

**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.

December 6, 2004

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INTRODUCTION

This Report is intended to advise the Independent Monitor as to the substantial progress that the Parties have made since the Monitor's Seventh Status Report was issued October 1, 2004. 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, the ACLU, and the FOP. 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
- Department of Justice Memorandum of Agreement
- Fair, Equitable, and Courteous Treatment Committee
- Citizen Complaint Authority Committee

I. COMMUNITY PROBLEM-ORIENTED POLICING STRATEGY

This quarter the Parties continue to implement Community Problem Oriented Policing throughout the City of Cincinnati. Concurrently, while systems and processes are being developed and concepts placed into operation, community organizing is occurring, police officers and outreach workers are providing training to citizens, partnerships are being fostered, and most importantly problems are being solved.

In response to the Monitor's October 1, 2004 Report, the CPD notes the information provided in regards to Problem Oriented Policing as described by Herman Goldstein. One of the CPD's challenges is the extensive reporting requirement necessary to document the completion of the 10 elements required to be present for problem-oriented policing as defined by Mr. Goldstein. Many, if not all, of the steps listed are achieved in formal and informal meetings of various combinations of city council persons, residents, stakeholders, victims, "beat cops" and Command Staff. These individuals analyze the situation, work together in developing solutions and work together to implement that solution. This transaction is not always formally documented for the purpose of compliance with this strict definition. However, CPD is currently looking at ways to capture and better document this pragmatic real life outcome-based approach. Please note, respectfully stated, the output of a police agency cannot be compromised by academic exercises, there must be value-added. In this and other status reports, it is not possible to replicate all of the details and dynamics that occur in team problem-solving. Therefore, the CPD commends the Monitoring Team's efforts to "see and feel" problem-solving face-to-face and encourages the Team to make more site visits to witness the good work that is being accomplished.

Also note, a number of persons from Cincinnati, including the CPD, the Community Police Partnering Center (CPPC), and citizens attended the recent Problem Oriented Policing National Conference in Charlotte, North Carolina. This team brought back to Cincinnati many new and fresh ideas.

As set out more fully below, Plaintiffs believe much more can be done to implement problem solving in the City. The community has been prepared to work on problems with the establishment of the Partnering Center. The police department itself, however, has done little to organize itself around problem solving. This is not a record keeping issue. The plaintiffs will work with the City to streamline any paperwork. None of us like it and none of us want paper to drive the participants. But we need to implement problem solving properly before we worry about how to document the issue.

Consistent with the CPD's mission to "...work in partnership with the community to provide a safe environment..." the following are brief examples of projects undertaken with partners in the community to achieve this mission. Although some of the problems discussed may or may not have gone through the formal SARA process, these efforts are included to demonstrate the CPD's use of non-traditional law enforcement methods. Those methods include working in conjunction with citizens, other City and County departments, and social

service agencies for problem resolution. These activities are in addition to, and in conjunction with, formal CPOP projects. The CPD includes a description of these efforts in this report to make the Monitor and public aware of all activities which involve community participation and problem-solving.

The following section, Section I. A., highlights problem-solving activities performed by the Cincinnati Police Department. Section I. B. highlights the CPPC's activities. Finally, Section I.C. formally addresses each subsection of paragraph 29.

A. CITY OF CINCINNATI PROBLEM-SOLVING ACTIVITIES

CPD PATROL BUREAU

Downtown Central Business District

Concerns identified by downtown stakeholders continue to include homeless encampments and blight, as well as noise complaints.

Current Activities

- Several complaints from citizens regarding the homeless encampments continue to plague the downtown area at East 3rd Street and Eggleston Avenue. Problems resulting from this situation include aggressive panhandling and overall blight. Officers from District One investigated and identified ten homeless people living under bridges. In conjunction with outreach workers from the Community Police Partnering Center (CPPC), services were offered to the identified persons, such as apartments, mental health services, and job skills training.

Other departments utilized to assist in responding to this situation included the Queen City Correctional Facility and the City Department of Public Services to conduct on-site clean-up.

There were no arrests made, however, some homeless persons did receive services from the outreach workers while others voluntarily moved from the location.

- Residents in the area of 210 West 8th Street have advised District One officers of an on-going problem of loud noise coming from an apartment located inside the building.

The CPOP officer responded to the complaints by contacting the City's Law Department for assistance. A meeting was also held with the owner of the building, several tenants, and other complainants.

No arrests were made and the situation was rectified due to an agreement reached by the complainants and the owner of the building.

Over the Rhine (OTR)

Concerns identified by the OTR CPOP team and several stakeholders continue to be drug trafficking, blocked sidewalks from drug dealers, break-ins, and pedestrian violations.

Current Activities

- Several complaints have been received from citizens, businesses, and community organizations, as well as police observations regarding heavy drug trafficking at 1200 Republic Street. In this quarter, there have been several calls for service to address drugs and shots fired. A CPOP team was formed to coordinate a response to disrupt the normal patterns of drug buyers and determine the effects on sales and violence in the area. Three street fairs have been held to disrupt the drug business.
- Business people and residents alike have complained of abandoned milk crates and chairs used by drug dealers to block street corners at 1400 Walnut Street. The CPOP team in OTR is responding to this issue by completing a “once a month chair and milk crate sweep.” This practice was utilized based on the success experienced in a similar situation at 12th and Republic Streets.
- Officers have received numerous calls for break-ins from business owners at the Findlay Street Market. An analysis was performed to establish the crime trend for this issue. The offenses were occurring during late evening hours. Officers responded to the owners with “target-hardening” information and by initiating directed patrols in the Findlay Market area to address this problem.
- The 1200 block of Main Street has seen an increase in pedestrian and vehicular traffic resulting from nightly bar closures in the area. Several complaints were received to address the increased safety issues that have arisen as a result of the converging traffic. District One officers met with bar owners, as well as Traffic Engineering and the Department of Public Services to respond to this complaint.

Valet signs have been removed from the location and changes have been made to parking restriction signs in an effort to reduce the amount of pedestrian and vehicular traffic.

Pendleton

Current concerns for this quarter focus on drug trafficking.

Current Activities

- Residents of the Pendleton neighborhood have recognized the convenience of purchasing drugs at 600 Reading Road because of easy access to and from Interstate 471. Because of this convenient accessibility, street level drug sales in the area have escalated. A CPOP team was formed to coordinate a

response with citizen input and the cooperation of the City Traffic Engineering Department to prepare a temporary interruption of vehicular traffic. The intention was to disrupt traffic entering the Pendleton community from Reading Road to East 13th Street. A barricade was implemented in early August.

Currently, the University of Cincinnati Criminal Justice Program is assisting in assessing this intervention. This CPOP project and neighborhood was chosen to be studied by the Ohio Service for Crime Opportunity Reduction (OSCOR). More information on OSCOR follows in this report.

West End

Concerns identified centered around drug sales and unlicensed rooming houses.

Current Activities

- The Dayton Street Association complained of increased drug activity at 807, 813, 817, 819, 823, and 825 Dayton Street, as well as illegal or unlicensed rooming. District One officers increased surveillance in the area to verify the increased drug activity. Armed with additional information, District 1 personnel initiated increased walking patrols by second shift officers.

Several other city departments were also included in combating this issue. The Buildings and Inspections Department assisted in vacating two of the residences for improper licensing, and numerous work orders were given to the owners of 807, 817, 819, 823, and 825 Dayton Street. In addition, the City Manager completed a “walk-through” on Dayton Street and ordered street and alley cleaning by the City Department of Public Services.

Several arrests were made by the Violent Crimes Squad assisted by the Street Corner Unit. Currently, research has been initiated in conjunction with the City Prosecutor’s Office in filing for public nuisance complaints at 823 and 825 Dayton Street.

California

Concerns identified by stakeholders in this area include public intoxication, loud noise, public urination, and littering.

Current Activities

- The Riverstar Ballpark at 5993 Linneman Street often hosts softball leagues and tournaments. Problems have arisen from participants in these events, specifically, public disorder. Complaints have been received concerning

excessive noise, public consumption of alcohol, and other disorderly behaviors. Complainants believe there is a lack of enforcement by park officials.

Photographs of the extensive litter problem were collected, letters were written by residents to the owners of the park, and several city agencies have been called to conduct studies on noise, pollution, and lighting in the park. Several meetings were held between business owners, residents, City agencies, and the police. Each concern has been documented and addressed, the situation currently being re-assessed.

Madisonville

Stakeholder identified concerns focusing on loitering, littering, loud music, open container violations, and public intoxication.

Current Activities

- Community members and police have observed several incidents of youth loitering at 5810 Madison Road. Calls for service to address loud music, drug use and sales, public drinking, and disorderly conduct have resulted from the this problem. An additional problem is the accumulation of litter left behind in the area.

District Two officers, in conjunction with the Madisonville Citizens on Patrol, have increased their presence at this location to dissuade youth from lingering in the area without conducting specific business.

Evanston

Community stakeholders identified several concerns including open air drug sales, littering, loitering, and graffiti.

Current Activities

- Several calls for service have been received for drug trafficking at 3400 Woodburn Avenue. The Evanston CPOP team worked with Walnut Hills High School to inform students of alternate routes to avoid the area. They also met with the Metro Bus System to change some stop locations. The District Two Violent Crimes Squad worked in the area during Community Response Efforts to effect several arrests in the area. Finally, residents have also been trained on how to report accurate descriptions of offenders, as well as reporting drug related incidents to the Street Corner Unit.
- Several incidents of drug trafficking have been observed at 3244 Fairfield Avenue, in addition to the problem of drug sales, graffiti, and litter. The

CPOP Team initiated clean-up efforts and patrols to eradicate the graffiti and remove the garbage. Additional trash receptacles have been placed in the area to assist in combating the litter problem.

Lower Price Hill

Concerns that were identified in this neighborhood include loitering to intimidate.

Current Activities

- Several complaints from residents have been received concerning disorderly persons loitering and blocking the sidewalk at 660 Neave Street. The neighborhood officer is meeting with members of the community council to develop a strategy to deal with the problem.

Bond Hill

Concerns from stakeholders in this community include drug activity and loitering.

Current Activities

- Residents have complained about the increase in drug activity at 4916 Reading Road that has led to increased loitering in the area. Officers in District Four worked with the Bond Hill Community Council and Cinergy to improve lighting, and trim hedges and trees.

Roselawn

Concerns that have been identified include drug activity and robberies.

Current Activities

- Citizens have made repeated calls for service to address drug sales at 7750 – 7769 Stillwell, 7801 – 7839 New Bedford, 1618 – 1650 Cresthill, and the streets of Glenorchard and Sparkle Avenue.

Directed patrols have been implemented in these areas, as well as concerted efforts to combat the problem utilizing several other units within the Department. Units included are Intelligence, Central Vice Squad, and Street Corner Unit. Officers also conducted meetings with landlords to address safety issues, as well as enforcement of evictions.

- Russian immigrants have advised District Four officers that they feel they have been targeted in several robberies due to communication and cultural barriers.

Several stakeholders met with police in the neighborhood to educate the Russian immigrants on personal safety. The community has also organized educational programs for those interested in learning more about the Russian language and culture. Officers have made concerted efforts to be accessible to the Russian residents to address any fears they may concerning crime.

An analysis of data reviewed the actual number of robberies involving residents of the Russian community. The data revealed that while a small percentage of victims were Russian, they did not appear to be the primary targets. The programs that have been offered seem to have had an effect on lowering the number of robberies. The Russian community has also begun to communicate more effectively with law enforcement and other community members.

Corryville

A concern in this area is drug activity.

Current Activities

- Citizens in the residential area of Euclid Avenue and Daniels Avenue have complained about continuous drug sales in the area. Officers from the District Four CPOP Team, Violent Crimes Task Force, and the Street Corner Unit joined forces to combat the problem. Citations have been issued for violations ranging from loud music to drug possession. Criminal trespassing has been enforced and several evictions have taken place.

Mount Auburn

Concerns that have been identified include burglaries and theft from autos.

Current Activities

- Several burglaries have been reported in the neighborhood of Mt. Auburn. Additionally, police officers have taken several reports for theft from vehicles.

Citizens in the area have organized neighborhood watch walks in an effort to deter criminal activity and identify problems that invite crime. The neighborhood officers of District Four have held safety talks on home security. Covert surveillance has been established to keep an eye on specific areas.

Walnut Hills

Concerns in this area are drug activity and theft from newspaper stands.

Current Activities

- The Cincinnati Enquirer has reported that several of their newspaper stands have been broken into resulting in \$10,000 in damage, as well as an unknown amount of US currency taken. The District Four Violent Crimes Task Force has initiated covert surveillance in the area to handle the thefts.
- Residents have complained to the police about drug activity at the intersection of Copeland Avenue and McMillan. Neighborhood officers are working in conjunction with Street Corner and the Vice Unit in addressing this problem through surveillance, intelligence gathering, and sting operations.

Hartwell

A major concern in this area has been garage burglaries.

Current Activities

- Several garages in the Hartwell neighborhood have been broken into. Police response has been a concerted effort at advising residents of the importance of properly securing their garages. Currently, covert surveillance is in operation in the area.

Avondale

The Police Department has received numerous complaints of disorderly juveniles, assaults, drug activity, and loitering.

Current Activities

- District Four has taken several reports from students attending Xavier University for assaults, thefts, and disorder by juveniles. Further investigation revealed that the students had invited the juveniles into their homes to play on their computers. Items began to turn up missing and the students refrained from having the juveniles in their homes as a result. The juveniles appeared to retaliate by acting disorderly and assaulting the Xavier students.

A neighborhood committee was formed which included residents, police officers, and Xavier law enforcement. The committee has decided to focus on several issues in the community, including programs/activities for neighborhood children.

- Stakeholders in the area of 808 Cleveland Avenue and Reading Road have contacted the police for assistance in combating the problems of drug sales and loitering. An analysis of the area included the number of calls for service, the number of citizen complaints received, crime data, and field observation.

Officers from the Violent Crimes Task Force and neighborhood beat officers have initiated covert operations in the area. The CPOP officer has contacted the management of 808 Cleveland Avenue to obtain a Permission of Agent Letter and an updated tenant roster. A Block Watch is currently being organized for the area.

Northside

Stakeholders in the neighborhood of Northside have identified several concerns that include abandoned buildings, zoning code violations, assaults on residents by juveniles, junk vehicles, drug activity, disorderly crowds, graffiti and blight.

Current Activities

- Citizens have complained about several abandoned/vacant homes at the intersection of Fergus Avenue and Apjones Street. Several individuals have been observed congregating in front of these locations resulting in calls for service to handle drug complaints and shots fired.

A CPOP Team was formed to address the issue. A survey was submitted to neighborhood residents to gather input about the quality of life in that area. Several other city departments were contacted to assist in combating the problem. They include Building and Inspection Department, the Health Department, Public Services, Community Development and Planning, and Recreation.

Enforcement efforts were initiated by District Five Violent Crimes Task Force, Neighborhood Officers, Community Response Teams, and the Street Corner Unit which included walking patrols, bicycle patrols, and covert operations. The Northside Citizens on Patrol also assisted in giving the area attention.

- Residents in the community have complained about zoning code violations at 1932 Kentucky Avenue. Specifically, the problems at this location are abandoned buildings, junk / abandoned vehicles, and litter.

To analyze this problem, a walk was organized that included members from the community, Police and Fire Departments, the Health Department, Public Services, and Code Enforcement Response Team (CERT) representatives. Orders were then written by Buildings and Inspections, the Health Department, and the Fire Department to address property violations. A follow-up investigation revealed that many of the orders had been addressed or that significant progress had been made in bringing the property to compliance.

- Several residents, business leaders, community council officers, and neighborhood watch members have complained of juveniles assaulting citizens in the area of Westmoreland Avenue and Pitts Avenue. Further investigation revealed that the majority of assaults occurred during evening hours.

A community meeting was held where the issue was addressed and a CPOP Team was formed. Uniformed and covert officers saturated the area during the previously documented times of occurrence. Citizens on Patrol and neighborhood block watch members also patrolled the area. Information was developed that led to the arrest of five individuals who have been identified as primarily responsible for the attacks. They are currently awaiting trial. Feedback received from citizens has been positive, as a result of these efforts including, a positive relationship between the neighborhood and the Police Department.

- District Five has received numerous complaints from residents about junk vehicles at 1633 Edna Avenue. The appearance of the vehicles has led to an overall negative image of the area. Further investigation revealed the registered owner of the automobiles. The owner was asked to comply with ordinances and zoning regulations concerning the junk vehicles. Unfortunately, the owner was uncooperative. The Bureau of Motor Vehicles was contacted and initiated an investigation. The results of the investigation revealed that the owner was selling and buying junk vehicles and was subsequently charged with Falsification.

As a result of these combined efforts, the violator was convicted and ordered to remove all junk vehicles from the street and his property. He has been sentenced to two years probation during which time he may not park any vehicles on Edna Street. The problem, therefore, has been eliminated.

- Residents and business owners have complained of drug activity and disorderly behavior at several Northside corners including Witler and Hanfield, Chase and Hamilton, Hanfield and Kirby, and Chase and Kirby. This has been an ongoing problem throughout the year. Officers from the Violent Crimes Task Force, Neighborhood Officers, Street Corner Unit, and Community Response Teams have targeted these areas from January through November 2004. Increased walking patrols and bike patrols also targeted the area.

The following is a summary of arrests made, as well as property confiscated as a result of these efforts:

- 110 Drug Offenses
- 39 Curfew Violations

- 9 Firearms Violations
- 351 Total Arrests

- Marijuana 496.46 Grams
- Crack Cocaine 32.89 Grams

As a result, calls for service have declined, activity in the area has slowed, and residents are encouraged.

CUF (Clifton Heights / University Heights / Fairview Heights)

The main concern in this area was graffiti.

Current Activities

- Several property owners in the area of Warner Street and Probasco Street have complained of graffiti on public and private property that has created the perception of neighborhood decline and resulted in exorbitant costs for removal.

The condition of the area was evaluated and the investigation revealed that abandoned structures and poor lighting contribute to the overall problem. Surveillance cameras were installed to photograph would-be vandals. A walking patrol was implemented in the area to provide a visible presence. As a result, arrests were made of two individuals who were responsible for the majority of the vandalism.

Keep Cincinnati Beautiful was contacted to remove the graffiti while the Uptown Consortium and the Clifton Heights Improvement Association received funding to install additional and improved lighting in the area.

Reports of graffiti have declined and fewer complaints have been received.

Mount Airy

Residents identified a neighborhood eyesore as a main concern in the area.

Current Activities

- Complaints have been received concerning the location of 2634 West North Bend Road. Citizens and community council have identified several problems at this property including front yard parking, junk autos, working on vehicles without the proper permit, and an overall perception of neighborhood decline.

The Zoning Department previously issued citations to the property owner who is currently awaiting trial for failure to comply. In addition, District Five officers worked with the Health Department which led to citations for front yard parking violations and failure to comply with building code orders.

Currently, the owner is still not in compliance with zoning regulations regarding performing work on automobiles in his backyard, but has taken care of the problem of front yard parking, junk vehicles, and the use of vacant lots. The problem has been reduced significantly.

Neighborhood Intelligence Cooperation and Education (NICE)

On September 17, 2004, District Four officers, in cooperation with officers from all other districts, conducted a Neighborhood Intelligence Cooperation and Education (NICE) project. The purpose of the project was to reduce the number of homicides, crimes, and to educate the public on safety, especially those most prone to violence. In preparation for the event, Captain Richard Schmaltz, Lieutenant Michael Neville, and Sergeant Richard Lehman met to establish goals, as well as develop a plan of action. Specific locations were identified based on crime "hot spot" analysis. At roll calls, information was relayed and officer input was solicited. The information obtained was then forwarded to the Criminal Investigation Section for their review.

Project efforts resulted in numerous arrests, as well as firearms recoveries. The following is a list of the results from this effort:

➤ Felony Arrests	-	5
➤ Misdemeanor Arrests	-	28
➤ Total	-	33
➤ Adult Arrests	-	27
➤ Juvenile Arrests	-	6
➤ Firearms Recovered	-	3
➤ Crack / Cocaine	-	.19 grams
➤ Marijuana	-	38.12 grams
➤ Warrants Served	-	24

On October 2, 2004, a second phase of NICE was conducted by District Four officers. The purpose again was to gather information, to educate the public, especially those most prone to violence, and to reduce homicides and acts of violence in District Four.

The following is a list of the results from this follow-up effort:

➤ Felony Arrests	-	1
➤ Misdemeanor Arrests	-	5
➤ Total	-	6
➤ Crack / Cocaine	-	.19 grams
➤ Marijuana	-	116.4 grams
➤ Currency	-	\$457.00
➤ H MV's	-	3

CPD INVESTIGATIVE BUREAU

Off the Streets Policy Team

A new project funded by the Health Foundation of Greater Cincinnati began work this quarter. The Off the Streets Policy Team held their initial meeting on October 22, 2004. The goal of this inter-agency project is to explore best practices and plan innovative intervention diversion strategies for women who are arrested, charged and convicted of solicitation/prostitution in Hamilton County. The project will involve analysis of arrest data and Justice Center records. This project is an inter-system collaboration of agencies in Hamilton County which includes:

- Hamilton County Probation Department
- Cincinnati Police Department
- Hamilton County Mental Health Board
- Pretrial Services
- Central Clinic/Court Clinic
- Alcohol Drug Addiction Services (ADAS) Board
- Glad House
- Prosecutor's Office
- Public Defender's Office
- City Council
- Hamilton County Sheriff's Office
- Tender Mercies
- First Step Home
- Court of Common Pleas
- Municipal Court Judge Guy Guckenberger
- Hamilton County TASC
- Talbert House
- Hamilton County Courts
- Neighborhood Groups and Local Businesses

The planning team has also been selected by the National Institute of Corrections (NIC) to receive technical support on this project.

Community Response Teams

The Cincinnati Police Department conducted two Community Response Team (CRT) operations during the fourth quarter of 2004. Through enforcement efforts, the CRTs attempt to reduce criminal activity, victimization, and community concerns of crime in the affected areas. Officers responded to community complaints in neighborhoods throughout the City during two day initiatives on September 28th and 29th, and October 26th and 27th. CRT coordinators from the Department's Vice Control Unit and Criminal Investigations Section met with members of various communities to identify specific complaints of criminal activity. Additionally, crime analysis data and information from District Commanders were utilized to develop an operations plan designed to target specific complaints in our city's neighborhoods. The vast majority of the complaints received from residents centered on prostitution and drug activity. These targeted initiatives are part of the CPD's continuing commitment toward improving quality-of-life and safety issues in our city.

Using the information gathered through this process, the CRTs have generated the following activity for the eighth and ninth operations for 2004.

CRT 8: September 28th and 29th

Arrests

Adult Felony	46
Adult Misdemeanor	136
Juvenile Felony	3
Juvenile Misdemeanor	6
Prostitution Arrests	17 (included in misdemeanor arrests)
Total	191

Seizures

Crack Cocaine	155.3 grams
Powder Cocaine	479.29 grams
Marijuana	83.96 grams
Pharmaceuticals	25 doses
Currency Seized	\$10,080.50
Firearms Seized	8

CRT 9: October 26th and 27th

Arrests

Adult Felony	67
Adult Misdemeanor	92
Juvenile Felony	7
Juvenile Misdemeanor	9

Prostitution Arrests	13 (included in misdemeanor arrests)
Total	175

Seizures

Crack Cocaine	78.89 grams
Powder Cocaine	7.76 grams
Marijuana	8319.43 grams
Heroin	2.93 grams
Pharmaceuticals	17 doses
Search Warrants	2
Nitro Packs	21
Currency Seized	\$2,078.00
Firearms Seized	9

CPD TRAINING SECTION

Citizens Police Academy

The Training Section completed its fourth citizens' academy class for Mental Health Professionals. The classes began on September 15, 2004 and ended November 3, 2004. This class produced 32 graduates. The first three quarters of the year produced 62 graduates. The Training Section met their goal of conducting four classes for the year.

In October 2004, the Cincinnati Police Academy issued a Roll Call Training Memo regarding racial profiling. The Training Memo described a scenario involving Bias Based Policing-Racial Profiling. As per the Training Bulletin, supervisors addressed critical issues with their relief personnel, as well as reviewed discussion questions. See Training Scenario in Appendix Item 1.

CPD Youth Services' Initiatives

Members of the Youth Services Section participated in the 2004 Crime Stoppers Program delivering a safety/police awareness curriculum designed for youth. Several sessions were conducted between August 30, 2004, and September 2, 2004. Topics included:

- What to do if Stopped by the Police
- Simple Rules of Self Defense
- The Anti-Gang
- The Bully
- Community Based Drug Abused Education
- Fatal Vision

➤ Decision Making

The Youth Services Section received several requests for police appearances by their officers. The following is a compilation of such requests for the reporting quarter:

- On September 25, 2004, a Teen Day was held at the New Friendship Baptist Church.
- On October 16, 2004, the Bethlehem Baptist Church hosted a talk on Avoiding Drug Abuse, What to do if Stopped by the Police, as well as, other associated topics.
- On October 23, 2004, members from the DARE unit were invited to the Cincinnati-Hamilton County Community Action Agency's Open Enrollment Fair at Jordan's Crossing.
- The DARE unit provided a representative to Order of Pythagoreans to discuss the Police Activity League (PAL), and drug and violence prevention. Participants in the audience age ranged from ages 10 to 17.
- On October 25, 2004, Pleasant Hill Elementary conducted a Safe and Drug Free Week. The topic of discussion included the dangers of drugs and alcohol. Attendees included children from kindergarten through the eighth grade.
- On October 27, 2004, the Syrian Shriners – 100 Luncheon Club invited representatives from Youth Services to present a program/talk.
- On October 29, 2004, a Youth Services representative gave a presentation at the LeBlond Boys and Girls Club.
- On November 1, 2004, the Cincinnati Public Schools Education Center on Burnet Avenue requested an officer for a gang presentation to Security Assistants.
- On November 3, 2004, a DARE officer spoke to approximately 200 students at Northern Kentucky University as part of their Criminal Justice Curriculum on Gangs.
- The Wal-Mart retail store on Cincinnati's west side hosted a "Bicycle and Children's Safety Fair" on October 2, 2004. Officers from the DARE unit represented the CPD, in addition members from Safe Kids, the Fire Department, and the Bike Patrol from District Three were also in attendance.

Officers from the Youth Services Section, including DARE officers, participated in several aspects of school activities over the quarter. Coverage included the following list of Cincinnati public and private schools: McKinley, Porter Hays, Washburn, Parham, Guardian Angels, St. William, Annunciation, St. Frances de Sales, St. Theresa, St. Lawrence, Pleasant Ridge, Roselawn, Little Flower, Our Lady of Lourdes, Corryville Catholic, St. Joseph, Mother of Sorrows, Whittier, Central Fairmount, Resurrection, College Hill Academy, St. Ursula Villa, Midway, St. Clare, and the International College Preparatory Academy.

Citizens on Patrol Program

The Cincinnati "Citizens on Patrol" Program (COPP) was proposed by several Cincinnati City Council members in 1997. The responsibility for developing the program is assigned to the COP Coordinator. The responsibility for administering and coordinating the neighborhood-based program is assigned to the District Commanders.

As of November 2004, there are 820 trained members of which 500 are active members in 24 units patrolling throughout the 52 neighborhoods of the City of Cincinnati.

COPP Statistics:

	2002	2003	2004 [YTD]
Neighborhoods	18	20	24
Individual Patrols	993	1414	1056
Volunteer Hours	100563	12257	11052

The program has held three successful COPP Academies in 2004 with a fourth one scheduled in December. During 2004, 132 new members have joined the program with new units in the Downtown Business District, Lunken Airport, Over-the-Rhine and Mt. Auburn.

In October, 180 Citizens on Patrol members attended the yearly in-service training and awards program held at Xavier University's Schiff Family Center. Key to the training was a Homeland Security training course put on by the Tactical Planning Unit and a presentation put on by Tri-State RCPI on Volunteers in Policing (VIPS).

Four COPPs Units were recognized for having completed five years in the program. Eighteen citizens were presented with plaques honoring their dedication over the preceding twelve months.

Specialized training this year included 16 members being trained by the International Police Mountain Bike Association (IPMBA) instructors on bike patrol techniques and additional 22 members were certified as vehicle operators.

The Cincinnati Police Department also fields volunteers in the following capacities:

- Volunteer Surveillance Team
- Desk Officer Assistant
- Support Drivers

OTHER INITIATIVES

Hispanic Interpreter Project

The Police Department and the Hispanic Community are working together with representatives from Su Casa and Housing Opportunities Made Equal (HOME) in a project designed to assist officers in gathering information from both victims and witnesses. Interpreters are on-call to assist residents and officers bridge language gaps to assist in the

delivery of police services. Officers encountering individuals who speak only Spanish will take all necessary and appropriate steps to ensure appropriate delivery of police services through effective communication.

2004 Community Outreach Festivals

The purpose of the Community Outreach Festivals project is to strengthen community police relations in Cincinnati. The 2004 Community Outreach Festival season attracted 3,300 citizens in five Cincinnati neighborhoods. Those neighborhoods included the West End, Millvale, North Avondale, Madisonville and Northside. The festivals are designed for neighborhoods that desire to improve and strengthen police-community relations. The Cincinnati Human Relations Commission in partnership with the CPD sponsored the Community Outreach Festivals. Officer representation from special units included Neighborhood Officers, DARE, SWAT, Canine Officers and Mounted Patrol Officers with their partners.

A community contact initiative was formed this year to systematically recruit agencies and community groups to have booths at the festivals. That initiative attracted 31 community groups to sponsor booths and participate at the festivals.

Alarm Reduction Unit

Last year 30,000 false alarms cost taxpayers more than \$500,000 and diverted resources from other public safety response activity. After analyzing the reoccurring situation, as previously reported, the False Alarm Reduction Unit was formed to address this issue. Fourth quarter statistics continue to show a decrease in alarm calls. For the month of August 2004 there were 1,856 alarm calls, down 548 from August 2003, representing a 22.8% decrease. For the month of September 2004 there were 1,782 alarm calls, down 308 from September 2003 or 14.74%. Finally, October 2004 alarm calls equaled 1,746, down 496 from October 2003 for a 22.12% decrease.

2004 International Problem-Oriented Policing Conference

The Center for Problem-Oriented Policing invited the CPD to participate in this year's conference held in Charlotte, North Carolina. On October 28th through October 30th, Lieutenant Larry Powell participated in the program's 15th annual conference. Panel discussions included:

- Open Air Drug Dealing
- Analyzing Fear of Crime
- Analyzing Homicides
- CCTV in Public Place
- False Burglar Alarms
- Risky Places: Why So Many Bad Things Happen in a Few Places
- Problem Analysis for Crime Analysts

- Street Racing
- Identity Theft

B. COMMUNITY POLICE PARTNERING CENTER

The board, director and staff of the Community Police Partnering Center worked during the Fourth Quarter of 2004 to build on the momentum following the round of SARA trainings completed during the Second and Third Quarter. The CPPC staff continued to support communities trained in SARA problem solving to apply the SARA process, and facilitated training for new stakeholders in several Cincinnati neighborhoods. Also during this quarter, the Partnering Center played a role in two city-wide initiatives – the Ohio Service for Crime Opportunity Reduction (OSCOR) and the 25 Cities Initiative, which is a partnership with the Office of National Drug Control Policy (ONDCP). More information about these projects and the Center’s role in them appears later in this report.

SARA Training Update

As noted above, the first round of SARA Trainings, which were jointly facilitated by the CPD and the CPPC staff, was completed in the Third Quarter of 2004. Following SARA training, Partnering Center Outreach Workers assigned to specific communities worked with Neighborhood Officers and community stakeholders to help identify and prioritize problems that are amenable to the SARA problem-solving process and assist in applying the process to the identified problem. Problem Solving tracking forms developed by the Center during the Third Quarter have helped Outreach Workers to keep community CPOP teams “on track” when working through the SARA Process, thus ensuring better and more measurable results.

Since the Third Quarter training, several neighborhood groups have progressed to become “developing” teams, and several previously “developing” teams have moved to “active” CPOP Team status. A problem-solving group is considered an active CPOP Team once a problem has been identified (as defined by the CPOP curriculum) and a Community Problem Solving Worksheet has been completed, with the assistance of a Neighborhood Officer and approval of a District Commander. Once a team is active, there is joint facilitation from the Cincinnati Police Department and the Partnering Center. Communication between Partnering Center Outreach Workers and CPD Neighborhood Officers is working in many CPOP neighborhoods, and the quality of problem solving efforts in these neighborhoods has been more successful as a result.

The following provides a list of CPOP neighborhoods and their current status:

Current Totals

- Neighborhoods Trained in SARA Problem Solving 29
27 in previous report

- Total Number of Developing CPOP Teams 10
7 in previous report
- Total Number of Currently Active CPOP Teams 19
15 in the in previous report

Current Status of SARA Trained Neighborhoods

District 1:

- * West End active team
- * Pendleton active team
- * Over-the-Rhine active team
- * CBD / Riverfront developing team (St. Anthony Village)
outreach

➤ **District 2:**

- * Oakley active team
- * Hyde Park developing team
- * East End outreach
- * Kennedy Heights active team
- * Columbia Tusculum outreach
- * Mt. Lookout outreach
- * Linwood outreach
- * California active team
- * Evanston active team
- * East Walnut Hills active team
- * Pleasant Ridge developing team
- * Madisonville active team
developing team

➤ **District 3:**

- * East Price Hill outreach
- * West Price Hill outreach
- * Sedamsville developing team
- * Saylor Park outreach
- * South Cumminsville developing team
- * Lower Price Hill active team
- * North Fairmount active team
- * English Woods developing team
- * Fay Apartments outreach

Pendleton

The Partnering Center became aware of concerns expressed by some Pendleton residents over a temporary street closure that was erected at 600 Reading Road as a response to high drug activity at the 13th Street and Reading location. Police reports following this response indicated that the closure was successful in reducing drug activity and other crime at this location; however the reaction from some community members was not positive, a key point being that some residents said they felt left out of the process because they were not notified prior to the change being made. In particular, a business owner whose street access was impacted by this CPOP effort complained about lost business as a result of the detour. Although the Partnering Center was not brought in as a partner on the front end of this CPOP response, Center staff has since met with several community residents who had concerns about this street closure. Information was shared about the drop in crime due to the closure and information was provided from the U.S. Department of Justice Problem-Oriented Policing Guide titled "Closing Streets and Alleys to Reduce Crime". This report indicates that these types of responses have proven successful in reducing crime in other areas. Center staff also toured the area with Dr. John Eck of the University of Cincinnati Criminal Justice Division, District One Sergeant Maris Herold, and CPPC Executive Director Richard Biehl as part of the Ohio Service for Crime Opportunity Reduction (OSCOR) initiative. As a result, the Outreach Worker now assigned to Pendleton has made connections with unaware community members so they will be part of any future CPOP efforts in this area.

Kennedy Heights and Madisonville

In addition to working on current CPOP problem solving efforts in these two neighborhoods, Center staff worked to engage new stakeholders to participate in the 25 Cities Initiative, which is a coordination of law enforcement and prevention and treatment activities to reduce drug use and violence related to drug use in three Cincinnati neighborhoods. Along with Lower Price Hill in District Three, Kennedy Heights and Madisonville were chosen following several presentations and meetings with community stakeholders to ensure their participation over the next 12 months. Participating with the Partnering Center in outreach efforts to these communities were Cincinnati Police Department representatives Lieutenant Colonel Cindy Combs and Captain Paul Humphries, representatives from Talbert House, Urban Minority Alcoholism and Drug Abuse Outreach Program, Assistance for Substance Abuse Prevention, Hamilton County Alcohol, Health Foundation and Drug Addiction Services and the Coalition for a Drug Free Greater Cincinnati. Three Center staff members, including the Executive Director, are currently serving on the Leadership Committee, which will coordinate the efforts of 25 Cities Initiative going forward. Meetings in each community will be held before the end of this year to develop neighborhood-based leadership teams that will begin to implement this strategy in January 2005.

North Fairmount

Over 40 volunteers from the North Fairmount community turned out to participate in "Make a Difference Day" on October 23, which was used as an opportunity to recruit residents to participate in CPOP. As a result, many new people are aware of CPOP in this neighborhood,

and that has translated to increased attendance at Community Council meetings, as well as a committed core of residents who have begun to “scan” potential CPOP problems. Participation in Make a Difference Day came out of a CPOP meeting at which community members expressed a desire to “do some good” in their neighborhood, and encourage others to do the same. By participating in this day, the existing group of stakeholders developed relationships with City Council member David Crowley, who also participated in the day, representatives of Talbert House properties in the neighborhood, St. Leo Church and Food Pantry, and the North Fairmount Community Board. These relationships will result in stronger partnerships for eventual CPOP problem-solving efforts in this neighborhood.

Bond Hill

One problem that was worked on during the Fourth Quarter was that of youth loitering at the corner of Paddock and California Avenues in front of the Loving Arms Daycare Center. An employee of the Daycare center reported that this situation was causing her to have to go outside four to five times each day to break up fights, ask that they not write graffiti on the entrance door of her business and to insist that they not litter the area. This employee even led these young people on a tour of her facility in an effort to teach them about the important work that goes on inside and gain their cooperation. This did not deter the behavior, however. A CPOP Team formed to address this issue, and found that the problem was being enhanced by the number and frequency of bus stops at this corner. The team worked with Metro Bus, and as a result the #45 bus no longer stops directly in front of the Daycare Center. It instead stops in front of the Bond Hill Presbyterian Church on Paddock Road. This Church has been contacted to discuss having them act as guardians for the new location, and create a plan for addressing any ongoing recurrence of the problem. Another bus, #48, still stops in front of the Daycare Center, although the stops are not as frequent. These relatively minor changes, along with increased activity from neighborhood stakeholders, have resulted in a noticeable reduction of the negative activities that previously took place at this location.

Northside

The problem that was identified by the team is abandoned properties at the 4200 Fergus Street causing a variety of problems, including litter, trespassing, drug activity and arson. Initial scanning was completed by mid-September and was done through neighborhood observation, police calls for service, data and neighborhood surveys. The Team is currently in the response stage of this problem, which has included a clean up of the street, a written invitation being sent to residents and property owners at that location to join the CPOP Team, and another letter informing owners of these properties to clean up their areas or face City Code Enforcement.

The Northside CPOP team has over 15 very active members, as well as other community participants who assist and support the team in the response phase of this effort. The team is implementing the SARA model of problem solving and is getting tremendous cooperation from community stakeholders in their initiatives. Perhaps the most notable accomplishment with this team is that the Center staff member assigned to the team has been able to step back a bit and support the team without having to assume a leadership role.

Community leaders have emerged; understand the SARA process and are fully capable of implementing it on their own. The team members have largely taken over the process, and the Partnering Center staff person can now serve in an advisory and support role, while participating as necessary in community-driven initiatives.

Other Key Partnering Center Initiatives

On October 12, 2004, the Executive Director attended a briefing by the CPD Command Staff regarding Councilmember David Pepper and University of Cincinnati researchers' initiative concerning crime hot spots that will become part of a collaborative effort between Cincinnati Police, University of Cincinnati, and the Partnering Center to apply problem solving to a selected crime hot spot in all five districts. Analytical support would be provided by U.C. via funds provided by the OSCOR (Ohio Service for Crime Opportunity Reduction) program. The Executive Director and Professor John Eck participated in a site visit to the District One target area (Pendleton) on October 25, 2004.

The Executive Director, along with other Center staff, have begun meeting at Xavier University to discuss the use of SARA problem solving and environmental assessment tools to address conflicts between XU students and neighborhood residents.

On October 21, 2004, the Executive Director escorted Federal Monitor Saul Green to meet with Hugh McCluskey, East Walnut Hills Assembly, to discuss CPOP initiatives in that community. Mr. Green was given a tour of East Walnut Hills by Police Officers Fred Gilmer and Kevin Brown. Madeline Moxley, CPPC Outreach Worker, and Greg Baker of the CPD were also present. Later in the afternoon, Mr. Green was escorted to Lower Price Hill by Anika Simpson, CPPC Outreach Worker, where he met with Amy Krings also from the Partnering Center as well as community CPOP team members to discuss CPOP efforts in the community.

The Center's Executive Director continues to participate in the Code Enforcement Task Force to finalize the City's code enforcement strategy to improve the quality of life in Cincinnati neighborhoods. A major component of this planning effort is the publishing of a handbook for citizens to help them identify and take action when code violations are observed in their neighborhoods. Center Outreach Workers shared a draft of this book with CPOP team members to ask them if they believed the guide would be helpful to their neighborhood problem-solving efforts, solicit opinions for any changes, etc. An overview of the strategy was presented to City Department Heads on October 12th and presented to City Council's Neighborhood Committee on October 19th.

On October 22, 2004, the Executive Director participated in a meeting with Greg Edwards, Cincinnati Public Library, to discuss the creation of a CPOP resource area in Cincinnati library branches. Outline of resources requested from the Public Library were provided.

The Executive Director met with Jerri Tolliver, Program Director for WDBZ to discuss the creation of a radio talk show to highlight the Collaborative Agreement and CPOP efforts. This contact has resulted in a commitment for a weekly radio show, which will cover topics related to CPOP problem-solving efforts in our neighborhoods.

Lastly, seven Partnering Center staff attended the Problem Oriented Policing National Conference in Charlotte, North Carolina, from October 28 to October 30, 2004. Accompanying the staff were three citizens who are very involved in CPOP problem-solving efforts in the communities of Madisonville, Lower Price Hill and Evanston. Along with CPPC staff members, these three individuals (Prencis Wilson, Patti Bellamo, and Monna Beckford) brought back invaluable information and skills to Cincinnati, which will assist them in their efforts to address problems of crime and disorder in their neighborhoods.

Plaintiff's Statement re City's Commitment to CPOP

Although, as this report documents, there are some bright spots with respect to the implementation of CPOP, all is not well in that regard and the Plaintiffs are tasked with communicating, both in this report as well as to the public at large, those places where there are substantial disagreements between the parties. The City continues to engage in a practice of mislabeling arbitrary enforcement efforts as CPOP. The City has engaged in "drug sweeps" and mislabeled these mass enforcement efforts as CPOP. These actions violate the agreement and have been highlighted as inappropriate by the monitor. See pp 59 – 64, 7th Monitor Report:

“...The CPD states that police sweeps are problem-solving, rather than a traditional and oftentimes ineffective tool in closing drug markets, as the monitor suggests.”

The Monitor spends considerable effort in this same report reminding the City of the basic principles underlying CPOP. The monitor report demonstrates that the City simply does not apply CPOP as defined in the agreement – even now – two years into the agreement! The City supports CPOP when it uses the label to pursue strategies that result in offenders being arrested and incarcerated. Indeed, some problems are best resolved through arrests. But CPOP also challenges the parties to use community assets – including the citizens that may be viewed as causing some of the problems – as we seek short and long term solutions. Addressing drug sales at a corner without talking to the alleged sellers; addressing annoying youth behavior without talking to the youth; and promoting solutions that emphasize arrest over other solutions that address the causes and roots of problems is not consistent with the CA. Equally disturbing is the statement in this same report that the required documentation of the SARA process by the CPD is an “academic exercise” which threatens to hinder the capability of the Police Department.

The City is violating its duty to implement community problem oriented policing (CPOP) as set out in the CA. Problem solving is the cornerstone of CPOP and the Collaborative Agreement: “The City of Cincinnati, the Plaintiffs and the FOP shall adopt problem solving as the principal strategy for addressing crime and disorder problems. Initiatives to address crime and disorder will be preceded by careful problem definition, analysis and an

examination of a broad range of solutions.”¶16. As detailed below, the City has failed in its duty to implement problem solving and CPOP.

The CA provides a very clear explanation of these principles:

¶20. Community problem oriented policing is one form of police work that seeks resolution of troublesome circumstances in the community. *These troublesome circumstances are framed as problems to solve.* They usually reveal themselves as a form of repeat pattern of offending, victimization, or locations. *First, problems need to be carefully defined.* A useable problem definition requires a description of harmful behaviors and the environments where these behaviors occur.

¶21. *The second principle guiding community problem oriented policing is that problems are carefully analyzed prior to developing a solution.* Community problem oriented policing is an information intensive strategy that places a premium on data, intelligence, community input, and analysis. The analysis is designed to reveal critical aspects of the problem that can be altered to effect a reduction in the problem.

¶22. *The third principle is that the police and their partners engage in a broad search for solutions based on the analysis of information.* A law enforcement response is always a possibility, but may not be required. Rather, a range of options is explored, often drawing from the field of "situational crime prevention" that block opportunities to commit crimes and disorder. Effective solutions to problems may require the active participation of and partnership with other City agencies, community members, and the private sector. This implies that for a community problem oriented policing strategy to be effective there must be close police-community relations and the City must support this approach.

¶23. *The fourth principle is that problem-solving efforts are evaluated to determine if the problem has been reduced.* Here again, the use of information technology and analysis is critical to assure continuous improvement. If the problem has been successfully addressed, the police can move on to other problems. If it has not, then more work needs to be done, including a re-analysis of the problem or a search for alternative solutions.

The CA recites how important CPOP is to restructuring police community relations:

¶26. Citizens of Cincinnati have expressed a strong and uniform desire to see greater positive interaction between the police and the public. During the nine-month collaborative process in 2001, the public called for the City to "reinforce and expand community-oriented policing and practice." They have recommended that the City "establish and maintain greater understanding, positive interaction, and communications between the community and the police." They have asked the City to "promote a partnership of shared responsibility for community problem-solving." Citizens want to "develop more trust, respect and acceptance between the police and community." They want to "increase public's understanding of police policies,

procedures, duties and roles." The public wants to "foster greater appreciation and support for police through professional and public recognition of outstanding service as well as awareness of the motivations of police officer and challenges they face." Citizens want to "improve communications and foster greater understanding, trust, respect and sensitivity between the community and the police." And the public wants to "increase community accountability and responsibility."

¶27. The Parties, and especially the CPD, understand that fully engaging the community is a fundamental key to effective law enforcement...

¶29. It is abundantly clear that the citizens of Cincinnati and their police officials want a two-way dialogue about effective and fair policing. Taking a proactive and preventative approach toward informing the public about police operations will go a long way toward improving police-citizen relations and preventing information vacuums that increase friction between the community and the police. The ultimate goal of this Agreement is to reduce that friction and foster a safer community where mutual trust and respect is enhanced among citizens and police.

History of City Reluctance on CPOP

The CA imposes duties on the City, the plaintiffs and the FOP to implement CPOP. The first duty was to implement the Community Partnering Program to engage the community in this new initiative. See Amended Plan, Doc. 108. Central to the plan was the establishment of a base, the Community Police Partnering Center, from which to lead the community in problem solving. The City refused to provide any funds to establish the Community Police Partnering Center. The plaintiffs, the FOP, the Greater Cincinnati Foundation, the Andrus Family Fund, and several citizens who had been active with Cincinnati CAN came together and formed the Center. Over five million dollars has been raised from private sources to establish the Center as a non-profit agency headquartered at the Urban League. The Center commenced operations this year and now has eleven outreach workers, an able executive director in former assistant chief Rick Biehl, an engaged and active Board of Directors. The plaintiffs and FOP have representation on the Partnering Center Board. They are actively helping guide the community engagement effort. It is critical, however, that problem-solving efforts be pursued as described in the CA in order for the Center to achieve success. The City has failed to do so.

Not Allowing Plaintiffs and Their Clients to Go on Ride alongs is a Violation of the Collaborative Agreement

Clearly, it has been the long-standing policy of the CPD to allow citizens to ride along with officers. This policy is expressed in procedure 18.105 of the Procedure Manual of the Cincinnati Police Department. A policy allowing civilians to ride along with officers was first implemented by the CPD at least 25 years ago. Paragraph 10 of the Collaborative Agreement states, in pertinent part, the purpose of the Collaborative Agreement as being,

among other things, “to resolve social conflict, to improve community-police relationships”. Additionally, it states the purpose of the Agreement as being “to foster an atmosphere throughout the community of mutual respect and trust among community members including the police” with the ultimate goal being “to reduce that friction and foster a safer community where mutual trust and respect is enhanced among citizens and police.” The City of Cincinnati has violated this commitment by denying access to Plaintiffs’ counsel and their clients to go on ride alongs. It is the obligation of the Plaintiffs’ counsel to communicate with their clients re the progress made under this agreement and such reporting is comprehensively undermined to the extent Plaintiffs’ counsel and their clients are not allowed to review, first hand, the operations of the CPD.

Paragraph 28 admonishes the Parties to take a “proactive and preventative approach toward informing the public about police operations.” This requirement cannot be achieved under circumstances in which Plaintiffs’ attorneys and their clients are not allowed to ride with CPD officers. Additionally, Paragraph 6 of the Agreement requires the parties to “promote and foster” ongoing cooperation between the Parties and members of the community. This requirement too shall be significantly inhibited if Plaintiffs and their clients are prohibited from going on ride alongs with CPD officers. This is especially true given the fact that no written policy exists supporting the ban on ride alongs. Indeed, it is clear that the City will permit other civilians continued access to ride alongs and that only the Plaintiffs and their clients will be denied such access. Surely this uneven application of a new and unwritten policy will not serve to promote and foster any cooperation between members of the community and the CPD.

An Example of The Analytic Capability Required for Comprehensive Implementation of CPOP.

Below is represented the 2004 Herman Goldstein Award Winner for problem solving. Plaintiffs believe that this project represents the extent to which analysis must drive problem solving. Moreover, it is quite clear that our CPD is not remotely close to being able to provide this level of analytical support to simultaneous projects. However, the provision of such support is required under Paragraph 16 that states that problem solving shall become the principal policing strategy of the CPD.

Case Study: Goldstein Award Winner, Portsmouth Constabulary’s Operation Cobra

Portsmouth problem: Police and residents knew there were a huge number of thefts of and from autos. Police Dept. appointed:

- a Single Performance Champion [to be held personally responsible for success of the program], and
- a Crime Reduction Officer [coordinator of daily activity] who was an analyst

UK has a system whereby every official has to personally report on the success and failure of departments below them, all the way up to the prime minister. At every level, performance goals are assigned, so everyone knows how well they are doing on a local as well as national basis when the reports come out.

Program as implemented cost 30,00 pounds – already funded. No staffing were specifically dedicated to COBRA, except for 1 redeployed sick person, and complete focus from one crime analyst.

Measured success by comparing theft rates of the previous year and the implementation year. Also did cost/savings analysis and found average cost per theft, compared that to amount of thefts that did not occur [having established the baseline average of thefts], and came up with a substantial savings to the government.

Factors of success:

- Single performance Champion – someone with a personally vested interest
- Dedicated Crime Reduction Officer
- THOROUGH scanning and analysis
- Commitment of Partners
- Using analysis to drive responses
- Comprehensive Database
- Maximizing the easily controlled victim and location focus
- Thorough implementation plan decided upon BEFORE program starts.

I. Scanned all data available:			
Residence Association Groups	Fire/EMS data	Shop data	Business data
	Police Data		Tourism data

They found that of the 3,235 vehicle crimes of 1,600 streets in Portsmouth:

- 712 streets had 1 vehicle crime reported
- 346 streets had 2-4 vehicle crimes reported
- 155 streets had 5-18 vehicle crimes reported
- 12 streets had 19-38 vehicle crimes reported

or

50% of thefts occurred in 167 of 1,600 streets. The crimes were concentrated within certain areas of town:

Thefts from autos primarily occurred:

- in locations where people stopped for ‘short stops’ [doctor, newsagent]
- in locations where people were preoccupied [hospital, shopping, tourist attraction]

Thefts of Autos:

- Old cars in poor neighborhoods, especially in front of your house [because of the city layout, no driveways/everyone parks on the street].

II. Analyzed the underlying causes of the problem in order to formulate responses:	
Underlying Cause	Response
Victims weren't aware they were in high crime area	Personal letters sent to residents; talking parking meters: when you put money in, says 'welcome to Portsmouth, you are in a high crime area, don't leave valuables in view, etc.'
Older cars don't have built-in security system	Police offered boots to civilians to secure these vehicles.
Property left in view	Extensive media campaign and posters in short stop locations
Environmental Design: Designers and Maintenance staff were not aware of crime generators	Worked with contractors to increase awareness

III. Implemented responses via partnerships with:	
Portsmouth City Council*	Media
Businesses [motor trade & hoteliers]	Residents' groups
*1998 Crime and Disorder Act – Community service and Police are required to work together: www.hmsa.gov.uk/acts/acts1998/19980037.htm#5	

After sharing scanning and analysis, developed response: OPERATION COBRA [took about 3-4 months. COBRA was implemented for 12 months before evaluation.

COBRA consisted of:

- A tiered vehicle crime reduction response:
 - 5-7 vehicle crimes per street = Level 1 response [focused on removing victim from the equation via personal letters, cobra signs, immobilizers]
 - 8-10 vehicle crimes per street = Level 2 response [focused on removing location from the equation via picture warnings – photos of offenders- and talking parking meters]
 - 11+ vehicle crimes per street = Level 3 response [focused on removing offender from the equation via a beat officer level crime project]
- A dedicated, 12-month Media Campaign:

Having a brand identity/recognized logo was VERY important. Portsmouth used the cobra because it was already known somewhat. The media were introduced in the

planning stage, and agreed to thorough, 12-month coverage in exchange for 1st dibs on human-interest stories.

The media campaign worked because of thorough coverage from the media, a specialized readership [locals only], detailed crime data [what to watch out for], and crime prevention information.

C. PARAGRAPH 29 PROGRESS UPDATE

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 City remains in partial compliance of this CA section. As we noted in prior reports, we expect the Parties to report on the quality, timeliness, and results of inter-agency collaboration vis-à-vis the projects undertaken by the pilot CPOP teams (e.g., Are inter-agency liaisons responding in a timely way? How long does it take to board-up a problem property? Has the Health Department been responsive in a timely way to problem properties with health code violations? In what ways have CPD officers relied on the Community Development and Planning Agency? Should the City try to enlist certain County service deliverers, such as Social Services?).

During this quarter, the Cincinnati City Manager appointed an individual in her office to coordinate the involvement and participation of other City departments. She will coordinate the effort and report back on problem-solving projects in future reports. The City states that these efforts will be consistent with and expand upon the City's CPOP Action Plan. We believe that this is a positive development and that the Assistant City Manager will be able to report on the quality, results, and timeliness of interagency collaboration. She will also be able to assess if the interagency process can be used to address chronic problems identified by the Crime Analysis Unit's review of addresses repeatedly involved in calls for service.

Status Update

The City of Cincinnati is creating a system of service delivery that moves the organization towards Community Problem Oriented Government. The City is in the process of changing the way we do business and engaging citizens to work collaboratively to address issues. This system of service delivery has several components including but not limited to: CPOP, Customer Service Response (CSR) System, Code Enforcement Initiative and the Business Development and Permit Center. To this end, CPOP is viewed as part of a whole and not a stand alone program as citizens will have several ways to access services. Each access point will lead to a comprehensive, timely service response. Utilizing improved technology and an integrated database allows seamless service delivery. This integrated system will increase the effectiveness of service delivery by reducing redundancies. CPOP is one way to address systemic issues, CSR addresses single service requests and the Code Enforcement Initiative educates and empowers citizens to maintain high quality neighborhood environments.

Ms. Selvey-Maddox, of the City Manager's Office is coordinating innovations to increase the effectiveness of city services and the Code Enforcement Taskforce. In October, she

created a CPOP Integration Team representing city departments to begin reviewing CPOP on the departmental level and ways to better support the CPD. Pending changes include revising and including the current CPOP electronic files into the existing electronic data base that tracks service request, permits and code violations. The goal is to provide city staff access to real-time data on the various cases and provide citizens easy access to case updates. The CSR System design was completed in the fourth quarter of 2004 and implementation is underway and the Code Enforcement Initiative will begin implementation by the first quarter of 2005. Recommendations are expected by the first quarter of 2005 on ways to more effectively and comprehensively integrate CPOP into city service delivery.

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.

Item 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.

Item 29 d. 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 Previous Assessment

The Monitor looks forward to seeing the initial results of this Committee in the upcoming quarter. As we have noted before, we suggest that the Committee consider having a tab within the Best Practices portion of the website for officers to go to that contains evaluated efforts by crime/safety type (e.g., noise complaints, drug houses, open-air drug market, open-air prostitution market, etc.) to facilitate officer/outreach worker/community problem-solving. We also suggest that this Committee consider consulting appropriate experts in the field in identifying problem-oriented policing best practices.

As we noted in our last report, we believe there are many ways in which problem-solving can be incorporated into CPD training, and disseminated throughout the Department. The Monitor agrees with the Parties that this section of the CA is linked with section 29(b) and hopes to see greater progress in this area in the next quarter. Of the four subparts to this section the Parties are only in compliance with the requirement that experiences with problem-solving in the field will be made available to the public. The Parties are in partial compliance with this section of the CA.

We agree with the Parties that this CA section is linked to sections 29(b) and (c), as each of these requires distinguishing between what works and what doesn't in crime control techniques.

The Parties are not yet in compliance with this section of the CA.

Status Update

Item 29 b.

The Partnering Center has recommended several new publications to the CPOP Best Practices Committee. These publications provide information relevant to CPOP problem-solving and group facilitation. This is addressed in the portion of our report under "Plans for Ongoing SARA Training" which states: The target date for the next round of jointly facilitated SARA Trainings is Spring of 2005. Therefore, Center Outreach Workers have begun building support through organizing in neighborhoods where outreach efforts have already taken place, and also in neighborhoods where there has not been any formal organizing by Partnering Center staff. The goal of this organizing effort is to assess the need and community readiness for the next round of SARA training. A preliminary draft of a proposed neighborhood training schedule will be shared with the City and the CPD at the next CPOP Working Group meeting for their review and approval. Additionally, CPPC staff will conduct SARA trainings on an "as needed" basis for any community group, agency or business association that may request it.

Plaintiffs' comments

The ACLU and the Partnering Center are currently working with the Cincinnati Public Library to create a problem solving research capacity throughout their branches. At this point, the Cincinnati Public Library has committed to working with the ACLU and the Partnering Center to determine both the content of the problem solving resource capacity as well as the methodology for best communicating the possession of these materials to the public at large. Additionally, the library has committed to working with the Parties to deliver problem solving-related programming to the community. In particular, the library has expressed a significant interest in delivering problem solving content to youth throughout the community. This is very encouraging as Plaintiffs believe this is an important group that has been insufficiently engaged in the problem solving initiatives thus far prevalent throughout the City.

Item 29 c.

In October 2004, the Cincinnati Police Academy issued a Roll Call Training Memo regarding racial profiling. The Training Memo described a scenario involving Bias Based Policing-Racial Profiling. As per the Training Bulletin, supervisors addressed critical issues with their relief personnel, as well as reviewed discussion questions. See Training Scenario in Appendix Item 1.

Plaintiffs' comments

Plaintiffs believe this training memo is a good first start. However, much, much more needs to be done regarding not only the reality of racial profiling but also the perception, throughout the community, that this is standard procedure for the CPD. We look forward to working with the parties to develop a plan to engage in a broad public discourse about this issue within the first half of 2005.

Item 29 d.

In September 2004, a new collaboration between the CPD and the University of Cincinnati was developed to provide expert technical service to the CPD in the areas of problem analysis and formulation and evaluation of crime and disorder. The U.C. team, OSCOR (Ohio Service for Crime Opportunity Reduction), will provide analysis and evaluation service. Implementation of the recommended interventions will be the responsibility of the City, Community Policing Partnering Center and other institutions, as deemed necessary and appropriate. The project will be based on the following five stages:

- I. Select Crime Reduction Projects
- II. Collect and Analyze Data
- III. Propose Interventions
- IV. Feedback on Implementation
- V. Evaluation

See also Appendix Item 3 listing the CPOP Problem Status as of November 2004.

In September 2004 the CPD registered to participate in a program designed to provide information to the community via a new website called the "Citizen Observer". It is "a highly effective means of using the internet to connect citizens with local law enforcement; and assists in addressing and preventing crime within local communities and neighborhoods." Registration is available to local businesses, neighborhood watch groups and community residents.

The CPPC staff attended the COP Supervisors Staff Meeting on November 17, 2004, at District One Headquarters and discussed ideas for ongoing training. At this meeting, the status of communication between Outreach Workers and Neighborhood Officers, Sergeants and Command Staff was reviewed, as well as ways in which the partnership can be improved. It was proposed at this meeting that CPPC and CPD staff participate in a two-day training aimed at sharpening skills as we begin planning for a new round of jointly-facilitated SARA trainings in 2005. It was proposed that this training include a review of the current CPOP curriculum, Problem-Solving skills, Group Facilitation, and other skills that will assist us in our 2005 CPOP efforts. It was proposed that the training be held at the Regional Community Policing Institute (RCPI) or at the Police Academy; however, it should be presented by a third party, i.e., someone not with the Partnering Center or the CPD. We believe that this training will build on the good relationships that

already exist between the CPD and the CPPC staff members, and establish new relationships of trust and understanding between individuals who may work together on future CPOP efforts.

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 Previous Assessment

This quarter involved an ambitious joint CPOP training schedule with new communities brought on line. The joint training is an entry point for both the CPD and the Partnering Center to collaborate together, but also with a wider range of community members than had access to CPD personnel before. Both the Partnering Center and the CPD also attended many events this quarter, participating in different ways across many different communities.

Parties are in compliance with this section of the CA.

Status Update

See COMMUNITY POLICE PARTNERING CENTER: SARA Training Update, Current Status of SARA Trained Neighborhoods and Plans for Ongoing SARA Training.

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 Previous Assessment

Nearly a year ago, the Parties tasked the CPOP Committee with developing a community dialogue/interaction plan, with implementation beginning in June 2004. While this plan has yet to be completed and agreed to, we have seen events and participation by the CPD and the Partnering Center come together. We laud these efforts, but also call for an even more strategic approach to outreach and community trust-building.

The Monitor would like to see a coordinated plan outlining community forums to discuss the issues that brought the Parties initially to the table. These include fair and equitable policing, police use of force, alternatives to use of force, police response to the mentally ill, and police response to those under the influence of drugs or alcohol. Holding these community forums can show Cincinnatians about the commitment of the Parties and the progress made thus far.

As we noted in our last report, the Collaborative Agreement calls for no less than a historic change in the style of policing for the Cincinnati Police Department. As part of this change, the CA calls for dialogue and community interaction around CPOP, a collaborative approach to crime reduction.

The Parties are in partial compliance with this section of the CA.

Status Update

The plaintiffs have accepted the responsibility to take the lead on implementing actions necessary for compliance. On September 23, 2004, the parties convened a community forum on CPOP. A group of invited community leaders attended a panel discussion about the role of the CPOP program in Cincinnati's neighborhoods and how these are used to address problems such as crime, disorder and quality-of-life issues within neighborhoods. This conference included representatives from community councils, social service and faith-based agencies, and civic institutions in an environment, the purpose of which was to facilitate their education about how CPOP teams work within neighborhoods, how to establish one, and how to address issues such as blight, loitering, and illegal activity that affect Cincinnati's communities.

The program focused on the CPOP efforts of the CPD and CPPC through a facilitated panel discussion. The discussion included participants of active neighborhood CPOP teams as well as those responsible for embedding CPOP into the culture and fabric of the Cincinnati Police Department. The goal was to discuss CPOP not in the abstract but rather present case studies for various CPOP initiatives and the actual persons who worked on these initiatives. Approximately 75 individuals and group representatives attended the event.

Youth Forum – “Walk a Day in My Shoes”

On September 10, 2004, a daylong event was held at The Greater New Hope Missionary Church in Avondale targeting improvements in police-youth relations. Several Cincinnati police officers, students from Frederick Douglass School, Roselawn Condon Middle School and Harmony School along with facilitators from the Community Police Partnering Center and the Cincinnati Human Relations Commission Youth Street Worker Program participated in this event.

Participants acted out in role-play scenarios that modeled real life situations that the police and youth might encounter on any given day. Part of the program included role reversals so that both sides could see what it was like to be the other person. Written and verbal feedback was provided by the youth, police officers, and facilitators. Based on the information received, the event was a success.

The event was hosted by the ACLU and the NCCJ. It was funded by the ACLU. The plan is to continue this event at least yearly in hopes of reaching more students and making more connections.

Plaintiffs' comments

With its new policy restricting citizens, particularly members of the Plaintiff team, from going on ride alongs with CPD officers, a practice that has endured for over 25 years, we believe that the City has taken a substantial step in the wrong direction with respect to community dialogue. Clearly, community dialogue relies upon openness and transparency in the CPD, a paramilitary organization. Unfortunately, with this radical change in policy, the CPD has, once again, pulled a shroud of secrecy over its operations. Such moves can only increase, rather than decrease, the suspiciousness with which so many citizens view the department. Hopefully, this matter can be resolved soon so that everyday citizens can once again have the opportunity to see, first hand, the activities in which their police force engages.

Item 29g, The Parties shall establish an annual CPOP award program.

Monitor's Previous Assessment

Currently, the Parties are not in compliance with this section of the CA. However, as we noted in our last report, the rolling out of joint CPOP training needed to take precedence over an awards ceremony so that the Parties and the communities would have the skills to address problems and begin to use those skills on problems.

Status Update

On October 7, 2004, Mr. Richard Biehl, serving as Chairman of the CPOP Awards Committee convened a meeting to discuss award proceedings as well as award categories. While award titles are still in the working phase, the following categories were established:

- Outstanding Community Efforts
- Outstanding Contribution to Community Efforts (as an individual, a police officer, or an organization; a maximum of three awards each with a total of nine possible)
- Partnering
- Innovation
- All-Around

Introduction of the award will be at the Neighborhood Summit to be held on January 30, 2005. Specifics regarding the award including requirements and deadlines will be laid out at the meeting. The deadline for the award is set for March 1, 2005. The awards

ceremony is set for early May, 2005 possibly at Xavier University's Cintas Center, subject to availability. Discussion is still in progress regarding funding for the ceremony.

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

Monitor's Previous Assessment

Concerning the first part of this section, accessibility to policies and procedures, they are available to the public on CPD's new website, <http://www.cincinnati-oh.gov/cpd>. The City is in compliance with this part of paragraph 29(h). The Monitor believes it would also be helpful to have a link in the City's CPOP website (<http://cagisperm.hamilton-co.org/cpop/>) to the policies and procedures, so that those community members most engaged with the police and who have access to the internet can easily review any policy or procedure right on the CPOP website.

Concerning the second part of this CA section, the City has a communications audit of the CPD. The City must now develop an external communications plan based on the audit for the CPD. In the Parties' Status Report, the City states that the CPD is working with the NCCJ to implement some of the audit's recommendations. The City has not made clear in the Status Report which audit recommendations the CPD will be implementing. The City will need to make available its communications plan.

The Parties at this point are not yet in compliance with this component of paragraph 29(h).

Status Update

In October 2004, the CPD submitted a resolution for approval by City Council to accept a "loaned executive" to serve as a Community Relations Coordinator. The NCCJ, working with a communications/marketing consultant, will provide an individual for the Community Relations Coordinator at no cost to the City.

The Community Relations Coordinator will be the primary liaison between the Cincinnati Police Department and the community for purposes of implementing portions of the communications audit. An Advisory Counsel was established and met in November 2004 to establish the scope of services and expectations of the Community Relations Coordinator to outline his or her role.

See Appendix Item 2 to view the response for the Community Relations Coordinator.

Plaintiffs' comments

Plaintiffs have neither been informed of nor invited to participate in the dialogue regarding the communications audit and the communication, to the community, of its recommendations. At this time, therefore, we have no comment upon the ultimate efficacy of such actions other than to say our newly hired community organizer shall not be able to rally community support for a process in which we are not included.

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

Monitor's Previous Assessment

Since the Rand evaluation will begin soon, the Monitor will wait to determine if there is continued compliance with this section of the CA by watching whether the CRU Manager's half-time status is sufficient to meet timeframes and document needs of the evaluator.

Status Update

In addition to the CRU Manager, Ms. Vanessa McMillan-Moore, P.O. Mary K. Werner was detailed to the Police Relations Section's Community Relations Unit on October 4, 2004. P.O. Werner will assist the CRU Manager and Mr. S. Gregory Baker, Executive Manager. Specifically, P.O. Werner is responsible for redefining the CPD's CPOP quarterly reporting process, reviewing and making recommendations regarding the implementation and utilization of the problem tracking system, and will be working with consultants to implement components of the communications audit. Generally, P.O. Werner will assist with the implementation and reporting requirements of the Agreement.

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 Previous Assessment

The Parties have been in compliance with this section of the CA for two consecutive annual deadlines.

Status Update

The Parties have nothing to report since the completion of the 2003-2004 report.

Item 29k, The 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 Previous Assessment

The Monitor believes that the Collaborative Agreement is clear in outlining elements of the type of problem-solving required.

The Monitor Team has also addressed our views regarding whether the use of sweeps (or police crackdowns) should be the principal remedy to community-identified drug markets. In the current Status Report, as in previous ones, the CPD lists the numbers of arrests and amounts of drug seizures gained during these one- and two-day sweeps.

Problem-solving, as an approach, first looks at the details of a problem, then decides upon a counter approach based on what is learned about that specific problem. The counter approach (or response) is not decided upon first, then the community contacted and asked for input, and then the approach implemented whether it has long-term impact or not.

The Monitor agrees that there are times when - to give a community relief - the police might include a concerted arrest of offenders if it is part of a larger, more coordinated plan that is explicit, discussed, and shared beforehand. The Monitor believes that a more robust approach to drug market reduction would be consistent with the CA. We suggest that the CPD consider other approaches as well, to the numerous open-air drug markets in its communities. The Collaborative Agreement calls for analysis of problem clusters (such as a drug markets) and that a "broad search of solutions" should be considered.

Over the last ten years, Problem-Oriented Policing has virtually married with situational crime prevention since both suggest that analysis is key to understanding and impacting a problem. Situational crime prevention also suggests that to reduce a crime problem, opportunity blocking should occur. The Collaborative Agreement suggests that problem solvers explore situational crime prevention, opportunity-blocking measures in their search for solutions to reduce specific crime and safety problems.

The CPD is in partial compliance with this section of the Agreement.

Status Update

The City is currently revamping the format in which the District Commanders report their quarterly status updates. The upcoming report should reflect progress in this area. As previously stated, P.O. Mary K. Werner has been committed to this effort.

In regards to use of sweeps (or police crackdowns), CPD has not used this strategy as the “principal remedy to community-identified drug markets,” but one of many approaches to resolve the problem.

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 Previous Assessment

The Parties are not in compliance with this section of the CA.

Status Update

The City continues to await participation by the FOP and the Plaintiffs in this matter. The City has forwarded the current course schedule from the Police Academy to the Plaintiffs.

Plaintiffs’ comments

Paragraph 29(1) of the CA requires the parties to “review existing courses and recommend any new ones that may be appropriate for the Police Training Academy”. This requirement cannot be satisfied if Plaintiffs are not allowed to review CPD training courses. It has been the practice of the CPD to allow members of the Plaintiffs’ team to visit their academy training courses. CPD has altered this policy for the express purpose of inhibiting Plaintiffs’ ability to enforce the Collaborative Agreement on behalf of their clients. CPD’s change of policy with respect to Plaintiffs’ review of training academy classes represents a direct violation of the City of Cincinnati’s commitment under Paragraph 29 of the Collaborative Agreement.

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

Monitor’s Previous Assessment

As we have noted since our September 2003 Monitor Report, the tracking system requires substantial improvements. At the July All- Parties meeting the CPD also expressed some frustration with the system and suggested that it should not have to have one.

A tracking system is critical to assess the quality of the work CPOP teams are doing and as a way of keeping the rest of the CPD and Cincinnatians informed about progress on projects. However, a different system, if well designed, can be an improvement to what is now in place. Most of the officers use only pull down menus in the current system containing generic descriptions of aspects of problems (avoidance of area, negative image of community/city, reduction of quality of life) rather than specific details about a

problem (over a one-hour period 30 drug sales were observed, it is a walk-up drug market on the sidewalk right outside a convenience store, the dealers run into the store whenever they see the police coming, interviewed 4 of the drug dealers, none live on the block, etc.). We believe it is possible for the CPD to adopt a simpler system that captures the actual details of a CPOP project and could be easier to use as both a tracking and monitoring tool.

The less generic and the more specific the information contained in a project tracking system the more likely it is to be of value to other readers seeking to learn how specific problems were analyzed and ultimately addressed. As the Parties proceed to adopt a new tracking system, we recommend that the Parties review the Monitor's comments under 29(m) in the September 2003, January 2004, and April 2004 reports in preparation for developing a new system.

The Parties are in partial compliance with this section of the CA.

Status Update

In regards to the problem tracking system, P.O. Mary K. Werner is also responsible for reviewing and improving the functionality of the system. In doing so, the previous Monitor's Reports have been reviewed and a draft has been prepared, which is currently being reviewed by Neighborhood Sergeants to ascertain their input.

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

Monitor's Previous Assessment

The Monitor will review the CPD's submitted material and report back in the following quarter.

The City is not yet in compliance with this section of the CA.

Status Update

The Cincinnati Police Department Patrol Districts deploy uniformed patrol officers via five shifts:

1 st Shift:	0600 – 1500 hours
Early Power Shift:	1100 – 2000 hours
2 nd Shift:	1400 – 2300 hours
Late Power Shift:	2000 – 0500 hours
3 rd Shift:	2200 – 0700 hours

A patrol unit's activities occur during the eight hour tour of duty a police officer works each day. The police mission exists 24 hours per day, 365 days per year; therefore, each patrol unit works 2,920 hours annually. Three patrol units are required to staff one police beat, 24 hours per day, 365 days per year.

In general, uncommitted patrol time should range between 25 and 35 percent of the total time of the patrol force. The remaining 65 to 75 percent can be apportioned between responding to calls for service and performing administrative duties. The Cincinnati Police Department calculates staffing levels by recognizing that approximately 35% of patrol unit time is used responding to calls for service, 35% of the time is used for administrative activity (roll call, prisoner transport, evidence processing, training, etc.), and 30% of the time is used for discretionary, non-directed patrol activity.

The Cincinnati Police Department allocates uniformed patrol personnel based on calls for service (CFS). Calls for service are a good representation of workload across a broad range of police activities. Citizens report a wide variety of problems and incidents to the Police Communications Section and request service on those problems and incidents, which are then recorded by the Department's computer aided dispatch (CAD) system as calls for service. CFS include public safety emergencies (e.g., shots fired, burglary and robbery alarms), crimes in progress, criminal offenses which require reporting and investigation, neighborhood problems, disorder problems, automobile accidents, etc. The CAD system data enables the Police Department to estimate the time required to respond to and resolve citizen requests for service. Estimations are then used to calculate minimum patrol staffing levels to insure the Department's ability to respond to a wide variety of incidents, which are emergency and non-emergency (but necessary) in nature. Additional patrol personnel who are available and deployed above the minimum levels are able to perform a wide variety of discretionary and mission focused activities, including directed patrol, targeted enforcement, investigation, surveillance, and problem solving activities.

Two years of calls for service data is used to calculate personnel staffing levels. For example, the September 2004 patrol plan is derived from calls for service data for the month of September for 2002 and 2003. Calls for service are tabulated by the hour of day and day of week in which they occur.

Calls for service data is entered into a patrol-plan calculation sheet. The percentage of calls for service is entered by shift for each shift for each District. The sheet is formatted for the number of days by day of the week. This allows calculation of the number of Mondays, Tuesdays, etc. in a particular month.

Multi-car dispatches are computed at 25% of the total calls for service. In other words, 25% of the time a call for service requires two officers to handle an incident effectively and safely, and is then integrated into the patrol plan formula. This general proportion (one fourth of calls for service require two officers) has stayed constant over many years.

A more specific breakdown by time period is as follows:

<u>Shift</u>	<u>% of Multi-Car Dispatches</u>
0700 – 1500	25%
1500 – 2000	25%
2000 – 2300	15%
2300 – 0400	25%
0400 – 0700	10%

Formula for Determining Patrol Units

$(\text{CFS} * 35/60/x/.35) + \text{Multi-Car CFS} * 35/60/x/.35 = \text{Total patrol units needed for shift}$

CFS:	Day and shift specific calls for service number
35/60:	35 minutes for servicing the CFS; 35/60 is the percentage of the hour required to service a CFS
x:	Number of specific days in the month times 8 hours for each day (for example, if there were 8 Sundays in the two previous years' Septembers, the number would be 64, or 8 Sundays times 8 hours).
.35:	35% of patrol unit's time allocated for responding to calls for service.
Multi-Car CFS:	25% of CFS

This formula combines Department CFS experience and patrol service time goals to achieve minimum patrol unit deployment levels.

Specialized Assignments

The Police Department deploys officers not assigned to uniform patrol duty to specialized assignments. Specialized assignments are staffed by determining the number of personnel necessary to complete a specific type of task and/or to fulfill certain objectives.

Specialized assignments include the following:

- Criminal Investigations: Felony cases (robbery, burglary, felonious assault, auto theft, etc.), homicide, sex crime, white collar crime, undercover vice and narcotics investigation, and fatal auto accident investigation.
- Specialized patrol: mounted patrol, motorcycle patrol, canine handlers, and specialized traffic enforcement.
- Problem Solving and Community Outreach: District Neighborhood Officers, DARE, and School Resource Officers.
- Staff positions: planning, research, policy development, and administrative functions.

Staffing for these positions is determined by evaluating caseload (the quantity of activities that need to be accomplished) and workload (the complexity of the type of investigation or activity that must be accomplished).

On an annual basis, per CALEA requirements, the Department evaluates each specialized assignment to determine if the need for the assignment continues to exist and if the staffing level is appropriate.

Department Staffing and Deployment

The Cincinnati Police Department deploys officers based on workload and the need for specialized functions. Deployment of uniform patrol officers is based on a formula that accounts for workload and patrol service time goals. Specialized assignments are evaluated annually according to CALEA requirements.

Plaintiffs' comments

The City here has presented here the mechanics of their current staffing plan. Unfortunately, the City makes no effort to address the substance of this subparagraph that requires the city to review its staffing plan "in light of its commitment under CPOP." Required here is not only a review of the prior staffing methodology but also a review of the deployment, resulting there from, in light of the City's commitment that problem solving become the principal policing methodology. Although the City mentions here that individual officers as well as specialized units are available to engage in problem solving, nowhere does the City state how or whether it has altered its staffing in order to make problem solving the principal policing strategy. Moreover, the City provides no evidence that they have ever reviewed this staffing plan with the objective, as required under this provision of the CA, of staffing an agency with problem solving as its principal strategy.

Until the City conducts such a staffing review and until the City expressly configures the department in a way that makes problem solving the principal strategy, subparagraph 29n cannot be satisfied. Furthermore, though Plaintiffs do not assert that the entire deployment strategy of the CPD shall be dramatically altered in order to satisfy this subparagraph, the City has demonstrated no effort at all here to conduct a good faith analysis of CPD's staffing plan in light of the City's commitment to problem solving and CPOP. Nor has it demonstrated the effort required, with respect to staffing, to realize the commitment of making problem solving the principal policing strategy of the CPD. Notably we do not believe the City includes, in the police department budget to City Council, any provision for substantially increasing the crime analysis capacity of the CPD. Community Problem Oriented Policing (CPOP) is by definition data driven. Problems need thorough analysis in order to be properly framed and properly analyzed under the SARA model that the parties have committed to use. The City has commenced a useful pilot program with the University of Cincinnati to improve its problem solving capacities but a pilot program does not address the obvious staffing deficiencies in the CPD in this area.

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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 Previous Assessment

We suggest that the Parties meet again to discuss these issues using the text of the CA as guidance, although we realize the document does not explain every aspect of CPOP. If the Parties remain in disagreement it will be important for each to document their position in writing and submit it to the Monitor for review.

The Parties are not in compliance with this section of the CA.

Status Update

The Human Resources Committee has reviewed and revised the job descriptions and performance review to as directed by the CA. The CPOP revisions have been assembled and the following actions were recommended:

Performance Report Revision

- Categories 6 and 9 changed on the Performance Report
- Category 6, “Maintaining Equipment” changed to “Problem Solving”
- Category 9, “Meeting and Dealing with the Public” changed to “Community Interaction”
- Submission of the revised Police Performance Evaluation Rating Manual to the Civil Service Commission for approval

Job Descriptions

1. Shall have a working knowledge of Community Problem Oriented Policing (CPOP).
2. Shall have a broad understanding of the SARA problem-solving methodology for consistent application in CPOP teams.
3. Shall support CPOP initiatives to maintain a positive relationship between the Police Department, community members, and CPOP participants.
4. Shall be active in CPOP teams, committees, and other groups formed for the purpose of identifying problems and/or solutions to problems within the community, City, or Department.
5. Shall, at times, serve as liaison and/or coordinator between the Police Department, citizens, other City Departments, law enforcement agencies, and social service agencies regarding service delivery for assigned CPOP teams.
6. Shall keep their supervisor informed of current CPOP issues.
7. Shall provide supervision and direction of subordinates in identifying and resolving problems utilizing the CPOP approach.
8. Shall provide monthly, quarterly, semi-annual, and annual narrative and statistical reports as necessary.

Additions to job descriptions as follows

- | | | |
|---|---|--------------------|
| ➤ Assistant Chiefs | - | All added |
| ➤ Section Commanders | - | All added except 5 |
| ➤ Lieutenants and Sergeants | - | 1 through 4, 6 & 7 |
| ➤ COP Sergeants | - | All added |
| ➤ Investigators and Undercover Officers | - | 1 through 4, 6 |
| ➤ Neighborhood Officers | - | All added except 7 |
| ➤ All Other Sworn | - | 1 through 4, 6 |

Plaintiffs' comments

Again, Plaintiffs believe that this is a good first step. What seems to be lacking, however, is an indication to officers that problem solving is intended to be the principal, though by no means only, methodology for addressing crime and disorder problems. Neither in the proposed job descriptions nor evaluations is this priority communicated. Plaintiffs look forward to future drafts of these proposed items that communicate the priority of the commitment to problem solving to the entire force.

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 Previous Assessment

The City is not yet in compliance with this CA provision.

Status Update

The following is an update for the Computer Aided Dispatch and Records Management System project:

- August 23 – January 2005 – Vendor Evaluation / Selection
- February 2005 – March 2005 – Contract Negotiations / Signing

In November 2004 the joint CAD/RMS Committee will meet to reduce ongoing review to three proposals. These three vendors will provide demonstrations during January 2005. The City expects to enter into contract negotiations with the vendor in February 2005.

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 Previous Assessment

The City has not met the deadlines in the CA for compliance with this requirement.

Status Update

See response for Paragraph 29 (p).

II. MUTUAL ACCOUNTABILITY EVALUATION

Evaluation Protocol

Items 30-46, Evaluation Protocol

Monitor's Previous Assessment

We congratulate the City on signing the contract, as the evaluation is a key ingredient to Cincinnati's success in CPOP. What is learned from the evaluation will help the City to examine more closely what has so far occurred and make adjustments as needed. It is important that RAND now be able to begin work under the Evaluation Protocol, and in keeping with this, the Parties scheduled their first post-contract signing meeting with RAND. The Parties expect to discuss City, Plaintiff and FOP expectations, data sets, and methods of transmittals of requests for information.

Item 39, Unfavorable Interactions

The Parties are not in compliance with this CA requirement. The Monitor believes that given the minimal amount of disagreement among the Parties and the time that has been taken to resolve the issue, any remaining disputes should be submitted to the Monitor for resolution.

Status Update

The contract with RAND has been signed by the City and by RAND. Copies of the contract have been distributed to the collaborative partners and the Monitor. A kick-off meeting was held September 1, 2004. Discussion included expectations from the City, Parties, and RAND, data sets, and methods of transmittals. Since September, discussions between individual researchers and the City have resulted in specific data requests and transmittals. A draft schedule of data request dates, periods of evaluation, and quarterly report due dates (to meet with the Monitor's requested schedule) is currently being reviewed by RAND

Item 39

The Parties to the CA have agreed that:

1. Rude and discourteous conduct by citizens toward police is a problem that can be addressed by community problem oriented policing;
2. The conduct at issue is typically not criminal and is normally protected by the federal and state constitutions; and,
3. A protocol for tracking rude and discourteous conduct by citizens toward the police can be developed through problem-solving while respecting the constitutional rights of all citizens.

To that end, the Parties have developed a protocol for the reporting and tracking of such conduct, and permitting the evaluation team approved by the Parties to the CA to perform statistical compilations and prepare required reports of such conduct to the parties pursuant to paragraphs 38, 39, 40, 44, 45 and 46 of the CA. That protocol has been approved and signed by counsel for all parties to the CA and been delivered to Judge Dlott for her approval and docketing. A copy of that protocol, captioned “Protective Order Re: Mutual Accountability Reports of Unfavorable Conduct by Citizens During Implementation of the Collaborative Agreement”, is attached as Appendix Item 8.

Once the Protective Order is docketed, the FOP will take the necessary actions to see that the appropriate sealed containers are located in all police districts and units of assignment, that the Mutual Accountability Form 1 (MA-1) is printed in sufficient numbers and, working in cooperation with the CPD, that they are made available to all members of the CPD.

The FOP will continue to meet with appropriate members of the City and Police administrations to develop a coordinated effort to publicize the fact that citizens having favorable contacts with members of the CPD are encouraged to file reports of such favorable conduct on forms available to all police officers and located in all police facilities.

The FOP continues to send its representatives to all committee meetings relating to implementation of the CA. It is also active in achieving the goals of the CA through its appointed representative on the Board of the Police Community Partnering Center.

III. DEPARTMENT OF JUSTICE MEMORANDUM OF AGREEMENT

Collaborative Items 47-49

Terms of the Memorandum of Agreement

Monitor's Previous Assessment

None Noted

Pointing Firearms Complaints

Monitor's Previous Assessment

The investigations of complaints of improper pointing of firearms from March 2000 to November 2002 were forwarded to Conciliator Judge Michael Merz in July 2003. The Parties also submitted supplementary materials to Judge Merz for his review in making his decision under Paragraph 48. On November 14, 2003, Judge Merz issued his decision. Judge Merz determined that there has not been a pattern of improper pointing of firearms by CPD officers. Therefore, CPD officers will not be required to complete a report when they point their weapon at a person. The Parties are in compliance with the provisions of Paragraph 48.

Status Update

The City has nothing to report in this area.

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

Collaborative Items 50-54

Monitor’s Assessment

A. Traffic-Stop Data Collection

The CPD is collecting traffic stop data on its contact cards, but the data is not being analyzed.

The Parties are not yet in compliance with this requirement.

Data Collection on Pedestrian Stops.

The Parties are not in compliance with this requirement of the CA.

Use of Force Racial Data.

This data will be reported in the Monitor’s reports once RAND is under contract and able to assess and analyze the data.

Favorable Interactions

The Parties are in compliance with this CA requirement.

Unfavorable Interactions

The Parties are not in compliance with this CA requirement. The Monitor believes that given the minimal amount of disagreement among the Parties and the time that has been taken to resolve the issue, any remaining disputes should be submitted to the Monitor for resolution.

B. Training and Dissemination of Information

The Monitor has not seen evidence that the Parties are cooperating in ongoing bias-free police training. Therefore, they cannot find compliance at this time.

C. Professional Conduct

Based on the information the Monitor has to date, the City is in compliance with this provision. Additional information will be available when the Evaluation Protocol gets underway.

Status Update

For Traffic- Stop Data Collection, see Mutual Accountability Evaluation.

Use of Force by Race of Subject and Officer data for the First, Second, and Third Quarters of 2004 is included in Appendix Item 7.

For update on Unfavorable Interactions, see Item 39, Mutual Accountability Evaluation.

Regarding Training and Dissemination of Information, as previously reported, in October 2004, the Cincinnati Police Academy issued a Roll Call Training Memo regarding Racial Profiling. The Training Memo described a scenario involving Bias Based Policing-Racial Profiling. As per the Training Bulletin, supervisors addressed critical issues with their relief personnel, as well as reviewed discussion questions. See Training Scenario in Appendix item 1.

V. CITIZEN COMPLAINT AUTHORITY

Collaborative Items 55-89

Monitor's Previous Assessment

Establishment of CCA and CCA Board

The City is in compliance with the provisions relating to establishing the CCA and CCA board.

Executive Director and Staff

The Parties are now in compliance with these provisions of the CA.

CCA Investigations and Findings

Paragraph 83 of the CA calls on the CCA to examine complaint patterns that might provide opportunities for the CPD and the community to reduce complaints. Following the identification of such patterns, the CCA and the CPD are to jointly undertake a problem-solving project to address the issues raised. To date, most of the CCA's activities have been limited to complaint investigation and review. The CCA Board has made some policy recommendations to the CPD, based on its review of complaints. Now that the CCA has a full-time executive director and five investigators, we expect that the CCA can devote greater attention to the analysis of complaint patterns and trends. The CCA can also now turn its attention to drafting and finalizing an annual report for 2003.

Also, paragraph 80 requires the CCA and the CPD to develop a shared database to track all citizen complaints, the manner in which they are handled and their disposition. Currently, the CCA does not have access to a shared database, and the City is not in compliance with this provision. However, the City has stated that CCA will have access to the ETS system. In this quarter, CCA solicited bids to develop a database that is capable of interfacing with the CPD's ETS to obtain limited officer information and read-only access to IIS case files. In addition, the CCA and the CPD revisited the timely exchange of information and have conceptually agreed to an improved process.

The CCA has also updated a citizen informational brochure describing the CCA accessibility and procedures. The brochure will include a citizen complaint form and have distribution to public places, such as libraries and police facilities.

The NAACP's Cincinnati Chapter leadership requested that it serve as a site where citizens could file complaints. A CCA investigator will be available at the NAACP Branch Office bi-monthly to receive citizen complaints after regular business hours.

At the July All Parties meeting, the Monitor requested data on the CPD's actions resulting from completed investigations. The City Manager has asked the CCA to provide her with a complete list of 2004 sustained cases. She will compare it to a list of IIS completed investigations to determine if appropriate action was taken.

Status Update

The CCA will examine complaint patterns that might provide opportunities for 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 the CPD will jointly undertake a problem-solving project to determine the reason(s) for the pattern and whether there are opportunities to eliminate or reduce root causes. Where feasible, this project should involve both affected officers and the community.

The CCA has completed an analysis of complaint patterns involving the three areas set forth in the Collaborative Agreement. This report will be presented to the CCA Board for review and approval and the Chief of Police to facilitate the process, involving police officers and the community; for the CCA and the CPD to jointly undertake a problem solving project to determine the reason(s) for the pattern and whether there are opportunities to eliminate or reduce root causes.

Plaintiffs' comments

The Monitor enforces Citizens Complaint Authority (CCA) terms through the MOA and the CA. A professional, competent CCA is central to community acceptance of the CA. At a minimum, citizens need to know that the CCA determinations have appropriate weight on discipline. It is important that the City establish, and to date it has failed to do so, that decisions regarding discipline to officers against whom complaints are filed are postponed until after the CCA has acted and its determinations given due weight. Although Plaintiffs have requested documentation of what actions the City Manager has taken with respect to CCA recommendations, to date this request has been ignored. If the CCA is to be a credible institution, the City must report to the public on what it has done regarding each of the cases in which the CCA has rendered decisions recommending discipline. Again, transparency is key to the success of this new agency.

The monitor has noted that even these simple and obvious requirements are not in place at the City. See Seventh Quarterly Monitor Report, p. 30, 78. The problem with the CCA is deeper. All of the parties need to make it work, not make it fail. City and FOP officials have been publicly critical of the CCA as an organization. This is an organization that the City helped design. Just because it makes findings that occasionally disagree with the findings of the CPD, it should not be attacked as an institution. The CCA is a critical element of the CA and MOA that assures independent review of alleged police misconduct. The CCA must be bolstered by all of the parties and not attacked. To the extent several of the parties have, from time to time, concerns with the workings of this agency; plenty of opportunities exist to

collaboratively address such concerns without undermining the reputation of the agency and its director.

VI. MISCELLANEOUS

CA Steering Committee Meetings

The Parties continue to meet on a monthly basis to provide updates and discuss issues and concerns related to the implementation of the Agreement. Summaries of the August and October meetings are included in Appendix Item 6.

Plaintiffs' comments

Noncompliance with Terms re Bias Free Policing

The City has failed to properly evaluate the racial impact of pedestrian and traffic stops. See monitor report pp. 71-75. Some of these issues are addressed through the hiring of Rand. But the parties should be working now to address the problems rather than hide from them. The CA requires bias free policing. The first report on bias in policing was issued last year by independent researchers at the University of Cincinnati. Because it showed disparities of treatment between African American and White Citizens, the City attacked the report. No attempt was made to understand the issue and address it across racial lines with the CA parties. This cannot go on.

The City Must Recommit to True Collaboration

The CA shall be nothing more than mere words unless the parties work collaboratively to bring these words, and the ideals contained therein, to life. In addition to the inappropriate letter to John Ashcroft seeking termination of the MOA, the City has failed to respond in the spirit of collaboration to other challenges under the agreement. These are tough issues. They require a City partner that is willing to lead the City in responsible dialogue, not attack those who would challenge the status quo. Such leadership is missing. Not everything is gloomy. The Plaintiffs and the City agreed on the deployment of tasers in Cincinnati in the hope that this would reduce serious citizen and officer injuries when use of force is necessary. That is good. On the other hand, Plaintiffs want proof that deescalating dialogue is seriously pursued as the first option with citizen interaction and that police officers are not moving to a use of force too quickly. Dialogue between the CA parties related to this issue is also difficult to pursue given the City's penchant for responding to such questions defensively. Such posturing does not assist with this important discussion.

APPENDIX

1. Roll Call Training Scenario
2. Resolution of City Council approving a Community Relations Coordinator
3. CPOP Problem Status Report
4. CALEA Standard #16 Allocation and Distribution of Personnel and Personnel Alternatives
5. Performance Report
6. Steering Committee Meeting Minutes
7. Use of Force by Race Data
8. Protective Order Re: Mutual Accountability Reports of Unfavorable Conduct by Citizens