

2011 ANNUAL REPORT

city of
CINCINNATI
CITIZEN COMPLAINT AUTHORITY





Kenneth E. Glenn
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February 26, 2012

Honorable Mayor Mark Mallory
Council Members
City Manager Milton Dohoney, Jr.
Citizen Complaint Authority Board

Pursuant to section 86 of the Collaborative Agreement, I present to you, the Cincinnati community and City employees, the ninth annual report of the Citizen Complaint Authority. This report covers October 1, 2010 through September 30, 2011 and outlines statistical complaint data and summarizes the activities of the agency for the year.

The year 2011 was a year of change for Cincinnati city government as Police Chief Thomas Streicher retired and the City Manager appointed James E. Craig as the new Police Chief. For a civilian oversight agency to be successful there must be a professional working relationship with the police agency it oversees. CCA maintained a professional relationship with the police department and Chief Thomas Streicher, and although sometimes we disagreed, the professionalism was always there. We congratulate Chief Craig who understands and supports the Collaborative Agreement and we look forward to working with him.

During 2011, CCA reviewed 324 complaints, fully investigated 66 and met the mandated 90 day Collaborative Agreement deadline in all the investigations. During the past nine years, CCA has reviewed approximately 3,725 complaints and fully investigated approximately 1,110. The complaints not investigated were referred to the police department's Citizen Complaint Resolution Process (CCRP) per the Collaborative Agreement. Of the total number of complaints reviewed, approximately 19% were discourtesy and 46% were allegations of excessive use of force.

During the year, board chair Carole Cutter-Hawkins' term ended and three new board members were appointed. I would like to take this opportunity to thank Mrs. Cutter-Hawkins for her four years of service to our community. The CCA staff welcome's new board members Louis Ginocchio, Marjorie Moseley and Scott Knox who were appointed by the Mayor during 2011.

Going forward, and even with a limited staff, CCA is committed to provide the citizens of Cincinnati with a first class civilian oversight agency dedicated to its mission.

Kenneth E. Glenn
CCIA Director



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January 2012

Honorable Mayor Mark Mallory
Council Members
City Manager Milton R. Dohoney, Jr.
Citizen Complaint Authority Board

It has been my pleasure and honor to serve as Board Chair of the Citizen Complaint Authority (CCA) for 2011. Many thanks to my fellow board members, Leo Pierson, Norma Holt Davis, Rusdyn Lindsey, Louis Ginocchio and Marjorie Moseley. The outstanding investigative staff, under the leadership of Kenneth Glenn, exhibited extraordinary professionalism, dedication and competence. Their investigative skills and hard work, by fairly attending to the complaints of citizens, helped to create an atmosphere of trust in the community and improved understanding. CCA has come a long way in developing the agency in a way that encourages the community to believe their voices will be heard. I am certain that nurturing these impressions will continue.

A collaborative relationship between CCA and the Cincinnati Police Department (CPD) is imperative. The Collaborative Agreement, the basis upon which all cases are decided is reflected in the boards approach to the complaints of the individuals. Each case is dealt with in a thoughtful and constructive manner. Using the data addressed in this report will help the CPD and CCA focus on the weaknesses that exists in the policies and procedures, which have been problematic based on patterns described herein this report. Excessive force and disrespectful interaction percentages remain high as evidenced in the patterns report. Also, the increased taser use by officers, although within police policies and procedures, will hopefully be addressed going forward.

Cincinnati has a new police chief, Chief James Craig, who has demonstrated an eagerness to introduce policing strategies in the CPD that reinforce and/or enhance current policies and procedures. Having connected with Kenneth Glenn, Chief Craig has become acquainted with the Collaborative Agreement and has expressed his support. He has exhibited professionalism and a desire to meet with many groups to share his vision, and plans to address the safety concerns of the community.

In conclusion, it has been a pleasure to serve the Cincinnati community, and I am grateful for the opportunity to have worked with an awesome board, an amazing Director, investigative staff and a professional Police Department. Empathizing with the complaints of citizens, though objectively deciding cases based on CPD policies and procedures, was often challenging but rewarding and I thank all with whom I worked for the opportunity to serve.

Carol Cutter-Hawkins
CCA Board Chair

MISSION STATEMENT

The mission of the Citizen Complaint Authority is to **investigate** serious interventions by police officers including, but not limited to discharging of firearms, deaths in custody, use of excessive force, improper pointing of firearms, improper search and seizures, and to **resolve** all citizen complaints in a **fair and efficient** manner.



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● INTRODUCTION

As a result of repeated lawsuits and the public's demand for a Department of Justice (DOJ) investigation, former Mayor of Cincinnati (Charlie Luken) requested that the DOJ review the Cincinnati Police Department's (CPD) use of force policy. The Mayor's request was a major step in promoting police integrity and the City's commitment to minimizing the use of excessive force in the police department. In response to that request, DOJ conducted an investigation pursuant to its authority under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C., Section 14141.

To affirm the commitment, the City entered into the Collaborative Agreement (CA) and Memorandum of Agreement (MOA). The parties to CA included the Black United Front (subsequently asked and received permission to be released from the agreement), the American Civil Liberties Union and the Fraternal Order of Police. Both agreements required the City to create a police oversight agency.

In April 2002, the Citizen Complaint Authority (CCA) was created as an independent civilian oversight agency by City Ordinance No. 0108-2002 and codified in Article XXVIII of the Municipal Code. The agency was created with investigative and administrative authority. Additionally, CCA's board has the authority to issue subpoenas for documents, photographs and other tangible items. If a key witness, other than a City employee, refuses to cooperate in an investigation, the Director may recommend to the board that a subpoena be required to compel such testimony. The board shall then have the authority to request a subpoena from City Council.

CCA is structured with the following three operating components:

1. An independent board of seven citizens appointed by the Mayor and approved by City Council
2. A full time Director and support staff
3. A team of professional Investigators

In August 2008, the final year for federal court supervision officially ended. The intent of the Collaborative and Memorandum Agreements was to foster a better relationship between the community and the police

department. Though the work will never end, the two agreements laid a solid foundation for the city to move forward on its own. City Manager Milton Dohoney, Jr. has shown tremendous leadership and a commitment for the continuation of the provisions in the agreements.

THE BOARD OF CITIZENS

The board is comprised of seven members who represent a cross-section of the Cincinnati community. Each board member has the requisite education and experience to impartially review evidence and render judgments on alleged officer misconduct. The board members serve a maximum of two, two-year terms with the exception of three initial appointees who had one-year appointments. Those three were limited to a single term of two years in order to ensure that the board had staggered terms.

The Mayor accepts nominations from the city's 52 community councils, businesses, civic, social service and other agencies and organizations. The Mayor also accepts applications from individual city residents. Applicants for the board must execute a signed release authorizing a thorough background check including a criminal background check. No person may serve on the board who has been convicted of: (1) a felony, (2) an assault on a police officer, or (3) any crime of dishonesty. The 2011 board members are listed below:

Chair Carol Cutter-Hawkins	Norma Holt Davis, Esq.
Louis Ginocchio	Rusdyn Lindsey
Leo Pierson	Nashid Shakir

Mr. Shakir resigned on September 26, 2011

BOARD RESPONSIBILITIES

The board is charged with:

- Reviewing each investigation report to confirm completeness,
- Conducting review hearings to approve or disapprove the investigative reports, the findings and recommendations. If the board disagrees with the Director's recommendation, it will state reasons and may direct further investigation or submit its own finding and recommendation along with the Director's original report to the City Manager and the Chief of Police.

● BOARD HEARING AND PROCEDURES

Board hearings are held on the first Monday of each month at 5:00 p.m. in the Council Chambers at City Hall. Prior to the board meeting, the Director forwards a copy of each report with recommended findings to each board member for review. Additionally, copies of the investigative reports are sent to the complainants, officers and the Chief of Police, notifying the parties of the board meeting. The complainant and the respondent officer(s) are notified that they may challenge and/or appeal the Director's recommendation to the board.

CITY MANAGER REVIEW

After the board hearing, the board, through the director, forwards the investigative reports with its recommended findings to the City Manager. The City Manager shall agree, disagree or agree-in-part to any findings and recommendations either by the board or director, and shall inform the director and board in writing of any reason for disagreeing or agreeing in part. The director will then inform the complainant and officer(s) of the City Manager's decision and that this decision is final, and there is no appeal.

STAFF 2011

Director

The City Manager consults the board and seeks the board's recommendation when appointing the Director. However, the final decision is made by the City Manager. The Director shall have professional experience in the investigation of police misconduct. The Director is responsible for the day-to-day operations of the agency, including: (i) recommendations for hiring of professional and support staff, (ii) preparation, submission and adherence to a budget, (iii) conduct and timely completion of investigations, (iv) reporting to the City on the agency's work, and (v) maintaining an effective working relationship with CPD and other branches of government.

Kenneth E. Glenn was appointed Director on December 6, 2006 by City Manager Milton R. Dohoney, Jr. Mr. Glenn began his career with the City of Cincinnati, CCA, April 2003 as an Investigator.

In April 2005, he was appointed Chief Investigator, and on December 1, 2005, Mr. Glenn was appointed Interim

Director by Interim City Manager David Rager. Prior to his employment with the City of Cincinnati, he retired as a Sergeant with the Detroit Police Department and was assigned to the law department where he worked with City attorneys investigating lawsuits against the police department. As a supervisor, he conducted internal investigations regarding allegations of police misconduct.

Chief Investigator

Gregory Pychewicz began his career with the City of Cincinnati, April 2003. On November 6, 2006, Mr. Pychewicz was appointed Chief Investigator. Prior to his employment with the City of Cincinnati, he was a retired Detective with the Columbus Police Department. During his service with the Columbus Police Department he served 19 years in the Detective Bureau as an Investigator. While serving in the Detective Bureau, he was assigned to several units including the juvenile, burglary, robbery, sexual abuse, theft, and intelligence units.

Investigators

Dena Brown began her career with the City of Cincinnati, March 2006. Prior to her employment with the City of Cincinnati, she was a Probation Officer for 11 years with Hamilton County Adult Probation Department.

David Moonitz began his career with the City of Cincinnati, April 2003. Prior to his employment with the City of Cincinnati, he worked as an Insurance Fraud Investigator. Mr. Moonitz worked with the Hamilton County Adult Probation Department after retiring from the Hamilton County Sheriff's Office. During his service with the sheriff's office, he spent 19 years in criminal investigations, working as a Detective, Sergeant and Lieutenant. Mr. Moonitz also served as the criminal investigations unit executive officer supervising specialty units, including internal affairs and first line supervisors.

Support Staff

Michelle Bonner began her career with CCA, May 2006. Mrs. Bonner is an experienced local government professional with achievements in processing improvements that include implementing paperless processes, execution of budget processes, and monitoring expenditures and reports. Mrs. Bonner offers a blend of human resources, technical support and business knowledge.

Wadonn Wells began his career with CCA, December 2009, as an Administrative Technician. He resigned July 2011.

● FILING A COMPLAINT

In order to ensure that citizens are assisted in a timely, efficient and professional manner, CCA follows certain guidelines for accepting and investigating complaints. Any citizen can file a complaint concerning a Cincinnati Police Officer. The agency also accepts third party complaints.

Complaints may be filed with CCA or CPD, by telephone, by mail, in person, or the Citizen Complaint Authority e-mail address: cca-complaints@cincinnati-oh.gov.

Complaint forms may be obtained at the Urban League, NAACP, public library's website at: www.cincinnati-library.org, or CCA's website at: www.cincinnati-oh.gov. Complaints must be submitted within one year of the date of an incident. Any complaints submitted after one year of the alleged misconduct may, however, be reviewed by the Director. The agency will not accept complaints concerning incidents predating the effective date of CCA.

Assignment and Investigation of a Complaint

Upon receipt of a complaint, the Director reviews the complaint and it is assigned within 48 hours to an Investigator for investigation. A copy is also submitted to the Chief of Police within five business days of the date assigned.

Investigative Guidelines:

- Complaints are evaluated based upon the preponderance of the evidence standard
- CCA will consider all relevant evidence including circumstantial, direct, and physical evidence and make credibility determinations
- There will be no automatic preference for an officer's statement over a non-officer's statement
- Statements of witnesses will not be disregarded because the witness has some connection to the complainant
- Every effort will be made to resolve material inconsistencies between statements of witnesses
- During the investigation, Investigators will refrain from asking officers or other witnesses leading questions that improperly suggest legal justifications for the officer's conduct when such questions are contrary to appropriate law enforcement techniques

- All relevant police activity, including each use of force, and not just the type of force will be investigated
- Investigators will evaluate any searches or seizures that occurred during the incident
- An investigation will not be closed simply because the complaint has withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury. Instead, the investigation will continue to determine whether the original allegations(s) can be resolved
- The guilty plea of a complainant will not be considered as evidence whether an officer used or did not use a type of force, nor will it justify discontinuing the investigation. The complainant will be periodically advised regarding the status of the investigation
- Each allegation in an investigation will be resolved with one of the following dispositions:

Unfounded - where the investigation determined no facts to support the incident complained of actually occurred.

Sustained - where the allegation is supported by sufficient evidence to determine that the incident occurred, and the actions of the officer were improper.

Not Sustained - where there are insufficient facts to decide whether the alleged misconduct occurred.

Exonerated - where a preponderance of evidence shows that the alleged conduct did occur but did not violate CPD policies, procedures, or training.

After completion of the investigation, the Investigator forwards the report to the Chief Investigator who reviews it for thoroughness. After the Chief Investigator reviews the report, it is forwarded to the Director for review.

Upon completion of an investigation, the Director forwards the investigative reports to the board. The board conducts a review hearing solely for the purpose of confirming the completeness of the investigation and approving or disapproving the Director's report. When the findings and recommendations are approved, they are submitted to the Chief of Police and City Manager.

● SERIOUS POLICE INTERVENTIONS INCIDENTS

During the October 1, 2010 to September 30, 2011 annual reporting period, CCA's staff responded to nine incidents where officers discharged their weapons. In addition, there was a 2010 discharge of a firearm investigation completed in 2011. Of the ten shooting incidents, nine incidents involved a citizen with a weapon. In incidents where an officer(s) exchanged shots with civilians, three incidents resulting in a civilian death, and one was wounded. One incident occurred where an officer discharged his weapon, and the civilian did not have a weapon. One incident occurred where two officers were shot. Additionally, a death in custody occurred where a civilian fleeing from police was involved in a traffic accident with another vehicle, killing two persons.

Case# 10240

Vice officers conducted a liquor inspection of a bar to verify the bar complied with the state laws, and to see if a gang was trying to take over the bar as their own. Vice officers in unmarked vehicles and one uniformed cruiser arrived noticing several motorcycle club members were outside in the beer garden area. One member turned toward the bar and grabbed a female patron as a shield. He turned and began to shoot at the officers. The motorcycle club member wounded two officers and several officers discharged their firearms resulting in the individual being mortally wounded.

CCA concluded that the actions of the officers in returning the gunfire complied with CPD's policies, procedures and training. Each officer who fired his weapon articulated the threat of serious bodily harm or death.

Case# 11006

An officer was taking an auto accident report when he heard gunshots coming from nearby. A male came from the rear of some buildings and the officer observed a gun in his hand. He yelled police and for him to get down on the ground. The male ignored his commands and turned the gun toward him. The officer fearing for his life fired two shots at the subject, which did not take effect.

Shortly thereafter, and in close proximity, the officer observed a second person with a gun in his hand. The officer ordered him to drop the weapon and to get down on the ground. The male started to raise the gun toward the officer, and fearing for his life, the officer fired two rounds neither of which took effect. Both males were subsequently arrested by Homicide Unit Investigators. Both males were armed with guns when approached by the uniform officer who articulated a fear of death or serious bodily harm. CCA concluded the officer was within policy in discharging his firearm.

Case# 11066

An officer queried a license plate of a vehicle and was informed that it was reported stolen. He stopped the vehicle and as he exited the CPD vehicle, the driver sped away. The officer initiated a vehicle pursuit with a second CPD vehicle following. The pursuit terminated on southbound Sycamore Street at 8th Street, at which time the vehicle struck a PT Cruiser and taxicab that had entered the intersection and was proceeding westbound, with the traffic light.

After the collision, the driver exited the vehicle and ran. The officer pursued him on foot and apprehended him a short distance from the crash scene. The driver of the taxicab and a passenger were killed. Two civilian witnesses verified the officer's statement as to the collisions. A review of the DVR from the officer's police cruiser reflected he operated the vehicle within CPD policies and procedure.

Case# 11090

Several officers were investigating a robbery and stopped a male who fit the description. The male drew a knife from his pocket and swiped at one of the officers. Another officer at the scene discharged his weapon twice believing the first officer's life was in danger. The male was fatally wounded during this incident. CCA concluded the officer's actions complied with CPD's policy, procedures and training.



DIRECTOR'S SUMMARY OF ACTIVITIES

During the tenth year of operation, CCA looks forward to working with the Mayor, City Manager, City Council, CPD and the citizens of Cincinnati to ensure the agency has the resources it needs to perform its tasks. CCA will continue to operate as an agency that provides the citizens of Cincinnati with an independent and impartial forum for the investigation and timely resolution of police misconduct complaints. CCA has an excellent staff and the entire team will be working in 2012 to be as efficient as possible. The agency's success can be attributed to the steps the agency has taken to stretch its resources and develop creative ways to enhance the agency.

During 2010, the City Manager merged CCA with Internal Audit creating The Department of Citizen Complaint & Internal Audit. The operating budget for fiscal year 2011 was \$1,081,850. The breakdown is as follows:

Personnel Services	\$702,580
Employee Benefits	\$323,890
Other Expenses	\$55,380
OPERATING TOTAL	\$1,081,850

CCA & CPD Relationship

In order for the agency to be effective, it is important that a relationship of mutual respect be maintained with CPD. CCA and CPD established a written protocol for the timely exchange of information and coordination of investigations. The Director and the Internal Investigation Section Commander meet monthly to reconcile cases that have been investigated and prepared for the monthly board meeting. The relationship of mutual respect and professionalism continues.

CCA Training

Training programs keep staff motivated about learning new concepts. The supervising management staff continued the City Manager's Professional Development Series (PDS). The Director attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference in New Orleans, LA. Mr. Glenn attended workshops on tasers, use of force investigations, officer involved shootings etc. One employee attended the Wrap Restraint System Training Course conducted by Ron O'Dell.

In addition, other employees attended courses taught by members of the Human Resources Development Academy (HRDA) to enhance their skills. These courses included, Ethics for Government Staff, Public Records Law and CHRIS.

Training expenses were significantly curtailed; training, however, is still encouraged. As mentioned previously, employees enhanced their skills through HRDA courses and the City Manager's professional development series at no cost. Therefore, in an effort to reduce cost, some employees assumed the responsibilities for training expenses, while others attended courses offered by the city, such as HRDA courses and the PDS. The PDS is an initiative by the City Manager to engage all employees in transitioning the workplace into a more positive and efficient work environment and culture, and HRDA offers required courses to employees, as well as professional development, and enrichment and personal development courses.

2011 ANNUAL REPORT STATISTICS

The Collaborative Agreement and Article XXVIII of the Municipal Code mandate the review of allegations of police misconduct, including major uses of force, discharging a firearm, death in custody, improper pointing of a firearm, improper search and seizures, improper entry and discrimination.

During 2011, the agency reviewed three hundred and twenty-four (324) complaints for an average of 27 complaints per month. This is the same average per month as 2010. Of those complaints, two hundred and fifty-eight (258) were referred to CPD in accordance with its Citizen Complaint Resolution Process (CCRP). Sixty-six (66) cases were retained and investigated by CCA.

In 2011, there was a decrease of 20% of CCA investigations with 17% decrease in allegations and an increase of 7% of CCRP investigations with 9% increase in allegations compared to 2010. CCA is presently using October of the previous year through September of the present year for its annual report. This allows for a more efficient published report.

Chart 1: Total Complaints

Complaint Type	# of Complaints	% of Total
CCA Complaints	66	20%
CCRP Complaints	258	80%
TOTAL	324	100%

Chart 2: Total Allegations

Allegation Type	# of Allegations	% of Total
CCA	121	22%
CCRP	435	78%
TOTAL	556	100%

Type of Cases Investigated by CCA

Of the sixty-six (66) cases investigated by CCA in 2011, there were one hundred and twenty-one (121) allegations.

Chart 3 contains 64 allegations of excessive/use of force, 9 discharging of a firearm incidents; 3 involved deaths, 12 improper search/seizure/entries, 2 improper pointing of a firearm, 2 discrimination, 21 discourtesy, 8 improper procedure, 1 death in custody, 1 lack of service, and 1 improper detention complaint.

In 2011, the use of force allegations decreased by 9.5%, improper search/seizure/entry complaints decreased by 60% and discourtesy increased by 50% over 2010.

Chart 3: Types of Allegations Investigated

Allegation Type	# of Allegations	% of Total
Death in Custody	1	Less than 1%
Discharge of Firearm	9	7%
Discourtesy	21	17%
Discrimination	2	2%
Excessive/Use of Force	64	53%
Improper Detention	1	Less than 1%
Improper Pointing of Firearm	2	2%
Improper Procedure	8	7%
Improper Search/Seizure/Entry	12	10%
Lack of Service	1	Less than 1%
TOTAL	121	100%

There were 2 detail officers from the 66 CCA investigations and 3 detail officers from the 258 CCRP investigations.

Witnesses Interviewed

Of the sixty-six (66) complaints investigated by CCA, one hundred and twenty-seven (127) civilians and one hundred and forty (140) police officers were interviewed totaling two hundred and sixty-seven (267) witnesses involved in the investigations. A decrease of 20% in total witnesses interviewed compared to 2010.

Chart 4: Witnesses Interviewed

Police	140
Civilian	127
TOTAL	267

Director's Recommendation

Upon completion of an investigation, the director forwards the investigative report to the board. If the board conducts a review hearing, its purpose shall be to confirm completeness of the investigation and approve or disapprove the director's report. Where the findings and recommendations are approved, they shall be submitted to the Chief of Police and City Manager. The pending allegations are from 6 investigations involving police intervention shootings.

● Chart 5: Director's Recommendation

Unfounded	19
Exonerated	15
Not Sustained	71
Sustained	10
Pending	6
TOTAL	121

City Manager's Final Disposition

Of the investigations completed in 2011, the City Manager reviewed 115 allegations against officers. In those investigations where the City Manager disagreed or agreed-in-part, with the recommended findings, the reason for his action was forwarded to CCA in writing. There are 6 allegations pending a finding.

Chart 6: City Manager's Final Disposition

Agree	115
Disagree	0
Pending	6
TOTAL	121

How CCA Complaints Were Received

CCA tries to make it convenient as possible for a citizen to file a complaint. CCA received one hundred and four (104) complaints referred by CPD, eighty-six (86) from ETS (the CPD database system,) nine (9) e-mail, fifty-eight (58) by telephone, four (4) from the U.S. mail service, and sixty-three (63) from citizens that walked into CCA's office. In addition a complaint can be filed online at our homepage.

Chart 7: How CCA Complaints Were Received

CPD	104
ETS	86
Email	9
Phone	58
US Mail	4
Walk-In	63
TOTAL	324

Citizen Complaint Resolution Process (CCRP)

The Citizen Complaint Resolution Process (CCRP) is defined in part as follows: CPD's investigating supervisor will thoroughly investigate all allegations. Based on the investigation of the complaint, the investigating supervisor will make a determination whether or not the member's conduct was consistent with CPD's policy; a

complaint resolution meeting with the complainant and a CPD member is offered.

Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action of disciplinary action was taken. CCA referred to CPD two hundred and fifty-eight (258) complaints with four hundred and thirty-five (435) allegations. Including thirty (30) complaints with forty-five (45) allegations that were classified as non-jurisdiction, criminal or not received by CCA in a timely manner from CPD. Two hundred and forty-four (244) CCRP/Referral cases were completed with 14 cases and 21 allegation findings pending. The pending CCRP cases are over the 90 days to complete an investigation.

CCRP Allegations

Of the two hundred and fifty-eight (258) complaints referred to CPD in 2011, there were four hundred and thirty-five (435) allegations. CCA referred one hundred and fifty-one (151) allegations of discourtesy, one hundred and eighteen (118) allegations of lack of service, one hundred and four (104) allegations of improper procedure, seventeen (17) harassment allegations and forty-five (45) classified as "other." In 2011, discourtesy allegations increased from 2010 by 21%, lack of service decreased by 21%, improper procedures increased by 30% and harassment remained the same. This is the third year in a row that discourtesy complaints increased and second year improper procedure increased.

Chart 8: CCRP Allegation Types

Finding	Total
Discourtesy	151
Harassment	17
Improper Procedure	104
Lack of Service	118
Other	45
TOTAL	435

Chart 9: CCRP Findings

Finding	Total
Exonerated	128
Not Sustained	155
Sustained	44
Unfounded	87
Pending	21
TOTAL	435

● Cincinnati Police Districts

The districts where CCA/CCRP complaint incidents occurred. The neighborhoods where incidents occurred.

Chart 10: Districts

Police District	Total	% of Total
District 1	84	26
District 2	32	10
District 3	72	22
District 4	78	24
District 5	54	17
Unknown	4	1
TOTAL	324	100%

Chart 11: Neighborhoods

District 1	CBD Riverfront	44
	Over-the-Rhine	27
	West End	13
	Total	84
District 2	Columbia Tusculum	1
	East Walnut Hills	2
	Evanston	6
	Hyde Park	5
	Kennedy Heights	2
	Madisonville	7
	Mt. Washington	3
	Oakley	1
	O'Bryonville	1
	Pleasant Ridge	4
	Total	32
District 3	East Price Hill	14
	East Westwood	1
	Fairview	1
	Fay Apartments	1
	Lower Price Hill	3
	Millvale	4
	Moosewood	2
	Price Hill	10
	Riverside	2
	Sayler Park	1
	Sedamsville	1
	South Cumminsville	1
	South Fairmount	3
	West Price Hill	7
	Western Hills	5
	Westwood	16
	Total	72

District 4	Avondale	24
	Bond Hill	8
	Carthage	2
	Corryville	4
	Hartwell	2
	Mt Adams	2
	Mt Auburn	4
	North Avondale	2
	Roselawn	12
	Walnut Hills	18
	Total	78

District 5	Camp Washington	2
	Clifton	18
	Clifton-University Heights	3
	College Hill	8
	Mt Airy	5
	Northside	9
	Winton Hills	4
	Winton Place	5
	Total	54

Unknown Districts	2
Non Jurisdiction	2
TOTAL	324

US Census Bureau Cincinnati Population

2010 US Census Bureau Cincinnati Population estimates (296,943).

Chart 12: 2010 US Census Bureau Cincinnati Population*

Male	142,672	48.1%
Female	154,271	51.9%
Caucasian	146,435	49.3%
African American	133,039	44.8%
Other-Ethnic Groups	17,469	5.9%
TOTAL POPULATION	296,943	100%

*data collected from <http://quickfacts.census.gov>

Cincinnati Police Department Ethnicity & Gender

As of October 2011, CPD had one thousand and thirty-eight (1038) sworn officers. Eight hundred and three (803) are males and two hundred and thirty-five (235) female. Six hundred and ninety (690) are Caucasian, three hundred and fourteen (314) are African-American, and thirty-four (34) are classified as other ethnicity.

● **Chart 13: Cincinnati Police Department Ethnicity & Gender***

Rank	Caucasian Male	African American Male	Male/Other	Caucasian Female	African American Female	Female/Other
Chief	0	1	0	0	0	0
Assistant Chief	3	1	0	1	0	0
Captain	13	1	0	2	0	0
Lieutenant	32	6	1	8	1	0
Sergeant	104	35	5	11	12	0
Specialist	88	9	1	33	6	1
Officer	295	186	22	100	56	4
TOTAL	535	239	29	155	75	5

*data collected from CPD as of 12/2011

CCA/CCRP Complaints by Complainant's Gender & Ethnicity

During 2011, there were three hundred and twenty-four (324) complaints with three hundred and twenty-six (326) complainants. Some incidents the complainant filed multiple allegations regarding the same interaction.

The chart below defines the gender of the complainant in relation to the total number of complaints. There were one hundred and seventy (170) complaints filed by males, one hundred and forty-six (146) complaints by females, and ten (10) by unknown gender. Two hundred and twenty (220) complaints were filed by African Americans, seventy-two (72) were filed by Caucasians, one (1) filed by Hispanic, and thirty-three (33) were filed by unknown race.

Chart 14: Complaints by Gender & Ethnicity of Complainants

Male	170	52%
Female	146	45%
Unknown	10	3%
African-American	220	67%
Caucasian	72	22%
Hispanic	1	Less than 1%
Unknown	33	10%
TOTAL	326	100%

CCA/CCRP Allegations by Gender of Officer

During 2011, there were cases where the complainant filed multiple allegations against the same or multiple officers. Of the three hundred and twenty-four (324) complaints reviewed, there were five hundred and fifty-six (556) allegations involving four hundred and forty-two (442) officers.

Below defines the gender of the officer compared with the total number of allegations. An officer will be counted once in a complaint even though they may have more than one allegation. Three hundred and sixty-two (362) male officers, seventy-three (73) female officers and eight (8) unknown genders account for the five hundred and sixty-one (561) allegations.

Chart 15: Allegations by the Gender of Officers

Male	361	81%
Female	73	17%
Unknown	8	2%
TOTAL	442	100%

Allegations by the Ethnicity of Officers

Of the five hundred and fifty-six (556) allegations, two hundred and seventy-one (271) were filed against Caucasian officers, one hundred and forty-eight (148) were filed against African American officers, three (3) were filed against Hispanics, nine (9) against Asians, three (3) against other race and eight (8) were filed against unknown ethnic backgrounds.

Chart 16: Allegations by the Ethnicity of Officers

African-American	148	33%
Caucasian	271	61%
Hispanic	3	1%
Asian	9	2%
Unknown	8	2%
Other	3	1%
TOTAL	442	100%

APPENDIX I: PATTERNS REPORT



Date: February 3, 2012

To: James E. Craig, Chief of Police

From: Kenneth E. Glenn, Director, CCA

Copies: Milton R. Dohoney, Jr., City Manager; CCA Board Members; K. Farrell, FOP President

Subject: CCA 2011 Officer and Citizen Complaint Patterns Report

Section eighty-three of the Collaborative Agreement states the following:

CCA will examine complaint patterns that might provide opportunities for the CPD and community to reduce complaints. At a minimum, 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, 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.

Following this directive, CCA conducted a study and has identified repeat officer and citizen complaints for 2011. In 2006, the criterion used was any officer with complaints from at least 10 complainants over a three-year period was identified. Additionally, any citizen who filed more than 3 complaints during that same three-year period was identified. For this report, CCA examined the years 2009 through 2011 using the same criteria.

The 2011 report has identified 4 officers and 5 citizens. The 2011 report shows an increase of 400% in the total number of officers. Three of the four officers were from District 3. Over the three-year period, there were 65 allegations against the 4 officers. Twenty-Five (25) or 39% were discourtesy, twelve (12) or 19% were lack of service, nine (9) or 14% were procedure violations, 9 or (14%) were a type of force and ten (10) or 14% were other allegations.

The 2011 report shows five citizens, which is an increase 66% from 2010 annual report. Of the five citizens identified for the 2011 report, one citizen was from the 2010 report. The five identified citizens for the 2011 report filed fifteen complaints with 36 allegations. Ten (10) were for procedure violations, eleven (11) were lack of service, seven (7) were discourtesy, nine (9) were other allegations and none were use of excessive force.

The officers and citizens are listed alphabetically.

Repeated Officer Complaints

CCA examined the following criteria:

- 2009-2011
- Officers with complaints from at least 10 complainants

Officers Complaint Pattern Report

1. Jennifer Myers, D-3: 12 complaints with 20 allegations
2. Brandon Rock, D-3: 12 complaints with 19 allegations
3. Michael Roetting, D-4: 11 complaints with 13 allegations
4. Zachary Sterbling, D-3: 10 complaints with 13 allegations

Repeated Citizens Complaints

CCA examined the following criteria:

- 2009-2011
- Citizens with three complaints from the last 3 years.

Citizen Complaint Pattern Report

1. Amanda Clements F-W-31: 3 complaints with 10 allegations
2. June Hill F-B-53: 3 complaints with 7 allegations
3. Lisa Huff F-B-45: 3 complaints with 5 allegations
4. Melissa Kelly F-B-29: 3 complaints with 9 allegations
5. Christine Stillwell F-W-41: 3 complaints with 5 allegations

APPENDIX II: DEFINITION OF TERMS

1. **Allegation** - When a citizen accuses an officer of a specific wrongdoing.
2. **Case** - The identification of an investigation assigned to a complaint.
3. **Complainant** - A citizen filing a complaint against CPD sworn officer(s).
4. **Complaint** - An allegation (excluding any criminal investigation) from any source, of any action of inaction by CPD personnel, which the source considers to be contrary to law, proper procedure, good order, or in some manner prejudicial to the individual, CPD or to the community.
5. **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.
6. **Exonerated** - Where a preponderance of evidence shows that the alleged conducts did occur but did not violate CPD policies, procedures, or training.
7. **Finding** - The conclusion of the investigation of the allegations against an officer.
8. **Improper pointing of firearms** - When an officer points a firearm at a person without just cause.
9. **Investigation** - Includes, but not limited to interviewing witnesses, collecting evidence and concluding on a finding.
10. **Non-jurisdiction** - The term "non-jurisdiction" includes, but not limited to an allegation against a sworn Cincinnati police officer outside of the city limits or a non-Cincinnati police officer or CPD's non-sworn personnel and any criminal allegation.
11. **Not sustained** - Where there are insufficient facts to decide whether the alleged misconduct occurred.
12. **Officer** - The term "officer" or "police officer" means any sworn law enforcement officer employed by the CPD.
13. **Racial discrimination** - Contact or action against a citizen by an officer that was motivated by the race of a person.
14. **Discharge of a firearm** - 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.
15. **Sustained** - Where the complainant's allegation is supported by sufficient evidence to determine that the incident occurred, and the actions of the officer were improper.
16. **Unfounded** - Where an investigation determined no facts to support the incident complained of actually occurred.
17. **Improper search** - The search of one's property (residence, vehicle, etc.) or person without just cause or a search warrant. The search is not improper if it is incident to an arrest or written permission is granted to conduct the search. The courts have granted exceptions to searches without a search warrant and each specific incident should be reviewed.
18. **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.
19. **Use of excessive force** - Officer(s) use of some type of force whether physical or by instrument that is beyond what is reasonably necessary.
20. **Use of force** - Officer(s) use of some type of force whether physical, instrumental, or physical contact restricting the movement of a person.

