

Bias-free Policing and Officer Accountability

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Executive Summary

Although formal oversight over the Collaborative Agreement (CA) and the Memorandum of Agreement (MOA) between the City of Cincinnati and the United States Department of Justice (collectively referred to as the Agreement) concluded in 2008, Cincinnati Police Department has continued to work with our partners to meet the five objectives envisioned by the Agreement:

- Police Officers and Community Members Will Become Proactive Partners in Community Problem Solving
- Build Relationships of Respect, Cooperation and Trust Within and Between Police and Communities
- Improve Education, Oversight, Monitoring, Hiring Practices and Accountability of CPD
- Ensure Fair, Equitable, and Courteous Treatment for All
- Create Methods to Establish the Public's Understanding of Police Policies and Procedures and Recognition of Exceptional Service in an Effort to Foster Support for the Police

CPD believes the our commitment to the major tenets of the Agreement has not only served our Department well but at the same time has been the driving force behind the strong community partnerships which have successfully impacted violent crime and disorder. Since the implementation of the Agreement, Cincinnati has witnessed steady decrease in serious crime categories and strong growth and revitalization in our neighborhoods.

While we value the principles embodied in the Agreement, we also recognize the world has dramatically changed since 2008. There is no question police and community relations have occupied the center stage of the national conversation. As community

demands of police agencies change, police leadership must position their agencies to meet these expectations. Accordingly, the Cincinnati Police Department has made a number of adjustments to policies, operating procedures, training and supervision since the formal monitoring period concluded. Changes in industry standards, court decisions, internal reviews, 21st Century Policing, and State of Ohio Task Force recommendations have all served as the impetus for many of these adjustments. We believe this opportunity to refresh the Agreement will further enhance these efforts.

This is the Department's first in a series of reports that will provide insight on how the Department is meeting the objectives of the Agreement. This report specifically, examines Department activities as it relates to *Bias-free Policing and Officer Accountability*. The Agreement directs the Department to collect and analyze data relative to field stops and arrests. Although the Department continues to collect arrest and traffic stop data as directed by City ordinance 88-2001, we still face challenges when it comes to the statistical analysis. During the monitoring period, this process was provided by the vendor, the Rand Corporation. Prior to Rand, this process was envisioned in a report titled, "Police Vehicle Stops in Cincinnati: July 1 – December 31, 2001", authored by Dr. John Eck from the University of Cincinnati. In both cases, the analysis involved complex review and examination of many data sets. This is a process which was never successfully replicated within the Department. This analysis was intended to point out officers with noted significant statistical differences in their arrest and stop dynamics. As envisioned by the MOA, the Department was to utilize its Risk Management System to internally analyze and intervene in these instances. This system is still in its original form and limited in functionality. The department has been researching and exploring other options to replace outdated systems, and is eager to review any suggestions by the independent contractor.

Introduction and Overview

Cincinnati's approach to community policing has become a model for cities and law enforcement agencies across the country, largely due to reforms inspired by the Collaborative Agreement (CA) and the perseverance of all parties involved in its implementation. Although federal monitoring of the CA ended in 2008, the majority of reforms and ideals endured and became embedded in the culture of the city. Some provisions, however, were diminished or abated due to budget deficits, changes in leadership philosophies and priorities, and the challenges of remaining current with advances in technology.

The City of Cincinnati remains committed to continue the progress and growth experienced during the CA implementation. In late 2016, city leaders agreed in order to successfully continue the reforms and spirit of the CA, the most pivotal provisions should be reviewed and evaluated according to current best practices, applicability, and the principles of the 21st Century Policing Initiative. The Cincinnati Police Department (CPD) was designated to coordinate the project for the City, and ultimately develop a practical, sustainable action plan that community stakeholders would embrace and support. The target date for completion of this Collaborative Agreement Review project (CA Review) is early 2018.

"Bias-free Policing and Officer Accountability" is the first evaluation report in a series of three. This report summarizes the City's internal review of current systems and processes used to:

- Identify and better understand the reasons for statistical differences, especially related to arrests, traffic stops and pedestrian stops;
- Identify potential "at-risk" police officers – those likely to engage in damaging behavior – before the behavior occurs;
- Provide beneficial, continuous training to police officers and recruits based upon current best practices
- Investigate citizen complaints for possible behavioral patterns and utilize problem solving to recommend policy reforms

Statistics, Comparisons and Key Observations

Introduction

To accurately analyze statistical differences involved in arrests, traffic stops and pedestrian stops, it is essential to compare several years' worth of data and consider what additional factors may have affected or contributed to the outcomes. For purposes of this CA Review, CPD Crime Analysis & Problem Solving (CAPS) compiled arrest and criminal charge data from the Hamilton County arrest database for a 16 year period (2000 through 2016); and traffic / pedestrian stop data for a seven year period (2009 through 2016) from the Field Interview / Contact module located in the Records Management System (RMS).

Traffic Stops, Pedestrian Stops and Contact Card Data

Per Cincinnati City Ordinance 88-2001, all CPD officers are required to complete a Form 534, Contact Card (Appendix A) whenever they conduct a motor vehicle stop. In addition, CPD Procedure 12.554, Investigatory Stops, requires officers to complete a Form 534 for any pedestrian detention which meets the definition of a "Terry Stop", unless the stop results in an arrest or citation (data is collected differently in those instances).

The data found in Appendix B, Contact Card Data, provides the number of traffic and pedestrian stops occurring between 2009 – 2016 that resulted in the completion of a Form 534. Completing the information on the front of the Form 534 is mandatory for officers; completing the "Field Interview" information on the back of the form is discretionary. Officers complete the Field Interview portion when there are unusual/suspicious circumstances or they feel the information should be passed on to a specialized unit such as Vice, Homicide, Traffic, etc. This distinction between "Contact Card" and "Field Interview" is essential in understanding the bar charts in Appendix B, which separate the two. In addition, it should be noted that the data and analysis provided by CAPS reference traffic stops is not as extensive as the analysis previously provided by RAND, due to CPD's lack of the necessary technology and resources.

Breakdown of Arrest Statistics

The data provided in Appendix C, Arrest Statistics, reflects the *number of persons arrested* and follows a hierarchical rule – only the highest charge is counted. The data is broken down in a variety of ways (by age, gender, race and severity of crime) and illustrated via bar charts. Table 1 (below) provides key observations from each bar chart in Appendix C:

Table 1: Notable Arrest Trends

| <u>Page #</u> | <u>Page Title</u> | <u>Key Observations</u> |
|----------------|--|--|
| 2 | Total Persons Arrested – by Age & Severity of Crime | 1) 60.4% reduction in Total arrests (2000 – 2016) 2) 49.8% reduction in Adults arrested (2000 – 2016) 3) 87.1% reduction in Juveniles arrested (2000 – 2016) 4) 40.5% reduction in Felony arrests (2000 – 2016) 5) 63.6% reduction in Misdemeanor arrests (2000 – 2016) 6) 28.9% reduction in Total arrests between 2010 - 2016 |
| 3 | Arrests by Gender | 1) Male arrests have decreased each year since 2008; Female arrests increased between 2015 - 2016 2) 61.8% reduction in Male arrests (2000 – 2016) 3) 55.8% reduction in Female arrests (2000 – 2016) |
| 5 | Arrests by Race | 1) 64.2% reduction in arrests of black persons (2000 – 2016) 2) 49.9% reduction in arrests of white persons (2000 – 2016) 3) 33.5% reduction in arrests of black persons (2010 – 2016) 4) 40.5% reduction in arrests of white persons (2010 – 2016) |
| 7 – 9 | Total Male Arrests – by Race, Age, Severity of Crime | 1) All bar charts (pgs 7-12) broadly demonstrate arrest declines from 2007 - 2016 2) Increase in arrests of male whites (2015 – 2016) (~450) |
| 10 - 12 | Total Female Arrests – by Race, Age, Severity of Crime | 3) Increase in arrests of female blacks (2015 – 2016) (~228) 4) Increase in arrests of female whites (2015 – 2016) (~206) |

Criminal Charges

The data provided in Appendix D, Criminal Charges, reflects total criminal charges for the time period 2000 – 2016. The data is then broken down by specific criminal offenses, focusing on those with the highest occurrence. Unlike the arrest statistics in Appendix C, there is no hierarchical rule applied to this data. Table 2 provides key observations from each bar chart in Appendix D:

Table 2: Notable Criminal Charge Trends

| <u>Page #</u> | <u>Page Title</u> | <u>Key Observations</u> |
|---------------|--|---|
| 2 | Criminal Charges – by Age & Severity of Crime | 1) General trend represents large-scale reductions since 2000 |
| 3 – 4 | Criminal Charges – by Category of Crime; Comparison of Top Charges | 1) Chart represents proportion of charges by charge category; Comparison lists highlight top category for 2000 & 2016 2) There are substantial changes in the proportion/number of Disorderly Conduct charges & Liquor violations 3) Increase in the proportion of drug offenses 4) Increase in weapon/gun charges |
| 5 – 6 | Drug Charges – by Age & Severity of Crime; by Race & Gender | 1) Considerable variation in drug charges between 2000 - 2016 2) Recent increases in both white male and female drug charges, particularly in 2016; probably due to increase of heroin/opioids |
| 7 – 8 | Disorderly Conduct Charges – by Age; by Race & Gender | 1) Disorderly conduct charges have declined substantially, almost every year from 2000 - 2016 2) Juvenile DC charges dropped from 9454 in 2000 to just 313 in 2016 |
| 9 – 10 | Liquor Law Violation Charges – by Age; By Race & Gender | 1) Liquor Law charges have varied widely between 2000-2016; the trend is not unidirectional 2) In general, the number of these charges dropped to a 16 year low in 2016 |

Demographic Comparisons

The maps in Appendix E illustrate several different compositions of the City of Cincinnati, by neighborhood. Maps 1 and 2 are based upon 2014 Census Bureau estimations; Maps 3 and 4 utilize 2016 data from the CPD Records Management System:

- Map 1 – Cincinnati Population by Neighborhood (percentage of total population)
- Map 2 – Cincinnati Racial Composition by Neighborhood (percentage of non-minority)
- Map 3 – Percentage of Violent Crime by Neighborhood (for 2016)
- Map 4 – Percentage of Shootings and Homicides by Neighborhood (for 2016)

Use of Force and Canine Deployment

Table 3 provides a 10-year comparison of Use of Force reports and Canine Deployments.

Table 3: Use of Force / Canine Deployments (2007 - 2016)

| Report Type | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | Change from 2007 to 2016 |
|---------------------------------------|------|------|------|------|------|------|------|------|------|------|--------------------------|
| Use of Force Investigation | 24 | 18 | 19 | 20 | 32 | 20 | 23 | 22 | 21 | 12 | -50.0% |
| Taser/ Beanbag/ Pepperball/ 40mm Foam | 388 | 354 | 321 | 281 | 279 | 239 | 222 | 198 | 202 | 185 | -52.3% |
| Chemical Irritant | 15 | 8 | 18 | 17 | 4 | 1 | 3 | 3 | 5 | 4 | -73.3% |
| Noncompliant Suspect/ Arrestee | 133 | 109 | 120 | 112 | 106 | 63 | 74 | 79 | 99 | 92 | -30.8% |
| Injury to Prisoner | 164 | 153 | 137 | 93 | 112 | 113 | 88 | 80 | 95 | 109 | -33.5% |
| Weapon Discharge at an Animal | 7 | 13 | 7 | 17 | 15 | 10 | 7 | 15 | 16 | 11 | 57.1% |
| Accidental Discharge | 3 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | -300% |
| Total: | 734 | 655 | 623 | 540 | 549 | 446 | 418 | 397 | 438 | 413 | -43.7% |

| Canine Stats | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | Change from 2007 to 2016 |
|--------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------------------------|
| Canine deployments | 527 | 765 | 800 | 798 | 795 | 592 | 331 | 219 | 468 | 372 | -29.4% |
| Bite Ratio % | 19.5 % | 12.8 % | 23.9 % | 25.6 % | 23.6 % | 21.4 % | 16.9 % | 14.8 % | 18.0 % | 12.9 % | -6.7% |

Policy and Procedure Review

Introduction

In August 2015, the City of Cincinnati financially and administratively supported the implementation of a Body Worn Camera (BWC) system for the police department. A BWC committee, consisting of representatives from numerous city departments, was established to research the myriad of issues related to BWC systems. Five subcommittees focused efforts on Operations/Policies; Data Management/Legal Issues; Police Officer Concerns/Acceptance; Equipment Specifications; and Public/City Government Expectations. The result was an exceptional, thorough, organized program which was fully implemented to all uniform patrol officers by December 2016. The department hopes to have BWCs assigned to every officer under the rank of captain by the end of 2017.

The BWC policy and procedure guidelines have been revised several times and continue to evolve as new challenges arise. Because this is such a new concept and process for law enforcement, there are few “tried and true” best practices established. Police agencies generally observe each other’s successes, mistakes and ideas then review and adjust their own policies accordingly. Because Cincinnati carefully planned and coordinated the BWC project prior to implementation, CPD again proved to be a model police agency for others to emulate. The department has received numerous requests from police agencies for recommendations and guidance on BWC implementation and issues. In addition, CPD ranked in the top percentile of departments evaluated by the Leadership Conference on Civil and Human Rights in terms of BWC policy standards (Appendix F). The full report can be viewed at: <https://www.bwccorecard.org>.

This section will provide a summary of the criteria used by CPD to review video and audio footage per Procedure 12.540, Body Worn Camera System (Appendix G) and Procedure 12.537, Mobile Video/Digital Video Recording Equipment (Appendix H).

Body Worn Camera System

A supervisory review of BWC footage is required by Procedure 12.540 for specific incidents involving any Use of Force, Injury to Prisoner, Injury to Officer, Vehicle Pursuit or Citizen Complaint. Supervisors must review the BWC footage from all officers who were on the scene when the incident occurred, and must ensure the footage is uploaded to Evidence.com and categorized for proper records retention purposes. Supervisors also review BWC footage for relevant information when an officer driving police equipment is involved in an auto accident. The procedure also instructs officers to inform a supervisor when their BWC contains footage that may be valuable for training purposes. Random review of BWC footage is currently not required by procedure.

In addition to the requirements outlined in Procedure 12.540, all BWC footage that is the subject of a records request must be reviewed and redacted by Police Records personnel before being released. This is required by Ohio Public Records law, and includes requests by the City or County Prosecutor's Office, the media, CPD personnel, defense attorneys, or private citizens. Video redaction is a new and extensive process for Police Records, so their methods are constantly being reviewed and improved upon. This process is included in the Police Records SOP rather than in Procedure 12.540. The most current version of the Police Records SOP is included as Appendix I.

The Police Records Video Redaction Team (VRT) is currently staffed by seven non-sworn employees and two sworn police officers. Due to the volume of requests and work involved, it is anticipated staffing will need to increase in the near future. While linking and redacting the necessary video/audio from requested footage, VRT personnel track any procedural infractions (e.g., missing footage; late activation of BWC) in a spreadsheet. CPD is currently working on formalizing the process for addressing these types of infractions. The anticipated plan is: on a monthly basis, Records will send the list to the Police Chief's office for dissemination to the appropriate bureau/district/unit for investigation. The affected officer's supervisor will complete a Form 17BWC (Appendix J), investigate and recommend appropriate discipline. Inspections Section will conduct periodic audits on the process.

VRT personnel are also instructed to inform a Records supervisor if they observe anything that may need further clarification or investigation. These observations could range from a positive interaction (e.g., an officer “going the extra mile” to assist a citizen) to a potentially negative incident (e.g., discourtesy; unreported use of hard hands). The Records supervisor reviews the footage and forwards the information to Internal Investigations Section (IIS) to determine how it should be addressed. CPD is also working on formalizing this process into a procedure or SOP.

Mobile Video/Digital Video Recording Equipment

CPD Planning Section is currently revising several sections of Procedure 12.537, which has not been updated since 2012. Most of the potential revisions address records redactions and provide clarification about not using the DVR body microphone when a BWC is being used. There are no potential recommendations to change the requirements for use of MVR/DVR equipment or supervisory review of MVR/DVR footage.

Procedure 12.537 requires a supervisory review of DVR discs or hard drives for all officers on the scene of any incident involving Injury to Prisoner, Use of Force, Injury to Officer, Vehicle Pursuit, Officer Needs Assistance, or Citizen Complaint.

In addition, the procedure requires every relief supervisor to randomly select a DVR disc or video file to review on a weekly basis. A specific incident from the file must be reviewed in its entirety and the results documented on a Form MVR4, Supervisor’s Review of DVR/Video File. These reviews are conducted for training purposes and to ensure integrity. The procedure includes specific guidelines about what should and should not be reviewed. It is likely the *documentation process* for supervisory review of MVR/DVR footage may change slightly during this next procedure revision. Currently, supervisors are required to file the Form MVR4 in a separate logbook, according to MOA ¶ 72. However, CPD administration agrees this is an antiquated process, so Planning Section is exploring electronic means to complete and track these reviews. Once a recommendation is approved, it will be incorporated into procedure.

Risk Management / Early Intervention Process

Background

The current Risk Management/Early Intervention process used by CPD was developed following the implementation of the Collaborative Agreement (MOA ¶ 62) and is outlined in Procedure 16.111, Employee Tracking Solution (ETS) (Appendix K). The procedure has evolved and been updated several times since its inception in 2004, however the basic process utilizing thresholds and standard deviations has remained the same. ETS captures data for every department employee regarding incidents involving use of force, injury to prisoner or personnel, vehicle accidents and pursuits, internal investigations and citizen complaints, criminal or civil proceedings involving department personnel, training records, court attendance, and award or commendation information.

On a quarterly basis, CPD Inspections Section conducts an Organizational Group Analysis to identify “at risk” employees who exceed the established activity thresholds for the preceding twelve (12) month period. District/section/unit commanders review the activities of the listed employees under their purview and prepare a report which includes an analysis of each employee’s activity, recommendations for intervention, and identifies which employees will be discussed at the Quarterly Command Review session. The commander’s report also includes updates for any employee on an intervention plan during the previous quarter.

ETS is no longer supported by the software developer or vendor. CPD is currently researching several options to replace ETS and update the Early Intervention process.

Efficiency and Effectiveness of CPD’s Current System

Reports and incidents are documented via ETS in a timely manner, but not always in a consistent manner. This is due to the limitations of the system as well as human error. These inconsistencies add inaccuracy to an already antiquated system and process. Per Inspections

Section, the quarterly task of data retrieval for the Organizational Group Analysis requires the system to run a report query that exceeds seventy two hours to complete. The data accuracy is limited to the status of the incident investigation, ownership and approval process. The retrieval of data is cumbersome and requires partial manual manipulation to separate and assign personnel work groups and verify accuracy before an analysis or pattern identification can be performed. The manual manipulation requires an additional two to three days to organize the data before it is forwarded to district/section/unit commanders for analysis, pattern identification and response.

District/section/unit commanders document their findings and submit their report summaries to Inspections Section, who compiles the responses into one final report for presentation to the Police Chief and Senior Command staff. This initial Quarterly Review Report process averages sixteen to seventeen working days (128-136 hours) to complete necessary data mining; preliminary report preparation; submission to, and response from, district/section/unit commanders; and compilation of a finished product.

Scheduling the Quarterly Command Review session is the responsibility of Inspections Section, completed via email / Outlook calendars, and is dependent upon the availability of the command staff. Consequently, most review sessions focus on officer conduct that occurred four to eight months prior, which is neither timely nor effective. Table 4 provides a three-year comparison of the number of officers identified for “Intervention” due to the Quarterly Review Process, versus the number identified as a result of Department Level Hearings.

Table 4: Intervention Statistics (2014 – 2016)

| Year | Total CPD Sworn Officers (EOY) | Officers ID'd for Intervention During Quarterly Reviews | % of Total Sworn | Officers ID'd for Intervention Due to Dept Level Hearings | % of Total Sworn | Total Interventions | % of Total Sworn |
|------|--------------------------------|---|------------------|---|------------------|---------------------|------------------|
| 2014 | 1012 | 6 | .6% | 15 | 1.48% | 21 | 2.1% |
| 2015 | 1010 | 5 | .5% | 12 | 1.19% | 17 | 1.7% |
| 2016 | 1049 | 12 | 1.14% | 18 | 1.72% | 30 | 2.9% |

There are currently no audits associated with the Quarterly Reviews. Any follow up is conducted by the district/section/unit commanders, documented in their report summaries and discussed at the command review. Inspections Section is developing a recommendation to incorporate an audit of intervention plans and their documentation.

Research and Considerations

Various department sections/units have been involved in researching and reviewing potential Early Warning / Early Intervention software programs to replace ETS and the current Risk Management process. In addition to the information required by MOA ¶ 58 for collection and recording, the department would like to upgrade the process to include additional performance indicators such as:

- ▶ Sick leave usage / patterns
- ▶ Absenteeism / abuse of personal leave
- ▶ Non-disciplinary action against an officer (e.g., counseled / instructed ESL)
- ▶ Department commendations / awards
- ▶ Community commendations / awards
- ▶ Performance evaluation ratings
- ▶ Arrest statistics (race/gender/age)
- ▶ Traffic stop data / contact cards
- ▶ Pedestrian stop data / contact cards

The following are some of the software / analytical processes being considered:

1. **IAPro / BlueTeam / EIPro software** (CI Technologies, <http://www.ci-technologies.com/>)

CI Technologies specializes in software solutions for Professional Standards, Criminal Intelligence and Investigations. The **IAPro** software would replace CPD's current Internal Investigations database, as well as provide a range of proactive early intervention support features, thresholds, peer group analysis and comparison reports. The **BlueTeam** software documents the department's incidents of Use of Force, Complaints, Vehicle/Pedestrian Stops, Vehicle Pursuits, etc. BlueTeam also includes Early Intervention software (**EIPro**).

Evaluation / Challenges: Initial cost plus annual maintenance fees; uncertainty as to whether CPD current ETS information/history can be successfully transferred to this system. Also, the analysis provided by this system may not fulfill all of CPD's needs.

2. **University of Cincinnati Institute of Crime Science (ICS)**, (<https://www.uc.edu/ics.html>)
CPD representatives met with research associates from ICS to discuss the possibility of developing a customized Early Warning System to fulfill the department's needs. ICS has successfully partnered with CPD in the past, already has access to some of the department's data systems, and has the ability to write unrestricted queries according to CPD's needs and specifications.

Evaluation / Challenges: This option appears to be the most promising; however, we are unable to determine the affordability until more details are worked out.

3. City of Cincinnati **Office of Performance and Data Analytics (OPDA)**, (<http://www.cincinnati-oh.gov/manager/opda/>)
City Administration is exploring the possibility of utilizing OPDA to absorb many of the functions previously provided by RAND. OPDA is currently collecting traffic data, to be reviewed via data models/lenses they are creating. They are also planning to increase transparency by publishing more police data via the City's Open Data Portal, located on the City of Cincinnati website: <https://data.cincinnati-oh.gov/>.

Evaluation / Challenges: Additional funding needed to increase complement of OPDA (tentatively scheduled for January 2018); uncertainty as to whether the RAND analysis can be duplicated.

4. **CPD Records Management System (RMS)**, (Motorola Solutions, Inc.)
At this time, CPD administration does not believe this system is capable of performing all of the necessary functions to fulfill the department's needs.

Training Curriculum and Practices Assessment

Background

A primary focus of the Memorandum of Agreement (MOA) is the quality and amount of law enforcement training provided to CPD recruits, officers and supervisors, especially in regard to Use of Force (MOA ¶ 77 – 81), incidents involving mentally ill individuals (MOA ¶ 10, 81), and the Field Training Officer (FTO) program and standards (MOA ¶ 88, 89). The CPD Training Section curriculum follows, and many times exceeds, the requirements outlined by the Ohio Peace Officer Training Commission (OPOTC), which uses the latest research and recommended professional practices. OPOTC develops curriculum based upon the Ohio Revised Code and Ohio Administrative Code, and is accredited by the Commission on Accreditation for Law Enforcement Agencies. They also develop and administer the State Certification Exams and track legislative issues that may impact training content and standards.

Use of Force Training and Policy

“Scenario-based” exercises are utilized extensively by CPD Training Section during recruit training as well as In-service and Firearms training for seasoned officers. Officers engage in tactical exercises and use simunition equipment to mirror real-life incidents and stressful, challenging situations requiring quick assessment and decisions. De-escalation techniques are consistently emphasized and incorporated into every aspect of training.

Probationary Police Officer (PPO) Training

During the 28 weeks of PPO training, de-escalation is taught as part of the OPOTC lesson plan for Human Relations/Crisis Intervention, and is covered in both the classroom curriculum and through participation in live scenarios at the Target Range and Police Academy. These scenarios are structured so PPOs gradually use all of their available tools, ranging from their presence alone to utilizing their firearm. After the initial instructional stage, scenarios are presented where the proper outcome could potentially be anything from a report run to a lethal encounter.

PPOs receive five weeks of training at the Target Range. More than half of this training is focused on role-playing a variety of situations, including but not limited to: traffic and pedestrian stops; threat assessment; de-escalation; and “shoot, don’t shoot” scenarios. Each scenario is designed to require assessment, decision making, and a desired/ ideal final outcome, with the majority of scenario outcomes structured as “non-shoot”. This extensive scenario-based training exposes PPOs to numerous types of incidents, emphasizing the importance of critically assessing situations, applying de-escalation techniques and utilizing options other than force.

Classroom crisis intervention training includes de-escalation techniques to use when dealing with “special populations”, which includes those with mental health issues (MHRT), Excited Delirium, Alzheimer’s and Dementia, Suicidal Individuals, Children in Crisis, and Individuals Under the Influence of Alcohol/Drugs. Some of these courses are presented by instructors from institutions such as the University of Cincinnati Medical Center, the Cincinnati Children’s Home and the Alzheimer’s Association; others are handled by certified instructors from CPD Training Section.

In-Service and Firearms Training

All peace officers working in the State of Ohio are required by the Ohio Administrative Code ([OAC 109:2-18, Continuing Professional Training for Peace Officers and Troopers](#)) to complete annually mandated continuing professional training (CPT). Police agencies must adhere to strict requirements regarding subject matter, instructor qualifications and roster/reporting processes in order to receive reimbursement for the training. Any peace officer who fails to complete the CPT requirements within a calendar year will have their police powers suspended until evidence of compliance is filed with the OPOTC executive director.

The subject matter required by OPOTC changes each year. The critical subjects mandated for 2017 peace officer training include:

- ▶ Trauma Informed Policing
- ▶ Practical Application of Force
- ▶ Officer & Community Wellness
- ▶ Legal Updates

Copies of CPD's In-Service Training agendas for 2015-2017 are included in Appendix L. In addition to classroom and scenario-based instruction at the Police Academy, officers also participate in scenario-based tactical exercises at annual Firearms Familiarization training.

Commitment to Training and Leadership Development

CPD is committed to providing the most current and relevant training to its members. The Training Section staff is dedicated to ensuring officers are equipped with the skills and knowledge necessary to perform the job safely, effectively and ethically. CPD Training personnel are certified through OPOTC, and collectively have attained thousands of hours of Instructor Certification training on numerous topics. A recent course attended by several Training staff members was "Fair and Impartial Policing", which was then incorporated into In-Service training for the entire department. The staff utilized the knowledge, curricula, and lesson plans acquired at this training to teach officers and supervisors to: (1) recognize their conscious and implicit biases; (2) implement controlled / unbiased behavioral responses; and (3) promote fair and impartial policing in their daily work environment. This course was taught by Professor Lorie Fridell, a national expert on biased policing and a former Director of Research at the Police Executive Research Forum (PERF).

To promote leadership growth, CPD also partners with Xavier University and the University of Cincinnati in developing programs for supervisors to attain degrees and/or certifications. Supervisors are also encouraged to attend outside training provided by the Southern Police Institute, Police Executive Leadership College, FBI Academy and the Senior Management Institute for Police.

Policy and Procedure Revisions

The importance of critical decision making and assessing a situation before resorting to use of force was recently stressed through the revision of several CPD procedures and publication of a CPD Staff Note. Several months ago, CPD added "de-escalation" language to Procedures 12.110, Handling Suspected Mentally Ill Individuals and Potential Suicides; 12.545, Use of Force; and 12.550, Discharging of Firearms by Police Personnel. The additional language was derived from the *National Consensus Policy on Use of Force*, published in January 2017 as a

result of collaboration between 11 agencies, including the International Association of Chiefs of Police (IACP) and the Fraternal Order of Police (FOP). This publication was also added as a reference to the Use of Force procedure.

Field Training Officer (FTO) Program

CPD Training Section utilizes the “San Jose Model” (SJM) Field Training and Evaluation Program for PPO training. Over time, CPD has researched and considered other programs, e.g., Police Training Officer (PTO) model, but chose to continue with the SJM for several reasons:

1. SJM utilizes a quantitative rating system, denoting a specific number associated with behavior or performance
2. The Standard Evaluation Guide (SEG) provides useful examples of specific behaviors for the rating numbers, assisting in consistent evaluation of behavior
3. The SEGs allow for a more objective evaluation of the PPO’s behavior or performance, and less subjective evaluation based on personality
4. SJM has proven reliable in court cases

SJM is also flexible enough for the department to modify if necessary. For example, in addition to increasing the length of the Phase I Academy training to 28 weeks, CPD also increased the Phase II FTO time to 13 weeks, added secondary FTOs, and includes community policing aspects in Phase II. The model is taught by Ohio Police Officer Training Academy, provides the essential documentation of performance and remedial instruction, as well as allows for feedback from the PPO.

FTO Selection Process and Evaluation

Prospective Field Training Officers are nominated by their supervisors based upon criteria such as performance ratings, job experience, disciplinary record, attitude, and numerous other skills or factors, listed in Procedure 13.100, Field Training Officer Program (Appendix M). The review and selection process is extensive, and handled primarily by the FTO Review Board. The Police Chief makes the final approval based upon the recommendations of the Training Section commander and FTO Review Board.

FTO performance is evaluated on a daily basis by supervisory review of the FTO's Daily Observation Reports. FTOs are also evaluated for recertification twice a year. In addition, PPOs rate their primary and secondary FTOs on an eight item Likert Scale survey at the end of Phase II training, including providing narrative comments.

Training Section personnel frequently research best practices and compare processes with other national law enforcement agencies. They are currently reviewing Procedure 13.100 and documenting recommendations for improvement such as the inclusion of additional steps in the PPO evaluation process and greater focus on FTO procedural knowledge.

Mental Health Response Training

CPD's procedure and training regarding handling individuals with mental health issues is thought to be a first of its kind in the nation. Specially trained Mental Health Response Team (MHRT) officers are the first responders on all radio runs involving suspected mentally ill individuals. CPD also has the support and benefit of utilizing a Hamilton County Mobile Crisis Team during psychiatric emergency situations that require police presence. As previously noted, "de-escalation" language was recently added to the Policy section of Procedure 12.110, Handling Suspected Mentally Ill Individuals and Potential Suicides (Appendix N).

Although mental health response training is largely controlled by OPOTC lesson plans, all new police recruits are trained as MHRT officers. To date, CPD has approximately 325 officers specially trained to handle individuals with mental health issues. PPOs receive 40 hours of initial training, and all MHRT officers complete four additional hours of refresher training every three years.

Citizen Complaint Authority (CCA)

Background

In April 2002, the Citizen Complaint Authority (CCA) was created as a result of the Collaborative Agreement and Memorandum of Agreement, and the City of Cincinnati's commitment to fostering a more positive relationship between the community and the Police Department. The CCA is an independent civilian oversight agency with investigative and administrative authority, and is structured with the following three operating components:

1. An independent Board of up to seven citizens appointed by the Mayor
2. A full time Director and support staff
3. A team of professional Investigators

Complaint and Investigation Procedures

The CCA is charged with investigation of serious interventions by City of Cincinnati police officers, including but not limited to:

1. Discharge of Firearms: Any and all discharging of a firearm by a Cincinnati Police Officer either intentional or accidental. This includes accidental discharge of a firearm whether the projectile strikes anything or not, and intentional shooting at a person or animal.
2. Death in Custody: A person who dies while in police custody, whether or not the police officer's action contributed to the death. "In Custody" is defined as under the control of the police. The control does not have to be an arrest or physical possession of a person.
3. Improper Pointing of Firearms: When an officer draws his firearm (weapon) from the holster and points it in the direction of or at a person(s).
4. Improper Search: The search of one's property (residence, vehicle, etc.) or person without just cause or a search warrant. The search is not unreasonable if it is incident to an arrest or written permission is granted to conduct the search. The courts have granted exceptions to search without a search warrant and each specific incident should be reviewed.

5. **Improper Seizure:** The seizure of one's property without the permission of the owner/possessor or a warrant. The courts have granted exceptions to a seizure without a search warrant and each specific incident should be reviewed.
6. **Discrimination:** Contact or action by an officer that was motivated by the race, sex, gender or age of a person.
7. **Use of Force:** Officer(s) use of some type of force whether physical, instrumental, or physical contact restricting the movement of a person.
8. **Excessive Force:** Officer(s) use of some type of force whether physical or by instrument that is beyond what is reasonably necessary.
9. **Harassment:** Behavior that threatens or torments somebody, especially persistently.

The process for filing and assigning CCA complaints is outlined in Appendix P. The complaints are assigned to a CCA investigator within 48 business hours.

Communication with the Public / Community Engagement

CCA continues to reach out to community stakeholders, citizens and CPD to increase awareness about civilian oversight. CCA representatives meet periodically with the City Manager's Advisory Group (CMAG), attend weekly CPD Statistic and Tactical Analytic Review for Solutions (STARS) meetings, and communicate with other municipalities regarding CCA's creation, mission and its functions as part of a continuous outreach effort.

As part of the Community Engagement efforts for the CA Review, CCA worked with the Cincinnati Black United Front and University of Cincinnati (UC) Department of Political Science to develop a "Cincinnati Perception Survey". The survey was announced during a press conference on June 2, 2017, and made available to the public via a link on the CCA City of Cincinnati webpage, as well as at: www.CincinnatiCollaborativeAgreement.com. The survey will remain available to the public through the end of August 2017. UC will analyze the collected data and provide their results by the end of September; the results will be published in a future CA Review report. A copy of the survey can be found in Appendix Q.

During 2016, CCA attended or presented to the following Community Councils:

- ▶ Avondale
- ▶ Bond Hill
- ▶ California
- ▶ Camp Washington
- ▶ Carthage Civic League
- ▶ Clifton Town Meeting
- ▶ College Hill
- ▶ Columbia Tusculum
- ▶ Corryville
- ▶ CUF (Clifton Heights, University Heights, Fairview)
- ▶ East End
- ▶ East Walnut Hills Assembly
- ▶ East Westwood
- ▶ Evanston
- ▶ Kennedy Heights
- ▶ Mt. Auburn
- ▶ North Fairmount
- ▶ Paddock Hills
- ▶ Spring Grove Village
- ▶ Westwood

In addition, during 2016 CCA attended or presented to the following:

- ▶ 106th CPD Recruit Class
- ▶ City Council FY2017 Recommended Budget Public Meetings
- ▶ CPD Body Worn Camera Training
- ▶ De-escalation Techniques
- ▶ Human Impact Patterns (HIP) regarding Ohio Community-Police Relations
- ▶ Emergency Management Preparedness Training
- ▶ Northwestern Law, Bluhm Legal Clinic Civil Rights Litigation Center
- ▶ Mayor's Community Policing Forum
- ▶ New Board Member Orientation
- ▶ NOBLE 40th Annual Conference (National)
- ▶ NOBLE Conference (Regional)
- ▶ Ohio Ethics Law
- ▶ Reframing Safety, Rethinking Policy and Adjusting the Cincinnati CA
- ▶ US Department of State's International Visitor Leadership Program (Argentina)
- ▶ US Department of State's International Visitor Leadership Program (West Bank)

In 2017, CCA has attended, presented, or are scheduled for the following:

- ▶ East End Community Council
- ▶ City Solicitor's CPD Legal Updates Training
- ▶ Riverside Civic & Welfare Club Meeting
- ▶ Hartwell Improvement Association Meeting
- ▶ Mount Lookout Community Council Meeting

Pattern Review and Process for Recommending Policy Reforms

In compliance with Section 4 of the Cincinnati Municipal Code Article XXVIII, the CCA continues to review complaint patterns and research ways to address the root causes of complaints. This section states, in part:

The CCA will examine complaint patterns that might provide opportunities for the 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.

The Patterns Report reviews repeat officers, repeat citizen complainants and repeat complaint circumstances. The criteria used to identify possible patterns are:

- 1) Any officer with complaints from at least ten (10) complainants over a three (3) year period;
- 2) Any citizen who filed more than three (3) complaints during that same period;
- 3) Repeat complaint circumstances during the same period.

As part of the Patterns Report, CCA makes recommendations to CPD regarding the appropriate corrective actions to take reference the officers identified with an excessive number of complaints. These actions may include additional training, additional supervision, mentoring, reassignment and other similar actions, or a combination thereof, utilizing resources available to CPD.

In addition, CCA requests CPD provide them with a summary of any mitigating or corrective measures taken, and the opportunity to proactively discuss problem-solving approaches as CPD reviews pattern officers, pattern citizens and pattern circumstances. CCA plans to further develop the criteria for pattern of complaint circumstances in 2017.

CCA is also tasked with investigating officers charged with misconduct in order to prevent or reduce citizen complaints. CCA then issues recommendations or a summary of their observations to CPD when there are trends, discrepancies or potential root causes noted during investigations. In 2016, CCA completed the investigation of 61 complaints and made 15 recommendations to CPD.

Use of Problem Solving to Reduce Identified Patterns of Complaints or Abuses

CCA problem solves through orchestrating and participating in discussion with CPD regarding potential root causes. Much of the discussion is based on review of CPD policies and procedures, research and review of patterns. In the last year, the topics of discussion have included:

- ▶ Search Warrants
- ▶ Warrantless Searches
- ▶ Consents to Search
- ▶ Lack of Service allegations
- ▶ BWC policies and procedure
- ▶ MVR/DVR footage concerns
- ▶ Use of force allegations
- ▶ De-escalation techniques
- ▶ Communication
- ▶ Access to information

Some of the results have included changes within CPD policies and procedures as well as internal reviews by CPD. CCA also attends the Chief of Police's Quarterly Command Review meeting to note any CPD disciplinary action taken against officers. CCA attends as an observer only; it has not provided any related disciplinary action plans.

Input from the Community and Criminal Justice Professionals Re: Responses to Crime

Community and criminal justice professionals input regarding responses to crime (traditional vs. non-traditional) is not prescribed via Cincinnati Municipal Code, Article XXVIII. However, CCA has been tasked with overseeing the community engagement component of the Collaborative Agreement Refresh project. It is anticipated that CCA will reach out to public defenders, prosecutors, parole and probation officers as well as related non-profits via a questionnaire that is in the process of being created by CCA.

In addition to its monthly Neighborhood Council presentations, CCA also will conduct two (2) public forums in 2017 to promote discussion and obtain input from community stakeholders. At the time of this report, no specific dates have been set for the forums.