

**STATUS REPORT TO THE INDEPENDENT MONITOR
SUBMITTED BY THE PARTIES TO THE COLLABORATIVE AGREEMENT**

The parties to the Collaborative Agreement, the Plaintiff Class, who is represented by the American Civil Liberties Union (ACLU) of Ohio; the City of Cincinnati and the Fraternal Order of Police (FOP) (collectively referred to as “the parties” or the collaborative partners”) submit this status report to the Independent Monitor, pursuant to Collaborative Agreement paragraph 105.

Dated September 5, 2003

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INTRODUCTION

This Report is intended to advise the Independent Monitor as to the continuing progress that the Parties have made since the Monitor's Second Report was issued July 1, 2003. The Independent Monitor oversees implementation of both the Memorandum of Agreement (MOA) between the City and the United States Department of Justice, and the Collaborative Agreement (CA) between the City and the ACLU and the Fraternal Order of Police. The MOA is appended to the CA and is enforceable solely through the mechanism of paragraph 113 of the Collaborative Agreement.

The purpose of the Collaborative Agreement is to resolve conflict, to improve community-police relations, to reduce crime and disorder, to fully resolve the pending claims of all individuals and organizations named in the underlying litigation, to implement the consensus goals identified by the community through the collaborative process, and to foster an atmosphere throughout the community of mutual respect and trust among community members, including the police. The Parties recognize that there has been friction between some members of both the community and the Cincinnati Police Department (CPD). The ultimate goal of the Agreement is to reduce that friction and foster a safer community where mutual trust and respect are enhanced among citizens and police.

Implementation will not only reform police practice, but will enhance trust, communication, and cooperation between the police and the community. The City of Cincinnati continues to be enthusiastic and committed to this endeavor.

This report provides updates based on the following established committees to fully address each area stipulated in the Agreement:

- Community Problem Oriented Policing Committee
- Mutual Accountability Evaluation Committee
- Department of Justice Memorandum of Agreement Committee
- Fair, Equitable and Courteous Treatment Committee
- Citizen Complaint Authority Committee

A. COMMUNITY PROBLEM ORIENTED POLICING STRATEGY

Items 29a, The City, in consultation with the other Parties, shall develop and implement a plan to coordinate City departments with the CPOP focus of the CPD.

Monitor's Previous Assessment

The Monitor stated that significant progress has been made in establishing a forum for inter-agency accountability for CPOP.

Status Update

On June 17, 2003, representatives from the City, Plaintiffs and FOP agreed upon an Action Plan that provides the framework for coordinating all City departments with a CPOP focus on CPD (See Attachment 1: City's Action Plan). As previously reported, similar community oriented government efforts documented on the websites of Aberdeen, Maryland (www.aberdeen-md.org/policing.htm), Concord, California (www.cityofconcord.org/citygov/cog.htm), and Louisville, Kentucky (www.louky.org/cop/cog1.htm) were researched to develop this plan. The Parties are developing a counter-part document for the Partnering Center coordinating with the CPD.

In accordance with the Action Plan, specific liaisons from the Departments of Buildings and Inspections, Public Services, Community Development and Planning and Health have been identified. These Department liaisons have received training on July 10 and 17 and August 28, 2003 as to their roles and responsibilities as a resource to the Problem Coordinators (See Attachment 2: Liaisons training agendas and Attachment 3: CPOP Training PowerPoint presentation). On August 1, 2003, work began to incorporate the Park and Recreation Departments into CPOP (See Attachment 4: meeting agenda). These Departments are in the process of identifying their representatives.

A presentation to all Department Directors has been scheduled for September 9, 2003. We anticipate sharing information on the progress made toward Citywide CPOP implementation and the "live" version of the CPOP website. In addition, this is the opportunity for any Department Director to provide further ideas for CPOP implementation or discuss any obstacles that may be encountered.

Item 29b, The Parties shall develop and implement a system for regularly researching and making available to the public a comprehensive library of best practices in Community Problem-Oriented Policing.

Monitor's Previous Assessment

A great deal of work on the CPOP Web Site has been completed. Compliance will depend on how quality control is maintained and use of the system in effective problem solving.

Status Update

Use of the CPOP website will begin mid-September, 2003. The City and the Plaintiffs agree that the Police Problem Coordinators and Community Outreach Workers will work together to develop the data entry process beginning with the activities of the existing pilot teams. This partnership designed to test the validity of the system, will progress through the fourth quarter of 2003. In addition, Police personnel will continue to populate the database with other problem-solving activities that occur throughout the Department. Interim Center staff has agreed to review these additional problem-solving activities and participate to the extent that their resources will allow. To address the issue of quality control, District Commanders, as well as, the Center's professional staff will work with community stakeholders to determine appropriate problem responses/solutions. Once the web site is fully operational, it will become its own library of "best practices" that have been successful in Cincinnati.

The Center for Problem-Oriented Policing will be added to the web site.

Items 29c, The City, in consultation with the Parties shall develop a process to document and disseminate problem-solving learning experiences throughout the Police Department and the public.

Monitor's Assessment

The Monitor suggests that the CPD develop problem-solving training for CPOP Team members i.e., researching best practices, crime analysis in hot-spot analysis and problem analysis.

Status Update

It is anticipated that the Partnering Center will not become fully functional until January 1, 2004, at which time the Partners can begin full implementation of paragraphs 29c, 29d, 29e, and 29f. However during the interim period, CPD and Center staff will work on the development of a joint training curriculum and promotional activities. As noted in a recent correspondence between City Manager Valerie Lemmie and Al Gerhardstein, the City agrees to discontinue the SARA training that it had been conducting for the balance of the year and to focus future efforts on developing a joint problem-solving training and other joint activities. (See Attachment 5: Letter from Al Gerhardstein requesting postponement of SARA training and Attachment 6: City's response and agreement.)

While the Center becomes fully functional much work can and will be performed by building on the experiences gained from the CPOP pilot efforts. CPD and Center representatives will resume regular monthly meetings with the first meeting scheduled for September 8, 2003. In regards to the CPOP pilot sites, the City has tabulated survey results from its SARA training that occurred in the communities of Northside, College Hill, North Avondale, and South Fairmount (See Attachment 7: Survey results). These results will provide valuable information for the future development of CPOP by CPD and Center staff.

As designed, problem-solving methodology is incorporated into CPOP Team activities through the utilization of SARA. Analysis encourages team members to look at the crime hot-spots and problem analysis. In addition, the development of a successful response comes through the research of best practices. The assessment phase aides in capturing measurable results to ensure that success is achieved. In the event that the response/action taken is not satisfactory, the SARA process includes a feedback loop, which enable the process to restart until satisfaction among all stakeholders is achieved.

To facilitate problem-solving, the CPOP web site also contains valuable information, such as, the CPOP methodology, crime statistics and trends, organizational structure, best practices, past problem-solving efforts, and resource information. Information on the site offers an on-line account of effective, creative problem-solving and community-driven solutions to police officers and citizens.

Training for CPD personnel on utilization of the CPOP's web site is scheduled for September 3, 2003. Party representatives have been invited to also attend the training session. In addition, the problem-solving methodology has been incorporated into the Police Recruit Curriculum and In-Service Training sessions. Tracking of real life scenarios via the CPOP web site supports and strengthens all police training opportunities.

Item 29d, The Parties shall research best practices and unsuccessful methods of problem-solving used by other professionals (e.g. conflict resolution, organizational development, epidemiology, military, civil engineering and business).

Monitor's Assessment

Collaboration on conducting research between the Parties is necessary for compliance.

Status Update

As previously stated, it is anticipated that the Partnering Center will not become fully functional until January 1, 2004, at which time the Partners can begin full implementation of paragraphs 29c, 29d, 29e, and 29f. During the interim, the Parties remain committed to researching best practices and training opportunities as provided by other governmental agencies and private corporations. A plan for jointly continuing to research best practices and training opportunities will be an agenda item for the September 8, 2003 CPOP Committee meeting.

Item 29e, The Parties, consistent with the Community Partnering Program shall conduct CPOP training for community groups, jointly promote CPOP and implement CPOP training.

Monitor's Assessment

Significant progress has been made. The Parties should adopt an agreed-upon curriculum for CPOP Training and encourage the Plaintiffs and the FOP to attend the next train-the-trainer session and participate in the community SARA training.

Status Update

While the Center becomes fully operational, pilot teams continue to operate in the neighborhoods of Madisonville, Evanston, Walnut Hills, Over-the-Rhine, Avondale, and West End. Both City personnel and interim Partnering Center staff participate actively on these teams.

Item 29f, The Parties shall coordinate efforts through the Community Partnership Program to establish an ongoing community dialogue and interaction including youth, property owners, businesses, tenants, community and faith-based organizations, motorists, low-income residents and other City residents on the purposes and practices of CPOP.

Monitor's Assessment

The Parties have not yet developed or agreed on a joint curriculum. The Parties must develop and approve a joint curriculum for on-going community dialogue and structured involvement by the CPD with segments of the community, including, youth, property owners, businesses, tenants, community and faith-based organizations, motorists, low-income residents, and other City residents on the purposes and practices of CPOP.

Status Update

Pending the involvement of the Partnering Center, it is anticipated that these activities will commence during the first quarter of 2004.

Item 29g, The Parties shall establish an Annual CPOP Award Program.

Monitor's Assessment

The Monitor recognized the research conducted by the City and the amount of work that will be necessary for implementation.

Status Update

The Parties met on August 27, 2003 to begin discussing the framework for developing and implementing an Annual Award program. A significant portion of the discussion was focused on the roles and responsibilities of each for the Parties and time frames (See Attachment 8 and 9: Meeting agenda and notes).

Item 29h, The City, in consultation with the Parties shall develop and implement a system for consistently informing the public about police policies and procedures. In

addition, a communication audit shall be conducted and a plan will be developed and implemented to improve internal and external communications.

Monitor's Assessment

The Monitor will review and report on the results of the communication audit.

Status Update

The City will work with the Parties to develop a system to regularly inform the public about police policies and procedures. At this time, all police policies and procedures are posted on the CPD web site. The web site contains a feature that allows readers to submit comments and concerns. CPD has not completed its review of the communications audit and recommendations.

The Parties agree to continue efforts to communicate regarding changes to policies and procedures.

Item 29i, The CPD will create and staff a Community Relations Unit.

Monitor's Assessment

The City is in compliance with this requirement.

Status Update

The Community Relations Unit continues to work on implementing the terms and conditions of the CA, as well as, planning other activities designed to improve police-community relations.

Item 29j, The Parties shall describe the current status of problem solving throughout the CPD via an annual report. Each Party shall provide details on what it has done in relating to its role in CPOP.

Monitor's Assessment

The Monitor expects the Parties to meet the required deadline for the report. The report is important to establish a baseline for evaluation purposes.

Status Update

The Parties completed the 2003 Problem Solving Annual Report (See Attachment 10). The report highlights the joint efforts of the Partners in developing and implementing CPOP and describes some of CPD's problem solving initiatives with other community stakeholders.

The Monitor was consulted regarding the due date for the report. Further discussions are required to establish a permanent due date for the submission of subsequent reports.

Item 29k, CPD Commanders shall prepare quarterly reports that detail problem solving activities within the Districts. Reports shall identify specific problems and steps taken by the City and community toward their resolution. Reports shall identify obstacles faced and recommendations for the future. Reports should be available to the public through the Community Relations Unit.

Monitor's Assessment

The District Commanders and other Special Unit Commanders must prepare quarterly problem-solving reports. Reports from special units' officials should include Street Corner Narcotics, Vice, Planning, Crime Analysis, Criminal Investigations, Youth Services, Downtown Services, and Special Service Sections.

Status Update

District Commanders and Patrol Bureau staff will begin using the CPOP website during late August to generate quarterly reports that document and track the Bureau's problem-solving activities. At a minimum, problem-solving activities will be searchable by Police District, neighborhood, and type of activity. Once CPD has assessed the successes and challenges of utilizing the reporting protocol within the Patrol Bureau, the expansion to other bureaus will follow.

Item 29l, The Parties shall review existing Police Academy courses and recommend new ones in order to effectively and accurately inform police recruits, officers and supervisors about the urban environment in which they work.

Monitor's Assessment

The Monitor expects progress before the end of 2003.

Status Update

Once the Center becomes operational, the CPD Training Section will work with the Community Partnering Center to review and identify new Academy courses that place an emphasis on problem-solving activities.

Item 29m, The Parties, in conjunction with the Monitor, shall develop and implement a problem-tracking system.

Monitor's Assessment

The Parties have made substantial progress during this quarter.

Status Update

The Parties and interim Center staff agree that the CPOP web site is a viable problem tracking system that can be enhanced through experience and time.

Item 29n, The City shall periodically review its staffing plan in light of its commitment under CPOP.

Monitor's Assessment

The Monitor looks forward to hearing CPD's suggestions and steps to determine staffing.

Status Update

The CPD management team regularly reviews staffing requirements in order to ensure that workload requirements and resources align. While assessment is on a case-by-case basis, preliminary research to develop a consistent staffing model and reporting format has begun. Review of the following Websites, detailing staffing plans for other cities, is underway:

The Staffordshire Police Authority

(<http://www.staffordshire.gov.uk/policeauthority/feb01item7app1.pdf>)

Lancombe Police Service

(<http://www.town.lacombe.ab.ca/11/132/2002File/MT111802/2003police.PDF>),

and Eugene Police Commission

(<http://www.ci.eugene.or.us/policecomm/workplan.htm>),

In addition, to retain CPD's CALEA (Commission on Accreditation of Law Enforcement Agencies) accreditation, regular review of staffing levels is required. Finally, implementation of the proposed Record Management System will allow for systematic reviews of CPOP staffing requirements.

Item 29o, The City shall review and, where necessary, revise police departmental policies and procedures, organizational plans, job descriptions, and performance evaluation standards, consistent with its commitment to CPOP.

Monitor's Assessment

The CPD should begin CPOP related review of the Department's policies, procedure, and Performance Evaluation System.

Status Update

CPD has begun a review of its staffing in relation to the CPOP methodology. A CPOP Coordinator position has been established (See Attachment 11: CPOP Coordinator job description). CPD Human Relations Section is reviewing other job descriptions and duties as they relate to CPOP initiatives. The review of the job description should be complete by the end of 2003. The review of evaluations, performance plans, etc., will commence following review of the job descriptions.

The Parties agree to continue efforts to communicate regarding changes to policies and procedures.

Item 29p, The City shall design a System that will permit the retrieval and linkage of certain information including repeat offenders, repeat victims, and/or locations.

Monitor's Assessment

The CPD is to provide a detailed description of the current records system and the RMS RFP for review.

Status Update

The Police Department has contracted with Gartner Consultants to review current records management processes and develop a system design document for use with both the Records Management System and the Computer Aided Dispatch System. A draft of the design specifications has been prepared by Gartner and is currently under review by the Project Team. It is anticipated that the RFP will be ready for publication by early fourth quarter of 2003.

Item 29q, The City, in consultation with the Parties, shall study and determine how to secure appropriate information technology for access to timely and useful information needed to detect, analyze and respond to problems and evaluate their effectiveness.

Monitor's Assessment

Deadlines for compliance has not been met.

Status Update

Gartner Consultants has been retained by the Police Department to assist in the review and assessment of the Police Department's current Records Management System. Recently, Gartner provided a draft System Specification Document that will be used as part of the RFP for the Records Management System (RMS). The new RMS will tie the various stand-alone sources of data entry and storage used throughout the Police Department, including the planned replacement for the current Computer Aided Dispatch System. Through the new RMS, data will be pooled from the various stand-alone databases and linked appropriately to allow for more comprehensive analysis of patterns and trends. The Project Team, for accuracy and completeness, is currently reviewing the draft Systems Specification Document. The RFP will be available for publication by early fourth Quarter 2003. Capital Budget funding has been requested for this project to begin in 2004.

B. MUTUAL ACCOUNTABILITY EVALUATION

Evaluation Protocol

Items 30-46, Evaluation Protocol.

Monitor's Assessment

There has been significant progress in moving forward with the Evaluation RFP and the Parties' agreement as to how the evaluator selection process should work. Implementation, however, will require diligence.

Status Update

The selected vendor will perform the evaluation required by the CA and will conduct additional analysis of the racial composition of persons stopped, detained, searched, arrested or involved in use of force. Four proposals were received from the following vendors:

- Crossroad Center, a non-profit local organization
- Lamberth Consulting, with the University of Cincinnati Center for Law and Justice
- The University of Cincinnati College of Education, Division of Criminal Justice
- Rand, consultants headquartered in Santa Monica, California

A selection committee, representative of all the Parties, has been assembled (See Attachment 12: Committee member list). At this time, the members are currently scoring the proposals. To facilitate the selection process, the Partners agreed to a scoring grid after several meetings and conference calls. (See Attachment 13: Scoring Grid and Attachment 14: Notes from the conference calls.) It is anticipated that the vendor selection process will be completed by September of 2003. After the vendor has been selected the City, Plaintiffs and the FOP will begin the process of contract negotiation.

C. DEPARTMENT OF JUSTICE MEMORANDUM OF AGREEMENT

Items 47, The City's compliance with the Department of Justice.

Monitor's Assessment

None Noted

Status Update

The CPD has implemented the policies necessary to meet the provisions contained in the MOA. CPD's compliance with the provisions of the Memorandum of Agreement (MOA) has been documented in quarterly status reports to the Monitor. The most recent Status Report was submitted on August 12, 2003. CPD will work with the Monitor to ensure that CPD practices comply with the new and revised policies.

Item 48, Pointing of Firearms.

Monitor's Assessment

The Monitor does not believe that there is sufficient information to ascertain whether there is a pattern of improper pointing of firearms. The Monitor recommends that CPD continue the current expedited review process for complaints/allegations involving the unnecessary pointing of firearms.

Status Update

In accordance with MOA paragraph 48e, CPD forwarded copies of the complaints and the related investigation closure summaries to the Monitor and the Parties for review on April 25, 2003. The Parties have submitted supplementary materials to Magistrate Judge Merz for his decision pursuant to Paragraph 48.

The Monitor included a footnote indicating the last complaint entry was dated November 2002 for the six-month period ending in February 2003. Upon review of CPD citizen complaint information, CPD was unable to locate any such complaints after November 2002. Likewise, the Parties have not provided CPD with any pointing complaints after November 2002.

D. “TO ENSURE FAIR, EQUITABLE AND COURTEOUS TREATMENT FOR ALL”

Item 51, The City shall measure whether any racial disparity is present in motor vehicle stops by the CPD.

Monitor’s Assessment

The Monitor requested that:

- Contact cards require collection of whether force was used or the race of the officer.
- Contact cards be completed for “Terry” stops.
- Policies and procedures are in place to ensure Contact Cards are filled out completely and accurately and that the data they contain is entered into a database and analyzed.
- The CPD shall provide specific vendor details and vendor-specific software components for COPS MART and noted a need to select a vendor to review the data collected after December 2001.
- The CPD shall document the City’s efforts to publicize the process for reporting positive interactions with the police and dissemination of the forms; and clarify how the data from the positive feedback form is being compiled, used and disseminated.

Status Updated

- *Reporting use of force or race on the Contact Cards*

The Crime Analysis Unit of the Planning Section will prepare a sample report by means of use of force data from the first quarter of 2003 that will link the data to the race of the officer as referenced in the Monitor’s report. The Unit will also be responsible for developing such reports until CPD’s Record Management System is in place.

Plaintiffs believe that the record management system is of utmost importance and requires additional significant attention to determine the status on this issue.

- *“Terry Stops”*

The Monitor’s position to the collection of data on pedestrian [“Terry”] stops, not resulting in an arrest, is being forwarded to the Solicitor’s Office for legal review.

- *Completion and accuracy of Contact Cards*

Supervisory review is required of all Contact Cards to ensure proper completion of all required fields. A recent audit of Contact Cards by the Administration Bureau Commander and a Records Section supervisor revealed that the majority of Contact Cards are being submitted with the required fields completed. In cases where there is data missing, it was most often in the “search/contraband” fields. The Contact Card is now being reviewed for revisions to address this issue as well as other options for data collection.

Plaintiffs are concerned that the contact cards do not accurately capture essential information required by the Collaborative Agreement and need to be revised. Plaintiffs also believe that the City's effort to accurately enter the data requires significant additional attention to increase accuracy.

In addition, the Records Section has a person dedicated on first and second shifts for entry of Contact Card data into the database. These personnel have been instructed in methods to correct contact cards to record missing data. Some of those methods are as follows:

- Mark FI or MV field if not there and if it can be determined from the information provided on the card.
- If Search is NONE, mark Contraband as NONE.
- In Citation, Arrest, Warning, if any one is marked yes, assume a "no" for the other fields.
- If no INC # is entered, use pseudo-number.
- DO NOT send back for no Supervisor or no Citizen's Attitude entry.
- If District is missing, check back of card, or get officer's district by his badge number.
- If no age, check back for DOB and calculate.
- If missing Race and/or Sex, check back of card for same data and enter if available.
- Determine Reason for Stop by Section #, MV or EV.
- If Total # Occupants is missing, count the driver & passenger[s] listed and enter.

If missing data cannot be entered, Records Section personnel have been instructed to return the Contact Card to the district/section of origin for correction.

- *Vendor Details for COPSMART*

The County awarded Aether Systems the software and infrastructure portion of the COPSMART project. Aether Solution includes Aether Packet Cluster Patrol, PacketWriter, and a Data Radio RF infrastructure. The following is the web link to the County's Aether contract, which includes the statement of work, Aether's response and the County's Invitation to Bid:

<http://www.bocc.hamilton-co.org/agenda/agenda.nsf/afae28929acda396852568a4007427f4/2e8f9e3e79b2853f85256d16004a3425?OpenDocument&Highlight=0,aether>

- *Favorable Feedback*

Members of the Police Department met with Mr. Don Hardin, F.O.P. Attorney, on July 24, 2003, to discuss the Police Department's method of collection, recording, and dissemination of "favorable contacts" by citizens with Cincinnati Police officers.

A copy of the Service Feedback Form and Citizen Complaint Form were provided to Mr. Hardin for his review. Mr. Hardin stated that a campaign to educate the public on how to report favorable contacts with Cincinnati Police Officers to the Cincinnati Police Department should be delayed until the final draft of the form to capture these contacts has been developed. It is anticipated that by the end of September 2003, the form will be finalized and the development of a public awareness plan will be underway.

Item 52, All Parties shall cooperate in ongoing training and dissemination of information regarding Professional Traffic Stops Bias-Free Policing Training Program

Monitor's Assessment

The Monitor will observe training to determine compliance.

Status Update

A member of the Monitor's team, Christine Maritzcak, attended Professional Traffic Stops Bias-Free Policing Training held at the Training Section on July 17, 2003. The CPD awaits feedback from Ms. Maritzcak.

Item 53, Inclusion of detailed information including racial composition of those persons stopped, detained, searched, arrested or involved in a use of force in public reports.

Monitor's Assessment

The City is out of compliance.

Status Update

The study of traffic stop data being conducted by the Dr. John Eck of the University of Cincinnati will be completed by September 30, 2003. This report will contain information on the racial composition of persons stopped for vehicular traffic violations during the last six months of 2001. The data for the study is being derived from Contact Cards completed on these traffic stops which includes information on the reason for the stop, whether a search was conducted, and whether any citations or arrests were made as well as other information.

Plaintiffs believe that, at best, the contact cards may provide Dr. Eck with a partial baseline for evaluating only certain activity. This is primarily due to the large error rate of CPD's entry of contact cards and lack of any protocol in ensuring that all are processed expeditiously.

The parties have briefly addressed this matter and in response CPD has made changes in its data entry system, devoted additional personnel to that task, assigned a data entry supervisor and implemented a data entry protocol.

Additional analysis of the racial composition of persons stopped, detained, searched, arrested or involved in a use of force will be conducted by the selected vendor who will perform the evaluation required by the CA. Vendor selection should be completed by the end of September 2003.

Item 54, Officers shall explain to the citizens why he or she was stopped or detained in a professional, courteous manner, except in exigent circumstances

Monitor's Assessment

The City is in compliance with this requirement.

E. CITIZEN COMPLAINT AUTHORITY (CCA)

Item 64, Designation of an Assistant City Solicitor

Monitor's Assessment

The Parties are in compliance with this requirement.

Item 69, Five Professional Investigators and support personnel

Monitor's Assessment

The Parties are in compliance with this requirement.

Status Update

Effective June 27, 2003, Nathanael Ford resigned from the position of Executive Director of the Citizens Complaint Authority. Since, City Manager Valerie Lemmie has outlined, in a July 10, 2003 correspondence to the Parties, a process for selecting a new Executive Director. The process includes the hiring of a national recruiting firm, who will interview the Manager, the Parties, and the CCA Board to establish the desired skills and abilities for the position. In addition, the Parties will participate in the actual selection process. During the interim, Daniel Baker will serve as the Acting Executive Director. Mr. Baker currently is working on a part time basis under a contract with the City. (See Attachment 16: Letter from the City Manager to the Parties regarding filling the CCA Executive Director position.)

As planned, two former OMI investigators have left the CCA staff as of June 30, 2003 and July 18, 2003, leaving four CCA investigators remaining. Applications are now being reviewed to fill the position of the fifth investigator. Initial telephone interviews were held August 8, 2003 and face-to-face interviews were held August 22, 2003. The committee is in the process of making a selection.

One investigator has been designated as the day-to-day "lead" to assist the Acting Executive Director during this interim period. Primary duties include assisting with intake and assignment of cases, assistance with Board matters regarding cases and information, attending meetings with CPD and other point of contact duties as assigned in support of investigations. Administrative duties continue to be supported by a Senior Administrative Specialist.

Item 70-75, CCA Investigation Process, Intake, Assignments, CPD and City Cooperation and Investigations

Monitor's Assessment

The Parties are in the process of defining whether CCA investigators should not be allowed to begin their investigation and monitor CPD work and interviews, until after the CPD investigations have been completed.

Status Update

The Police Department recently revised procedure 15.100, Citizen Complaints, to ensure timely notification of Internal Investigations Section [IIS] and subsequently CCA of citizens' complaints particularly as they relate to allegations of excessive use of force (See Attachment 17: Procedure 15.100). The Police Department has also streamlined the process for acquiring public records requested by the CCA by providing the name and phone number of contact persons throughout the Department, for acquiring specific records. Finally, the CCA met with IIS on August 13, 2003 to discuss the process of concurrent investigations and other topics.

Regarding on-scene investigations of serious police interventions, the CCA has asked the Solicitor's Office for guidance to clarify the roles of CCA investigators.

Item 76 - 78 CCA Board Action

Monitor's Assessment

The Parties are in compliance with this requirement.

Item 80-81, Records

Monitor's Assessment

None Noted

Status Update

To facilitate the IIS/CCA shared database, CPD and RCC computer support personnel are in the process of making the connection of the database programs. The current database cannot be loaded into the new system and therefore, will be retained separately for record searches and other requirements.

Plaintiffs believe that the City is seriously out of compliance with respect to this and all systems-related issues.

Item 82-87, Prevention

Monitor's Assessment

None Noted

Status Update

The CCA Board and staff are establishing a Working Group to identify variables necessary for effective data capture and reporting for trend analysis and problem solving. The list will be utilized to modify current data capture to review and analyze complaints, actions, discipline and their impact on the nature and number of complaints in the future. This will include strategy and planning for the CCA's First Annual Report in early 2004.

The CCA has developed a brochure that provides information about the CCA and how to report allegations (See Attachment 18: Copy of brochure). The brochure supplements the CPD's brochures and is intended to offer an independent method to reporting for citizens. The brochure will be placed at public locations and be available at public libraries, police stations, City agencies and at outreach or public events.

F. MISCELLANEOUS

Definitions for Parties' Responsibilities

Representatives from the Plaintiffs were provided a copy of the draft definition on July 17, 2003. (See Attachment 19: Notes from the discussion of the working definitions for Parties' responsibilities.) The Plaintiffs subsequently agreed to review the draft and to schedule a meeting with the Parties to discuss any proposed amendments.

CA Steering Committee Meetings

The Parties continue to meet on a monthly basis to provide updates and discuss issues and concerns related to implementation to the Agreement (See Attachment 20: Meeting summaries).

Appendix

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