

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

January 15, 2006

Monitor's 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 FIFTEENTH REPORT**

EXECUTIVE SUMMARY

We are now in the fifth and final year of the Memorandum of Agreement (MOA) between the City of Cincinnati and the United States Department of Justice (DOJ), and the Collaborative Agreement (CA) among the City of Cincinnati, the Plaintiff Class, and the Fraternal Order of Police (FOP). This is the Independent Monitor's Fifteenth Report. The period covered is from May 1, 2006 through September 30, 2006, though we also review more recent activities from October 1, 2006 to December 31, 2006.

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

On July 25, the City of Cincinnati and the Department of Justice signed an amendment to the MOA that terminates provisions of the MOA that have been in compliance for over two years. On October 10, 2006, we issued a special report that identified which provisions have been in compliance for over two years and therefore are now terminated. This MOA Amendment recognized the progress that has been made by the City in implementing many of the MOA provisions, and it also allows the City and the CPD to focus their efforts in this final year of the Agreement on those areas where its compliance has not been complete.

General Policies (MHRT Team and Foot Pursuits)

The provisions relating to the Mental Health Response Team (MHRT) were in compliance for more than two years, and therefore are no longer monitored under the Agreement. In this report, we determined that the CPD has been in compliance with the foot pursuit provisions of the MOA for over two years as well, and so this provision of the MOA is also now terminated.

Use of Force

Use of force by Cincinnati police officers has changed significantly in the past four years. There has been a significant decline in serious uses of force such as batons (PR-24s), physical strikes or punches, and takedowns involving injury. The use of force statistics for the second and third quarters of 2006 continue to reflect the substitution of the Taser for other kinds of use of force. There were 134 Taser deployments in the second quarter of 2006 and 147 Taser deployments in the third quarter of 2006. The number of chemical sprays, physical force and takedowns has significantly decreased over the past two years.

The Monitor finds that the Taser deployments and other use of force incidents reviewed for this Report were in compliance with the use of force model required by the MOA. Based on the City's more than two years of compliance with the MOA provisions relating to beanbag shotgun and canine deployment, these provisions have been terminated and are not monitored.

Incident Documentation and Investigation

The Monitor Team reviewed a sample of 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; and 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. In 2006, the CPD and the CCA have worked cooperatively to ensure that all complaints are received by and appropriately acted upon by both agencies.

The Monitor reviewed a sample of citizen complaint investigations that were completed in the second and third quarters of 2006. Most of these investigations were well conducted and thorough. The Monitor did identify some investigations that were not consistent with the MOA requirements. There were some investigations where not all of the relevant evidence was considered, material inconsistencies in evidence or witness statement were not addressed, 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. The CPD is now 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.

The CPD has begun to identify officers and supervisors for administrative review and appropriate intervention, based on potential at-risk behavior. The technical aspects of the ETS system are in good working order, and the CPD and the ETS Vendor corrected a number of problems with the analysis and weighting functions of the system. In July 2006, the District and Section improved their use of the ETS data for risk management purposes, and the CPD added additional training for supervisors on identifying patterns of behavior that might warrant intervention and corrective action.

The ETS system is a valuable tool for examining the performance of CPD officers, but it will only meet its potential if the command staff critically examines the incidents and patterns underlying the ETS data. Follow-up and monitoring are key to ensuring that corrective actions that may be needed can be taken early in an officer's career, before more serious issues develop.

Training

The CPD has been in compliance with the MOA training requirements for more than two years. Therefore, these provisions are no longer operative and are not monitored.

COLLABORATIVE AGREEMENT

CPOP

While the City is in compliance with a number of the CA sections, improvements are needed on others. The CPD will need to devote more attention to the quality of the problem solving, documentation of it, and the content and operability of the CPOP tracking system.

Compliance

Partial or Non-Compliance

Best Practices Library, 29(b)	City CPOP Coordination Plan, 29(a)
Promotion of CPOP in community, 29(e)	Problem-Solving Training, 29(c)

CPOP Awards Ceremony, 29(g)	Community Dialogue, 29(f)
Informing Public of Police Practices and Procedures, 29(h)	Quarterly Problem-Solving Reports, 29(k)
Community Relations Unit, 29(i)	Problem-Solving Tracking System, 29(m)
Annual CPOP Report, 29(j)	Staffing Plan, 29(n)
Training on Urban Environment, 29(l)	Revised Policies, Procedures, Job Descriptions and Performance Evaluations consistent with CPOP, 29(o)
	Information Retrieval System, 29(p)

One of the prime strategies the CPD applied in 2006 to crime and violence reduction was saturation patrol/zero tolerance through Vortex Unit operations -- an approach that appears inconsistent with the CA Agreement. The Monitor has asked the CPD to provide information on how Operation Vortex is integrated into its problem solving strategy.

We see this final year of the CA as a critical time in the advancement of effective and fair policing in Cincinnati. The Cincinnati Police Department cannot use mass arrests from zero tolerance and saturation deployment as its path to better policing. More precise strategies are required. In December 2006, the City of Cincinnati arranged for a problem-oriented policing expert, Professor David Kennedy, to come to Cincinnati to speak with Chief Streicher and others about different approaches to violent crime reduction. The Partnering Center has also made significant efforts to advance the Avondale Operation CeaseFire project. We believe that Cincinnati has an important opportunity to try these different approaches. As we move into this New Year, we will monitor progress on these efforts and the CPD's commitment to problem-solving approaches already begun.

Evaluation Protocol

The CA provisions call for a comprehensive approach to evaluation. On December 12, 2006, the RAND Corporation (RAND) issued its second evaluation report on community-police relations in Cincinnati.

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 CA 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” [CA¶46].

Now that we are in our final year of both the Collaborative Agreement and the Memorandum of Agreement with the Department of Justice, it is even more crucial that the Parties and the larger Cincinnati community “fully and fairly” put this data to use.

RAND’s 2006 Second Year Report repeats many of the findings of its 2005 First Year Report. Blacks and whites in Cincinnati experience “substantively different types of policing” (RAND Second Year Report, xxiii). 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. Calls for service, reported crime, arrests and police use of force are geographically clustered in particular neighborhoods – including Over-The-Rhine, the Central Business District/Riverfront, Avondale, and Pendleton. Because of where black and white residents live in the city, and because of police decisions on deployment and crime control strategies, some might even say that there is a *Tale of Two Cities* in how blacks and whites experience policing in Cincinnati.

On average, black residents in Cincinnati experience traffic stops that are longer, are more likely to involve searches for drugs, weapons and contraband, and more likely to involve investigation of all of the vehicle’s passengers. Black residents are also more likely than whites to be stopped for equipment violations. In addition, 75 percent of those arrested by the CPD in Cincinnati are black, and 77 percent of the incidents involving CPD use of force involve black subjects.

The RAND First Year Report demonstrated a wide gap in perceptions between whites and blacks in Cincinnati that must be addressed. Similar findings were made in the NCCJ surveys in 2006. These gaps must be reduced in future years for the Collaborative Agreement to be successful and its goals to be achieved. Central to this issue is the impact on the black community of decisions about police strategy. The right police strategy is one that effectively reduces crime, makes people feel safer, and reduces perceptions of police unfairness and bias. As noted by RAND, police research has shown that traditional reactive policing can create frustration and distrust of the police, and its effectiveness is questionable. This is why the Collaborative Agreement emphasizes problem solving and problem-oriented policing.

Based on the 2005 and 2006 RAND Reports, we set out several recommendations for actions that the Parties and the Cincinnati community should take. The CPD will need to increase the level of community dialogue to

build trust with the African American community, and to restore trust with communities that have been disillusioned. This should include discussions regarding incorporating problem solving and CPOP into hot spot/crime sweep efforts, and an examination of how and where arrests are being made and how they correlate to reported crime. Aggressive traffic enforcement may engender greater distrust, and may not be effective in reducing crime or improving traffic safety.

CCA

The CCA presently has a full set of Board members. The terms of three current Board members, Richard Siegel, Dr. Walter Bowers II, and Marta Haamid, expired at the end of 2006, and on December 20, 2006, Mayor Mallory appointed John Fronduti, Kristen Myers, and Ozzie Davis to take these three CCA Board positions. In addition, on November 6, 2006, Mr. Kenneth Glenn was appointed to be the CCA's Executive Director.

CHAPTER ONE. INTRODUCTION

The Fourteenth Monitor's Report noted that the Memorandum of Agreement and the Collaborative Agreement both have less than a year to go, and that the Parties had been urged to prioritize unfinished items and develop mechanisms to ensure that the progress made to date is preserved and the reforms continue into the future. The Report noted the important Amendment to the MOA, signed by the Justice Department and the City, that terminated MOA provisions the Monitor has found the City in substantial compliance for two years or more, allowing greater focus by the Parties on the unfinished work under the CA and those MOA provisions that haven't been in substantial compliance for at least two years.

In November 2006, the Plaintiffs proposed the following priorities for the Parties to address in the last months of the Collaborative:

- Lend full support to Out of the Crossfire, a program being conducted by the University of Cincinnati Hospital that seeks to accomplish intervention with gunshot victims to provide services and stop these victims from retaliating when they leave the hospital.
- Lend full support to Operation CeaseFire, a program initiated by the Partnering Center and the Avondale Community Council where a coalition of service providers is working to prevent violence through targeted outreach.
- Apply problem solving to Vortex and similar efforts. Vortex is described by the CPD as "...a highly visible proactive unit that has a zero tolerance approach to street crimes, drug trafficking, and quality of life issues. The focus of this unit is to seek out and physically arrest both minor and major criminal offenders by enforcing every law available and using every tool at our disposal to inconvenience criminals."
- Develop a plan to reach out to disaffected persons at the street level. Apply problem-solving principles to this effort.
- Complete the integration of problem solving into the CPD. This would include amending job descriptions, performance evaluations, daily activity reports and roll call to imbed problem solving in daily police life.

- Integrate the Partnering Center into CPD policing strategy. Amend the CPD strategic plan to include the Partnering Center and other key citizen organizations.
- Train officers and the community to achieve more positive cross-racial contacts between police and community members.

In the response to these proposed priorities, and a set of specific steps that were developed to describe how to implement them, the City Manager has outlined ways in which the City would be willing to support implementation of these measures.

This dialogue on priorities occurred against the backdrop of (a) the CPD's heavy reliance on Vortex to combat the rise in violent crime the City has experienced in 2005 and 2006, (b) the December 12, 2006 release of RAND's Second Annual Evaluation Report: Police Community Relations in Cincinnati, and (c) the visit by Professor David Kennedy, an expert in problem-oriented policing, to Cincinnati to discuss different approaches to violent crime reduction with Chief Streicher and others.

The impact of Operation Vortex and zero tolerance policing is best exemplified by statistics from the Over-the-Rhine (OTR) neighborhood:

- In 2005, the CPD made 9,076 arrests in OTR, representing 18 percent of all of the arrests the CPD made in the City. The reported number of crimes in OTR was seven percent of the City total.
- OTR saw a 25 percent jump in the number of arrests in 2005 from 2004, while there was a five percent drop in the number of reported crimes.
- Based on increased enforcement in early 2006, OTR is on track for nearly 11,000 arrests in 2006, a 44 percent increase from 2004.
- There are more traffic stops in OTR than in any other neighborhood in Cincinnati, other than on Interstate I75. Traffic stops in OTR represented eight percent of all stops of blacks in Cincinnati.

At the same time that Vortex has been heavily relied upon, the CPD adopted a revised Problem Solving Procedure (12.370) during this reporting period. The procedure states that "[t]he SARA problem-solving methodology is the primary process for addressing crime and disorder.

The RAND 2006 Second Year Report is a comprehensive evaluation of whether the Parties have attained the agreed goals of the CA. The Collaborative Parties selected RAND as the national expert to conduct this comprehensive review. The RAND 2006 Second Year Report repeats many of the findings from its 2005 First Year Report, and chronicles a stark difference in how black and white residents experience policing in Cincinnati. The Monitor and the Parties provided comments or responses to the report. The Monitor's response described the report as a *Tale of Two Cities*. For example, black residents in Cincinnati experience traffic stops that are longer, more likely to involve searches for drugs, weapons and contraband, more likely to involve investigation of all of the vehicle's passengers, and more often for equipment violations. It is important to note, however, that the difference in policing can be attributed in part to the fact that high levels of reported crime and calls for police service are concentrated in several black neighborhoods, and thus may not be due to racial bias in policing.

The visit by David Kennedy presents Cincinnati with an important opportunity to try a different approach to violent crime reduction. Professor Kennedy developed both the Boston juvenile gun violence reduction project from the mid-1990s and the High Point, North Carolina, overt drug market elimination project begun in 2004. Both projects are based on thorough analysis and deliberative, precise countermeasures.

It will be up to the Parties to take what may be competing approaches and from them develop an effective strategy that is consistent with the goals and requirements of the CA.

CHAPTER TWO. MEMORANDUM OF AGREEMENT

I. General Policies

A. Mental Health Response Team [MOA ¶ 10]

The MOA required the CPD 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.

The CPD implemented these provisions early in the five year period of the MOA. Based on the July 25, 2006, MOA Amendment and the Monitor’s findings that the City has been in compliance with these provisions for more than two years, these provisions were terminated and are no longer monitored.

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

There were no changes in the CPD’s foot pursuit policies in this reporting period.

3. Assessment

The Monitor reviewed 16 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 each of these cases.

The CPD’s policy, training and actual practice on foot pursuits has been in compliance with this MOA paragraph for more than two years. For this reason, these provisions will now be terminated and will not be monitored in future Reports.

II. Use of Force

In the following tables, we provide the statistics for use of force incidents for the last seventeen quarters, from the third quarter of 2002 to the third quarter of 2006.

USE OF FORCE TABLES

	3rd Q 2002	4th Q 2002	1st Q 2003	2nd Q 2003	3rd Q 2003	4th Q 2003	1st Q 2004	2nd Q 2004
Chemical Irritant – Unrestrained Subjects	69	102	96	140	92	90	76	30
Restrained Subjects	24	15	26	15	19	15	10	9
Physical Force	52	67	71	79	27	29	17	4
Takedowns with injury					26	12	11	4
Non-compliant suspects					35	48	40	41
PR 24	9	7	5	3	5	4	0	0
Canine	5	5	2	5	2	2	4	1
Taser	1	1	1	2	0	0	72	177
Beanbag/Foam round	1	0	0	4	0	0	1	0
Pepperball	1	0	1	1	5	2	0	0
Firearms Discharge	0	0	1	0	0	1	3	2
Total	162	197	203	249	211	203	234	268

	3rd Q 2004	4th Q 2004	1st Q 2005	2nd Q 2005	3rd Q 2005	4th Q 2005	1st Q 2006	2ndQ 2006	3rd Q 2006
Chemical Irritant – Unrestrained Subjects	10	8	8	12	5	9	3	8	7
Restrained Subjects	10	9	11	10	3	2	4	5	5
Physical Force	2	1	4	4	3	9	4	10	5
Takedowns with injury	8	6	10	3	2	9	9	15	6
Non-compliant suspects	30	31	23	18	29	35	24	36	23
PR 24	1	0	0	0	0	0	0	0	0
Canine	3	5	6	7	5	5	3	3	8
Taser	198	148	137	143	166	104	139	134	147
Beanbag/Foam round	0	0	0	0	2	0	0	0	0
Pepperball	0	1	0	0	0	1	0	1	1
Firearms Discharge	0	0	1	2	0	2	1	1	1
Total	262	209	200	199	215	176	187	213	203

Use of force by Cincinnati police officers has changed significantly in the past four years. There has been a significant decline in serious uses of force such as batons (PR 24), physical strikes or punches, and takedowns involving injury. The use of force statistics for the second and third quarter of 2006 continue to reflect the substitution of the Taser for other kinds of use of force. The number of chemical sprays, physical force incidents and takedowns has significantly decreased since 2003. The number of Taser incidents rose in the last two quarters compared to the fourth quarter of 2005, but the total number of use of force incidents was fairly steady, and certainly lower than the high levels seen in 2004. The CPD also cites statistics indicating that during the 12 months from October 1, 2005 to September 30, 2006, CPD officers had to use force in only 2.05% of arrest situations, as compared to 2.14% in the previous 12 months.¹

¹ The CPD cites 39,204 arrests during the period October 1, 2004 to September 30, 2005; 38,104 arrests during the period October 1, 2005 to September 30, 2006

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 relevant changes to the CPD’s Use of Force Policies, Procedure 12.545, in this reporting period.

Taser Implementation

In the second quarter of 2006, there were 134 Taser deployments. In the third quarter of 2006, there were 147 Taser deployments. The CPD notes that during the second and third quarters, there were 25 TASER incidents where subjects possessed deadly weapons (firearm, knife). During the second and third quarters, there were 20 injuries associated with the 281 deployments. All 20 injuries occurred as a result of the subject falling to the ground after deployment. Also in these two quarters, 51 percent of TASER deployments occurred during a foot pursuit.

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 reporting period, the Monitor reviewed the CPD's 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 26 Taser incidents that the Monitor Team reviewed this quarter, the documentation and investigation indicated that the officers' use of force was reasonably related to the level of resistance and actions of the suspect. This did include several incidents where the subject's resistance consisted of walking away from an officer after being ordered to stop; fleeing; pulling away from an officer; failing to show the officer his or her hands; and refusing to turn around and put his/her arms behind his/her back and submit to being handcuffed. 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.

We recognize that the assessment of whether a particular use of force was appropriate and in policy must be made on a case-by-case basis, using a totality of the circumstances approach. In most of the circumstances that the Monitor has reviewed, the officer had the authority to use reasonable force to effect an arrest. Thus, a use of Taser would be in compliance with the MOA and the CPD's procedures. When the subject is aggressive, fighting, assuming a fighting stance, presenting a threat to the officer or others, the determination of whether the Taser is an appropriate tool is an easy call. However, when the Taser is used in circumstances where the subject's resistance is simply a failure to comply with the officer's directive (get your hands out from under you, stop walking away from me, turn around and put your hands behind your back, etc.), we do believe that an assessment of available force and arrest technique options should be considered and later articulated.

Again, our concern in these cases is not so much that the use of force was inappropriate. Rather, it is that officers consider the Taser the most expedient tool in encounters with non-compliant citizens, where additional communication efforts or some other arrest technique might be more effective and less intrusive to the subject. We note that both verbal and non-verbal de-escalation techniques, as well as suspect approach and handcuffing techniques, are part of the Tactical Skills Training Curriculum used for in-service training. We believe it would be beneficial for supervisors investigating and reviewing these types of incidents to inquire of the officers what options they considered.

The Monitor also reviewed 19 incidents involving force other than Tasers. In 18 of these incidents, it appeared that the officer's use of force was reasonably related to the level of resistance and actions of the subject. There was one of these cases where the Monitor could not make that determination.²

There were four incidents where a warning of use of force was not given. In two of these incidents, the investigating supervisor reports that the warnings were not given because of the exigency of the situation (or, in two canine cases, the subject was reasonably believed to be armed), and the Monitor concurs with these assessments. In one case [Tracking No. 78968] there was no explanation for why the warning was not provided, and in a second case [Tracking No. 78226] the investigating supervisor identified the lack of warning and the officer was given an ESL.

The Monitor finds the City in compliance with the provisions of 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
- Require supervisory approval for use of chemical spray against a crowd, absent exigent circumstances

² In Tracking No. 2006-82366, the officer used a leg sweep to take a handcuffed subject to the ground. The officer stated the arrestee pulled away from him and was off balance so he used a leg sweep to take him down. Considering that a leg sweep was used on a handcuffed prisoner, the supervisor should have inquired why the officer did not maintain control of him as he was taking him to the ground and whether the injuries could have been avoided (the arrestee only weighed 145 pounds). Also, the reports did not clarify whether there were witnesses or whether an effort was made to locate anyone in the area who may have witnessed the incident. There was no indication whether the arrestee was interviewed or if he made any statements that supported or contradicted the officer's statements. For these reasons, the Monitor could not determine that the force used was reasonably related to the resistance and actions of the subject.

- 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

2. Status

There were 25 deployments of chemical irritant during the second and third quarters of 2006. Twenty three (23) of the 25 reports during these quarters document a warning of impending force. The CPD notes that two reports where no warning was given (Tracking Nos. 2006-82453 and 2006-83513) involved exigent circumstances which did not allow the officer time to warn of impending force (the arrested subject spitting in the officer's face and an assault in progress, respectively). Ten of the deployments involved restrained prisoners. Decontamination of sprayed individuals occurred in all but one of the deployments. During this incident (Tracking No. 2006-83740), the arrested subject refused decontamination.

There were no group deployments during the second or third quarter.

3. Assessment

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

The Monitor Team reviewed five chemical spray incidents. In each 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). Spray was aimed at the appropriate target and for the proper duration, and the subject was offered decontamination (MOA ¶¶14(f), 14(g), 14(h)). In one case [Tracking No. 2006-78226], the officer did not provide a verbal warning that

chemical spray would be used, and the officer was issued an ESL. Verbal warnings were given in the other four cases, in compliance with MOA¶14(e).

The Monitor determines that the CPD is in compliance with MOA paragraph 14. Paragraphs 15-19 have already been in compliance for over two years and were terminated as part of the MOA Amendment.

C. Canines [MOA ¶20]

In the second and third quarters of 2006, there were 11 incidents where a subject was bitten by a canine.

The MOA required the CPD to revise and augment its canine policies and to make continued improvements in its canine operations, including the introduction of an “improved handler-controlled alert curriculum.” The canine policy now:

- Limits off-leash deployments to searches of commercial buildings or for suspects wanted for a violent offense or reasonably suspected of being armed
- Requires approval of a supervisor before deployment, except for on-leash deployments
- Provides for a loud and clear announcement, warning of the canine deployment, and requires 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

Because the CPD has been in compliance with the MOA’s canine provisions for more than two years, these provisions have been terminated and are no longer monitored.

**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 and third quarters of 2006. The CPD has revised its weapons policies so that 40 millimeter foam round launchers have been removed from the CPD Districts, and now will be used only by the SWAT Unit. The beanbag shotgun provisions in the MOA have been terminated.

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 59 incidents of hard hands without injury during the second and third quarters.

b. Hard Hands and Takedowns with Injuries

The CPD reports that there were 11 incidents in the second and third quarters of 2006 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 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 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 is different from 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 document that the subject was interviewed. The CPD revised its Use of Force Procedure 12.545 on October 18, 2005 to reflect this agreement.

The October 18, 2005, revisions to the CPD's Use of Force Procedure also require that in incidents involving chemical spray or hard hands, where the subject makes a complaint of excessive force, the subject's interview will be taped.

d. Use of Force Review Board

In January 2006, Chief Streicher authorized a comprehensive review of critical uses of force by a Use of Force Review Board. Critical uses of force include beanbag weapons and 40mm foam rounds, uses of force that result in serious injury of the subject, uses of force that result in a citizen complaint of excessive force, or a use of force that a District Commander or Section Commander believes should be examined by the Use of Force Review Board. The Board will prepare a report for the Chief regarding the incident and will determine whether the force used in the encounter was consistent with Department policy, whether the officer used appropriate tactics and whether lesser force alternatives were reasonably available.

The Use of Force Review Board was established in January, 2006. As of July 2006, the Use of Force Review Board had reviewed one incident and issued its report to the Chief. The Monitor has requested information regarding additional reviews in the remainder of 2006.

3. Assessment

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

For this reporting period, the Monitor reviewed 10 Non-Compliant Arrestee reports. Each report contained a narrative prepared by the involved officer and his or her supervisor. Those which involved the arrest of a subject also contained an Arrest and Investigation report. The narratives outlined the facts and circumstances that led to the use of force, and each supervisory narrative examined the propriety of force in relation to the circumstances.

b. Hard Hands and Takedowns with Injury

During the second and third quarters of 2006, there were 11 takedowns or use of hard hands that resulted in injury to the suspect, but not hospitalization. The investigative report in these types of cases must 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 six Injury to Prisoner Reports this reporting period. The Monitor Team finds that the reports included a narrative description of the events leading to the use of force and the force used. In five of the six reports, the supervisors reviewed the officers' initial stop, decision to arrest, and use of the takedown or chemical spray, and evaluated compliance with the CPD's policy and procedure.³ The CPD is in compliance with the MOA requirements for these incidents.

c. Tasers

The Department of Justice and the CPD agreed on the level of documentation and investigation required for Taser incidents. Taped statements are necessary for incidents in which Tasers are deployed on a restrained person, or where the subject makes a complaint of excessive force. In incidents where tapes are not required, the investigative report will document that the subject was interviewed.

³ In Tracking No. 2006-82366, neither the officer nor the supervisor explained the basis for the stop, only referring to an investigation for criminal trespass. The supervisor did state the initial contact was consistent with department policy, but no comment was provided in either his investigation or the officer's report regarding the specific basis for a trespass investigation. These issues were not addressed during the subsequent review process.

For this reporting period, the Monitor reviewed 26 Taser incidents. Of the 26 Taser incidents, 22 Use of Force Reports document the fact that the subject was interviewed, and one report documents why an interview could not be conducted. In three other incidents we reviewed, the force reports did not document that the subject of the use of force was interviewed [Tracking Nos. 78007, 78968, 81143]. There has been continued improvement in this requirement, and we expect that the CPD will be in compliance in future periods. However, the CPD is in partial compliance with the MOA requirements for this period.

B. Investigation [MOA ¶¶26-31]

1. Requirements

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

adjudicated, or where appropriate corrective action is not recommended.

2. Status

There were no relevant changes to the CPD's Use of Force Policy in the second and third quarters of 2006.

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 reporting period, the Monitor Team reviewed 45 investigative files involving use of force incidents (including Taser deployments, physical force, canine bites, hard hands 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 was one incident where the use of force was investigated by a supervisor who was involved in the incident in which force was used [Tracking No. 74462]. This was identified by the Chain of Command and corrected (MOA ¶26).
- In all but one of the incidents [Tracking No. 82366], the supervisor investigated, evaluated and documented the incident giving rise to the use of force, and the documentation included facts and circumstances that either justified or failed to justify the officer's conduct (MOA ¶27).
- In all but one of the incidents [Tracking No. 82366], the supervisor reviewed the basis for the initial stop and seizure and determined whether the officer's actions were within CPD policy (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 (MOA ¶30).⁴

⁴ There are a few cases where the CAD printout shows that officers arrived on the scene of a use of force incident, but are not listed in the Use of Force form; it is not clear, however, that

- Each of the Use of Force Reports lists every force involved in the incident.
- All of the use of force investigations were reviewed by a lieutenant or higher. In eight incidents, the lieutenant or captain reviewing the investigation determined that the investigation was not sufficiently thorough and directed that deficiencies be corrected [Tracking Nos. 74662, 75444, 75780, 75884, 77030, 77660, 78968, 79556, 80526]. There was one other incident, however, where the command staff did not identify deficiencies in the investigation [Tracking No. 82366] (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, physical force incidents and force incidents involving restrained subjects (where there are tapes of the supervisor's interviews), the Monitor determined that improper leading questions were not used. For the other use of force investigations, such as Tasers and chemical spray on unrestrained subjects, where the Monitor does not have tapes or transcripts of interviews, we could not determine whether improper leading questions were used. Because the large percentage of use of force investigations do not include taped interviews, the Monitor is unable to make a compliance determination relating to whether the CPD investigations avoided the use of improper leading questions. Nor can the Monitor assess whether the CPD made appropriate credibility determinations in incidents with only a written use of force report.⁵

With respect to the other requirements of paragraph 29, based on the documentation that was available, the Monitor Team found that most of the

the officers arrived at the scene before the use of force. For Taser incidents, there appear to be some discrepancies between the times listed in the CAD reports and the times listed on the Taser download [see, e.g., Tracking No. 83191].

⁵ While the Monitor is unable to make a determination of compliance on leading questions and credibility determinations, the Monitor's assessment of compliance with MOA ¶29 will be based on those sections of MOA ¶29 that the Monitor can evaluate: whether the investigations considered all relevant evidence, identified and interviewed relevant witnesses, identified and explored material inconsistencies among witnesses and evidence.

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 the case in Tracking Nos. 78007 and 82366, however.⁶

The Monitor concludes that the CPD is in compliance with MOA paragraphs 26 through 31.

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

There were two firearms discharges at a suspect in the second and third quarter of 2006. The MOA requires that CPD investigations of firearms discharges 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. In addition, 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 the encounter were consistent with CPD policies and training; (b) whether the officer(s) used proper tactics; (c) whether lesser force alternatives reasonably were available. In our October 2006 Special Report, the Monitor determined that the CPD's policies and implementation on critical firearms discharges and the Firearms Discharge Board complied with the MOA for more than two years. These provisions have been terminated and will no longer be monitored.

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.

⁶ In Tracking No. 78007, it is unknown if all witnesses were identified and if all evidence was considered. In Tracking No. 82366, it is not known whether all relevant witnesses and evidence were considered.

- 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), and the Human Relations Commission to be referred to IIS within five (5) days.

2. Status

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.

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. Also, 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 reviewed 34 investigations of citizen complaints (IIS, CCA and CCRP investigations and nine CCRPs. The Monitor found the CPD to be in compliance with the MOA provisions 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.⁷

⁷ There was only one complaint we reviewed where the response to a complainant's call to the Communications Section was rude and not very receptive to the complainant [Tracking No. IIS 6038].

The Monitor also finds that the CPD is in compliance with the requirements that a complaint form will be completed for each complaint, that each complaint will be assigned a unique identifier, and that each complaint will be resolved in writing. Therefore, the CPD is in compliance with MOA ¶¶36 and 37.

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; canvass 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

The CPD continues to improve its compliance with the MOA requirement that IIS and CCRP cases are completed within 90 days of receipt, absent exigent circumstances. For IIS investigations, all 2006 investigations are either completed within the 90 day requirement, or a letter is included in the case file explaining the exigent circumstance. Review of the data of IIS cases closed during the second and third quarters of 2006 showed 117 cases cleared during this timeframe. Of those 117 cases, two exceeded the 90-day investigative requirement; both of these cases were criminal. There were 98 CCRP cases closed during the second and third quarters of 2006. Of those 98 cases, only five exceeded the 90-day investigative requirement.

3. Assessment

a. Time Period of Investigation

Based on the data provided by the CPD for the second and third quarters of 2006, the CPD completed its investigations within 90 days of receiving the allegations, except in two criminal cases for which there were exigent circumstances, and five CCRP cases. The Monitor finds the CPD in compliance with this requirement of MOA ¶50.

b. Review of Investigations

The Monitor reviewed 20 IIS investigations and nine CCRP investigations in this quarter. Generally, these investigations were complete and thorough and in compliance with the MOA requirements. However, the Monitor

determined that some investigations were not complete and thorough, as required by the MOA provisions.

- There was only one complaint where the investigation was conducted by a CPD member who authorized or was involved in the conduct that was the basis of the complaint [Tracking No. IIS 6073]. In that case, the investigation was later reassigned to IIS. (MOA ¶40)
- The investigating supervisor appropriately reviewed the initial stop and search and seizure for each case, with the exception of Tracking No. IIS 6003. (MOA ¶42)
- For most cases, the complaint investigators reviewed and resolved all relevant police activity, including conduct not included in the initial complaint. This was not the case in Tracking Nos. 6003 and 6037. (MOA ¶42)
- The IIS investigations included taped interviews of the complainant, witnesses and involved officers. [MOA ¶49]
- Improper leading questions were used in only two of the investigations we reviewed [Tracking Nos. IIS 6003 and 6038]. (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 gathered and considered, where follow up questions were missed, or where relevant witnesses and officers were not identified and interviewed, included Tracking Nos. IIS 6003, 6037, 6038, 6044 and 6048. (MOA ¶¶41, 49(f))
- Complaint investigations where sufficient efforts were not made to resolve material inconsistencies between evidence and witness statements, or where the CPD did not make sufficient efforts to make credibility determinations, included Tracking Nos. IIS 6003, 6044, 6048, 6071, and 6073. (MOA ¶¶41, 49(g))
- With regard to credibility determinations, there were investigations where the investigator did not address the question of credibility [Tracking Nos. 6038, 6044, 6073] or where the investigator accepted the officers' description of the incident without making a determination of credibility [Tracking No. 6003]. We recommend

that investigators articulate more specifically whether or not they believe a credibility determination can be made.

- 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. There were two cases where the Monitor was not able to make a determination whether proposed findings were supported by the evidence and sound analysis either because the investigator did not address credibility, did not resolve material inconsistencies, or made determinations based only on the officers' description of the incident [Tracking No. IIS 6003] or because the determination of the IIS investigator was overruled by the Chain of Command and the evidence in the investigation was not included in the later determination [Tracking No. IIS 6044]. (MOA ¶50)
- All of the CCRP complaints were appropriately assigned as CCRP cases, as they did not involve allegations of use of force, pointing of firearms, searches or seizures, or discrimination. (MOA ¶46)

The Monitor finds that the CPD is in partial compliance with MOA ¶¶41, 49 and 50. The MOA provisions ¶¶39, 40, 42, 43, 47 and 48 were already in compliance for more than two years, and have been terminated.

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

MOA ¶44 required that every complaint allegation to be resolved with one of four determinations: unfounded, sustained (or sustained-other, which is a sustained disposition for a violation that was not initially alleged in the complaint, but that was identified by investigators), exonerated, not sustained. MOA ¶45 required that Unit and District Commanders evaluate each investigation to identify problems and training needs. Both of these provisions have been in compliance for over two years and have been terminated.

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
- The 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
- The 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 the second quarter of 2005, the CCA and the CPD finalized formal procedures for the timely exchange of information and efficient coordination of CCA and CPD investigations. The Commander of IIS and the interim Executive Director of the CCA meet with the interim City Manager once a month to review cases.

The CCA also now has access to the Employee Tracking Solution (ETS), the CPD's risk management system that maintains records of uses of force and citizen complaints. In addition, the CCA worked with the Regional Computer Center (RCC) to finalize a new case management system for citizen complaints.

3. Assessment

a. Procedures

The City has implemented a formal protocol for coordinating parallel CCA and IIS investigations and ensuring a timely flow of information between the agencies, consistent with the MOA ¶54. The City is also in compliance with MOA ¶52, requiring that each citizen complaint be directed to the CCA regardless of where it is initially filed, and MOA ¶53, requiring that CPD

officers submit to administrative questions from the CCA, and that the CCA have reasonable access to city records, documents and employees.

MOA ¶55 requires the City to take appropriate action, including discipline where warranted, on completed CCA investigations. MOA ¶56 requires that the CCA complete its investigations within 90 days, and that the City Manager take action within 30 days of the completion of the CCA investigation. In 2006, the CCA has completed its investigations within the 90 day requirement, and the City Manager has made a final determination on those cases within 30 days of the date that the CCA Board decides on investigations. The City is in compliance with MOA ¶¶55 and 56.

b. Review of Sample Investigations

The Monitor reviewed 15 CCA investigations in this reporting period. Generally, these investigations were complete and thorough and in compliance with the MOA requirements. The CCA investigations:

- Considered all relevant evidence, including circumstantial, direct and physical evidence, as appropriate, with the exceptions of Tracking Nos. CCA 6014, 6101, 6117.
- Identified and interviewed relevant witnesses.
- Made efforts to resolve material inconsistencies between witness statements, except in Tracking Nos. CCA 6085, 6101, 6117 .
- Did not improperly use leading questions.
- Reviewed and resolved all relevant police activity, including conduct that was not included in the initial complaint, with the exception of Tracking No. CCA 6014.
- There were two cases where the investigator did not address whether a credibility determination could be made [Tracking Nos. CCA 6084 and 6101].

The Monitor finds that the CCA investigations are in partial compliance with MOA ¶¶41.

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.” MOA ¶57.

- 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 the system must be accessible to CPD commanders, managers and supervisors; supervisors 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

CPD supervisors have been entering new data and forms into the ETS system since it went live in October 2004. This includes use of force reports, employee injury, civil suits, canine reports, closed internal investigation reports, citizen complaints, vehicle pursuits, vehicle crashes, and court appearances. The ETS system also contains converted data from the CPD’s old databases. The CPD also is now 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 that of their peers. In this reporting period, the CPD and the vendor were able to resolve the remaining technological problem with the ETS system, so that now the system is able to calculate a composite analysis of all of the factors (e.g., use of force, complaints, or vehicle crashes) for each officer and can identify which officers are above the threshold of their peers.

The CPD has begun to identify officers and supervisors for administrative review and appropriate intervention, based on potential at-risk behavior. These reviews are to take place in at least three ways: (1) when an incident in which an officer is involved puts the officer one standard deviation above the average of his or her peer officers, the supervisor and chain of command will review the incident in light of the ETS data about the officer; (2) supervisors will conduct a review of the ETS data of officers under their command as part of their 28 day review of officers – the review is of the previous twelve months of activity;

(3) District Commanders and Unit Commanders will prepare quarterly reports for Chief Streicher, identifying the officers in their Unit or District who have been identified as above the ETS thresholds, and assessing whether the officers' incidents and behaviors reflect any patterns or trends that warrant intervention.

In addition to these three types of review, supervisors are also responsible for reviewing the ETS data for officers who transfer into their units. Also, when a supervisor transfers to a new unit, the supervisor must review the ETS data for all of the officers in the new unit under his or her command. In early 2006, the CPD issued SOPs and revised its ETS procedures (Procedure 16.111) setting out the responsibilities of supervisors and Commanders in analyzing officers' ETS data and taking appropriate interventions. The SOPs also establish the Inspections Section's procedures for quarterly audits of the ETS system and the CPD's use of the system.

The CPD had been using the ETS system to perform analyses of its officers since November 2005. Several corrections to the systems technology have been made so that now, the technical functions of the ETS system work properly. In our previous reports, however, we have noted problems in the way that supervisors utilized the data and analyzed the information in the ETS system.

A two-hour risk management class was conducted during Fall Management Training in October and November of 2006. All supervisors received training on the purpose and process of the Early Identification and Intervention System (EIIS). The objectives of the course included learning how to identify possible changes in or patterns of behavior, how to apply SARA in assessing an officer's behavior and how to perform interventions and follow-up. The CPD expects this additional training to provide a more comprehensive view as to the importance of critically examining officers, incidents and possible patterns underlying the ETS data.

In addition, the Inspections Section conducted quarterly ETS audits in the first three quarters of 2006. To ensure consistency in the review of ETS data throughout the Department, the Inspection Section now identifies and posts the data that supervisors use for their quarterly ETS analyses. The Monitor has requested copies of the Inspections Sections audits for 2006, but they have not yet been provided.

There is one issue that the Monitor has raised that needs to be addressed by the City Manager, and will be taken up at the next All-Parties meeting. This involves how differing disposition of complaints between IIS and CCA will be entered into the ETS system. Where the difference between the CCA and IIS dispositions involves a "sustained" finding, the City Manager makes the final determination and this result is entered into the ETS system.

However, where the CCA finds a complaint to be “not sustained” and the City Manager agrees, but the CPD finds the complaint “exonerated” or “unfounded,” the CPD determination has been the one entered into the ETS system. The impact of entering a complaint as exonerated or unfounded in the ETS system is that the weight of that complaint will be reduced to zero (from two for an IIS complaint or one for a CCRP complaint.) Thus, there will likely be fewer officers who will be identified as above the ETS threshold for complaints, and subject to supervisory review. The Monitor believes this is not consistent with the ETS protocol and the MOA.

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 and the ETS Protocol

The CPD is in compliance with several of the MOA requirements relating to the design and operation of the risk management system, including collecting and recording the data listed in MOA ¶58, and including the appropriate identifying information about officers and citizens for incidents included in the system under MOA ¶59. Most important, however, is whether the CPD is using the data in the system and initiating interventions for officers, supervisors and units as appropriate, as required under MOA ¶62.

During this reporting period, the Monitor team reviewed the District Commander quarterly reports from July 2006. The quarterly reports list each officer who was identified by the ETS system as being one standard deviation over the average of his or her organizational peer group (usually the particular shift and district to which the officer is assigned) for any particular field. For example, if an officer had significantly more vehicle pursuits, citizen complaints, or uses of force than the other members of his or her patrol shift, the officer would be identified as being over the ETS threshold for that category. The quarterly reports are designed to inform the Chief of any officer who has a pattern of behavior that needs intervention. The reports are also intended to report on the results of any interventions that were taken in prior quarters.

As a general matter, the District and Section Commanders concluded in their July 2006 quarterly reports (as they did in their January and April reports) that most officers did not show a pattern of behavior that needed intervention. However, it does appear that the Commanders did a more thorough analysis of the ETS data and did identify situations where some additional monitoring, review or intervention was advisable. Of the

interventions that were described, most were for officers who had a high number of traffic accidents and vehicle pursuits, and were related to additional driving skills training, or where officers had several missed court appearances. However, there were situations where the Commanders noted concerns over citizen complaints, and they cited the need for supervisors to counsel their officers on improved demeanor. In addition, most Commanders used a similar format for their reports that included sufficient information for each officer so that the reader could ascertain what kind of behavior or incidents brought the officer above the ETS threshold. There was only one shift (District 5, First Relief) where an officer's ETS point level was noted, but the number and type of incidents that generated that point level was left unclear.

The ETS system is a valuable tool for examining the performance of CPD officers, but it will only meet its potential if the command staff critically examines the incidents and patterns underlying the ETS data. For example, supervisors should not consider citizen complaints that have been "not sustained" as the equivalent of exonerated or unfounded allegations. Follow-up and monitoring are key to ensuring that corrective actions that may be needed can be taken early in an officer's career, before more serious issues develop. The Monitor expects that the issue concerning how to report in ETS different IIS and CCA dispositions will be resolved in the next reporting period. Also, the Monitor will review and evaluate the Inspections Section's auditing of the ETS system for the next Report.

The Monitor finds that the CPD is in partial compliance with MOA ¶62. Because the CPD is in partial compliance with the requirements of MOA ¶62 for using the risk management system and its data, the CPD is also in partial compliance with MOA ¶57, which requires that the CPD regularly use the ETS data to "promote civil rights and best practices; to manage risk and liability; and to evaluate the performance of CPD officers across all ranks, units and shifts."

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 its review of the CCRP process for the second and third quarter of 2006. 206 complaints were filed with the CPD between April and September 2006 (105 in the second quarter and 101 in the third quarter). A random audit of 23 closed cases was conducted on closed investigations for the second quarter audit, and an audit of 25 cases was conducted for the third quarter audit. The Inspections Section reviewed the following criteria:

- The CCRP complaints were entered into the database and the case files were maintained in a central area for each district, section, and unit.
- The necessary documentation was completed for each CCRP investigation.
- All files contained the appropriate documents.
- The investigating supervisor notified the complainant of the disposition and whether any corrective or disciplinary action was taken.

The audit report states that all CCRP investigations reviewed were in compliance with the above criteria. The Inspections Section also attempted to contact complainants to evaluate whether their actions and views were accurately captured in the CCRP reports. Calls were made to the 48 complainants, and 15 of these complainants were contacted.

Inspections Section also conducted its semi-annual audit of IIS investigations, which reviewed investigations conducted between January 1, 2006 and June 30, 2006. The purpose of the review is to evaluate randomly selected Use of Force cases and Citizen Complaints to assess the reliability and completeness of the investigations. The Inspections Section reviewed nine investigations and found that “all documents, taped interviews, and final reports were in compliance with the policies, procedures, and standards of the Cincinnati Police Department and the case was thoroughly investigated and properly documented.”

3. Assessment

The CPD is in compliance with MOA ¶¶67 and 68. MOA ¶69 has been in compliance for over two years and has been terminated.

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

In its November 12, 2006 Status Report, the City states that as of February 1, 2006, all marked patrol vehicles have been outfitted with an MVR or DVR system. Funding to upgrade all CPD police vehicles to digital camera systems has been secured and the systems have been purchased. Upgrading is ongoing and the expected completion date is the first quarter of 2007.

3. Assessment

Based on the City's installation of new DVRs, the CPD is in compliance with MOA ¶70. Also, the CPD is in compliance with MOA ¶¶71 and 72. Where officers are aware that a vehicle stop was not recorded, it appears they are notifying the shift supervisor of the reason the stop was not recorded. The CPD is also conducting periodic reviews of MVR tapes and random surveys of MVR equipment to confirm they are in working order.

The MOA also requires CPD officers to implement the CPD's MVR procedures by activating their MVRs in circumstances requiring MVRs, such as all traffic stops and pursuits. In four IIS investigations that the Monitor reviewed, the CPD identified MVR violations and took appropriate disciplinary action. [Tracking Nos. IIS 05317, 06013, 6076 and 6078].

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

The CPD has been in compliance with these provisions for over two years and these provisions were terminated based on the MOA Amendment.

E. Discipline Matrix [MOA ¶¶ 75-76]

1. Requirements

- The CPD shall revise its disciplinary matrix to increase penalties for serious misconduct violations, such as excessive use of force and discrimination
- The 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

The CPD and CCA manually prepared a spreadsheet on cases received by the CCA from September 2005 to August 2006, which includes whether discipline was imposed for those cases completed and sustained. 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.

3. Assessment

The CPD's disciplinary matrix and policies are in compliance with the MOA provisions, but compliance also depends on its implementation and specific application to sustained violations. The City has put in place procedures for addressing cases where the CCA and the CPD differ on whether a complaint allegation should be sustained. In those cases, the City Manager will make the final determination, and if the allegation is sustained, the CPD will impose discipline.

In this reporting period, we reviewed a sample of nine disciplinary actions resulting from IIS investigations, to determine whether the actions taken were consistent with the Department's disciplinary policy and the terms of the MOA. We find the CPD in compliance.

VI. Training

The CPD has been in compliance with the MOA training requirements for more than two years. Therefore, these provisions were terminated as part of the MOA Amendment. However, where the Monitor evaluates an ongoing provision for which there is a training component (such as the policy provisions relating to use of force), the Monitor will still observe and evaluate training as part of the determination of compliance for the substantive underlying provision.

CHAPTER THREE. COLLABORATIVE AGREEMENT

I. Implementation of CPOP [CA ¶29]

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. Progress on CPOP and Cincinnati Police Department reform is reported below.

This quarter, we report that while the City is in compliance with a number of the CA sections, improvements are needed on others. On a positive note, this reporting period, the CPD provided cross-cultural communication and traffic stop training to the CPD management. For compliance on several of the remaining sections, the CPD will need to devote more attention to the quality of the problem solving, documentation of it, and the content and operability of the CPOP tracking system. On another front, community members remain dissatisfied with the level of commitment from the Department pertaining to officers attending community and problem-solving meetings, although District Commanders are now being given some additional leeway in assigning personnel.

Also this reporting period, the CPD revised its Problem Solving procedure (12.370). The procedure states that “[t]he SARA problem solving methodology is the primary process for addressing crime and disorder problems.” Acknowledging that problem solving is the primary method, as the CA requires, is a significant step for the CPD. We are hopeful that the procedure will clarify some of the processes around problem solving. Even so, the primary strategy the CPD applied in 2006 to crime and violence reduction was saturation patrol/zero tolerance through Vortex Unit operations -- an approach that appears inconsistent with the CA Agreement. Findings of the RAND Second Year Report reiterated the impact of this kind of strategy – different policing experiences for black and white residents in Cincinnati. While larger problem-solving strategies, in addition to CPOP efforts at specific locations, are consistent with the CA and are encouraged, those efforts need to be based on analysis, data, and evaluation. The Monitor has asked the CPD to provide information on how Operation Vortex is integrated into its problem solving-strategy and has yet to receive it.

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 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 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.” Also in the spring of 2005, the City’s Code Enforcement Task Force developed and distributed to CPD employees and community leaders a Citizen’s Guide to Community Action: Addressing Nuisance Complaints and Neighborhood Blight.

In June 2005, the City outlined a revised structure for accessing City department resources to support CPOP. The Neighborhood Code Enforcement Response Teams (NCERT) were designed to serve as a primary way to access City department resources to support CPOP. Teams were to 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, would address the most serious safety code violations and provide access to City department resources to support CPOP. In early 2006, the CPD announced that neighborhood NCERT teams were no longer the optimum approach, and in April 2006 recreated a citywide CERT Team. The goal is to address properties generating multiple calls for service to certain City departments.

In October 2005, with its new CPOP tracking system, the CPD thought it would be able to track and report on the joint actions of the different City agencies working together to resolve specific community crime and safety problems. This portion of the tracking system did not become operational and in the spring of 2006, the Cincinnati Area Geographic Information System (CAGIS) halted work on the system. The CPD was only able to access the tracking system.

The Monitor is aware of funding issues that arose between the City of Cincinnati and Cincinnati Area Geographical Information System (CAGIS) regarding the scope of work and its impact on completing the information management system designed to capture, among other things, whether City agencies, other than the CPD, assisted in resolving the problems. Recently, members of the Monitor Team attended a meeting with representatives from the City Manager's Office, the CPD and CAGIS.

The CPD continues to work with CAGIS to improve the system within the original scope of services. To that end, in November 2006, CAGIS added a link to the CPOP website allowing the user to search City Customer Service Requests (CSR). Users utilizing this function can query the activities of other City departments at a specific location without leaving the CPOP website.

Representatives from each City department continue to meet bi-weekly to address problem properties. The City's Code Enforcement Response Team (CERT) has reviewed a number of properties. More often than not, the owner of a problem property gives consent for inspection. Orders to fix problems are issued for a majority of the locations; problems not fixed by a specified date face court action. On average, CERT reviews approximately ten properties a month. Not all CERT actions result in an administrative search warrant, so not all CERT activities have been documented in the CAGIS system. The Police Relations Unit is currently working with each of the five CPD Districts in developing a uniform document to track all CERT activity.

3. Assessment

As we noted in prior Reports, the Monitor's assessment of compliance requires documentation of the City's implementation of its coordination plan. The documentation can include relevant information, such as the number of agencies involved, the range of City services provided, the number of projects with interagency cooperation, and whether the intervention assisted in reducing the problem. This Parties December 2006 Status Report included a description of four properties where CERT executed administrative search warrants and the CPD is developing a tracking document to capture a fuller range of CERT activity.

The Monitor finds the City 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

The CPOP website now links to over 60 different publications about crime, disorder, partnerships, problem-solving, CPTED, faith-based safety initiatives, 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,⁸ which provides information about the Center, about CPOP and about problem solving and the SARA model.

The Partnering Center provided links for the new publications to the Hamilton County Public Library for inclusion in that part of the County Library website devoted to CPOP, <http://www.cincinnati.org/cpop/>, so residents have resources in countering crime. Partnering Center staff direct residents to these resources.

The ‘Best Practices’ contents are now organized into categories making it easier to find specific resources:

- crime prevention
- problem-oriented policing – general
- community building
- crime prevention through environmental design
- school safety
- crime analysis and mapping
- crime reporting
- youth violence and prevention
- community surveying
- community oriented policing
- gun violence reduction
- faith-based initiatives
- POP – crime/problem specific

This reporting period, the Parties added several reports and publications to the CPOP website and the “best practices” section of the CPOP website, including the University of Cincinnati OSCOR reports examining and providing countermeasures to certain drug hot spots in Cincinnati neighborhoods, a link to other reports available at the University of Cincinnati criminal justice website, the Better Together Cincinnati report entitled, *Cincinnati in Black and White 2001 – 2006: A Report to the Community*, and a copy of the Collaborative Agreement on the CPOP website main page.

⁸ <http://cagisperm.hamilton-co.org/cpop/documents/CPPCbrochure%20color.pdf>

The November 1, 2005, Staff Notes reminded CPD personnel about the CPOP website and the best practices library. In addition, during training conducted in December, 2005, those at or above the rank of lieutenant “were reminded of the availability and accessibility of the ‘Best Practices’ library.” Also, the CPD has now posted a link to the best practices library on the Department’s main website.

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. 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 in compliance with CA ¶29(b). The Parties have been in compliance with this section for nine 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), which we discuss below, will require training within the CPD of some of the 29(b) best practices, as well as their use in crime reduction efforts.

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 the last 12 months, the CPD increased training in the Department around CPOP and the CA. Bulleted

below are training efforts the CPD developed relevant to this section of the CA Agreement.

- In January and February of 2006, the CPD conducted CPOP training for new FTOs to prepare them as problem-solving coaches of their probationary officers; discussed CPOP at the CPOP supervisors' meetings and the quarterly neighborhood officer roundtable training sessions; and presented an update about CPOP to FTO candidates.
- In March 2006, the CPD trained 31 CPOP liaison officers with the help of the Partnering Center, provided CPOP and SARA computer training to 13 additional officers, and in April, presented information about CPOP to new City employees.
- In July, 2006, the CPD met with University of Cincinnati faculty about crime analysis assistance, resulting in an agreement that the UC would provide an analyst and principal investigator for an extended time to bolster the Department's crime analysis efforts. The partnership's objectives include:
 - facilitating best practices in crime analysis
 - identifying neighborhoods/community crime problems; repeat offenders; and reoccurring locations
 - identifying crime pattern/trends using temporal analyses and geographic location
 - utilizing advanced statistical analyses
 - providing working knowledge and experience with Geographic Information Systems (GIS) to assist in the geographic analyses of crime problems
 - working directly with CPD crime analysts to educate and train them in conducting analyses
 - providing specific policy recommendations based on empirical evidence and review of literature for problem-specific approaches to reduce crime
 - evaluating the effectiveness of alternative approaches utilized by the CPD
- The CPD sent eight officers to the International Problem-Oriented Policing Conference in Madison, Wisconsin in October 2006.

Experiences with problem-solving efforts in the field will be documented and disseminated throughout the CPD: During much of 2005, the CPOP tracking system was under revision. The new system was partially operational

the last quarter of 2005. The CPOP projects catalogued in the old tracking system have been transferred to the new system and some have been updated.

Mid-2005, the CPD stated that it would develop one roll-call training per month devoted to problem solving. The first was delivered in September 2005. It described a drug market reduction effort on a bridge in Kennedy Heights. The CPD has not developed any additional problem-solving roll-call segments in 2005 or through May 5, 2006, although the Partnering Center conducted some roll-call presentations in 2006 to help educate CPD officers about the Partnering Center and problem solving.

The CPD previously had stated it would produce a roll-call training video to emphasize the Department's commitment to CPOP, a suggestion made by the FOP. It has now abandoned that project. Instead, the CPD suggests it may use a CPOP PowerPoint presentation to ensure that a consistent message about CPOP is available in the Department, although no schedule for the development and roll-out of the PowerPoint presentation has been provided.

Experiences with problem-solving efforts in the field shall be made available to the public: The revised tracking system is on-line; it is designed to contain more precise descriptions of crime/safety problems than under the old system. The public has access to these descriptions through the CPOP website (see section 29(m) for more details). The 2005 CPOP Annual Report, which contains some problem solving examples, is on the CPD's website at http://www.cincinnati-oh.gov/police/downloads/police_pdf12588.pdf.

Problem solving will continue to be emphasized in (but not be limited to) Academy training, in-service training, and field officer training:

- In March 2006, we reported training changes in the FTO program that make it more inclusive of problem solving
- In April 2006, new supervisors' training included a segment on supervisor problem solving and CPOP
- In May 2006, Terry Cosgrove provided training to recruits about NCERT and Neighborhood Quality of Life enforcement
- In May 2006, the Partnering Center conducted roll call training to 55 CPD officers
- In May and June 2006, the basic Academy included segments on CPOP

- On June 1 and 2, 2006, the CPOP Coordinator gave an introduction to CPOP to new City employees
- In October 2006, the Academy introduced a problem-based learning exercise to FTOs for their recruits. Recruits selected a problem from the repeat call database and tried to work it through hypothetically with the potential that a District Commander could decide to approve it as an entry for the CPOP tracking system.

3. Assessment

We believe that the trainings undertaken during the beginning of 2006 were the first steps in introducing Department employees (sworn and civilian) to CPOP. This reporting period witnessed some additional advances in training as well.

As we stated in our last Report, now that the CPOP role is expanding to all Patrol officers in the Department, we believe a number of additional trainings will need to occur. Given the expanded role Patrol will play in CPOP, additional training for officers is needed, particularly in light of complaints from CPOP groups that some of the officers attending CPOP meetings are unfamiliar with CPOP, SARA, and their role and responsibilities in problem solving. The training should prepare officers to dig into problems; it will require training and mentoring on documentation, how to manage calls, community meetings, longer term problem-solving efforts, and the use of analysis. And, as we mentioned in earlier reports, expectations for involvement should be clear and ultimately supported by the performance appraisal system, which to-date is not the case.

We recognize that training the entire Department is time-consuming, so planning for it is key. Folding the COP units into Patrol presented the CPD leadership with a new opportunity to impart its message. As well, with the CPD requiring problem-solving reports from all Unit Commanders, it becomes important for people in those Units to have the training that gives them the skills to do problem solving and more sophisticated analysis.

We continue to recommend that the Department develop highly focused training for supervisors about guiding, coaching, and training officers in problem solving. An important aspect to the training will be the sergeants' role in officer time-management. The sergeant, rather than the 911 dispatcher, will help manage calls, making sure that officers have time to problem solve and that officers spend their proactive time wisely, not just on car stops or routine patrol. Sergeants will play a key role in ensuring or inhibiting the successful transition of problem-solving responsibilities from specialized units to patrol officers.

Additional training for crime analysts in how to do longer term analysis (rather than just tactical analysis) is also critical. Both tactical and strategic analysis is involved in problem solving. Longer term analysis reveals deeper, more robust patterns and intervention points that are more likely to have long-term impact. The training material provided to the CPD managers on crime analysis and the new tracking system suggested that tactical analysis is the primary approach of crime analysis. But given the CA's emphasis on problem solving, it is important also to focus on strategic and longer-term analysis. The recent partnership between University of Cincinnati and the CPD (proposed by the CPD) is an excellent step in that direction.

With respect to documenting and disseminating problem-solving experiences in the field throughout the CPD, we had hoped that the CPD would begin disseminating problem-solving write-ups so officers and civilians will have tangible examples of what is possible and what is expected. This has not occurred and no progress has been made this reporting period. We also are disappointed that a PowerPoint presentation will be developed rather than a video from Chief Streicher expressing his commitment to CPOP. A message from an organization's leader that everyone can see and hear is different from a PowerPoint presented by others. The CPD remains in partial compliance on this subsection.

As for public accessibility of problem-solving efforts, the CPD's problem-solving descriptions remain accessible to the public via the internet on the CPOP website. The CPD is in compliance with the public dissemination requirement of this subsection.

Concerning the emphasis on problem solving throughout the CPD, we hope to see more emphasis on problem solving in the final months of the Collaborative Agreement, so that the approach becomes integral to how the Department does business. The CPD remains in partial compliance with this subsection.

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 greater efforts, as they are meant as a way to effectuate significant change in the organization. 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

Over 40 problem-oriented policing guides are on the CPOP website covering a wide range of problems such as gun violence, school vandalism, juvenile runaways, and speeding vehicles in residential areas. There is also a 'best practices' tab on the CPOP website containing examples from different cities of reducing crime problems, as well as guidance about CPTED and surveying citizens.

Leading up to the development of the new problem tracking system, the CPD noted that the system will offer additional opportunities for officers to examine research on crime/safety problems. The new system contains 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. In a few of the CPOP efforts, officers have clicked boxes indicating they have looked at research and written resources, although most officers do not. There is only one project where the officers document they consulted problem-solving research, suggesting that training about the use of these materials is needed.

The Partnering Center has used research from other places to inform its approach to reducing crime. This reporting period, the Partnering Center began Operation CeaseFire, a program to reduce gun violence based on a model used in Chicago. The program is focused in Avondale and includes:

- Community response to every shooting, rallying at/near the shooting
- Intensified outreach to those at risk of gun violence with the message that the shooting must stop
- Outreach and follow-up to victims of gun violence after hospital release
- Outreach to individuals who have been shot in the past and where the crime has not been solved to determine the risk for future violence

- Increased monitoring of individuals under community control who are a greatest risk of being involved in gun violence
- Dedicated police patrols in hotspot areas
- CPD interviews of all Avondale “gun offenders” to determine factors contributing to gun violence
- Support from the CPD’s Intelligence Division in making gun trafficking and other related investigations
- Increased inspection and code enforcement at properties with high incidents of violence calls for service or violent crimes
- Avondale community members participation in court watch
- A public education campaign about the harms of gun violence and ways to prevent it
- Coordination of faith-based services and resources to support outreach efforts

3. Assessment

We noted in prior quarters that we have seen more research publications about reducing crime on CPOP’s website. Use of the website can increase the range of countermeasures used to impact crime. We hope that the revised CPOP tracking system further points users to crime research. We are heartened by the mention of research in some of the projects submitted, but it remains rare. Each quarter, the problem solving efforts should reflect an increase in the variety of countermeasures that research reveals as effective for different crime problems. For instance the supervisor over the project about sexual activity in a park should immediately guide the officer to the guidebook, Sexual Activity in Public Places, which is on the CPD’s website. The guides provide a one-stop shop about a particular crime and safety problem and can steer officers away from ineffective countermeasures.

Another resource underutilized by the CPD are the reports produced for the CPD by the Ohio Service for Crime Opportunity Reduction (OSCOR), a collaborative with the University of Cincinnati. The reports analyze seven drug markets in four neighborhoods for CPD and offer interventions. There is also a report containing recommendations for constructing a citywide drug market reduction approach:

- Open-Air Drug Dealing in Cincinnati, Ohio: Executive Summary and Final Recommendations at www.uc.edu/OSCOR/FINAL%20RECOMMENDATIONS.pdf
- Avondale Crime Reduction Project at www.uc.edu/OSCOR/AVONDALE.pdf
- Evanston Crime Reduction Project at www.uc.edu/OSCOR/EVANSTON.pdf

- Pendleton Crime Reduction Project at www.uc.edu/OSCOR/PENDLETON.pdf
- West Price Hill Crime Reduction Project at www.uc.edu/OSCOR/W%20PRICE%20HILL.pdf

The research reports contain the beginning analysis of these drug markets (specific analysis of the dealers and the buyers from arrest data was not available), along with information about the different types of interventions that have had positive effects on markets (48 different interventions are listed).

These reports offer highly specific research that the City can use to reduce drug markets. In addition, the citywide report shows how a comprehensive approach to closing drug markets across Cincinnati is achievable. We hope to see increased use of research in the CPD's efforts to counter open-air drug markets, reducing reliance on less effective, scattershot strategies, such as sweeps and reverse stings. One of the recommendations the report makes is that the CPD quantify the number of drug markets in the City and their precise location. In addition, the report suggests sources for the information and additional information that needs to be gathered:

- What is the precise location of each market? (Multiple sources of data should be used to identify discrete markets. Potential sources of information are calls for service, narcotic arrest information, and resident surveys. After the markets are located, the following site-specific questions should be asked to help develop responses)
- Who are the dealers/buyers and where do they live?
- What environmental features make this location attractive to dealers/buyers?
- What interventions have been or are currently being used to disrupt this drug market?
- Once identified, is there evidence to suggest that these interventions have or have not been successful?
- What other crimes that occur in this location are related to drug market activities (e.g., loitering, theft from vehicles, homicide)?

It is important to note here that a number of other cities have closed open-air drug markets. Open-air drug markets are not necessarily something that a city has to tolerate or just nick away at. Strategies in other places, based on the analysis and countermeasures listed in these OSCOR reports,

provide the CPD with a blueprint for shutting them. This reporting period, the CPD placed the OSCOR reports on the CPD website.

The Parties point to a gun violence reduction effort, Operation CeaseFire in Avondale, modeled after its counterpart in Chicago, as a researched-based program that it is adopting. The Partnering Center has put a tremendous amount of effort into starting the program and keeping it going, although the December 2006 Status Report is less clear about City's full commitment to the approach, which is key to stemming the violence. Without the "pulling levers" piece that the CPD is expected to do, there is no specific deterrence mechanism strong enough to stem the shootings.

In the previous six months, the CPD has been more committed to the Vortex operation. In contrast to the potential of the Avondale Ceasefire effort, Vortex is a blunter instrument that does not focus in on individuals known to be at risk of gun violence. According to the CPD:

The Vortex Unit is a highly visible proactive unit that has a zero tolerance approach to street crimes, drug trafficking, and quality of life issues. The focus of this highly motivated unit is to seek out and physically arrest both minor and major criminal offenders by enforcing every law available and using every tool at our disposal to inconvenience criminals.⁹

During the Monitoring Team site visit to Cincinnati in October 2006, we attended a meeting in Avondale where the CPD presented a Vortex style approach, including greater code enforcement, which the CPD wanted to roll out in Avondale, although it is not clear whether the community was interested. The lack of Vortex assessment measures, beyond arrests and seizures, suggests that its current incarnation is not well researched, but rather is a resort to the more traditional style of policing Cincinnati was committed to prior to the MOA and Collaborative Agreement.¹⁰

As we noted in our prior Reports, the following developments would demonstrate compliance with 29(d): research is used in problem solving projects (see 29(b)); projects apply situational crime prevention if appropriate

⁹ <http://www.cincinnati-oh.gov/police/pages/-7849-/>, accessed December 16, 2006.

¹⁰ In November 2006, we requested information from the CPD to obtain a thorough understanding of how CPOP is incorporated in the operation of Vortex. Our goal was to determine to what extent Vortex is part of, or complementary to, problem-oriented policing. We particularly asked for information on any analysis that was done on the front end and back end of the Vortex operations, related to specific locations that are targeted, as well as any efforts undertaken by the Police Department to dialogue with the community groups affected both before and after a Vortex unit is deployed in a neighborhood. We also asked for any documentation showing that the CPD is developing and using performance measures that are "outcome" or "results" oriented, rather than measures that simply assess activity, such as arrests and seizures.

(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

During this reporting period, Partnering Center outreach workers have coordinated or conducted a number of new CPOP-related trainings or presentations, which are listed below:

Partnering Center Community Safety Specialists (formerly known as outreach workers)¹¹ coordinated or conducted more than 20 CPOP training presentations or other safety-related trainings. The Community Safety Specialists are working in more than 25 neighborhoods in different capacities: supporting existing CPOP Teams as they work through a chronic crime problem; encouraging developing teams; and trying to bring new citizens aboard to participate in SARA or other crime-related training.

Several new neighborhoods came on board with SARA training this reporting period, including Westwood, Mt. Airy, Mt. Auburn, North Fairmount, and East Westwood. In addition, the Cincinnati Metropolitan Housing Authority's (CMHA) residential advisory board received training and is a new partner in problem solving at locations where CMHA-managed properties are a factor. The Partnering Center's Community Safety Specialists also provided specialized training to groups on subjects such as court watch, gang prevention, prostitution, and environmental approaches to improving neighborhood safety. They also introduced a number of organizations to CPOP and SARA, including Westwood Clergy, Youth Curfew Center volunteers, and the First Unitarian Universalist Church in Avondale. Also, as was mentioned in 29(b), the CPD provided CPOP training to new City employees.

The Partnering Center and the Police Department also jointly promoted CPOP in a number of different forums:

¹¹ Each outreach worker is now an Ohio Crime Prevention Association certified crime prevention specialist, thus the title "community safety specialist" more accurately reflects their training and responsibilities.

- A CPD lieutenant participated in a *Friends of the Collaborative* meeting by participating in a focus group discussion entitled “A Blueprint for Friends’ Involvement.” Topics discussed included supporting the Partnering Center and CPOP, youth outreach and engagement, and community engagement.
- The Partnering Center Executive Director and the CPD’s Director of Community Relations attended a September 11, 2006, Hamilton County Violence Prevention Committee meeting to brief attendees on the CeaseFire initiative. The next day, they passed out fliers about CeaseFire at the Law and Public Safety Committee meeting in Avondale. Both participated in the kickoff event for CeaseFire at the end of September, 2006.
- The Parties participated in the Annual CPOP Awards Banquet at Xavier University October 26, 2006, hosted by the Partnering Center.

The Partnering Center continued outreach to the community about CPOP, including a monthly “BUZZ on CPOP” radio show. Also, in May and July, the Partnering Center’s Executive Director, Richard Biehl, participated in videotaping two 30 minute segments of the local National Conference for Community and Justice’s (NCCJ) “Dialogue” cable television program. The May show included University of Cincinnati professor John Eck discussing successful approaches to addressing community crime problems, including gun crime and drug offending. The July show included a discussion with Cincinnati Human Relations Commission Youth Streetworker program director Stan Ross about challenges youth face in steering away from crime or other unhealthy behaviors.

The Parties are now contributing to a *Collaborative Quarterly* newsletter that the Partnering Center developed, disseminated electronically and in hard copy, to share with the community about the Collaborative. The Aria Group, an early convener of citizens and police during the collaborative process after the 2001 unrest, sent the electronic version of the newsletter to 1,800 individuals who were early stakeholders in creating the CA. The Partnering Center created a CPOP website, www.CPOPCenter.org, as a resource for community members about CPOP and other crime reduction techniques.

As of November 5, 2006, the status of CPOP Teams is as follows:

- there are 14 developing CPOP teams
- there are 22 active CPOP teams

- there were 35 CPOP teams that were active at some point during 2006

As CPOP evolves in Cincinnati and neighborhood problem-solving teams become more knowledgeable and sophisticated about various crime and disorder prevention tools, techniques and best practices, the number of CPOP teams will ebb and flow. Some problem solving efforts have been resolved and closed in 2006, while new problems have been identified and new teams have been formed to work on them. Some neighborhoods have multiple CPOP problem solving efforts working simultaneously.

3. Assessment

During this reporting period, the Partnering Center and the CPD participated in a number of valuable trainings and presentations. We also see the newsletter as a valuable CPOP outreach tool and are pleased to see the CPD and the Plaintiffs participate in the newsletter. However, during this period, some discontent remained in the community about the CPD's commitment to CPOP. A number of community council presidents representing some of those concerned community members met with the Mayor, City Manager, and Chief Streicher. A follow-up meeting is expected. After the meeting, Chief Streicher offered District captains greater latitude in assignment of liaison officers and neighborhood officers.

As we reported last quarter, the CPD has tried several different things to make District officers more responsive, including providing a CPOP cell phone to a District sergeant to center responsibility for officers' attendance at meetings. However, some community members have complained that even that system is not working well. This reporting period, the CPD leadership raised the level of accountability to lieutenants for ensuring that liaison officers know the problems their teams are working on and attend CPOP meetings. We discuss this more in section 29(m).

Last quarter, we reported that new CPOP teams and CPOP projects were not being developed. This reporting period, movement is evident with an increase in CPOP engagement by the community.

Although there continue to be concerns about the continuity and problem solving knowledge of CPD members involved in current CPOP teams, the Parties are in compliance with the CA's requirement for community training on CPOP.

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

The Parties participated in many events and meetings during this reporting period.

Events/Efforts Involving Community Dialogue and Interaction

- In June, the CPD participated in the Ohio Law Enforcement Torch Run for Special Olympics
- In July, the CPD was the host of the National Organization of Black Law Enforcement Executives (NOBLE) Annual Training Conference. The CPD, the Uptown Consortium, the Urban League of Greater Cincinnati and the Partnering Center sponsored a town-hall meeting focused on Cincinnati's youth gun violence problem that dovetailed with the NOBLE conference. The town-hall meeting was well attended by the community, demonstrating the timeliness of the topic. Speakers shared information about many comprehensive gun violence reduction strategies - led by both citizen groups and police - that are being successful in other cities. University students also participated and were able to pose questions during the meeting.
- The CPD is leading a "Western Safe City Corridor" project in Price Hill and Western Hills. The CPD states the project is similar to ones currently in place in Minneapolis and Boston where communities, businesses, and government work together to prevent crime. The Western Corridor project will encompass a six-mile stretch beginning at Warsaw and Grand Avenues continuing westbound on Glenway Avenue to the city limits. The corridor extends two blocks north and south of this route and includes every business, church, and school in the area. The CPD contacted businesses along the corridor in June 2006, resulting in businesses completing over 350 crime prevention surveys. There are plans to establish a Safe City Committee with the assistance of the City of Cincinnati. The committee will be a nonprofit 501(C)(3) corporation. Between December 2006 and February 2007, the CPD's District Three will conduct ten Neighborhood Watch sessions along the corridor route. Sessions will be scheduled

throughout the day and on different days of the week so all residents have an opportunity to attend.

- In July 2006, the CPD hosted two community dialogues at the Police Academy to roll out the Department's Strategic Plan. The first included members of the corporate community and the second was attended by members of the community.
- On July 28, 2006, the CPOP coordinator discussed CPOP on the Cincinnati Association for the Blind and Visually Impaired radio talk show (hosted by Robert Harris from the NCCJ).
- On August 1, 2006, Chief Streicher presented the CPD's Strategic Plan to the City Council's Law and Public Safety subcommittee.
- On August 2, 2006, the CPD participated in National Night Out.
- On August 17, 2006, Chief Streicher met with members from the Metropolitan Area Religious Coalition of Cincinnati (MARCC) to discuss the Department's new Strategic Plan.

Ongoing Dialogue with Youth

- On May 24, 2006, the CPD's Youth Services Section hosted an anti-violence conference at Bloom Elementary School in Over-the-Rhine. Participants included students in the sixth, seventh and eighth grades, parents, school administrators, psychologists, police officers, and members of the monitoring team. Hamilton County Coroner, Dr. Odell Owens, was the keynote speaker. Following his presentation, students broke off into groups to discuss ideas and find solutions for youth violence in Cincinnati. One of the breakout sessions focused on what to do if stopped by the police.
- Over the summer months, the Partnering Center and several community partners, including the Over-the-Rhine Foundation and the Cincinnati Recreation Commission, began a summertime curfew initiative in Over-the-Rhine to staff a curfew center so youth violating curfew and whose parents could not be located have a secure and meaningful place to be brought. The prior year no community members volunteered to staff the facility; this year there were over 25 community volunteers along with others staffing the facility, including a CPD officer and social services/mental health professional. Youth who were processed through the center completed a survey about how CPD treated them. The results indicated a favorable experience

notwithstanding their arrest. At the Center, the youth are exposed to gun violence prevention education. Straight 2 the Heart provided initial screening of the youth and their families to determine if there was a need for intervention and, when appropriate, followed up to provide needed services. An evaluation of the effort is underway.

- From July 10 through July 14, police participated in the Police/Youth Live-In at Camp Joy. Each summer, the CPD, in partnership with the NCCJ, sponsors a week-long camp that targets inner city youth. Seventeen officers participated this year. Different CPD units showed the youth what they do, including the Motorcycle, Bike, Underwater Search and Recovery, SWAT, Canine, and Mounted Units.
- The CPD continues its work with the Lighthouse Youth Services program, which identifies at-risk youth and provides preventive services and social interventions to discourage delinquent behavior.¹² The reorganization of the COP officers in February left some gaps in the assignment of District officers to Lighthouse personnel when making field visits. This reporting period, the CPD's Youth Services Unit is scheduling visits in advance. District officers are better informed about the program and its purpose and improvements are occurring. The Youth Services Unit is monitoring to ensure greater consistency.

3. Assessment

The CA requires the Parties, coordinated through the Partnering Center, to establish community dialogue and interaction with different segments of Cincinnati's population. In July 2006, the CPD and the Partnering Center jointly participated in a NOBLE town hall meeting. Separately, one highlight was the CPD's participation in the Bloom Elementary School one-day violence reduction program. The CPD also sought some community input on its strategic plan, although holding the meeting at the Police Academy may have

¹² Appendix 10 in the Parties July 5, 2006, Status Report shows that the CPD collaboration with the Youth Lighthouse requires renewed attention after CPD's redeployment of officers.

"With the reorganization within districts of the Community Oriented Policing responsibilities there is no longer a consistent set of officers expected to accompany Youth Outreach Workers on home visits. In most districts when the YOP workers arrive, any available officer is being asked to perform the duty. These officers usually have no idea what the program is about or what is expected of them. More often than not, they are convinced that the YOP workers are there for a ride-along and assume that it's the YOP workers who don't know what they're doing. We've had a couple of incidents recently where this has just been genuinely embarrassing."

limited citizen attendance. The CPD selected a citizen's advisory board for input, and it is hoped that they provided feedback. Also, Chief Streicher's meeting with MARCC in August to discuss the strategic plan is the type of outreach the CPD needs to continue doing.

In prior Monitor Reports, we have stated a plan for structured dialogue, joint promotion of events and a review of the feedback from those events would show compliance with this CA subsection. 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. The Monitor is also open to evaluating compliance with this CA provision based on new measures agreed to by the Parties.

We believe more joint forums involving the CPD leadership would be beneficial, particularly as one of the CPD's major approaches to crime reduction is zero tolerance, high enforcement suppression patrols, as evidenced by Vortex.

The Parties are in partial compliance with this provision.

1. Requirement 29(g)

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

2. Status

In 2005, the Parties announced a CPOP awards process, developed guidelines, award categories, judging rules, created a selection committee, and encouraged applications. The Partnering Center successfully held the first annual CPOP Awards ceremony at the Cintas Center at Xavier University on October 27, 2005. The second annual CPOP Awards Ceremony was held October 26, 2006, also at the Cintas Center.

This year, the CPOP Awards Committee raised \$10,000 in private donations to underwrite the cost of the banquet beyond the costs borne by the Partnering Center. The CPD assisted with the program layout and the printing of the program. Over 400 people attended this year, more than double the prior year. Parties to the Collaborative spoke in support of the efforts of citizens and police. The Partnering Center distributed copies of the annual problem-solving report as well. Awards were earned in five categories: outstanding community efforts in CPOP; individual contribution in CPOP; CPOP Partnering Award; CPOP Innovation Award; and Comprehensive CPOP award.

3. Assessment

The Parties have held two CPOP Awards Ceremonies. The Parties are in compliance with this CA provision.

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.

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. With respect to the second, the communications audit was conducted in 2002.

In December 2004, the CPD 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 would 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 CPD has been unable to fill that position. The City formed an internal communications council comprised of representatives from the CPD, the NCCJ, and Hollister, Trubow and Associates (HT&A). In the interim, HT&A began a number of tasks that the Community Relations Coordinator will eventually assume, including cultivating "good news" articles about the CPD and its employees.

3. Assessment

The CPD's policies and procedures remain accessible and available to the public on the CPD's website, <http://www.cincinnati-oh.gov/cpd>. There is also a link in the City's CPOP website (<http://cagisperm.hamilton-co.org/cpop/>) to the CPD's procedure manual. This sends a signal to the Cincinnati public of the City's willingness to create more transparent police operations, which is essential to building trust in the community.

Concerning the second part of this CA section, this year's redeployment of COP personnel without prior communication to those personnel or the community showed a lack of transparency from which the CPD has had to

recover. However, the City has conducted a communications audit and has continued efforts to implement a communications plan.

The CPD is in compliance with this CA provision.

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.

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

In the CPOP Annual Report, the Parties are asked to document problem-solving efforts that reflect CPOP training and best practices, specific problem definition, in-depth analysis, an exploration and range of solutions, and assessment. The Parties should also describe continuous learning by the CPD around problem solving and best practices, and identify problem solving training needs within the CPD and the community.

The CPD submitted its first CPOP Annual Report in September 2003 and the second in September 2004. Milestones documented in the 2004 Report included the establishment of the Community Police Partnering Center, the development of joint CPOP training delivered by the CPD and the Partnering Center, and delivery of training to numerous Cincinnati communities. The Parties' 2005 CPOP Annual Report was issued in October 2005. The 2005

Annual Report described in important detail a number of active CPOP Team projects, including an assessment of their results. The Parties disseminated the 2006 Annual Report by email and in hard copy, including to attendees of the CPOP Awards Banquet in October 2006. The Report was developed by the CPD's Police Relations Unit (with assistance from units within the CPD), the Partnering Center, and Hollister, Trubow and Associates. In the 2006 Report, Chief Streicher states that "[w]e need the CPOP philosophy, the CPOP process, to be fully integrated throughout the department, not only reside with one special unit. It also needs to be part of police work 24-hours-a-day, seven days a week."

3. Assessment

The 2006 CPOP Annual Report documented the progress communities have achieved in CPOP and their work on chronic crime problems. It is the Parties' fourth annual CPOP report. The efforts documented in the Report were the result of significant hard work. The challenge this year will be for the CPD and the Parties to fulfill Chief Streicher's stated ambition -- fully integrating CPOP throughout the Department.

The Parties have been in compliance since September 2003.

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 also 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.

In December 2005, the CPD worked in conjunction with members of the Monitoring team to create the template, *Critical Elements Which Must Be Addressed in Quarterly Problem Solving Reports*. The form (see below) was created for District and Unit Commanders to use as a uniform tool for reporting problem solving activities. At this point, not all units have access to the new SARA/CPOP application and so they are expected to use the Critical Elements form.

Critical Elements That Must Be Addressed In The Quarterly Problem Solving Report	
S C A N	<p>What precisely is the problem?</p> <p>Who is it a problem for?</p> <p>Where is the problem? (District, Neighborhood, Specific Address(es))</p> <p>How long has it been a problem?</p>
A N A L Y S I S	<p>What is the time frame being analyzed?</p> <p>What information is being analyzed?</p> <p> Calls for service (How many? Type? Number for each type?)</p> <p> Arrests or tickets issued (For what type of activity? Who was arrested/ticketed?)</p> <p> What was the department's previous response, what was the result, and why didn't it work?</p> <p>What conditions contribute to the problem?</p> <p> Place management practices</p> <p> Behavior management issues</p> <p> Design of the location</p> <p>What does a review of other problem-solving efforts (POP guides) say about this type of problem?</p>
R E S P O N S E	<p>Who is/was available to assist in the CPOP/problem-solving effort? And what did they add? (Partnering Center, other City depts., faith-based organizations, community councils, owners, parents, etc.)</p> <p>What are your goals or what are you hoping to accomplish with your response?</p> <p>What, precisely, is your response or responses?</p> <p>What were the dates that each element of the response was implemented?</p> <p>Are you selecting solutions that will remain after the police no longer focus resources on the problem?</p>

A S S E S S M E N T	<p>What are the results of your assessment?</p> <p>If CFS were analyzed, are they up or down? By how much either way? (State the period of time of both the start time and length of the assessment.)</p> <p>Are the types of CFS now different?</p> <p>Any other measurements/input? (If the problem is a place, is it better managed? If the problem is behavior, how is it better supervised? If the problem is design/layout, what changed?)</p>
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CPOP cases and problem solving activities can be reviewed at the CPOP website, www.cagis.org/cpop. Some of the projects and problems have been updated since the Parties last reported.

3. Assessment

All District Commanders and Special Units provided updates this reporting period on their problem solving efforts. We are heartened to see memos from the Community Relations Office to each District and Unit Commander outlining their reporting requirements under the CA.

There are a number of observations the Monitor Team has concerning the District Commander Quarterly Problem-Solving Reports. First, most of the projects did not follow the Critical Elements format that the CPD requires. Second, for the few that do follow the form, most fail to include basics such as how many calls and crime reports, and identification of suspects -- information that is key to any crime investigation. Third, it appears that District personnel are not looking at other case studies or research when taking on a project. Fourth, most of the projects contained in the District Commander Quarterly Reports are duplicates of projects that are contained in the CPD's CPOP tracking system, increasing the workload of those trying to engage in and document problem-solving. It may be more efficient and just as effective for the quarterly reports to describe new efforts undertaken, and simply to refer to the reports that are already included in the tracking system. The Monitor will defer to the CPD regarding how it wants to document and track problem solving projects. We did note, however, that the information contained in the quarterly reports generally was more up-to-date than the reports of those same projects in the tracking system.

On the brighter side, we see an increased use of landlord and property management as place controllers at problem properties, although there are some projects that seem to ignore this as an approach. We also see increased involvement by residents and citizen groups with officers in directing them to problems. Below are some additional comments about the District reports, followed by comments about the reports submitted from special units.

District 1 Quarterly Problem Solving Reports

- Most of District 1's projects focus on enforcement as the main response, including increased patrol and enforcement. For the most part, little analysis is conducted on these projects. There are several exceptions, such as the write-up by the Downtown Services Unit about drug dealing and prostitution at 31 E. Court Street, which more closely follows the Critical Elements Form than any other project. Another write-up containing better detail than most, although the project is only in the response phase, is 127-129 East Clifton.
- Most of the officers use call for service (CFS) data that is not up-to-date. For instance, on projects submitted to the District 1 Captain in August, a number of the officers use CFS data from January through May, rather than January through July. Data should be as recent as possible.
- Officers and sergeants developed projects on several separate prostitution problems. In earlier CA Status Reports, the CPD mentioned its involvement with the Off the Streets Program; there does not seem to be any mention of this program in these problem solving efforts on the ground level.
- SAR600096, which is contained in District 1's Quarterly Problem-Solving Report, appears to be the same project as SAR600095 in the problem tracking system, involving two homeless encampments on Mehring Way.
- A number of the projects listed for the August 2006 District Commander report were not updated for the November 2006 report.

District 2 Quarterly Problem-Solving Report

- The District 2 Quarterly Report contains two projects that appear to be the same, both for drug sales at 3400 Woodburn Avenue, SAR0600044 and SAR040029. The latter is listed as resolved.

- There are a number of reports that contain no data, such as the two thefts-from-autos projects in Mount Washington, the 3027 Robertson Avenue drug sales project, and the drug sales project at Montgomery Road and Clarion Avenue.

District 3 Quarterly Problem-Solving Report

- In the November 2006 Quarterly Report, there are two cases that are not in the tracking system: 3359 Fyffe Avenue and the Fay Apartments on Nottingham Place. The latter project has been ongoing for a number of months, so at this point, it should be in the CPOP tracking system.

District 4 Quarterly Problem-Solving Report

- There are two projects in this District's Quarterly Report that are not in the tracking system: drugs and prostitution at 924 East McMillan Avenue and drugs and prostitution at 990 Cleveland Avenue (this project is still in the scanning stage). Concerning the 924 East McMillan Avenue project, there is a CPOP project in the tracking system for 954 East McMillan for drug sales from July 2006 listed as resolved (CPOP050010); however, the tracking system case file for this project contains no information about the project other than the CPOP number, address, and officer name, so it is unclear if this is the same project or two separate drug markets on the same block.

District 5 Quarterly Problem-Solving Report

- There are four new cases that are not duplicates of cases in the CPOP tracking system: speeding vehicles and traffic accidents on McAlpin Avenue between Ludlow and Middleton Avenues; trespassing and drug sales on Juergens Avenue; loitering at Dutch Colony and Holland Drives; and drug and prostitution activity at 1722 W. Northbend Road.
- In a project such as the one on Northbend Road, where the officer identifies residents of the building as problems and there have been 11 family trouble calls, there is no indication that the officer has spoken to the problem families and the property owner about the problems. The response listed is simply directed patrols in the area. Sergeants should be reviewing these forms and coaching officers in problem-solving. If it is a documentation problem,

sergeants should be able to advise officers about this as well, so that case files are adequate, if not comprehensive.

Special Services Section: Park, Traffic and Youth Services Units

The Monitor met with the captain in charge of these units in October and learned that some projects were more involved than past reports described; we encouraged the captain to provide greater detail in the project write-ups. The write-ups in the latter part of this reporting period reflect some additional details, such as:

- Information about improved data sets the Traffic Unit will use to analyze crashes and fatalities and the improved training in traffic analysis the traffic analyst has received;
- The addition of video surveillance to deter sexual activity in Mt. Airy Park, and the long-term need for physical layout and design changes (as previously reported) for inclusion in the park's master plan. (We referred the captain to a problem-oriented policing guide on the CPD's website devoted to this subject.)

Criminal Investigations Section: Major Offenders, Financial Crimes, Homicide and Personal Crimes Units

The Monitor met with representatives of these units in October 2006 to examine their problem solving efforts. Most of these units see their role as investigators of new crime, not also as preventers of predictable crime, and none had any training in problem-solving as it relates to their current assignment. Many of the problem-oriented policing guides are devoted to the types of crimes investigated by these units, although there was no evidence of their use.

- The Financial Crimes Unit describes an effort that expedites victim services to those who have been prey of identity thieves and notes an over 30 percent reduction in reports of ID theft to the Unit so far this year. However, there is no explanation for the decline, particularly since the effort is not preventive. Also, there is no mention if there is a similar or opposite trend in the rest of Hamilton County or in other large Ohio cities, such as Cleveland or Columbus.
- The Homicide Unit met with Hamilton County's Family and Children First Council's Child Fatality Review Team to discuss reducing the number of child deaths attributed to a parent/guardian rolling over onto a child while sleeping together.

The Children First Council renewed a media campaign about the problem. The Quarterly update notes that the Homicide Unit is in discussion with the Council about its role in the campaign. In a meeting with a member of the Monitor Team, however, no further role was being contemplated.

- The Vice Unit is arresting drug buyers and seizing their vehicles to increase the risk to buyers. From January through October 2006, the CPD seized more than 190 vehicles, requiring a bond payment and storage costs before the vehicle's release. Thus far, none of the offenders has been rearrested.

Police Academy Training Section

The 100th recruit class participated in a problem-oriented policing project in Northside aimed at reducing auto break-ins. The recruit class researched a similar successful project that was a joint effort of the University of Cincinnati Police, the CPD and the University of Cincinnati Criminal Justice Department. We devote more attention to this effort in section 29(l).

In prior Reports, we noted that compliance with this CA provision will be demonstrated when all of the District and Unit Commanders prepare quarterly reports that detail problem solving. In our last Report, we noted disappointment that only a small number of the projects contained in the Unit Commander reports reflected familiarity with problem solving. Instead, many contained no relevant analysis. In our view, there was a lack of oversight, guidance, coaching, and perhaps adequate training on problem solving, and very few, if any, of the reports followed the template the CPD adopted in its December 2005 form, "Critical Elements that Must be Included in the Quarterly Problem Solving Report."

In our review of the most recent Problem Solving Quarterly Reports, we unfortunately still see some of these same problems. While there were a voluminous number of projects submitted in the District Quarterly Reports, most of these were duplicates of ones already in the CPOP tracking system, and there was a great deal of unevenness. Reports, for the most part, still do not contain start dates for each project, only the date the report was submitted to the Captain or to Chief Streicher. Some do not contain basic information about calls, call types, and crimes. Some contain some numbers, but often they are "for the area," as opposed to the building or block that is identified as problematic. If the data is for the block then the data should specifically say so and it should exclude calls and crimes that are not relevant to the inquiry and the reason why. The time lengths for the data also remain problematic. Some are from months prior, not covering the recent months, which is needed as

well. Some projects note that calls and crime levels “will be examined,” but they are not reviewed in subsequent write-ups.

In prior Reports, we had asked that the Department’s Crime Analysis Unit submit a quarterly report to document its analysis efforts. The CPD responded that the work of the analysts is contained in individual problem-solving reports in the District and Unit Commander reports. It may be that the CPD crime analysts are providing analysis to officers, sergeants, and investigative units conducting CPOP projects, but if so, the analysis is not being included in these reports. As for the Unit Commander Reports from the specialty units, there is little evidence of familiarity with problem solving and its application to their portfolio. The Unit Commander Reports do not contain evidence that any analysis has taken place. Overall, while the quality of the problem-solving efforts in the District and Unit Commander Reports remains low, we found an improvement in the quality of administrative review in District 3, which we believe will lead to improvements in the overall quality of problem solving in that District. We believe this level of scrutiny should be practiced throughout the organization.

In this final year of the Collaborative Agreement, we believe the CPD has an enormous opportunity to improve the quality of the problem solving in the Department. Just as the CPD would not find it adequate if a detective’s investigative case files omitted key facts and findings, so too should the bar be raised for problem solving projects, given the amount of time that has passed since the signing of the CA and the requirement that problem solving be adopted as the CPD principal crime fighting strategy.

We mentioned in our last Report that it is an opportune time for the CPD to ramp up the knowledge-base of officers, supervisors, managers and commanders about crime and safety problems. In the last five years alone, there has been a substantial increase in terms of what is known about crime and countermeasures. A fair amount of that is now contained in the problem-oriented policing guides, over 50 of which are now available (the CPD website states that there are 19). With this knowledge, we believe that District and Unit Commanders will be well equipped in their new responsibilities, although accountability mechanisms must be put in place as well.

As we see it, the CPD has several tasks before it regarding this section. We mentioned last quarter that the CPD has recognized that making time for officers to problem solve is important; now that must be made an objective (and placed in the Strategic Plan so that it will be measured and managed). Improving the quality of the problem solving, the quantity of the problem solving, and the oversight and management of systems designed to track and support problem solving requires more of the CPD leadership’s vigilance.

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

During this reporting period, the 100th Recruit Class assisted in a Northside CPOP project (SAR0600100). In addition, the class was also involved in the Great American Clean Up, cleaning several vacant lots of debris and litter in Over-the-Rhine. The recruit class gained additional practical experiences by attending several community meetings, including a College Hill Community Council meeting.

Concerning the Northside project, the Police Academy Training Section reviewed citywide crime trends from 2003-2006. The Training Section's intention was to give recruits an opportunity to reduce a specific crime problem that was statistically on the rise. Northside, contrary to trends in other neighborhoods, was experiencing a rise in theft from autos. Training staff met with District 5 staff to see about a partnership. The recruits were provided crime data to analyze, and they, along with their training staff, read the POP Guide on Crime Prevention Publicity Campaigns and followed aspects of it and what was learned from a successful POP project in which the University of Cincinnati had been involved (in partnership with University of Cincinnati Police and the CPD) in devising countermeasures. The Northside neighborhood was divided into three areas: an intervention zone, a control zone, and a buffer zone between the two. In the intervention zone, the recruits tailored a crime reduction strategy relying on a prevention publicity campaign, which resulted, they believe, in a statistically significant reduction in auto break-ins.

In addition to the problem solving training conducted with the recruit class, the CPD also developed a "cross-cultural communication" class that was presented to CPD supervisors in the fourth quarter of 2006. The training addresses the findings of the 2005 RAND report and perceptions in the community. Class facilitators open the floor to generate dialogue among the attendees as to possible reasons behind those community perceptions. In 2007, this class will be included in in-service training for all police officers (January through early April 2007).

3. Assessment

This quarter showed progress. The recruit training is becoming more inclusive of community crime and safety concerns by having recruits attend community meetings and participate in a problem-solving effort. FTOs are becoming more familiar with problem solving, and hopefully, this will help sustain recruit interest in problem solving once the Academy training is complete. At that point, it will be up to District sergeants, lieutenants and captains to show their commitment to it so the new officers will see that their leaders expect engagement in this type of policing.

We also believe that Academy staff can be very helpful in crafting training for sergeants and lieutenants to improve their understanding of and ability to supervise and engage in problem solving efforts. We encourage the Academy staff to review prior quarters' Unit Commander Problem Solving Reports and entries in the problem tracking system, so they can help craft tailored training for supervisors and managers. In addition, the cross-cultural communication training provides additional context regarding the urban environment in which officers are working.

The Parties are in 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

In late 2004, the CPD recognized that its problem-tracking system required improvements and tasked its Community Relations Unit to undertake them. The Parties met several times about the problem-tracking system, reaching agreement on the following items, which they shared with Judge Merz and the Monitor at the March 10, 2005, 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.

The revised CPOP/SARA tracking system was put in use September 30, 2005. The system is Windows web-based and tied directly to the City's GIS system. It is accessible to viewers at the old system's website <http://cagisperm.hamilton-co.org/cpop/review/review.aspx>. To community residents, it will have an outward appearance similar to the old system with a few more capabilities, but for the CPD and other city agencies, the system will be enhanced with greater capability of accessing information from a variety of city sources.

The CPD stated the system's users will be able to search the system for an address, and query it by District, neighborhood, and officers assigned there. They will be able to access and display GIS maps, parcel numbers, retrieve owner information, and view a photograph of a property (community residents are also able to do some of the above by accessing the information through the county auditor records on the site, and once inside a CPOP tracked project, community members have access to some GIS mapping capabilities). In time, the CPD had hoped that personnel would be able to query the system based on crime, arrest or contact information, such as FI's (field interviews), as well as code enforcement, and permit activities, etc. The database contains many pull-down menus and some free-form boxes (as did the old system), but the officers will be encouraged to use the free-form descriptions for specifics, although free-form descriptions and entries will not be searchable entries. The CPD expects that recruits will also be exposed to the new system over time.

The system will have tools that facilitate collaboration with other city agencies, such as a message board, quick mail, even an action list. The system is intended to have a built-in accountability in the system: it will be able to track whether inquiries have been followed up within specific time frames, if actions are closed out by a certain date, and the system will notify appropriate departments or individuals of the same. The system should make it easier for the CPD and the Partnering Center to manage and collaborate on crime problems.

The CPD planned that the system would:

- Allow 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 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
- Eventually link to 911 calls for service so officers can look at real time data about a location

Currently, the system is predominantly a tracking system for CPD projects. The additional capabilities either have not worked well or have not been added at this point. In October 2006, the Monitor Team joined the CPD and the City Manager’s Office in a meeting with CAGIS. Outstanding funding issues between the CPD and CAGIS over the scope of services have been tentatively resolved by the City Manager’s Office. Some of the remaining issues about the status of the CPOP system will be resolved with training that CAGIS will provide to key people in the CPD who in turn will train users of the system. The training is expected in 2007.

The Assistant City Manager assured the Monitor Team that the City would continue to support the CPOP website after the completion of the CA Agreement in August 2007. At the meeting, the head of CAGIS stated that they are now willing to move ahead with building Partnering Center access so the Partnering Center could add to and edit CPOP projects. As such, CAGIS negotiations with the Partnering Center regarding the tracking system projects will resume this quarter. Currently, the CPD is sharing crime and call-for-service data one month at a time with the Partnering Center so they can do some additional analysis of chronic crime problems.

In the December 2006 Status Report, the CPD now states that the CPOP tracking system will not be able to house 911 call-for-service data or the crime data, mug shots, and contact card information. Nor will there be a parole and probation interface. The CPD states that difficulties with software conflicts and conflicting name extensions are the cause. The CPD states that “while this enhancement would be an excellent and convenient tool, it is not necessary for the compliance aspect of the problem tracking system. The information is still available through the ‘Repeat’ database on the department’s H-Drive as well as through the Crime Analysis Unit.”

3. Assessment

We will begin our assessment by discussing the capacity of the tracking system, then we discuss the problem-solving projects, by District, that are contained in the CPOP tracking system (and we note also those that are potentially promising projects). We follow with a discussion about the future of the tracking system.

In the December 2006 Status Report, the CPD now says that the CPOP tracking system will not offer access to 911 call for service data or the crime data, mug shots, and contact card information. Nor will there be a parole and probation interface. The CPD states that difficulties with software conflicts and conflicting name extensions are the cause. We agree with the CPD that compliance in this section does not require access to these items through the tracking system, although we too believe that these enhancements would make problem solving much easier. The CPD suggests that the information is still available through the "Repeat" database on the department's H-Drive as well as through the Crime Analysis Unit. We discuss the "Repeat" database in section 29(p).

Turning to the contents of the CPOP tracking system, Districts 3 and 5 produced the strongest problem solving projects to date. We include a more detailed report on specific projects in the tracking system in Appendix 1. We note general observations about the projects by District below.

District 1

Sixteen of the 22 projects reported this period, from May 6 through November 5, 2006, are already listed as resolved. However, many of the projects entered were missing basic information, including number and type of calls and crimes. Some of the projects had not been updated in months. In addition, some of the pages in the project write-ups were completely blank (even though the project was listed as resolved). While some project write-ups were good or promising (SAR0600075, SAR0600084, SAR0600085), most showed a lack of administrative review or oversight.

District 2

There were only five projects that were started during this five month reporting period, even though there are more than ten different neighborhoods in District 2. In addition, a number of the projects are missing basic information. Also, The District 2 Captain's Quarterly Problem-Solving Report contains updates for some of the projects, although the tracking system is the place for these updates.

District 3

The Monitor visited this District in October to learn more about the problem solving efforts and observe current practices. There were 16 projects entered into the CPOP tracking system during this reporting period. Prior to that, there had been no projects entered into the system since November 2005. This was because the District 3 Captain had not been satisfied with the quality of the problem solving efforts and documentation that he had received in early

2006, and he directed that additional efforts be made before they were entered into the tracking system. We commend the Captain for his attention to the quality of the projects; as previously noted, we believe that this should be done in all Districts.

District Four

District Four had 11 projects entered into the tracking system during this reporting period. Six of the 57 projects listed under District Four in the tracking system are duplicates. Each of these projects is listed twice: 1547 Corvalis Avenue; 4081 Reading Road; 5011 Paddock; East McMillian and Gilbert; Reading Road and Ridgeway; and Wess Park Drive and Clinton Springs.

District Five

There were 12 projects added into the tracking system this reporting period.

In our last Report, we stated that improvements to CPOP efforts and problem solving documentation needed to occur immediately. Our expectations included:

- A fully functional CPOP tracking system
- Captains held accountable for the quality of the problem solving
- Projects completed or handed off to other officers appropriately
- The cases contain few errors or omissions
- Free form boxes are completed with relevant descriptions, data, analysis, response information, and assessment outcomes
- Supervisors and mentors are actively engaged in coaching and guiding officers so they can succeed in producing higher quality efforts that are consistent with the CPOP definition adopted by the Parties

In summary, we have not found the kind of improvement that we believe is required. As one can see from a review of the cases, there clearly are some good projects (Districts 3 and 5 have shown the most attention to their projects), but many are short on analysis. Some even appear to have been abandoned, and of those completed, many do not show any real assessment of impact. We expressed concern that so many CPOP projects were summarily listed as resolved, without care as to whether in fact the crime and disorder

problems that were identified were reduced or eliminated. Again, this suggests a lack of critical thinking during the administrative reviews about the process of problem solving and the results achieved.

Crime reports and investigative reports have to pass adequate supervisory approval in police agencies. The quality should not be any less for these kinds of CPOP case reports. An officer who begins work on a problem motel should be able to look in the database and see what other projects there are involving problem motels that could be instructive. The same is true of an officer or sergeant working on a problem apartment complex, or a problem convenience store, or a problem single family home -- the officer or sergeant should be able to check the system for similar projects. One problem appears to be that the tracking system is down frequently; this has been the case since the debut of the system. The CPD should quickly resolve this issue, as it appears that many of the system crashes result from user errors and not a computer system capacity issue. The system needs to be consistently in operation. In conjunction with this, the case write-ups in the tracking system need significant improvement and oversight. We have stated this over many reporting periods.

On a separate note, the *Analysis 2* section of the CPOP/SARA reports in the tracking system is invariably neglected. Officers are not completing this section. Indeed, there may not be a need to keep this section, as the information sought is ancillary to problem solving. Perhaps removing this section from the CAGIS reporting system will make it easier for supervisors to oversee the completion of a leaner report.

We have not seen significant improvement this reporting period. In fact, many of the same deficiencies we reported on earlier have been repeated. The Parties are not in compliance with this provision.

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

This quarter, the Parties state that they have nothing new to report regarding the issue of staffing and subsection 29(n).

In mid-2005, after the plaintiffs suggested that the CPD increase the number of crime analysts to the Department (from 1.5 analysts for the 1000 sworn members), the CPD added an analyst to each of the five Patrol Districts and one each to Vice Control and Criminal Investigations. The CPD placed

sworn officers in the new analyst positions. They attended a five-day crime analyst computer training by the Alpha Group, and then followed up with 32 hours of in-house training.¹³

In February 2006, the CPD redeployed COP officers, switching responsibility for CPOP from the District-specific special COP unit to designated officers on patrol shifts in each District. The COP officers were folded into patrol shifts or transferred to other assignments.

In July 2006, Chief Streicher issued the new Strategic Plan for the Department. The results of the strategic plan will likely have staffing impact. The plan contains the following elements:

- Vision
- Mission
- Value Statements
- Strategic goals of the Department
- Operational objectives
- Anticipated workload
- Population trends
- Anticipated personnel levels
- Capital improvements
- Equipment needs
- Provisions for review

3. Assessment

The CA requirement suggests an assessment is required of the Department's organization in light of the adoption of problem solving as the principal strategy for addressing crime and disorder problems.

The redeployment of COP officers back into patrol, widening the responsibility for problem solving, has allowed the CPD, through transfers of officers, an opportunity to increase staffing at Districts that have high crime and calls for service. This is an important move and consistent with the principles of this CA section. We also believe that the hiring and training of additional crime analysts is an important step in moving towards a more information-driven department. These crime analysts will need to have a full understanding of problem-oriented policing so they can provide greater

¹³ 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. One of the items the analysts are working on is a list of the top ten individuals in ten identified neighborhoods who have been arrested most often, although the results have not yet been shared with the Monitor.

assistance on projects of increasing complexity. The crime analysts should be extremely well-versed in the type of analysis problem solving typically involves and the wide variety of countermeasures that can be used to stem crime. The problem-oriented policing guides on the CPOP website offer a good start to begin their education about problem solving.

To meet the goal of problem solving as the principle strategy for crime fighting in Cincinnati, the Department requires additional crime analysis. Advanced knowledge about analyzing crime and safety problems is highly advisable. As the monitoring of crime continues in the coming years, the CPD may find it requires more crime analysts to help unravel and digest data, and direct police responses to crime.

The Monitor noted in our last Report that the strategic plan should support and accelerate the move towards CA compliance, so the CPD can fulfill its already defined responsibilities under the CA. These responsibilities form the basis for both impacting crime and establishing trust between Cincinnati residents and the police. The new Strategic Plan mentions both CPOP and problem solving. In the Chief's letter introducing the plan, he states,

Through the use of crime analysis and problem-solving, we will target issues more precisely, which will reduce crime and more effectively use our resources.

We think the plan includes a number of good things, including sections or subsections on:

- increasing the use of non-criminal strategies as problem solving tools
- implementing and following up on CPOP problems
- augmenting police-community involvement in problem-solving projects
- training all employees in CPOP and SARA
- increasing community involvement in education programs
- developing programs for diverse communities
- expanding CPOP philosophy to the entire department
- introducing more beat officers at community meetings
- creating mailers for stakeholders advising them of events
- creating new standards for evaluation of performance
- training all employees in crime analysis
- expanding recruiting efforts to maintain hiring of qualified, diverse workforce
- utilizing civilians instead of sworn employees to free up officers for redeployment

- utilizing students from local universities to assist in satisfaction surveys, grant writing, and operational studies
- expanding volunteer opportunities for assisting the Department in daily operations

We believe that the Strategic Plan also is a good place to state the CPD's commitment to the MOA and the CA. Although the plan is fluid to meet changing conditions, it is expected to last five years until the next CALEA accreditation timeline. We believe that the Strategic Plan can be used to more quickly operationalize the CA. We ask that the CPD consider inserting additional items from the CA in the Strategic Plan so that these can be accomplished more quickly, such as revising job descriptions, having a fully functioning, high quality on-line POP project tracking system, increasing officer proactive time to problem solve and attend community meetings.

As we noted in our last Report, the CPD's efforts to increase participation in CPOP, the redeployment of officers to higher crime areas based on analysis, and the hiring of crime analysts put the CPD in compliance with this subparagraph of the CA. The CPD has acknowledged that making time for officers to problem solve is an important objective (so it should be placed in the Strategic Plan, as it is then more likely to be measured and managed).

Last Report, we stated:

To maintain compliance with this provision, the CPD leadership must advance its efforts to improve the quality of the problem solving, the quantity of the problem solving, and the management of systems designed to track problem solving.

We did not see progress on this front during this period. The tracking system is still more out of service than operational; community members remain dissatisfied with the level of commitment from the Department pertaining to officers attending community and problem-solving meetings (although District Commanders are now being given some additional leeway in assigning personnel); quality problem solving documentation is lacking; and the primary strategy the CPD applied this period to crime reduction was saturation patrol and zero tolerance through Vortex Unit operations, all of which is inconsistent with the CA Agreement. For these reasons, the Monitor finds that the CPD is in partial compliance with this CA provision.

We see this final year of the CA as a critical time in the advancement of effective and fair policing in Cincinnati. The Cincinnati Police Department cannot use mass arrests from saturation patrols and zero tolerance as its path into better policing. More precise strategies are required. In December 2006 and the first weeks of 2007, the City of Cincinnati has arranged for a problem-

oriented policing expert, Professor David Kennedy, to speak with Chief Streicher and others about different approaches to violent crime reduction. Professor Kennedy developed both the Boston juvenile gun violence reduction project from the mid-1990s and the High Point overt drug market elimination project begun in 2004. Both approaches are based on a more thorough analysis, and deliberative, precise countermeasures than wide sweeps of neighborhoods. The Partnering Center had sought the CPD's interest in this approach as well, including its efforts to advance the Avondale Operation CeaseFire initiative. We believe that Cincinnati is again being presented with a golden opportunity to try a different approach. As we move into the New Year, we will monitor progress on this and the CPD's commitment to other problem-solving approaches already begun.

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

The Parties report progress on several elements of 29(o), including policy revisions, organizational plans, job descriptions and performance evaluation standards consistent with CPOP. We begin with performance evaluations, then job descriptions, followed by policies and organizational plans.

Revisions to Performance Evaluations: 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.

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." In its September 2005 CA Status Report, the Parties acknowledged that the current performance evaluation system is outdated and 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. The CPD stated that "the current outdated system of numerically scoring eighteen trait categories is purely subjective with no interaction from the evaluated member. The Planning Section has received several contemporary performance evaluation systems used by other police departments throughout the country." The CPD noted that the PIT team is a

diverse group of police department sworn members of various ranks, and is diverse across gender and race. Additionally, both the FOP and the Sentinel Police Organization have representatives on the team.

The performance evaluation PIT team met during the late summer and fall of 2005. In May 2006, the PIT team recommended ten core performance anchors for all sworn employees and five additional core performance anchors for uniformed patrol, the investigative units, administrative staff, and supervisory personnel. The CPD's Planning Section created a draft revision of a new sworn performance report, Form 448. During August and September 2006, the PIT team met again to formulate "behavioral guidelines" for scoring each core and assignment specific performance anchor under the five performance standards of "Exceptional, Exceeds Standards, Meets Standards, Needs Improvement, and Unacceptable." At the Parties' November 8, 2006, All-Parties meeting, the CPD stated that draft performance evaluation standards would be completed by the end of November 2006 and presented to Chief Streicher. It was expected that the standards would be presented to the FOP for their review before the end of 2006, and that a finalized version of revised performance evaluation standards would be completed and ready for implementation in the first quarter of 2007.

Job Descriptions: The CPD believes that the job descriptions developed in November 2004, when combined with the Police Chief's recent "integration of CPOP into all police operations through the redeployment of the neighborhood units," now satisfy the CA requirement to review and update job descriptions to reflect the Police Department's commitment to CPOP.

Policy Revisions: The CPD revised its policies establishing which Units and Sections were to submit problem solving reports to the Chief, consistent with the recommendations of the Monitor (see 29(k)). In October, 2006, the CPD also revised its problem solving procedure to clarify the reporting requirements of the District and Unit Commanders and of officers related to problem solving. The CPD asked Unit Commanders to use a template when completing a problem solving project (see Critical Elements form under Section 29(k)).

Organizational Plans: CDP leadership has made several changes that relate to organizational planning. These include the drafting of a new Strategic Plan and the redeployment of COP officers. Progress on the strategic plan is discussed in 29(n) and the changes resulting from the COP redeployment are discussed in several earlier sections.

3. Assessment

Performance Evaluations. The 2004 adopted performance evaluations do not yet place the CPD in compliance. We are hopeful that the revised system

the CPD has been working on will be completed and available in early 2007 and will put the CPD in compliance. We stated that any new 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 CPD states that knowledge and practice of CPOP will be included in the performance evaluations and that the supervisors will be required to list and discuss with the employee the ETS risk categories for activity during the employee's rating year. We expect the Chief of Police to provide the Monitor with a draft of any new performance evaluations prior to their adoption. Performance evaluations are an essential element of the organizational infrastructure needed to sustain CPOP.

Job Descriptions. As we have noted in prior Reports, the CPD will need to revise its job descriptions in light of CPOP, particularly those relating to patrol officers, police specialists, investigators, FTOs, sergeants, FTO sergeants, lieutenants, captains, and lieutenant colonels. Revising job descriptions allows a police organization the opportunity to redefine its approach and what is expected of its employees, as well as the types of skills it seeks for different positions. It also helps clarify the types of skills sought through recruitment. If problem solving is central to how the CPD will police, then it is these skills and evidence of their use (among other things) that will be reflected in selecting people who should be promoted or assigned to special assignments. In addition, revised performance evaluation systems and job descriptions can help support the Strategic Plan, which is discussed in 29(n).

Policy Revisions. Last year, the CPD leadership directed specific Unit Commanders to file a quarterly problem solving report and use the form titled *Critical Elements That Must Be Addressed in Quarterly Problem Solving Reports* to improve upon the type of information that is contained in these reports. Even though the form was adopted nearly a year ago, Unit Commanders rarely use it. We believe that it will be helpful if the CPD provides examples to the Unit Commanders of a thorough, complete write-up of a project, just as examples are used when introducing other types of reports in a department. In October 2006, the CPD revised its new Problem Solving procedure (12.370). The procedure describes how projects are to be opened, completed, and closed. In addition, it identifies reporting requirements for District and Unit Commanders. The new procedure states: "The SARA problem solving methodology is the primary process for addressing crime and disorder problems." It is clearly a step forward when the CPD acknowledges the primacy of the approach in Department crime reduction. We hope that the procedure will clarify some of the processes around problem solving.

That said, we are concerned that there may be lingering confusion around the Unit Commanders' use of the Critical Elements Form. The new procedure does not require the use of the Critical Elements Form, rather a different set of questions are posed that are required to be answered, providing much less guidance than the Critical Elements Form:

- Specific problems addressed identifying causes, scopes, and effects of the problem.
- The quantitative measuring device used on the problem.
- Steps taken to resolve the problem.
- Obstacles encountered and recommendations for future improvement.

We seek clarification from the CPD about the expectations around the use of the Critical Elements form and the steps bulleted above. For example, there is no requirement in the steps above for assessment.

Organizational Plans. Progress on the Strategic Plan is discussed in 29(n) and the changes resulting from the COP redeployment are discussed in several earlier sections.

In sum, the City took a step forward a year ago by adopting the new Critical Elements form, but it is still not in use by most of the Unit Commanders. The newly adopted problem solving procedure clarifies many aspects of opening and closing problem solving cases, but there may be confusion about the form Unit Commanders will have their personnel use in documenting problem solving efforts. Revisions to performance evaluations and job descriptions are key elements in this section, as they can help drive the type of change the CA requires. But we have not yet seen a draft of the performance evaluations. Finally, concerning organizational change, we saw the redeployment of COP personnel as a significant step towards wider adoption of CPOP -- if the CPD made sure that its District Commanders and Unit Commanders are accountable for the implementation of CPOP and that it is not considered incidental to the officers' other responsibilities. We are seeing some progress on this front, but more is required, particularly given our findings in 29(k) and 29(m). Overall, we believe that more progress is still required for compliance under this section.

The CPD 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 2005, the City signed a contract with Motorola to develop and install the CAD/RMS system.

This reporting period, the Monitor Team met with CPD staff. They expect the CAD portion of the new system to be on-line in 12 to 15 months and the RMS portion of the integrated system to be on-line in approximately 18 months (with some modules up earlier).

In the interim, CPD staff provided the Monitor Team with samples of various types of information produced for different initiatives, including the Community Response Team, quality of life problems, and code enforcement activities. The CPD states that these types of reports and data production are readily available now, and that the new crime analysts perform crime analysis functions. Data from agencies outside the CPD also is used, including adult and juvenile probation data. The Planning Unit also produces reports for the Partnering Center or other community-led efforts, such as the Neighborhood Support Center. Recently, the CPD gained access to Juvenile Court Data and will expand its access among its personnel to several state databases that will be useful in follow-up investigations and CPOP assessment. The CPD believes it is in compliance because of the use of these different databases and the reports the CPD generates about crime.

Last quarter, the CPD's Information Technology Management Section (ITMS) developed three databases to assist in the identification of community-based problems. The databases provide specific information for use in problem analysis, response and assessment related to the following:

Repeat Locations. The search parameters will include the following for the previous quarter of the calendar year.

- Computer Aided Dispatch Incident Number
- Specific address information for locations with more than five incidents

- Incident time
- Complainant information, if known
- Complaint type
- Suspect information
- Disposition

Repeat Victimization. The search parameters will include the following for the previous six months:

- Victims of crime in three or more incidents
- Offense type
- Address of the offense
- Incident time
- Suspect/arrest information

Repeat Offender. The search parameters will include the following for the previous twelve month period:

- Individuals arrested more than five times
- Arrest charge information
- Specific address information for locations
- Incident time
- Complainant information

Last quarter, the CPD stated it will publish the results of the electronic databases in the Crime Analyst folder on the H-drive, accessible in-house only, under the heading of “Statistical Information” by the tenth day of January, April, July, and October of each year. Last quarter, the CPD provided examples of data categorized by repeat calls for service, repeat victims, and repeat offenders.

This reporting period, the CPD states it is reviewing the information the Monitor provided in our last Report about re-victimization.

3. Assessment

We noted in prior Reports that the new system the CPD has selected is expected to be capable of retrieving and linking information in the CPD’s current computer information systems to enable the CPD to track repeat offenders, repeat victims, and repeat locations. This information can then be used in problem solving, CPOP cases, and District/Unit Commander reports. The system will increase the CPD’s ability to identify trends and patterns and use them to undertake problem-solving efforts. While the CPD’s current information systems provide some information, they are systems that are based on traditional 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 locations. Up until now, the CPD was not using its current system to this capacity.

In our February 2006 site visit, we were very pleased that the Department is now able to provide some repeat victim and repeat offender information, which the CA has called for and we have requested. We expected to see projects associated with the people identified by the repeat data. Unfortunately, this has not occurred. While the Communications Unit sends District Commanders repeat address, victim and offender information each month, we have not seen evidence of its use in problem solving projects.

The CPD included some of the repeat information for District 1 in the appendix of the current Parties Status Report; however, we do not see any of the names of the “repeat” individuals as SARA projects, nor do we see the Drop In Center, a top site for repeat crime and disorder (and repeat arrestees) listed as a problem-solving project. As we know that the CPD is concerned about this location, we suggest that it is a good candidate for a higher level problem solving project, and perfectly suited for further substantive analysis, which can be documented as the Department proceeds to try to reduce the problems there.¹⁴ The same is true of other repeat locations, such as the Kroger store in Over-the-Rhine. Given its durability as a hot spot, perhaps directed patrols and off duty details are not the most effective way to reduce crime there, and a problem solving effort might reveal other, more effective countermeasures. Having repeat data, but leaving it unused, is not the intention of this CA section.

In the spring of 2006, we said that if CPD made a few changes in the databases, we would agree that the CPD was in full compliance for this CA section. We noted that there is an excellent, brief publication on repeat victimization titled, *Analyzing Repeat Victimization*.¹⁵ We noted two particular suggestions from that publication regarding lengthening the time frame for

¹⁴ At the December 2005 All-Parties meeting, the CPD indicated that in addition to “address-specific” problem solving efforts, it is engaged in larger-scale problem solving efforts, in particular, efforts in the Over-the-Rhine neighborhood. Problem-solving does not have size limitations. We encourage the CPD to write up crime/safety problems it has identified (large or small), the substantive analysis it has completed, the range of countermeasures identified and selected based on the analysis, and the assessment measures it will be using.

¹⁵ The guide is available at <http://www.popcenter.org/Tools/tool-repeatVictimization.htm>. We also provided information about a template tool for repeat victimization to help police departments describe the different types of repeat victimization patterns it has. The template tool can be found at [http://www.popcenter.org/Tools/Supplemental_Material/Detecting_RV_Tool\(1\).xls](http://www.popcenter.org/Tools/Supplemental_Material/Detecting_RV_Tool(1).xls).

data on repeat locations and victims, and on improving the accuracy of call taking, report taking and data entry.

During the winter, spring and fall of 2006, the CPD stated that it is reviewing the information we provided and considering changes to report taking (a newly designed m.o. sheet to be completed with an offense report) and using a larger time frame to identify repeat victimization. We expect to see the information from the databases, particularly drawn over a longer period of time, to be the basis of problem solving efforts initiated by the police around repeat victims, repeat locations, and repeat offenders. Again, we suggest the CPD to partner with the Partnering Center on some of these. Using the data in problem solving is just as important as creating the databases.

The CPD is in partial compliance with this CA provision, and it can use the information in the Analyzing Repeat Victimization publication to move into full compliance relatively quickly.

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 Motorola RMS/CAD system will also meet the requirements of this section of the CA. 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 CPD has reported that it expects the CAD portion of the new system to be on line between January 2007 and April 2007. For the RMS portion of the system, it is expected to be on line by June 2007 (with some modules up earlier).

The CPD cites its use of its current systems, and the fact that the new CPOP tracking system is now on-line, as a basis for a determination of compliance. The Monitor has noted in several CA sections that the CPD needs to improve its problem solving analysis, and use that analysis in its CPOP and problem solving efforts. In only a few projects is there mention of the number of calls for service at a location. Most projects do not include an analysis of the calls, and almost none include an assessment using data from the CPD's systems. Nonetheless, we believe that the work done under 29(p) also puts the CPD in partial compliance for 29(q). The repeat location, victim, and offender databases are a beginning, although improvements are still needed along the path described in 29(q). Once the new systems are up, they will need to ease access to this type of information and improve the CPD's capacity to scan, analyze, respond and assess. The City is in partial compliance with this section of the CA.

II. Evaluation Protocol [CA ¶¶ 30-46]

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 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, and 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?
- The Parties will regularly 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.

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). Paragraph 46 of the 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.”

Now that we are in our final year of both the Collaborative Agreement and the Memorandum of Agreement with the Department of Justice, it is even

more crucial that the Parties and the larger Cincinnati community “fully and fairly” put this data to use.

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 now need to be used to improve police-community relations and advance the goals of the Collaborative Agreement.

On December 5, 2005, RAND issued its first annual report, which is available on both the Police Department website and on RAND’s website. On January 19, 2006, the Parties hosted a community forum to discuss the RAND study and gather input from those attending. One of the principal RAND researchers attended and presented a summary of the major findings of the report.

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 will host a community forum on the RAND 2006 Report and on policing strategies in Cincinnati on February 1, 2007.

a. Statistical Compilations

For its 2006 report, RAND’s review of the CPD’s 2005 statistical data showed that reported crime, calls for police service, and arrests are geographically clustered in a small number of the same Cincinnati neighborhoods. RAND’s report also examined use of force statistics. RAND found that use of force by the CPD was geographically clustered in high crime neighborhoods, with Over-the-Rhine accounting for 22 percent of the incidents involving force. Black residents were the subjects of 77 percent of the use-of-force incidents, and were approximately 75 percent of arrestees.

Racial differences also were demonstrated in terms of traffic stops. On average, black residents in Cincinnati experience traffic stops that are longer, are more likely to involve searches for drugs, weapons and contraband, and more likely to involve investigation of all of the vehicle’s passengers. Black residents are also more likely than whites to be stopped for equipment violations.

More than anything else, the Monitor was struck by the statistics from the Over-the-Rhine (OTR) neighborhood.

- In 2005, the CPD made 9,076 arrests in OTR, representing 18 percent of all of the arrests the CPD made in the City. The reported number of crimes in OTR was seven percent of the City total.
- OTR accounted for 22 percent of incidents involving a CPD use of force.
- OTR saw a 25 percent jump in the number of arrests in 2005 from 2004, while there was a five percent drop in the number of reported crimes.
- Based on increased enforcement in early 2006, OTR is on track for nearly 11,000 arrests in 2006, a 44 percent increase from 2004.
- There were more traffic stops in OTR than in any other neighborhood in Cincinnati, other than on Interstate I75. Traffic stops in OTR represented eight percent of all stops of blacks in Cincinnati.

It is important to note that much of the difference in policing can be attributed to the fact that high levels of reported crime and calls for police service are concentrated in several black neighborhoods, and thus may not be due to racial bias in policing.

b. Traffic Stop Analysis

RAND developed three different benchmarks and analyses to assess whether racial biases influence police activities in the decision to stop, cite, and search vehicles in Cincinnati. The three stages are (1) an assessment of whether there is a department-wide pattern of racial disparity in vehicle stops; (2) an assessment of whether there are patterns of racial disparity at the individual officer level, by looking at internal benchmarks; and (3) an assessment of racial disparities in post-stop outcomes including the duration of stops, searches rates, and citation rates. RAND obtained contact cards and CAD logs for the CPD's 2005 traffic stops and analyzed them for the 2006 Second Year Report. The contact card completion rates for the 2005 stops improved from the results based on CPD's 2004 traffic stops.

RAND's review of traffic stops found no clear statistical evidence of racial bias in the decision to stop. It also found that officers searched black and "matched" nonblack drivers at nearly the same rates in situations where officers have discretion whether or not to search. (Although blacks are searched at a higher rate than nonblacks in Cincinnati, when factors such as

the location of the stop, time of the stop, and reason for the stop are taken into account, blacks and whites are searched at similar rates.) Most of the differences between the features of stops of black and nonblack drivers involved differences in stop locations, or drivers who had invalid licenses. The one subset of searches where RAND found a difference among matched drivers was in searches for weapons, where black drivers were about three times more likely than matched nonblack drivers to undergo a high-discretion weapons search.

RAND also compared the stops of 133 officers who made more than 100 traffic stops in 2005. It compared the racial percentages of stops of each officer to the stops of other officers made in the same neighborhoods and at similar times. Five of the 133 officers stopped black drivers at substantially higher rates than did other similarly-situated officers.

c. Evaluation of Video and Audio Records

To evaluate interactions between CPD officers and Cincinnati residents, RAND's research and analysis for the 2006 Second Year Report included a review of 325 randomly-sampled video recordings of Cincinnati traffic stops. RAND used multiple trained coders to view each tape and make a variety of objective measurements and subjective ratings. The ratings allowed RAND to describe the objective characteristics of the stops, measure verbal and nonverbal social cues, and assess the communication between the officer and the driver. RAND analyzed differences in these measures as a function of the race of the driver and the officer.

In reviewing stops of black drivers by white and black officers and stops of white drivers by white and black officers, RAND reports three key findings. First, black drivers were more likely to be pulled over for registration or equipment violations, and also more likely to experience proactive or intensive policing during the stop. Stops of black drivers took longer and were more likely to involve multiple officers, and black drivers were more likely to be asked whether they were carrying drugs or weapons, be searched, have a passenger searched, have the car searched, or have their passengers required to provide identification. Second, several of these differences between the stops of white and black drivers were largely when the officer was white. Third, white drivers' communications quality was more positive than that of black drivers – white drivers generally were more cooperative, courteous and apologetic. The fact that the differences in the stops of black and white drivers appeared to depend to a significant extent on the officer's race raised concerns for RAND. As RAND notes, "even if racial bias does not explain this pattern, the fact that blacks are more likely to experience longer, more-invasive traffic stops when white officers stop them should be expected to contribute to more-negative attitudes within the black community" (RAND Second Year Report, xvii).

Perception of bias leads to distrust of the police, and also provides an explanation for why black motorists have negative communications with CPD officers. “If police have different enforcement policies or a greater presence in those neighborhoods with a large number of black residents, it will likely appear racially biased to those residents even if individuals in those neighborhoods are actually being stopped without regard to their race. Perceptions of racial inequality in treatment drive attitudes and community relations, regardless of whether the true cause of that inequality is racial profiling, neighborhood profiling, enforcement priorities or other factors” (Id., xix).

d. Surveys

i. Community Surveys, Citizen Interaction with the Police

In 2005, RAND contacted a random sample of 3000 individuals living in each of the City’s 52 neighborhoods. The questions related to residents’ perceptions of the quality of police services, knowledge of CPD activities, and perceptions of the professional standards of the CPD. The results of the *community-police satisfaction survey* showed that, while the general public had favorable opinions of the quality of police service it receives, African American residents in Cincinnati had a less favorable view. Blacks expressed less satisfaction with the quality of police service, had less trust in the police than whites, and were more likely than whites to think that race played a factor in police decisions and that they had been the targets of racial profiling.

RAND will repeat the survey of community residents in 2008 to assess whether the implementation of police reforms have had an impact on public perceptions of the police services. The surveys were not repeated as part of RAND’s 2006 Second Year Report.

In 2005, RAND also attempted a survey of Cincinnati residents who had interactions with the police, including persons who had been stopped, cited, or arrested by the police, or who had been victims of crime. Unfortunately, the response rate for those surveys was not sufficient to produce scientifically valid results. For this reason, the Parties and RAND agreed that this survey would not be repeated for the 2006 Second Year Report or for future reports.

ii. Police Officer Surveys, Citizen Complaint Surveys

To obtain valid results in 2006 for measuring the views of officers and citizen complainants, RAND and the CPD developed new procedures for conducting these surveys. RAND began fielding the officer survey during in-service training, starting in June 2006. The surveys of complainants and officers involved in the citizen complaint process were mailed out by the CCA and IIS to officers and complainants at the same time that they mailed out the

disposition of the complaint. Also, for both surveys, RAND reduced the number of questions in the surveys to reduce the time it takes to complete, and hopefully increase the response rate.

RAND's 2006 survey of officers showed that they are very committed to their jobs and believe that informal interactions with citizens are an important method for solving problems and addressing crime. Ninety percent of the officers who responded to the survey indicated that residents' input is critical to solving neighborhood problems.

e. Periodic Observations and Problem Solving Processes

During 2005, RAND examined police-community interaction and problem solving through community meetings and problem solving projects. However, given the small number of meetings attended and problem solving projects reviewed, this aspect of RAND's research was turned over to the Monitor Team, which already reviews problem solving efforts.

3. Assessment

We are convinced that 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 repeats many of the findings of its 2005 First Year Report. Blacks and whites in Cincinnati experience "substantively different types of policing" (xxiii). 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. Calls for service, reported crime, arrests and police use of force are geographically clustered in particular neighborhoods – including Over-The-Rhine, the Central Business District/Riverfront, Avondale, and Pendleton. Because of where black and white residents live in the city, and because of police decisions on deployment and crime control strategies, some might even say that there is a *Tale of Two Cities* in how blacks and whites experience policing in Cincinnati.

On average, black residents in Cincinnati experience traffic stops that are longer, are more likely to involve searches for drugs, weapons and contraband, and more likely to involve investigation of all of the vehicle's passengers. Black residents are also more likely than whites to be stopped for

equipment violations. In addition, 75 percent of those arrested by the CPD in Cincinnati are black, and 77 percent of the incidents involving CPD use of force involve black subjects.

The RAND First Year Report demonstrated a wide gap in perceptions between whites and blacks in Cincinnati that must be addressed. Similar findings were made in the NCCJ surveys in 2006. These gaps must be reduced in future years for the Collaborative Agreement to be successful and its goals to be achieved. Central to this issue is the impact on the black community of decisions about police strategy. The right police strategy is one that effectively reduces crime, makes people feel safer, and reduces perceptions of police unfairness and bias. As noted by RAND, police research has shown that traditional reactive policing can create frustration and distrust of the police, and its effectiveness is questionable. This is why the Collaborative Agreement emphasizes problem solving and problem-oriented policing.

In the RAND 2005 Report and in our earlier Monitor's Reports, we set out several recommendations for actions that the Parties and the Cincinnati community should take. These steps need to be taken without delay. The CPD will need to increase the level of community dialogue to build trust with the African American community, and to restore trust with the communities that have been disillusioned. This should include discussions regarding incorporating problem solving and CPOP into hot spot/crime sweep efforts, and an examination of how and where arrests are being made and how they correlate to reported crime. Aggressive traffic enforcement may engender greater distrust, and may not be effective in reducing crime or improving traffic safety.

The Parties are in compliance with the CA provisions requiring the development of a system of evaluation, and implementation of the Evaluation Protocol (CA ¶¶31-43). The Parties have also committed to meeting with the Monitor regarding the RAND report and to hosting a dialogue on policing strategies in Cincinnati. As these discussions move forward, this will demonstrate the Parties' compliance with CA ¶¶ 30 and 46.

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. In November 2003, Judge Merz determined that there was not a pattern of improper pointing of firearms by CPD officers. Therefore, CPD officers are not 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 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.

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

These are data that 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 2005 data was forwarded to RAND for its analysis for the 2006 RAND report.

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 (2) any vehicle passenger detention that meets the definition of a Terry stop.¹⁶ 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 state that they believe that compliance has been met through the collection of contact cards.

c. Use-of-Force Racial Data

Racial data on CPD use of force was provided to RAND for the evaluation protocol.

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 and third quarters of 2006, the CPD received 140 reports of favorable officer conduct reported on positive contact forms, and 316 letters of commendation recognizing outstanding performance by CPD officers. The favorable officer

¹⁶ A Terry stop is one where the officer has reasonable suspicion to believe the person is committing or has committed a crime.

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

In 2005, the Parties 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 forms have not been made available to CPD officers, however, nor have the boxes for collection been placed in police District stations.

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

At the November 2006 All Parties meeting, the Parties agreed that this provision needs to be reconsidered, to determine whether there is a data collection and analysis method that can be agreed upon, or whether this provision should be revised or 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. The Parties will be in compliance with this CA requirement when these forms are available for completion and then collected. The Parties are not in compliance with this provision.

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

In 2006, the CPD Police Academy developed a bias-free policing refresher training module for all sworn members of the Department. The training was provided to CPD supervisors during Management training in the fourth quarter of 2006. In the first quarter of 2007, the training will be provided to all officers as part of in-service training.

3. Assessment

With the delivery of bias free training to officers as part of in-service training in 2007, the Parties will be in compliance with this 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 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. However, the 2005 and 2006 RAND reports do identify concerns with cross-racial communications between officers and drivers that could be improved by additional training.

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 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 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 its 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 have expired at the end of 2006.

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

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 four investigators on staff. Now that Kenneth Glenn is the Executive Director of the CCA, the CCA is conducting interviews for a fifth investigator, 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 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 2005 Annual Report in June 2006. This report is available on its website at http://www.cincinnati-oh.gov/cca/downloads/cca_pdf14151.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 inaugural issue of which came out at the end of July 2006.

3. Assessment

The Monitor's review of CCA investigations, discussed in Chapter 2, indicates that the CCA and the City are in compliance with CA ¶¶70-79. 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 ¶74. Also, with these procedures in place, it appears that the City is in compliance with ¶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 ¶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 ¶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. Based on the manual spreadsheet of CCA and CPD complaint cases, it appears that the City is in compliance with this provision.

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 their December 2006 CA Status Report, the Parties state that the current system is sufficient. The Monitor does note, however, that if the tracking and coordination of the status of citizen complaint investigations at each agency is to be done manually, that effort must be kept up to date. The spreadsheet provided to the Monitor in December 2006 was the same spreadsheet that had been provided in July 2006.

The City and the CCA are in compliance with CA ¶¶82-86, 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 drafted a report on complaint patterns and trends, and has issued its 2005

Annual Report. The CCA has also recently disseminated its first newsletter. The City is also in compliance with CA§87, requiring that the City Council allocate sufficient resources for the CCA to accomplish its mission. However, we encourage the City to evaluate the CCA's work and consider whether there are additional goals that could be accomplished with even slight supplemental budgetary funding.

APPENDIX 1
REVIEW OF CPOP WRITE-UPS IN PROBLEM-TRACKING SYSTEM

District 1 Examples

- SAR0600063 – homeless breaking into cars and drug use. The District worked in partnership with the Hamilton County Mental Health Association in identifying individuals with disabilities. The project starts off promising, but nothing has been added to the case since September 1, 2006.
- SAR0600065 – project is in the response implementation stage, but nothing is entered into the analysis section of the project, nor in the response section of the project. Three pages are blank in the report. The August District 1 Quarterly Problem-Solving Report contains an update from the officer with additional information, and although the problem is listed in the “response” stage, nothing yet had been done. There has been no further update since then.
- SAR060007 – promising project regarding drug dealing and severe code violations in a multi-family building. However, there’s been no update since July 3, 2006 in the tracking system, even though a meeting was scheduled with the building owner for July 12. The August District 1 Quarterly Problem-Solving Report contains an “update” about the project, but the information is not updated, so the results of the meeting with the property owner are not reported. There has been no further information since then.
- SAR0600091 – prostitution problem. Project listed as resolved, yet it is unclear if responses were actually implemented. The November District 1 Quarterly Problem-Solving Report contains an update from the officer and the project is listed in the “assessment” stage. Property owners have cleaned up the property and Public Works has been asked to improve the lighting, but had not yet done so. Calls for service have decreased and the officers are monitoring the problem.
- SAR0600094 – confusing parking signage problem in the downtown areas causes parkers to get unnecessary tickets. The project was begun September 1, 2006, but it does not appear that there has been any action on the project since September 1, when the Downtown Services Unit cancelled a parking ticket that was lawfully given because the signage was unclear.
- SAR0600037 - alcohol-related issues in Over-the-Rhine’s Washington Park, project listed as resolved. Citizens engaging in disorderly

behavior in Washington Park (drinking from open containers of alcohol, urinating in public, and littering). This problem was identified in March, 2006 and involved additional enforcement and warning of park patrons. In June 2006, the last update of the project noted: "This problem has been occurring for many years. The increased enforcement of the open container laws is only a part of the long term solution to reducing or eliminating this problem. Increased cooperation from area business and a reduction in liquor permit holders in the area would also aid in reducing incidents of this nature in the future." The August District 1 Quarterly Problem-Solving Report contains a June 12 memo with the same information in the tracking system.

- SAR0600097 – vehicle crimes in a City-owned parking lot; listed as resolved. No mention of the number of crimes, nor how much of an increase the lot experienced and over what period of time. Responses listed include: adjust traffic controls at time of day; criminal action – arrest; criminal action – citation. However, it is not clear why these countermeasures were chosen or if they were implemented. The November District 1 Quarterly Problem-Solving Report contains an update from the officer. The project is now listed in the “analysis” stage and crime analysis reports have been requested, directed patrols are on-going, and “no parking” and “no trespassing” signs have been posted.

District 2 Examples

- SAR0600047 - parking problem, project begun in May 2006. No reference to type of location until five pages into the project on the response page. Unclear what countermeasures were implemented, although it is now in the “assessment” stage of the project. An August 2006 update in the District 2 Quarterly Problem-Solving Report has the problem in the “analysis” stage, although it appears that the problem should be in the “assessment” stage, although no dates are attached to any specific actions. In the November District 2 Problem-Solving Report, the problem is in the “assessment” stage.
- SAR0600046 – drug sales in vicinity of Kennedy and Zinsle. There has not been a written entry in the tracking system about the project since mid-September (although there is an update in the November District 2 Quarterly Report). This project is a companion project to SAR0600023, which is also Kennedy and Zinsle. There is also no written entry about this project since mid-September (although there is the identical update in the November District 2 Quarterly Report as the SAR0600046 project). This last project may also be related to

SAR0600053, however, there is no entry in the tracking system about that project since mid-September.

- SAR0600045 - drug sales on St. Leger place in apartment complex. Although the project is in the “implement the response” stage, the scanning page is blank, as well as most of the analysis page. It is unclear what responses, if any, were actually implemented. No further update is provided about this project.
- SAR0600044 – drug sales on Woodburn. The project began in May and is in the response implementation stage. No details of the analysis are provided, not even the type of store that is adjacent to the dealing. In the August District 2 Quarterly Problem-Solving Report, the project is listed in the “analysis” stage and appears related to the SAR0600045 project concerning 1575 St. Leger (see above). The November Quarterly Problem Solving Report states that Vortex unit arrests have disrupted the corner market.

District 3 Examples

- SAR0600029 – drug sales 3600 Warsaw; very good write up of project.
- SAR0600030 - good description of drug dealing and prostitution in large apartment complex that houses assisted living tenants, some of whom are elderly or have mental illness.
- SAR0600031 - drug sales from a building on Palos Street (moved from a corner into private property). It is unclear what kind of follow-up eventually occurred (although there is an update in the November District 3 Quarterly Report dated May 10, 2006 that lists the project in the “assessment” stage, although no data analysis had yet been done). There is no further update on the project.
- SAR0600042 - parking problem on residential street; project began in late May. Project is listed in the “assessment” stage. The last entry was September 5, 2006. There are no further updates on the project.
- SAR0600043 - drug dealing in an apartment complex. Some of the dealers moved although the write-up is not clear if this was a result of the project.
- SAR0600056 - littering project, although probably better listed as a drug problem, even though littering is involved. The project in the tracking system seems to also involve drug sales. The same project in

the August Quarterly Problem-Solving Report seems to be solely a littering problem. There is no update past September.

- SAR0600057 - prostitution problem. Very good multi-faceted project.
- SAR0600058 - fights and disorder in front of a vacant building. Good use of different services. Calls decreased, residents say it's more peaceful.
- SAR0600059 – youth trespassing on private property. Cops met with parents of youth. Problem resolved. Very good description of project. Only issue is that a full description of the problem was not given until the “agency info” page on page 7 of the document.
- SAR0600061 - noisy neighbor, playing car stereo loudly, would turn down music when he saw police coming. Car owner contacted. Police did directed patrols. Noise stopped. No further complaints; problem resolved.
- SAR0600074 - trespassing, shootings, break-ins, loud music and loitering in front of apartment building owned by absentee landlord. CERT formed, property ordered vacated, property boarded up, calls dropped completely.
- SAR0600076 – loitering and drug dealing. Very good description of the problem on the “case info” page (the first page of project). Excellent additional information on the scanning page. Project still underway and is regularly updated.
- SAR0600082 - drug sales at corner. Good description of contributory factors in this project write-up: there is a bus stop on the corner of Harrison and Roberts Ave.; this makes it difficult to distinguish who is congregating from those who are waiting for the bus. There is also a pay phone on the northwest corner, which also makes it difficult to determine who may be hanging out in the area for criminal behavior from those using the phone. The market at this location also contributes to loitering.

District 4 Examples

- SAR0600026 – weapons on 3500 block of Reading Road. The calls for service for shootings and weapons runs analyzed are for the “neighborhood,” so it is not clear how many are attributable just to the identified block. The response is sweeps and the problem is listed

as resolved, although no assessment details are included in the case notes. No updates since May.

- SAR0600055 – mentally ill person calls police multiple times a day for the past nine months. Project begun in May; now in the response implementation stage although there are no specific notes about what actions are being taken or if the problem-solving guide on the subject – Misuse and Abuse of 911 – was reviewed for background information about the problem. Last entry made in August.
- SAR0600062 – drug dealing at 2525 Victory Parkway. The CPD has undertaken this project several times in different forms over the years. This most current effort was begun in June 2006. It contains a good description of what helped the officer understand the problem:

Looking at the list of current residents reveals that of the 214 current residents of the Alms (38 Families, 45 adults, 46 children), a vast majority of those are between the ages of 18-24. Also this is a HUD project-based building, which allows residents who are not employed to pay \$25 per month for rent; however if residents are employed, rent begins at \$600 per month for a one-bedroom apartment. This situation, along with the ages of a large majority of residents, plus an out-of-state owner, combines to create an unhealthy environment for the community. This address alone accounts for 14% of all reported Part 1 crimes in Walnut Hills, and 25% of all reported Part 2 crimes.

Later in the project, the officer describes the law related to this type of housing:

Additionally, fear from those residents that do want to live in a safe environment has prevented them from vocally and visibly calling for stricter adherence to the HUD contract that details their obligation to provide for safe conditions at site-based subsidized housing like the Alms. HUD's responsibilities related to terminating the tenancy for persons engaged in criminal activity are found in HUD Directive Number 5.859 which reads, in part, that the owner may terminate tenancy for any of the following types of criminal activity by a covered person: (1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff residing in the premises); or (2) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises.

Although begun in June, it is still listed in the Scan phase, the first stage of the SARA model. The August Quarterly Problem-Solving Report provides an update describing sweeps conducted in hopes of stemming the problem. No further update since August.

- SAR0600064 – students from nearby school drinking and using drugs on church property. Problem listed as resolved because the complainant no longer wants to pursue the matter. No reasons are listed for the complainant’s loss of interest.
- SAR0600087 – panhandling at end of expressway exit ramp. Social service and charitable organizations contacted to provide housing, no mention of whether that occurred or if panhandlers refused. No mention about the number of panhandlers, who they are, their records, or where they live. Project listed as “resolved,” fewer panhandlers at the location. No update since September.

SAR0600089 – assaults at 3001 Walters Avenue. Good description of problem: “At the location of Walter Ave and Buena Vista Pl. there have been several calls for service for assaults by teenage girls. The suspects are never on scene when police arrive and it is unknown where they live. The victims seem to all have minor injuries which consist of bruises and cuts. There has also been a call for weapon runs to that location and it is the site of a recent homicide.” Project is described as in the Response Implementation stage, however, the analysis and response pages of the project are blank. No update since August.

- SAR0600098 – uninhabitable home on Glenwood, homeowner indigent. Fire and Health Department lead agencies. They issued 30 day order, re-inspection set for late September 2006, no update of project noted.

For District 4, we also looked back across several older projects to see if they were adequately completed:

- SAR0600020 - disturbance by juveniles. Project begun April 6, 2006 and has no additional written entries in the case file since the beginning of the project. Project listed in the “analysis response” stage.
- SAR0600009 - drug dealing in an apartment complex on Reading Road. The project was opened in March, 2006 and marked as resolved

in March, 2006, although in the eight months since, there have been no written entries in the assessment section.

- SAR0500005 - an apartment complex with drug dealing on Wess Park Drive and Clinton Springs. Project begun in November 2005, search warrants served, listed as resolved, last updated in July 2006.

District 5 Examples

- SAR0600032 - noise problem begun in May 2006. Project resolved and completed. Good job on project.
- SAR0600033 – drugs and prostitution at a motel. Very good description of problem, but because it is listed as “comm dec” (community decline), it may not be recognized by future users of the system as a motel management problem. Project begun in May 2006 but still appears to be in the scanning stage. Neither one of the Quarterly Problem Solving Reports contain updates on this project.
- SAR0600039 - noise complaint about a dance hall. Excellent level of detail in write-up of project.
- SAR0600070 - kids playing in recreation pool after hours. Arrests made.
- SAR0600066 – loud music from cars. Unclear why coded as “parkrec.” No entry in CPOP tracking system since project opened in early June, still listed in the scan stage. No update in Quarterly Problem Solving Reports.
- SAR0600069 - car owner playing music loudly on the block. No entry since project opened in early June, still in scan stage.
- SAR0600067 - juveniles loitering at Hawaiian Terrace. No entries made on project in the CPOP tracking system since early June, still listed in the “scan” stage. Update in Quarterly Report dated November 16, 2006. Listed in the assessment stage. Update states that a CPOP team has formed and that the Narcotics unit and the District 5 Violent Crime Squad is targeting the area for enforcement. Appears that there are approximately the same number of radio calls to the location as before the enforcement, although it’s not clear if the types of calls have changed.
- SAR0600073 - litter problem resolved at Family Dollar store, also store’s exterior lighting nuisance to neighbor. Well described project.

- SAR0600083 – multiple traffic accidents on a portion of Hamilton Avenue caused by a sharp curve in road. Very good write up of project although no update in the CPOP tracking system since July 2006. Project listed as in the assessment stage. Update in Quarterly Report dated August 14, 2006 stated that the Traffic Engineering Department is evaluating options for road improvement. Update in Quarterly Report dated November 1, 2006 states that the Traffic Engineering added rough grooves to the road's surface through the curve to improve vehicle traction. No accidents have occurred since the improvements.
- SAR0600093 – faded traffic markings causing accidents along Clifton Avenue. Project listed as “resolved” although there are no accident details, not even the number of accidents, the analysis section is completely blank, and there has been no written entry about the project in the CPOP tracking system since the project was opened in late August. Update in Quarterly Report dated November 1, 2006 provides accident details, although it is unclear how many are attributable to the faded markings. The officer was able to have Traffic Engineering expedite the line painting and an activation signal will be put at one of the crosswalks. The project is in the response stage.
- SAR0600100 - theft from vehicles problem. Project accomplished with recruits in the Academy and described in section 29(l).

For District 5, we also looked back across several older projects to see if they were adequately completed:

- SAR0600011 -- drug dealing in abandoned buildings. No written entry has been made in the project since March, 2006. It is still listed in the analysis stage. There is an update in the Quarterly Report, dated August 14, 2006 listing the project in the response phase. The identical report (with no updated information) this time dated November 1, 2006 is included the November Quarterly Report.
- SAR0600022 – drug sales in rear of building on Colerain Avenue. Project begun in April and problem stopped on its own.
- SAR0600014 - speeding vehicles and traffic accidents on McAlpin Avenue between Ludlow and Middleton Avenues. Increased police enforcement and Traffic Engineering asked to do a study. No entry in CPOP tracking system since July 2006. Update in Quarterly Report dated August 13, 2006 suggests that Traffic Engineering has yet to

conduct the study. No update in the November 2006 Quarterly Report.

CHART OF MOA COMPLIANCE STATUS

MOA Para.	MOA Requirement	Compliance Status
11	Foot pursuits	Compliance
	This provision has been in compliance for over two years and will now be terminated.	
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 is used	
12e	Advise that excessive force will subject officers to discipline	
12f	Prohibit chokeholds	
12g	Remove term “restraining force” from policies and procedures	
14	Chemical Spray	Compliance
14a	Define terms in chemical spray policy	
14b	Limit spray to cases where force is 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	
24	<ol style="list-style-type: none"> 1. All uses of force reported as CPD reports use of force 2. Report form will indicate each and every type of force 3. Report to contain supervisor’s narrative, and 	<p>Compliance</p> <p>Partial Compliance with respect to revised MOA ¶24 for Taser</p>

	taped statement 4. Supervisors shall have access to force reporting database 5. Special form for canine deployments, tracking	incidents
27	1. Supervisors will investigate force. Include description of facts 2. Investigation will review basis of stop and seizure	Compliance
29	1. Prohibit investigators from asking leading questions 2. Consider all relevant evidence and make credibility determinations 3. No automatic preference for officer 4. Resolve material inconsistencies	Compliance Unable to monitor leading questions
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	1. Lieutenant or higher will review each investigation and identify deficiencies 2. Appropriate corrective action taken for deficient investigations	Compliance
36	1. Complaint forms available at various locations, CPD stations, in police vehicles 2. Officers will not discourage any person from making complaint	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	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

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
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	1. IIS report will include description of allegation, summary of all evidence, proposed findings and analysis 2. IIS will complete investigations within 90 days absent exceptional circumstances	Partial Compliance with first requirement Compliance with time period requirement
52	1. All complaints will be directed to CCA 2. CCA will have jurisdiction over, and will investigate itself, excessive force, improper pointing of firearms, unreasonable searches and discrimination complaints 3. CCA will accept third party complaints 4. CCA will have sufficient investigators	Compliance
54	City to develop procedures re timing, notification, and interviewing of witnesses so parallel investigations are effective	Compliance
55	City will take appropriate action, including imposing discipline or non-corrective action where warranted, regarding CCA investigations	Compliance

56	1. CCA will complete investigations within 90 days 2. City Manager to take action within 30 days of completion of CCA investigation	Compliance
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
62	Use of Risk Management System	Partial 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	Compliance
64	System to be developed on specified schedule	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
70	MVRs	Compliance
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 to 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	Compliance

	2. CPD to conduct random reviews of equipment	
75	<p>1. CPD will revise its disciplinary matrix to take account of violations of different rules rather than just repeated violation of same rule</p> <p>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</p>	Compliance
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	Compliance

CHART OF CA COMPLIANCE

CA ¶	CA PROVISION	COMPLIANCE STATUS
	Interagency Collaboration	
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
	Best Practices	
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
	Continuous Learning Process Through the CPD Around Problem Solving	
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
	Research Successful and Unsuccessful Ways to Tackle Problems	
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
	Joint Promotion of CPOP and CPOP Training	
29(e)	The Parties, consistent with the Partnering Center, shall conduct CPOP training for community groups, jointly promote CPOP, and implement CPOP training.	Compliance
	Community Dialogue and Structured Engagement with Specific Groups	
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 as with property owners, businesses, tenants, community	Partial Compliance

	and faith-based organizations, motorists, low income residents and other city residents on purposes and practices of CPOP.	
	CPOP Annual Award	
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.	Compliance
	Informing the Public about Police Policies and Procedures - Communications Audit	
29(h)	The City, in consultation with the Parties and consistent with Ohio law, shall develop and implement a system for consistently informing the public about police policies and procedures. In accomplishing this item, the City, in consultation with the Parties, shall conduct a communications audit, and develop and implement a plan for the improvement of internal and external communications. This will be funded by NCCJ.	Compliance
	Staff a Community Relations Office	
29(i)	The Parties shall create and staff a Community Relations office that will coordinate with the CPD implementation of this Agreement.	Compliance
	Problem Solving Annual Report	
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
	CPD District Commander and Special Unit Commanders/Officials Submit Problem Solving Reports	
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 relevant law, these reports shall be available to the public through the CPD's Community Relations Office.	Partial Compliance

	Police Academy Training	
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.	Compliance
	Implement Problem Tracking System	
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.	Not in Compliance
	Update Staffing Plan in Light of CPOP	
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.	Partial Compliance
	Revise CPD Policies, Procedures, Organizational Plans, Job Descriptions, and Performance Evaluations consistent with CPOP	
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
	Information Retrieval Systems Consistent with Analysis Needs	
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.	Partial Compliance
	Availability of Timely Information to Detect, Analyze, and Respond to Problems, and Evaluate their Effectiveness	

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.	Partial Compliance
	Evaluation Protocol	
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. The Parties will regularly 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.	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; and (3) annual statistical compilations of police interactions with the community and the community's interaction with the police	Compliance
35	Periodic Surveys	Compliance
36	Periodic Observations	Compliance
37	Privacy and Anonymity of Survey and Observation Respondents	Compliance
38	Statistical Compilations	Compliance
39	Statistical Compilations	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.	NA
41	Evaluation of Problem Solving Processes	NA
42	Evaluation of Video and Audio Records	Compliance
43	Evaluation of Staffing	NA

44	The Evaluation Protocol will include the provision of periodic reports	Compliance
45	Annual Reports on Evaluation Protocol	Compliance
46	Measurement of the success of the mutual accountability process	Defer Determination
	Use of Force and DOJ Agreement	
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.	NA
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
	Fair, Equitable and Courteous Treatment	
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 pursuant to the Evaluation Protocol (§39).	Compliance
52	The Parties shall cooperate in the ongoing training and dissemination of information regarding the Professional Traffic Stops Bias-Free Policing Training Program.	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.	Compliance
54	In providing police services, the members of the 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
	Civilian Complaint Authority	
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 procedures for the CCA to carry out its functions.	Compliance
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 have access to city records, documents, and employees. CCA investigations shall be consistent with professional standards.	Compliance
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.	Compliance
76	CCA investigations will be forwarded to the Board; each CCA report shall include proposed findings and recommendations.	Compliance
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 on discipline until after receipt of the CCA report. The City Manager shall agree, disagree, or agree in part.	Compliance
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 the CPD to identify officers involved in repeat allegations, citizens making repeat allegations, and circumstances giving rise to citizen complaints.	Compliance
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: (1) through investigation of officers charged with misconduct,	NA

	and (2) examination of complaint patterns to identify at-risk officers, citizens, and circumstances.	
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: (1) repeat officers (2) repeat citizen complainants, and (3) repeat complaint circumstances. Following the identification of such patterns, the CCA and the 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.	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.	Compliance
87	The City Council will allocate resources sufficient for the CCA and the CPD to accomplish the foregoing.	Compliance

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