

PROBLEM SOLVING IN CINCINNATI'S COMMUNITIES (CONT.)

share information about the "Latino Beeper". The Latino Beeper is a translation service for Spanish speaking immigrants who call 911. We shall keep you informed regarding the effectiveness of these and other efforts bring about positive change in Lower Price Hill other communities. If you are interested in becoming a member of a CPOP team, please contact Doreen Cudnick at the Community Police Partnering Center. Doreen can be reached at (513) 281-9955 extension 450. We look forward to seeing more citizens working to improve their communities.

Jay Street Market

The Jay Street Market came about as a critical part of a CPOP community problem solving effort. The lot at 405 Rockdale Avenue was identified as a

problem location for a significant amount of time and was recognized as a place that negatively affected retail sales in the community. It was a corner that housed an abandoned gas station that had numerous calls for service and a high number of citizen complaints. Crime analysis data showed high volumes of arrest made, night and pedestrian traffic, and abandoned cars.

A CPOP Team was formed to begin applying the SARA problem solving method at this location. During the response phase of the SARA process, the Avondale CPOP team partnered with the owner of the property, which resulted in the owner agreeing to have the lot cleaned up and the abandoned gas station torn down.

Since the area has been cleaned up and the remnants of the abandoned building removed, the Teams' goal has been to

productively occupy this previously troubled space with efforts that benefit the Avondale community. The Avondale CPOP team, in partnership with LISC/CSI and the Avondale Business Association, has worked together to create the Jay Street Market. This effort was born not only as a way to prevent criminal activity at that location but to invite the Avondale community to take part in this problem solving effort, and to act as a "guardian" so the negative activity does not return. Community stakeholders have been invited to set up merchandise booths in the Jay Street Lot, which is next to the 405 Rockdale location, and be a part of this farmer/flea market type event. The kickoff for this event is August 28, 2004, from 9 a.m. - 8 p.m. Food, fun and entertainment will help kick off this community driven response, and establish this corner as a CPOP success story.

ABOUT OUR SUMMER INTERN

Christina L. Rice is a summer intern at Laufman and Gerhardstein through the SWEL program. SWEL (Summer Work Experience in Law), allows college and high school students who have an interest in the law the opportunity to work for lawyers and judges for 10 weeks during the summer. Christina is a University of Cincinnati graduate with a Bachelor of Science degree in Criminal Justice. This is her 5th summer in the SWEL program and her 3rd summer at Laufman & Gerhardstein.

The focus of Christina's internship has been working on the implementation of the Collaborative Agreement specifically through the targeting of youth. Christina has worked on many projects during the summer. These projects have included: planning and developing a citywide youth forum; scheduling and coordinating Ride alongs with the Cincinnati Police Department for Advisory Panel Members; compiling mailing lists for Collaborative materials to send out to local groups such as churches, community councils, schools,

and libraries; Attending CPOP meetings in numerous neighborhoods; and Coordinating and preparing for the participation of the Plaintiff's to the Collaborative Agreement in the Black Family Reunion.

Christina says that she enjoys the work she does at Laufman and Gerhardstein because it challenges her to explore other things. She says "the last 3 years have shown me that there is hope in Cincinnati as long as there are people who care".

COLLABORATIVE CORNER

VOLUME 1, ISSUE 2 AUGUST, 2004

INTRODUCTION

Welcome to Collaborative Corner, a regular newsletter produced by the Counsel for the Plaintiffs to the Collaborative Agreement and the plaintiff Advisory Panel. The Collaborative is an ambitious, court enforced agreement that calls for police reform in Cincinnati. We are working to implement community problem oriented policing, oppose racial profiling, hold officers accountable who engage in police misconduct, reform use of force practices and evaluate our progress. The Collaborative Agreement can be viewed at http://www.acluohio.org/issues/police_practices/police_practices.htm.

Through this newsletter we reach out to you, the members of the community. We want members of this community to be informed about important police-community issues of the recent past as well as those that may occur in the future. We also want to keep the community informed about how these issues have been or shall be addressed by the Collaborative parties - the Plaintiffs, the City and the Fraternal Order of Police (FOP). Unless otherwise specifically stated, the material contained in this newsletter represents the perspective of counsel for the plaintiffs to the Collaborative

Agreement. The plaintiff class to the Collaborative Agreement, however, includes all African American persons in this community as well as all other persons who may be subject to a use of force by the Cincinnati Police. Counsel for the plaintiff class, therefore, represent the people of this community and we wish to keep you informed of our progress. Finally, we welcome feedback from the community regarding the efforts of the Collaborative parties and are available to address members of the community in various different forums. Please feel free to contact us.

"THE COLLABORATIVE AGREEMENT IS AN AMBITIOUS, COURT-ENFORCED AGREEMENT THAT CALLS FOR POLICE REFORM IN CINCINNATI."

"THE COLLABORATIVE AGREEMENT CAN BE VIEWED AT http://www.acluohio.org/issues/racial_profiling/finalsettlement.pdf."

OFFICERS USED EXCESSIVE FORCE SAY CCA

During its August 2, 2004 board meeting the CCA sustained allegations of excessive force against three of the officers involved in the November 30, 2003 death of Nathaniel Jones. In its 52 page report, the CCA detailed the incident that culminated in this tragic death. Certainly, as stated in the report, Nathaniel Jones' death resulted from the coming together of numerous mistakes.

Failure to Exhaust their Options

First, the CCA reported that the initial officers on the scene (officers Pike and Osterman) did not exhaust all of their options prior to approaching Mr. Jones. The first of these options was to wait the arrival of an officer specifically trained to deal with persons exhibiting mental disorders (these are MHRT officers). Although officer Pike, the first officer on the scene, did originally

call for the assistance of an MHRT trained officer, he was told that the MHRT officer assigned to his district was answering another call. According to the CPD policy involving the use of MHRT officers, if the MHRT officer in the district is busy, officers should try to contact an MHRT officer working in another district if there is sufficient time to do so. Given that Mr. Jones was not harming anyone and was only dancing in the parking lot, the CCA investigation

PLEASE VISIT THE
ACLU OF OHIO
WEBSITE AT
WWW.ACLUOHIO.ORG
TO FIND
OUT MORE
INFORMATION
REGARDING THE
NATHANIEL JONES
INCIDENT.

ACLU Advisory Panel:

James Clingman	Michelle Taylor-Mitchell
Joyce Gibson	Minister James Muhammad
Rev. Eugene Godhigh	Christina Rice
Rev. Paula Jackson	Jackie Gaines
Rev. Peterson Mingo	Prince Johnson, II
George Beatty	Al DeJarnett

Plaintiff/ACLU Class Counsel:

Kenneth L. Lawson	Alphonse A. Gerhardstein	Scott T. Greenwood
808 Race Street	617 Vine Street, Rm 1409	PO Box 54400
Cincinnati, OH 45202	Cincinnati, OH 45202	Cincinnati, OH 45254
345-5000	621-9100	943-4200

Collaborative Corner Editor, George Ellis, Staff Counsel, ACLU Ohio.

INSIDE THIS ISSUE:

OFFICERS USED EXCESSIVE FORCE SAY CCA	1
PROBLEM SOLVING IN CINCINNATI'S COMMUNITIES	3
ABOUT OUR SUMMER INTERN	4

OFFICERS USED EXCESSIVE FORCE SAY CCA (CONT.)

concluded that officers Pike and Osterman should have tried to contact another MHRT officer prior to attempting to address Jones on their own. The CCA investigation also determined that officers Pike and Osterman failed to keep their distance from Jones upon their initial approach of him. Had they done so, he would not have been within striking distance of officer Pike and, perhaps, the struggle that ultimately led to his death would not have occurred.

Excessive Force

The CCA investigation also resulted in sustained allegations of excessive force against three of the officers. This finding arose from the improper use of the PR24 (nightstick). Basically, the CPD use of force policy requires that officers use no more force than is absolutely necessary to apprehend a person. Furthermore, that policy requires officers do two things that did not occur in the Jones incident. First, officers must, where possible, afford a suspect the opportunity to comply with the officers' demands. Second, and related, officers have a duty to try to de-escalate a situation where possible. In the Jones incident, the CCA investigation found the use of the PR24 inconsistent with the policy requirement that suspects be allowed to comply with the orders of officers. At no point during the use of the PR24 did officers ever stand back to allow Mr. Jones to comply, either by placing his hands behind his back or by allowing them to handcuff him. They just beat him into submission. The report found that most, if not all, of the struggling in which

Mr. Jones was engaged was defensive in nature. Because of this failure to either attempt to de-escalate the situation or, more importantly, to allow Mr. Jones the opportunity to comply with their demands, the CCA report sustained allegations of excessive force against three of the officers involved in this incident.

Failure to Follow Proper Procedure

Finally, the CCA investigation found that all seven of the officers involved in this incident failed to follow proper CPD procedure with respect to positioning Mr. Jones once he was handcuffed. CPD procedure describes how suspects can suffocate if left on their stomachs, handcuffed, with arms behind their backs, after a struggle. This is called positional asphyxia. CPD procedure regarding positional asphyxia specifically provides an example of a scenario that includes an overweight suspect who has just been in a struggle with the police that looks frighteningly similar to the Jones incident. This procedure would have required the officers to turn Mr. Jones over as soon as the struggle was over. Unfortunately, in this incident officers waited some time to turn Mr. Jones over and that wait may have contributed to his death. Because officers failed to, as soon as possible, put Mr. Jones in a position in which he could breathe, the CCA sustained allegations of failure to follow proper procedure against all seven of the officers involved in this incident.

CCA Recommendations

The investigation report recom-

mended serious discipline for the three officers against whom the report sustained allegations of excessive force. The report recommended retraining for all seven officers with respect to CPD procedure on positional asphyxia. Additionally, the CCA report recommended modifications to both the MHRT policy as well as to the positional asphyxiation policy. With respect to the CPD MHRT policy, the report recommends that this policy reinforce the requirement for officers to exhaust all reasonable possibilities prior to engaging a non-threatening mentally unstable person. With respect to the policy on positional asphyxia, the report recommends that the policy definitively state that, where there has been a struggle, officers must immediately get suspects off their backs once they have been handcuffed. To review the complete investigation, please visit the ACLU Ohio website and click on Cincinnati Police Practices on their home page.

Next Steps

Now that the CCA has made its recommendations, these recommendations shall be forwarded to the City Manager. She shall review the investigation and then forward it, with her recommendations, to the Chief of Police. Thereafter, it shall be up to the CPD command staff to determine what degree, if any, of discipline to impose against the officers involved. We have faith that the City Manager and Chief of Police will take seriously the recommendations of the CCA and we, therefore, eagerly await their responses.

“DURING ITS AUGUST 2, 2004 BOARD MEETING THE CCA SUSTAINED ALLEGATIONS OF EXCESSIVE FORCE AGAINST THREE OF THE OFFICERS INVOLVED IN THE NOVEMBER 30, 2003 DEATH OF NATHANIEL JONES.”

PROBLEM SOLVING IN CINCINNATI'S COMMUNITIES

CPOP (community problem oriented policing) is alive and well in Lower Price Hill (LPH). CPOP describes a policing strategy which looks not just to have police respond to particular incidents. Rather, CPOP requires the police to work with communities and their residents to identify and respond to particular areas where the same type of crime occurs repeatedly. This strategy represents an effort by police in conjunction with citizens in communities to really respond more comprehensively to such crime problems. Most importantly, CPOP empowers citizens to work with police to make their communities healthier. The LPH CPOP teams, which formed in March of this year, are in full swing in their efforts to assist that community in addressing its crime/disorder problems. The activation of such teams is one of the cornerstones of CPOP and, thus, one of the cornerstones of the Collaborative Agreement. Furthermore, we view CPOP as the best method to increase the degree of respect police have for citizens in all of this city's communities. In this article and others to come, we shall keep you up to date on the latest efforts of the Community Police Partnering Center or the Cincinnati Police Department to enshrine CPOP as the dominant policing philosophy and strategy of the CPD. The CPOP team in LPH is currently working on 2 problems.

Storrs and Neave Streets

The location of the first problem is the intersection of Storrs and Neave Streets. According to citizen complaints as well as crime statistics, a lot of illegal

activity takes place at this intersection, especially during the evening hours. The criminal activity occurs here includes: the sale and use of drugs, prostitution, and frequent gathering of disorderly crowds. The team has decided to address this problem in a few ways. First, it worked with the City to install additional lighting at this intersection as well as a few others. The lights were installed 2 weeks ago. There appears to be a rumor that the lights have cameras in them. We're not telling whether or not there is merit to this rumor. That said, drug sales and loitering have already decreased there. An additional way that the team has addressed this problem area has been the organization of a series of "Walk with Steve" events. "Steve" is Steve Ventre who is the neighborhood officer for the LPH community. They meet at this intersection on Friday or Saturday nights and then walk the neighborhood to convey solidarity with the police and also to pass out information about places where people who have a drug addiction can receive help. This was truly exciting because PLH had developed a "code" or culture that does not encourage association with the Police. For this reason, the LPH CPOP team was expecting only a small turnout for the event. However, in the first walk, over 41 people participated!! The team is currently planning a 2nd walk for the weekend of August 21st. Finally, it should be noted that during the walk residents identified a "tot lot" that has been overgrown with weeds which encourages prostitutes in the lot. During the walk, a representative from the Urban Appalachian Council said he

would organize local teens to clean out the lot and a Church volunteered to maintain it. Additionally, while the group was looking at the lot, two men who are rehabbing the house next door spoke with the walkers and agreed to install additional lighting that would shine on the tot lot.

1360 Wilder

A second CPOP team, which includes residents and also a representative from HOME (Housing Opportunities Made Equal) identified Wilder Avenue as a location where a group of teens tend to congregate. This street also had a number of incidents with harassment of Latinos by the same group. The CPOP team, known as Hispanic Working Group, is working to improve relations between the Hispanic immigrants and the residents who have lived there for years. The team has responded to this problem in a number of ways. The team had bilingual representatives from HOME and the Neighborhood Officer walk door to door in the area to meet Hispanic residents and to begin forming relationships so that immigrants are not afraid to contact their neighborhood officer if they have been harassed. Also, the group is working to post signs in Spanish that explain that it is illegal in the United States to pee in public. They have also gone door to door to explain this issue. Although public urination seems a silly topic, it represents an area of tension between culturally distinct groups within this community. Additionally, the group has gone door to door, as well as visiting local soccer fields, to

“CPOP DESCRIBES A POLICING STRATEGY WHICH LOOKS NOT JUST TO HAVE POLICE RESPOND TO PARTICULAR INCIDENTS. RATHER, CPOP REQUIRES THE POLICE TO WORK WITH COMMUNITIES AND THEIR RESIDENTS TO IDENTIFY AND RESPOND TO PARTICULAR AREAS WHERE THE SAME TYPE OF CRIME OCCURS REPEATEDLY.”