

2024 CCA Recommendations to CPD

Recommendation: R2401 (CCA #23063) Presented at February 2024 Board Meeting

(Originally R2318 (CCA #22130) Presented at July 2023 Board Meeting)

CCA recommends CPD revise its use of force policies to define a “choke hold” and clarify what qualifies as a “choke hold” under its Procedure Manual, including by stating what kinds of neck restraints or neck holds qualify as “choke holds,” “similar type of holds,” or are otherwise prohibited. CCA recommends that such a revision incorporate standardized language such as from the National Consensus Policy on Use of Force or another comparable source that clearly defines the kind of force or techniques that constitute a chokehold. In CPD Procedure §12.545 Use of Force, the definition section provides the following with respect to choke holds: “The courts could consider a choke hold or other similar type of holds as deadly force. Choke holds are prohibited unless a situation arises where the use of deadly force is permissible under exhibiting law and Department policy.” However, the section does not define with specificity what a “choke hold” or “similar type of hold” would be. Neither does Procedure §12.545 say, on its face, whether other neck holds or neck restraints that CPD does not consider to be “choke holds” are permitted. In this case, CCA was unable to determine whether an officer who wrapped his arm around the neck area of a citizen applied pressure to the carotid artery, or pressure to the neck generally. However, even if CCA had made such a determination, it is not clear whether the choke hold ban in CPD’s Procedure Manual would have prohibited that officer’s conduct, since the Procedure Manual does not clearly ban carotid holds. A standardized definition of “choke hold” that includes carotid holds would clarify the standard for officers, citizens, and investigators.

CPD Response: **None provided**

Recommendation: R2402 (CCA #23127) Presented at March 2024 Board Meeting

While the dissemination of information after the felony charging and arrest of a minor is generally not against the laws of the United States and is allowed under certain circumstances in CPD policy, the release of information related to a juvenile arrest and charging can limit and impede successful transition for a juvenile into adulthood. The release of this information can create obstacles for youth seeking future employment, scholarships, housing, higher education, and multiple other opportunities. Many juveniles do not understand the severity nor the consequences of their actions. Historically, protecting and assisting juveniles in their transformation to adulthood has been a bedrock principle of American values and laws. The National Juvenile Justice Network (NJJN) recommends that law enforcement with related information associated with juveniles that encounter the justice system be kept from all public disclosure. Some organizations, have gone so far as to adopted internal policies to never name minors in public, unless they are charged as

adults. Therefore, CCA recommends that CPD more heavily weigh the importance of the release of information related to juvenile arrest. As suggested by the Poynter Institute these factors could include:

- Who is served by identifying the juvenile?
- Strength of the evidence?
- Severity of the alleged crime?
- Who will be impacted and how will they be impacted if the name is released?
- Would others be harmed if the minor was not named or if rumors were allowed to circulate unchecked?
- Will the juvenile be charged as an adult?
- How immediate would identification be after arrest?
- What is the juvenile's history?
- How newsworthy is the story? How will you explain the decision to identify to the newsroom? The weighty decision to identify a juvenile offender to the media can be a hard one to make. Ultimately, to release the information, while generally legal, is an ethical choice.

CPD Response: **None provided**

Recommendation: R2403 (CCA #23104) Presented at March 2024 Board Meeting

Through the adoption of Administrative Regulations 25 and 55, the city of Cincinnati has signaled that the behavior of city employees must reflect the values of the city, a city where all citizens are treated with dignity and respect regardless of race. A city that strives to provide the best service for residents and visitors. The officers' interaction with Mr. Ramsey while in their custody stays from the city's vision and values. CCA recommends that Officers Stanton and Peterson receive Diversity and Customer Service training as a reminder of their actions, which did not align with CPD's policies, procedures, and training.

CPD Response: **None provided**

Recommendation: R2404 (CCA #23255) Presented at May 2024 Board Meeting

(Originally R2311 (CCA #21149) Presented at May 2023 Board Meeting)

CCA recommends that CPD include in Procedure § 12.540, Body Worn Camera System, a provision requiring officers who are assigned to work the front desk of police districts to activate their BWC's, or another comparable video and audio recording device, for contact with citizens, regardless of whether the officer is engaged in "self-initiated activity." Over the years, CCA has received

numerous complaints regarding contact that citizens have had at the front desk of police districts, and recording these encounters via BWC is likely to either confirm or refute such complaints.

CPD Response: **Policy has been changed to require desk officers activate BWCs when interacting with the public.**

Recommendation: R2405 (CCA #23115) Presented at June 2024 Board Meeting

Addressing recurring allegations of excessive force is paramount and crucial for maintaining trust within the community. Considering six out of the last fourteen CCA cases associated with Officer Scalf, within three years, have involved excessive force allegations and out of those six all involved Officer Scalf utilizing leverage displacement, CCA strongly recommends implementing mandatory remedial training tailored to enhance the officer's proficiency in de-escalation techniques and appropriate levels of use of force. This strategic intervention aims not only to address the specific concerns but also to foster a safer and more respectful policing environment, ensuring better outcomes for both law enforcement and the community at large.

CPD Response: **None provided**

Recommendation: R2406 (CCA #23253) Presented at July 2024 Board Meeting

Officer Johnson's interaction with Mr. Collins and unknown citizens has raised concerns regarding his use of inappropriate language and discourtesy. It is imperative that Officer Johnson undergoes remedial training in customer service and disability discrimination to ensure that all members of the community are treated with respect and dignity. Specifically, addressing the use of inflammatory words is crucial in fostering an inclusive and respectful environment. By providing Officer Johnson with the necessary training, CPD would share commitment to fair and equitable treatment for all individuals.

CPD Response: **None provided**

Recommendation: R2407 (CCA #23118) Presented at July 2024 Board Meeting

CCA recommends Officer Zumaita receive Customer Service training. This recommendation comes after the review of Officer Zumaita's BWC which showed him struggle to gain verbal control of his conversation with Mr. Stevens after his attempted use of de-escalation techniques failed. Customer Service training may provide Officer Zumaita with other options in any future encounters with people who are compliant but are argumentative.

CPD Response: **None provided**

Recommendation: R2408 (CCA #23035) Presented at September 2024 Board Meeting

During CCA's interviews of Specialist Byrne and Officer Birch, both stated that they never received any training on animal control, containment, nor neutralization. Both also added that they did not have access to animal control equipment and expressed the need for more backup in the form of animal control officers. Under CPD Procedure § 12.115 (G)(1), Officers must exhaust all reasonable means to confine the dog, notify Cincinnati Animal Care to pick up the dog, and at a minimum require Officers to consider the use of chemical irritant (such as Mace) or TASER™ on the dog. However, Officers do not have access to equipment to confine a dog, Cincinnati Animal Care is not always available to respond within a short time frame, and chemical irritants and TASER™ are grossly ineffective at dog confinement. The National Animal Care & Control Association has acknowledged there are situations when a TASER™ may be used to protect life and safety of an animal control officer, the public, and other animals. However, the National Animal Care & Control Association guidelines, also state in-part, "The use of any Electro-Muscular Disruptive Devices (EMDD) (more commonly known by the trade name "Taser™") is not recommended by NACA for use on animals for routine capture or restraint. The CCA highly recommends a two-pronged approach to better prepare officers to respond more effectively to incidences involving an aggressive canine. The first prong is Equipment. The Cincinnati Police Department should equip cruisers with specialized tools designed to control aggressive dogs safely and effectively, such as catch poles, dog snares, or bite sleeves. Unlike mace and a TASER™, which can cause significant harm or provoke a more aggressive response from the animal, these tools allow officers to manage and capture aggressive dogs in a non-lethal and more controlled manner. A TASER™ is particularly problematic because hitting a small target like a dog can be extremely difficult which reduces their effectiveness. Mace, on the other hand, poses the risk of back spray, which can potentially blind the officer and further complicate the situation. With a lack of proper tools, Offices often must resort to using firearms when dealing with aggressive or vicious dogs, which is also highly problematic for several reasons. Firstly, discharging a firearm in a residential or urban area poses significant safety risks to bystanders, as stray bullets can cause unintended injuries or fatalities. Secondly, the use of a firearm often results in the death of the animal and potentially damages community relations. Thirdly, the traumatic nature of such incidents can have lasting emotional effects on both the officers and the community members involved. The second prong, training, CPD officers should partake in training programs, possibly with animal control officers, to educate them on the proper use of non-lethal devices and techniques for de-escalating aggressive dog encounters. Such training will not only enhance the safety of the officers and the community but also ensure the humane treatment of animals. Investing in appropriate equipment and training is crucial for fostering a more effective and compassionate approach to emergency animal control.

CPD Response: **None provided**

Recommendation: R2409 (CCA #24038) Presented at October 2024 Board Meeting

(Originally R2318 (CCA #22130) Presented at June 2022 Board Meeting)

CCA recommends Officer Bohn receive Customer Service training. This recommendation comes after the review of Officer Bohn's BWC which showed him being unprofessional and using profane language to address a citizen. Customer Service training may provide Officer Bohn with other options in any future encounters with citizens who are compliant but are argumentative.

CPD Response: **None provided**

Recommendation: R2410 (CCA #23262) Presented at October 2024 Board Meeting

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: oThe command staff are not trained mediators.

- o The command staff are not an impartial party.
- o Meetings are held at the local district, not in a neutral location.
- o 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: **None provided**

Recommendation: R2411 (CCA #23176) Presented at October 2024 Board Meeting

(Originally R2133 (CCA #19135) Presented at November 2021 Board Meeting)

CCA recommends CPD incorporate standardized language (such as from the National Consensus Policy on Use of Force or another comparable source) to clarify what qualifies as a “choke hold” under its Procedure Manual, preferably by including carotid holds in the definition for “choke hold.” In CPD Procedure §12.545 Use of Force, the definition section of the policy provides that “the courts could consider a choke hold or other similar type of holds as deadly force. Choke holds are prohibited unless a situation arises where the use of deadly force is permissible under exhibiting law and Department policy.” The policy separately identifies and defines carotid arteries. However, the section does not clearly define what a “choke hold” or “similar type of hold” would be. Neither does the policy say, on its face, that carotid restraints or holds targeting the carotid artery constitute “choke holds” under CPD policy, and the Procedure Manual does not clearly ban carotid holds. A standardized definition of “choke hold” that includes carotid holds would clarify the standard for officers, citizens, and investigators.

CPD Response: **None provided**

Recommendation: R2412 (CCA #23268) Presented at October 2024 Board Meeting

(Originally R2209 (CCA#21217) Presented at August 2022 Board Meeting)

CCA recommends CPD reconsider and clarify the language in CPD Procedures §12.205 (Traffic Enforcement) and CPD Procedure §12.555 (Arrest/Citation) to ensure the regulation provides unambiguous and congruous guidelines for officers on the question of what enforcement action should apply to violators of pedestrian offenses (such as jaywalking or playing in the street) who refuse to identify themselves or are unable to do so. A review of CPD Procedure Manual showed crucial incongruities and ambiguities pertaining to policy-produced guidance for officers encountering pedestrian violators. Specifically, CPD Procedure §12.555 Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders states that, regarding violations that are minor misdemeanors, officers must issue citations rather than physically arrest individuals unless the situation meets specific requirements. Among those exceptions, the policy stipulates that a physical arrest would be necessary if “the individual cannot or does not offer satisfactory proof of identity, except pedestrian violations (refer to Procedure 12.205) (emphasis added)” CPD Procedure §12.205 Traffic Enforcement instructs officers to “make every effort to obtain proof of identification from a [pedestrian violator].” The policy continues that “if the pedestrian violator does not possess some kind of identification, the officer shall attempt to obtain accurate information in order to properly complete the citation, through careful and courteous questioning.” Accordingly, under the most logical reading of those policies, while an officer may be able to physically arrest an individual under the ORC for failing to disclose information to be used in writing a jaywalking ticket, such an arrest would be outside Department policy. However, the policy does

not provide further instruction for officers or citizens on what must occur if the officers have made “every effort” to obtain proof of identification but are still unable to obtain “accurate information in order to properly complete the citation.” Instead, officers must refer back to CPD Procedure §12.555, which does not allow the officer to make a physical arrest for failure to identify. This vagueness is problematic and leaves several questions unanswered for officers and the community. For example, what must occur if a citizen fails to provide identification or is unable to do so during an extensive attempt to get the information for purposes of completing a citation for jaywalking or playing in the street? Must a warning be given in lieu of a citation, or should some other process apply? For purposes of completing a citation, must the officer rely on other information proving identity that is readily ascertainable in spite of the citizen’s refusal to speak or provide certain pieces of information? The language of CPD Procedure §§12.555 and 12.205 should be revised to provide greater clarity with respect to these issues.

CPD Response: **None provided**

Recommendation: R2413 (CCA #23204) Presented at November 2024 Board Meeting

During CCA’s interviews of Specialist Byrne and Officer Birch, both stated that they never received any training on animal control, containment, nor neutralization. Both also added that they did not have access to animal control equipment and expressed the need for more backup in the form of animal control officers. Under CPD Procedure § 12.115 (G)(1), Officers must exhaust all reasonable means to confine the canine, notify Cincinnati Animal Care to pick up the canine, and at a minimum require Officers to consider the use of chemical irritant (such as Mace) or TASER™ on the canine. However, Officers do not have access to equipment to confine a canine, Cincinnati Animal Care is not always available to respond within a short time frame, and chemical irritants and TASER™ are grossly ineffective at canine confinement. The National Animal Care & Control Association has acknowledged there are situations when a TASER™ may be used to protect life and safety of an animal control officer, the public, and other animals. However, the National Animal Care & Control Association guidelines, also state in-part, “The use of any Electro-Muscular Disruptive Devices (EMDD) (more commonly known by the trade name "Taser™") is not recommended by NACA for use on animals for routine capture or restraint. The CCA highly recommends a two-pronged approach to better prepare officers to respond more effectively to incidences involving an aggressive canine. The first prong is Equipment. The Cincinnati Police Department should equip cruisers with specialized tools designed to control aggressive canines safely and effectively, such as catch poles, canine snares, or bite sleeves. Unlike mace and a TASER™, which can cause significant harm or provoke a more aggressive response from the animal, these tools allow officers to manage and capture aggressive canines in a non-lethal and more controlled manner. A TASER™ is particularly problematic because hitting a small target like a canine can be extremely difficult which reduces their effectiveness. Mace, on the other hand, poses the risk of back spray, which can potentially blind the officer and further complicate the situation. With a lack of proper tools, Offices often must resort to using firearms when dealing with

aggressive or vicious canines, which is also highly problematic for several reasons. Firstly, discharging a firearm in a residential or urban area poses significant safety risks to bystanders, as stray bullets can cause unintended injuries or fatalities. Secondly, the use of a firearm often results in the death of the animal and potentially damages community relations. Thirdly, the traumatic nature of such incidents can have lasting emotional effects on both the officers and the community members involved. The second prong, training, CPD officers should partake in training programs, possibly with animal control officers, to educate them on the proper use of non-lethal devices and techniques for de-escalating aggressive canine encounters. Such training will not only enhance the safety of the officers and the community but also ensure the humane treatment of animals. Investing in appropriate equipment and training is crucial for fostering a more effective and compassionate approach to emergency animal control. Currently under CPD Procedure § 12.115 (G)(1), Officers must exhaust all reasonable means to confine the canine, notify Cincy CARE to pick up the canine, and at a minimum require Officers to consider the use of chemical irritant (such as Mace) or TASER™ on the canine. However, Officers do not have access to equipment to confine a canine, Cincy CARE is not always available to respond within a short time frame, and chemical irritants and TASER are grossly ineffective at confining a canine after it is controlled.[1] The National Animal Care & Control Association has acknowledged there are situations when a TASER™ may be used to protect life and safety of an animal control officer, the public, and other animals. However, the National Animal Care & Control Association guidelines, also state in-part, “The use of any Electro-Muscular Disruptive Devices (EMDD) (more commonly known by the trade name "Taser™") is not recommended by NACA for use on animals for routine capture or restraint.[2] The CCA highly recommends a two-pronged approach to better prepare officers to respond more effectively to incidences involving an aggressive canine. The first prong is Equipment. The Cincinnati Police Department should equip officers with specialized tools designed to control aggressive canines safely and effectively, such as catch poles, canine snares, and bite sleeves. Unlike mace and a TASER™, which can cause significant harm or provoke a more aggressive response from the animal, these tools allow officers to manage and capture aggressive canines in a non-lethal and more controlled manner.[3] A TASER™ is particularly problematic because hitting a small target like a canine can be extremely difficult which reduces their effectiveness. Mace, on the other hand, poses the risk of back spray, which can potentially blind the officer and further complicate the situation. With a lack of proper tools, Offices often must resort to using firearms when dealing with aggressive or vicious canines, which is also highly problematic for several reasons. Firstly, discharging a firearm in a residential or urban area poses significant safety risks to bystanders, as stray bullets can cause unintended injuries or fatalities. Secondly, the use of a firearm often results in the death of the animal and potentially damages community relations. Additionally, the traumatic nature of such incidents can have lasting emotional effects on both the officers and the community members involved. The second prong, training, CPD officers should be provided with training programs to educate them on the proper use of non-lethal devices, and techniques, for de-escalating aggressive canine encounters. Such training will not only enhance the safety of the officers and the community but also ensure the humane treatment of animals. Investing in appropriate equipment and training is crucial for fostering a more effective and compassionate approach to emergency animal control. [1] See On 5/24/2024, at 2:30 PM,

(Investigator Vesper called (513) 541-7487 to talk to an employee at Cincinnati Animal CARE. When asked, in a recent phone call 5/24/2024 when asked, “What should I do if a canine is loose and biting people?” the employee responded, “Contact the police and have the police confine it, our role is mainly to investigate animal abuse, and our response time would be too long.”) [2] NACA Guidelines, National Animal Care & Control Association. (October 9, 2019). Pg. 58. [3] See Increase in police tasing of canines prompts concern from SPCA, SAFE as new disturbing footage is released, <https://www.1news.co.nz/2018/02/21/exclusive-increase-in-police-tasing-of-canines-prompts-concern-from-sPCA-safe-as-new-disturbing-footage-is-released/> (February 22, 2018). Luke Appleby. 1News

CPD Response: **None provided**

Recommendation: R2414 (CCA #24045) Presented at November 2024 Board Meeting

It is recommended that Officer Cornacchione undergo customer service training to address the inappropriate use of profanity during interactions with the public. Specifically, the use of the term “fuck” is unprofessional and undermines the department's commitment to respectful and courteous communication. Such training will enhance Officer Cornacchione'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: **None provided**

Recommendation: R2415 (CCA #23201) Presented at November 2024 Board Meeting

CCA recommends CPD create a specific definition and policy for “harassment” in order to clarify the line between persistent contact initiated by police that is permissible (such as necessary contact that might occur during an ongoing investigation focused on a person of interest), and impermissible patterns of contact that either have no legitimate purpose, are not tailored to a legitimate purpose, or that otherwise violate policy.

CPD Response: **None provided**

Recommendation: R2416 (CCA #24090) Presented at January 2025 Board Meeting

CCA #24090 (R2416) CCA recommends CPD revise its use of force policies to define an “elevated surface” and clarify what qualifies as an “elevated surface” under its Procedure Manual. Procedure §12.545 Use of Force, “Officers should avoid using a CEW on individuals who are on an elevated surface or are operating or riding any moving device or vehicle when a fall from such surface, or interrupted operation of such moving device or vehicle would likely cause serious injury or death,

unless the encounter rises to the level of a deadly force situation.” However, the section does not define what an elevated surface is. In this particular case the CEW was deployed while the subject was running towards a doorway that led down a flight of steps.

CPD Response: **None provided**

Recommendation: R2417 (CCA #24117) Presented at December 2024 Board Meeting

CCA recommends Officer Landrum receive Customer Service training. This recommendation comes after the review of BWC footage which showed her being unprofessional and addressing a citizen in an aggressive manner. Customer Service training may provide Officer Landrum with other options in any future encounters with citizens who are compliant but are argumentative.

CPD Response: **None provided**

Recommendation: R2418 (CCA #24080) Presented at January 2025 Board Meeting

The strategic decision to use force is the result of the consideration of multiple complex factors in a short period of time. The purpose of the Tactical Patrol Guide is to instruct an officer with options to ensure officer safety and minimize the risk to all involved people during potentially violent or dangerous encounters. Earlier, CCA cited the Tactical Patrol Guide regarding the appropriate time for CEWs to be displayed and/or targeted at individuals by officers. However, as previously discussed, the wording of the text, and the placement of it in the Tactical Patrol Guide as opposed to CPD Procedure § 12.545 Use of Force, makes the Tactical Patrol Guide’s statement and its objective ambiguous. CCA recommends this aspect of CEW usage be clarified and updated as needed in the Tactical Patrol Guide and Use of Force procedure for the safety and understanding of officers and the community.

CPD Response: **None provided**

Recommendation: R2419 (CCA #24094) Presented at January 2025 Board Meeting

It is recommended that Officer Shack undergo customer service training to address the inappropriate use of profanity during interactions with the public. Specifically, the use of the term “fuck” is unprofessional and undermines the department's commitment to respectful and courteous communication. Such training will enhance Officer Shack'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: **None provided**

