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**Citizen Complaint Authority**

**Patterns and Recommendations Report**

***2020***

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**Executive Director**

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**Introduction**

**Patterns**

In compliance with Section 4 of the Cincinnati Administrative Code (Admin. Code), Article XXVIII, the Citizen Complaint Authority (CCA) reviews complaint patterns in an effort to identify ways to address the root causes of complaints and reduce the filing of grievances against Cincinnati Police Officers. The law sets forth our responsibility as follows:

*The CCA will examine complaint patterns that might provide opportunities for the CPD and community to reduce complaints. At a minimum, the CCA will look for three types of patterns: (i) repeat officers (ii) repeat citizen complaints, and (iii) repeat complaint circumstances. Following the identification of such patterns, the CCA and CPD jointly will undertake a problem-solving project to determine the reason(s) for the pattern and whether there are opportunities to eliminate or reduce root causes. Where feasible, this project should involve both affected officers and the community.*

Admin. Code, Art. XXVIII, § 4.

Each year, CCA reports patterns that cover a period of time inclusive of the previous calendar year. This Patterns Report examines repeat officers, repeat citizen complainants and repeat complaint circumstances (also known as “pattern officers,” “pattern complainants,” and “pattern circumstances”) and covers calendar years 2018-2020. The criteria used are any officer with at least ten (10) complaints over three (3) years; any citizen who filed more than three (3) complaints during that same period; and repeat complaint circumstances during the same period.

The following data show repeat officers and repeat citizen complainants from all cases reviewed by CCA[[1]](#footnote-2):

* **2018 - 2 officers and 9 citizens**
* **2019 - 3 officers and 4 citizens**
* **2020 - 2 officers and 4 citizens**

Data tables in the Patterns section provide detailed information pertaining to the repeat officers, repeat citizen complainants, and repeat circumstances for 2020.

**Recommendations**

In addition to complaint pattern reviews, CCA is tasked with preventing and “reducing citizen complaints through investigations of officers charged with misconduct.” Admin. Code, Art. XXVIII, § 4. In accordance with CCA’s complaint preventative mandate, CCA’s Director has a duty to include recommendations in CCA’s Investigation Reports, and CCA’s Board is empowered to approve or disapprove of those recommendations as well as issue its own recommendations. Admin. Code, Art. XXVIII, §§ 3-C, 3-D.

CCA also has a duty to report these recommendations to City Council, the City Manager, and the public on an annual basis, at a minimum. Admin. Code, Art. XXVIII, § 5.

Additionally, in December 2008, former Federal Monitor Saul Green made the following recommendation in his final report to the Cincinnati community regarding the activities of the Citizen Complaint Authority (CCA):

*Recommendation #4: The CCA should expand its activities beyond citizen complaints to also review police policies and procedures.*

*The CCA has done an admirable job of providing Cincinnati citizens with more confidence that citizen complaints will be addressed thoroughly, fairly and impartially. Civilian police oversight entities are most effective, however, if they include in their activities a review of police policies and practices, in addition to individual complaint investigations. The CCA does produce a “patterns report” on an annual basis that examines both officers and Cincinnati residents who are involved in multiple complaint incidents. Expanding this work would provide Cincinnati citizens additional confidence in police accountability*

As a result, CCA issues recommendations, including on police policies or procedures, when there may be noted trends, corrective needs, potential problem-solving projects, or potential root causes of complaints noted during investigations. CCA also makes “observations” pertaining to trends or discrepancies that it is monitoring, or that should be highlighted.

**In calendar year 2020, CCA investigated and closed three-hundred and thirty-nine (339) allegations pertaining to forty-four (44) complaints. Of those completed investigations, CCA made sixteen (16) total recommendations**. CCA also made eleven (11) Observations. It should be noted that some of the recommendations and observations are duplicative, noting a potential pattern warranting consideration.

**Adjusting for duplication, CCA issued a total of twelve (12) *unique* recommendations in 2020**, each representing a distinct policy area or corrective need where CCA has suggested a particular course of action. Each recommendation was submitted by CCA’s Director and approved by CCA’s Board.

A summary of each unique recommendation, along with CPD’s responses to the respective recommendations are provided below. The recommendations are categorized according to topic area. The text of all individual recommendations and observations, including duplicates, is set forth in the Appendix of this Recommendations Report.

**Patterns Report**

*\*Note: Many of the cases reflected in the tables below contain CCA case numbers with the letter “R” affixed to the end (e.g. “12345R”). Such a denotation signifies that the case was one that did not meet CCA’s criteria for investigation at the time the citizen filed the complaint. Such cases were referred to the Cincinnati Police Department for review and any appropriate action.*

**Repeat Officers**

From 2018-2020, there were two (2) officers with thirty (30) citizen complaints, which represented fifty-one (51) allegations.

**Table 1**

**Officer** *(Officer ID No 1423)* received twelve (13) complaints with fifteen (17) allegations.

|  | Date  Received | CCA Case  Number | Complaint ID Number | Allegation | CPD  Disposition | CCA  Disposition |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | 10/14/2020 | 20210R | 5021 | Harassment | Info File | NA |
|  |  |  | 5450 | Harassment | Info File | NA |
| 2 | 09/30/2020 | 20198R | 8244 | Lack of Service | Unfounded | NA |
| 3 | 09/23/2020 | 20194R | 5021 | Harassment | Info File | NA |
| 4 | 09/02/2020 | 20181R | 5450 | Harassment | Info File | NA |
| 5 | 08/28/2020 | 20171R | 4837 | Discourtesy | Info File | NA |
| 6 | 07/06/2020 | 20125R | 5450 | Lack of Service | Info File | NA |
| 7 | 2/19/20 | 20038R | 8036 | Imp Procedure | NFR | Sustained |
|  |  |  |  | Imp Seizure | NFR | Exonerated |
| 8 | 07/25/2019 | 19172R | 5450 | Lack of Service | Info File | NA |
| 9 | 04/22/2019 | 19080R | 4141 | Lack of Service | Unfounded | NA |
|  |  |  |  | Discourtesy | Unfounded | NA |
| 10 | 04/02/2019 | 19069R | 5450 | Lack of Service | Info file | NA |
| 11 | 03/28/2019 | 19067R | 5450 | Harassment | Info file | NA |
| 12 | 03/25/2019 | 19063R | 5450 | Lack of Service | Info file | NA |
|  |  |  |  | Harassment | Info file | NA |
| 13 | 03/15/2019 | 19054R | 5450 | Lack of Service | Info file | NA |

**Table 2**

**Officer** *(Officer ID No 1549)* received seventeen (17) complaints with thirty-four (34) allegations.

|  | Date Received | CCA Case No | Complaint ID No | Allegation | CPD  Disposition | CCA  Disposition |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | 08/17/2020 | 20164R | 8205 | Lack of Service | Exonerated | NA |
|  |  |  |  | Discourtesy | Unfounded | NA |
| 2 | 07/20/2020 | 20136R | 8166 | Harassment | Unfounded | NA |
|  |  |  |  | Discourtesy | Exonerated | NA |
| 3 | 01/17/2020 | 20018R | 5009 | Discourtesy | Unfounded | NA |
|  |  |  |  | Lack of Service | Unfounded | NA |
| 4 | 01/10/2020 | 20011R | 8003 | Lack of Service | Exonerated | NA |
|  |  |  |  | Discourtesy | Exonerated | NA |
| 5 | 12/23/2019 | 19282R | 5009 | Lack of Service | NFR | NA |
|  |  |  |  | Lack of Service | NFR | NA |
| 6 | 10/01/2019 | 19223 | 7918 | Discourtesy (Profanity) | Not Sustained | NFR |
|  |  |  |  | Misconduct | NFR | NFR |
|  |  |  |  | Improper Procedure | Not Sustained | NFR |
|  |  |  |  | Abuse of Authority | NFR | Sustained |
| 7 | 09/24/2019 | 19216R | 7902 | Lack of Service | Not Sustained | NA |
| 8 | 08/26/2019 | 19196R | 7870 | Discourtesy | Sustained | NA |
|  |  |  |  | Misconduct | NFR | NA |
|  |  |  |  | Harassment | Not Sustained | NA |
| 9 | 08/05/2019 | 19178 | 1008 | Excessive Force | Unfounded | Exonerated |
|  |  |  |  | Improper Procedure (Report Use of Force) | NFR | Sustained |
|  |  |  |  | Procedure Violation | Sustained | NFR |
| 10 | 07/18/2019 | 19165 | 7827 | Excessive Force (Physical) | Unfounded | NFR |
|  |  |  |  | Excessive Force | NFR | Exonerated |
|  |  |  |  | Improper Stop | NFR | Exonerated |
|  |  |  |  | Improper Procedure | NFR | Sustained |
| 11 | 02/26/2019 | 19039R | 7651 | Lack of Service | Not Sustained | NA |
|  |  |  |  | Discourtesy | Exonerated | NA |
| 12 | 01/22/2019 | 19015R | 7619 | Discourtesy | Not Sustained | NA |
| 13 | 01/22/2019 | 19014R | 7620 | Discourtesy | Not Sustained | NA |
| 14 | 01/22/2019 | 19013R | 7618 | Discourtesy | Not Sustained | NA |
| 15 | 01/22/2019 | 19012R | 7616 | Discourtesy | Not Sustained | NA |
| 16 | 08/17/2018 | 18163R | 7501 | Discourtesy | Exonerated | NA |
|  |  |  |  | Harassment | NFR | NA |
| 17 | 01/25/2018 | 18015R | 3187 | Discourtesy | Info File | NA |

**Repeat Citizen Complainants**

There were four (4) repeat citizen complainants during 2020, which represented fifty-three (53) complaints and one-hundred and thirty (130) allegations.

**Table 3**

**Citizen** (*Citizen ID No 5021*)filed seven (7) complaints that included eleven (11) allegations.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Date Received | CCA Case No | Officer ID No | Allegation | CPD Disposition | CCA Disposition |
| 1 | 11/18/2020 | 20229R | 763 | Lack of Service | Sustained | NA |
|  |  |  | 38 | Lack of Service | Not Sustained | NA |
| 2 | 10/14/2020 | 20210R | 38 | Lack of Service | Info File | NA |
|  |  |  | 1423 | Harassment | Info File | NA |
|  |  |  | 1941 | Lack of Service | Info File | NA |
|  |  |  | 38 | Discourtesy | Info File | NA |
| 3 | 09/23/2020 | 20194R | 1423 | Harassment | Info File | NA |
| 4 | 09/17/2020 | 20192R | 2248 | Discourtesy | Exonerated | NA |
| 5 | 09/02/2020 | 20176R | 1297 | Discourtesy | Info File | NA |
| 6 | 08/28/2020 | 20171R | 1423 | Discourtesy | Info File | NA |
| 7 | 08/18/2020 | 20165R | 1155 | Harassment | Info File | NA |

**Table 4**

**Citizen** *(Citizen ID No 4620)*filed seven (7) complaints that included twenty-four (24) allegations.

|  | Date Received | CCA Case No | Officer  ID No | Allegation | CPD  Disposition | CCA  Disposition |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | 10/08/2020 | 20205R | 853 | Lack of Service | Exonerated | NA |
|  |  |  |  | Discourtesy | Exonerated | NA |
| 2 | 08/21/2020 | 20167R | 1941 | Discourtesy | Exonerated | NA |
|  |  |  |  | Discourtesy | NFR | NA |
|  |  |  |  | Lack of Service | NFR | NA |
| 3 | 05/13/2020 | 20080R | 1941 | Misconduct | NFR | NA |
|  |  |  |  | Lack of Service | NFR | NA |
|  |  |  |  | Harassment | NFR | NA |
|  |  |  | 853 | Lack of Service | Exonerated | NA |
| 4 | 04/22/2020 | 20068R | 2279 | Improper Procedure | Unfounded | NA |
|  |  |  | 2279 | Lack of Service | Unfounded | NA |
|  |  |  | 2096 | Improper Procedure | Unfounded | NA |
|  |  |  | 2096 | Discourtesy | Unfounded | NA |
| 5 | 03/23/2020 | 20056R | 1157 | Discourtesy | NFR | NA |
|  |  |  |  | Lack of Service | NFR | NA |
|  |  |  | 1068 | Discourtesy | Exonerated | NA |
| 6 | 01/16/2020 | 20016R | 2096 | Lack of Service | NFR | NA |
|  |  |  | 1068 | Lack of Service | NFR | NA |
|  |  |  | 2096 | Discourtesy | NFR | NA |
|  |  |  | 1068 | Discourtesy | Exonerated | NA |
| 7 | 01/03/2020 | 20004R | 2023 | Lack of Service | Unfounded | NA |
|  |  |  | 5490 | Lack of Service | Unfounded | NA |
|  |  |  | 2273 | Lack of Service | Unfounded | NA |
|  |  |  | 1775 | Lack of Service | Unfounded | NA |

**Table 5**

**Citizen** *(Citizen ID No 5009)*filed five (5) complaints that included seventeen (17) allegations.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | Date Received | CCA Case No | Officer  ID No | Allegation | CPD  Disposition | CCA  Disposition |
| 1 | 01/17/2020 | 20020R | 1384 | Discourtesy | Unfounded | NA |
| 2 | 01/17/2020 | 20019R | 1954 | Lack of Service | Exonerated | NA |
|  |  |  | 1076 | Lack of Service | Exonerated | NA |
| 3 | 01/17/2020 | 20018R | 1549 | Discourtesy | Unfounded | NA |
|  |  |  | 1549 | Lack of Service | Unfounded | NA |
| 4 | 12/23/2019 | 19283 | 2046 | Excessive Force | Unfounded | Exonerated |
|  |  |  | 2061 | Excessive Force | Unfounded | Exonerated |
|  |  |  | 2046 | Discourtesy | Unfounded | Unfounded |
|  |  |  | 2061 | Discourtesy | Unfounded | Unfounded |
|  |  |  | 2046 | Excessive Force (Physical) | NFR | NFR |
|  |  |  | 2061 | Excessive Force (Physical) | NFR | NFR |
|  |  |  | 2046 | Improper Entry | NFR | Exonerated |
|  |  |  | 2061 | Improper Entry | NFR | Exonerated |
|  |  |  | 2046 | Improper Procedure | NFR | Sustained |
|  |  |  | 2061 | Improper Procedure | NFR | Sustained |
| 5 | 12/23/2019 | 19282R | 1549 | Lack of Service | NFR | NA |
|  |  |  | 1549 | Lack of Service | NFR | NA |

**Table 6**

**Citizen** *(Citizen ID No 5450)*filed thirty-four (34) complaints that included seventy-eight (78) allegations.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | DATE RECEIVED | CCA CASE NO | OFFICER ID NO | ALLEGATION | CPD DISPOSITION | CCA DISPOSITION |
| 1 | 12/28/2020 | 20245R | 2150 | Discourtesy | Not Sustained | NA |
|  |  |  |  | Lack of Service | Exonerated | NA |
| 2 | 11/5/2020 | 20220R | 38 | Lack of Service | Info File | NA |
|  |  |  |  | Discourtesy | Info File | NA |
| 3 | 10/27/2020 | 20214R | 2244 | Discourtesy | Info File | NA |
| 4 | 10/14/2020 | 20210R | 1941 | Lack of Service | Info File | NA |
|  |  |  | 1423 | Harassment | Info File | NA |
|  |  |  | 38 | Lack of Service | Info File | NA |
| 5 | 09/02/2020 | 20181R | 1423 | Harassment | Info File | NA |
|  |  |  | 1630 | Lack of Service | Info File | NA |
| 6 | 08/30/2020 | 20172R | 763 | Lack of Service | Info File | NA |
| 7 | 07/06/2020 | 20125R | 38 | Lack of Service | Info File | NA |
|  |  |  | 1423 | Lack of Service | Info File | NA |
| 8 | 05/05/2020 | 20073R | 876 | Misconduct | Info File | NA |
| 9 | 02/21/2020 | 20041R | 1801 | Harassment | Info File | NA |
|  |  |  | 882 | Lack of Service | Info File | NA |
|  |  |  | 968 | Lack of Service | Info File | NA |
|  |  |  | 882 | Harassment | Info File | NA |
|  |  |  | 1801 | Lack of Service | Info File | NA |
| 10 | 11/12/2019 | 19247R | 741 | Harassment | Pending | NA |
| 11 | 10/25/2019 | 19242R | 2091 | Discourtesy | Pending | NA |
|  |  |  |  | Lack of Service | Pending | NA |
| 12 | 10/07/2019 | 19231R | 38 | Misconduct | Pending | NA |
|  |  |  |  | Lack of Service | Pending | NA |
| 13 | 10/03/2019 | 19224R | 741 | Harassment | Pending | NA |
| 14 | 09/19/2019 | 19213R | 948 | Discourtesy | Pending | NA |
|  |  |  |  | Lack of Service | Pending | NA |
| 15 | 09/18/2019 | 19209R | 2150 | Discourtesy | Pending | NA |
|  |  |  |  | Lack of Service | Pending | NA |
| 16 | 08/16/2019 | 19190R | 876 | Lack of Service | Pending | NA |
| 17 | 07/25/2019 | 19172R | 1423 | Lack of Service | Info File | NA |
|  |  |  | 2203 | Lack of Service | Info File | NA |
|  |  |  | 1232 | Lack of Service | Info File | NA |
|  |  |  |  | Discourtesy | Info File | NA |
|  |  |  | 38 | Lack of Service | Info File | NA |
| 18 | 07/10/2019 | 19159R | 2015 | Lack of Service | Info File | NA |
| 19 | 07/01/2019 | 19146R | 2242 | Lack of Service | Pending | NA |
| 20 | 04/10/2019 | 19075R | 754 | Lack of Service | Info File | NA |
|  |  |  |  | Discourtesy | Info File | NA |
| 21 | 04/03/2019 | 19070R | 2119 | Harassment | Info File | NA |
|  |  |  | 2040 | Improper Procedure | Info File | NA |
| 22 | 04/02/2019 | 19069R | 38 | Lack of Service | Info File | NA |
|  | DATE RECEIVED | CCA CASE  NO | OFFICER ID NO | ALLEGATION | CPD  DISPOSITION | CCA  DISPOSITION |
|  |  |  | 876 | Lack of Service | Info File | NA |
|  |  |  | 1941 | Lack of Service | Info File | NA |
|  |  |  | 1423 | Lack of Service | Info File | NA |
| 23 | 03/28/2019 | 19067R | 1423 | Harassment | Info File | NA |
| 24 | 03/25/2019 | 19063R | 1423 | Harassment | Info File | NA |
|  |  |  |  | Lack of Service | Info File | NA |
| 25 | 03/25/2019 | 19060R | 876 | Verbal and/or Physical Threat | Info File | NA |
|  |  |  | 1941 | Lack of Service | Info File | NA |
|  |  |  | 876 | Lack of Service | Info File | NA |
| 26 | 03/18/2019 | 19056R | 980 | Lack of Service | Info File | NA |
| 27 | 03/15/2019 | 19054R | 1854 | Discourtesy | Info File | NA |
|  |  |  | 1423 | Lack of Service | Info File | NA |
|  |  |  | 1854 | Lack of Service | Info File | NA |
| 28 | 02/04/2019 | 19023R | 1957 | Discourtesy | Info File | NA |
|  |  |  | 1812 | Discourtesy | Info File | NA |
|  |  |  | 1957 | Lack of Service | Info File | NA |
|  |  |  | 1812 | Lack of Service | Info File | NA |
| 29 | 11/16/2018 | 18225R | 1657 | Harassment | Pending | NA |
|  |  |  |  | Lack of Service | Pending | NA |
| 30 | 11/09/2018 | 18223R | 1653 | Discourtesy | Pending | NA |
|  |  |  |  | Lack of Service | Pending | NA |
| 31 | 10/05/2018 | 18199 | 1653 | Discrimination (Ethnicity) | NFR | Not Sustained |
|  |  |  |  | Lack of Service | NFR | Not Sustained |
|  |  |  | 2241 | Discrimination (Ethnicity) | NFR | Not Sustained |
|  |  |  |  | Lack of Service | Exonerated | Unfounded |
|  |  |  | 2008 | Lack of Service | NFR | Unfounded |
|  |  |  | 2166 | Lack of Service | NFR | Unfounded |
|  |  |  | 2008 | Lack of Service | Unfounded | Unfounded |
|  |  |  |  | Discrimination (Ethnicity) | NFR | Not Sustained |
|  |  |  | 2166 | Lack of Service | Unfounded | Unfounded |
| 32 | 09/04/2018 | 18173R | 1455 | Harassment | Unfounded | NA |
|  |  |  | 1924 | Lack of Service | Unfounded | NA |
| 33 | 03/14/2018 | 18059NJ[[2]](#footnote-3) | 1941 | Harassment | NFR | NA |
|  |  |  |  | Discrimination (Ethnicity) | NFR | NA |
| 34 | 03/09/2018 | 18055R | 1328 | Discourtesy | Info File | NA |
|  |  |  |  | Lack of Service | Info File | NA |

**Complaint Circumstances**

CCA is obligated to undertake “an examination both of circumstances that lead to complaints and opportunities to alter those circumstances.” Admin. Code, Art. XXVIII, § 4. CCA has defined a “circumstance” in its most recent Annual Report as follows: “A fact or condition accompanying an event that plays a determining role in the outcome of the event or that bears on the event, such as an underlying reason for a citizen/officer encounter or a factor that contributes to the filing of a citizen complaint.” CCA 2020 Annual Report.

The data for CCA’s circumstance categories are provided in Table 7. The top five circumstances that corresponded to complaints filed against CPD officers that were either opened for investigation or referred in 2020 included the following:

* Request for Service (37.5%)
* Accident (9.6%)
* Communication (7.2%)
* Traffic/Traffic Stop (7.2%)
* General Investigation (6.0%)

The data for circumstance categories corresponding to cases that met CCA’s criteria for investigation are provided in Table 8. The top five circumstances for such cases included the following in 2020:

* Traffic/Traffic Stop (20.5%)
* Request for Service (16.7%)
* General Investigation (9.0%)
* Protest (9.0%)
* Domestic (7.7%)

The data for **c**ircumstances in Table 9 correspond to complaints that did not meet CCA’s criteria for investigation. CCA referred such cases to CPD. The top five circumstances for such case included the following in 2020:

* Request for Service (46.6%)
* Accident (12.1%)
* Communication (8.6%)
* General Investigation (4.6%)
* Internal within CPD (4.6%)

**Table 7 - Circumstances for All Complaints**

| **Circumstance** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| Accident | 20 | 34 | 24 |
| Arrest | 18 | 20 | 4 |
| Bicycle Violation | 0 | 1 | 0 |
| Call For Service | 19 | 5 | 2 |
| Citation Issued | 2 | 3 | 4 |
| Communication | 26 | 23 | 18 |
| Crimes Against Children | 0 | 0 | 0 |
| Criminal Investigation | 11 | 21 | 8 |
| Criminal Offense | 23 | 11 | 6 |
| Curfew | 0 | 0 | 2 |
| Death | 0 | 2 | 1 |
| Detention | 0 | 0 | 1 |
| Discharge of Firearm | 0 | 1 | 1 |
| Disorderly | 0 | 1 | 0 |
| Domestic | 16 | 12 | 9 |
| Drug Investigation | 2 | 5 | 1 |
| Gang Investigation | 0 | 1 | 1 |
| General Investigation | 12 | 17 | 15 |
| Harassment | 4 | 6 | 5 |
| Impoundment | 4 | 3 | 6 |
| Internal within CPD | 0 | 3 | 8 |
| Littering | 0 | 1 | 0 |
| Misconduct Unethical | 10 | 4 | 0 |
| Nuisance Property | 0 | 0 | 1 |
| Pedestrian Stop | 2 | 10 | 3 |
| Pedestrian Violation | 2 | 0 | 0 |
| Prostitution | 0 | 0 | 1 |
| Protest | 0 | 0 | 9 |
| Request for Service | 30 | 71 | 94 |
| School Matter | 1 | 1 | 3 |
| Search | 1 | 0 | 0 |
| Sexual | 0 | 0 | 1 |
| Traffic/Traffic Stop | 29 | 29 | 18 |
| Trespass | 0 | 0 | 1 |
| Vehicle Pursuit | 0 | 0 | 3 |
| Warrant Service | 5 | 4 | 1 |
| Weapon Investigation | 0 | 1 | 0 |

**Table 8 - CCA Circumstances[[3]](#footnote-4)**

| **Circumstance** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| Accident | 2 | 3 | 3 |
| Arrest | 11 | 10 | 2 |
| Bicycle Violation | 0 | 1 | 0 |
| Call For Service | 2 | 1 | 0 |
| Citation Issued | 0 | 0 | 1 |
| Communication | 0 | 0 | 3 |
| Crimes Against Children | 0 | 0 | 1 |
| Criminal Investigation | 4 | 4 | 3 |
| Criminal Offense | 10 | 4 | 2 |
| Curfew | 0 | 0 | 2 |
| Death | 0 | 0 | 0 |
| Detention | 0 | 0 | 1 |
| Discharge of Firearm | 0 | 1 | 1 |
| Disorderly | 0 | 1 | 0 |
| Domestic | 9 | 5 | 6 |
| Drug Investigation | 2 | 4 | 1 |
| Gang Investigation | 0 | 0 | 0 |
| General Investigation | 7 | 11 | 7 |
| Harassment | 0 | 0 | 1 |
| Impoundment | 0 | 1 | 1 |
| Internal within CPD | 0 | 0 | 0 |
| Littering | 0 | 1 | 0 |
| Misconduct Unethical | 0 | 0 | 0 |
| Nuisance Property | 0 | 0 | 1 |
| Pedestrian Stop | 2 | 8 | 1 |
| Pedestrian Violation | 2 | 0 | 0 |
| Prostitution | 0 | 0 | 1 |
| Protest | 0 | 0 | 7 |
| Request for Service | 0 | 9 | 13 |
| School Matter | 0 | 0 | 0 |
| Search | 1 | 0 | 0 |
| Sexual | 0 | 0 | 0 |
| Traffic/Traffic Stop | 16 | 21 | 16 |
| Trespass | 0 | 0 | 1 |
| Vehicle Pursuit | 0 | 0 | 2 |
| Warrant Service | 3 | 3 | 1 |
| Weapon Investigation | 0 | 1 | 0 |

**Table 9 - Referred Circumstances[[4]](#footnote-5)**

| **Circumstance** | **2018** | **2019** | **2020** |
| --- | --- | --- | --- |
| Accident | 18 | 31 | 21 |
| Arrest | 7 | 10 | 2 |
| Bicycle Violation | 0 | 0 | 0 |
| Call For Service | 17 | 4 | 2 |
| Citation Issued | 2 | 3 | 3 |
| Communication | 26 | 23 | 15 |
| Crimes Against Children | 0 | 0 | 0 |
| Criminal Investigation | 7 | 17 | 5 |
| Criminal Offense | 13 | 7 | 4 |
| Curfew | 0 | 0 | 0 |
| Death | 0 | 2 | 1 |
| Detention | 0 | 0 | 0 |
| Discharge of Firearm | 0 | 0 | 0 |
| Disorderly | 0 | 0 | 0 |
| Domestic | 7 | 7 | 3 |
| Drug Investigation | 0 | 1 | 0 |
| Gang Investigation | 0 | 1 | 1 |
| General Investigation | 5 | 6 | 8 |
| Harassment | 4 | 6 | 4 |
| Impoundment | 4 | 2 | 5 |
| Internal within CPD | 0 | 3 | 8 |
| Littering | 0 | 0 | 0 |
| Misconduct Unethical | 10 | 4 | 0 |
| Nuisance Property | 0 | 0 | 0 |
| Pedestrian Stop | 0 | 2 | 2 |
| Pedestrian Violation | 0 | 0 | 0 |
| Prostitution | 0 | 0 | 0 |
| Protest | 0 | 0 | 2 |
| Request for Service | 30 | 62 | 81 |
| School Matter | 1 | 1 | 3 |
| Search | 0 | 0 | 0 |
| Sexual | 0 | 0 | 1 |
| Traffic/Traffic Stop | 13 | 8 | 2 |
| Trespass | 0 | 0 | 0 |
| Vehicle Pursuit | 0 | 0 | 1 |
| Warrant Service | 2 | 1 | 0 |
| Weapon Investigation | 0 | 0 | 0 |

**Recommendations Report**

Adjusting for duplication, CCA issued a total of twelve (12) *unique* recommendations in 2020. Including duplicates, CCA made sixteen (16) total recommendations. Those recommendations are excerpted below, along with corresponding responses by the Cincinnati Police Department. The recommendations and any associated observations are reproduced in their entirety in the Appendix to this Report.

**Recommendation Summaries and Responses**

**Use of Force Policy/Procedure**

|  |  |
| --- | --- |
| CCA #18181 | 1. **CCA Recommendation**: CCA understands that incidents involving people who are displaying non-compliant behavior can be challenging and stressful situations for CPD officers. In these situations, officers may not realize that they have prolonged a taser deployment. In addition to previous recommendations to CPD Procedure § 12.545 Use of Force, CCA recommends that CPD further develop the Taser section regarding avoidance of prolonged, extended, uninterrupted discharges or extensive multiple discharges. To support its development, a study should be conducted to review these types of taser discharges that include analyses of the number of incidents, the demographics of citizens involved in these incidents, the types of behaviors that result in a citizen being the target, and any injuries sustained.   ***CPD Response:*** *Procedure 12.545, Use of Force, (12/2019), Officers are encouraged to avoid prolonged, extended, uninterrupted discharges or extensive multiple discharges and transition to a different force option if multiple TASER deployments fail to gain compliance or continued TASER applications are not making sufficient progress toward gaining compliance. In addition to annual CCA patterns reports, CPD conducts quarterly reviews of employees to identify and address behavior. Refresher training is also provided to those whom it is deemed necessary. De-escalation techniques are employed during annual CPT training (for over 15 years)*. |

**De-escalation Policy/Procedure or Training**

|  |  |
| --- | --- |
| CCA #19214;  CCA #19157 | 1. **CCA Recommendation**: CCA also recommends that CPD make a separate policy for the utilization of de-escalation techniques. This policy should further expand on the definition of de-escalation techniques, which is listed under CPD Procedure Manual § 12.545 Use of Force. The policy should, in part, explain the criticalness of an officer’s awareness to properly select and implement the proper de-escalation technique in a given situation. Additionally, there should be a renewed focus on training and simulations that can assist officers in developing better awareness in situations where de-escalation techniques would help prevent the use of force.   ***CPD Response:*** *No separate policy deemed necessary. De-escalation techniques are employed during annual CPT training (for over 15 years). Procedure 12.545, Use of Force, (6/2019) defines  de-escalation and techniques. CPD and its training techniques serve as a model for other agencies.* |

**Search or Entry Policy/Procedure**

|  |  |
| --- | --- |
| CCA #19118 | 1. **CCA Recommendation**: CCA has noticed a pattern of officers reaching into the pockets of individuals without express consent to search for identification. CPD Procedure § 12.554 states “every ‘Terry’ type stop does not automatically authorize a frisk. If a frisk is conducted, the officer must be able to articulate specific facts which led them to believe the individual could be armed and dangerous.” CPD Procedure § 12.554 does not explain the scope of the search under the “Terry” stop and whether searches for identification are allowed. CCA recommends a review by CPD of its procedure related to frisk searches and their scope.   ***CPD Response:*** *CPD Procedure § 12.554 states "There are three levels of police/citizen contact… The next level is the "Terry" type encounter. Here the officer has reasonable suspicion to believe the citizen is committing or has committed a crime. Based on this reasonable suspicion, the officer may forcibly stop and detain the citizen for a brief investigatory period. Although a citizen is required to properly identify oneself during the stop, failure to answer investigatory questions asked by the officer cannot provide the justification for detaining a person past the period necessary to complete the brief "Terry" type investigation. Once the reasonable suspicion is determined to be unfounded, the citizen must be released... Every "Terry" type stop does not automatically authorize a frisk. If a frisk is conducted, the officer must be able to articulate specific facts which led them to believe the individual could be armed and dangerous." Additionally, all officers receive annual training on legal updates and search and seizure. No additional review of procedure deemed necessary.* |

**Harassment**

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| --- | --- |
| CCA #18229 | 1. **CCA Recommendation**: CCA recommends that CPD create a definition of Harassment, at a minimum, in its CPD Procedure to provide officers with specific direction and guidance.   ***CPD Response:*** *CPD conducts quarterly reviews of employees to identify and address behavior. Refresher training is also provided to those whom it is deemed necessary. UOF and de-escalation techniques are employed during annual CPT training.* |

**Citizen Complaint Handling**

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| --- | --- |
| CCA #18199 | 1. **CCA Recommendation**: In the interest of transparency, CCA continues to recommend that CPD record and monitor officers’ telephone interactions with the public, especially when addressing citizen complaints and concerns, to ensure the officers meet the applicable procedural and regulations requirements of CPD and the City of Cincinnati’s requirements for all employees.   ***CPD Response:*** *Primary D/S/U phones are recorded. Citzen (Complainant ID 5450) is a repeat complainant who will not avail herself to interviews by CCA or CPD. District 3 attempted to mediate and implement problem-solving measures to address the repeated requests for service and complaints made by Citzen (Complainant ID 5450) regarding her neighbor trouble concerns. Multiple attempts of mediation and collaboration have proven unsuccessful.* |

**Access to Police Records**

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| --- | --- |
| CCA #18114;  CCA #18199;  CCA #19058 | 1. **CCA Recommendation**: In this case, CCA requested the MVR/DVR of the incident but was informed by CPD that the evidence could not be located. CCA recommends a review by the CPD of its handling of and response to CCA’s requests for information to ensure CPD’s compliance with Article XXVIII and the Collaborative Agreement. It is imperative that CCA receive evidence from CPD timely to conduct a viable investigation.   CCA continues to request that once CCA shares complaints it investigates with CPD, which occurs within 48 hours of CCA’s receipt of a complaint, any records related to the complaint should be flagged and provided to CCA upon notification of CCA’s investigation.  ***CPD Response:*** *As a result of this instance, efforts have been taken by IIS to improve the thoroughness and timeliness of CCA public record requests. In the past, requests were forwarded to the case specific investigating IIS officer for action. All notifications by CCA of, not only public records requests, but any complaint, are now assigned to a designated IIS officer who immediately locates the incident, obtains related reports, and locates and preserves any BWC and mobile video recording MVR footage. The designated IIS investigator also logs the CCA public record request into the IIS tracking system, forwards the request to Police Records Section for redacted BWC/MVR footage and provides the requested information to CCA."* |

**Tracking System**

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| --- | --- |
| CCA #19058 | 1. **CCA Recommendation**: Additional clarification may be needed that contact cards are required for any vehicle passenger or pedestrian detention which meets the definition of a “Terry” stop unless the stop results in an arrest or citation. Furthermore, CPD should not train its officers that self-initiated interactions do not require contact cards. To be proactive and ensure policy accountability and fairness, contact cards should be required no matter the type of stop, nor whether the stop may be considered self-initiated or not.   ***CPD Response*:** *Procedure 12.554, Investigatory Stops, (8/2019) instructs officers on when to complete F534s. As of 2020, officers enter all F534s directly into RMS.* |
| CCA #18181 | 1. **CCA Recommendation**: CCA recommends that CPD review officers who have the same type of complaints and allegations filed against them to determine if further training, counseling or remediation is needed. This can serve as an initial warning to CPD that early intervention may be needed. All department personnel must recognize that their actions, both verbal and non-verbal, can play a significant role in the outcome and escalation or de-escalation of an interaction.   ***CPD Response*:** *In addition to annual CCA patterns reports, CPD conducts quarterly reviews of employees to identify and address behavior. Refresher training is also provided to those whom it is deemed necessary. De-escalation techniques are employed during annual CPT training (for over 15 years).* |

**Critical Incident Review or Firearm Discharge Board**

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| --- | --- |
| CCA #18181;  CCA #18229 | 1. **CCA Recommendation**: CCA recommended in prior investigations involving the allegation of use of force that CPD re-enact the Use of Force Board. While CPD acknowledged that enactment of the Use of Force Board is not needed due to the concurrent investigations by CPD and CCA, CCA still has concern. Since Use of Force is still the underlying cause of many CPD and CCA complaints, CCA believes the Use of Force Board is imperative. CPD Procedure § 12.545 Use of Force, refers to the Use of Force Board conducting comprehensive reviews of various use of force incidents; this would also include reviewing police tactics in cases like this one. By enacting the Use of Force Board, protocols and patterns may be further identified that can lead to a decrease in Use of Force complaints.   ***CPD Response*:** *Multiple reviews are conducted for each use of force incident. A supervisor of at least one rank above the officer(s) who used force responds to the scene to investigate and prepare a report, which is then reviewed by multiple supervisors, including command officers. All use of force reports are reviewed by the Inspections Section prior to closure. If at any time there is an allegation of an excessive use of force, more than the necessary amount of force appears to have been used, or any injuries are inconsistent with the reported force, then the investigation is referred to the Internal Investigations Section (IIS) for comprehensive review and/or additional investigation. In these instances, CCA conducts an independent investigation. If the IIS investigation determines the force used was not reasonable or excessive, the officer(s) who used force will be subject to a Department Level Hearing (DLH) convened by a command officer, who will make a final recommendation to the police chief. This recommendation will include any discipline, additional training, performance improvement plan, or other corrective measure as needed. CPD is in the process of updating the Use of Force procedure to include a Critical Incident Review Board to conduct a detailed and comprehensive review of any critical officer-involved event. This can include a use of force, firearms discharge, another critical incident, or an incident involving more than one of these events.* |

**Corrective and Disciplinary**

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| --- | --- |
| CCA #19214 | 1. **CCA Recommendation**: CCA recommends that Officer (Officer ID 2208) receive additional training in the utilization of de-escalation techniques and customer service skills . . . .   ***CPD Response*:** *Officer (Officer ID 2208)* *attended Fair and Impartial Policing training in February 2020, Customer Service Remedial Training in May 2020, and Remedial Stops and Approaches training in August 2020.* |
| CCA #19157 | 1. **CCA Recommendation**: CCA recommends that Officer (Officer ID 63) receive additional training in de-escalation techniques to prevent similar encounters in the future.   ***CPD Response*:** *De-escalation techniques are employed during annual CPT training (for over 15 years). Procedure 12.545, Use of Force, (6/2019) defines de-escalation and techniques. CPD and its training techniques serve as a model for other agencies. However, sometimes individuals have no desire to de-escalate and are searching for confrontation.* |
| CCA #18229 | 1. **CCA Recommendation**: CCA also recommends that Officer (Officer ID 1434) receive follow-up training in customer service and the application of policies, procedures, training in the areas of use of force, transporting and the use of de-escalation techniques to be able to decrease the potential need to use force and respond appropriately to levels of compliance or resistance.   ***CPD Response*:** *CPD conducts quarterly reviews of employees to identify and address behavior. Refresher training is also provided to those whom it is deemed necessary. UOF and de-escalation techniques are employed during annual CPT training.* |

**Conclusion**

With respect to the officers with an excessive number of complaints that CCA has identified in this Patterns and Recommendations Report, the Cincinnati Police Department should review the performance of such officers and take any and all appropriate corrective action. Consistent with CPD policy, these actions could include additional training, additional supervision, mentoring, reassignment and other similar actions, discipline, or a combination thereof, utilizing resources available to CPD.

CPD’s periodic ETS Reviews should also incorporate the identified pattern officers (as well as complaints investigated by CCA) to determine if any correlations can be made to determine, anticipate, and address root causes proactively.

Regarding pattern citizens, CCA is always willing to discuss problem-solving approaches with CPD and the community. CCA looks forward to a continued collaboration with CPD on an effort to strengthen its Citizen Complaint Resolution Process, a collaboration that began in early 2021. Ensuring that complaint resolution practices embody citizen engagement and that such practices strengthen restorative justice processes will be critical to any successful effort to prevent complaints and minimize the risk of pattern complainants and pattern officers.

CCA believes strongly that repeat circumstances provide the foundation of all citizen complaints, and where patterns or trends can be determined, such trends might prove helpful in determining root causes. CCA looks forward to proactively discussing problem-solving approaches with both CPD and the community as the pattern circumstances noted in this Report are reviewed.

Finally, CCA looks forward to continued dialogue with CPD regarding the recommendations it issues throughout each calendar year. CCA welcomes opportunities to collaborate on the implementation of those recommendations in cases where agreement exists.

**Appendix**

**Full Text of All Recommendations and Observations**

1. **CCA #18114**

INCIDENT DATE: 06/03/2018

ETS #2018-236577

IIU #18062

**Observation**

1. During the felony traffic stop, there was heated contention between the officers and bystanders, due to the presence of a child in the vehicle. The officers followed protocol dictated by CPD’s policy and procedure; however, some of their escalated actions appeared to contribute to the heightened emotions and responses by the family members, which could have resulted in a more precarious situation. The complainant provided the child’s name and age to the officers. The objective reasonableness of continuing to refer to a 6-year old child as “passenger” while issuing commands to exit the vehicle should be reviewed by CPD in addition to tactical strategies for handling investigatory and felony situations in which non-offending young juveniles are present.

**Recommendation**

1. Article XXVIII Cincinnati Administrative Code Article XXVIII, § 3-B reads (in part), “The executive director of CCA shall have reasonable access to city records, documents. . . .” In this case, CCA requested the MVR/DVR of the incident but was informed by CPD that the evidence could not be located. CCA recommends a review by the CPD of its handling of and response to CCA’s requests for information to ensure CPD’s compliance with Article XXVIII and the Collaborative Agreement. It is imperative that CCA receive evidence from CPD timely to conduct a viable investigation.

CCA continues to request that once CCA shares complaints it investigates with CPD, which occurs within 48 hours of CCA’s receipt of a complaint, any records related to the complaint should be flagged and provided to CCA upon notification of CCA’s investigation.

1. **CCA #18181**

INCIDENT DATE: 07/13/2018

ETS #2018-237921

IIU #18099

**Observation**

1. This complaint was sent to CCA after the tasing of Minor at the same location even though it actually occurred before Minor’s case. Officer (Officer ID 777) was disciplined for Improper Procedure and IIS recommended suspension. This was Officer’s (Officer ID 777) third allegation of Discourtesy where race or lifestyle had been sustained. CCA issued the recommendation below.

CPD also conferred with CCA to revise its Use of Force Procedure in December 2018. On January 24, 2019, CPD updated its procedure to read:

The Cincinnati Police Department recognizes the value of all human life and is committed to respecting the Constitutional rights and dignity of every individual. Officers shall act within the boundaries of the United States Constitution, the laws and constitution of the state of Ohio, the charter and ordinances of the city of Cincinnati, this use of force procedure, and all other relevant CPD procedures, policies, practices and training. A police officer’s right to make an arrest or an investigatory stop necessarily carries with it the right to use some degree of physical coercion, or threat thereof, to effect it. Determining whether the force used to effect a particular seizure is reasonable under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the countervailing governmental interests at stake. The decision to use force “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight …the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them” (Graham v. Connor, 1989). “Officers should avoid using the Taser on persons who reasonably appear to be or who are known to be, young children, elderly, medically infirm, pregnant, or users of a cardiac pacemaker. Officers are not prohibited from using the TASER on such persons, but use is limited to those exceptional circumstances where the potential benefit of using the TASER (i.e., injury reduction) reasonably outweighs the risks and concerns.

**Recommendations**

1) Effective consistent review processes are key to ensure that operational practices align with policy and training. CCA recommended in prior investigations involving the allegation of use of force that CPD re-enact a recurring Use of Force Board to not just review use of force but address any inconsistencies when a Use of Force review occurs and how it occurs. There can be different levels of review, but the criteria should be explicitly defined to determine the level of review that should occur. While CPD acknowledged that enactment of the Use of Force Board is not needed due to the concurrent investigations by CPD and CCA, CCA still has concern. CCA is authorized to conduct administrative investigations, but CPD does not collaborate with CCA regularly regarding policy and training changes, including any implications or discipline. Since Use of Force is still the underlying cause of many CPD and CCA complaints, CCA believes the Use of Force Board is imperative. CPD Procedure § 12.545 Use of Force, refers to the Use of Force Board conducting comprehensive reviews of various use of force incidents; this would also include reviewing tactics in cases like this one. By re-enactment of the Use of Force Board, protocols and patterns may be further identified that can lead to a decrease in Use of Force complaints. A formal use of force review in this case could have been very useful and lead to further updates in procedure, policy and training.

1. CCA understands that incidents involving people who are displaying non-compliant behavior can be challenging and stressful situations for CPD officers. In these situations, officers may not realize that they have prolonged a taser deployment. In addition to previous recommendations to CPD Procedure § 12.545 Use of Force, CCA recommends that CPD further develop the Taser section regarding avoidance of prolonged, extended, uninterrupted discharges or extensive multiple discharges. To support its development, a study should be conducted to review these types of taser discharges that include analyses of the number of incidents, the demographics of citizens involved in these incidents, the types of behaviors that result in a citizen being the target, and any injuries sustained. Such a study can be impactful in assisting CPD to ensure operational taser practices align with policy and training.

3) CCA recommends that CPD review officers who have the same type of complaints and allegations filed against them to determine if further training, counseling or remediation is needed. This can serve as an initial warning to CPD that early intervention may be needed. All department personnel must recognize that their actions, both verbal and non-verbal, can play a significant role in the outcome and escalation or de-escalation of an interaction.

1. **CCA #18199**

INCIDENT DATE: 10/04/2018

ETS #2018-240922

**Observation**

1. CCA identified Citizen (Complainant ID 5450) as a repeat complainant on CCA’s 2018 Patterns Report as well as on past Patterns Reports. Additionally, Citizen (Complainant ID 5450) will not avail herself to interviews by CCA Investigators. CCA is also aware that District 3 attempted to mediate and implement problem solving measures to address the repeated requests for service and complaints made by Citizen (Complainant ID 5450) regarding her neighbor trouble concerns. Multiple attempts of mediation and collaboration have proven unsuccessful.

**Recommendations**

1) In the interest of transparency, CCA continues to recommend that CPD record and monitor officers’ telephone interactions with the public, especially when addressing citizen complaints and concerns, to ensure the officers meet the applicable procedural and regulations requirements of CPD and the City of Cincinnati’s requirements for all employees.

2) Article XXVIII Cincinnati Administrative Code Article XXVIII, § 3-B reads (in part), “The executive director of CCA shall have reasonable access to city records, documents ....” In this case, CCA was unable to review all footage related to Citizen’s (Complainant ID 5450) multiple complaints because subsequent requests were beyond the 90-day retention period; however, CPD was aware of Citizen’s (Complainant ID 5450) subsequent complaints. CCA continues to request that once CCA shares complaints it investigates with CPD, which occurs within 48 hours of CCA’s receipt of a complaint, any records related to the complaint should be flagged and provided to CCA upon notification of CCA’s investigation. It is imperative that CCA receive evidence from CPD to conduct a viable investigation.

1. **CCA #18229**

INCIDENT DATE: 11/25/2019

ETS #2018-242239

IIU #19010

**Observation**

1. CCA believes that better communication and the use of de-escalation possibly could have avoided the arrest, and therefore, could have negated force allegations against Officer (Officer ID 1434).

Officer (Officer ID 1434) received an ESL for his discourteous comment.

**Recommendations**

1) CCA recommended in prior investigations involving the allegation of use of force that CPD re-enact the Use of Force Board. While CPD acknowledged that enactment of the Use of Force Board is not needed due to the concurrent investigations by CPD and CCA, CCA still has concern. Since Use of Force is still the underlying cause of many CPD and CCA complaints, CCA believes the Use of Force Board is imperative. CPD Procedure § 12.545 Use of Force, refers to the Use of Force Board conducting comprehensive reviews of various use of force incidents; this would also include reviewing police tactics in cases like this one. By enacting the Use of Force Board, protocols and patterns may be further identified that can lead to a decrease in Use of Force complaints.

1. CCA also recommends that Officer (Officer ID 1434) receive follow-up training in customer service and the application of policies, procedures, training in the areas of use of force, transporting and the use of de-escalation techniques to be able to decrease the potential need to use force and respond appropriately to levels of compliance or resistance.
2. CCA recommends that CPD create a definition of Harassment, at a minimum, in its CPD Procedure to provide officers with specific direction and guidance.
3. **CCA #19058**

INCIDENT DATE: 11/17/2018

IIU #19154

**Observations**

1) Several officers described Citizens (Complainant IDs 7673 and 8323) as frustrated and upset regarding the officers’ involvement. BWC footage showed several officers provided explanations for their actions and ultimately, some apologized. Officers must maintain a degree of empathy, should an investigation reveal the detainee was not in violation of a criminal offense, and instead. In this case, the ECC caller admittedly misrepresented the facts. However, Officer’s (Officer ID 1449) comments to Citizen (Complainant ID 7673) appeared to aggravate and escalate the encounter. It is essential for Officer (Officer ID 1449) to remember that while his role as a police officer is to identify and apprehend criminals, it is also to protect the innocent and reinforce public trust. Each citizen’s encounter can positively or negatively impact the community’s relationship with and perception of CPD.

1. After Citizens (Complainant IDs 7673 and 8323) exited the residence, BWC footage showed Citizens (Complainant IDs 7673 and 8323) explain that Citizen (Complainant ID 8323) was a real estate agent. Officer (Officer ID 1908) described Citizens’ (Complainant IDs 7673 and 8323) appearance as “not what you normally see of a real estate agent and someone who was shown a home.” Similarly, Officer (Officer ID 1806) described Citizen as dressed “in sweatpants and a jacket and nothing outwardly displayed he was a realtor.” Their statements could imply a potential bias and judgment of an individual’s appearance; particularly of two occupations that do not have a prescribed dress code or uniform. CCA recommends all officers consider the role these implicit biases may have in their interactions with community members.
2. Procedural justice focuses on the way police interact with the public, and how the characteristics of those interactions shape the public's views of the police, their willingness to obey the law, and actual crime rates. CCA is aware that currently all sworn and civilian CPD personnel are in the process of receiving Implicit

Bias training through CPD Police Academy. This should further assist with more effective procedural justice in police-citizen encounters throughout Cincinnati.

**Recommendations**

1. Cincinnati Municipal Code (CMC), Article XXVIII, § 3-B reads (in part), “The executive director of CCA shall have reasonable access to city records, documents. . . .” In this case, CCA requested MVR/DVR and BWC footage of the incident; CCA did not receive all of the BWC video footage timely and was informed by CPD that while MVR/DVR evidence existed and was requested, it could not be located. In fact, CCA was initially provided BWC footage from only five officers and uncovered from a news article that additional BWC footage was available. CCA recommends a review by the CPD of its handling of and response to CCA’s requests for information to ensure CPD’s compliance with CMC, Article XXVIII and the Collaborative Agreement. It is imperative that CCA receive all relevant evidence from CPD timely to conduct a viable investigation. At a minimum, since CCA shares all complaints it investigates with CPD, any records related to the complaint should be flagged and provided to CCA upon notification of CCA’s investigation.
2. During the investigation, Officer (Officer ID 1449) stated self-initiated detainments required contact cards and one may not have been completed since it was a dispatch run. Additional clarification may be needed that contact cards are required for any vehicle passenger or pedestrian detention which meets the definition of a “Terry” stop unless the stop results in an arrest or citation. Furthermore, CPD should not train its officers that self-initiated interactions do not require contact cards. To be proactive and ensure policy accountability and fairness, contact cards should be required no matter the type of stop, nor whether the stop may be considered self-initiated or not. Doing so will provide CPD awareness and can ultimately impact CPD perception.
3. **CCA #19118**

INCIDENT DATE: 06/04/2019

ETS #2020-252193

IIU #19155

**Observations**

1) Officer (Officer ID 76) received a written reprimand for Failure of Good Behavior by CPD.

2) IIS investigated this incident and sustained an allegation against Officer (Officer ID 2135) for failure to “document his receipt of information about significant criminal investigation from a CI.”

**Recommendation**

1. CCA has noticed a pattern of officers reaching into the pockets of individuals without express consent to search for identification. CPD Procedure § 12.554 states “every ‘Terry’ type stop does not automatically authorize a frisk. If a frisk is conducted, the officer must be able to articulate specific facts which led them to believe the individual could be armed and dangerous.” CPD Procedure § 12.554 does not explain the scope of the search under the “Terry” stop and whether searches for identification are allowed. CCA recommends a review by CPD of its procedure related to frisk searches and their scope.
2. **CCA #19157**

INCIDENT DATE: 07/07/2019

ETS #2019-248595

**Observation**

1. In July 2019, CPD unsuccessfully attempted to conduct a Citizen Complaint Resolution Process (CCRP) with Citizen (Complainant ID 7813). CPD command staff reviewed Officer’s (Officer ID 1776) BWC footage and exonerated Officer’s (Officer ID 1776) intervention. However, Officer’s (Officer ID 1776) BWC footage recorded Citizen (Complainant ID 7815) say, “What are you pushing me for?” and Officer (Officer 1776) reply, “Because you’re doing things you shouldn’t be doing.” CPD staff did not report or investigate that aspect of the incident. CCA issues a reminder that CPD Rules and Regulations stipulates CPD employees have an obligation to report infractions of Department regulations for further review, regardless if it was the focus of a complaint or not.

**Recommendations**

1) There was notable tension between Citizen (Complainant ID 7815) and Officer Officer ID 63) during the pedestrian stop, due to Citizen’s provoking comments and Officer’s (Officer ID 63) responses, which escalated Citizen’s (Complainant ID 7815) antagonism. CCA recommends that Officer (Officer ID 63) receive additional training in de-escalation techniques to prevent similar encounters in the future.

1. CCA also recommends that CPD make a separate policy for the utilization of de-escalation techniques. This policy should further expand on the definition of de-escalation techniques, which is listed under CPD Procedure Manual § 12.545 Use of Force. The policy should, in part, explain the criticalness of an officer’s awareness to properly select and implement the proper de-escalation technique in a given situation. Additionally, there should be a renewed focus on training and simulations that can assist officers in developing better awareness in situations where de-escalation techniques would help prevent the use of force.
2. **CCA #19184**

INCIDENT DATE: 12/12/2018

ETS #2019-249301

**Observation**

1. Citizens (Complainant IDs 5985 and 7857) participated in CPD’s Citizen Complaint Resolution Process (CCRP) and discussed their concerns with Officers (Officer IDs 1880. 2169 and 2315). CPD command staff reviewed the complaint and CCRP discussion; the allegation of Improper Stop was Exonerated, and the allegation of Discourtesy/Unprofessional Attitude was Not Sustained.
2. **CCA #19214**

INCIDENT DATE: 09/20/2019

EVT #00000363

IIU #19260

**Recommendations**

1) Officer (Officer ID 2208) initially used verbal commands with Citizens (Complainant ID 7898 and 7899) as an attempt to gain control. However, when Citizens (Complainant ID 7898 and 7899) showed verbal frustration, Officer (Officer ID 2208) failed to use de-escalation techniques. Instead, Officer (Officer ID 2208) escalated the situation when he initiated unnecessary force by verbally challenging, chest bumping, and pushing Citizen (Complainant ID 7898) backward. This case should be utilized as an example of how improper tactics can lead to escalation in any type of encounter. CCA recommends that Officer (Officer ID 2208) receive additional training in the utilization of de-escalation techniques and customer service skills in order to prevent similar incidents from occurring in the future.

2) CCA also recommends that CPD make a separate policy for the utilization of de-escalation techniques. This policy should further expand on the definition of de-escalation techniques, which is listed under CPD Procedure Manual § 12.545 Use of Force. The policy should, in part, explain the criticalness of an officer’s awareness to properly select and implement the proper de-escalation technique in a given situation. Additionally, there should be a renewed focus on training and simulations that can assist officers in developing better awareness in situations where de-escalation techniques would help prevent the use of force.

1. As reported by CPD to CCA as well as received by CCA directly. [↑](#footnote-ref-2)
2. 18059NJ was a complaint against a Citizen on Patrol [↑](#footnote-ref-3)
3. Circumstances in this table correspond to complaints that met CCA’s criteria for investigation. CCA opened such cases for investigation during the corresponding calendar years provided in this table. [↑](#footnote-ref-4)
4. Circumstances in this table correspond to complaints that did not meet CCA’s criteria for investigation. CCA referred such cases to CPD during the corresponding calendar years provided in this table. [↑](#footnote-ref-5)