

Date: February 27, 2026
To: Lieutenant Colonel Adam D. Hennie, Interim Police Chief
From: Captain Dennis L. Swingley, Internal Investigations Section Commander
Subject: **Responses to 2025's Citizen Complaint Authority (CCA) recommendations**

Recommendation: R2501 (CCA #24031) Presented at March 2025 Board Meeting

It is recommended that Officer Whittaker undergo customer service training to address the inappropriate use of profanity and unprofessionalism during interactions with the public. His profane and unprofessional comments undermine the department's commitment to respectful and courteous communication. Such training will enhance Officer Whittaker's ability to engage with the community in a manner that reflects the values and standards of the Cincinnati Police Department, fostering positive relationships and promoting public trust.

CPD Response (IIS#2024-052): Officer Whittaker received Written Counseling for the violation. This was Officer Whittaker's first violation, and no pattern exists warranting additional training at this time. Training needs are regularly addressed by CPD's Training Section, immediate supervisors, and Command Staff. Additionally, Extensive Analysis is conducted on a quarterly basis with the sole purpose to identify officers who may be exhibiting negative patterned conduct. Based on the result of the analysis, officers are potentially placed into one of two categories, Intervention or Monitoring.

Recommendation: R2502 (CCA #24032) Presented at April 2025 Board Meeting

The carrying of an arrested person is not defined in the CPD Procedure Manual.

In this case all of the officers in their respective CCA interviews were asked if the tactic of carrying Mr. Dabney was considered force. None of the officers interviewed thought the tactic was force. When the same officers were asked if the tactic was escorting all of them stated no.

CCA recommends that CPD Procedure 12.545 Use of Force define carrying and incorporate it into one of the following categories: "escorting", "force", or "hard hands". Additionally, CPD Procedure 12.545 Use of Force should specify under what conditions, and how, an officer may carry an arrested subject, as well as what reporting requirement, if any, there should be. Revising CPD Procedure 12.454 Use of Force to clarify the circumstances in which an arrestee may be carried, and what the reporting requirements are, would provide clarity on this matter for both officers and supervision.

CPD Response (IIS#2024-051): CPD Agreed. Internal Investigations Section (IIS) recommended and Chief Theetge approved that language be added to Procedure 12.545, Use of Force, addressing the carrying of subjects who are passive when no other force is used. IIS recommended the language clearly state that the carrying of passive subjects

who simply refuse to move of their own volition, does not constitute a use of force, including Hard Hands.

Recommendation: R2503 (CCA #23104) Presented at May 2025 Board Meeting

The Citizen Complaint Authority (CCA) recommends a revision and clarification to Cincinnati Police Department Procedure § 12.600, specifically addressing the legal and procedural implications of an individual declining medical treatment while in custody.

In the incident under review Mr. Waller became physically ill while in the back seat of the police cruiser and began to vomit. Officer Holland appropriately offered medical treatment, which Mr. Waller declined. Officer Holland, along with Officer Goebel, then proceeded to transport Mr. Waller directly to the Hamilton County Justice Center without further medical evaluation.

This scenario raises a critical procedural question: does a subject's refusal of medical treatment absolve officers of their duty to seek "immediate medical attention" under CPD policy? CPD's current policy does not address this distinction nor consider the implications of a waiver or the limits of implied consent in custodial settings.

Under the doctrine of implied consent, particularly relevant in custodial or semi-custodial environments, an individual's consent to medical care may be presumed when; the individual is incapacitated or otherwise unable to give informed consent; there is a reasonable belief that delay in treatment could cause serious harm or death; or the individual is in custody and potentially unable to make voluntary informed decisions.

However, when a conscious, alert, and coherent individual declines care, declination can function as a waiver of medical treatment, provided it is informed and voluntary. Yet, law enforcement officers still have a duty of care to ensure that the individual's medical condition does not require intervention regardless of stated preferences, particularly if the individual is visibly ill, confused, or impaired.

Courts have routinely held that law enforcement has a constitutional duty under the Fourteenth Amendment to provide adequate medical care to individuals in custody. This duty is not always extinguished simply because an arrestee declines treatment, especially when symptoms suggest a possible medical emergency.

CCA recommends that CPD Procedure § 12.600 be revised to include guidance and clarification of Officer Duty on the matter. Moreover, clearly articulate whether the obligation to "immediately seek medical attention" continues when a detainee declines care, especially when observable symptoms suggest a potentially serious condition and encouragement that officers err on the side of caution and seek medical evaluation when there is any uncertainty as to the individual's capacity to make informed medical decisions.

Incorporating this guidance into Procedure § 12.600 will help align CPD practice with constitutional standards and reduce liability exposure while ensuring the safety and dignity of individuals in custody.

CPD Response (IIS#2023-147): Immediately prior to transport to the Hamilton County Justice Center (HCJC), Mr. Waller was evaluated on scene by Cincinnati Fire Department (CFD) personnel. Mr. Waller declined medical treatment and was medically cleared by CFD.

It is not unusual for individuals who have exerted themselves during flight or physical resistance to experience nausea or vomiting afterward. At the time of evaluation, Mr.

Waller was conscious, alert, and oriented, and he affirmatively declined further medical care. The Police Department does not have the authority to compel medical treatment for an alert and competent adult who refuses care. Upon arrival at HCJC, detainees are screened by medically trained intake personnel to identify and address any medical conditions or concerns. In summary, CPD disagreed and believes some discretion on the part of officers is necessary and it is not possible to write procedures for every possible scenario. In this instance, the arrested was evaluated by CFD and a stopping while enroute to the HCJC would have caused additional delay if the need for medical care been deemed necessary.

Recommendation: R2504 (CCA #23273) Presented at July 2025 Board Meeting

As described earlier, CPD does not have a current definition for Abuse of Authority; CCA noted that there are definitions of Abuse of Authority available from other professional law enforcement institutions. In this instance, IIS utilized CPD Manual of Rules and Regulations 1.03 to address Captain Pettis's behavior, which states, "Members shall exercise the responsibility and authority of the position to which they are assigned in accordance with Department Classification/Job Description, Civil Service Classification Specifications, and work rules." This application does not specifically address "abuse of authority" allegations; therefore, it could result in a differing standard. For example, the IIS Report identified concerns about Captain Pettis's behavior which focused on her failure to de-escalate and resolve the conflict commensurate with her leadership position rather than any alleged actions for personal gain.

This application also seems insufficient to address the magnitude of such an allegation, which inherently comes with concerns of manipulation by civic powers that could negatively impact community trust in the police department. CCA recommends that CPD identify and implement a specific definition of Abuse of Authority in their policy for use in future investigations to hold pertinent officers accountable.

CPD Response (IIS#2023-358): CPD Agreed. IIS and Planning Section drafted a definition and policy statement. That statement is currently under review by the Law Department and City HR as directed by City Manager Long. It should be noted that many of the elements of Abuse of Authority are specifically addressed with more detailed rules as outlined in CPD Policy and the Manual of Rules and Regulations and Disciplinary Process for the CPD.

Recommendation: R2505 (CCA #25017) Presented at July 2025 Board Meeting

CCA recommends a revision and clarification to CPD Procedure Manual § 12.545 Use of Force, specifically:

- More clearly defining the terms "force" and "escorting;"*
- Clarifying whether taking a subject to the ground could be considered an escort, and if so, under what circumstances;*
- Clarifying what specific tactics are permitted when taking a subject to the ground and once they are on the ground, and if using hard hands elevates an escorted takedown to a forceful takedown;*
- Clarifying what reporting requirements, if any, there should be when a subject is taken to the ground as an escort vs. as force;*
- Requiring the informal Use of Force reviews completed by supervisors to be formally documented.*

In the incident under review, Mr. Box was taken to the ground by Officers McNicol and Zumaita after resisting arrest and attempting to spit on officers. He landed on the ground on his right hip and was placed in a prone position while a spit mask was called to the scene, at which time Officer Zumaita utilized joint manipulation on his legs. During Officer McNicol, Officer Zumaita, and Sergeant Kohler's CCA Officer interview statements, they all articulated that taking Mr. Box to the ground was an escorting tactic, not force. They indicated that he was "gently placed to the ground," but a review of the BWC did not corroborate their statements.

Sergeant Kohler advised that he was notified of the incident by Officer McNicol, and he and two additional Sergeants reviewed the BWC when making the determination that the takedown was escorting, not force. Sergeant Kohler indicated that since it was escorting, there was no reporting requirement necessary. There was no documentation of this informal supervisor review, other than the inclusion of the incident in their "daily rounds," which he stated was not required.

Revising CPD Procedure Manual § 12.545 Use of Force to clarify the circumstances in which taking a subject to the ground is force vs. escorting, and what the reporting requirements are for each scenario, would provide clarity on his matter for both officers and supervisors.

CPD Response (IIS#2025-028): CPD Agreed. In the above incident, responding CPD officers encountered Mr. Box already handcuffed and lying on the ground after an altercation with two uniformed Valentis Security agents, during which he reportedly bit one agent. Mr. Box appeared visibly intoxicated and was bleeding from the mouth. After officers assisted him to his feet and attempted to speak with him in a calm manner, Mr. Box attempted to spit at officers. The officers, positioned on either side of Mr. Box, immediately guided him back to the ground and maintained control until a spit hood was applied.

Under the current policy framework, this type of incident presents interpretive challenges regarding classification as Escorting versus Hard Hands, particularly when minimal force is used to quickly gain control for officer safety. While the officers applied limited physical force, the act of bringing a subject to the ground may reasonably be perceived as falling within a reportable force category.

Consistent with CCA's recommendation, CPD is reviewing Procedure § 12.545, Use of Force, and the definition of Hard Hands to provide clearer guidance. The proposed revision would classify any instance in which an officer takes a subject to the ground as a Hard Hands application of force, thereby requiring investigation and documentation in Axon. This clarification will promote consistency in reporting and supervisory review.

Recommendation: R2506 (CCA #25017) Presented at July 2025 Board Meeting

CCA recommends that Sergeant Eric Kohler undergo additional training regarding reviewing Use of Force incidents, and the proper reporting procedures.

CPD Response (IIS#2025-028): (See above) Sergeant Kohler served as the primary supervisory reviewer for incident R2505 and conducted a thorough review of the body-worn camera (BWC) footage in consultation with Sergeants Hall and Buccino. Based on their review, it was determined that no takedown maneuvers or balance displacement techniques occurred that would meet the Department's current definition of a Hard Hands incident. The incident was consistently classified by supervisory staff as an escort to the ground. Accordingly, Sergeant Kohler acted in compliance with existing policy and reporting requirements.

The Department will revise the definition of Hard Hands to include any instance in which an officer takes a person to the ground, regardless of technique. Upon implementation of this revision, such incidents will require investigation and documentation in Axon. The policy clarification will be disseminated through the weekly Staff Notes to ensure department-wide awareness and consistent application of reporting standards.

Recommendation: R2507 (CCA #25040) Presented at September 2025 Board Meeting

Revamp of CPD's Mediation Program

The Citizen Complaint Authority (CCA) recommends that the Cincinnati Police Department (CPD) formally restructure its current complaint resolution system into a formal mediation-based program that emphasizes mutual understanding and common ground between officers and complainants.

Messers Tyler and Brown have had several interactions with CPD, some initiated by CPD and others self-initiated. In the review of these incidents, particularly those initiated by CPD, CCA has found CPD's actions were largely justified based on the circumstances and available evidence. However, regardless of justification, these interactions repeatedly left unresolved tensions and breakdowns in communication between the two parties.

This highlights the need for a mediation model that is not focused solely on procedural review or command oversight, but one that centers on dialogue, empathy, and understanding between the officer and the complainant. And one that will need to be able to include mental health professionals if necessary. The goal is not only to assist individuals directly involved in complaints, but also to provide a proactive resolution model that can de-escalate ongoing or future tensions.

CPD Procedure Manual 15.100 Citizen Complaints and Reports of Favorable Police Conduct outlines the Citizen Complaint Resolution Process (CCRP) process. Expanding these concepts to include a revamped formal mediation program would benefit both officers and the broader community.

This recommendation builds directly upon CCA Recommendation R2410, approved by the Board on October 7, 2024, which identified critical flaws in CPD's CCRP. These flaws included:

Lack of impartiality in the mediation process.

- Meetings held in non-neutral settings (e.g., police districts).*
- Inability of complainants to bring witnesses or support persons.*
- Command staff mediating without formal mediation training.*

A neutral third-party facilitator is critical to maintain focus and fairness in the discussion. We suggest involving experienced mediators such as those affiliated with the Cincinnati Human Relations Commission, Xavier University's Center for Mission and Identity, or professional mediators with prior experience. Their presence would help guide the conversation productively, ensure both voices are heard, and foster a resolution that is constructive and beneficial to all parties involved.

As with R2410, the goal of this recommendation is preventative and restorative. To help prevent continually escalated police interactions with members of the public. Mr. Tyler and Mr. Brown's cases, while unique in individual detail, represent a broader challenge CPD faces in handling the intersection of law enforcement and Community Care. A revised, compassionate, and better-

informed mediation protocol will not only improve outcomes for individuals but also strengthen public trust.

Appendix:

CCA Recommendation

For several years, CPD has implemented the Citizen Complaint Resolution Process as a means for citizens to have their concerns directly and immediately reviewed by command staff. It promotes communication and feedback between the officers and consumer, while allowing for grievances to be addressed and redressed as needed. Furthermore, it ensures command staff are aware of their employees' behaviors in the community. However, as seen in the course of this investigation, there are several problems within the CCRP:

- The command staff are not trained mediators.*
- The command staff are not an impartial party.*
- Meetings are held at the local district, not in a neutral location.*
- Witnesses/support are not eligible to be present.*

In the current CCRP model, participants may not feel comfortable or even capable of expressing their genuine concerns related to their interaction. In recent months, CCA spoke with several law enforcement oversight agencies across the country who have employed mediation models with their local police departments to positive effect, from both officers and community members. While the individual models may have minor variances in their structures and design, the overwhelming consequence is positive resolutions and improved community-police relations. After significant research into modern methods that would best apply to Cincinnati, CCA recommends CPD restructure the CCRP to resemble a mediation-based model.

CPD Response (IIS#2025-075): The Police Department acknowledges CCA Recommendation R2507 and the concerns raised regarding the Citizen Complaint Resolution Process (CCRP). However, CPD does not agree that the identified issues constitute structural flaws requiring the use of a neutral third-party facilitator.

The CCRP was established pursuant to the Collaborative Agreement and is grounded in the Department's vision, mission, and core values. The process is designed to provide a timely, accessible, and restorative opportunity for dialogue between officers and community members. Supervisory staff oversee these meetings as part of their responsibilities and are expected to remain objective and professional.

The Department's chain-of-command structure provides multiple layers of review above the subject officer, ensuring oversight and accountability. Allegations that warrant formal investigation are not resolved through mediation but are referred to the appropriate investigative process. Accordingly, CCRP does not replace discipline or formal review mechanisms; it serves as an early-resolution option for appropriate complaints.

CCRP Meetings are conducted in police districts to promote accessibility and convenience for complainants. While district facilities are not "neutral" in the traditional sense, they are professional environments equipped to ensure safety, documentation, and supervisory presence. The meeting locations at the districts do not compromise the integrity of the process.

Supervisors receive leadership, communication, and conflict-management training consistent with their supervisory roles. The Department does not believe that the absence of formal third-party mediation certification undermines the fairness of the CCRP process.

For these reasons, CPD does not find it necessary to implement a neutral third-party facilitator at this time. The Department will continue to monitor the effectiveness of the CCRP and make adjustments as appropriate to maintain public confidence and procedural fairness.

Additionally, CPD will assess updates to Procedure 15.100, Citizen Complaints and Reports of Favorable Police Conduct, to clarify that complainants may request the presence of a support person or one witness, subject to reasonable procedural guidelines.

Recommendation: R2508 (CCA #25001) Presented at September 2025 Board Meeting

Officer Scalf is recommended to undergo additional training in customer service training, namely in his communication with the public in a civil, orderly, and courteous manner.

CPD Response (IIS#2024-244): *Agreed - Officer Scalf was placed on a CPD imposed intervention plan that included the following:*

- Officer Scalf was mandated to be partnered with veteran officers with proven track records of professionalism, integrity and excellent customer service skills. That time period lasted from March 7, 2024, until July 2, 2024, at which time they advised Officer Scalf was receptive to advice and guidance provided during their tours of duty and that he was ready for solo patrol.***
- Effective July 21, 2024, through January 5, 2025, Officer Scalf was assigned to a non-uniform assignment in District Four's Investigative Unit. The purpose was to give officer Scalf a different perspective of policing, sharpen his investigative skills, report writing, interview skills, and make him more knowledgeable about the finer points of law and probable cause. While detailed to this assignment, Sergeant Mark Weston, Investigative Unit Assistant Commander, and Lieutenant Timothy Lanter, Investigative Unit Commander, closely monitored his cases and proactive efforts, especially those that could potentially result in search warrants and arrests, and the monitoring included reviews of Officer Scalf's Body Worn Camera (BWC) footage.***
- Two District Four lieutenants conducted a minimum of weekly audits of Officer Scalf's BWC footage to ensure standards were being met. In addition, both Lieutenants had bi-weekly conversations ensuring Officer Scalf was receptive and responded positively to the intervention plan.***
- The Cincinnati Police Department's Training Section conducted remedial training with Officer Scalf to cover topics such as Search and Seizure, Establishing Probable Cause, De-escalation techniques and Proper Tactics.***
- All of Officer Scalf's activity was closely scrutinized on an on-going basis which was reviewed and documented at a minimum, on a quarterly basis in conjunction with the Employee Tracking Solution (ETS) review.***

It should be noted that Officer Scalf was receptive during conversations and recognized that the incident precipitating the intervention was problematic and he accepted full accountability for his actions. Officer Scalf has since been assigned to the PIVOT Squad.

Recommendation: R2409 (CCA #25103) Presented at November 2025 Board Meeting

CCA is concerned about the unprofessional and antagonistic interactions between Officer Bohn and citizens in this encounter and in a previous CCA case. This is the second recommendation for Officer Bohn to receive additional training to better engage with citizens to create more trust between CPD and the citizens of Cincinnati. His previous incident with a different citizen occurred on February 10, 2024 (reference CCA Case 24038). The initial recommendation for Case 24038 comes after the review of Officer Bohn's BWC which showed him being unprofessional and using profane language to address a citizen.

CPD Response (IIS#2025-189): CPD agrees (in part). IIS exonerated Officer Bohn on the allegation of Excessive Force. However, IIS sustained three findings classified as Sustained–Other: one for Improper Procedure and two for Failure of Good Behavior.

CCA's concern regarding unprofessional or antagonistic communication with citizens has been reviewed in conjunction with the investigative and disciplinary process. Officer Bohn's conduct was addressed through the Department Level Hearing (DLH) process.

On February 11, 2026, Captain Amanda Caton presided over Officer Matthew Bohn's DLH. The DLH documentation includes Officer Bohn's prior rule violations. Captain Caton is currently preparing written findings and corrective action recommendations for submission to Interim Police Chief Adam Hennie.

Any corrective action determined through the DLH process will likely include training, counseling, and/or other remedial measures consistent with Department policy and the nature of the sustained findings.

Recommendation: R2510 (CCA #25099) Presented at November 2025 Board Meeting

In this case Officer Bohn and Officer Buckler both unholstered their firearms while seated in their police cruiser in the parking lot of the Shell gas station.

The rules Cincinnati Police Officers must follow regarding the unholstering of a firearm are found CPD Procedure Manual 12.550 Discharging of Firearms, which states (in part):

“At such time as a police officer perceives what he interprets to be a threat of loss of life or serious physical harm to himself or others at the hands of another, he has the authority to display a firearm, with finger outside the trigger guard and have it ready for self-defense. The finger is only to be placed on the trigger when on target and ready to engage a threat.”

Additionally, CPD Manual of Rules and Regulations 1.25 CPD Section One- Failure of Good Behavior states:

“1.25 A. Members of the Department shall only draw or display their firearms in time of demonstrated need or for official inspection. Members shall not use or handle firearms in a careless or imprudent manner.

B. Members shall not use, or handle department issued weapons in a careless or imprudent manner. This rule applies to any department issued weapon except firearms, which are covered under Rule 1.25A.”

In CCA's respective interviews with Officer Bohn and Officer Buckler both disclosed that they had unholstered their firearms while parked in the lot of the Shell gas station when they were approached by Mr. Brown. Both Officer Bohn and Officer Buckler both cited officer safety issues, specifically that at the time Mr. Brown initiated contact with them they were not sure if they were going to be attacked.

Officer Bohn and Officer Buckler's unholstering of their firearms was observed in CCA's review of BWC footage. Further review of the footage showed that both officers unholstered their weapons, with Officer Bohn holding his on his lap with the muzzle pointed at the interior door of the police cruiser and Officer Buckler holding his in a low ready position on his right side while his door was partially opened for the duration for their contact with Mr. Brown at the gas station. The firearms were never pointed at or displayed to Mr. Brown as they were not within his view.

Only CPD Procedure 12.550 Discharging of Firearms and Rules and Regulations 1.25 CPD Section One- Failure of Good Behavior were found to address when an officer can unholster their firearm. Of these two guidelines, only 1.25 CPD Section One- Failure of Good Behavior addresses when an officer is permitted to unholster, or "draw", their firearm. In this regulation it only states that an officer is permitted to, "draw or display their firearms in time of demonstrated need or for official inspection". No further clarification is provided.

CCA recommends that CPD Procedure Manual be updated to include when, and under what circumstances an officer may unholster, or "draw", their firearm. This is not currently addressed in the CPD Procedure Manual which only accounts for the displaying and discharge of a firearm by officers.

Additionally, CCA recommends that CPD Manual of Rules and Regulations 1.25 CPD Section One-Failure of Good Behavior define the term "demonstrated time of need" to reduce ambiguity and clarify for officers the circumstances when they are permitted to unholster their firearms during the course of their duties.

CPD Response (IIS#2025-136): The Police Department interprets "demonstrated time of need" to mean circumstances in which an officer reasonably perceives an imminent threat of death or serious bodily injury to themselves or others. This interpretation is consistent with established use-of-force principles and current firearms training standards.

During firearms training, officers are instructed that reaction time is slower than action. Accordingly, officers must be permitted to make rapid, threat-based decisions grounded in the totality of circumstances. Attempting to exhaustively define or enumerate every scenario in which a firearm may be unholstered could unintentionally limit officer discretion, create hesitation in rapidly evolving situations, and increase risk to officers and the public.

The Department believes the current language appropriately balances clarity with the need for sound officer judgment under dynamic and potentially life-threatening conditions.

Recommendation: R2511 (CCA #25099) Presented at November 2025 Board Meeting

In Officer Bohn and Officer Buckler's interaction with Mr. Brown both officers demonstrated a lack of understanding in regard to CPD procedure, specifically related to search and seizure, thoroughness of investigations, discourtesy, and proper activation/ deactivation of BWC. It is CCA's recommendation that officers receive additional training regarding these subjects.

CPD Response (IIS#2025-136): The above recommendation has already been addressed in the findings by IIS:

- ***IIS' Sustained–Other finding for a Rule 1.03 violation, in which Officers Bohn and Buckler failed to conduct a thorough investigation and did not properly articulate and document their probable cause for the stop of Mr. Brown, their reasonable suspicion to conduct a pat-down for weapons, and their probable cause to search Mr. Brown's vehicle.***
- ***IIS' Sustained–Other finding for a Rule 1.01(B) violation, in which Officer Bohn relied upon the odor of burnt marijuana as probable cause to search the vehicle but failed to verbally document and capture that observation on his body-worn camera (BWC).***
- ***IIS' Sustained–Other finding for a Rule 2.18 violation, in which Officer Bohn deactivated his BWC for approximately seven minutes while completing Mr. Brown's citation. The BWC was reactivated prior to re-engaging Mr. Brown to obtain his signature.***

This corrective action directly addresses the areas identified by IIS and reinforces departmental expectations regarding constitutional policing, documentation, professionalism, and BWC compliance.

Recommendation: R2512 (CCA #25099) Presented at November 2025 Board Meeting

CCA recommends that Officer Bohn be partnered with a more experienced police officer. In this case, as well as two other recent cases (CCA case #: 24038 and 25103), Officer Bohn was either working by himself, or in this case with a younger officer with less patrol experience. Partnering Officer Bohn with a more experienced Cincinnati Police officer may provide him with guidance for better understanding of CPD Procedure and CPD Rules and Regulations, to make better decisions in the field, and improve his professionalism.

CPD Response (IIS#2025-136): Interim Chief Hennie will take this recommendation into consideration when reviewing Captain Amanda Caton's DLH findings and corrective action recommendations for Officer Bohn.

Recommendation: R2513 (CCA #24165) Presented at November 2025 Board Meeting

Various police department policies were researched from around the country and a recommendation is being made to update the social media policy (CPD Procedure § 14.205 social media (Revised January 28, 2021).

CCA recommends that the following be added to CPD Procedure § 14.205 social media:

While CPD has some of the following language in their policy CCA recommends the following language:

"Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Cincinnati Police Department will carefully balance the individual employee's rights against the department's

needs and interests when exercising a reasonable degree of control over its employees' speech and expression. Department personnel should always be aware that privacy settings and social media sites are constantly in flux, and that they should never assume that personal information posted on such sites is protected. Department personnel should always carefully consider the implications of their speech and any other form of expression when using social media. Finally, department personnel forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any internet site open to public view.

A. Precautions and Prohibitions

- *Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech and expression does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair harmony among coworkers, adversely impact the disciplinary process, or cause disruption to the department, or to any other city agency.*
- *As public employees, department personnel are cautioned that speech, on- or off-duty, made pursuant to their official duties - that is, that owes its existence to the employee's professional duties and responsibilities - is not protected speech under the First Amendment and may form the basis for discipline. Department personnel should assume that their speech and expression, and related activity on social media sites will reflect upon their official capacity and this department.*
- *Department personnel will not post, transmit, or otherwise disseminate any information to which they have access to as a result of their employment or publish materials that could reasonably be considered to represent the views or positions of this department without written permission from the Chief of Police."*

CPD Response (IIS#2024-252): The Department maintains that its current policy already reflects established constitutional standards governing public employee speech and appropriately balances employees' First Amendment rights with the Department's operational, legal, and public trust responsibilities.

While the Department stands by the framework and intent of its existing policy, it will take the CCA's recommendation into consideration. Any proposed revisions will be reviewed in consultation with the City's Law Department.

CPD Planning Section will lead CCA's recommendation and report back to Interim Chief Hennie.

Recommendation: R2514 (CCA #25129) Presented at November 2025 Board Meeting Definition of Abuse of Authority

At its core, abuse of authority occurs when an officer misuses the powers of their position for personal gain, interest, or advantage. It occurs when an officer uses their official position not for the public good, but for their own benefit. The CPD Manual of Rules and Regulations § 1.13 states: "Members shall not, at any time, use or attempt to use their official position, badge, or credentials for personal or financial gain." Similarly, the CCA has traditionally defined Abuse of Authority as, "Misuse of one's official position, including by (but not limited to) engaging in improperly coercive conduct or by mistreating persons. Such conduct includes misusing one's official position, through coercive behavior or otherwise, in order to obtain personal benefits, even if those benefits have relatively little financial value."

While these definitions provide a general understanding, they lack the specificity needed for more effective evaluation of abuse of authority allegations. Therefore, CCA proposes the following, more precise definition to CPD and the following test:

“Abuse of Authority is the misuse of powers, privileges, or symbols by a CPD employees that extends beyond the scope of their official duties or in a manner not allowed legally, ethically, or by departmental standards to gain personal benefit, regardless of value. This includes for example:

- *Preferential treatment for oneself or associates (e.g., avoiding a complaint, using status for discounts or services);*
- *Coercion, threats, or intimidation relying on the officer’s position of power, rather than legal justification;*
- *Decisions or actions based on personal animus, favoritism, or retaliation;*
- *Actions that exceed legal boundaries for illegitimate purposes, such as settling personal scores or furthering political agendas.”*

This definition provides clarity, flexibility, and a strong ethical foundation. By focusing on personal benefit, it effectively distinguishes abuse of authority from other misconduct such as excessive force or negligence. It encompasses both overt misuse of status and more subtle forms of favoritism or retaliation. Having a shared definition of Abuse of Authority between CCA and IIS also helps establish consistency. This definition aligns with professional ethics and administrative policies, underscoring the principle that officers are entrusted with authority to serve the public, not themselves.

CPD Response (IIS#2025-236): See CPD’s response to R2504 on page 3. The Police Department maintains that Rule 1.13 clearly prohibits the use of official position, badge, or credentials for personal or financial gain. However, the Department will consider the CCA’s recommendation and review the rule to determine whether additional language would enhance clarity or reinforce existing standards.

Recommendation: R2515 (CCA #25053) Presented at November 2025 Board Meeting

The Americans with Disabilities Act (ADA) states a common problem that people with disabilities have with law enforcement is that “unexpected actions taken by some individuals with disabilities may be misconstrued by officers or deputies as suspicious or illegal activity or uncooperative behavior.” When Officer Buck initiated contact with Mr. Black, he advised Officer Buck of his physical circumstances, but Officer Buck did not relay the information to other officers as they arrived on scene. As his limited mobility impacted his ability to respond to the officers’ orders, Mr. Black was concerned the officers’ limited awareness and/or failure to understand his condition affected their overall response to him (as detailed above).

The remaining officers confirmed to CCA they were unaware of Mr. Black's physical condition until after he was handcuffed. BWC footage showed the officers physically carried Mr. Black to the cruiser rather than used a wheelchair and considered, but ultimately decided against, bringing Mr. Black's wheelchair to the HCJC.

The officers' acts, combined with officers' confirmation that they had not received training specific to working with and/or arrests involving individuals with disabilities, suggest a gap in the officers' training. Currently, CPD Procedure Manual § 12.600 Prisoners: Securing, Handling, and Transporting (Revised date 01/20/2023) advises officers to use "a vehicle appropriate for providing the necessary care for the prisoner," but does not provide further guidance. An

expansion of CPD's policy regarding the transport of individuals with disabilities would be beneficial, while also considering the implications of an individual being released from custody without access to their personal mobility device.

The ADA offers substantial recommendations and guidance for officer-led interactions with individuals with physical disabilities, with consideration for the safety of all involved. CPD should consider providing officers with training courses to include:

- sensitivity and awareness;
- distinguishing behaviors that may be demonstrated because of an individual's disability;
- how to identify if an individual requires alternate transportation for safety reasons; and,
- how to communicate with individuals about their disability.

This additional training would not only improve both officer and community safety, but ensure the person is treated with respect and dignity throughout the law enforcement process.

CPD Response (Case was not sent to IIS): The Police Department recognizes the importance of continued training regarding compliance with the Americans with Disabilities Act. This recommendation was forwarded to the Training Section for review and consideration in evaluating future training needs and opportunities.

Recommendation: R2516 (CCA #25046) Presented at November 2025 Board Meeting

Largely, CPD's recommended response for situations involving individuals experiencing a mental health crisis is found in CPD Procedure Manual §12.110 Handling Suspected Mentally Ill Individuals and Potential Suicides. This policy encompasses a significant amount of material and actions which should be enacted in these encounters as appropriate, based on individual need.

Mr. Taylor's overall concern regarding his interaction was the officers' approach to a welfare check of a person with a suspected mental health condition; in particular, their display and pointing of firearms at an individual who was 1) noted by dispatch to be "unarmed" and 2) allegedly in a state of mental instability. This concern is understandable, as these actions could worsen and intensify an already tense encounter, but officers must balance their personal safety with the unpredictability of a volatile situation. Thus, removing distressing factors (e.g., a firearm) and instituting calm control as quickly as safely possible is essential for de-escalation.

The procedure emphasizes that "[o]fficers should attempt to use non-confrontational verbal skills, empathy and/or active listening to stabilize a person in crisis" and avoid the use of unnecessary force whenever possible. After the initial tense interaction between the officers and Mr. Taylor, Officer Lutz successfully employed active listening and empathy, which encouraged compliance and a calm demeanor from Mr. Taylor.

Although the officers followed CPD policy in this circumstance, because there is continuous research and new strategies developed to improve in law enforcement encounters with vulnerable populations, CCA encourages CPD to review and update their strategies as needed to encourage best possible resolutions.

In specific, considering the intense impact that the mere display of firearms can have upon citizens, CCA recommends CPD consider tracking all displays of firearms as part of the use of force continuum. This has already occurred in analogous law enforcement agencies, such as the Columbus Police Department and Dayton Police Department, which track "display of a firearm" as part of their use of force continuum. Implementation of this would require minimal additional effort, as Axon already tracks when officers unholster their firearm; therefore, compiling the data

alongside the incidents to ensure officers are unholstering their weapons appropriately would be only a minor change to make a major impact, pending any notable patterns in the data.

CPD Response (IIS#2025-079): The Department recognizes the importance of accountability and documentation in maintaining public trust and ensuring appropriate supervisory oversight. At the same time, the Department notes that officers frequently draw or display firearms during high-risk calls for service as a precautionary safety measure, often without any force being used or any threat materializing.

The Department will review this recommendation in consultation with command staff and legal advisors to evaluate current policy, best practices, and operational considerations before determining whether any modifications are warranted.

Recommendation: R2517 (CCA #24238) Presented at February 2026 Board Meeting

During the encounter, a bystander stopped to assist Mrs. Jones. The bystander indicated to Officer Agbleke that he knew ASL and could assist. Officer Agbleke relied on the bystander's claim to know ASL in order to facilitate communication with Mrs. Jones. However, a review of the BWC footage showed the bystander was not using ASL, which further complicated a difficult situation. In his statement to CCA, Officer Agbleke stated he was unfamiliar with ASL and therefore assumed the bystander to be capable.

This miscommunication highlights an important aspect of CPD Procedure § 18.103 Communication with People Who Are Deaf or Hearing Impaired and Use of Foreign Language Interpreters, which states that an officer "should refrain from using family members or friends of the deaf or hearing impaired individual, unless it is urgent to communicate immediately and that is the only option." Officer Agbleke's reliance on a community member, although understandable, placed Mrs. Jones and her family at a disadvantage: Mrs. Jones was unable to communicate effectively and provide necessary information to the police department, nor could she provide a complete statement about what occurred regarding the traffic infraction on Mr. Jones's behalf, who was handcuffed behind his back and without any means of communicating. Although the CPD officers in this investigation followed CPD policy, there may be room for training improvements that can better the interactions between CPD officers and the Deaf community.

These can include minor changes, such as updating CPD policy to reference "deaf and hard of hearing" terminology rather than "hearing impaired" (which, according to the National Association of the Deaf, the Deaf community has long eschewed) or more impactful changes, such as creating opportunities for officers to learn basic ASL signs. CCA has reached out to CPD's Training Academy command staff to obtain a better understanding of CPD's language accessibility opportunities for officers. To date, the Training Academy has not responded. Per CPD's Staff Notes, the last opportunity for CPD officers to obtain a rudimentary knowledge of ASL for interactions with community members was over five years ago; that is at least ten graduation classes of officers who have not had the opportunity to learn.

Additionally, while communication is a large factor in officer encounters with deaf individuals, it is important to recognize that 1) the hearing and comprehension abilities of deaf individuals exist on a spectrum, which impacts their ability to respond to an officer's directives, and 2) the role that Deaf culture may have in an interaction. For example, while many officers may view the restriction of an individual's hands to be a standard safety measure, for deaf individuals, it is also a means of silencing. Therefore, access to and use of their hands is a priority, and officers seeking control that may receive unexpected resistance, leading to unexpected escalation.

It is vital for officers to receive training that provides not only the legal necessities as outlined with the Americans with Disabilities Act, but also awareness and empathy. CCA recommends CPD work with local organizations to educate CPD officers on Deaf culture and communication to better inform their actions in the future.

CPD Response (IIS#2024-340): For approximately five years, the Police Department has provided new recruits with a two-hour course titled “Patrol Aspects in the Deaf Community.” This training focuses on deaf culture, empathy, and effective communication strategies when interacting with individuals who are deaf or hard of hearing. By the conclusion of the course, recruits are able to use basic sign language (e.g., yes, no, stop, my name is) and fingerspell the alphabet.

Procedure 18.103, Communication with People Who Are Deaf or Hard of Hearing and Use of Foreign Language Interpreters, directs officers to first stabilize the situation. When appropriate and safe to do so, officers should remove handcuffs from a non-violent arrestee who is deaf or hard of hearing and secure the individual in a manner that allows for effective communication, either at the scene or upon arrival at a secure facility. Officer and public safety remain the highest priority. Once safety concerns have been addressed, officers may utilize Propio One to facilitate communication.

The Police Department will update its terminology to use “deaf and hard of hearing” rather than “hearing impaired.”

Recommendation: R2518 (CCA #24193) Presented at November 2025 Board Meeting

CCA has a previous case against Officer Johnson where he used the term “fucking retards” in an incident in 2023, as well as “Yes, this whole thing is fucking retarded,” in this 2024 incident. This CCA case would constitute two known instances of discriminatory and deeply offensive language about individuals with disabilities. This demonstrates a troubling pattern about Officer Johnson’s interactions with the community.

It is recommended that Officer Johnson be referred to the CPD’s Internal Investigation Section for further review and potential disciplinary action, as continued violations of CPD’s code of conduct undermine public trust and the department’s mission of equitable service.

Furthermore, it is recommended he complete remedial training in customer service and disability discrimination training. Specifically, the training should address the avoidance of inflammatory words is crucial in fostering an inclusive and respectful environment. By providing Officer

Johnson with the necessary training, CPD would show commitment to fair and equitable treatment for all individuals.

This recommendation is not only a corrective measure but a reaffirmation of CPD’s obligation to uphold professional standards and ensure that no community member is subjected to degrading or dehumanizing language by its officers.

CPD Response (IIS#2024-270): For the prior incident in 2023, Officer Johnson received supervisory counseling, which was documented via an Employee Supervisory Log (ESL) in Axon (EVT-00034933) regarding the use of coarse language during an encounter.

A review of Officer Johnson’s body-worn camera footage (BWC 00:50) from August 31, 2024, (CPD240831000097) reflects the statement, “Yes, this whole thing is fing***

retarded.” The statement was made in reference to the circumstances of the situation and was not directed toward any individual. During his interview with the CCA, Officer Johnson acknowledged that his choice of words was inappropriate and stated that “ridiculous” would have been a more professional term.

A review of Officer Johnson’s Axon supervisory records for the preceding three years does not reflect a pattern of similar language or conduct.

Additionally, Extensive Analysis is conducted on a quarterly basis with sole purpose to identify officers who may be exhibiting negative patterned conduct. Based on the result of the analysis, officers are potentially placed into one of two categories, Intervention or Monitoring.

DLS, C-4