



Citizen Complaint Authority

**2021 and 2022
Patterns and Recommendations Report**

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INTRODUCTION

This is a consolidated record of CCA's 2021 *Patterns & Recommendations Report* and CCA's 2022 *Patterns & Recommendations Report*.

Patterns Reports

In compliance with Section 4 of the Cincinnati Administrative Code (Admin. Code), Article XXVIII, the Citizen Complaint Authority (CCA) reviews complaint patterns in an effort to identify ways to address the root causes of complaints and prevent or reduce the filing of grievances against Cincinnati Police Officers. The law sets forth our responsibility as follows:

The CCA will examine complaint patterns that might provide opportunities for the [Cincinnati Police Department] CPD and community to reduce complaints. At a minimum, the CCA will look for three types of patterns: (i) repeat officers (ii) repeat citizen complaints, and (iii) repeat complaint circumstances. Following the identification of such patterns, the CCA and CPD jointly will undertake a problem-solving project to determine the reason(s) for the pattern and whether there are opportunities to eliminate or reduce root causes. Where feasible, this project should involve both affected officers and the community.

Admin. Code, Art. XXVIII, § 4.

Each year, CCA identifies patterns that cover a period of time inclusive of previous calendar years and subsequently publishes information about those patterns in a comprehensive report ("Patterns Report"). Such reports examine "repeat officers," "repeat citizen complainants" and "repeat complaint circumstances" (also known as "pattern officers," "pattern complainants," and "pattern circumstances"). The criteria used are as follows: for pattern officers, any officer with at least ten (10) complaints over three (3) years; for pattern citizens, any citizen who filed more than three (3) complaints during that same period; and for pattern circumstances, repeat complaint circumstances during the same period.¹

This combined report includes both CCA's 2021 *Patterns Report* and CCA's 2022 *Patterns Report*.

CCA's 2021 *Patterns Report* addresses Calendar Year 2021. Given that the applicable criteria for the patterns review is dependent on a three-year lookback period, the 2021 Patterns Report covers policing and complaint activity during Calendar Years 2019-2021. Hence, repeat officers, repeat citizen complainants, and repeat circumstances for 2021 were determined using complaint data from 2019-2021.

CCA's 2022 *Patterns Report* addresses Calendar Year 2022. Given that the applicable criteria for the patterns review is dependent on a three-year lookback period, the 2022 Patterns Report covers policing and complaint activity during Calendar Years 2020-2022. Hence, repeat officers, repeat citizen complainants, and repeat circumstances for 2022 were determined using complaint data from 2020-2022.

Accordingly, the following data show repeat officers and repeat citizen complainants for Calendar Years 2021 and 2022:

- **2021 - 3 officers and 8 citizens**
- **2022 - 5 officers and 6 citizens**

For context, the following data show repeat officers and repeat citizen complainants during previous years:

- **2019 - 3 officers and 4 citizens**
- **2020 - 2 officers and 4 citizens**

¹ Complaints included in these calculations include those received by CPD and reported to CCA, as well as those received by CCA directly.

Data tables in the Patterns Reports provide detailed information pertaining to the repeat officers, repeat citizen complainants, and repeat circumstances for 2021 and 2022.

Recommendations Reports

In addition to complaint pattern reviews, CCA is tasked with preventing and “reducing citizen complaints through investigations of officers charged with misconduct.” Admin. Code, Art. XXVIII, § 4. In accordance with CCA’s complaint preventative mandate, CCA’s Director has a duty to include recommendations in CCA’s Investigation Reports, and CCA’s Board is empowered to approve or disapprove of those recommendations as well as issue its own recommendations. Admin. Code, Art. XXVIII, §§ 3-C, 3-D.

CCA also has a duty to report these recommendations to City Council, the City Manager, and the public on an annual basis, at a minimum. Admin. Code, Art. XXVIII, § 5.

Additionally, in December 2008, former Federal Monitor Saul Green made the following recommendation in his final report to the Cincinnati community regarding the activities of the Citizen Complaint Authority (CCA):

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

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

As a result, CCA issues recommendations, including on police policies or procedures, when there may be noted trends, corrective needs, potential problem-solving projects, or potential root causes of complaints noted during investigations. CCA also makes “observations” pertaining to trends or discrepancies that it is monitoring, or that should be highlighted. CCA publishes its recommendations each year in a *Recommendations Report*.

In Calendar Year 2021, CCA completed investigations pertaining to seventy-seven (77) complaints. Of those completed investigations, CCA made thirty-four (34) total recommendations. It should be noted that some of the recommendations and observations are duplicative, noting a potential pattern warranting consideration.

Adjusting for duplication, CCA issued a total of twenty-two (22) unique recommendations in 2021, each representing a distinct policy area or corrective need where CCA has suggested a particular course of action. Each recommendation was submitted by CCA’s Director and approved by CCA’s Board.

In Calendar Year 2022, CCA completed investigations pertaining to one-hundred and forty-six (146) complaints. Of those completed investigations, CCA made twenty-one (21) total recommendations. It should be noted that some of the recommendations and observations are duplicative, noting a potential pattern warranting consideration.

Adjusting for duplication, CCA issued a total of twenty (20) unique recommendations in 2022, each representing a distinct policy area or corrective need where CCA has suggested a particular course of action. Each recommendation was submitted by CCA’s Director and approved by CCA’s Board.

A summary of each unique recommendation, along with CPD’s responses to the respective recommendations are provided below. The recommendations are categorized according to topic area. The text of all individual recommendations and observations, including duplicates, is set forth in the Appendix of this Recommendations Report.

2021 PATTERNS

*Note: Many of the cases reflected in the tables below contain CCA case numbers with the letter "R" affixed to the end (e.g. "12345R"). Such a denotation signifies that the case was one that did not meet CCA's criteria for investigation at the time the citizen filed the complaint. Such cases were referred to the Cincinnati Police Department for review and any appropriate action.

Repeat Officers

In 2021, there were three (3) officers with fifty-three (53) citizen complaints filed during that year and the previous two years (2019-2021).

Table 1

(Officer ID No 2187) received thirteen (13) complaints.

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
1	12/06/2021	21244	8524	Improper Procedure	Pending
			8524	Improper Search	Pending
2	11/15/2021	21230	8513	Improper Search	Pending
3	08/30/2021	21176	8474	Improper Stop	Pending
			8474	Pointing of a Firearm	Pending
			8474	Improper Pointing of a Firearm	Pending
4	08/10/2021	21160	8459	Harassment	Unfounded
			8459	Improper Stop	Exonerated
5	08/04/2021	21154	8452	Discourtesy	Sustained
6	03/24/2021	21045	6770	Excessive Force	Exonerated
			6770	Improper Search	Exonerated
7	01/11/2021	21004	8312	Improper Pointing of a Firearm	Exonerated
			8312	Improper Stop	Unfounded
8	12/07/2020	20238	8297	Discourtesy	NFR
			8297	Improper Stop	Exonerated
			8297	Improper Search	Exonerated
9	11/05/2020	20223	3044	Improper Search	Exonerated
10	09/24/2020	20195	8240	Harassment	Unfounded
			8240	Improper Seizure	NFR
			8240	Improper Seizure	NFR
			8240	Improper Search (Vehicle)	NFR
			8240	Discrimination	Unfounded
11	08/10/2020	20156	8192	Improper Search	Exonerated
			8192	Improper Stop	Exonerated
			8192	Other – CPD Code	NFR
			8192	Pointing of a Firearm	NFR
			8192	Search (Vehicle)	NFR
			8192	Improper Search	Not Sustained
			8192	Improper Procedure (Other)	Sustained
			8192	Improper Procedure (BWC)	Sustained
			8192	Improper Pointing of a Firearm	Exonerated
			8192	Dishonesty	Not Sustained
12	08/03/2020	20148	8192	Stop (Vehicle)	NFR
			8192	Seizure	NFR
			8192	Improper Search	Exonerated
			8178	Improper Search	Exonerated
			8178	Improper Procedure	Exonerated
13	06/26/2020	20116	7545	Improper Entry	Exonerated
			7545	Search (Vehicle)	NFR
			7545	Procedure Violation (Impoundment)	NFR
			7545	Improper Search	NFR
			7545	Improper Search	NFR
			7545	Improper Search	NFR
			7545	Improper Search	NFR

Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
		7545	Discrimination (Racial)	NFR
		7545	Discrimination	Unfounded
		7545	Stop (Vehicle)	NFR
		3100	Improper Search	Sustained
		3100	Improper Stop	Exonerated
		3100	Discrimination	Unfounded
		8932	Discrimination	Unfounded

Table 2

(Officer ID No 38) received nineteen (19).

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
1	10/11/2021	21206R	5450	Improper Procedure	NA
			5450	Lack of Service	NA
2	09/29/2021	21201	5021	Lack of Service	Unfounded
			5021	Discrimination	Unfounded
			5450	Lack of Service	Unfounded
			5450	Discrimination	Unfounded
3	09/28/2021	21198R	5450	Lack of Service	NA
4	09/20/2021	21188R	5450	Lack of Service	NA
5	09/01/2021	21177R	5450	Lack of Service	NA
6	08/27/2021	21173R	5450	Lack of Service	NA
7	08/24/2021	21167R	5021	Lack of Service	NA
			5450	Lack of Service	NA
8	07/22/2021	21142R	5450	Lack of Service	NA
9	07/19/2021	21137R	5450	Lack of Service	NA
10	05/27/2021	21092	5021	Lack of Service	Unfounded
			5450	Lack of Service	Unfounded
11	05/10/2021	21080R	5450	Lack of Service	NA
12	04/28/2021	21073R	8381	Lack of Service	NA
13	03/24/2021	21044R	5021	Lack of Service	NA
14	02/02/2021	21014R	5021	Lack of Service	NA
			5021	Discourtesy	NA
15	11/18/2020	20229R	5021	Lack of Service	NA
16	11/5/2020	20220R	5450	Lack of Service	NA
			5450	Discourtesy	NA
17	10/14/2020	20210R	5021	Lack of Service	NA
			5021	Discourtesy	NA
			5450	Lack of Service	NA
18	10/12/2020	20206	8255	Harassment	Unfounded
			8255	Improper Stop	Exonerated
19	07/06/2020	20125R	5450	Lack of Service	NA

Table 3

(Officer ID No 1423) received twenty-one (21) complaints.

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
1	12/16/2021	21248R	5450	Harassment	NA
2	11/18/2021	21231R	5421	Harassment	NA
			5450	Harassment	NA
3	11/18/2021	21229R	5021	Harassment	NA

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
			5450	Harassment	NA
4	11/09/2021	21224R	5450	Harassment	NA
5	11/01/2021	21223R	5450	Harassment	NA
6	10/14/2021	21212R	5450	Harassment	NA
7	09/29/2021	21201	5021	Discrimination	Unfounded
			5021	Lack of Service	Unfounded
			5021	Harassment	Unfounded
			5450	Discrimination (Ethnicity)	NFR
			5450	Discrimination	Unfounded
			5450	Lack of Service	Unfounded
			5450	Harassment	Unfounded
8	08/27/2021	21173R	5450	Harassment	NA
			5450	Lack of Service	NA
			5450	Harassment	NA
9	08/24/2021	21167R	5450	Lack of Service	NA
10	08/13/2021	21164R	5450	Discourtesy	NA
11	07/30/2021	21151R	5450	Harassment	NA
12	05/27/2021	21092	5021	Discrimination	Unfounded
			5021	Lack of Service	Unfounded
			5021	Harassment	Unfounded
			5450	Lack of Service	Unfounded
			5450	Harassment	Unfounded
			5450	Discrimination	Unfounded
13	05/07/2021	21075R	5021	Harassment	NA
14	04/28/2021	21073R	8381	Lack of Service	NA
15	11/30/2020	20232	8288	Discourtesy	Unfounded
16	10/14/2020	20210R	5021	Harassment	NA
			5450	Harassment	NA
17	09/30/2020	20198R	8244	Lack of Service	NA
18	09/23/2020	20194R	5021	Harassment	NA
19	09/02/2020	20181R	5450	Harassment	NA
20	08/28/2020	20171R	4837	Discourtesy	NA
21	07/06/2020	20125R	5450	Lack of Service	NA

Repeat Citizen Complainants

In 2021, there were eight (8) repeat citizen complainants with one-hundred and twenty-four (124) complaints filed during that year and the previous two years (2019-2021).

Table 4

(*Citizen ID No 7389*) filed four (4) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	10/13/2021	21210	2040	Discourtesy	Unfounded
			2008	Discrimination	Unfounded
			5529	Discourtesy	Unfounded
			5501	Discourtesy	Unfounded
			2008	Discourtesy	Sustained
			2008	Lack of Service	Sustained
			1880	Discourtesy	Unfounded
			9	Discourtesy	Unfounded
			5512	Discourtesy	Unfounded
2	09/28/2021	21200R	1941	Lack of Service	NA
3	03/11/2020	20053R	1782	Lack of Service	NA
4	04/26/2019	19085R	2251	Lack of Service	NA
			2246	Lack of Service	NA

Table 5

(*Citizen ID No 5247*) filed four (4) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	06/01/2021	21094	5533	Entry	NFR
			5533	Discourtesy	Unfounded
			2296	Discourtesy	Unfounded
			2296	Entry	NFR
			2296	Improper Entry	Exonerated
			5533	Improper Entry	Exonerated
2	05/14/2021	21084	5508	Improper Procedure	Pending
			5508	Improper Procedure	Pending
3	07/27/2020	20143	2302	Lack of Service	Pending
			912	Lack of Service	Pending
			912	Improper Procedure	Pending
4	06/12/2019	19134	1782	Lack of Service	Pending

Table 6

(*Citizen ID No 8088*) filed four (4) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	07/01/2021	21120R	92	Lack of Service	Non-jurisdiction
2	07/23/2020	20142R	2305	Lack of Service	NA
			2284	Lack of Service	NA
3	06/18/2020	20109R	2282	Lack of Service	NA
			92	Lack of Service	NA
4	05/08/2020	20078R	2282	Lack of Service	NA
			92	Lack of Service	NA

Table 7

(Citizen ID No 5536) filed eight (8) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	09/24/2021	21194R	1653	Lack of Service	NA
2	07/20/2021	21138R	2253	Lack of Service	NA
3	05/07/2021	21077R	2291	Discourtesy	NA
4	11/12/2020	20226R	876	Discourtesy	NA
			1941	Lack of Service	NA
5	11/02/2020	20219R	766	Discourtesy	NA
			766	Lack of Service	NA
			2291	Lack of Service	NA
6	8/17/2020	20162R	59	Lack of Service	NA
			5516	Lack of Service	NA
7	12/26/2019	19284R	1701	Discourtesy	NA
8	08/26/2019	19197R	980	Lack of Service	NA
			980	Discourtesy	NA

Table 8

(Citizen ID No 5021) filed twenty-five (25) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	12/06/2021	21242	948	Lack of Service	NA
			948	Discourtesy	NA
2	11/18/2021	21231R	1423	Harassment	NA
3	09/29/2021	21201	1850	Discrimination	Unfounded
			38	Lack of Service	Unfounded
			1423	Discrimination	Unfounded
			1850	Lack of Service	Unfounded
			2219	Lack of Service	Unfounded
			38	Discrimination	Unfounded
			1423	Harassment	Unfounded
			946	Lack of Service	Unfounded
			1602	Discrimination	Unfounded
			1423	Lack of Service	Unfounded
4	11/15/2021	21229	1423	Harassment	NA
5	08/24/2021	21167	2107	Lack of Service	NA
			38	Lack of Service	NA
6	07/22/2021	21141	1830	Lack of Service	NA
			1830	Discourtesy	NA
7	07/13/2021	21132	2254	Discourtesy	NA
			2254	Lack of Service	NA
8	06/18/2021	21111	1382	Lack of Service	NA
9	06/05/2021	21104	1208	Lack of Service	NA

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
10	06/03/2021	21103	1527	Discourtesy	NA
			1527	Lack of Service	NA
11	05/27/2021	21092	38	Lack of Service	Unfounded
			1423	Harassment	Unfounded
			2219	Lack of Service	Unfounded
			1602	Discourtesy	NFR
			1423	Discrimination	Unfounded
			1423	Lack of Service	Unfounded
			1850	Discrimination	Unfounded
			982	Lack of Service	Unfounded
			1602	Discrimination	Unfounded
			982	Lack of Service	Unfounded
			946	Lack of Service	Unfounded
			1941	Discrimination	NFR
12	05/17/2021	21085R	1020	Lack of Service	NA
13	05/11/2021	21082R	1811	Lack of Service	NA
14	05/07/2021	21075R	1423	Harassment	NA
15	04/01/2021	21051R	1782	Lack of Service	NA
			1782	Discourtesy	NA
16	03/31/2021	21048R	2121	Lack of Service	NA
17	03/24/2021	21044R	38	Lack of Service	NA
18	02/02/2021	21014R	38	Discourtesy	NA
			876	Lack of Service	NA
			38	Lack of Service	NA
19	11/18/2020	20229R	763	Lack of Service	NA
			38	Lack of Service	NA
20	10/14/2020	20210R	38	Lack of Service	NA
			1423	Harassment	NA
			1941	Lack of Service	NA
			38	Discourtesy	NA
21	09/23/2020	20194R	1423	Harassment	NA
22	09/17/2020	20192R	2248	Discourtesy	NA
23	09/02/2020	20176R	1297	Discourtesy	NA
24	08/28/2020	20171R	1423	Discourtesy	NA
25	08/18/2020	20165R	1155	Harassment	NA

Table 9

(Citizen ID No 4620) filed twelve (12) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	11/29/2021	21237R	1577	Lack of Service	NA
2	11/01/2021	21225R	2260	Discourtesy	NA
			2260	Lack of Service	NA
3	05/10/2021	21081R	853	Discourtesy	NA

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
			1930	Discourtesy	NA
4	08/21/2020	20167R	1941	Lack of Service	NA
			1941	Discourtesy	NA
			1068	Discourtesy	NA
5	10/08/2020	20205R	853	Lack of Service	NA
6	05/13/2020	20080R	1941	Misconduct	NA
			1941	Lack of Service	NA
				Harassment	NA
			853	Lack of Service	NA
7	04/22/2020	20068R	2279	Improper Procedure	NA
			2279	Lack of Service	NA
			2096	Improper Procedure	NA
			2096	Discourtesy	NA
8	03/23/2020	20056R	1157	Discourtesy	NA
			1157	Lack of Service	NA
			1068	Discourtesy	NA
9	01/16/2020	20016R	2096	Lack of Service	NA
			1068	Lack of Service	NA
			2096	Discourtesy	NA
			1068	Discourtesy	NA
10	01/03/2020	20004R	2023	Lack of Service	NA
			5490	Lack of Service	NA
			2273	Lack of Service	NA
			1775	Lack of Service	NA
11	11/13/2019	19251R	853	Lack of Service	NA
			1930	Discourtesy	NA
			2273	Other/CPD Code	NA
12	11/21/2019	19259	2023	Lack of Service	Unfounded
			2023	Discrimination	Unfounded
			2023	Discourtesy	Unfounded
			2124	Discrimination	Unfounded
			2124	Discourtesy	Unfounded
			2124	Lack of Service	Unfounded
			78	Lack of Service	Unfounded

Table 10

(Citizen ID No 5009) filed five (5) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	01/17/2020	20020R	1384	Discourtesy	NA
2	01/17/2020	20019R	1954	Lack of Service	NA
			1076	Lack of Service	NA
3	01/17/2020	20018R	1549	Discourtesy	NA
				Lack of Service	NA

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
4	12/23/2019	19283	2046	Excessive Force	Exonerated
			2061	Excessive Force	Exonerated
			2046	Discourtesy	Unfounded
			2061	Discourtesy	Unfounded
			2046	Excessive Force (Physical)	NFR
			2061	Excessive Force (Physical)	NFR
			2046	Improper Entry	Exonerated
			2061	Improper Entry	Exonerated
5	12/23/2019	19282R	1549	Lack of Service	NA
			1549	Lack of Service	NA

Table 11

(Citizen ID No 5450) filed sixty-two (62) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	12/20/2021	21249R	1941	Lack of Service	NA
			1270	Lack of Service	NA
2	12/16/2021	21248R	1423	Harassment	NA
3	12/08/2021	21245R	724	Lack of Service	NA
4	12/06/2021	21242R	948	Discourtesy	NA
			948	Lack of Service	NA
5	11/18/2021	21231R	1423	Harassment	NA
6	11/15/2021	21229R	1423	Harassment	NA
7	11/09/2021	21224R	1423	Harassment	NA
8	11/01/2021	21223R	1423	Harassment	NA
9	10/27/2021	21221R	1941	Lack of Service	NA
			1941	Harassment	NA
10	10/14/2021	21212R	1423	Harassment	NA
11	10/13/2021	21211R	1941	Harassment	NA
12	10/11/2021	21206R	38	Lack of Service	NA
			38	Improper Procedure	NA
13	10/05/2021	21204R	754	Discourtesy	NA
			754	Lack of Service	NA
14	09/29/2021	21201	38	Discrimination	Unfounded
			38	Lack of Service	Unfounded
			1423	Harassment	Unfounded
			946	Lack of Service	Unfounded
			1423	Lack of Service	Unfounded
			2219	Lack of Service	Unfounded
			1850	Discrimination	Unfounded
			1423	Discrimination	Unfounded
			1423	Discrimination (Ethnicity)	NFR

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
			1850	Lack of Service	Unfounded
15	09/28/2021	21198R	1527	Lack of Service	NA
			38	Lack of Service	NA
16	09/24/2021	21193R	2254	Lack of Service	NA
17	09/20/2021	21188R	754	Lack of Service	NA
			38	Lack of Service	NA
18	09/03/2021	21178R	743	Lack of Service	NA
19	09/01/2021	21177R	5515	Lack of Service	NA
			38	Lack of Service	NA
20	08/30/2021	21175	5527	Excessive Force	Pending
			5527	Improper Seizure	Pending
21	08/27/2021	21173R	1423	Harassment	NA
			38	Lack of Service	NA
			1423	Lack of Service	NA
			946	Lack of Service	NA
			1423	Harassment	NA
22	08/24/2021	21167R	1423	Lack of Service	NA
			38	Lack of Service	NA
			2107	Lack of Service	NA
23	08/13/2021	21164R	1423	Discourtesy	NA
			982	Lack of Service	NA
24	07/30/2021	21151R	1423	Harassment	NA
25	07/22/2021	21142R	38	Lack of Service	NA
26	07/19/2021	21137R	38	Lack of Service	NA
			1527	Lack of Service	NA
			982	Lack of Service	NA
			1455	Discourtesy	NA
27	06/05/2021	21104R	1208	Lack of Service	NA
28	05/27/2021	21092	946	Lack of Service	Unfounded
			38	Lack of Service	Unfounded
			1423	Harassment	Unfounded
			1423	Discrimination	Unfounded
			982	Lack of Service	Unfounded
			1850	Discrimination	Unfounded
			1941	Discrimination	Unfounded
			2219	Lack of Service	Unfounded
			1423	Lack of Service	Unfounded
			982	Lack of Service	Unfounded
29	05/17/2021	21085R	1020	Lack of Service	NA
30	05/11/2021	21082R	2194	Lack of Service	NA
31	05/10/2021	21080R	38	Lack of Service	NA
32	03/09/2021	21029R	2254	Harassment	NA
			2254	Discourtesy	NA
33	03/02/2021	21026R	754	Lack of Service	NA
			2150	Lack of Service	NA

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
34	01/21/2021	21008R	2253	Lack of Service	NA
35	12/28/2020	20245R	2150	Discourtesy	NA
			2150	Lack of Service	NA
36	11/5/2020	20220R	38	Lack of Service	NA
			38	Discourtesy	NA
37	10/27/2020	20214R	2244	Discourtesy	NA
38	10/14/2020	20210R	1941	Lack of Service	NA
			1423	Harassment	NA
			38	Lack of Service	NA
39	09/02/2020	20181R	1423	Harassment	NA
			1630	Lack of Service	NA
40	08/30/2020	20172R	763	Lack of Service	NA
41	07/06/2020	20125R	38	Lack of Service	NA
			1423	Lack of Service	NA
42	05/05/2020	20073R	876	Misconduct	NA
43	02/21/2020	20041R	1801	Harassment	NA
			882	Lack of Service	NA
			968	Lack of Service	NA
			882	Harassment	NA
			1801	Lack of Service	NA
44	11/12/2019	19247R	741	Harassment	NA
45	10/25/2019	19242R	2091	Discourtesy	NA
			2091	Lack of Service	NA
46	10/07/2019	19231R	38	Misconduct	NA
			38	Lack of Service	NA
47	10/03/2019	19224R	741	Harassment	NA
48	09/19/2019	19213R	948	Discourtesy	NA
			948	Lack of Service	NA
49	09/18/2019	19209R	2150	Discourtesy	NA
			2150	Lack of Service	NA
50	08/16/2019	19190R	876	Lack of Service	NA
51	07/25/2019	19172R	1423	Lack of Service	NA
			2203	Lack of Service	NA
			1232	Lack of Service	NA
			1232	Discourtesy	NA
			38	Lack of Service	NA
52	07/10/2019	19159R	2015	Lack of Service	NA
53	07/01/2019	19146R	2242	Lack of Service	NA
54	04/10/2019	19075R	754	Lack of Service	NA
			754	Discourtesy	NA
55	04/03/2019	19070R	2119	Harassment	NA
			2040	Improper Procedure	NA
56	04/02/2019	19069R	38	Lack of Service	NA
			876	Lack of Service	NA
			1941	Lack of Service	NA

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
			1423	Lack of Service	NA
57	03/28/2019	19067R	1423	Harassment	NA
58	03/25/2019	19063R	1423	Harassment	NA
			1423	Lack of Service	NA
59	03/25/2019	19060R	876	Verbal and/or Physical Threat	NA
			1941	Lack of Service	NA
			876	Lack of Service	NA
60	03/18/2019	19056R	980	Lack of Service	NA
61	03/15/2019	19054R	1854	Discourtesy	NA
			1423	Lack of Service	NA
			1854	Lack of Service	NA
62	02/04/2019	19023R	1957	Discourtesy	NA
			1812	Discourtesy	NA
			1957	Lack of Service	NA
			1812	Lack of Service	NA

Complaint Circumstances: 2021

CCA is obligated to undertake “an examination both of circumstances that lead to complaints and opportunities to alter those circumstances.” Admin. Code, Art. XXVIII, § 4. CCA has defined a “circumstance” in its most recent Annual Report as follows: “A fact or condition accompanying an event that plays a determining role in the outcome of the event or that bears on the event, such as an underlying reason for a citizen/officer encounter or a factor that contributes to the filing of a citizen complaint.” CCA 2021 Annual Report.

The data for CCA’s circumstance categories are provided in Table 12. The top five circumstances that corresponded to complaints filed against CPD officers that were either opened for investigation or referred in 2021 included the following:

- Request for Service (28%)
- Communication (9.9%)
- Call for Service (9.6%)
- Traffic/Traffic Stop (8.9%)
- Arrest (8.5%)

The data for circumstance categories corresponding to cases that met CCA’s criteria for investigation are provided in Table 13. The top five circumstances for such cases included the following in 2021:

- Traffic/Traffic Stop (21.7%)
- Request for Service (10.3%)
- General Investigation (10.3%)
- Arrest (16.5%)
- Call for Service (5.2%)

The data for circumstances in Table 12 correspond to complaints that did not meet CCA’s criteria for investigation. CCA referred such cases to CPD. The top circumstances for such case included the following in 2021:

- Request for Service (37.3%)
- Communication (13%)
- Call for Service (11.9%)

- Harassment (9.7%)
- Arrest (4.3%) and Domestic (4.3%)

Table 12 - Circumstances for All Complaints

Circumstance	2019	2020	2021
Accident	3	3	9
Arrest	10	2	24
Bicycle Violation	1	0	0
Call For Service	1	0	27
Citation Issued	0	1	5
Communication	0	3	28
Court Order	0	0	1
Crimes Against Children	0	1	0
Criminal Investigation	4	3	6
Criminal Offense	4	2	1
Curfew	0	2	0
Death	0	0	1
Detention	0	1	1
Discharge of Firearm	1	1	0
Disorderly	1	0	0
Domestic	5	6	12
Drug Investigation	4	1	1
Foot Pursuit	0	0	1
Gang Investigation	0	0	0
General Investigation	11	7	16
Harassment	0	1	21
Impoundment	1	1	4
Internal within CPD	0	0	1
Littering	1	0	0
Misconduct Unethical	0	0	4
Nuisance Property	0	1	1
Pedestrian Stop	8	1	3
Pedestrian Violation	0	0	0
Prostitution	0	1	0
Protest	0	7	0
Request for Service	9	13	79
School Matter	0	0	0
Search	0	0	1
Sexual	0	0	4
Traffic/Traffic Stop	21	16	25
Trespass	0	1	2
Vehicle Pursuit	0	2	0
Warrant Service	3	1	3
Weapon Investigation	1	0	1

Table 13 - CCA Circumstances²

Circumstance	2019	2020	2021
Accident	34	24	4
Arrest	20	4	16
Bicycle Violation	1	0	0
Call For Service	5	2	5
Citation Issued	3	4	2
Communication	23	18	4
Criminal Investigation	21	8	3
Criminal Offense	11	6	1
Curfew	0	2	0
Death	2	1	1
Detention	0	1	0
Discharge of Firearm	1	1	0
Disorderly	1	0	0
Domestic	12	9	4
Drug Investigation	5	1	1
Foot Pursuit	0	0	1
Gang Investigation	1	1	0
General Investigation	17	15	10
Harassment	6	5	3
Impoundment	3	6	2
Internal within CPD	3	8	0
Littering	1	0	0
Misconduct Unethical	4	0	1
Nuisance Property	0	1	0
Pedestrian Stop	10	3	3
Pedestrian Violation	0	0	0
Prostitution	0	1	0
Protest	0	9	0
Request for Service	71	94	10
School Matter	1	3	0
Search	0	0	1
Sexual	0	1	0
Traffic/Traffic Stop	29	18	21
Trespass	0	1	2
Vehicle Pursuit	0	3	0
Warrant Service	4	1	2
Weapon Investigation	1	0	0

² Circumstances in this table correspond to complaints that met CCA's criteria for investigation. CCA opened such cases for investigation during the corresponding calendar years provided in this table.

Table 14 - Referred Circumstances³

Circumstance	2019	2020	2021
Accident	31	21	5
Arrest	10	2	8
Bicycle Violation	0	0	0
Call For Service	4	2	22
Citation Issued	3	3	3
Communication	23	15	24
Court Order	0	0	1
Crimes Against Children	0	0	0
Criminal Investigation	17	5	3
Criminal Offense	7	4	0
Curfew	0	0	0
Death	2	1	1
Detention	0	0	0
Discharge of Firearm	0	0	0
Disorderly	0	0	0
Domestic	7	3	8
Drug Investigation	1	0	0
Gang Investigation	1	1	0
General Investigation	6	8	6
Harassment	6	4	18
Impoundment	2	5	2
Internal within CPD	3	8	1
Littering	0	0	0
Misconduct Unethical	4	0	3
Nuisance Property	0	0	0
Pedestrian Stop	2	2	1
Pedestrian Violation	0	0	0
Prostitution	0	0	0
Protest	0	2	0
Request for Service	62	81	69
School Matter	1	3	0
Search	0	0	0
Sexual	0	1	4
Traffic/Traffic Stop	8	2	4
Trespass	0	0	0
Vehicle Pursuit	0	1	0
Warrant Service	1	0	1
Weapon Investigation	0	0	1

³ Circumstances in this table correspond to complaints that did not meet CCA's criteria for investigation. CCA referred such cases to CPD during the corresponding calendar years provided in this table.

2022 PATTERNS

Repeat Officers

In 2022, there were five (5) officers with ninety-six (96) citizen complaints filed during that year and the previous two years (2020-2021).

**Note: Many of the cases reflected in the tables below contain CCA case numbers with the letter “R” affixed to the end (e.g. “12345R”). Such a denotation signifies that the case was one that did not meet CCA’s criteria for investigation at the time the citizen filed the complaint. Such cases were referred to the Cincinnati Police Department for review and any appropriate action.*

Table 1

(Officer ID No 2187) received fourteen (14) complaints.

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
1	01/28/2022	22015	8543	Improper Search	Exonerated
2	12/06/2021	21244	8524	Improper Search	Pending
			8524	Discourtesy	Pending
3	11/15/2021	21230	8513	Improper Search	Pending
4	08/30/2021	21176	8474	Improper Stop	Pending
			8474	Pointing of a Firearm	Pending
			8474	Improper Pointing of a Firearm	Pending
5	08/10/2021	21160	8459	Harassment	Unfounded
			8459	Improper Stop	Exonerated
6	08/04/2021	21154	8453	Discourtesy	Sustained
7	03/24/2021	21045	6770	Excessive Force	Exonerated
			6770	Improper Search	Exonerated
8	01/11/2021	21004	8312	Improper Pointing of a Firearm	Exonerated
			8312	Improper Stop	Unfounded
9	12/07/2020	20238	8297	Discourtesy	NFR
			8297	Improper Stop	Exonerated
			8297	Improper Search	Exonerated
10	11/05/2020	20223	3044	Improper Search	Exonerated
11	09/24/2020	20195	8240	Harassment	Unfounded
			8240	Improper Seizure	NFR
			8240	Improper Search (Vehicle)	NFR
			8240	Discrimination	Unfounded
			8240	Improper Search	Exonerated
12	08/10/2020	20156	8192	Improper Stop	Exonerated
			8192	Other – CPD Code	NFR
			8192	Dishonesty	Not Sustained
			8192	Pointing of a Firearm	NFR

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
			8192	Improper Pointing of a Firearm	Exonerated
			8192	Improper Search	Exonerated
13	08/03/2020	20148	8178	Improper Search	Pending
			8178	Improper Procedure	Pending
			8178	Improper Entry	Pending
			8178	Search (Vehicle)	Pending
			8178	Procedure Violation (Impoundment)	Pending
14	06/26/2020	20116	7545	Improper Search	NFR
			7545	Discrimination	Unfounded
			7545	Stop (Vehicle)	NFR
			7545	Discrimination (Racial)	NFR
			7545	Discrimination	Unfounded
			3100	Improper Search	Sustained
			3100	Discrimination	Unfounded
			3100	Improper Stop	Exonerated

Table 2

(Officer ID No 38) received thirty-one (31) complaints.

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
1	12/29/2022	22283	3116	Discrimination	Unfounded
2	12/16/2022	22276R	8852	Lack of Service	NA
3	12/16/2022	22275R	8852	Lack of Service	NA
4	12/02/2022	22266R	8475	Lack of Service	NA
5	08/30/2022	22194R	8000	Abuse of Authority	NA
6	04/14/2022	22078R	5450	Lack of Service	NA
7	03/08/2022	22057R	5450	Lack of Service	NA
8	02/28/2022	22044R	5450	Criminal	NA
9	02/22/2022	22039R	5450	Lack of Service	NA
10	02/17/2022	22032R	5450	Lack of Service	NA
11	02/08/2022	22022R	5450	Lack of Service	NA
12	01/27/2022	22014R	5450	Lack of Service	NA
13	01/26/2022	22013R	5450	Lack of Service	NA
14	10/11/2021	21206R	5450	Improper Procedure	NA
			5450	Lack of Service	NA
15	09/29/2021	21201	5450	Lack of Service	NA
			5450	Discrimination	NA
16	09/28/2021	21198R	5450	Lack of Service	NA
17	09/20/2021	21188R	5450	Lack of Service	NA
18	09/01/2021	21177R	5450	Lack of Service	NA
19	08/27/2021	21173R	5450	Lack of Service	NA
20	08/24/2021	21167R	5450	Lack of Service	NA
			5450	Lack of Service	NA

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
21	07/22/2021	21142R	5450	Lack of Service	NA
22	07/19/2021	21137R	5450	Lack of Service	NA
23	05/10/2021	21080R	5450	Lack of Service	NA
24	04/28/2021	21073R	8381	Lack of Service	NA
25	03/24/2021	21044R	5021	Lack of Service	NA
26	02/02/2021	21014R	5021	Lack of Service	NA
			5021	Discourtesy	NA
27	11/18/2020	20229R	5021	Lack of Service	NA
28	11/5/2020	20220R	5450	Lack of Service	NA
			5450	Discourtesy	NA
29	10/14/2020	20210R	5021	Lack of Service	NA
			5021	Discourtesy	NA
			5450	Lack of Service	NA
30	10/12/2020	20206	8255	Harassment	Unfounded
			8255	Improper Stop	Exonerated
31	07/06/2020	20125R	5450	Lack of Service	NA

Table 3

(Officer ID No 2101) received eleven (11) complaints.

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
1	09/28/2022	22224	5491	Improper Stop	Exonerated
2	06/10/2022	22115	8673	Improper Search	Exonerated
3	03/23/2022	22065	8605	Lack of Service	Unfounded
			8605	Procedure (Vehicle Pursuit)	NFR
			8605	Improper Procedure	Unfounded
4	02/02/2022	22021	8548	Improper Search	NFR
5	01/28/2022	22015	8543	Improper Search	Exonerated
			8543	Improper Stop	Exonerated
6	11/15/2021	21230	8513	Improper Search	Pending
7	03/24/2021	21045	6770	Excessive Force	Exonerated
			6770	Improper Stop	Exonerated
8	06/16/2021	21037	8340	Improper Stop	NFR
			8340	Discrimination	Unfounded
			8340	Improper Search	Exonerated
9	03/04/2021	21027	8000	Harassment	NFR
			8000	Improper Stop	NFR
10	11/30/2020	20233	8275	Improper Search	Sustained
			8290	Discourtesy	Unfounded
			8290	Improper Stop	Exonerated
11	08/03/2020	20148	8178	Search (Vehicle)	NFR
			8178	Improper Entry	Exonerated
			8178	Improper Search	Exonerated

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
			8178	Improper Procedure	Exonerated
			8178	Procedure Violation (Impoundment)	NFR

Table 4

(Officer ID No 1423) received twenty-nine (29) complaints.

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
1	06/10/2022	22117	8677	Discrimination	Unfounded
			8677	Lack of Service	Exonerated
2	04/21/2022	22081R	5450	Harassment	NA
3	04/13/2022	22076	8622	Excessive Force	Unfounded
4	04/01/2022	22070R	5450	Harassment	NA
5	03/11/2022	22062R	5450	Harassment	NA
6	03/08/2022	22057R	5450	Criminal	NA
7	02/17/2022	22032R	5450	Harassment	NA
8	01/06/2022	22003R	8533	Lack of Service	NA
9	12/16/2021	21248R	5450	Harassment	NA
11	11/18/2021	21231R	5421	Harassment	NA
			5450	Harassment	NA
12	11/18/2021	21229R	5021	Harassment	NA
			5450	Harassment	NA
13	11/09/2021	21224R	5450	Harassment	NA
14	11/01/2021	21223R	5450	Harassment	NA
15	10/14/2021	21212R	5450	Harassment	NA
16	09/29/2021	21201	5450	Harassment	NA
			5450	Discrimination (Ethnicity)	NA
17	08/27/2021	21173R	5450	Harassment	NA
			5450	Lack of Service	NA
			5450	Harassment	NA
18	08/24/2021	21167R	5450	Lack of Service	NA
19	08/13/2021	21164R	5450	Discourtesy	NA
20	07/30/2021	21151R	5450	Harassment	NA
21	05/07/2021	21075R	5021	Harassment	NA
22	04/28/2021	21073R	8381	Lack of Service	NA
23	10/14/2020	20210R	5021	Harassment	NA
			5450	Harassment	NA
24	09/30/2020	20198R	8244	Lack of Service	NA
25	09/23/2020	20194R	5021	Harassment	NA
26	09/02/2020	20181R	5450	Harassment	NA
27	08/28/2020	20171R	4837	Discourtesy	NA
28	07/06/2020	20125R	5450	Lack of Service	NA
29	02/19/2020	20038	8036	Imp Procedure	Sustained
			8036	Imp Seizure	Exonerated

Table 5*(Officer ID No 1042) received eleven (11) complaints.*

	Date Received	CCA Case No	Citizen ID No	Allegation	CCA Disposition
1	11/22/2022	22258	8833	Discrimination	NA
			8833	Discrimination	NA
			8833	Lack of Service	NA
2	09/08/2022	22205R	8766	Lack of Service	NA
3	07/08/2021	21123	8423	Excessive Force	Sustained
			8423	Discourtesy	Sustained
4	03/04/2021	21027	8000	Improper Procedure	NFR
			8000	Improper Pointing of a Firearm	Unfounded
			8000	Pointing of a Firearm	NFR
			8000	Improper Stop	Exonerated
			8000	Harassment	NFR
			8000	Improper Procedure (BWC)	Sustained
5	01/20/2021	21007	8313	Discrimination	Not Sustained
			8313	Improper Stop	Exonerated
			8313	Improper Search	Exonerated
			8313	Discourtesy	Sustained
6	01/21/2021	21006	8314	Improper Stop	Exonerated
			8314	Improper Procedure (BWC)	Sustained
			8314	Improper Detention	NFR
			8314	Search (Person/Vehicle)	NFR
			8314	Improper Search	Exonerated
			8314	Improper Search	Exonerated
			8314	Improper Procedure	Sustained
			8314	Improper Procedure (Contact Card)	Sustained
7	11/13/2020	20227	8285	Pointing of a Firearm	NFR
			8285	Improper Seizure	Exonerated
			8285	Improper Search (Vehicle)	NR
			8285	Improper Stop	Exonerated
			8285	Improper Search	Exonerated
8	11/05/2020	20223	3044	Improper Search	Exonerated
9	10/29/2020	20215	6151	Improper Search	Sustained
			6151	Discourtesy	Sustained
10	09/14/2020	20189	7605	Excessive Force (Physical)	NFR
			7605	Lack of Service	Unfounded
			7605	Discourtesy	Sustained
			7605	Excessive Force	Unfounded
11	06/26/2020	20116	3100	Discourtesy	Sustained
			3100	Discrimination	Not Sustained
			7545	Improper Search	Exonerated
			7545	Improper Procedure	Sustained

Repeat Citizen Complainants

There were six (6) repeat citizen complainants with one-hundred and twelve (112) complaints during the three year period from 2020 through 2022.

Table 6

(Citizen ID No 7389) filed five (5) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	11/21/2022	22257	1941	Discrimination	Unfounded
2	08/08/2022	22177R	1941	Lack of Service	NA
			1941	Discourtesy	NA
3	10/13/2021	21210	1880	Discourtesy	Unfounded
			9	Discourtesy	Unfounded
			5529	Discourtesy	Unfounded
			2008	Discrimination	Unfounded
			2040	Discourtesy	Unfounded
			5512	Discourtesy	Unfounded
			2008	Lack of Service	Sustained
			2008	Discourtesy	Sustained
			5501	Discourtesy	Unfounded
4	09/28/2021	21200R	1941	Lack of Service	NA
5	03/11/2020	20053R	1782	Lack of Service	NA

Table 7

(Citizen ID No 8088) filed four (4) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	07/01/2021	21120R	92	Lack of Service	Non-jurisdiction
2	07/23/2020	20142R	2305	Lack of Service	NA
			2284	Lack of Service	NA
3	06/18/2020	20109R	2282	Lack of Service	NA
			92	Lack of Service	NA
4	05/08/2020	20078R	2282	Lack of Service	NA
			92	Lack of Service	NA

Table 8

(Citizen ID No 5536) filed six (6) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	09/24/2021	21194R	1653	Lack of Service	NA
2	07/20/2021	21138R	2253	Lack of Service	NA

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
3	05/07/2021	21077R	2291	Discourtesy	NA
4	11/12/2020	20226R	876	Discourtesy	NA
			1941	Lack of Service	NA
5	11/02/2020	20219R	766	Discourtesy	NA
			766	Lack of Service	NA
			2291	Lack of Service	NA
6	8/17/2020	20162R	59	Lack of Service	NA
			5516	Lack of Service	NA

Table 9

(Citizen ID No 5021) filed twenty-eight (28) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	12/27/2022	22282	2268	Lack of Service	NA
2	02/10/2022	22025	1760	Discourtesy	NA
3	01/19/2022	22008	1941	Lack of Service	NA
4	12/06/2021	21242	948	Lack of Service	NA
			948	Discourtesy	NA
5	11/18/2021	21231	1423	Harassment	NA
6	11/15/2021	21229	1423	Harassment	NA
7	09/29/2021	21201	38	Discrimination	Unfounded
			1423	Harassment	Unfounded
			38	Lack of Service	Unfounded
			1850	Lack of Services	Unfounded
			1602	Discrimination	Unfounded
			946	Lack of Service	Unfounded
			1423	Discrimination	Unfounded
			2219	Lack of Service	Unfounded
			1850	Discrimination	Unfounded
			1423	Lack of Services	Unfounded
8	08/24/2021	21167	2107	Lack of Service	NA
			38	Lack of Service	NA
9	07/22/2021	21141	1830	Lack of Service	NA
			1830	Discourtesy	NA
10	07/13/2021	21132	2254	Discourtesy	NA
			2254	Lack of Service	NA
11	06/18/2021	21111	1382	Lack of Service	NA
12	06/05/2021	21104	1208	Lack of Service	NA
13	06/03/2021	21103	1527	Discourtesy	NA
			1527	Lack of Service	NA
14	05/27/2021	21092	982	Lack of Service	Unfounded
			1602	Discrimination	Unfounded
			1602	Discourtesy	NFR
			1423	Discrimination	Unfounded

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
			1423	Lack of Service	Unfounded
			982	Lack of Service	Unfounded
			946	Lack of Service	Unfounded
			2219	Lack of Service	Unfounded
			1423	Harassment	Unfounded
			1941	Discrimination	NFR
			1850	Discrimination	Unfounded
			38	Lack of Service	Unfounded
15	05/17/2021	21085R	1020	Lack of Service	NA
16	05/11/2021	21082R	1811	Lack of Service	NA
17	05/07/2021	21075R	1423	Harassment	NA
18	04/01/2021	21051R	1782	Lack of Service	NA
			1782	Discourtesy	NA
19	03/31/2021	21048	2121	Lack of Service	NA
20	03/24/2021	21044	38	Lack of Service	NA
21	02/02/2021	21014	38	Discourtesy	NA
			876	Lack of Service	NA
			38	Lack of Service	NA
22	11/18/2020	20229R	763	Lack of Service	NA
			38	Lack of Service	NA
23	10/14/2020	20210R	38	Lack of Service	NA
			1423	Harassment	NA
			1941	Lack of Service	NA
			38	Discourtesy	NA
24	09/23/2020	20194R	1423	Harassment	NA
25	09/17/2020	20192R	2248	Discourtesy	NA
26	09/02/2020	20176R	1297	Discourtesy	NA
27	08/28/2020	20171R	1423	Discourtesy	NA
28	08/18/2020	20165R	1155	Harassment	NA

Table 10

(Citizen ID No 4620) filed eleven (11) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	02/16/2022	22031	1988	Lack of Service	NA
			2245	Discourtesy	NA
			2245	Lack of Service	NA
2	11/29/2021	21327	1577	Lack of Service	NA
3	11/1/2021	21225	2260	Discourtesy	NA
			2260	Lack of Service	NA
4	05/10/2021	21081	853	Discourtesy	NA
			1930	Discourtesy	NA
5	10/08/2020	20205	853	Lack of Service	NA

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
			853	Discourtesy	NA
6	08/21/2020	20167	1941	Lack of Service	NA
			1941	Discourtesy	NA
			1068	Discourtesy	NA
7	05/13/2020	20080R	1941	Misconduct	NA
			1941	Lack of Service	NA
			1941	Harassment	NA
			853	Lack of Service	NA
8	04/22/2020	20068R	2279	Improper Procedure	NA
			2279	Lack of Service	NA
			2096	Improper Procedure	NA
			2096	Discourtesy	NA
9	03/23/2020	20056R	1157	Discourtesy	NA
				Lack of Service	NA
			1068	Discourtesy	NA
10	01/16/2020	20016R	2096	Lack of Service	NA
			1068	Lack of Service	NA
			2096	Discourtesy	NA
			1068	Discourtesy	NA
11	01/03/2020	20004R	2023	Lack of Service	NA
			5490	Lack of Service	NA
			2273	Lack of Service	NA
			1775	Lack of Service	NA

Table 11

(Citizen ID No 5450) filed fifty-eight (58) complaints.

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
1	04/21/2022	22081R	1423	Harassment	NA
2	04/14/2022	22078R	754	Lack of Service	NA
			38	Lack of Service	NA
3	04/01/2022	22070R	1423	Harassment	NA
4	03/11/2022	22062R	1423	Harassment	NA
5	03/08/2022	22057R	38	Lack of Service	NA
			1423	Criminal	NA
6	03/07/2022	22054R	2029	Discourtesy	NA
7	02/28/2022	22044	38	Criminal	NA
8	02/22/2022	22039	38	Lack of Service	NA
9	02/17/2017	22032	38	Lack of Service	NA
			1423	Harassment	NA
10	02/10/2022	22025	1760	Lack of Service	NA
11	02/08/2022	22022	754	Lack of Service	NA

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
			38	Lack of Service	NA
12	01/31/2022	22017	2198	Lack of Service	NA
			2198	Discourtesy	NA
13	01/27/2022	22014	38	Lack of Service	NA
14	01/26/2022	22013	38	Lack of Service	NA
15	01/19/2022	22008	1941	Lack of Service	NA
16	12/20/2021	21249R	1941	Lack of Service	NA
			1270	Lack of Service	NA
17	12/16/2021	21248R	1423	Harassment	NA
18	12/08/2021	21245R	724	Lack of Service	NA
19	12/06/2021	21242R	948	Discourtesy	NA
			948	Lack of Service	NA
20	11/18/2021	21231R	1423	Harassment	NA
21	11/15/2021	21229R	1423	Harassment	NA
22	11/09/2021	21224R	1423	Harassment	NA
23	11/01/2021	21223R	1423	Harassment	NA
24	10/27/2021	21221R	1941	Lack of Service	NA
			1941	Harassment	NA
25	10/14/2021	21212R	1423	Harassment	NA
26	10/13/2021	21211R	1941	Harassment	NA
27	10/11/2021	21206R	38	Lack of Service	NA
			38	Improper Procedure	NA
28	10/05/2021	21204R	754	Discourtesy	NA
			754	Lack of Service	NA
29	09/29/2021	21201	38	Lack of Service	Pending
			38	Discrimination	Pending
			1423	Harassment	Pending
			1423	Discrimination (Ethnicity)	Pending
30	09/28/2021	21198R	1527	Lack of Service	NA
			38	Lack of Service	NA
31	09/24/2021	21193R	2254	Lack of Service	NA
32	09/20/2021	21188R	754	Lack of Service	NA
			38	Lack of Service	NA
33	09/03/2021	21178	743	Lack of Service	NA
34	09/01/2021	21177R	5515	Lack of Service	NA
			38	Lack of Service	NA
35	08/30/2021	21175	5527	Excessive Force	Pending
			5527	Improper Seizure	Pending
36	08/27/2021	21173R	1423	Harassment	NA
			38	Lack of Service	NA
			1423	Lack of Service	NA
			946	Lack of Service	NA
			1423	Harassment	NA
37	08/24/2021	21167R	1423	Lack of Service	NA
			38	Lack of Service	NA
			2107	Lack of Service	NA
38	08/13/2021	21164R	1423	Discourtesy	NA

	Date Received	CCA Case No	Officer ID No	Allegation	CCA Disposition
			982	Lack of Service	NA
39	07/30/2021	21151R	1423	Harassment	NA
40	07/22/2021	21142R	38	Lack of Service	NA
41	07/19/2021	21137R	38	Lack of Service	NA
			1527	Lack of Service	NA
			982	Lack of Service	NA
			1455	Discourtesy	NA
42	06/05/2021	21104R	1208	Lack of Service	NA
43	05/27/2021	21092	1941	Discrimination	Pending
			982	Lack of Service	Pending
44	05/17/2021	21085R	1020	Lack of Service	NA
45	05/11/2021	21082R	2194	Lack of Service	NA
46	05/10/2021	21080R	38	Lack of Service	NA
47	03/09/2021	21029R	2254	Harassment	NA
			2254	Discourtesy	NA
48	03/02/2021	21026R	754	Lack of Service	NA
			2150	Lack of Service	NA
49	01/21/2021	21008R	2253	Lack of Service	NA
50	12/28/2020	20245R	2150	Discourtesy	NA
			2150	Lack of Service	NA
51	11/5/2020	20220R	38	Lack of Service	NA
			38	Discourtesy	NA
52	10/27/2020	20214R	2244	Discourtesy	NA
53	10/14/2020	20210R	1941	Lack of Service	NA
			1423	Harassment	NA
			38	Lack of Service	NA
54	09/02/2020	20181R	1423	Harassment	NA
			1630	Lack of Service	NA
55	08/30/2020	20172R	763	Lack of Service	NA
56	07/06/2020	20125R	38	Lack of Service	NA
			1423	Lack of Service	NA
57	05/05/2020	20073R	876	Misconduct	NA
58	02/21/2020	20041R	1801	Harassment	NA
			882	Lack of Service	NA
			968	Lack of Service	NA
			882	Harassment	NA
			1801	Lack of Service	NA

Complaint Circumstances: 2022

CCA is obligated to undertake “an examination both of circumstances that lead to complaints and opportunities to alter those circumstances.” Admin. Code, Art. XXVIII, § 4.

CCA has defined a “circumstance” in its most recent Annual Report as follows: “A fact or condition accompanying an event that plays a determining role in the outcome of the event or that bears on the event, such as an underlying reason for a citizen/officer encounter or a factor that contributes to the filing of a citizen complaint.” CCA 2021 Annual Report.

Effective July 1, 2022, CCA began identifying and tracking three (3) different types of circumstances: A) Reason for Contact, B) Alleged Factors, and C) Confirmed Factors.

A “Reason for Contact” is fact associated with the police-citizen contact in question that serves as an underlying reason for the contact or interaction, where there is a reasonable basis to believe that such fact is an underlying reason for the contact or interaction.

An “Alleged Factor” is a fact, condition, or detail (irrespective of whether that fact, condition, or detail is real, perceived, or merely claimed) that comes from information provided by a complainant (or from someone on whose behalf an allegation has been made), and that is associated with an allegation against a police officer.

A “Confirmed Factor” is a fact, condition, or detail that is associated with a complaint—and that results from evidence obtained during CCA’s completed investigation into that complaint—where there is a reasonable basis to believe that such fact, condition, or detail occurred or was present.

Data for two of those types of circumstances (“Reason for Contact” and “Alleged Factors”) are listed below and are provided in detail in Tables 12 through 13.⁴

Reason for Contact

The top three “Reasons for Contact” related to **all complaints received** and reviewed by CCA included the following in 2022:

1. Criminal Investigation (13%)
2. Request for Service - Other (10%)
3. Request for Service (9%)

The top three “Reasons for Contact” related to **all cases opened for investigation** by CCA included the following in 2022:

1. Criminal Investigation (14%)
2. Traffic Stop – Other (11%)
3. Request for Service – Misdemeanor (8%)

The top three “Reasons for Contact” related to **all complaints referred** included the following in 2022:

1. Request for Service (18%)
2. Request for Service (Other) – (15%)
3. Criminal Investigation (11%)

Alleged Factors

The top five “Alleged Factors” related to **all complaints received** and reviewed by CCA included the following in 2022:

1. Arrest (12%)
2. Detention (7%)
3. Search – Person (4%)
4. Search – Vehicle and Stop - Pedestrian (5%)
5. Stop – Vehicle (6%)

The top five “Alleged Factors” related to **all cases opened for investigation** by CCA included the following in 2022:

⁴ This report does not provide data for “Confirmed Factors” because some investigations that were opened in 2022 were not yet completed as of the publication date for this report.

1. Arrest (13%)
2. Detention (8%)
3. Stop – Vehicle (7%)
4. Search – Vehicle (6%)
5. Stop – Pedestrian (3%)

The top five “Alleged Factors” related to **all complaints referred** included the following in 2022:

6. Criminal – Other (9%)
7. Arrest (9%)
8. Citation Issued (9%)
9. Stop – Pedestrian (6%)
10. Property Seizure (6%)

Table 12.A. – Reason-for-Contact Circumstances for All Complaints Received

Reason-for-Contact Circumstances for All Complaints Received	2022
Accident	23
Arrest	6
Arrest Warrant	5
Assault – Observed	2
Assault – Request for Service	14
Call For Service	9
Citation Issued	7
Communication	12
Crimes Against Children	1
Criminal Investigation	44
Criminal Offense	6
Criminal Offense Observed	3
Death	1
Discharge of Firearm	1
Disorderly	2
Disorderly – Observed	3
Domestic	1
Domestic Violence	8
Drug Investigation – Cocaine	1
Drug Investigation – Hand to hand	1
Drug Investigation – Heroin	1
Drug Investigation – Marijuana	2
Drug Investigation – Other Drug	1
Firearm Investigation	6
General Investigation	5
General Investigation – Non-criminal	11
Harassment	4
Internal Within CPD	1
Impoundment	1
Littering	1
Misconduct Unethical	1

Reason-for-Contact Circumstances for All Complaints Received	2022
Pedestrian Stop	1
Pedestrian Violation	2
Request for Service ⁵	33
Request for Service – Felony	6
Request for Service – Misdemeanor	23
Request for Service – Other	35
Traffic Stop – Failure to Sign	4
Traffic Stop – Other	21
Traffic Stop – Speeding	1
Traffic Stop – Tinted Windows	4
Traffic/Traffic Stop ⁶	12
Trespass Request for Service	1
Unable to Determine	1
Use of Weapon by Officer	1
Vehicle Pursuit	1
Verbal Threat to Complainant	2
Verbal Threat to Non-officer	2
Warrant Service	11
Weapon Perceived	5

Table 12.B. – Reason-for-Contact Circumstances for CCA Investigations Opened⁷

Reason-for-Contact Circumstances for CCA Investigations Opened	2022
Accident	11
Arrest	3
Arrest Warrant	4
Assault – Observed	1
Assault – Request for Service	7
Call For Service	3
Citation Issued	2
Communication	5
Criminal Investigation	25
Criminal Offense	2
Criminal Offense Observed	3
Death	1
Discharge of Firearm	1
Disorderly	2
Disorderly – Observed	3

⁵ Starting in July of 2022, CCA stopped using the “Request for Service” classification for circumstances and instead began using “Request for Service – Misdemeanor,” “Request for Service – Felony,” and “Request for Service – Other” so as to better track different kinds of requests/calls for service.

⁶ Starting in July of 2022, CCA stopped using the “Traffic/Traffic Stop” classification for circumstances and instead began using “Traffic Stop – Failure to Signal,” “Traffic Stop – Speeding,” “Traffic Stop – Tinted Windows,” and “Traffic Stop - Other” so as to better track different kinds of traffic stops.

⁷ Circumstances in this table correspond to complaints received in 2022 that met CCA’s criteria for investigation. CCA opened such cases for investigation.

Reason-for-Contact Circumstances for CCA Investigations Opened	2022
Domestic Violence	6
Drug Investigation – Hand to hand	1
Drug Investigation – Marijuana	2
Drug Investigation – Other Drug	1
Firearm Investigation	5
General Investigation	4
General Investigation – Non-criminal	4
Impoundment	1
Littering	1
Pedestrian Stop	1
Pedestrian Violation	2
Request for Service	3
Request for Service – Felony	2
Request for Service – Misdemeanor	15
Request for Service – Other	10
Traffic Stop – Failure to Sign	4
Traffic Stop – Other	20
Traffic Stop – Speeding	1
Traffic Stop – Tinted Windows	3
Traffic/Traffic Stop	7
Use of Weapon by Officer	1
Vehicle Pursuit	1
Verbal Threat to Non-officer	1
Warrant Service	11
Weapon Perceived	4

Table 12.C. – Reason-for-Contact Circumstances for Complaints Referred⁸

Reason-for-Contact Circumstances for Complaints Referred	2022
Accident	12
Arrest	3
Arrest Warrant	1
Assault – Observed	1
Assault – Request for Service	7
Call For Service	6
Citation Issued	5
Communication	7
Crimes Against Children	1
Criminal Investigation	19
Criminal Offense	4

⁸ Circumstances in this table correspond to complaints received in 2022 that did not meet CCA’s criteria for investigation. CCA referred such cases to the Cincinnati Police Department.

Reason-for-Contact Circumstances for Complaints Referred	2022
Domestic	1
Domestic Violence	2
Drug Investigation – Cocaine	1
Drug Investigation – Heroin	1
Firearm Investigation	1
General Investigation	1
General Investigation – Non-criminal	7
Harassment	4
Internal within CPD	1
Misconduct Unethical	1
Request for Service	30
Request for Service – Felony	4
Request for Service – Misdemeanor	8
Request for Service – Other	25
Traffic Stop – Tinted Windows	1
Traffic/Traffic Stop	5
Traffic Stop – Other	1
Trepass – Request for Service	1
Unable to Determine	1
Verbal Threat to Complainant	2
Verbal Threat to Non-officer	1
Weapon Perceived	1

Table 13.A: Alleged-Factor Circumstances for All Complaints Received

Alleged Factors for All Complaints Received	Total
Accident	4
Arrest	34
Assault - Request for Service	1
Citation Issued	14
Communication (Other)	1
Communication (Profanity)	7
Criminal (Other)	8
Criminal (Theft)	1
Criminal Investigation	2
Detention	19
Discharge of Firearm (Officer)	1
Discrimination (Age)	2
Discrimination (Color)	7
Discrimination (Disability)	4
Discrimination (Ethnicity)	5
Discrimination (Gender Expression and Identity)	1
Discrimination (National Origin)	1
Discrimination (Racial)	10
Discrimination (Sex)	1
Dishonesty	1
Disorderly - Observed	1
Entry (Residence)	7
Entry (Vehicle)	1
General Non-criminal Investigation	4
Injury (Complainant)	3
Pointing of Firearm (Officer)	3
Pointing of TASER	5
Procedure (BWC - Failure to Activate)	2
Procedure (Completing Citation)	1
Procedure (Impoundment)	2
Procedure (Notifications to Supervisor)	1
Procedure (Ordinance Enforcement)	2
Procedure (Property and Evidence)	3
Procedure (Reason for Detention)	1
Profiling	2
Property Seizure	6
Repeated Contact	2
Request for Service - Felony	1
Request for Service - Misdemeanor	1
Request for Service - Other	2
Search (Person)	11
Search (Residence)	2
Search (Vehicle)	14

Alleged Factors for All Complaints Received	Total
Search (Wallet)	1
Search Warrant	1
Sexual	3
Sexual (RapeSexOffense)	2
Stop (Pedestrian)	14
Stop (Vehicle)	17
Traffic Stop - Other	1
Use of Force (Choking)	4
Use of Force (Escorting)	4
Use of Force (Handcuffing)	10
Use of Force (Hard Hands)	9
Use of Force (Knee to the Back)	1
Use of Force (Takedown)	4
Use of Force (Taser)	4
Verbal Threat to Complainant	1

Table 13.B: Alleged-Factor Circumstances for CCA Investigations Opened⁹

Alleged Factors for CCA Investigations Opened	Total
Accident	3
Arrest	31
Citation Issued	11
Communication (Other)	1
Communication (Profanity)	6
Criminal (Other)	5
Criminal (Theft)	1
Criminal Investigation	1
Detention	19
Discharge of Firearm (Officer)	1
Discrimination (Age)	2
Discrimination (Color)	7
Discrimination (Disability)	4
Discrimination (Ethnicity)	5
Discrimination (Gender Expression and Identity)	1
Discrimination (National Origin)	1
Discrimination (Racial)	10
Discrimination (Sex)	1
Entry (Residence)	7
Entry (Vehicle)	1
Frisk	4
General Non-criminal Investigation	3

⁹ Circumstances in this table correspond to complaints received in 2022 that met CCA's criteria for investigation. CCA opened such cases for investigation.

Alleged Factors for CCA Investigations Opened	Total
Injury (Complainant)	2
Pointing of Firearm (Officer)	3
Pointing of TASER	5
Procedure (BWC - Failure to Activate)	2
Procedure (Impoundment)	1
Procedure (Notifications to Supervisor)	1
Procedure (Ordinance Enforcement)	1
Procedure (Property and Evidence)	2
Procedure (Reason for Detention)	1
Profiling	1
Property Seizure	3
Repeated Contact	1
Request for Service - Other	1
Search (Person)	11
Search (Residence)	2
Search (Vehicle)	14
Search (Wallet)	1
Search Warrant	1
Sexual	2
Sexual (RapeSexOffense)	1
Stop (Pedestrian)	12
Stop (Vehicle)	17
Traffic Stop - Other	1
Use of Force (Choking)	4
Use of Force (Escorting)	4
Use of Force (Handcuffing)	10
Use of Force (Hard Hands)	9
Use of Force (Knee to the Back)	1
Use of Force (Takedown)	4
Use of Force (Taser)	4
Verbal Threat to Complainant	1

Table 13.C: Alleged-Factor Circumstances for Complaints Referred¹⁰

Alleged Factors for Complaints Referred	Total
Accident	1
Arrest	3
Assault - Request for Service	1

¹⁰ Circumstances in this table correspond to complaints received in 2022 that did not meet CCA's criteria for investigation. CCA referred such cases to the Cincinnati Police Department.

Alleged Factors for Complaints Referred	Total
Citation Issued	3
Communication (Profanity)	1
Criminal (Other)	3
Criminal Investigation	1
Dishonesty	1
Disorderly - Observed	1
General Non-criminal Investigation	1
Injury (Complainant)	1
Procedure (Completing Citation)	1
Procedure (Impoundment)	1
Procedure (Ordinance Enforcement)	1
Procedure (Property and Evidence)	1
Profiling	1
Property Seizure	2
Repeated Contact	1
Request for Service - Felony	1
Request for Service - Misdemeanor	1
Request for Service - Other	1
Sexual	1
Sexual (RapeSexOffense)	1
Stop (Pedestrian)	2
Use of Force (TASER)	1

2021 Recommendations

CCA made thirty-four (34) total recommendations. Those recommendations are excerpted below, along with corresponding responses by the Cincinnati Police Department. The recommendations, including any associated justifications, are reproduced in their entirety in the Appendix to this Report.

Recommendation Summaries and Responses

BWC Policy/Procedure

CCA #18217	<p>1. CCA Recommendation: In the past, CCA has expressed concern regarding discrepancies between the complainants and police officers on the issue of improper entries and improper searches. While BWCs are primarily worn by uniformed officers, CCA expressed concern during the BWC Policy implementation period regarding scenarios where plainclothes officers should be required to wear BWCs.</p> <p>CPD Response: CPD is in agreement.</p> <p>As of 4/15/21, Procedure 12.540, Body Worn Camera System, requires, “Plainclothes officers wearing the external vest carrier when enforcement action is possible will wear and power on their BWC and follow activation procedures herein”.</p>
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Discriminatory Harassment Procedure

CCA #18247	<p>2. CCA Recommendation: CCA recommends that CPD adopt a policy and practice that for any case or complaint involving an allegation that an officer directed a slur at a member of public, where either CCA or IIS has determined that a Sustained finding is appropriate, and where that Sustained finding is predicated at least in part on a determination that the officer violated Administrative Regulation 25 on Discriminatory Harassment, CPD will adjudicate the matter as a potential violation of Manual of Rules and Regulations § 1.23(C) for purposes of any resulting disciplinary hearing and application of CPD’s disciplinary matrix.</p> <p>CPD Response: CPD is in agreement.</p> <p>Whenever the Police Chief sustains a finding in an IIS investigation that an officer used a slur and is in violation of Administrative Regulation 25 on Discriminatory Harassment, CPD pursues that as a violation of Rule 1.23 (C) of the Manual of Rules and Regulations.</p>
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Use of Force Policy/Procedure

CCA #18247	<p>3. CCA Recommendation: As with all of its investigations, including this one, CCA examines serious allegations, which among other things requires CCA to evaluate the credibility of all witnesses (including police officers) who have provided statements to CCA regarding the allegations at issue. This evaluation often includes a credibility assessment of a subject officer's statements (and prior statements) pertaining to that officer's actions and state of mind with respect to those actions.</p> <p>CPD Response: CPD is not in agreement.</p> <p>All uses of force, including the use of "hard hands," are investigated by a supervisor of a higher rank than the officer using force. The supervisor responds to the scene and interviews all involved officers and witnesses. That supervisor has been trained in conducting investigations into uses of force. The supervisor prepares a comprehensive report, which is then reviewed by multiple higher-ranking supervisors, command officers, and the Inspections Section. If more than the necessary amount of force is used or there is an allegation of excessive force, then IIS will investigate the use of force. No further action is necessary at this time.</p>
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Use of Force Policy/Procedure

CCA Nos. 18169, 19151, 19163, 19206	<p>4. CCA Recommendation: Medical Aid to Subjects Wounded by UOF. CCA recommends that CPD include a provision in its Use of Force policy (Procedure 12.545) that requires officers, where feasible, to provide first aid following uses of force that result in a citizen's injury. Current policy, as articulated in Procedure 12.545, states, "Once the scene is stabilized and it is safe to do so, officers may administer CPR or basic first aid, if appropriate." (Emphasis added.) CPD should revise this language to state that officers "shall" or "must" administer such aid "if appropriate," making such assistance mandatory unless it is not feasible to provide it.</p> <p>CPD Response: CPD is in agreement.</p> <p>Procedure 12.545, Use of Force includes: Following any use of force resulting in a citizen's injury, officers will summon Cincinnati Fire Department (CFD) personnel to provide emergency medical treatment. Once the scene is stabilized and it is safe to do so, officers will administer lifesaving CPR or basic first aid consistent with their training, if appropriate.</p>
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Use of Force Policy/Procedure

CCA No. 19047	<p>5. CCA Recommendation: CCA understands that incidents involving people who are displaying non-compliant behavior can be challenging and stressful situations for CPD officers. In these situations, officers may not realize that they have prolonged a TASER deployment. To minimize the risk that excessive use will occur, CCA recommends that CPD further develop the TASER/Conducted Electrical Weapon (CEW) section of CPD Procedure § 12.545 Use of Force, particularly the portion regarding avoidance of prolonged, extended, uninterrupted discharges or extensive multiple discharges.</p> <p>CPD Response: Per City Law Department, this matter is still under litigation. Once concluded, any litigated outcomes will be reflected in Department policy.</p>
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Use of Force Policy/Procedure

CCA No. 19135	<p>6. CCA Recommendation: 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.”</p> <p>CPD Response: CPD is not in agreement.</p> <p>CPD policy is the same as the National Consensus Policy in that choke holds are permissible only in deadly force encounters. No further action is necessary at this time.</p>
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Use of Force Policy/Procedure

CCA No. 20058	<p>7. CCA Recommendation: As it relates to the use of force reporting requirements in CPD Procedure §12.545 for the use of “hard hands,” CCA recommends that CPD include language that broadens its reporting mandate to require the completion of a written use of force report and reporting of that force to a supervisor, by whichever officers use hard hands, irrespective of whether those officers make an arrest. One way to broaden this mandate would be to change the phrase “arresting officer” in the reporting provisions of §12.545 so that it reads “each officer who uses force.”</p> <p>CPD Response: CPD is in agreement.</p> <p>Procedure 12.545, Use of Force requires supervisors to conduct a thorough investigation and document in Axon Standards whenever any officers use “hard hands” which is defined as a leverage displacement, joint manipulation, pain compliance, or pressure point tactic. This investigation is then subject to command staff review as are other uses of force.</p>
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Use of Force Policy/Procedure

CCA No. 19235	<p>8. CCA Recommendation: CCA recommends that CPD consider a revision of CPD Procedure §12.545 Use of Force that would bring that policy into greater alignment with CPD’s Tactical Patrol Guide by adopting the Patrol Guide’s instruction that officers should generally not withdraw their TASERS from their holsters under circumstances where the discharge of those TASERS would be impermissible or before it would be permissible to discharge a TASER.</p> <p>CPD Response: CPD agrees in part.</p> <p>Procedure 12.545, Use of Force, and CPD’s Tactical Patrol Guide should be consistent. However, display of the Taser should be considered a separate and lesser included level on the use of force continuum. It is preferable to obtain compliance through the threat of the use of force (i.e., the display of the Taser) than to obtain it through the actual deployment of the Taser. CPD changed the Tactical Patrol Guide to match Procedure 12.545, Use of Force.</p>
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Mental Health Policy/Procedure

CCA #18169	<p>9. CCA Recommendation: Mental Health. CCA recommends that CPD create a risk assessment tool for use in planning all executions of search or residential arrest warrants</p>
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	<p>that specifically requires an officer to conduct a preliminary investigation into the mental health status of the person who is the subject of the warrant, where such an inquiry is feasible.</p> <p>CPD Response: CPD agrees, in part.</p> <p>Officers conducting search warrants or high-risk arrest warrants involving a suspected mentally ill individual have access to a 24-hour a-day Mental Health Access Point hotline for assistance with premise histories of known mentally ill individuals and other psychiatric information, as permitted by law. Officers serving search warrants make adjustments to their tactical plan if there is reason to believe mental health issues may come into play during the execution of an arrest or search warrant. During every instance of a barricaded individual, SWAT negotiators conduct additional investigations into the individual's mental health status.</p>
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Mental Health Policy/Procedure

<p>CCA #19163, 19151</p>	<p>10. CCA Recommendation: Mental Health. CCA recommends that CPD:</p> <ul style="list-style-type: none"> (i) amend its policies and make corresponding adjustments to its training in order to clarify the circumstances under which a person who is suffering from a mental health crisis may be charged criminally when the charges are related to the crisis, and (ii) strengthen its presumption against such charges. <p>CPD Response: CPD Agrees.</p> <p>Mental Health evaluation and treatment is a complex topic. Unquestionably, it exceeds the training and expertise of police officers. Accordingly, officers should not be expected to make such determinations. Based on legal guidance from the City Solicitor, Medical professionals should make those decisions. Similarly, a court should make criminal culpability judgments with the benefit of expert guidance. The City is currently exploring diversion initiatives that will provide additional options with coordination across departments.</p>
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CPD Review Boards

<p>CCA Nos. 18097, 18169, 18178, 19151, 19163, 19206</p>	<p>11. CCA Recommendation: CPD Review Boards. CCA recommends that CPD convene the Firearms Discharge Board (FDB) or Critical Incident Review Board (CIRB) for all critical firearm discharges, and that it do so upon the conclusion of any criminal investigation into those shootings. CCA requested a copy of CPD's FDB report for all officer-involved shootings that occurred in 2018 and 2019, but CCA has not yet received such reports, and our understanding is that neither review board has yet to be convened for those shootings.</p> <p>CPD Response: CPD agrees in part.</p> <p>All critical firearm discharges, which include all shots fired outside of training, are subject to review by the Firearms Discharge Board (FDB), the convening of which must happen after both the criminal and internal investigations are complete as those findings are included in the FDB review.</p>
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Critical Incident Review or Firearm Discharge Board

<p>CCA Nos. 18169, 19151, 19163, 19206</p>	<p>12. CCA Recommendation: CCA recommends that at the next opportunity, CPD amend its policy regarding the Critical Incident Review Board (CIRB), found in CPD Procedure § 12.545 Use of Force (Revised 01/28/21), to include in its “Investigative Format and Report” section the explicit requirement that CIRB will determine.</p> <ul style="list-style-type: none">(i) whether the use of additional de-escalation techniques was possible, and(ii) whether the officer(s) involved properly considered and followed CPD’s policies, training, and protocols for addressing persons with mental illness. Similar changes should be made to CPD’s policy governing its Firearms Discharge Board (FDB). <p>CPD Response: CPD is in agreement.</p> <p>Procedure 12.545, Use of Force with a revision date of 2/17/22, requires the Firearms Discharge and Critical Incident Review Boards to determine:</p> <ul style="list-style-type: none">a) whether all uses of force during the encounter were consistent with Department policy and training,b) whether the officer(s) involved employed proper tactics,c) whether lesser force options were available, andd) whether changes to protocols, procedures, and training may be appropriate. <p>De-escalation techniques are taught to all sworn CPD police officers.</p>
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Critical Incident Review or Firearm Discharge Board

<p>CCA No. 19047</p>	<p>13. CCA Recommendation: Effective consistent review processes are key to ensure that operational practices align with policy and training. For future cases like this one involving an allegation of Excessive Force involving a TASER, CCA recommends that CPD convene its Critical Incident Review Board (CIRB), consistent with CPD Procedure § 12.545 Use of Force, in order to serve as “a quality control mechanism for the incident being reviewed” with the “authority and responsibility to recommend to the Police Chief changes in investigative protocols, procedures, and training.”</p> <p>CPD Response: CPD is not in agreement.</p> <p>A mere allegation of excessive force does not rise to the level of a critical incident. Allegations of excessive force are investigated by CPD’s Internal Investigations Section and CCA. Once investigated, they may then be assigned by the Police Chief to a CIRB review. No further action is necessary at this time.</p>
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Harassment

CCA No. 18241	<p>14. CCA Recommendation: 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.</p> <p>CPD Response: CPD is not in agreement.</p> <p>CCA and CPD investigations address allegations of employee misconduct. However, procedures are reviewed, and applicable changes/revisions are made if patterns of specific negative conduct are identified but not already addressed within departmental guidelines.</p>
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Tracking System

CCA No 19252	<p>15. CCA Recommendation: CCA attempted to locate the contact card in this matter. The applicable policy and procedure were implemented to keep track of the number, types, and other demographic information for stops conducted by CPD. If contact cards are not located or cannot be found, not only can this pose a problem for the officer but signals a larger systemic issue that has potentially legal and public policy implications. CCA strongly recommends that CPD review the contact card process from creation to file maintenance to ensure the intended impact regarding the accurate collection of data in addition to the potential impact on CPD officers.</p> <p>CPD Response: The contact card procedure was updated in 2020 when the department transitioned to the electronic entry of all contract cards directly into CPD's Records Management System (RMS) by the submitting officer. This case occurred while contact cards were completed by hand and being entered electronically by civilian staff at Police Records Section.</p>
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Citizen Complaint Handling

CCA No. 19252	<p>16. CCA Recommendation: During the traffic stop, Ms. Riley requested a supervisor respond. Citizens have the right to request a supervisor if a citizen objects to an officer’s conduct. At a minimum, Sergeant Zucker should have informed the complainant of her right to make a complaint, providing CPD’s Citizen Complaint brochure and form. To promote transparency and community goodwill, CCA recommends that CPD officers request a supervisor (or higher ranking) when asked to do so by involved individuals, with the understanding that CPD supervisors have discretion whether to respond.</p> <p>CPD Response: CPD is in agreement.</p> <p>Procedure 15.100, Citizen Complaints and Reports of Favorable Police Conduct was changed in March 2022 to include, ”Upon a citizen’s reasonable allegation of misconduct to an officer, a supervisor will be requested to respond to the scene. The supervisor will retain discretion to respond”.</p>
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Access to Police Records

CCA No. 20026	<p>17. CCA Recommendation: Cincinnati Municipal Code (CMC), Article XXVIII, § 3-B reads (in part), “The executive director of CCA shall have reasonable access to city records, documents. . . .” In this case, CCA requested MVR/DVR and BWC footage of the incident; CCA did not receive all of the BWC video footage. Based on the officer’s statement and BWC footage of the incident, there are indications that there was additional footage CCA did not receive.</p> <p>CPD Response: CPD is in agreement.</p> <p>Efforts have been taken by IIS to improve the thoroughness and timeliness of CCA public record requests. In the past, requests were forwarded to the case specific investigating IIS officer for action. All notifications by CCA of, not only public records requests, but any complaint, are now assigned to a designated IIS officer who immediately locates the incident, obtains related reports, and locates and preserves any BWC and mobile video recording MVR footage. The designated IIS investigator also logs the CCA public record request into the IIS tracking system, forwards the request to Police Records Section for redacted BWC/MVR footage and provides the requested information to CCA when the requested video is received from Police Records.</p>
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Bias Free Policing

CCA No. 20072	<p>18. CCA Recommendation: As we have noted in this investigation, questions have been raised from some in the community about whether the Ohio Health Director’s “Stay at Home Order” and other COVID-19 mandates have been equally applied and enforced since the beginning of the pandemic, or whether there has been any bias in the enforcement of such rules, regulations, and laws. We recommend that CPD undertake a specific project to collect, review, analyze, and release data pertaining to its enforcement of COVID-19 restrictions. Such data should bear on the demographics of those charged with crimes or cited and note any trends, or lack thereof. Such a review would prove useful in addressing community contentions and concerns that the law enforcement response to COVID-19 has been biased.</p> <p>CPD Response: CPD is not in agreement.</p> <p>From April to May 2020, 34 people were charged with a violation of the Ohio Department of Health order, which was the only method of enforcement available at the time. On May 13, 2020, Emergency Ordinance 142-2020 took effect which enabled the enforcement of state and local health and emergency orders by Cincinnati Health Department officials via civil citations. The two purposes for the ordinance were to create a civil penalty for enforcement (since none existed) and to relieve law enforcement of responsibility of what is a health crisis. From that point forward in the pandemic, the Health Department assumed the lead for enforcement. No further action is necessary at this time.</p>
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Bias-free Policing

CCA No. 19220	<p>19. CCA Recommendation: To address complaints related to equitable treatment of those involved in vehicular accidents, CCA recommends CPD consider a revision to CPD Procedure § 12.225 Vehicular Crash Reporting that would require officers who respond to traffic accidents to complete documentation similar to a contact card that would include racial information for the drivers involved. CCA has received multiple complaints that race has been a factor in officers' decisions when they render determinations regarding fault in vehicular accidents. Cincinnati Administrative Code Article IV, Section 4-A Duties with Respect to Racial Profiling states that no member of the police force shall engage in racial profiling, to mean the detention, interdiction, or disparate treatment of an individual, using the racial or ethnic status of such individual as a factor.</p> <p>CPD Response: Recommendation under review. CPD response pending.</p>
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Search or Entry Policy/Procedure

CCA No. 19277	<p>20. CCA Recommendation: CCA recommends that CPD adds a mandate to its policies and procedures that when a CPD member conducts a strip search, the CPD member must record the strip search unless the subject of the strip search knowingly and verbally waives and consents to the strip search occurring without being recorded.</p> <p>CPD Response: Recommendation under review. CPD response pending.</p>
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Tracking System Policy/Procedure

CCA No. 20045	<p>21. CCA Recommendation: CCA recommends that CPD strengthen its reporting requirements in situations involving domestic violence incidents by</p> <ul style="list-style-type: none">(a) creating a Domestic Incident Report form that is specifically intended for documenting observations made and actions taken regarding domestic violence incidents and dispatches, and(b) expanding Procedure §12.412 Domestic Violence to require officers to complete that report following all responses to or investigations of an allegation of domestic violence, whether or not an arrest was made. <p>CPD Response: CPD is in agreement.</p> <p>An officer is already required to advise ECC to change a DV call for service to a Family Disturbance; therefore, CAD is already documenting the change. The Department will change Procedure 12.412 to include a requirement to have officers add an explanation in the notes of the call for service on why the DV was changed to a family Disturbance. This would document the reason for the change and would not add additional work/time to the officer's call for service.</p>
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Corrective and Disciplinary

CCA No. 19269	<p>22. CCA Recommendation: In light of repeated failures by Police Officer Kevin Broering to complete contact cards as required by Cincinnati Police Department policy, CCA recommends that CPD review Officer Broering's performance both before and after the incidents at issue here, including his traffic and pedestrian stops, and that CPD consider taking corrective action to ensure that future contact card violations do not occur by Officer Broering. CCA's investigation of Improper Stop, Improper Search, and Harassment allegations in this case produced evidence sufficient to sustain Officer Kevin Broering for Improper Procedure for neglecting to submit a contact card as required by CPD policy after a November 13, 2019 traffic stop. This represents Officer Broering's third such contact card violation during the three-year period preceding and including this stop. See CCA Case No. 18138 and 18139 (sustaining violations for contact card procedures). This pattern merits review by CPD and consideration of corrective action.</p> <p>CPD Response: CPD is in agreement.</p> <p>CPD has checks and balances to ensure contact cards are completed. At the end of each shift, a supervisor checks the contact cards for completeness and accuracy. Also, if a moving violation or notice to appear is submitted without a contact card, the supervisor will follow up with the issuing officer. Progressive discipline is followed for officers not in compliance with Department policies. In CCA case 19269/IIS case 2019-314, Officer Broering was subject to discipline for failure to complete the contact card.</p>
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2022 Recommendations

Including duplicates, CCA made twenty (20) total recommendations. Those recommendations are excerpted below, along with corresponding responses by the Cincinnati Police Department. The recommendations, including any associated justifications, are reproduced in their entirety in the Appendix to this Report.

Recommendation Summaries and Responses

Mental Health Policy/Procedure

CCA #22112	<p>1. CCA Recommendation: Mental Health. CCA recommends that CPD:</p> <ul style="list-style-type: none">(iii) amend its policies and make corresponding adjustments to its training in order to clarify the circumstances under which a person who is suffering from a mental health crisis may be charged criminally when the charges are related to the crisis, and(iv) strengthen its presumption against such charges. <p>CPD Response: CPD Agrees.</p> <p>Mental Health evaluation and treatment is a complex topic. Unquestionably, it exceeds the training and expertise of police officers. Accordingly, officers should not be expected to make such determinations. Based on legal guidance from the City Solicitor, Medical professionals should make those decisions. Similarly, a court should make criminal culpability judgments with the benefit of expert guidance. The City is currently exploring diversion initiatives that will provide additional options with coordination across departments.</p>
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Use of Force Policy/Procedure

CCA #19090	<p>2. CCA Recommendation: CCA recommends CPD revise its use of force policies to 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 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 providing national best practices.</p> <p>CPD Response: CPD is not in agreement. CPD policy is the same as the National Consensus Policy in that chokeholds are permissible only in a deadly force encounter. No further action is necessary at this time.</p>
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Use of Force Policy/Procedure

CCA #22155	<p>3. CCA Recommendation: CCA recommends that CPD consider a revision of CPD Procedure §12.545 Use of Force that would bring that policy into greater alignment with CPD’s Tactical Patrol Guide by adopting the Patrol Guide’s instruction that officers should generally not withdraw their TASERS from their holsters under circumstances where the discharge of those TASERS would be impermissible or before it would be permissible to discharge a TASER.</p> <p>CPD Response: CPD agrees in part. Procedure 12.545, Use of Force, and CPD’s Tactical Patrol Guide should be consistent. However, display of the Taser should be</p>
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	considered a separate and lesser included level on the use of force continuum. It is preferable to obtain compliance through the threat of the use of force (i.e., the display of the Taser) than to obtain it through the actual deployment of the Taser. CPD changed the Tactical Patrol Guide to match Procedure 12.545, Use of Force.
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Use of Force Policy/Procedure

CCA #21038	<p>4. CCA Recommendation: CCA recommends that CPD review its Procedure Manual and consider a revision of Procedure § 12.545 to bring it into greater alignment with Procedure § 12.600’s age-old instruction that officers using hard hands against an arrested person must refrain from transporting that prisoner after the use of force. A revision of one or both of those policy provisions would improve consistency between the two provisions and eliminate any ambiguity as to proper transportation protocols following use of force.</p> <p>CPD Response: CPD is in agreement.</p> <p>CPD’s Procedure 12.545, Use of Force, and Procedure 12.600, Prisoners: Securing, Handling, and Transporting, were revised on 1/20/23 to improve consistency between the two provisions.</p>
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Corrective and Disciplinary

CCA #20117	<p>5. CCA Recommendation: Given recurring violations of police policy by Police Officer John Goebel during a consecutive two-year period—including a repeated lack of civil behavior which resulted in two (2) Sustained findings from CCA for Discourtesy, as well as a Sustained finding from CPD for failing to operate a police vehicle in a prudent manner—CCA recommends that CPD review Officer Goebel’s performance and consider taking progressive corrective action, including but not limited to retraining.</p> <p>CPD Response: CPD is not in agreement.</p> <p>CPD’s investigation of this case did not arrive at the same conclusion. CPD already has a practice in place for review of officer activity through the Employee Tracking System. CPD conducts a quarterly analysis of officer activity as an early warning system for any officer with a pattern of behavior above the established thresholds. Officer Goebel’s activity is within the normal range. CPD does a three-year look back for progressive discipline. Any violations of procedure by Officer Goebel within the past three years have been correctly documented and discipline issued. There is no pattern of behavior that requires further action.</p>
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Corrective and Disciplinary

CCA #21061	<p>6. CCA Recommendation: Given recurring violations of police policy by Police Officer Marc Schildmeyer during a consecutive multi-year period—including repeated improper enforcement activity that resulted in (3) Sustained findings from CCA for Improper Search in 2018 and 2019, as well as numerous Sustained findings in the present 2021 case for inappropriate off-duty enforcement action—CCA recommends that CPD review Officer Schildmeyer’s performance, begin Supervisory Monitoring, and take all appropriate corrective or disciplinary action.</p> <p>CPD Response: CPD is not in agreement.</p>
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	<p>CPD has policies for off-duty conduct that is arranged by topic and based on the circumstances. For example, an officer making an off-duty arrest would have to contact an on-duty supervisor to trigger appropriate oversight and accountability. No further action is necessary at this time.</p>
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Corrective and Disciplinary

<p>CCA #21064</p>	<p>7. CCA Recommendation: Given recurring violations of police policy by Police Officer Jerome Herring Jr. during a consecutive multi-year period—including a repeated lack of civil behavior which resulted in two (2) proposed Sustained findings from CCA for Discourtesy in preceding cases (CCA Case No. 20022 and 20223), as well as Sustained findings in the present case for Discourtesy and a failure practice de-escalation (Improper Procedure (Use of Force)), CCA recommends that CPD review Officer Herring’s performance and consider taking corrective action, including but not limited to retraining.</p> <p>CPD Response: CPD is not in agreement.</p> <p>CPD’s investigation of this case did not arrive at the same conclusion. Officer Herring’s conduct is already being tracked and reviewed in the Employee Tracking System for other discipline issues unrelated to this case. No further action steps are necessary.</p>
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Corrective & Disciplinary

<p>CCA #21123</p>	<p>8. CCA Recommendation: Given recurring violations of police policy by Specialist Kevin Newman during a consecutive multi-year period—including repeated improper enforcement activity that resulted in four (4) Sustained findings from CCA for Improper Search, Discrimination, and Discourtesy in 2020 and 2021, as well as numerous Sustained findings in the present 2021 case for Abuse of Authority, Discourtesy, Discrimination, and Excessive Force—CCA recommends that CPD review Specialist Newman’s performance and begin Supervisory Monitoring.</p> <p>CPD Response: Recommendation under review. CPD response pending.</p>
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Correction & Disciplinary

<p>CCA #21123</p>	<p>9. CCA Recommendation: Given recurring violations of police policy by Police Officer Michael Smith during a consecutive multi-year period—including repeated improper enforcement activity that resulted in eight (8) Sustained findings from CCA for Excessive Force, Discourtesy, and Improper Procedure in 2018, 2019, and 2021, as well as numerous Sustained findings in the present 2021 case for Abuse of Authority, Discourtesy, Discrimination, and Excessive Force—CCA recommends that CPD review Officer Smith’s performance and begin Supervisory Monitoring.</p> <p>CPD Response: Recommendation under review. CPD response pending.</p>
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Corrective & Disciplinary

CCA #22155	<p>10. CCA Recommendation: Given recurring violations of police policy by Police Officer Jerome Herring Jr. during a consecutive multi-year period—including a repeated lack of civil behavior which resulted in three (3) Sustained findings from CCA for Discourtesy in three preceding cases (CCA Case No. 20022, 20223, and 21064); and one (1) Sustained finding for failing to deescalate (i.e. Improper Procedure (Use of Force)) in CCA Case No. 21064—as well as a Sustained finding in the present case for the misuse of a TASER (i.e. Improper Procedure (Use of Force)), CCA recommends that CPD review Officer Herring’s performance and take corrective or disciplinary action.</p> <p>CPD Response: Recommendation under review. CPD response pending.</p>
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Discourtesy and Professional Behavior Policy/Procedure

CCA #21061	<p>11. CCA Recommendation: CCA recommends CPD create one all-encompassing off-duty-conduct policy that regulates off-duty enforcement action, covers other off-duty incidents, and contains reporting requirements sufficient to trigger appropriate oversight in the event of such off-duty enforcement action or incidents.</p> <p>CPD Response: CPD is not in agreement.</p> <p>CPD is not in agreement. CPD’s investigation of this case did not arrive at the same conclusion. CPD already has a practice in place for review of officer activity through the Employee Tracking System. CPD conducts a quarterly analysis of officer activity as an early warning system for any officer with a pattern of behavior above the established thresholds. Officer Shildmeyer’s activity is within the normal range. CPD does a three year look back for progressive discipline. Any violations of procedure by Officer Shildmeyer within the past three years have been correctly documented and discipline issued. There is no pattern of behavior that requires further action.</p>
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Tracking System: Contact Card Policy/Procedure

CCA #20170	<p>CCA Recommendation: CCA recommends that the CPD update its Procedure Manual to require the completion of Contact Cards in all cases where a Cincinnati Police Officer detains an individual or has direct contact with a person whose detention has been aided by an officer, including detentions occurring in a private setting such as a residence, and not limited to pedestrian stops or traffic stops.</p> <p>CPD Response: CPD is not in agreement.</p> <p>Cincinnati’s Administrative Code requires the collection of information on all vehicle stops. CPD requires a contact card to be completed any time an officer stops a motor vehicle or conducts an inquiry of individuals in a stopped motor vehicle, or for any pedestrian stop which meets the definition of a “Terry” stop other than when the stop results in an arrest or citation which would otherwise document the stop. Officers may also complete contact cards for any consensual citizen contact.</p>
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Tracking System: Contact Card Policy/Procedure

CCA #20227	<p>12. CCA Recommendation: To help improve citizen-police relations, CCA recommends that CPD expand Contact Card reporting to facilitate the tracking of stops based on suspected drug activity by a) including “Drug Activity” as a recordable “Reason for Stop” on Contact Cards; and b) revising Contact Card policy to require officers to list “Drug Activity” as a reason for the stop on all police stops where suspicion of drug activity is a motivating factor for the stop, irrespective of whether other factors such as traffic offenses were also reasons for the stop.</p> <p>CPD Response: Recommendation under review. CPD response pending.</p>
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Stop, Detention or Arrest Policy/Procedure

CCA #20233	<p>13. CCA Recommendation: CCA’s recommends that CPD review their report-completion and records-keeping policies and implement rules ensuring that when a citizen is seized, detained, or stopped involuntarily as a result of alleged criminal conduct observed by a police officer, that all officers who observed such conduct firsthand—including plain clothes officers—are listed and identified (by name or unique identifier) in at least one police record corresponding to the resulting stop, detention, or seizure.</p> <p>CPD Response: CPD is not in agreement.</p> <p>Information on on-scene officers is already captured through the current computer-aided dispatch system. No further action steps are necessary.</p>
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Stop Detention or Arrest Policy/Procedure

CCA #21037	<p>14. CCA Recommendation: CCA's recommends that CPD review their report-completion and records-keeping policies and implement rules ensuring that when a citizen is seized, detained, or stopped involuntarily as a result of alleged criminal conduct observed by a police officer, that all officers who observed such conduct firsthand—including plain clothes officers—are listed and identified (by name or unique identifier) in at least one police record corresponding to the resulting stop, detention, or seizure.</p> <p>CPD Response: CPD is not in agreement. Information on on-scene officers is already captured through the current computer-aided dispatch system. No further action steps are necessary.</p>
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Discharge of Firearms Policy/Procedure

CCA #22066	<p>15. CCA Recommendation: CCA recommends that 1) CPD institute a practice of convening the Firearms Discharge Board (FDB) or Critical Incident Review Board (CIRB) for any firearm discharge directed at an animal where such firearm discharge occurred in close proximity to an individual person, or where the animal who was targeted by such discharge was positioned in close proximity to an individual person at the time of the discharge; and 2) that any police policies or procedures that would prohibit the convening of such Boards be amended to permit the same if necessary.</p> <p>CPD Response: CPD is not in agreement.</p> <p>Procedure 12.550 requires review of the Firearms Discharge Board for any shots fired by department employees except:</p> <ul style="list-style-type: none">• Bean Bag and 40 mm foam rounds• At animals• While hunting• Training accidents when proper safety procedures were followed <p>In addition, the Police Chief has the discretion to submit an incident for review of a FDB or CIRB. This discretion is sufficient to cover firearm discharge at an animal with extraneous factors.</p>
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Arrest Policy/Procedure

CCA #21217	<p>16. CCA Recommendation: 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.</p> <p>CPD Response: CPD Agrees. Procedure 12.205 was revised on 9/26/22 to include:</p> <ul style="list-style-type: none">• The only personal information a pedestrian is required to give is name, address, and date of birth.• If a pedestrian violator does not possess identification, then the officer should attempt to obtain accurate information through courteous questioning.
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Citizen Complaint Handling Policy/Procedure

CCA #21201 and 21092	<p>17. CCA Recommendation: As an alternative dispute resolution process for resolving complaints like those at issue in this investigation, and consistent with mediation objectives set forth under Article 28 of Cincinnati's Administrative Code, CCA recommends the creation of a mediation program for low-level police complaints with key restorative justice features, including face-to-face dialogue between complainants and subject police officers, conducted in a confidential manner, in a neutral setting, guided by a neutral third-party who is trained to conduct mediation and who is neither a police officer, nor a representative of the involved complainant.</p> <p>CPD Response: CPD Agrees.</p> <p>CPD and CCA will resume a joint effort to improve the Citizen Complaint Resolution Process (CCRP). The current CCRP process will be reviewed and adapted to change aspects of the program that may discourage citizens and officers from actively participating.</p>
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Citizen Complaint Handling Policy/Procedure

CCA #22015	<p>18. CCA Recommendation: CCA recommends that CPD extend greater protection and integrity to the complaint resolution process by strengthening language in Procedure Manual § 15.100 to state that officers “shall not discourage any person from making a complaint, engage in any act of reprisal or retaliation against any person who has made a complaint, participate in any attempts by any person or entity to persuade a person to withdraw a complaint, or otherwise interfere in the investigation of any complaint by a government agency.”</p> <p>CPD Response: Recommendation under review. CPD response pending.</p>
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Disability and Accessibility Policy/Procedure

CCA #21123	<p>19. CCA Recommendation: CCA recommends the Cincinnati Police Department strengthen its policies regarding interactions with of people who are suspected to be physically or developmentally disabled and review existing policies to ensure the handling, detention, and transportation of such persons compiles with the Americans with Disability Act (ADA). CPD Policy 12.110 outlines how officers should interact with “Suspected Mentally Ill Individuals,” and Policy 18.103 outlines how officers should treat “People Who are Deaf or Hearing Impaired;” a similar policy should be created regarding physically or developmentally disabled persons that specifies ADA-compliant standards for moving, detaining, or otherwise handling such persons.</p> <p>CPD Response: CPD agrees in part.</p> <p>CPD’s Planning Unit researched best practices around the country. It was determined to be cost-prohibitive to purchase a dedicated vehicle to transport wheelchair bound, or other physically or developmentally challenged individuals. Other options already exist, one being an as-needed request to Metro to use an Access van as a transport vehicle. Procedures 12.110 and 18.103 should undergo review by the City Solicitor to verify that they still comply with ADA requirements.</p>
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CONCLUSION

With respect to the officers with an excessive number of complaints that the Citizen Complaint Authority has identified in this Patterns and Recommendations Report, the Cincinnati Police Department should review the performance of such officers and take any and all appropriate corrective action. Consistent with CPD policy, these actions could include additional training, additional supervision, mentoring, reassignment and other similar actions, discipline, or a combination thereof, utilizing resources available to Cincinnati Police Department.

CPD's periodic ETS Reviews should also incorporate the identified pattern officers (as well as complaints investigated by CCA) to determine if any correlations can be made to determine, anticipate, and address root causes proactively.

Regarding pattern citizens, CCA is always willing to discuss problem-solving approaches with the Cincinnati Police Department and the community. CCA looks forward to a continued collaboration with the Cincinnati Police Department on an effort to strengthen its Citizen Complaint Resolution Process, a collaboration that began in early 2021. Ensuring that complaint resolution practices embody citizen engagement and that such practices strengthen restorative justice processes will be critical to any successful effort to prevent complaints and minimize the risk of pattern complainants and pattern officers.

CCA believes strongly that repeat circumstances provide the foundation of all citizen complaints, and where patterns or trends can be determined, such trends might prove helpful in determining root causes. CCA looks forward to proactively discussing problem-solving approaches with both the Cincinnati Police Department and the community as the pattern circumstances noted in this Report are reviewed.

To that end, in response to a resolution passed by CCA's Board during the fall of 2022 and community concerns, CCA is currently conducting a Traffic Stop study examining the following areas:

- “stops made by CPD for traffic offenses, including CPD's policies and patterns of practice”
- “any complaints pertaining to those stops”
- “data and information pertaining to law enforcement agencies around the country that have implemented policies limiting or regulating traffic stops”
- “the costs and benefits of such stops and . . . return on investment”
- “demographic data, including data pertaining to race and ethnicity, for motorists who are stopped for traffic offenses by police”
- “best-practices for ensuring bias-free policing”

See CCA Board Resolution Adopted, September 19, 2022.

This study is especially timely, given CCA's identification of Traffic Stops as a predominate circumstance associated with complaints in 2020 and 2021, and 2022. When completed, CCA looks forward to reporting the results of that study to its Board, the City Administration, public officials, the community, Cincinnati Police Department, and other stakeholders.

Finally, CCA looks forward to continued dialogue with the Cincinnati Police Department regarding the recommendations it issues throughout each calendar year. CCA welcomes opportunities to collaborate on the implementation of those recommendations in cases where agreement exists.

APPENDIX A

Full Text of All CCA 2021 Recommendations

CCA #18217

INCIDENT DATE: 11/5/2018

ETS #2018-241826

IIS #18137

Recommendation

R2101

In the past, CCA has expressed concern regarding discrepancies between the complainants and police officers on the issue of improper entries and improper searches. While BWCs are primarily worn by uniformed officers, CCA expressed concern during the BWC Policy implementation period regarding scenarios where plainclothes officers should be required to wear BWCs. This case provides such an example. While most of the involved officers in this case were working a plainclothes assignment, almost all those in plainclothes wore vests clearly marked CPD. CCA recommends plainclothes officers who wear clothing clearly marked POLICE should be required to wear a BWC.

CCA #18241

INCIDENT DATE: 12/07/2018

ETS # None

IIS # None

Recommendation

R2122

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. At a minimum, CPD should provide such instruction in the Cincinnati Police Department Procedure or Manual of Rules and Regulation, so that citizens are on notice as to what standards govern persistent contacts and/or monitoring, and so that officers have specific direction and guidance. This approach would protect officers and citizens alike. CCA also believes that community engagement initiatives that educate the public about these standards would lead to a reduction of complaints alleging “harassment” against officers.

CCA #18247

INCIDENT DATE: 12/23/2018

ETS #2018-242974

IIS #18153

Recommendations

R2006

CCA recommends that CPD adopt a policy and practice that for any case or complaint involving an allegation that an officer directed a slur at a member of public, where either CCA or IIS has determined that a Sustained finding is appropriate, and where that Sustained finding is predicated at least in part on a determination that the officer violated Administrative Regulation 25 on Discriminatory Harassment, CPD will adjudicate the matter as a potential violation of Manual of Rules and Regulations § 1.23(C) for purposes of any resulting disciplinary hearing and application of CPD’s disciplinary matrix.

R2007

As with all of its investigations, including this one, CCA examines serious allegations, which among other things requires CCA to evaluate the credibility of all witnesses (including police officers) who have provided statements to CCA regarding the allegations at issue. This evaluation often includes a credibility assessment of a subject officer's statements (and prior statements) pertaining to that officer's actions and state of mind with respect to those actions. For instance, in this case, CCA considered whether the subject officer's claim that he could not remember having used a racial slur was a credible claim of memory loss.

When assessing the credibility of such officers, and attempting to gain a complete understanding of the facts, any prior contemporaneous accounts personally written and attested to by such an officer—including use of force reports that are designed to capture that officer's near-real-time explanation for the force used—are extremely valuable to an investigation. In this case, CCA's ability to review a contemporaneous account of the subject officer's actions during the incident, written by the subject himself, was hampered by the fact that, according to documents CCA reviewed, the subject officer submitted an incomplete use of force report. That report was devoid of critical details surrounding his use of force, including any language he used.

Accordingly, we recommend that CPD take the following measures: 1) maintain its requirement that every officer who uses force at the "hard hands" level complete and submit a use of force report providing a first-hand narrative explaining the force and surrounding facts; 2) expand the policy to require *each* officer who uses or witnesses *any* amount of force, as force is described in CPD's Procedure Manual, to complete and submit a use of force report providing a detailed explanation of the events surrounding that officer's use of force; and 3) enforce that use of force reporting requirement with strong compliance mechanisms.

This approach is endorsed by the International Association of Chiefs of Police (IACP), which issued guidance on Reporting Use of Force (March 2017), stating that "each officer who uses force or witnesses an incident involving force should submit a separate written use-of-force report by the end of the shift."¹¹ According to the IACP, there are numerous benefits associated with broad use of force reporting, including that such reports aid in "determining whether the use-of-force policy is being followed, the number of incidents, the types of force employed, or the circumstances surrounding those incidents, as well as protection of officers from complaints of excessive use of force."

CCA #19047

INCIDENT DATE: 3/11/2019

ETS #2019-244034

IIS #19207

Recommendations

R2128

CCA understands that incidents involving people who are displaying non-compliant behavior can be challenging and stressful situations for CPD officers. In these situations, officers may not realize that they have prolonged a TASER deployment. To minimize the risk that excessive use will occur, CCA recommends that CPD further develop the TASER/Conducted Electrical Weapon (CEW) section of CPD Procedure § 12.545 Use of Force, particularly the portion regarding avoidance of prolonged, extended, uninterrupted discharges or extensive multiple discharges. To support its development, a study should be conducted to review these types of TASER discharges that includes analyses of the number of incidents, length and number of discharges, demographics of citizens involved in these incidents, types of behaviors that result in a citizen being the target, and any injuries sustained. Such a study can be impactful in assisting CPD to ensure operational TASER practices align with policy and training.

R2129

Effective consistent review processes are key to ensure that operational practices align with policy and training. For future cases like this one involving an allegation of Excessive Force involving a TASER, CCA recommends that CPD convene its Critical Incident Review Board (CIRB), consistent with CPD Procedure § 12.545 Use of Force, in order to serve as "a quality

¹¹ <https://www.theiacp.org/sites/default/files/2020-06/Reporting%20UoF%20June%202020.pdf>

control mechanism for the incident being reviewed” with the “authority and responsibility to recommend to the Police Chief changes in investigative protocols, procedures, and training.” While there are forums other than the CIRB or FDB that exist to probe discharges of firearms—including concurrent investigations of citizen complaints by CCA and IIS—a CIRB review still adds tremendous value. Among other things, those other reviews convene a broad array of command and supervisory personnel with valuable perspectives on the issues under consideration, and they review tactical issues that may be broader than the issues of misconduct considered in other concurrent investigations. Since use of force is still the underlying cause of many CPD and CCA complaints, CCA believes the CIRB is imperative. By convening the CIRB, protocols and patterns may be further identified that can lead to a decrease in Use of Force complaints.

CCA #19090

INCIDENT DATE: 5/6/2019

ETS #2019-246478

IIS #19093

Recommendation

R2136

CCA recommends CPD revise its use of force policies to 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 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 providing national best practices.

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 the policy 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, due in part to a lack of adequate BWC evidence, credible witness accounts, or other evidence, CCA was unable to clearly determine the type of neck hold that an officer used to restrain an arrestee. At a minimum, however, the available BWC footage revealed that the officer placed one of his arms across the chest of the arrestee from behind and anchored his hand from the other arm to the back of the arrestee’s neck in what IIS described as a “Nelson type restraint hold.” Even assuming that the description of that hold as a “Nelson type restraint hold,” is accurate (a conclusion CCA does not necessarily share), it is not clear whether the choke hold ban in CPD’s Procedure Manual would have prohibited or permitted a Nelson hold, since the Procedure Manual appears to prohibit holds that are “similar” to choke holds, without clarifying what holds fall under that definition. The policy would benefit from an update to clarify the restraints that are banned.

CCA #19135

INCIDENT DATE: 6/14/2019

ETS #2019-247708

IIS #19157

Recommendation

R2133

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.

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.

CCA #19220

INCIDENT DATE: 9/27/2019

EVT #00000453

IIS #None

Recommendation

R2134

To address complaints related to equitable treatment of those involved in vehicular accidents, CCA recommends CPD consider a revision to CPD Procedure § 12.225 *Vehicular Crash Reporting* that would require officers who respond to traffic accidents to complete documentation similar to a contact card that would include racial information for the drivers involved.

CCA has received multiple complaints that race has been a factor in officers’ decisions when they render determinations regarding fault in vehicular accidents. Cincinnati Administrative Code Article IV, Section 4-A *Duties with Respect to Racial Profiling* states that no member of the police force shall engage in racial profiling, to mean the detention, interdiction, or disparate treatment of an individual, using the racial or ethnic status of such individual as a factor. In an effort to track data to prevent racial profiling, it requires CPD officers to complete contact cards for all motor vehicle stops; the contact card requires specific information, including race. However, CPD Procedure § 12.225 *Vehicular Crash Reporting* does not require officers to complete a contact card; instead, officers complete a State of Ohio Traffic Crash Report, Form OH-1. As designed by the Ohio Department of Public Safety, the OH-1 does not include a field to input involved parties’ racial or ethnic information. Therefore, it is not possible to obtain data and conduct an analysis to research the community’s concerns about the possibility of disparate treatment based on race. To address these concerns, CPD should require officers to track this information.

CCA #19235

INCIDENT DATE: 10/14/2019

EVT #2020-251764

IIS #19265

Recommendation

R2132

CCA recommends that CPD consider a revision of CPD Procedure §12.545 Use of Force that would bring that policy into greater alignment with CPD’s Tactical Patrol Guide by adopting the Patrol Guide’s instruction that officers should generally not withdraw their TASERS from their holsters under circumstances where the discharge of those TASERS would be impermissible or before it would be permissible to discharge a TASER.

CPD’s Patrol Guide expressly cautions police officers against become overdependent on TASERS and withdrawing them from their holsters before it is appropriate to do so. Those concerns mirror the International Association of Chiefs of Police (IACP’s) guidance that a Conducted Electrical Weapon such as a TASER “should be pointed at a person only when the officer reasonably perceives that discharge, if it proves necessary, is reasonably justified under the totality of the circumstances, and the officer reasonably believes that the existing circumstances will require discharge of the device.” Adding provisions to CPD Procedure §12.545 that mirror the Patrol Guide’s limits on the display of TASERS would improve safety for officers and citizens alike, help provide greater notice to officers and citizens about when it is appropriate to point a TASER and would

assist in preventing complaints related to TASER pointing or use.

CCA #19252

INCIDENT DATE: 11/14/2019

EVT #00001507

IIS #2019-289

Recommendations

R2123

CCA attempted to locate the contact card in this matter. The applicable policy and procedure were implemented to keep track of the number, types, and other demographic information for stops conducted by CPD. If contact cards are not located or cannot be found, not only can this pose a problem for the officer but signals a larger systemic issue that has potentially legal and public policy implications. CCA strongly recommends that CPD review the contact card process from creation to file maintenance to ensure the intended impact regarding the accurate collection of data in addition to the potential impact on CPD officers.

R2124

During the traffic stop, Ms. Riley requested a supervisor respond. Citizens have the right to request a supervisor if a citizen objects to an officer's conduct. At a minimum, Sergeant Zucker should have informed the complainant of her right to make a complaint, providing CPD's Citizen Complaint brochure and form. To promote transparency and community goodwill, CCA recommends that CPD officers request a supervisor (or higher ranking) when asked to do so by involved individuals, with the understanding that CPD supervisors have discretion whether to respond.

CCA #19269

INCIDENT DATE: 12/6/2019

EVT #00001802

IIS #2019-314

Recommendation

R2135

In light of repeated failures by Police Officer Kevin Broering to complete contact cards as required by Cincinnati Police Department policy, CCA recommends that CPD review Officer Broering's performance both before and after the incidents at issue here, including his traffic and pedestrian stops, and that CPD consider taking corrective action to ensure that future contact card violations do not occur by Officer Broering.

CCA's investigation of Improper Stop, Improper Search, and Harassment allegations in this case produced evidence sufficient to sustain Officer Kevin Broering for Improper Procedure for neglecting to submit a contact card as required by CPD policy after a November 13, 2019 traffic stop. This represents Officer Broering's third such contact card violation during the three-year period preceding and including this stop. *See* CCA Case No. 18138 and 18139 (sustaining violations for contact card procedures). This pattern merits review by CPD and consideration of corrective action.

CCA #19277

INCIDENT DATE: 12/18/2019

EVT #00009625

IIS #2020-007

Recommendation

R2127

CCA recommends that CPD adds a mandate to its policies and procedures that when a CPD member conducts a strip search, the CPD member must record the strip search unless the subject of the strip search knowingly and verbally waives and consents to the strip search occurring without being recorded.

CCA #20026

INCIDENT DATE: 2/5/2020

EVT #00002885

IIS #2020-036

Recommendation

R2125

Cincinnati Municipal Code (CMC), Article XXVIII, § 3-B reads (in part), “The executive director of CCA shall have reasonable access to city records, documents. . . .” In this case, CCA requested MVR/DVR and BWC footage of the incident; CCA did not receive all of the BWC video footage. Based on the officer’s statement and BWC footage of the incident, there are indications that there was additional footage CCA did not receive. The retention of Sgt. Shircliff’s BWC footage would have played a vital role in providing clarity in understanding what transpired as the officers engaged with M. Wells and Witness A. CCA recommends a review by the CPD of its handling of and response to CCA’s requests for information to ensure CPD’s compliance with CMC, Article XXVIII and the Collaborative Agreement. It is imperative that CCA receive all relevant evidence from CPD timely to conduct a viable investigation. CCA shares all complaints it investigates with CPD, any records related to the complaint should be flagged and provided to CCA upon notification of CCA’s investigation.

CCA #20045

INCIDENT DATE: 2/25/2020

EVT #00003232

IIS #2020-060

Recommendation

R2130

CCA recommends that CPD strengthen its reporting requirements in situations involving domestic violence incidents by (a) creating a Domestic Incident Report form that is specifically intended for documenting observations made and actions taken regarding domestic violence incidents and dispatches, and (b) expanding Procedure §12.412 Domestic Violence to require officers to complete that report following all responses to or investigations of an allegation of domestic violence, whether or not an arrest was made. This approach is endorsed by the International Association of Chiefs of Police (IACP). *See* IACP Domestic Violence Concepts & Issues Paper, April 2019 (select pages including checklist for form attached to this CCA Investigation Report).¹² This practice is also endorsed in guidance published by the United States Department of Justice, which has recommended that all law enforcement agencies have a domestic violence policy that specifies, at a minimum, that written reports be completed on all domestic violence calls and, if no arrest is made, that reports fully explain the circumstances surrounding the decision not to arrest. *See* Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges.¹³

Providing for such documentation can play a crucial role in corroborating allegations of abuse, documenting patterns of potential abuse in cases where emergency calls to law enforcement are reoccurring, flagging dangerous suspects for future encounters, and in assisting with risk assessments and planning pertaining to domestic violence runs and investigations. Ultimately, more comprehensive reporting would both protect victims of domestic violence and reduce safety risks to police officers who respond to domestic violence calls.

Such incident reports can also play a crucial role in facilitating the completion of investigations into citizen complaints related to domestic violence calls. For instance, as with all of its investigations, in this case, CCA was tasked with evaluating the

¹² https://www.theiacp.org/sites/default/files/2019-04/Domestic%20Violence%20Paper%20-%202019_0.pdf

¹³ <https://www.ojp.gov/pdffiles1/nij/225722.pdf>

credibility of all witnesses (including police officers) who provided statements to CCA regarding the allegations at issue. This evaluation included an assessment of whether there was corroboration for the officers' contention that entering the complainant's apartment was of such urgency that a warrant was not needed. In this case, CCA's ability to review a contemporaneous account of the subject officer's actions during the incident was hampered by the fact that CPD policy appears to require no documentation in cases where a domestic violence call is answered but the response does not result in an arrest. While CPD requires the completion of a 311 VS in some circumstances involving a domestic violence call, that form is not required in cases where officers determine that they lack probable cause for a domestic violence arrest.

CCA #20058

INCIDENT DATE: 3/27/20

EVT #00003434

IIS #2020-067

Recommendation

R2131

As it relates to the use of force reporting requirements in CPD Procedure §12.545 for the use of "hard hands," CCA recommends that CPD include language that broadens its reporting mandate to require the completion of a written use of force report and reporting of that force to a supervisor, by whichever officers use hard hands, irrespective of whether those officers make an arrest. One way to broaden this mandate would be to change the phrase "arresting officer" in the reporting provisions of §12.545 so that it reads "each officer who uses force."

Typically, according to CPD Procedure §12.545, a "hard hands" use of force by "an arresting officer" would require either that officer (under CPD policy in effect in 2020) or that officer's supervisor (under current CPD policy) to file a use of force report documenting the circumstances surrounding the use of force (i.e., Form 18NC, Noncompliant Suspect/Arrestee Report). In all such cases, CPD Procedure §12.545 requires an "arresting officer to notify a supervisor." However, in this case, according to the statements and video surveillance, Officer Kilgore never arrested Mr. Bousso, nor did any other officer arrest or even cite Mr. Bousso. Accordingly, under a plain reading of the current policy, in cases like this one, no use of force report is required, so long as an arrest does not occur. CCA believes that the benefits that correspond to broad use of force reporting when a citizen is arrested also apply when that citizen is not arrested. The current policy language risks depriving both CPD and CCA of valuable information for accountability and tracking purposes by not mandating reporting in non-arrest situations involving hard hands.

CCA #20072

INCIDENT DATE: 5/4/2020

EVT # None

IIS # None

Recommendation

R2126

As we have noted in this investigation, questions have been raised from some in the community about whether the Ohio Health Director's "Stay at Home Order" and other COVID-19 mandates have been equally applied and enforced since the beginning of the pandemic, or whether there has been any bias in the enforcement of such rules, regulations, and laws. We recommend that CPD undertake a specific project to collect, review, analyze, and release data pertaining to its enforcement of COVID-19 restrictions. Such data should bear on the demographics of those charged with crimes or cited, and the study should note any trends, correlations, or causal links—or lack thereof. Such a review would prove useful in addressing community concerns regarding the equal application of law.

Consistent with CCA's responsibilities under Article 28 of Cincinnati's Administrative Code, we submit the following five (5) unique recommendations in connection with completed investigations into discharges of firearms by officers of the Cincinnati Police Department (CPD).

The recommendations address opportunities that CCA has identified for strengthening CPD's policies, procedures, and training with respect to scenarios involving the use of deadly force. They are intended to highlight areas of community concern and interest, and advance constructive dialogue about those matters. They are also intended to build on Cincinnati's and CPD's progress over the past several years as it relates to policing in our community. CCA looks forward to partnering with CPD and the community in enhancing the delivery of safe police services for citizens and officers alike.

CCA #18169

INCIDENT DATE: 08/24/2018

ETS # 2019-246738

IIS # 18095

Recommendation

R2105

CCA recommends that CPD create a mental health risk assessment tool for use in planning all executions of search or residential arrest warrants that specifically requires an officer to conduct a preliminary investigation into the mental health status of the person who is the subject of the warrant, where such an inquiry is feasible. Among other things, this kind of a preliminary investigation or background check could involve the following: efforts to obtain mental health information from databases accessible to police; efforts to seek such information from court dockets or other records; consulting with colleagues in law enforcement who may have prior knowledge of the suspect; or outreach to family, friends, and acquaintances (assuming efforts to locate the subject are overt and not confidential). The risk assessment tool could take the form of a checklist, tactical plan, or threat matrix, but it should be a written tool that requires due diligence as it relates to a subject's potential mental health, documents that due diligence, and then documents known or learned information about the subject's mental health. It should also include planning to address any mental health risks identified.

If there are barriers to an officer's ability to obtain information pertaining to a subject's mental health in preparation for the execution of a warrant that would weaken the effectiveness of such a risk assessment tool, CPD is encouraged to identify them for potential problem-solving, and for purposes of community education.

CCA Nos. 19163 and 19151

INCIDENT DATE: 07/16/2019 and 07/04/2019

ETS # 2019-248765 and 2019-248398

IIS # 2019-152 and 19147

Recommendation

R2106 & R2107¹⁴

CCA recommends that CPD (i) amend its policies and make corresponding adjustments to its training in order to clarify the circumstances under which a person who is suffering from a mental health crisis may be charged criminally when the charges are related to the crisis, and (ii) strengthen its presumption against such charges.

CPD Procedure § 12.110 Handling Suspected Mentally Ill Individuals and Potential Suicides, states that a "subject having a mental health crisis should not be charged criminally, even if force is used against them." However, multiple persons shot by police in discharge cases in 2019 were charged with crimes, despite indications that they were suffering from a mental health crisis at the time of the shooting and the events that gave rise to the charge. At least one of those persons was found unable to stand trial due to that person's mental health.

CCA Nos. 18169, 19151, 19163 and 19206

INCIDENT DATE: 08/24/2018, 07/04/2019, 07/16/2019 and 09/11/2019

¹⁴ While this is one (1) unique recommendation, a separate recommendation number is being issued to track each submission of the recommendation, since it is being submitted in connection with multiple cases.

ETS # 2019-246738, 2019-248398, 2019-248765 and 2019-250226
IIS # 18095, 19147, 2019-152

Recommendation

R2108, R2109, R2110 & R2111¹⁵

CCA Case Nos: 18169 (James Clay); 19151 (Devin Johnson); 19163 (Ebony Singley); and 19206 (Vernell Jackson). CCA recommends that CPD include a provision in its Use of Force policy (Procedure 12.545) that requires officers, where feasible, to provide first aid following uses of force that result in a citizen's injury.

Current policy, as articulated in Procedure 12.545, states, "Once the scene is stabilized and it is safe to do so, officers *may* administer CPR or basic first aid, if appropriate." (Emphasis added.) CPD should revise this language to state that officers "shall" or "must" administer such aid "if appropriate," making such assistance mandatory unless it is not feasible to provide it. This revision would be consistent with guidance from the United States Conference of Mayors, which recommended in its Report on Police Reform and Racial Justice (August 2020) that police departments "provide first aid training to their officers and *require* officers to provide first aid following uses of force, commensurate with their training and protecting the safety of the subject and their own safety" (Emphasis added).

While CCA commends the officers who chose to render first aid in some of the cases covered by this Report (including the Singley and Jackson cases), in the absence of a stronger policy requirement, future persons who are injured due to a use of force may not receive the same level of care, even where it is feasible to provide it.

CCA Nos. 18097, 18169, 18178, 19151, 19206

INCIDENT DATE: 05/03/2018, 08/24/2018, 09/06/2018, 07/04/2019 and 09/11/2019
ETS/EVT # 2018-235541, 2019-246738. 00003489, 2019-248398 and 2019-250226
IIS # 18095, 2018-098, 19147

Recommendation

R2112, R2113, R2114, R2115, R2116 & R2117¹⁶

CCA Case Nos: 18097 (Khayree Waller); 18169 (James Clay); 18178 (Omar Enrique Santa Perez); 19151 (Devin Johnson); 19163 (Ebony Singley); and 19206 (Vernell Jackson).

CCA recommends that CPD convene the Firearms Discharge Board (FDB) or Critical Incident Review Board (CIRB) for all critical firearm discharges, and that it do so upon the conclusion of any criminal investigation into those shootings. CCA requested a copy of CPD's FDB report for all officer-involved shootings that occurred in 2018 and 2019, but CCA has not yet received such reports, and our understanding is that neither review board has yet to be convened for those shootings.

CPD Procedure § 12.550 Discharging of Firearms states that the "Police Chief has authorized a comprehensive review of critical firearm discharges," which are "defined as: [a]ll shots fired by Department employees," with limited exceptions. Procedure 12.550 provides that the FDB is to conduct this review, and is tasked with issuing a final report to the Police Chief within 90 days of receipt of material relevant to the shooting. The report is required to "identify training issues and corrective measures, tactical response issues and corrective measures, and outline any recommended policy and/or procedure." Similarly, CPD has recently created a Critical Incident Review Board (CIRB) as a "quality control mechanism" for critical incidents, including firearms discharges. *See* CPD Procedure § 12.545 Use of Force (Revised 01/28/21). CIRB's purpose is to conduct "a detailed and comprehensive review" of such discharges and "to recommend to the Police Chief changes in investigative protocols, procedures, and training."

¹⁵ While this is one (1) unique recommendation, a separate recommendation number is being issued to track each submission of the recommendation, since it is being submitted in connection with multiple cases.

¹⁶ While this is one (1) unique recommendation, a separate recommendation number is being issued to track each submission of the recommendation, since it is being submitted in connection with multiple cases.

While there are forums other than the CIRB or FDB that exist to probe discharges of firearms—including concurrent investigations of citizen complaints by CCA and IIS—a CIRB or FDB review still adds tremendous value. Among other things, those other reviews convene a broad array of command and supervisory personnel with valuable perspectives on the issues under consideration, and they review tactical issues that may be broader than the issues of misconduct considered in other concurrent investigations. CCA believes such a review should be required in every DFA case that qualifies, for the benefit of both officer and citizen safety.

CCA Nos. 18169, 19151, 19163 and 19206

INCIDENT DATE: 08/24/2018, 07/04/2019, 07/16/2019 and 09/11/2019

ETS # 2019-246738, 2019-248398, 2019-248765 and 2019-250226

IIS # 18095, 19147, 2019-152

Recommendation

R2118, R2119, R2120 & R2121

CCA recommends that at the next opportunity, CPD amend its policy regarding the Critical Incident Review Board (CIRB), found in CPD Procedure § 12.545 Use of Force (Revised 01/28/21), to include in its “Investigative Format and Report” section the explicit requirement that CIRB will determine (i) whether the use of additional de-escalation techniques was possible, and (ii) whether the officer(s) involved properly considered and followed CPD’s policies, training, and protocols for addressing persons with mental illness. Similar changes should be made to CPD’s policy governing its Firearms Discharge Board (FDB).

APPENDIX B

Full Text of All 2022 CCA Recommendations

CCA #19090

INCIDENT DATE: 05/02/2019

ETS #2019-246478

IIS #19093

Recommendation

R2201

In the past, CCA has expressed concern regarding discrepancies between the complainants and police officers on the issue of improper entries and improper searches. While BWCs are primarily worn by uniformed officers, CCA expressed concern during the BWC Policy implementation period regarding scenarios where plainclothes officers should be required to wear BWCs. This case provides such an example. While most of the involved officers in this case were working a plainclothes assignment, almost all those in plainclothes wore vests clearly marked CPD. CCA recommends plainclothes officers who wear clothing clearly marked POLICE should be required to wear a BWC.

CCA #20117

INCIDENT DATE: 06/20/2020

EVT #00004559

IIS #2020-117

Recommendation

R2202

Given recurring violations of police policy by Police Officer John Goebel during a consecutive two-year period—including a repeated lack of civil behavior which resulted in two (2) Sustained findings from CCA for Discourtesy, as well as a Sustained finding from CPD for failing to operate a police vehicle in a prudent manner—CCA recommends that CPD review Officer Goebel's performance and consider taking progressive corrective action, including but not limited to retraining. CCA's investigation in this case produced evidence sufficient to sustain Officer Goebel for Discourtesy and Misconduct for interfering with the lawful activities of an employee of a private business because the officer did not approve of the political expressions on the employee's uniform. This represents Officer Goebel's third and fourth Sustained policy violations during the three-year period preceding and including this incident. See CCA Case No. 19086 and 20111. At the conclusion of its investigation in Case No. 20111, CPD counseled Officer Goebel via ESL (Evaluation Supplement Log) as a corrective action meant to address Officer Goebel's failure to operate a police vehicle with care. Consideration should be given to whether a higher penalty is appropriate in this case, consistent with the principle of progressive discipline.

CCA #21061

INCIDENT DATE: 04/05/2021

EVT #00009810

IIS #2021-078

Recommendation

R2203

CCA recommends CPD create one all-encompassing off-duty-conduct policy that regulates off-duty enforcement action, covers other off-duty incidents, and contains reporting requirements sufficient to trigger appropriate oversight in the event of such off-duty enforcement action or incidents. Such a policy should adopt elements found in those from other police departments, such as the Cambridge Police Department's "Off-Duty Police Powers & Conduct Policy" and the "Off-Duty Arrests" model policy proposed by the International Association of Chiefs of Police. Presently, some off-duty conduct is

addressed by CPD Procedure § 12.205 Traffic Enforcement; § 12.555 Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders. Off-duty conduct is also addressed by the Manual of Rules and Regulations among other policies. These policies and procedures require off-duty officers to contact ECC to request a CPD supervisor who is prompted to initiate an investigation in the event of an off-duty “enforcement action.” However, limiting those requirements to an “enforcement action” leaves many other critical scenarios unaddressed. As demonstrated by this case, the physical altercation in July 2020 may not be considered an enforcement action, but it resulted in an off-duty CPD officer striking a person, and it resulted in a law enforcement response, none of which was apparently required to be reported to CPD under current policy. The creation of an all-encompassing off-duty conduct policy could close gaps in existing police policy by requiring officers to report all off-duty conduct where an officer asserts themselves as a police officer, in addition to other conduct bearing on an officer’s fitness for service. For instance, even if no enforcement action is taken, such a policy should require officers to report all off-duty self-activations; all off-duty involvement in physical altercations; all off-duty incidents involving a response by outside law enforcement officers (in their professional capacity); domestic violence accusations against officers; and any incidents where officers learn they are the subject of a criminal complaint or investigation.

CCA #21061

INCIDENT DATE: 04/05/2021

EVT #00009810

IIS #2021-078

Recommendation

R2204

Given recurring violations of police policy by Police Officer Marc Schildmeyer during a consecutive multi-year period—including repeated improper enforcement activity that resulted in (3) Sustained findings from CCA for Improper Search in 2018 and 2019, as well as numerous Sustained findings in the present 2021 case for inappropriate off-duty enforcement action—CCA recommends that CPD review Officer Schildmeyer’s performance, begin Supervisory Monitoring, and take all appropriate corrective or disciplinary action. Monitoring is particularly important given the similarities between the off-duty incident which is the subject of this report and the off-duty incident which took place in July 2020. CCA is concerned about Officer Schildmeyer’s pattern of behavior and the resulting violence.

CCA #20170

INCIDENT DATE: 08/23/2020

EVT #00005373

IIS #2020-188

Recommendation

R2205

CCA recommends that the Cincinnati Police Department update its Procedure Manual to require the completion of Contact Cards in all cases where a Cincinnati Police Officer detains an individual or has direct contact with a person whose detention has been aided by an officer, including detentions occurring in a private setting such as a residence, and not limited to pedestrian stops or traffic stops. Current CPD policy appears to limit the requirement to complete a Contact Card to situations involving traffic stops or pedestrian stops and does not appear to require the completion of a Contact Card for investigatory detentions occurring at a private residence in response to a call for service. A broader requirement that officers attempt to obtain and record contact information for any detained persons could prove to be invaluable to CPD in serving citizens who are crime victims, should those detained persons become suspects or witnesses in a future investigation that relates to the initial detention. Such information could be used to solve cases, develop evidence, locate additional witnesses, or spot crime trends. The information tracked by such Contact Cards would also aid in the completion of investigations and post-incident reviews addressing complaints pertaining to those detentions. Finally, extending the requirement to complete Contact Cards to all detentions would serve the same goals of bias-free policing that are served by the current policy’s requirement that Contact Cards are completed for pedestrian and traffic detentions.

CCA #20233

INCIDENT DATE: 11/25/2020

EVT #00007144

IIS #2020-263

Recommendation**R2206**

CCA's recommends that CPD review their report-completion and records-keeping policies and implement rules ensuring that when a citizen is seized, detained, or stopped involuntarily as a result of alleged criminal conduct observed by a police officer, that all officers who observed such conduct firsthand—including plain clothes officers—are listed and identified (by name or unique identifier) in at least one police record corresponding to the resulting stop, detention, or seizure. The preservation of all relevant evidence is crucial in any criminal case as well as in administrative investigations (such as those carried out by CCA or IIS). Throughout the course of CCA's investigation of Mr. Criswell's complaint, the agency faced roadblocks in ascertaining the names of all officers involved. This challenge of identification has often presented itself during CCA's investigations that involve a plain clothes officer who has reportedly observed criminal behavior, such as a drug transaction, and then relayed those observations to other officers. There appears to be no current CPD reporting policy or practice that would require a documented link between officers that observe alleged behavior and the resulting police stop or detention, unless an arrest is made or unless the officer observing the conduct is the officer who made the stop. Plain clothes officers are generally not referenced in contact cards, CAD reports, or citations. Instituting rules to ensure a paper trail connecting plain clothes officers who observe criminal conduct to the suspect who is stopped or detained would strengthen all related investigations by identifying all witness officers who participated in or observed the incident under consideration.

CCA #21064

INCIDENT DATE: 04/09/2020

EVT #00010018

IIS #2021-085

Recommendation**R2207**

Given recurring violations of police policy by Police Officer Jerome Herring Jr. during a consecutive multi-year period—including a repeated lack of civil behavior which resulted in two (2) proposed Sustained findings from CCA for Discourtesy in preceding cases (CCA Case No. 20022 and 20223), as well as Sustained findings in the present case for Discourtesy and a failure practice de-escalation (Improper Procedure (Use of Force)), CCA recommends that CPD review Officer Herring's performance and consider taking corrective action, including but not limited to retraining.

CCA #22066

INCIDENT DATE: 03/05/2022

EVT #00016369

IIS #2022-075

Recommendation**R2208**

CCA recommends that 1) CPD institute a practice of convening the Firearms Discharge Board (FDB) or Critical Incident Review Board (CIRB) for any firearm discharge directed at an animal where such firearm discharge occurred in close proximity to an individual person, or where the animal who was targeted by such discharge was positioned in close proximity to an individual person at the time of the discharge; and 2) that any police policies or procedures that would prohibit the convening of such Boards be amended to permit the same if necessary. CPD Procedure § 12.550 Discharging of Firearms states that the "Police Chief has authorized a comprehensive review of critical firearm discharges," which are "defined as: [a]ll shots fired by Department employees," with the exception of (among other things) situations where shots are fired "[a]t animals." Procedure 12.550 provides that in situations where FDB is convened, it should issue a final report to the Police Chief within 90 days of receipt of material relevant to the shooting. The report is required to "identify training issues and

corrective measures, tactical response issues and corrective measures, and outline any recommended policy and/or procedure.” While the FDB has not been historically convened in situations involving animal shootings, CCA believes an exception is warranted in cases where an officer shoots an animal while a human being is nearby in close proximity, given the heightened risk to human life that is involved with such shootings. Similarly, CPD has recently created a Critical Incident Review Board (CIRB) as a “quality control mechanism” for critical incidents, including firearms discharges. See CPD Procedure § 12.545 Use of Force (Revised 01/28/21). CIRB’s purpose is to conduct “a detailed and comprehensive review” of such discharges and “to recommend to the Police Chief changes in investigative protocols, procedures, and training.” Shootings of animals, however, are exempt from review by the CIRB, according to Procedure § 12.545, even in cases where an officer shoots an animal while human beings are nearby in close proximity. Again, we believe an exception is warranted where a shooting of an animal occurs while an individual is proximate, given the heightened risks. While there are forums other than the CIRB or FDB that exist to probe discharges of firearms—including concurrent investigations of citizen complaints by CCA and IIS—a CIRB or FDB review still adds tremendous value. Among other things, those other reviews convene a broad array of command and supervisory personnel with valuable perspectives on the issues under consideration, and they review tactical issues that may be broader than the issues of misconduct considered in other concurrent investigations.

CCA #21217

INCIDENT DATE: 09/30/2021

Recommendation

R2209

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 Procedural 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.

CCA #21201 and 21092

INCIDENT DATE: 09/28/2021 and 05/06/2021

Recommendation

R2210

As an alternative dispute resolution process for resolving complaints like those at issue in this investigation, and consistent with mediation objectives set forth under Article 28 of Cincinnati's Administrative Code, CCA recommends the creation of a mediation program for low-level police complaints with key restorative justice features, including face-to-face dialogue between complainants and subject police officers, conducted in a confidential manner, in a neutral setting, guided by a neutral third-party who is trained to conduct mediation and who is neither a police officer, nor a representative of the involved complainant. To CCA's understanding, complaints filed by Mr. Lester and Ms. Thayer against CPD pertaining to quality of service have been a point of contention for several years. Sergeant Hicks expressed openness to mediation. CCA is open to coordinating mediation services or facilitating a discussion between Mr. Lester, Ms. Thayer, and the involved officers with the overall goal of creating understanding between all parties involved. CCA also seeks to work with CPD to create and implement such a program, in furtherance of its complaint prevention mandate and responsibilities under Article 28.

CCA #21123

INCIDENT DATE: 07/08/2021

EVT #00011906

IIS #2021-175

Recommendation

R2211

CCA recommends the Cincinnati Police Department strengthen its policies regarding interactions with of people who are suspected to be physically or developmentally disabled and review existing policies to ensure the handling, detention, and transportation of such persons complies with the Americans with Disability Act (ADA). CPD Policy 12.110 outlines how officers should interact with "Suspected Mentally Ill Individuals," and Policy 18.103 outlines how officers should treat "People Who are Deaf or Hearing Impaired;" a similar policy should be created regarding physically or developmentally disabled persons that specifies ADA-compliant standards for moving, detaining, or otherwise handling such persons. At a minimum, CPD should follow the example of the Columbus Police Division for the treatment of "Non-Ambulatory" prisoners, and (a) require its officers "to make reasonable accommodations to ensure their safety;" (b) require officers to transport such prisoners in a manner that "allows the prisoner to remain in his or her mobility device," such as a wheelchair; (c) mandate that officers must transport such disabled persons in an "ADA accessible vehicle;" and (d) require a supervisor to respond to the scene when "there is a question concerning whether a non-ambulatory prisoner needs to be transported by a medic or other ADA accessible vehicle." See Columbus PD Division Directive 3.03. CPD's new policy should also adopt the IACP's (International Association Chief of Police) guidance that "when reasonable and practical, avoid physical restrains," which can "injure the person or limit the person's ability to communicate," or limit the person's ability to "move independently (e.g., someone who uses a wheelchair)."

See <https://www.theiacp.org/sites/default/files/2018-08/IntellectualDevelopmentalDisabilityPolicy.pdf>

Officers should note that people experience physical or developmental disabilities on a spectrum; a person may appear to have a range of mobility, but still be disabled. With respect to the use of force, if the physically or developmentally disabled person presents an immediate threat, the threat should be neutralized, and a supervisor should immediately be requested regardless of if force is used. If the person presents no physical threat, then consistent with IACP guidance (particularly for persons with developmental disabilities), the supervisor should be called before going hands on with said person. CPD policy should require supervisors to make the ultimate decision regarding next steps and transportation to the HCJC if it is determined necessary. CPD policy on handling persons with disabilities should be reviewed for compliance with the Americans with Disability Act (ADA), Title II, which prohibits discrimination in the services of public entities. See e.g., The Americans with Disabilities Act (ADA) and On-the-Street Police Encounters, published by the Congressional Research Service, 9/30/2021 (stating that "The courts have consistently held that police departments are 'public entities and that Title II applies to at least some state and local law enforcement functions.)

CCA #21123

INCIDENT DATE: 07/08/2021

EVT #00011906

IIS #2021-175

Recommendation

R2212

Given recurring violations of police policy by Specialist Kevin Newman during a consecutive multi-year period—including repeated improper enforcement activity that resulted in four (4) Sustained findings from CCA for Improper Search, Discrimination, and Discourtesy in 2020 and 2021, as well as numerous Sustained findings in the present 2021 case for Abuse of Authority, Discourtesy, Discrimination, and Excessive Force—CCA recommends that CPD review Specialist Newman’s performance and begin Supervisory Monitoring. Moreover, given repeated Sustained findings for Discrimination relating to discriminatory speech directed towards detained citizens by Specialist Newman, as well as the patent mistreatment of a prisoner in this case by Specialist Newman, CCA also recommends that CPD take all appropriate disciplinary action under CPD’s Disciplinary Table/Matrix, including action such as suspension, requiring a disciplinary hearing.

CCA #21123

INCIDENT DATE: 07/07/2021

EVT #00011906

IIS #2021-175

Recommendation

R2213

Given recurring violations of police policy by Police Officer Michael Smith during a consecutive multi-year period—including repeated improper enforcement activity that resulted in eight (8) Sustained findings from CCA for Excessive Force, Discourtesy, and Improper Procedure in 2018, 2019, and 2021, as well as numerous Sustained findings in the present 2021 case for Abuse of Authority, Discourtesy, Discrimination, and Excessive Force—CCA recommends that CPD review Officer Smith’s performance and begin Supervisory Monitoring. Moreover, given repeated Sustained findings for Discourtesy, as well as the patent mistreatment of a prisoner in this case by Officer Smith, CCA also recommends that CPD take all appropriate disciplinary action under CPD’s Disciplinary Table/Matrix, including action such as suspension, requiring a disciplinary hearing.

CCA #20227

INCIDENT DATE: 11/11/2020

EVT #00006999

IIS #2020-254

Recommendation

R2214

To help improve citizen-police relations, CCA recommends that CPD expand Contact Card reporting to facilitate the tracking of stops based on suspected drug activity by a) including “Drug Activity” as a recordable “Reason for Stop” on Contact Cards; and b) revising Contact Card policy to require officers to list “Drug Activity” as a reason for the stop on all police stops where suspicion of drug activity is a motivating factor for the stop, irrespective of whether other factors such as traffic offenses were also reasons for the stop.

CCA #22112

INCIDENT DATE: 05/20/22

EVT #00018615

IIS #2022-143

Recommendation

R2215

CCA recommends that CPD (i) amend its policies and make corresponding adjustments to its training in order to clarify the circumstances under which a person who is suffering from a mental health crisis may be charged criminally when the charges

are related to the crisis, and (ii) strengthen its presumption against such charges. CPD Procedure § 12.110 Handling Suspected Mentally Ill Individuals and Potential Suicides, states that a “subject having a mental health crisis should not be charged criminally, even if force is used against them.” However, this case, like multiple others, is an example of situations where citizens have been charged with crimes, despite indications that they were suffering from a mental health crisis near the time of the events that gave rise to the charge. At a minimum, the policy language should be clarified so as to provide better guidance to officers and citizens as to when officers may charge mentally ill suspects criminally when such persons appear to be in crisis, and what factors must be relied upon in making such determinations.

CCA #22015

INCIDENT DATE: 07/26/2021

EVT #00015929

IIS #2022-022

Recommendation

R2216

CCA recommends that CPD extend greater protection and integrity to the complaint resolution process by strengthening language in Procedure Manual § 15.100 to state that officers “shall not discourage any person from making a complaint, engage in any act of reprisal or retaliation against any person who has made a complaint, participate in any attempts by any person or entity to persuade a person to withdraw a complaint, or otherwise interfere in the investigation of any complaint by a government agency.” Such language would clarify that the protections provided in the Manual of Rules of Regulations for government investigations clearly apply to citizen complainants and to inquiries into those complaints. Such language would also guard against the possibility or perception that a citizen complaint could be used as a bargaining chip by any person in a criminal proceeding related to a citizen-police encounter.

CCA #22155

INCIDENT DATE: 07/06/2022

EVT #00019459

IIS #2022-193

Recommendation

R2217

CCA recommends that CPD consider a revision of CPD Procedure §12.545 Use of Force that would bring that policy into greater alignment with CPD’s Tactical Patrol Guide by adopting the Patrol Guide’s instruction that officers should generally not withdraw their TASERS from their holsters under circumstances where the discharge of those TASERS would be impermissible or before it would be permissible to discharge a TASER. CPD’s Patrol Guide expressly cautions police officers against become overdependent on TASERS and withdrawing them from their holsters before it is appropriate to do so. Those concerns mirror the International Association of Chiefs of Police (IACP’s) guidance that a Conducted Electrical Weapon such as a TASER “should be pointed at a person only when the officer reasonably perceives that discharge, if it proves necessary, is reasonably justified under the totality of the circumstances, and the officer reasonably believes that the existing circumstances will require discharge of the device.” Adding provisions to CPD Procedure §12.545 that mirror the Patrol Guide’s limits on the display of TASERS would improve safety for officers and citizens alike, help provide greater notice to officers and citizens about when it is appropriate to point a TASER and would assist in preventing complaints related to TASER pointing or use

CCA #22155

INCIDENT DATE: 07/06/2022

EVT #000019459

IIS #2022-193

Recommendation

R2218

Given recurring violations of police policy by Police Officer Jerome Herring Jr. during a consecutive multi-year period—including a repeated lack of civil behavior which resulted in three (3) Sustained findings from CCA for Discourtesy in three preceding cases (CCA Case No. 20022, 20223, and 21064); and one (1) Sustained finding for failing to deescalate (i.e. Improper Procedure (Use of Force)) in CCA Case No. 21064—as well as a Sustained finding in the present case for the misuse of a TASER (i.e. Improper Procedure (Use of Force)), CCA recommends that CPD review Officer Herring’s performance and take corrective or disciplinary action.

CCA #21037

INCIDENT DATE: 03/15/2021

EVT #00009274

IIS #2021-060

Recommendation

R2219

CCA’s recommends that CPD review their report-completion and records-keeping policies and implement rules ensuring that when a citizen is seized, detained, or stopped involuntarily as a result of alleged criminal conduct observed by a police officer, that all officers who observed such conduct firsthand—including plain clothes officers—are listed and identified (by name or unique identifier) in at least one police record corresponding to the resulting stop, detention, or seizure. The preservation of all relevant evidence is crucial in any criminal case as well as in administrative investigations (such as those carried out by CCA or IIS). Throughout the course of CCA’s investigation of Mr. Carter’s complaint, the agency faced roadblocks in ascertaining the names of all officers involved. This challenge of identification has often presented itself during CCA’s investigations that involve a plain clothes officer who has reportedly observed criminal behavior, such as a drug transaction, and then relayed those observations to other officers. There appears to be no current CPD reporting policy or practice that would require a documented link between officers that observe alleged behavior and the resulting police stop or detention, unless an arrest is made or unless the officer observing the conduct is the officer who made the stop. Plain clothes officers are generally not referenced in contact cards, CAD reports, or citations. Instituting rules to ensure a paper trail connecting plain clothes officers who observe criminal conduct to the suspect who is stopped or detained would strengthen all related investigations by identifying all witness officers who participated in or observed the incident under consideration.

CCA #21038

INCIDENT DATE: 10/20/2022

EVT #00009072

IIS #2021-067

Recommendation

R2220

CCA recommends that CPD review its Procedure Manual and consider a revision of Procedure § 12.545 to bring it into greater alignment with Procedure § 12.600’s age-old instruction that officers using hard hands against an arrested person must refrain from transporting that prisoner after the use of force. A revision of one or both of those policy provisions would improve consistency between the two provisions and eliminate any ambiguity as to proper transportation protocols following use of force. Procedure 12.600 as currently written states, “Arresting officers involved in a use of force, other than the use of chemical irritant or the deployment of the TASER, will not transport a prisoner who is the subject of the use of force,” while Procedure 12.545 states, “[O]ther than a use of chemical irritant, CEW, or hard hands, a supervisor will ensure neutral officers transport the prisoner to the appropriate facility, if applicable.” Accordingly, while Procedure 12.600 clearly prohibits an officer who has used hard hands against a suspect from transporting that suspect, Procedure 12.545 seems to contain no requirement that a supervisor enforce that rule by ensuring that a “neutral officer” transports that suspect. Such a disconnect creates ambiguity and threatens to deprive both officers and the community of notice as to what constitutes proper transportation and how those standards will be enforced. CCA recommends review and revision.