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

May 1, 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 THIRTEENTH REPORT

EXECUTIVE SUMMARY

We are now in the fourth 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 Thirteenth Report. The period covered is from October 1, 2005 through December 31, 2005, though we also review more recent activities from January 1, 2006 to April 30, 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).

This Thirteenth Report is released at a time of important milestones in police-community relations in the City of Cincinnati. April 2006 marked five years since the death of Timothy Thomas and the civil unrest that followed. We are now into the fourth year of the MOA and the CA. Further, it was three years ago that the First Monitor's Report was issued.

Overall, crime declined in Cincinnati in 2003, 2004, and 2005.[1] During that time, the Collaborative Agreement has prompted a policing style that more heavily relies on data and analysis than the prior style of policing in Cincinnati. While there may be many reasons for the reduction in crime in Cincinnati, it does suggest that problem-oriented policing can be an effective strategy for addressing crime and disorder. The reduction in crime, and the fact that arrests and other police enforcement actions have not decreased, also suggests that the accountability measures called for by the Memorandum of Agreement has not resulted in "de-policing" that might "handcuff" the Police Department.

This Report shows that there has been great progress in implementing the reforms of these Agreements. But the work is not done. We look forward to working with the Parties to continue this progress and strive for the goal of the Agreements – fostering a safer community where mutual trust and respect is enhanced among citizens and police.

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[1] Part I and Part II crime categories as defined by the FBI Uniform Crime Reports. It is important to note, however, that homicides have risen in Cincinnati suggesting that an in-depth analysis of that problem is required.

MEMORANDUM OF AGREEMENT

General Policies (MHRT Team and Foot Pursuits)

The CPD has 198 trained Mental Health Response Team (MHRT) officers. These officers are available and dispatched to respond to incidents involving mentally ill persons. The Monitor continues to see positive developments in the MHRT program. The level of MHRT availability has risen consistently since the program was developed in 2003. Dispatch of MHRT officers to MHRT calls has increased from approximately 75 percent in 2003 to approximately 90 percent in 2005, with the highest percentage of 94 percent availability in this last quarter. The number of calls for which there was no MHRT officer working or available has similarly decreased, to only seven calls, or .5 percent, this last quarter. The Monitor also believes that the Cincinnati community would benefit from expanding the work of the Mobile Crisis Team (placing MCT staff at police district stations in addition to Districts 1 and 5, and expanding the hours of operation). The Monitor would fully support increased funding for the Mobile Crisis Team program, while recognizing that the Mobile Crisis Team is not a CPD responsibility. The CPD is in compliance with the MOA provisions relating to mentally ill individuals. We also determined that the CPD is in compliance with the foot pursuit provisions of the MOA.

Use of Force

The use of force statistics for the fourth quarter of 2005 continue to reflect the substitution of the Taser for other kinds of use of force. There were 104 Taser deployments in this quarter, which is a significant decrease in deployments from the previous quarters. The number of chemical sprays, physical force and takedowns have significantly decreased since the first quarter of 2004. The Monitor found that the Taser deployments and other use of force incidents reviewed this quarter were in compliance with the use of force model required by the MOA. The Monitor also found the CPD to be in compliance with the MOA provisions for chemical spray, beanbag shotgun and canine deployment.

Incident Documentation and Investigation

In September 2005, the Department of Justice and the CPD agreed on the documentation and investigation requirements for Taser incidents.

This quarter, the Monitor conducted an audit of 117 incidents in which individuals were charged with resisting arrest or assault on a police officer, to determine if in incidents where force was used, the officer reported the use of force and an investigating supervisor completed a Use of Force Report. There were only three incidents where a Use of Force Report was not completed in an arrest where it was clear that force was used (3 of 81 incidents, or 4% of the

incidents). In some incidents, however, the officer's arrest report suggested that force may have been used, but the information was insufficient to determine if the officer used force. The Monitor will work with the CPD to ensure that field supervisors evaluate these incidents to determine if force was used and to ensure that the officers appropriately document their actions.

The Monitor Team reviewed a sample of 54 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. For Taser incidents, one requirement on which the CPD was not in compliance was in documenting that the subject of the use of force was interviewed by the investigating supervisor.

The Monitor also commends Chief Streicher for establishing a Use of Force Review Board, for incidents of serious uses of force or uses of force that generate a complaint of excessive force by an officer. 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, but has just begun its reviews. The Monitor believes that this review board can provide improved management and accountability in overseeing use of force and training issues, and looks forward to observing its implementation. It is important to note that this Board goes beyond the requirements of the MOA, and reflects best practices that have been used in other police departments.

Citizen Complaint Process

The City's complaint intake process is open and accessible and meets the MOA requirements. In the fourth quarter of 2005, the CPD and the CCA worked cooperatively to ensure that all complaints are received by and appropriately acted upon by both agencies. By the end of January 2006, the CPD's IIS Unit had completed its investigations of all complaints from 2005 and earlier.

The Monitor reviewed a sample of citizen complaint investigations that were completed in the fourth quarter of 2005. Most of these investigations were well conducted and thorough. In addition, some of the investigations were initiated by CPD supervisors and demonstrated an important level of accountability that we hope and expect will continue in 2006. While the City is still not in compliance with the requirement that investigations be completed within 90 days of the complaint, IIS eliminated a significant backlog of cases

and has now completed investigations of all 2005 complaints. The Monitor did identify some of the investigations that were not consistent with the MOA requirements. There were some investigations where not all of the relevant evidence was considered, or where relevant witnesses were not identified and interviewed.

Management and Supervision

Since October 2004, the CPD's risk management system, the Employee Tracking Solution (ETS), has been on-line, and officers and supervisors are entering records such as Use of Force Reports and citizen complaints into the system. In addition, the vendor and CPD have completed the task of converting data from the CPD's old databases and importing them into the ETS. The CPD also was 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, supervisors and units 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 above the threshold 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; (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. The CPD has begun to undertake the reviews listed in the first and third processes above; it is still developing the protocols, SOPS and training for supervisors in conducting their 28 day reviews. There were still some technical flaws in the system in January 2006, so the quarterly reports that were prepared at that time were not completely accurate, and some officers were inaccurately identified as being above an ETS threshold. This problem was corrected in February 2006.

As a general matter, District and Section Commanders concluded in their January 2006 quarterly reports that there were no officers whose ETS data showed a pattern of behavior that needed intervention. This was true even for officers who engaged in a significant number of uses of force or generated citizen complaints. Instead, these data often were interpreted as reflecting that the officer is "an active officer" and a leader in arrests for his or her shift. The few interventions that were described appeared to be for officers who had a high number of traffic accidents and vehicle pursuits, and were related to additional driving skills training. 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 examine the incidents and patterns underlying the ETS data. Follow-up and monitoring is 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

As in the last several quarters, the Monitor finds the CPD to be in compliance with the MOA training requirements. The CPD is in the process of implementing enormous organizational and cultural change, driven by its own strategic goals and the goals established in the MOA and the CA. Human resource systems, such as training, are a vital component to achieving such goals. In support of the CPD's change effort, excellence in training must be supported by a leader well-versed in advanced educational methodologies and knowledgeable about values-based and problem-based learning. In December 2005, Captain Paul Broxterman was made the Commander of the Training Section. It is the Monitor's understanding that as Commander of the Training Section, Captain Broxterman also serves as the Director of the Training Academy, a position that had been vacant for several quarters in 2005. We have high expectations that the Academy Director will bring the requisite knowledge and skills to this position and ensure that consistent performance will be maintained in this critical role.

COLLABORATIVE AGREEMENT

CPOP

This quarter saw a tremendous amount of change within the CPD, as it announced a restructuring of neighborhood (COP) officers, eliminating COP special units in each District, and reassigning responsibility for CPOP and problem solving to a wider number of District officers and supervisors. The redeployment of COP officers back into patrol, which widened the responsibility for problem solving, also allowed the CPD, through transfers of officers, an opportunity to increase staffing at Districts that had high crime and calls for service. This is an important move and consistent with the principles of the CA CPOP section.

We would be remiss, however, if we did not mention the absence of communication that accompanied the redeployment of personnel in the Department around CPOP. While the Monitor agrees with the CPD that Department-wide adoption of CPOP is required under the CA and that transitioning a community from single-officer to multi-officer community engagement and problem solving can be difficult, we hope that the CPD recognizes the importance of engagement and consultation, even when the CPD has the formal authority to make decisions and take action.

This quarter paints a complicated picture. The CPD's action to redeploy personnel caught many in the community by surprise, and even many of the CPD's own employees by surprise. However, a few weeks after the changes, the Monitor noted a more positive attitude within the CPD towards its CPOP and problem-solving obligations. Many members of the Department now appear energized by the fast pace of change occurring in the CPD, spurred by a new strategic planning process, use and availability of crime analysis, and the opportunity for CPD members beyond neighborhood officers to participate in crime reduction projects using problem solving and community engagement. We believe that the CPD leadership can make the restructuring work, and the CPD promises to monitor this transition time. Now is the time to make this work and the next few months are crucial.

Much remains to be done. New performance evaluations and revised job descriptions are needed to bolster the foundation of change in the CPD, and the CPD needs to commit to analyzing crime beyond reporting numbers and statistics. This focus on analysis goes beyond what the CPD has done to date. It will mean that the CPD will need to dig into crime problems across the City, within neighborhoods, and on city blocks, using the background material, analysis guidance and research that is on the CPD's CPOP website, particularly the guides that provide synopses about many of the crime and safety problems that Cincinnatians face. In addition, in-depth training is required for sergeants around crime, crime interventions, analyzing crime, managing calls for service, managing officer time, and providing expectations, guidance, and coaching to make the move towards Department-wide CPOP work.

We are also concerned that no new CPOP projects have opened in the last six months, only projects without Partnering Center involvement. The Partnering Center brings tremendous value to the table. While not all crime and safety problems will require enlisting the Partnering Center (nor should they), the Partnering Center has been a spark in collaborating with the CPD to engage in alternate approaches to reducing crime. The strategic plan, which is still in draft form, is the place to show the citizens of Cincinnati that the CPD is affirming its commitment to the CA and will use the strategic plan to fully operationalize the CA.

Finally, the Monitor applauds the training efforts made in late 2005, and January and February of 2006. It shows an increased commitment to training around CPOP. We believe that the trainings undertaken over the last four quarters are the first steps in introducing Department employees (sworn and civilian) to CPOP.

Evaluation Protocol

The CA provisions call for a comprehensive approach to evaluation.

Having published the RAND report and conducted a community forum to discuss the report, the Parties are in compliance with implementing the Evaluation Protocol and publicly reporting the results. The 2005 RAND report will be a benchmark to measure progress in 2006.

In our last Report, the Monitor set out several recommendations for actions that the Parties and the Cincinnati community should take based on the RAND findings. One area is communications in traffic stop encounters. The Monitor also seconded RAND's call for a larger dialogue about how black neighborhoods are policed. This would 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 RAND citizen survey demonstrates the wide gap in perceptions between whites and blacks in Cincinnati that must be addressed. These gaps must be reduced in future years for the CA to be successful and its goals to be achieved. The right police strategy is one that effectively reduces crime, makes people feel safer, <u>and</u> reduces perceptions of police unfairness and bias. This is why the CA emphasizes problem solving and problem-oriented policing; research shows that CPOP is effective policing. In 2006, RAND will continue the Evaluation Protocol, and will be publishing its second annual report.

CCA

In the fourth quarter of 2005, there were several members of the CCA Board whose term expired. This created a difficulty at the beginning of February 2006, when the CCA Board did not have sufficient members for a quorum to hold its meeting. In February 2006, Mayor Mallory reappointed and the City Council confirmed two members of the CCA Board. However, two CCA Board vacancies still remain, and the April CCA Board meeting did not occur because of the lack of a quorum.   The Monitor urges the City of Cincinnati to move forward on Board appointments to this critically necessary institution. Not only are there two vacancies to the Board, but the terms of three current Board members will expire at the end of 2006.

In addition, in November 2005, Mr. Pete France announced his resignation as CCA Executive Director. The City Manager appointed Mr. Kenneth Glenn, CCA's Chief Investigator, as the Interim Executive Director effective December 1, 2005, and the City is now in the process of a national search for a new Executive Director. The selection of a new CCA Executive Director is a vital step to maintain the confidence of the public in the CCA's work. We recommend that the City proceed expeditiously and consider consulting with the FOP and Plaintiffs in a similar process as it used in 2004.

CHAPTER ONE. INTRODUCTION

This Thirteenth Report is released at a time of important milestones related to police/community relations having been reached in the City of Cincinnati. April 2006 marked five years since the death of Timothy Thomas and the civil unrest that followed. We are now into the fourth year of the Memorandum of Agreement between the City of Cincinnati and the United States Department of Justice, and the Collaborative Agreement between the City of Cincinnati, the Plaintiff Class, and the Fraternal Order of Police. Further, it was three years ago that the First Monitor's Report was published.

The Monitor's Report generally focuses on describing implementation and the level of compliance with the MOA and CA for the applicable reporting quarter. This Report details implementation and compliance for October 1, 2005, through December 31, 2005. However, in light of the significant milestones that have recently been reached, it is important to not only gauge where we are, but to also both look back at what has been accomplished, and forward to what lies ahead. The first Monitor's Report dated April 1, 2003, was released after the MOA and CA had been in effect for a little less than a year. That first Report raised serious concerns related to the level of commitment by the Parties to the implementation of the reforms required by the Agreements. The Parties were urged to:

- Address the creation of effective project management of data and document production essential for the production of status reports and the Monitor's Reports.

- Recognize that the Agreements are binding obligations of the Parties, and no Party could unilaterally alter or avoid compliance with the Agreements.

- The Parties needed to develop a shared vision to accomplish the change in orientation for police and community that the Agreements call for.

- The Report questioned whether the CPD was committed to the reforms agreed to in the MOA and CA, and whether community members had truly shouldered their responsibilities under the CA.

The Reports produced during the last three years of monitoring have documented significant improvement in each of the areas of concern noted in the first Report. This Thirteenth Report documents a strong commitment by the Parties to the full implementation of both Agreements. The CPD is currently in compliance with all of the provisions of the MOA, with only the following exceptions:

- Partial Compliance: documentation of subject interviews in Taser incidents; thoroughness of investigation of use of force incidents; thoroughness of citizen complaint investigations; appropriate disciplinary action taken in sustained complaints; full implementation of the CPD's Employee Tracking System (ETS) risk management system

- Non-compliance: completion of citizen complaint investigations within 90 days.

It is also noteworthy that the fourth quarter of 2005 had the lowest number of use of force incidents since the third quarter of 2002.

In regard to the CA and the implementation of CPOP, this quarter saw a tremendous amount of change within the CPD, as it announced a restructuring of neighborhood officers, eliminating neighborhood officer special units in each District, and reassigning responsibility for CPOP and problem solving to a wider number of District officers and supervisors. The redeployment of neighborhood officers back into patrol (thus, widening the responsibility for problem solving) allowed the CPD to increase staffing at Districts that had high crime and a high number of calls for service. This is an important move and consistent with the principles of the CA.

The restructuring was not without controversy, resulting from the lack of communication that accompanied the redeployment of personnel around CPOP. It is hoped that from this experience, the CPD sees the importance of engagement and consultation, which are hallmarks of effective implementation of the goals of the CA.

The CPD restructuring comes against a backdrop of continuing improvement in CA implementation. The CPD and the Partnering Center have developed effective CPOP training that has been delivered to over 36 communities, and CPOP projects have been initiated in communities throughout Cincinnati. The Parties picked up the pace significantly in conducting community dialogue and structured interaction between the CPD and segments of the community. The Partnering Center has often been the source and catalyst for these interactions. In October 2005, the Parties recognized and celebrated the progress that has been made in the implementation of CPOP at the first annual CPOP Awards Ceremony. The second ceremony is scheduled for October 27, 2006.

The MOA and CA accomplishments we describe are not meant to be exhaustive; rather they are cited to demonstrate the progress that has been made since the first Monitor's Report questioned whether the Parties

appreciated and were willing to shoulder their responsibilities under the Agreements, and to lay groundwork for the time remaining under the Agreements.

With the CPD moving towards substantial compliance under the MOA, significant progress being made in the implementation of the CA, and less than a year left in the terms of the Agreements, we need to consider what the focus should be going forward. First, the CPD can and should reach substantial compliance with the terms of the MOA by the date for release of the next Monitor's Report, September 1, 2006. Second, the unfinished issues related to CA implementation, such as new performance evaluations, revised job descriptions, enhancement of crime analysis, and in-depth training of CPD supervisors so they can counsel and mentor officers in implementing CPOP Department-wide, will require increased attention during the remaining life of the Agreements. As is often said -- the proof is in the pudding. How well the CPD manages the transition to Department-wide problem solving, and whether new CPOP teams are formed to address well-defined problems, will demonstrate the level of the Parties' commitment to adopting problem solving as the principle strategy for addressing crime and disorder.

Much has been accomplished in the four years since the Agreements were reached. A strong foundation has been created for permanent, important police reforms in Cincinnati. But these reforms have not been completed, and it is not a time for resting on laurels. The vision must be greater than just reaching substantial compliance under the Agreements. The Agreements created the impetus to address the urgent needs of police-community cooperation, respect, trust and mutual accountability. It would be naïve, however, to believe that the daunting work needed to alter the decades of discord Cincinnati has endured could be accomplished and made permanent within the five-year term of the Agreements. The CA speaks to the reality that the work needs to continue even after the expiration of the CA. In paragraph 30, the CA instructs that the system for evaluating whether the goals of the CA have been attained:

> ... shall include a plan for determining what parts of this evaluation oversight may be transferred from the Monitor's supervision to a successor agency before this Agreement expires, in order that ongoing evaluation efforts of police-community relations continue.

It is not too early to start considering how the reforms that have been put in place by these Agreements can be maintained and continued. In this way, the important dialogue between city officials, police leadership, the FOP and community members will continue, so that public safety in Cincinnati continues to bear the fruit of this important dialogue.

CHAPTER TWO. MEMORANDUM OF AGREEMENT

I.   General Policies

A.   Mental Health Response Team [MOA ¶ 10]

1. Requirement

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

2. Status

The CPD has 198 trained MHRT officers, with approximately 180 officers deployed in the field as part of the Patrol Bureau. In addition to training officers on handling calls with mentally ill persons, the CPD also has continued its training of 911 dispatch call takers on the MHRT program and handling calls involving mentally ill individuals.

In 2006, the CPD plans to conduct in-service training for the MHRT officers, similar to the recertification training conducted in September 2004. The Mental Health-Law Enforcement Committee will also be conducting surveys of mental health consumers, professionals and officers to assess their views of the program, and any suggestions for improvements. One recent action was the distribution of wallet size cards for law enforcement officers in Hamilton County with phone numbers of mental health providers and other agencies for referrals.

During the fourth quarter of 2005, the CPD received 1,563 calls involving mentally ill persons. In 115 of those instances the call did not meet the criteria for dispatch and was cancelled, or the call was handled by another agency. In 132 cases, the call was dispatched as another incident type and later changed to MHRT by the responding officers. This equates to 1,316 calls eligible for MHRT officer dispatch. For 1,240 of those calls, a MHRT officer was dispatched. Thus, MHRT officers were dispatched to 94 percent of MHRT eligible calls.

For this reporting period, there were two calls for which an MHRT officer was not working, and five calls for which a MHRT officer was working but not available for dispatch (.5 percent). An additional 28 calls handled were categorized as "unknown" (2 percent). The remainder of the calls (41) were ones in which a MHRT response was disregarded by the supervisor or the situation was handled before MHRT arrival (3 percent).

The Psychiatric Emergency Services Department of University Hospital continues its partnership with the CPD. This partnership has enabled Mobile Crisis Team personnel to work within police districts in conjunction with police personnel. Currently, the program operates in Districts One and Five. For the fourth quarter of 2005, statistics were maintained for individuals in both districts who could be identified as being in need of mental health services. Identification is made through an incident history, police reports (Form 316), or by hospital records. Information regarding the number of MHRT runs handled by police, the Mobile Crisis Team, or a combination of both is also tabulated.

2005 Fourth Quarter	District One	District Five
Total runs	229	239
CPD only	138	139
Mobile Crisis Team only	31	34
CPD assisted by the Mobile Crisis Team	51	57
Mobile Crisis Team assisted by CPD	9	9
Total individuals identified	178	160
Mobile Crisis Team consultations	2	0

3.   Assessment

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

The Monitor continues to see positive developments in the MHRT program. The level of MHRT availability has risen consistently since the program was developed in 2003. Dispatch of MHRT officers to MHRT calls has increased from approximately 75 percent in 2003 to approximately 90 percent in 2005, with the highest percentage of 94 percent availability in this last quarter. The number of calls for which there was no MHRT officer working or available has similarly decreased, to only seven calls, or .5 percent, this last quarter.

In our January 2004 report, we noted the benefits of locating the Mobile Crisis Unit staff in CPD Districts 1 and 5. While the Mobile Crisis Team is not a responsibility of the CPD, we recommended that the City work with Hamilton County and the Mental Health Board to seek funding for additional Mobile Crisis Team staff that could be resident in the other districts, or expand the hours of operation beyond regular business hours. Again, while we emphasize that this is not a requirement of the Agreements, we believe City residents will benefit greatly from expanding the work of the Mobile Crisis Team, and the Monitor fully supports increased funding for this program.

B. Foot Pursuits [MOA ¶ 11]

1. Requirement

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

2. Status

The tactical and risk considerations involved in foot pursuits were discussed during roll-call scenario trainings in December 2005.

3. Assessment

The Monitor reviewed 15 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 is in compliance with this MOA paragraph. The successful implementation of the CPD's foot pursuit policies is another example of improved compliance with the MOA provisions over the last several years.

II. Use of Force

In the table below, we provide the statistics for use of force incidents for the last fourteen quarters, from the third quarter of 2002 to the fourth quarter of 2005.

USE OF FORCE TABLES

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

	1st Q 2004	2nd Q 2004	3rd Q 2004	4th Q 2004	1st Q 2005	2nd Q 2005	3rd Q 2005	4th Q 2005
Chemical Irritant - Unrestrained Subjects	76	30	10	8	8	12	5	9
Restrained Subjects	10	9	10	9	11	10	3	2
Physical Force	17	4	2	1	4	4	3	9
Takedowns with injury	11	4	8	6	10	3	2	9
Non-compliant suspects	40	41	30	31	23	18	29	35
PR 24	0	0	1	0	0	0	0	0
Canine	4	1	3	5	6	7	5	5
Taser	72	177	198	148	137	143	166	104
Beanbag/ Foam round	1 foam	0	0	0	0	0	2	0
Pepperball	0	0	0	1	0	0	0	1
Firearms Discharge	3	2	0	0	1	2	0	2
Total	234	268	262	209	200	199	215	176

The use of force statistics for the fourth quarter of 2005 continue to reflect the substitution of the Taser for most other kinds of use of force. The number of chemical sprays, physical force incidents and takedowns have significantly decreased since 2003. The number of Taser incidents also decreased significantly in the last quarter of 2005 compared to the previous six quarters. The total number of use of force incidents for the fourth quarter of 2005 is the lowest number of incidents since the third quarter of 2002, at the beginning of the Agreements.

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

In the October 18, 2005, Staff Notes, the CPD issued revisions to its Use of Force Policy, Procedure 12.545, to reflect the agreement between the Justice Department and the CPD regarding the documentation and investigation requirements for Taser incidents (see Section III.A below).

In its March 21, 2006 Staff Notes, the CPD issued revisions to its Use of Force Policy to add information for officers concerning extended, uninterrupted discharges or extensive multiple discharges of the X26 Taser. The language added is below:

When possible, avoid prolonged, extended, uninterrupted discharges or extensive multiple discharges.

a. Use of the Taser should be combines with physical restraint techniques to minimize the total duration of the struggle and Taser use.

1) Additional officers on the scene of a Taser deployment can attempt to restrain and handcuff a subject during an active Taser cycle.

2) Officers should transition to a different force option if multiple Taser deployments fail to gain compliance or continued Taser applications are not making sufficient progress toward gaining compliance.

Taser Implementation

In the fourth quarter of 2005, there were 104 Taser deployments. Slightly less than half of these deployments occurred during a foot chase of the subject (43 percent). Also in this quarter, there were only five injuries to subjects associated with these Taser incidents. Four of these involved minor cuts or abrasions resulting from the fall to the ground, while the fifth involved the Taser probe being lodged in the bone of the subject's hand. No injuries met the definition of serious injury in the CPD's Use of force procedures.

In reviewing injuries to subjects in incidents for all types of force (including hard hands, beanbag, 40mm foam and pepperball weapons, canine bites, physical force, and Tasers), injuries to subjects have decreased by 18% from 2004 to 2005 (from 229 in 2004 to 187 in 2005). Injuries to officers resulting from arrests and assaults dropped 20 percent from 2004 to 2005 (from 40 injuries in 2004 to 32 in 2005). The CPD believes that the implementation of the Taser played a role in this decrease in injuries.

In its February 12, 2006, MOA Status Report, the CPD noted that there were 12 Taser incidents in the fourth quarter of 2005 in which the subject had a deadly weapon (firearm, knife).

3. Assessment

The Monitor has previously determined that the CPD's Use of force policy and training are in compliance with the MOA provisions. During this quarter, the Monitor reviewed the CPD'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 31 Taser incidents that the Monitor Team reviewed this quarter, the documentation and investigation indicated that in 29 incidents, the officer's 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 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.

There were two incidents where it was difficult for the Monitor to determine if the Taser use was reasonably related to the actions of the subject. In Tracking No. 73558, the officer was justified in using his Taser against a subject who was fighting with another and would not stop after being warned. The officer then deployed a second cycle of the Taser because the subject, who was on the ground, did not place his hands behind his back. In this instance, however, the Taser download shows that the second Taser cycle occurred immediately after the first, and thus the subject was not given any time to comply with the officer's demands. In Tracking No. 76300, a juvenile fleeing from a stolen vehicle was pursued by officers and fell in the snow. The officers approached and directed the subject to show his hands. When the subject did not, the officer warned him that the Taser would be used, and then deployed the Taser. The Taser deployment was ineffective, but the officers then handcuffed the subject without any further incident. In this case, it is not clear whether there was any threat to the officer, or whether the officer could have used, before the Taser deployment, the arrest control technique that he used to handcuff the subject after the Taser deployment.

The Monitor also identified incidents where the duration of the Taser was longer than the five-second cycle that the CPD and the Taser manufacturer recommends. In each of these cases, the CPD command reviewed and addressed the longer times used in the Taser deployment (Tracking Nos. 69449 and 73539). In two other incidents, the Taser was used numerous times, because the initial deployment, and even subsequent deployments, was not

sufficiently effective (Tracking Nos. 76848, IIS 05183). In Tracking No. 76848, the investigating supervisor addressed this issue and noted that he "verbally counseled the officers on trying to target areas of the body for better compliance or to transition to an alternative method of compliance to subdue a resisting subject."

The CPD has now added information to its Use of Force Policy alerting officers that when multiple Taser cycles are not working, other tools should be considered, given the potential issues raised by multiple Taser deployments. The CPD is in compliance with the MOA. By addressing the issues of prolonged Taser duration and multiple Taser discharges in its policies and training, and by continuously monitoring and evaluating how officers are using Tasers, the CPD will ensure the best outcome for the CPD officers and the community.[2]

The Monitor also reviewed 23 incidents involving force other than Tasers. For all but one 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. Where the officer's use of force was contrary to CPD policy and the MOA, the CPD found the officer to be in violation of policy, and imposed discipline [Tracking No. 2005-67849].

There were five incidents where a warning of use of force was not given [Tracking Nos. 67265, 70417, 71144, 73510, 75919]. In each of the incidents, the investigating supervisor reports that the warnings were not given because of the exigency of the situation, and the Monitor concurs with these assessments.

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

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[2] We also note that MOA ¶19 calls for the CPD to periodically review current research on chemical spray and consider the effectiveness and risk of injury to subjects (see Section II.B below). Given the substitution of the Taser for chemical spray use, we encourage the CPD to continue reviewing and evaluating current research on Taser use.

B. Chemical Spray [MOA ¶¶ 14-19]

1. Requirements

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

- Clearly define terms

- Limit use of spray, including against crowds, to only those cases where force is necessary to effect the arrest of an actively resisting person, protect against harm, or prevent escape

- Provide that chemical spray may be used only when verbal commands would be ineffective

- Require supervisory approval for use of chemical spray against a crowd, absent exigent circumstances

- Require a verbal warning and the opportunity to comply before using a chemical spray, unless doing so would be dangerous

- Require officers to aim at the subject's face and upper torso

- Provide guidance on duration of bursts and recommended distance

- Require officers to offer to decontaminate sprayed individuals

- Request medical response for complaining subjects

- Prohibit keeping sprayed subjects in a face down position any longer than necessary

- Prohibit use of spray on a restrained person, except to protect against harm or escape

- Use of spray against restrained persons must be investigated, including tape-recorded statements of officers and witnesses

- Investigations of these incidents must be reviewed by the CPD's Inspections Section

- Provide restraining equipment in CPD squad cars

- Provide in-service training on chemical spray

- Account for chemical spray canisters

- Periodically review research on chemical spray

2. Status

There were eleven deployments of chemical irritant for the fourth quarter of 2005, two involving subjects who were restrained and nine involving subjects who were not restrained. Nine of the eleven chemical spray reports document a warning of impending force. According to the CPD, the other two reports (Tracking No. 74631 and 74832) explain the exigent circumstances which made the warning impractical. Decontamination of sprayed individuals occurred in all but two of the deployments. One incident involved approximately 30 individuals involved in a fight, and the CPD Use of Force Report states that the participants fled the scene after the chemical irritant was dispersed (Tracking No. 76595), and the second involved a subject who refused to be decontaminated (Tracking No. 74832).

3. Assessment

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

The Monitor Team reviewed nine chemical spray incidents from the fourth quarter of 2005. 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)). A verbal warning that chemical spray would be used was made in each of the nine cases, in compliance with MOA ¶14(e).

The Monitor determines that the CPD is in compliance with MOA paragraphs 14-19.[3]

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[3] MOA paragraph 19 requires the CPD periodically to review current research regarding the choice of chemical spray. The CPD reviewed such research in 2002 and 2003. Given the decrease in number of incidents in which CPD officers now use chemical spray, the Monitor will discuss this provision with the Department of Justice and the CPD in the next quarter.

C.   Canines [MOA ¶ 20]

In the fourth quarter of 2005, there were 166 total canine deployments, 16 canine apprehensions (where a suspect was found and arrested) and five canine bites. This is a bite ratio of 31 percent.

1. Requirements

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

- Limit off-leash deployments to searches of commercial buildings or for suspects wanted for a violent offense or reasonably suspected of being armed.

- Require approval of a supervisor before deployment, except for on-leash deployments.

- Provide for a loud and clear announcement, warning of the canine deployment, and require officers to allow the suspect time to surrender.

- Handlers shall not allow their canines to bite a person unless the person poses an imminent danger, or is actively resisting or escaping.

- Where the canine does bite a person, the dog shall be called off at the first moment the dog can safely be released. The policy shall prohibit canines from biting nonresistant subjects. Also, immediate medical attention must be sought for all canine related injuries.

- The CPD shall track deployments and apprehensions, and calculate bite ratios. These bite ratios shall be included in the Risk Management System.

2. Status

During the fourth quarter of 2005, the CPD had five incidents involving a canine bite.

Pursuant to MOA ¶20, the CPD calculates canine bite ratios for its Canine Unit and for each canine/handler team for six-month periods. The bite ratios for six-month periods in 2005 are as follows:

	Deployments	Finds	Bites	Ratio
May 1, 2005 – October 31, 2005	360	64	14	22%
June 1, 2005 - November 30, 2005	342	54	12	22%
July 1, 2005 – December 31, 2005	347	53	10	19%

The bite ratios for May-October and June-November are above the 20 percent unit threshold set out in the MOA for a review of canine operations. In addition, the CPD calculated the bite ratios for each handler/canine team. Five of the handler/canine teams had a bite ratio above 20 percent for a six-month period.   Based on the bite ratio of the Canine unit and several of the canine handler teams, the Special Services Commander reviewed each of the canine bite incidents to assess whether they were consistent with CPD policy and the MOA.

3. Assessment

a. Policy

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

b. Canine Deployments

The Monitor reviewed the deployment reports for 165 deployments in the fourth quarter of 2005. All of the deployments were authorized by a supervisor. Canine warnings were given in 99 deployments, while announcements were not made in 65 incidents where a suspect was reasonably believed to be armed, and in one article search where there were no persons in the area being searched. Most of the deployments were on-lead tracks. Of the off-leash deployments, ten were for article searches, and 27 were for searches of commercial buildings or subjects wanted for an offense of violence or reasonably suspected of having a weapon, consistent with the CPD policy and MOA provisions. There were four off-leash searches of churches and 12 off-leash searches in incidents involving breaking and entering offenses, where the deployment form does not list whether the building searched was a commercial or residential building.

c. Review of Investigations

The Monitor reviewed six canine bite investigations from the third quarter of 2005.[4] In each case, a supervisor authorized the canine search, but in one case, the supervisor was not on the scene when he authorized the search (Tracking No. 71424). The sergeant who authorized the search was counseled and issued an ESL. A canine warning was made in four cases, while in two cases the subject was reasonably believed to be armed and no warning was made [Tracking Nos. 67262 and 71144]. In reviewing the canine bite investigations, the Monitor has determined that the circumstances of the canine engagements were consistent with the MOA provisions. In one case, the canine did not immediately release after the canine bite when the handler recalled the dog. This issue was identified in the investigation and retraining was directed. We also note that while there were initial flaws in the supervisory investigations, the chain of command identified deficiencies in the investigations, and counseled the supervisors: follow-up interviews were required by the captain in one case [Tracking No. 71424]; the initial investigation did not address the foot pursuit, but it was identified and reviewed by the Inspections Section [Tracking No. 72994]; leading questions were used in one case [Tracking No. 71771].

As discussed above, the Special Services Commander reviewed the investigations of canine bites for the months from May 1, 2005 to December 31, 2005 in light of the bite ratio being above 20 percent. This review is in compliance with MOA ¶20(h). The Monitor concludes that the CPD is in compliance with paragraph 20 of the MOA.

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

There was one beanbag shotgun deployment in the fourth quarter of 2005. The Monitor reviewed this incident, involving a homicide suspect holding his girlfriend hostage with a knife, and finds that the CPD is in compliance with the MOA requirements relating to beanbag shotgun deployment.

III. Incident Documentation, Investigation

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

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[4] The canine investigations from the fourth quarter of 2005 have not yet been provided to the Monitor, and will be reviewed in the next Report.

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 35 incidents in the fourth quarter of 2005 involving a takedown or use of hard hands, without an injury to the suspect.

b. Hard Hands and Takedowns with Injuries

The CPD reports that there were nine incidents in the fourth quarter of 2005 in which an officer used hard hands or a takedown and the suspect was injured, but not a serious enough injury to require hospitalization.

c. Taser Investigations and Documentation

In 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. Members of the Board will include the affected District Commander, a captain from the Patrol or Investigations Bureau, the commanders of the Training Section and Inspections Section, and a Bureau Commander. 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 Board was established in January, and has just begun its work. It has met with regard to one use of force case, and the members felt that more information was needed. A follow-up meeting on that case is scheduled for the end of the April.

3. Assessment

a. Audit of Use of Force Reporting

This quarter, the Monitor conducted an audit of 117 incidents in which individuals were charged with resisting arrest or assault on a police officer, to determine if in incidents where force was used, the officer reported the use of force and a Use of Force Report was completed. Of the 117 incidents, there 78 incidents where a Use of Force Report was entered into the ETS system. For those resisting arrest and assault on a police officer charges where there was no ETS use of force entry, the Monitor team reviewed the arrest reports (Form 527) to assess whether the officer's description of the incident would indicate whether a use of force occurred.

There were only three incidents where a Use of Force Report was not completed in an arrest where it was clear that force was used (3 of 81 force incidents, or 4% of the incidents). There were 24 incidents where the officer's narrative indicated that force was not used. In twelve incidents, however, the language in the officer's arrest report suggested that force may have been used,

but the information was insufficient to determine whether or not the officer used force. Examples from the reports include:

- "Defendant struggled w/ arresting officers and refused to put his hands behind his back, during a lawful arrest."

- "Above was told to put his hands behind his back, above refused pushing off vehicle and facing officer. Officer forcibly placed above's hands behind his back."

- "A/Os attempted to assist him outside and Mr. --- began to struggle with A/Os before being taken in custody"

- "Subj told to place hands behind his back your under arrest. Subj refused to do so, and A/Os then attempted to place subj. hands behind his back. Subj began to struggle with police and police was able to get subj into custody."

- "Arr pulled away from A/O. And reached to his pocket throwing a plastic bag to the ground. A/O grabbed Arr and told him to place his hands behind his back. Arr began struggling with A/O, pulling away and trying to run."

In these types of incidents, field supervisors often report to the scene, or will review the 527 Arrest Report before the end of shift. During our March 2005 site visit, the Monitor Team discussed with the CPD the importance of supervisors addressing whether force was used and ensuring that officers are using clear language. As a result of these discussions, the CPD developed a Training Bulletin and Staff Note reminder addressing the importance of: (1) Completing an 18NC Form any time "hard hands" were necessary; (2) using clear, descriptive language when completing the narrative portion of the Form 527; and (3) supervisors reviewing the facts of the Form 527 narrative and questioning if an 18NC Form should be completed. This information was included in the April 25, 2006, Staff Notes.

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

This quarter, the Monitor reviewed 17 Non-Compliant Suspect/Arrestee Reports (Form 18NC). Each report contained a narrative completed by the officer and a narrative completed by the supervisor. Both explanations briefly described the circumstances which led to the use of force, and the propriety of the force as it pertained to each incident. All but two of the incident reports were supplemented by an arrest report (Form 527) (Tracking Nos. 2005-75132, 2005-76131). In two of the incidents, one of which involved a use of hard

hands by a CPD captain breaking up a fight after a Reds game (Tracking No. 2005-76965), the files also had CAD reports, additional investigative notes, or supplemental reports. Three reports (Tracking Nos. 2005-76131, 2005-75513, and 2005-75510) included copies of the MVR tapes, and two of those cases (76131 and 75510) included photographs of the subject.

In one incident (Tracking No. 2005-76925), a resisting subject was taken to the ground using balance displacement and was secured after one of the officers used pressure point manipulation. The subject was found to be in possession of a 12 gauge shotgun in his pants. The use of these techniques successfully secured a subject who could have presented an imminent risk to the officers, which might have prompted a deadly force situation.

The CPD is in compliance with this provision.

c. Hard Hands and Takedowns, With Injury

During the fourth quarter of 2005, there were nine 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 four Injury to Prisoner Reports from a takedown from the fourth quarter of 2005, and one Injury to Prisoner Report involving chemical spray. The Monitor Team finds that the reports included a narrative description of the events leading to the use of force and the force used. Also, in the reports, the supervisors reviewed the officers' initial stop, decision to arrest, and use of the takedown or chemical spray, and evaluated compliance with the CPD's policy and procedure. The CPD is in compliance with the MOA requirements for these incidents.

d. Taser

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.

In this quarter, the Monitor reviewed 31 Taser incidents, and four citizen complaint cases in which a Taser was deployed. For Taser incidents in which a

complaint was made, taped interviews were not made by the investigating supervisor or by IIS [Tracking Nos. IIS 05130, IIS 05183, IIS 05185 and IIS 05223]. These incidents each occurred before the agreement on Taser documentation and the change in the CPD's Use of Force Procedures. Of the Taser incidents where a complaint of excessive force was not made, 18 Use of Force Reports document the fact that the subject was interviewed, two reports document why an interview could not be conducted, and in two incidents, the subject was not apprehended. However, in nine other incidents we reviewed, the force reports did not document that the subject of the use of force was interviewed. The CPD is in partial compliance with the MOA requirements for these incidents.

e. Use of Force Review Board

The Monitor commends Chief Streicher for establishing the Use of Force Review Board. This Board is not a requirement of the MOA or the CA. It is, however, an effort that can have great benefits for the CPD and reflects police best practices. The purpose of the Use of Force Review Board is to enhance the Department's ability to evaluate serious use of force incidents by utilizing the expertise of various commanders, rather than confining the review and evaluation of these incidents to the officer's immediate supervisors. By taking advantage of the broad knowledge and experience of the command staff, the Department will increase the quality of the review and promote training of all Department members.

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

On October 18, 2005, CPD Procedure 12.545 was revised to require documentation and investigation of Taser incidents consistent with the agreement between the DOJ and the CPD.

3. Assessment

a. Policy

The CPD's policies on investigating use of force incidents comply with the MOA.

b. Review of Force Investigations

During this quarter, the Monitor Team reviewed 54 investigative files involving use of force incidents (including Taser deployments, physical force, canine bites, hard hands and takedowns, a pepperball deployment, and chemical sprays). We reached the following conclusions from those investigations:

- In all of the use of force incidents, the officer notified a supervisor, and the supervisor responded to the scene (MOA ¶26).

- There were no incidents where the use of force was investigated by a supervisor who used force or authorized the use of force, or whose conduct led to the reportable incident (MOA ¶26).

- In all of the incidents, the supervisor investigated, evaluated and documented the incident giving rise to the use of force, and the documentation included facts and circumstances that either justified or failed to justify the officer's conduct (MOA ¶27).

- In all of the incidents, the supervisor reviewed the basis for the initial stop and seizure and determined whether the officer's actions were within CPD policy (MOA ¶27).

- In all but one of the incidents, all officers involved in or at the scene of the use of force were identified on the Use of Force Report and provided a statement [Tracking No. 65637] (MOA ¶30).

- With one exception, each of the Use of Force Reports lists every force involved in the incident. In Tracking No. 75990, the narrative describes only one deployment of the Taser, while the Taser download shows two deployments.[5]

- All of the use of force investigations were reviewed by a lieutenant or higher. In a number of incidents, the lieutenant or captain reviewing the investigation determined that the investigation was not sufficiently thorough and directed that deficiencies be corrected [Tracking Nos. 65637, 71771, 71424, 72994]. There were a limited number of incidents, however, where the command staff did not identify deficiencies in the investigation [Tracking Nos. 72203, 73558, 75990].[6] (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

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[5] We also note that there were a number of incidents in which both a Taser and takedown or use of hard hands were involved (Tracking Nos. 74300, 74717, 75667). While the supervisor's narrative describes both types of force in these cases, the Taser Use of Force form (18TBFP) does not have any fields for listing hard hands or physical force. The hard hands or takedown will therefore not be picked up by the ETS system. The CPD may want to consider revisions to the form so that the ETS system can properly track each and every use of force.

[6] There were two cases where there appeared to be simple errors in completing the Form 18, which were not picked up by the CPD Command. In Tracking No. 69217, the Use of Force Report indicates that the victim's statement did not corroborate the officer's statement; however, the investigation states that there was no taped statement of the victim because of a pending homicide investigation. The supervisor likely made a simple error in checking the box stating that the victim's statement did not corroborate the officer, as the victim did not make any statement. In Tracking No. 74300, two officers simultaneously deployed their Tasers against a subject, but the Form 18TBFP lists the number of simultaneous deployments as "0."

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 used in only one case [Tracking No. 71771]. 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.[7]

With respect to the other requirements of paragraph 29, based on the documentation that was available, the Monitor Team found that most of the use of force investigations: considered all relevant evidence; identified and interviewed relevant witnesses; identified and explored material inconsistencies among witnesses and evidence; and avoided bias (in favor of police) in questions or the description of evidence and events. This was not the case in Tracking Nos. 72203, 73558, 75990, 71199, 73607, 74832, 76595, however.[8]

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

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[7] 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.

[8] For Tracking No. 72203, the female who provided the initial probable cause for detaining the subject was not interviewed; for Tracking No. 73558, the discrepancy between the officer's statement and the lack of time between deployments listed on the Taser download was not addressed; and in Tracking No. 75990, the supervising investigator did not address the discrepancy between the force form, which listed no injury to the subject and the photograph of the subject showing lacerations to his leg. There was also a discrepancy between the Taser download, which listed two deployments, and the narrative, which described one. Tracking Nos. 71199, 73607, 74832, 76595 are chemical spray incidents where it is unclear whether all potential witnesses were identified and interviewed.

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

1. Requirements

- Critical Firearms Discharges. The CPD investigations will account for all shots, and locations of officers discharging their firearm. The CPD will conduct appropriate ballistics or crime scene analysis, including gunshot residue or bullet trajectory tests.

- A Firearms Discharge Board (FDB) shall review all critical firearms discharges and review IIS and CIS investigation for policy compliance, tactical and training implications. The FDB will prepare a report for the Chief of Police. The FDB will determine (a) whether all uses of force during 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.

- The policy for the FDB shall include: a review within 90 days from the end of the criminal investigation; FDB to act as quality control; authorize recommendations to the Chief of Police; require annual review for patterns, with findings to the Chief of Police.

2. Status

There were two firearms discharges at a suspect in the fourth quarter of 2005. Both cases are still under review and investigation by the Firearms Discharge Board. In January 2006, new members of the FDB were appointed. In addition to the heads of the Inspections Section, the Academy Director, and a member of the City Solicitor's office, the District Commander or Section Commander of the involved officer will also sit on the board.

3. Assessment

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

IV. Citizen Complaint Process

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

1. Requirements

- Publicity program for complaint process

- Availability of complaint forms, informational brochure at municipal offices and CPD district stations. CPD officers are required to carry brochures and complaint forms in their vehicles while on duty.

- If a citizen objects to an officer's conduct, that officer will inform the citizen of his or her right to make a complaint. Officers will not discourage any person from making a complaint.

- Complaints may be filed in any form. Intake officers not to opine on veracity or mental capacity. Complaint form completed for every complaint.

- Every complaint to be resolved in writing.

- Each complaint gets a unique identifier that will be provided to the complainant, and each complaint is tracked by the type of complaint.

- Copies of allegations filed with the Citizen's Police Review Panel (CPRP), the Office of Municipal Investigations (OMI), Citizen Complaint Authority (CCA), Human Relations Commission referred to IIS within five (5) days.

2. Status

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 29 investigations of citizen complaints completed in the fourth quarter of 2005. 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. There were some complaints, however, where the complainants or a witness alleged they were discouraged from filing a complaint [Tracking Nos. IIS 05061, IIS 05126, IIS 05293, CCRP 72928]. In these cases, the complaints were taken and investigated, and in two cases [Tracking Nos. IIS 05293, CCRP 72928], the complaint was sustained and the CPD member was disciplined for not appropriately following up with the individual's complaint.

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

Review of the data of IIS cases closed during the fourth quarter of 2005 showed that a total of 103 cases were cleared during the quarter. Of those cases, 57 exceeded the 90-day investigative requirement. The CPD's data of CCRP cases closed during the third quarter of 2005 showed that 49 cases were cleared during this time frame. Ten of those cases exceeded the 90-day investigative requirement.

As of January 31, 2006, all 2005 IIS cases have now been investigated and closed. IIS investigators will include an approved memorandum in the file jacket explaining any extenuating circumstances which prevent a case from being completed within 90 days. The CPD has stressed to IIS the importance of including a copy of this extension request with the case file copy for the Monitor for the next quarter.

3. Assessment

a. Time Period of Investigation

Based on the data provided by the CPD, the CPD is not in compliance with the requirement that investigations be completed within 90 days of receiving the allegations. We believe, however, that the CPD has taken significant steps in improving the time period in which investigations will be completed. For investigations in 2006 that require more than 90 days to complete because of extenuating circumstances, memoranda approving the extension of time will be approved by the Chief and provided to the Monitor.

b. Review of Investigations

The Monitor reviewed 23 IIS investigations and six 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.

- No complaints involved investigations where the on-scene investigation was conducted by a CPD member who authorized or was involved in the conduct that was the basis of the complaint. (MOA ¶40)

- The investigating supervisor appropriately reviewed the initial stop and search and seizure. (MOA ¶42)

- The complaint investigations reviewed and resolved all relevant police activity, including conduct not included in the initial complaint. (MOA ¶42)

- Improper leading questions were used in only one investigation [Tracking No. IIS 05171]. (MOA ¶41). Five IIS investigations did not have tapes, so the Monitor could not determine if leading questions were used or not [Tracking Nos. IIS 05130, 05185, 05223, 05262, 05293]. In two other cases, the tapes provided the Monitor were inaudible [Tracking Nos. IIS 05183, 05190]. Without being able to listen to the tapes, the Monitor was also unable to assess the Department's credibility determinations in those cases.[9]

- The Monitor Team found that in many of the cases, the CPD considered all relevant evidence, including circumstantial, direct

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[9] The Monitor's compliance determinations are not based on the lack of tapes in these cases.

and physical evidence, as appropriate. Complaint investigations where not all of the relevant evidence was gathered and considered, or where relevant witnesses were not identified and interviewed, included Tracking Nos. IIS 05061, 05132, 05183, 05268. The Monitor Team also notes that there were investigations where an area canvass might have provided additional witnesses and information, but the investigator did not address why a canvass was not conducted [Tracking Nos. 05061, 05062, 05130, 05181, 05198]. (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 make sufficient efforts to make credibility determinations, included Tracking Nos. IIS 05182 and IIS 05268. (MOA ¶¶41, 49(g))

- In most of the cases reviewed by the Monitor Team, the investigator prepared a report that included a description of the alleged misconduct, any other misconduct identified during the course of the investigation, a summary and analysis of all relevant evidence gathered, and proposed findings and analysis supporting the findings. The findings were not supported by the evidence and sound analysis, however, in Tracking Nos. IIS 05061, 05062, and 05182. In a fourth case, the Monitor was not able to make a determination whether proposed findings were supported by the evidence and sound analysis because of faulty recordings and a lack of photographs and a missing Taser download document [Tracking No. IIS 05183]. (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 CCRP complaints were investigated and adjudicated prior to a complaint resolution meeting. The investigative report included a description of the incident and a summary of the relevant evidence and proposed findings. Once completed, the investigation was reviewed by the District Commander. (MOA ¶¶47, 48)

The Monitor finds that the CPD has complied with MOA ¶¶39, 40, 42, 43, 46, 47 and 48. The City is not in compliance with the requirement that investigations be completed within 90 days of the filing of the compliant (MOA ¶50). The CPD is in partial compliance with MOA ¶¶ 41 and 49.

The Monitor believes it is important to note that in the last two Reports, we have found that the level of investigation of citizen complaints has improved compared to our reviews at the beginning of this MOA monitoring process. We also note that there were investigations that were initiated by the CPD itself, and not generated by citizen complaints. We believe that this reflects an important level of accountability that we hope and expect will continue in 2006.

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

1. Requirements

- Every allegation to be resolved with one of four determinations: unfounded, sustained, exonerated, not sustained

- Unit commanders to evaluate each investigation to identify problems and training needs

2. Status

During the fourth quarter of 2005, 103 cases involving 256 allegations were investigated and closed by IIS. Those allegations were closed as follows:

Sustained	68
Sustained Other	28
Exonerated	52
Not Sustained	53
Unfounded	55

During the fourth quarter of 2005, 49 cases involving 50 allegations were investigated and closed through the CCRP process. Those allegations were closed as follows:

Sustained	3
Sustained Other	2
Exonerated	5
Not Sustained	9
Unfounded	31

3. Assessment

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

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

1. Requirements

- The CCA is to assume all of the responsibilities of the Office of Municipal Investigation (OMI) within 120 days from the date of the Agreement

- Copies of all complaints, no matter with which office they are filed, will be directed to the CCA; the CCA is to have jurisdiction over complaints of excessive force, pointing firearms, unreasonable search or seizure, or discrimination; the CCA shall have a sufficient number of investigators, with a minimum of five

- CPD officers must answer CCA questions; the CCA executive director shall have access to CPD files and records

- 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 CCA also was trained on the Employee Tracking Solution (ETS), the CPD's risk management system that maintains records of uses of force and citizen complaints. The CCA staff now have access

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to the ETS system. In addition, the CCA is working with the Regional Computer Center (RCC) to finalize a case management system for citizen complaints.

3. Assessment

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 to take action within 30 days of the completion of the CCA investigation. At the end of the third quarter of 2005, there were a number of cases where the City Manager did not make a final determination after the completion of the CCA investigation. There were also cases in which it did not appear that the City took appropriate action, including discipline, on completed CCA investigations. Since that time, the Commander of IIS and the interim Executive Director of the CCA meet with the interim City Manager once a month to review cases.

It is the Monitor's understanding that in 2006, the City Manager has taken action on CCA cases within 30 days of the date that the CCA Board decides on investigations. The City is in compliance with MOA ¶55. With respect to MOA ¶56, the City is in compliance with the requirement that the City Manager take action within 30 days of the completion of the CCA investigation. The Monitor will defer until the next quarter a determination on the requirement that CCA complete its investigations in 90 days. At that time, the Monitor will have additional information about the CCA's investigations, and will also be reviewing a sample of CCA investigations to assess compliance with MOA ¶¶41 and 42.

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 system must be accessible to CPD commanders, managers and supervisors; they must review records of officers transferred into their units

- Schedule for system development and implementation:
  - 90 days from April 12, 2002: issuance of RFP, with DOJ approval
  - 210 days from RFP: selection of contractor
  - 12 months from selection of contractor: beta version ready for testing
  - 18 months from selection of contractor: computer program and hardware to be "operational and fully implemented"

2. Status

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 CPD reports that Motorola (formally CRISNET), the vendor, has completed the data conversion of importing all the old data into the system. The vendor has also had to clean some of the records to match employee names to their official name within the system. Motorola recently made five corrections and modifications to the system, and CPD's ITMS found three more corrections to be made. These corrections are minor in nature and were expected to be completed by the first week in February.

The vendor has also now completed the analysis and weighting functions of the system. This is the component of the system that identifies officers and units whose data relating to particular fields (e.g., use of force, citizen complaints) are significantly above or below those of their peers. In November 2005, the CPD performed its first analysis utilizing ETS for the third quarter review. This analysis was considered a test analysis for the Department. The first official analysis was conducted in January 2006 for the fourth quarter 2005 review. The CPD identified an additional error in the calculations for the

January quarterly reports, which resulted in some officers inaccurately being found above the ETS thresholds. Corrections to the system were made in February 2006. The CPD is also in the process of developing an audit system for the ETS system to be utilized by the Inspections Section.

The MOA and the CPD procedures also require supervisors at the end of each 28 day work period to conduct a review of the ETS data on officers under their watch. The review is of the previous 12 months of activity. Now that the weighting and analysis components of ETS are functional, supervisors can conduct these reviews. The CPD is in the process of revising its procedures, SOPs and training for supervisors to conduct these reviews. These revisions are currently being reviewed by Chief Streicher. For this reason, CPD supervisors and managers have not yet begun to conduct 28 day work period reviews to identify officers for potential interventions. Chief Streicher has directed supervisors investigating citizen complaints or use of force incidents to review all of the ETS data on the officers involved in the investigation. A number of the use of force reports that we reviewed this quarter documented that the investigating supervisor did review the ETS data of the officers involved.

3. Assessment

a. Protocol and Data Input Plan

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

b. Implementation of ETS system

The 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. It is now necessary to assess 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.

Now that the weighting and analysis components are working, the CPD can use the system for its main purpose under the MOA: identifying patterns of activity for each data category, and then initiating intervention for individual officers, supervisors, and units based on appropriate activity and pattern assessment of the data in the system. During this quarter, Monitor team members attended an ETS demonstration. The CPD also provided quarterly reports prepared in January 2006 by each District and Unit Commander. The CPD identified recent problems and corrections to the system, which impacted the accurateness of quarterly reviews. Given these identified problems, the

Monitor cannot review the quarterly reports' individual officer results; however, the Monitor has reviewed the quarterly report process and how the commanders are interpreting and reporting the data.

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 patrol shift, he or she 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 January 2006 quarterly reports that there were no officers whose ETS data showed a pattern of behavior that needed intervention. This was true even for officers who engaged in a significant number of uses of force (e.g., sixteen different use of force reports) or citizen complaints (up to five citizen complaints). Instead, these data often were interpreted as reflecting that the officer is "an active officer" and a leader in arrests for his or her shift. In addition, there were some quarterly reports where the officers were identified, but the number or type of incidents that brought the officer over the threshold were not examined. Instead, the report simply stated that officer A's incidents "were within Department guidelines," or officer B was "nine above the standard" for investigative reports and "two above the standard for citizen complaints." The few interventions that were described appeared to be for officers who had a high number of traffic accidents and vehicle pursuits, and were related to additional driving skills training. The ETS system is a valuable tool for examining the performance of CPD officers, but will only meet its potential if the command staff critically examine 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 is key to ensuring that corrective actions that may be needed can be taken early in an officer's career, before more serious issues develop.

For this reason, 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 fourth quarter of 2005. Eighty complaints were filed with the CPD between October and December. A random audit of 16 cases was conducted on the closed investigations. 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 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 16 complainants, and seven of these complainants were contacted. The audit report states that all CCRP investigations reviewed were in compliance with the above criteria.

The Inspections Section conducted its semiannual audit of IIS investigations in January 2005. Nine cases were reviewed and a summary of the audit was prepared on February 4, 2006. For one case, the Inspections Section noted a discrepancy between the written summary of the officer's interview and the taped interview. While Inspections concluded that the discrepancy would not have changed the outcome of the IIS findings (which was "not sustained"), the Inspections Section recommended that the case be

reviewed by IIS to address the discrepancy. For the remaining eight cases, the Inspections Section found that the documents, taped interviews and final reports were in compliance with the policies, procedures and standards of the CPD, and that the IIS findings were appropriate and supported by the evidence and necessary documentation.

During the fourth quarter of 2005, the CPD also re-emphasized the importance of proper case preparation, court attendance and preparedness for court testimony. A legal update from the City Prosecutor was included in the October 11, 2005 Staff Notes, reminding officers of what is needed to be prepared for court. In addition, the Department implemented a daily inspection of officer's case jackets by the Court Control commander, who completes a weekly report identifying any deficiencies in the officer's case preparation. The report is forwarded to Inspections for review and appropriate action. During the last week of October, the Inspections Sections conducted a random inspection of officers appearing for court. The focus of the inspection was to determine the level of preparedness of an officer to effectively testify (case knowledge) and provide necessary evidence. Inspections found that the officers were well prepared for court with necessary documentation, case knowledge and/or evidence as necessary.

The CPD also had meetings and correspondence with representatives from both the City and County Prosecutor's Offices to identify and discuss issues in officer, shift or unit performance.

3. Assessment

The CPD is in compliance with MOA ¶¶67, 68 and 69.

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

As of last quarter, the CPD had installed mobile or digital video recorders in 212 of the CPD's 236 patrol cars, although 16 of those MVR/DVRs were nonfunctional. In its February 2006 Status Report, the City states that forty digital camera systems were purchased in late 2005, and installation began immediately. As of February 1, 2006, all marked patrol vehicles have been outfitted with an MVR or DVR system.

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 this quarter, the Monitor audited a sample of MVR tapes of traffic stops, based on contact cards documenting the stops, to examine whether the officers used the audio and video recordings. In the 18 stops we identified, 15 of the stops had functioning MVRs that were used from the beginning to the end of the stop. One of the stops related to a parked car, and so the MVR was not required, while in two of the MVR tapes, the tapes were blank. It is not clear whether the MVRs were not working in those cars, or whether the MVR tapes had later been erased for some reason. In one of the stops recorded by the MVR, the officer did not turn on his audio. Also, from our review of use of force and complaint files, there were seven investigations that utilized the MVR recording [Tracking Nos. IIS 05105, IIS 05126, IIS 05132, IIS 05181, IIS 05268, 67637, 76848], and two incidents where it appears that the investigative files did not have an MVR recording when one should have

been made[Tracking Nos. IIS 05193, 73558.] In two cases with MVRs, the CPD supervisor identified an MVR violation and appropriate discipline was issued [Tracking Nos. IIS 05132 (MVR turned off), 76848 (audio not used)].

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

The CPD is in compliance with these provisions.

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

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

3. Assessment

This quarter, the Monitor audited and reviewed a sample of 12 disciplinary actions resulting from IIS investigations. The purpose of this review was to determine whether the actions taken were consistent with the

department's disciplinary policy and the terms of the MOA. In ten of those cases, the discipline imposed was appropriate for the level of violation that was sustained. Two cases raised some concern over whether the written reprimands given in each case was sufficient for the violation.[10] Not having the prior disciplinary history or knowing if there were mitigating factors that prompted the particular disciplinary action, the Monitor cannot definitively determine whether or not the written reprimands were consistent with the spirit of the disciplinary matrix or the terms of the MOA. The Monitor also reviewed six citizen complaint investigations where the allegations were sustained. In five of these cases, the CPD imposed appropriate discipline and took corrective action; the Monitor has concerns about the sixth case.[11] The City is in partial compliance for this quarter.

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[10] The first matter (IIS 05146) involved a supervisory employee who referred to another supervisory employee as a "bitch." This was alleged to have occurred in the presence of subordinate personnel. The complainant stated that she was both embarrassed and offended by the statement. An official reprimand was given to the accused sergeant; this recommendation notes a similar infraction in 2004, but it is unclear what action may have been taken then. The allegation as sustained has the effect of undermining the complainant sergeant's authority, and hinders the close working relationships that are necessary for the efficient operation of the department. Further, the accused sergeant's response to the disciplinary action as set out in his memo evidences the lack of confidence and respect that he has for the complainant sergeant. The second concern relates to IIS 05241. This case involves the failure to report missing departmental equipment; specifically ballistic body armor (bullet-proof vest). The facts indicate that the accused officer last saw his body armor in December 2004; it was recovered from an arrestee in June of 2005. The officer received a written reprimand. This was the second incident involving this particular rule and regulation in the last 36 months. Again, not knowing what mitigating factors may have prompted this particular disciplinary recommendation and subsequent action, the facts of this case raise great concerns as to why such a critical piece of the officer's equipment was not promptly reported when found missing. It is also unclear as to what, if any, investigation may have resulted with respect to how the body armor became missing, or why it was not discovered during routine and/or daily inspection by a supervisor.

[11] Appropriate discipline and corrective action was taken in Tracking Nos. 05103, 05105, 05126, 05282, 05293. However, in Tracking No. 05132, the sergeant who engaged in improper use of force and discourtesy was given the same discipline as an officer who turned off the MVR. It seems that a more stringent penalty would have been appropriate for the sergeant, who engaged in what appeared to be a more serious violation and who had greater responsibility.

VI. Training

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

1. Requirements

This section of the MOA requires the CPD to:

- Coordinate and oversee use of force training to ensure that it complies with applicable laws and CPD policies

- Designate the Academy Director with responsibility for:
  - the quality of training
  - the development of the curriculum
  - the selection and training of instructors and trainers
  - establishing evaluation procedures
  - conducting regular (semi-annual) assessments to ensure that the training remains responsive to the organization's needs

- Provide annual use of force training for all recruits, sworn officers, supervisors and managers

- Have the curriculum and policy committee regularly review use of force training and policies to ensure compliance with laws and policies

2. Status

The Monitor Team met this quarter with new staff at the Academy, including Lieutenant Tony Carter, Sergeant Maris Herold, and their new Lieutenant Colonel, Vince DeMasi (the new captain was attending training off site). Although this is a team moving quickly to get its feet on the ground and keep pace with the change underway in the CPD, each new leader expressed a clear understanding of the key role that the Academy and its programs play in inculcating the goals of the Agreements into the CPD philosophy and operations, and stated his or her commitment to making that happen.

The Training Committee met on January 26, 2006. The CPD is complimented for expanding committee membership in an attempt to better link department-wide operational objectives with training's strategic goals. Topics discussed included leadership transition at the Academy, a planned review of recruit curriculum, a draft of a training survey to assess department training needs, and an update on training that has been completed or is underway.

Management training included a Command Staff Leadership Retreat that dealt with reviewing and discussing a draft of CPD's strategic plan.

Officers completed three training modules during in-service training. These included: (1) a review and hands-on practice in the deployment of chemical irritant, PR-24, controlled force, suspect approach, and handcuffing; (2) firearms training scenarios to teach and test the officers' decision-making ability during deadly force encounters; (3) tactical drills involving Simunitions and the use of the X-26 Taser.

Also during this quarter, roll call training was provided on the topics of diversity, tolerance, respectful language and behaviors, sexual orientation, and race relations (see MOA ¶85 below).

In December 2005, Captain Paul Broxterman was made the Commander of the CPD's Training Section. It is the Monitor's understanding that as Commander of the Training Section, Captain Broxterman also serves as the Director of the Training Academy. While the Academy Director position was vacant for several quarters in 2005 and the position was advertised nationally in 2005, that selection process was discontinued.

3. Assessment

The CPD remains in compliance with these provisions of the MOA. However, for the past three Reports, the Monitor noted that the Training Academy Director's position remained vacant. The CPD is in the process of implementing enormous organizational and cultural change driven by its own strategic goals and the goals established in the MOA and the Collaborative Agreement. Human resource systems, such as training, are a critical component of ensuring an organization's successful transition through major strategic restructuring designed to achieve such goals. In support of the CPD's change effort, excellence in training must be supported by a leader well-versed in advanced educational methodologies, knowledgeable about values-based and problem-based learning, and one who can inspire, support, and advocate for resources for a staff of dedicated training professionals who are confronting a multitude of critical duties and responsibilities.

The Monitor has high expectations that the Academy Director will bring the requisite knowledge and skills to this position and ensure that consistent performance will be maintained in this critical role. In monitoring both the MOA and CA provisions relating to CPD training, the Monitor will evaluate the CPDS training "to ensure quality, consistency, and compliance with applicable law and CPD policy," as required by MOA ¶77.

B.   Handling Citizen Complaints [MOA ¶ 82]

1.   Requirements

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

2.   Status

There was nothing to report during this quarter.

3.   Assessment

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

C.   Leadership/Command Accountability [MOA ¶ 83]

1.   Requirements

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

2.   Status

The leadership retreat conducted this quarter for all command staff provided training in leadership and command accountability. The focus of the retreat included a discussion of revisions to the CPD's vision, mission, and values statements, all of which are essential elements in the foundation for promoting proper police practices. In addition, one CPD captain attended the Police Executive Leadership College, and a second CPD captain attended the Southern Police Institute in February 2006 in Louisville, Kentucky.

3. Assessment

The CPD remains in compliance with this provision of the MOA. There have been 35 officers promoted to sergeant since the MOA was signed in April of 2002. Each of these supervisors received supervisory training either prior to, or within 30 days of, assuming their responsibilities.

D. Canine Training [MOA ¶ 84]

1. Requirements

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

2. Status

This quarter, the Monitor Team observed Canine Training during our February site visit. The following training modules and activities were observed: handler control, box searches, bite work, running apprehension, and recall. In each case, the actions of the canine and its handler were skillful and proficient. The CPD's lead canine trainer recently finished third in a national competition. This is a credit to the Canine Unit and the department. Further, it evidences the level of skill that goes into the selection and training of both the canines and the handlers assigned to the unit.

3. Assessment

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

E. Scenario Based Training [MOA ¶ 85]

1. Requirements

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

2. Status

The Training Academy developed four scenarios for Roll Call training in this quarter, each dealt with sensitive and controversial topics. These scenarios help promote respectful workplace behaviors, inclusion, respect for the dignity of every human being, and support for Constitutional and legal protections. Issues included in this training involved internal and external racial tension, abortion, EEOC protections, sexual orientation, and profanity in the workplace.

3. Assessment

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

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

1. Requirements

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

2. Status

The quarterly meeting between the City Solicitor's office and the CPD took place on December 1, 2005. The following items were discussed:

- Updates were given on seven court cases involving the CPD.

- The Law Department expressed concern about officers neglecting to obtain written Consent to Search Without a Warrant (Form 601). It was decided a Staff Note would be developed to remind officers to use the form whenever possible, and the issue will be reviewed during in-service training.

3. Assessment

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

G.   Orientation to the MOA [MOA ¶ 87]

1.   Requirements

The MOA requires the City and the CPD to:

* Provide copies of the MOA and explain it to all CPD and relevant City employees

* Provide training for employees affected by the MOA within 120 days of each provision's implementation

* Continue to provide training to meet this requirement during subsequent in-service training

2.   Status

Department supervisors attended management in-service training during the fourth quarter of 2005. New Supervisors training was also conducted. Both of these trainings included topics relating to the MOA, included instructions on Use of Force Investigation and Reporting, as well as a block of instruction related to the CCA.

3.   Assessment

The City remains in compliance with this provision.

H.   FTO Program [MOA ¶¶ 88-89]

1.   Requirements

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

* The criteria and method for selecting FTOs

* Setting standards that require appropriate assessment of an officer's past complaint and disciplinary history prior to selection

* Procedures for reappointment and termination of FTOs at the Training Academy Director's discretion

* Reviewing FTOs at least bi-annually with recertification dependent on satisfactory prior performance and feedback from the Training Academy

2.   Status

In February, a new sergeant, Maris Herold, was transferred to the Academy as the FTO program coordinator (among other duties). A new class of FTOs was recruited and their applications were screened and evaluated by the FTO Committee, resulting in several candidates being rejected. The successful candidates graduated from FTO training during this quarter. The Monitor observed sections of this training in which new direction was given to FTOs regarding their roles and responsibilities in support of CPOP, including evaluating the probationary officers efforts with CPOP.

The FTO program competes for qualified candidates against other preferred assignments that offer more inducements in status and pay. Recruitment of qualified FTO candidates is therefore a challenge. The CPD has stated it understands and supports the critical role that FTOs play in preparing recruits to embrace and implement the professional standards and police practices that the CPD values. However, Academy staff needs strong support from the CPD top leadership to ensure that the CPD's best and brightest officers are willing to accept the responsibility of serving in this challenging role. For the agency's long-term benefit, it is essential that members of the CPD view the FTO assignment as one that is highly preferred and necessary or advantageous in order to serve in advanced leadership positions.

The Monitor will review the recertification procedures for existing FTOs in the next quarters and the progress of the FTOs in coaching and supporting probationary officers in fulfilling their new CPOP requirements.

3.   Assessment

The CPD remains in compliance with this provision.

I.   Firearms Training [MOA ¶¶ 90-91]

1.   Requirements

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

The MOA also requires firearms instructors to critically observe students and provide corrective instruction regarding deficient firearm techniques and failure to utilize safe gun handling procedures at all times. The CPD is

required to create and implement an evaluation criteria checklist to determine satisfactory completion of recruit and in-service firearms training. For each student, the firearms instructors will complete and sign a checklist verifying satisfactory review of the evaluation criteria.

2.   Status

During the fourth quarter of 2005, 286 CPD officers attended firearms qualifications.

3.   Assessment

The CPD remains in compliance with these provisions.

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.

1. Requirement 29(a)

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

2. Status

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

In 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, an extremely good example of the value that coordinated city services can bring to addressing specific types of community problems that cross city agency boundaries.

In June 2005, the City outlined a revised structure for accessing City department resources to support CPOP. The Neighborhood Code Enforcement Response Teams (NCERT) were designed to serve as a primary way to access

city department resources to support CPOP. Teams will serve as self-directed work units consisting of one representative from each of the following Departments: Buildings and Inspections, Health, Police, and Fire, with support on an as-needed basis by Law. NCERT Teams, facilitated by Neighborhood sergeants, will address the most serious safety code violations and provide access to city department resources to support CPOP.

In September, 2005, the City Manager expanded the role of the Manager of Police Relations to include coordination of citywide implementation of CPOP. The City will also have a separate Service Tracking System (Customer Service Response, or CSR) from the CPOP database tracking system. CSR, however, will be linked to CPOP, which will expand access for data entry to other city departments. The link will also provide CPOP users the ability to view CSR service requests and actions taken in the CPOP window interface.

Last quarter, lieutenants and captains were trained in the new tracking system. The prior quarter, CPOP officers and their sergeants were trained. The Cincinnati Area Geographic Information System (CAGIS) continues its work on the system and is arranging linkages with Health, Fire, and Buildings and Inspections databases. The City reports that "once all departments are online with accessibility to CSR and the CPOP/SARA application, documentation of multi-departmental problem solving will be realized. Detailed workflows between all of the departments can then be tracked online."

This quarter, as noted in the Executive Summary of this Monitor Report, the Police Department announced a restructuring of the Department, shifting neighborhood officers and their sergeants from their separate units back into patrol or other assignments. Under the new redeployment model, three officers per neighborhood (one on each of the three patrol shifts) will be the liaisons to the neighborhood for their shift and will attend community meetings and will problem solve. The CPD notes that neighborhood NCERT teams are no longer the optimum approach; city-wide teams are more desirable and will be restructured in April 2006.

Also this quarter, the City Manager transferred Mr. Terry Cosgrove from the City Solicitor's Office to the City Manager's office to assist with CPOP and city code enforcement issues. Mr. Cosgrove will now serve as the Legal Neighborhood Liaison between the City Manager's Office and Solicitor's Office and the Police Department. He will continue to attend CPOP, Resource Committee, and community meetings, and will work on code enforcement and quality of life issues and solutions. In that vein, Mr. Cosgrove and the CPD are developing a Neighborhood Quality of Life (NQOL) code and will seek enforcement authority under it for the CPD. Under the new NQOL code, police would be able to issue citations for approximately fifty civil codes, rather than contacting another agency to either respond or investigate the issue. The CPD

believes that this will decrease the red tape normally involved in making improvements to neighborhoods.

3. Assessment

This quarter saw many changes, including: (1) restructuring of CPOP, potentially widening its berth in the CPD; and (2) raising the importance of code compliance, elevating authority over it into a legal position within the City Manager's Office, at the same time relaxing of department "silos" so that certain neighborhood issues can be addressed by a number of City departments, not just one department.

As we noted in prior Reports, the Monitor's assessment of compliance requires documentation of the City's implementation of its coordination plan, which it appears will be changing. 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.

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

1. Requirement 29(b)

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

2. Status

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,[12] 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.cincinnatilibrary.org/cpop/, so residents have resources in countering crime. Partnering Center staff direct residents to these resources.

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[12] http://cagisperm.hamilton-co.org/cpop/documents/CPPCbrochure%20color.pdf

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: improving safety and community police relations
- POP – crime/problem specific

This quarter, the Partnering Center forwarded to the Parties for review and inclusion in the CPOP library the following publications of "best practices" from the U.S. Conference of Mayors that involved faith-based initiatives.

- Boston's Operation Home Front Involves Police, Clergy in Helping At-Risk Youth
http://www.usmayors.org/uscm/best_practices/usmayor05/boston_BP.asp

- Fort Worth Trains Ministers to Increase Public Safety
http://www.usmayors.org/uscm/us_mayor_newspaper/documents/05_13_02/Fort_Worth_BP.asp

- City of Anaheim - Neighborhood Improvement Process
http://www.usmayors.org/uscm/best_practices/bp_volume_2/anaheim.htm

- City of Houston, TX - Program: City-Wide "March On Crime" Parade
http://www.usmayors.org/uscm/best_practices/diversity_10_99/city_tx.html

- City of Norfolk, VA - Police Assisted Community Enforcement, Spiritual Action for Empowerment (PACE SAFE)
http://www.usmayors.org/uscm/best_practices/diversity_10_99/police_va.html

- City of New Orleans, LA - Seven Parishes Collaborate in Metro Vision Regional School-to-Career Partnership
  http://www.usmayors.org/uscm/best_practices/bp98/06_1998_Connecting_People_To_Jobs!New_Orleans_LA.htm

- City of Houston, TX - Program: Prejudice Awareness Summits (In Conjunction with the Jewish Women International)
  http://www.usmayors.org/uscm/best%5Fpractices/diversity_10_99/prejudice_tx.html

- Oak Park's Gang Prevention/Intervention Program Demonstrates Its Effectiveness
  http://www.usmayors.org/USCM/best_practices/bp99/best_practices_americas_promise_gang.htm

- City of Fort Worth, TX - Ministers Against Crime (MAC)
  http://www.usmayors.org/uscm/best_practices/diversity_10_99/ministers_tx.htm

- City of Lima, OH - Study Circle
  http://www.usmayors.org/uscm/best_practices/bp_volume_2/lima.htm

These publications focus on the critical role the faith-based community can and has often played in improving community safety and building bridges between all community sectors and the police. The Community Police Partnering Center and the Cincinnati Police Department have both expressed an interest in more fully engaging the faith-based community in community safety initiatives, and these publications provide guidance on how this community sector can partner with police to address safety and other community concerns.

The "Best Practices" subcommittee added these publications to the CPOP website. These publications and synopses of key initiatives are being provided to the Metropolitan Religious Coalition of Cincinnati and the Amos Project, two faith community organizations, to inform members of the many ways they can work with police and community members to improve safety and community/police relations.

As of yet, the CPD has not adopted the Monitor's recommendation that it post the best practices library on the Department's main website; currently the library is only on the CPOP website. 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."

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 seven consecutive quarters. We do, however, again recommend that the CPD post the best practices library on the Department's main website. While the CPOP website is accessible to all officers, we believe the best practices library will be used more frequently by officers if it is posted directly on the CPD's main website.

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.

<u>Continuous Learning Process in the CPD</u>: The CPD has made strides by increasing 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 2005, the CPD annual management training contained a 50-minute CPOP training segment.

- In late May and early June 2005, the CPD, the Partnering Center, and the Regional Community Policing Institute jointly presented CPOP training for CPD's new sergeants and FTOs. The training included information about the CA and MOA, the Partnering Center, the SARA model, problem solving, and the role of sergeants and FTOs in the new policing style.[13]

- In 2005, the Partnering Center and the CPD co-presented training for COP officers and supervisors about citywide integration of CPOP, work flow, City Watcher, and the revised CPOP tracking system.

- In October 2005, Mr. S. Gregory Baker and Lt. Col. Cindy Combs provided updated information to CPD's non-sworn members about the Collaborative and MOA Agreements.

- From November 2005 through January 2006, representatives of the CCA and Mr. S. Gregory Baker, Executive Manager of the CPD Police Relations Unit, conducted a class on the history of civilian review in Cincinnati as part of the Police Supervisor/Management training for police holding the rank of sergeant or above. The two-day training also included a segment on the role of the CCA and the CCA's investigative process, and information about the type of complaints most frequently received, and ways to reduce them.

- On December 19, 2005, Lt. Larry Powell conducted CPOP training for new supervisors. Non-sworn employees participated in this same presentation on November 14, 2005.

- In February, 2006, Lt. Larry Powell conducted CPOP training for new FTOs. The purpose of this training was to prepare these FTOs for their new responsibilities in coaching the problem solving efforts of their probationary officers.

- Up through the first week in February, CPOP was a regular agenda item at monthly CPOP supervisors' meetings and was also

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

discussed at the quarterly neighborhood officer roundtable training sessions.

Experiences with problem-solving efforts in the field will be documented and disseminated throughout the CPD: During much of 2005, the CPOP tracking system, the system the CPD uses to document its CPOP efforts, was under revision. The new system was partially operational the last quarter of 2005. The CPOP efforts from the old tracking system have been transferred to the new system and some have been updated, because the new system requires more information about projects than the prior system.

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. No more were developed in 2005 and the CA Status Report does not mention any new roll call trainings on problem solving this quarter.

The Police Academy and the COP Coordinator are collaborating on a five minute roll call training video that will emphasize the Department's commitment to CPOP as the principal policing strategy. The video arose from a suggestion by the FOP. The target date for completion of the video is June 1, 2006.

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 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 the spring of 2005, the Partnering Center offered a two-day training about problem-oriented policing, crime prevention through environmental design, and situational crime prevention. Sixteen CPD officers attended. In October 2005, the CPD sent 13 officers to the International Problem-Oriented Policing Conference in Charlotte; the officers reported back with positive comments about the conference. Partnering Center staff also attended the conference. Last quarter, the Partnering Center arranged for two segments of Crime Prevention through Environmental Design training for staff, CPD members, and citizens. Thirty-five people attended the first training segment: 15 designated by the Partnering Center, ten citizens, and ten from the CPD. Nine of the officers attended the follow-up segment of the training, which was held this quarter, hosted by the Regional Community Policing Institute.

In December 2005, the CPD conducted an eight-hour class, *Crime Analysis and the CPOP Tracking System*, for the rank of lieutenants and above. Assistant Chiefs Janke and Whalen led the training, discussing expectations for increased involvement in crime analysis. Also included was a presentation on the status of the CA. During the training, a Cincinnati Area Geographic Systems (CAGIS) employee explained the importance, benefits, and capabilities of the new SARA/CPOP application. Participants engaged in hands-on training, including using the mapping tool that runs in conjunction with the application. While the CPD does not anticipate this particular group entering problems and activities into the tracking system, they will be responsible for monitoring and auditing the problem-solving efforts in their respective assignments. During the training, the CPD's COP Coordinator provided examples of problem solving in other cities drawing from projects presented at the 2005 International Problem Oriented Policing Conference. Information from Cincinnati's CPOP Annual Awards project was also included. The training emphasized the importance of detailed problem solving reports. CPD provided a handout entitled, *Critical Elements Which Must Be Addressed in Quarterly Problem Solving Reports*, to familiarize Unit Commanders with the elements of good problem solving write-ups.

There are also training changes in the FTO program that bode well for CPOP. As mentioned above, in the February FTO class, and for the first time, the curriculum is explicit regarding CPOP as the primary strategy for addressing crime. In that class, FTOs are told their roles are changing; that they will meet with Partnering Center staff, that they will work more closely with the community, that they are expected to use the website to find best practices on specific crime problems and consult the Crime Analyst in each District to collect data on specific problems; and that they can use new technology such as email to support increased communication with the community. In the class, FTOs are given specific examples of problem solving occurring in the CPD, including those directed by the community (e.g., Kennedy Heights—"bumps on the bridge"). FTOs are also informed that they can expect additional changes in the FTO program that will require them to coach and evaluate recruits in using the SARA model. Academy staff also informed the FTOs of the importance of documenting problem solving efforts, and that there was recognition of effective problem solving at the first annual awards ceremony last fall.

Plans are also underway to require FTOs to attend an eight-hour refresher every two years in which District problem solving efforts and other issues will be reviewed. Also under consideration is an FTO award for excellence in training on problem solving.

3. Assessment

The Monitor applauds the training efforts made in late 2005, and January and February of 2006. It shows an increased commitment to training around CPOP. We believe that the trainings undertaken over the last four quarters are the first steps in introducing Department employees (sworn and civilian) to CPOP. We are also heartened to see the adoption of the FOP suggestion for a short video about CPOP; this also ensures consistent information about CPOP.

Now that the CPOP role is expanding in the Department, we believe a number of additional trainings will need to occur. Pertaining to the expanded role Patrol will play in CPOP, additional training for officers is needed. Some of that training will occur informally by former COP officers; however, some of it will require a consistency of message and approach and will need to be curriculum-based. The training should prepare officers to dig into problems; it will require some training 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.

As we noted in earlier reports, we recognize that training the entire Department is time-consuming, given the Department's size, so planning for it is key. Folding the COP units into Patrol presents the CPD leadership with a new opportunity to impart its message. As well, with the CPD's leadership requiring problem-solving reports from all Unit Commanders, it becomes important for those in those Units to have the training that gives them the skills to do some problem-solving or, at the very least, more sophisticated analysis.

The Department may want to develop highly focused training for supervisors about guiding, coaching, and training officers in problem solving. Perhaps surprising, 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) will also be 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 on crime analysis and the new tracking system provided to lieutenants and above suggested that tactical

analysis is the primary approach of crime analysis. But given the CA emphasis on problem solving, it is important also to focus on strategic and longer term analysis. Regarding the continuous training aspect of this subsection of 29(c), the CPD is in partial compliance.

With respect to documenting and disseminating problem solving experiences in the field throughout the CPD, we see improvements this quarter as well. We stated in our October 2005 Monitor Report that the roll call bulletin is an excellent start, but it is not sufficient by itself to meet compliance. We stated our view that the CPD must quickly pick up the pace of documenting and disseminating problem solving experiences. While last quarter and this quarter there were no additional roll call bulletins involving problem solving, there was greater use of problem solving examples in other training. A good addition was Lt. Powell's sharing of examples of problem solving efforts from within the CPD and from other agencies (gleaned from agencies presenting at last year's International Problem-Oriented Policing Conference) in the updated FTO training. In addition, in the January 17th Staff Notes, the CPD leadership noted:

> Training for Captains and Lieutenants on Problem-Solving and CPOP Tracking and Analysis has been completed. As the Department continues to utilize problem solving as its principal strategy, it is recommended that additional personnel attend the training as well.

This shows that the CPD is encouraging people to attend training in CPOP and the CPOP tracking system. The CPD's development of a video on CPOP is also helpful. We encourage disseminating more written examples of problem solving so Department members gain an understanding of what is expected, whether they are investigators, sergeants, officers, lieutenants or crime analysts. As we noted last quarter, we hope that by the end of next quarter, the CPD will disseminate several problem-solving write-ups. The CPD is 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, additional training has occurred and we hope to see a ramping up of the inclusion of CPOP in many more of the training sessions the CPD presents. The CA requires that problem solving be emphasized in Academy training, in-service training and field officer training, as well as other training. Comprehensive training that shifts problem solving from a special unit responsibility to Department-wide responsibility will put the CPD in compliance. Increased access to data has allowed the Department to make a

shift toward Department-wide problem solving. We believe the training for lieutenants and above is the first step, and places the CPD in partial compliance with this subsection.[14]

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 the three other subparts of this CA provision (continuous learning, dissemination within the CPD, and emphasis on problem solving in training). The Parties are in partial compliance with this section of the CA, but we are very encouraged by the accelerated pace of training during the last eight months.

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

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[14] Further roll call training should supplement, but not supplant more intensive training that covers the fundamentals of problem solving and the role each person in the organization has in it, and the types of accountability that will support the system.

users to problem-solving material that can be reviewed to aid an officer in tackling crime/safety problems. In several of the more recent CPOP efforts, officers have clicked boxes indicating they have looked at research and written resources; although some officers do not specify which materials they looked at and whether they were helpful.

In the Unit Commander reports, some of the efforts contained in those now include references to some of the material from the CPOP website, as well as other material used in other places.

- The Downtown Services Unit is currently analyzing an aggressive panhandling problem at the corner of 5th Street and Central Avenue, and those involved looked at the U.S. Department of Justice Problem Oriented Guide, Panhandling publication, noting that it offered many strategies for addressing this problem.

- The Major Offenders Unit modified Project DISARM, a gun reduction project, to closer emulate Project Exile and Operation Ceasefire and is looking at its success in Northern Kentucky and Dayton, Ohio. The Major Offenders Unit is also involved with Project CRIME STOPPERS. It is based on a model from Crime Stoppers International, Inc.

- The Financial Crime Squad has adopted the Identity Theft Verification Passport Program from the Ohio Attorney General's Office.

Some of the projects the Department submitted now make mention of the role of the physical environment in a particular crime problem. For instance, in a project in the Crest Hill area, the officer uses CPTED principles to reduce drug sales in an apartment building.

3. Assessment

Over the last year, we have seen more information about crime populating the CPOP website. Use of it can increase the range of countermeasures used to impact crime. We also have 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.

As we mentioned last quarter, the Ohio Service for Crime Opportunity Reduction (OSCOR), a collaborative with the University of Cincinnati, issued four reports containing its analysis of seven drug markets in four Cincinnati

neighborhoods (along with possible interventions), an evaluation of a student crime prevention awareness project, and 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

- University Student Crime Prevention Awareness Project Evaluation, www.uc.edu/OSCOR/FINAL%20REPORT%20CRIME%20PREVENTION%20AWARENESS%20PROJECT.pdf

The OSCOR-generated reports from UC are excellent research products. Five reports focus on drug markets. One of the five reports offers a citywide, comprehensive approach to drug market reduction, and the other four contain an analysis of seven separate drug markets within four Cincinnati neighborhoods. These drug market reports provide ample information to begin more strategic attacks on the markets and the CPD disseminated the reports to District Commanders, Violent Crimes Task Force, Street Corner Narcotics, the Partnering Center, and CPOP teams for follow-up. The citywide OSCOR report lays out the "basic elements of successful approaches used in other cities:"

- long-term commitment
- measurable objectives
- comprehensive approaches
- accountability
- publicity
- on-going evaluations, and
- strategy maintenance

This framework shows that turning crime problems around requires intentional, planned, consistent efforts. 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).

The seven drug markets studied generated over 3,000 calls for service to police in 2004. Although each of the markets is different, patterns were identified across markets concerning: types of drugs; dates/times of market operation; territorial behavior among dealers; methods of communication between market players; demographics of dealers, lookouts, and buyers; access to arterial routes; and the presence of nearby convenience stores.

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, so that tailored responses become interventions that will be more successful than strategies of sweeps and reverse stings. One of the recommendations made is that the CPD identify how many drug markets there are in Cincinnati:

- How many open-air drug markets are currently operating in Cincinnati?

- 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)?

As we noted in the prior quarter's Report, 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

(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 seven trainings, which are detailed below. Currently, the Partnering Center's outreach workers are actively engaged in 32 Cincinnati neighborhoods, supporting existing CPOP Teams, encouraging developing teams, or engaging new citizens to participate in SARA trainings or other crime and safety-related trainings and presentations, down from 36 neighborhoods in October 2005.

As of February, 2006, the Partnering Center is involved with a number of active[15] and developing CPOP teams:

- Number of Active CPOP Teams: 15
- Number of Developing CPOP Teams: 17

This represents a reduction since last quarter from 19 active teams to 15. The number of developing teams is the same as the prior quarter.

The Partnering Center's senior outreach workers continue to meet with CPOP Coordinator Lt. Larry Powell and other CPD staff to review all CPOP cases on the CPD's CPOP website. They are trying to determine which cases are being jointly facilitated by CPD and Partnering Center staff, and establish the accuracy of the CPOP case information. Reconciliation of CPOP cases is vital, particularly as new people are entering cases in the CPOP website. The

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[15] "Active" describes a team that has identified a problem as defined by the CPOP curriculum, and a Community Problem Solving Worksheet has been completed with input from community stakeholders, and CPD and CPPC staff. Additionally, a neighborhood can have more than one CPOP problem solving effort. For example, Over-the-Rhine has one Active CPOP Team & one Developing CPOP Team during this reporting period.

Partnering Center is helping to ensure the accuracy and consistency of CPOP information that is accessible to the public on the website.

Over the last few months, there were additional trainings and presentations.

In November 2005, Partnering Center Executive Director Richard Biehl and a Senior Community Outreach Worker presented information about the Partnering Center, CPOP, and the Collaborative Agreement to 24 participants at Xavier University's Community Leadership Academy. This event included participants from the neighborhoods of Evanston and Norwood, and members of the Xavier University faculty and staff.

In December 2005, a Partnering Center outreach worker organized a Court Watch Training for senior citizens in Millvale, conducted by Terry Cosgrove of the Law Department. Subsequent refresher sessions were held to familiarize these seniors with using the Hamilton County Clerk of Courts website to track cases important to the Millvale community. The Partnering Center also coordinated a December Court Watch training with Terry Cosgrove for residents of Mt. Airy.

Also in December, Mr. S. Gregory Baker met with the League of Women Voters, which hosted a discussion about police-community relations. He apprised the audience about progress on the CA and discussed various activities the police are engaging in to improve police-community relations.

In January, a Partnering Center senior outreach worker presented training in asset mapping in Mt. Washington as part of that community's Strategic Plan Development. At various meetings in this community since that training, which included a City Planning Department official and neighborhood stakeholders, it was agreed that safety would be a primary focus of their strategic plan.

The Partnering Center sponsored training on Crime Prevention Through Environmental Design (CPTED) for its staff, ten CPD officers and nine citizens (Part 1 of this four-day training was held over two days in October, 2005 and was covered in the previous quarterly report). Tri-State Regional Community Policing Institute (RCPI) hosted the training at their facility. The training, presented by international experts Gregory Saville and Anna Brassard, involved each participant using CPTED principles in field projects in neighborhoods. Two of these CPTED field projects have since become CPOP initiatives. One project from Madisonville has since been presented to the Neighborhood Revitalization Strategy Area (NRSA) Committee in that neighborhood, and is being included in a final draft of a funding request that will be submitted to HUD in March, 2006. This joint presentation was researched and developed by

a Madisonville resident, a District 2 officer, and a Partnering Center outreach worker.

On February 2, an outreach worker intern and a District 5 officer trained 34 new stakeholders from the Clifton, University Heights and Fairview (CUF) neighborhoods in the SARA process. An outreach worker helped facilitate a discussion following the training. The training attendees included members of the Clifton Heights Improvement Association (CHIA), Citizens on Patrol, the West McMicken Improvement Association, and other community groups. These groups met later in the month to share the training information with their members who could not attend and to discuss the possible formation of a new CPOP Team.

In early March, Chief Streicher and the Partnering Center Executive Director attended a meeting with the National Conference of Community and Justice (NCCJ) and various community members to discuss survey results from a NCCJ survey that included questions about the police-community relations. The Monitoring Team also attended this meeting.

3. Assessment

During November, December and January, the Partnering Center and the CPD participated in a number of very valuable trainings and presentations. In early February, the CPD announced a restructuring of its approach to CPOP. This created some uncertainty in the community about the role the CPD and its COP officers would have in community problem solving, and even some uncertainty within the CPD. While there have been "hand-off" problems between neighborhood officers and new beat officers, and there has been some confusion about the continuation of joint presentations of CPOP by the Partnering Center and the CPD, the CPD is committed to expanding problem solving responsibilities within the CPD beyond COP officers to more people in the Department. The CPD has agreed to monitor the progress and effectiveness of its transition to Department-wide CPOP, and as a result, we expect to see greater participation in community problem solving initiatives in the upcoming months and the quarters ahead.

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

1. Requirement 29(f)

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

2. Status

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

- The Parties held a community forum on January 19, 2006 to discuss the RAND Corporation's first annual report. Forum attendees included invited community representatives from a broad cross-section of concerned citizens and organizations. Terry Schell of RAND summarized the report results and fielded audience questions. Dr. Jennifer Williams of J.E. Williams & Associates facilitated the event, which included a dialogue that the Parties describe as "spirited and informative." The Parties add that the written feedback forms "demonstrate that more information should be disseminated about the work that RAND is doing and the CA in general."

- The Partnering Center met with the University of Cincinnati Safety Initiative, "Neighborhood Connections." As part of this initiative, UC graduate students are preparing a neighborhood survey to determine perception of safety, crime victimization, interest in participating in neighborhood safety efforts, and suggestions for improving neighborhood safety. UC students will administer the survey. In addition, an analysis of juvenile crime in the area and arrest data will help pinpoint crime hot spots and hot times in the University Heights area.

- The Partnering Center attended the second Hamilton County Gun Violence Prevention meeting at the Board of Health. The Community Action Agency co-hosted the meeting, which included a presentation by Executive Director Richard Biehl, entitled Promising Strategies to Reduce Gun Violence. Business leaders have been asked to support a youth gun violence reduction initiative.

- Partnering Center outreach workers helped two communities (East End and Mt. Airy) research and write City Safe and Clean Neighborhood grant applications. Both communities would like to install CCTV cameras at hot spots.

- The Partnering Center's Executive Director provided the keynote address to RCPI Police Academy graduates at their November ceremony.

- The Partnering Center and CPD COP officers met with the Walnut Hills Community Council to discuss 2525 Victory Parkway (formerly

the Alms Hotel), a field project from the November CPTED training. The Walnut Hills community agreed to adopt the apartment complex as a CPOP project. The Partnering Center met with representatives of St. Johns Unitarian Universalist Church (a Friend of the Collaborative) to discuss ways the Church can assist in the CPOP Initiative at 2525 Victory Parkway. Partnering Center's Executive Director addressed the entire St. John's congregation on February 5, 2006, inviting the congregants to support Partnering Center work.

- The Partnering Center met with Jay Rothman and Meghan Clarke of the ARIA Group to discuss the re-engagement of the 3,500 stakeholders of the Collaborative Process to support CPOP and the Collaborative Agreement.

- On December 30th, the Partnering Center Executive Director attended a special meeting of Cincinnati City Council's Law and Public Safety Committee meeting to discuss the death of a teen following a youth dance. This meeting also included a broader discussion of youth gun violence throughout the City. The Partnering Center has since provided the Law and Public Safety Committee information about promising strategies to reduce youth gun violence based upon research by the Office of Juvenile Justice and Delinquency Prevention.

- The Partnering Center continues its CPOP outreach work through the media with monthly "BUZZ on CPOP" radio shows. In December, representatives of the communities of Kennedy Heights, North Avondale, and Downtown participated and discussed community safety initiatives. Representatives from Lighthouse Youth Services and Y.E.P. (Young Entrepreneurs Program) also participated, discussing safety issues affecting youth. The Partnering Center and neighborhood CPOP efforts were featured twice during the month of January, on WKRC-TV and WXIX-TV. The Parties progress towards improving police-community relations through CPOP were also highlighted in an article headlined "Better Policing," which appeared in the February 1–7 edition of City Beat, a Cincinnati alternative weekly publication at http://www.citybeat.com/2006-02-01/allthenews.shtml.

- A Partnering Center outreach worker intern along with a CPD officer are organizing a meeting of Mt. Washington landlords to provide them with information about how to deter crime in their apartment complexes and rental properties.

The City of Cincinnati, Invest in Neighborhoods Inc., and Community Building Institute sponsored the Fourth Annual Cincinnati Neighborhood Summit on February 4, 2006, at Xavier University. CPD command staff and Partnering Center staff attended the summit. The recent CPD CPOP reorganization was "a hot topic" at the summit. Community members expressed their concern about the redeployment. The Parties report that an assistant chief who attended felt the event "provided an excellent avenue for communication between police and residents to alleviate concerns and answer questions."

3. Assessment

A wide range of activities that involve and promote CPOP and show the beginnings of ongoing dialogue with different segments of Cincinnati, as required by the CA, occurred this quarter. Some were the result of the CPD's redeployment of neighborhood COP officers. Breaking down the community interactions along the lines of the groups identified by this subsection of the CA, we note that the CPD and the Partnering Center have engaged in ongoing dialogue with youth; property owners; businesses; community organizations; faith-based organizations; motorists; and other city residents. The two segments of the Cincinnati community with which there has been little reported interaction and dialogue are: tenants and low-income residents. Also, the Parties' documentation of ongoing community dialogue and structured involvement by the CPD was limited in the extent to which the FOP's and the Plaintiffs' involvement were reported. However, these two issues may be due to a lack of reporting, rather than a lack of interaction.

In prior Monitor Reports, we have stated that compliance with this CA subsection would entail a plan for structured dialogue, joint promotion of events and a review of the feedback from those events. It would also demonstrate compliance if the Parties scheduled follow-up meetings, and reported on the outcomes of the discussions and meetings, descriptions of areas of agreement and disagreement in the dialogue, and next steps.

The range and scope of the meetings and events this quarter are consistent with what 29(f) requires. This quarter shows an increase in participation by the CPD, and we would like to see even greater participation in jointly scheduled forums involving the CPD, the Plaintiffs, and the FOP. While joint forums may sometimes involve engaging citizens who are displeased with the current status quo, many citizens will walk away from these events feeling that progress is underway. Ultimately, it is to the benefit of all Cincinnatians for the Parties to proceed with these interactions, because the process of policing and the decisions that are behind police tactics and strategies are made more transparent and form the basis for dialogue and, hopefully, partnership.

We believe that if the Parties develop a plan for structured involvement with the communities identified in 29(f) and jointly promote those events, full compliance is certain. The Monitor is also open to evaluating compliance with this CA provision based on new measures agreed to by the Parties. 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 February 2005, the Parties announced a CPOP awards process. Last spring, the Partnering Center's community analyst reviewed CPOP project data (calls for service, citizen surveys, environmental surveys) to check post-project data against project baseline data, to identify CPOP teams whose projects appear to have had the greatest impact. The teams for these projects were encouraged to submit award applications. The Parties identified five award categories, developed judging guidelines, created a selection committee, and distributed application packets in the community.

On October 27, 2006, the Partnering Center held the first annual CPOP Awards ceremony at the Cintas Center at Xavier University. The event was very well-attended by police and community members and awards were given for CPOP efforts. The second annual CPOP Awards Ceremony will be held October 26, 2006, also at the Cintas Center.

3. Assessment

The Parties have held one CPOP Awards Ceremony and are planning the second annual one. 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. The National Conference for Community and Justice (NCCJ) will fund the communications audit.

2. Status

This CA section has two parts: (1) informing the public about CPD policies and procedures; and (2) conducting a communications audit and developing and implementing a plan for improving internal and external communications. With respect to the first, CPD policies and procedures are accessible from the City website. 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 City has formed a communications council comprised of representatives from the CPD, the NCCJ, and Hollister, Trubow and Associates (HT&A), and has posted a job description for the Community Relations Coordinator. In the interim, HT&A began a number of tasks that the Community Relations Coordinator will eventually assume. The scope of services to be implemented by the coordinator serves as the CPD's communications plan.

Pending the addition of the coordinator, several components of the plan have been started with the help of HT&A:

- In July 2005, the CPD implemented a new design for the weekly Staff Notes.

- In August 2005, the first edition of *The Blue Wave* newsletter arrived in the homes of officers, civilians, retirees, and their families. A second edition of the *Blue Wave* was issued this fall (containing an article supportive of Tasers, as well as an article about COP Officer Princess Davis).

- HT&A continues to develop "good news" and informational news stories for the local and neighborhood newspapers, including the Cincinnati Herald.

- A document entitled *A Report to the Community* from Chief Streicher was distributed with the Cincinnati Enquirer. The report describes improvements in the Department and outreach programs in the community.

The CPD has posted the Coordinator position several times. In November, 2005, CPD interviewed another candidate for the Community Relations Coordinator position. However, the candidate accepted a different position in the City.

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. The City is in compliance with this part of paragraph 29(h). There is also a link in the City's CPOP website (http://cagisperm.hamilton-co.org/cpop/) to the CPD's procedure manual. The link provides access to community members who are engaged with the police through CPOP involvement. We believe that this sends a signal to the Cincinnati public of an increased willingness to create more transparent police operations, which is essential to building trust in the community.

Concerning the second part of this CA section, while the City conducted a communications audit and has developed a plan for improved communications (based on the scope of services developed for the community relations coordinator), this quarter paints a complicated picture of compliance. We would be remiss if we did not mention the absence of communication that accompanied the redeployment of personnel in the Department around CPOP. In fact, there still is nothing on the CPD website communicating the change. While the Monitor agrees with the CPD that Department-wide adoption of CPOP is required under the CA, and that transitioning a community from single officer to multi-officer community engagement and problem-solving can be difficult, we hope that the CPD will recognize the importance of engagement and consultation, even when the CPD has the formal authority to make decisions and take action.

The CPD's action to redeploy personnel caught many in the community by surprise, and even many of CPD's own employees by surprise. For this reason, it was not consistent with the improved internal and external communication called for in this provision. However, a few weeks after the changes, the Monitor noted a more positive attitude within the CPD towards its CPOP and problem-solving obligations. Many members of the Department now appear energized by the fast pace of change occurring in the CPD, spurred by recent promotions formerly tied up in litigation, a new strategic planning process, use and availability of some crime analysis (victim, offender, and location information), and now the opportunity for CPD members, beyond those in COP, to participate in crime reduction projects using problem solving and community engagement. The City announced the change by saying that CPOP is "an effective, practical and operational methodology whereby community members and police work in partnership to identify problems, analyze data and information, formulate responses, and evaluate effectiveness."

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, and 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. The Parties submitted the next CPOP Annual Report in September 2004. Milestones documented in the 2004 Report included the establishment of the Community Police Partnering Center, 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 Annual Report describes in important detail a number of active CPOP Team projects, including an assessment of their results.

3. Assessment

The 2005 CPOP Annual Report documented the progress the Parties achieved individually and collaboratively. Those efforts were the result of significant hard work. We expect that success and inspiration to continue into 2006. The Parties are in compliance with 29(j). 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. This is memorialized in an ACLU correspondence with the Parties on that date.

Last quarter, all District Commanders submitted reports, as well as Unit Commanders of the Downtown Services Unit, Central Vice (Street Corner), Criminal Investigation (Major Offenders Unit and Personal Crimes), and Special Services Unit (Park Unit, Youth Services, and Traffic Unit). This quarter, all of these units submitted reports again, with the addition of the Homicide Unit and Financial Crimes.

A number of the projects contained considerably more information about the problem undertaken than prior reports. Highlights include:

- An update on a project involving an East Price Hill crack house at 3221 Price Avenue. The City declared the building a public nuisance and boarded it up. Since that action, there has been no further property damage, and no additional calls for service.

- The boarding up of three homes at the corner of West Liberty and Iliff Avenue that were site of loitering. Of the 63 calls for service to the location in a six-month period, many involved youth. The officer involved

said the calls "seemed to be in close relationship to abandoned buildings." Numerous citations were issued for litter as it was a problem as well, and a garbage can was placed on the corner to reduce further littering. Since the boarding up and the citations, the loitering has moved off the corner with a 20 percent reduction in calls for service to the location.

- Officers identified owners of multi-unit rentals in Price Hill with high calls for service, inviting the owners to landlord training to learn about tenant screening and improved rental agreements. Officers from the neighborhood unit and from Vice conducted the training. The officers are monitoring calls for service to see if there is a decline in problems at those properties.

- An update on the effectiveness of delaying, by a small amount of time, the Metro Bus pick-up time outside Sayler School so that parents' cars will not block the street when the bus arrives.

- Purchase by the City of an apartment building at the corner of Glenway in the Price Hill Business District. Prior to the purchase, the building had over 200 calls for service for loitering, drug sales, disorderly juveniles, crowds, fights, assaults, street robberies, and graffiti. Since the sale, calls for service in the two-block area around the building dropped by 90 percent.

- In North Avondale, the identification of a 95-unit apartment building at 3652 Reading Road (that has only one-bedroom apartments and efficiencies) as a location of drug dealing, prostitution, robberies, shots fired, and burglary. The CPD met with the property owner. District 4 investigators surveilled the property identifying four apartments as drug dens and five tenants as involved. Using SWAT, the team executed search and arrest warrants, and the property owner's actions afterwards were monitored as he evicted the drug traffickers. There was a 60 percent reduction in calls for service at the location. Soon after, however, crime and disorder at several nearby buildings are a problem, making the location difficult without additional efforts. The officer involved acknowledged this when she said, "...this project is a success and has to be constantly monitored to ensure the problem does not reappear."

- Update on Elder Abuse at 5011 Paddock Road. In this situation, Adult Protective Services moved the 90-year old homeowner into a nursing home, as he was not fit to care for himself. He now has a caseworker from APS working on his behalf. The building is now boarded up due to

an unstable foundation, and the business next door has noted improvements in the crime problems at the location.

- An update on the Rest Inn in the Clifton neighborhood of District 5. Drug use, drug sales and sexual activity occurred in open areas of the Rest Inn Hotel. The Hotel, housing the mentally ill, as well as sexual offenders, generated approximately 300 calls for service from 2003 until the end of September, 2005. An inter-agency inspection showed many violations resulting in a 30-day comply-and-repair order. An officer checked the property intermittently for progress on repairs. All sex offenders have been removed from the property and a number of re-inspections have occurred. Calls for service have declined only slightly, and are now primarily for disorderly persons, theft and wanted subjects and the drug and prostitution related calls have decreased. Currently, there are no outstanding code violations at the Rest Inn.

- The Traffic Unit, beginning in late February, now has a Traffic Analyst to study crash and injury patterns in Cincinnati.

In December 2005, the CPD worked in conjunction with three 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, some are using the Critical Elements form and others are using an older SARA form to report projects.

Critical Elements That Must Be Addressed In The

Quarterly Problem Solving Report

S   1. What precisely is the problem?

C   2. Who is it a problem for?

A   3. Where is the problem? (District, Neighborhood, Specific Address(es))

N   How long has it been a problem?

          1. What is the time frame being analyzed?

          2. What information is being analyzed?

                   a. Calls for service (How many? Type? Number for each type?)

A   b. Arrests or tickets issued (For what type of activity? Who was
N   arrested/ticketed?)

A   c. What was the department's previous response, what was the

L Y S I S result, and why didn't it work?

3. What conditions contribute to the problem?

    a. Place management practices

    b. Behavior management issues

    c. Design of the location

4. What does a review of other problem-solving efforts (POP guides) say about this type of problem?

R E S P O N S E

1. Who is/was available to assist in the CPOP/problem-solving effort? And what did they add? (CPPC, other City depts., faith-based organizations, community councils, owners, parents, etc.)

2. What are your goals or what are you hoping to accomplish with your response?

3. What, precisely, is your response or responses?

4. What were the dates that each element of the response was implemented?

5. Are you selecting solutions that will remain after the police no longer focus resources on the problem?

A S S E S S M E N T

1. What are the results of your assessment?

    a. 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.)

    b. Are the types of CFS now different?

    c. 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?)

CPOP cases and problem solving activities can be reviewed at the CPOP website, www.cagis.org/cpop (new address). Some of the projects and problems have been updated since the Parties last reported.

3. Assessment

The number of Unit Commander quarterly reports increased again this quarter. The Units reporting this quarter include: District 1 and its Downtown Services Unit; District 2; District 3; District 4; District 5; Central Vice Control Section; Street Corner Unit; Criminal Investigations Section (Homicide Unit, Personal Crimes Unit, Major Offenders Unit, Financial Crimes); Special Services Section (Traffic Unit, Youth Services Unit, Park Unit).

The Unit Commander reports are not yet part of the new CPOP tracking system. The new tracking system is loaded on relatively few computers at this point, so accessibility is limited. The reports from Unit Commanders who used the revised quarterly problem-solving reporting form (Critical Elements) showed greater detail than the other reports that used the older format or used the CPOP tracking system report format. Overall, the problem-solving reports show some improvement from earlier quarterly write-ups, and we commend the Department for the improvement.

We mentioned in earlier Monitor Reports that every project, whether SARA or CPOP, should have a start date. It is important to note the date when starting the project and at intervention points within a project, just as it is important to do so when describing events in a crime report. It will prove extremely valuable during the assessment phase when determining impact to have precision of this kind.

Overall, we noted in prior Reports that compliance with this CA provision will be demonstrated more clearly when all of the District and Unit Commanders prepare quarterly reports. The only two units not submitting reports are Planning and Crime Analysis. While the Planning Unit handles interdepartmental issues, it is also likely to analyze call load and staffing levels, which is part of the changeover to CPOP. With respect to the Crime Analysis Unit, many of its contributions will be documented in the quarterly reports of the District and Unit Commanders. However, Crime Analysis can report on the type of analysis it performs, consistent with advancing both the analysis of CPOP projects and the assessment of CPOP projects. We also noted in prior Monitor Reports that the District and Unit Commander reports should reflect an increasing use and proficiency in problem solving in their unit; a greater reliance on analysis and less reliance on unevaluated efforts; and a wide range of tactics – civil, situational crime prevention, zoning, environmental, criminal, etc. The reports also should describe the Commanders' actions and plans to involve the entire command in problem-solving and CPOP activities, rather than just the COP officers.

As noted above, some of the reports from officers are increasing in detail (a nice example is the report about 3652 Reading Road in North Avondale). We believe that crime analysts have helped by giving officers additional information

about the problem. We would also like to see supervisors steering officers or investigators to problem-oriented policing guidebooks where those match the problem on which the officers are working. Sergeants should be knowledgeable about crime reduction and safety improvement countermeasures for different types of crimes and safety problems, so they in turn can coach, steer, or guide officers in effective directions. For example, the Major Offenders Unit, Special Investigations Squad would learn from one of the guidebooks the type of analysis more typically required to reduce gun violence, and an officer working on a speeding vehicles problem on a residential street would learn that traffic engineers now tend to discourage use of stop signs in this case, because people simply speed up between them to make up for lost time.

Now is the time for the CPD to ramp up the knowledge-base of officers, supervisors, and managers about crime and safety problems. In the last five years alone, there has been a substantial increase in terms of what we know about crime and countermeasures; a fair amount of that is now contained in the problem-oriented policing guides. With this knowledge, we believe that District and Unit Commanders will be well equipped in their new responsibilities.

As for the projects listed in the CPOP website tracking system, many now are labeled "resolved." We are unsure whether they are actually resolved or merely closed because of the reassignment of some of the neighborhood officers. We believe that accuracy is important, because these are records of actions in addressing chronic community crime/safety problems. We discuss this in further detail under section 29(m).

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

1. **Requirement 29(l**)

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

2. **Status**

The Parties report that the Police Academy expanded its training committee to include CPD representatives from Inspections, Internal Investigations, Personnel, and the FOP with the goal of increasing training ideas from within the CPD.

Also over the last two quarters, the Plaintiffs attended various training sessions and have now made suggestions for potential inclusion in training (such as verbal judo, stops and approaches, cultural differences, and/or in-service training):

- "Add a component in which specific training occurs with respect to African Americans and their communication style and urban experience. The Plaintiffs do not recommend any stand-alone training regarding such communication, as we believe officers will neither take this seriously nor get much out of it. This training should be developed as a coordinated effort between the CPD, community representatives chosen by the Plaintiffs, consultants, and academics."

- "The Plaintiffs also recommend working with Dr. Jennifer Williams and Dr. Robin Engel from the University of Cincinnati to develop content specifically targeted for the CPD. The class (or training) would focus on helping officers communicate within a context in which African Americans who are stopped are quick to feel disrespected and distrustful of the police. It would be scenario-based and, as stated above, would be inserted into already existing training so as not to marginalize it in the opinions of the officers being trained."

Some changes in training occurred in the Academy this quarter. Although the Police Academy has not selected a new Director, the CPD has assigned a new captain, lieutenant, and sergeant to the Academy staff, and delegated the responsibility for the Academy and its training mission to a newly promoted lieutenant colonel. Along with the assignment of new personnel and the expansion of CPOP, plans are underway to restructure the next recruit training, scheduled for April, with problem solving as its central theme. Each recruit will be assigned to a team that will address a "real-world" crime problem from one of the districts, applying skills, knowledge, and abilities gleaned in the curriculum modules, and completing an environmental scan to identify the problem and available resources. Recruits will be required to demonstrate their proficiency with all phases of the SARA model prior to graduation.

This quarter the Monitoring Team was also able to observe Customer Service training for recruits, where the importance of customer surveys, citizen satisfaction, and accountability to the community were emphasized.

3. Assessment

This quarter showed significant progress. The FOP is on the Training Committee and the Plaintiffs attended several Academy training programs, making recommendations for consideration. The Parties are in compliance with this section of the CA.

We applaud the changes proposed for the Recruit curriculum and look forward to seeing the updated training. To maintain compliance, the CPD should consider and respond to the FOP's and Plaintiffs' training recommendations.

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 CPD reviewed previous Monitor Reports and prepared a draft document for review by neighborhood area sergeants. The Parties met several times about the problem-tracking system, 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 Monitor viewed a demonstration of the tracking system in late October, and neighborhood officers, crime analysts, District Commanders, and lieutenants received training on it during that quarter. 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 is enhanced with greater capability of accessing information from a variety of city sources.

The CPD users will be able to search the system for an address, and query it by district, neighborhood, and community 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 will also be able to query the system based on crime, arrest or contact information, such as FI's, 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 has tools that facilitate collaboration with other city agencies, such as a message board, quick mail, even an action list. There is built-in accountability in the system: it can 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.

When complete, the system will:

- 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

This quarter, the Parties report that improvements and updates to the CPOP/SARA tracking system "are still in progress" and that cases are being added (14 new this quarter) and edited/updated. Also, all CPD personnel were reminded of the availability of the CPOP website via a Staff Note issued November 1, 2005, and there was also mention of the "Best Practices" link on

the website. The Staff Note stated: "All CPD personnel are encouraged to visit this website."

3. Assessment

As we noted last quarter, improvements to the problem-tracking system are a significant advance. The Community Relations Unit and CAGIS have worked very hard to revamp the system and offer officers, the Partnering Center, CPOP members, and citizens a more advanced and easy to maneuver system.

Last quarter we noted the importance of providing mentoring and coaching to officers in the first few months of the system's operation. Mentoring will add precision to the problem solving projects and help advance the Department's knowledge base about problem locations. We also highlighted that the system, like any new information system, will only be as good as the information inputted. We believe that the CPD is committed to doing what is necessary to make the system a success. We offer our assistance if desired.

Some aspects of the system were not yet operational at the time the Monitor previewed it in late 2005 (call for service access, access to crime reports, arrest information, mug shot access, and FI information). CAGIS intends "progressive functionality." In other words, different data sets will come on-line inside the system over time. Access to calls for service, crime reports, arrest information, mug shots, and FI information is expected to come on-line within the system by the end of next quarter. Use of these new databases within the tracking system will also require training.

Last quarter, we noted that based upon a review of recent projects in the tracking system, we noticed an improved level of information among the CPOP projects entered, due to greater use of the free-form entry blocks that query officers to "provide specifics." Although some of the CPOP projects still require basic information, we are hoping that this is part of the initial difficulties from a new system and will be resolved quickly. We hope that each CPOP report will contain call for service, crime data, and other information, as well as some evidence of analysis of the information. The fruits of problem solving -- the ability to identify a longer term, more precise solution to a crime/safety problem -- are only enjoyed if analysis is done. We see the descriptions of the call for service information in the projects as very weak. We believe this can be easily corrected. Last quarter, the Monitor team sent the CRU an excerpt from one of the OSCOR reports (described in 29(d)) to show the type of sorting one can do with call for service information for a specific location.

One outstanding issue pertaining to the website is that the Partnering Center still does not have the type of access that would permit outreach

workers to add information about a problem-solving case. The Partnering Center is willing to pay the licensing costs of access to CAGIS and the tracking system if they are also able to have access to the crime data in the system.

In regards to the current set of cases in the tracking system, as of April 5, 2006, the tracking system contains 86 cases. Of the 86 cases, 68 are listed as resolved. The CA Status Report from the Parties states that cases are being added to the system, 14 new ones this quarter, and some are being edited/updated. Based on the data in the system on April 5, 2006, it appears that only 11 were added since December 2005, and no case has been added in District 2 since October 20, 2004, a period of one and one half years.

Of the 86 cases, 11 are SARA projects (non-CPOP, problem solving projects). Of the 11 SARA projects, all were begun since November 2005. There have been no CPOP projects begun since that point. This may be one of the reasons for the decline in the number of active CPOP teams. We fully recognize that there will be many projects that do not involve the Partnering Center. We also understand that the Partnering Center is providing information at CPD roll calls about how the Center and its outreach workers can help CPD officers. We encourage the CPD to further publicize the Partnering Center to its members. Staff Notes and the Blue Wave may be ideal vehicles for an article about the Partnering Center.

The success thus far of CPOP in Cincinnati rests on many shoulders, and one of them is the Partnering Center. In some Cincinnati neighborhoods the Partnering Center has been more successful than in others; this is to be expected. Overall, the Partnering Center has brought many people to the table, publicized the joint efforts of the community and the police, provided training to the CPD and to community residents, and connected people and police with community resources. We hope to see extended use of the Partnering Center in tackling Cincinnati's crime and safety problems. It is an asset, a bridge builder, and a valuable resource to the Cincinnati community.

We stated last quarter that the system is new. Given the changes this quarter in assignment of responsibility for problem solving efforts, and the large number of projects now listed as "resolved," we are concerned about the status of the projects that are in the tracking system. We will defer judgment about compliance until we have a better understanding of how projects are being handed off and assessed for impact.

1. Requirement 29(n)

The City shall periodically review staffing in light of CPOP, and make revisions as necessary, subject to the CA funding provisions. The CA requires ongoing review of staffing rather than a review by a certain deadline.

2. Status

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

In the spring of 2005, Plaintiffs suggested that the description the CPD provided of its staffing approach supplies the "mechanics of its staffing plan," but has not changed "in light of its commitment under CPOP" and the CA requirement that problem solving become the CPD's principal approach to crime and disorder. In addition, since crime analysis is key to problem solving, Plaintiffs suggested that the City should increase the budget for crime analysis capacity within the CPD because 1.5 analysts are inadequate for a Department with just over 1,000 sworn officers.

In late spring 2005, the CPD announced that it would add an analyst to each of the five patrol Districts and one each to Vice Control and Criminal Investigations – for an increase of seven. The CPD placed sworn officers in the new analyst positions. They attended a five-day crime analyst computer training by Alpha Group, and then followed up with 32 hours of "in-house" training.

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. This quarter, the analysts began monthly meetings. One of the items they are working on is a list of the top ten individuals in ten identified neighborhoods who have been arrested most often.

In June 2005, Chief Streicher announced the formation of a five-year Strategic Planning Committee. The results of a strategic plan may also have staffing impact. The Committee includes one citizen representative from each of the five police districts (including Herb Brown, Partnering Center Board President), as well as representatives from within the Department. Altogether, the committee consists of about 20 people. Their goal is to define the Police Department's strategic organizational direction and its commitment to CPOP over the next five years. Chief Streicher met with the Committee in early September. The CPD reported that "[t]he assignment was to determine if changes should be made based on the CPD's commitment to CPOP." Committee members met twice (October 7, 2005 and November 4, 2005) to discuss revisions to the vision, mission, and value statements. It was expected that the strategic plan would be completed by the end of 2005 but it is still in

draft form. During a January staff retreat, CPD management reviewed the draft and provided feedback. They hope to complete the plan soon. The plan will contain 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

The first week of February, 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. COP officers were folded into patrol shifts or transferred to other assignments. Two and one half weeks after this reorganization, the CPD held a Leadership Retreat for those in the Department holding the rank of lieutenant or higher. At the retreat, staff presented a draft of the strategic plan and sought feedback from attendees. Chief Streicher reported a high level of enthusiasm for the contents of the plan.

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 also allowed the CPD, through transfers of officers, an opportunity to increase staffing at Districts that had 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 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.

As the monitoring of crime continues in the coming years, the CPD may find it requires more crime analysts to help unravel, digest, and direct police responses to crime. This may be something the CPD will want to consider while the strategic plan is in draft form.

The Monitor noted in last quarter's 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 Monitor looks forward to seeing a draft of the strategic plan. We believe that the strategic plan is a good place to affirm the CPD's commitment to the CA, and that it can be used to more quickly operationalize the CA.

The move towards greater Department participation in problem solving, the redeployment of officers to higher crime areas, and the hiring of crime analysts places the CPD in compliance with this subparagraph of the CA.

1. Requirement 29(o)

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

2. Status

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. 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 and hoped to submit a new system to the Chief before the end of 2005, with plans to implement the new system in 2006.

As of this reporting period, performance evaluation progress is at an impasse. Although there appears to be widespread acknowledgement at all levels of the CPD that the current system is ineffective and demotivating, the FOP has not signed on to a new system at this time. Performance evaluations will be an essential element of the organizational infrastructure needed to sustain CPOP. The CPD is contemplating strategies for resolving this impasse, as it also impedes progress on revising job descriptions that can clarify for all employees the CPD's expectations regarding CPOP roles and responsibilities for every position.

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)). The CPD also plans to revise its problem solving procedure to clarify the reporting requirements of the District and Unit Commanders and the redeployment accomplished in early February. In addition, the CPD has spelled out what Unit Commanders should include when reporting on problem solving efforts (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 Monitor met twice within the last six months with the Planning Unit Captain who oversees the PIT team. At our last meeting, progress on performance evaluations is stalled because of concerns raised by the FOP leadership. The 2004 adopted performance evaluations will not place the CPD in compliance. We encourage further discussions with the FOP to devise a system that will put the CPD in compliance.   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.

Job Descriptions. As we have noted in prior reports, the CPD will also need to revise its job descriptions in light of CPOP, particularly those relating to patrol officer, 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 type of skills it seeks for different positions. It even 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 selected 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 currently under revision and is discussed in 29(n).

Policy Revisions. CPD leadership directed specific Unit Commanders to file a quarterly problem solving report and will 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. The City has made progress this quarter by adopting the new Critical Elements form, and some of the Commanders used the form. We believe that it will be helpful if the CPD provides examples to the Unit Commanders of a thorough, complete project-write, just as examples are used when introducing other types of reports in a department.

Organizational Plans. In this section we discuss the strategic plan, followed by the redeployment of neighborhood officers. The strategic plan is now in draft form, and the Chief approved the strategic directions (goals) in the plan: Public Safety, Community Partnerships, Personnel Development, Resource Management, and Technological Advancements. The CPD expects completion of the plan soon and the final draft will be presented to a number of key community stakeholders for their review and comment. As we stated in 29(n), and in our prior Report, the strategic plan should support and accelerate

the move towards CA compliance so the CPD can fulfill its (already-defined) responsibilities under the CA, which form the basis for both impacting crime and establishing trust between Cincinnati residents and the police. We believe that the strategic plan is a good place to affirm the CPD's commitment to the CA and can be used to more quickly operationalize the CA.

The redeployment of neighborhood officers, if intended to widen the breadth of employees engaged in problem solving in the Department, can accelerate the adoption of CPOP in the Department. The CPD has stated that it will monitor the transition over the first two months to see if it is working, with the possibility of returning to the prior special unit approach or fine-tuning the new approach.

The City has made some progress this quarter by adopting the new Critical Elements form, however it is still not in full use by the Unit Commanders. 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. Further progress is needed in these two areas. The redeployment that resulted in a larger part of the Patrol Bureau asked to participate in CPOP is a significant step. We believe that this quarter is critical for making this new approach work and will reserve judgment until the end of next quarter when it can be assessed whether CPD has done enough to make this approach work.

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 2003, the City developed design specifications for a Request for Proposal (RFP), and released an RFP for the CAD and RMS project in June 2004. In the spring of 2005, the City selected Motorola as the vendor and has now signed contract with Motorola to develop and install the CAD/RMS system.

This quarter, the Monitoring 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. Even data from agencies outside the CPD is used, including adult and juvenile probation. 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 these different databases and the reports the CPD generates about crime.

This 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

ITMS will publish 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. Examples of data categorized by repeat calls for service, repeat victim, and repeat offender were provided to the Monitor in the CA Status Report.

3. Assessment

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, for use in problem solving, CPOP cases, District/Unit Commander reports, Planning and Analysis Reports, and Crime Analysis Unit 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.

During our site visit, we were extremely 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.[16] As a result, beginning next quarter, we also expect to see projects associated with the people identified by the repeat data.[17] Creation of the three databases represents a substantial improvement.

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[16] Also available now is a problem-oriented policing guide on repeat victimization, at http://www.popcenter.org/Tools/tool-repeatVictimization.htm.

[17] 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.

We believe if CPD makes a few changes in the databases it will be in full compliance. There is an excellent, brief publication on repeat victimization titled, Analyzing Repeat Victimization. The Monitor believes this will help ITMS modify the databases so that even more robust patterns are revealed. We bullet below two points of information and refer ITMS to this publication (free at http://www.popcenter.org/Tools/tool-repeatVictimization.htm) where more detailed explanations are available.

- Using too short a time frame for the data diminishes the ability to identify repeat locations and repeat victims. For instance, for repeat victimization data (whether of a person or a place) even a calendar year tends to be too short a period of time.

- Upon viewing sorted data on offender, victim, and place, police organizations typically find that improvements are needed in data quality and so changes are instituted to improve accuracy in call taking, report taking, and data entry. In addition, offense reports sometimes require modification so that the detail is more easily captured improving pattern analysis.

A template tool for repeat victimization to help a police department describe the different types of repeat victimization patterns it has, can be found at http://www.popcenter.org/Tools/Supplemental_Material/Detecting_RV_Tool(1).xls.

The CPD can now begin to use the information revealed from the initial sorting of repeat data to develop problem-solving efforts around repeat victims, locations, and repeat offenders. We look forward to seeing these additional problem solving efforts. 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 RMS/CAD system will also meet the requirements of this section of the CA. The City selected Motorola as the

system vendor. 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."

This quarter, the CPD states that it "recognizes more analysis is necessary," but the Monitor's focus on the analysis done in individual problem solving projects "should fall under Paragraph 29(k) rather than this section." In addition, the CPD notes that the selection of Motorola should place the CPD in partial compliance, in the same way the CPD was deemed in partial compliance when the ETS system was under development although not yet in place.

3. Assessment

Last quarter the CPD 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).

Last quarter, 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. In the Monitor's October 2005 report, we noted that we had not found sufficient evidence of analysis in the projects the CPD has submitted to find the CPD in compliance. In only a few projects is there mention of the number of calls for service at a location, and the projects do not include an analysis of the calls and what they suggest about the problem. Many of the problems the CPD is looking into in the community likely have been problems for years, repeat locations that are only recently being worked in a fashion that is somewhat different from an incident-driven response.

We also said in our last Report that the "progressive functionality" of the tracking system means that the system is still mostly a tracking system and many of the other systems to which it will link are not yet linkable. We stated that paragraph 29(q) would be satisfied by an RMS/CAD system that is designed, programmed, and used to identify (detect) patterns and ease analysis and assessment of problems, whether citywide or location specific.

The Monitor has reconsidered. 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 to and assess. The City is in partial compliance with this section of the CA.

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

1. Requirements

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

The Evaluation Protocol must include the following components:

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

- Periodic observations of meetings, problem-solving projects, complaint process; with description of activity and effectiveness

- Periodic reporting of data to public, without individual ID, but by age, race, gender, rank, assignment and other characteristics. The data, to be compiled by the City's 52 neighborhoods, are to include arrests; crimes; citations; stops; use of force; positive interactions; reports of unfavorable interactions; injuries to citizens; complaints

- Sampling of in-car camera and audio recordings; database of sampled recordings; study of how people are treated by police

- Examination of hiring, promotion and transfer process

- Periodic reports that answer a number of questions, including:

  - Is use of force declining, and is it distributed equally?

- Is the complaint process fair?
- Do officers feel supported?
- Is problem solving successful?
- Are police-community relations improving?
- Is progress being made on issues of respect, equity and safety?
- Is safety improving?

- 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.

2. Status

The Evaluation Protocol calls for an extensive research effort, including four types of surveys, an analysis of traffic stops to determine whether there are any patterns of racial bias, reviews of a videotaped interactions between police and motorists during traffic stops, periodic observations of CPOP (community problem-oriented policing) meetings, and a review of police statistical data and staffing.

The RAND Corporation was selected by the Parties to be the Evaluator and to implement the Evaluation Protocol, and RAND entered into a contract with the City of Cincinnati to accomplish these tasks. 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.

a. Surveys

i. Community-Police Satisfaction Survey

RAND's community survey involved contacting a random sample of 3000 individuals living in each of the City's 52 neighborhoods. The questions relate to residents' perceptions of the quality of police services, knowledge of CPD activities, and perceptions of the professional standards of the CPD. The results of the *community-police satisfaction survey* showed that the general public has favorable opinions of the quality of police service it receives, police practices that it witnessed in its neighborhoods, and personal experiences with the police. African American residents in Cincinnati, however, have 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. They had a significantly lower perception of being treated fairly and with respect by the CPD. Blacks were also more likely than whites to view crime as a serious problem in their neighborhoods and to witness disorder and a lack of community cohesion.

ii. Citizen Interaction with the Police

For the survey of citizens with police interaction, RAND mailed surveys to a random sample of 1429 individuals. The sample was drawn from police records on traffic citations and crime incident reports, so the citizens surveyed will be persons who have been stopped, cited, or arrested by the police, or who have been victims of crime. Unfortunately, the response rate for these surveys was not sufficient to produce scientifically valid results.

iii. Police Officer Surveys, Citizen Complaint Surveys

RAND has also mailed surveys to CPD field officers to assess the officers' perception of personal safety, working conditions, morale, organizational barriers to effective policing, fairness in evaluation and promotion, and attitudes of citizens in Cincinnati. RAND also identified 229 matched pairs of officers and citizens involved in the citizen complaint process in 2004. Similar to the police-citizen interaction surveys, the response rate for these two surveys also was insufficient to produce scientifically valid results. RAND and the CPD have developed a new procedure for conducting officer surveys in 2006 to improve the response rate and produce valid results. RAND will begin fielding the survey during in-service training starting in April 2006.

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 will be analyzing the CPD's 2005 traffic stops for their 2006 Annual Report.

c. Evaluation of Video and Audio Records

To evaluate interactions between CPD officers and Cincinnati residents, RAND analyzed 313 randomly sampled video and audio recordings of 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.

The RAND analysis showed three key differences as a function of the officer's and the driver's race. First, the videos showed that "on average, blacks and whites experience different types of policing." (p. xxiii). RAND concluded that black motorists "experience more proactive or intensive policing than their white counterparts" (p. 75). Their stops generally took longer and were more likely to involve multiple officers. Black drivers were more likely to be asked if they were carrying drugs or weapons, be asked to leave the vehicle, be searched, or have a passenger or the vehicle searched. Second, the communication of white drivers was, on average, more positive than the communication of black drivers – specifically, they were more apologetic, cooperative and courteous. Third, the officers' communication behavior was, on average, more positive when the officer and driver were of the same race. White officers used the most positive communication when they talked to white drivers and black officers used the most positive communications when they were talking to black drivers. Because there are more white officers than black officers, white drivers get more positive communications, which for black drivers may reinforce negative racial expectations and make subsequent interactions less likely to be positive.

RAND found that the officer's communications and the driver's actions were correlated, as were the driver's communications with the officer's actions. For example, the best predictor of the quality of a driver's communications was the length of the stop, and vice versa (more argumentative drivers correlated to longer stops; a less communicative officer and longer stops correlated with lower quality of the driver's response; driver's communications were most positive, e.g. respectful, pleasant, when the stops were shorter and the officer's communications were positive).

d. Periodic Observations and Problem Solving Processes

RAND examined police-community interaction and problem solving through community meetings and problem solving projects. During 2005, RAND researchers attended 16 meetings and problem solving projects and surveyed participants in those meetings. Given the small number of meetings attended and problem solving projects reviewed, this aspect of RAND's research will be turned over to the Monitor Team, which already reviews problem solving efforts.

e. Statistical Compilations

In their 2005 report, RAND's review of the CPD's 2004 statistical data showed that reported crime, calls for police service, and arrests are geographically clustered in the same Cincinnati neighborhoods, and these neighborhoods are predominantly black. Five neighborhoods comprise 31 percent of Cincinnati's reported crimes and 37 percent of the CPD's arrests. The largest share of arrests and reported crimes occurred in the Central Business District (CBD) and Over-the–Rhine neighborhoods. We do note, however, that the percent and distribution of reported crime is not always the same as the percent and distribution of arrests in a neighborhood; for example, Over-the-Rhine represented seven percent of Cincinnati's reported crime, but over twice that percentage (16%) of Cincinnati's arrests; conversely, Westwood also represented seven percent of Cincinnati's reported crime, but only three percent of Cincinnati's arrests.

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 20 percent of the incidents involving force. Use of force was used in approximately 2.3 percent of arrests. Black residents were the subjects of 75 percent of the use-of-force incidents, and were approximately 73% of arrestees.

RAND will conduct a similar review of the CPD's 2005 statistics for its 2006 report.

f. Staffing

RAND found that blacks and women were underrepresented among sworn officers, compared to their percentage in the Cincinnati population, and that their representation tended to diminish in the higher ranks. Women and minorities among police recruits at the Academy, however, were a higher percentage than among the sworn staff.

3. Assessment

The CA provisions call for a comprehensive approach to evaluation that is broader than efforts in most other cities. We believe that the efforts undertaken in the first year of the Evaluation Protocol and the results of RAND's research provided valuable information and lessons learned, that now need to be used to improve police-community relations and advance the goals of the Collaborative Agreement. RAND's 2006 research and its second Evaluation Report will provide additional information about the progress made by the Parties in achieving the goals of the CA. We are convinced that the results of the Year One Evaluation Report reinforce and validate the CA's approach that problem solving must be the principal strategy for addressing crime and disorder in Cincinnati.

The Parties are in compliance with the CA provisions requiring the development of a system of evaluation, and a protocol for accomplishing this evaluation (CA¶31-34). Having published the RAND report and conducted a community forum in January 2006 with a principal researcher for RAND to discuss the report, the Parties are in compliance with implementation and with the requirement of public reporting of the results of the Evaluation Protocol (CA¶35-43). With the publication of RAND's first report, the Parties have a strong basis for assessing whether the CA goals are being accomplished, and have a benchmark to measure progress in 2006.

The CA continues to require 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 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 CA, 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."

In the RAND Report and in our last Monitor's Report, the Monitor set out several recommendations for actions that the Parties and the Cincinnati community should take. One area that has a significant prospect for improvement in police-citizen relations is communications in traffic stop encounters. As RAND states, "[s]ubstantial improvements are possible if both police and community members make the effort [p. 108]." The Monitor also seconded RAND's call for a larger dialogue about how black neighborhoods are policed. This would 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 RAND citizen survey demonstrates the wide gap in perceptions between whites and blacks in Cincinnati that must be addressed. These gaps must be reduced in future years for the CA to be successful and its goals to be achieved. The RAND report, particularly the traffic stop and video analysis, suggests that the principal problem is not officer-bias and the attitudes of individual police officers. It is instead 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 proactive policing can create frustration and distrust of the police, and its

effectiveness is questionable.[18] This is why the CA emphasizes problem solving and problem-oriented policing. Research shows that CPOP is effective policing.

III.   Pointing Firearms Complaints [CA ¶ 48]

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

IV.   Fair, Equitable and Courteous Treatment

The CA requires the Parties to collaborate in ensuring fair, equitable and courteous treatment for all, and the implementation of bias-free policing. Data collection and analysis are pivotal to tracking compliance, and training is essential to inculcate bias-free policing throughout the ranks of the CPD. The 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

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[18] See *Fairness and Effectiveness in Policing: The Evidence*, National Research Council of the National Academies, Wesley Skogan and Kathleen Frydl, eds., (National Academy Press, Washington, DC, 2004) at 228-230.

- Injuries to officers during police interventions
- Injuries to citizens during arrests and while in police custody
- Citizen complaints against members of the CPD

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

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

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

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

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

- Racial composition of the officers stopping these persons

2. Status

a. Traffic Stop Data

CPD officers continue to collect traffic stop data on Contact Cards. The 2005 data has now been forwarded to RAND for its analysis for the 2006 RAND report. RAND's first year report noted that approximately 20 percent of the 2004 traffic stops were not documented on contact cards. It also cited other data missing on contact cards that were completed. In 2005, CPD implemented safeguards to ensure that high quality and accurate information is received by RAND in a timely manner. The CPD is implementing additional

auditing mechanisms and oversight to ensure greater compliance with data collection requirements, and appropriate action has been taken to address officers who are remiss in submitting the required contact cards.

This quarter, the Monitor conducted a preliminary audit of contact cards from the fourth quarter of 2005. The audit indicated that the CPD's steps have had a positive impact on compliance with these requirements.

b. Pedestrian Stop Data

The CPD has revised its Investigatory Stops Policy, Procedure 12.554, to require a Contact Card be filled out for (1) all vehicle stops, and for (2) any vehicle passenger detention that meets the definition of a <u>Terry</u> stop.[19] For consensual citizen contacts, the policy states that an officer <u>may</u> 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 <u>Terry</u> stops stemming from pedestrian encounters. Current practice leaves this up to the discretion of the officer.

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

c. Use-of-Force Racial Data

Racial data on CPD use of force was available 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 fourth quarter of 2005, the CPD received 106 reports of favorable officer conduct reported on positive contact forms, and 175 letters of commendation recognizing outstanding performance by CPD officers. The favorable officer conduct reports are widely available to citizens at all CPD and public facilities, on the CPD website, and each CPD vehicle contains a supply. The CPD has initiated inspection of some of these places to ensure an adequate supply of reports, including CPD facilities, CPD neighborhood stations, designated public facilities (libraries, recreation centers, etc.) and designated CPD vehicles. The inspections are completed either monthly or quarterly.

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[19] A <u>Terry</u> stop is one where the officer has reasonable suspicion to believe the person is committing or has committed a crime.

e. Data on Unfavorable Citizen Interactions

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

- Rude and discourteous conduct by citizens toward police is a problem that can be addressed by community problem-oriented policing

- The conduct at issue is typically not criminal and is normally protected by the federal and state constitutions

- A protocol for tracking rude and discourteous conduct by citizens toward the police can be developed through problem solving while respecting the constitutional rights of all citizens

The Parties developed a protocol for reporting and tracking such conduct, and permitting the evaluation team (RAND) to perform statistical compilations and prepare required reports of such conduct to the Parties, pursuant to paragraphs 38, 39, 40, 44, 45 and 46 of the CA. The protocol has been entered by Judge Dlott as "Protective Order Re: Mutual Accountability Reports of Unfavorable Conduct by Citizens During Implementation of the Collaborative Agreement." The FOP will be working with the CPD to ensure the form is made available to all CPD officers in 2006.

3. Assessment

a. Traffic Stop Data Collection

The CPD is collecting traffic stop data on Contact Cards, which are now being used by RAND for analysis.   The CPD has implemented steps to address concerns raised by the RAND report regarding documentation of traffic stops, including the completion of information on the contact cards. The Monitor's audit of contact cards showed a significant improvement in contact card completion.

b. Data Collection on Pedestrian Stops

The Parties are not in compliance with this requirement.

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 as "Protective Order Re: Mutual Accountability Reports of Unfavorable Conduct by Citizens During Implementation of the Collaborative Agreement." Mutual Accountability Forms have been developed and will be made available at all police districts and units of assignment. 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

The CPD Training Section has made inquiries around the country in reference to bias-free policing training. Information has been received from the State of Maryland, Northwestern University Institute for Public Safety, the Institute for Police Technology and Management in Jacksonville, FL, and a private program in San Jose, CA. The training section is following up on these programs. In addition, the CPD reports that bias-free policing continues to be a part of the police recruit academy curriculum. The 99th Police Recruit Class participated in this training on February 23, 2006, which was also attended by the FOP attorney.

As noted above in our discussion of Section 29(l), the FOP and Plaintiffs have made recommendations to the CPD regarding Academy training and introducing recruits to the urban setting. In addition, the Police Academy is in the process of developing training that will review the RAND report and teach strategies to assist officers when approaching and communicating with citizens who are a different race or ethnicity than themselves. The Academy is also in the process of producing a five-minute video on the topic of professional traffic stops and bias-free policing, to be shown to all sworn personnel.

In addition, in their March 2006 CA Status Report, the Parties note that training on proper conduct during traffic stops should also be developed for the community:

> The RAND report provides substantial support for the need to expedite the development of a plan by the Parties to the CA, in conjunction with the [Partnering Center], to prepare and disseminate training modules and public service announcements for presentation to the entire community, through the schools, churches, community councils, CitiCable, and the media. This endeavor would encourage respectful and bias-free conduct and dialogue on the part of citizens during traffic stops and other policing efforts.

3. Assessment

The CPD reports on efforts to learn of additional training programs on bias-free policing and to enhance its current training program. The Monitor looks forward to seeing the results of these efforts. With new training efforts and coordination with the FOP and Plaintiffs, we are hopeful that the Parties will be in full compliance with this provision. At present, the Parties are in partial 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 now been incorporated into procedures 12.205 and 12.554, and put into effect. The CPD's Manual of Rules and Regulations also generally mandates courteous, fair treatment of all. In its first annual report, RAND reviewed MVR tapes of traffic stops to assess the interactions communications between officers and drivers. In addition, in this quarter, the Monitor reviewed MVR tapes from 15 traffic stops to evaluate whether the stops reflected compliance with the CA requirement that officer conduct themselves in a professional, courteous manner. Our review of the MVR tapes showed that

the officers conducted themselves in a courteous and professional manner in 14 of the 15 stops.

3. Assessment

The CPD has put policies and procedures in place in compliance with this CA provision. However, the RAND report does 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 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 the fourth quarter of 2005, there were several members of the CCA Board whose term expired. This created a difficulty at the beginning of February 2006, when the CCA Board did not have sufficient members for a quorum to hold its meeting. In February 2006, Mayor Mallory reappointed, and the City Council confirmed, two members of the CCA Board, David Black and Lorrie Platt, and Richard Siegel continues to be the chairperson of the CCA Board for 2006. However, two CCA Board vacancies still remain, and the April CCA Board meeting did not occur because of the lack of a quorum.

3. Assessment

The City is in compliance with the provisions relating to establishing the CCA and the CCA Board. However, we urge the City of Cincinnati to move forward on Board appointments to this critically necessary institution. Not only are there two vacancies to the Board, but the terms of three current Board members will expire at the end of 2006.

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

1. Status

Mr. Wendell France was selected to be the new Executive Director of CCA and started in April 2004. In November 2005, Mr. France announced his resignation as Executive Director. The City Manager appointed Mr. Kenneth Glenn, CCA's Chief Investigator as the Interim Executive Director effective December 1, 2005, and the City is now in the process of a national search for a new Executive Director. The City has hired a search firm and appointed a four-person selection committee. It is not clear whether the City will use the same process for selection as it did in selecting Pete France, when the City included the Plaintiffs and the FOP in evaluating and interviewing Executive Director candidates.

The CCA has five investigators on staff, consistent with the minimum number of investigators required by the Agreements.[20]

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[20] The number of CCA investigators decreased from five to four when Kenneth Glenn became the interim CCA Executive Director in December 2005. In March 2006, the CCA hired a fifth investigator.

2. Assessment

While the Parties are in compliance with these provisions of the CA, the selection of a new CCA Executive Director is a vital step to maintain the confidence of the public in the CCA's work. We recommend that the City proceed expeditiously and consider consulting with the FOP and Plaintiffs in a similar process as it used in 2004.

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

1. Requirements

- Each citizen complaint, excluding criminal matters, is to be directed to the CCA, regardless of where it is initially filed.

- Where a complaint is to be investigated by CCA, an investigator will be assigned within 48 hours.

- The CPD shall notify the CCA Executive Director immediately upon the occurrence of a serious police intervention (including, but not limited to, major use of force, shots fired, or deaths in custody), and a CCA investigator shall immediately be dispatched to the scene. The CPD shall not interfere with the ability of the CCA investigator to monitor the work of the CPD at the scene and to monitor all interviews conducted by the CPD. (CA ¶71)

- CPD officers and city employees will submit to CCA administrative questions. The executive Director of the CCA shall have reasonable access to city records, documents and employees, including employee personnel records and departmental investigative files and reports. (CA ¶73)

- The Chief of Police and the CCA Executive Director shall develop written procedures that will assure the timely exchange of information and the efficient coordination of CCA and CPD investigations. (CA ¶74)

- The decisions of the CCA shall be forwarded to the City Manager, and the City Manager and the Police Chief "will refrain from making a final decision on discipline until after the receipt of the CCA report." The City Manager shall agree, disagree or agree in part with the CCA's findings and recommendations. (CA ¶78)

- Paragraph 80 requires the CCA and the CPD to develop a shared database to track all citizen complaints, the manner in which they are handled, and their disposition. The data will be integrated into an electronic information management system developed by the CPD.

- Paragraph 83 of the CA calls on the CCA to examine complaint patterns that might provide opportunities for the CPD and the community to reduce complaints. Following the identification of such patterns, the CCA and the CPD are to jointly undertake a problem-solving project to address the issues raised.

. **2. Status**

Paragraph 74 requires that the Chief of Police and the Executive Director develop written procedures that will assure the timely exchange of information and the efficient coordination of CCA and CPD investigations. A written protocol was finalized and approved in 2005. The protocol addresses the concerns from previous quarters that a number of complaints were received by the CPD and investigated, but not referred to the CCA until well after the complaint was filed, and in some cases not until after the CPD had completed its investigation.

Paragraph 80 requires the CCA and the CPD to develop a shared database to track all complaints, the manner in which they are handled, and their dispositions. The CCA staff now has access to the CPD's ETS system, and the City also compiles a spreadsheet of all complaints and their CCA and CPD status, to track their handling in the two agencies.

The Regional Computer Center and the CCA are currently in the process of finalizing the Citizen Complaint Case Management System. While this system has taken some time to be put in place, its implementation will significantly assist the CCA in managing and tracking its caseload. The Citizen Complaint Case Management System will include the following fields: CCA Case Number, CPD Case Number, CPD Date Received, CPD Date Closed, Incident Date, Allegations, Complainant Name, Sex and Race, Officer Name, Sex and Race, CPD Disposition, CCA Disposition, CCA Board action, Date Submitted to City Manager, City Manager's Disposition, and CPD Action. This automated tracking system will replace the current process of coordinating case status information in the current Provue database and the manual processes associated with investigative case management. The Citizen Complaint Case Management System will further enhance the CCA's ability to integrate relevant case completion data. In addition, the Case Management System will ensure that any deficiencies in efficient coordination of CCA and CPD investigations are eliminated.

In the fourth quarter of 2005, the CCA and CPD participated jointly in the Management Training Program at the Cincinnati Police Academy. The program provided an opportunity to create awareness for CPD management staff. Training objectives included helping supervisors and police officers do a better job receiving and handling citizen complaints; familiarizing supervisors and police officers with the process for handling complaints that are within the jurisdiction of the CCA; and educating CPD members about the role of the CCA.

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 2004 Annual Report in June 2005. It expects to complete its 2005 Annual Report in the next quarter.

3. Assessment

Now that the CCA and the CPD have developed written procedures for the timely exchange of information and the efficient coordination of the CCA and the CPD investigations, the City is in compliance with CA paragraph 74. Also, with these procedures in place, it appears that the City is in compliance with paragraph 70, requiring that each complaint be directed to the CCA in a timely manner. As reported by the CCA, the City is also now in compliance with CA paragraph 71, requiring that the CPD not interfere with the ability of the CCA to monitor the work of the CPD at the scene, and monitor CPD interviews.

The coordination of the CCA and IIS procedures, and the new SOP setting out procedures for CPD action in those cases where the CCA sustains complaints has also put the City in a position to comply with CA paragraph 78, requiring that the City Manager and the Chief of Police refrain from making a final decision on discipline until after receipt of the CCA investigation and report. Based on the manual spreadsheet of CCA and CPD complaint cases, it appears that the City is in compliance with this provision.

CHART OF MOA COMPLIANCE STATUS

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

investigations reviewed by Inspections Section

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

23	Verbal warning to be given before use of beanbag shotguns, where distance makes it practical	Compliance
24	1. All uses of force reported as CPD reports use of force.	Compliance
	2. Report form will indicate each and every type of force.	Partial Compliance with respect to revised MOA ¶24 for Taser incidents
	3. Report to contain supervisor's narrative, and taped statement.	
	4. Supervisors shall have access to force reporting database.	
	5. Special form for canine deployments, tracking.	
25	Gun pointing contingency	N/A
26	1. Officers to notify supervisors after use of force.	Compliance
	2. Supervisors to respond to scene.	
	3. Supervisors involved in incident will not investigate force.	
27	1. Supervisors will investigate force. Include description of facts.	Compliance
	2. Investigation will review basis of stop and seizure.	
28	1. IIS will respond and investigate incidents of serious use of force.	Compliance
	2. Inspections will review canine bites, beanbags and batons	
29	1. Prohibit investigators from leading questions.	Partial Compliance
	2. Consider all relevant evidence and make credibility determinations.	Unable to monitor leading questions
	3. No automatic preference for officer.	
	4. Resolve material inconsistencies.	
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. Lt. or higher will review each investigation and identify deficiencies.	Compliance
	2. Appropriate corrective action taken for deficient investigations.	

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

2. Investigation not to be closed if complaint withdrawn.
3. Guilty plea not to be used to decide whether force is in policy.

43	Complainant will be kept informed	Compliance
44	Each allegation to be closed with one of four dispositions	Compliance
45	Unit Commanders to evaluate investigations to identify problems and training needs.	Compliance
46	IIS will investigate complaints of force, pointing firearms, searches and seizures and discrimination. IIS will determine which complaints it investigates. Only complaints not in IIS jurisdiction will be eligible for CCRP	Compliance
47	CCRP complaints will be fully investigated and adjudicated, prior to resolution meeting. Willingness of complainant to participate in resolution meeting will have no bearing on outcome.	Compliance
48	CCRP complaints will be handled through chain of command. Investigator will prepare report, with description of incident, summary and analysis of all evidence, findings and analysis. Investigation will be reviewed by District or Unit Commander, who will order additional investigation when appropriate.	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.	Not in Compliance
51	CCA will assume all responsibilities from OMI	Compliance
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
53	CPD officers will answer CCA questions. CCA will have access to CPD records and personnel.	Compliance
54	City to develop procedures re timing, notification, and interviewing of witnesses so parallel investigations are effective.	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.	Defer until next quarter
	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

60	CPD will prepare for review and approval of DOJ a Data Input Plan.	Compliance
61	CPD to prepare for review and approval of DOJ a protocol for using the risk management system.	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
65	CPD to use existing databases for risk management until new system implemented.	N/A
66	CPD may propose future changes, subject to review and approval of DOJ.	N/A
67	CPD to develop protocol for audits; with regular fixed schedule for audits.	Compliance
68	1. CPD will conduct quarterly audits of CCRP complaints. 2. CPD will conduct semi-annual audit if IIS investigations.	Compliance
69	Regular meetings with local prosecutors to identify issues in officer, shift or unit performance.	Compliance
70	MVRs	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. 2. CPD to conduct random reviews of equipment.	Compliance
73	CPD will upgrade its Police Communications Section technology.	Compliance
74	CPD will maintain a written protocol or checklist to guide PCS operators on responding to situations.	Compliance
75	1. CPD will revise its disciplinary matrix to take account of violations of different rules rather than just repeated violation of same rule. 2. CPD will revise matrix to increase penalties for excessive force, improper searches and seizures, discrimination, or dishonesty. Revised matrix will allow CPD to impose appropriate punishment when misconduct exhibits lack of fitness for duty.	Partial 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
77.	1. CPD will coordinate use of force training to ensure quality, consistency and compliance with policy. 2. CPD will conduct regular reviews, at least semi-annually.	Compliance
78	Director of training academy will (a) ensure quality of training; (b) develop and implement use of force training curricula; (c) select and train CPD officer trainers; (d) develop and oversee in-service training and roll-call curricula; (e) establish evaluation procedures; (f) conduct needs-assessments.	Compliance
79	CPD will provide training consistent with CPD policy, law and proper police practices; ensure that only mandated objectives and approved lesson plans are taught.	Compliance

80	CPD curriculum and policy committee will review all use of force training and use of force policies on regular basis. The committee will include academy staff, command staff, cross section of field personnel, and representative of City Solicitor's office.	Compliance
81	Use of Force Training	Compliance
81a	Use of force training will include CPD's use of force model	
81b	Proper use of force decision making	
81c	CPD's use of force reporting requirements	
81d	Fourth Amendment and other constitutional requirements	
81e	Examples of scenarios on force decision making	
81f	Interactive exercises emphasizing proper force decision making	
81g	Proper amount of chemical spray, proper targets and procedure	
81h	De-escalation techniques to allow arrest without force, disengagement, area containment, surveillance, waiting out subject, summoning reinforcements, or letting subject temporarily evade arrest may be appropriate response, even when force is legally justified.	
81i	Additional training on extracting subjects from stationary cars and disabling cars.	
81j	Threat assessment	
81k	Additional training on interacting with persons who are mentally ill	
81l	Factors to consider in limiting or continuing a pursuit	
82	1. CPD will provide all officers charged with accepting complaints training on handling complaints. Training on role of CCA, IIS, CCRP to new recruits and as part of annual in service training. 2. Training on burden of proof, factors to consider in assessing credibility, to supervisors responsible for investigating complaints.	Compliance
83	Leadership training for CPD supervisors. Provided to sergeants within 30 days of their assuming supervisory responsibilities	Compliance

84	Canine Training	Compliance
84a	Canine training will be modified: development and implementation of comprehensive training curriculum and lesson plan identifying the goals, objectives and mission of Canine Unit, consistent with canine policy as amended by MOA.	
84b	1. CPD shall purchase only professionally bred dogs. 2. CPD to ensure that all canines, handlers and supervisors shall be formally trained in the canine policy and can carry it out.	
84c	Canines to receive annual recertification and periodic refresher training.	
84d	CPD to ensure that handlers are capable of implementing policy; able to maintain control of, and contact with, the canine to ensure that the canine is not allowed to bite a suspect without legal justification.	
84e	Canine trainers shall be certified canine instructors.	
85	Training instructors engage students in meaningful dialogue regarding scenarios.	Compliance
86	CPD to periodically meet with Solicitor's office concerning conclusion of lawsuits involving allegations of misconduct; to be incorporated into training.	Compliance
87	Copies of the agreement to be provided to all CPD and relevant City employees. Initial training within 120 days of implementation. Training thereafter to be part of in-service training.	Compliance
88	FTOs: 1. CPD to enhance program. Protocol to address criteria and selection of FTOs, and sets standards requiring assessment of officer's past complaint and disciplinary history. 2. FTO appointment subject to review for reappointment at Training Director's discretion. 3. District Commanders also will have discretion to remove FTO officer, in consultation with Training Director.	Compliance

89	FTOs will be reviewed at least bi-annually, with recertification dependent on satisfactory performance and feedback from Training Academy	Compliance
90	1. CPD to ensure that all officers complete mandatory annual re-qualification firearms training. 2. Increased in-service firearms training consisting of completion of re-qualification courses and a passing score on target shooting trials. 3. Professional night training and stress training in annual in-service. 4. CPD will revoke powers of officers failing recertification. 5. Firearms instructors will critically observe students. 6. CPD will create and implement a checklist identifying evaluation criteria. Checklists to be completed for each student by instructor; to include a. maintains finger off trigger; b. maintains proper hold and stance; c. uses proper force decision making	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	Compliance

	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.	
	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.	Defer until Next Quarter
	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	Partial

	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.	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	Compliance
42	Evaluation of Video and Audio Records	Compliance
43	Evaluation of Staffing	Compliance
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 Until Next Quarter
	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	Partial Compliance

Traffic Stops Bias-Free Policing Training Program.

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 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	Compliance

basis for the CCA.

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.	Defer until next quarter
72	The Chief of Police shall retain discretion to initiate a parallel CPD investigation of any complaint under investigation by the CCA. In addition, the CPD will investigate all complaints initiated within the Department.	Compliance
73	Police officers and other City employees will be required to submit to administrative questions. The CCA shall access 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	Compliance

information and the efficient coordination of CCA and CPD investigations.

75	The CCA will complete its investigations within 90 days of receipt from a complaining citizen, provided, however, that the Executive Director may extend an investigation upon consultation with the Board.	Defer until next Quarter
76	CCA investigations will be forwarded to the Board; each CCA report shall include proposed findings and recommendations.	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 in 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 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: (i) through investigation of officers charged with misconduct, and (2) examination of complaint patterns to identify at-risk officers, citizens, and circumstances.	NA
83	The CCA will examine complaint patterns that might provide opportunities for the CPD and community to reduce	Partial Compliance

complaints. At a minimum, the CCA will look for three types of patterns: (i) repeat officers (ii) repeat citizen complainants, and (iii) repeat complaint circumstances. Following the identification of such patterns, the CCA and CPD jointly will undertake a problem-solving project to determine the reason for the pattern and whether there are opportunities to eliminate or reduce root causes.

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.	Defer until next quarter
87	The City Council will allocate resources sufficient for the CCA and CPD to accomplish the foregoing.	Compliance