cca/downloads/cca_pdf15672.pdf. The report describes the CCA’s activities and procedures, and also provides several examples of case reviews, describing the incident, the complainant’s allegations, the relevant police procedures and practices, and the outcome of the complaint investigation. These summaries provide the public with important information about issues such as Taser use, the CPD’s use of force procedures, and search and seizure requirements. Another example of the CCA’s public outreach is the CCA’s newsletter, *CCA Speaks*, the latest issue of which came out in July 2007.

3. Assessment

The City is in compliance with the CA requirements relating to the CCA investigation process, intake and assignment, and CPD and City cooperation with CCA investigations.

With regard to the CA requirement (§80) that the CCA and CPD create a “shared electronic database that will track all citizen complaints,” the two agencies do not have a shared electronic database that tracks all citizen complaints, although the CCA does have access to the CPD’s ETS system. Instead, the CCA and CPD have developed a manual spreadsheet that includes information on IIS and CCA complaints. In this quarter, the City provided the Monitor with a current matrix of both agencies’ dispositions.

The City and the CCA are in compliance with CA provisions relating to prevention of police misconduct and reducing citizen complaints, and to public dissemination of information about the CCA and how it operates. The CCA has provided the Parties with a report on complaint patterns and trends, and included the patterns report in its 2006 Annual Report, which the CCA published in March 2007. The CCA has also begun publishing a newsletter. The City is also in compliance with the requirement that the City Council allocate sufficient resources for the CCA to accomplish its mission.

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