Newsletter

CCA Speaks

October - December 2006/3rd Edition

Message from the Director

By Kenneth E. Glenn

Kenneth E. Glenn

On December 1, 2005, interim City Manager David Rager appointed me the interim director of CCA. The city conducted a national search for a new director and because of my commitment to the city and police civilian oversight; I expressed my interest to become the permanent director. Several candidates were identified and the city conducted a formal interview process. On November 6, 2006, City Manager Milton Dohoney, Jr. appointed me as the permanent director. I would like to thank Mr. Dohoney, CCA Board Chairperson Richard Siegel and the entire board for their support in this important leadership position. I would also like to thank the entire CCA staff for their professionalism as they have gone thorough several leadership changes.

This appointment made me the third permanent director that the agency has had over a four year period. The agency also had one interim director. During my interview for the position, I made a commitment to stay with the agency for five years from the date of my appointment as director. The Collaborative and Memorandum Agreements are scheduled to end during 2007. As the city moves away from federal oversight, going forward, it is important that the agency has experience, leadership and stability. My four years with the agency, two years in a leadership position (chief investigator), commitment to civilian oversight, and relationship with all the stakeholders has positioned CCA to remain a proactive partner in the city's commitment to civilian oversight, quality and unbiased policing.

Because of a projected twenty-eight million dollar budget deficit, the city recently went through a long and difficult budget process which required the administration and City Council to make some tough decisions. Mr. Dohoney with the support of City Council maintained our 2007 budget at its 2006 operating level with an inflationary adjustment. CCA is staffed by a director, five investigators and three administrative support staff members. Any cut to an agency this size would have had a tremendous impact. With this budgetary decision, the city has shown its commitment to continued police civilian oversight. ◊

Message from the Board Chairperson

By Richard D. Siegel

I would like to commend Kenneth Glenn, the newly appointed permanent Executive Director of CCA, for his dedicated service and consistent leadership of CCA, and congratulate him on his appointment. He offers CCA continuity of leadership and a commitment to quality citizen oversight of police interventions.

Richard D. Siegel

The performance of CCA in 2006 was marked by substantially increased cooperation between the CCA and the Cincinnati Police Department (CPD). Such cooperation, which may not be without disagreements and divergent opinions, is essential to realize the benefits of citizen oversight of police interventions in the community.

I encourage the CCA and the Board in the future to publicly address some of the issues which arise consistently, e.g. through an analysis of "best practices" in other police agencies, and the result of investigations, generate recommendations for policy revisions and enhancements. It is my belief that a fresh citizen's view of police department policies, modified by CPD to acknowledge its objectives

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and operations, would benefit the community.

I am hopeful that new initiatives of the City and CPD, together with other ongoing efforts, will reduce the violence on the streets of Cincinnati in 2007. ◊

Staff Training

The CCA staff has had continous training throughout the year to improve the quality of service given to the citizens of Cincinnati. Several of the investigators attended the Reid & Associates School for interviewing and interrogations. This training was to improve the investigators skills when interviewing complainants, witnesses and officers.

Mr. Glenn attended the 30th Annual Convention and Training Conference of the National Organization of Black Law Enforcement (NOBLE) held in Cincinnati. Three members of the staff attended the National Association of Civilian Oversight of Law Enforcement (NACOLE) in Boise, Idaho. The conference is a collection of oversight agencies throughout the United States, Canada and Europe. Training and workshops were provided by some of the leading scholars in fields that assist oversight agencies. Some of the training included investigative training and racial biased policing workshops.

Our support staff honed their computer skills by attending Microsoft Access and Adobe's InDesign CS2 training. ◊

Federal Monitor's Update

Federal Monitor Saul Green issued his 15th quarterly report on January 15, 2007. He found the CCA in "partial" compliance regarding the investigations that were reviewed. There were fifteen cases reviewed for the quarter and the monitor identified five cases with concerns. The Director responded to each concern with a detailed analysis and explanation, after the cases were, reviewed with the Chief Investigator and each Investigator whose case was identified with a concern. ◊

CPD Policy Review

12.537 Mobile Video/Digital Video Recording Equipment

A police officer must activate the video camera operating when:

- responding to calls for service while in emergency mode
- traffic pursuits
- traffic stops including the investigation of a vehicle and occupants already stopped or parked
- officers on all traffic stops will continue to record until the stopped vehicle departs or until they leave the scene
- officers assisting on traffic stops will continue to record until the stopped vehicle departs or until they leave the scene
- transporting of all persons physically arrested and being transported to an appropriate location. The camera will be turned to face the rear seat for recording purposes
- request for consent to search, searches and deployment of drug-detection canines involving vehicles, when practical

Scenario:
An officer stops your vehicle for a traffic violation. The officer asks to search your vehicle and you give permission. Is the officer required to video and audibly record the request to search and the actual search of the vehicle?

Answer:
Yes, because it is a traffic stop, the officer is required to record the incident visually and audibly, if practical. ◊

International Visitor Leadership Program

L to R: Greg Pychewicz, Zhu Erjun Judge

Mr. Zhu Erjun Judge, PhD. from Beijing, P.R. China visited CCA to discuss U.S. Foreign Policy & Human Rights Issues. The representatives were interested how CCA was formed and the success of the oversight agency. Our agency had been discussing human rights and oversight agencies with countries from around the world for over a year. In our discussions the representatives are impressed with the Collaborative Agreement and an oversight agency. Some of these countries are at the beginning stages of changing their form of government towards democracy. All express the need to have an oversight agency to allow transparency of any implication of police wrongdoing. ◊

Did You Know?

By David Moonitz

A preventative patrol experiment was conducted by the Kansas City Police Department in 1972, as an experiment designed to determined if: 1) citizens would notice changes in the level of police patrol; 2) if different levels of visible police patrol affected recorded crime or the outcome of victim surveys; 3) if citizen's fear of crime and attendant behavior changed as a result of differing patrol levels; and, 4) would citizen's degrees of satisfaction with police change.

The major findings were: 1) citizens did not notice the difference when the frequency of patrols was changed; 2) increasing or decreasing the level of patrol had no significant effect on resident and commercial burglaries, auto thefts, larcenies involving auto accessories, robberies, or vandalism crimes; 3) the rate at which crimes were reported did not differ significantly across the experimental beats; 4) citizen fear of crime was not affected by different levels of patrol; and, 5) citizen satisfaction with police did not vary.

Conclusions drawn were that routine preventive patrol in marked police cars has little value in preventing crime or making citizens feel safe and that resources normally allocated to these activities could safely be allocated elsewhere. ◊

NACOLE

The CCA follows nationally recognized investigative protocol for all of its investigations. The following is a list of protocols investigators could use to conduct their investigations:

Independent Investigation:

- Review the written complaint
- Review the documentation of the incident leading to the complaint.
- Review the governing policies and procedures that appear to apply to the incident. Identify problems with the documentation and address them through further investigation, recommendation or other action. (Ex: should there be some documentation such as an incident report, a patrol log entry that cannot be found?)
- Make the documentation a part of the case file.
- Make a preliminary evaluation and analysis.
- Does the documentation address the complaint without further investigation? If so, conclude the investigation based on the documentation review, and notify the complainant as quickly as possible, giving them as much information as you can. Make appropriate referral(s). If not, identify and list those persons who saw or heard any of the incident; attempt to locate and interview them. If they cannot be located, indicate what attempts were made to locate them.
- Identify what other physical evidence needed to evaluate the complaint, and collect it.

Facts:

- Vehicle Pursuits- Between 1995 through 2005, according to the National Highway Traffic Safety Administration, 3,842 people were killed during pursuits. Of those pursuits, 1,324 were not part of the chase.
- On an average day, U.S. Customs and Boarder Protection agents along with U.S.-Mexican boarder confiscate 5,400 pounds of illegal drugs.

Quote:

Brad Woods, commander of the police personnel section of Chicago Police Department said, "One of the myths in law enforcement is that to be a working police officer you must get a lot of complaints, there are a lot of fine officers out there who do a good job and do not get many complaints."

Case Review:

October 27, 2006 – The U.S. Supreme Court will rule in the Scott vs Harris case. The Court will decide whether police officers can be sued for intentionally ramming a fleeing car during a high-speed chase, causing the death or injury to the driver. In a case from Georgia the justices will consider when an officer who deliberately hits a fleeing car can be held liable for an accident that follows. A federal judge and the U.S. Appeals court in Atlanta agreed that an officer who used "deadly force" by ramming his car into another vehicle could be held liable for the damage caused.

We will update readers when a decision is made. ◊

Frequently Asked Questions

Q. What is actively resisting?

A. The CPD procedure defines actively resisting as: when a subject is making physical evasive movements to defeat the officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody. ◊

CCA *Speaks*

Citizen Complaint Authority
Centennial Two Plaza
805 Central Avenue, Suite 610
Cincinnati, Ohio 45202

Statistics

CCA received 97 complaints during the fourth quarter of 2006, 25 cases were investigated by CCA and 59 cases were referred to CPD for the CCRP process and 13 complaints were deemed non-jurisdiction. The allegations are listed in Table 1, and Table 2 lists the findings, of the investigations.

Table 1:

Allegation Type	Total
Lack of Service	1
Discourtesy	13
Unlawful Entry Search	6
Profiling	5
Accidental Discharge Firearm	1
Use of Force	18
Improper Pointing of a Firearm	8

Twenty-four of the 25 cases have been completed and 1 case is pending. The 24 completed cases contained 50 allegations and the 1 open case has two allegations.

Table 2:

Finding	Total
Sustained	3
Not Sustained	26
Unfounded	11
Exonerated	12

The districts where the complaints occurred are shown in Table 3. The neighborhoods where the incident occurred for the CCA complaints are: South Fairmount, Clifton, Millvale, CBD Riverfront, East Price Hill, OTR, Corryville, Roselawn, Avondale, Carthage, Mt. Auburn, East End, West End and Westwood.

Table 3:

District	# of Complaints
1	5
2	3
3	6
4	7
5	3
Unknown	1

In future editions, the statistics will include data from the previous quarter. This allows the staff time to fully complete investigations and be reviewed by the Board and City Manager. The first edition of 2007 will contain the completed statistics for the fourth quarter of 2006. ◊