

February 3, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

202002158

Subject: CPD Response to Report on Police Reform and Racial Justice

REFERENCE DOCUMENT #202001895

On September 1, 2020 the following item was referred for a report:

MOTION:

I MOVE that City Council endorse the attached *Report on Police Reform and Racial Justice*.

I FURTHER MOVE that the Administration prepare in response to the recommendations made by the U.S. Conference of Mayors' Working Group on Police Reform and Racial Justice.

I FURTHER MOVE that the Administration's report identify whether it believes the Cincinnati Police Department already meets each recommendation; and to the extent that it does not, provide an analysis of why or why not CPD should or should not make the recommended change.

Mayor John Cranley

Response (Below)

**CPD Self-Assessment of
United States Conference of Mayors:
Report on Police Reform and Racial Justice**

Cincinnati Police Chief Eliot K. Isaac directed a review of The United States Conference of Mayors: *Report on Police Reform and Racial Justice*. This report represents the Cincinnati Police Department's self-assessment of the recommendations included in the report. Forty specific recommendations were identified. Thirty-one recommendations were oriented toward police departments. The remaining nine recommendations focused on decisions of municipal or state government. The thirty-one police department recommendations are listed below, with a response from CPD. Supporting references, such as the most relevant portions of CPD procedures are included.¹ Within the United States Conference of Mayors Report, recommendations are categorically organized. These categories are preserved in the response below.

SANCTITY OF LIFE (Conference of Mayors Report pg. 17)

- 1) **Departments should have a use-of-force policy that provides officers will:**
 - a. **Use only the minimal amount of force necessary to respond, if any force is necessary at all;**
 - b. **Continually reassess the situation to calibrate the appropriate response;**
 - c. **Not use chokeholds, strangleholds, or any other carotid restraints, unless deadly force is necessary;**
 - d. **Not shoot at or from moving vehicles, except when under extreme, life-threatening circumstances that are not avoidable; and**
 - e. **Not use deadly force against a fleeing individual, unless the individual poses an immediate threat of death or serious physical injury to another person.**

Based on current CPD procedure and information detailed below, CPD meets the standards detailed in this recommendation.

- a. Only necessary uses of force are permitted.

CPD's Use of Force (Procedure 12.545) specifically addresses each of the recommendations listed above. 12.545 (policy section) states (emphasis preserved): **"When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest and no more."**

- b. Tailor the use of force based upon new information.

The Use of Force procedure continues **"Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to promptly de-escalate the use of force as the subject de-escalates or comes under police control"**.

- c. Chokeholds are prohibited except as deadly force.

¹ Responses within this report are intentionally succinct, to support a summative assessment in the spirit of the original report. All quotations of CPD policy and procedure should be interpreted as "in-part". Only policy statements that most directly address specific recommendations have been included. In many cases additional information exists that supports the overall conclusions made by CPD. (If additional information is requested related to specific items, CPD would be glad to append this report or otherwise provide additional responsive information.)

“Choke holds are prohibited unless a situation arises where the use of deadly force is permissible under existing law and Department policy.” (use of deadly force is permissible when the officer has probable cause to believe a suspect poses a threat of serious bodily injury or death to officer or others – see *Tennessee vs. Garner*, 471 U.S. 1 (1985)).

d. Use of deadly force into or from a moving vehicle

CPD’s Discharging of Firearms by Police Personnel (Procedure 12.550) states (emphasis preserved): “**Officers shall not discharge their firearms at a moving vehicle or its occupants unless the occupants are using deadly force against the officer or another person present, by means other than the vehicle**”.

e. Use of deadly force against a fleeing subject

(Procedure 12.550): “When all other reasonable means at the officer’s disposal have failed the use of firearms is authorized, only under the following circumstances, as a last resort to apprehend a fleeing felon:

- The officer has probable cause to believe the suspect has committed or is committing a felony, and
- The suspect presents an immediate risk of death or serious physical harm, either to the officer or another person if not immediately apprehended.
- If possible, the officer will give a verbal warning before using the firearm.”

2) Departments should have a clearly stated de-escalation policy.

CPD does have a clearly stated de-escalation policy and prioritizes de-escalation through rigorous training.

Details:

CPD policy, procedure, and training clearly prioritizes de-escalation. De-escalation is explicitly defined in Use of Force procedure as: “Using non-confrontational verbal skills, empathy and active listening to stabilize a person in crisis. De-escalation may also incorporate the use of additional time, distance and resources as well as persuasion, command presence, repositioning, and warnings, to reduce the intensity of a potentially violent situation to decrease the potential need to use force”. The same procedure directs: “Whenever possible, de-escalation techniques shall be employed to gain voluntary compliance by a subject. Officers shall use only the level of force that is objectively reasonable to effect an arrest or while protecting the safety of the officer and others.” In addition to explicitly defining and prioritizing de-escalation in CPD Use of Force Procedure, de-escalation is also articulated and prioritized in Handling Suspected Mentally Ill Individuals and Potential Suicides (Procedure 12.110), and in Discharging Firearms by Police Personnel (Procedure 12.550).

De-escalation has been a core training topic for officers for over a decade. It is an over-arching training theme that is embedded throughout all department instituted training for recruits. CPD constantly seeks new best-practices in de-escalation, and provides additional training opportunities to officers when new opportunities for training in de-escalation techniques emerge. In March 2020, the Department was approved to host *Force Science Fundamentals of Realistic De-Escalation*, which teaches officers necessary skills to accurately assess potentially violent confrontations and defuse them whenever feasible in order to avoid a potential use of force.

CPD also incorporates a robust training curriculum for all officers through annual continuing professional training, which is evaluated and updated each year to provide the newest techniques and concepts. Field training officers, who train and mentor newly graduated police recruits, and new police supervisors are provided supplemental *Civil Liability and Use of Force* training to assist them in acting as departmental leaders, prioritizing de-escalation, and reinforcing these values for those who are formal role models for other officers in CPD.

- 3) Departments should establish a duty to intervene when a fellow officer is using excessive force or otherwise contravening law or department policy. Departments should train on peer intervention, recognize officers who do intervene, and protect them from retaliation.**

Duty to intervene is explicitly stated in current CPD policy.

Details:

CPD Use of Force (Procedure 12.545) states: “An officer has a duty to stop, prevent and report the use of excessive force by another officer. Officers who use excessive force will be subject to discipline, possible criminal prosecution, and/or civil liability”.

- 4) Departments should offer first aid training to officers and require officers to provide first aid, commensurate with that training, following the use of force, as appropriate.**

CPD prioritizes emergency medical treatment of citizens, recognizing preservation of life as the highest priority.

Details:

CPD Use of Force (Procedure 12.545) states: “Following any use of force resulting in a citizen’s injury, officers will summon Cincinnati Fire Department (CFD) personnel to provide emergency medical treatment. Once the scene is stabilized and it is safe to do so, officers may administer CPR or basic first aid, if appropriate”.

CPD officers regularly receive training and certification in CPR. All CPD officers are re-certified every two years through the American Heart Association. Police recruits are provided 8 hours of First Aid/CPR/AED training, an OPOTA standard. CPD officers also receive, are trained in, and routinely carry tourniquets for the purpose of providing lifesaving first aid in circumstances where this tool may be appropriate.

Additionally, police academy training staff conduct training for members of the public when there is a potential public safety benefit. CPD has recently provided active shooter training, for the purpose of helping members of the public educate themselves on important steps they might take to mitigate harm during an active shooter event. A sub-section of this training, *Stop the Bleed*, is co-presented by CPD and CFD. It is specifically oriented toward helping members of the public understand how they might take immediate action to help slow traumatic bleed injuries while emergency medical professionals are responding to a scene.

CPD recognizes that in many situations it is important to facilitate the rapid response of highly trained and equipped medical professionals, such as CFD personnel. Department procedure and practice emphasize rapid notification of fire personnel, early communication of critical

information to responding medical professionals, and traffic control and scene stabilization to facilitate their expeditious arrival.

5) Departments should require officers to report all uses of force.

CPD requires all officers to report uses of force.²

Details:

CPD Use of Force (Procedure 12.545) states: “All members have a duty to ensure all use of force incidents and any citizen allegation of excessive force are reported to the Police Department. Whenever employees use any type of force; or confront resistance that results in an injury or complaint of injury to a citizen; or have knowledge of any of the above; or are aware of a citizen complaint of excessive force, they will promptly notify a supervisor.”

Supervisors, once notified of a use of force, respond to the scene to conduct an administrative investigation of the use of force. This investigation includes completing written reports describing the events preceding the use of force and the subsequent force used, interviews of the subject of the use of force, witnesses, and involved officers, review of any relevant video, and gathering of other evidence that may be available. During this administrative investigation, supervisors evaluate the decision to arrest and basis for stop, subject resistance, and tactics and actions of officers in response to resistance. Use of force reports are submitted through the chain-of-command and subject to a variety of review processes based on the type of force used and preliminary evaluations of propriety of force and tactics used.

6) Departments should train officers on crisis intervention.

CPD trains officers on crisis intervention and actively engages with professional clinicians, toward producing the best possible outcome for those in crisis.

Details:

Since 2002, all CPD recruits receive 40 hours of Mental Health Response Team (MHRT) certification training. MHRT officers are dispatched on all runs involving individuals experiencing mental illness. If two MHRT officers are available, they will be dispatched as a team. Once dispatched, the MHRT officer(s) on the scene are the primary officer(s) handling the situation.

CPD officers routinely collaborate with the Mobile Crisis Team (MCT). MCT members are mobile clinical team participants, comprised of licensed master level social workers trained to respond to mental health emergencies throughout Hamilton County. Three MCT members are embedded in CPD districts, enhancing their ability to respond to support relevant calls for assistance that are received through the Emergency Communications Center, and to which CPD officers respond.

² The term “use of force” connotes a wide spectrum of police action, from police presence on one end to use of deadly force on the other extreme. Cincinnati’s response is based upon procedure 12.545 which sets forth the categories of its uses of force and the required investigation for each.

EQUALITY AND DUE PROCESS (Conference of Mayors Report pg. 20)

1) Departments should have policies and training curricula for recruits, veteran officers, and supervisors that make clear that police interactions with individuals should be impartial and free from bias.

CPD has policies and robust training curricula focused on impartial and bias free police interactions.

Details:

CPD Procedure 15.101, titled “Bias Free Policing” directly addresses issues of equality and due process. The policy statement reads: “The Cincinnati Police Department will provide services and enforcement fairly and without discrimination toward any individual or group of people. Bias based profiling **shall not be used** as the basis for providing law enforcement services or the enforcement of laws. All members have the responsibility for achieving the Department’s goal of bias free policing.”

This position is also reflected in the Mission Statement of CPD, which states: “The Cincinnati Police Department will develop personnel and manage resources to promote effective partnerships with the community to improve the quality of life through the delivery of fair and impartial police services while maintaining an atmosphere of respect for human dignity.” Recruits, veteran officers, and supervisors are trained on ensuring equality and due process in many educational settings.

In 2019, the Mayor presented legislation that was approved by Council, authorizing the City Administration to implement key components of the Collaborative Refresh Process. As a result, all CPD employees attended training on explicit and implicit bias: *Fair and Impartial Policing*. Senior Command Staff and supervisors attended more extensive training on this topic in order to provide more extensive resources to those they manage and supervise. These classes focused on discovering and managing positive and negative biases a person may have so that biases do not impact their job and interactions with the community. The community was invited to participate in this training. Two opportunities were scheduled specifically for the public, so they might be directly exposed to officer training and might further the dialogue among police and public regarding this topic. This training was provided by Fair and Impartial Policing, LLC., a leader in implicit bias awareness training.

In May of 2019, CPD hosted a nationally recognized subject matter expert in constitutional policing and policy, who conducted *Police Legitimacy and Procedural Justice* training for the over 200 employees at the supervisory rank of sergeant and above. Topics covered in the eight-hour sessions included community policing and public trust for effective crime reduction, understanding use(s) of force through Body Worn Camera footage and other digital evidence, legal and constitutional concepts and the importance of critical thinking in police work.

As part of continuing professional training in 2019, Officer Fred Gilmer taught *Empathy Through American History* to his fellow officers. The objectives of the course included the history of race relations in the United States and the immense impact of assisting people through empathy and applying this approach to develop stronger communities.

2) Departments should assess their records of stops, searches, and arrests to determine where there are disparities in enforcement.

CPD regularly assesses officer activities, workload, distribution of criminal activity, and requests for police assistance, actively seeking the most equitable approach to public safety.

Details:

Stops, search, and arrest information is collected and assessed by CPD through a variety of processes. Critical to a department's ability to assess such records is that a department have infrastructure and processes in place by which to collect this information so that it might be analyzed. Stop and search information may not be collected by all departments. It is collected by CPD, via contact cards (also containing other fields including date, time, address, stop type, and disposition of stop). For many years, contact cards were completed on paper by officers, and submitted to CPD Records Section for entry. CPD recognizes there may be a better method by which to collect this information. CPD Information Technology created an electronic Contact Card module in the Records Management System, which was launched in January of 2020. This improvement is designed to help improve the ability to aggregate and analyze this data. Contact Card information is published via the City of Cincinnati's Open Data Portal. CPD's process for collection of arrest information is also currently being modified, to improve arrest record systems. A Process Improvement Team was launched in 2020 to explore how CPD might improve collection, maintenance, and analysis of arrest records. CPD's analytic process is constantly evaluated for opportunities to improve, which include changing systems and processes of data collection to improve analytic potential in the future.

CPD has performed analysis on a variety of data sets for the purpose of evaluating where enforcement has concentrated in the City. For example, in the spring of 2020, CPD crime analysts performed citywide spatial analysis of traffic stops, traffic accidents, shootings, violent crime, citizen generated calls for service, and volume analysis of arrests. This analysis was discussed internally and externally in the context of dialogue regarding disparity. It was also shared with local media outlets to improve the public's access to this information, and to encourage the collective conversation.

CPD has also implemented Body Worn Cameras (BWC), as an important tool in the transparent delivery of police services. BWC video is reviewed in a variety of circumstances, which assists the administration in ensuring stop, search, and arrest activity is properly conducted.

CPD has a history of partnering with research professionals to assist in reviewing Department activities. One recent product of this partnership is *A Multi-Method Investigation of Officer Decision-Making and Force Used or Avoided in Arrest Situations: Tulsa, Oklahoma and Cincinnati, Ohio Police Use of Force Narrative Data Analysis Report*, authored by Michael Smith, J.D., Ph.D., Rob Tillyer, Ph.D., Robin Engel, Ph.D., and Amanda Shoulberg, M.A., of the University of Texas at San Antonio and the IACP/UC Center for Police Research and Policy. The goal of this research was to “. . . provide a deeper and more contextualized understanding of how and why police use or avoid the use of force and to identify policy, training, or other ways that law enforcement agencies can reduce the need for force, lower the rates of injuries or deaths to civilians, and reduce police victimization when interacting with members of the public under stressful or uncertain conditions” (iv; 2020). It is through research-practice partnerships such as this, that CPD strives not only to understand where disparities might exist, but also searches for opportunities to improve the delivery of police service and minimize negative outcomes when possible.

3) Departments should consider assigning liaison officer to communities to provide a dedicated channel for communications between police and residents.

CPD assigns liaison officers to communities to ensure lines of communication between police and residents are open and to ensure healthy ongoing dialogue.

Details:

The Cincinnati Police Department communicates with the public they serve in a variety of meaningful ways. CPD actively engages with residents all over the city every day. Some of those interactions are informal or in routine service to the community, such as in response to calls for police service including traffic crashes, crime reports, and other public service requests. Other interactions include spontaneous conversations or officers checking in with business operators. More formally, CPD actively and regularly participates in neighborhood council meetings throughout the City. CPD District Commanders regularly attend these meetings, as do other staff dedicated to serving specific neighborhoods in their roles in CPD.

Each CPD district has a Neighborhood Liaison Unit, supervised by a sergeant, and staffed by officers designated as liaison officers to specific Cincinnati neighborhoods. Additionally, CPD maintains a Community Relations Squad, with a commitment to support citywide liaisons with clergy, Cincinnati's immigrant community, the LGBTQ community, and others.

CPD's School Resource Officers are another example of a liaison approach, given these officers are assigned to specifically partner throughout the City with school administrators, staff, and students, in a full-time capacity to support safe and healthy school environments, and to engage directly with our youth.

4) Departments should have policies and infrastructure to investigate all allegations of bias; prohibit retaliation for filing a bias complaint; and hold officers and supervisors accountable, as appropriate.

CPD has policies and infrastructure to investigate allegations of bias, to prohibit retaliation, and to hold officers and supervisors accountable.

Details:

CPD investigates all complaints, including bias, made either from the public or from employees of the police department. CPD Procedure 15.100 outlines the process for filing complaints, as well as reports of favorable conduct. All CPD employees are protected against retaliation for filing a bias complaint. As a matter of policy and procedure, all CPD employees are held to the standard set forth in the CPD Rules and Regulations Manual.

CPD broadly defines a citizen's complaint as: "an allegation from any source of any action or inaction by Department personnel the individual considers being contrary to law, proper procedure, good order; or in some manner prejudicial to the individual, the Police Department or to the community" (Procedure 15.100). Complaints are thoroughly investigated regardless of the continued participation of a complainant or of the disposition of any associated criminal charges. "The Department will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury; the Department will continue its investigation as necessary to determine whether the original allegation can be resolved. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence whether an officer did or did not use a type of force, nor will it justify discontinuing an investigation".

Additionally, any CPD employee may file a complaint through the Cincinnati Equal Employment Opportunity Office (EEO) or the Citizen Complaint Authority (CCA). CCA and CPD Internal Investigations Section (IIS) conduct independent parallel investigations of complaints made by either citizens or department employees.

5) Departments should consider whether, based on the size of the departments and makeup of their community, it would be beneficial to assign a chief diversity officer to focus on advancing the department's diversity and inclusion efforts.

CPD has reviewed this recommendation. Below are additional details regarding CPD's efforts to advance the Department's diversity and inclusion efforts.

Details:

CPD actively focuses on diversity and inclusion, in particular through the Chief who places the highest priority on those goals. Because of the Chief's commitment, CPD has met every recommendation with respect to Equality and Due Process. Most specifically, diversity and inclusion are critical components to the recruiting process. CPD recruiting efforts are conducted with specific attention to ensuring a diverse and inclusive workforce that is reflective of the community we serve.

CPD has partnered with a minority owned marketing firm to recruit new applicants focused on African Americans, Latinos, and women. CPD recruits regionally through radio, written media, social media, and other public broadcasts. The CPD recruitment staff regularly visit regional colleges to advertise and recruit minorities and other interested individuals.

CPD does not have a chief diversity officer, at least in name, because the Chief has assumed that responsibility personally. This communicates to the entire department that diversity and inclusion is a fundamental goal of CPD and that responsibility for achieving that goal is ingrained in the leadership of the organization at the highest level, rather than a specialized assignment.

6) Departments should have recruitment and outreach plans and goals so that departments have officers who are part of the community and reflect the diversity of the community they are sworn to protect.

CPD has recruitment and outreach plans focused on ensuring the department continues to have officers who are a part of, and reflective of, the community they serve.

Details:

As stated in response to the previous question, CPD does have recruitment and outreach plans and goals oriented toward ensuring that employees are a part of the community they serve, and to reflect the diversity of the community we are sworn to protect.

7) Departments should consider leadership in promoting diversity as a factor in promotion decision.

CPD considers leadership and diversity in promotion decisions.

Details:

CPD follows the State of Ohio employment laws and Cincinnati Civil Service regulations concerning hiring and promotion. Promotional processes are administered by outside vendors, and promotional assessors are recruited from outside agencies to ensure that those assessing promotional candidates do not know the candidates they are reviewing. This is designed to ensure that promotional decisions are made with neutrality, and that participants are scored across a range of indicators designed to gauge successful performance as police leaders. These characteristics certainly include the ability to lead a diverse workforce, to recognize diversity as a strength, and to encourage diversity.

COMMUNITY (Conference of Mayors Report pg. 23)

1) Departments should work with community leaders, including leaders of schools, unions, community centers, and religious groups, to identify common goals and challenges their communities are facing.

CPD works with community leaders and other stakeholders to identify common problems, goals, and potential solutions to the challenges we face together.

Details:

CPD works with community leaders and stakeholders throughout Cincinnati to identify common goals and challenges facing our communities. CPD's community engagement and active participation is wide ranging. CPD engagement to improve our common understanding of community problems, and collaborative problem solving toward solving these issues includes: active participation in neighborhood council meetings, participation in collaborative projects such as the Neighborhood Enhancement Program (NEP), and formation of problem solving teams that regularly meet to discuss and solve community problems (e.g. PIVOT problem solving efforts, and many others).

CPD is an active participant in the City Manager's Advisory Group, a group of stakeholders who provide information, analysis, advice, and recommendations to the City Manager in order to help continue the progress made in implementing the reforms under the spirit of the Collaborative Agreement. Additionally, CPD's use of problem solving as the primary response to crime and disorder, naturally requires working with community leaders and stakeholders to work toward common identification of problems, and to work toward solutions together. Problem solving projects encourage officers and community to engage. At weekly department-level STARS meetings (Strategic and Analytic Review for Solutions), district commanders and support personnel update Senior Command Staff on the progress of current problem solving projects.

CPD School Resource Officers routinely work with the leaders of our schools to solve problems. They also attend Cincinnati School Board meetings and meet with school board stakeholders to answer questions and show that CPD cares about Cincinnati Schools. Our officers are routinely present at community centers, sometimes simply to provide site security, and other times to participate in programs designed to enrich young people's lives. CPD officers participate in Citi Camp, and host Explorer and Cadet programs designed to help address some of the previously determined challenges our young people face, and to strengthen our collective ability to maintain healthy communities.

CPD actively engages with religious groups as well, including through our faith-based liaison officer. It is common for our faith-based institutions to be partners in community problem-

solving efforts, to host neighborhood meetings, or to otherwise be actively engaged with CPD officers to improve the health and safety of our communities.

2) Departments should consider Resident Officer Programs or other incentives for officers to live in the communities they serve.

CPD has considered resident officer programming, and CPD supports incentivizing officer residency should City administration develop such a program.

Details:

CPD understands that it is critical for our officers to be actively engaged members of the communities we serve, who have a real understanding of the dynamics and conditions specific to our community. However, state law prohibits CPD from mandating that its officers live in Cincinnati. We have found that even though our officers do not have a City residency requirement or a formalized Resident Officer Program, some officers choose to live in the city they serve. CPD also recognizes the regional impact that Cincinnati Police officers have in the Greater Cincinnati community. It has been estimated that our City grows from 300,000 residents, to over 1 million residents, employees, and visitors from the Greater Cincinnati region and beyond, on any given day. We are grateful for the opportunity to serve all who live, work, and play in Cincinnati.

CPD embraces the spirit at the root of this idea, that it is critical to work toward fostering trust between officers and the community we serve.

3) Departments should have community policing programs, appropriate to the particular circumstances of the community, such as youth engagement, immigration and refugee outreach, and homelessness programs.

CPD has community policing programs, robust youth engagement, immigration and refugee outreach, and partnerships with service providers focused on homelessness.

Details:

Our department's commitment to community policing is well established. CPD's Neighborhood Liaison Units, situated in each district, are just one of the many ways this commitment has been institutionalized. CPD officers develop, initiate, and participate in a wide variety of youth programming. Each year CPD officers facilitate the Police Youth Live-In at Camp Joy. CPD officers work to develop leadership skills in our youth through the Dive Right youth flag football program. CPD's Youth Services Section coordinates Citi Camp, a program serving up to 100 individuals 10-12 years of age, CPD's volunteer Explorer Program, serving young adults age 14-20, and the Cadet Program, a part-time employment opportunity for those 16-19 years of age, interested in a potential future in policing.

Immigration and refugee outreach efforts are coordinated through our dedicated immigrant liaison officer. Through this work, our officers partner with many service agencies, including Santa Maria Community Services, Bloc Ministries, and many others. CPD partners with many social service providers to confront challenges associated with homelessness, including Project for Assistance in Transition for Homelessness (PATH), created by Greater Cincinnati Behavioral Health to address homeless individuals with severe mental illness.

4) Departments should train officers on community-specific cultural literacy, the history of policing, and procedural justice.

The Cincinnati Police Department actively trains personnel on cultural literacy, the history of policing, and procedural justice.

Details:

These concepts are woven into a variety of training programs delivered to all CPD officers. Training sessions recently conducted included *Empathy Through American History* and *Implicit/Explicit Bias*, taught in 2019. *Constitutional Policing and Procedural Justice* was also taught in 2019, to all sworn supervisors. *Fair and Impartial Policing* was administered to all sworn officers in early 2020, during annual Continuing Professional Training (CPT) sessions. These training programs are discussed in greater detail on page 5 of this report, in response to equality and due process recommendations.

5) Departments should consider requiring officers and supervisors to regularly participate in community service efforts.

CPD actively engages in community service efforts.

Details:

Cincinnati police officers have a tradition of serving their community both while at work and when off duty. Many of our officers choose to coach local sports teams, participate in community and faith-based organizations, teach and tutor, and provide an extraordinarily wide range of volunteer service efforts aimed at bettering our community. Policing in Cincinnati draws those who wish to serve their community, and that service often does not stop when our officers conclude their work. So many of our officers do this work because they choose to do so, regardless of any department encouragement or requirement.

The department has a history of strongly encouraging our officers to perform service beyond policing in our community. Chief Isaac has routinely committed Cincinnati Police recruits to a week of community service to the citizens of Cincinnati. Recruits have helped to feed the hungry, pick up litter, paint neighborhood murals, and much more. Other programs previously discussed, such as the NEP, Dive Right, the Police Youth Live In, Shop with a Cop, and many others reflect the high prioritization of service to the community beyond traditional policing efforts.

ADDRESSING PROTESTS (Conference of Mayors Report pg. 25)

1) Departments should provide training on the First Amendment to officers and supervisors, explaining the broad parameters of protected speech and providing scenario-based training.

The Cincinnati Police Department provides training on the First Amendment and provides scenario-based training to support the application of these principles in policing.

Details:

All CPD officers are regularly given training on legal aspects pertaining to law enforcement actions. While attending Police Academy training, new police officers are required to receive

training on Federal, State, and local laws pertaining to civil rights and policy and procedure. CPD follows all Ohio guidelines (OPOTA) regarding police officer yearly in-service training and legal updates, taught by licensed attorneys. Having well-educated and trained police officers translates into better community-department relationships and fewer complaints regarding officer misconduct.

CPD regularly circulates training and legal updates regarding constitutional rights to all sworn officers. Officers are regularly exposed to scenario-based training programs for a real-time understanding of constitutional rights as well as differentiating between lawful and criminal actions.

2) Departments should, ahead of any mass gatherings, emphasize the importance of de-escalation and open communication, including developing relationships with advocacy groups and protest leaders where possible.

CPD emphasizes de-escalation and open communication, communicating with advocacy groups and protest leaders whenever possible.

Details:

CPD has worked diligently with the Cincinnati Human Relations Commission to develop a close working relationship with community leaders to facilitate constitutionally protected speech, assembly, and peaceful protest, as well as to assist in defusing any potential civil unrest. As part of the department policy and procedures concerning civil unrest, CPD has worked diligently to communicate with community partners in developing an on-going dialogue towards a mutual understanding and cooperation. Before any department response to civil unrest, CPD works with various community partners and the City Manager's Office to develop a meaningful response, complete with recognizing specific community priorities or concerns, or issues that need to be addressed. Prior to any planned response to mass gatherings, Department leadership gathers officers together to discuss expected response, potential challenges, and means by which lawful conduct will be supported.

CPD Procedure 12.160 Rumors and Potential Civil Disturbances, states, in part:

- 1) Provide for the documentation, processing, and analyzing of rumors concerning racial problems, civil disturbances, other police problems or services.*
- 2) Establish policies for handling incidents arising from or indicative of a racial nature and for protecting the civil rights of all citizens.*
- 3) Establish responsibility and authority of Police Department and Cincinnati Human Relations Commission (CHRC) personnel during field situations.*

3) Departments should have designated command staff and officers who are trained to respond to mass gatherings, including incident command training.

CPD leadership are trained regarding response to mass gatherings.

Details:

All CPD Command Officers, Lieutenant and above, are trained on Incident Command and Civil Disturbance procedures. All sworn officers are also exposed to this training and have a strong understanding of department policy and procedure.

Recognizing that specialized circumstances may be best addressed by personnel who are highly trained and properly equipped, in addition to department-wide training CPD has developed specialized groups who have been extensively trained on best approaches to the management of lawful conduct and the mitigation of harm, if criminal activity and violence occurs. CPD has a Civil Disturbance Response Team (CDRT), specifically trained and equipped to address these events. CPD has also provided additional training and equipment to mountain bike officers, also tasked with facilitating and managing these events.

4) Departments should have policies to minimize the use of provocative and unnecessarily aggressive tactics and equipment, such as riot gear and armored vehicles.

CPD policy and practice support the minimization of provocative tactics and equipment.

Details:

Although CPD possesses and utilizes specialized equipment such as riot gear and armored vehicles, these options are only used when absolutely necessary to protect the public or officers. CPD utilizes a layered approach for the implementation of specific equipment; using only equipment that is needed. CPD never seeks to escalate any situation based on its actions or appearance. CPD strives to address situations with the least amount of police presence or force, preferring to actively facilitate any lawful assembly. Command officer approval is often required before use of specialized equipment or force in crowd control situations, per Departmental policy.

5) Departments should plan for the possibility that peaceful protests may turn into unlawful assemblies, including by having crowd management plans for increasing the level of response if necessary; instructing officers to remove individuals who are committing wrongful acts, contemporaneously documenting their alleged conduct, and when possible, allowing others to continue to peacefully demonstrate; and planning for the possibility of mass arrests.

CPD plans for a range of contingencies when facilitating peaceful, lawful assembly.

Details:

CPD utilizes the Incident Command Model for supervising, managing, and controlling civil disorder. As mentioned previously, CPD utilizes specialized units such as CDRT and mountain bike squads, established and extensively trained to take appropriate actions, make arrests, prevent unlawful criminal actions, and allow lawful protests or gatherings to continue. CPD works cooperatively with neighboring law enforcement agencies as needed during civil unrest. CPD continually develops new policies and procedures ensuring public safety and property is protected. Officers document the conduct of those violating the law through a variety of means, including through the use of Body Worn Cameras.

6) A department that enters into a mutual aid agreement to manage a particularly large or complex gathering should have guidelines for those assisting and should never relinquish primary control of an incident. A department should set the policies that would be followed, including as to incident response and when force may be used.

CPD maintains mutual aid agreements with many jurisdictions, the language of which dictates that CPD retains control of mutual aid events in the City of Cincinnati.

Details:

CPD has mutual aid agreements or memorandums of understanding (MOU) with all its surrounding law enforcement agencies, including the Ohio State Highway Patrol. Specific language in every MOU includes the identification of duties and responsibility to perform accordingly.

“Whenever employees of one cooperating Agency provide police services to another cooperating Agency, they shall be under the lawful direction and authority of the commanding law enforcement officer of the Agency to which they are rendering assistance, provided, however, that Officers shall be subject to the code of ethics, policies, and rules and regulations of their employing Agency at all times”.

TRANSPARENCY AND ACCOUNTABILITY (Conference of Mayors Report pg. 27)

Department Policies

1) Departments should assign final disciplinary authority to the police chief.

The Police Chief has final disciplinary authority, subject to appeals processes.

Details:

The CPD Rules and Regulations Manual outlines the disciplinary process adhered to by all police department employees. It clearly states:

“The matrix does not abrogate the Police Chief’s authority and discretion to impose any appropriate discipline when he believes the officer’s misconduct exhibits a lack of fitness for duty”. The CPD Procedure Manual gives the Police Chief final authority to manage, edit or alter any and all department policies and procedures.

“The Police Chief may cancel, revise, amend, or add to any procedure or other binding directive whenever he deems necessary”.

CPD is bound by the collective bargaining agreement between the City of Cincinnati and the Fraternal Order of Police, which outlines processes by which officers may appeal discipline administered by the Police Chief or City Manager.

In December 2020, in an effort to increase police accountability and strengthen the Police Chief and City Manager’s ability to impose appropriate discipline with due process protections, the City Administration negotiated discipline reforms with the FOP in the collective bargaining agreement. The City Administration succeeded in removing Peer Review from the grievance process, requiring an anonymous decision rendered by a three-person panel for arbitrations to mitigate systemic incentives to favor one side over the other, and retain disciplinary actions resulting in a 56-hour suspension or more in a member’s personnel service record for an increased time of 7 years.

2) Departments should have public complaint processes that make filing a complaint open to all.

CPD has an open and transparent public complaint process.

Details:

CPD Procedure 15.100 outlines the process for encouraging and assisting citizens in filing complaints against department members. This procedure also covers the reporting of positive interactions with police officers. Every complaint is investigated by either district supervisors or CPD Internal Investigations. Citizens may also file a complaint on-line through the CPD internet web page.

Procedure 15.100 clearly states every officer will assist with the citizen complaint process. Complaints are generally investigated at the district level, referred to as the Citizen Complaint Resolution Process (CCRP). More serious offenses are handled through Internal Investigations Section.

“If a citizen objects to an officer’s conduct, that officer will inform the citizen of their right to make a complaint. The officer will provide the citizen a Form 648CCI, Citizen Complaint Information brochure and a Form 648, Citizen Complaint. Officers will not discourage any person from making a complaint”.

In addition to CPD’s complaint and investigative process, the City of Cincinnati also maintains a Citizen Complaint Authority (CCA) for conducting independent parallel complaint investigations.

“The Citizen Complaint Authority’s (CCA) mission is to investigate serious interventions by police officers including, but not limited to, discharging of firearms; deaths in custody; excessive use of force; improper pointing of firearms; improper stops; improper entries, searches and seizures; and discrimination. We resolve all citizen complaints in a fair and efficient manner. CCA’s ultimate goal is to address citizens’ concerns and improve citizens’ perceptions of quality police service in the City of Cincinnati”.

CPD also allows for citizens to report positive police-citizen interactions. CPD ensures that reports of positive officer-citizen interactions are shared, via Department Staff Notes, and that they are documented in officers’ performance records. This reflects the Department’s interest in recognizing and commending positive interactions, rather than relying solely on the identification of misconduct to guide officers’ actions.

3) Departments should have policies on officer investigations that clearly define the procedures for carrying out the investigations and seeing them through to completion, even if an officer separates from the department.

CPD has policies on officer investigations, seeing them through to completion.

Details:

CPD Internal Investigations Section (IIS) is responsible for conducting all officer misconduct investigations. As a matter of IIS standard operating procedure, all complaints are fully investigated, regardless of officer employment status. All cases must be investigated to completion and be given approval by the Chief of Police (or in limited circumstances, the Executive Assistant Police Chief). Regardless of recommendations for disciplinary action, the results are the same as if the employee is still employed. Case Closures clarify final action.

4) Departments should regularly release to the public, in accordance with relevant state laws, data on disciplinary actions and decisions, including those made by arbitrators.

CPD and the City of Cincinnati regularly release data on disciplinary actions and decisions.

Details:

Since the inception of the Cincinnati Collaborative Agreement, both Citizens Complaint Authority (CCA) and CPD Internal Investigations Section (IIS) data and investigative outcomes are provided to the public, through the City of Cincinnati open data portal, and through other avenues of public access.

5) Departments should have policies that require supervisors to conduct ongoing reviews of stops, searches, arrests, and uses of force.

CPD has policies that require supervisors to conduct reviews of stops, searches, arrests, and uses of force.

Details:

As part of the Employee Tracking System (ETS)/Axon Standards, supervisors are required to regularly review police officer performance including stops, searches, arrests and uses of force. Procedure 16.111 outlines supervisor responsibilities ensuring officer performance is regularly reviewed. In part it states, “*Ensure each officer is reviewed through ETS at the conclusion of each 28 day work period, or monthly, based on the work schedule of the organizational group and documented in the employee’s Evaluation Supplement Log (ESL)*”. Reviews are also conducted whenever an employee is transferred to a new assignment. Uses of force are administratively investigated with special attention to evaluations of the propriety of a stop, arrest, and use of force. CPD leadership oversees a quarterly ETS review which identifies officers with above average activity in administrative categories, for the purpose of ensuring patterns of activity are identified and appropriately addressed.

6) Departments should require body-worn cameras and develop policies for the review, release, and preservation of footage.

CPD requires body-worn camera use, and maintains policies that govern review, release, and preservation of footage.

Details:

CPD implemented Body Worn Cameras (BWC) in 2017. The cameras were replaced with newer models in 2020. CPD Procedure (12.540) outlines the policy and procedure covering the purpose and use of the police department BWCs. In part it states:

“BWC systems promote accountability and transparency for law enforcement by providing a video record of police activity. Police operations become more transparent to the public and help resolve questions following encounters between officers and citizens.”

BWC video recordings, unless “flagged” for investigations or other administrative purposes, are kept for a period of 90 days before being purged. Events associated with criminal activity or with

administrative reports, such as uses of force, may be kept much longer. Anyone may file a request with the CPD Records Section for a copy of a BWC video recording.

CPD's BWC policy was independently reviewed by Upturn in 2017, after they were first implemented. Upturn found that CPD's BWC completely or partially satisfied seven of eight criteria that were evaluated. (www.bwccscorecard.org). While Upturn identified CPD as non-compliant in a single category, officer review, CPD policy does address officer review in police intervention shootings.

“Review of the BWC footage at Criminal Investigations Section (CIS) will be made according to the investigative process and at the discretion of the Investigations Bureau commander or their designee” (12.540).

Also in 2020, CPD expanded its BWC program with the addition of technology that automatically activates the BWC when an officer draws their firearm or powers on their TASER. These actions will also activate the compatible patrol car cameras in the vicinity. By deploying this particular technology, CPD provides a fail-safe for BWC activation in sudden, unforeseen and potentially critical incidents when an officer experiences surprise, thereby ensuring the event footage is captured.

7) Departments should implement an early-intervention system to identify at-risk officers to help support their wellbeing.

CPD has processes to identify at-risk officers and to support their wellbeing.

Details:

CPD utilizes an Employee Tracking Solution (ETS)/Axon Standards allowing supervision to track and review employee uses of force, disciplinary history, and other employment records. *“The Employee Tracking Solution (ETS) is a tool to assist supervisors and managers in the assessment of overall employee performance and to serve as an early warning system for employees engaged in risk activities”.* Furthermore, CPD Procedure (16.111), outlines four levels of progressive evaluation giving supervision the ability to investigate, assess, discipline, or employ psychological evaluation and treatment. These levels are: *Supervisory Observation, Supervisory Monitoring, Supervisory Review and Supervisory Intervention.*

“Reviewing risk activities and patterns of risky behavior, as well as recognizing proper and ethical conduct is the responsibility of those supervisors and managers. ETS has been developed to assist supervisors and managers in identifying both high achieving employees and those employees in need of intervention”.

CPD also employs a Peer Support Program for officer wellbeing. Procedure (19.110) outlines the program. *“[To] Ensure a department employee's mental and emotional wellbeing after experiencing a traumatic event. The employee may receive assistance from the peer support program, assessment, and counseling by the Police Psychologist, and/or administrative leave”.*

The program identifies and treats:

- 1. Obvious physical signs of emotional trauma (e.g., crying, shaking, shock)*
- 2. Heightened sense of danger*
- 3. Sleep difficulties/nightmares*
- 4. Flashbacks/intruding thoughts*
- 5. Emotional numbing*

6. *New depression*
7. *Guilt/sorrow/remorse*
8. *Suicidal thoughts*
9. *Feeling loss of control - panic/anxiety attacks*
10. *Other behaviors not characteristic of the person, based upon past knowledge*

Additionally, CPD is currently working with its contracted medical staff partners in developing new self-assessment tools for the treatment of stress related psychological issues. Employees are encouraged to participate, giving them private treatment and assistance without the fear of department interference or consequences.

cc: Colonel Eliot K. Isaac, Police Chief