City of Cincinnati
Independent Monitor's
Fourteenth Report

September 1, 2006

Monitor's Report regarding compliance with and implementation of the Memorandum of Agreement between the United States Department of Justice and the City of Cincinnati and the Cincinnati Police Department, and the Collaborative Agreement between the Plaintiffs, the Fraternal Order of Police and the City of Cincinnati

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CITY OF CINCINNATI
INDEPENDENT MONITOR'S FOURTEENTH REPORT

EXECUTIVE SUMMARY

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

This report details the implementation of and level of compliance with the MOA and the CA. The MOA calls for police reforms in the areas of police use of force, citizen complaints, risk management, and training. The CA calls for the implementation of Community Problem-Oriented Policing (CPOP), mutual accountability and evaluation, bias-free policing and the establishment of the Citizen Complaint Authority (CCA).

The four years of the Agreement have seen tremendous changes in police reform in Cincinnati, in terms of the CPD's policies, use of force reporting and investigation, and the handling of citizen complaints. But there are also significant aspects of the Agreements that have not been accomplished. Most significantly, the shift to problem solving and use of Community Problem Oriented Policing (CPOP) as the principal strategy for addressing crime and disorder in the City of Cincinnati still has only started.

In our very first Report in April 2003, we stated that the changes needed to implement the Agreements would only happen if the Police Department embraced the reforms. We noted that "Chief Streicher must put his prestige and authority behind the Agreements, and empower those within the Department who are responsible for implementing them." We also said that political leadership of the City, the Mayor and City Manager "must hold the Chief and his command staff accountable for accomplishing the reforms required by the Agreements." These requisites for progress are no less true today than they were in 2003.

Effective police services, reduced crime and enhanced community trust are the essential goals of the CA and MOA. They are dependent on the new approach to policing laid out in the CA – problem solving. Traditional reactive policing is not the answer. As we stated in our Independent Monitor's First Quarterly Report, fully implementing the police reforms in these Agreements "allows the Department to do the 'real job of policing,' only better."

MEMORANDUM OF AGREEMENT

On July 25, the City of Cincinnati and the Department of Justice signed an amendment to the MOA that terminates provisions of the MOA that have been in compliance for over two years. As Monitor, we will shortly be issuing a special report that identifies which provisions have been in compliance for over two years and therefore will be terminated. This amendment recognizes the progress that has been made by the City in implementing many of the MOA provisions, and it also allows the City and the CPD to focus their efforts in this final year of the Agreement on those areas where its compliance has not been complete.

General Policies (MHRT Team and Foot Pursuits)

The creation of the Mental Health Response Team (MHRT) was one of the early successes of the MOA. The CPD has trained 198 MHRT officers. These officers are available and dispatched to respond to incidents involving mentally ill persons. Dispatch of MHRT officers to MHRT calls has increased from approximately 75 percent in 2003 to approximately 93 percent in the first quarter of 2006. The number of calls in the first quarter of 2006 for which there was no MHRT officer working or available has similarly decreased, to only three out of 1,254 calls, or .2 percent. In addition, the CPD has provided the members of the 99th Recruit class with eight hours of instruction on mental health issues. The CPD is in compliance with the MOA provisions relating to mentally ill individuals. We also determined that the CPD is in compliance with the foot pursuit provisions of the MOA.

Use of Force

Use of force by Cincinnati police officers has changed significantly in the past four years. There has been a significant decline in serious uses of force such as batons (PR-24s), physical strikes or punches, or takedowns involving injury. The use of force statistics for the first quarter of 2006 continue to reflect the substitution of the Taser for other kinds of use of force. There were 139 Taser deployments in this quarter, a slight increase in deployments from the previous quarter, which was the lowest number of deployments since the Tasers were implemented throughout the Department. The number of chemical sprays, physical force and takedowns has significantly decreased over the past two years.

The Monitor finds that the Taser deployments and other use of force incidents reviewed this quarter were in compliance with the use of force model required by the MOA. We do note, however, that there may be additional ways to avoid using force in encounters with citizens who are not complying with the officers' commands. The Monitor also found the CPD to be in compliance with

the MOA provisions for chemical spray, beanbag shotgun and canine deployment.

Incident Documentation and Investigation

The Monitor Team reviewed a sample of investigative files involving use of force incidents. The CPD is in compliance with the investigative requirements of the MOA, including: having supervisors respond to the scene to investigate, evaluate and document each incident; ensuring that all officers who witness a use of force provide a statement regarding the incident; and having the investigating supervisor complete a Use of Force Report that is reviewed by a lieutenant or higher.

Citizen Complaint Process

The City's complaint intake process is open and accessible and meets the MOA requirements. In 2006, the CPD and the CCA have worked cooperatively to ensure that all complaints are received by and appropriately acted upon by both agencies.

The Monitor reviewed a sample of citizen complaint investigations that were completed in the first quarter of 2006. Most of these investigations were well conducted and thorough. In addition, some of the investigations were initiated by CPD supervisors and demonstrated an important level of accountability that we hope and expect will continue in 2006. The Monitor did identify some investigations that were not consistent with the MOA requirements. There were some investigations where not all of the relevant evidence was considered, or where relevant witnesses were not identified and interviewed.

Management and Supervision

Since October 2004, the CPD's risk management system, the Employee Tracking Solution (ETS), has been on-line, and officers and supervisors are entering records such as Use of Force Reports and citizen complaints into the system. The CPD is now able to implement the analysis and risk assessment components of the system, which compares the activities of officers with their peers, to identify officers and units whose activity is significantly above or below the average.

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

ETS data of officers under their command as part of their 28 day review of officers; (3) District Commanders and Unit Commanders will prepare quarterly reports for Chief Streicher, identifying the officers in their Unit or District who have been identified as above the ETS thresholds, and assessing whether the officers' incidents and behaviors reflect any patterns or trends that warrant intervention. The CPD has begun to undertake the reviews listed in the first and third processes above; it has not yet started having supervisors use the ETS data in conducting their 28 day reviews.

While the technical aspects of the ETS system are in good working order (with the exception of one function that the vendor has still not been able to correct), District and Section Commanders have not used the ETS data for risk management purposes at the level required by the MOA. For example, in the April 2006 quarterly reports, at least one District Commander reviewed the ETS data for a three month period rather than a 12 month period, which significantly limited the number of officers identified for review. As a general matter, District and Section Commanders found that officers identified for review did not show a pattern of behavior that needed intervention. This was true even for officers who engaged in a significant number of uses of force or generated citizen complaints. Instead, these data often were interpreted as reflecting that the officer is "an active officer" and a leader in arrests for his or her shift. The few interventions that were described appeared to be for officers who had a high number of traffic accidents and vehicle pursuits, and were related to additional driving skills training.

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

Training

As in the last several quarters, the Monitor finds the CPD to be in compliance with the MOA training requirements. The CPD is in the process of implementing enormous organizational and cultural change, driven by its own strategic goals and the goals established in the MOA and the CA. Human resource systems, such as training, are a vital component to achieving such goals.

COLLABORATIVE AGREEMENT

CPOP

The beginning of 2006 saw a tremendous amount of change within the CPD, as it announced a restructuring of neighborhood (COP) officers,

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

As we noted in our last Report, the abruptness of the redeployment, surprising both the officers and the community, was not a model approach and the CPD leadership had to spend much of this reporting period (February 6, 2006 through May 5, 2006) explaining what it had done and assuring the public that this was an improvement. We agreed that it could be. We saw this quarter as a time for the CPD to redouble its efforts around problem solving and CPOP, to show it was truly committed to the approach, and that the redeployment was not done simply to give some Districts more "patrol bodies." While we hoped for redoubled efforts, what we saw this period was a lot of confusion.

We believe that District and Unit Commanders are not being asked to produce high-quality problem solving, an essential element of the CA, and are not asking their officers for the same. Only a small number of the projects from this quarter contained in the Unit Commander reports reflect familiarity with problem solving. We are also concerned that the CPD leadership is distracted by other approaches. Indications of this distraction include:

- During this quarter, the District 3 Captain did not submit a quarterly problem solving report to the Chief, and no problem solving efforts were initiated in this quarter under his watch.

- There was a similar problem with District 2 in prior quarters. District 2 added only two problem solving cases between October 21, 2004 and May 6, 2006.

- Work on the problem tracking system has halted over a monetary dispute with CAGIS.

- The Department has not made adequate changes to its job descriptions to reflect the new approach the CPD is supposed to adopt.

- A five minute video the Chief agreed to do to assert his commitment to CPOP, which would have been used in roll call to broadcast a consistent message about CPOP to all Department members, has been abandoned.

- Since October 2005, there have been no additional problem-solving roll-call training scenarios, even though the CPD had earlier agreed to produce one per month to train officers.

In this report we detail what the Collaborative Agreement expects of the Department. At four years into the timeline of the CA, there should be a greater level of high quality problem solving than what the CPD has documented thus far. Systems should be in place in the CPD to support it. We urge the CPD to give the CA its focused attention over the next 12 months so that the promise of the CA can be met.

Recently, the Cincinnati Police Department adopted a new Strategic Plan. What is not clear is whether the future outlined in the Strategic Plan is sufficiently consistent with the CA and the MOA. We believe the Department can move forward with its Strategic Plan, but it must complete its obligations under the CA, including adopting problem solving as the principal strategy for addressing crime and disorder problems in Cincinnati. The swiftest way to do that is to incorporate the remaining parts of the CA into its Strategic Plan and collaborate with the Partnering Center in implementing the Strategic Plan on problem-solving initiatives. This will avoid mixed messages and keep the CPD on track to be in compliance with what remains to be done in the CA. Doing so will be a win for the Department and for the entire Cincinnati community.

Evaluation Protocol

The CA provisions call for a comprehensive approach to evaluation. The 2005 RAND report will be a benchmark to measure progress in 2006. In this quarter, RAND continues to obtain and analyze data for its next report.

In our previous two Reports, the Monitor set out several recommendations for actions that the Parties and the Cincinnati community should take based on the RAND findings. One area is communications in traffic stop encounters. The second is RAND's call for a larger dialogue about how black neighborhoods are policed. This would include discussions regarding incorporating problem solving and CPOP into hot spot/crime sweep efforts, and an examination of how and where arrests are being made and how they correlate to reported crime. Aggressive traffic enforcement may engender greater distrust, and may not be effective in reducing crime or improving traffic safety.

The RAND surveys demonstrate the wide gap in perceptions between whites and blacks in Cincinnati that must be addressed. These gaps must be reduced in future years for the CA to be successful and its goals to be achieved. The right police strategy is one that effectively reduces crime, makes people feel safer, <u>and</u> reduces perceptions of police unfairness and bias. This is why the

CA emphasizes problem solving and problem-oriented policing; research shows that CPOP is effective policing. In 2006, RAND will continue the Evaluation Protocol, and will be publishing its second annual report.

CCA

At the beginning of 2006, there were two CCA Board vacancies, creating difficulties at some CCA meetings because of a lack of a quorum. Since that time, Mayor Mallory reappointed two Board members whose terms had expired, and appointed two members to fill the Board vacancies. The CCA presently has a full set of Board members, although the terms of three current Board members will expire at the end of 2006. We encourage the mayor to continue his efforts with appointments to this vital agency.

In addition, Mr. Kenneth Glenn, CCA's Chief Investigator, has been acting as the Interim Executive Director of the CCA since the resignation of Pete France, the former Executive Director, in November 2005. The City has undertaken a national search for a new Executive Director. The selection of a new CCA Executive Director is a critical step to maintain the confidence of the public in the CCA's work. We recommend that the City proceed expeditiously and consult with the FOP and Plaintiffs in a process similar to the one that was used in 2004.

CHAPTER ONE. INTRODUCTION

Judicial oversight of Cincinnati's unique Collaborative reform effort is scheduled to end in less than a year. The MOA is scheduled to terminate in April 2007, and the CA in August 2007. During the July meeting of the Parties to the Collaborative, much of the discussion centered on the final year of the MOA and the CA, and how the final year can best be used to advance the goals of the Agreements. The Parties have agreed to meet to develop priorities for advancing the goals of the Agreements.

The focus of this Report, and the remaining reports, will be on the goals and priorities for the final year that the Parties develop. We will also describe the progress achieved, the work that remains to be accomplished, and how the progress and reforms implemented can be continued after the Agreements are terminated.

On July 25, 2006, a significant milestone in the implementation of the MOA was reached. The United States Department of Justice (DOJ) and the City of Cincinnati entered into a Joint Amendment to the Memorandum of Agreement (Joint Agreement). The Joint Amendment terminates those MOA provisions the Monitor has found the City in substantial compliance for two years or more. Termination of the identified provisions will allow the DOJ, the City and the Monitor to focus efforts and resources on the MOA paragraphs that the CPD and the City have yet to reach substantial compliance for two years. The Amendment also allows greater resources and effort to be expended on the CA by the Collaborative Partners. In his comments on the Joint Amendment, Chief Streicher noted, "We don't view this as the end of the process, we've built a platform that we will continue to build upon." This is an important recognition that despite the progress the Joint Amendment signifies, the reforms implemented under MOA will be permanent building blocks for police operations in Cincinnati.

With MOA reporting and monitoring greatly reduced by the Joint Amendment, the Collaborative Parties are able to devote greater time and attention to the CA. Greater time and attention is needed. We need to remember that the CA was developed based on the active involvement of more than 3,500 citizens "to resolve social conflict, to improve community-police relationships, reduce crime and disorder...and to foster an atmosphere throughout the community of mutual respect among community members including the police." With less than 12 months to go before the CA is scheduled to terminate, there are still a significant number of provisions where the Parties are not in compliance, and steps need to be taken to ensure that gains made under the CA continue after it ends.

Now is the time for the Parties to refocus on the goals and objectives of the CA. The recent restructuring of the CPD neighborhood officers, eliminating

COP special units in each District, and reassigning responsibility for CPOP and problem solving to a wider number of officers and supervisors was an important move and consistent with the principles of the CA CPOP section. However, the redeployment was conducted in a way that caused the restructuring not to be understood or accepted by both officers and citizens. Much effort is still needed to make the redeployment responsive and effective in delivering high quality problem solving to the citizens of Cincinnati. The CPD will need to increase the level of community dialogue to build trust with the African American community, and to restore trust with the communities that have been disillusioned by the restructuring.

The quality of the problem solving efforts must be elevated. This is reflected in the fact that only a small number of the projects from this quarter contained in the Unit Commanders reports reflect familiarity with problem solving. Further, the District 3 Commander didn't submit a quarterly problem-solving report to the Chief, and no problem-solving efforts were initiated in his District this quarter. Similarly, District 2 added only two problem-solving cases between October 21, 2004 and May 6, 2006. The concern with elevating the quality of problem solving is heightened by work that remains to be done in areas such as the CPD's job descriptions, performance evaluations, and completing the CPOP problem tracking system. These are examples of the kind of actions and conditions that cause concern whether the requisite level of attention and commitment is being given to the implementation of CPOP.

There is also no question that ways must be found to get the community, particularly the African American community, more involved in implementing and shaping CPOP and the other accountability provisions of the CA. The Partnering Center is a significant resource in this effort, and as the Parties examine the effectiveness and future of CPOP and other CA provisions, its role for the years ahead needs to be defined and agreed upon.

We are at a pivotal point in the Cincinnati police reform effort. There is less than a year to go under the Agreements, and although much has been accomplished, there is still much to do. A sustained trust between the community and the CPD that emanates from the vision and the goals of the CA must be established. The Parties clearly have "built a platform" to accomplish improved public safety and improved community-police relationships. The actions taken in the next 12 months will determine the strength of that platform.

CHAPTER TWO. MEMORANDUM OF AGREEMENT

I. General Policies

A. Mental Health Response Team [MOA ¶10]

1. Requirement

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

2. Status

The CPD has 198 trained MHRT officers, with approximately 180 officers deployed in the field as part of the Patrol Bureau. In addition to training officers on handling calls with mentally ill persons, the CPD also has continued its training of 911 dispatch call takers on the MHRT program and handling calls involving mentally ill individuals. The Training Academy also provided training for members of the 99th Recruit class on mental health issues. In the fall of 2006, the CPD plans to hold mental illness training for non-sworn employees of the Department. The CPD will also be hosting a Citizen's Police Academy for mental health professionals in September.

The Mental Health-Law Enforcement Committee will also be conducting surveys of mental health consumers, professionals and officers to assess their views of the program, and any suggestions for improvements. This will be one part of a research study to measure the success of the MHRT program. The Mental Health Association of Southwest Ohio and the Mental Health-Law Enforcement Committee are currently seeking funding for this research.

During the first quarter of 2006, the CPD received 1,454 calls involving mentally ill persons. In 74 of those instances the call did not meet the criteria for dispatch and was cancelled, or the call was handled by another agency. In 29 cases, the call was dispatched as another incident type and later changed to MHRT by the responding officers. This equates to 1,351 calls eligible for MHRT officer dispatch. For 1,254 of those calls, a MHRT officer was dispatched. Thus, MHRT officers were dispatched to 93 percent of MHRT eligible calls.

For this reporting period, there were no times in which a call came in and there were no MHRT officers working; there were only three calls for which an MHRT officer was working but not available for dispatch (.2 percent). An additional 56 calls were categorized as "unknown" (4 percent). The remainder of the calls (41) were ones in which an MHRT response was disregarded by the supervisor or the situation was handled before MHRT arrival (3 percent).

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

2005 Fourth Quarter	**District One**	**District Five**
Total runs	265	218
CPD only	157	116
Mobile Crisis Team only	27	31
CPD assisted by the Mobile Crisis Team	65	49
Mobile Crisis Team assisted by CPD	14	16
Total individuals identified	194	162
Mobile Crisis Team consultations	2	6

3. Assessment

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

The level of MHRT availability has risen consistently since the program was developed in 2003. Dispatch of MHRT officers to MHRT calls has increased from approximately 75 percent in 2003 to 93 percent availability in the first quarter of 2006. The number of calls for which there was no MHRT officer working or available has similarly decreased, with only three such calls in this last quarter.

B. Foot Pursuits [MOA ¶11]

1. Requirement

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

2. Status

The tactical and risk considerations involved in foot pursuits were discussed during two roll-call scenario trainings in February and March 2006.

3. Assessment

The Monitor reviewed 21 use of force investigations in which a foot pursuit was involved. The supervising investigator documented a review of the foot pursuit on the Use of Force Report in each of these cases.

The CPD's policy, training and actual practice on foot pursuits is in compliance with this MOA paragraph. The successful implementation of the CPD's foot pursuit policies is another example of improved compliance with the MOA provisions over the last several years.

II. Use of Force

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

USE OF FORCE TABLES

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

	1st Q 2004	2nd Q 2004	3rd Q 2004	4th Q 2004	1st Q 2005	2nd Q 2005	3rd Q 2005	4th Q 2005	1st Q 2006
Chemical Irritant - Unrestrained Subjects	76	30	10	8	8	12	5	9	3
Restrained Subjects	10	9	10	9	11	10	3	2	4
Physical Force	17	4	2	1	4	4	3	9	4
Takedowns with injury	11	4	8	6	10	3	2	9	6
Non-compliant suspects	40	41	30	31	23	18	29	35	24
PR 24	0	0	1	0	0	0	0	0	0
Canine	4	1	3	5	6	7	5	5	3
Taser	72	177	198	148	137	143	166	104	139
Beanbag/ Foam round	1 foam	0	0	0	0	0	2	0	0
Pepperball	0	0	0	1	0	0	0	1	0
Firearms Discharge	3	2	0	0	1	2	0	2	1
Total	234	268	262	209	200	199	215	176	184

Use of force by Cincinnati police officers has changed significantly in the past four years. There has been a significant decline in serious uses of force such as batons (PR 24), physical strikes or punches, or takedowns involving injury. The use of force statistics for the first quarter of 2006 continue to reflect the substitution of the Taser for other kinds of use of force. The number of chemical sprays, physical force incidents and takedowns has significantly decreased since 2003. The number of Taser incidents rose slightly in the first quarter of 2006 compared to the fourth quarter of 2005, but the total number of use of force incidents was fairly steady, and certainly lower than the levels seen in 2004. The CPD also cites statistics indicating that during the 12 months from April 1, 2005 to March 31, 2006, CPD officers used force in only 2.03 percent of arrest situations, compared to 2.45 percent of arrest situations in the 12 months from April 1, 2004 to March 31, 2005.[1]

A. General Policies [MOA ¶¶12-13]

1. Requirements

Under the MOA, Cincinnati is required to revise its Use of Force Policy. The revised policy must do the following:

- It must clearly define the terms used in the policy
- The term "force" must be defined as it is defined in the MOA
- It must incorporate a "Use of Force Model" that relates the officer's responses and use of force options to the actions of the subject, and teaches that disengagement, area containment, or calling for reinforcement may be an appropriate response to a situation
- Whenever possible, individuals should be allowed to submit to arrest before force is used
- Advise against excessive force
- Prohibit choke holds
- The term "restraining force" must be removed from the CPD's policy
- The CPD's revised Use of Force Policy must be published on the CPD's website and be disseminated to community groups

[1] 38,185 arrests during the period April 1, 2004 to March 31, 2005; 38,051 arrests during the period April 1, 2005 to March 31, 2006.

2. Status

The CPD's use of force policies, Procedure 12.545, were revised on March 21, 2006, to provide information concerning extended, uninterrupted discharges or extensive multiple discharges of the Taser. Officers should avoid prolonged or multiple Taser discharges whenever possible, and physical restraint techniques should be combined with the use of the Taser to minimize the total duration of the struggle. Officers should transition to a different force option if multiple TASER deployments or continued applications do not make sufficient progress toward gaining compliance.

In addition, there have been some changes in weaponry and the distribution of weapons in the CPD. The CPD is now using a different firearm – the Smith and Wesson M & P 9 mm. The Department has also substituted the Monadnock Autolock (collapsible) baton for the PR-24 baton. In addition, the CPD has removed 40 mm foam rounds and launchers from the Districts, and these weapons will now be used only by the SWAT unit.

Taser Implementation

In the first quarter of 2006, there were 139 Taser deployments. Seventy-seven of these deployments occurred during a foot chase of the subject (45 percent). Also in this quarter, there were 13 injuries to subjects associated with these Taser incidents. One involved a fractured wrist from the fall to the ground, nine involved cuts or abrasions resulting from the fall, while the other three involved small cuts from the Taser probe. No injuries met the definition of serious injury in the CPD's Use of force procedures. The CPD notes that there were 22 Taser incidents in the first quarter of 2006 in which the subject had a deadly weapon (firearm, knife).

3. Assessment

The Monitor has previously determined that the CPD's Use of force policy and training are in compliance with the MOA provisions. During this quarter, the Monitor reviewed the CPD's use of force investigations to assess whether officers are implementing the CPD's use of force policies in compliance with the MOA. As required by the MOA, the CPD's procedures incorporate a use of force model that "relates the officer's responses and use of force options to the actions of the subject."

In the 37 Taser incidents that the Monitor Team reviewed this quarter, the documentation and investigation indicated that in 34 incidents, the officer's use of force was reasonably related to the level of resistance and actions of the suspect. This did include several incidents where the subject's resistance consisted of walking away from an officer after being ordered to stop; fleeing;

pulling away from an officer; failing to show the officer his or her hands; and refusing to put his/her arms behind his/her back and submit to being handcuffed. However, because the CPD's use of force policy allows officers to use the Taser if a subject is non-compliant, and the CPD puts the Taser at the lowest level of the use of force continuum (along with chemical spray), these circumstances are within the scope of the requirements of the MOA.

There were three incidents where it was difficult for the Monitor to determine if the Taser use was reasonably related to the actions and level of resistance of the subject. In one, the officer's first use of the Taser was appropriate, but the officer then deployed his Taser a second time after giving the subject only one second to comply with his commands [Tracking No. 79667]. In a second, the subject was beneath a parked car and did not come out after being directed by the officer [Tracking No. 79740]. The incident reports do not indicate any threat to the officer, and the CPD's use of force model trains officers that waiting out a subject can be an appropriate response in an incident. Time is often the officer's advantage in law enforcement (e.g., barricade situations). While the officer may have been able to wait out the subject a reasonable period of time, there may have been factors that made waiting impractical; the Use of Force Report did not address this question. In a third incident, the subject fell during a foot pursuit. The initial officer reached the subject, but then a second officer deployed his Taser when it appeared that the subject might have been trying to get up. [Tracking No. 77225].

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

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

and reviewing these types of incidents to inquire of the officers what options they considered.

The Monitor also reviewed 22 incidents involving force other than Tasers. In each of these incidents, it appeared that the officer's use of force was reasonably related to the level of resistance and actions of the subject.[2]

There were five incidents where a warning of use of force was not given [Tracking Nos. 74729, 76002, 77225, 78835, 80000.2]. In four of these incidents, the investigating supervisor reports that the warnings were not given because of the exigency of the situation, and the Monitor concurs with these assessments. In the fifth case [Tracking No. 77225], a warning was given in the first Taser deployment, but no warning was given by a second officer who deployed a Taser a second time.

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

B. Chemical Spray [MOA ¶¶14-19]

1. Requirements

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

- Clearly define terms
- Limit use of spray, including against crowds, to only those cases where force is necessary to effect the arrest of an actively resisting person, protect against harm, or prevent escape
- Provide that chemical spray may be used only when verbal commands would be ineffective
- Require supervisory approval for use of chemical spray against a crowd, absent exigent circumstances
- Require a verbal warning and the opportunity to comply before using a chemical spray, unless doing so would be dangerous
- Require officers to aim at the subject's face and upper torso

[2] At the end of August, 2006, the Monitor received the four physical force incidents from the first quarter of 2006. These incidents will be reviewed in the next Report.

- Provide guidance on duration of bursts and recommended distance
- Require officers to offer to decontaminate sprayed individuals
- Request medical response for complaining subjects
- Prohibit keeping sprayed subjects in a face down position any longer than necessary
- Prohibit use of spray on a restrained person, except to protect against harm or escape
- Use of spray against restrained persons must be investigated, including tape-recorded statements of officers and witnesses
- Investigations of these incidents must be reviewed by the CPD's Inspections Section
- Provide restraining equipment in CPD squad cars
- Provide in-service training on chemical spray
- Account for chemical spray canisters
- Periodically review research on chemical spray

2. Status

There were only seven deployments of chemical irritant for the first quarter of 2006; four involving subjects who were restrained and three involving subjects who were not restrained. As the CPD has noted in its June 12, 2006 MOA Status Report, chemical irritant usage by CPD officers has dropped 82 percent since the CPD began deployment of the Taser in 2004 (from 39 incidents to seven).

Six of the seven chemical spray reports document a warning of impending force. In the seventh, the supervisor identified the officer's lack of warning as a procedural violation, counseled the officer and issued an ESL documenting the counseling. The subject of the chemical spray was decontaminated in six incidents; in the seventh, the subject fled in a vehicle after being sprayed for refusing to exit the vehicle, and the vehicle pursuit ended in a fatal crash.

3. Assessment

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

The Monitor Team reviewed four chemical spray incidents from the first quarter of 2006. In each of the incidents reviewed, chemical spray was used where force was necessary to protect persons from physical harm, to effect the arrest of an actively resisting subject, or prevent the escape of the subject, in compliance with MOA ¶14(b). Spray was aimed at the appropriate target and for the proper duration, and the subject was offered decontamination (MOA ¶¶14(f), 14(g), 14(h)). For the one incident we reviewed where chemical spray was used against a restrained subject, the spray was used for an appropriate reason and the investigation's interviews were taped.[3] A verbal warning that chemical spray would be used was made in six of the seven cases in this quarter, in compliance with MOA ¶14(e), and in the seventh, the lack of warning was identified and corrective action taken.

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

C. Canines [MOA ¶20]

In the fourth quarter of 2005, there were 164 total canine deployments, 20 canine apprehensions (where a suspect was found and arrested) and three canine bites. This is a bite ratio of 15 percent.

1. Requirements

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

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

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

[3] We have requested the investigative files for all of the chemical spray incidents from the first quarter of 2006, and will be including our review of those investigations in our next Report.

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

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

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

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

2. Status

During the first quarter of 2006, the CPD had three incidents involving a canine bite.

Pursuant to MOA ¶20, the CPD calculates canine bite ratios for its Canine Unit and for each canine/handler team for six-month periods. The bite ratios for six-month periods in 2005-2006 are as follows:

	Deployments	Finds	Bites	Ratio
August 1, 2005 – January 31, 2006	345	50	10	20%
September 1, 2005 – February 28, 2006	322	46	8	17%
October 1, 2005 – March 31, 2006	331	38	8	21%

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

3. Assessment

a. Policy

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

b. Canine Deployments

The Monitor reviewed the deployment reports for 164 deployments in the first quarter of 2006. All of the deployments were authorized by a supervisor. Canine warnings were given in 95 deployments, while announcements were not made in 68 incidents where a suspect was reasonably believed to be armed, and in one traffic stop of a robbery suspect where the officers on scene were already issuing commands to the subject. Most of the deployments were on-lead tracks. Of the off-leash deployments, 12 were for article searches, and 27 were for searches of commercial buildings or subjects wanted for an offense of violence or reasonably suspected of having a weapon, consistent with the CPD policy and MOA provisions. There was one off-leash search of a church, two off-leash searches of a residence, where the owner was on-scene, and six off-leash searches in incidents involving breaking and entering offenses, where the deployment form does not list whether the building searched was a commercial or residential building, but where the owner or resident was on-scene.

c. Review of Investigations

The Monitor reviewed one canine bite investigation from the fourth quarter of 2005. In that case, a supervisor authorized the canine search and a canine warning was made. The deployment was off-leash for an alarm in the impound lot. There were four other cases from the fourth quarter of 2005 and three cases from the first quarter of 2005 that we have not yet received from the CPD. We hope to be able to review all of those investigations, along with any new cases in the second quarter of 2006, in our next Report.

As discussed above, the Special Services Commander reviewed the investigations of canine bites for the months from August 1, 2005 to March 31, 2006 in light of the bite ratio being above 20 percent. This review is in compliance with MOA ¶20(h). The Monitor concludes that the CPD is in compliance with paragraph 20 of the MOA.

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

There were no beanbag shotgun or 40 millimeter foam round deployments in the first quarter of 2006. The CPD has revised its weapons

policies so that 40 millimeter foam round launchers have been removed from the CPD Districts, and now will be used only by the SWAT Unit.

III. Incident Documentation, Investigation

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

A. Documentation [MOA ¶¶24-25]

1. Requirements

- All uses of force are to be reported. The Use of Force Form shall indicate each use of force and require evaluation of each use of force. Use of Force Reports will include the supervisor's and officer's narrative description, and the officer's audio-taped statement.

- The CPD will implement an automated data system allowing supervisors access to all use of force information.

- The CPD will implement a Canine Deployment form.

- If the gun-pointing requirement is triggered under the Collaborative Agreement, data reported shall be included in the risk management system.

2. Status

a. Hard Hands and Takedowns without Injury

According to the CPD, there were 24 incidents in the first quarter of 2006 involving a takedown or use of hard hands, without an injury to the suspect.

b. Hard Hands and Takedowns with Injuries

The CPD reports that there were six incidents in the first quarter of 2006 in which an officer used hard hands or a takedown and the suspect was injured, but not a serious enough injury to require hospitalization.

c. Taser Investigations and Documentation

In September 2005, the Department of Justice and the CPD agreed on the documentation and investigation requirements for Taser incidents. Taped statements will be taken of the subject when the Taser is deployed against a restrained person (e.g., a person handcuffed). The CPD also agreed to take a taped statement when the subject makes a complaint or alleges excessive force or misconduct by an officer. A complaint in this situation would be where the subject's description of the use of force is different from the officer's description of the incident. Also, the CPD agreed that even in investigations in Taser incidents where taped statements are not required, the investigative report will document that the subject was interviewed. The CPD revised its Use of Force Procedure 12.545 on October 18, 2005 to reflect this agreement.

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

d. Use of Force Review Board

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

The Use of Force Review Board was established in January, 2006. To date it has reviewed only one incident involving a vehicle pursuit and a Taser deployment. The Monitor will review the Use of Force Review Board report in our next report.

3. Assessment

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

This quarter, the Monitor reviewed 15 Non-Compliant Arrestee reports. Each report contained a narrative prepared by the involved officer and their supervisor. Those which involved the arrest of a subject also contained an Arrest and Investigation report. The narratives outlined the facts and circumstances that led to the use of force, and each supervisory narrative examined the propriety of force in relation to the circumstances.

Some of the reports reflected the fact that during the course of the supervisory review of the actions, the arrestee was interviewed as to the circumstances that led to the application of force; some of the reports failed to provide this information. Nonetheless, the information that was provided in the narratives sufficiently detailed the circumstances leading to the use of force. Therefore, the CPD is in compliance in this area.

c. Hard Hands and Takedowns, With Injury

During the first quarter of 2006, there were six takedowns or use of hard hands that resulted in injury to the suspect, but not hospitalization. The investigative report in these types of cases must include a narrative description of the events leading to the use of force, the subject's resistance, and the force used by the officer. In addition, the investigation will include a review and determination of whether the officer's actions in regard to the initial stop or seizure were within CPD policy, and a review and determination of whether the use of force was within CPD policy.

The Monitor Team reviewed three Injury to Prisoner Reports from a takedown from the first quarter of 2006, and one Injury to Prisoner Report involving chemical spray. The Monitor Team finds that the reports included a narrative description of the events leading to the use of force and the force used. Also, in the reports, the supervisors reviewed the officers' initial stop, decision to arrest, and use of the takedown or chemical spray, and evaluated compliance with the CPD's policy and procedure. The CPD is in compliance with the MOA requirements for these incidents.

d. Tasers

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

document that the subject was interviewed.

In this quarter, the Monitor reviewed 37 Taser incidents, and eight citizen complaint cases in which a Taser was deployed. For Taser incidents in which a complaint was made, taped interviews were not made by the investigating supervisor or by IIS in one case [Tracking No. IIS 05172]. This incident occurred before the agreement on Taser documentation and the change in the CPD's Use of Force Procedures. Of the Taser incidents where a complaint of excessive force was not made, 29 Use of Force Reports document the fact that the subject was interviewed, and four reports document why an interview could not be conducted. In four other incidents we reviewed, the force reports did not document that the subject of the use of force was interviewed. There has been continued improvement in this requirement, and we expect that the CPD will be in compliance in future periods. However, the CPD is in partial compliance with the MOA requirements for this period.

e. Use of Force Review Board

The Monitor commends Chief Streicher for establishing the Use of Force Review Board. This Board is an effort that can have great benefits for the CPD and reflects police best practices. The purpose of the Use of Force Review Board is to enhance the Department's ability to evaluate serious use of force incidents by utilizing the expertise of various commanders, rather than confining the review and evaluation of these incidents to the officer's immediate supervisors.

B. Investigation [MOA ¶¶26-31]

1. Requirements

- Officers to notify supervisor following any use of force, or allegation of excessive force. Supervisor to respond to scene. Incident not to be investigated by officer who used force or who authorized force.

- CPD supervisors will investigate each use of force incident, with evaluation of compliance with CPD policies and tactics, including the basis of any stop or seizure.

- IIS will respond to scene of all "serious uses of force" and all canine bites with serious injuries. Inspections Section will review all investigations of canine bites, beanbags, foam rounds and baton uses.

- Investigators prohibited from asking leading questions. Investigators to consider all relevant evidence and make credibility

determinations. No automatic preference for officer's statement over citizen's; statements of witness with connection to complainant should not be discounted. The CPD to resolve material inconsistencies. The CPD will train investigators on factors to consider in investigations.

- Investigators to ensure that all witness officers provide statement. Supervisors will ensure that reports list all officers involved or on scene, and document any medical treatment or refusal of medical care.

- Lieutenant or higher will review each investigation conducted by CPD supervisors and identify any deficiency and require corrections. CPD supervisors to be held accountable for quality of investigations. Appropriate non-disciplinary or disciplinary action will be taken if investigations are not thorough, properly adjudicated, or where appropriate corrective action is not recommended.

2. Status

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

3. Assessment

a. Policy

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

b. Review of Force Investigations

During this quarter, the Monitor Team reviewed 59 investigative files involving use of force incidents (including Taser deployments, physical force, canine bites, hard hands and takedowns, and chemical sprays). We reached the following conclusions from those investigations:

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

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

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

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

- In all of the incidents, all officers involved in or at the scene of the use of force were identified on the Use of Force Report and provided a statement (MOA ¶30).

- Each of the Use of Force Reports with one exception [Tracking No. 80000.1], lists every force involved in the incident.

- All of the use of force investigations were reviewed by a lieutenant or higher. In two incidents, the lieutenant or captain reviewing the investigation determined that the investigation was not sufficiently thorough and directed that deficiencies be corrected [Tracking Nos. 74729, 78369]. There were two other incidents, however, where the command staff did not identify deficiencies in the investigation [Tracking Nos. 80000.1, 80000.2]. (MOA ¶31).

The MOA also requires the CPD in use of force investigations to consider all relevant evidence; to prohibit investigators from using improper leading questions; to prohibit investigators from giving an automatic preference for officers' statements over witness statements, or to disregard statements of interested witnesses; and to make efforts to resolve material inconsistencies between witness statements, and make credibility determinations where appropriate. The Monitor makes both a qualitative and quantitative assessment of the CPD's compliance with these requirements. (MOA ¶29)

For the canine bite investigations, physical force incidents and force incidents involving restrained subjects (where there are tapes of the supervisor's interviews), the Monitor determined that improper leading questions were not used. For the other use of force investigations, such as Tasers and chemical spray on unrestrained subjects, where the Monitor does not have tapes or transcripts of interviews, we could not determine whether improper leading questions were used. Because the large percentage of use of force investigations do not include taped interviews, the Monitor is unable to make a compliance determination relating to whether the CPD investigations avoided the use of improper leading questions. Nor can the Monitor assess

whether the CPD made appropriate credibility determinations in incidents with only a written use of force report.[4]

With respect to the other requirements of paragraph 29, based on the documentation that was available, the Monitor Team found that most of the use of force investigations: considered all relevant evidence; identified and interviewed relevant witnesses; identified and explored material inconsistencies among witnesses and evidence; and avoided bias (in favor of police) in questions or the description of evidence and events. This was not the case in Tracking Nos. 80000.1, 80000.2, however.[5]

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

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

1. Requirements

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

- A Firearms Discharge Board (FDB) shall review all critical firearms discharges and review IIS and CIS investigation for policy compliance, tactical and training implications. The FDB will prepare a report for the Chief of Police. The FDB will determine (a) whether all uses of force during the encounter were consistent with CPD policies and training; (b) whether the officer(s) used proper tactics; (c) whether lesser force alternatives reasonably were available.

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

2. Status

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

[5] For these incidents, there were witnesses to the incident that were not interviewed.

There was one firearms discharge at a suspect in the first quarter of 2006. This case was reviewed by the Firearms Discharge Board. In January 2006, new members of the FDB were appointed. In addition to the heads of the Inspections Section, the Academy Director, and a member of the City Solicitor's office, the District Commander or Section Commander of the involved officer will also sit on the board.

3. Assessment

The CPD's policy on critical firearms discharges and the Firearms Discharge Board complies with the MOA. The Monitor reviewed the Firearms Discharge Board reports for two firearms discharges from the fourth quarter of 2005 and one firearms discharge from the first quarter of 2006. The Monitor finds the implementation of these policies to be in compliance.

IV. Citizen Complaint Process

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

1. Requirements

- Publicity program for complaint process
- Availability of complaint forms, informational brochure at municipal offices and CPD district stations. CPD officers are required to carry brochures and complaint forms in their vehicles while on duty.
- If a citizen objects to an officer's conduct, that officer will inform the citizen of his or her right to make a complaint. Officers will not discourage any person from making a complaint.
- Complaints may be filed in any form. Intake officers not to opine on veracity or mental capacity. Complaint form completed for every complaint.
- Every complaint to be resolved in writing.
- Each complaint gets a unique identifier that will be provided to the complainant, and each complaint is tracked by the type of complaint.
- Copies of allegations filed with the Citizen's Police Review Panel (CPRP), the Office of Municipal Investigations (OMI), Citizen

Complaint Authority (CCA), Human Relations Commission referred to IIS within five (5) days.

2. Status

In August 2005, the CCA and the CPD developed written procedures for ensuring that all complaints received by the CCA are referred to IIS and appropriately investigated; and that all complaints received by the CPD are referred to the CCA, so a decision can be made by the CCA regarding whether a CCA investigation should be opened.

3. Assessment

The City is in compliance with the MOA requirement that complaint forms and informational material be made available in public buildings such as City Hall, the library and CPD District buildings, and that officers carry forms and materials in their vehicles at all times while on duty. Also, the City has now put in place new protocols to compare the cases that the CCA has in its files with the cases that the CPD has in its files, to ensure that every complaint is opened and investigated appropriately.

The Monitor reviewed 57 investigations of citizen complaints completed in the first quarter of 2006 (IIS, CCA and CCRP investigations). The Monitor found the CPD to be in compliance with the MOA provisions prohibiting officers from discouraging any person from making a complaint, and that complaints can be filed in any form, including in writing or verbally, in person or by mail, telephone, fax or e-mail.

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

B. Investigation of Complaints [MOA ¶¶39-50]

1. Requirements

- Preponderance of evidence standard; City will develop appropriate training

- Officers who used spray or other force, or authorized the conduct at issue, may not investigate the incident

- All relevant evidence to be considered

- No automatic preference of officer's statements. Investigators will attempt to resolve inconsistencies. No leading questions. All officers on the scene are required to provide a statement

- All relevant police activity, including each use of force, will be investigated; searches and seizures will be evaluated. Investigations are not to be closed simply because a complaint has been withdrawn

- Conviction of the complainant will not be used as evidence of the appropriateness of the action of the CPD officer

- Complainant to be kept informed

- IIS to investigate complaints of force, pointing firearms, searches, discrimination

- Citizen Complaint Resolution Process (CCRP) complaints will be fully investigated

- CCRP complaints will be investigated by the chain of command, with report. District or unit commander will evaluate investigation

For IIS Investigations:

- Interviews at convenient times

- Prohibit group interviews

- Notify supervisors of complaints

- Interview all appropriate CPD officers, including supervisors

- Collect and analyze all appropriate evidence; canvass scene for witnesses; obtain medical records

- Identify material inconsistencies

- Report on investigation to include a summary, proposed findings and analysis

- Investigation to be complete within 90 days, absent exceptional circumstances

2. Status

Review of the data of IIS cases closed during the first quarter of 2006 showed that a total of 84 cases were cleared during the quarter. Of those cases, 15 exceeded the 90-day investigative requirement. The CPD's data of CCRP cases closed during the first quarter of 2006 showed that 42 cases were cleared during this time frame, and eight of those cases exceeded the 90-day investigative requirement.

As of January 31, 2006, all 2005 IIS cases were investigated and closed. The CPD's June 12 MOA Status Report states that all of the IIS cases exceeding the 90 day period have an approved memorandum explaining any extenuating circumstances which prevent a case from being completed within 90 days. In discussions with CPD command staff, the Monitor was informed that the 15 cases from the first quarter of 2006 that exceeded the 90 day investigative requirement were all cases that began in 2005, and that those cases did not have an extension memorandum. The CPD has instituted procedures for all cases in 2006, however, so that any cases taking more than 90 days to complete will have an approved request for an extension.

3. Assessment

a. Time Period of Investigation

Based on the data provided by the CPD for the first quarter of 2006, the CPD was not able to complete its investigations within 90 days of receiving the allegations. However, the CPD has taken significant steps in improving the time period in which investigations will be completed, and the number of cases requiring more than 90 days decreased from past quarters. There was a significant backlog of cases at the end of 2005 that have now been cleared, and we anticipate that the CPD will be in compliance with this requirement in the next period. Therefore, we will defer our determination on this provision until our next Report.

b. Review of Investigations

The Monitor reviewed 26 IIS investigations and 13 CCRP investigations in this quarter. Generally, these investigations were complete and thorough and in compliance with the MOA requirements. However, the Monitor determined that some investigations were not complete and thorough, as required by the MOA provisions.

- No complaints involved investigations where the on-scene investigation was conducted by a CPD member who authorized or

was involved in the conduct that was the basis of the complaint. (MOA ¶40)

- The investigating supervisor appropriately reviewed the initial stop and search and seizure for each case, except for Tracking Nos. IIS 05263 and 05303. (MOA ¶42)

- For most cases, the complaint investigations reviewed and resolved all relevant police activity, including conduct not included in the initial complaint. This was not the case in Tracking Nos. 05303 and 05254. (MOA ¶42)

- Two IIS investigations did not have taped interviews of the complainant, witnesses or officers [Tracking Nos. IIS 05172, 05263]. While these incidents involved force incidents that did not require taped interviews on the scene at the time of the incident, when the complaints were made later, taped interviews were required by the MOA.

- Improper leading questions were used in only three investigations [Tracking Nos. IIS 05265, 05304, 05312]. (MOA ¶41). Two IIS investigations did not have tapes, so the Monitor could not determine if leading questions were used or not [Tracking Nos. IIS 05172, 05263]. In another case, the tapes provided the Monitor were inaudible [Tracking No. IIS 05253]. Without being able to listen to the tapes, the Monitor was unable to assess the Department's credibility determinations in those cases.[6]

- The Monitor Team found that in many of the cases, the CPD considered all relevant evidence, including circumstantial, direct and physical evidence, as appropriate. Complaint investigations where not all of the relevant evidence was gathered and considered, or where relevant witnesses and officers were not identified and interviewed, included Tracking Nos. IIS 05236, 05263, 05267, 06011, 06014, and 06040. The Monitor Team also notes that there were investigations where an area canvass might have provided additional witnesses and information, but the investigator did not address why a canvass was not conducted [Tracking No. 05378]. (MOA ¶¶41, 49(f))

- Complaint investigations where sufficient efforts were not made to resolve material inconsistencies between evidence and witness statements, or where the CPD did not make sufficient efforts to

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

make credibility determinations, included Tracking Nos. IIS 05236, 05254, 05263, 06011 and 06014. (MOA ¶¶41, 49(g))

- With regard to credibility determinations, there were investigations where the investigator did not address the question of credibility [Tracking Nos. 06011, 05265] or where the investigator accepted the officers' description of the incident without making a determination of credibility [Tracking Nos. 05236, 05263, 05312]. We recommend that investigators articulate more specifically whether or not they believe a credibility determination can be made.

- In most of the cases reviewed by the Monitor Team, the investigator prepared a report that included a description of the alleged misconduct, any other misconduct identified during the course of the investigation, a summary and analysis of all relevant evidence gathered, and proposed findings and analysis supporting the findings. There were cases where the Monitor was not able to make a determination whether proposed findings were supported by the evidence and sound analysis either because of faulty recordings [Tracking No. IIS 05253], or because the investigator did not address credibility, did not resolve material inconsistencies, or made determinations based only on the officers' description of the incident [Tracking Nos. IIS 05263, 05265, 06011, 06014]. (MOA ¶50)

- All of the CCRP complaints were appropriately assigned as CCRP cases, as they did not involve allegations of use of force, pointing of firearms, searches or seizures, or discrimination. (MOA ¶46)

- The CCRP complaints were investigated and adjudicated prior to a complaint resolution meeting. The investigative report included a description of the incident and a summary of the relevant evidence and proposed findings. Once completed, the investigation was reviewed by the District Commander. (MOA ¶¶47, 48)

The Monitor finds that the CPD has complied with MOA ¶¶39, 40, 42, 43, 46, 47 and 48. The Monitor is deferring our compliance determination regarding the requirement that investigations be completed within 90 days of the filing of the complaint (MOA ¶50), given the changes that were made by the CPD at the beginning of 2006. The CPD is in partial compliance with MOA ¶¶ 41 and 49.

The Monitor believes it is important to note that in the last three Reports, we have found that the level of investigation of citizen complaints has improved

compared to our reviews at the beginning of this MOA monitoring process. We also note that there were investigations that were initiated by the CPD itself, and not generated by citizen complaints. We believe that this reflects an important level of accountability that we hope and expect will continue in 2006.

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

1. Requirements

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

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

2. Status

During the first quarter of 2006, 84 cases involving 132 allegations were investigated and closed by IIS. Those allegations were closed as follows:

Sustained	33
Sustained Other	4
Exonerated	41
Not Sustained	14
Unfounded	40

During the first quarter of 2006, 42 cases involving 44 allegations were investigated and closed through the CCRP process. Those allegations were closed as follows:

Sustained	3
Sustained Other	2
Exonerated	6
Not Sustained	11
Unfounded	22

3. Assessment

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

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

1. Requirements

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

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

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

- The City to develop formal procedures regarding timing, notification, and the interviewing of witnesses to ensure that parallel investigations conducted by CCA and IIS do not impair the effective investigation of incidents

- The City will take appropriate action, including imposing discipline and providing for non-disciplinary corrective action where warranted, on CCA completed investigations

- The CCA will complete investigations within 90 days; City Manager to take appropriate action within 30 days of CCA completion of investigation

2. Status

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

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

3. Assessment

a. Procedures

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

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

b. Review of Sample Investigations

The Monitor reviewed 18 CCA investigations in this quarter. Generally, these investigations were complete and thorough and in compliance with the MOA requirements. The CCA investigations:

- Considered all relevant evidence, including circumstantial, direct and physical evidence, as appropriate, with the exception of Tracking Nos. CCA 05336, 05355 and 06040.

- Identified and interviewed relevant witnesses, with the exception of Tracking No. CCA 06040.

- Made efforts to resolve material inconsistencies between witness statements in all but one case [Tracking No. CCA 05336].

- Did not improperly use leading questions, with the exception of Tracking No. CCA 06040.

- Reviewed and resolved all relevant police activity, including conduct that was not included in the initial complaint, with the possible exception of Tracking Nos. CCA 05336 and 05355.

- There were three cases where the investigator did not address whether a credibility determination could be made [Tracking Nos. CCA 05336, 05389, 06040].

The Monitor finds that the CCA has complied with MOA ¶¶41 and 42.[7]

V. Management and Supervision

A. Risk Management [MOA ¶¶57-64]

1. Requirements

Under the MOA, the CPD is required to enhance and expand its risk management system by creating a new "computerized, relational database." The CPD is to use the data in this system "to promote civil rights and best practices, manage risk and liability, and evaluate the performance of CPD officers." MOA ¶57.

- The information in the Risk Management System is to include:
  - uses of force
  - canine bite ratio
  - canisters of chemical spray used
  - injuries to prisoners
  - resisting arrest, assault on a police officer, and obstruction charges, where a use of force has occurred
  - critical firearms discharges
  - complaints, dispositions
  - criminal and civil proceedings against officers
  - vehicle pursuits
  - pointing of firearms (if added)
  - disciplinary actions

- The CPD must develop a plan for inputting historic data now in existing databases (Data Input Plan)

[7] As we note above, we do raise concerns about some of the investigations we reviewed this period. However, given the level of compliance of CCA investigations in prior periods, we hope that these concerns will not resurface in the next Report.

- The CPD must develop a protocol for using the risk management system, subject to Department of Justice approval

- The protocol will include the following elements: data storage, data retrieval, reporting, data analysis, pattern identification, supervisory assessment, supervisory intervention, documentation, and audit

- The system will generate monthly reports

- CPD commanders, managers and supervisors must review, at least quarterly, system reports and analyze officer, supervisor, and unit activity

- CPD commanders and managers must initiate intervention for officers, supervisors or units, based on appropriate "activity and pattern assessment" of the information in the system

- Intervention options are to include counseling, training, action plans; all interventions must be documented in writing and entered into the system

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

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

2. Status

CPD supervisors have been entering new data and forms into the ETS system since it went live in October 2004. This includes use of force reports, employee injury, civil suits, canine reports, closed internal investigation reports, citizen complaints, vehicle pursuits, vehicle crashes, and court appearances. The ETS system also contains converted data from the CPD's old databases. The CPD also is now able to implement the analysis and risk assessment components of the system, which compares the activities of officers with their peers, to identify officers and units whose activity is significantly

above or below that of their peers. The one technological problem remaining with the ETS system is that, while the system can identify which officers are above the threshold of their peers for each individual factor (e.g., use of force, complaints, or vehicle crashes), it is not able to calculate a composite analysis of all of the factors for each officer. This is an issue the ETS vendor has not been able to correct.

The CPD has begun to identify officers and supervisors for administrative review and appropriate intervention, based on potential at-risk behavior. These reviews are to take place in at least three ways: (1) when an incident in which an officer is involved puts the officer one standard deviation above the average of his or her peer officers, the supervisor and chain of command will review the incident in light of the ETS data about the officer; (2) supervisors will conduct a review of the ETS data of officers under their command as part of their 28 day review of officers – the review is of the previous twelve months of activity; (3) District Commanders and Unit Commanders will prepare quarterly reports for Chief Streicher, identifying the officers in their Unit or District who have been identified as above the ETS thresholds, and assessing whether the officers' incidents and behaviors reflect any patterns or trends that warrant intervention.

The CPD has begun to undertake the reviews listed in the first and third processes above; it has not yet started having supervisors conduct their 28 day reviews using the ETS system. In addition to these three types of review, supervisors are also responsible for reviewing the ETS data for officers who transfer into their units. Also, when a supervisor transfers to a new unit, the supervisor must review the ETS data for all of the officers in the new unit under his or her command. Over the past several months, the CPD has issued SOPs and revised its ETS procedures (Procedure 16.111) setting out the responsibilities of supervisors and Commanders in analyzing officers' ETS data and taking appropriate interventions. The SOPs also establish the Inspections Section's procedures for quarterly audits of the ETS system and the CPD's use of the system.

In November 2005, the CPD performed its first analysis utilizing ETS for the 12 month review ending in the third quarter of 2005. This analysis was considered a test analysis for the Department. The first official analysis was conducted in January 2006 for the fourth quarter 2005 review. The CPD identified an additional error in the calculations for the January quarterly reports. Corrections to the system were made in February 2006. District and Unit Commanders then conducted their next quarterly reviews and drafted reports to the Chief in April 2006. While the technical functions of the ETS system worked properly (other than one function discussed below), there were several aspects of these reviews that were not consistent with the CPD procedures or the MOA. For example, at least one District Commander reviewed the officers' ETS data for only a three month period, rather than the

12 month period required. This reduced the number of officers above the threshold for review.

The CPD reports that two additional training sessions were conducted in April 2006, one which was held with the command staff and the other with first line supervisors. Both sessions focused on analysis requirements. The CPD anticipates a more thorough analysis, now that most of the issues have been addressed with the system and SOPs are in place. The Inspections Section conducted a quarterly ETS audit and identified a number of problems with the April 2006 analyses. To ensure consistency in the review of ETS data throughout the Department, the Inspection Section identified and posted the data for supervisors' July 2006 quarterly ETS analysis, covering the period from June 30, 2005 through June 30, 2006.

3. Assessment

a. Protocol and Data Input Plan

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

b. Implementation of ETS system and the ETS Protocol

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

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

The Monitor Team identified and discussed with the CPD a number of concerns regarding the April 2006 quarterly reports. As a general matter, the District and Section Commanders concluded in their April 2006 quarterly

reports (as they did in their January reports) that officers did not show a pattern of behavior that needed intervention. This was true even for officers who engaged in a significant number of uses of force (e.g., sixteen different use of force reports) or citizen complaints (up to five citizen complaints). Instead, these data often were interpreted as reflecting that the officer is "an active officer" or the "highest producing" officer 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. Second, there were some quarterly reports where the officers were identified, but the number or type of incidents that brought the officer over the threshold were not examined. Third, the April 2006 quarterly reports did not address the status of any intervention plans that were initiated for employees in the previous quarterly reviews.

The ETS system is a valuable tool for examining the performance of CPD officers, but it will only meet its potential if the command staff critically examines the incidents and patterns underlying the ETS data. For example, supervisors should not consider citizen complaints that have been "not sustained" as the equivalent of exonerated or unfounded allegations.[8] Follow-up and monitoring are key to ensuring that corrective actions that may be needed can be taken early in an officer's career, before more serious issues develop.

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

[8] The Monitor has also raised a concern about how differing disposition of complaints between IIS and CCA will be entered into the ETS system. Where the difference between the CCA and IIS dispositions involves a "sustained" finding, the City Manager will make the final determination and this result will be entered into the ETS system. However, where the CCA finds a complaint to be "not sustained" and the City Manager agrees, but the CPD finds the complaint "exonerated" or "unfounded," the CPD determination will be the one entered into the ETS system. The impact of entering a complaint as exonerated or unfounded in the ETS system is that the weight of that complaint will be reduced to zero (from two for an IIS complaint or one for a CCRP complaint.) Thus, there will likely be fewer officers who will be identified as above the ETS threshold for complaints, and subject to supervisory review. The Monitor believes this is not consistent with the ETS protocol and the MOA.

B. Audit Procedures [MOA ¶¶67-69]

1. Requirements

- The CPD to develop a protocol for audits
- The CPD to conduct regular audits of the citizen complaint process and integrity audits of IIS investigations
- Meetings with prosecutors to identify officer performance issues

2. Status

The CPD Inspections Section conducted its review of the CCRP process for the first quarter of 2006. Ninety one complaints were filed with the CPD between January and March. A random audit of 27 cases was conducted on the closed investigations. The Inspections Section reviewed the following criteria:

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

The Inspections Section also attempted to contact complainants to evaluate whether their actions and views were accurately captured in the CCRP reports. Calls were made to the 27 complainants, and six of these complainants were contacted. The audit report states that all CCRP investigations reviewed were in compliance with the above criteria.

The CPD also had meetings and correspondence with representatives from both the City and County Prosecutor's Offices to identify and discuss issues in officer, shift or unit performance. Both representatives agreed that since the Inspections Section began inspecting officers' case jackets, the level of officer preparedness for court had significantly increased. In addition, Procedure 12.555, Arrest/Citation: Processing of Adult Misdemeanor and

Felony Offenders was revised to improve case preparation and documentation of witness and victim information.

3. Assessment

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

C. Video Cameras [MOA ¶¶70-72]

1. Requirements

The MOA requires that mobile video recorders (MVR) be used in the following situations:

- Mandatory activation of MVR for all traffic stops
- Recording of consent to search, deployment of drug sniffing canines, and vehicle searches, to the extent practical
- Recording of violent prisoner transport, where possible
- Supervisors to review all tapes where there are injuries to prisoners, uses of force, vehicle pursuits, citizen complaints
- CPD to retain and preserve tapes for 90 days, or as long as investigation is open
- If a stop is not recorded, officer shall notify the shift supervisor of the reason why the stop was not recorded
- Periodic random reviews of videotapes for training and integrity purposes; supervisors are to keep a log book of these reviews
- Random surveys of equipment are to be conducted

2. Status

In its June 12, 2006 Status Report, the City states all marked patrol vehicles have been outfitted with an MVR or DVR system. In order to realize full implementation of strictly DVR systems, the CPD needs 164 additional digital recording systems. Purchase and full installation of this equipment is anticipated to occur during the third quarter of 2006.

3. Assessment

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

The MOA also requires CPD officers to implement the CPD's MVR procedures by activating their MVRs in circumstances requiring MVRs, such as all traffic stops and pursuits. In two IIS cases and one CCA complaint investigation, the CPD identified MVR violations and took appropriate disciplinary action. [Tracking Nos. IIS 06023, 06026, CCA 06040].

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

The CPD is in compliance with these provisions.

E. Discipline Matrix [MOA ¶¶75-76]

1. Requirements

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

- The CPD will revise the matrix to take into account an officer's violation of different rules, rather than just repeated violations of the same rule

- Where matrix indicates discipline, it should be imposed absent exceptional circumstances. The CPD shall also consider non-disciplinary corrective action, even where discipline is imposed

2. Status

The CPD and CCA manually prepared a spreadsheet on cases received by the CCA from September 2005 to April 2006, which includes whether discipline was imposed for those cases completed and sustained. When cases have conflicting findings from the CCA or the CPD, these cases will be the focus of the City Manager's attention for resolution. It is not clear whether the CPD and the CCA will be developing an electronic database or CPD/CCA Citizen Complaint Case Management System. While the CCA has a new case

management system, it may not be able to be integrated with the CPD's case management system.

3. Assessment

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

In our last Report, we reviewed a sample of 12 disciplinary actions resulting from IIS investigations, to determine whether the actions taken were consistent with the Department's disciplinary policy and the terms of the MOA. We found the CPD in partial compliance. We will conduct a similar discipline audit in the next quarter. For this Report, we are deferring our determination.

VI. Training

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

1. Requirements

This section of the MOA requires the CPD to:

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

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

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

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

2. Status

The Academy Director's position has been filled with the appointment of Captain Paul Broxterman to that position. Lieutenant Anthony Carter was appointed to fill the Assistant Commander's position.

In-service training that was conducted during the first quarter of 2006 included Tactical Skills training involving both classroom instruction and practical application. This training included review of methods for controlling prisoners while in custody in police vehicles, recognizing and handling excited delirium subjects, verbal and non-verbal de-escalation techniques, Taser and firearm training that included experience in the firearms training simulation (FATS) room, and debriefings of individual student performance.

The Training Committee was scheduled to meet on May 18, 2006. The Monitor has not reviewed the minutes from that meeting, but will address them in the next Monitor's report.

3. Assessment

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

B. Handling Citizen Complaints [MOA ¶82]

1. Requirements

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

2. Status

There was nothing to report during this quarter.

3. Assessment

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

C. Leadership/Command Accountability [MOA ¶83]

1. Requirements

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

2. Status

All 35 sergeants who have been promoted since the MOA was signed in 2002 have received supervisory training either prior to, or within 30 days of, assuming their responsibilities.

A management leadership retreat (for those at or above the rank of lieutenant and civilian section or unit managers) was held in February. Topics covered included the use of crime analysis information in problem solving, the recent reorganization of the department, strategic planning, and succession planning.

One lieutenant attended the Police Executive Leadership College and two captains attended the Senior Management Institute for Police (SMIP).

3. Assessment

CPD remains in compliance with this provision of the MOA.

D. Canine Training [MOA ¶84]

1. Requirements

The MOA requires the CPD to modify and augment its training program. This includes the complete development and implementation of a canine training curricula and lesson plans that identify goals, objectives and the mission of the Canine Unit specified in the MOA. Formal training on an annual basis for all canines, handlers, and supervisors is also required, as is annual re-certification and periodic refresher training with de-certification

resulting when the requirements are not met. Within 180 days of the MOA, the CPD was required to certify all in-house canine trainers.

2. Status

There is nothing new to report.

3. Assessment

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

E. Scenario Based Training [MOA ¶85]

1. Requirements

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

2. Status

The CPD provided more than 2200 hours of roll-call training during the first quarter of 2006. New scenarios continue to be added to the library based on CPD incidents and are used in this training. Other areas of training during roll call sessions included canine operations, search and seizure issues, handling of foot pursuits and utilizing less lethal weapons.

3. Assessment

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

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

1. Requirements

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

2. Status

The quarterly meeting between the City Solicitor's office and the CPD took place on March 27, 2006. Litigation updates were reviewed on twelve urt cases involving the CPD.

3. Assessment

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

G. Orientation to the MOA [MOA ¶87]

1. Requirements

The MOA requires the City and the CPD to:

- Provide copies of the MOA and explain it to all CPD and relevant City employees
- Provide training for employees affected by the MOA within 120 days of each provision's implementation
- Continue to provide training to meet this requirement during subsequent in-service training

2. Status

Nothing new to report.

3. Assessment

The City remains in compliance with this provision.

H. FTO Program [MOA ¶¶88-89]

1. Requirements

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

- The criteria and method for selecting FTOs
- Setting standards that require appropriate assessment of an officer's past complaint and disciplinary history prior to selection

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

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

2. Status

Following the 40-hour FTO course that was conducted for new FTOs during the first quarter of the year, the Police Academy conducted an eight hour refresher course for current FTOs. That training focused on liability issues, use of force, vehicle stops, and the use of the FTO recruit book and scenarios during the training process.

3. Assessment

The CPD remains in compliance with this provision.

I. Firearms Training [MOA ¶¶90-91]

1. Requirements

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

The MOA also requires firearms instructors to critically observe students and provide corrective instruction regarding deficient firearm techniques and failure to utilize safe gun-handling procedures at all times. The CPD is required to create and implement an evaluation criteria checklist to determine satisfactory completion of recruit and in-service firearms training. For each student, the firearms instructors will complete and sign a checklist verifying satisfactory review of the evaluation criteria.

2. Status

There were no firearms qualifications conducted during the first quarter.

3. Assessment

The CPD remains in compliance with these provisions.

CHAPTER THREE. COLLABORATIVE AGREEMENT

I. Implementation of CPOP [CA ¶29]

Problem solving is at the center of the Collaborative Agreement, and each CA requirement is a building block in shaping a police agency into a community problem-oriented policing (CPOP) organization. As noted in paragraph 16 of the CA: "The City of Cincinnati, the plaintiffs and the FOP, shall adopt problem solving as the principal strategy for addressing crime and disorder problems." This fundamental approach grew from a jointly signed Agreement that seeks a positive, collaborative path for Cincinnatians towards improved police-community relations, organized around more effective policing. Progress on CPOP and Cincinnati Police Department reform is reported below.

1. Requirement 29(a)

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

2. Status

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

In February 2005, the Parties met and agreed upon a final definition for CPOP. In the spring of 2005, the Parties stated that they believe the CPOP definition will "inform an updated structure for the City department participation in CPOP." Also in the spring of 2005, the City's Code Enforcement Task Force developed and distributed to CPD employees and community leaders a Citizen's Guide to Community Action: Addressing Nuisance Complaints and Neighborhood Blight.

In June 2005, the City outlined a revised structure for accessing City department resources to support CPOP. The Neighborhood Code Enforcement Response Teams (NCERT) were designed to serve as a primary way to access city department resources to support CPOP. Teams were to serve as self-directed work units consisting of one representative from each of the following Departments: Buildings and Inspections, Health, Police, and Fire, with support on an as-needed basis by Law. NCERT Teams, facilitated by

Neighborhood sergeants, would address the most serious safety code violations and provide access to city department resources to support CPOP. In early 2006, the CPD announced that neighborhood NCERT teams were no longer the optimum approach, and in April 2006 recreated a citywide CERT Team. Terry Cosgrove, coordinator of CERT, holds bimonthly meetings with the CERT partners.

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

3. Assessment

As we noted in prior Reports, the Monitor's assessment of compliance requires documentation of the City's implementation of its coordination plan, which has changed again, this time back to a citywide plan. The documentation can include relevant information, such as the number of agencies involved, the range of City services provided, the number of projects with interagency cooperation, and whether the intervention assisted in reducing the problem.

Based on a review of the July 2006 CA Status Report, the Monitor finds that the City is in partial compliance.

1. Requirement 29(b)

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

2. Status

The CPOP website now links to over 60 different publications about crime, disorder, partnerships, problem solving, CPTED, faith-based safety initiatives, and community policing under a "problem-oriented policing best practices" tab. In addition, the website contains links to more than 40 problem-oriented guides for police on specific crime and safety problems, as well as evaluations of specific responses to crime. The website also links to the Partnering Center brochure,[9] which provides information about the Center, about CPOP and about problem solving and the SARA model.

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

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

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

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

This quarter, the Partnering Center forwarded to the Parties for review and inclusion in the CPOP library the following publications of "best practices".

- Video Surveillance of Public Places, U.S. Department of Justice, Office of Community Oriented Policing Services (http://www.popcenter.org/Responses/PDFs/VideoSurveillance.pdf)

- Tackling Crime and Other Public Safety Problems, Parts I through V, U.S. Department of Justice, Office of Community Oriented Policing Services
  - http://www.popcenter.org/Library/RecommendedReadings/1Tackling.pdf
  - http://www.popcenter.org/Library/RecommendedReadings/2Tackling.pdf
  - http://www.popcenter.org/Library/RecommendedReadings/3Tackling.pdf
  - http://www.popcenter.org/Library/RecommendedReadings/4Tackling.pdf
  - http://www.popcenter.org/Library/RecommendedReadings/5Tackling.pdf

- "Glitter Track": The Use of a Temporary Restraining Order to Solve the Prostitution Problem (http://www.popcenter.org/Library/Goldstein/1994/94-16(F).pdf)

As of yet, the CPD has not adopted the Monitor's recommendation that it post the best practices library on the Department's main website; currently the library is only on the CPOP website. The November 1, 2005, Staff Notes reminded CPD personnel about the CPOP website and the best practices library. In addition, during training conducted in December, 2005, those at or above the rank of lieutenant "were reminded of the availability and accessibility of the 'Best Practices' library."

3. Assessment

Again, the Monitor compliments the Parties for their collaboration on a comprehensive library. The CPOP library may be the most comprehensive web library on a police department website. With the work of the Parties and the Partnering Center in developing the virtual best practices library and making these publications available in hard copy through the Hamilton County Library, the Monitor finds the Parties in compliance with CA ¶29(b). The Parties have been in compliance with this section for eight consecutive quarters.

As we have noted in prior reports, section 29(b) is also related to sections 29 (c) and (d). We believe that compliance for 29(c) and 29(d), which we discuss below, will require training within the CPD of some of the 29(b) best practices, as well as their use in crime reduction efforts.

1. Requirement 29(c)

The City, in consultation with the Parties shall:

- Develop a continuous learning process through the CPD
- Document and disseminate experiences with problem-solving efforts in the field throughout the CPD
- Make available to the public experiences with problem-solving efforts
- Emphasize problem solving in (but not limited to) academy training, in-service training, and field officer training

2. Status

Each of the elements of this section is discussed below.

Continuous Learning Process in the CPD: The CPD has made strides by increasing training in the Department around CPOP and the CA. Bulleted below are training efforts the CPD developed relevant to this section of the CA Agreement.

- In 2005, the CPD included a 50-minute segment about CPOP in its annual management training; co-presented with the Partnering Center and the Regional Community Policing Institute information about CPOP to new sergeants and FTOs; co-presented with the Partnering Center information about CPOP and the tracking system to COP officers and supervisors; provided updated information about the MOA and CA to the CPD's civilian employees; and presented information about the civilian review process in supervisor and management training.

- In January and February of 2006, the CPD conducted CPOP training for new FTOs to prepare them as problem-solving coaches of their probationary officers; discussed CPOP at the CPOP supervisors' meetings and the quarterly neighborhood officer roundtable training sessions; and presented an update about CPOP to FTO candidates.

- In March 2006, the CPD trained 31 CPOP liaison officers with the help of the Partnering Center, provided CPOP and SARA computer training to 13 additional officers, and in April, presented information about CPOP to new City employees.

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

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

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

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

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

- In 2005, the CPD participated in or presented at several CPOP-relevant events: 16 CPD officers participated in a Partnering Center-sponsored two-day training in problem-oriented policing, crime prevention through environmental design (CPTED), and situational crime prevention; 13 CPD officers attended the International Problem-Oriented Policing Conference in Charlotte, NC; 10 CPD officers attended Partnering Center-sponsored CPTED training; and the CPD presented training about crime analysis and the CPOP tracking system to those in the rank of lieutenant and above.

- Last quarter, we reported training changes in the FTO program that make it more inclusive of problem solving.

- This quarter, in April, new supervisors' training included a segment on supervisor problem solving and CPOP.

3. Assessment

We believe that the trainings undertaken during 2005 and the first quarter of 2006 were the first steps in introducing Department employees (sworn and civilian) to CPOP. This quarter witnessed some additional training as well.

Now that the CPOP role is expanding to all Patrol officers in the Department, we believe a number of additional trainings will need to occur.

Given the expanded role Patrol will play in CPOP, additional training for officers is needed, particularly in light of complaints from CPOP groups that some of the officers attending CPOP meetings are unfamiliar with CPOP, SARA, and their role and responsibilities in problem solving. Some of that training will occur informally by former COP officers; however, some of it will require a consistency of message and approach and will need to be curriculum-based. The training should prepare officers to dig into problems; it will require training and mentoring on documentation, how to manage calls, community meetings, longer term problem-solving efforts, and the use of analysis. And, as we mentioned in earlier reports, expectations for involvement should be clear and ultimately supported by the performance appraisal system, which to-date is not the case.

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

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

Additional training for crime analysts in how to do longer-term analysis (rather than just tactical analysis) will also be critical. Both tactical and strategic analysis is involved in problem solving. Longer-term analysis reveals deeper, more robust patterns and intervention points that are more likely to have long-term impact. The training material on crime analysis and the new tracking system provided to the rank of lieutenants and above suggested that tactical analysis is the primary approach of crime analysis. But given the CA emphasis on problem solving, it is important also to focus on strategic and longer-term analysis. Regarding the continuous training aspect of this subsection of 29(c), the CPD is in partial compliance.

With respect to documenting and disseminating problem-solving experiences in the field throughout the CPD, we are disappointed with the replacement of Chief Streicher's video on his commitment to CPOP by a PowerPoint presentation. A message from an organization's leader that everyone can see and hear is different than a PowerPoint presented by others.

We also had hoped that the CPD would begin disseminating problem-solving write-ups so officers and civilians will have tangible examples of what is possible and what is expected. This has not occurred. The CPD remains in partial compliance on this subsection.

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

Concerning the emphasis on problem solving throughout the CPD, there was some problem solving training for CPOP liaisons, but the problem solving training for other officers in the Department was limited. The CPD remains in partial compliance with this subsection.

In earlier Reports, we noted that 29(b), (c), and (d) are linked. These and other CA sections are meant as ways to facilitate the adoption of problem solving as the CPD's principal strategy to reduce crime and disorder in Cincinnati. We have found the Parties in compliance with the public dissemination requirements under 29(b) and (c). However, because problem solving is to be adopted as the "principal strategy for addressing crime and disorder problems," the portions of 29(c) and (d) that deal with training and dissemination within the Department require greater efforts, as they are meant as a way to effectuate significant change in the organization. The Parties are in partial compliance with the three other subparts of this CA provision (continuous learning, dissemination within the CPD, and emphasis on problem solving in training). The Parties are in partial compliance with this section of the CA.

1. Requirement 29(d)

The Parties will research information about how problem solving is conducted in other police agencies and disseminate research and best practices on successful and unsuccessful methods for tackling problems. The Parties will also disseminate information on analogous problem-solving processes used by other professions.

2. Status

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

Leading up to the development of the new problem-tracking system, the CPD noted that the system will offer additional opportunities for officers to examine research on crime/safety problems. The new system contains a query asking the officer: "What guidelines (manuals, problem-solving examples, etc.) were used?" Next to the query is a box entitled: "Give specifics." In addition, a tool on the side bar within the Tracking System is a clickable icon that leads users to problem-solving material that can be reviewed to aid an officer in tackling crime/safety problems. In a few of the more recent CPOP efforts, officers have clicked boxes indicating they have looked at research and written resources, although most officers do not.

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

Some of the projects the Department submitted now make mention of the role of the physical environment in a particular crime problem. For instance, in one project the officer is hoping that a street will be reengineered to reduce speeding.

3. Assessment

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

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

- Open-Air Drug Dealing in Cincinnati, Ohio: Executive Summary and Final Recommendations at www.uc.edu/OSCOR/FINAL%20RECOMMENDATIONS.pdf

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

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

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

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

- What is the precise location of each market? (Multiple sources of data should be used to identify discrete markets. Potential sources of information are calls for service, narcotic arrest information, and resident surveys. After the markets are located, the following site-specific questions should be asked to help develop responses)
- Who are the dealers/buyers and where do they live?
- What environmental features make this location attractive to dealers/buyers?
- What interventions have been or are currently being used to disrupt this drug market?

- Once identified, is there evidence to suggest that these interventions have or have not been successful?

- What other crimes that occur in this location are related to drug market activities (e.g., loitering, theft from vehicles, homicide)?

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

As we noted in our prior reports, the following developments would demonstrate compliance with 29(d): research is used in problem solving projects (see 29(b)); projects apply situational crime prevention if appropriate (the CA specifically mentions situational crime prevention); projects that are on POP Guide topics show awareness of the guide and its elements; research is used in crime reduction and traffic problem reduction efforts; best practice knowledge is used as a skills measure in the performance evaluations.

The Parties are in partial compliance with this provision.

1. Requirement 29(e)

The Parties, through the Community Police Partnering Center, will conduct CPOP training for the community and jointly promote CPOP.

2. Status

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

- February 21, 2006 –"Citizens Response to Prostitution" training was held for nineteen Over-the-Rhine residents and other stakeholders as part of a monthly OTR Chamber of Commerce Safety Sector meeting. Participants of the training included the District 1 Captain, Central Vice Control Commander, Captain Howard Rahtz, and Kari Snyder, the Program Director for Cincinnati Union Bethel's "Off the Streets" program.

- March 4, 2006 – The Partnering Center collaborated with District 5, Clifton Heights Urban Redevelopment Corporation, the Friars Club, Hughes Community Learning Center, and the University of Cincinnati

to present "Neighborhood Connections." The core elements are engaging residents to take action to improve the quality of life in the neighborhood, to facilitate a better understanding of differing perspectives and concerns, and to build relationships that will lead to positive community action.

- March 8, 2006 – "Introduction to Crime Prevention through Environmental Design" training was held for ten participants in College Hill. The training was co-facilitated by community member Jim Bodmer. This introductory training provided information from the fall 2005 CPTED training given by Greg Saville and Anna Brassard of AlterNation. Participants learned first generation CPTED principles of territoriality, natural surveillance, access control and image. This training also included information about situational crime prevention.

- March 15, 2006 – The Partnering Center and District 3 co-presented SARA training to five Westwood residents. This core group has since added members via outreach and is scanning potential projects in Westwood.

- March 23, 2006 – The Partnering Center and District 5 co-presented SARA training to five Northside residents. These residents have since linked up with the existing CPOP team to participate in the current problem-solving efforts on Fergus, Witler and Hanfield streets.

- March 29, 2006 – The Partnering Center facilitated a presentation at the Evanston-Norwood-Xavier Leadership Academy for 12 participants. The goal was to engage community involvement and citizen leadership for safe neighborhoods and to introduce the Partnering Center, CPOP and the SARA model to participants.

- April 4 and April 11, 2006 – The Partnering Center presented two SARA trainings to 18 Cincinnati Human Relations Commission monitors. CHRC requested the training to prepare them to be active monitors this year.

- April 11, 2006 – The Partnering Center and the CPD's District 3 partnered to present training in Riverside.

- April 12, 2006 – The Partnering Center provided training to the current police recruit class about the community's role in public safety problem solving efforts, and how the Partnering Center supports communities in CPOP initiatives.

Also this quarter, the first annual CPOP Summit was held April 8, 2006, giving the Partnering Center and the CPD another opportunity to work together. 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. In addition, the Metropolitan Area Religious Coalition of Cincinnati (MARCC) held its annual meeting at the Partnering Center. Ninety representatives of MARCC's 16 Cincinnati religious organizations learned about the Partnering Center, CPOP, and the SARA process. They were also given a list of the "Top Ten Ways MARCC Congregations Can Support CPOP."

3. Assessment

During mid-February through early May, the Partnering Center and the CPD participated in a number of valuable trainings and presentations. However, during this period, some CPOP teams voiced concerns about lack of consistency in the CPD's commitment to CPOP and remain perplexed by the continued turnover among officers attending CPOP meetings. Some officers who have attended meetings have little knowledge about CPOP or their role, causing frustration among CPOP team participants. Last quarter, we reported that the CPD leadership was committed to monitoring the problem, although problems have persisted through this quarter. In addition, it appears that new CPOP teams and CPOP projects are not being developed.

The CPD has tried several different things to make District officers more responsive, including providing a CPOP cell phone to a District sergeant to give them responsibility for officers' attendance at meetings. However, some community members have complained that even that system is not working well. At this point, the CPD leadership is considering raising the level of accountability to lieutenants for ensuring that liaison officers know the problems their teams are working on and attend CPOP meetings. We discuss this more in section 29(m).

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

1. Requirement 29(f)

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

2. Status

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

Events Involving Community Dialogue and Interaction:

- In February, Plaintiffs participated in the Marcus Garvey African Marketplace in Avondale, which was held to discuss economic development issues, as well as issues of crime and safety.

- On February 28, 2006, a CPD sergeant and Partnering Center leadership participated in a CPOP interview on WDBZ Radio to discuss the redeployment of neighborhood officers.

- Also on February 28, the Partnering Center hosted a dialogue at the request of the National Conference for Community and Justice (NCCJ) to address the recent Human Relations Indicator Study, a survey gauging community perception of fairness in its treatment by police. Attendees included Police Chief Tom Streicher, Executive Manager of Police Relations, Mr. S. Gregory Baker, CPD Public Information Officer, Lt. Kurt Byrd and 15 community representatives. Monitor Saul Green and other Monitoring team members also attended.

- On March 25, 2006, the Women's City Club of Greater Cincinnati sponsored "A Conversation on Building Neighborhoods" at Xavier University to discuss the CPD's redeployment of neighborhood officers back to patrol. The Parties report a positive discussion providing the CPD with an opportunity to explain how CPOP would be "utilized more comprehensively throughout the police department" and the "ways residents could build and restore their sense of safety and security in their neighborhoods through joint efforts with the CPD." Lt. Col. Janke attended along with several District officers.

- April 8, 2006 marked the first Annual CPOP Summit (mentioned above). Breakout sessions included topics on:
    - Blighted and abandoned buildings
    - Citizen responses to street prostitution
    - Recruiting volunteers
    - Block Watch
    - Citizens on Patrol
    - Landlords and crime prevention
    - Community safety is everyone's business
    - Reclaiming public space (CPTED)

- Citizens response to open air drug dealing
- Faith-based community and problem solving

- In April, Plaintiffs participated in an anti-gang summit. Rufus Johnson of R.E.A.L. Truth, Inc., convened the summit, which is in its 16th year. Its goal is to educate youth about gangs, crime and safety in their neighborhoods. More than 100 high school students attended, primarily from Woodward H.S. Plaintiffs discussed the CA and distributed literature about what to do if stopped by the police.

- Also in April, Plaintiffs attended several meetings convened at Mosque Number 5, led by Minister James Muhammad. Councilmember Cecil Thomas also attended. Those in attendance discussed the increase in violence in the City's most troubled neighborhoods. At these meetings, Plaintiffs spoke about the CA and how it can assist in reducing violent crime.

- On May 1, 2006, Partnering Center Executive Director Richard Biehl and the CPD's Greg Baker participated in a panel discussion about CPOP progress and improvements in community/police relations sponsored by Better Together Cincinnati and coordinated by the Greater Cincinnati Foundation. The discussion was one of three panel presentations about initiatives Cincinnati Community Action Now (CCAN) identified as priorities after the civil unrest of 2001. Cornerstone Consulting Group evaluated the CCAN initiatives. A summary of the report, *Cincinnati in Black and White 2001 – 2006*, is at www.greatercincinnatifdn.org.

Ongoing Dialogue with Youth

- On February 15, 2006, the COP Coordinator, Lt. Powell, presented CPOP information to students from University of Cincinnati's College of Design, Architecture, Art and Planning. On February 28, 2006, he also presented to Raymond Walters' criminal justice students.

- March 4 and 5, 2006, was Camp Joy spring reunion weekend. Each summer, as many as 18 officers assist the NCCJ in hosting a week-long Police-Youth Live-In. The camp targets inner city youth. As a follow up to these annual camp outings, the officers return to Camp Joy to assist with a Spring Camp Reunion, which brings many of those youth who had attended the previous summer back to Camp Joy. Seven CPD officers participated in this spring's weekend reunion.

- On April 15, 2006, the Garrison Global Academy for Legal Studies held the "Stop the Violence" youth conference at the University of Cincinnati. The Academy invited a CPD officer to participate in a panel discussion

promoting dialogue between adults and teenagers. Other topics at the conference included law and violence, morals, ethics, acquaintance rape, and bullying.

- The CPD continues its work with the Lighthouse Youth Services program, which identifies at-risk youth and provides preventive services and social interventions to discourage delinquent behavior.[10]

3. Assessment

This quarter, there were a number of activities that promoted CPOP as required by the CA. Some of the events were planned as bridge builders with the community; others were scheduled to address community anxiety produced by the reassignment of neighborhood officers. All of the Parties participated in some of the events, although many were done separately. We think it important that police leadership be at as many of these events as possible.

The CA requires the Parties, coordinated through the Partnering Center, to establish community dialogue and interaction with different segments of Cincinnati's population. This quarter, the CPD and the Partnering Center have together engaged in dialogue with or participated in discussions sponsored by community organizations (NCCJ, Women's Club, and Better Together Cincinnati). Also, the Parties participated in the CPOP Summit, attended by community residents. Separately, the Plaintiffs met with a faith-based organization, some additional community residents, and met with youth.

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

The range and scope of the meetings and events this quarter are consistent with 29(f). We believe more joint forums involving CPD leadership

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

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

would be beneficial, particularly since this last quarter revealed some unevenness in approach within the CPD as to its implementation of the wider adoption of CPOP. There is no question that joint forums sometimes bring out citizens who are displeased with the current status quo, but most citizens will walk away from these events feeling that progress is underway. Ultimately, it is to the benefit of all Cincinnatians for the Parties to proceed with these interactions, because the process of policing and the decisions that are behind police tactics and strategies are made more transparent and form the basis for dialogue and, hopefully, partnership.

We believe that if the Parties develop a written plan for structured involvement with the communities identified in 29(f) and jointly promote those events, full compliance is certain. The Monitor is also open to evaluating compliance with this CA provision based on new measures agreed to by the Parties. The Parties are in partial compliance with this provision.

1. Requirement 29(g)

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

2. Status

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

3. Assessment

The Parties have held one CPOP Awards Ceremony and are planning the second annual one. The Parties are in compliance with this CA provision.

1. Requirement 29(h)

The City, in consultation with the Parties, shall develop and implement a communications system for informing the public about police policies and procedures. In addition, the City will conduct a communications audit and develop and implement a plan for improved internal and external communications. The NCCJ will fund the communications audit.

2. Status

This CA section has two parts: (1) informing the public about CPD policies and procedures; and (2) conducting a communications audit, and developing and implementing a plan for improving internal and external communications. With respect to the first, CPD policies and procedures are accessible from the City website. With respect to the second, the communications audit was conducted in 2002.

In December 2004, the CPD accepted (and the City Council approved) the NCCJ's offer of a "loaned executive" to help the CPD implement aspects of the communications audit. The loaned executive would serve as the CPD's Community Relations Coordinator and become the primary liaison between the CPD and the community for purposes of implementing portions of the communications audit.

The City has formed an internal communications council comprised of representatives from the CPD, the NCCJ, and Hollister, Trubow and Associates (HT&A), and has posted a job description for the Community Relations Coordinator. In the interim, HT&A began a number of tasks that the Community Relations Coordinator will eventually assume. The scope of services to be implemented by the coordinator serves as the CPD's communications plan.

The CPD has posted the Coordinator position several times. In November, 2005, the CPD interviewed another candidate for the Community Relations Coordinator position. However, the candidate accepted a different position in the City. Again this quarter, the CPD was unable to hire a person for the position. The Parties' July 5, 2006, CA Status Report notes that the limited funding for the position is an issue, although the position description has now been revised.

3. Assessment

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

Concerning the second part of this CA section, while the City conducted a communications audit and developed a plan for improved communications

(based on the scope of services developed for the community relations coordinator), last quarter's redeployment of COP personnel without prior communication to those personnel or the community showed a lack of transparency that required attention this quarter. Transitioning a community from single officer to multi-officer community engagement and problem solving can be difficult, but we hope that the CPD will recognize the importance of engagement and consultation, even when the CPD has the formal authority to make decisions and take action.

The CPD is in compliance with this CA provision.

1. Requirement 29(i)

The CPD will create and staff a Community Relations Office to coordinate the CPD's CA implementation.

2. Status

The CPD created a Community Relations Unit (CRU) in 2003. The CRU is a division of the Police Relations Section. In the fall of 2004, the CPD assigned an officer to the CRU to assist with the implementation and reporting requirements of the Agreement. She is also tasked with redefining the CPD's quarterly Unit Commander CPOP reporting process, making recommendations about the CPD's current problem tracking system, and assisting with implementing aspects of the communications audit.

3. Assessment

The City is in compliance with this CA requirement.

1. Requirement 29(j)

The Parties shall describe the current status of problem solving throughout the CPD through an annual report. Each Party shall provide information detailing its contribution to CPOP implementation.

2. Status

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

The CPD submitted its first CPOP Annual Report in September 2003 and the second in September 2004. Milestones documented in the 2004 Report included the establishment of the Community Police Partnering Center, the development of joint CPOP training delivered by the CPD and the Partnering Center, and delivery of training to numerous Cincinnati communities. The Parties' 2005 CPOP Annual Report was issued in October 2005. The Annual Report describes in important detail a number of active CPOP Team projects, including an assessment of their results.

3. Assessment

The 2005 CPOP Annual Report documented the progress the Parties achieved individually and collaboratively. Those efforts were the result of significant hard work. We expect that success and inspiration to continue into 2006. The third CPOP Annual Report is due in late August, 2006.

The Parties have been in compliance since September 2003.

1. Requirement 29(k)

The CPD District Commanders and Special Unit Commanders or officials at comparable levels shall prepare quarterly reports detailing problem-solving activities, including specific problems addressed, steps towards their resolution, obstacles faced and recommendations for future improvements.

2. Status

On April 21, 2005, the Parties reached agreement on the definition of problem solving. The Parties also agreed that future reporting of problem solving will have the identifying characteristics of: (a) problem definition; (b) the analysis of the problem; and (c) the range of alternatives considered.

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

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

A S S E S S M E N T	What are the results of your assessment? If Calls for service were analyzed, are they up or down? By how much either way? (State the period of time of both the start time and length of the assessment.) Are the types of Calls for service now different? Any other measurements/input? (If the problem is a place, is it better managed? If the problem is behavior, how is it better supervised? If the problem is design/layout, what changed?)

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

3. Assessment

There is one fewer Unit Commander quarterly report than last quarter. While Districts 1, 2, 4 and 5 reported (including District 1's Downtown Services Unit), District 3 did not. There is also one fewer of the Special Units reporting. The Street Corner Unit has been folded into other narcotics units under the Vice Section, and the remaining mid-level drug unit did not report, but is required to report next quarter. Special units reporting this quarter include: Central Vice Control Section; Criminal Investigations Section (Homicide Unit, Personal Crimes Unit, Major Offenders Unit, Financial Crimes); and Special Services Section (Traffic Unit, Youth Services Unit, Park Unit).

In prior Reports we noted that compliance with this CA provision will be demonstrated when all of the District and Unit Commanders prepare quarterly reports that detail problem solving. We have been encouraging in prior reports, applauding projects that show some aspect of problem solving.

It is highly disappointing that only a small number of the projects from this quarter contained in the Unit Commander reports reflect any familiarity with problem solving. Some merely use the same strategies as prior years; although the problem remains or has recurred, most contain no relevant analysis and show no evidence of seeking out information that might direct them to sources that are currently on the CPD's website. Some just state a problem without documenting anything further. Others discuss already adopted programs and try to back them into a SARA form. Clearly there is a

lack of oversight, guidance, coaching, and perhaps adequate training since the majority of the efforts should not be of this quality after four years of stated commitment from the CPD. None of the reports follow the template the CPD adopted in its December 2005 form, "Critical Elements that Must be Included in the Quarterly Problem Solving Report."

The projects reported in the Unit Commander Reports (even after several years of requests) do not contain start dates for each project, only the date the report was submitted to the Captain or to Chief Streicher.

The Department states that reports from the Planning Unit and Crime Analysis Units are not relevant to this section. The CPD states that the Planning Unit does not engage in analysis related to call loads and staffing. If this is the case, a report is not needed. As for the Crime Analysis Unit, the CPD states that the efforts of the crime analysts will be documented in the individual reports from officers and special units, so no Crime Analysis Unit report is necessary. Typically, crime analysis units work on larger analysis projects, not just individual beat level projects. However, if this is not the case, we will evaluate what is before us as the sum total of the problem solving engaged in by the CPD.

Judging from the Unit Reports submitted, after four years of CPD effort, they show that extremely little problem solving is occurring in the CPD.

The reorganization, while intended to expand the use of problem solving beyond just neighborhood officers, abruptly gave District Captains the responsibility for ensuring problem solving and community engagement in their command. CPOP teams have felt the lack of CPD involvement in problem solving in the last quarter, and the District and Unit Commander reports similarly reflect that. In the July 5, 2006, CA Status Report, the Plaintiffs separately cited their concerns about the reorganization and the lack of consistency in working with CPOP teams, and the need for improved training for officers who were not previously involved in CPOP efforts.

We mentioned last quarter that it is an opportune time for the CPD to ramp up the knowledge-base of officers, supervisors, managers and commanders about crime and safety problems. In the last five years alone, there has been a substantial increase in terms of what is known about crime and countermeasures. A fair amount of that is now contained in the problem-oriented policing guides, over 40 of which are now available (the CPD website states that there are 19). With this knowledge, we believe that District and Unit Commanders will be well equipped in their new responsibilities, although accountability mechanisms must be put in place as well.

As we see it, the CPD has several tasks before it regarding this section. The CPD has recognized that making time for officers to problem solve is

important; now that must be made an objective (and placed in the Strategic Plan so that it will be measured and managed). Improving the quality of the problem solving, the quantity of the problem solving, and the oversight and management of systems designed to track and support problem solving requires more of the CPD leadership's vigilance.

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

1. Requirement 29(l)

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

2. Status

This quarter, the CPD responded to a recommendation from the Plaintiffs to add culturally relevant training. The Plaintiffs requested:

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

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

The CPD states that its training for new supervisors included a curriculum component addressing this, and Mr. S. Gregory Baker, Executive Manager of Police Relations, and Mr. Kenneth Glenn, Interim Director of the Citizens' Complaint Authority, conducted the training on April 24, 2006. Mr. Baker also met with the Training Academy to design and develop new training to address cross-cultural communications.

In addition, Lt. Col. Vincent Demasi, Administrative Bureau Commander, and Lieutenant Anthony Carter, Assistant Police Academy Commander, met with University of Cincinnati faculty to discuss potential collaboration in this area in future training. No further meetings have been scheduled at this time.

In addition to efforts to revise the training curricula, the Police Academy also took steps to introduce recruits to communities, community events, community leaders, and citizens. The 100th Police Recruit class was extended one week to allow recruits to partner with various communities on problem solving projects and to attend community meetings to understand the unique and diverse concerns of community members. Recruits partnered with Over-the-Rhine community leaders in April 2006 in a problem solving project to eliminate blight in the area. As noted in Section 29(c) above, the CPD also conducted problem solving training during the New Supervisor's Training on April 21, 2006.

3. Assessment

This quarter showed continued progress. Last quarter, the CPD included the FOP on its Training Committee and this quarter the CPD responded to Plaintiffs' suggestion that Academy training include a more culturally relevant piece. In addition, the recruit training is becoming more inclusive of community crime and safety concerns by having recruits attend a community meeting and participate with ongoing problem-solving efforts.

We also recommend that the Academy staff review prior quarters' Unit Commander Problem Solving Reports, so they can help craft tailored training for officers and supervisors around problem solving.

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

1. Requirement 29(m)

The Parties, in conjunction with the Monitor, shall develop and implement a problem tracking system for problem-solving efforts.

2. Status

In late 2004, the CPD recognized that its problem-tracking system required improvements and tasked its Community Relations Unit to undertake them. The CPD reviewed previous Monitor Reports and prepared a draft document for review by neighborhood area sergeants. The Parties met several times about the problem-tracking system, reaching agreement on the following items, which they shared with Judge Merz and the Monitor at the March 10, 2005, facilitated meeting:

1. The Parties will work on a mechanism for posting items on the CPOP website.

2. The Parties will develop an analysis process that captures and provides more detail in the problem-tracking process.

3. The Parties will modify the tracking process as a result of items 1 and 2 above.

4. The Parties will reach consensus on problems to be posted on the CPOP website – i.e., District Commanders (neighborhood officers), and Partnering Center staff will have joint approval and shared responsibility to coordinate and share information about the problems to be posted as CPOP on the website.

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

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

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

When complete, the system will:

- Allow hyperlink to any report prepared by the Partnering Center concerning a specific problem-solving case in the database

- Allow participation by other departments and the Partnering Center so they can provide detail on their participation in the problem-solving process or add details of their analysis

- Allow officers to create "virtual teams" within a problem-solving case, between other City agency employees, the CPD, and CPOP members, and offer quick mail and message boards

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

This quarter, the Parties report that improvements and updates to the CPOP/SARA tracking system "are still in progress" and that cases are being added. The CPD states that 17 new cases were entered for the reporting period February 6th through May 5th 2006. We found 22, although 2 cases were duplicates of others, leaving 20 new cases.

Concerning the content of the tracking system, CPD reports that:

> Information on the CPOP website has been under discussion between the CPD and the Partnering Center. Many of the reports summarizing city-wide problem solving activities were outdated and redundant. The Quarterly Community Involvement Reports mirrored the Quarterly Problem Solving Reports while the CPOP Team Monthly Reports, generated by the Partnering Center, included information that should be included in their respective CPOP case. As a result, the Quarterly Problem Solving Reports remain as a link under the "Updates" section of the website to include all activities generated by each district/section/unit. Some sections/units do not yet have access to the application required for entering information, thus leaving the necessity to post the reports on the website.

Concerning progress in providing the Partnering Center computers access to the tracking system, the CPD suggests compliance has been achieved on this because the CPD invited Partnering Center staff to use CPD's district computers. In addition, the CPD states there has been some progress towards giving the Partnering Center its own desktop application of the CPOP tracking system.

3. Assessment

There have been a number of disappointments involving the tracking system and its use this quarter.

First, CAGIS halted work on the tracking system and seeks additional funding from the CPD to complete the progressive functionality of the system. The CPD and CAGIS are in negotiations. Although the system has been operable for nearly a year, it does not provide access to some of the functions that will give users their own investigative tools: calls for service, crime reports, etc.

Second, we hope that progress in providing the Partnering Center with its own desktop application proceeds quickly. Offering Partnering Center staff access to District computers is not an adequate substitute. Very few District computers have access to this EZ Track application, so any access for the Partnering Center in a District would be quite limited. Officers need access to these computers and should not have to compete with Partnering Center staff. Supervisors need access to their own computers so they can coach and guide officers and also should not have to compete for time with others either. (In fact, the quality of the entries in the system, which we discuss below, suggests that sergeants need to spend additional time reviewing these projects.)

Third, during our site visits over the last 10 months, officers have told the Monitor that the EZ Track system was "constantly down". A system that works only some of the time can discourage officers from its use. This may be part of the reason for infrequent entries within projects.

Fourth, the project contents of the tracking system remain a serious problem. There are a numerous issues:

- Some projects appear to be simply abandoned.
- Many projects are listed as resolved that are likely not.
- The descriptions of analysis done are very weak, suggesting that there is insufficient understanding of what is needed.
- For the most part, traditional responses are over-used, suggesting that supervisors are doing very little coaching on other problem-solving approaches.
- A number of these projects are simply an account of a complaint and a response, not problem solving.

- The amount of information missing in these project descriptions leads to the conclusion that supervisors have little involvement or oversight on projects.

A review of cases for the short time frame of January 2006 to early May 2006 shows inadequacies in most of the entries, suggesting a lack of adequate training for users and/or oversight of the system. We also reviewed these projects through to early August 2006, and it appears that little has been done on many of the projects; some have been silent since February or March. We mentioned in prior Reports that mentoring would be required as the new system was brought on-line, but the persistence of inadequacies in entries shows that little attention is actually being paid to the system or its contents. Examples are below.

1. SAR0500008 – Panhandling problem. The problem is listed as resolved using the following responses, although no analysis of the problem is contained in the project: Concentrated enforcement – criminal; Concentrated enforcement – traffic; Criminal action – arrest; Criminal action – citation. The assessment contains the following comment by the officer suggesting that alternate responses are required although none are proposed: "The individuals at this intersection were the [sic] rarely incarcerated for [more?] than one day for the various offenses."

2. SAR0600007 and SAR0600008 are the same project.

3. SAR0600005 has not been updated since February 6, 2006 (through August 11, 2006).

4. SAR0600013, traffic congestion due to construction on E. 5th Street. Response is the assigning of 2 motorcycle officers to give tickets (Response: "Concentrated enforcement – traffic" and "Target those responsible for problem"). This is clearly not a problem-solving project.

5. SAR0600024. This project is listed as "RESP CMP" although responses are not listed in the entries.

6. District 2 had no projects entered into the system between January 2006 and May 2, 2006 (on May 3rd, two projects were entered). In fact, District 2 had no projects entered between October 20, 2004 and May 2, 2006.

7. District 3 lists no projects for this quarter.

8. SAR0600009 is an apartment complex with calls for service involving drug sales and crimes of violence, mainly felonious assaults, but no entry has been made updating the project since March 6, 2006 (through August 11, 2006). It is still listed in the Scanning stage.

9. SAR0600010 – apartment complex with drug dealing and illegal alcohol sales. No update on the project since April 6 (through August 11, 2006) to document if the interventions reduced the problem.

10. SAR0600015: The first and last entry on the project is made on March 9, 2006 (nothing has been entered on the project through August 11, 2006).

11. SAR0600016: First and last entry into the tracking system for this project is March 10, 2006 (nothing through August 11, 2006), and the entry from March 10, 2006 simply gives the location of the project, nothing more.

12. SAR0600018 is the same project as SAR0600019.

13. SAR0600020 involves students of a high school fighting and in the section that asks the officer "What should be done or was done prior to implementing the response?" the following responses are listed: Define community problems; Identify External Community Resources; Meet with school administrators; More business participation. Nothing is listed as occurring after this, although this entry was made April 5 and the school term ended somewhat later.

14. CPOP050013 is the same problem as CPOP050014. In addition, even though in both cases it is listed as resolved, in neither listing is the assessment page completed, leaving actual resolution in doubt.

15. SAR0600003 is a motel with drug dealing and prostitution. The entry states that responses were implemented in January and it is in the assessment stage, but no entry has been made since January 24, 2006 (no entries made through August 11, 2006).

16. SAR0600011, an abandoned building with drug activity, assaults, robberies, prostitution, criminal damage and thefts. No entries have been made since the day the project was opened on March 4, 2006 (no entries made through August 11, 2006).

For the last two quarters, we have suggested the importance of providing mentoring and coaching to officers in the first few months of the system's operation. Mentoring will add precision to the problem solving projects and help advance the Department's knowledge base about problem locations. We

also highlighted that the system, like any new information system, will only be as good as the information inputted. We had hoped to see significant improvements this quarter. This was not the case.

As for the projects listed in the CPOP website tracking system, we noted last quarter that a number are labeled "resolved." This quarter nearly 90 are listed as "resolved." We are doubtful that they are actually resolved; more likely they are merely closed because of the reassignment of neighborhood officers or abandonment of the effort. These types of distinctions are important. It is the difference in investigative parlance between a cleared case and a closed case. We believe that accuracy is important, because these are records of actions in addressing chronic community crime/safety problems.

Two quarters ago, we noted that the descriptions of the call for service information in the projects were weak and provided the CPD an excerpt from one of the OSCOR reports to show the type of sorting one can do with call for service information for a specific location. The descriptions in the projects still remain weak.

Of the 20 projects added to the system this quarter (February 6, 2006 through May 5, 2006) many of them are CPD projects that do not involve the Partnering Center (13). Of those that are listed as CPOP Team cases (7), most of the write-ups do not include information regarding the involvement of the Partnering Center or community residents.

District 3 did not add one new SARA project this quarter, and managed only four projects between September 2004 and May 9, 2006 (more than an eighteen-month time frame) suggesting that the CPD leadership is not holding its command staff accountable for engaging in problem solving. This is probably also the reason that District 3 failed to produce a District Commander quarterly problem solving report, as required by the CA. There was a similar problem with District 2 in prior quarters. District 2 added two cases between October 21, 2004 and May 6th 2006 (also a period exceeding eighteen months), and both cases were added only on May 3, two days before the reporting quarter ended. We are certain that these Districts are not relatively free of chronic crime problems. We believe that these examples, coupled with the low quality of the problem solving cases submitted in the District Commander reports reveal a lack of accountability at the top of the CPD concerning CPOP.

We fully recognize that there will be many projects that do not involve the Partnering Center. We also understand that the Partnering Center is providing information at CPD roll calls about how the Center and its outreach workers can help CPD officers. We again encourage the CPD to further publicize the Partnering Center to its members, and collaborate with the Partnering Center as part of the CPD's Strategic Plan. Staff Notes and the Blue Wave may also be ideal vehicles for an article about the Partnering Center.

So that we have a better understanding of what is occurring regarding the CPD and CPOP teams, we ask that the CPD and the Partnering Center provide a joint explanation in the next Status Report for the slower than expected increase in new CPOP efforts, along with recommendations that each can do to increase the use of the Partnering Center as a resource in quality problem solving.

Last quarter, we deferred determining compliance or partial compliance with the new tracking system. We said:

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

We believe similar issues remain. It is over three years and there is not yet a good, functioning and appropriately-used tracking system for problem solving efforts. The lack of quality control in the system and over the system is extremely concerning. Therefore, the Monitor determines that the Parties are not in compliance with this provision.

We hope that by next quarter, the CPD can present a system that is:

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

1. Requirement 29(n)

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

2. Status

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

In mid-2005, after the plaintiffs suggested that the CPD increase the number of crime analysts to the Department (from 1.5 analysts for the 1000 sworn members), the CPD added an analyst to each of the five patrol Districts and one each to Vice Control and Criminal Investigations. The CPD placed sworn officers in the new analyst positions. They attended a five-day crime analyst computer training by Alpha Group, and then followed up with 32 hours of "in-house" training.[11]

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

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

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

[11] The CPD expects the crime analysts to provide the District and CIS/CVCS Section Commanders with timely and accurate tactical and strategic crime information, so that the Department's resources can be effectively deployed to hotspots identified with input from the crime analysts and the community. One of the items the analysts are working on is a list of the top ten individuals in ten identified neighborhoods who have been arrested most often, although the results have not yet been shared with the Monitor.

3. Assessment

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

The redeployment of COP officers back into patrol, widening the responsibility for problem solving, has also allowed the CPD, through transfers of officers, an opportunity to increase staffing at Districts that had high crime and calls for service. This is an important move and consistent with the principles of this CA section. We also believe that the hiring and training of additional crime analysts is an important step in moving towards a more information-driven department. These crime analysts will need to have a full understanding of problem-oriented policing so they can provide greater assistance on projects of increasing complexity. The crime analysts should be extremely well-versed in the type of analysis problem solving typically involves and the wide variety of countermeasures that can be used to stem crime. The problem-oriented policing guides on the CPOP website offer a good start to begin their education about problem solving.

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

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

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

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

- increasing the use of non-criminal strategies as problem solving tools
- implementing and following up on CPOP problems

- augmenting police-community involvement in problem solving projects
- training all employees in CPOP and SARA
- increasing community involvement in education programs
- developing programs for diverse communities
- expanding CPOP philosophy to the entire department
- introducing more beat officers at community meetings
- creating mailers for stakeholders advising them of events
- creating new standards for evaluation of performance
- training all employees in crime analysis
- expanding recruiting efforts to maintain hiring of qualified, diverse workforce
- utilizing civilians instead of sworn employees to free up officers for redeployment
- utilizing students from local universities to assist in satisfaction surveys, grant writing, and operational studies
- expanding volunteer opportunities for assisting the Department in daily operations

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

As we noted last quarter, the CPD's efforts to increase participation in CPOP, the redeployment of officers to higher crime areas based on analysis, and the hiring of crime analysts places the CPD in compliance with this subparagraph of the CA. The CPD has acknowledged that making time for officers to problem solve is an important objective (so it should be placed in the Strategic Plan as it is more likely then to be measured and managed). To maintain compliance with this provision, the CPD leadership must advance its efforts to improve the quality of the problem solving, the quantity of the problem solving, and the management of systems designed to track problem solving.

1. Requirement 29(o)

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

2. Status

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

Revisions to Performance Evaluations: In late 2004, the City and the Civil Service Commission approved new police job descriptions and performance review standards. The police job descriptions and performance review standards were forwarded to and approved by the Civil Service Commission without input from the Plaintiffs (see January 2005 Monitor Report). In our April 2005 Report, we determined that the revisions did not meet the requirements of this CA paragraph.

On July 13, 2005, Chief Streicher approved a "performance evaluation process improvement team (PIT) to fundamentally change the current performance evaluation system the police department is using." In its September 2005 CA Status Report, the Parties acknowledged that the current performance evaluation system is outdated and that the Five-Year Strategic Planning Committee will review the current organizational plans, job descriptions, and police department standards to recommend changes consistent with CPOP. The CPD stated that "the current outdated system of numerically scoring eighteen trait categories is purely subjective with no interaction from the evaluated member. The Planning Section has received several contemporary performance evaluation systems used by other police departments throughout the country."

The CPD noted that the PIT team is a diverse group of police department sworn members of various ranks, and is diverse across gender and race. Additionally, both the FOP and the Sentinel Police Organization have representatives on the team. The performance evaluation PIT team met during the late summer and fall of 2005.

In the last reporting period, performance evaluation progress hit an impasse. Although there appears to be widespread acknowledgement at all levels of the CPD that the current system is ineffective and de-motivating, the FOP has not signed on to a new system at this time. Performance evaluations will be an essential element of the organizational infrastructure needed to sustain CPOP. The CPD is contemplating strategies for resolving this impasse, as it also impedes progress on revising job descriptions that can clarify for all employees the CPD's expectations regarding CPOP roles and responsibilities for every position. The Parties' July 5, 2006, CA Status Report seems to suggest that an update to the performance evaluations is now moving forward.

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

Policy Revisions: The CPD revised its policies establishing which Units and Sections were to submit problem solving reports to the Chief, consistent with the recommendations of the Monitor (see 29(k)). The CPD also plans to revise its problem solving procedure to clarify the reporting requirements of the District and Unit Commanders and the redeployment accomplished in early February. In addition, the CPD has spelled out what Unit Commanders should include when reporting on problem solving efforts (see Critical Elements form under Section 29(k)).

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

3. Assessment

Performance Evaluations: The performance evaluations adopted in 2004 will not place the CPD in compliance. We encourage further discussions with the FOP to devise a system that will put the CPD in compliance. Any new performance appraisal system should be consistent with the CA and MOA, it should support problem solving, reflect that problem solving is the principal strategy of the Department, and be a means of accountability within the Department. We expect the Chief of Police to provide the Monitor with a draft of any new performance evaluations prior to adoption for review.

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

Policy Revisions: The CPD leadership directed specific Unit Commanders to file a quarterly problem solving report, and will use the form titled *Critical Elements That Must Be Addressed in Quarterly Problem Solving Reports* to improve upon the type of information that is contained in these reports. We believe that it will be helpful if the CPD provides examples to the Unit Commanders of a thorough, complete project-write, just as examples are used when introducing other types of reports in a department. It does not appear that the Critical Elements form is being used. We ask the CPD to revisit this with the Unit Commanders, so next quarter's reports will be consistent with what is required.

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

The City made progress two quarters ago by adopting the new Critical Elements form, but it is still not in use by the Unit Commanders. Revisions to performance evaluations and job descriptions are key elements in this section, as they can help drive the type of change the CA requires. Further progress is needed in these three areas. The redeployment is a significant step towards wider adoption of CPOP, but the CPD must make sure that its District Commanders and Unit Commanders are accountable for the implementation of CPOP in their commands and that this is not considered incidental to their other responsibilities. We withheld judgment last quarter regarding compliance believing this quarter to be critical for making this new approach work. We believe that not enough was accomplished this quarter to place the CPD in compliance.

The CPD is not in compliance with this section of the CA.

1. Requirement 29(p)

The City shall design and implement a system to easily retrieve and routinely search (consistent with Ohio law) information on repeat victims, repeat locations, and repeat offenders. The system also shall include information necessary to comply with nondiscrimination in policing and early warning requirements.

2. Status

As noted in our prior Reports, the City expects to meet this requirement through the acquisition of a new Records Management System (RMS) and Computer Aided Dispatch (CAD) system. In 2005, the City signed a contract with Motorola to develop and install the CAD/RMS system.

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

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

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

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

- Computer Aided Dispatch Incident Number
- Specific address information for locations with more than five incidents
- Incident time
- Complainant information, if known
- Complaint type
- Suspect information
- Disposition

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

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

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

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

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

This quarter, the CPD states it is reviewing the information the Monitor provided in last quarter's Report about re-victimization.

3. Assessment

We noted in prior reports, the new system the CPD has selected is expected to be capable of retrieving and linking information in the CPD's current computer information systems to enable the CPD to track repeat offenders, repeat victims, and repeat locations. This information can then be used in problem solving, CPOP cases, and District/Unit Commander reports. The system will increase the CPD's ability to identify trends and patterns and use them to undertake problem-solving efforts. While the CPD's current information systems provide some information, they are systems that are based on traditional models of policing, where incidents were documented typically as isolated or non-recurrent events, where pattern analysis might focus on an offender "m.o.," rather than also on repeat location, repeat location types, repeat victim, and repeat victimization locations. Up until now the CPD was not using its current system to this capacity.

During last quarter's site visit, we were extremely pleased that the Department is now able to provide some repeat-victim and repeat-offender information, which the CA has called for and we have requested. We said that beginning this quarter, we expected to see projects associated with the people identified by the repeat data.[12] Unfortunately, this has not occurred.

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

Last quarter, we also said that if CPD makes a few changes in the databases it will be in full compliance. We noted that there is an excellent, brief publication on repeat victimization titled, Analyzing Repeat Victimization.[13] We noted two particular suggestions from that publication regarding lengthening the time frame for data on repeat locations and victims, and on improving the accuracy of call taking, report taking and data entry.

The CPD states that it is still reviewing the information we provided last quarter, and that it is considering changes to report taking (a newly designed m.o. sheet to be completed with an offense report is being piloted in two Districts for certain offenses) and using a larger time frame to identify repeat victimization. We expect to see the information from the databases, particularly drawn over a longer period of time, to be the basis of problem solving efforts initiated by the police around repeat victims, locations, and repeat offenders. We suggest that the CPD partner with the Partnering Center on some of these. Using the data is just as important as creating the databases.

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

1. Requirement 29(q)

The City shall secure appropriate information technology so that police and City personnel can access timely, useful information to problem-solve (detect, analyze, respond, and assess) effectively. The CA established February 5, 2003, as the deadline for development of a procurement plan, April 5, 2003, to secure funding, August 5, 2003, to procure systems, and August 2004 to implement any new purchases.

2. Status

The Parties believe that the new Motorola RMS/CAD system will also meet the requirements of this section of the CA. The CPD adds that it routinely provides information to CPOP teams for different stages of the SARA model. The CPD provides information to communities to substantiate funding for Safe and Clean grant applications. Also, the CPD collates information to be part of

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

quality of life indicators for various City departments to targeted interventions and enhanced Code enforcement areas. The CPD also notes that its seven new crime analysts will disseminate the information in a more timely way and so "the spirit of this requirement is being met with current capabilities."

3. Assessment

The CPD has reported that it expects the CAD portion of the new system to be on line between January 2007 and April 2007. Some modules of the RMS portion of the system are expected to be on line by June 2007, with the total system on line in 2008..

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

II. Evaluation Protocol [CA ¶¶30-46]

1. Requirements

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

The Evaluation Protocol must include the following components:

- Surveys
    - of citizens, for satisfaction and attitudes

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

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

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

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

- Examination of hiring, promotion and transfer process

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

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

- The Parties will regularly meet with the Monitor to study the results of the evaluation instruments and determine what changes, if any, in the Agreement or in their actions should be pursued in light of the evaluation results.

2. Status

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

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

a. Surveys

i. Community-Police Satisfaction Survey

RAND's 2005 community survey involved contacting a random sample of 3000 individuals living in each of the City's 52 neighborhoods. The questions relate to residents' perceptions of the quality of police services, knowledge of CPD activities, and perceptions of the professional standards of the CPD. The results of the *community-police satisfaction survey* showed that the general public has favorable opinions of the quality of police service it receives, police practices that it witnessed in its neighborhoods, and personal experiences with the police. African American residents in Cincinnati, however, have a less favorable view. Blacks expressed less satisfaction with the quality of police service, had less trust in the police than whites, and were more likely than whites to think that race played a factor in police decisions and that they had been the targets of racial profiling. They had a significantly lower perception of being treated fairly and with respect by the CPD. Blacks were also more likely than whites to view crime as a serious problem in their neighborhoods and to witness disorder and a lack of community cohesion.

RAND will repeat the survey of community residents in 2008 to assess whether the implementation of police reforms have had an impact on public perceptions of the police services.

ii. Citizen Interaction with the Police

For the survey of citizens with police interaction, RAND mailed surveys to a random sample of 1,429 individuals in 2005. The sample was drawn from police records on traffic citations and crime incident reports, so the citizens surveyed will be persons who have been stopped, cited, or arrested by the police, or who have been victims of crime. Unfortunately, the response rate for these surveys was not sufficient to produce scientifically valid results, and the survey will not be repeated in future RAND reports.

iii. Police Officer Surveys, Citizen Complaint Surveys

In 2005, RAND also mailed surveys to CPD field officers to assess the officers' perception of personal safety, working conditions, morale,

organizational barriers to effective policing, fairness in evaluation and promotion, and attitudes of citizens in Cincinnati. RAND also identified 229 matched pairs of officers and citizens involved in the citizen complaint process in 2004. Similar to the police-citizen interaction surveys, the 2005 response rate for these two surveys was insufficient to produce scientifically valid results.

To obtain valid results in 2006 for measuring the view of officers and citizen complainants, RAND and the CPD have developed new procedures for conducting these surveys. RAND begin fielding the officer survey during in-service training starting in June 2006. The surveys of complainants and officers involved in the citizen complaint process were mailed out by the CCA and IIS to officers and complainants at the same time that they mailed out the disposition of the complaint. Also, for both surveys, RAND reduced the number of questions in the surveys to reduce the time it takes to complete, and hopefully increase the response rate.

b. Traffic Stop Analysis

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

c. Evaluation of Video and Audio Records

To evaluate interactions between CPD officers and Cincinnati residents, in 2005 RAND analyzed over 300 randomly sampled video and audio recordings of traffic stops. RAND used multiple trained coders to view each tape and make a variety of objective measurements and subjective ratings. The ratings allowed RAND to describe the objective characteristics of the stops, measure verbal and nonverbal social cues, and assess the communication between the officer and the driver. RAND analyzed differences in these measures as a function of the race of the driver and the officer.

The RAND analysis showed three key differences as a function of the officer's and the driver's race. First, the videos showed that "on average, blacks and whites experience different types of policing." RAND concluded that black motorists "experience more proactive or intensive policing than their white

counterparts". Their stops generally took longer and were more likely to involve multiple officers. Black drivers were more likely to be asked if they were carrying drugs or weapons, be asked to leave the vehicle, be searched, or have a passenger or the vehicle searched. Second, the communication of white drivers was, on average, more positive than the communication of black drivers – specifically, they were more apologetic, cooperative and courteous. Third, the officers' communication behavior was, on average, more positive when the officer and driver were of the same race. White officers used the most positive communication when they talked to white drivers and black officers used the most positive communication when they were talking to black drivers. Because there are more white officers than black officers, white drivers get more positive communications, which for black drivers may reinforce negative racial expectations and make subsequent interactions less likely to be positive.

In 2006, RAND will again sample video and audio recordings of over 300 traffic stop incidents.

d. Periodic Observations and Problem Solving Processes

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

e. Statistical Compilations

In its 2005 report, RAND's review of the CPD's 2004 statistical data showed that reported crime, calls for police service, and arrests are geographically clustered in the same Cincinnati neighborhoods, and these neighborhoods are predominantly black. RAND's report also examined use of force statistics. RAND found that use of force by the CPD was geographically clustered in high crime neighborhoods, with Over-the-Rhine accounting for 20 percent of the incidents involving force. Use of force was used in approximately 2.3 percent of arrests. Black residents were the subjects of 75 percent of the use-of-force incidents, and were approximately 73% of arrestees.

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

f. Staffing

In its 2005 report, RAND found that blacks and women were underrepresented among sworn officers, compared to their percentage in the Cincinnati population, and that their representation tended to diminish in the higher ranks. Women and minorities among police recruits at the Academy, however, were a higher percentage than among the sworn staff. This task has been deleted from future RAND reports.

3. Assessment

The CA provisions call for a comprehensive approach to evaluation that is broader than efforts in most other cities. We believe that the efforts undertaken in 2005 provided valuable information and lessons learned, that now need to be used to improve police-community relations and advance the goals of the Collaborative Agreement.

RAND's 2006 research and its second Evaluation Report will provide additional information about the progress made by the Parties in achieving the goals of the CA. We are convinced that the results of the Year One Evaluation Report reinforce and validate the CA's approach that problem solving must be the principal strategy for addressing crime and disorder in Cincinnati.

The Parties are in compliance with the CA provisions requiring the development of a system of evaluation, and implementation of the Evaluation Protocol (CA¶31-43).

The CA continues to require that the Parties meet with the Monitor "to study the results of the evaluation instruments and determine what changes, if any, in the Agreement or in their actions should be pursued in light of the evaluation results" (CA ¶30). Paragraph 46 of the CA also states that "measurement of the success of the mutual accountability process" will be based on whether the evaluation data was "fully and fairly used to assess progress toward attaining the goals" of the CA, and whether the data was used "to adjust City, police and community strategies to address problems, reduce police and citizen use of force and improve police/community interaction."

In the RAND 2005 Report and in our earlier Monitor's Reports, we have set out several recommendations for actions that the Parties and the Cincinnati community should take. One area that has a significant prospect for improvement in police-citizen relations is communications in traffic stop encounters. A second recommendation is RAND's call for a larger dialogue about how black neighborhoods are policed. This would include discussions regarding incorporating problem solving and CPOP into hot spot/crime sweep efforts, and an examination of how and where arrests are being made and how they correlate to reported crime. Aggressive traffic enforcement may engender

greater distrust, and may not be effective in reducing crime or improving traffic safety. Whether the evaluation protocol was "fully and fairly used" to assess progress towards attaining the goals of the CA depends on the actions taken to address these areas.

The RAND citizen survey demonstrates the wide gap in perceptions between whites and blacks in Cincinnati that must be addressed. Similar findings were made in the NCCJ surveys in 2006. These gaps must be reduced in future years for the CA to be successful and its goals to be achieved. Central to this issue is the impact on the black community of decisions about police strategy. The right police strategy is one that effectively reduces crime, makes people feel safer, and reduces perceptions of police unfairness and bias. As noted by RAND, police research has shown that traditional reactive policing can create frustration and distrust of the police, and its effectiveness is questionable.[14] This is why the CA emphasizes problem solving and problem-oriented policing. Research shows that CPOP is effective policing.

III. Pointing Firearms Complaints [CA ¶48]

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

IV. Fair, Equitable and Courteous Treatment

The CA requires the Parties to collaborate in ensuring fair, equitable and courteous treatment for all, and the implementation of bias-free policing. Data collection and analysis are pivotal to tracking compliance, and training is essential to inculcate bias-free policing throughout the ranks of the CPD. The collection and analysis of data to allow reporting on bias-free policing is to be part of an Evaluation Protocol developed with the advice of expert consultants.

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

A. Data Collection and Analysis [CA ¶¶38-41, 51, 53]

1. Requirements

As part of the Evaluation Protocol, the CPD is required to compile the following data to be analyzed, by percentage attributable to each of the City's fifty-two neighborhoods:

- Arrests
- Reported crimes and drug complaints
- Citations of vehicles and pedestrians
- Stops of vehicles and pedestrians without arrest or issuance of citation
- Use of force
- Citizen reports of positive interaction with members of the CPD by assignments, location, and nature of circumstance
- Reports by members of the CPD of unfavorable conduct by citizens in encounters with the police
- Injuries to officers during police interventions
- Injuries to citizens during arrests and while in police custody
- Citizen complaints against members of the CPD

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

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

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

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

- Racial composition of the officers stopping these persons

These are data that are reviewed by RAND in the Evaluation Protocol.

2. Status

a. Traffic Stop Data

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

b. Pedestrian Stop Data

The CPD has revised its Investigatory Stops Policy, Procedure 12.554, to require a Contact Card be filled out for (1) all vehicle stops, and (2) any vehicle passenger detention that meets the definition of a Terry stop.[15] For consensual citizen contacts, the policy states that an officer may complete a Contact Card, if the officer believes the card will provide intelligence information and the information is provided voluntarily. However, the procedure is silent on whether officers are required to complete Contact Cards for Terry stops stemming from pedestrian encounters. Current practice leaves this up to the discretion of the officer.

The Parties state that they believe that compliance has been met through the collection of contact cards.

c. Use-of-Force Racial Data

Racial data on CPD use of force is available to RAND for the evaluation protocol.

d. Data on Positive Police-Citizen Interaction

The Parties have agreed to a Report of Favorable Police Conduct form, which has been printed and disseminated. During the first quarter of 2006, the CPD received 60 reports of favorable officer conduct reported on positive contact forms, and 136 letters of commendation recognizing outstanding performance by CPD officers. The favorable officer conduct reports are widely available to citizens at all CPD and public facilities, on the CPD website, and each CPD vehicle contains a supply.

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

e. Data on Unfavorable Citizen Interactions

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

- Rude and discourteous conduct by citizens toward police is a problem that can be addressed by community problem-oriented policing
- The conduct at issue is typically not criminal and is normally protected by the federal and state constitutions
- A protocol for tracking rude and discourteous conduct by citizens toward the police can be developed through problem solving while respecting the constitutional rights of all citizens

The Parties developed a protocol for reporting and tracking such conduct, and permitting the evaluation team (RAND) to perform statistical compilations and prepare required reports of such conduct to the Parties, pursuant to paragraphs 38, 39, 40, 44, 45 and 46 of the CA. The protocol has been entered by Judge Dlott as "Protective Order Re: Mutual Accountability Reports of Unfavorable Conduct by Citizens During Implementation of the Collaborative Agreement." However, it does not appear that the forms have been made available to CPD officers, nor have the boxes for collection been placed in police District stations.

3. Assessment

a. Traffic Stop Data Collection

The CPD is collecting traffic stop data on Contact Cards, which are now being used by RAND for analysis. The Parties are in compliance with this requirement.

b. Data Collection on Pedestrian Stops

The Parties are not in compliance with this requirement, but have requested a meeting with the Monitor to address how the data collection and analysis can be accomplished. This meeting will be scheduled for this quarter.

c. Use of Force Racial Data

The Parties are in compliance with this requirement.

d. Favorable Interactions

The Parties are in compliance with this CA requirement.

e. Unfavorable Interactions

The Parties have developed a protocol for reporting unfavorable interaction by CPD officers with citizens. The protocol has been approved and entered by the Court. Mutual Accountability Forms have been developed. The Parties will be in compliance with this CA requirement when these forms are available for completion and then collected. The Parties are not in compliance with this provision.

B. Training and Dissemination of Information [CA ¶52]

1. Requirement

The Collaborative Agreement requires that all Parties cooperate in the ongoing training and dissemination of information regarding the Professional Traffic Stops/Bias-Free Policing Training Program.

2. Status

The CPD Police Academy is currently in the planning stage of developing a bias-free policing refresher training module for all sworn members of the Department. The CPD expects the training to begin during the fourth quarter of 2006. Also, as noted above in our discussion of Section 29(l), the FOP and Plaintiffs made recommendations to the CPD regarding Academy training and introducing recruits to the urban setting.

3. Assessment

The Monitor looks forward to seeing the results of the CPD's efforts. We note, however, that the CA provision requires the Police Department to work collaboratively with the Plaintiffs and the FOP in developing its enhanced training on bias-free policing. Also, in the March 2006 CA Status Reports, the Parties reported that the Academy was incorporating lessons from the RAND report into its training on strategies to assist officers when approaching and communicating with citizens who are different from themselves in regard to race or ethnicity. The Police Academy was also in the process of producing a five-minute training video on the topic of professional traffic stops and bias-free policing. We have not yet seen the fruits of these efforts. With new training efforts and coordination with the FOP and Plaintiffs, we are hopeful that the Parties will be in full compliance with this provision. At present, the Parties are in partial compliance with this provision.

C. Professional Conduct [CA ¶54]

1. Requirement

Paragraph 54 of the CA requires that when providing police services, officers conduct themselves in a professional, courteous manner, consistent with professional standards. Except in exigent circumstances, when a citizen is stopped or detained and then released as a part of an investigation, the officer must explain to the citizen in a professional, courteous manner why he or she was stopped or detained. An officer must always display his/her badge on request and must never retaliate or express disapproval if a citizen seeks to record an officer's badge number. These provisions are to be incorporated into written CPD policies.

2. Status

This provision has been incorporated into procedures 12.205 and 12.554, and put into effect. The CPD's Manual of Rules and Regulations also generally mandates courteous, fair treatment of all. In its first annual report, RAND reviewed MVR tapes of traffic stops to assess the interactions communications between officers and drivers. In addition, in the last quarter, the Monitor reviewed MVR tapes from traffic stops to evaluate whether the stops reflected compliance with the CA requirement that officer conduct themselves in a professional, courteous manner. Our review of the MVR tapes showed that the officers conducted themselves in a courteous and professional manner in 14 of the 15 stops reviewed.

3. Assessment

The CPD has put policies and procedures in place in compliance with this CA provision. However, the RAND report does identify concerns with cross-racial communications between officers and drivers that could be improved by additional training.

V. Citizen Complaint Authority

A. Establishment of CCA and CCA Board [CA ¶¶55-64]

1. Requirements

- The City will establish the Citizen Complaint Authority

- The CCA will replace the CPRP and investigative functions of the OMI. The CCA will investigate serious interventions by police

including shots fired, deaths in custody, major uses of force; and will review and resolve citizen complaints

- The CCA Board will consist of seven citizens; the CCA will be run by an Executive Director and have a minimum of five professional investigators; the Board must be diverse

- The Board and Executive Director will develop standards for board members, and a training program, including Academy sessions and ride-alongs

- The Board and Executive Director will develop procedures for the CCA

- The CCA will examine complaint patterns

- The CCA will develop a complaint brochure, as well as information plan to explain CCA workings to officers and the public

- The CCA will issue annual reports

- The City Council will allocate sufficient funds for the CCA

2. Status

The CCA has been operating and investigating complaints since January 6, 2003. A CCA Board of seven members was appointed and completed a training program before beginning work and reviewing complaints. The CCA has also established procedures for its Board meetings, appeal hearings, and its investigations.

In the fourth quarter of 2005, there were several members of the CCA Board whose term expired. This created a difficulty at the beginning of February 2006, when the CCA Board did not have sufficient members for a quorum to hold its meeting. In February 2006, Mayor Mallory reappointed, and the City Council confirmed, two members of the CCA Board, David Black and Lorrie Platt, and Richard Siegel continues to be the chairperson of the CCA Board for 2006. In April 2006, the CCA Board meeting did not occur because of the lack of a quorum due to two Board vacancies. In July 2006, the Mayor appointed two additional CCA Board members, Mr. Steve MacConnell and Anthony Thomas, to fill those vacancies.

3. Assessment

The City is in compliance with the provisions relating to establishing the CCA and the CCA Board. However, we note that in addition to the vacancies that have recently been filled, the terms of three current Board members will expire at the end of 2006. We urge the City of Cincinnati to prepare for the Board appointments to this critically necessary institution.

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

1. Status

Mr. Kenneth Glenn, the CCA's Chief Investigator, is serving as the Interim Executive Director of the CCA, effective December 1, 2005. The City is now in the process of a national search for a new Executive Director. The City has hired a search firm and appointed a four-person selection committee. The City has stated it will use the same process for selection (including the Plaintiffs and the FOP in evaluating and interviewing Executive Director candidates) as it did in selecting the prior Executive Director, Pete France.

The CCA has five investigators on staff, consistent with the minimum number of investigators required by the Agreements. However, because Kenneth Glenn is now serving as the interim Executive Director, there are only four CCA investigators conducting complaint investigations, putting a strain on the CCA's resources.

2. Assessment

While the Parties are in compliance with these provisions of the CA, the selection of a new CCA Executive Director is a vital step to maintain the confidence of the public in the CCA's work. We recommend that the City proceed expeditiously.

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

1. Requirements

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

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

- The CPD shall notify the CCA Executive Director immediately upon the occurrence of a serious police intervention (including, but not

limited to, major use of force, shots fired, or deaths in custody), and a CCA investigator shall immediately be dispatched to the scene. The CPD shall not interfere with the ability of the CCA investigator to monitor the work of the CPD at the scene and to monitor all interviews conducted by the CPD. (CA ¶71)

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

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

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

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

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

2. Status

The Regional Computer Center and the CCA have finalizied the Citizen Complaint Case Management System. While this system has taken some time to be put in place, its implementation will significantly assist the CCA in managing and tracking its caseload. The Citizen Complaint Case Management System includes the following fields: CCA Case Number, CPD Case Number, CPD Date Received, CPD Date Closed, Incident Date, Allegations, Complainant Name, Sex and Race, Officer Name, Sex and Race, CPD Disposition, CCA Disposition, CCA Board action, Date Submitted to City Manager, City

Manager's Disposition, and CPD Action. The Case Management System will further enhance the CCA's ability to integrate relevant case completion data. In addition, the Case Management System will ensure that any deficiencies in efficient coordination of CCA and CPD investigations are eliminated.

In early 2006, the CCA developed a "2005 Officer and Citizen Complaint Patterns Report," pursuant to CA¶83. The CCA conducted a study to identify repeat officer and citizen complainants using the following criteria: any officer with complaints from at least ten complainants for a three-year period; any citizen who filed more then three complaints during that same three-year period.[16] The CCA examined the years 2003 through 2005. Over the three-year period identified in the report, there were a total of 266 allegations against the 12 officers. Of the 266 allegations, 72 (27 percent) were discourtesy and 61 (22 percent) were use of excessive force. These two types of allegations accounted for approximately 49 percent of the total. With respect to complainants over the three-year period, 13 citizens filed a total 90 allegations. Of the 90 allegations, 35 (approximately 39 percent) were discourtesy and less than one percent were use of excessive force. As part of its report, the CCA recommended that CPD take the appropriate action regarding officers identified with an excessive number of complaints. Interim CCA Executive Director Kenneth Glenn met with Chief Streicher and Assistant Chief Demasi to review the report and evaluate appropriate actions.

Paragraph 86 requires the CCA to issue annual reports summarizing its activities for the previous year including a review of significant cases and recommendations. Such reports shall be issued to the City Council and the City Manager, and made available to the public. The CCA issued its 2005 Annual Report in June 2006. This report is available on its website at http://www.cincinnati-oh.gov/cca/downloads/cca_pdf14151.pdf. The Report describes the CCA's activities and procedures, and also provides several examples of case reviews, describing the incident, the complainant's allegations, the relevant police procedures and practices, and the outcome of the complaint investigation. These summaries provide the public with important information about issues such as Taser use, the CPD's use of force procedures, and search and seizure requirements. Another example of the CCA's public outreach is the CCA's newsletter, *CCA Speaks*, the inaugural issue of which came out at the end of July 2006.

[16] In reviewing the CCA's "Patterns Report," the Monitor has advised the CCA that a complainant would be identified by these criteria even if he or she were involved in and complained about only one incident, but there were three or more officers involved. The CCA will likely revise the criteria for the report relating to 2006 complaints.

3. Assessment

The Monitor's review of CCA investigations, discussed in Chapter 2, indicates that the CCA and the City are in compliance with CA ¶¶70-79. Now that the CCA and the CPD have developed written procedures for the timely exchange of information and the efficient coordination of the CCA and the CPD investigations, the City is in compliance with CA ¶74. Also, with these procedures in place, it appears that the City is in compliance with ¶70, requiring that each complaint be directed to the CCA in a timely manner. As reported by the CCA, the City is also now in compliance with CA ¶71, requiring that the CPD not interfere with the ability of the CCA to monitor the work of the CPD at the scene, and monitor CPD interviews.

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

With regard to the CA requirement (¶80) that the CCA and CPD create a "shared electronic database that will track all citizen complaints," this provision has not been fully implemented. The CCA has access to the CPD's ETS system, which includes data on completed complaint investigations, and the CCA now has a new Case Management System, but the two agencies do not have a shared electronic database that tracks all citizen complaints. Instead, the CCA and CPD have developed a manual spreadsheet that includes information on IIS and CCA complaints.

The City and the CCA are in compliance with CA ¶¶82-86, relating to prevention of police misconduct and reducing citizen complaints, and to public dissemination of information about the CCA and how it operates. The CCA has drafted a report on complaint patterns and trends, and has issued its 2005 Annual Report. The CCA has also recently disseminated its first newsletter. The City is also in compliance with CA¶87, requiring that the City Council allocate sufficient resources for the CCA to accomplish its mission. However, we encourage the City to evaluate the CCA's work and consider whether there are additional goals that could be accomplished with even slight supplemental budgetary funding.

CHART OF MOA COMPLIANCE STATUS

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

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

22	Enforce provision limiting simultaneous rounds against single individual	Compliance
23	Verbal warning to be given before use of beanbag shotguns, where distance makes it practical	Compliance
24	1. All uses of force reported as CPD reports use of force 2. Report form will indicate each and every type of force 3. Report to contain supervisor's narrative, and taped statement 4. Supervisors shall have access to force reporting database 5. Special form for canine deployments, tracking	Compliance Partial Compliance with respect to revised MOA ¶24 for Taser incidents
25	Gun pointing contingency	N/A
26	1. Officers to notify supervisors after use of force 2. Supervisors to respond to scene 3. Supervisors involved in incident will not investigate force	Compliance
27	1. Supervisors will investigate force. Include description of facts 2. Investigation will review basis of stop and seizure	Compliance
28	1. IIS will respond and investigate incidents of serious use of force 2. Inspections will review canine bites, beanbags and batons	Compliance
29	1. Prohibit investigators from asking leading questions 2. Consider all relevant evidence and make credibility determinations 3. No automatic preference for officer 4. Resolve material inconsistencies	Compliance Unable to monitor leading questions
30	All officers who witness force will provide a statement; be identified on force form; and forms will indicate whether medical care was provided, or refused	Compliance

31	1. Lieutanant or higher will review each investigation and identify deficiencies 2. Appropriate corrective action taken for deficient investigations	Compliance
32	Firearms discharge investigations will account for shots, locations, and include ballistic or crime scene analysis	Compliance
33	1. Create firearms discharge board 2. Board will review all discharges 3. Board's reports will determine whether force was in policy, proper tactics were used, lesser force was available	Compliance
34	Firearm Board's policy requirements; return incomplete investigations; annually review patterns; 90 days for review	Compliance
35	Program to inform public of complaint process	Compliance
36	1. Complaint forms available at various locations, CPD stations, in police vehicles 2. Officers will not discourage any person from making complaint	Compliance
37	1. Complaints can be made through variety of processes 2. Every complaint will result in written form 3. Every complaint resolved in writing. Complaint will have unique identifier, and be tracked by type	Compliance
38	Allegations filed with CPRP, OMI, CCA will be referred to IIS in 5 days	Compliance
39	Complaints evaluated using preponderance of evidence standard	Compliance
40	Officers involved in incident shall not investigate incident	Compliance
41	1. Investigating agency will consider all relevant evidence 2. No automatic preference 3. Resolve material inconsistencies	Partial Compliance

	4. Consider and train investigators on credibility determinations		
42	1. All relevant police activity and each use of force will be reviewed 2. Investigation not to be closed if complaint withdrawn 3. Guilty plea not to be used to decide whether force is in policy	Compliance	
43	Complainant will be kept informed	Compliance	
44	Each allegation to be closed with one of four dispositions	Compliance	
45	Unit Commanders to evaluate investigations to identify problems and training needs	Compliance	

46	IIS will investigate complaints of force, pointing firearms, searches and seizures and discrimination. IIS will determine which complaints it investigates. Only complaints not in IIS jurisdiction will be eligible for CCRP	Compliance
47	CCRP complaints will be fully investigated and adjudicated, prior to resolution meeting. Willingness of complainant to participate in resolution meeting will have no bearing on outcome	Compliance
48	CCRP complaints will be handled through chain of command. Investigator will prepare report, with description of incident, summary and analysis of all evidence, findings and analysis. Investigation will be reviewed by District or Unit Commander, who will order additional investigation when appropriate	Compliance
49	Thoroughness of investigations	Partial Compliance
49a	IIS investigations will have taped interviews of complainant, officers and witnesses	
49b	Interviews of complainant and witnesses will be at times and sites convenient for them when practicable	
49c	Prohibit group interviews	
49d	Notify supervisors of investigation	

49e	Interview all appropriate CPD officers, including supervisors	
49f	Collect and analyze appropriate evidence, including canvassing of scene	

49g	Identify all material inconsistencies in officer and witness statements	
50	1. IIS report will include description of allegation, summary of all evidence, proposed findings and analysis 2. IIS will complete investigations within 90 days absent exceptional circumstances	Defer until Next Report
51	CCA will assume all responsibilities from OMI	Compliance
52	1. All complaints will be directed to CCA 2. CCA will have jurisdiction over, and will investigate itself, excessive force, improper pointing of firearms, unreasonable searches and discrimination complaints 3. CCA will accept third-party complaints 4. CCA will have sufficient investigators	Compliance
53	CPD officers will answer CCA questions. CCA will have access to CPD records and personnel	Compliance
54	City to develop procedures re timing, notification, and interviewing of witnesses so parallel investigations are effective	Compliance
55	City will take appropriate action, including imposing discipline or non-corrective action where warranted, regarding CCA investigations	Compliance
56	1. CCA will complete investigations within 90 days 2. City Manager to take action within 30 days of completion of CCA investigation	Compliance
57	CPD to expand risk management system. Use system to promote civil rights and manage risk and liability	Partial compliance
58	System will collect 10 data elements	Compliance

59	System will include appropriate identifying information for each officer	Compliance

60	CPD will prepare for review and approval of DOJ a Data Input Plan	Compliance
61	CPD will prepare for review and approval of DOJ a protocol for using the risk management system	Compliance
62	Use of Risk Management System	Partial Compliance
62a	Protocol will contain data storage, retrieval, reporting, analysis, pattern identification, supervisory assessment	
62b	Protocol will require system to analyze data on individual officer, average activity, patterns by officers, and by all officers within unit	
62c	Protocol will require system to generate monthly reports describing data, data analysis, identifying individual and unit patterns	
62d	CPD commanders, managers, and supervisors to review system reports (at least quarterly) and evaluate individual officer, supervisor and unit activity	
62e	CPD commanders, managers, and supervisors initiate interventions for officers, supervisors or units based on activity and pattern assessment	
62f	Intervention options include discussion, counseling, training, monitored action plans. All interventions to be documented in writing	
62g	Actions taken will be based on all relevant information, not just numbers	
62h	Data to be accessible to commanders, supervisors and managers, and supervisors will promptly review data on officers transferred into their units	
62i	Commanders, managers and supervisors will be evaluated on their use of system	
62j	System to be managed by Inspections. Inspections will do quarterly audits	
62k	Protocol will require regular reviews (not less than quarterly) of all relevant risk management system information to evaluate officer performance citywide, and make appropriate comparisons regarding performance of units to identify patterns	

	or series of incidents	
63	City will maintain officer data in system during officer's employment and five years after. Aggregate statistical data will be kept indefinitely	Compliance
64	System to be developed on specified schedule	Compliance
65	CPD to use existing databases for risk management until new system implemented	N/A
66	CPD may propose future changes, subject to review and approval of DOJ	N/A
67	CPD to develop protocol for audits, with regular fixed schedule for audits	Compliance
68	1. CPD will conduct quarterly audits of CCRP complaints 2. CPD will conduct semi-annual audit if IIS investigations	Compliance
69	Regular meetings with local prosecutors to identify issues in officer, shift or unit performance	Compliance
70	MVRs	Compliance
70a	Mandatory activation of video cameras for all traffic stops, pursuits	
70b	To the extent practical, recording of requests for consent to search, vehicle searches, drug detection canines	
70c	To the extent practical, manual activation for incidents in which the prisoner being transported is violent	
70d	Supervisors to review tapes from incidents involving force, injuries to prisoners, vehicle pursuits, complaints	
70e	CPD to retain and preserve tapes for at least 90 days, or longer when incident is subject to investigation	
71	If officer knows camera is not working, officer will notify shift supervisor	Compliance

72	1. CPD will conduct periodic random reviews of MVR tapes for training and integrity purposes. Reviews will be documented in a log book 2. CPD to conduct random reviews of equipment	Compliance
73	CPD will upgrade its Police Communications Section technology	Compliance
74	CPD will maintain a written protocol or checklist to guide PCS operators on responding to situations	Compliance
75	1. CPD will revise its disciplinary matrix to take account of violations of different rules rather than just repeated violation of same rule 2. CPD will revise matrix to increase penalties for excessive force, improper searches and seizures, discrimination, or dishonesty. Revised matrix will allow CPD to impose appropriate punishment when misconduct exhibits lack of fitness for duty	Defer until Next Report
76	CPD will take disciplinary action when matrix calls for disciplinary action. CPD will consider non-disciplinary, corrective action (in addition to discipline) even where discipline is imposed	Compliance
77.	1. CPD will coordinate use of force training to ensure quality, consistency and compliance with policy 2. CPD will conduct regular reviews, at least semi-annually	Compliance
78	Director of training academy will (a) ensure quality of training (b) develop and implement use of force training curricula (c) select and train CPD officer trainers (d) develop and oversee in-service training and roll-call curricula (e) establish evaluation procedures (f) conduct needs-assessments	Compliance
79	CPD will provide training consistent with CPD policy, law and proper police practices; ensure that only mandated objectives and approved lesson plans are taught	Compliance

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

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

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

CHART OF CA COMPLIANCE

CA ¶	CA PROVISION	COMPLIANCE STATUS
	Interagency Collaboration	
29(a)	The City, in consultation with the other Parties, shall develop and implement a plan to coordinate City departments with the CPOP focus of the CPD.	Partial Compliance
	Best Practices	
29(b)	The Parties shall develop and implement a system for regularly researching and making available to the public a comprehensive library of best practices in community problem oriented policing.	Compliance
	Continuous Learning Process Through the CPD Around Problem Solving	
29(c)	The City, in consultation with the Parties shall develop a "continuous learning" process through the CPD. Experiences with problem solving efforts in the field will be documented. Experiences with problem solving efforts in the field will be disseminated throughout the police department. Experiences with problem solving efforts in the field will be made available to the public. Problem solving will continue to be emphasized in (included but not limited to) academy training, in-service training, and field officer training.	Partial Compliance
	Research Successful and Unsuccessful Ways to Tackle Problems	
29(d)	The Parties will seek out information on how problem solving is conducted in other police agencies. Research and best practices on successful and unsuccessful methods for tackling problems, and analogous processes used by other professions (e.g. conflict resolution, organization development, epidemiology, military, civil engineering, and business) will be disseminated.	Partial Compliance
	Joint Promotion of CPOP and CPOP Training	
29(e)	The Parties, consistent with the Partnering Center, shall conduct CPOP training for community groups, jointly promote CPOP, and implement CPOP training.	Compliance
	Community Dialogue and Structured Engagement with Specific Groups	
29(f)	The Parties shall coordinate efforts undertaken through the Partnering Center and establish an ongoing community dialogue and interaction including, but not limited, to structured involvement between the CPD and youth as well as with property owners, businesses, tenants, community	Partial Compliance

	and faith-based organizations, motorists, low income residents and other city residents on purposes and practices of CPOP.	
	CPOP Annual Award	
29(g)	The Parties shall establish an annual CPOP award to recognize the efforts of citizens, police officials, and other public officials who have made substantial contributions to CPOP by addressing community problems in Cincinnati.	Compliance
	Informing the Public about Police Policies and Procedures - Communications Audit	
29(h)	The City, in consultation with the Parties and consistent with Ohio law, shall develop and implement a system for consistently informing the public about police policies and procedures. In accomplishing this item, the City, in consultation with the Parties, shall conduct a communications audit, and develop and implement a plan for the improvement of internal and external communications. This will be funded by NCCJ.	Compliance
	Staff a Community Relations Office	
29(i)	The Parties shall create and staff a Community Relations office that will coordinate with the CPD implementation of this Agreement.	Compliance
	Problem Solving Annual Report	
29(j)	The Parties shall describe the current status of problem solving throughout the CPD and what is being done to improve it through an annual report. Each party shall provide information detailing what it has done relating to its role in CPOP.	Compliance
	CPD District Commander and Special Unit Commanders/Officials Submit Problem Solving Reports	
29(k)	CPD District Commanders and Special Unit Commanders or officials at comparable levels shall prepare quarterly reports that detail problem solving activities within their districts. To the extent practicable, these reports shall identify specific problems addressed and steps taken by the City and the community toward their resolution. The reports also shall identify obstacles faced and recommendations for future improvement. Consistent with individual privacy and relevant law, these reports shall be available to the public through the CPD's Community Relations Office.	Partial Compliance
	Police Academy Training	
29(l)	The Parties shall review existing courses and recommend	Compliance

	any new ones that may be appropriate for the Police Training Academy in order to effectively and accurately inform police recruits, officers and supervisors about the urban environment in which they are working.	
	Implement Problem Tracking System	
29(m)	The Parties, in conjunction with the Monitor, shall develop and implement a problem tracking system that will have the goal of documenting problem-solving activities, including problem definition, analysis and response activities and information, evaluation results, and partnerships with police, government, and community organizations and individuals.	Not in Compliance
	Update Staffing Plan in Light of CPOP	
29(n)	The City shall periodically review its staffing plan in light of its commitments under CPOP and make revisions as necessary subject to funding provisions of this Agreement.	Compliance
	Revise CPD Policies, Procedures, Organizational Plans, Job Descriptions, and Performance Evaluations consistent with CPOP	
29(o)	The City shall review and, where necessary and appropriate, revise police department policies and procedures, organizational plans, job descriptions, and performance evaluation standards, consistent with its commitment to CPOP.	Not in Compliance
	Information Retrieval Systems Consistent with Analysis Needs	
29(p)	Consistent with applicable federal and state law regarding protection of personal privacy and the Ohio Public Records Act, the City shall design a system that will permit the retrieval and linkage of certain information, including that which is already collected by the CPD but may not be routinely searchable under the present system. Further, the system shall enable the tracking of repeat offenders, repeat victims, and/or repeat locations that are necessary to community problem oriented policing. Finally, the system established under this paragraph shall include, but not be limited to, that information necessary to comply with the terms in this Agreement regarding nondiscrimination in policing an early warning.	Partial Compliance
	Availability of Timely Information to Detect, Analyze, and Respond to Problems, and Evaluate their Effectiveness	
29(q)	The City, in consultation with the Parties, shall study the options and then determine if and how to best secure appropriate information technology so that police officers,	Partial Compliance

	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.	
	Evaluation Protocol	
30	The Parties, in consultation with appropriate experts and under the supervision of the Monitor, shall develop a system of evaluation to track the attainment of goals agreed to between the Parties in the Settlement Agreement. The Parties will regularly meet with the Monitor to study the results of the evaluation instruments and determine what changes, if any, in the Agreement or in their actions should be pursued in light of the evaluation results.	Compliance
31	The Parties shall, with advice of expert consultants and under the supervision of the Monitor, develop a Protocol to accomplish the system of evaluation.	Compliance
32	The Evaluation Protocol shall set forth a schedule of implementation of its terms; the cost of implementation; the individual or entity that will perform its requirements; data collection methods; guidelines for analysis of collected data and reporting; level of statistical confidence; and levels of statistical power.	Compliance
33	The cost to implement the Evaluation Protocol shall not exceed the limits of the CA.	NA
34	The Evaluation Protocol shall include (1) periodic surveys; (2) periodic observations of programs in which the police are involved; and (3) annual statistical compilations of police interactions with the community and the community's interaction with the police	Compliance
35	Periodic Surveys	Compliance
36	Periodic Observations	Compliance
37	Privacy and Anonymity of Survey and Observation Respondents	Compliance
38	Statistical Compilations	Compliance
39	Statistical Compilations	Compliance
40	The City shall provide to the Monitor incident-based data so that the nature, circumstances, and results of the events can be examined.	NA
41	Evaluation of Problem Solving Processes	Compliance
42	Evaluation of Video and Audio Records	Compliance
43	Evaluation of Staffing	Compliance
44	The Evaluation Protocol will include the provision of periodic reports	Compliance
45	Annual Reports on Evaluation Protocol	Compliance

46	Measurement of the success of the mutual accountability process	Defer Determination
	Use of Force and DOJ Agreement	
47	The City shall abide by the terms of the DOJ Agreement (the MOA)	Compliance
48	Expedited citizen complaint process for addressing concerns based on pointed firearms. The Conciliator shall review six months of complaint and investigation determinations, and decide whether a pattern of improper pointing of firearms at citizens exists.	NA
49	FOP agrees the DOJ Agreement can be appended to the CA, so long as it reserves the right to raise issues related to the DOJ Agreement through the dispute resolution process	NA
	Fair, Equitable and Courteous Treatment	
50	The City shall provide police services in a fair and impartial manner without any discrimination on the basis of race, color or ethnicity. The City, in consultation with the Parties, shall take appropriate action to track compliance.	Compliance
51	Analysis of the data collected to measure whether any racial disparity is present in motor vehicle stops will be reported pursuant to the Evaluation Protocol (¶39).	Compliance
52	The Parties shall cooperate in the ongoing training and dissemination of information regarding the Professional Traffic Stops Bias-Free Policing Training Program.	Partial Compliance
53	The Monitor shall include in public reports detailed information including the racial composition of those persons stopped (whether in a motor vehicle or not), detained, searched, arrested, or involved in a use of force with a member of the CPD.	Compliance
54	In providing police services, the members of CPD shall conduct themselves in a professional, courteous manner, consistent with professional standards. Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer shall explain to the citizen why he or she was stopped or detained.	Compliance
	Civilian Complaint Authority	
55	The new Citizen Complaint Authority (CCA) will replace the Citizen Police Review Panel and the police investigations function of the OMI.	Compliance
56	The CCA will have three components: (1) a Board of seven citizens; (2) a full time Executive Director; (3) a team of professional investigators.	Compliance

57	The Board will include a diverse array of seven citizens.	Compliance
58	Applicants shall execute a signed release authorizing a background check.	Compliance
59	The Board shall select a chairperson from among its members.	Compliance
60	The Board and Executive Director in consultation with the city manager, shall develop standards of professional conduct and a comprehensive training program for Board members.	Compliance
61	The Board will not commence operations until each member of the Board has completed the training.	Compliance
62	The Board and Executive Director shall develop specific procedures for the CCA to carry out its functions.	Compliance
63	Board members shall be compensated per meeting	NA
64	The City Solicitor shall provide legal counsel on a routine basis for the CCA.	Compliance
65	The City Manager shall appoint the CCA's Executive Director.	Compliance
66	The Executive Director shall have professional experience in the investigation of allegations of police misconduct.	Compliance
67	The Executive Director shall be responsible for day-to-day operations of the CCA.	Compliance
68	All police officers and city employees are required to provide truthful and accurate information to the CCA.	Compliance
69	The CCA shall have a minimum of five professional investigators.	Compliance
70	Each citizen complaint, excluding matters involving criminal investigations, will be directed to the CCA regardless of where initially it is filed, and the Executive Director, in consultation with the Board, shall establish criteria to determine whether specific complaints are suitable for CCA investigation, or referral to the CPD's CCRP. At a minimum, the CCA shall open its own investigation upon (i) receipt of a complaint of serious misconduct, or (ii) knowledge by the Executive Director of allegations of serious police intervention.	Compliance
71	Where a complaint is to be investigated by the CCA, it will be assigned to an investigator within 48 hours of receipt. The CPD shall notify the CCA Executive Director upon the occurrence of a serious police intervention. The CPD shall not interfere with the ability of the CCA investigator to monitor the work of the CPD at the scene.	Compliance
72	The Chief of Police shall retain discretion to initiate a parallel CPD investigation of any complaint under investigation by the CCA. In addition, the CPD will investigate all complaints initiated within the Department.	Compliance

73	Police officers and other City employees will be required to submit to administrative questions. The CCA shall have access to city records, documents, and employees. CCA investigations shall be consistent with professional standards.	Compliance
74	The Chief of Police and the Executive Director will develop written procedures that will assure the timely exchange of information and the efficient coordination of CCA and CPD investigations.	Compliance
75	The CCA will complete its investigations within 90 days of receipt from a complaining citizen, provided, however, that the Executive Director may extend an investigation upon consultation with the Board.	Compliance
76	CCA investigations will be forwarded to the Board; each CCA report shall include proposed findings and recommendations.	Compliance
77	If the Board conducts a review hearing, its purpose shall be to confirm the completeness of the CCA investigation and approve or disapprove the Executive Director's report. Review hearing procedures.	NA this Quarter
78	Following a hearing, the Board may either approve or disapprove the Executive Director's findings and recommendations. The Board may issue its own findings and recommendations and submit them along with the Executive Director's report to the Police Chief and the City Manager. In all cases, the City Manager and Police Chief will refrain from making a final decision in discipline until after receipt of the CCA report. The City Manager shall agree, disagree, or agree in part.	Compliance
79	Reports prepared by the CCA, the CPD, or the City Manager pursuant to this process shall be publicly available.	Compliance
80	The CPD and the CCA shall create a shared electronic database that will track all citizen complaints, including the manner in which they were addressed and their dispositions. The database shall capture data sufficient for the CCA and CPD to identify officers involved in repeat allegations, citizens making repeat allegations, and circumstances giving rise to citizen complaints.	Partial Compliance
81	The CCA shall maintain files for each investigation for a period of five years.	Compliance
82	There are two methods for reducing citizen complaints: (1) through investigation of officers charged with misconduct, and (2) examination of complaint patterns to identify at-risk officers, citizens, and circumstances.	NA
83	The CCA will examine complaint patterns that might provide opportunities for the CPD and community to reduce	Compliance

	complaints. At a minimum, the CCA will look for three types of patterns: (1) repeat officers (2) repeat citizen complainants, and (3) repeat complaint circumstances. Following the identification of such patterns, the CCA and CPD jointly will undertake a problem-solving project to determine the reason for the pattern and whether there are opportunities to eliminate or reduce root causes.	
84	The CCA will develop a clear and direct information brochure.	Compliance
85	The Executive Director will work with the community to develop an information plan.	Compliance
86	The CCA shall issue annual reports summarizing the activities for the previous year, including a review of significant cases and recommendations.	Compliance
87	The City Council will allocate resources sufficient for the CCA and CPD to accomplish the foregoing.	Compliance

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