

CITIZEN COMPLAINT
AUTHORITY

ANNUAL REPORT
2005



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CITY OF CINCINNATI

IMPARTIAL
Efficient
INDEPENDENT *Fair*
SERVICE
Transparent

City of Cincinnati



Citizen Complaint Authority

Two Centennial Plaza
805 Central Avenue, Suite 610
Cincinnati, Ohio 45202-1947
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June 15, 2006

Kenneth E. Glenn
Interim Executive Director

Honorable Mayor, Council Members, and City Manager
Cincinnati, Ohio

CCA Board
Richard D. Siegel, Esq., Chair
David Black
Walter T. Bowers, M.D.
Marta Camille Anderson-Haamid
Lorrie Platt

The Citizen Complaint Authority (CCA) started the year under the direction of Wendell M. France, as Executive Director and Kenneth Glenn as Chief Investigator. Mr. France began his term on April 26, 2004. Shortly after his commencement as Executive Director, he appointed Kenneth Glenn Chief Investigator of the CCA.

In January 2005, Board members, Richard Siegel, Walter Bowers, Camille Haamid and Justin Wolterman began their second two-year terms on the Board. During the year, Board members John Eby and Justin Wolterman resigned from the Board for personal reasons. At the end of the year, the terms of Nancy Minson and Sandra Butler expired. Lorrie Platt was appointed to fill the remaining term of John Eby, and David Black was appointed to fill the remaining term of Justin Wolterman. Currently, the Board consists of five members with two vacancies to be filled by the Mayor. The terms of Mr. Siegel, Dr. Bowers and Ms. Haamid expire December 31, 2006.

The CCA and the parties to the Collaborative Agreement (CA) continue to make progress toward implementing the design of citizen oversight of police interventions contained in the CA.

During 2005, great strides were made in a number of areas with new initiatives as described in the Interim Executive Director's letter. In addition, a significant number of noncompliance issues under the CA were corrected and brought into compliance as reported by the Monitor, Saul Green. It was a year of substantial progress. Nonetheless, the CCA remains a relatively new agency with the need for additional development and progress.

Wendell France resigned as Executive Director of the CCA effective December 1, 2005. City Manager David E. Rager appointed Chief Investigator Kenneth E. Glenn as the Interim Executive Director. Mr. Rager also appointed Investigator Gregory Pychewicz as the Interim Chief Investigator. The CCA has continued its progress under the leadership of the interim appointments. As you may be aware, the City Manager is currently conducting a search for a replacement Executive Director and the CCA will again transition to a new Executive Director. The search process will involve all of the parties to CA consistent with the prior search process.

The CCA and the Board would like to thank Mr. France for his dedicated service and his contribution to the CCA and the City of Cincinnati. The Board would also like to express its appreciation to Nancy Minson and Sandra Butler for their outstanding and committed service to the CCA and the community as Board members.

The Board encourages and solicits committed members of the community to consider service on CCA Board or participation in other programs such as Community Problem Oriented Policing in effort to improve safety in the City of Cincinnati.

Very truly yours,

Richard D. Siegel

Richard D. Siegel
Chairman of the Board

City of Cincinnati



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I present to you, the public and City employees the Third Annual Report of the Citizen Complaint Authority (CCA). This report covers January 1 through December 31, 2005, and is being submitted pursuant to section eighty-six of the Collaborative Agreement. This report outlines statistical complaint data and summarizes the activities of the agency for the year.

During the year, 461 complaints were directed to the CCA containing 734 allegations. CCA investigated 158 complaints and monitored the balance, which were referred to the Cincinnati Police Department (CPD). The Annual Report provides the statistics regarding complaints and allegations processed, and attempts to highlight some of the meaningful statistics generated.

In order for any police oversight agency to be successful, it is imperative that there be cooperation between the agencies. During the year, CCA and CPD jointly developed a mutually agreeable protocol for sharing information and handling complaints. The Executive Director and CPD's Internal Investigation Section Commander meet once a month to reconcile cases and exchange other pertinent information. These meetings are conducted with mutual respect and cooperation. CCA was given access to CPD's, Employee Tracking System. This access allows the agency to monitor citizen complaints and to generate the documents that are required for the agencies investigations in a timelier manner.

There are positive signs that with the continued community engagement and awareness of the police command staff, front line supervisors and officers, that the collaborative process can move CPD and the community closer toward its ultimate goal of better police community relations.

Our agency will continue to work with the community, CPD and the City Administration to meet our obligation as an "Independent" oversight agency.

Respectfully submitted,

Kenneth E. Glenn

Kenneth E. Glenn
Interim Executive Director

CITIZEN COMPLAINT AUTHORITY

MISSION STATEMENT

The mission of the Citizen Complaint Authority (CCA)

is to *investigate* serious interventions by police officers including, but not limited to shots fired, deaths in custody,

major uses of force and discrimination. *Review* and *resolve* all citizen complaints in a *fair, impartial, efficient,* and timely manner. CCA investigations will

not be a vehicle for any individual or group to promote its own agenda. The CCA shall act *independently*.

The ultimate goal is to address citizen concerns and improve citizen perceptions of quality police *service*

in the *City of Cincinnati*.

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Acronyms

CA – The term “CA” refers to the Collaborative Agreement.

CCA – The term “CCA” refers to the Citizen Complaint Authority.

CCRP – The term “CCRP” refers to the Citizen Complaint Resolution Process.

CPD – The term “CPD” refers to the Cincinnati Police Department.

CFD – The term “CFD” refers to the Cincinnati Fire Department.

DOJ – The term “DOJ” means the United States Department of Justice and its agents and employees.

ETS – The term “ETS” refers to the Employee Tracking System.

IIS – The term “IIS” means the Internal Investigations Section.

MOA – The term “MOA” refers to the Memorandum of Agreement

The Vision

To ensure the city of Cincinnati is served by an independent, fair, impartial police oversight agency committed to accountability, transparent and quality of service.

—Citizen Complaint Authority

CHAPTER 1 AGENCY OVERVIEW

Introduction

As a result of repeated lawsuits and the public's demand for a Department of Justice (DOJ) investigation, the Mayor of Cincinnati 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 CPD.

In response to those requests, the DOJ decided to conduct 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 the agreements included the Black United Front, the American Civil Liberties Union and the Fraternal Order of Police. Both agreements required that the City create a police oversight agency. Both agreements called for an independent monitor to continually assess the City's progress. The following are members of the independent monitoring team:

- Saul A. Green, Monitor
- Richard Jerome, Deputy Monitor
- Joseph B. Brann
- Rana Sampson
- Nancy McPherson
- Timothy Longo
- John Williams

In April 2002, CCA was created as an independent police oversight agency by City Ordinance No. 108-2002. The agency was created with investigative and administrative authority. Additionally, the CCA Board has the authority to issue a subpoena for documents, photographs and other tangible items. If a key witness other than a city employee refuses to cooperate in an investigation, the Executive Director may recommend to the board that a subpoena be issued to compel such testimony, and the board shall have the authority to request a subpoena from City Council.

The CCA was structured with the following three operating components:

- (1) An independent volunteer board of seven citizens appointed by the Mayor and approved by City Council;
- (2) A full time Executive Director and support staff; and
- (3) Not less than five full time professional investigators

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 CCA 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 second 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 must be a resident of the City of Cincinnati, remain a Cincinnati resident, and 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 2005 Board Members are listed below:

- Richard D. Siegel, Esq., Chair
- Walter T. Bowers, M.D.
- Nancy Minson
- Sandra A. Butler
- John Eby
- Marta Camille Anderson-Haamid
- Justin Wolterman
- David Black
- Lorrie Platt

During 2005, Board Members John Eby and Justin Wolterman resigned to pursue other careers. The CCA and the City of Cincinnati would like to thank both for their service to the community.

Board Responsibilities

The CCA Board is charged with:

- Reviewing each CCA investigative report to confirm its completeness
- Conducting review hearings to approve or disapprove the investigative report, the findings and recommendations prescribed therein. Upon disapproval of a report, the Board will submit its reasons and may direct further investigation or submit its own findings and recommendations along with the Executive Director's original report to the City Manager and the Chief of Police.

- Developing procedures for investigations, hearings, communications and exchange of information with the Cincinnati Police Department and other operating procedures.

Board Hearings and Procedures

Board hearings are held on the first Monday of each month at 6:00 p.m. in the Council Chambers in City Hall. Prior to the Board meeting, the Executive Director forwards a copy of each report with recommended findings to each board member for review. Additionally, copies of the reports are sent to the complainant, the respondent officer(s) and to 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 Executive Director's recommendation to the Board.

Executive Director

The City Manager consults the CCA Board and seeks the Board's recommendation when appointing the Executive Director. However, the final decision is made by the City Manager. The Executive Director shall have professional experience in the investigation of police misconduct. The Executive Director is responsible for the day-day operation of the CCA, 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 CCA's work, and (v) maintaining an effective working relationship with the CPD and other branches of government.

In April 2004, former City Manager Valerie Lemmie appointed *Wendell M. France* as the CCA's second full time Executive Director. Prior to his arrival, he was a consultant in Washington, D. C. for the DOJ after retiring as a commander with the Baltimore, Maryland Police Department. Mr. France resigned from the CCA on December 1, 2005.

During Mr. Frances' tenure with CCA, a number of important accomplishments were made including: (i) establishing a professional working relationship with CPD, (ii) streamlining the investigative process and reports, (iii) putting the agency on track for a case management system, (iv) working with CPD to allow CCA access to its Employee Tracking System (ETS) and to meet other requirements outlined for CCA in the CA and MOA. The staff of the CCA, Board Members and the City would like to acknowledge the advances during Mr. Frances' tenure and thank him for his service to the community.

Interim Executive Director

On December 1, 2005, City Manager David Rager appointed Chief Investigator, *Kenneth E. Glenn* as the Interim Executive Director. Mr. Glenn began his career with the City of Cincinnati, CCA, April 2003 as an Investigator. In April 2005 he was appointed Chief Investigator. Prior to his employment with the City of Cincinnati, he retired as a sergeant with the Detroit, Michigan Police Department. While employed with the Detroit Police Department, he was assigned to the Detroit Law Department where he worked closely with city attorneys, investigating lawsuits against the police department. As a supervisor, he conducted internal investigations regarding allegations of police misconduct.



Investigative Staff 2005

Interim Chief Investigator

Gregory R. Pychewicz began his career with the City of Cincinnati, CCA in April 2003. Prior to his employment with the City of Cincinnati, he was a retired detective with the Columbus, Ohio 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. On December 1, 2005, City Manager, David E. Rager appointed Mr. Pychewicz as the CCA Interim Chief Investigator.



Investigators

David L. Moonitz began his career with the City of Cincinnati, CCA in 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 Department. During his service with the sheriff's department, 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.

Diedre K. Larkins began her career with the City of Cincinnati, CCA, in April 2003. Prior to her employment with the City of Cincinnati, Ms. Larkins was an intake worker with the Hamilton County Private Complaint Mediation Service. She was also employed as a U.S. Pretrial Services Officer for the Southern Districts of Ohio and Florida; as an Administrative Assistant and Correctional

Officer with the Federal Metropolitan Correctional Center, Miami, Florida; and as a Greene County Adult Probation Officer, Xenia, Ohio

Shakitha Thompson began her career with the City of Cincinnati, CCA in March 2004. Prior to her employment with the City of Cincinnati, she was a State Parole Officer for the Ohio Department of Rehabilitation and Corrections. Ms. Thompson also worked for Hamilton County Municipal Court in pretrial services.

Support Staff 2005

Melingqua Davis began her career with the City of Cincinnati, Clerk of Council office in 2000 where she held the title of Clerk to the Neighborhood Committee, Chaired by Council member Paul Booth. Ms. Davis transferred to the City Manager's office as an Administrative Specialist in 2003 where she directly assisted the City Manager in administrative duties. Ms. Davis has been the Administrative Specialist to the Executive Director of CCA since December 2004.

Patricia Upshaw began her career with the City of Cincinnati, Health Department in 1977. She worked with the Metropolitan Sewer Department and Regional Computer Center as a Clerk Typist 3. Ms. Upshaw returned to the Health Department in 2001 and transferred to the CCA in July 2004.

Cheryl Pryor began her career with the City of Cincinnati in 1990. Ms. Pryor worked in the Cincinnati Police Department Record Section as a Clerk Typist 2 before she was promoted in June 2004 to a Clerk Typist 3 with the CCA.

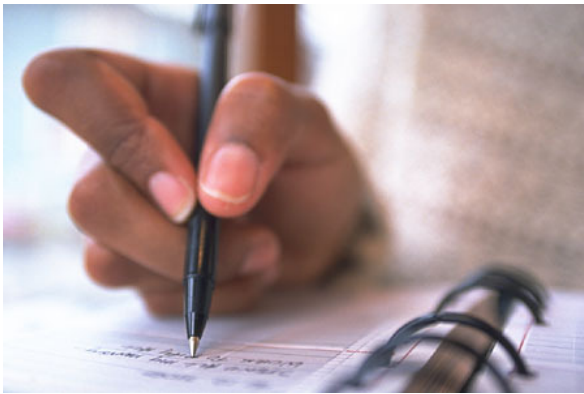
Phillis Carlton began her career with the City of Cincinnati Data Center in 1979. She worked with the Cincinnati Health Department clinics, Health Promotion Programs and Environmental as a Clerk Typist II. Ms. Carlton was promoted to a Clerk Typist 3 in July 2005 with CCA.

Filing a Complaint

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

Complaints may be filed with the CCA or with the CPD. The complaint may be filed by telephone, mail, fax, in person, or at the Citizen Complaint Authority email address at: CCA-complaints@Cincinnati-oh.gov.

Complaint forms may be obtained from any City office, public library or community council office. Complaints must be submitted



within one year of the date of incident. Any complaints submitted after one year of the alleged misconduct may, however, be reviewed by the CCA Director. The CCA will not accept complaints concerning incidents predating the effective date of CCA.

Assignment and Investigation of a Complaint

Upon receipt of a complaint, the CCA Director reviews the complaint and it is assigned within 48 hours to a CCA 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 on a preponderance of the evidence standard¹. The CCA will consider all relevant evidence including circumstantial, direct, and physical evidence and make credibility determinations. The following are the CCA investigative guidelines:

- 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 complained about, will be investigated.
- Investigations will evaluate any searches or seizures that occurred during the incident.
- An investigation will not be closed simply because the complaint is 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 allegation(s) can be resolved.

¹ The greater weight of evidence favors one side rather than the other

- The guilty plea of a complainant or if a complainant is found guilty of an offense will not be considered as evidence whether a CPD officer used or did not use a type of force, nor will it justify discontinuing the investigation.
- The complainant will be periodically kept informed regarding the status of the investigation.
- Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.
- 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 person’s 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

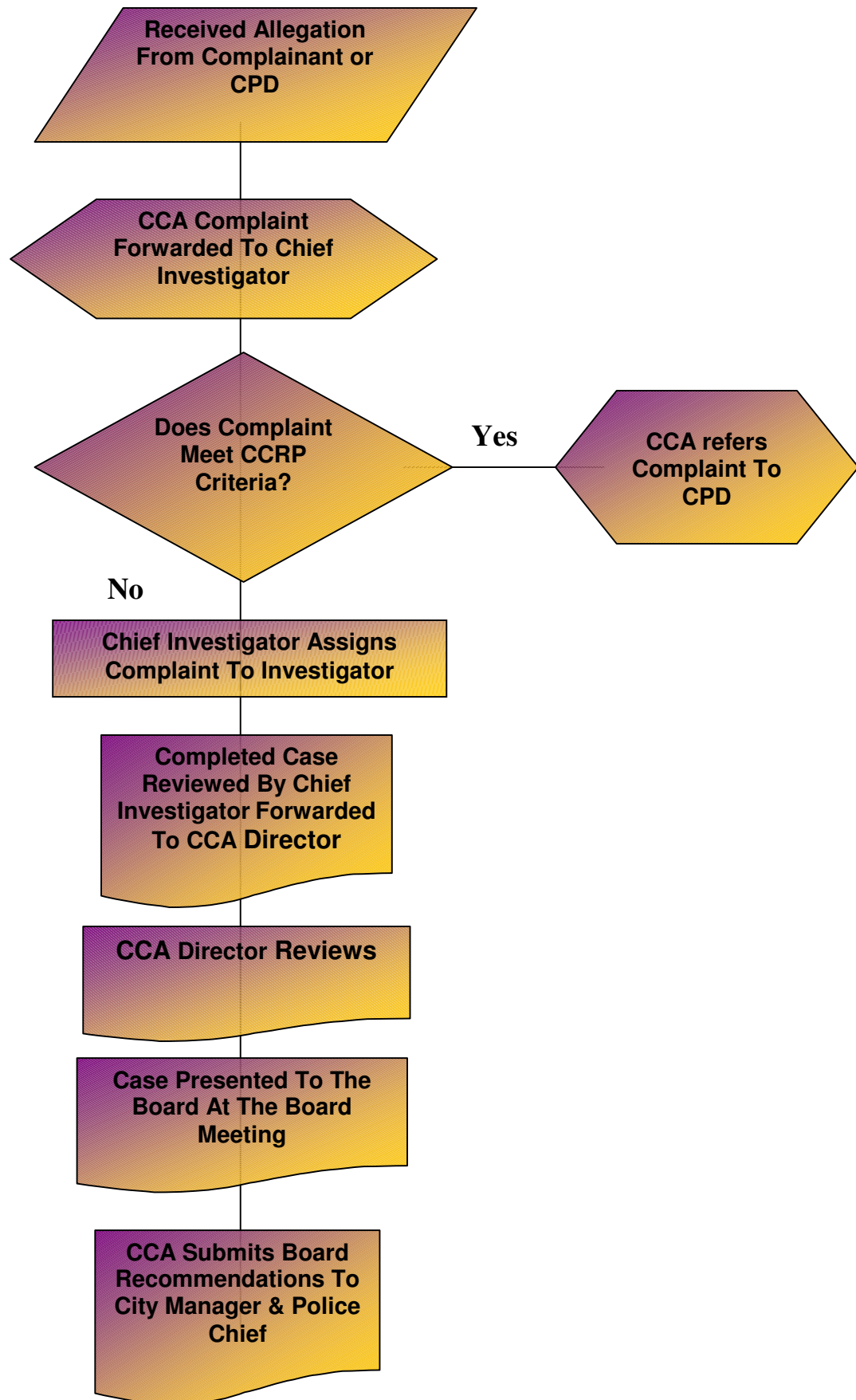
After completion of the investigation, the Investigator forwards the report to the Chief Investigator who reviews it for thoroughness. After the Chief Investigator reviews the report, it is forwarded to the Executive Director for review.

Upon completion of a CCA investigation, the Executive Director forwards the investigative reports to the CCA Board. If the Board conducts a review hearing, its purpose shall be to confirm the completeness of the CCA investigation and approve or disapprove the Executive Directors’ report.

Where the findings and recommendations are approved, they are submitted to the Police Chief and City Manager. The City Manager shall agree, disagree or agree in part with any findings and recommendations either by the Board or Executive Director, and shall inform the Executive Director and the CCA Board in writing of any reason for agreeing in part or disagreeing with the findings and recommendations. Of the investigations completed in 2005, the City Manager reviewed 366 allegations against officers. In those investigations where the City Manager agreed in part or disagreed, with the CCA recommended findings, the reason for the action was forwarded to CCA in writing.



Complaint Flow Process



In 2005, CCA and CPD established a written protocol for exchange of information as required by the CA. The CCA Director and IIS Commander meet once a month to reconcile cases and exchange other pertinent information. This relationship has improved through professionalism and mutual respect.

*Kenneth E. Glenn,
Interim Executive Director*

CHAPTER 2

EXECUTIVE DIRECTOR'S SUMMARY OF ACTIVITIES

As set forth in the Collaborative Agreement, the CCA is required to issue annual reports summarizing activities for the previous year including a review of significant cases and recommendations.

During its fourth year of operation, CCA looks forward to working with the Mayor, the City Manager, City Council, and CPD and the citizens of Cincinnati to ensure the agency has the resources it needs to perform the tasks outlined in the CA and MOA. The CCA will continue to operate 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 2006 to be as efficient as possible. CCA's success can be attributed to the steps the agency has taken to stretch its limited resources and develop creative ways to enhance the agency. In spite of limited resources, the CCA staff has worked diligently to meet the guidelines of the CA and MOA.

Fiscal year 2005 was a year of significant change for the agency. Most notable was a number of personnel changes. During the year the Executive Director, and two board members resigned and two staff members voluntarily transferred to other city departments. The agency's offices that were located on the first floor of Two Centennial Plaza were relocated to the sixth floor. The new location provides the agency with two interview rooms, a conference room to conduct staff meetings and larger workstations for the investigators. It also provides the agency room for expansion for additional staff and office equipment.

CCA and CPD Relationship

In order for CCA to be effective, it is important that a mutual relationship of respect be maintained between CCA and CPD. During 2005, CCA and CPD established a written protocol² for the timely exchange of information and coordination of investigations. The CCA Executive Director and the IIS Commander meet monthly to reconcile cases that have been investigated and prepared for the CCA monthly board meeting. This written agreement satisfied section 74 of the CA.

Complaint Patterns

The CA section 83 requires CCA to examine three types of complaint patterns: (1) repeat officers (2) repeat citizen complaints and (3) repeat complaint circumstances. The CA does not spell out specific criteria for identification purposes. In 2004, CCA reviewed the past three years and identified officers that had complaints filed from ten or more complainants. CCA also identified citizens that had filed more than three complaints against officers in that same three-year period. The same criteria were used in 2005.

During 2005, CCA saw a significant decrease in the number of officers identified with complaints from ten or more complainants and citizens filing more than three complaints in the past three years. In 2004, 23 officers and 32 citizens fell within that category. In 2005, those numbers decreased to 12 officers and 13 citizens, which is a decrease of approximately 50% for officers and 60% for citizens.



Of equal significance in 2004, a total of 562 complaints were filed and in 2005 those numbers decreased to 461 for an overall reduction of 19%. Of the 461 complaints filed, CCA retained jurisdiction and investigated 154 and the remainder were referred to CPD for the CCRP process.

CCA Training 2005

In August, the CCA staff was trained at the Police Academy on CPD's ETS. The ETS was installed on six computers at the CCA office. This enables the CCA staff members to retrieve complaints filed and documents related to cases that are under review. It also enhances the agency's ability to conduct investigations in a timely manner. The Executive Director and other CCA staff members participated in management training at the Police Academy for CPD's managers and supervisors to enhance their management and leadership skills.

² See appendix 1

In December, Mr. Glenn and Mr. Pychewicz attended the National Association for Civilian Oversight of Law Enforcement conference in Miami, Florida. They attended sessions regarding use of force, community outreach, use of tasers, in custody deaths, risk management and several other sessions. These sessions were beneficial because they showed different ideas and approaches to some of the issues facing police oversight practitioners throughout the country.

Community Outreach 2005

A necessary component of the CCA is community outreach. Since its inception, the Executive Director has devoted time to participate in community forums and meetings throughout the City. During 2005, the Executive Director and Interim Director participated in a number of community forums including a number of church meetings, Friends of Collaborative, Cinninnatus, taser forums and other organizations. Participation is ongoing. A website has been designed for CCA to provide information to the public such as; CCA Board meeting notices, posting of CCA Board meeting minutes, acceptance of online filing of complaints, acceptance of email complaints and inquiries from citizens.

Serious Police Intervention Incidents

During 2005, the CCA staff was notified of six shots fired incidents. Two involved dogs and the other four involved citizens. None of the incidents resulted in the death of an individual. In addition, there were three deaths classified as in custody deaths. Officers in all the aforementioned incidents were exonerated of their involvement.

CCA 2005 Operating Budget

CCA's total operating budget for fiscal year 2005 was \$544,699. The breakdown is listed as follows:

Name	2005 Budget
Personnel Services	\$492,629
Professional Services	37,930
Materials & Supplies	9,480
Fixed Charges	4,300
TOTAL	\$544,699



2005 Sample Case Reviews

Case 1: Use of Excessive Force – Taser

Undercover officers called for a uniformed officer to stop a suspect from whom they had made a controlled illegal drug purchase.

A uniformed officer stopped the suspect shortly after the request. As he was approaching the suspect in his vehicle, other uniformed officers arrived. Simultaneously, plainclothes officers approached the suspect from the opposite direction and from his right side with weapons drawn. The suspect exited the vehicle and as he did, another officer was verbally warning other officers to watch for a gun. The suspect was facing the uniformed officer when he exited his vehicle; he briefly turned toward the interior and then back toward the officer.

He had a ball cap in his right hand and was raising his hands with palms facing the officer. Four plainclothes officers had him covered with their weapons and another plainclothes officer was within arm's reach. The initial uniformed officer deployed his taser, which had the desired effect.

One of the plainclothes officers had a hand on the suspect and felt the collateral shock from the taser.

The individual laid on the ground from the tasing, four other officers approached him to take him into custody. The initial uniformed officer deployed his taser a second time. The officers' justification for the second tasing was that there were not enough officers present to safely secure him.

CCA sustained the allegation of use of excessive force. The CCA Board and City Manager agreed with the findings. CPD's Internal Investigation Section (IIS) also sustained for use of excessive force.

CCA's investigation concluded the evidence indicated the officer used excessive force. The Mobile Video Recording (MVR) videotape verified the male was not resisting the officer or attempted flight when force was used.

CPD Procedure 12.545, Use of Force, defines actively resisting as, *"When the subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained custody."*

Case 2: Use of Excessive Force – Taser

Officers responded to the Mental Health Response Team run after being advised by the caseworker that her client was violent and had not taken his medication.

The two officers entered the residence, finding the male subject throwing items and ransacking the apartment. As the officers attempted to control the situation through conversation, the subject became more aggressive. The subject continued to ignore the officers' attempts to gain verbal compliance; he tensed his body and made growling noises and, clenched his fists at them. The officers warned the individual of

the impending use of the taser. He ignored the officers warning. One officer deployed his taser with no effect and a second officer deployed his taser, which had minimal effect. The officers continued with their attempts to gain compliance with no response. The subject grabbed for the first officer's taser and the second officer tased him and the second officer's drive stunned him. After several minutes of being both drive stunned and tased (*a total of thirty-one cycles*), the subject finally succumbed to the effects and was handcuffed.

CCA Investigators exonerated the officers on the allegation of use of excessive force. The CCA Board and the City Manager agreed with the findings. CPD's IIS also exonerated the officers.

CCA's investigation concluded the evidence indicated the male was tased 31 times, however, it did not violate CPD's procedure at the date of the incident. The use of force procedure has since been changed.

Procedure During The Investigation:

The CPD's Procedure Manual, Section 12.545, Use Of Force, states, *"When officers are confronted with a situation where control is required to effect arrest or project the public's safety, officers should attempt to achieve control through advice, warnings and persuasion. The subject should be allowed to submit to arrest before force is used, unless this causes unnecessary danger to the officer or others. When officers have the right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest, and no more."*



“Use the taser to control actively resisting subjects, aggressive non-compliant subjects, violent or potentially violent subjects. Unless it would present a danger to the officer, give the subject a verbal warning that the taser is going to be deployed...Officers will obtain appropriate medical treatment for suspects when necessary. After successful taser deployment, request Cincinnati Fire Department (CFD) respond to evaluate subject...”

Procedure After The Incident:

CPD's Procedure Manual, Use of Force, Section 545D5a(1)(2), states: “Officers, when possible, shall avoid prolonged, extended, uninterrupted discharges or extensive multiple discharges. The manual further states that the taser use should be combined with physical restraint techniques to minimize the total duration of the struggle and taser use; that additional officers on scene of a taser deployment can attempt to restrain and handcuff a subject during an active taser cycle; and, officers should transition to a different force option if multiple taser deployments fail to gain compliance or continued taser applications are not making sufficient progress toward gaining compliance.”



*Peace is not an absence of war, it
is a virtue, a state of mind, a
disposition for benevolence,
confidence, justice.*

-Baruch Benedict de Spinoza

CHAPTER 3 2005 STATISTICS

2005 CCA Investigations

The CA and the policies of the CCA mandate the review of all allegations of police misconduct, including major uses of force, shots fired, deaths in custody, improper pointing a firearm at persons, unlawful search and seizures, unlawful entry, and discrimination. Only complaints not falling within the jurisdiction of CCA will be eligible for the Citizen Complainant Resolution Process (CCRP). Complaints handled through the CCRP will be fully investigated, in accordance with Cincinnati Police Department (CPD) policy, and adjudicated, prior to a complaint resolution meeting.

The CCA reviewed 461 complaints in 2005 for an average of 38.5 complaints per month. Of these complaints, 303 were referred to or investigated by CPD in accordance with its CCRP. The CCRP referrals included 36 non-jurisdiction. The remaining 158 cases were retained by CCA.

**Figure 1: Total
Investigations/Cases in 2005**

CCA Investigations	158	34%
CCRP Referrals	303	66%
Total	461	100%



There were 158 complaints retained by CCA in 2005. Figure 2 identifies a total of 366 allegations: 172 use of force; 32 unlawful search and/or seizure; 14 unlawful entry; 17 improper pointing a firearm; 29 discrimination; one accidental discharge of a firearm; two death in custody; and six shots fired, 46 improper procedure, 46 discourtesy and one harassment.

Figure 2

Allegations Investigated by CCA		
Allegation Type	Total	Percentage
Use of Force (UOF)	172	47%
Unlawful Search/Seizure	32	9%
Unlawful Entry	14	4%
Improper Pointing a Firearm	17	5%
Discrimination	29	8%
Accidental Discharge of a Firearm	1	Less than 1%
Death in Custody	2	Less than 1%
Shots Fired	6	2%
Improper Procedure	46	12%
Discourtesy	46	12%
Harassment	1	Less than 1%
Total	366	100%



The Executive Director reviewed 158 cases. These cases consisted of 366 allegations, 362 are reflected, in Figure 3. There are four investigations pending completion and the findings have not been determined. The findings are listed into four categories: sustained, not sustained, exonerated, and unfounded. Figure 3 shows: 57 were sustained; 170 not sustained; 84 exonerated; and 51 were unfounded.

Figure 3

Distribution of the Executive Director's Recommended Findings of 362 Allegations

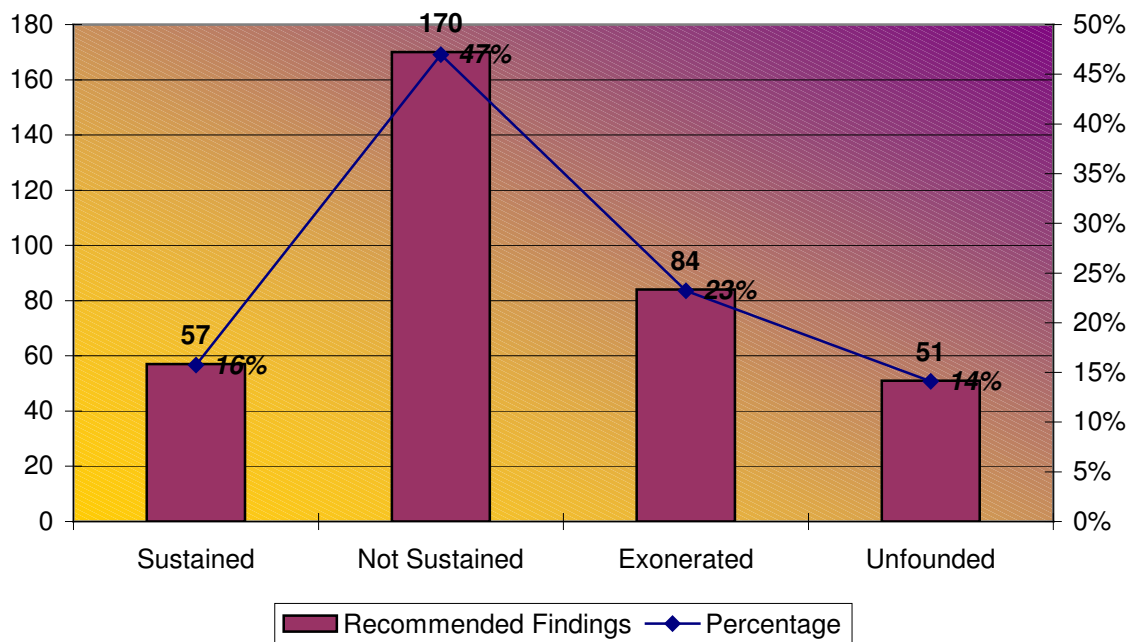


Figure 4 identifies 158 CCA investigations by complainant's gender and ethnicity. There were 113 filed by males, 41 by females; and 4 were unknown. There were numerous cases where the complainant filed multiple allegations against the same or different officers: 121 were African American; 30 were Caucasian; and 7 were other.

Figure 4: CCA Investigation by Complainant's Gender and Ethnicity

Gender			Ethnicity		
Male	Female	Unknown	African American	Caucasian	Other
113	41	4	121	30	7
70%	27%	3%	66%	29%	5%

Figure 5³: Gender and Ethnicity of Cincinnati Police Department Sworn Employees

Gender			Total	Ethnicity		
	Male	Female		Caucasian	African American	Other
Chief	1		1	1		
Assistant Chief	4	1	5	4	1	
Captain	16	1	17	16	1	
Lieutenant	39	7	46	37	9	
Sergeant	131	21	152	110	41	1
Police Specialist	107	33	140	117	22	1
Officer	522	158	680	420	248	12
TOTAL	820	221	1041	705	322	24

³ Figure 5 includes Police Recruits from 2005

Figure 6 identifies the gender of officers. Of 366 allegations the gender of 321 officers were male; 42 were female; and 3 were unknown. Some officers had multiple allegations by the same complainant.

Figure 6: Gender of Officer

Male	Female	Unknown
321	42	3
88%	11%	1%

Figure 7 identifies the ethnicity of officer. Of 366 allegations, 61 officers were African American; 191 Caucasian; and 12 other. Some officers had multiple allegations by the same complainant.

Figure 7: Ethnicity of Officer

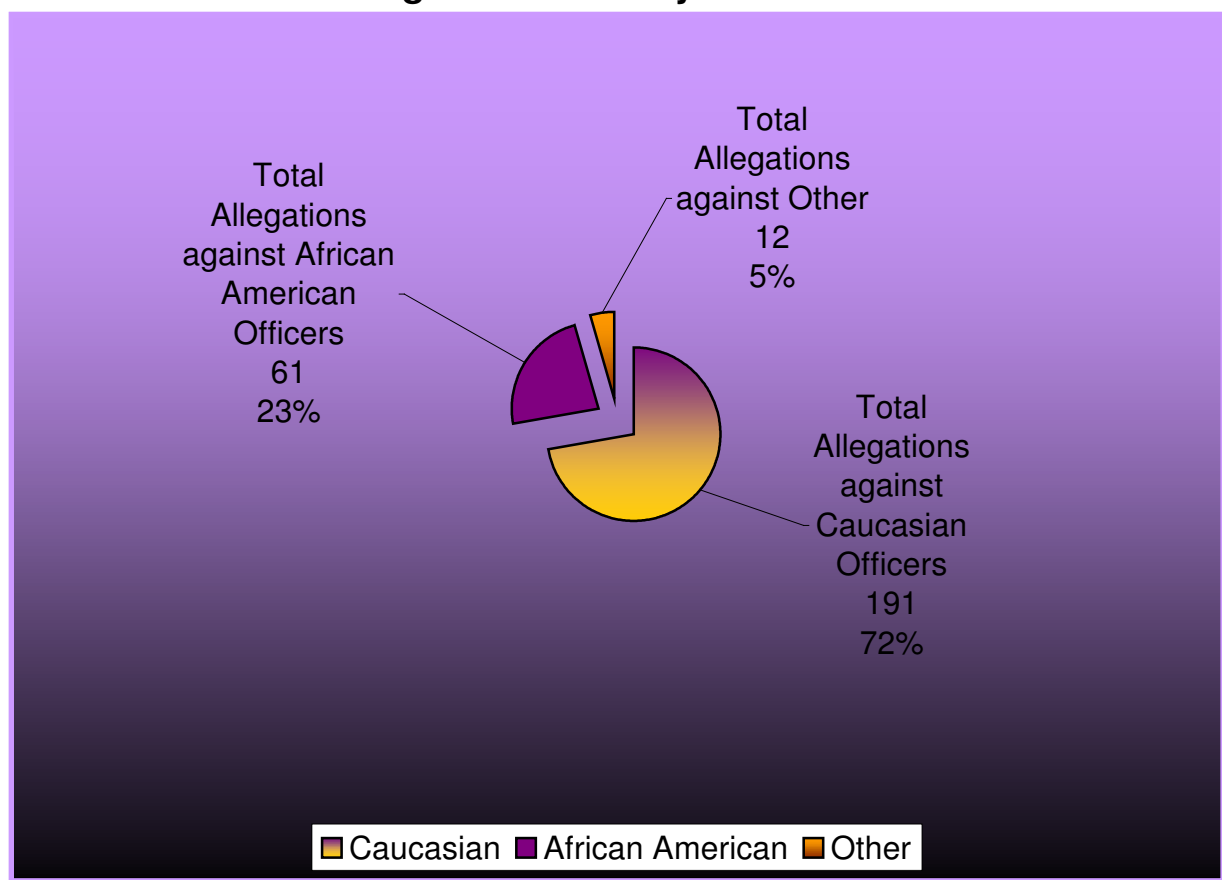
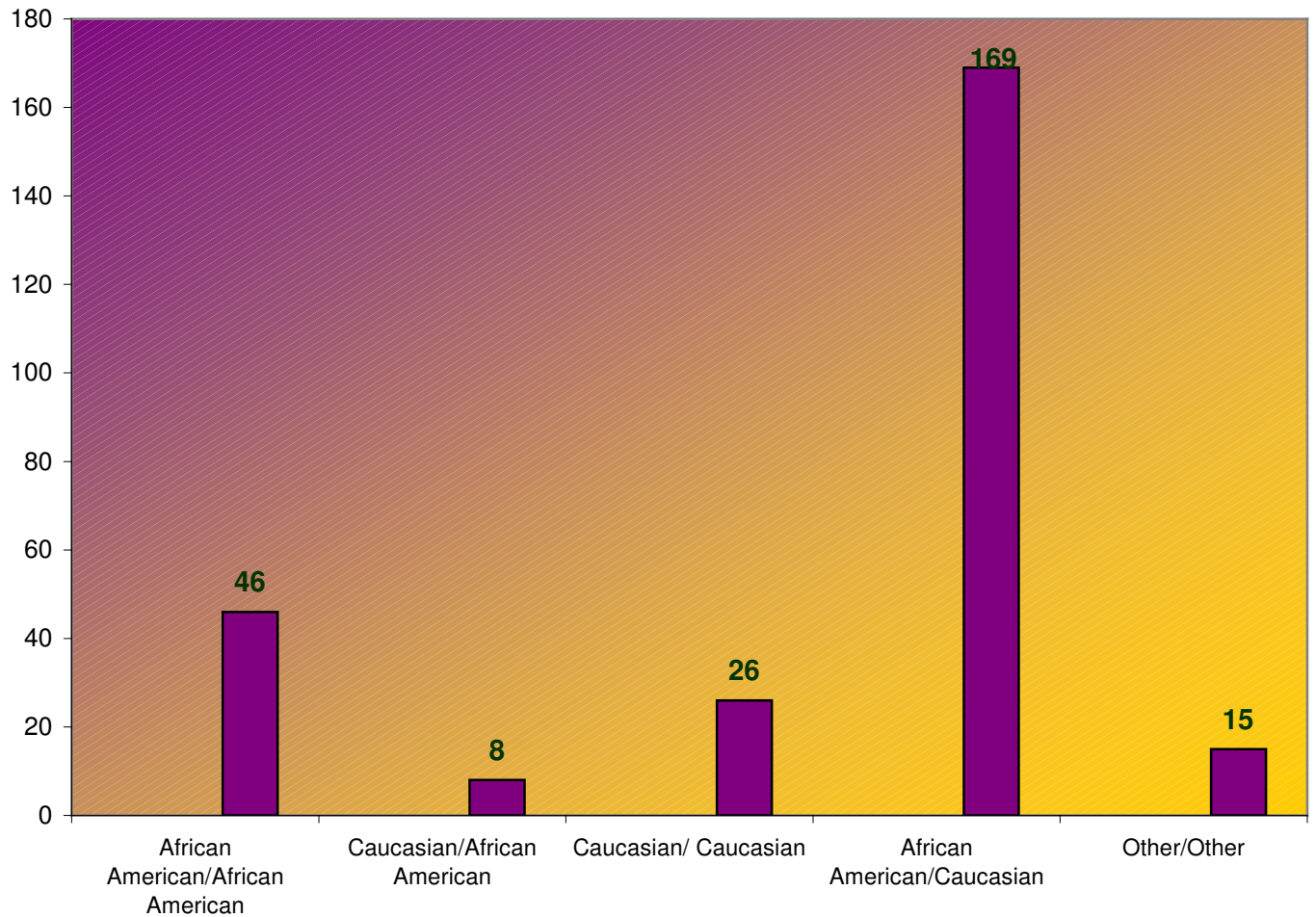


Figure 8 identifies the ethnicity of the complainant compared to ethnicity of the accused officer. Of the 366 allegations, 46 were African American to African American; 8 were Caucasian to African American; 26 were Caucasian to Caucasian; 169 were African American to Caucasian; and 15 other to other.

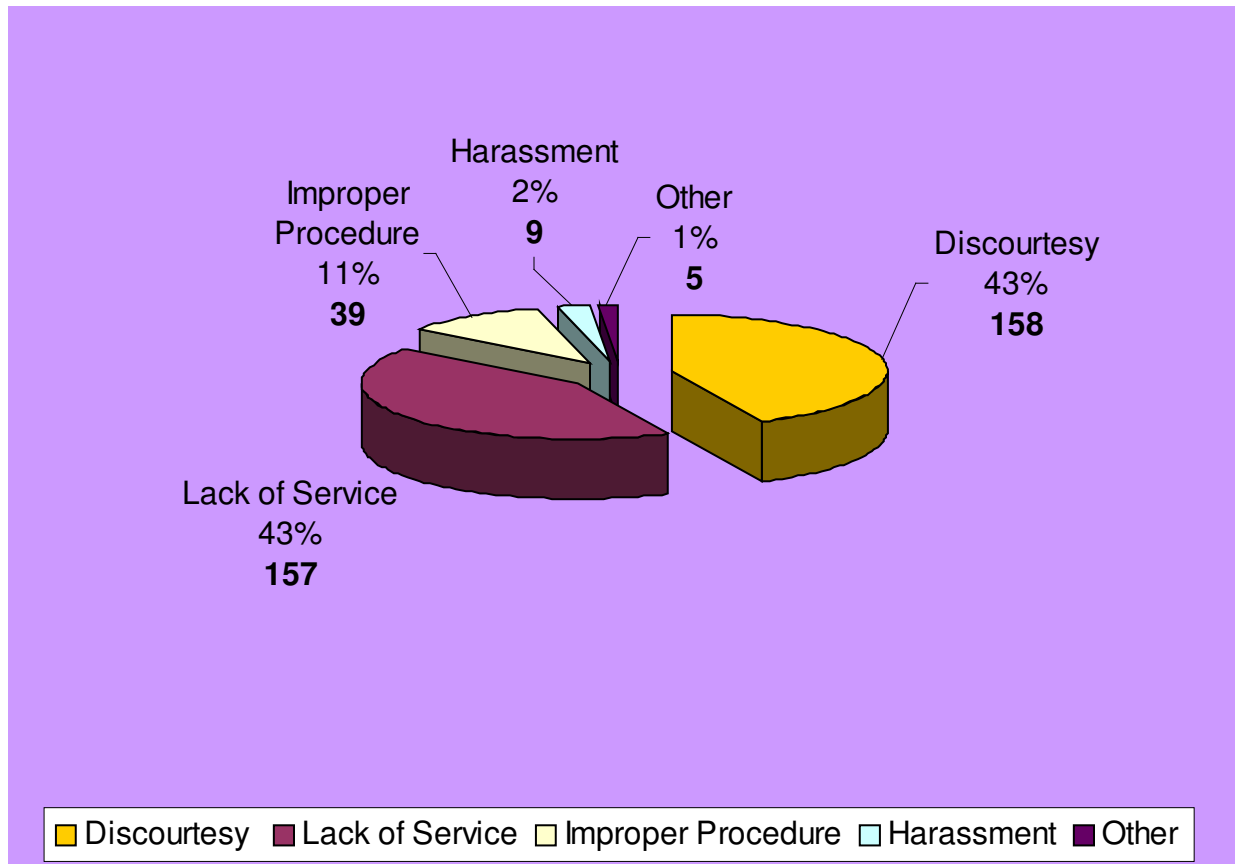
Figure 8: Comparison by Ethnicity – Complainant to Officer



2005 CCRP Referrals

The CCA referred to CPD 303 complaints with a total of 368 allegations including 36 complaints that involved civilian employees or non-jurisdiction. The most frequent allegations were discourtesy and lack of service. Figure 9 identifies the types of allegations referred to CPD which include 158 allegations of discourtesy; 157 lack of service; 39 improper procedure; 9 harassment; and 5 miscellaneous.

Figure 9: Types of Allegations Referred to CPD



The CCA referred 303 cases to CPD. Figure 10 identifies the analysis of CCRP complainants by gender and race: 112 complaints were received from males; 150 received from females; the remaining 5 were unknown; 157 complaints were received from African American citizens; 89 from Caucasian citizens; and 21 were other; 36 cases were non-jurisdiction.

Figure 10: CCRP Complainants

Gender			Ethnicity		
Male	Female	Unknown	African-American	Caucasian	Other/Unidentified
112	150	5	157	89	21
42%	56%	2%	59%	33%	8%

There were 351 officers involved in the allegations filed by complainants. Figure 11 shows 256 were male officers; 72 were female officers; 23 were unknown; 217 were Caucasian officers; 110 were African American officers; and 24 were other.

Figure 11: CCRP Officers

Gender			Ethnicity		
Male	Female	Unknown	African-American	Caucasian	Other/Unidentified
256	72	23	110	217	24
73%	20%	7%	31%	62%	7%

Figure 12 identifies the ethnicity of the 267 complainants compared to ethnicity of the 351 officer(s): 70 were African American complainants against African American; 133 were African American against Caucasian; 76 were Caucasian complainants against Caucasian officers; 35 were Caucasian complainants against African American officers; and 37 were other.

Figure 12: Comparison By Ethnicity: Complainant/Officer

African American/ African American	African American/ Caucasian	Caucasian/ Caucasian	Caucasian/ African American	Other
70	133	76	35	37
20%	38%	21%	10%	11%

Of the investigations completed in 2005, the City Manager reviewed 366 allegations against officers. In those investigations where the City Manager agreed in part or disagreed, with the CCA recommended findings, the reason for the action was forwarded to CCA in writing.

Figure 13: City Manager's Review

City Manager Agreed	342
City Manager Agreed in Part	11
City Manager Disagreed	13

City of Cincinnati



Date: July 20, 2005

To: Colonel Thomas H. Streicher, Jr., Police Chief

From: Lieutenant Teresa Theetge, Acting Internal Investigations Section Commander

Subject: CPD-CCA Shared Information

Pursuant to paragraph #74 of the Collaborative Agreement, the Cincinnati Police Department (CPD) and the Citizen Complaint Authority (CCA) have developed written procedures that will ensure timely exchange of information and efficient coordination of citizen complaint investigations. The complaints will be handled as follows:

Complaints Received at CPD

- IIS will receive a copy of all complaints received by CPD personnel.
- Upon receipt, IIS will fax to CCA a copy of all complaints, excluding criminal investigations or those potentially involving criminal activity. Included are all cases investigated by IIS or Districts/Sections/Units within CPD.
- Additionally, an IIS representative will hand carry the complaints to CCA on a weekly basis and obtain a signature from the CCA representative acknowledging the receipt.
- Upon receipt of complaints from CCA, the IIS Assistant Commander will reconcile the information with current CPD investigations.
- The IIS Assistant Commander will bring any new complaints to the attention of the IIS Commander.
- The IIS Commander will determine if the new complaint will be handled through the Citizen Complaint Resolution Process (CCRP) or possible IIS investigation.
- Possible IIS investigations will be forwarded to the Police Chief or his designee for assignment.
- CCRP investigations will be forwarded to the appropriate District/Section/Unit for investigation and disposition.
- IIS will maintain a record of all complaints forwarded to CCA.

Complaints Received at CCA

- CCA will forward to CPD a copy of all complaints received at CCA. The complaint will indicate if it is being referred to CPD for investigation or if CCA will conduct an investigation.
- A CCA representative will hand carry the complaints to CPD on a weekly basis and obtain a signature from the CPD representative acknowledging receipt.
- Upon receipt of complaints from CPD, the Chief Investigator will reconcile the information with current CCA investigations.
- The Chief Investigator will bring any new complaints to the attention of the CCA Executive Director.
- The Executive Director will determine if the complaint meets criteria as established in the CA and MOA for CCA investigation, or forwarded to CPD for investigation.
- CCA will maintain a record of all complaints forwarded to CPD.

In addition to the aforementioned procedures, CPD and CCA representatives will meet monthly to reconcile their CCA/CPD case logs.

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APPENDIX II Complaint Patterns (Officers)

The CA section 83 states the following:

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.

Following this directive, the CCA has conducted a study and has identified repeat officer and citizen complaints. In 2004, the criterion used was any officer with complaints from at least 10 complainants for 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 2003 – 2005 using the same criteria.

The 2004 report identified 23 officers and 32 citizens that fell within those parameters. The 2005 report has identified 12 officers and 13 citizens. The 2005 report shows a total reduction of 11 officers or approximately 47%. Of the 12 officers identified for the 2005 report, 8 officers remained from the 2004 report and 4 new officers were added. A total of 15 officers or 65%, who were on the 2004 report were removed from the 2005 report. In the 2005 report, all 8 officers from the 2004 report had additional complaints filed against them in 2005.

Over the three- year period identified in the report, there were a total of 278 allegations against the 12 officers. Of those 278 allegations, 72 or 27% were discourtesy and 61 or 22% were use of excessive force. Those two types of allegations accounted for approximately 48% of the total.

The 2005 report shows a total reduction of 19 citizens or approximately 60%. Of the 13 citizens identified for the 2005 report, 12 remained from the 2004 report and 1 was added. A total of 18 citizens or 56% who were on the 2004 report were removed for the 2005 report. None of the citizens from the 2004 report filed additional complaints in 2005.

Over the three-year period, the 13 citizens filed a total 90 allegations. Of those 90 allegations, 35 or approximately 39% were discourtesy and less than 1% were use of excessive force.

1. **Officer Scott Beasley**, District 4: 11 allegations from 10 complainants
2. **Officer James Davis**, District 1: 14 allegations from 12 complainants
3. **Officer Anthony Egner**, District 3: 19 allegations from 14 complainants.
4. **Officer Michael Harper**, District 3: 26 allegations from 17 complainants
5. **Officer Spencer Henderson**, District 4: 24 allegations from 16 complainants

APPENDIX II Complaint Patterns (Officers)

6. **Officer Mark Longworth**, District 4: 15 allegations from 13 complainants
7. **Officer Donald Meece**, District 4: 15 allegations from 11 complainants
8. **Sgt. James Perkins**, District 2: 31 allegations from 19 complainants
9. **Officer Thomas Rackley**, District 2: 20 allegations from 16 complainants
10. **Officer Michael Roetting**, District 3: 34 allegations from 22 complainants
11. **Officer Jeffrey Ruberg**, District 1: 23 allegations from 20 complainants
12. **Officer Mark Weston**, District 3: 36 allegations from 20 complainants

APPENDIX III Complaint Patterns (Citizens)

This report clearly identifies those police officers with multiple complaints as well as those citizens who have made several complaints. We recommend that this report be reviewed for future action.

1. **Michelle Akins:** *Ms. Akins had five complaints with five allegations.*
2. **Andre Blasingame:** *Mr. Blasingame had three complaints with three allegations.*
3. **Shannon Clark:** *Ms. Clark had three complaints with six allegations.*
4. **Antonio Colbert:** *Mr. Colbert had four complaints with six allegations.*
5. **William Finch:** *Mr. Finch had three complaints with four allegations.*
6. **Gary Hamm:** *Mr. Hamm had three complaints with five allegations.*
7. **David Howard:** *Mr. Howard had five complaints with five allegations.*
8. **Keith Law:** *Mr. Law had five complaints with twelve allegations.*
9. **Nicholas Nelson:** *Mr. Nelson had three complaints with six allegations.*
10. **Renee Sayles:** *Ms. Sayles had four complaints with seven allegations.*
11. **Karima Thomas:** *Ms. Thomas had three complaints with six allegations.*
12. **Linda Thomas:** *Ms. Thomas had seven complaints with nine allegations.*
13. **Edward Ziegler:** *Mr. Ziegler had three complaints with five allegations.*

In addition, CCA has examined the following criteria for repeat citizen complaints:

- Years 2003 to 2005
- Citizens with at least three complaints

City of Cincinnati



Date: January 17, 2006

To: CCA Staff and Board Members

From: Kenneth E. Glenn, Interim Executive Director, Citizen Complaint Authority

Subject: **NACOLE (National Association for Civilian Oversight of Law Enforcement) Conference**

On December 11-14, 2005, Greg and I attended the NACOLE conference in Miami, Florida. The following is a list and overview of the training sessions we attended. There were over 100 oversight agencies with various models represented at the conference. Former Attorney General Janet Reno was the keynote speaker.

Use of Force (Part One and Two)

Part One

Presenters: Tristan Bonn, Public Safety Auditor, Omaha Nebraska
Pierce Murphy, NACOLE Board of Directors, Community Ombudsman, Boise Idaho

In this session we discussed critical information needed to properly investigate and determine if the force used was appropriate and necessary.

- Does the agency policy provide clear and sufficient guidance?
- Does the training provided flow from policy? Is the training adequate?
- Is there proper supervision? Have the supervisors been properly trained in the use of force?
- Was the force used consistent with the agencies use of force continuum?
- Is the quality of the day-day supervision appropriate?
- Is the law enforcement agencies selection and screening of officers appropriate?
- Use of force is not a desirable outcome and can psychologically hurt the officers.
- Transparency of the investigation affects the relationship between the police and community.

Part Two

Presenters: Philip Eure, Director, Office of Police Complaints, Washington D.C
Michael Gennaco, Chief Attorney, Los Angeles County Office of Independent Review

Benjamin Jones, Deputy Chief Attorney, Los Angeles County Office of Independent Review
Sam Walker, PhD, Professor of Criminal Justice, University of Nebraska

This session focused on thorough investigations, transparent reporting and how it educates, repairs and creates trust between the community and police agencies.

- Analyzing evidence
- The value of transparent reporting to the community, the police agency, and the individual officer and citizen
- The role of the oversight agency in risk management
- How civil liability can be used to prevent similar incidents in the future, additional training, policy review, etc.

How to Do Community Outreach

Presenters: Kevin Allen, Director, Office of Citizen Complaints, San Francisco, California
Andre Birotte Esq., Los Angeles Inspector General's Office
John Jones, Executive Director, Martin Luther King Jr. Institute for Non-Violence, Miami, Florida
Detective Sergeant Delrish Moss, Public Information Office, Miami Police Department

Focused on the benefits of an effective community outreach program and how it adds credibility to the oversight agency. We discussed the different models of outreach. The following are examples presented by members of the panel:

- Meet with community and church leaders; train the leaders on the agencies authority and its investigative process
- Meet with leaders of the NAACP, Urban League, League of Women Voters, etc.
- Use the agency website to post informative information about the agency; keep the site updated
- Invite community leaders and the public to an open house at the agency and discuss how the agency operates; discuss the steps the agency takes to investigate a complaint. PowerPoint presentation, etc.
- Outreach sub-committees from the board members; and board members participate in community outreach
- Attend block parties
- Talk with local educators about going to schools with high drop out rates; solicit at risk students to help convey the oversight agencies mission to other at risk students; how to respond if there is an interaction with police
- Participate in town hall meetings

- If there is a serious police intervention resulting in death, who in the community will speak out for the integrity of the agency and voice confidence in the agencies investigative process i.e. mayor, council person, community leaders, etc.
- Meet with police managers and union officials to explain the agencies authority and investigative processes; if allowed, attend police roll calls and training sessions

Use of Tasers

Presenters: Scott Greenwood Esq. ACLU Cincinnati, Ohio
Ed Jackson, Media Director, Amnesty International, Washington D.C.
Mark Schlosberg, Police Practices Project, Northern California ACLU

This session focused on the pros and cons of taser use in law enforcement agencies throughout the country. A representative of Taser International was invited to address the conference but cancelled.

- Is the agencies policy on taser use clear and does it make sense?
- Does the agencies policy address the number of times a combative suspect can be tased?
- Is the officer and supervisors properly trained?
- Where is the use of taser on the agencies use of force continuum?
- Do police managers and civilian oversight agencies review the taser download as an investigative tool?

In-Custody Deaths & Serious Injuries

Presenters: Andre Marin, Ombudsman, Province Of Ontario, Canada
Gareth Jones, Director, Special Ombudsman Response Team, Office of the Ombudsman, Department of National Defense, Canada

Key areas that civilian overseers should consider when a death in custody or serious injury involving police occurs.

- Will community leaders and/or politicians publicly voice confidence in the integrity of the agency?
- The investigation should be completed in a timely manner
- Transparency will build public confidence

Oversight Models: Monitors, Auditors, Boards and Commissions

Presenters: Monitor & Auditor Model – Sam Walker, Professor Emeritus, University of Nebraska Board & Commission Model – Andrea Beckman Esq., Executive Director, Las Vegas Review Board

When an oversight agency is created what are the expectations of the community and how it can be successful?

- How was the agency created? *Demand from community, federal intervention, etc.*
- Is the extent of the agencies authority clearly defined by statute, ordinance, consent decree, etc?
- Is the agency adequately funded, trained and staffed?
- Does it have an adequate outreach program?
- Is it respectful; not timid and not over identified with police or the community?

The CCA oversight model is an Investigative Board/ Commission Model. This model produces investigative reports, makings findings and recommendations in a public forum. Under this model, the following were some of the strengths and weaknesses that were discussed:

- The external investigative process gives the complainants and community a sense that the decision is from outside the police agency
- The investigators and staff must be properly trained and have the skill set to conduct competent investigations
- Ability to compel evidence and witnesses (subpoena). *Note: Section 68 of the CA compels all city employees to appear and provide truthful information to the CCA. Additionally, this section outlines the CCA subpoena power.*
- It's an adversarial process

Managing Media Problems

Presenters: Maria Chiaro, Assistant City Attorney, Miami Florida
Delrish Moss, Detective, Miami Police Department

Moderator: Kelly Penton, Director, Office of Communication, City of Miami

This session focused on effectively communicating with the media and handling public record request. Below are some of the topics discussed:

- How oversight agencies can benefit from local media and newspapers
- Using the media to relay information and promote the agency
- Networking strategies to promote oversight and reform

Oversight and the Mentally Challenged

Presenters: Captain Sebastian Aquirre, Miami Police Department Crisis Intervention Team
Judge Steven Leifman, 11th Judicial, Mental Health Project
Dr. Scott Allen, Miami Dade Police Department Police Psychologist
Llana Rosenzweig, Esq. Los Angeles County Office of Independent Review

Focused on patrol officers encountering mentally challenged individuals.

- Are there written guidelines on how to pick and train the officers?
- What are the preferred tools to handle these individuals?
- How to detect, communicate and deal with the mentally challenged

Oversight And Risk Management: Safety and Savings

Presenters: Rob Miller, Chief Attorney, Office of Independent Review, Los Angeles County,
Los Angeles, California

Lt. Shaun Mathers, Los Angeles County Sheriffs Department, Los Angeles,
California

The role oversight agencies play in risk management.

- Oversight agencies have a responsibility to show the city risk issues
- What lessons are learned from civil lawsuits? Who has the responsibility to track the results?
- Consent decrees in the long term can be an engine for change and reduce civil liability
- Transparency always reduces use of force liability
- Once an issue is identified, corrective action should be taken before litigation
- Identify the issues, admit wrongdoing and try and settle

City of Cincinnati



Citizen Complaint Authority On-line Complaint Form

Your Information

Race

Gender

Last Name

First Name

Middle (Initial or Name)

Address

City

State

Zip Code

e-Mail

Phone #

Cell #

DOB

(xxx-xxx-xxx)

(xxx-xxx-xxx)

yyyy-mm-dd

Incident Details

Date

yyyy-mm-dd

Time

hh:mm:ss

Location

Officer(s): Name, Description, & Badge Number (If Available)

Description: Please describe the incident and the specific nature of your complaint. If you were injured please indicate by whom. If you sought medical attention, indicate the name of the attendant and the medical facility.

Witness(es): Please list any witnesses including contact information (name, phone #, & address)

Submit by Email

City of Cincinnati Citizen Complaint Authority Two Centennial Plaza 805 Central Ave. Suite 610 Cincinnati, Ohio 45202-1947

513-352-1600 / 513-352-3158 fax

APPENDIX VI 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 or 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, the 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 conduct 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 conclude 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 of the Cincinnati Police Department 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. **Shots Fired** - 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 person’s allegation is supported by sufficient evidence to determine that the incident occurred, and the actions of the officer were improper.
16. **Unfounded** – Where investigation determined no facts to support the incident complained of actually occurred.
17. **Unlawful 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 searches without a search warrant and each specific incident should be reviewed.
18. **Unlawful 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.

APPENDIX VI Definitions of Terms

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.

