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February 6, 2013

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

Pursuant to section 86 of the Collaborative Agreement and Section 5, Article XXVIII of the Cincinnati Municipal Code, I present to you and the Cincinnati community the tenth annual report of the Citizen Complaint Authority. This report covers October 1, 2011 through September 30, 2012 and outlines statistical complaint data and summarizes the activities of the agency for the year.

I would like to commend Board Chair Norma Holt Davis, Esq., for her exceptional leadership, and board members Leo Pierson, Rusdyn Lindsey, Louis Ginocchio, Scott Knox, Esq., Tifanie McMillan, Esq. and Marjorie Moseley who served with distinction for all or part of the year. The difficult and challenging work that CCA is tasked with cannot be accomplished without an exceptional staff. I thank and commend the entire CCA staff for a job well done.

For a civilian oversight agency to be successful there must be a professional working relationship with the police agency it oversees. 2012 was the first full year of Chief James Craig's tenure with the city and through his leadership; he has improved upon the professional relationship that existed between the two agencies. CCA is now included in CPD's command staff quarterly officer assessment review and other command staff reviews directly associated with CCA's Collaborative Agreement responsibilities.

During 2012, CCA reviewed 306 complaints, fully investigated 57 complaints and met the mandated 90 day Collaborative Agreement deadline in all the investigations. During the past ten years, CCA has reviewed approximately 4,020 complaints and fully investigated approximately 1,175 complaints. 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 CCA complaints fully investigated, approximately 16% were discourtesy, 43% were allegations of excessive force and 16% allegations of improper searches.

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

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Kenneth E. Glenn CCIA Director



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

**Dear Recipients:** 

I am pleased to have served as Board Chair of the Citizen Complaint Authority (CCA) during 2012. I hereby express sincere gratitude to fellow Board Members Leo Pierson, Rusdyn Lindsey, Louis Ginocchio, Scott Knox, Marjorie Moseley, and Tifanie McMillan who served for all or part of the year. The Board's commitment to the citizens of the City of Cincinnati as demonstrated by dedicated service on the CCA Board is to be applauded. Director Kenneth Glenn is to be commended for exceptional leadership during 2012. The Board publicly commended Director Glenn for the thorough report and cutting edge recommendations that he made relative to the use of tasers by the Cincinnati Police Department. The investigative and support staff continued to exhibit professionalism, dedication and competence.

CCA and the Cincinnati Police Department (CPD) have a collaborative relationship that fosters the kind of nonadversarial atmosphere needed to approach and investigate citizen complaints. All cases are dealt with in a constructive manner. As in the past, the data presented and analyzed in this report will help the CPD and CCA focus on the weaknesses that exist in the policies and procedures, which have been problematic based on patterns described in the report. Excessive force and disrespectful interaction are frequent complaints as evidenced in the patterns report.

I am sure that I speak for all parties involved when I express our commitment to continue to speedily investigate complaints in a fair and impartial manner and to make sure that the voices of the citizens of Cincinnati are heard.

Very truly yours,

Norma Holt Davis

Norma Holt Davis 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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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

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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 2012 board members are listed below:

Chair Norma Holt Davis, Esq. Louis Ginocchio Leo Pierson Tifanie McMillan, Esg. Scott Knox, Esq. Rusdyn Lindsey Marjorie Moseley

# **BOARD RESPONSIBILITIES**

The board is charged with:

- Reviewing each investigative 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 or disagree 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 the City Manager's decision is final, and there is no appeal.

#### **STAFF 2012**

#### 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.

Jennifer Guenther began her career with CCA, March 2012, as an Administrative Technician.

#### □ 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.

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

Complaint forms may be obtained at the Urban League, NAACP, public library's website at: www.cincinnatilibrary.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. The investigation must be completed within 90 days. A copy is also submitted to the Chief of Police within five business days of the date assigned.

#### **Investigative Guidelines:**

**GENCY OVERVIEW** 

- 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 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 2011 to September 2012 annual report reporting period, CCA's staff investigated seven (7) incidents where officers discharged firearms. Of the seven (7); three (3) investigations were pending from August 2011.

# **Cases from the 2011 Reporting Period**

### Case# 11215

An officer attempted to question a male who turned and fired shots at the officer. The officer returned fire striking the male several times. The investigation concluded the officer complied with CPD policy, procedures and training.

# Case# 11216

A male subject was stopped by an officer downtown who the officer thought was carrying a gun. The male began struggling with the officer, drew a weapon and pointed it at the officer. The officer drew his gun and fired at the male, mortally wounding him. The investigation concluded the officer complied with CPD policy, procedures and training.

# Case# 11217

An officer responded to a disturbance call and observed a male with a weapon in his hand. The male subject pointed a gun at the officer who fired one round at the male subject, missing him. The male surrendered to other officers. The investigation concluded the officer complied with CPD policy, procedures and training.

# **Cases from the 2012 Reporting Period**

Of the seven (7) shooting incidents that occurred during the October 2011 to September 2012 annual reporting period; three (3) incidents involved a citizen with a weapon. Two incidents resulted in a death; one (1) incident an officer discharged his weapon accidentally without injury; one (1) incident resulted in minor injury to a civilian who did not have a weapon. There were no officer's shot during the four (4) incidents.

# Case# 11335

A sergeant was conducting an investigation of a male with a gun. The sergeant knocked on the subject's door, and he opened the door with a gun in his hand and pointed it at the sergeant. The sergeant fired twice, striking and mortally wounding the male. The investigation concluded the officer complied with CPD policy, procedures and training.

# Case #11336

A sergeant was outside of a building, securing it after a previous officer involved shooting. A witness who had called 911, attempted to exit the building and the sergeant accidentally discharged one round, striking a door. The investigation concluded the officer did not comply with CPD policy, procedures and training.



During the eleventh 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 2013 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.

The operating budget for fiscal year 2012 was \$976,420. The breakdown is as follows:

Personnel Services	\$668,270
Employee Benefits	\$253,240
Other Expenses	\$54,910
OPERATING TOTAL	\$976,420

## **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 Professional Standards 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.



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

The agency reviewed three hundred and three (303) complaints in 2012 for an average of 25 complaints per month. Of those complaints, two hundred and twenty-seven (227) were referred to CPD in accordance with its Citizen Complaint Resolution Process (CCRP). Fifty-seven (57) cases were retained and investigated by CCA. There were nineteen (19) non- jurisdiction cases sent to Professional Standards Section (PSS) to investigate. In 2012, there was a decrease of 12% of CCA investigations with no change in allegations and a decrease of 10% of CCRP investigations with 5% decrease in allegations compared to 2011.

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	57	19%
CCRP Complaints	227	75%
Non Jurisdiction	19	6%
TOTAL	303	100%

#### **Chart 2: Total Allegations**

Allegation Type	# of Allegations	% of Total
CCA	130	23%
CCRP	400	67%
IJ	66	11%
TOTAL	596	100%

#### Type of Cases Investigated by CCA

Of the fifty-seven (57) cases investigated by CCA in 2012, there were one hundred and thirty (130) allegations. The chart below contains 56 allegations of excessive/use of force, 4 discharging of a firearm incidents; 25 improper search/seizure/entries, 2 improper pointing of a firearm, 6 discrimination, 27 discourtesy, 9 procedure violations, and 1 lack of service complaints. In 2012, the force allegations decreased by 11%, improper search/seizure/entry complaints increased by 100% and discourtesy increased by 22% over 2011.

#### **Chart 3: Types of Allegations Investigated**

Allegation Type	# of Allegations	% of Total
Discharge of Firearm	4	3%
Discourtesy	27	21%
Discrimination	6	4%
Excessive/Use of Force	56	44%
Improper Pointing of Firearm	2	1%
Procedure Violation	9	7%
Improper Search/Seizure/Entry	25	19%
Lack of Service	1	1%
TOTAL	130	100%

There were no detail officers from the 57 CCA investigations and 5 detail officers from the 227 CCRP investigations.

#### Witnesses Interviewed

Of the fifty-seven (57) complaints investigated by CCA, one hundred and one (101) civilians and one hundred and thirty-two (132) police officers were interviewed totaling two hundred and thirty-three (233) witnesses involved in the investigations. A decrease of 12% in total witnesses interviewed compared to 2011.

#### **Chart 4: Witnesses Interviewed**

Police	132
Civilian	101
TOTAL	233

#### **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 2 investigations from police involved discharging of a firearm.

#### **Chart 5: Director's Recommendation**

Unfounded	25
Exonerated	22
Not Sustained	68
Sustained	13
Pending	2
TOTAL	130



#### **City Manager's Final Disposition**

The City Manager shall agree or disagree with any findings and recommendations of either the Board or the Director, and shall inform the Director and the Board in writing of any reasons for disagreeing with the recommended findings. It shall be the Director's responsibility to inform the officer(s) and the complainant when a final decision has been reached by the City Manager. Of the investigations completed in 2012, the City Manager reviewed 130 allegations against officers. In those investigations where the City Manager agreed or disagreed, with the recommended findings, the reason for the action was forwarded to CCA in writing.

#### **Chart 6: City Manager's Final Disposition**

Agree	127
Disagree	1
Pending	2
TOTAL	130

#### How CCA Complaints Were Received

CCA tries to make it as convenient as possible for a citizen to file a complaint. CCA received fifty-seven (57) complaints referred by CPD, one hundred-sixty-three (163) from ETS (the CPD database system,) six (6) e-mail, forty-three (43) by telephone, four (4) from the U.S. mail service, and thirty (30) 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	57
ETS	163
Email	6
Phone	43
US Mail	4
Walk-In	30
TOTAL	303

#### 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 the member's conduct was consistent with CPD's policy; a complaint resolution meeting with the complainant and the involved officer. Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any corrective action was taken.

CCA referred to CPD two hundred and twenty-seven (227) complaints with four hundred (400) allegations. Additionally there were nineteen (19) complaints with sixty-six (66) allegations that were classified as nonjurisdiction, criminal or not received by CCA in a timely manner from CPD. Two hundred and thirteen (213) CCRP/Referral cases were completed with 12 cases and 18 allegation findings pending. The pending CCRP cases are well over the 90 days window to complete an investigation.

#### **CCRP** Allegations

Of the two hundred and twenty-seven (227) cases referred to CPD in 2012, there were four hundred (400) allegations. The CCA referred one hundred and sixtythree (163) allegations of discourtesy, one hundred and sixty-seven (167) allegations of lack of service, fifty (50) allegations of procedure violation, and twenty (20) classified as "other." In 2012, discourtesy allegations decreased from 2011 by 8%, lack of service increased by 38%, and procedures violations decrease by 50%.

#### Chart 8: CCRP Allegation Types

Finding	Total
Discourtesy	163
Procedure Violation	50
Lack of Service	167
Other	20
TOTAL	400

#### **Chart 9: CCRP Findings**

Finding	Total
Exonerated	124
Not Sustained	129
Sustained	51
Unfounded	78
Pending	18
TOTAL	400

#### **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	81	27
District 2	32	11
District 3	83	27
District 4	57	19
District 5	46	15
Unknown	4	1
TOTAL	303	100%

#### **Chart 11: Neighborhoods**

	CBD Riverfront	37
	Over-the-Rhine	26
District 1	Queensgate	3
	West End	15
	Total	81
	Columbia Tusculum	1
	East End	1
District 2	East Walnut Hills	2
	Evanston	7
	Hyde Park	4
	Linwood	1
	Madisonville	4
	Mt. Washington	5
	Oakley	4
	Pleasant Ridge	2
	Unknown	1
	Total	32
	East Price Hill	21
	East Westwood	1
	English Woods	2
	Fairview	2
Philip	Fairview Fay Apartments	2
District 3		
District 3	Fay Apartments	2
District 3	Fay Apartments Lower Price Hill	2 4
District 3	Fay Apartments Lower Price Hill Millvale	2 4 3
District 3	Fay Apartments Lower Price Hill Millvale North Fairmount	2 4 3 1
District 3	Fay Apartments Lower Price Hill Millvale North Fairmount Pendleton	2 4 3 1 2
District 3	Fay Apartments Lower Price Hill Millvale North Fairmount Pendleton Price Hill	2 4 3 1 2 7
District 3	Fay Apartments Lower Price Hill Millvale North Fairmount Pendleton Price Hill Sayler Park	2 4 3 1 2 7 1
District 3	Fay Apartments Lower Price Hill Millvale North Fairmount Pendleton Price Hill Sayler Park Sedamsville	2 4 3 1 2 7 1 2
District 3	Fay Apartments Lower Price Hill Millvale North Fairmount Pendleton Price Hill Sayler Park Sedamsville South Fairmount	2 4 3 1 2 7 1 2 2
District 3	Fay Apartments Lower Price Hill Millvale North Fairmount Pendleton Price Hill Sayler Park Sedamsville South Fairmount West Price Hill	2 4 3 1 2 7 1 2 2 2 7

	Avondale	17
	Bond Hill	4
District 4	Corryville	5
District 4	Hartwell	1
	Mt. Adams	4
	Mt. Auburn	5
	North Avondale	2
	Paddock Hills	1
	Roselawn	9
	Walnut Hills	9
	Total	57
	Camp Washington	5
	Clifton	5
District 5	Clifton-University Heights	5
	College Hill	7
	Mt Airy	9
	Northside	6
	Spring Grove Village	1
	. Vinton Hills	1
	Winton Place	7
	Total	46
	Tofal	40
Unknown Districts		3
Non Jurisdiction		1
TOTAL		303

#### **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 September 2012, CPD had nine hundred and ninety-eight (998) sworn officers. Seven hundred and seventy (770) are males and two hundred and twentyeight (228) females. Six hundred and sixty-one (661) are Caucasian, three hundred and four (304) are African-American, and thirty-three (33) are classified as other ethnicity.

#### Chart 13: Total Sworn Personnel\*

	Total	Percentage	Caucasian	African American	Other
Male	770	77.2%	509	232	29
% of Total Males			66.1%	30.1%	3.8%
Females	228	22.8%	152	72	4
% of Total Females			66.7%	31.6%	1.8%
TOTAL	998		661	304	33
% of Total Sworn			66.2%	30.5%	3.3%
Total Sworn in Districts	649				
% of Total Sworn in Districts	65%				

CCA/CCRP Complaints by Complainant's Gender & Ethnicity

During 2012, there were three hundred and three (303) complaints with three hundred and six (306) complainants. Some incidents the complainant filed multiple allegations regarding the same interaction. There were three (3) complaints with two complainants. The chart below defines the gender of the complainant in relation to the total number of complaints. There were one hundred and sixty-eight (168) complaints filed by males, one hundred and thirty-five (135) complaints by females, and three (3) by unknown gender. One hundred and ninety-eight (198) complaints were filed by African Americans, eighty-nine (89) were filed by Caucasians, one (1) filed by an Asian, sixteen (16) were filed by unknown race and two (2) were other races.

#### Chart 14: Complaints by Gender & Ethnicity of Complainants

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Male	168	55%
Female	135	44%
Unknown	3	1%
African-American	198	67%
Caucasian	89	29%
Asian	1	Less than 1%
Unknown	16	5%
Other	2	Less than 1%
TOTAL	306	100%

#### **CCA/CCRP** Allegations by Gender of Officer

During 2012, there were cases where the complainant filed multiple allegations against the same or multiple officers. Of the three hundred and three (303) complaints reviewed, there were five hundred and ninetysix (596) allegations involving four hundred and sixty (460) 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 \*CPD Staff Notes as of 9/25/2012

seventy-seven (377) male officers, eighty (80) female officers and three (3) unknown genders account for the five hundred and ninety-six (596) allegations.

#### Chart 15: Allegations by the Gender of Officers

Male	377	82%
Female	80	17%
Unknown	3	1%
TOTAL	460	100%

#### Allegations by the Ethnicity of Officers

Of the five hundred and ninety-six (596) allegations, Two hundred and ninety-six (296) were filed against Caucasian officers, one hundred and forty-four (144) were filed against African American officers, two (2) were filed against Hispanic, five (5) against Asians, two (2) against other race and eleven (11) were filed against unknown ethnic backgrounds.

#### Chart 16: Allegations by the Ethnicity of Officers

African-American	144	31%
Caucasian	296	64%
Hispanic	2	1%
Asian	5	1%
Unknown	11	2%
Other	2	1%
TOTAL	460	100%

# APPENDIX I: PATTERNS REPORT CINCINNATI Interdepartmental Correspondence Sheet

Subject:	CCA 2012 Officer and Citizen Complaint Patterns Report
Copies:	Milton Dohoney, Jr., City Manager; CCA Board Members
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To:	James E. Craig, Chief of Police
Date:	January 7, 2013

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

CCA will examine complaint patterns that might provide opportunities for 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 2012. In 2006, the criterion used was any officer with complaints from at least 10 complainants over a threeyear period was identified. Additionally, any citizen who filed more than 3 complaints during that same threeyear period was identified. For this report, CCA examined the years 2010 through 2012 using the same criteria.

The 2012 report has identified seven (7) officers and two (2) citizens. The 2012 report shows an increase of 42% in the total number of officers. Five (5) of the officers were from District 3 and three (3) officers were on the 2011 patterns report. Over the three-year period, there were 117 allegations against the seven (7) officers. There was a 45% increase in allegations. Forty-four (44) or 37% were discourtesy, twenty (20) or 17% were lack of service, sixteen (16) or 14% were procedure violations, nineteen (19) or 16% were a type of force, four (4) or 3% were a type of search, four (4) or 3% were discrimination, and ten (10) or 10% were other allegations.

The 2012 report shows two citizens a decrease 60% from 2011 annual report. Of the two citizens identified for the 2012 report, one citizen was from the 2011 report. The 2012 report define three (3) citizens less than the 2011 report. Of the two (2) citizens identified for the 2012 report, one citizen was on the 2011 report. The two (2) citizens filed twenty-one (21) allegations. Ten (10) or 48% were lack of service, five (5) or 24% were discourtesy, and six (6) or 28% were procedure violations. A number of the allegations involve the same complainant where there were several officers involved.

Repeated Officers Complaints

CCA examined the following criteria:

- 2010-2012
- Officers with complaints from at least 10 complainants

Officers Complaint Pattern Report

- 1. Jacob Mapel, D-1: 12 complaints with 14 allegations
- 2. Jennifer Myers, D-3: 13 complaints with 24 allegations
- 3. Brendon Rock, D-3: 14 complaints with 21 allegations
- 4. Carlos Sherman, D-4: 11 complaints with 17 allegations
- 5. Eric Kohler, D-3: 10 Complaints with 12 allegations
- 6. Zachary Sterbling, D-3: 11 complaints with 16 allegations
- 7. Robert Wilson, D-3: 10 complaints with 13 allegations

**Repeated Citizens Complaints** 

CCA examined the following criteria:

- 2010-2012
- Citizens with three complaints from the last 3 years.

Citizen Complaint Pattern Report

- 1. Joyce Gibson: 3 complaints with 11 allegations
- 2. June Hill: 6 complaints with 10 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 officers.
- 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 a firearm 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.

