

Citizen Complaint Authority

Annual Report 2006



Efficient IMPARTIAL
Fair
INDEPENDENT SERVICE
Transparent

City of Cincinnati



Citizen Complaint Authority

Kenneth E. Glenn, Director

March 1, 2007

Honorable Mayor, Council Members and City Manager
Cincinnati, Ohio

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805 Central Avenue, Suite 610
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Citizen Complaint Authority Board

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Kristen M. Myers, Esq.
Ozie Davis III, Esq.

I present to you, the public and city employees the fourth annual report of the Citizen Complaint Authority (CCA). This report covers January 1 through December 31, 2006 and is being submitted pursuant to section eight-six of the Collaborative Agreement. This report outlines statistical complaint data and summarizes the activities of the agency for the year.

On November 6, City Manager Milton Dohoney Jr., appointed me as the third permanent director of the CCA. I would like to thank Mr. Dohoney and CCA Board Chairman Richard Siegel for their confidence and support of my leadership in this critical role to help further police community relations in our city. I would also like to thank the dedicated staff at CCA for their support and commitment during this transition period.

The Collaborative and Memorandum Agreements are scheduled to end in 2007. As the city and CCA move from under federal jurisdiction, the agency has the experience and leadership to move the agency into the future and remain one of the key components in the pursuit of sustained positive police community relations.

During 2006, four hundred and fifty-five complaints were directed to the CCA. CCA opened one hundred and twenty cases and monitored the balance which was referred to the Cincinnati Police Department (CPD). The annual report provides the statistics regarding complaints and allegations and highlights some of the meaningful statistics generated.

Kenneth E. Glenn

Kenneth E. Glenn
Director CCA

City of Cincinnati



Citizen Complaint Authority

Honorable Mayor Mark M. Mallory
Council Members
City Manager Milton R. Dohoney, Jr.
801 Plum Street
Cincinnati, Ohio 45202

February 15, 2007

Honorable Mayor, Council Members, and City Manager:

The Citizen Complaint Authority ("CCA") started the year under the direction of Kenneth E. Glenn, as Interim Executive Director and Gregory A. Pychewicz as Interim Chief Investigator. Mr. Glenn and Mr. Pychewicz were appointed to their Interim positions on December 1, 2005.

In January 2006, Board members David Black and Lorrie Platt were appointed to the Board of the CCA for two year terms. Lorrie Platt was originally appointed to fill the remaining term of John Eby and David Black was originally appointed to fill the remaining term of Justin Wolterman. In June, 2006 the Mayor appointed Stephen T. MacConnell and Anthony Thomas to the Board for two year terms.

The CCA and the Board would like to welcome its new members and express its appreciation to its outgoing members for their outstanding and committed service to the CCA and the community as Board members.

The CCA and the parties to the Collaborative Agreement continue to make progress toward implementing the design of citizen oversight of police interventions contained in the Collaborative Agreement.

The parties to the Collaborative Agreement created an effective model of citizen oversight for the City. However, its effectiveness is dependant upon the participation and commitment of the City Manager, the cooperation and commitment of the Cincinnati Police Department ("CPD") and a respectful and cooperative working relationship between CCA and CPD.

It appears that these elements are currently working fairly effectively. I encourage the City to monitor these elements and insure their continued progress and effectiveness.

Two Centennial Plaza, Suite 610
805 Central Avenue
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(513) 352-1600/ 352-3158 (fax)

Kenneth E. Glenn
Interim Executive Director

CCA Board
Walter Bowers
David Black
Camille Haamid
Lorri Platt
Richard Siegel

Honorable Mayor Mark Mallory, Council Members and City Manager Milton R. Dohoney, Jr.
February 15, 2007
Page 2

The Board encourages and solicits committed members of the community to consider service on the CCA Board or participation in other programs intended to promote effective and unbiased policing, such as Community Problem Oriented Policing, in an effort to improve safety in the City of Cincinnati.

I want to thank all of the staff and Board Members of the CCA for their dedicated service, exceptional efforts and cooperation to further the goals of the CCA and the Collaborative Agreement. It has been a pleasure and a privilege to work with all of them.

Very truly yours,

A handwritten signature in cursive script that reads "Richard D. Siegel". The signature is written in black ink and is positioned above the printed name and title.

Richard D. Siegel
Chairman of the Board

Citizen Complaint Authority
MISSION STATEMENT

The mission of the Citizen Complaint Authority (CCA) is to investigate serious interventions by police officers including, but not limited to shots fired, deaths in custody, major uses of force and discrimination. Review and resolve all citizen complaints in a fair, impartial, efficient, and timely manner. CCA investigations will not be a vehicle for any individual or group to promote its own agenda. The CCA shall act independently. The ultimate goal is to address citizen concerns and improve citizen perceptions of quality police service in the City of Cincinnati.

CONTENTS

CHAPTER 1: AGENCY OVERVIEW

INTRODUCTION	7
The Board of Citizens	8
Board Responsibilities	8
Board Hearings and Procedures.....	8
Director	9
2006 CCA Staff.....	10
FILING A COMPLAINT.....	11
Assignment and Investigation of a Complaint.....	11
Investigative Guidelines.....	11

CHAPTER 2: DIRECTOR'S SUMMARY OF ACTIVITIES

Citizen Complaint Authority and Cincinnati Police Department Relationship	13
Complaint Patterns.....	13
2006 CCA Training.....	14
International Visitor Leadership Program.....	14
CCA Database	14
Serious Police Intervention Incidents	14
CCA 2006 Operating Budget.....	15
2006 Sample Case Reviews.....	15

CHAPTER 3: 2006 STATISTICS

2006 Investigations	
Chart 1: Total Intakes	16
Chart 2: Total Allegations	17
Chart 3: Types of Allegations.....	17
Chart 4: Director's Recommended Findings	17
Chart 5: City Manager's Review	18
Chart 6: 2000 U.S. Census Bureau Cincinnati Population	18
Chart 7: Cincinnati Police Ethnicity to Gender	19
Chart 8: CCA/CCRP Gender to Officer	19
Chart 9: CCA/CCRP Ethnicity of Officer.....	19

2006 CCRP REFERRALS

Chart 10: CCA/CCRP Comparison by Ethnicity of Officers to Complainants	20
Chart 11: CCRP Referrals.....	20
Chart 12: CCRP Allegations	20
Chart 13: Case Findings.....	21
Chart 14: Districts.....	21
Chart 15: Neighborhoods.....	21
Chart 16: CCA/CCRP Allegations by Complainant's Gender.....	22
Chart 17: CCA/CCRP Allegations by Complainant's Ethnicity.....	22

APPENDICES

I. Complaint Patterns (Officers and Citizens)	23
II. Complaint Form	26
III. Definition of Terms	27

Acronyms

CA – The “CA” refers to the Collaborative Agreement.

CCA – The term “CCA” refers to the Citizen Complaint Authority.

CCRP – The term “CCRP” refers to the Citizen Complaint Resolution Process.

CPD – The term “CPD” refers to the Cincinnati Police Department.

CFD – The term “CFD” refers to the Cincinnati Fire Department.

DOJ – The term “DOJ” means the United States Department of Justice and its agents and employees.

ETS – The term “ETS” refers to the Employee Tracking System.

IIS – The term “IIS” means the Internal Investigations Section.

MOA – The term “MOA” refers to the Memorandum of Agreement

In 1829, Sir Rober Peel of London England - most widely know as the father of modern law enforcement and founder of the first law enforcement agency - described the basic principle of policing as:

“The police are the public and the public are the police”.

By Ronald L. Davis

Chapter 1

AGENCY OVERVIEW

Introduction

As a result of repeated lawsuits and the public’s demand for a Department of Justice (DOJ) investigation, the Mayor of Cincinnati requested that the DOJ review the Cincinnati Police Department’s (CPD) use of force policy. The Mayor’s request was a major step in promoting police integrity and the City’s commitment to minimizing the use of excessive force in the CPD. In response to those requests, the DOJ decided to conduct an investigation pursuant to its authority under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C., Section 14141.

To affirm the commitment, the City entered into the Collaborative Agreement (CA) and Memorandum of Agreement (MOA). The parties to the agreements included the Black United Front, the American Civil Liberties Union and the Fraternal Order of Police. Both agreements required the City to create a police oversight agency. Both agreements called for an independent monitor to continually assess the City’s progress. The following are members of the independent monitoring team:

- Saul A. Green, Monitor
- Richard Jerome, Deputy Monitor
- Joseph B. Brann
- Rana Sampson
- Nancy McPherson
- Timothy Longo
- John Williams

In April 2002, CCA was created as an independent police oversight agency by City Ordinance No. 108-2002. The agency was created with investigative and administrative authority. Additionally, the CCA Board has the authority to issue a subpoena for documents, photographs and other tangible items. If a key witness other than a city employee refuses to cooperate in an investigation, the Director may recommend to the board that a subpoena be requested to compel such testimony, and the board shall have the authority to request a subpoena from City Council.

The CCA was structured with the following three operating components:

- (1) An independent volunteer board of seven citizens appointed by the Mayor and approved by City Council;
- (2) A full time Director and support staff; and
- (3) Not less than five full time professional investigators

The Board of Citizens



L to R: Walter Bowers II, M.D., Lorrie Platt, Stephen T. MacConnell, Esq., M. Camille Haamid, David D. Black, Richard D. Siegel, Esq., not in photo: Anthony E. Thomas, Jr.

The board is comprised of seven members who represent a cross-section of the Cincinnati community. Each board member has the requisite education and experience to impartially review evidence and render judgments on alleged officer misconduct. The Board Members serve a maximum of two, two-year terms with the exception of three initial appointees who had one-year appointments. Those three were limited to a single second term of two years in order to ensure that the Board had staggered terms.

The Mayor accepts nominations from the City's 52 community councils, businesses, civic, social service and other agencies and organizations. The Mayor also accepts applications from individual city residents. Applicants must be a resident of the City of Cincinnati, remain a Cincinnati resident, and execute a signed release authorizing a thorough background check including a criminal background check. No person may serve on the Board who has been convicted of: (1) a felony, (2) an assault on a police officer, or (3) any crime of dishonesty. The 2006

Board Members are listed below:

- Richard D. Siegel, Esq., Chair
- Walter T. Bowers, M.D.
- M. Camille Anderson-Haamid
- David D. Black
- Lorrie Platt
- Stephen T. MacConnell, Esq.
- Anthony E. Thomas, Jr.

The terms for Mr. Siegel, Dr. Bowers and Ms. Haamid ended January 1, 2007. All three have been with the agency since its inception. The staff of CCA and the City Administration would like to thank them for their service to the community.

Board Responsibilities

The CCA Board is charged with:

- Reviewing each investigative report to confirm its completeness.
- Conducting review hearings to approve or disapprove the investigative report, the findings and recommendations. The Board will submit its reasons and may direct further investigation or submit its own findings and recommendations along with the Director's original report to the City Manager and the Chief of Police.
- The Board and Director shall develop the specific procedures necessary for the CCA to carry out its mission, including the procedure to convene hearings on cases, procedures for investigations, procedures for coordination of work with CPD, and other operating procedures.

Board Hearings and Procedures

Board hearings are held on the first Monday of each month at 6:00 p.m. in the Council Chambers in City Hall. Prior to the Board meeting, the Director forwards a copy of each report with recommended findings to each board member for review. Additionally, copies of the reports are sent to the complainant, the respondent officer(s) and the Chief of Police notifying the parties of the board meeting. The

complainant and the respondent officer(s) are notified that they may challenge and/or appeal the Director's recommendation to the Board.

Director



Kenneth E. Glenn

The City Manager consults the CCA Board and seeks the Board's recommendation when appointing the Director. However, the final decision is made by the City Manager. The Director shall have professional experience in the investigation of police misconduct. The Director is responsible for the day-to-day operations of the agency, including: (i) recommendations for hiring of professional and support staff, (ii) preparation, submission and adherence to a budget, (iii) conduct and timely completion of investigations, (iv) reporting to the City on the agency's work, and (v) maintaining an effective working relationship with the CPD and other branches of government.

On November 6, 2006, after a national search, City Manager Milton Dohoney Jr. appointed Kenneth E. Glenn as CCA's third permanent Director. On December 1, 2005, Mr. Glenn had been appointed the Interim Director by City Manager David Rager. Mr. Glenn began his career with the City of Cincinnati, CCA in April, 2003 as an Investigator. In April, 2005 he was appointed Chief Investigator. Prior to his employment with the City of Cincinnati, he retired as a sergeant with the Detroit Police Department. While employed with the Detroit Police Department, he was assigned to the law department where he worked closely with city attorneys investigating lawsuits

against the police department. As a supervisor, he conducted internal investigations regarding allegations of police misconduct.

VISION STATEMENT

To ensure the City of Cincinnati is served by an independent, fair, impartial and efficient public administration committed to accountability, transparency and quality of service.

CCA Staff 2006

Chief Investigator



Gregory Pychewicz began his career with the City of Cincinnati, CCA in April, 2003. On November 6, 2006, Mr. Pychewicz was appointed Chief Investigator. Mr. Pychewicz had been appointed Interim

Chief Investigator by City Manager David Rager on December 1, 2005. Prior to his employment with the City of Cincinnati, he was a retired detective with the Columbus, Ohio Police Department. During his service with the Columbus Police Department he served 19 years in the detective bureau as an investigator. While serving in the detective bureau, he was assigned to several units including the juvenile, burglary, robbery, sexual abuse, theft, and intelligence units.

Investigators



David L. Moonitz began his career with the City of Cincinnati, CCA in April, 2003. Prior to his employment with the City of Cincinnati, he worked as an insurance fraud investigator. Mr. Moonitz

worked with the Hamilton County Adult Probation Department after retiring from the Hamilton County Sheriff's Department. During his service with the sheriff's department, he spent 19 years in criminal investigations, working as a detective, sergeant and lieutenant. Mr. Moonitz also served as the criminal investigations unit executive officer supervising specialty units, including internal affairs and first line supervisors.



Diedre K. Larkins began her career with the City of Cincinnati, CCA in April, 2003. Prior to her employment with the City of Cincinnati, Ms. Larkins was an intake worker with the Hamilton County Private

Complaint Mediation Service. She was also employed as a U.S. Pretrial Services Officer for the Southern

Districts of Ohio and Florida; as an Administrative Assistant and Correctional Officer with the Federal Metropolitan Correctional Center, Miami, Florida; and as a Greene County Adult Probation Officer, Xenia, Ohio.



Dena Brown began her career with the City of Cincinnati, CCA in March 2006. Prior to her employment with the City of Cincinnati she was a Probation Officer for 11 years with Hamilton

County Adult Probation Department.

Support Staff



Melingqua Terry began her career with the City of Cincinnati, Clerk of Council office in 2000 where she held the title of Clerk to the Neighborhood Committee, chaired by council member Paul

Booth. Ms. Terry transferred to the City Manager's office as an administrative specialist in 2003 where she directly assisted the City Manager in administrative duties. Ms. Terry has been the Administrative Specialist to the Director of CCA since December 2004.



Phillis Carlton began her career with the City of Cincinnati's Data Center in 1979. She worked with the Cincinnati Health Department, Health Promotions and Environmental as a Clerk Typist II. Ms. Carlton

was promoted to a Clerk Typist III in July 2005 with CCA.



Michelle Bonner began her career with the Cincinnati Health Department as a Clerk Typist in November, 1991. Ms. Bonner also served as a supervisor in Real Estate Services from 2000-2002. In

this position, she had direct supervision of clerical staff as well as providing technical support to real estate staff, which included maintaining a database of

real estate transactions. She served as a Support Services Specialist in the City of Cincinnati's Law Department from 2002-2006. In this capacity, she was primarily responsible for reconciliation of the expenses, payment to vendors, and other administrative matters. Ms. Bonner has been the Administrative Technician in CCA since May 2006.

FILING A COMPLAINT

In order to ensure that citizens are assisted in a timely, efficient and professional manner, the CCA follows certain guidelines for accepting and investigating complaints. Any citizen can file a complaint concerning a Cincinnati police officer. Additionally, the agency also accepts third party complaints.

Complaints may be filed with the CCA or with the CPD. The complaint may be filed by telephone, mail, fax, in person, or at the Citizen Complaint Authority email address at: CCA-complaints@Cincinnati-oh.gov. Complaint forms may be obtained from any City office, public library or community council office. Complaints must be submitted within one year of the date of an incident. Any complaints submitted after one year of the alleged misconduct may, however, be reviewed by the Director. The agency will not accept complaints concerning incidents predating the effective date of CCA.

Assignment and Investigation of a Complaint

Upon receipt of a complaint, the Director reviews the complaint and it is assigned within 48 hours to an investigator for investigation. A copy is also submitted to the Chief of Police within five business days of the date assigned.

Investigative Guidelines

Complaints are evaluated based on a preponderance of the evidence standard¹. The CCA will consider all relevant evidence including circumstantial, direct, and physical evidence and make credibility determinations. The following are the agency investigative guidelines:

¹ The greater weight of evidence favors one side rather than the other

- There will be no automatic preference for an officer's statement over a non-officer's statement.
- Statements of witnesses will not be disregarded because the witness has some connection to the complainant.
- Every effort will be made to resolve material inconsistencies between statements of witnesses.
- During the investigation, investigators will refrain from asking officers or other witnesses' leading questions that improperly suggest legal justifications for the officer's conduct when such questions are contrary to appropriate law enforcement techniques.
- All relevant police activity, including each use of force, and not just the type of force complained about, will be investigated.
- Investigations will evaluate any searches or seizures that occurred during the incident.
- An investigation will not be closed simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury. Instead, the investigation will continue to determine whether the original allegation(s) can be resolved.
- The guilty plea of a complainant will not be considered as evidence whether an officer used or did not use a type of force, nor will it justify discontinuing the investigation.
- The complainant will be periodically advised regarding the status of the investigation.
- Upon completion of the investigation, the complainant will be notified of the outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.
- Each allegation in an investigation will be resolved with one of the following dispositions:
 - **Unfounded** – where the investigation determined no facts to support the incident complained of actually occurred
 - **Sustained** – where the person's allegation is supported by sufficient evidence to determine that the incident occurred, and the actions of the officer

were improper

- **Not Sustained** – where there are insufficient facts to decide whether the alleged misconduct occurred
- **Exonerated** – where a preponderance of evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training

After completion of the investigation, the Investigator forwards the report to the Chief Investigator who reviews it for thoroughness. After the Chief Investigator reviews the report, it is forwarded to the Director for review.

Upon completion of an investigation, the Director forwards the investigative reports to the CCA Board. The Board has the authority to conduct a review hearing solely for the purpose of confirming the completeness of the investigation and approving or disproving the Directors' report.

Where the findings and recommendations are approved, they are submitted to the Chief of Police and City Manager. The City Manager shall agree, disagree or agree in part with any findings and recommendations either by the board or director, and shall inform the director and the CCA Board in writing of any reason for agreeing in part or disagreeing. Of the investigations completed in 2005, the City Manager reviewed 366 allegations against officers. In those investigations where the City Manager agreed in part or disagreed, with the recommended findings, the reason for the action was forwarded to the agency in writing.



Vine Street, Cincinnati, Ohio

LEADERSHIP

Administrators must have the courage to manage by principle-based leadership and serve as the driving force for change. Administrators cannot fear changes - they must change fear. We must make the commitment to do the right thing and not worry about "popularity".

"The popular decision is not always right, and the right decision is not always popular"

By Ronald L. Davis

Chapter 2

DIRECTOR'S SUMMARY OF ACTIVITIES

As set forth in the Collaborative Agreement, the CCA is required to issue annual reports summarizing activities for the previous year including a review of significant cases and recommendations.

During its fourth year of operation, CCA looks forward to working with the Mayor, the City Manager, City Council, and CPD and the citizens of Cincinnati to ensure the agency has the resources it needs to perform the tasks outlined in the CA and MOA. The CCA will continue to operate an agency that provides the citizens of Cincinnati with an independent and impartial forum for the investigation and timely resolution of police misconduct complaints.

CCA has an excellent staff and the entire team will be working in 2007 to be as efficient as possible. The agency's success can be attributed to the steps the agency has taken to stretch its resources and develop creative ways to enhance the agency. The staff has worked diligently to meet the guidelines of the CA and MOA.

CCA and CPD Relationship

In order for the agency to be effective, it is important that a relationship of mutual respect be maintained with CPD. CCA and CPD established a written protocol for the timely exchange of information and coordination of investigations. The Director and the IIS Commander meet monthly to reconcile cases that have been investigated and prepared for the monthly Board meeting. The relationship of mutual respect and professionalism continued through 2006. The written agreement satisfied section 74 of the CA.

Complaint Patterns

Section 83 of the CA requires CCA to examine three types of complaint patterns: (1) repeat officers (2) repeat citizen complaints and (3) repeat complaint circumstances. The CA does not spell out specific criteria for identification purposes. In 2004,

CCA reviewed the past three years and identified officers that had complaints filed from ten or more complainants. CCA also identified citizens that had filed more than three complaints against officers in that same three-year period. The same criteria were used in 2005 and 2006.

2006 CCA Training

The staff has had continuous training throughout the year to improve the quality of service given to the citizens of Cincinnati. Two investigators attended the Reid & Associates School for interviewing and interrogations. The training was to improve and sharpen the investigative skills when interviewing witnesses and officers involved in the complaints. 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 racial biased policing workshops. Our support staff honed their computer skills by attending Microsoft Access training and Adobe's In Design CS2 program which is used for our newsletters and annual report.

Cincinnati's International Visitor Leadership Program

CCA has contributed to the Cincinnati International Leadership Program by being included in International Dignitaries with one on one discussion on issues surrounding conflict resolutions, good governance and rule of law and how these principals are used to mitigate conflict and work through problems and building stability among diverse elements of the community and promote greater cross culture awareness.

Representatives from countries of Sir Linka, St. Vincent, the Grenadines, Tunisia, Zimbabwe and the Peoples Republic of China had discussions with CCA

staff. Titles of the dignitaries ranged from Deputy Director of the Supreme Court Research Office, Head of the Human Rights Division of Foreign Affairs, Lecturer of a University, Legal Consultant of the International Bar Association and Ministry of Human Rights Attorney for Human Rights. Some of these countries have no oversight of government policies or have limited civil rights as we know them. These officials were impressed with the history of the existence of CCA and how it was created. Some also expressed a need for oversight of police agencies in their country.

CCA Database

The Regional Computer Center's Information Technology Manager Vernell Turner designed and implemented Citizen Complaint Management System (CCMS). The system was developed specifically for the needs of CCA. Ms. Turner transferred information from our older database that was being used to record and manage records. Though the system is not fully completed, its' capabilities at present are beyond our expectations. CCA can more easily query and design reports for its needs and requirements. The CCMS allows the development of reports entering record information, tracking information and case management.

Serious Police Intervention Incidents

During 2006, the CCA staff was notified of six shots fired incidents. Two involved dogs, two were accidental and two involved citizens. None of the incidents resulted in the death of an individual. In addition, there were two deaths in custody notifications. Officers in the aforementioned incidents were exonerated of their involvement.



Cincinnati Police Department, District 1

2006 Operating Budget

The operating budget for fiscal year 2006 was \$584,280. The breakdown is listed as follows:

Description	Budget Amount
Personnel Services	\$505,570
Professional Services	62,220
Materials & Supplies	11,600
Fixed Charges	4,890

2006 Sample Case Reviews

Case 1: Unlawful Search/Seizure

An officer conducted a traffic stop on a citizen for failing to use a turn signal and an open warrant from another state for no operator's license. The officer approached the van and ordered the driver to turn off the engine and to show his hands where the Officer could observe them. The driver refused to comply with both orders. After several additional commands to follow the officer's orders and the driver's failure to comply, the officer drew his service weapon and pointed it in a low ready position. (When the weapon is pointed toward the ground.) A second officer arrived at the scene and the driver complied at this time. He was handcuffed and frisked before being placed in a cruiser for further investigation. Additional officers arrived and smelled marijuana emitting from the van. The officers searched the van and no illegal drugs were located. The issuer of the out of state warrant for no driver's license did not want to extradite the violator back to the offense state. The driver was issued a citation and released.

The investigation concluded the evidence indicated the officers did not violate policy, procedure or training when they conducted a search of the driver's van or when the officer drew his service weapon. When the officer commanded the driver to show his hands several times and he did not, the officer perceived a threat. The board and city manager agreed with the findings.

Procedures During the Investigation

CPD Legal Training- Ohio Supreme Court Ruling 7/25/06 states in part, if an Officer smells marijuana emitting from a vehicle, the officer has a right to

search the vehicle without a warrant.

CPD Procedure Manual 12.550 Discharging a firearm by police personnel states in part: At such time as a police officer perceives what he interprets to be a threat of loss of life or serious physical harm to himself or others at the hands of another, he has the authority to display his firearm.

Case 2: Unlawful Search/Seizure

Officers conducted a traffic stop with two persons in the vehicle. One officer engaged the driver who did not have his license on his person. A second officer engaged the passenger. The officer with the passenger requested his identification and was given two names and identification data. The passenger was removed from the vehicle and told he was going to be handcuffed and detained until his information could be verified. The passenger pulled away and attempted to run from the officer as he was in the process of being handcuffed. The passenger was taken to the ground by two officers.

The CCA Investigators concluded a sustained finding on the officer who detained and seized the passenger of the vehicle. The Board and City Manager agreed with the findings. CPD's IIS also sustained the finding.

CCA's investigation concluded the passenger was not involved in an investigation by the police of whether the passenger was involved in a crime or had committed a crime, and therefore the officer had no right to detain or commit a seizure. Furthermore, the passenger is failure to produce identification or give the officer information on his identity who he was did not justify a legal reason to detain him.

Procedure During the Investigation

CPD Procedure 12.554 Investigatory Stops state in part: The next level is a "Terry" type encounter. Here the officer has reason to believe the citizen has or is committing a crime. Based on reasonable suspicion, the officer may forcibly stop and detain the citizen for a brief investigatory period. Failure to answer the questions asked by the officer or to properly identify oneself cannot provide the justification for detaining a person past the period necessary to complete a brief "Terry" type investigation.

The elimination of bias-based policing requires a comprehensive program that established effective systems in all aspects of policing. These systems must be driven by principle-based leaders with the courage to make change and demand the best quality of service for our communities. The NOBLE motto best describes how to ensure safe streets while preserving civil liberties. "Justice by Action"

By Ronald L. Davis

Chapter 3

STATISTICS

The Collaborative Agreement and the policies of the CCA mandate the review of all allegations of police misconduct, including major uses of force, excessive force, shots fired, deaths in custody, improper pointing a firearm at persons, unlawful search and seizures, unlawful entry, and discrimination. The agency reviewed over four hundred and fifty-five (455) complaints in 2006, for an average of 38 complaints per month. This is an increase of 3 complaints per month over 2005. Those complaints, three hundred (300) were referred to or investigated by the Cincinnati Police Department (CPD) in accordance with its Citizen Complainant Resolution Process (CCRP). One hundred and twenty (120) cases were retained and investigated by CCA and thirty-five (35) were classified as criminal or no jurisdiction.

Chart 1: Total Intakes 2006

CCA Investigations	120	26%
CCRP Referrals	300	66%
Criminal/Non-Jurisdiction	35	8%
Total	455	100%

Total Allegations

Chart 2: Total Allegations

CCA	193	29%
CCRP	427	65%
Criminal No Jurisdiction	35	6%

Type of Cases Investigated by CCA

Of the one hundred and twenty (120) cases investigated by CCA in 2006, there were one hundred and ninety-three (193) allegations. The chart below contains 88 allegations of use of force, including 4 use of force with firearms, two involving humans and two involving dogs. There were 33 unlawful search /seizures, 8 discrimination, 3 unlawful detentions, 25 improper pointing a firearm, 26 improper procedures and discourtesy complaints. There were 2 deaths in custody investigations.

Chart 3: Types of Cases Investigated

Shots Fired (two humans, two dogs)	4	2%
Use of Force	88	45%
Unlawful Search/Seizure/Entry	33	17%
Discrimination/Profiling	8	4%
Accidental Discharge	2	1%
Death in Custody	2	1%
Unlawful Detention	3	4%
Criminal Referred	1	0%
Improper Pointing a Firearm	25	13%
Discourtesy, Improper Procedure	26	13%

Chart 4: Director's Recommended Findings

Sustained	Not Sustained	Exonerated	Unfounded	Allegations Pending
34	68	41	31	19
18%	35%	21%	17%	9%

City Manager's Review

Upon completion of a investigation, the director forwards the investigative report to the board. If the board conducts a review hearing, its purpose shall be to confirm the completeness of the CCA investigation and approve or disapprove the directors' report. Where the findings and recommendations are approved, they shall be submitted to the Chief of Police and City Manager. The City Manager shall agree, disagree or agree in part with any findings and recommendations either by the Board or Director, and shall inform the Director and the Board in writing of any reason for agreeing in part or disagreeing with the findings and recommendations.

Of the investigations completed in 2006, the City Manager reviewed 174 allegations against officers. In those investigations where the City Manager agreed in part or disagreed, with the recommended findings, the reason for the action was forwarded to CCA in writing.

Chart 5: City Manager's Review

City Manager Agreed	165	86%
City Manager Agreed in Part	6	2.5%
City Manager Disagreed	3	1.5%

2000 U.S. Census Bureau

Chart 6: 2000 U.S. Census Bureau Cincinnati Population

Population	331,285	100%
Male	156,357	47.2%
Female	174,928	52.8%
Caucasian	175,492	52.97%
African American	142,176	42.92%
Other Races	13,617	4.11%

Cincinnati Police Department Ethnicity and Gender

CPD currently has one thousand, eighty-five (1085) sworn officers. Eight hundred and forty-eight (848) are males and two hundred and thirty-seven (237) are females. Seven hundred and thirty-one (731) are Caucasian, three hundred and thirty-eight (338) are African American and sixteen (16) are classified as other ethnicity.*

Chart 7: Cincinnati Police Department Ethnicity and Gender

	Male	Female	Caucasian	African-American	Female/Other	Male/Other
Chief	1		1			
Assistant Chief	4	1	4	1		
Captain	16	1	16	1		
Lieutenant	41	7	39	9		
Sergeant	130	21	108	41	1	1
Police Specialist	106	33	116	22	1	
Officer	550	174	447	264		13
Total	848	237	731	338	2	14
Percent	78%	22%	67%	31%	.5%	1.5%

* Data collected from CPD as of 12/17/06

CCA/CCRP Allegations by Gender of Officer

During 2006, there were cases where the complainant filed multiple allegations against the same or different officers. Of the four hundred and fifty-five (455) complaints reviewed, there were six hundred and fifty-five (655) allegations. Chart 7 defines the gender of the officer compared with the total number of allegations. Five hundred and nine (509) allegations were against male officers, one hundred and twenty-three (123) allegations were against female officers and twenty-three (23) were unknown.

Chart 8: CCA/CCRP Allegations by Gender of Officer

Male	509	78%
Female	123	19%
Unknown/Other	23	3%

CCA/CCRP Allegations by Ethnicity of Officer

Of the six hundred and fifty-five (655) allegations, three hundred and ninety-seven (397) were filed against Caucasian officers, two hundred and eight (208) were filed against African American officers and fifty (50) were filed against other or unknown ethnic backgrounds.

Chart 9: CCA/CCRP Allegations by Ethnicity of Officer

Caucasian	397	60%
African American	208	32%
Other/Unknown	50	8%

CCA/CCRP Comparison by Ethnicity of Officer to Complainant

In the complaints filed, one hundred and sixty-nine (169) allegations were made by African American complainants against Caucasian officers, forty six (46) allegations were African American against African Americans officers, twenty eight (28) were Caucasian complainants against Caucasian officers, eight (8) were made by Caucasian complainants against African American officers and fifteen (15) allegations were unknown or other. The below chart list the race of the complainant compared to race of the accused officer. The other/unknown category is where the race of the officer could not be determined.

Chart 10: CCA/CCRP Comparison by Ethnicity of Officer to Complainant

African American/ African American	African American/ Caucasian	Caucasian / Caucasian	Caucasian/African American	Other/Unknown
126	42	101	300	86
19%	7%	15%	46%	13%

Note: There were several officers with multiple allegations in the same complaint.

2006 CCRP REFERRALS

The CCA referred to CPD three hundred (300) cases with four hundred and twenty-seven (427) allegations. There were thirty-five (35) that were classified as non-jurisdiction. Seventy-five (75) CCRP cases had not been returned that were either not completed or initially sent to CCA for review. At the time of this report there were new CCRP cases that were filed in November and December and not due for completion until February/March.

Chart 11: CCRP Referrals

CCRP Cases Completed	190	63%
CCRP Cases not Returned	75	25%
No Jurisdiction/Criminal	35	12%

CCRP Allegations

Three hundred (300) cases were referred to CPD in 2006, consisting of four hundred and twenty-seven (427) allegations. The CCA referred one hundred and eighty-six (186) allegations of discourtesy, one hundred forty-four (144) allegations of lack of service, sixty-two (62) allegations of improper procedure and thirty-five (35) allegations were classified as non-jurisdiction.

Chart 12: Types of Allegations

Discourtesy	Lack of Service	Improper Procedure	Non-Jurisdiction
186	144	62	35
44%	34%	14%	8%

Chart 13: CCRP Case Findings

Sustained	Not Sustained	Exonerated	Unfounded	Allegations Pending	Non-Jurisdiction
27	111	60	102	92	35
6%	26%	14%	24%	22%	8%

CPD Districts

Districts where CCA/CCRP complaints incidents occurred are listed below:

Chart 14: Districts

District 1	District 2	District 3	District 4	District 5	Unknown
124	56	93	78	82	22
27%	12%	20%	18%	19%	4%

Neighborhoods

Chart 15 list the neighborhoods where incidents occurred:

Chart 15: Neighborhoods

Neighborhood	# of Incidents	Neighborhood	# of Incidents	Neighborhood	# of Incidents
Avondale	30	Mt. Washington	3	English Woods	2
Bond Hill	8	North Avondale	1	East Westwood	2
California	0	North Fairmount	3	Millvale	5
Camp Washington	4	Northside	17	Fay Apartments	3
Carthage	5	Oakley	0	Paddock Hills	1
CBD-Riverfront	34	Over-The-Rhine	53	Unknown	47
Clifton	33	Pendleton	3		
College Hill	10	Pleasant Ridge	2		
Corryville	9	Queensgate	3		
East End	5	Riverside	0		
East Price Hill	17	Roselawn	7		
East Walnut Hills	1	Sayler Park	0		
Evanston	7	Sedamsville	1		
Fairview	0	South Cumminsville	3		
Hartwell	1	South Fairmount	3		
Hyde Park	6	Clifton	0		
Kennedy Heights	2	Walnut Hills	10		
Linwood	1	West Price Hills	3		
Lower Price Hill	17	West End	25		
Madisonville	10	Westwood	22		
Mt. Adams	2	Winton Hills	6		
Mt. Airy	14	Winton Place	5		
Mt. Auburn	8	O'Bryonville	0		
Mt. Lookout	0	Columbia Tusculum	1		

CCA/CCRP Allegations by Complainant's Gender

During 2006, there were cases where the complainant filed multiple allegations regarding the same interaction. The chart below defines the gender of the complainant in relation to the total number of allegations. There were three hundred and forty-eight (348) allegations made by males, two hundred and ninety-four (294) allegations by females and thirteen (13) allegations by unknown gender. Four hundred and fifty (450) allegations were made by African Americans, one hundred and seventy (170) were made by Caucasians and thirty-five (35) were made by unknown or other ethnic background.

Chart 16: CCA/CCRP Allegations by Complainant's Gender

Male	325	50%
Female	294	48%
Unknown/Other	35	2%

CCA/CCRP Allegations by Complainant's Ethnicity

Chart 17: CCA/CCRP Allegations by Complainant's Ethnicity

African American	450	69%
Caucasian	170	26%
Other/Unknown	35	5%

APPENDIX I Complaint Patterns (Officers and Citizens)

City of Cincinnati



Interdepartmental
Correspondence

Date: January 26, 2007

To: Thomas H. Streicher, Chief of Police
From: Kenneth E. Glenn, Director, Citizen Complaint Authority
Cc: Milton Dohoney, Jr., City Manager, CCA Board Members
Subject: **CCA 2006 Officer and Citizen Complaint Patterns Report**

Section eighty-three of the Collaborative Agreement states the following:

The CCA will examine complaint patterns that might provide opportunities for the CPD and community to reduce complaints. At a minimum, the CCA will look for three types of patterns: (i) repeat officers (ii) repeat citizen complaints, 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(s) for the pattern and whether there are opportunities to eliminate or reduce root causes. Where feasible, this project should involve both affected officers and the community.

Following this directive, the CCA conducted a study and has identified repeat officer and citizen complaints for 2006. In 2005, the criterion used was any officer with complaints from at least 10 complainants for a three-year period was identified. Additionally, any citizen who filed more than 3 complaints during that same three-year period was identified. For this report, CCA examined the years 2004 through 2006 using the same criteria.

The 2005 report identified 12 officers and 13 citizens that fell within those parameters. The 2006 report has identified 12 officers and 7 citizens. The 2006 report shows no reduction in the total number of officers. Twelve officers have been identified for the 2006 report. Of the 12 officers identified, 6 officers remained from the 2005 report and 6 new officers were added. In the 2006 report, all 6 officers from the 2005 report had additional complaints filed against them in 2006. Over the three-year period, there were 186 allegations against the 12 officers. Forty-two (42) or 23% were discourtesy and forty-five (45) or 24% were use of excessive force

The 2006 report shows a reduction of 6 citizens or approximately 33% from the 2005 report. Of the 7 citizens identified for the 2006 report, none were from the 2005 report. No citizens identified in the 2005 report filed any additional complaints. The 7 identified citizens for the 2006 report filed 31 allegations. Ten (10) or 33% were discourtesy and four (4) or 13% were use of excessive force.

The officers and citizens are listed alphabetically.

Repeat Officer Complaints

CCA examined the following criteria:

- 2004 – 2006
- Officers with complaints from at least 10 complainants or officers with 5 or more excessive force allegations
- Officers with asterisks behind their names are on the 2005 report

OFFICER COMPLAINT PATTERN REPORT

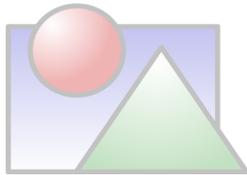
Officers with 10 or more complaints in 2006:

1. Officer Mark Bode, Vortex Unit: 12 allegations from 10 complainants
2. Officer James Davis, District 1: 13 allegations from 11 complainants
3. Officer Thomas Haas, District 5: 13 allegations from 11 complainants
4. Officer Mark Longworth, District 4: 14 allegations from 10 complainants
5. Officer Baron Osterman, District 1: 17 allegations from 13 complainants
6. Officer Thomas Rackley, Communications: 16 allegations from 12 complainants
7. Officer Jason Rees, District 1: 12 allegations from 10 complainants
8. Officer Michael Roetting, District 4: 15 allegations from 11 complainants
9. Officer Jeffrey Ruberg, District 5: 28 allegations from 21 complainants
10. Officer Mark Weston, District 3: 16 allegations from 11 complainants
11. Officer Jacob Wloszek, District 1: 11 allegations from 10 complainants
12. Officer Anthony Upchurch, District 5: 14 allegations from 13 complainants

CITIZEN COMPLAINT PATTERN REPORT

This report clearly identifies those police officers with multiple complaints as well as those citizens who have made several complaints. In addition, CCA examined the following criteria for repeat citizen complaints: years 2004 to 2006, and citizens who filed at least three complaints. We recommend that this report be reviewed for further action:

1. Rodney Beamon: Mr. Beamon had three complaints with ten allegations.
2. Marlon Britt: Mr. Britt had three complaints with three allegations.
3. Carrie Davis: Ms. Davis had three complaints with four allegations
4. Curtis Davis: Mr. Davis had three complaints with three allegations.
5. Jerry Dunham: Mr. Dunham had four complaints with four allegations.
6. Rochelle Roe: Ms. Roe had three complaints with five allegations.
7. Sharon Rose: Ms. Rose had three complaints with four allegations.
8. James Smith Jr.: Mr. Smith had three complaints with six allegations.
9. Jonathan Wakefield: Mr. Wakefield had three complaints with three allegations.



Citizen Complaint Authority
On-line Complaint Form

Your Information

Race

Gender

Last Name

First Name

Middle (Initial or Name)

Address

City

State

Zip Code

e-Mail

Phone #

Cell #

DOB

(xxx-xxx-xxx)

(xxx-xxx-xxx)

yyyy-mm-dd

Incident Details

Date

yyyy-mm-dd

Time

hh:mm:ss

Location

Officer(s): Name, Description, & Badge Number (If Available)

Description: Please describe the incident and the specific nature of your complaint. If you were injured please indicate by whom. If you sought medical attention, indicate the name of the attendant and the medical facility.

Witness(es): Please list any witnesses including contact information (name, phone #, & address)

Submit by Email

APPENDIX III Definition of Terms

1. Allegation – When a citizen accuses an officer of a specific wrongdoing.
2. Case – The identification of an investigation assigned to a complaint.
3. Complainant – A citizen filing a complaint against CPD sworn officer(s).
4. Complaint – An allegation (excluding any criminal investigation) from any source, of any action or inaction by CPD personnel which the source considers to be contrary to law, proper procedure, good order, or in some manner prejudicial to the individual, the CPD or to the community.
5. Death in Custody - A person who dies while in police custody whether or not the police officer’s action contributed to the death. “In Custody” is defined as under the control of the police. The control does not have to be an arrest or physical possession of a person.
6. Exonerated – Where a preponderance of evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training
7. Finding – The conclusion of the investigation of the allegations against an officer.
8. Improper Pointing of Firearms - When an officer points a firearm at a person without just cause.
9. Investigation – Includes but not limited to interviewing witnesses, collecting evidence and conclude a finding.
10. Non-jurisdiction – The term “non-jurisdiction” includes but not limited to an allegation against a sworn Cincinnati police officer outside of the city limits or a non-Cincinnati police officer or CPD’s non-sworn personnel of the Cincinnati Police Department and any criminal allegation.
11. Not Sustained – Where there are insufficient facts to decide whether the alleged misconduct occurred.
12. Officer – The term “officer” or “police officer” means any sworn law enforcement officer employed by the CPD.
13. Racial Discrimination - Contact or action against a citizen by an officer that was motivated by the race of a person.
14. Shots Fired - Any and all discharging of a firearm by a Cincinnati Police Officer either intentional or accidental. This includes accidental discharge of a firearm whether the projectile strikes anything or not and intentional shooting at a person or animal.
15. Sustained – Where the person’s allegation is supported by sufficient evidence to determine that the incident occurred, and the actions of the officer were improper.
16. Unfounded – Where investigation determined no facts to support the incident complained of actually occurred.
17. Unlawful Search - The search of one’s property (residence, vehicle, etc.) or person without just cause or a search warrant. The search is not unreasonable if it is incident to an arrest or written permission is granted to conduct the search. The courts have granted exceptions to searches without a search warrant and each specific incident should be reviewed.
18. Unlawful Seizure - The seizure of one’s property without the permission of the owner/possessor or a warrant. The courts have granted exceptions to a seizure without a search warrant and each specific incident should be reviewed.
19. Use of Excessive Force - Officer(s) use of some type of force whether physical or by instrument that is beyond what is reasonably necessary.
20. Use of Force - Officer(s) use of some type of force whether physical, instrumental, or physical contact restricting the movement of a person.

IMPARTIAL
Efficient
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CITIZEN COMPLAINT AUTHORITY

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