

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

December 2008

Saul A. Green
Monitor

Richard B. Jerome
Deputy Monitor

www.cincinnati-monitor.org

INDEPENDENT MONITOR TEAM

Saul Green
Independent Monitor

Richard Jerome
Deputy Monitor

Joseph Brann

Rana Sampson

John Williams

Timothy Longo

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CITY OF CINCINNATI INDEPENDENT MONITOR'S FINAL REPORT

I. INTRODUCTION

On December 17, 2002, Susan B. Dlott United States District Court Judge for the Southern District of Ohio appointed Saul A. Green and a team of eight policing experts (the Monitor Team) to monitor compliance with, and implementation of: the Memorandum of Agreement (MOA), between the United States Department of Justice (DOJ), the City of Cincinnati (City) and the Cincinnati Police Department (CPD); and the Collaborative Agreement¹ (CA), between the Plaintiffs,² the Fraternal Order of Police (FOP), the City and the CPD. During six years of monitoring, the Monitor Team published 21 quarterly reports that chronicle the state of compliance by the parties with the terms of the MOA and CA. The MOA and CA were born out of a unique Alternative Dispute Resolution (ADR) process developed by Judge Dlott that came to be known as the Cincinnati Police-Community Collaborative.

This is the final Monitor's Report. The report briefly discusses: police-community relations in America in an effort to put the MOA and CA in a historical context, the events leading to and the development of the MOA and CA, and some of the critical events and accomplishments during the five years of implementation and the sixth transition year. The Collaborative has been successful in laying a strong foundation for police reform. Many communities, over many decades, have tried to ameliorate the persistent problem of friction between minority communities, particularly African American communities, and the police, with little success. This report documents what went right, what went wrong and what is still to be accomplished in the Collaborative. We hope it will serve as a resource for other communities that face the complex challenge of producing healthy and productive police-community relationships and effective public safety.

II. HISTORICAL PERSPECTIVE ON COMMUNITY/POLICE RELATIONS

A. National Perspective

Police conduct issues have plagued communities across the United States through most of our history as a country. African Americans have often

¹ The MOA and CA can be found at http://www.acluohio.org/issues/PolicePractices/doj_settlement.pdf; and <http://www.acluohio.org/issues/PolicePractices/finalsettlement.pdf>.

²The Plaintiff class consists of all African American or Black persons and people perceived as such who reside, work in and/or travel on public thoroughfares in the City of Cincinnati, Ohio either now or in the future and who are stopped, detained, or arrested by Cincinnati police officers or their agents, and citizens of any race who have been or will be subjected to a use of force by Cincinnati police officers and their agents.

borne the brunt of police misconduct, and African American communities throughout this country have at times erupted into civil disorder, often precipitated by episodes of police misconduct and years of conflict between the African American community and police.

Efforts to remedy these strained relationships have taken many forms, including: criminal prosecutions, civil litigation, the formation of citizen oversight agencies, disciplinary action against officers, and commissions that have studied and recommended reforms to address the strained relations and allegations of misconduct. The Kerner Commission, appointed by President Lyndon B. Johnson to study and report on civil disorders that took place in American cities during the summer of 1967, is one of the most comprehensive examinations of the tumultuous relationship between the police and African American communities ever conducted. Cincinnati was one of the cities studied in the Kerner Commission Report. Ominously, the Report stated the following regarding police-community relations in America in 1967 after the summer of riots:

The abrasive relationship between the police and minority communities has been a major – and explosive – source of grievance, tension and disorder. The blame must be shared by the total society.

The police are faced with demands for increased protection and service in the ghetto. Yet the aggressive patrol practices thought necessary to meet these demands themselves create tension and hostility. The resulting grievances have been further aggravated by the lack of effective mechanisms for handling complaints against the police.

The Kerner Commission made the following recommendations to cities and police agencies regarding police community relations:

- Review police operations in the ghetto to ensure proper conduct by police officers, and eliminate abrasive practices.
- Provide more adequate police protection to ghetto residents to eliminate their high sense of insecurity and the belief in the existence of a dual standard of law enforcement.
- Establish fair and effective mechanisms for the redress of grievances against the police and other municipal employees.
- Develop and adopt policy guidelines to assist officers in making critical decisions in areas where police conduct can create tension.
- Develop and use innovative programs to insure widespread community support for law enforcement.

- Recruit more Negroes into the regular police force, and review promotion policies to insure fair promotion for Negro officers.
- Establish a 'Community Service Officer' program to attract ghetto youths between 17 and 21 to police work.

Some of the same conditions that led to civil unrest in many U.S. cities in the summer of 1967 were evident in Cincinnati in the summer of 2001, and the recommendations of the Kerner Commission to address the untenable conditions in 1967 mirror many of the goals that were developed by the Cincinnati Collaborative.

B. Police/Community Relations in Cincinnati; Development of the MOA and CA

Despite the well documented warnings provided almost 40 years prior, the direst predictions of the Kerner Commission regarding police/community relations came to fruition in Cincinnati in the years just prior to the MOA and CA Agreements. African Americans in Cincinnati have alleged unfair treatment at the hands of the CPD for decades. Between 1967 and 2000, the CPD was the subject of 17 reports investigating racial issues ranging from the lack of hiring and promotion of African American police officers to police shootings involving African Americans. Lawsuits, commissions and investigations resulted in over 200 recommendations, most frequently addressing ways to improve informing the public about police actions, policies and procedures, external oversight, police involvement with the community, and the promotion and assignment of African American police officers within the CPD.³ Between 1995 and 2001, 14 African American men were killed in incidents with the police.

Over the course of the past four to five decades, American policing has been heavily influenced by three movements: crime prevention, community policing and problem solving. The research and documented results surrounding the effectiveness of each is abundant and well established today. Equally important though, but often less understood, is the role and influence of police culture and why that is such a critical factor in the success of these strategies and how it must be effectively managed by police leaders.

The CPD did adopt various elements or programmatic features of the crime prevention, community policing and problem solving movements several years ago. However, in 2001 the CPD was still an organization that had not yet come to grips with how or why certain organizational systems and various facets of the organizational culture were at odds with the objectives and

³ Jay Rothman, Randi Land, *The Cincinnati Police-Community Relations Collaborative Criminal Justice* - winter 2004

principles that underpin these concepts. The agency was one where the employees took great pride and possibly a certain amount of refuge in an outdated civil service system, being somewhat insular and resistant to external influences (both in the law enforcement profession and community influences), and exhibited skepticism that meaningful lessons could be learned from sources outside of the existing organization.

In March 2001, the Ohio Chapter of the American Civil Liberties Union and the Cincinnati Black United Front filed a lawsuit⁴ alleging that African Americans had been treated differently than other racial groups for more than 30 years. The plaintiffs alleged that the recent deaths of African Americans, and the disproportionate stop and search rate for African Americans, illustrated a discriminatory pattern or practice employed by the CPD.

The case was assigned to Judge Dlott. Judge Dlott determined early in the proceedings that a facilitated settlement of the litigation would be more productive for the parties, the justice system and the community than the normal course of litigation.⁵ She was able to get the parties to agree to a unique form of ADR, and to extend an invitation to the local chapter of the FOP to participate in the ADR process. Individual cases of alleged police misconduct were consolidated with the class action and tolled, pending the ADR process. Judge Dlott appointed Jay Rothman, president of the ARIA Group, a conflict resolution training and consulting company, as special master to guide the ADR process.

Rothman began holding regular meetings with the leaders from the FOP, City and police administration, and the Plaintiffs. Eventually, the parties agreed to undertake a “visioning” process that vested authority in the collaborative effort to improve community relations, rather than individuals or an individual agency. This led to the formation of an advisory group made up of leadership from each of the parties.

A key event that moved the advisory group and the collaborative process forward from early rancorous encounters to the eventual negotiation of the CA, was the April 2001 shooting of Timothy Thomas. Thomas, a young unarmed African American man, wanted for misdemeanors and traffic violations, was shot and killed by a CPD officer in the early morning hours of April 7, 2001. The city endured three days of civil unrest following the shooting.

The collaborative process brought community stakeholders to the table to develop the goals for improved police-community relations in Cincinnati.

⁴ *In re: Cincinnati Policing*, 209 F.R.D. 395 (2002).

⁵ http://city-egov.cincinnati-oh.gov/Webtop/ws/council/public/child/Blob/1202.pdf;jsessionid=0B78FDABE12C9884F2FB640559CB88FA?rpp=-10&m=2&w=doc_no%3D'200103322'

The CA captures these goals and served as the guide for implementing the vision of the Collaborative. The Collaborative was formally established shortly thereafter on May 2, 2001, and eventually involved the participation and surveying of over 3,500 people. The survey required that participants answer three questions: (1) What are your goals for future police-community relations in Cincinnati? (2) Why are those goals important to you? (3) How do you think your goals can best be achieved? Due in part to results gathered from the survey, the Collaborative developed five shared goals in December of 2001:

- Police officers and community members will become proactive partners in community problem solving;
- Build relationships of respect, cooperation and trust within and between police and communities;
- Improve education, oversight, monitoring, hiring practices and accountability of CPD;
- Ensure fair, equitable, and courteous treatment for all; and
- Create methods to ensure the public understands police policies and procedures, as well as recognize exceptional police service in an effort to foster community support for CPD officers.

In the aftermath of the Timothy Thomas shooting and the civil unrest that followed, Cincinnati Mayor Charlie Luken asked the U.S. Justice Department to come to Cincinnati to conduct a “pattern or practice” investigation pursuant to 42 U.S.C. 14141.⁶ Following the DOJ’s investigation, negotiations between DOJ and Cincinnati began that paralleled the negotiations that led to the CA. Judge Dlott also assigned Magistrate Judge Michael Merz to facilitate negotiations and brought in Professor John Eck of the University of Cincinnati as the court’s expert on policing.

In April 2002, close to one year after the Thomas shooting, the DOJ and Cincinnati entered into a MOA, and the City, the FOP and the Plaintiff Class entered into the CA. The MOA specifically targets police accountability and use of force issues. It required new policies on use of force, reporting and investigating use of force incidents and citizen complaints, new training requirements, early intervention and risk management. The CA focused on the style of policing employed by the CPD in building mutual respect and

⁶ 42 U.S.C. § 14141 states, in relevant part, “(1) It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice....that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.” Paragraph (2) gives the Attorney General the right to pursue equitable and declaratory relief for or in the name of the United States, upon reasonable cause that a violation of Paragraph (1) has occurred.

accountability through: (1) adopting Community Problem Oriented Policing (CPOP) as the principal crime fighting approach for CPD; (2) addressing bias-free policing through policy, training, and data collection; (3) requiring evaluation to determine if the measures implemented are working (a review that focuses on outcomes, not just process); and (4) the creation of the Citizen Complaint Authority, which conducts independent reviews of citizen complaints.

The CA was signed April 12, 2002 and the MOA signed a day later. The CA was accepted by the U.S. District Court for the Southern District of Ohio after a Fairness Hearing was held on August 5, 2002.

III. THE UNIQUENESS OF THE MOA AND CA

The Cincinnati police-community reform effort is significantly different from other settlements and consent decrees⁷ that have been put in place following a DOJ pattern or practice investigations. The differences are so significant that the Monitor Team believed from the start that if the Cincinnati effort proved successful, Cincinnati could serve as an important model for police reform throughout the United States. Without attempting to address all of the differences, several are worth noting.

There are two agreements. Although this adds to the complexity of the reform process, the CA called for a fundamental change in the way the CPD does policing in Cincinnati. Consent decrees and settlements resulting from DOJ pattern or practice investigations typically address police accountability in the specific areas examined during the investigation, such as use of force, early warning systems, and conditions of confinement. Consent decrees and settlements give the parties, the public, and in appropriate cases, the court, the ability to gauge whether the police department has implemented the required policies, training and procedures to comply with the terms of the decree or settlement. However, these agreements do not attempt to change the method of policing that is conducted, nor do they evaluate the impact of the reforms on citizens and police, and the relationship between citizens and the police. The Collaborative, through the CA, required a specific style of policing (a shift to

⁷ Examples of traditional MOAs and consent decrees, without an accompanying CA, have been entered into in the following cities: Pittsburgh Bureau of Police, PA (consent decree, 1997); Steubenville Police Department, OH (consent decree, 1997); New Jersey State Police (consent decree, 1999); Los Angeles Police Department, CA (consent decree, 2001); District of Columbia Metropolitan Police Department (MOA, 2001); Highland Park Police Department, IL (MOA, 2001) Buffalo Police Department, NY (MOA, 2002); Detroit Police Department (consent dDecrees, 2003); Mt. Prospect Police Department, IL (MOA, 2003); Prince Georges County Police Department, MD (consent decree, 2004). For a full listing of settlements, court decisions, and “technical assistance” letters, see www.usdoj.gov/crt/split/faq.htm#ppmp.htm.

problem-oriented policing), and that the impact of the Collaborative process be evaluated, analyzed, and reported.

With two agreements, there were more parties participating in the process. The City, the CPD, and DOJ were parties to the Cincinnati MOA – in accordance with the classic dynamics of DOJ agreements. The CPD, City, Plaintiff Class, and the FOP were parties to the CA. DOJ was not party to the CA. Although the MOA and CA are separate agreements, there are CA provisions requiring that the documents be interpreted and implemented together. The additional parties to the Collaborative (particularly the police union and the plaintiff class), not found at the table with a classic DOJ agreement, brought additional complexities and historically sensitive issues to a head while implementing the Cincinnati Agreements.

Unlike a DOJ agreement, the CA contains mutual accountability provisions that required the development of an Evaluation Protocol and the hiring of an Evaluator to develop statistical, demographic and qualitative surveys to measure, among other things, citizen satisfaction with officer interaction and officer perception of treatment by citizens. In 2004 the Parties contracted with the RAND Corporation (“RAND”) as a national expert to conduct the Evaluation Protocol. RAND issued the first Report on Police-Community Relations (“RAND Report”) in December 2005. Paragraph 44 of the CA calls upon the Evaluator to answer such questions as, (1) Is public safety improving throughout the City of Cincinnati? (2) Are police-community relations improving throughout Cincinnati? (3) What has been done to help make citizens/police interaction less confrontational? (4) What has been done to help the police respond to citizens in a more respectful manner? Unlike the CA, Justice Department agreements do not attempt to assess the citizens’ and officers’ perceptions of the police reform effort.

Justice Department agreements typically do not attempt to directly address policing strategies used by the department under investigation. The Cincinnati CA calls for the police and community to participate, as active partners in achieving public safety, by adopting Community Problem-Oriented Policing (CPOP) as the principal method of policing in Cincinnati. Paragraph 10 of the CA states, “Under CPOP, all parties will help the police and community work together to address such problems as crime, disorder, and quality of life issues in Cincinnati, and all parties will be held accountable for implementing CPOP.” The CA also required that each of the parties participate in the implementation of CPOP. Thus the Collaborative directly addresses the style of policing to be used in Cincinnati, and calls for citizens and police to work together to accomplish public safety. The CA seeks to change what patrol officers do on a day-to-day basis, how police strategies are developed, and the way police management evaluates officers’ performance and manages compliance with the CA.

Paragraph 50 of the CA called upon the parties to collaborate to ensure fair, equitable and courteous treatment for all. Through required policy, training and data collection, the parties must provide police services in a fair and impartial manner without discrimination on the basis of race, color, or ethnicity. This is a vital aspect of mutual accountability and police/community trust that isn't always addressed in police reform efforts.

The CA required the creation of a Citizen Complaint Authority (CCA) to independently investigate serious interventions by police officers, including but not limited to shots fired, deaths in custody and major uses of force, and to investigate and resolve citizens' complaints in a fair and efficient manner. Importantly, the CA set forth specific requirements regarding the composition and operation of the CCA, the requirement of an executive director and a minimum level of resources for its operation.

The Collaborative created high expectations and difficult challenges. To some, the Collaborative was seen as the solution to decades of discord, with the expectation that high profile, unjust and unnecessary uses of force would no longer occur. When questionable uses of force did occur, some started to second-guess the effectiveness and worth of the Collaborative. It was also extremely difficult to harness the energy and emotion of an entire community over an extended period of time to participate in the transition of the police and the community to the new form of public safety envisioned by the CA.

IV. THE MONITOR TEAM

Both the MOA and CA called for an independent monitor to assist with the implementation of the reforms and to report to the court and the citizens of Cincinnati on the parties' progress toward implementation and compliance. In June 2002, applicant teams submitted proposals to be selected independent monitor. On September 27, 2002 Alan S. Kalmanoff and the Institute for Law and Policy Planning was selected independent monitor of the MOA and CA reforms. After a rancorous beginning, Kalmanoff's two month stint as monitor came to an end.

The parties immediately began the search for a replacement, and selected the bid proposal jointly submitted by Saul A. Green and PSComm in June 2002. On December 17, 2002 Judge Dlott entered an Agreed Order Appointing Monitor, appointing Saul Green as monitor and accepting the proposal and the monitor team identified by Green and PSComm.

The initial composition of the team was Saul Green as primary monitor, Richard Jerome as deputy monitor, and Joseph Brann, Rana Sampson, John Williams, Nancy McPherson, David McDonald, Tim Boyle, Wayne Eveland and

Kristina Maritzczak.⁸ The team was composed of individuals with expertise in law enforcement, civil rights, monitoring, community policing, problem-oriented policing, evidenced-based crime reduction, information technology and data management. Over the course of the six years of monitoring, the core team remained for most of the Reports, though Timothy Longo (currently chief of the Charlottesville, VA, Police Department) replaced Tim Boyle and David McDonald as the Team's use of force expert.⁹

Our monitoring approach involved carefully reviewing the provisions of the agreements to assess the tasks to be performed, identification of offices and individuals responsible for compliance, and determining the information and documents necessary to evaluate performance. During the monitoring of the MOA and CA, the Monitor Team undertook a variety of activities to assess and report on the implementation and compliance with each agreement. The Monitor Team observed training, participated in police ride-alongs, conducted interviews, met with individuals both inside and outside the CPD, attended police-community problem solving meetings, and reviewed CPD policies and procedures, sample use of force and complaint investigations, CPD and CPOP websites, CPOP write-ups of problem-solving efforts, personnel evaluations and job descriptions, and numerous other records, documents and files.

In an effort to provide guidance and clarity to the parties for reaching substantial compliance, the Monitor Team developed two important documents. Benchmarks and Standards for Defining MOA Compliance (Benchmarks and Standards) were drafted and disseminated to the parties to the MOA and are attached as Appendix A to this report. The Benchmarks and Standards described the Monitor Team's approach to monitoring; definitions of "Compliance," "Partial Compliance," and "Not in Compliance"; the goals of compliance and compliance definitions; and the qualitative and quantitative standards for determining compliance. Benchmarks and Standards for Defining CA Compliance were also drafted and disseminated to the parties to the CA. See Appendix B. In addition to these two guides to the parties, a Communications Plan was drafted and disseminated to the parties. The Communications Plan described the organization of the Monitor Team, the methods by which the Monitor Team would contact the parties and members of the community, how document requests would be made and protocols for site visits and press contacts. The Communications Plan also requested ongoing feedback and dialogue with the parties. See Appendix C.

⁸ A description of the background of Monitor Team members can be found at www.cincinnatimonitor.org.

⁹ In addition, Raven Sword, an associate at Miller, Canfield, joined the team for several quarters and replaced Kristina Maritzczak.

V. THE PLAYERS

We believe this final report will stand as an important document describing how events and change unfolded in Cincinnati. No doubt there will be other accounts. Over the course of the MOA and CA, many people were key to implementing the Agreements. People came in and out of the life of the Agreements during different times, and each playing a different role; some advancing the pace of change, and some, unfortunately, slowing it down.

People participated in different ways, some overtly pushing the process forward, others relying on 'behind the scenes' prodding and encouragement. We apologize in advance, as we know we have not included everyone who made a significant contribution. For those who do not find their names listed, the completion of the Agreements and the move towards a CPOP approach is as much their accomplishment as anyone else's.

We share these summaries to show just how much can be accomplished despite many obstacles. After six years of the Collaborative, it is even clearer how critical individual commitment and leadership are to the success of these agreements. We also believe it important that people and groups in other cities contemplating the type of change called for by the MOA and the CA be prepared to face adversities, but not become dispirited by them.

The Police Department

Colonel Thomas H. Streicher, Jr. Colonel Streicher is a more than 30-year veteran of the Cincinnati Police Department. In 1999, he was appointed its Chief of Police. He was the Chief leading up to and during the civil unrest, and through the implementation of the MOA and CA. At the Court hearing on August 26, 2008, ending the CA, the Cincinnati Enquirer reported that "Chief Thomas Streicher ... said at times it has seemed never-ending and impossible to satisfy the document, but as time went by it was a rewarding experience. 'Everyone's perspective was broadened through the process,' he added. He said he viewed Tuesday's hearing as a 'starting point, not an ending point.' 'It's the foundation for a future of continuous improvement, not just the police department, but the city too.'"¹⁰

Lt. Colonel Richard Janke. Lt. Colonel Janke during most of the Agreements was Deputy Chief of the Patrol Division, and the second in command of the Cincinnati Police Department. He managed the pace of reform within CPD and, along with the Chief and others, was the primary representative of the CPD in meetings with the Parties and the Monitor. In the

¹⁰ Collidge, Sharon. "As Collaborative ends, progress praised." Cincinnati Enquirer, 26 Aug. 2008, available on-line at <http://news.cincinnati.com/apps/pbcs.dll/article?AID=/20080826/NEWS01/308260094>.

spring of 2007, prior to the signing of the Transition Year agreement, Lt. Colonel Janke was reassigned to the Investigations Bureau.

Lt. Colonel Rick Biehl. Lt. Colonel Biehl served as the Assistant Chief over the Administration Bureau during the MOA and CA, until he retired to accept the position of Executive Director of the newly formed Community Police Partnering Center in January 2004. He served in that position until January, 2008, when he became Chief of Police of Dayton (OH).

Lt. Colonel Jim Whalen. When Lt. Colonel Whalen replaced Lt. Colonel Janke as Patrol commander, he also became the Chief's top uniformed representative for CA implementation. The CPD agreed to monthly Problem-Solving Process Improvement Team meetings in the fall of 2007, in which Lt. Colonel Whalen participated. Lt. Col. Whalen is also the co-chair of the CIRV (Cincinnati Initiative to Reduce Violence) Law Enforcement Team.

Mr. S. Gregory Baker. During the 2001 civil unrest, Mr. Baker served as the City's Acting Public Safety Director. In April 2002, City Manager Valerie Lemmie named Mr. Baker Executive Manager of Police Relations and asked him to continue coordinating Police Department efforts under the MOA and the CA, with dual reporting responsibility to the City Manager and the Chief of Police.¹¹ In 2007, Mr. Baker also assumed management responsibility of CIRV, as chair of the Assistance Team. Mr. Baker is also a Community Police Partnering Center board member. Assisting Mr. Baker in coordinating MOA and CA implementation efforts over the years of the Agreements were CPD members David Bailey, Paul Broxterman and Debbie Bauer.

Lt. Col. Cindy Combs. Lt. Colonel Cindy Combs oversaw the Resource Bureau and then the Administration Bureau during the MOA and CA. She oversaw the selection of RAND as the Evaluator and the implementation of various technology projects critical to implementation of the Agreements.

The City

Mayor Charles Luken. Mayor Luken led the City during the April 2001 civil unrest. On the heels of the unrest, Mayor Luken asked the U.S. Department of Justice to undertake an investigation of the CPD under the DOJ's "pattern or practice" authority. Upon reaching a tentative agreement on the MOA and CA in early April 2002, the Mayor said, "This is a historic moment for Cincinnati."¹² In November 2001, Cincinnati elected Mayor Luken

¹¹ City of Cincinnati News Release, available on-line at http://www.cincinnati-oh.gov/city/downloads/city_pdf10388.pdf.

¹² Clines, Francis X. "New Face and Hope in Cincinnati." New York Times, 7 Apr. 2002, available on-line at www.nytimes.com/gst/fullpage.html?res=9902E6DD1E3AF937A35757C0A9649C8B63.

to a second term, which he served to its conclusion in 2005. "I had my problems with the Collaborative as it unfolded, and I argued with the monitor," Luken said. "I wanted to get out of it because I thought it should end with my term. At the end of the day, I believe the Collaborative was good for the city. We knew it couldn't happen without some controversy. I think it was healthy and the city is better for it."¹³

Mayor Mark Mallory. Mark Mallory became Cincinnati's 68th Mayor in December 2005 and in August 2006, recommended and the City Council approved the appointment of Milton R. Dohoney, Jr. as City Manager. Under Mayor Mallory, the City adopted CIRV. Mayor Mallory is on the CIRV governing board.

Valerie Lemmie. Valerie Lemmie was appointed as City Manager on April 2, 2002, one year after the civil unrest. Nine days into her tenure, on April 11, 2002 the City signed the CA. The following day, City Manager Lemmie (on behalf of the City) signed the MOA. Right after her appointment, City Manager Lemmie said in an interview with the New York Times referring to the effort to revamp police procedures, "I am the point person on making this happen." She added, "And we are going to get it done."¹⁴ Ms. Lemmie resigned in September 2005 and Mayor Luken appointed David Rager as Interim City Manager. Mr. Rager's appointment as Interim City Manager was extended until the appointment of Milton Dohoney in August 2006.

Milton R. Dohoney, Jr. Mayor Mallory, with Council approval in August 2006, appointed Mr. Dohoney City Manager. During his tenure, he attended many of the meetings between the CPD and the Monitor team and held meetings with the Chief, his command staff, and community members on progress towards police reform and the adoption of a CPOP approach.

Julia "Rita" McNeil. On June 27, 2002, City Manager Valerie Lemmie announced the hiring of Rita McNeil as City Solicitor.¹⁵ Ms. McNeil served in this position until February 2008. During her tenure, Ms. McNeil was the city's point person on the Agreements' legal issues.

The Plaintiffs

¹³ Osbourne, Kevin. "Blame Game: As City's Collaborative Agreement Nears End, the City's First Monitor Recalls Rocky Start with City Leaders in 2002." City Beat, 13 Aug. 2008, available at <http://www.citybeat.com/cincinnati/article-15854-blame-game.html>.

¹⁴ Clines, Francis X. "New Face and Hope in Cincinnati." New York Times, 7 Apr. 2002, available on-line at www.nytimes.com/gst/fullpage.html?res=9902E6DD1E3AF937A35757C0A9649C8B63.

¹⁵ City of Cincinnati media release dated June 27, 2002, available on-line at www.cincinnati-oh.gov/city/downloads/city_pdf10421.pdf.

The Plaintiff Class. The plaintiff class for the racial profiling case that helped propel the CA settlement consisted of “all African American or Black persons and people perceived as such who reside, work in and/or travel on public thoroughfares in the City of Cincinnati, Ohio either now or in the future and who are stopped, detained, or arrested by Cincinnati police officers or their agents, and citizens of any race who have been or will be subjected to a use of force by Cincinnati police officers and their agents.”

Cincinnati Black United Front. The Black United Front (BUF) was a named plaintiff in the class action lawsuit in Cincinnati (along with the ACLU Foundation of Ohio) that resulted in the signing of the CA. Rev. Damon Lynch, III of New Prospect Baptist Church, served as president of the BUF. Upon coming to a tentative agreement on the CA, Rev. Lynch said, "We think we have an agreement that will be a landmark for this city and for this nation."¹⁶ The BUF signed the Agreement, but nearly a year into it, in March 2003, withdrew, leaving the ACLU as the sole class representative. Its withdrawal was prompted by the BUF's promotion of a national boycott of downtown Cincinnati. Several years later, Rev. Lynch became a supporter of CIRV, where law enforcement and social service and other organizations in Cincinnati collaborate in a targeted approach to reduce group-involved gun violence. In a court hearing a month before the termination of the CA, Rev. Lynch praised the work the Agreements produced.¹⁷

Plaintiffs' Lawyers. Al Gerhardstein and Scott Greenwood represented the plaintiffs, as did Kenneth Lawson at the start of the Agreements. These three attorneys acted as co-counsel in the American Civil Liberties Union of Ohio Foundation/Cincinnati Black United Front class action. Scott Greenwood was the ACLU Ohio' general counsel; Al Gerhardstein is a public-interest lawyer, and Ken Lawson, during the negotiations and at the beginning of the MOA and CA, represented the Black United Front. In addition, Iris Roley and George Ellis assisted the plaintiffs' attorneys. Iris Roley was a member of the Black United Front and during the Agreements became an ACLU employee helping with issues and outreach related to the Agreements.

The Judges

Judge Susan J. Dlott. U.S. District Court Judge Susan Dlott presided over the original case, *Tyehimba v. City of Cincinnati*, and the amended case *In re: Cincinnati*, which added the ACLU and BUF to the plaintiff class as part of a class action. Judge Dlott oversaw the Collaborative and appointed Jay

¹⁶ Clines, Francis X. "Deal Reached on Policing in Cincinnati." New York Times, 4 Apr. 2002, available on-line at www.nytimes.com/gst/fullpage.html?res=9902E6DD1E3AF937A35757C0A9649C8B63.

¹⁷ Meeting in Judge Dlott's courtroom on July, 15 2008.

Rothman of the ARIA group as special master to lead the resolution process. Judge Dlott supervised the entire six years of implementation of the two agreements. During the final CA hearing on August 26, 2008, Judge Dlott said, "It's said life is a journey, not a destination. Never were truer words spoken than about what was accomplished here. I want to congratulate each and every one of you for the most successful plan like this in the United States."¹⁸

Magistrate Judge Michael Merz. Judge Dlott appointed U.S. Magistrate Judge Michael Merz as Conciliator to ensure compliance with the CA. Throughout the term of the Agreements, Judge Merz presided over meetings when the Parties' reached impasse, needed support, guidance or prodding. On January 26, 2005, Judge Merz found the City in material breach of the CA. Judge Dlott adopted Magistrate Merz' recommendation, and as part of Judge Dlott's order, she required that court-facilitated meetings be held to return the collaborative process to the right track. Judge Merz held facilitated meetings of the Parties from 2005 to 2007.

The U.S. Department of Justice

The Special Litigation Section of the Civil Rights Division is the unit within the DOJ responsible for "pattern or practice" investigations of law enforcement agencies. Mr. James Eichner of the Special Litigation Section was the Justice Department's lead trial attorney during the first years of MOA implementation. Mr. Gregory Gonzales became DOJ lead attorney in 2005.

FOP and FOP Counsel

The FOP was a signatory to the CA. During the course of the MOA and CA, three CPD members served as FOP President – Roger Webster, Harry Roberts, and Kathy Harrell. Throughout, Don Hardin served as Counsel to the FOP and the union's representative in all aspects of the MOA and CA implementation. He has also served on the board of the Community Police Partnering Center since it was established. After the Black United Front withdrew as class representative for the plaintiffs in March 2003, the FOP sought to withdraw in response. The Court denied its request. The FOP remained a participant through the completion of the MOA, and, although the FOP did not participate as a signatory in the CA Transition Year extension agreement, the FOP continued to productively participate in meetings during the transition year.

The CCA

¹⁸ Coolidge, Sharon. "Police-Community Relations on Right Track Now: Last Hearing of Collaborative Agreement Shows Improvement." Cincinnati Enquirer, 27 Aug. 2008, available on-line at <http://news.cincinnati.com/apps/pbcs.dll/article?AID=/200808270522/NEWS01/808270343>.

The Citizens Complaint Authority was created by the CA to replace the Office of Municipal Investigations and to serve as an independent entity to investigate complaints of police misconduct. After some initial delays in getting the CCA started, Nate Ford was selected by the Parties as the first Executive Director of the CCA, replacing an acting director. Unfortunately, Mr. Ford resigned after only six months on the job. Mr. Ford's replacement, Wendell (Pete) France, directed the CCA from April 2004 to November 2005, and put it on an even keel in conducting its investigations and interacting with the CPD. Mr. France was previously a Baltimore Police Department executive and a DOJ expert for several "pattern or practice" investigations. In December 2005, Kenneth Glenn, a former Detroit Police Department officer and then chief investigator for the CCA, replaced Mr. France as executive director of the CCA, and remains its director.

The Community Police Partnering Center (Partnering Center)

The Partnering Center is a product of the CA. The organization acts as a bridge between the community and the police helping to promote CPOP in Cincinnati. Its staff facilitates collaborative and analytic engagement in resolving crime problems. Mr. Rick Biehl served as its first executive director, and in September 2008, Doreen Cudnik was appointed its second executive director. The Partnering Center was instrumental in getting CPOP off the ground in Cincinnati, and in the early years, developed CPOP teams in the community. In September 2006, the Partnering Center developed CeaseFire, an ongoing community-based campaign to lower community tolerance to shootings and killings in Avondale and Walnut Hills. The Partnering Center is expected to increase the coordination of its efforts with the Cincinnati CIRV.

Community Members

So many community members contributed to advancing policing reform in Cincinnati before and during the years of the Agreements. We met with and relied on many of them during the monitoring period. These individuals were instrumental in keeping things on track. Some did so publicly; others did so behind the scenes.

Ross Love. Mr. Love is the President/CEO of Blue Chip Enterprises. In 2001, soon after the civil unrest, Mayor Luken appointed Mr. Love (along with Thomas Cody and Rev. Damon Lynch) to lead a commission named Cincinnati CAN "to identify and drive actions to provide greater equity, opportunity, and inclusion for everyone." Throughout the terms of the Agreements, Mr. Love participated behind the scenes and publicly in promoting police reform and community engagement. As one of the initial partners in Cincinnati's CIRV project, Mr. Love is the co-chair for the Services Team, which includes identifying employment linkages for young men willing to abandon their

involvement in violent groups. Mr. Love is a Community Police Partnering Center board member.

Herb R. Brown. Mr. Brown served as Senior Vice President of Western & Southern Financial Group, and in 2008 became a member of the Western & Southern Financial Holding Company's board of directors. Mr. Brown also served as a board member of the Federal Reserve Bank – Cincinnati. Mr. Brown is the Community Police Partnering Center's first board president. Mr. Brown often provided valuable advice on meeting the challenges of implementing the CA.

Dr. Victor F. Garcia. Dr. Garcia is the Director of Trauma Services at Cincinnati's Children's Hospital. Dr. Garcia is the author of many medical and public health articles. While there are many parents of Cincinnati CIRV, Dr. Garcia was perhaps the first there to call for it, gaining the support of others, such as Councilmember Cecil Thomas and Mayor Mallory. He is the co-Chair with Chief Streicher of CIRV. Dr. Garcia is a Community Police Partnering Center board member.

David M. Kennedy. David M. Kennedy is the director of the Center for Crime Prevention and Control and professor of anthropology at John Jay College of Criminal Justice in New York City and formerly a researcher and adjunct professor at Harvard's Kennedy School of Government. He directed the Boston Gun Project and its chief intervention, Operation Ceasefire.¹⁹ He also designed, with law enforcement and community partners, High Point, North Carolina's drug market elimination strategy. The City of Cincinnati contracted with Professor Kennedy to assist in a gun violence reduction approach similar to Boston, but tailored to Cincinnati.

Al DeJarnett. Mr. DeJarnett is the managing director of a Cincinnati-based real estate investment firm and is active in a number of non-profit organizations. He serves on the boards of the Cincinnati Branch of the NAACP, the Community Police Partnering Center, the Friends of the Collaborative and the Cincinnati Association. Mr. DeJarnett was an important resource to the monitor team in providing perspective on the implementation of the CA.

Prencis Wilson. Ms. Wilson is the chair of the Madisonville CPOP team. Participating with CPOP positively changed her perception of police. As a result, Ms. Wilson "...began to see police officers for what they are – 'just

¹⁹ David M. Kennedy faculty bio, John Jay College of Criminal Justice, available on-line at <http://www.jjay.cuny.edu/anthropology/facultyprofile/kennedy.asp>.

people’.”²⁰ In 2005, her team won the award for the “most comprehensive” problem solving project at the CPOP annual awards. In August, 2008, the Madisonville CPOP team, which includes a District 2 CPD officer, won a \$15,000 MetLife grant to implement additional solutions in one of their more recent problem-oriented policing projects. Talking about one of the many tactics that problem-solvers use – crime prevention through environmental design (CPTED), Ms. Wilson said, “CPTED teaches us that an effective way to decrease disorder and reduce crime is for citizens to ‘reclaim space.’ Reclaiming space is the first step because if no one ‘owns’ a space, then someone else will take it over. We would have less disorder by ‘reclaiming’ our communities, our city and turn it over to legitimate users.”²¹

MARCC. Metropolitan Area Religious Coalition of Cincinnati (MARCC) is a coalition of 17 religious denominations that has worked on affordable housing, education and racial equality for over 40 years. It made the implementation of the CA and MOA one of its primary concerns throughout the six years of the Collaborative. The Monitor spoke to MARCC members several times regarding implementation. At the beginning of the Collaborative the Executive Director of MARCC was Reverend Duane Holm, and the last two years the Executive Director was Margaret Fox, who also provided advice to the Monitor Team.

VI. MAJOR EVENTS

In this Section, we chronicle some of the major events that shaped the progress, or lack thereof, in implementing the Agreements and achieving the essential promise of police reform. The next section describes the substantive changes that have been made in policing and police-community relations over the last six years.

A. April 2002 – December 2002

Both the MOA and the CA called for remarkably rapid implementation of the provisions of the Agreement. The MOA required implementation of most provisions within 90 days (by July 12, 2002). The CA called for “plan development,” “system development” and implementation deadlines for many provisions of 60 to 120 days after the Fairness Hearing, which was held in

²⁰ “Collaborative Agreement Problem Solving Annual Report.” Cincinnati Police Department, Community Police Partnering Center, American Civil Liberties Union of Ohio Foundation, Fraternal Order of Police, August 2005. Available on-line at http://www.cincinnati-oh.gov/police/downloads/police_pdf12588.pdf.

²¹ “Collaborative Agreement Problem Solving Annual Report.” Cincinnati Police Department, Community Police Partnering Center, American Civil Liberties Union of Ohio Foundation, Fraternal Order of Police, August 2006. Available on-line at http://www.cincinnati-oh.gov/police/downloads/police_pdf14631.pdf.

August of 2002. These deadlines were ambitious and designed to ensure momentum and accountability, but in some ways were unrealistic as well because the CPD was not fully ready to adopt some of the reforms.

While the CPD made noteworthy efforts in the first three months to revise many of its policies and practices, and develop the training required by the MOA, the City did not meet the MOA deadlines in many crucial areas, particularly with respect to a new use of force policy as required by the MOA. Moreover, after the initial flurry of activity to develop new policies in 2002, progress toward MOA compliance slowed. It was also clear that in 2002, Cincinnati mainly focused on the MOA rather than both the MOA and the CA. In the first eight months after the Fairness Hearing, the Parties met few of the CA deadlines. Much of that delay can be attributed to significant disagreements among the parties over what CPOP entailed.

Monitor Selection. The first Monitor, Dr. Al Kalmanoff, was appointed on October 10, 2002, and resigned one month later. In December 2002, the Parties selected Saul Green and his Team as the Monitor to replace Dr. Kalmanoff and his team. We met with the Parties in Judge Dlott's chambers, and then met with each party separately to commence our monitoring efforts. We provided the Parties with the Monitor's draft communications plan, submitted our request for documents and other information, and planned for our first monitoring site visit and "All Parties" meeting in January 2003.

MHRT. One MOA provision the CPD implemented early in the life of the Agreement was the creation of the Mental Health Response Team ("MHRT"), a cadre of officers specially trained to respond to incidents involving persons who are mentally ill. This work included changes in policy, selection of 90 officers to serve as MHRT officers as a collateral duty to their patrol duties, multidisciplinary training for the team, and deployment of the officers in the field.

B. January-December 2003

Monitoring got off to a fast start with site visits in January and February 2003, including ride-alongs, observing canine training, touring the Training Academy, and meetings on use of force policies, IT requirements of both Agreements, and other issues. The lack of a use of force policy complying with MOA requirements was a major topic of the Monitor's All-Parties meeting on February 20, 2003. Frictions over documents were ironed out and the Monitor Team reviewed investigative files for chemical spray, canine and physical force incidents, along with many CPD procedures, SOPs, forms and training curricula. At the request of the Plaintiffs and the Partnering Center, three members of the Monitor Team presented on community and problem-oriented policing. In addition, they shared documents from other cities and community organizations, as well as from the COPS Office of the Justice Department.

Monitor's First Report. The Monitor's First Report was issued on April 1, 2003. The report included the Monitor's assessment of compliance for each of the MOA's and CA's provisions, and included individual summaries of use of force incidents and investigations reviewed by the Monitor Team. The cartoon below smartly captures what we found in our first set of site visits and analyses.

Inside

- **Trudy Rubin:** Shites still unsure of U.S. **F2**
- **Richard Cohen:** A critical judgment on race. **F2**
- **Georgie Anne Geyer:** When Baker, Albright agree. **F4**
- **Walter Williams:** Top 10 worst federal programs. **F5**

FORUM

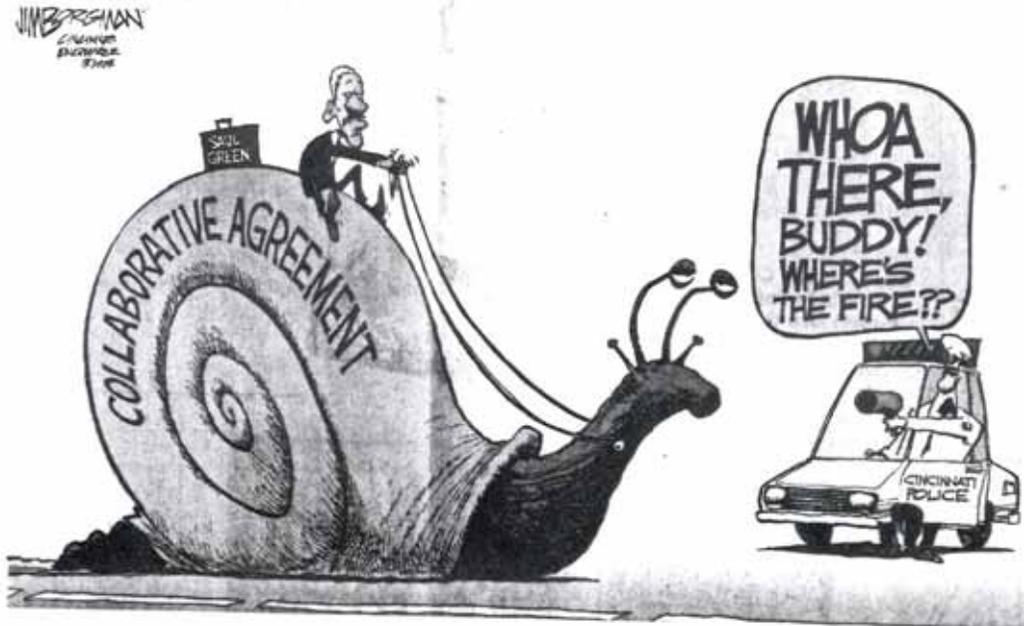
SUNDAY, APRIL 6, 2003

www.cleveland.com

Today's number: 39

The number of Latinos in the U.S. military who have won the Medal of Honor, proportionately higher than any other ethnic group. See Ricardo Pimentel's column on **Page F4**.

Collaborative: All ahead slow



CCA. The City and the Parties created the Citizen Complaint Authority (CCA). This included passing the CCA ordinance, appointing CCA board members, selecting the executive director (after a wide ranging search and selection process that included all the Parties), training the CCA board members, and drafting a policies and procedures manual. The CCA commenced operations on January 6, 2003, and Nate Ford was named the permanent executive director on January 22, 2003. The unexpected resignation of Nate Ford in June 2003 proved one more challenge to the Parties in implementing an effective CCA process. After a national search, Mr. Wendell France was selected as the new CCA Director and began his work on April 25, 2004, almost a year after Mr. Ford's resignation.

CCAN and the Partnering Center. After the civil unrest, Mayor Luken commissioned a task force - Cincinnati Community Action Now (CCAN) - to identify and find solutions to the city's underlying racial problems. CCAN identified key issues to improving the conflict, including police and justice system improvement.²² One of the initiatives CCAN adopted was providing assistance to community groups and the police in several pilot neighborhoods, to bridge and build trust, and help develop productive relationships. In 2003, CCAN with the support of the Greater Cincinnati Foundation, organized a consortium of foundations and corporations to invest in different CCAN efforts. The consortium - Better Together Cincinnati - provided multi-year funding to develop and create the Community Police Partnering Center, required by the Collaborative Agreement. The Partnering Center was designed to be a bridge between the community and the police, promote CPOP, and to facilitate joint and analytic engagement in resolving crime problems. During 2003, Cincinnati CCAN passed the CPOP torch to the Partnering Center.²³

Black United Front Withdraws; FOP Moves to Withdraw, but Denied. At the same time that the Black United Front was a signatory to the Collaborative Agreement, it also was supporting and promoting a national boycott of downtown Cincinnati, to bring attention to its concerns about economic discrimination and injustice. The conflict of protesting against the City while also working jointly with the City on public safety and police-community relations soon came to a head. On March 19, 2003, the Black United Front filed a motion to withdraw from the Collaborative Agreement. On March 20, 2003, there were published reports that Cincinnati public officials were questioning the continued participation of the City in the Collaborative. The FOP also reacted strongly, as a significant reason that its members approved participating in the CA was their view that the CA also held the Black United Front and others in the plaintiff class accountable for cooperating with the police department. On April 7, 2003, Judge Dlott ruled that the Black United Front could withdraw as a representative of the plaintiff class, given that all African American residents of Cincinnati were covered by the class.²⁴ The FOP filed its motion to withdraw from the CA on April 30, 2003, but Judge Dlott denied the motion.

DOJ/CPD Use of Force Negotiations. Use of force policies and training were at the heart of the MOA. The MOA required the CPD to adopt new policies governing the definition of force; the documentation, review and investigation of

²² Cincinnati in Black and White 2001-2006, A Report to the Community from Better Together Cincinnati, available on-line at <http://www.greatercincinnati.org/page8958.cfm>.

²³ 2004 Community Problem-Oriented Policing Annual Report, available on-line at http://www.cincinnati-oh.gov/police/downloads/police_pdf9355.pdf.

²⁴ The City has also sought to disqualify Kenneth Lawson as class counsel, which motion was denied.

force incidents; and use of force training. The CPD had adopted a new force policy in September 2002 that did not meet these requirements. After significant discussions, revisions and correspondence, the DOJ and the CPD agreed to a new Use of Force policy in May 2003 that complied with the MOA.

In the first two quarters of monitoring, there was also a serious dispute between the DOJ and the CPD regarding the use of canines for locating and apprehending suspects, and the CPD's canine policies and training. Boiled down, the disagreement centered on the DOJ's belief that the CPD's canines should be trained in a method known as "find and bark," whereas the CPD Canine Unit trained its dogs in a method known as "find and hold" (allowing a canine engagement, or bite). The language of the MOA provision, however, was ambiguous and did not explicitly require a change to "find and bark" canine training. Instead, it called for an "improved handler-controlled alert

curriculum." In April 2003, the CPD adopted a new canine policy, approved by the DOJ, and the Monitor found the CPD's canine policies and training to be in compliance with the MOA.

Reporting and investigating use of force incidents was one of the final items resolved between the DOJ and the CPD. The MOA, as initially agreed, required all incidents now defined as force under the MOA to be investigated the way the more serious uses of force had been investigated before the MOA was signed: with a supervisor being called to the scene to conduct an investigation, including taped statements from the subject of force, the officers, and all witnesses. This meant a significant number of incidents of chemical spray, "hard hands" (leverage displacement, joint manipulation, pain compliance, and pressure point tactics) and "takedowns" required a greater level of investigation, including taped statements. Cincinnati requested a modification of these procedures for lower levels of use of force, and with the mediation of the Monitor, the DOJ agreed in June 2003. Taped statements of chemical spray incidents, for example, were only required if the person sprayed was restrained in handcuffs. The CPD also made changes to its Use of Force reporting forms as recommended by the Monitor. The Monitor's Second Quarterly Report reviewed 4th Quarter 2002 and 1st Quarter 2003 documentation and investigations of chemical spray, canine bites, Tasers and physical uses of force.

First Fatality. From November 2001 to February 2003, there were no firearms discharges by CPD officers. On Feb 9, 2003, an officer responded to a radio call of a breaking and entering into a business, and engaged in a foot pursuit of the subject and then a physical struggle. The subject was able to take the officer's PR-24 (baton) and struck the officer and the officer responded by shooting the subject.

Settlement of Individual Suits. On May 22, 2003, the City of Cincinnati and the 16 individual plaintiffs who filed suits against the CPD agreed to a settlement of \$4.5 million. The global settlement resolved cases alleging civil rights violations ranging from unlawful searches to wrongful deaths, including the cases of Timothy Thomas, as well as Michael Carpenter, who was shot to death by police in a 1999 traffic stop.

Does Compliance Simply Mean New Policies or Implementation? A number of provisions of the MOA call for a change in CPD policy, such as the requirement for a new use of force policy, and the requirement that the CPD develop and adopt a new foot pursuit policy. After the CPD adopted policies that complied with the MOA's requirements in the summer of 2003, the CPD argued that unless the MOA specifically called for training or implementation of that policy, the development and adoption of the needed policy was enough for compliance. The Monitor however, informed the Parties that it would assess compliance by also evaluating whether the CPD training was consistent with the policy, and whether CPD officers were in fact following the policy in practice.

CPOP. During the early years of the Agreements, the CPD relied on its District COP units' "neighborhood officers" (about 50 officers total) to work with the community and/or the Partnering Center on problem-solving efforts. The neighborhood officers represented a small percentage of the personnel devoted to daily interaction in the community. The vast majority of officers interacting with the community remained patrol officers, whose primary responsibility was 911-call handling. During this time, patrol officer proactive activity was mostly car stops, pedestrian stops (FIs), and making observation-based arrests. The CPD did not require patrol officers to do problem-solving, limiting the reach of CPOP within the Department, even though the CA required department-wide adoption of CPOP as its principal strategy for addressing crime and disorder problems. In the first year of the monitoring, however, the CPD did create a CPOP website and the Parties agreed to a plan for coordinating CPOP efforts and forming CPOP teams.

Pointing Firearms Complaints. The Parties negotiating the Collaborative were unable to agree on the issue of whether CPD officers should have to file reports whenever they drew their firearm. Instead, they agreed that the CPD would develop an expedited process for handling citizen complaints based on pointed firearms; the Monitor would review all of the complaints and CPD's determinations after six months and compile data and forward it to Judge Merz, the Conciliator; and then Judge Merz would determine whether a pattern of improper pointing of firearms at citizens was evident, and if so, require officers to report all instances in which they point their weapons at or in the direction of a citizen. Investigations of such complaints from March 2000 to November 2003 were forwarded to Judge Merz, and on November 14,

2003, he determined that there was not a pattern of improper pointing of firearms.

University of Cincinnati Vehicle Stop Study (Eck Report). On November 14, 2003, the University of Cincinnati traffic stop study was released, along with the Monitor's analysis of the study. This study addressed a core issue of the Collaborative – the fair and equitable treatment of Cincinnati residents by the police, and whether there are racial disparities in police actions. The UC study found that there were disparities in the extent to which black and white drivers were stopped by police, which varied by neighborhoods in the City. Given the limited data available (the study reviewed traffic stops during the last six months of 2001), the authors of the study could not accurately determine whether the disproportionality was due to bias (intentional or unintentional) or whether it resulted from non-racial factors.

Death of Nathaniel Jones. On November 30, 2003, the City of Cincinnati was shaken by the death of Nathaniel Jones during a struggle with Cincinnati police officers. The controversy surrounding the Jones incident reinforced the need for the CA and for the reforms in both the CA and the MOA to take hold. Yet, the existence of the Collaborative had an impact on the aftermath of the incident; despite the strong feelings on all sides, there was no unrest or violence. A community forum was held after the Nathaniel Jones death where members of the community were able to express concerns and gather information from the CPD and City officials.

C. January-December 2004

The first year of monitoring was one of intense challenges. A particularly difficult aspect of the Cincinnati context was the level of divisive public dialogue and harsh rhetoric around events and activities related to issues covered by the Agreements. Despite this, work continued on the goals and actions required by the Agreement, and the Parties reiterated their commitment to the collaborative process. In the second year of our monitoring, we called upon the Parties to build greater trust.

Partnering Center. In January 2004, the Partnering Center Board hired former CPD Assistant Chief Rick Biehl, widely known in the community as supportive of community involvement in crime reduction, as its first executive director. The Parties developed a CPOP curriculum and, beginning in spring, 2004, CPD officers and Partnering Center outreach workers jointly trained different neighborhood groups, encouraging residents and business owners to form CPOP teams to tackle crime problems using a problem-solving approach. In 2004, CPOP teams formed and began identifying and developing work plans to reduce specific crime problems, such as a drug market at a particular intersection or youth loitering and littering in front of particular businesses.

Joint CPD/Partnering Center community forums began in 2004 and occurred throughout the term of the Collaborative Agreement. The forums covered important topics to build community trust and interest in jointly working with the police on public safety. Topics included use of force, traffic stops, the Collaborative Agreement, and Taser use.

Shift to Tasers. In January 2004, the CPD began the purchase of Tasers for all CPD officers and began training officers on their use. Deployment of the Tasers began in February 2004, and in March 2004, the CPD revised its Use of Force policies and added Tasers to its use of force continuum at the same level as chemical spray. In the first two months of deployment, there were 72 Taser incidents. In the second and third quarters of 2004, CPD officers made widespread use of the new Tasers (177 incidents and 198 incidents, respectively), and officers tended to substitute Tasers for other types of force, such as physical confrontations, impact weapons and chemical spray.

The MOA's provisions were negotiated when Tasers were not a significant percentage of CPD's force incidents, so there were no MOA provisions specifically addressing Taser use (for example, where it should be placed in the use of force continuum). The Monitor Team reviewed Taser incidents and investigations in light of the general use of force policies and MOA requirements. In 2004, we noted that Taser use warranted careful monitoring and evaluation by the CPD, to ensure that officers were properly considering alternatives to force such as de-escalation, verbal commands, or arrest control techniques, and that Tasers were used only when officers have probable cause to arrest or are at risk of harm. For the first six months of the deployment of the new Tasers, the CPD agreed to full use of force investigations of Taser incidents, including taped statements of officers, the subject of force, and witnesses. However, as of July 1, 2004, at the end of the six month period, the CPD stopped audiotaping interviews. The Monitor mediated an agreed investigation and documentation protocol for Taser incidents in September 2005, whereby taped statements would be taken only if the Taser was deployed against a restrained person (e.g., a person handcuffed), or if the use of force subject made a complaint or alleged excessive force or misconduct by an officer.

ETS (Early Identification System). Under the MOA, the CPD was required to create a computerized system to collect data on officer behavior (e.g., uses of force, complaints, vehicle pursuits, disciplinary actions) and manage risk and liability. An RFP for the system was issued in July 2002, and a vendor was selected in May 2003. After some back and forth in early 2004, the DOJ approved both the Employee Tracking Solution (ETS) protocol and the data input plan. On October 1, 2004, the ETS system went live and CPD supervisors began entering data into the new system. It would take another year, however, for the vendor to be able to complete the data conversion for all

of the historical data that needed to be imported into the new system. The vendor also had difficulties completing 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, or vehicle accidents) are significantly above or below those of their peers. The CPD began using the ETS system to perform analyses of its officers in November 2005.

“Hard Hands” and Takedowns with Injury. In early 2004, a dispute surfaced between the CPD and the DOJ over how the CPD was reporting and investigating officers use of “hard hands” and takedowns where the subject was injured, but where no hospitalization resulted. The crux of the dispute was whether the statements of the subject, officers, and witnesses taken in the investigations were required to be audio-taped. In May 2004, the Monitor mediated a resolution whereby taped statements would not be taken, but both the DOJ and the Monitor would review a sample of investigations for six months.

Material Breach of the CA. On December 27, 2004, the Monitor submitted a Special Master’s Report to the Conciliator. The Report detailed the Monitor’s determination that the City of Cincinnati was not complying with certain CA and MOA provisions, and that the City’s non-compliance with the CA constituted a material breach of the Agreement. Earlier in December, the Plaintiffs had filed a Motion for Order Directing Compliance with Collaborative Agreement, asserting the same actions as detailed in our Special Master’s Report.

There were several events in November and December 2004 that led to the Special Master’s Report. The CPD:

- Barred Plaintiffs from going on ride-alongs (for decades, the City had offered citizens the opportunity to go on ride-alongs)
- Denied the request of Plaintiffs’ counsel to attend MHRT training at the Police Academy (despite clear CA language calling upon the Parties to review Academy courses and recommend new ones)
- Denied the DOJ access to a demonstration of the Employee Tracking System
- Refused to provide the DOJ documents related to use of force investigations
- During a Monitor Team site visit in December 2004, a CPD Deputy Chief spent much of the meeting with Monitor Team members deriding the

competence of the Monitor Team, criticizing the Monitor Reports, and complaining about the CA reporting requirements

- Also during the Monitor Team site visit, Chief Streicher asked Monitor Team members not to observe management training he was conducting at the Police Academy, refused to allow a member of the Monitor Team to go on a scheduled ride-along, and then asked the member to leave CPD headquarters.

D. January-December 2005

Judicial Proceedings and Decisions on the Breach. In January 2005, in a stipulation entered in federal court, the City agreed that it had taken the actions that were the basis of the Monitor's finding of material breach. To ensure cooperation, the Parties participated in a series of CA and MOA substantive meetings facilitated by Magistrate Judge Michael Merz.

On January 26, 2005, Judge Merz issued his Decision and Recommendation, holding that the City had engaged in a material breach of the CA, and recommending that the CA be deemed a court order.

On February 16, 2005, the City Council passed a resolution "expressing the continued commitment of the City to achieve the goals as stated in the MOA with the DOJ and the CA, and to continue to work with the Parties to those Agreements to accomplish the mutually agreed objectives as set forth in those Agreements."

Judge Susan Dlott issued an Order Adopting Report and Recommendation of Magistrate Merz, entering the Collaborative Agreement as an Order of the Court on March 28, 2005.

While the first four months of 2005 saw some great challenges, it ultimately led to a stated recommitment by the City and the CPD to accept the Collaborative Agreement; important work by all of the Parties on issues for restoring trust and a spirit of cooperation among them; and progress on establishing compliance standards for the MOA.

Crime Analysts. The Monitor Team and the plaintiffs continued to encourage the CPD to hire additional crime analysts, beyond the two they had, because analysis is a prerequisite of problem-solving, and a lack of sufficient crime analysts limits the capacity of a policing agency to engage in effective CPOP. In 2005, the Department created seven new crime analyst positions. The CPD chose among sworn members to fill these positions.

CPOP Implementation. By mid-2005, the Parties reported there were 19 active CPOP teams and the Partnering Center was providing support to 32

different neighborhood problem-solving efforts.²⁵ In October 2005, the first annual CPOP awards banquet was held. Community members, organizations, and individual police officers received Partnering Center awards for accomplishments in specific problem-solving efforts. The top winner was the Kennedy Heights CPOP team for reducing a drive-through drug market on a bridge by, among other things, altering the physical environment, which facilitated drug dealing and the dealers' ability to hide the drugs. More than 400 people attended.

In the fall of 2005 (and early 2006), the CPD stopped opening any new CPD/Partnering Center jointly-facilitated problem-solving projects with the community. The CPD opened its own problem-solving projects with the community.²⁶ On the other hand, by the end of 2005, the CPD showed progress on a number of other CA provisions. The CPD posted its policies and procedures on its website making them accessible to the public; created a Community Relations Unit within the CPD; filed an annual report on problem-solving; some CPD commanders developed quarterly problem-solving reports; and the CPD developed a problem-solving tracking system (a later version replaces this first version, which experienced technical problems).

CCA/IIS Interaction. Citizen complaints of police misconduct are investigated by both the CCA and the Internal Investigations Section (IIS) of the CPD independently. If the dispositions of these investigations differ, the City Manager makes a final determination regarding the disposition of the complaint. In the second quarter of 2005, the CPD identified a number of complaints that were received by the CCA and referred to the CPD's IIS, but IIS did not assign an investigator to the complaint and did not investigate the complaint. No CPD disciplinary action was taken on any of these complaints even when the CCA sustained the complaint. In August 2005, the CCA and the CPD developed written procedures for ensuring that all complaints are received by and appropriately acted upon by both agencies.

In-Car Cameras. As of October 2005, in-car cameras (MVRs or DVRs) were installed in all but 24 of the CPDs 236 marked units. In the second quarter of 2005, the CPD also revised its MVR policy and required officers to use their MVR/DVR equipment to record all prisoner transports. The camera has to be turned to face the rear seat for recording purposes. As of February 1, 2006, all marked patrol vehicles were outfitted with an MVR or DVR system. Funding to upgrade all CPD police vehicles to digital camera systems was secured and the systems were upgraded in the first quarter of 2007.

²⁵ Eleventh Monitor Report, October 1, 2005.

²⁶ Monitor's Thirteenth Report, May 1, 2006.

RAND First Report. The Parties brought in the RAND Corporation as a national expert to conduct the Evaluation Protocol. In December 2005, RAND issued its first report. The results of the community police satisfaction survey showed that the general public had a favorable opinion of the quality of police service in Cincinnati, but that African American residents in Cincinnati, had a less favorable view. Black residents were less satisfied with the quality of police service, had less trust in the police and blacks were more likely than whites to think that race played a factor in police decisions. RAND reported that these views appeared to be driven at least in part by “differences in neighborhood quality conditions and the style of policing in specific regions of the city [p. 242].” Black residents are more likely than whites to live in neighborhoods characterized by crime and disorder, and residents in high-crime neighborhoods in Cincinnati are more likely to see “proactive policing” such as aggressive traffic enforcement, and stopping and patting down individuals on the street corner. Reported crime, calls for police service, and arrests are geographically clustered in the same Cincinnati neighborhoods, and these neighborhoods are predominantly black.

One of the key findings in the RAND Year One Report was that the vehicle stop analysis showed no clear evidence of a pattern of racial bias on the part of CPD officers. Just as important, however, was that the RAND report showed that traffic stops in Cincinnati had an impact on the black community because of the different strategies and type of policing in high crime, black neighborhoods. RAND found that traffic stops for black motorists were more likely to be longer than for white motorists, and more likely to involve additional investigation. RAND’s review of in-car camera videotapes of traffic stops reinforced the results from the traffic stop and statistical analysis. In this analysis, stops that involved black drivers were more likely: to take longer, to involve more officers, to include inquiries about drugs or whether the car could be searched, to involve equipment violations or expired tags, to include a search for contraband, or to have the driver be asked to exit the vehicle. As RAND noted, proactive policing of this sort puts a high burden on law-abiding black drivers.

The Monitor set out several recommendations for actions that the Parties and the Cincinnati community should take. One prospect for improvement in police-citizen relations was communications in traffic stop encounters. The Monitor also seconded RAND’s call for a larger dialogue about how black neighborhoods are policed. The Monitor suggested 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. We noted that aggressive traffic enforcement may engender greater distrust, and may not be effective in reducing crime or improving traffic safety.

E. January-December 2006

Significant milestones in police-community relations were crossed in the City of Cincinnati in 2006. April 2006 marked five years since the death of Timothy Thomas and the civil unrest that followed. The Agreements had been in place for four years, and were heading into their fifth, and the Monitor had been in place for over three.

Neighborhood Officers Disbanded. In early-February 2006, the Patrol Division Commander disbanded the District's COP units (neighborhood officer program involving about 50 officers of the Department's 1,000 officers). On the one hand, this was presented as a way to help the transition to department-wide adoption of CPOP, moving it beyond the responsibility of a few neighborhood officers. However, lack of warning and consultation about the reassignments bred community suspicion about CPD's motives. The Monitor was alarmed by the "overnight" move, but was supportive of widening the responsibility for CPOP departmentwide. By the late summer of 2006, CPD District Commanders were given authority to have a few neighborhood officers. Some former neighborhood officers returned to their former positions.

CPOP Summit. In April 2006, the Partnering Center with the assistance of the CPD held the first CPOP Summit. The Summit was a vehicle for community stakeholders to share their experiences with community leaders about crime problems, CPOP, and the direction of CPOP in Cincinnati. Breakout session topics included: blighted and abandoned buildings; citizen responses to street prostitution; recruiting volunteers; citizens on patrol; landlords and crime prevention; reclaiming public space (CPTED); citizens' response to open air drug dealing; and the faith-based community and problem solving.

Vortex. In May 2006, in response to a rise in violent crime, the CPD formed an Over-the-Rhine Task Force, which later became the Vortex Unit. It expanded into Walnut Hills and Price Hill in the summer. The City made the Vortex Unit permanent in September 2006 and expanded it throughout the City.²⁷ The Unit specialized in high intensity officer saturation of an area, increased numbers of stops and frisks of pedestrians, more intensive car stops, as well as zero tolerance. The Monitor repeatedly expressed his concern about the impact of zero tolerance policing on the relationship with the Black community, especially since more precise, less overbroad strategies were available and effective and were called for by the CA.

²⁷ "Mayor Mallory, Manager Dohoney, and Chief Streicher Expand Police Patrols in Neighborhoods: Leaders also announce Vortex Unit becomes permanent," Mayor's News Release, September 29, 2006, available on-line at http://www.cincinnati-oh.gov/mayor/downloads/mayor_pdf14659.pdf.

New City Manager. On August 6, 2006, Mayor Mark Mallory appointed and the City Council confirmed Milton Dohoney as City Manager.

Operation CeaseFire. In September 2006, the Avondale Community Council, with assistance from the Partnering Center, started Operation CeaseFire to reduce gun violence through community engagement, identifying high risk violent youth, and immediately responding to all gun violence incidents within 72 hours of an incident with a community “action.” The approach was modeled on a Chicago initiative.

DOJ Terminated Provisions in Compliance for More than Two Years. On July 25, the City of Cincinnati and the Department of Justice signed an amendment to the MOA that terminated provisions of the MOA that had been in compliance for over two years. On October 10, 2006, the Monitor issued a special report finding that the CPD had been in compliance with 49 MOA provisions for more than two years, and those provisions were terminated.²⁸ There were 31 provisions that had not been in compliance for more than two years and remained in effect. Of the 31 MOA provisions that remained in effect, the Monitor had determined that 24 of these provisions were in compliance in the September 1, 2006 Fourteenth Report. The amendment recognized the progress that had been made by the City in implementing many of the MOA provisions, and it also allowed the City and the CPD to focus their efforts in the final year of the Agreement on those areas where its compliance had not been complete.

CPOP. By the end of 2006, the CPD had satisfied some additional CA provisions: promoting CPOP in the community and adding a small class segment on aspects of urban policing in the recruit academy. In addition, the CPD adopted a revised problem solving procedure (12.370), which stated “[t]he SARA problem-solving methodology is the primary process for addressing crime and disorder.” The procedure described objective measures to assess CPD’s problem solving, including: utilizing problem-oriented policing guidebooks and other resources; opening five new projects per District per month (with the Patrol Bureau Commander making adjustments in the volume of projects as needed to ensure the quality of the projects); reducing repeat crime locations, offenders and victims; and resolving problems favorably with minimal displacement.

RAND Second Year Report. The RAND 2006 Second Year Report, released in December 2006, repeated many of the findings from its 2005 First Year Report, and chronicled a stark difference in how black and white residents experience policing in Cincinnati. The Monitor and the Parties provided comments or responses to the report. The Monitor’s response described the

²⁸ There were two provisions of the MOA that were no longer applicable to the City (MOA ¶¶25, 65) and were also terminated.

report as a *Tale of Two Cities*. For example, black residents in Cincinnati experience traffic stops that are longer, more likely to involve searches for drugs, weapons and contraband, more likely to involve investigation of all of the vehicle's passengers, and more often for equipment violations. The RAND report noted, however, that the difference in policing could be attributed in part to the fact that high levels of reported crime and calls for police service were concentrated in several black neighborhoods, and thus may not be due to racial bias in policing.²⁹

F. January-July 2007

In the final year of the MOA and the CA, the Monitor urged the Parties to prioritize unfinished items and develop mechanisms to ensure that the progress made to that point was preserved and the reforms continued into the future. The final year of the CA was a critical time in the advancement of effective, respectful and publicly accountable policing in Cincinnati. Full implementation of the CA was necessary to enable the City of Cincinnati to engage the community as active partners and co-producers of public safety, enhance public trust in the police, and strengthen the relationship between the community and the police.

Termination of the MOA. On April 12, 2007, the MOA between the DOJ and the City of Cincinnati ended. In March 2007, the Monitor was requested by the DOJ and the CPD to provide a final report prior to April 12, 2007. Although the Monitor was not able to review data regarding the CPD's compliance with the MOA for the fourth quarter of 2006 or the first quarter of 2007, the Monitor provided a final report based on the monitoring and evaluation through our January 15, 2007, Fifteenth Report.

Cincinnati Initiative to Reduce Violence (CIRV). In early 2007, the CPD began work with Professors David Kennedy and John Eck (and later with Robin Engel) in developing a highly focused violence reduction project around actively violent individuals. The identified people were: (1) called in and offered an alternative to a life of violence on the street; and (2) told about the legitimate levers that the police and other agencies will use to ensure that their violence stops if they refuse the offer of help. The initiative also sought support of the

²⁹ RAND's review of traffic stops found no clear statistical evidence of racial bias in the decision to stop. It also found that officers searched black and "matched" nonblack drivers at nearly the same rates in situations where officers have discretion whether or not to search. (Although blacks are searched at a higher rate than nonblacks in Cincinnati, when factors such as the location of the stop, time of the stop, and reason for the stop are taken into account, blacks and whites are searched at similar rates.) Most of the differences between the features of stops of black and nonblack drivers involved differences in stop locations, or drivers who had invalid licenses.

families of these individuals, as well as community leaders, to persuade them to make a more productive and responsible choice. The first two call-in sessions of the CIRV project were held on July 31, 2007. The Monitor attended these call-in sessions and was impressed with how well the sessions were organized, which reflected the hard work and commitment of all of the stakeholders. CIRV is a complex, multiagency, and community project of the sort that the CA supports.³⁰

G. Transition Year, August 2007-August 2008

Transition Year Agreement. On June 6, 2007, the City and the Plaintiffs agreed to extend portions of the CA for one additional year to more fully implement problem solving as the CPD's principal crime-fighting strategy. This extra year, from August 2007 through August 5, 2008, gave the CPD an opportunity to accelerate implementation of a different style of policing. Much was accomplished during the year, confirming the old adage, "where there's a will, there's a way."

Within two months of the extension, the CPD held a leadership retreat and problem-oriented policing was included in the agenda. People from both within and outside the Department presented, but the message was that the Department's leadership was embracing this type of policing change and innovative step forward.

CPD Policies. A number of other things occurred during the transition year speeding up the completion of CA requirements. The CPD developed a new CPOP policy, adopted it in October 2007, which included an implementation protocol. The revised policy, Procedure 12.370, outlined different steps in working on a CPOP project, including opening a CPOP project, community member requests to open a CPOP project, and use of crime analysis and research from the Police Relations Section. The procedure encouraged CPD problem solvers to use the repeat databases of chronic crime and safety problems as a source for identifying problems, as well as community members as a source since they may express concern about additional problems. Police were encouraged to work with the Partnering Center and other stakeholders, and to use the SARA process. Importantly, the procedure noted that participation and success in problem solving will be weighed in every sworn employee's annual performance assessment, for all ranks and assignments.³¹

³⁰ David Kennedy's work in Boston to reduce gun violence was awarded the top prize at the International Problem-Oriented Policing Conference. The Monitor was very supportive of Cincinnati's adoption of CIRV, which is a high level problem-solving project.

³¹ CPD procedure 12.370 (revised 10/16/07), "Problem Solving Process and the Neighborhood Liaison Process." Available on-line at http://www.cincinnati-oh.gov/police/downloads/police_pdf6321.pdf.

During the year, the CPD improved its job descriptions so that they are more linked to a problem-solving orientation and CPOP. As well, the CPD adopted a new performance evaluation system that also was more closely aligned to CPOP.

The CPD also developed a problem-solving guide for its sworn personnel. It described CPOP, how to identify suitable problems for a CPOP approach, and resources available. Excerpts from the guide include:³²

“Much of police work involves responding to repeat, chronic problems. Focusing efforts on problems that repeatedly recur is likely to reveal an impact on crime in Cincinnati.”

“Responses to problems should *prevent* future harm, and not just address past harms.”

“Anticipate displacement and prepare for it. Displacement is dependent on whether the offender can receive the same criminal rewards somewhere else with little increased effort or risk. Displacement can be minimized by making sure that other familiar places, times, targets or behaviors are also part of the response.”

“In order for problem solving to become CPD’s principal strategy for addressing crime and disorder, *every* officer of *every* rank is expected to engage either directly or in a support role in problem solving initiatives. This approach is no longer the responsibility of a single unit within the police department.”

CPOP Process Improvement Team. At the request of the Monitor, the CPD established a Process Improvement Team (PIT) for problem-solving. The team included a vertical slice of the Department and the aim was to accelerate the transition to CPOP by building advanced problem-solving skills. The group, which met from October 2007 through July 2008, included some officers (mostly neighborhood officers), crime analysts from several of the Districts, some neighborhood liaison sergeants and members of the Police Relations Section. Lt. Col. Whalen and Mr. S. Gregory Baker attended as well, as did Community Police Partnering Center staff, and UC Professors John Eck and Robin Engel when available. The attendance grew each meeting and by the end, every District Captain was in attendance. Chief Streicher attended several times as well, and City Manager Dohoney attended the last meeting of the PIT team to thank the participants for their efforts and encourage them to continue.

³² Streicher, Thomas (2007). “Problem-Solving Guide: A Practical Resource for Police Officers.”

During the transition year, officers were expected to document their projects in an updated tracking system database that came on-line in October 2007. Some of the projects developed during this time were shared during the PIT meetings and those sharing them received constructive feedback and encouragement from the group as they moved forward. The May 2008 meeting was the last monthly PIT meeting led by the Monitor; in July 2008, the CPD took over leadership of the PIT meetings. By then some of the members of CPD held enough expertise to self-critique and support problem solving projects.

Over the course of approximately eight months, employees attending the once-a-month PIT meetings learned about a number of different features of problem-solving, along with resources to tackle crime, and effective strategies to reduce certain crimes and disorder problems. Topics included:

- Situational crime prevention
- Targets for theft – hot products
- Repeat victimization
- Chronic crime locations
- Repeat suspects in crime
- Place management as a crime reducer
- Places that are crime attractors
- Crime and place and product design
- Risky places where crime happens more regularly
- Examining calls for police service and how they relate to crime
- Using surveys to understand the details of a crime problem
- The role of the merchant in preventing alcohol-related crime
- Conditional use permits in reducing crime
- Reducing crime in public housing
- Reducing crime in other types of government subsidized housing
- Reducing crime in private rental properties
- Juvenile gun violence
- Reducing crime in and around homeless shelters
- Crime in Greyhound Bus stations and other mass transit points
- The Center for Problem-Oriented Policing containing thousands of POP projects and over 60 crime reduction guides

Soon after the start of these meetings, sworn personnel of different ranks gave presentations about projects they had begun. The range of topics included:

- a drug house
- metal theft
- domestic violence
- street robberies
- theft

- baby fatalities
- apartment complex crime
- false reporting of rape
- abandoned vehicles
- homeless encampments, and
- a bar where violence and drug dealing occurs

Bias Free Policing. One of the most important things that occurred during the Transition Year were the meetings the City Manager held with the CPD command staff to discuss the results of the RAND traffic stop studies. The City Manager took the lead in working with representatives from various segments of the community, the Police administration and the FOP to address concerns regarding policing bias and continuation of the reforms commenced under the CA, as well as to assess the efforts of the community to improve police-community relations as outlined in the mutual accountability provisions of the CA. The Parties Amended Collaborative Agreement Plan, approved by Judge Dlott calls for the City Manager's Advisory Group to meet bimonthly for the first year after termination of the CA to review progress. In this regard, the City Manager's Advisory Group will assume much of the oversight role that has been performed by the Monitor Team.

Termination of the CA. As the transition year came to a close, Judge Dlott ordered the City and the parties to develop a plan that would demonstrate how the City and the parties will:

- Maintain progress is implementing problem solving;
- Continue and advance problem solving;
- Institutionalize problem solving as the principal crime fighting strategy for the Cincinnati Police Department;
- Assess if there is bias in pedestrian and traffic stops, including treatment of drivers and passengers during traffic stops;
- Conduct ongoing evaluation of police-community relations; and
- Include timelines and establish who will be responsible for each of the tasks to be conducted by the parties.

On August 26, 2008, the Court held a hearing on the progress of the Transition Year and the termination of the CA. The City of Cincinnati, the CPD, and the Parties submitted the Amended Collaborative Agreement Plan, affirmed their dedication to the aspirations of the CA, and committed themselves to remaining engaged in ongoing effort to improve police-community relations throughout the City of Cincinnati. Judge Dlott accepted

and approved the Parties' Amended Collaborative Agreement Plan, and stated that upon the submission of the Monitor's Final Report she would terminate the Order appointing the Monitor.

The Transition Year witnessed a lot of progress towards CA implementation. While the CPD has still not adopted problem-solving as its principal crime fighting strategy, significant steps were taken, without which, the full adoption of CPOP will not be possible. The next steps in the journey rest with the community, the City and the CPD to fulfill the promise of the CA.

VII. SUBSTANTIVE CHANGES IN CINCINNATI

The City of Cincinnati is now in a very different situation than it was in 2002. In the five years of the MOA and the six years of the CA, the City made significant changes in the way it polices Cincinnati. The CPD has improved its training, its policies and procedures, its investigations of uses of force and citizen complaints, its risk management and its accountability. It is also in the midst of changing to a Department that is more comfortable with problem-solving and more open to new ideas. In addition, efforts to improve relations between the police department and the community, particularly the African American community, are continuing.

A. MOA

MHRT. The MOA required the CPD to create a "cadre of specially trained officers available at all times to respond to incidents involving persons who are mentally ill." Training for these officers included multidisciplinary intervention training, with a particular emphasis on de-escalation strategies, as well as instruction by mental health practitioners and alcohol and substance abuse counselors. Over the course of the five years of the MOA, the CPD has trained approximately 250 MHRT officers, with over 200 officers deployed in the field as part of the Patrol Bureau. The CPD also trained 911 dispatch call takers on the MHRT program and handling calls involving mentally ill individuals. The CPD Training Academy also provided training for CPD recruits, as well as for non-sworn employees of the Department.

In addition to the MHRT officers, 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. The level of MHRT availability rose consistently since the program was developed in 2003.

Use of Force. Unquestionably, the use of force associated with a police action poses one of the greatest risks of exposure for a municipality, police agency, and the police agency's membership. While police officers are tasked with the responsibility of swiftly and effectively evaluating the circumstances

that precede force, the stark reality is that those circumstances arise quickly, evolve rapidly, and then subsequently end with consequences that aren't always viewed favorably by the community.

Over the course of the Agreements, we have seen vast improvement within the Cincinnati Police Department relating to oversight and accountability, particularly in the area of force and the investigation of force incidents. While a review of the history over the past several years reveals peaks and valleys with regard to the Department's efforts that were undertaken and implemented in this important area, the end result is favorable to the Department, the City of Cincinnati, and the diverse community they serve.

Four years into the Agreement, the Monitoring team saw significant changes in police reform in the City of Cincinnati. Such reform existed in terms of force policies, use of force reporting, investigations, and the handling of citizen complaints. The Monitoring Team also noted a significant decline in serious force-related incidents at this time. We attribute much of this decrease to the department-wide deployment of the Taser. Our review of use of force reporting and investigative files showed that the Taser replaced other types of force in the majority of incidents. Moreover, injuries to officers and citizens also declined.

As noted above, how Taser deployments were reported, investigated, and subsequently monitored presented a challenge at the onset. Because the language of the MOA did not contemplate widespread implementation of this device, how it could be most effectively monitored became the subject of dialogue and negotiation between the Monitor, the DOJ and the City. In the end, the Monitoring Team was able to effectively review these cases like all other uses of force. Deployment was documented, photographs were taken, officers, subjects, and witnesses were interviewed by first line supervisors, and the reasonableness of the deployment in the context of Departmental policy and law was effectively evaluated through the chain of command.

Chemical Irritant. Over the years, police agencies across the country migrated to the use of chemical irritant (CI) as a means to de-escalate active resistance and potentially violent confrontations. In 2001, chemical spray was the most common type of force used in CPD force incidents. The MOA required the CPD to address issues such as a warning of impending force prior to the deployment of CI, use of CI on crowds, and the use of CI on restrained persons.

At the early stages of the monitoring period, two recurring issues presented themselves regarding force investigations involving the use of CI; the failure to provide a warning of impending force (or the failure to articulate why such a warning may not have been practical under the circumstances), and the deployment of CI on restrained persons. Incidents in which an officer failed to warn a subject of impending force diminished over time, as both line officers

and reviewing supervisors grew accustomed to the need to better articulate this issue in both the initial force report and subsequent supervisory review. While we reviewed a significant number of such cases, the facts and circumstances of individual cases did not reveal evidence that officers were intentionally or recklessly abusing this level of force. In a number of cases, the rapidly evolving facts suggested that a warning of impending force may not have been a practical or tactically sound option for the involved officer, even though that was not stated in the force report.

With respect to the use of CI on restrained persons, a number of cases arose where an arrested subject in the back seat of a police car was sprayed because the subject was becoming unruly or attempting to kick at the windows of the car. The MOA provisions were clear that use of CI on a restrained individual was appropriate only to prevent injuries to the arrestee or involved officer, and not to prevent, for example, damage to the police car. It did not take very long for both line officers and reviewing supervisors to grasp this issue, such that these incidents diminished.

Canine. During the monitoring period, the CPD canine bite ratio (engagement/deployment) remained below the level in the MOA that would have called for additional review. The Monitor was consistently impressed with the time, effort, and resources that went into ensuring that this important aspect of the department is well equipped, well trained, and well supervised.

As cited above, during the monitoring period, there was a notable, and oftentimes healthy, tension with regard to how the DOJ, the CPD, and frankly, the Monitor Team viewed the canine practices within the Cincinnati Police Department and how they viewed the canine provisions of the MOA.

The DOJ advocated the practice of “find and bark.” This model is aimed at minimizing the likelihood of a bite during the search of a suspect during the course of being pursued by the police. The model used by the CPD, while not one that encouraged a bite, revealed a number of incidents where suspects who had taken positions of cover during a police search were, in fact, engaged by the canine who discovered them hiding in the brush, under a car, a porch, or a place where they could not be seen by the canine handler and cover officer. In each of these cases, the arrestee’s injuries were minimal and the arrest was completed without incident. The canine released on the command of the handler in the vast majority of these cases.

In advancing its arguments for its canine training approach, the CPD noted that a subject who takes a position of cover and concealment from the pursuing officer has obtained a tactical advantage over officers who are in pursuit. When a canine is deployed, the canine (largely through its senses) is in a far better position to locate someone in hiding than is the handler or cover officer. Deploying a canine neutralizes the tactical advantage of the concealed

subject and the responding officers have a greater opportunity of securing the subject without additional harm to the officers, the subject, or others. Key to the engagement is the handler's quick and decisive commands that the subject comply and that the canine disengage. This was well evidenced in our review of these cases.

Specific to the MOA were the issues of handler control, announcements prior to deployment of the canine, and the investigation in the aftermath of a bite. During the early stages of our monitoring in this area, these three areas were the focus of our attention. While there were a few cases where the issue of warning and handler control arose, the vast majority of canine deployments were found to be in compliance with the MOA throughout the monitoring period. The Monitor Team found the investigations conducted in the aftermath of a bite to be some of the most thorough and comprehensive force investigations reviewed (other than deadly force and shooting cases). Particularly after the first year of monitoring, the investigations were thorough, complete, and extremely well documented.

ETS. The MOA required Cincinnati to take a variety of measures to better identify and manage at-risk behavior of officers. The principal aspect of the management and supervision section of the MOA was a computerized system to track data on police activities. The CPD developed an Employee Tracking Solution [ETS] system to accomplish this task. When the ETS system was first put in place, District and Section Commanders generally concluded in their 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 was "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. Over the course of the MOA, the CPD improved its efforts to use the data and analysis provided by the ETS system. 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.

MVR/DVRs in Cars. Digital Video Recorders (DVRs) are now installed and used in all CPD police cars. They are effective tools in investigations, in documenting and examining officer actions, and for use as part of training efforts. The CPD officers have also found that the DVR recordings can be very helpful in providing protection for officers against inaccurate or false misconduct allegations.

Training. At the onset of the monitoring process, it was determined that some of the training requirements of the MOA and CA could not be met or even undertaken until several specific policy changes called for in those agreements were acted on by the CPD. Modifying existing policies, such as revisions to the CPD's use of force policy or the adoption of CPOP as a department-wide responsibility and practice, was essential, as these would guide the nature and content of the training that would subsequently be provided. As a result of CPD inaction and delays in adopting and implementing some of the required policies, the agency initially was not able to comply with certain training provisions.

Once the policy issues were resolved, the CPD Training Section moved forward rapidly with necessary revisions in their in-service and Academy training curricula. Site visits and direct observations of classroom and applied training conducted at the Academy were relied on to establish the extent to which the training requirements identified in the MOA and CA were met. The Monitor Team observed classroom and applied training conducted at the Academy, and attended roll call sessions to observe and evaluate the extent to which scenario-based training was being conducted and discussed. The training staff was diligent in developing appropriate training materials and made certain all of the training requirements were met during the course of this process. The agency's performance in the area of training was solid and consistent, and the training components of the MOA were terminated early after being in compliance for more than two years.

The management and training staff at the Academy was committed to honoring the spirit of the agreements, not just the minimal requirements contained in those documents. They frequently sought out counsel and information from team members and other agencies about promising practices and successes achieved elsewhere. They were eager to engage in constructive discussions that might help in bringing about improvements in their training programs. And they were resourceful in employing creative training tactics and adult learning methods to ensure that the trainees and in-service personnel were fully capable of applying the skill sets and knowledge they were being provided. Academy staff placed a high priority on ensuring the students could not only express their knowledge but also fully demonstrate their ability to apply the techniques and policies in a meaningful and practical manner.

The ultimate illustration of the effectiveness of these training efforts are the various improvements and successes noted elsewhere in this and earlier reports. Some notable examples include the successes of the MHRT program and improvements that have been documented in CPD's responses to and handling of mentally ill subjects; the reductions in the incidents of deadly force used by officers; improvements in the investigation processes and resolution of complaints; and community and employee satisfaction that has resulted from

more effective and refined application of problem solving strategies to reduce chronic crime and disorder issues at the neighborhood level.

FTO Program. The influence Field Training Officers (FTOs) have over the personnel they are training and supervising is considerable. Probationary officers are constantly being evaluated by their FTOs, who are not only training them but also assessing whether they are suitable to be retained as police officers based on their performance in the field. This is being done at the same time the probationary officer is going through an acculturation process in the organization that is primarily influenced by the same FTOs who are evaluating them. Therefore, one of the most critical decisions an agency makes during the training and evaluation of their probationary officers centers around whom they select to serve in the FTO role and whether or not those individuals represent the best role models the agency has to offer.

Concerns about some specific elements of the FTO program and compliance with the MOA were identified at an early point in the monitoring process. The MOA required CPD to develop protocols that would address the criteria and methods used to select FTOs, set standards for assessing the suitability of persons selected for this role based on prior complaint and disciplinary history, and establish procedures for their reappointment and termination. The concerns noted by the Monitor Team were largely related to delays that were experienced in adopting and implementing most of these changes.

CPD Training staff then turned to the Monitor Team for their assistance in identifying suitable criteria to use when selecting FTOs; developing and implementing standards for the recertification of existing FTOs; and help in redefining roles and responsibilities to overcome the fragmentation and confusion that existed over who and where the actual responsibility rested within the CPD for selecting FTOs and how their performance should be evaluated. As a result, the Monitor Team served in a somewhat unusual dual role as both a consultant and evaluator. A review of existing FTOs was also conducted by the Training staff and the Monitor Team. This resulted in identifying a number of individuals who were not deemed suitable to continue serving in that role and they were subsequently decertified as FTOs.

By the end of the second year of monitoring, with new selection criteria in place and an updated FTO training program that emphasized the importance of the leadership role that FTOs play in the organization, the earlier concerns and compliance issues had been overcome. The CPD effectively raised the bar for serving in this role by improving their selection criteria and then seeking out the most qualified candidates in the agency. As a result, Training Academy staff and the FTOs also expressed heightened satisfaction about the program and the influence it has over the quality of officers coming through the training process.

CCA. Both the MOA and the CA included provisions for the creation of the Citizen Complaint Authority, an independent body to investigate citizen complaints of police misconduct. A city ordinance was then passed to establish the CCA. The CCA is one of the enduring features of the Agreements that continues beyond their termination. We found, as noted below, that the CCA staff were professional and their investigations thorough. In addition, where there is a disagreement between the determinations of the CPD and the CCA regarding a citizen complaint, the final decision is to be made by the City Manager. Recent determinations show that City Manager has confidence in CCA investigations and takes this responsibility seriously, and has at times agreed with the CCA determination over the CPD conclusion. In addition, the CCA provides citizens with a forum for their concerns regarding police accountability.

Complaint Investigations. While each aspect of the MOA and CA served to strengthen the relationship between the CPD and the citizens they serve, the manner in which citizen complaints are received, documented, tracked, investigated, and ultimately resolved, serves as one of the primary yardsticks that will prove or disprove the value of what has transpired in the past six years. When there is a perception that a police agency has failed to institutionalize a process of accountability, the relationships that are so important to effective policing in a community become threatened.

The Monitor Team sought to assist the CPD in embracing such a process. Our efforts and the careful, but sometimes labored, implementation of the MOA resulted in the development of a new citizen complaint form, more accessible means by which to file a complaint, and the creation of the CCA, an independent body created to receive and investigate certain types of citizen complaints. The Monitor Team reviewed complaint investigations conducted by both the IIS and the CCA. While we noted deficiencies in investigations (more so in the IIS investigations than in the CCA investigations), those flaws diminished over time. Both the IIS and CCA personnel were receptive to our comments as we communicated concerns that arose from our reviews.

During the early stages of the monitoring process, we drew attention to the incompleteness of the investigations, the failure to properly identify and interview relevant witnesses, the failure to resolve material inconsistencies, and the failure to follow up on discrepancies that arose from interviews. In our eighth report, we continued to see in our review of the files problems such as investigators asking leading questions of witnesses, failure to make credibility determinations, the failure to apply the preponderance of the evidence standard to investigations, and the failure to complete investigations within 90 days, as required by the MOA.

The completion of the Monitor's 14th report saw tremendous changes in police reform within the CPD, in terms of the policies, use of force reporting

investigations, and the broader handling of citizen complaints. While force investigations were generally in compliance with the MOA, the monitoring of IIS cases still revealed some deficiencies relating to the thorough review of all the evidence and the interviewing of all relevant witnesses. In advance of the termination of the MOA, Monitor Team Members, Joe Brann and Tim Longo, discussed with CPD the need to ensure that these areas were consistently addressed to ensure the continued and sustained success of the CPD with regard to Citizen Complaint Investigations.

B. CA and Problem-Oriented Policing

The Collaborative Agreement produced significant change in the CPD. While not all that the CA called for was accomplished, the CPD is a different organization than it was in 2001.

Here we share what we believe are the most important changes in the CPD and in the way it polices. We try to explain what community members and businesses can now expect of the CPD and expect in terms of crime reduction, and we describe changes that can help the CPD keep moving in this new direction.

The CPD Now Uses More Precise Crime Information. This Leads to More Precise Strategies and is Less Likely to End in Broad Sweeps of Entire Neighborhoods or Groups of People

Prior to the CA, the CPD used very broad crime data in examining crime in a neighborhood. The CPD divided up each District into different 'reporting areas'. The reporting areas were smaller than a neighborhood but much wider than a specific address, a block, a corner or an intersection. This made some areas of the City appear either higher crime or lower crime than they actually were, because the crime was averaged across the reporting area, masking specific crime locations within a reporting area. The types of crime and safety problems the CPD counted towards determining crime intensity in these reporting areas also needed updating. While it is extremely important to look at crime at a citywide level and at a District level, it is also important to look at crime at an even more precise level because specific people, addresses, corners and intersections drive a lot of crime in a neighborhood.

One way the CA required that the CPD modernize its identification of crime patterns was through the use of 'repeat databases.' As a result, the CPD now provides its District crime analysts with a 'rolling 12-months' of data and they are expected to use it to recommend problem solving projects to the District Commander. This type of database sheds light on the locations to which the CPD are chronically called, identifies repeat arrestees in crimes, and reveals which victims are victimized multiple times.

In Over-the-Rhine, the repeat location database showed that a gas station was the site of more than 400 visits by police in a year for panhandling and other acts of disorder. Some of the visits were the results of calls from the business and some initiated by the police.

A significant element of problem-oriented policing is the surfacing for analysis of repeat or recurring problems so that police and others can devise new and more effective means of reducing them and the harms from them. The CA required that the police be aware of and focus in on precise hot spots based on precise data. This change in data can change police perspective. If police have been called to an apartment complex 150 times in a 12-month period for drug dealing, violence and thefts, then it becomes clearer that responding the 151st time and using the same response as before will not stop the problems there. A more in-depth analysis of the problem at that apartment complex is likely to lead to more effective countermeasures.

The databases are not the only ways to identify crime/safety patterns; community consultation and officer observations are also important CA expectations in problem identification. The repeat databases, however, take some of the guesswork away from determining police targets. The databases add precision and lessen the potential validity of claims of selective enforcement.

In addition, these databases push a police department to go deeper than simply identifying and branding an area as high crime. The data identifies exact chronic locations or people within a community that are causing crime or being repeatedly victimized by it.

When leaders in a police agency tell their officers that an area or neighborhood is high crime, the proactive tactics used might overly rely on car and pedestrian stops. Instead, if a police agency's data is more precise, it means to the officers that it's not the entire neighborhood that is high crime; rather, it may be eight convenience stores that allow drug dealing, or five apartment complexes that allow criminal outsiders to trespass on the property and wreak havoc, or a homeless shelter that doesn't take control of problems directly outside its property. When crime is specific, it becomes more obvious that specific countermeasures must be tailored.

Identified first through the repeat call database, and confirmed by an officer's observations, one nursing home produced 582 calls to police over 10 years. These calls included 124 calls involving patients who walked away, as well as calls that indicated unsafe and unsanitary conditions, including lack of heat, overcrowding, smoking/oxygen hazards, rodent infestation, and suspicious activity. The officer, working with police district leadership, harnessed City and County services to inspect and investigate. The facility was closed and the

County assisted with relocating the patients to more appropriate and safer placements.

In addition to the repeat databases, the CPD has now adopted other changes that will improve its crime fighting capacity. The CPD has accepted the University of Cincinnati's help in several areas. The UC developed a new template for tracking crime increases and decreases within a District and trained CPD crime analysts to produce data that enhances CPD's ability to track crime.

More Officers are Now Aware They Have a Wider Toolkit of Legitimate Approaches to Reduce Crime and Safety Problems.

The new toolkit now includes situational crime prevention, more than 60 different problem-specific guides for police (POP guides, which contain lists of effective responses to particular safety problems), problem-solving examples from other places, crime analysis, research assistance from the Police Relations Section, and even crime prevention through environmental design (CPTED).

The repeat location database helped identify a large store with a high number of calls to the police. Some calls were for theft and others for drunken homeless people aggressively panhandling or harassing customers in front of the store, and using the nearby alley as a bathroom. The Police Relations Section identified two POP guides officers might find helpful for this project; the first guide -- *Partnering with Businesses to Address Public Safety Problems* -- suggests businesses be the frontline of defense against crime, the store should not just be callers to the police, and the second -- *Shoplifting* -- pinpoints high theft rate causes, including store design, product placement, and lack of adequate security on highest risk items. In a meeting with the store manager, police learned the store's annual shrinkage ranged between \$70,000 and \$100,000. The police recommended that the most stolen items be better secured and placed under greater surveillance. Police suggested alcohol sales to chronic alcoholics contributed to the other problems, as did the type of alcohol sold (40 ounce beers) because it increased the likelihood of drunkenness. The Police offered to meet with the homeless to see if they might help improve the area. Ultimately, the store agreed to stop selling 40 ounce alcohol and better secure the most stolen items or move them to places where employees could properly watch over them. The store also agreed to take a more active role in telling loiterers, alcoholics and harassers to leave the area in front of the store. The Police agreed to directed patrols at precise times for the problems in front of the stores and helped organize an alley clean up, which involved the homeless helping with the clean up. As a result, calls for police service have dropped as have thefts and merchandise loss.

Another tool officers use more frequently now to reduce problems is design changes. For instance, the Traffic Unit has modified road design in several places, resulting in fewer crashes.

There are Indications that Crime Reduction Efforts are More Tailored to Specific Offenders and Victims. Specific, Rather than Generic Countermeasures, are More Likely to Reduce a Problem and Create Less Collateral Harm.

A number of different policing initiatives show that the CPD can find solutions that are highly tailored to the specific situation. A large problem-oriented policing initiative - CIRV - focuses deterrence on specific individuals who are selected through an identified process. Rather than a crackdown on an entire community, CIRV uses different levers - enforcement, assistance, the community's moral voice - to keep members of specific violent groups from gun violence.

There are also a number of small problem-solving efforts that show how officers are tailoring tactics to specific individuals who have specific problems.

In early 2008, using the repeat database, a District crime analyst identified a repeat domestic violence victim. Analysis uncovered that the offender, the father of the victim's child, would break in to the victim's first floor apartment, fights would ensue, sometimes followed by arrest but the victim would not follow through with prosecutions. At times, the victim would even give the offender access to the apartment. She felt compelled to keep a relationship with her batterer because he babysat their child while she was at work. Officers had the landlord move the victim to a more secure apartment (from 1st floor to a higher floor in another complex to reduce ease of break-ins). Police arrested the offender and helped the victim follow through with court. The officers linked the victim with social services agencies, and she is now seeking court permission to allow only supervised visitation for the offender. Officers learned he is amenable to this, and that he will attend anger reduction classes as a condition of probation. Lastly, a District 1 officer found the woman free daycare nearby, so she would no longer need to rely on her abuser.

Another example shows how countermeasures should take into account the conditions that contribute to a problem. In this case, mental illness was the condition contributing to the problem.

The Personal Crimes Unit arranged for a mentally unstable individual who falsely reported rapes to be placed on the Mental Health Court Diversion docket rather than the criminal court docket after being cited for making a false police report. The Court will arrange for increased mental health services and supervision through probation. Upon completion of one year of intense

supervision and treatment, if no further incidents are reported, the arrest and conviction will be sealed.

Officers and Some Community Members are Now More Aware that While Offenders are Responsible for a Crime, Lots of Parties are Needed to Prevent it, Including Property Owners. Although Police Play a Key Role, They Can By no Means do it Alone.

Would-be offenders need to control their own behavior, but that doesn't always happen. Crime happens when an offender and a target meet and there is no capable guardian there to prevent it. Prevention is a responsibility of individuals, families, community, city government, including the police, business owners and their employees. They all can close off crime opportunities to keep crime low. Within the CPD, some of these key CPOP concepts are becoming more familiar. Community CPOP team members also have learned about some of these concepts during their training, along with the problem-solving SARA model to help guide their crime reduction analysis and responses. Also, within the CPD, there is now much wider understanding that property owners have a responsibility for reducing crime on their property.

Between 2005 and 2006, there were 25 instances of metal theft in the Northside neighborhood. Officers, Citizens on Patrol, and the Partnering Center as a team worked together to reduce it. Property owners were asked to either paint their copper pipes green or to allow local volunteers to paint the copper for them. After painting the pipes, the owners placed a sign in their window announcing that the copper is marked and the owner is working with police. Ninety-eight property owners participated with the pipe painting and placed signs in their windows. Officers contacted local and regional scrap yards to inform them of this project and to gain their support. They reminded scrap yard owners that any illegal activity would be aggressively pursued. The team is also trying to develop a better ordinance to regulate scrap metal sales. The team created a flier for the Building and Inspections Department to distribute in Northside. The team also conducted a residents' survey to learn more about the metal theft problem. In the last 5 and 1/2 months, there were 4 break-ins involving metal theft, only one of these in buildings with marked pipes.³³

Community Members Can Reduce Crime. This Emphasizes the Importance of Community Participation and the Power of Community Engagement in Problems.

One of the outcomes of the CA is that some community groups have learned that they have the power to reduce crime. Sometimes the groups can do it on their own, and sometimes in combination with other important partners.

³³ 2008 CPOP Award project write-up.

Madison Villa is an apartment complex housing seniors and adults with mental or physical disabilities. The complex was plagued with drug dealing, theft and prostitution and seniors were losing hope of maintaining their safety. The resident council enlisted the help of the CPD, the Madisonville CPOP team, and the Partnering Center to help restore order. “Residents provided the drive and focus for improvement and always remained committed and willing to get involved. The CPOP Team and the Community-Police Partnering Center worked as liaisons facilitating a dialog between the police and the residents so that problems could be understood and responded to. Police listened to residents’ concerns, actively involved the residents in performing safety assessments of the area and took action such as stepping up foot patrol in the area. Madison Villa management made physical improvements to lighting, greenery and the structure of the building. All combined, the project not only succeeded in reducing crime and improving safety at Madison Villa, it also formed strong partnerships and friendships and renewed residents’ trust and pride in their community.”³⁴ The CPOP team and the CPD won a MetLife award for the project, including a \$15,000 monetary prize.

The CPD Now Has a New Tool to Use in its Hiring And Job Promotions To Support CPOP.

A police department that expects its employees to engage in problem solving is best supported with job descriptions that accurately describe the type of work expected of officers, supervisors, managers and command staff. On May 22, 2007, the CPD changed its sworn officer job descriptions for all ranks to emphasize the role of CPOP as a required part of their work. For instance, lieutenants and those above in rank are required to “manage work units so that problem solving is the primary crime-fighting approach taken to reduce crime or safety problems.”

All sworn officers are now expected to be active in problem solving and “apply contemporary problem-oriented strategies and situational crime prevention strategies to reduce crime and safety problems.”

The police officer job description the City posts when hiring new officers also reflects an expectation for engagement in CPOP. This can be used to attract more applicants who desire this type of policing agency and deter ones who are looking for a different type of agency.

The CPD Can Now Reward And Encourage CPOP Through a Revised Accountability System. “What is Rewarded, Gets Done.”

³⁴ “Cincinnati Community Safety Partners Win National Award: MetLife Foundation Community-Police Partnership Award Honors Madisonville Community Oriented Policing Team and Cincinnati Police Department.” CPD/Partnering Center press release.

Performance evaluations typically are linked to job descriptions, and are an additional tool to reinforce one type of policing over another. The CPD's new performance evaluation standards became effective October 1, 2007.³⁵ The standards were last revised in 1978 and reflected a different type of policing than the CA requires. The CA required a new system that supports CPOP. Several of the revised standards now connect employee performance measures to problem-solving performance and positive community interaction.

The CPD Command Staff Can Regularly Learn About Problem-Solving Projects That Members Of The Agency Engage In.

The Department is revising its current format for its command staff crime fighting meetings to include updates on the best CPOP projects and the revised UC-developed crime trend reports. Sworn personnel invited to present on their problem-solving projects at a Command Staff meeting signals the importance of problem solving and can be another mechanism that rewards and encourages CPOP.

The CPD Leadership Participates In More Community Forums And Meetings On Contentious Topics. Community Divisions Are Not Repaired Without Listening.

. The CA required an open dialogue with the community on such topics as use of force, dealing with the mentally ill, and traffic and pedestrian stops. By the end of the Agreements, Chief Streicher was a frequent participant. Not all community members approve of all tactics a police agency uses, but public discussion can open up common ground or even change the stance of the community or the police.

Beginning in May 2008, near the end of the transition year, the Police Department participated in a series of community seminars the Urban League and United Way hosted to re-introduce the CPD to the community and to open dialogues on varied topics. The flier announcing the seminars asked, "Have a question about the Cincinnati Police Department's integrity, diversity, accountability, vigilance or professionalism?" and listed a series of weekly seminar topics.

- May 14th seminar topics:
 - Meet your District 1 Commander
 - Organizational overview of CPD
 - How to access CPD
- May 21st seminar topics:

³⁵ The CPD Weekly Staff Notes (September 27, 2007), available on-line http://www.cincinnati-oh.gov/police/downloads/police_pdf17277.pdf.

- Meet your District 2 Commander
- Use of force
- Racial profiling
- June 4th seminar topics:
 - Meet your District 5 Commander
 - Asset forfeiture
 - Personal safety
- June 11th seminar topics:
 - Meet your District 3 Commander
 - Crime Prevention through Environmental Design (CPTED)
 - Problem solving
- June 18th seminar topics:
 - Meet your District 4 Commander
 - Cincinnati Problem Oriented Policing (CPOP) and other crime reduction initiatives (including CIRV and CeaseFire)
 - Community and CPD working better together

Not surprisingly, these seminars were well-received. Community members appreciate police efforts to be more transparent. To keep police-community dialogue on-going, the Plaintiffs secured a communications grant from the Andrus Foundation. The communications initiative is intended to engage citizens and police in a continuing two-way dialogue that will provide opportunities to report on the continuing reforms, acknowledge what is going well, identify where improvement is needed, and provide transparency to shape future police-community relations in Cincinnati.

The CPD is participating in other meetings as well. The City Manager held meetings with the CPD's command staff to discuss the results of the RAND research and to examine the impact different police approaches have on different segments of the community.

Recruits Entering the Department Learn About CPOP and it is Reinforced in Their Field Training.

Academy training makes a strong impression on newly hired recruits. Police Academy staff incorporated CPOP into the recruit curriculum. As part of it, during the last year, recruits participated in a one-day practical application of CPOP. One class of recruits assisted on a vehicle break-in problem and another recruit class surveyed customers at a gas station where several hundred calls for police service occur yearly.

Once graduated from the Academy, recruits are assigned to field trainers (mentor-coaches). It was not uncommon for field trainers (whether in the CPD or in other police agencies) to tell their trainees to forget what they learned in

the Academy because “this is the real world out here.” In the CPD, field trainers now also receive training in CPOP so that their mentoring does not undermine CPOP.

Officers and Higher Ranking Personnel Receive CPOP Training. This Shows That the Organization’s Leadership View CPOP as a Necessary Skill.

During the last two years, there has been an increase in the number of people at the CPD trained in CPOP. The Police Relations Section is heavily involved in this training. During 2008, the Chief spoke at these ‘in-service’ trainings about his vision for the Department and during this cycle of training, which included training on CPOP, he spoke about the importance of more ‘precise’ policing strategies.

The CPD is Now a More Transparent Organization, Which Can Help Build Greater Trust.

The legacy of the CA is that it has opened up greater access to the CPD. The more information the public has about how a police department conducts business the greater the opportunity for a community to decide if changes are needed.

Police rules and regulations and policies and procedures are now on-line, which is not true for many police agencies in the United States. CPD’s rules and regulations are on line at <http://www.cincinnati-oh.gov/police/pages/-5132-/> and CPD procedures are on-line at <http://www.cincinnati-oh.gov/police/pages/-5960-/>. As well, in crafting its strategic plan, the CPD consulted with some community members, and the plan is also on-line at http://www.cincinnati-oh.gov/police/downloads/police_pdf5136.pdf. Every week the CPD’s Command Staff issues its weekly staff notes, which contain information for its employees, including policy changes, training, updates, and even community letters of commendation. These notes are on-line for the public to see at <http://www.cincinnati-oh.gov/police/pages/-5963-/>.

C. Evaluation Protocol and Bias Free Policing

As we noted at the beginning of this report, the CA is unique in including a requirement that the Parties implement a system of evaluation to track whether the goals of the CA were being achieved. The CA called for a broad and comprehensive approach to evaluation, including surveys of the public, police officers, and citizens alleging police misconduct; traffic stop data analysis to assess the potential for biased policing; an analysis of police statistics on crime, calls for service and use of force; and a review of sample videos of actual CPD traffic stops. The three reports that the RAND

Corporation have issued to date have provided valuable insight regarding police activities, police strategies, and the landscape of police-community relations in the year prior to each report. The reports also included important recommendations for the CPD and the community. The lessons learned from RAND's findings also formed the basis of the City Manager's efforts to increase dialogue among police executives and the community.

VIII. RECOMMENDATIONS FOR THE FUTURE

Recommendation #1: Use of force data should be reviewed monthly, quarterly, and annually by CPD Command.

Use of force data should be compiled into a single report categorized minimally by work group, type of force used, and injuries. Notwithstanding the data provided through the ETS as it may relate to specific officers and/or work groups, a comprehensive review of use of force data will assist the department in identifying developing trends in these high risk areas. Early identification and appropriate intervention with respect to such trends will assist the CPD in mitigating their risk of exposure.

Recommendation #2: The CPD should disseminate use of force data publicly to the community.

For the first five years of the MOA, the Monitor reported use of force data, by category of force, for each quarter. This allowed the public to identify and evaluate any trends or patterns in CPD use of force. Similar data has also been included in the three RAND annual reports issued so far, and will be included in the fourth RAND report to be issued in January 2009. Dissemination of this information should continue in future years. The CCA has requested that the CPD provide it with department-wide use of force data, so that the data could be included in CCA quarterly reports. We believe this would be an appropriate way to implement this recommendation.

Recommendation #3: The CPD should continue to use the ETS data as a risk management tool.

By examining any trends or patterns of officer behavior, as well as assessing police activities between comparable CPD units and sections, the CPD can use the ETS data and analysis to help improve the performance of officers and units, and to identify any officer behavior that needs to be addressed.

Recommendation #4: The CCA should expand its activities beyond citizen complaints to also review police policies and procedures.

The CCA has done an admirable job of providing Cincinnati citizens with more confidence that citizen complaints will be addressed thoroughly, fairly and impartially. Civilian police oversight entities are most effective, however, if they include in their activities a review of police policies and practices, in addition to individual complaint investigations. The CCA does produce a “patterns report” on an annual basis that examines both officers and Cincinnati residents who are involved in multiple complaint incidents. Expanding this work would provide Cincinnati citizens additional confidence in police accountability.

Recommendation #5: The Community Must Remain Active in Insisting on CPOP Adoption as the Principal Crime Fighting Strategy

CPOP reforms are fragile. It is easier to do traditional policing than CPOP. CPOP requires:

1. More active advocacy from the community, the police, and the City;
2. Internal police department management that encourages and holds employees accountable for it;
3. Greater acceptance of analysis within the police department, not just a counting of whether Part 1 crime is up or down;
4. Interest in examining research on problems;
5. Continual encouragement to community members to participate;
6. Collaboration with non-traditional partners;
7. An orientation to reducing recurring crime problems not just single incidents of crime;
8. Increased demand for different types of measurements when trying to reduce different types of crime/safety problems; and
9. Examination to see if displacement is occurring .

To ensure that the CPD is moving towards the adoption of CPOP as its principal crime fighting strategy, the Cincinnati community may want the CPD to issue a semi-annual report to the Cincinnati community describing advances in CPOP, as well as progress on different types of problem-solving projects. In such a report, the Police can also describe progress on items discussed in the recommendations that follow.

It is important to keep in mind that the community has a lot of power to insist on this type of policing but will need to exercise its voice and participate to produce the desired outcomes.

Recommendation #6: The CPD Should Develop an In-House Crime Reduction/Safety Improvement Model that Increases the Use of Problem Solving

The CPD tasked a Process Improvement Team to develop a format for a command level crime reduction meeting that will include problem-solving as one component. The new format should increase not decrease the level of problem-solving in the organization, so CPD can move closer to the goal of having problem-solving as the CPD's principal crime fighting strategy. To accomplish this, the CPD will want to track the extent that a problem-solving approach is being used to reduce crime and safety problems and develop constructive initiatives to increase it.

Recommendation #7: Maintain and Utilize Repeat Databases

The CPD will want to maintain and utilize repeat databases. The repeat databases track chronic crime/safety locations, repeat victims of crime, and repeat arrestees. These databases provide a counterbalance to *traditional* and *conventional* street policing that over-focuses on car and pedestrian stops, zero tolerance, and neighborhood-wide sweeps as opposed to problem specific, precise interventions. The database information offers useful information and keeps a police agency from responding to only very recent crime numbers that may smooth out on their own. Both types of data should be mined, although the over-reliance on recent data (even when it is compared to the same time period the year prior) can distort a crime picture by looking at small crime bumps. It is equally important to look at durable, long term hot spots that have high levels of crime and problem behavior year after year. These durable hot spots are ripe for problem-solving.

Each District and Special Unit can be asked to adopt some of the top repeats for their area and keep track of analysis findings, interventions, and impact.

Recommendation #8: The CPD Should Increase its Collaborations with the Community on Crime/Safety Problems

Community members experience chronic crime/safety problems and deserve some relief. The CPD should increase opportunities for collaborative, analytic crime reduction efforts with the community. The Partnering Center can help identify opportunities for these with different groups in the community and can assist on projects as part of the collaboration.

Recommendation #9: The CPD Should Continue to Increase the Quality of its Problem-Solving

Training can reinforce the wealth of tools in a police toolset. Through training and accountability, CPD employees are more likely to use the right tool

in the right situation to reduce specific types of crime/safety problems. Higher quality training can decrease the dependency on traditional responses and increase the use of analysis, research assistance from the Police Relations Section, POP guides, lessons from problem-solving examples from other places, problem-specific surveys, situational crime prevention, crime prevention through environmental design (CPTED), landlord training, and civil not just criminal legal action. Training should continue to increase at all levels in the organization (recruit, field training, FTO, investigations, traffic, crime analyst, supervisor, management and command staff) to reinforce high quality problem solving. To accelerate CPOP adoption, the Partnering Center and the CPD can co-train on these topics in the community since community members become better problem-solvers with these additional tools as well.

Recommendation #10: Reward Problem-Solvers

If the desired behavior and direction is problem-solving then it should be rewarded. It should not be rewarded to the exclusion of other good policing activities (as policing is a multi-faceted endeavor), but it needs to be highly regarded. There are many different reward mechanisms the CPD, the City, and community can use, including: personnel evaluations; police, City and community awards; recognition at the CPOP Banquet; mention in the CPD Staff Notes and the Blue Wave; and increased eligibility for desirable transfers, assignments, and promotions.

Recommendation #11: Increase Transparency of Police Operations

The CPD and the City should continue public forum dialogues with different segments of the community about police practices and tactics, CPOP, problem-solving accomplishments, and collaboration. A separate forum is also likely needed for the police leadership to dialogue with youth. There should be shared police and community responsibility for these forums.

Recommendation #12: Continue Using the Rand Analysis as a Basis for Improved Police Community Dialogue.

In January 2009, Rand will be issuing its Fourth Evaluation Report: Police Community Relations in Cincinnati. This will be another opportunity for Cincinnati to use the Rand findings and analysis as a jumping off point for further dialogue about policing strategies in the City.

IX. CONCLUSION

The Cincinnati Collaborative has been the most ambitious police reform effort ever attempted in this Country. The implementation of both a Department of Justice Memorandum of Agreement and a court ordered Collaborative Agreement increased the complexity of this endeavor. The Parties' performances under the Agreements were initially halting and

defensive. With time and the emergence of impressive leadership throughout the Cincinnati Community, significant compliance with the Agreements were achieved resulting in the Cincinnati Collaborative being one of the most successful police reform efforts ever undertaken in this Country.

APPENDIX A

MOA Compliance Benchmarks and Standards

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	Mental Health Response Team (MHRT)			
10	<p>1. CPD to create a cadre of specially trained officers available at all times to respond to incidents involving mentally ill persons.</p> <p>2. MHRT officers will assume primary responsibility for responding to incidents involving mentally ill; will be called to scene of any incident unless need for fast action makes this impossible; will respond to radio runs.</p> <p>3. MHRT officers shall receive multi-disciplinary intervention training with emphasis on de-</p>	<p>1. Development and distribution of appropriate policies</p> <p>2. Proper training on policy and MHRT role.</p> <p>3. Creation of MHRT cadre and proper implementation of MHRT in actual practice</p> <p>4. Development and implementation of partnership with mental health care providers.</p>	<p>1. CPD policy meets the MOA provision: incidents involving the mentally ill will be handled by MHRT officers.</p> <p>2. MHRT training is multi-disciplinary; it involves and has been reviewed by experts in various disciplines (mental health professionals, psychiatrists, alcohol and substance abuse, social workers, use of force experts, legal) as well as other constituencies (mental health consumers, families); the training emphasizes de-escalation. There</p>	<p>1. CPD Procedure on incidents involving the mentally ill.</p> <p>2. MHRT curriculum, lesson plan and other training materials, including dispatcher training; documentation of training instructors, MHRT officers and dispatchers; observation of training.</p> <p>3. MHRT Deployment Summary, and tracking by District, shift, and date; CAD deployment records; Form</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>escalation, including instruction from mental health practitioners, alcohol and drug abuse counselors.</p> <p>4. CPD will implement a partnership with mental health care professionals that makes such professionals available to assist CPD onsite with interactions with mentally ill persons.</p>		<p>is in-service training as well as initial training. CPD dispatchers are also trained on MHRT policy and role.</p> <p>3. Trained MHRT officers are available during all shifts. The CPD dispatches MHRT officers from another District to MHRT calls in Districts that do not have an MHRT officer working at the time. There is an appropriate response by CPD to MHRT calls in greater than 94% of MHRT incidents. An appropriate response either means response by an MHRT officer, or a legitimate reason for not dispatching an MHRT officer.</p> <p>4. CPD partners with mental health care professionals for on-site</p>	<p>18 Reports reflecting mental illness of subjects; audits of reports underlying MHRT deployment summary, especially designation of “MHRT officer disregarded” and “MHRT cancelled” to determine whether CPD response was appropriate; interviews and meeting with CPD officials, mental health care professionals, and the consumer community; survey of MHRT officers.</p> <p>4. Descriptions of MCU, partnership plan; interviews of officers and</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
			assistance. The Monitor Team will make a qualitative judgment regarding whether the Mobile Crisis Team is being used.	mental health professionals; records of MCU/CPD response.
	Foot Pursuit			
11	CPD will develop foot pursuit policy; the policy will require officers to consider particular factors in determining whether a foot pursuit is appropriate. The policy will emphasize alternatives to foot pursuits.	<ol style="list-style-type: none"> 1. Development and distribution of appropriate policies 2. Proper training on policy 3. Proper implementation in actual practice 	<ol style="list-style-type: none"> 1. CPD procedures meet the MOA policy requirement. 2. Training on the foot pursuit policy is included in recruit and in-service training. 3. For incidents involving foot pursuits, there is documentation of either (a) the appropriateness of the pursuit and the presence of the factors stated in the MOA, or (b) a review by a supervisor of the soundness of the pursuit, and, where unsound, appropriate counseling or other corrective 	Procedure 12.536; Procedure 12.545; training materials [Patrol Guide; curricula and lesson plans for in-service and recruit training; roll call scenarios]; incident reports and investigations of incidents involving foot pursuits.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
			action was taken by supervisor.	
	Use of Force Policy			
12	<p>CPD will adopt a Use of Force Procedure that complies with seven subparts: clearly defined terms; defines force as defined in MOA; incorporates a use of force model relating officer's force options to suspect's actions; reinforces that individuals should be given opportunity to surrender; advises that excessive force will subject officers to discipline; prohibits choke holds except where deadly force is authorized; and removes the term "restraining force" from CPD</p>	<ol style="list-style-type: none"> 1. Development and distribution of appropriate policies 2. Proper training on policy 3. Proper implementation in actual practice 	<ol style="list-style-type: none"> 1. CPD policy meets the MOA requirements. 2. Training on policy in both recruit and in-service training (compliance with the training aspect of this paragraph generally will be evaluated as part of paragraphs 80-81). 3. Qualitative assessment of compliance with policy in the field (e.g., that officers use force options that are reasonably related to the subject's conduct and level of resistance; that officers allow individuals to submit to arrest before force is used; chokeholds and carotid holds are not used except in deadly 	<p>CPD Procedure 12.545; curricula, lesson plans, roll call scenarios and other use of force training materials; observation of training; Use of Force Reports and investigative files of use of force incidents and citizen complaints involving use of force.</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	Procedures.		force situations). Appropriate supervision in field and corrective action taken for noncompliance with policy.	
	Dissemination of Policy			
13	CPD will make available proposed policy revisions to the Community Councils and other community groups, for review, comment and education. Policy revisions will be published on CPD's website to allow comments to be provided directly to CPD.	Dissemination of proposed policies and public access to policy revisions.	All new policies are posted on the CPD website. Major policy revisions are shared publicly in proposed form for review and comment.	CPD website.
	Chemical Spray			
14	CPD will adopt a chemical spray policy that (a) clearly defines terms; (b) limits use of spray to cases where force is necessary to	<ol style="list-style-type: none"> 1. Development and distribution of appropriate policies 2. Proper training on policy 3. Proper implementation in 	<ol style="list-style-type: none"> 1. CPD policy contains the elements required by ¶14. 2. Academy and in-service training fairly, accurately and 	CPD Procedure 12.545; training materials; sample of Use of Force Reports and investigations

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>protect persons from physical harm or necessary to effect arrest of actively resisting subject, or to prevent escape of subject; (c) requires that spray can be used only where verbal commands are ineffective; (d) requires supervisory approval for use of chemical spray against crowd; (e) verbal warning is necessary unless it would present danger, and time for complying with warning is provided; (f) requires officers to aim spray at target's face and upper torso; (g) provides guidance on proper duration and distance;</p>	<p>actual practice</p>	<p>appropriately summarizes the principles of the chemical spray policy.</p> <p>3. Quantitative measure (greater than 94%) for subparts 14b, c, e, f, g and h. Qualitative review of subparts 14d, i, j and k.</p> <p>For provision where there are a limited number of incidents [(d) crowd deployment, (i) medical response, (j) officer not to keep subject in face down position] we will examine the individual incidents for compliance.</p>	<p>of use of force incidents and citizen complaints involving use of chemical spray.</p> <p>For chemical spray investigations, the Monitor will:</p> <p>(b, c) calculate rate of appropriate uses of chemical spray (number of investigations where spray is appropriately used/number of investigations reviewed).</p> <p>(e) calculate "warning rate" (number of incidents in which a warning was given or there is documentati</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>(h) requires decontamination; (i) requires medical response in certain circumstances; (j) provides that officers not keep subject in face down position any longer than necessary; (k) provides that chemical spray may be used on a restrained individual only when the subject, or another, is likely to suffer injury or escape.</p>			<p>on of exigent circumstances/ number of incidents reviewed)</p> <p>(f, g) calculate rate of appropriate targeting, duration and distance (number of uses where officers aim at target's face or upper torso/number of investigations)</p> <p>(h) calculate decontamination rate (number of incidents where decontamination is offered/total number of incidents; subjects who refuse decontamination will be</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
				counted as being offered decontamination)
	Investigations of Spray on Restrained Persons			
15	<p>1. Sprays against restrained person will be investigated by a supervisor, who must take taped statements of all witnesses.</p> <p>2. These investigations will be reviewed and signed by Inspections.</p>	<p>1. Development and distribution of appropriate policies</p> <p>2. Proper training on policy</p> <p>3. Proper implementation in actual practice</p>	<p>CPD policy requires supervisory investigation, with tapes, and requires Inspections review. Training on supervisory investigations is conducted. Investigations of chemical spray on restrained persons are investigated by supervisors, with taped statements, and reviewed and signed by Inspections.</p>	<p>CPD Procedure 12.545; Inspections SOPs; training materials regarding force investigations; sample of investigations of chemical sprays on restrained persons.</p>
	Restraint Equipment			
16	CPD will have sufficient equipment in their police cars to properly restrain subjects, and train officers		Greater than 94% of police vehicles have working seat belts and lap bars. CPD training includes	Documentation of car equipment. Training materials from recruit and in-service

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	to use the equipment.		training on the use the restraining equipment. Qualitative assessment of incidents in which violent prisoners were transported; supervisors should document the use of restraints (e.g., seat belt and/or lap bar) or review the reasons why the restraints were not used.	training. Sample of use of force and complaint investigations.
	Training on Chemical Spray			
17	CPD will provide regular in-service training on proper amount of spray to use, how to deliver spray effectively, and the proper targets for chemical spray	Appropriate in-service training on use of chemical spray.	Training fairly, accurately, and appropriately summarizes the principles of the chemical spray policy, and the required content of ¶17 (identical to the requirements of ¶81). Training is provided to officers at least annually during in-service use of force training.	Training curriculum and lesson plans; observation of in-service training.
	Chemical Spray			

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	Canisters			
18	CPD will maintain an accounting of the number of CS canisters annually distributed to and used by each officer.		In over 94% of cases, CPD maintains a record for each CS canister used and replaced. (Review and assessment will be combined with ETS assessment, ¶57.)	CPD equipment records, canister replacement summary table; data contained in the ETS system.
	Research on Chemical Spray			
19	CPD will periodically review current research regarding the choice of chemical spray and consider the effectiveness and risk of injury to subjects in determining the optimal chemical spray for CPD usages.		Research review undertaken at least every 18 months. Qualitative assessment of whether review identified current research and evaluated CPD experience with existing chemical spray.	Documentation of CPD research efforts. Discussions with Inspections Section or others.
	Canines			
20	CPD will revise its Canine policies and procedures: (a) CPD will improve its canine operations by introducing an improved handler controlled alert	<ol style="list-style-type: none"> 1. Development and distribution of appropriate policies 2. Proper training on policy 3. Proper implementation in 	(a) DOJ approval of policy; canine training that is consistent with the policy and emphasizes handler control of and contact with the canine to ensure that	Canine Procedure 12.140; canine training curriculum, lesson plans and materials; observation of canine

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>curriculum and the use of new canines. The canine policy will be approved by DOJ.</p> <p>(b) Off leash deployments and other instances where there is a significant risk of canine bite shall be limited to searches of commercial buildings or instances in which the suspect is wanted for an offense of violence or reasonably is suspected to have a weapon</p> <p>(c) Supervisor’s approval is necessary for deployment</p> <p>(d) Loud and clear canine announcement required; interval between announcement and deployment required to allow suspect to surrender</p>	<p>actual practice</p>	<p>the canine is not allowed to bite a suspect without legal justification (see ¶84); use of canines trained under the “improved handler controlled alert curriculum.”</p> <p>(b) greater than 94% of off-leash deployments meet the MOA criteria.</p> <p>(c) greater than 94% of all deployments were authorized by a supervisor.</p> <p>(d) greater than 94% of all deployments had a canine announcement, or documentation for why a canine announcement was not made.</p> <p>(e) qualitative review of canine bite investigations to determine whether canine bite was</p>	<p>training, and ride-alongs. Canine deployment forms; canine bite investigations; bite ratio statistics; ETS system data; interviews of canine team supervisor and members.</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>(e) Handlers will not allow canine to bite a suspect except where suspect poses imminent risk of danger or is actively resisting or escaping</p> <p>(f) Handler will call off dog at first possible moment the canine can safely be released. Policy will prohibit nonresistant suspects from being bitten. Immediate medical treatment for any injuries must be provided.</p> <p>(g) CPD shall track canine deployments and canine apprehensions and calculate bite ratios on a monthly basis for the canine unit and canine teams.</p> <p>(h) CPD shall include canine bite ratios in the risk management system and review</p>		<p>consistent with policy; canine bites only when the subject posed a risk of harm, was actively resisting or escaping (as stated in Procedure 12.140, in cases of concealment, handlers will not allow their canine to engage a suspect by biting if a lower level of force could reasonably be expected to control the suspect or allow for the apprehension);</p> <p>(f) qualitative review of bite investigations for consistency with policy.</p> <p>(g) Monthly statistics are calculated by CPD and provided to Monitor each quarter.</p> <p>(h) The ETS system</p>	

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	the performance of handlers or the canine unit when the bite ratio is over 20 percent.		incorporates bite ratios for canine teams and the entire unit. Bite ratios over 20% trigger a review by the canine supervisor of the canine team's performance.	
	Beanbag Shotguns			
21	CPD will revise its beanbag shotgun and 40 millimeter foam rounds policy: (a) clearly define terms; (b) weapons may be used only to subdue or incapacitate a subject to prevent imminent physical harm; (c) prohibit use of weapon to prevent theft or vandalism; (d) prohibit use of weapon against crowd, absent ability to specifically target individual posing an imminent threat of harm; (e) provide that use of the weapon can be inappropriate	<ol style="list-style-type: none"> 1. Development and distribution of appropriate policies 2. Proper training on policy 3. Proper implementation in actual practice 	<p>Procedure 12.545 meets the MOA requirements. Academy and in-service training fairly, accurately, and appropriately summarizes the principles of the beanbag shotgun and foam round policy. Quantitative review of incident investigations to assess compliance with requirements.</p>	<p>CPD Procedure 12.545; beanbag weapon training materials; use of force and citizen complaint investigations involving beanbag shotguns or 40 millimeter foam rounds.</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	even if the alternative is to let the subject escape require that a supervisor approve use of weapon in a crowd situation, absent exigent circumstances.			
	Simultaneous Beanbag Rounds			
22	CPD will limit simultaneous beanbag shotgun and 40 mm foam rounds against a single individual. Use of Force reports for beanbag shotgun and 40 mm foam rounds will include the distance between the officer and the subject.	Same as ¶21.	CPD policy meets MOA requirements. Qualitative evaluation of beanbag shotgun or 40 mm foam round incidents.	Procedure 12.545; Use of Force Reports (Form 18TBFP) and use of force investigations and citizen complaints involving beanbag or foam rounds.
	Warning of Beanbag Rounds			
23	Absent exigent circumstances, verbal warnings will be given before a beanbag shotgun or foam round is used.	Same as ¶21.	CPD policy meets MOA requirements; qualitative review of incidents.	Procedure 12.545; Use of force and citizen complaint investigations involving beanbag or foam rounds.
	Documentation of			

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	Use of Force			
24	<p>Uses of force will be reported as follows (except for hard hands without injury):</p> <ol style="list-style-type: none"> 1. Use of force report will indicate each and every type of force used, and require the evaluation of each use of force 2. Use of force reports will include a narrative description of the use of force and events preceding it, and the officer(s)' audiotaped statement. [Hard hands and takedowns with injury not requiring hospitalization do not require audiotaped interviews.] 3. CPD will implement an automated system to allow supervisors to access use of 	<ol style="list-style-type: none"> 1. Development and distribution of appropriate policies 2. Proper training on policy 3. Proper implementation in actual practice 	<p>CPD policies meet the requirements of the MOA.</p> <ol style="list-style-type: none"> 1. Greater than 94% of use of force reports indicate each and every type of force used and include an evaluation of the use of force. 2. Greater than 94% of force reports include narrative description and the officer's taped statements (except takedowns with injury). 3. Use of force information is entered into the ETS System; the ETS system allows supervisors to access use of force information. 4. Greater than 94% of canine deployments result in completed forms, 	<p>Procedure 12.545; training curricula and materials on use of force reporting; Use of Force Reports; sample of use of force and complaint investigations; canine deployment forms; review of ETS system.</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>force information, by multiple variables.</p> <p>4. For canine deployments that do not result in a bite, the handler will complete a deployment form providing a narrative. The canine supervisor will review the narrative and evaluate whether the handler complied with CPD policy and used proper tactics and control.</p>		<p>and forms include narrative description, and are reviewed and evaluated by the canine supervisor.</p>	
<p>24 (Modified)</p>	<p>For hard hands and takedowns without injury:</p> <p>(1) Officer notifies supervisor of use of force; (2) officer completes a Non-Compliant Suspect Form (18NC), with a description of the events leading to the use of force and each and every type of force used; (3) a supervisor</p>	<p>Same as ¶24 above.</p>	<p>Greater than 94% of Non-Compliant Suspect forms include a description of the events and all uses of force, include written comments by a supervisor evaluating the officer's tactics and use of force, and reflect a review by Inspections</p>	<p>Sample of Non-Compliant Suspect Forms, with any associated reports; training curriculum and materials on officer reporting of hard hands and takedowns without injury.</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>reviews the form and evaluates whether the use of force was within policy and whether the officer used appropriate tactics (4) Inspections Section reviews the form for tactical errors, and legal, policy, and training issues.</p>		Section.	
	Use of Force Investigation			
26	<p>For any use of force or allegation of excessive force: (1) officer will notify supervisor, and supervisor will respond to scene; (2) supervisor will ensure medical attention is called if needed (3) incidents will not be investigated by supervisor who used force or authorized use of force, or whose conduct led to the reportable incident.</p>	<ol style="list-style-type: none"> 1. Development and distribution of appropriate policies 2. Proper training on policy 3. Proper implementation in actual practice 	<p>A supervisor responds to scene in over 94% of incidents. In over 94% of the incidents, the supervisor who investigates and completes the use of force report was not involved in the use of force incident. Qualitative assessment for medical attention.</p>	<p>Procedure 12.545; training curriculum and materials on use of use of force investigations; Use of Force Reports and use of force and citizen complaint investigations; CAD reports from use of force incidents.</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	Supervisory Investigation			
27	<p>1. Supervisors will investigate, evaluate and document each incident giving rise to a use of force and injury to prisoner for compliance with CPD policy and evaluate the tactics of the officer. The documentation will consist of a precise description of the facts and circumstances that either justify or fail to justify the officer's conduct.</p> <p>2. As part of the investigation, the supervisor will review the basis for the initial stop or seizure and determine whether the officer's action were within CPD policy.</p>	Same as ¶26 above.	<p>1. In over 94% of investigations sampled, supervisors evaluate and document their review of the officer's use of force and the officer's tactics for compliance with CPD policies. The supervisor's review and evaluation of the officer's use of force, tactics and basis for the stop or seizure is based on the facts and circumstances that either justify or fail to justify the officer's conduct.</p> <p>2. In over 94% of investigations sampled, supervisors evaluate and document their review of the officer's initial stop or seizure for compliance with CPD</p>	Same as ¶26 above.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
			policies.	
	IIS Response			
28	<p>1. IIS will respond to scene of, and investigate, all serious uses of force and all canine bites which cause serious injury or hospitalization.</p> <p>2. Inspections will review and evaluate in writing investigations of canine bites, beanbag shotgun, foam rounds or baton.</p>		Qualitative review of (1) and (2).	Use of Force reports, use of force and citizen complaint investigations; Inspections Section's critical review reports; Inspections Section SOPs.
	Use of Force Investigation			
29	<p>1. CPD will prohibit investigators from asking leading questions that improperly suggest legal justifications for officer's conduct.</p> <p>2. CPD will consider all relevant evidence, as appropriate, and make credibility</p>	Same as ¶26 above.	From a sample of investigations, Monitor Team will make a qualitative assessment of whether investigators considered all relevant evidence, did not use improper leading questions, did not improperly	Same as ¶26 above.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>determinations.</p> <p>3. No automatic preference for officers' statements over witnesses' statements. CPD will not disregard statement of interested witnesses.</p> <p>4. CPD will make efforts to resolve material inconsistencies between witness statements, and will train supervisors on factors to consider when evaluating witness or complainant credibility.</p>		discount the statements of witnesses, and made efforts to resolve inconsistencies between witness statements.	
	Force Investigations			
30	<p>1. All officers witnessing a use of force or injury to prisoner shall provide a statement.</p> <p>2. Use of Force Reports identify all officers involved in the incident or on the</p>	Same as ¶26 above	In over 94% of the cases in a sample of investigations, all officers involved in or at the scene of a use of force are identified on the Use of Force Report, and all officers witnessing the	Procedure 12.545; Use of Force Reports; sample of use of force and citizen complaint investigations involving uses of force.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>scene when it occurred.</p> <p>3. All Use of Force Reports will document whether medical care was provided, and whether the subject refused medical treatment.</p>		<p>use of force provide a statement. Whether medical care is provided or refused is documented in over 94% of the Use of Force Reports sampled.</p>	
	<p>Review of Force Investigations</p>			
<p>31</p>	<p>1. A supervisor at the rank of lieutenants or higher will review each investigation, identify any deficiencies, and require that any deficiencies be corrected.</p> <p>2. Supervisors will be held accountable for the quality of their investigations. Non-disciplinary corrective action and/or discipline will be taken when a supervisor fails to conduct a thorough investigation,</p>	<p>Same as ¶26 above.</p>	<p>1. Over 94% of sample use of force investigations reflect review by lieutenant or higher.</p> <p>2. Qualitative review of investigations and actions taken by CPD in cases where the supervisor failed to conduct a thorough investigation.</p>	<p>Sample of use of force investigations and citizen complaints involving use of force.</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	make an appropriate determination, or take appropriate corrective action.			
	Firearms Discharge Investigations			
32	Firearms discharge investigations will account for all shots, locations of officers, to the extent possible. CPD will conduct appropriate ballistics or crime scene analysis, including gunshot residue or ballistics trajectory tests.		Qualitative assessment of investigations.	Firearms discharge investigations; Firearms Discharge Board Reports.
	Firearms Discharge Board			
33	A Firearms Discharge Board will review the IIS and CIS investigation of a critical firearms discharge for compliance with CPD policy, as well as for tactical and training implications. The Board will prepare a report that	<ol style="list-style-type: none"> 1. Creation of FDB. 2. FDB review of IIS and CIS investigations. 3. FDB reports. 	Creation and membership of Board are consistent with MOA provision; FDB reports contain the required documentation and information, as specified in this MOA paragraph; qualitative review	Procedure 12.550; listing of members of Firearms Discharge Board; reports of FDB relating to shooting incidents, and IIS and CIS investigations of firearms discharges. Monitor Team

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>includes a description of the incident, a summary and analysis of all relevant evidence, proposed findings and analysis to support those findings. The board will determine: (a) whether the uses of force were consistent with CPD policy and training; (b) whether the officer used proper tactics; and (c) whether lesser force alternatives reasonably were available. The FDB will include at least a member of CPD command staff, a Training Academy representative, the affected Bureau Commander and an attorney from the Solicitor's Office.</p>		of FDB reports.	observation of Firearms Discharge Board meetings is another possible source.
	FDB Policy			
34	CPD policy on the	1. Development	Policy conforms	Procedure

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>FDB will:</p> <p>a. require review of firearms discharge within 90 days of end of all criminal reviews of incident;</p> <p>b. set out membership of Board;</p> <p>c. authorize the Board to recommend policy changes to the Chief;</p> <p>d. require the Board to act as a quality control mechanism for shooting investigations, returning incomplete investigations for additional work;</p> <p>e. authorize the Board to recommend to the Chief investigative protocols and standards for all critical firearms discharge investigations</p> <p>f. require the Board to annually review each</p>	<p>of FDB policy.</p> <p>2. FDB acts in conformity with requirements, including</p> <ul style="list-style-type: none"> • Performing timely reviews • Serving quality control function <p>3. FDB conducts annual review of all critical firearms discharges.</p>	<p>to MOA provision. Firearms discharges are reviewed within 90 days of the end of all criminal reviews of the incident. Qualitative assessment of FDB reports, including whether Board acts as “quality control mechanism” and returns incomplete investigations for additional work. Board conducts an annual review firearms discharges, and reports its findings and recommendations to the Chief.</p>	<p>12.550; annual report of Firearms Discharge Board; FDB reports.</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	critical firearms discharge to detect patterns and/or problems and report its findings and recommendations to the Chief.			
	Citizen Complaints			
35	The City and CPD will implement a program to inform persons that they may file complaints regarding the performance of CPD officers. The program will include distribution of complaint forms, fact sheets, informational posters and PSAs.	Development of information campaign on filing citizen complaints.	Qualitative review of public information campaign; availability of complaint forms and information in police districts.	Complaint forms, PSAs, posters, description of public information campaign.
	Complaint Availability			
36	1. City will make complaint forms and material available at districts, libraries other public locations, and over the internet. Officers will carry forms and brochures in their	1. Development and distribution of appropriate policies 2. Proper training on policy 3. Proper implementation in actual practice	1. Based on CPD audits, more than 94% of police vehicles have complaint forms. Police Districts and libraries have complaint forms when checked by	Complaint forms and brochures; Procedure 15.100; audits and inspections records of police facilities and police vehicles.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>vehicles at all times.</p> <p>2. If a citizen objects to an officer's conduct, that officer will inform citizen of the right to make a complaint. Officers will not discourage any person from making a complaint.</p>		<p>Monitor team.</p> <p>2. Qualitative assessment by Monitor team of whether citizen complaint files indicate any discouragement of complaint.</p>	<p>Training curricula and materials regarding citizen complaints.</p> <p>Sample of citizen complaint investigations; possible complaint audits (conducted by CPD or others).</p>
	Openness of the Complaint Process			
37	<p>1. Complaints may be made in writing or verbally, in person or by mail, telephone, fax, or e-mail.</p> <p>2. Front desk duty officers will be authorized to take complaints, including third party complaints. Officers taking complaint may describe facts that bear on complainant's demeanor and physical</p>	Same as ¶36 above.	<p>1. Procedures are consistent with the MOA provision, and complaints are not rejected because of the form of the complaint.</p> <p>2. Officers are trained and policy is reviewed regarding accepting complaints.</p> <p>3. Over 94% of complaints result in a written complaint form</p>	<p>Procedure 15.100; training curricula and materials regarding citizen complaints; complaint forms; sample of citizen complaint investigations.</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>condition, but may not express opinions regarding complainant's mental competency or veracity.</p> <p>3. A complaint form will be completed each time a person attempts to file a complaint, except if person is only contending they are innocent of a charge. Each complaint will be assigned a unique identifier, which will be provided to the complainant.</p> <p>4. Each complaint will be resolved in writing.</p>		<p>being completed and the complaint number is provided to the complainant.</p> <p>4. Over 94% of citizen complaints are resolved in writing.</p>	
	Process of Complaint			
38	Complaints filed with the CCRP, OMI, CCA or Cincinnati Human Relations Commission will be forwarded to IIS within five business days.		Over 94% of complaints filed in other offices are forwarded to IIS within five business days.	Citizen complaint files; IIS complaint records.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	Investigating Officer			
40	An officer using force, authorizing force, or whose conduct led to a use of force shall be prohibited from investigating the use of force.		In over 94% of use of force incidents, officer investigating incident was not involved in, nor authorized, the use of force.	Procedure 15.100; Procedure 12.545; Use of Force Reports, sample of investigations of use of force and citizen complaints involving force (including CCRPs).
	Complaint Investigation			
41	<p>1. CPD and CCA will consider all relevant evidence, including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations.</p> <p>2. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will CCA or CPD disregard a witness's statement</p>	<p>1. Development and distribution of appropriate policies</p> <p>2. Proper training on policy</p> <p>3. Proper implementation in actual practice</p>	From a sample of investigations, the Monitor Team will make a qualitative assessment of whether investigators considered all relevant evidence, did not use improper leading questions, did not improperly discount the statements of witnesses or improperly credit the statements of officers, and made efforts to	Procedure 15.100; training curriculum and other training materials for investigators; observation of training; sample of CCA and IIS citizen complaint investigations, including taped statements of witnesses.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>because the witness has a connection to the complainant.</p> <p>3. CCA and CPD will make efforts to resolve material inconsistencies between witness statements. CPD and CCA will train their investigators on factors to consider when evaluating credibility.</p> <p>4. The CPD and CCA will prohibit investigators from asking improper leading questions.</p> <p>5. CPD investigators will ensure that all officers on the scene of an incident provide a statement regarding the incident.</p>		<p>resolve inconsistencies between witness statements. Qualitative review of CPD and CCA training for investigators, including training on making credibility assessments.</p>	
	Complaint Investigations			
42	<p>1. All relevant police activity, including each use of force, will be investigated.</p> <p>2. The</p>		<p>Qualitative assessment of investigations: investigations follow the procedures</p>	<p>Procedure 15.100; citizen complaint investigations; training curriculum</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	<p>investigation will also evaluate any searches or seizures that occurred.</p> <p>3. CCA and CPD will not close investigation simply because complaint is withdrawn or alleged victim unable to provide medical records. The fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence that a CPD officer did or did not use force, nor will it justify discontinuing an investigation.</p>		specified in ¶42.	and materials.
	Complaint Investigations			
43	Complainant will be kept informed of the status of the investigation; upon completion of the investigation, the complainant will be notified of its outcome, including an		Over 94% of complaint files document notification to the complainant.	Complaint investigations; notification letters to complainants.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	appropriate statement concerning whether any corrective or disciplinary action was taken.			
	Complaint Dispositions			
44	Each allegation will be resolved by making one of the following dispositions: unfounded, sustained (including “sustained-other”), not sustained, exonerated.		Over 94% of complaints are resolved using one of the four dispositions.	CCA and CPD complaint investigations (including CCRPs).
	Commander Recommendations			
45	Unit Commanders will evaluate each investigation of an incident under their command to identify underlying problems and training needs. Any such problems or needs will be relayed in the form of a recommendation to the appropriate		Underlying problems that are identified by Unit Commanders are relayed to appropriate CPD entities with a recommendation.	Sample of investigations; recommendations from Unit Commanders.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	CPD entity.			
	IIS Jurisdiction			
46	IIS will investigate all complaints regarding use of force, the pointing of firearms at persons, searches or seizures, and discrimination. Only complaints not falling within the jurisdiction of IIS will be eligible for the CCRP.		Over 94% of investigations are investigated by the appropriate CPD entity.	Documentation of citizen complaints and the CPD entity investigating the complaint; sample of investigations.
	CCRP Investigations			
47	Complaints handled through the CCRP complaints will be fully investigated and adjudicated prior to a complaint resolution meeting. The willingness of the complainant to participate in a resolution meeting and the outcome of the meeting will have no bearing on the investigation or adjudication of the complaint.		Over 94% of CCRP complaints are fully investigated and adjudicated before the resolution meeting. Qualitative determination that participation or not in the resolution meeting did not have a bearing on the investigation or the adjudication.	CCRP investigations; CCRP resolution documents; Inspections audit of CCRP files.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
48	<p>CCRP complaints will be investigated by the chain of command.</p> <p>(1) The investigator will prepare a report that will include: a description of the incident; a summary and analysis of all relevant evidence gathered during the investigation; proposed findings regarding whether the conduct comports with CPD policy and analysis supporting the findings.</p> <p>(2) The District or Unit Commander will review the investigation to ensure that it is complete and that the findings are supported by the evidence. The District or Unit Commander will order additional investigation when appropriate.</p>		<p>1. Over 94% of CCRP investigations include a report containing the items required by this paragraph.</p> <p>2. In over 94% of the CCRP investigations, the District or Unit Commander reviews the investigation to ensure that it is complete and that the findings are supported by the evidence. The District or Unit Commanders order additional investigation where appropriate.</p>	Same as ¶47
	IIS Investigations			

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
49	<p>In conducting investigations, IIS will (a) tape or videotape interviews of complainants, involved officers, and witnesses; where practical and appropriate conduct interviews at times and at places convenient for complainants and witnesses; (c) prohibit group interviews; (d) notify the involved officer(s)' supervisor of the investigation; (e) interview all appropriate CPD officers, including supervisors; (f) collect, preserve and analyze all appropriate evidence, including canvassing the scene, obtaining medical records; (g) identify and report in writing all material inconsistencies in officer and witness interview</p>		<p>Over 94% of the IIS investigations follow the procedures specified in ¶49(a)-(g)</p>	<p>IIS investigative files</p>

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	statements.			
50	<p>(1) The investigator will prepare a report that will include: a description of the alleged misconduct and any other misconduct issues identified during the course of the investigation; a summary and analysis of all relevant evidence gathered during the investigation; proposed findings and analysis supporting the findings.</p> <p>(2) Absent exceptional circumstances, IIS will complete investigations within 90 days after receiving the allegations.</p>		<p>1. Over 94% of IIS investigations include an investigator's report that includes the items contained in ¶50, including other misconduct issues not alleged in the complaint but which were identified in the investigation.</p> <p>2. Over 94% of IIS investigations are completed within 90 days of receiving the allegations, or if not, IIS has obtained and documented an extension of time, based on exceptional circumstances.</p>	
	CCA Investigations			
51	Within 120 days of the Agreement, CCA will assume all responsibilities specified for it		CCA is responsible for accepting and investigating citizen	CCA and CCA Board procedures and documents,

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	and OMI in the Agreement.		complaints and other responsibilities under this Agreement.	including minutes of CCA Board meetings.
52	<p>(1) Each complaint (excluding criminal investigations) will be directed to the CCA regardless of where it initially is filed.</p> <p>(2) CCA will have jurisdiction, at a minimum, over all complaints alleging excessive force, the improper pointing of firearms, unreasonable searches and seizures, and discrimination.</p> <p>(3) All allegations within its jurisdiction will be actually investigated by CCA. CCA will accept complaints on behalf of third parties.</p> <p>(4) The CCA will have sufficient</p>		<p>1. 100% of complaints, excluding criminal complaints) are directed to the CCA.</p> <p>2. CCA's jurisdiction includes excessive force, improper pointing of firearms, unreasonable search and seizure and discrimination complaints.</p> <p>3. CCA investigates over 94% of complaints allegations within the jurisdictional categories described in ¶52.</p> <p>4. CCA has at least five professional investigators.</p>	CCA procedures and policies; CCA case lists and matrices of complaints received and investigated; CCA staff figures.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
	number of professional investigators to achieve timely completion of all investigations.			
53	CPD officers and City employees are required to submit to administrative questions from the CCA. The CCA Executive Director will have reasonable access to city records, documents and employees, including personnel records and departmental investigation files and reports.		City officials and CPD officers submit to administrative questions from the CCA. The Executive Director has reasonable access to city records, documents and employees.	CCA investigative files; CPD procedures and SOPs; interview with CCA Executive Director.
54	The City will 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 develops and adopts formal procedure regarding timing, notification and interviewing of witnesses for parallel investigations conducted by the CCA and IIS.	Formal procedures are developed, adopted and implemented to ensure that parallel investigations of the CCA and IIS are conducted effectively.	CCA procedures; CPD procedures; joint procedures, MOU, or other documents describing the procedures to ensure effective parallel investigations.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
55	The City will take appropriate action, including imposing discipline and providing for non-disciplinary corrective action where warranted, in regard to each investigation completed by CCA.		In cases where CCA has determined that a complaint allegation has been sustained, and the City Manager agrees with the CCA determination, CPD takes appropriate corrective action, including discipline and non-disciplinary corrective action where warranted.	CPD discipline records, CCA investigative files; documentation of City Manager decisions on CCA cases.
56	<p>(1) The CCA will complete its investigation within 90 days of the filing of the complaint, provided that the Executive Director may extend an investigation after consultation with the CCA Board.</p> <p>(2) The City Manager will take appropriate action within 30 days of the completion of CCA's investigation.</p>		<p>1. Over 94% of CCA investigations are completed within 90 days of the filing of the complaint, or if not, the CCA determined an extension of time was necessary and consulted the CCA Board.</p> <p>2. The City Manager takes action on a CCA investigation within 30 days of the completion of the investigation and the review of the investigation</p>	CCA case lists and matrices; sample CCA investigative files; documentation of the City Manager's actions.

MOA ¶	MOA PROVISION	MOA REQUIREMENTS, ACTIVITIES TO BE MONITORED	DEFINITION OF COMPLIANCE	DOCUMENTS AND SOURCES
			by the CCA Board.	

APPENDIX B

CA Compliance Benchmarks and Standards

CA ¶	CA PROVISION	ELEMENTS OF THIS CA SECTION	DEFINITION OF COMPLIANCE AND LINKAGES TO OTHER COLLABORATIVE AGREEMENT SECTIONS	DOCUMENTS AND SOURCES
	Interagency Collaboration	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
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	<ol style="list-style-type: none"> 1. Develop plan for interagency coordination around CPOP, with Parties input 2. Train City staff on plan 3. Implement Plan 	<ol style="list-style-type: none"> 1. The Parties are consulted 2. A coordination plan is developed with consultation with the Parties 3. Employees in different City agencies are trained on CPOP action plan. 4. The Plan is implemented 5. The Plan works to coordinate city services around CPOP, and addresses the interagency collaboration needs of the community problems undertaken <p>Linkages to: Training for officers in use of inter-agency collaboration</p>	<p>Evidence of Compliance includes:</p> <ol style="list-style-type: none"> 1. Documentation of Parties' input 2. A written plan is available 3. Officers, the Parties, and community problem solvers are aware of the plan 4. Minutes of interagency coordination meetings <p>Potential Measures of Compliance include the following:</p> <ul style="list-style-type: none"> • number of agencies involved • range of City services provided • number of projects with interagency cooperation • number and type of interagency interventions requested • time period between request for City agency involvement and City agency completion of action • Description of whether the intervention assisted in reducing the problem <p>CPD should also review whether other agencies should be involved in the process. For example, while social service agencies are often County entities rather than City entities, they can be key to</p>

				creating solutions to, or reducing the harm from, a problem (like Off the Streets anti-prostitution effort).
	Best Practices	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
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	<ol style="list-style-type: none"> 1. Parties develop a plan for researching best practices in community problem oriented policing. 2. Develop criteria for adopting something as a best practice 3. Decide how frequently best practices will be added 3. Make the best practices available to the public 4. Update best practices according to frequency decided 	<ol style="list-style-type: none"> 1. A best practices virtual library is on the CPOP website, available to officers and community members 2. A best practices virtual library is also on CPD's website (broadens dissemination to all officers, in addition to COP officers) 3. FOP and Plaintiffs are involved in researching best practices 4. The CPD uses best practices in application of CPOP 5. The CPD trains its personnel (including supervisors and managers) in best practices 6. The CPD uses best practices to help reduce crime 7. The Partnering Center uses best practices library in their menu of training classes with the community and the police department <p>Linkages: Training for CPD officers/supervisors /managers in best practices; training</p>	<p>Best practices would be evidenced in different ways:</p> <ol style="list-style-type: none"> 1. Web access – both CPD and CPOP website for it to be more widely disseminated and adopted 2. Availability of best practices library through other means (such as at public libraries), for members of the public who do not use the CPOP or CPD website 3. Best practices are researched and used or adapted in problem solving: in how officers articulate the problem definition for a specific case; the problem analysis undertaken by CPD; and in assessing impact 4. Application of situational crime prevention 5. Website write-ups reflect training in best practices. <p>Documents and Sources: Research Plan, CPOP/CPD websites, hard copy of best practices library, CPOP write-ups</p>

			for officers and training for crime analyst; training in situational crime prevention. Also linked with 29(c) and 29(d).	
	Continuous Learning Process Through the CPD Around Problem Solving	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
29(c)	<p>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</p>	<ol style="list-style-type: none"> 1. Experiences with problem solving efforts in the field will be documented. 2. Experiences with problem solving efforts in the field will be disseminated throughout the police department. 3. Experiences with problem solving efforts in the field will be made available to the public. 4. Problem solving will continue to be emphasized in (included but not limited to) <ul style="list-style-type: none"> • academy training • in-service 	<ol style="list-style-type: none"> 1. Problem solving efforts are documented <ul style="list-style-type: none"> • Parties are clear about the types of efforts that meet the criteria of problem solving • In the interest of clarity, efforts are documented using the SARA format 2. Problem solving documentation (as per CA paragraphs 20-23) includes: <ol style="list-style-type: none"> a. Evidence that the problem was carefully defined. b. Evidence that the problem was carefully analyzed. c. Evidence that the “police and partners engaged in a broad search for solutions based on the analysis of 	<p>Evidence of a continuous learning system includes:</p> <ol style="list-style-type: none"> 1. a curriculum (with input from the Parties) used to train employees in problem solving, situational crime prevention, how to research problems, how to ascertain best practices, , expectations of the Department for engagement with the community and in problem solving, baseline measures, considering a range of responses, and assessing impact. 2. Crime analysts trained in problem analysis, problem solving, and situational crime prevention 3. Employees have examples of problem write-ups that assist them in their own documentation of problems 4. Problem solving training is incorporated into FTO program, as well as academy and in-service training. 5. Training that is specific to sergeants, lieutenants and captains, and covers their changing role in supervising, coaching, managing, and leading problem solving. In addition, sergeants will require information about

	training, in-service training, and field officer training	<p>training, and</p> <ul style="list-style-type: none"> field officer training 	<p>information.”</p> <p>d. The effort is evaluated to determine if the problem has been reduced. Baseline measures should be collected in the problem identification and analysis phases.</p> <p>3. In order to disseminate problem solving to CPD members “throughout the CPD,” the “continuous learning” process includes training for Department employees emphasizing that problem solving is the principal strategy of the police department.</p> <p>Linkages: Training, activity, performance evaluations and job descriptions (awareness and use of best practices), transfers and promotions, tracking system, Unit Commander reports. Also linked with 29(a), 29(b), and 29(d).</p>	<p>effective ways to ensure time for officers to problem solve.</p> <p>6. The continuous learning process should include a feedback loop, so that experiences in problem solving in the field are not only documented on the website, but also are incorporated into the training provided to officers and the public, along with updates on specific problems. Thus, another measure of success/compliance on this provision will be</p> <ul style="list-style-type: none"> whether training curricula are updated with recent examples and experiences from the field whether training curricula contain best practice information <p>Documents and Sources: Training curricula, lesson plans, schedules, course evaluations and other training materials and records; District/Unit commander reports, personnel evaluations, time CPD commits to training employees.</p>
	Research Successful and Unsuccessful Ways to Tackle Problems	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
29(d)	The Parties will seek out information on how	1. Parties seek out information	1. Research of best practices is undertaken by all three parties and the	Evidence of best practice research (tied with 29(b) and (c)) includes:

	<p>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.</p>	<ul style="list-style-type: none"> • Criteria for adopting something as a best practice • Frequency of review <p>2. Disseminate information</p> <ul style="list-style-type: none"> • Use information in training • CPD website • CPOP website • Evidenced in problem reduction projects <p>3. Information gained is used.</p>	<p>Partnering Center.</p> <p>2. Problem solving research on the CPOP website gives clear description of the different types of best practices: problem specific, problem oriented policing implementation, situational crime prevention.</p> <p>Linkages: Linked to 29(b) and 29(c), training</p>	<ol style="list-style-type: none"> 1. written criteria for best practice adoption 2. training curricula and lesson plans (training for officers/supervisors and managers in best practices) 3. training on problem solving crime analysis for crime analysts ["Becoming a Problem Solving Crime Analyst: In 55 Small Steps"] 4. conversations with officers during Monitor Team ride-alongs 5. use of best practices in crime reduction projects and traffic problem reduction efforts 6. availability of best practices on both the CPOP and CPD website 7. best practice knowledge as a skills measure in the performance evaluations. <p>Potential Measures:</p> <ul style="list-style-type: none"> • Whether research is used in problem solving projects (see 29b). • whether projects apply situational crime prevention • whether projects that are on POP Guide topics show awareness and use of elements of the guide • whether research is used in crime reduction and traffic problem reduction efforts
	Joint Promotion of CPOP and CPOP Training	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
29(e)	The Parties, consistent with the Partnering Center, shall conduct CPOP	1. Consultation of Parties in developing joint training	1. Parties agree to a joint CPOP curricula 2. Presenters are well trained in problem solving and in the	Evidence of joint promotion and joint training delivery includes: 1. A jointly agreed upon curriculum

	<p>training for community groups, jointly promote CPOP, and implement CPOP training.</p>	<ol style="list-style-type: none"> 2. Develop joint training 3. Joint promotion of CPOP 4. Joint training delivery to community groups 5. Assessment of whether training produces desired results (people gained skills and are willing to participate) 	<p>joint curricula</p> <ol style="list-style-type: none"> 3. CPD presenters are clear about their role and responsibility in problem solving and that problem solving is to be the principal strategy for addressing crime and disorder problems in Cincinnati 4. Joint presentation of curricula 5. Community groups trained in CPOP 6. Parties develop promotional plan and jointly promote CPOP and CPOP training. <p>Linkages: 29(f) community dialogue, training</p>	<ol style="list-style-type: none"> 2. Joint delivery of training 3. Internal expertise in problem solving and best practices in CPD and Partnering Center employees 4. Use of these skills in training others inside and outside of the Department 5. Enhanced expertise would involve knowledge of how to research problems, how to define problems, how to analyze problems, different types of analysis, baseline data collection, researching similar problems, familiarity with some of the “what works” and “best practices” literature, looking at a range of solutions, including situational crime prevention, measuring impact, and the resources available to assist with problem solving. <p>Evidence of CPOP promotion includes</p> <ol style="list-style-type: none"> 1. Development of promotional plan 2. public service radio spots 3. news articles, notification of training 4. printing and distribution of fliers 5. engagement of “Friends of the Collaborative” 6. promotion of CPOP with community councils 7. joint participation in panel discussions and forums about CPOP and training <p>Potential Measures:</p> <ul style="list-style-type: none"> • Whether training contains information about CPOP, the Collaborative, and the change to which CPD is committed
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				<ul style="list-style-type: none"> • Number of community groups/areas trained • Number of groups actively addressing a crime/safety problem • Number of officers/outreach employees conducting the training • Whether projects apply situational crime prevention, best practices, sound methods and are sufficiently described in officer write-ups • Additional types of training offered regularly (and jointly promoted) to affected communities (open air drug markets, drug dealing in privately owned apartment complexes, graffiti, landlord training, etc.) • Enhanced public knowledge of CPOP
	Community Dialogue and Structured Engagement with Specific Groups	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
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	<ol style="list-style-type: none"> 1. The Parties will develop structured engagement and on-going community dialogue with the community through the Partnering Center, on the purposes and practices of CPOP. 2. For each element of the community 	<ol style="list-style-type: none"> 1. For each of these groups, the focus, at least initially, is on the purpose of CPOP and its practices 2. CPD and Partnering Center engage in on-going community dialogue. 3. The structured involvement can include planned forums, trainings, meetings and mechanisms for feedback. 	<p>Evidence of structured involvement includes:</p> <ol style="list-style-type: none"> 1. a written plan 2. joint promotion 3. holding of events 4. review of feedback instrument <p>Evidence of the on-going dialogue include:</p> <ol style="list-style-type: none"> 1. minutes of meetings 2. agenda outlines, copies of handouts 3. scheduling of follow up meetings 4. reports on outcomes of discussions and meetings, interviews with community

	property owners, businesses, tenants, community and faith-based organizations, motorists, low income residents and other city residents on purposes and practices of CPOP.	listed in 29(f) [youth, property owners, businesses, tenants, community and faith-based organizations, motorists, low income residents, others], the following steps should be involved: <ul style="list-style-type: none"> • Parties develop plan • Funding for event or discussions agreed upon • Joint promotion of event/ discussions • Event/ discussions held; discuss opportunities for continuation of dialogue • Feedback • Continuation of dialogue; feedback 		attendees 5. descriptions of areas of agreement and disagreement in the dialogue and discussion of next steps Potential Measures: <ul style="list-style-type: none"> • whether events are planned • whether Parties develop “needs assessment” process to gain information on concerns of community elements • whether all or some of the groups have been approached • whether structured events are held • the number of structured events • whether publicity about the event sufficient • feedback from the events (could include surveys of participant to garner participants’ views of events) • dialogue initiated • dialogue on-going
	CPOP Annual Award	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
29(g)	The Parties shall establish an annual	1. An annual CPOP award	1. The Parties meet and develop guidelines for the	Evidence includes: 1. event planning memo

	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.	is established 2. Criteria for awards are developed 3. CPOP Awards ceremony held	award 2. Criteria for each award is set 3. Judging rules are established, and judging form developed 4. Funding for the award ceremony is agreed upon 5. An awards selection team is established 6. Award applications are widely publicized by the CPD, the FOP, and the Plaintiffs 7. Awards ceremony date is set and widely publicized by Parties 8. Judges review award applications using previously established guidelines 9. Awards ceremony held 10. Debriefing held and, if need be, awards guidelines are revised for the following year Linkages: Training, performance evaluations, CPOP training in the community	2. cost sharing agreement 3. award criteria 4. joint dissemination of award information and criteria 5. award decisions 6. invitations delivered/distributed 7. ceremony held 8. participation of elected officials, Parties, CPD managers 9. media coverage 10. debriefing notes on success and ways to improve the process/ceremony Potential Measures: <ul style="list-style-type: none"> • Funding is appropriately allocated and obtained • Invitations distributed to key officials and community members • Number of CPD managers in attendance • Increasing quality of awardees' projects, contributions as each year progresses • Reengagement to plan for following year's awards process • Inclusion of the CPOP awards process in CPD annual awards process/ceremony
	Informing the Public about Police Policies and Procedures - Communications Audit	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
29(h)	The City, in	1. Parties meet to	1. Police policies and procedures are	Evidence concerning Policies and

	<p>consultation with the Parties and consistent with the 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.</p>	<p>discuss system for informing public about police policies and procedures.</p> <p>2. The City, in consultation with the Parties, develops a plan and a timetable for the improvement of internal and external communications.</p> <p>3. The City implements the plan.</p> <p>4. NCCJ-funded audit conducted</p> <ul style="list-style-type: none"> • Results shared with Monitor and Parties • City identifies audit recommendations it will implement and provides explanation for those it will not. 	<p>disseminated to the public.</p> <p>2. A plan is developed and implemented for improving internal and external communications.</p> <p>3. Audit recommendations are shared, the City identifies which ones it will put in place and provides reasons why others will not be put in place.</p> <p>Linkages: 29(f)</p>	<p>Procedures:</p> <ol style="list-style-type: none"> 1. dissemination of CPD policies and procedures through various mechanisms 2. policies of import to the community are disseminated in additional ways, with greater opportunities for feedback <p>Evidence concerning communications audit:</p> <ol style="list-style-type: none"> 1. audit shared with Parties and Monitor 2. City responds to recommendations 3. reasonable timetable for implementation of recommendations 4. point person responsible for implementation identified 5. implementation of recommendations
	<p>Staff a Community Relations Office</p>	<p>Elements of this CA Section</p>	<p>Compliance and Linkages</p>	<p>Evidence of Compliance and Measures of Compliance</p>

29(i)	The Parties shall create and staff a Community Relations Office with the appropriate level of staffing to coordinate implementation of this Agreement.	1. Create and staff a Community Relations Office with the appropriate level of staffing to coordinate implementation of the Agreement.	1. Staffing of unit. 2. Adequate authority to accomplish tasks. Linkages: Staff should receive extensive CPOP training	Evidence: 1. Unit staffed and trained 2. Unit responsive 3. Unit staff have authority to coordinate implementation Potential measures: <ul style="list-style-type: none">• FTE's in unit and whether it is sufficient• Documents provided to Monitor in timely manner• Deadlines for implementation are met
	Problem Solving Annual Report	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
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.	1. The Parties meet to agree upon timetable and distribution of work for report preparation 2. Parties clear about reportable problem solving 3. Each party will also detail what they have done to implement CPOP 4. A joint report is submitted 5. Cost for publication and distribution agreed upon 6. Parties	1. Annual report should include contributions from all three parties and the Partnering Center. 2. The report should include a discussion not only of successes and the activities that have taken place, but also of any gaps in problem solving, e.g., what is missing, or still needs to be done. The Parties in successive years should begin to self-identify these gaps and how to remedy them. 3. The reports should reflect problem-solving as described in the CA ¶22,23, 24, 25 4. Each successive year the report	Evidence: 1. Timely report submission 2. Each successive year, the report documents 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. Potential Measures: <ul style="list-style-type: none">• Greater accuracy in documenting problem solving, and increasing levels of problem solving• Report describes advanced training offered in CPD and by Partnering Center• Report describes continuous learning by CPD around problem solving and best practices• Parties identify problem solving training needs within the CPD and

		<p>disseminate the report</p> <p>7. Recurs yearly</p>	<p>should show:</p> <ul style="list-style-type: none"> • Incremental improvement • Broader range of problems addressed • Greater use of research tools • More analytic problem-solving <p>Linkages: Section 29(h) dissemination of policies and procedures</p>	<p>community</p> <ul style="list-style-type: none"> • Report shows increasing advancement by the CPD towards problem solving as its principal strategy for addressing crime and disorder problems
	<p>CPD District Commander and Special Unit Commanders /Officials Submit Problem Solving Reports</p>	<p>Elements of this CA Section</p>	<p>Compliance and Linkages</p>	<p>Evidence of Compliance and Measures of Compliance</p>
29(k)	<p>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</p>	<p>1. Each District Commander will submit a quarterly report</p> <p>2. Each Special Unit Commander or officials at comparable levels will submit quarterly report.</p> <p>3. Reports will document only problem solving efforts undertaken, or training planned or accomplished to assist in problem</p>	<p>1. Those required to submit reports include:</p> <ul style="list-style-type: none"> • District Commanders • Narcotics • Traffic • Community Response Team • Training Section • Alarm Reduction Unit • Youth Services • Vice • Planning • Crime Analysis • Criminal Investigations Section (covering activities of homicide, 	<p>Evidence:</p> <ol style="list-style-type: none"> 1. Documentation of unit efforts 2. Accompanying data 3. Monitor site visits to different locations 4. CPD research efforts 5. Discussions with officers/detectives and unit commanders. <p>Potential Measures:</p> <ul style="list-style-type: none"> • The number of reports submitted to the Monitor each quarter • Quality of the reports – whether they reflect problem solving • Increasing proficiency in problem solving among units • Increasing use of

	<p>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.</p>	<p>solving.</p> <p>4. The reports will follow the SARA model: Scanning, Analysis, Response, Assessment</p> <p>5. CPOP cases will be reported separately in the problem tracking system.</p> <p>6. The reports should contain information about the steps the unit/district commander is taking to move his/her unit towards problem solving as the principal strategy for addressing crime and disorder problems</p> <p>7. The reports should also contain obstacles faced and recommendations for future improvement.</p>	<p>personal crimes, major offenders, financial crimes units)</p> <ul style="list-style-type: none"> • Downtown Services Unit • Special Services Section (covering park unit, traffic unit) <p>2. Reports should be highly specific, without violating Ohio Law, (an intersection with high accident injury levels; a particular drug house or open-air drug market; a specific problem underpass; loitering problem in front of a specific convenience store or specific corner).</p> <p>3. Problems described in the reports should have four subsections: Scanning, Analysis, Response, and Assessment. Scanning/Analysis should include baseline descriptions of the problem.</p> <p>4. As noted in 29(c), problem solving documentation (as per CA paragraphs 20-23) should include:</p> <ul style="list-style-type: none"> • Evidence that the problem was carefully defined. • Evidence that the problem was carefully 	<p>problem solving by members of these units; less reliance on unevaluated efforts, and greater reliance on analysis</p> <ul style="list-style-type: none"> • Use of a wider range of tactics (civil, situational crime prevention, zoning, environmental, etc.) • Reports describe the Commanders' actions and plans to involve the entire command in problem-solving and CPOP activities (rather than just the COP officers).
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			<p>analyzed.</p> <ul style="list-style-type: none"> • Evidence that the “police and partners engaged in a broad search for solutions based on the analysis of information. A law enforcement response is always a possibility, but may not be required..” • The effort must be evaluated to determine if the problem has been reduced. <p>Linkages: CPD training in problem solving for employees in special units as well as patrol (civilian and sworn). Also linked to training in best practices, and linked to training for supervisors and managers (even those in special units)</p>	
	Police Academy Training	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
29(l)	The Parties shall review existing courses and recommend any new ones that may be appropriate for the Police Training Academy in order to effectively and accurately inform police	<ol style="list-style-type: none"> 1. CPD will send the Plaintiffs, FOP and the Monitor a list of academy classes planned for the year. 2. Plaintiffs, FOP, and the Monitor are invited to attend 	<ol style="list-style-type: none"> 1. The Partnering Center is consulted, as they have spent time with the community and with the police in different communities. 2. New training might include steps to introduce recruits and newly-assigned officers to the community in the districts, as well as 	<p>Evidence:</p> <ol style="list-style-type: none"> 1. Recommendations from FOP, Plaintiffs, and Partnering Center 2. CPD written response to the recommendations 3. Introduction of training recommendations. 4. FTO Trainees’ evaluations <p>Potential Measures:</p>

	recruits, officers and supervisors about the urban environment in which they are working.	<p>classes.</p> <p>3. Plaintiffs and FOP attend courses.</p> <p>4. The Parties meet to discuss the appropriateness of additional courses that will improve officers' and supervisors' understanding of policing in an urban environment.</p> <p>5.. The CPD will review the ideas and report the acceptance or rejection (with reasons) of suggested courses.</p>	<p>to community events, community leaders, and engaged citizens.</p> <p>3. New training might include problem-specific training, as this will improve officers' ability to address chronic problems that are common to an urban environment (drug markets, graffiti, trespassing, speeding vehicles in residential areas, etc.).</p> <p>Linkages: Recruit training, FTO training, in service training.</p>	<ul style="list-style-type: none"> • Agreement between CPD, FOP, Plaintiffs and Partnering Center that specific additional training is desirable • Parties consult on the curriculum • Partnering Center participates in CPD training • Partnering Center outreach workers participate as trainers in CPD academy on certain classes related to problem solving • FTOs introduce trainees to Partnering Center outreach workers to discuss ways to address chronic safety problems
	Implement Problem Tracking System	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
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	<p>1. The Parties, in consultation with the Monitor, develop a problem tracking system</p> <p>2. The system allows for problem specific searches and area specific searches.</p> <p>3. The system prompts users to enter</p>	<p>1. Consultation with the Parties, Partnering Center and the Monitor</p> <p>2. Tracking system has analytic capabilities; e.g., can the system compile a report on the problem solving efforts dealing with a particular type of crime (prostitution, for example); can it search by field?</p> <p>3. CPD should address the following issues:</p>	<p>Evidence:</p> <ol style="list-style-type: none"> 1. CPD consultation with Parties and Monitor 2. review of different systems 3. system plan (consult users) 4. test design of system 5. corrections made 6. implement system 7. train users 8. ensure use of system 9. establish quality control <p>Potential Measures:</p> <ul style="list-style-type: none"> • whether system is designed to capture problem solving • whether system is searchable

	<p>activities and information, evaluation results, and partnerships with police, government, and community organizations and individuals.</p>	<p>detailed information so that later users can learn about the problem, its dimensions, responses tailored to it and whether and how much it reduced the problem.</p> <p>4. The system contains information about partnerships with community organizations, individuals and other governmental entities.</p>	<ul style="list-style-type: none"> • Who will be responsible for quality control for the system? • What is the role of the sergeant in assuring quality control for projects being entered? • How will the system interface with any case management and records management systems in CPD? • Can the Partnering Center have access/input to the system? <p>4. The tracking system contains detailed information, including the following items:</p> <ul style="list-style-type: none"> • The type of property where the problem is occurring (e.g., convenience store, gas station, privately owned apartment building) • The type of place the problem is occurring (e.g., the sidewalk in front of the property, inside the property, behind the property, in the property's 	<ul style="list-style-type: none"> • whether system captures information about the types of places where crime problems are occurring • whether future users would understand a project, its dimensions, solutions considered, partnerships, contacts, key players, interventions, and impact based on what was inputted into the system • Partnering Center has access to system • Ease of use • Accountability for use • Quality control established • Use of inputted efforts in Department and community training
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			<p>parking lot)</p> <ul style="list-style-type: none"> • The name of the owner(s) of the property (if public information) • The property manager (if any) of the property (if public information) • Contact information for the owner and the property manager (this information is essential if the officer working on the project is transferred or promoted, as it leaves behind a record for follow-up) <p>Linkages: training in use of system. Also using some of the inputted efforts in community and Department training</p>	
	Update Staffing Plan in Light of CPOP	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
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.	<ol style="list-style-type: none"> 1. The CPD conducts patrol officer workload analyses 2. The City will periodically review staffing in light of its commitment under CPOP 3. The City will make revisions as 	<ol style="list-style-type: none"> 1. The CPD reports on its current staffing approach and formula 2. The CPD reports the results of recent patrol officer workload analyses 3. The City reviews staffing in light of its commitment to adopting problem solving as the principal strategy for addressing crime and disorder problems in 	<p>Evidence:</p> <ol style="list-style-type: none"> 1. CPD provides report on staffing approach and formula 2. CPD determination that staffing adjustments provide adequate proactive time 3. Proactive time used for problem solving. District Commander write-ups. <p>Potential Measures:</p> <ul style="list-style-type: none"> • Recommendations from review of staffing plan

		necessary based on its staffing review.	Cincinnati 4. Revisions identified as necessary from staffing review are made. Linkages: Officer and sergeants training. Also linked to District Commander reports.	are implemented <ul style="list-style-type: none"> • Use of proactive time by patrol officers to engage in problem solving • District Commander reports documents patrol officer problem solving • Each year, District Commander reports reflect greater levels of problem solving by patrol officers • The percentage of patrol engaged in problem solving
	Revise CPD Policies, Procedures, Organizational Plans, Job Descriptions, and Performance Evaluations consistent with CPOP	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance
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	<ol style="list-style-type: none"> 1. On-going review of police policies and procedures to see if they impede or promote CPOP 2. Specific review of job descriptions to see if they are consistent with commitment to CPOP 3. Specific review of performance evaluation standards to see if they are 	<ol style="list-style-type: none"> 1. The deliverables under this paragraph include modifications and updates to CPD job descriptions, to reflect the CPOP focus of the job. Job descriptions that accurately portray the expected work (in this case analytic problem solving, in addition to other important responsibilities). 2. Modifications and updates to personnel evaluation standards consistent with commitment to CPOP. 3. Some common 	<p>Evidence of review and revisions:</p> <ol style="list-style-type: none"> 1. policy and procedure updates 2. proposed revisions to job descriptions and performance evaluation standards consistent with commitment to CPOP – consistent with problem solving as principal strategy for addressing crime and disorder problems 3. feedback from Parties and Monitor solicited 4. revisions made 5. policies, procedures, organizational plans reviewed to see if they impede or promote POP – occurs perhaps once every 3

		<p>consistent with commitment to CPOP</p> <p>4. Review of organizational plans</p> <p>5. Revisions made in light of reviews</p>	<p>policies and procedures that are subject to review and revision in police agencies engaged in community and problem-oriented policing include: police vehicle pursuits; response to the mentally ill; domestic violence response; false alarm policies; alternative call response, and personnel policies related to evaluation, reward, advancement, promotion, and transfer.</p> <p>Linkages: training in revised job descriptions and performance evaluation standards will be required; training for sergeants in new systems</p>	<p>or 4 years</p> <p>Potential Measures:</p> <ul style="list-style-type: none"> • Revised job descriptions consistent with commitment to CPOP. • Revised personnel evaluation standards consistent with commitment to CPOP. • Proactive review of policies related to transfers, special assignment, and promotions
	Information Retrieval Systems Consistent with Analysis Needs	Elements of this CA Section	Compliance and Linkages	Evidence of Compliance and Measures of Compliance

29(p)	<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</p>	<ol style="list-style-type: none"> 1. Review of current capacity of the CPD's information system. 2. Study of other systems' ability to retrieve and link repeat offenders, repeat victims, and repeat locations. 3. RFP drafted. 4. RFP issued. 5. RFP finalists determined. 6. Vendor reviews. 7. Vendor selection. 9. Vendor negotiation and implementation milestones and deadlines agreed upon. 10. Contract signed. 11. Project manager assigned and implementation on schedule shared with Parties and Monitor. 12. Quarterly reports on implementation 	<ol style="list-style-type: none"> 1. Until a new system is developed, other methods of identifying repeat offender, repeat victim, and repeat location information are identified and used in the Department.. 2. Crime analyst provides hot spot information by specific address to district commanders to begin to address them using problem solving. <p>Linkages: Training in problem solving; training in analyzing calls for services; interagency collaboration, review of CPOP cases, District/Unit Commander reports, Planning and Analysis Reports, and Crime Analysis Unit reports for evidence of use of system</p>	<p>Evidence:</p> <ol style="list-style-type: none"> 1. RFP issued 2. new system can track repeat offenders, repeat victims, and repeat locations 3. the information is used in problem solving efforts undertaken at different levels in the Department. <p>Potential Measures:</p> <p><u>When new system in place</u></p> <ul style="list-style-type: none"> • System capable of retrieving and linking information in CPD's current computers • System enables CPD to track repeat offenders, repeat victims, and repeat locations • Use in problem solving process; CPOP cases, District/Unit Commander reports, Planning and Analysis Reports, Crime Analysis Unit reports • Greater ability to identify trends and patterns and use them to undertake problem solving efforts. <p><u>Until new system is in place:</u></p> <ul style="list-style-type: none"> • Crime analysts provide specific repeat address information to District Commanders, along with call for service history (types and number of calls, crime reports) to begin to address these using problem solving. • District Commander reports reflect problem solving efforts undertaken at these specific locations
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	<p>necessary to comply with the terms in this Agreement regarding nondiscrimination in policing an early warning.</p>	<p>on deadlines.</p>		
	<p>Availability of Timely Information to Detect, Analyze, and Respond to Problems, and Evaluate their Effectiveness</p>	<p>Elements of this CA Section</p>	<p>Compliance and Linkages</p>	<p>Evidence of Compliance and Measures of Compliance</p>

29(q)	<p>The City, in consultation with the Parties, shall study the options and then determine if and how to best secure appropriate information technology so that police officers, supervisors, managers, and executives, as well as other City agencies and community members, can get access to timely and useful information needed to detect, analyze, and respond to problems and evaluate their effectiveness subject to the provisions of this Agreement with respect to funding.</p>	<ol style="list-style-type: none"> 1. Review of information currently available 2. Committee formed with subject matter experts to discuss the types of information typically used in problem solving 3. Committee examines what kinds of information is useful in problem solving that could be made available that does not require new purchases 4. Committee reviews the types of linkages or accessibility to other City or County databases that would be useful in problem solving 5. Committee makes recommendations 6. Budget recommendations made 	<p>While the new RMS system purchased under Section 29(p) may remedy some gaps in CPD systems, there may be additional information from other systems that can improve the quality and capacity for employees to problem solve.</p> <p>A review of current systems capacities begins the process. A separate inquiry into the types of information one sees in problem solving efforts also can prompt recommendations for systems or additional linkages.</p> <p>Linkages: Systems in other city agencies (such as those engaged in the interagency collaboration efforts described in 29(a)); access to county records; easy access to probation conditions, etc.</p>	<p>Evidence:</p> <ol style="list-style-type: none"> 1. review of capabilities of current CPD systems 2. review of types of information in problem solving efforts 3. review of potential linkages to other city/county databases, recommendations report. <p>Potential Measures:</p> <ul style="list-style-type: none"> • Improved knowledge of capabilities of current systems • Potential links/access to other systems • New systems recommended that will improve agency capacity to problem solve
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APPENDIX C

The Communications Plan Provided to the Parties

The purpose of this draft communications plan is to help establish effective and smooth working relationships between the Monitor team and the Parties to the Agreements. The team is committed to an inclusive and open process, with regular communications between the monitor team and the Parties to discuss progress in meeting the objectives and provisions of the Agreements.

1. Organization of team. Saul Green is the Monitor for the Agreements and Richard Jerome is the Deputy Monitor. In addition, we will designate certain team members as the lead individuals for the following aspects of the project: training, use of force, misconduct/CCA, CPOP, risk management system, racial profiling/community relations. The team leaders will make assignments for the team in coordination with the Monitor and Deputy Monitor. A contact list for the members of the Monitor team is attached.

2. Contacting the Parties. Prior to the first on-site visit at the end of January, contacts with the Parties will be made by Saul Green and Richard Jerome. After the site visit, follow-up contacts may be made by the team leaders, but all contacts will be documented and forwarded to the Monitor and Deputy Monitor.

As stated in the Collaborative Agreement, each party shall designate a liaison, or point person, for communications with the Monitor team. At the initial stages of implementing and monitoring the Agreements, contacts with the Parties will principally be through the designated liaison. We anticipate, however, that as implementation moves forward, the Parties will designate additional individuals with whom Monitor team members will interact. This will be especially true with the CPD. For example, the team leader responsible for monitoring training will establish a relationship with the Director of the Police Academy, to coordinate site visits and training review. Similarly, the team member responsible for monitoring provisions relating to misconduct investigations and the CCA will communicate with the Executive Director of the CCA and the head of IIS. However, these communications and relationships will initially be coordinated through the City's liaison, the Compliance Coordinator, and through the Chief of Police.

In several agencies that have implemented significant reforms (through both settlements and otherwise), the Chief has designated an internal task force or team, reporting directly to Chief, to manage and ensure implementation. This task force would work in conjunction with the city's Compliance Coordinator. We recommend that Chief Streicher consider this approach, if he has not already done so. Such a team can also serve as a liaison with the monitor team.

The Monitor commits to courteous and respectful communications with all stakeholders in Cincinnati. As noted in our bid, we anticipate communicating and gathering information in a variety of ways, including monthly meetings, on-site visits, document reviews, audits, correspondence and e-mails, and telephone calls. Communications with the Monitor may at times be shared with other Parties, unless there is a specific need or request for confidentiality. The monthly meetings will give the Monitor team an opportunity to share with the Parties our observations from our previous activities and provide the Parties with notice of the anticipated activities for the next month.

3. Requests for Documents and other Information. We recognize that the amount of file review and document copying and production in an effort such as this monitoring project can be extensive. We will endeavor to undertake our review and our document requests in a way that will effectively accomplish our responsibilities, but will minimize to the extent possible the burden on the CPD and the Parties. For this reason we will coordinate our information requests among the team members, including the timing of our requests. Wherever possible, electronic versions of documents (on disk, or sent by e-mail) are preferred, and will allow the monitor team to share documents easily among team members.

Prior to our first site visit at the end of January, all information requests will come from the Monitor. After January, the team leaders will coordinate with and provide notice to the Monitor of any information requests they make to the Parties. Monitor team members will keep a log of all documents and other information they receive from the Parties. When we request documents, we will also request that the documents be provided within a specified, reasonable time period. We will also work with the City to establish an efficient process for copying and sending to the Monitor team investigative files for review offsite. This is especially important in light of paragraph 102 of the MOA which provides for reopening certain investigations for further investigation.

Under the Agreements, the Monitor team shall have full and unrestricted access to City and CPD staff, facilities and documents. We look forward to working with CPD personnel and anticipate an open and cooperative relationship. To the extent that the city claims a privilege for any document, the provisions of the Agreements governing such claims shall apply.

4. Protocol for Site Visits. The Monitor team will provide the Parties with the earliest practicable notice of on-site visits to Cincinnati, and a list of the team members coming to Cincinnati. We will also provide a request for any materials we believe would be useful to review in advance of the visit. For example, prior to a visit during which we will be observing training, we may request that the CPD provide us with curricula and lesson plans before we come out to Cincinnati. In addition, prior to each visit, we will provide the affected party's liaison with a list of the individuals with whom we would like to meet, the files

to be reviewed, the documents we wish to have copied, and the activities we would like to observe. It should be noted, however, that during a site visit, the team may identify additional information it needs or additional individuals with whom to meet.

5. Press Contacts. As stated in the Agreements, the Monitor “shall not issue statements or make findings” regarding the actions of any party except as required by the Agreements, such as through the Monitor’s quarterly reports. Therefore, the Monitor team’s contacts with the media will be minimal. Team members will refer media requests to the Monitor, who will respond as appropriate.

6. Communications with the Community. There are several ways the Monitor team will communicate with members of the public. To start, our quarterly reports will be public documents. We would request that the City post the reports on its website, as well as on the CPD’s website. During the course of our duties, we also anticipate meeting with representatives of community groups, neighborhood associations, faith organizations and others in gathering information for our monitoring, and in obtaining input from the community. In addition, we believe it advisable for the Parties to include information about the Monitor in information it disseminates pursuant to the communications plan required by paragraph 29(h). We will include an address, phone number and e-mail address in that information, as well as information for filing a citizen complaint. We shall state that the Monitor does not handle citizen complaints regarding allegations of specific police misconduct, but that they will be referred to the CCA and the CPD.

We also request that CPD consider providing an office for the Monitor. In addition, the Monitor team will establish a dedicated phone line for the public. This will enhance communications with the public and with CPD.

7. Feedback. The Monitor team would like to establish an ongoing dialogue regarding the work under the Agreements and the evolving blueprint for implementing positive change in Cincinnati. Feedback from the Parties on their views of the outcomes of this effort will be helpful. Therefore, we welcome your input on our monitoring efforts and look forward to working with you on this important endeavor.

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