

# Second Bi-Annual Report of the Independent Monitor for the University of Cincinnati Police Division



Submitted to:  
The University of Cincinnati  
Board of Trustees  
  
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## INTRODUCTION

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As noted in our prior report<sup>1</sup>, on July 19, 2015 Samuel Dubose was shot and killed by a University of Cincinnati Police Officer, shaking the University (the “University” or “UC”), its police division (the “Division” or “UCPD”) to its core and setting in motion a series of reform efforts to ensure that the Division was operating in a way that is consistent with best practices in policing, and indeed, with the goal of becoming the model law enforcement agency for urban campus policing. A critical step that the University undertook in its reform effort was the commissioning of a comprehensive review of the UCPD<sup>2</sup>. That review was conducted by Exiger and presented to the University and the public in the form of a series of Findings and Recommendations covering 11 substantive areas of policing with a separate section outlining “Fundamental Findings and Recommendations” lying at the foundation and core of the reform effort.

Pursuant to one of the recommendations of the Exiger Report<sup>3</sup>, calling for voluntarily engaging a Monitor to independently oversee the implementation of the recommended reforms, the UC undertook, through a request for proposal (RFP) process, a search for an Independent Monitor. In October of 2016, Jeff Schlanger of Exiger was selected as the Independent Monitor. The decision to voluntarily engage an Independent Monitor by the University appears to be the first time a government entity has voluntarily undertaken a Monitorship of its police department without US Department of Justice participation and judicial reporting. Instead of reporting to a federal judge, Mr. Schlanger reports to the University’s Board of Trustees and is required to issue both quarterly updates and bi-annual reports updating the Board and the public on the progress of UCPD reform.

The Monitor began his duties on January 1, 2017, which began with the collaborative development of a document entitled “Methodologies to Aid in the Determination of Compliance” (“MADC”). The MADC details the expectations by the Monitor of the UCPD in order to achieve compliance with each Exiger Recommendation (“ER” or Recommendation), including the documents or other data that is required<sup>4</sup>. For each ER that is scheduled for assessment, a proffer of compliance is submitted by the UCPD to include a description of the steps taken to achieve compliance along with the related policies and other relevant documentation. Generally, assessments that are conducted determine the UCPD’s degree of compliance pursuant to the methodology laid out in

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<sup>1</sup> The introduction to each biannual report will remain essentially unchanged in order to allow for this report to stand and be read alone.

<sup>2</sup> A copy of all the Monitor’s Reports can be found at: <http://www.uc.edu/publicsafety/reform/external-monitor.html>

<sup>3</sup> Recommendation 2C, “Final Report for the Comprehensive Review of the University of Cincinnati Police Department,” (“the Exiger Report”) dated June 1, 2016. Readers of this Biannual Report are urged to reference the Final Report on the Comprehensive Review for the additional information surrounding the Findings and Recommendations made in that report.

<sup>4</sup> The MADC is a separate document created collaboratively to serve as a guide to assist the UCPD and the Monitor in understanding the processes that the Monitor will undertake to evaluate compliance for each ER. The MADC is the primary tool that the Monitoring Team will use to determine whether compliance has been achieved and serves to assist the UCPD in ascertaining what is required in order to achieve substantial compliance. It should be noted that as the UCPD develops policies and changes its procedures, the content MADC will also need to be reexamined and re-agreed upon, when and if appropriate.

the MADC. A grade of “Compliant,” “Partially Compliant<sup>5</sup>,” “Non-Compliant,” or “Determination Withheld<sup>6</sup>,” is then assigned to the efforts of the UCPD relative to a particular Recommendation. For each ER assessed, either a date is set for the next scheduled evaluation or, that No Further Evaluation (“NFE”) is required, is published. A “Partial Compliance” occurs when much of the work that is necessary to achieve “Compliance” has been successfully performed, but full “Compliance” has not been reached. We also occasionally “Withhold Determination” when, despite the UCPD’s proffer of compliance, some intervening circumstance prevents a complete assessment. On those occasions we will again schedule the relevant ER(s) for assessment in the subsequent quarter(s) and report on a final determination of compliance once a full assessment can be conducted.

A finding of compliance in one quarter does not necessarily mean that the Recommendation will continue to be in compliance in subsequent assessments. Some Recommendations will be evaluated more than once during the course of the Monitorship, indeed as often as every quarter, and some Recommendations will be evaluated only once. Those ERs requiring only one review will be designated as NFE, typically because the required action was of a one-time nature. In contrast many of the ERs include the type of tasks that either must continue throughout the monitorship and beyond, such as periodic firearms qualification and use of force training, or are of such a nature that the Monitor believes multiple evaluations are necessary to ensure continued compliance.

The Biannual Reports follow the structure of the Exiger Review dealing with Fundamental Recommendations and, then, Recommendations in each of the 11 Substantive Subject Matter Areas. The quarterly updates are meant to provide only a summary overview of activity in the quarter, whereas biannual reports provide details of the reform activity and efforts for the preceding half year.

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<sup>5</sup> In order to provide a mechanism for acknowledging the UCPD’s progress made towards achieving substantial compliance, the Monitor uses the finding of Partial Compliance (PC). The PC finding will be used to differentiate between those ERs where the UCPD has not yet achieved substantial compliance but has made forward progress toward compliance such as developing the policy, but not yet disseminating that policy or training its personnel on the policy.

<sup>6</sup> The finding of Determination Withheld (DW) is used when the UCPD and/or the Monitor have agreed that the Monitor’s review could not yet determine compliance because a complete assessment was not possible. Some examples include assessments which were originally scheduled for a quarter because UCPD felt it would have an approved policy in place, but where such policy was not fully completed and approved prior to the close of the quarter. When the Monitor withholds determination, the ER will be evaluated at the first possible opportunity and a determination of compliance, partial compliance or non-compliance made.

## ACTIVITY DURING CURRENT REPORTING PERIOD

This is the Monitor’s Second Biannual Report covering the period of July 1 through December 31, 2017. During this review period, the Monitor examined a total of 109 ERs that were put forward for review by the UCPD<sup>7</sup>, 67 ERs were assessed in Q3 and 42 ERs were assessed in Q4. Of those 109 ERs assessed, 66 were “initially” assessed (first time), whereas the remaining 43 had been previously assessed and required a subsequent review. The following chart provides an overview of the status of assessment of the Exiger Recommendations for each substantive topic area:

Section	Topic	Total Recommendations	Prior Biannual Periods Compliant	This Biannual Period Assessed	This Biannual Period Compliant	Currently Compliant	Currently Non-Compliant	Currently Partially Compliant	Currently Determination Withheld	Currently Not Yet Evaluated
1	Fundamental Findings	25	6	16	13	19 (76%)	0 (0%)	2 (8%)	0 (0%)	4 (16%)
2	Ped and Traffic Stops	11	5	5	2	7 (64%)	0 (0%)	1 (9%)	0 (0%)	3 (27%)
3	Use of Force	22	0	16	16	16 (73%)	0 (0%)	0 (0%)	0 (0%)	6 (27%)
4	Policy and Procedures	22	7	13	12	18 (82%)	0 (0%)	1 (5%)	0 (0%)	3 (14%)
5	Hiring and Promotions	35	9	19	17	26 (74%)	0 (0%)	1 (3%)	0 (0%)	8 (23%)
6	Training	52	15	17	16	30 (58%)	0 (0%)	1 (2%)	0 (0%)	21 (40%)
7	Accountability	16	4	7	7	11 (69%)	0 (0%)	0 (0%)	0 (0%)	5 (31%)
8	Community POP	25	9	3	3	12 (48%)	0 (0%)	0 (0%)	0 (0%)	13 (52%)
9	Mental Health	13	8	2	2	10 (77%)	0 (0%)	1 (8%)	0 (0%)	2 (15%)
10	Equipment	14	6	7	6	12 (86%)	0 (0%)	1 (7%)	0 (0%)	1 (7%)
11	Technology	18	8	4	3	11 (61%)	0 (0%)	1 (6%)	0 (0%)	6 (33%)
12	Data Systems	23	9	0	0	9 (39%)	0 (0%)	1 (4%)	0 (0%)	13 (57%)
<b>Totals</b>		<b>276</b>	<b>86</b>	<b>109</b>	<b>97</b>	<b>181 (66%)</b>	<b>-0-</b>	<b>10 (4%)</b>	<b>-0-</b>	<b>85 (31%)</b>

<sup>7</sup> The Monitor believes it is in the best interest of the Monitorship to allow UCPD to project the timing of its compliance with each ER and then notify the Monitor when it is ready to be assessed. However, the Monitor assesses compliance each quarter with certain critical areas such as uses of force and complaints. Further, while the Monitor has encouraged the UCPD to select for the Monitor’s evaluation those ERs for which it believes it will be found compliant, during year two, the Monitor will necessarily begin evaluating all unevaluated ERs.

## *Items of Note*

During this second bi-annual reporting period, the Monitor was, in its technical assistance role,<sup>8</sup> requested to perform a purely fact-finding investigation into an allegation of misconduct by the Chief of Police.<sup>9</sup> The investigation was conducted, completed and the results thereof were delivered to the OSR during this reporting period.<sup>10</sup> Following the investigation, the Chief of Police resigned his position and was replaced, on an interim basis, by the Assistant Chief, Lt. Colonel Maris Herold.<sup>11</sup>

During this reporting period, there was significant progress made on a number of fronts:

- After appropriate policy revisions and training UCPD reintroduced the Taser thereby providing a less lethal use of force option for its officers.
- The Monitor and UCPD agreed upon a more standardized process by which all draft policies are first forwarded to the Monitor for review and comment prior to being finalized. To the extent that revision or clarification is needed, they occur in a collaborative manner between the Monitoring team and the Organizational Development Coordinator (ODC) prior to dissemination and prior to training UCPD officers on the topic. This effort has been very beneficial to all involved, but most importantly to the UCPD officers as they are no longer receiving multiple versions of the same policy.
- UCPD continued to develop and modernize outdated policies and procedures as part of its ongoing effort to achieve IACLEA certification.
- UCPD began overhauling the Guardian Tracking System, which is the UCPD's personnel performance evaluation program, in order to improve its capability for use as an Early Warning and Intervention System.
- UCPD developed and/or updated several significant policies to include:

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<sup>8</sup> In addition to monitoring, the Monitor's engagement with the University includes providing technical assistance to the University when requested. With respect to the allegation of misconduct by the Chief of Police, the Monitor was requested to perform a fact finding investigation of the allegations.

<sup>9</sup> The determination of what disciplinary action, if any, would result from the findings of the investigation was wholly within the province of the University.

<sup>10</sup> The report detailing the results of the investigation leading to the Chief of Police's resignation can be found online at: <http://www.uc.edu/publicsafety/reform/external-monitor.html>

<sup>11</sup> The Monitor has expressed its unqualified support for Lt. Colonel Herold's permanent appointment as Chief of Police. Throughout the Exiger Review of the UCPD and the ensuing Monitorship, Lt. Colonel Herold has been a staunch champion of reform and has relentlessly collaborated with the Monitor in bringing change to UCPD. The press release regarding Chief Herold's appointment can be found at: <http://www.uc.edu/news/NR.aspx?id=25961>

- Use of Force (including its Taser policy)
  - Internal Investigations including Citizen Complaints
  - Pedestrian Stops, Field Interviews, and Pat-Down Searches
  - Recruitment & Selection of Sworn Personnel
  - Police Training Officer Program
  - Promotions
  - Traffic Enforcement Activities
  - Crowd Management and Control
  - In-Car Video Recording System
- UCPD began implementation of a very robust, albeit challenging, training schedule in order to ensure its officers have ongoing and up-to-date instruction covering topics critical to today's policing. Such topics include Practical Application of Force including the firearms simulator and Tasers; Crisis Intervention Team Training and Mental Health Policy; Crowd Management and Control; Legal Update; and Live Fire / Range Qualification.
  - UCPD made advances in the areas of technology and equipment including the installation of the In-Car Video Recording System, and began the use of its recently acquired software for tracking all equipment issued to UCPD personnel.
  - UCPD began use of its newly designed and state of the art Emergency Operations Center for both planned events and unplanned emergency situations.
  - UCPD began the process of filling a supervisory position for an internal inspection process.
    - The establishment of this role and the filling of the position is critical to the development of strong internal controls in an effort to “identify and prevent,” rather than merely react to incidents of organizational failure and individual misconduct. Proactive police inspection and auditing will help prevent “reactive consequence management” by providing reliable information to increase the ability to detect the risks and reduce the likelihood that problems will occur.

### *Assessment and Compliance Status: 2nd Biannual Period*

Of the 109 ERs assessed in this Second biannual period the Monitor found the UCPD had achieved substantial compliance with 97 (89%), was partially compliant with 10 (9%) others, and the Monitor withheld its determination for one ER in Q3 primarily because the policy as initially submitted to the Monitor in connection with that ER, required substantive revisions. The UCPD and the Office of Safety and Reform (“OSR”) worked collaboratively with the Monitor and UCPD to revise the policy, and upon reassessment in Q4, that ER was found in partial compliance. The

review of the Monitor's assessment for each of the ERs assessed is detailed within the Memorandum of Assessment contained in the respective topic area in Appendices 1-12.

### *Complaints and Uses of Force*

During this biannual period no additional uses of force occurred, and a total of 20 complaints were initiated; 11 in Q3 and 9 in Q4. The complaints were generated either as external/citizen complaints, or internal/administrative complaints, and consisted mainly of allegations of discourtesy and improper procedures. All but the complaint against the Chief of Police noted above were investigated internally. While most of the other complaints were minor in nature, involving allegations of discourtesy or improper procedures, one more serious complaint involved an officer who was arrested for driving off-duty under the influence of alcohol. The completed investigation of the latter complaint was submitted after the end of the current reporting period. The Monitor will evaluate the investigation for quality and completeness in the upcoming quarterly period.

### *Areas for Improvement*

The following were issues of concern identified by the Monitor. Each of these issues either has been, or is in the process of being addressed by the UCPD:

- Although it has been a topic of discussion since the first quarterly review, the UCPD has not yet developed or implemented a disciplinary matrix as a method of explaining/rationalizing the adjudication of policy violations and instances of personnel misconduct. A disciplinary matrix is an important element of the disciplinary process for any law enforcement agency wanting to ensure that its discipline is consistent, is fair and leads to appropriate corrective action being taken. UCPD Command staff has indicated that the disciplinary matrix will be forthcoming in Q5, ending March 31, 2018.
- In a number of instances paper- or Excel-based supporting documentation submitted was insufficient and exhibited a lack of attention to detail. Such was the case in missing sign-in rosters for training sessions, the document used to track training attendance, and equipment receipts. While the Learning Management System (LMS) and Equipment Tracker, once fully implemented, should resolve the documentation problems, there remain many areas where there must be greater attention to such detail. UCPD is aware of the issue and has committed to improvement.

### *First Year Assessment Overview*

The reform effort undertaken by UCPD is daunting in both scope (276 separate Recommendations) and implementation timeline (within three years). Starting one year ago on January 1, 2017, the Monitor began assessing the UCPD's compliance efforts for the 276 recommendations of which the Monitor has now assessed 191 (69%), leaving 85 (31%) that have not yet been evaluated. Of the 191 assessments in the first year, 181 (95%) were found to be in substantial compliance, 101 (53%) of which require no further review by the Monitor. Ten (5%) ERs remain in partial compliance, meaning there is more work to be done to achieve substantial compliance, 17 ERs are



currently under review, and the 68 remaining Recommendations not yet evaluated will be scheduled for review by end of 2018.

Of particular note in 2017, is the fact that in the first year of the Monitorship, 21 of the 25 Fundamental Recommendations which were considered foundational and at the core of the reform effort, have been put forward by UCPD for assessment. Of those 21 assessed, 19 were found to be in substantial compliance with two currently in partial compliance. The remaining four Fundamental ERs have not yet been reviewed but will be assessed before the end of 2018. The pace at which the UCPD has addressed these fundamental ERs has shown an appreciation of and commitment to the reform process and exhibits the desire to ensure that change not only is made, but takes hold and becomes ingrained in the UCPD culture. Underlying this commitment is the realization that reform will lead to community trust and that community trust will lead to better policing. There remain 85 Recommendations that have not yet been evaluated, with 17 of those scheduled for Q5 assessment. UCPD has indicated that the goal for the remaining 68 Recommendations is to submit each for initial assessment no later than Quarter 8, ending December 31, 2018.

In summary, the Monitor is more than satisfied with the UCPD efforts thus far, and commends the UCPD in its accomplishments, all the more noteworthy given that significantly larger police departments with greater resources have struggled with far fewer requirements.

## SUMMARY OF SUBSTANTIVE TOPICS

### *I. Fundamental Findings – 76% Current Substantial Compliance*

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The Fundamental Findings section of the Exiger Report consists of 25 Exiger Recommendations which are foundational and at the core of the reform effort.<sup>12</sup> Examples of deficiencies identified in the Exiger Report are the lack of a mission statement; the lack of appropriate field supervision; the lack of internal controls; the lack of policy development and the lack of training oversight.

As of the end of the 2<sup>nd</sup> biannual period, the UCPD had developed its Use of Force (“UOF”) policy to include the newly issued Tasers; its Pedestrian Stop and Traffic Enforcement policies; and, finalized its policies and procedures relative to complaint, administrative, and UOF investigations. The UCPD delivered practical application of force training to all sworn members which included a lecture type update on legal and constitutional issues surrounding the use of force, as well as a hands-on portion to ensure UCPD officers are competent in force techniques and the use of the Taser. During this reporting period, UCPD extensively partnered with the UC to include resources from both an administrative and technological perspective.

To date, 21 ERs have been assessed and UCPD is currently in substantial compliance with 19 ERs, 13 of which were achieved within this biannual period. Two ERs are partially compliant, the first is related to the accreditation process for the International Association of Campus Law Enforcement Agencies (IACLEA). The UCPD has made strides towards this accreditation, but the process is lengthy and will take several years to complete. The other partially compliant ER is related to the Pedestrian Stop Data analysis and while the UCPD has made progress, they have not fully implemented the documentation process. The Monitor will reassess these partially compliant ERs in the coming months and the UCPD expects to schedule the final 4 ERs in Section One for evaluation during 2018.

The Report Card and Memorandum of Assessment for each of the Exiger Recommendations in this substantive area that were assessed in this period can be found in the attached Appendix 1.

### *II. Pedestrian and Traffic Stops – 64% Current Substantial Compliance*

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The Pedestrian and Traffic Stops section of the Exiger Report consists of 11 Recommendations, mainly related to findings that the UCPD had a lack of policies and protocols for non-consensual detentions such as traffic and pedestrian stops, bias free policing, or the collection and analysis of data related thereto.

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<sup>12</sup> Several of the Fundamental Finding Recommendations are a summary of more detailed Recommendations of the Exiger Report and are described as such within the relevant of the Memorandum of Assessment.

During the current reporting period, the UCPD finalized both its Traffic Enforcement and Pedestrian Stop policies. While the ERs related to these actions are combined, the UCPD opted to draft separate policies, which both appropriately define reasonable suspicion and probable cause and, combined, meet all of the requirements of the ERs. The Monitor's review of the policies initially submitted identified several areas for improvement and as a result the ERs were found partially compliant. However, through a collaborative process to revise and address those issues, the UCPD resubmitted for review, and they now fully meet or exceed best practice standards.

As noted in previous reports, the UCPD has ceased conducting all but emergency traffic stops outside of the UC perimeter, and has provided guidance regarding the number of officers who should be on-scene of any such stop.

To date, the UCPD has achieved substantial compliance with seven of the 11 ERs, two of which were achieved within this biannual period and partially compliant with one ER due to a lack of documentation procedures for supervisory reviews being conducted. The UCPD has tentatively scheduled the review of the one in partial compliance and the remaining three ERs that have not yet been evaluated for upcoming quarterly reviews.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendations in this substantive area that was assessed in this period can be found in the attached Appendix 2.

### **III. *Use of Force – 73% Current Substantial Compliance***

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The Use of Force section of the Exiger Report consists of 22 Recommendations related to the UCPD's use of force policy, the use of force continuum to include less-lethal options, such as TASERS and batons, and its investigation procedures. At the time of Exiger's Comprehensive Review, the UCPD procedures did not reflect current best practices and did not clearly define circumstances under which the use of force was authorized.

During the current quarter, the Monitor, along with one member of the Community Advisory Council (CAC) attended and observed one of several Practical Application of UOF training sessions in which the UCPD officers in attendance received instruction on UOF policies and procedures. The curriculum covered the legal basis for when officers are permitted to use force, the tactics used to help avoid the need to use force, along with hands-on techniques for using force, such as handcuffing, weapon retention, and the use of the recently issues Tasers - all of which are appropriately contained in the UCPD policies and procedures. As described in detail below, the lectures were thorough and aligned with best practice standards, and the hands-on portion of the training was extremely well put together. Both the Monitor and the CAC member who attended provided positive feedback on the quality of the training.

UCPD officers also received presentation style training on-line that covered the "Critical Decision-Making Model" (CD-MM) as is included in their UOF policy. As previously reported in its assessment of ER 3.1.A, the CD-MM is a common-sense and ethically based thought process intended to help police officers manage a wide range of incidents safely and effectively. The

UCPD delivered a significant amount of training on other areas that deal with police response in situations where force may be necessary, such as crowd management/control and unlawful assemblies, range training including firearm qualification, and crisis intervention training.

To date, the UCPD has achieved substantial compliance with 16 of the 22 ERs all of which were achieved within this biannual period. The UCPD has tentatively scheduled the review of one additional ER in the upcoming quarter, leaving five ERs that have not yet been evaluated.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendations in this substantive area that was assessed in this period can be found in the attached Appendix 3.

#### ***IV. Policy and Procedures – 82% Current Substantial Compliance***

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The Policy and Procedures section of the Exiger Report consists of 22 recommendations (“ER”) related to the process by which the organization develops best practice policies. Some of the findings in this section were focused on deficiencies related to specific policies that were not covered elsewhere in the report, while the majority of findings and recommendations were focused on the more fundamental message that the UCPD should have policies consistent with a university-defined mission for campus law enforcement and the most modern thinking in today’s policing.

The Monitor is continuously evaluating the UCPD’s process for developing, reviewing and managing its policies to ensure best practice standards are met. During this biannual period the UCPD submitted several other policies in addition to those mentioned elsewhere in this report to include, Arrests, Unlawful Assemblies/Crowd Management and Controls, Trespassing, and Off-Duty employment. The ODC is using appropriate resources including the International Association of Chiefs of Police (“IACP”) as model policies, and the International Association of Campus Law Enforcement (“IACLEA”), to generate policies. Overall, the quality of the policies submitted meet best practice standards. While initial reviews identified a few needed revisions, through the newly refined collaboration process with the Monitor, those have been communicated to the UCPD and the revisions were made as suggested. The substantive number of revisions needed for the Arrests policy will require a secondary review in the upcoming quarter.

To date, the UCPD has achieved substantial compliance with 18 of the 22 ERs, twelve of which were achieved within this biannual period. One ER remains in partial compliance, leaving three Recommendations that have not yet been evaluated.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendation in this substantive area that was assessed in this period can be found in the attached Appendix 4.

#### ***V. Recruitment, Hiring, Promotion -74% Current Substantial Compliance***

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The Recruitment, Hiring, Promotion, and Retention section of the Exiger Report consists of 35 Recommendations related to diversity and the procedures of recruitment, hiring, promotion and

retention. The initial review found that the UCPD's policies and procedures for hiring did not prioritize the need to establish a police officer candidate pool representative of its diverse community and that the absence of a clear UCPD mission may have negatively affected its past hiring strategies.

The UCPD has begun to implement a very well thought out hiring policy and recruitment plan that were developed with support and input from well-established minority groups. The UCPD command staff has shown its commitment to ensuring that the individuals selected, both for hiring as new recruits and promoted into leadership positions, are recruited and selected from a diverse population. However, given the relatively small number of open positions each year, it will take some time to fully realize these efforts. In the long term, the Monitor is confident that the efforts will be of great benefit to both the UC campus and surrounding communities.

The UCPD has achieved substantial compliance with 26 ERs, 17 of which were achieved within this biannual period. One ER is currently in partial compliance as the policy had not yet been disseminated by the end of the reporting period. The UCPD plans to disseminate the policy during the next quarterly review and the remaining ERs have not yet been evaluated.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendation in this substantive area that was assessed in this period can be found in the attached Appendix 5.

## *VI. Training – 58% Current Substantial Compliance*

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The Training section of the Exiger Report consists of 52 ERs related to ensuring adequate training and oversight of the training of UCPD officers. At the time of the Comprehensive Review, the UCPD had a number of critical deficiencies in policies, procedures, and practices, and was not adhering to those policies that did exist. Furthermore, the UCPD training curricula, facilities, and equipment were seriously inadequate given the resources available to a university entity.

The UCPD has begun implementation of its Annual Training Plan which contains an aggressive training schedule and is included in its Training and Professional Development policy. The UCPD also fashioned sufficient processes to ensure adequate evaluation and follow-up of both internal and external courses. The UCPD has not yet acquired its Learning Management System, which will help to document and track training and will be the basis of ensuring compliance long-term.

To date, the UCPD has achieved substantial compliance with 30 of the 52 ERs and has tentatively scheduled two additional ERs for the upcoming quarterly review.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendation in this substantive area that was assessed in this period can be found in the attached Appendix 6.

## ***VII. Accountability – 69% Current Substantial Compliance***

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The Accountability section of the Exiger Report consists of 16 Recommendations related to the institutionalization of mechanisms designed to ensure long term compliance not only with the ERs, but also with the UCPD’s mission and values. Some of those mechanisms include the creation of field sergeant positions to ensure in-field supervision, the use of an Early Warning System to identify officers who may be at risk, and the integration of oversight and risk management controls such as an internal inspection system, and better complaint intake, management, and investigation processes.

From the inception of the monitorship, to their credit, the UCPD has conducted quality internal investigations with only minor constructive feedback resulting from the Monitor’s reviews. The internal investigations policies and some of the administrative procedures issues such as those surrounding the categorization of citizen, internal and administrative type investigations, and the handling and workflow of investigations have undergone revisions to ensure that best practices support those quality investigations. The UCPD has also been in discussion with the Monitor in drafting a disciplinary matrix to guide the command staff when adjudicating instances of policy violations and personnel misconduct. Lastly, the UCPD has begun the process of overhauling the Guardian Tracking System, which will be used as its Early Warning/Intervention System to ensure at-risk employees receive adequate attention.

To date, the UCPD has achieved substantial compliance with eleven of the 16 ERs, seven of which were achieved during this biannual period. The UCPD has tentatively scheduled one an additional one ER for the next quarterly review.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendation in this substantive area that was assessed in this period can be found in the attached Appendix 7.

## ***VIII. Community Engagement – 48% Current Substantial Compliance***

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The Community Engagement section of the Exiger Report consists of 25 Recommendations related to the building of a strong partnership with the community UCPD serves. While the UCPD had several creative Community Engagement initiatives in place, others had not yet been implemented because of organizational and staffing deficiencies.

The UCPD has now deployed adequate resources to the Community Affairs Section and elevated its reporting structure to ensure appropriate supervision and recognition of its essential function within the UCPD and the UC Community. The officers assigned to the CAS have also received specialized training. Additional training such as attending a conference in Problem Oriented Policing and a course on public speaking are planned in the next annual period.

To date, the UCPD has achieved substantial compliance with 12 of 25 ERs, three of which were achieved during this biannual period. The UCPD has tentatively scheduled three ERs for evaluation during the next quarterly review.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendation in this substantive area that was assessed in this period can be found in Appendix 8 hereto.

## ***IX. Mental Health Response – 77% Current Substantial Compliance***

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The Mental Health section of the Exiger Report consists of 13 Recommendations related to policies and guidelines for how UCPD officers should deal with incidents involving individuals suffering from mental health issues. While the UCPD had a history of problematic interactions with individuals having mental health issues, the mental health training and informal practices were satisfactory. As a result, the ERs focused on the formalization and enhancement of the UCPD's policies to ensure continued improvement with its ability to work with individuals with mental health issues with the goal of minimizing the likelihood of situations resulting in negative outcomes.

During the second biannual period the UCPD disseminated and began implementation of its Mental Health Response (MHR) policy which was previously found in compliance. As important, all UCPD officers have now received and are certified in Crisis Intervention Training (CIT) which ensures that a CIT trained officer is always available especially during peak periods. UCPD has agreed to include Security Officers in the division-wide training which will further enhance the UCPD's response to incidents involving individuals suffering from mental health issues.

To date, the UCPD has achieved substantial compliance on ten of the 13 ERs assessed, two of which were achieved during this biannual period. One ER remains in partial compliance as it requires that an annual audit be conducted which will occur and be submitted for assessment in 2018.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendation in this substantive area that was assessed in this period can be found in the attached Appendix 9.

## ***X. Equipment – 86% Current Substantial Compliance***

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The Equipment section of the Exiger Report consists of 14 Recommendations related to UCPD's equipment, such as on-campus video surveillance equipment, and video recording equipment for police vehicles as well as UCPD's less-lethal weapons such as Conductive Energy Devices (CED) and batons. In evaluating UCPD's available weapons a significant finding focused on the lack of CEDs. Several ERs suggested the UCPD properly deal with equipment that was not being utilized by the Organization.

During this biannual period UCPD officers were issued and received training on the use of the Conductive Electrical Weapon/Device, commonly known by the brand name as "Tasers.". The Monitor applauds UCPD for taking this forward step to expand its less-lethal force continuum and permitting its officers to carry and deploy CED/CEWs when appropriate. The UCPD also clarified

its practices regarding the PR-24 batons clearly indicating that the device is to be used only for crowd control situations.

To date, the UCPD has achieved substantial compliance on 12 of 14 ERs, six of which occurred during this biannual period. One ER is partially compliant, as the In-Car Video recording system was not fully implemented as of the end of the current reporting period. This ER and the final ER in this section will be assessed in the upcoming quarterly review.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendation in this substantive area that was assessed in this period can be found in the attached Appendix 10.

## ***XI. Technology – 61% Current Substantial Compliance***

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The Technology section in the Exiger Report consists of 18 Recommendations mainly related to Body Worn Cameras (BWCs), and the Automated Record Management System (ARMS) as well as certain analysis issues. In short, the UCPD's IT organization needed to be resourced to support system upgrades, replacements and support for new and emerging technologies, such as next generation body worn cameras and Computer Aided Dispatch systems.

The UCPD has now finalized and begun full implementation of its revised BWC policy and its new contract with Axon for video retention, tagging and storage. To date, the UCPD has achieved substantial compliance on 11 of the 18 ERs, three of which occurred during the current biannual period. One ER remains in partial compliance as a revised version of the policy had not been fully disseminated prior to the end of the current reporting period.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendation in this substantive area that was assessed in this period can be found in the attached Appendix 11.

## ***XII. Data Systems – 39% Current Substantial Compliance***

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The Data System section of the Exiger Report consists of 23 ERs to address deficiencies in the UCPD's data collection, storage and analysis systems related to its tracking of citizen contacts, officer performance, early warning systems to identify at-risk officers, crime data, and complaints.

While the UCPD had made some progress in this section during the first biannual period, by way of updated contact cards and the related policy, the Monitor noted in its prior report that further documentation of the processes was needed to demonstrate the requisite supervisory reviews and availability to the public, and consequently held one ER in partial compliance. During the current biannual period no additional or subsequent proffers of compliance were submitted, however the UCPD has indicated that a new crime analyst position has been created, and a candidate has been recruited and selected for employment to begin February 5, 2018. This employee will provide additional expertise and be directly involved as the UCPD reassess the ERs associated with ARMS.



The UCPD has also determined that rather than renew the contract with the University of Cincinnati's Institute of Crime Science (ICS), moving forward, the division plans to purchase and replace the existing system rather than continue to work with ICS staff to create a customized system. The Monitor will provide further details in its upcoming reports as this process develops.

To date, the UCPD has achieved substantial compliance with nine of the 23 ERs, all of which occurred in the prior biannual period. The UCPD has tentatively scheduled three additional ERs for review during the next quarterly review.

The Report Card and Memoranda of Assessment of each of the Exiger Recommendation in this substantive area that was assessed in this period can be found in the attached Appendix 12.

## CONCLUSION

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As noted, the Monitor continues to be very pleased with the progress made in the reform process to date. Not only has UCPD continued at full speed with its reform efforts, but it has done so in the face of the potential turmoil surrounding the departure of the Chief of Police. Indeed, UCPD and the OSR, acted in an exemplary transparent fashion in dealing with allegations of misconduct by the Chief of Police. The Monitor continues to be impressed with UCPD's dedication to its own mission and the mission of reform, and the dedication of the men and women of the Division. The voluntary Monitorship Undertaken by the Division continues to serve as a model for other jurisdictions where reform is necessary and oversight and public reporting of such reform is desirable but is no longer readily available in the traditional form of US Department of Justice intervention.

Jeff Schlanger  
Independent Monitor

### Principal Contributors

Roberto Villaseñor  
Deputy Independent Monitor

Denise Lewis  
Principal Auditor

# Appendix 1

## Fundamental Findings and Recommendations

# REPORT CARD MATRIX












2017

2018

2019

Q1: Jan-Mar    Q2: Apr-Jun    Q3: Jul-Sep    Q4: Oct-Dec    Q5: Jan-Mar    Q6: Apr-Jun    Q7: Jul-Sep    Q8: Oct-Dec    Q9: Jan-Mar    Q10: Apr-Jun    Q11: Jul-Sep    Q12: Oct-Dec

## Section 1 - Fundamental Findings Recommendations

1.1.A	Adopt a mission statement that will serve as a foundation and guidepost for its going-forward reforms.			-	-	-	-	-	-	-	-	-
1.1.B	In developing the mission statement, consider (1) providing for the safety and security of faculty, staff, students and visitors, (2) promotion of concepts of fairness, non-biased policing with minimal intrusion and (3) promotion of service to the broad University community.			-	-	-	-	-	-	-	-	-
1.2.A	Establish an internal audit or inspectional service unit that reports directly to the Vice President of Safety and Reform.											
1.2.B	Perform on-going audits for critical areas and functions on a regular cycle to be memorialized in an annual audit plan.											
1.2.C	Implement a voluntary on-going monitoring function to track each of the reforms outlined in the recommendations and ensure that they are implemented according to the agreed upon schedule.		-	-	-	-	-	-	-	-	-	-
1.3.A	Update its policies and procedures to reflect campus law enforcement best practices, and assign ongoing responsibility for ensuring that they are kept current.		-	-	-	-	-	-	-	-	-	-
1.3.B	Become certified by CALEA and/or IACLEA.											
1.4.A	Traffic and pedestrian stops should not be used as a crime fighting tool. Clear guidance by policy and procedure should be given as to when, if ever, off-campus traffic stops are permissible.					-	-	-	-	-	-	-
1.4.B	Involuntary off-campus pedestrian and traffic stops should only be allowed when the officers possesses reasonable suspicion to believe that a pedestrian or motorist is engaged in a criminal, non-driving offense.											
1.5.A	Adopt a policy on biased policing, clearly indicating that UCPD officers may not use race, color, ethnicity, or national origin, to any extent or degree, in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or group.		-	-	-	-	-	-	-	-	-	-

# REPORT CARD MATRIX

		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
1.5.B	Develop a curriculum and institute training on the biased policing policy including training on implicit bias and shall deliver such training both to new and existing members of the department.	● (NFE)	-	-	-	-	-	-	-	-	-	-	
1.6.A	Draft and implement a single Use of Force policy that covers what force is permitted and the resulting departmental investigation and review process.		ⓓ	● (NFE)	-	-	-	-	-	-	-	-	
1.6.B	The new Use of force policy should emphasize de-escalation and sanctity of life.		ⓓ	● (NFE)	-	-	-	-	-	-	-	-	
1.7.A	Arm UCPD officers with CEDs.				● (NFE)	-	-	-	-	-	-	-	
1.7.B	Include a clear policy statement governing the use of CED in the revised use of less lethal weapons policy.		ⓓ	● (NFE)	-	-	-	-	-	-	-	-	
1.7.C	Develop intensive training on the use of CEDs and the relevant policies, including scenarios in which the utilization of CEDs is appropriate and those instances where it is not.				● (NFE)	-	-	-	-	-	-	-	
1.8.A	Establish a protocol for the timely review of every use of force to determine its appropriateness from an administrative point of view and whether or not further investigation, including potential criminal investigation, or discipline is appropriate.		◐	● (NFE)	-	-	-	-	-	-	-	-	
1.9.A	Update hiring policy by requiring diversity applicants throughout the police officer candidate recruitment process.		◐	● (NFE)	-	-	-	-	-	-	-	-	
1.10.A	Draft and adopt consistent policies and procedures for the development and approval of all UCPD courses and ensure that all courses are consistent with UCPD mission and philosophy.				● (NFE)	-	-	-	-	-	-	-	
1.11.A	Draft comprehensive Complaint Initiation Policies and Procedures that define the workflow of the different categories of complaints from investigation to adjudication.		ⓓ	● (NFE)	-	-	-	-	-	-	-	-	

## REPORT CARD MATRIX

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan-Mar	Q2: Apr-Jun	Q3: Jul-Sep	Q4: Oct-Dec	Q5: Jan-Mar	Q6: Apr-Jun	Q7: Jul-Sep	Q8: Oct-Dec	Q9: Jan-Mar	Q10: Apr-Jun	Q11: Jul-Sep	Q12: Oct-Dec
1.11.B	Complaint Initiation Policies and Procedures should prohibit any attempt to dissuade an individual from filing a complaint, and require officers to report the misconduct of other officers.				-	-	-	-	-	-	-	-	
1.12.A	Recognize the essential nature of the community affairs function within the UCPD and appropriate resources dedicated to it.				-	-	-	-	-	-	-	-	
1.12.B	Infuse Community Oriented Problem Solving Policing throughout the fabric of the UCPD.												
1.13.A	Integrate the data collection systems into one large database that tracks all data.												
1.14.A	Make maximal use of the criminal justice program at UC and its ICS in order to create the model for community policing that balances the need for safety and security on the one hand with fairness and minimal intrusion on the other.												

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 10, 2017  
**REC. REF. NO.:** 1.3.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD lacks an effective process for developing and managing new policies and procedures, and reviewing and updating existing ones.

### **Exiger Recommendation (“ER”)**

UCPD should, at a minimum, become certified by CALEA and/or IACLEA, if not both, of these certifying entities.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. Certification has been achieved.
2. Interim compliance will be based on the plan for certification and adherence to plan milestones.

### **UCPD Proffer of Compliance**

*“The UCPD Organizational Development Coordinator (John DeJarnette, ODC) researched the process to become IACLEA certified and presented findings and recommendation to the agency leadership in a memo [Attachment #1]. It was decided that the UCPD should and will pursue IACLEA certification first, and will consider pursuing CALEA accreditation after becoming IACLEA certified.*

*The ODC attended the 2017 IACLEA conference and received Accreditation Manager training to become more familiar with and prepare for the IACLEA accreditation process [see training certificate in Attachment #2]. The ODC has started an IACLEA assessment in PowerDMS to track the progress of achieving compliance with IACLEA standards.*

*There are a total of 215 IACLEA standards. The benchmarks will be to complete 33% of the standards by the end of Q4, and to complete 85% of the standards by the end of Q8. The UCPD targets Q10 for on-site assessment by IACLEA and to be approved for accreditation by Q11. A demonstration of the certification plan for IACLEA will be presented to the monitor during the next on-site visit in November.”*

### **Data Reviewed**

1. IACLEA Recommendation Memo from John DeJarnette
2. IACLEA Accreditation Manger Training for John DeJarnette

## **Current Assessment of Compliance**

### **Partial Compliance**

As described above in the UCPD's proffer, they have taken affirmative steps towards eventual accreditation with International Association of Campus Law Enforcement Administrators ("IACLEA") which is a leading authority for the campus public safety profession. IACLEA has members of police chiefs, public safety directors, and other law enforcement personnel at universities across the country. Becoming IACLEA accredited is an arduous process and will take the UCPD several years but in the long run, it will not only assist in the development and management of new and existing policies and procedures, but will enhance the professionalism of the organization overall. The decision to send the Organizational Development Coordinator ("ODC") for training as an Accreditation Manager is commendable and the use of the PowerDMS system to track its progress of attaining the standards will make achieving and maintaining the goal of accreditation much more feasible. The ODC provided the Monitor with a demonstration of, and access to the system which will assist in our assessments going forward. The Monitor will continue to report on the UCPD's progress on this ER throughout the monitorship.

### **Next Review**

The Monitor will again assess the UCPD's compliance with this ER in Q8 or when the UCPD indicates that significant progress has been made towards IACLEA accreditation.



## COMPLIANCE MEMORANDUM

**DATE:** OCTOBER 11, 2017  
**REC. REF. NO.:** 1.4.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Prior to the shooting death of Samuel DuBose, traffic stops were being conducted in unprecedented numbers as part of the philosophy of the then newly installed Chief. The Chief failed to understand the potential implications of the initiative given the decision not to aggregate and analyze data on the nature and frequency of such stops.

### **Exiger Recommendation (“ER”)**

Traffic and pedestrian stops should not be used by UCPD as a crime fighting tool. The potential benefit of such aggressive tactics in terms of crime reduction in the UC setting is modest at best and clearly outweighed by the negative perception of and feelings toward UCPD engendered by such tactics. Clear guidance by policy and procedure should be given as to how traffic stops should be conducted and when, if ever, off-campus traffic stops are permissible.

### **MADC Definition of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 2.1.A.

Note: ER 1.4.A is one of the Fundamental Findings that was included in Section 1 as a summarized version of ER 2.1.A and includes identical requirements.

### **Proffer of Compliance from UCPD**

See Memo of Assessment for ER 2.1.A

### **Data Reviewed**

See Memo of Assessment for ER 2.1.A

### **Current Assessment of Compliance**



#### **Partial Compliance**

The UCPD achieved partial compliance with ER 2.1.A and therefore has achieved partial compliance with this ER.

### **Next Reviews**

The Monitor will again assess the UCPD’s compliance with the implementation to include dissemination in Q4.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 4, 2017  
**REC. REF. NO.:** 1.4.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Prior to the shooting death of Samuel DuBose, traffic stops were being conducted in unprecedented numbers as part of the philosophy of the then newly installed Chief. The Chief failed to understand the potential implications of the initiative given the decision not to aggregate and analyze data on the nature and frequency of such stops.

### **Exiger Recommendation (“ER”)**

Traffic and pedestrian stops should not be used by UCPD as a crime fighting tool. The potential benefit of such aggressive tactics in terms of crime reduction in the UC setting is modest at best and clearly outweighed by the negative perception of and feelings toward UCPD engendered by such tactics. Clear guidance by policy and procedure should be given as to how traffic stops should be conducted and when, if ever, off-campus traffic stops are permissible.

### **MADC Definition of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 2.1.A.

Note: ER 1.4.A is one of the Fundamental Findings that was included in Section 1 as a summarized version of ER 2.1.A and includes identical requirements.

### **Proffer of Compliance from UCPD**

See Memo of Assessment for ER 2.1.A

### **Data Reviewed**

See Memo of Assessment for ER 2.1.A

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD achieved compliance with ER 2.1.A and therefore has complied with this ER.

### **Next Reviews**

No further review of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** OCTOBER 11, 2017  
**REC. REF. NO.:** 1.4.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Prior to the shooting death of Samuel DuBose, traffic stops were being conducted in unprecedented numbers as part of the philosophy of the then newly installed Chief. The Chief failed to understand the potential implications of the initiative given the decision not to aggregate and analyze data on the nature and frequency of such stops.

### **Exiger Recommendation (“ER”)**

Traffic and pedestrian stops should not be used by UCPD as a crime fighting tool. The potential benefit of such aggressive tactics in terms of crime reduction in the UC setting is modest at best and clearly outweighed by the negative perception of and feelings toward UCPD engendered by such tactics. Clear guidance by policy and procedure should be given as to how traffic stops should be conducted and when, if ever, off-campus traffic stops are permissible.

### **MADC Definition of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 2.1.C.

Note: ER 1.4.B is one of the Fundamental Findings that was included in Section 1 as a summarized version of ER 2.1.C and includes identical requirements.

### **Proffer of Compliance from UCPD**

See Memo of Assessment for ER 2.1.C

### **Data Reviewed**

See Memo of Assessment for ER 2.1.C

### **Current Assessment of Compliance**



#### **Partial Compliance**

The UCPD achieved partial compliance with ER 2.1.C and therefore has achieved partial compliance with this ER.

### **Next Reviews**

The Monitor will again assess the UCPD’s compliance with the implementation to include a review of monthly supervisory review documentation and a sampling of contact cards in Q5 (Q1 2018).

## COMPLIANCE MEMORANDUM

**DATE:** AUGUST 30, 2017  
**REC. REF. NO.:** 1.6.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's policies on Use of Firearms and Deadly Force and Less Lethal Uses of Force are insufficient, do not reflect current best practices and lack clarity regarding the circumstances under which the use of force is authorized.

### **Exiger Recommendations**

UCPD should draft and implement a single Use of Force policy that should cover both when force is permitted to be used as well as the resulting departmental investigation and review process of uses of force.

### **MADC Definitions of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 3.1.A.

Note: ER 1.6.A is one of the Fundamental Findings that was included in Section 1 as a summarized version of ER 3.1.A and includes identical requirements.

### **Proffer of Compliance from UCPD**

See Memo of Assessment for ER 3.1.A

### **Data Reviewed**

See Memo of Assessment for ER 3.1.A

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD achieved substantial compliance with ER 3.1.A and therefore has achieved compliance with this ER.

### **Next Reviews**

No further review is necessary as this ER is a duplicate of ER 3.1.A.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 5, 2017  
**REC. REF. NO.:** 1.6.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's policies on Use of Firearms and Deadly Force and Less Lethal Uses of Force are insufficient, do not reflect current best practices and lack clarity regarding the circumstances under which the use of force is authorized.

### **Exiger Recommendations**

UCPD's new use of force policy should emphasize de-escalation and sanctity of life.

### **MADC Definitions of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 3.1.B.

Note: ER 1.6.B is one of the Fundamental Findings that was included in Section 1 as a summarized version of ER 3.1.B and includes identical requirements.

### **Proffer of Compliance from UCPD**

See Memo of Assessment for ER 3.1.B

### **Data Reviewed**

See Memo of Assessment for ER 3.1.B

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD achieved substantial compliance with ER 3.1.B and therefore has achieved compliance with this ER.

### **Next Reviews**

No further review is necessary as this ER is a duplicate of ER 3.1.B.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 16, 2017  
**REC. REF. NO.:** 1.7.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not currently arm UCPD officers with Conductive Energy Devices (CEDs), removing an option that would allow officers the ability, in appropriate circumstances, to disable an individual from a safe distance and avoid potential resort to deadly physical force.

### **Exiger Recommendation (“ER”)**

UCPD should expand the alternatives that its officers have to the use of deadly physical force by arming UCPD officers with CEDs, complying with whatever constraints may exist from the settlement of prior lawsuits

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the UCPD has provided alternatives to the use of deadly physical force by arming UCPD officers with CEDs.

### **UCPD Proffer of Compliance**

*“UCPD sworn officers have been distributed CEWs (Conducted Electrical Weapon) as an alternative to the use of deadly physical force. A total of 66 CEWs have been distributed, and one additional CEW will be distributed mid-November 2017 to a recently hired ULEO 1 officer. Command staff at the UCPD were given the option by Director James Whalen to carry CEWs, pending attending the appropriate training(s). As such, the only sworn UCPD officers who have not been supplied a CEW are two of the three captains, the assistant chief, the chief (total of 4 command staff officers), and three DPS/UCPD employees who hold a commission but do not act as police officers. Attached to this email are two documents which contain the serial number of each CEW and the officer to which the CEW was assigned.”*

### **Data Reviewed**

1. CEW Equipment Records\_1
2. CEW Equipment Records\_2
3. Use of Force Policy, SOP No. 7.1.100

### **Current Assessment of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 10.1.A.

### **UCPD Proffer of Compliance**

See Memo of Assessment for ER 10.1.A

**Data Reviewed**

See Memo of Assessment for ER 10.1.A

**Current Assessment of Compliance**

 **In Compliance**

Exiger Recommendation (“ER”) 1.7.A is one of the Fundamental Findings that was included in Section 1 of the Exiger report as a summarized version of ER 10.1.A and includes identical requirements. The UCPD achieved compliance with ER 10.1.A and therefore has complied with ER 1.7.A.

**Next Review**

No further review of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 11, 2017  
**REC. REF. NO.:** 1.7.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not currently arm UCPD officers with Conductive Energy Devices (CEDs), removing an option that would allow officers the ability, in appropriate circumstances, to disable an individual from a safe distance and avoid potential resort to deadly physical force.

### **Exiger Recommendations**

UCPD should expand the alternatives that its officers have to the use of deadly physical force by arming UCPD officers with CEDs, complying with whatever constraints may exist from the settlement of prior lawsuits.

### **MADC Definitions of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 3.3.C.

Note: ER 1.7.B is one of the Fundamental Findings that was included in Section 1 as a summarized version of ER 3.3.C and 10.1.C and includes identical requirements.

### **Proffer of Compliance from UCPD**

See Memo of Assessment for ER 3.3.C

### **Data Reviewed**

See Memo of Assessment for ER 3.3.C

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD achieved substantial compliance with ER 3.3.C and therefore has achieved compliance with this ER.

### **Next Reviews**

No further evaluation is necessary as it is a duplicate of ER 3.3.C.



## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 15, 2017  
**REC. REF. NO.:** 1.7.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not currently arm UCPD officers with Conductive Energy Devices (CEDs), removing an option that would allow officers the ability, in appropriate circumstances, to disable an individual from a safe distance and avoid potential resort to deadly physical force.

### **Exiger Recommendation (“ER”)**

UCPD should develop intensive training on the use of CEDs and the relevant policies related thereto. Training should include scenarios in which the utilization of CEDs is appropriate and those instances where it is not.

### **MADC Definition of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 10.1.C.

### **UCPD Proffer of Compliance**

See Memo of Assessment for ER 10.1.C

### **Data Reviewed**

See Memo of Assessment for ER 10.1.C

### **Current Assessment of Compliance**

#### **In Compliance**

Exiger Recommendation (“ER”) 1.7.C is one of the Fundamental Findings that was included in Section 1 of the Exiger report as a summarized version of ER 10.1.C and includes identical requirements. The UCPD achieved compliance with ER 10.1.C and therefore has complied with ER 1.7.C.

### **Next Review**

No further review of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** AUGUST 31, 2017  
**REC. REF. NO.:** 1.8.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD lacks a clearly defined method of investigating uses of force by its members.

### **Exiger Recommendations**

UCPD should establish a protocol for the timely review of every use of force to determine the appropriateness of such use of force from an administrative point of view and whether or not further investigation, including potential criminal investigation, or discipline is appropriate.

### **MADC Definitions of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 3.6.A.

Note: ER 1.8.A is one of the Fundamental Findings that was included in Section 1 as a summarized version of ER 3.6.A and includes identical requirements.

### **Proffer of Compliance from UCPD**

See Memo of Assessment for ER 3.6.A

### **Data Reviewed**

See Memo of Assessment for ER 3.6.A

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD achieved substantial compliance with ER 3.6.A and therefore has achieved compliance with ER 1.8.A.

### **Next Reviews**

No further review is necessary as this is a duplicate of ER 3.6.A.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 1.9.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's written policies and procedures for hiring do not prioritize the need to establish a police officer candidate pool that is representative of the diverse community it serves.

### **Exiger Recommendations**

UCPD should update its hiring policy by requiring a diverse slate of candidates throughout the police officer recruitment process.

### **MADC Definitions of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 5.1.A. Note: ER 1.9.A is one of the Fundamental Findings that was included in Section 1 as a summarized version of ER 5.1.A and includes identical requirements.

### **Proffer of Compliance from UCPD**

See Memo of Assessment for ER 5.1.A

### **Data Reviewed**

See Memo of Assessment for ER 5.1.A

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD achieved substantial compliance with ER 5.1.A and therefore has achieved compliance with this ER.

### **Next Reviews**

No further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 23, 2017  
**REC. REF. NO.:** 1.10.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Training Policies and Procedures are generic and out dated and do not meet the needs of UCPD.

### **Exiger Recommendation (“ER”)**

UCPD should draft and adopt consistent policies and procedures for the development and approval of all UCPD courses and ensure that all such courses are consistent with the mission and philosophy of the department.

### **MADC Definition of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 6.1.A.

### **UCPD Proffer of Compliance**

See Memo of Assessment for ER 6.1.A

### **Data Reviewed**

See Memo of Assessment for ER 6.1.A

### **Current Assessment of Compliance**

#### **In Compliance**

Exiger Recommendation (“ER”) 1.10.A is one of the Fundamental Findings that was included in Section 1 of the Exiger report as a summarized version of ER 6.1.A and includes identical requirements. The UCPD achieved compliance with ER 6.1.A and therefore has complied with ER 1.10.A.

### **Next Review**

No further review of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 1.11.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD policies with respect to complaint receipt, investigation, and disposition are inadequate.

### **Exiger Recommendations**

UCPD should draft comprehensive Complaint Initiation Policies and Procedures that define the workflow of the different categories of complaints from investigation to adjudication.

### **MADC Definitions of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 7.5.B.

Note: ER 1.11.A is one of the Fundamental Findings that was included in Section 1 as a summarized version of ER 7.5.B and includes identical requirements.

### **Proffer of Compliance from UCPD**

See Memo of Assessment for ER 7.5.B

### **Data Reviewed**

See Memo of Assessment for ER 7.5.B

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD achieved substantial compliance with ER 7.5.B and therefore has achieved compliance with this ER.

### **Next Reviews**

No further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 1.11.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD policies with respect to complaint receipt, investigation, and disposition are inadequate.

### **Exiger Recommendations**

UCPD should draft comprehensive Complaint Initiation Policies and Procedures that define the workflow of the different categories of complaints from investigation to adjudication.

### **MADC Definitions of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 7.5.C.

Note: ER 1.11.B is one of the Fundamental Findings that was included in Section 1 as a summarized version of ER 7.5.C and includes identical requirements.

### **Proffer of Compliance from UCPD**

See Memo of Assessment for ER 7.5.C

### **Data Reviewed**

See Memo of Assessment for ER 7.5.C

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD achieved substantial compliance with ER 7.5.C and therefore has achieved compliance with this ER.

### **Next Reviews**

No further evaluation of the ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 23, 2017  
**REC. REF. NO.:** 1.12.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's effort to develop and maintain a robust community affairs program is not centralized or coordinated.

### **Exiger Recommendation ("ER")**

The essential nature of the community affairs function within the UCPD should be recognized and appropriate resources dedicated to it.

### **MADC Definition of Compliance**

Compliance with the above ER will be achieved when the UCPD has achieved compliance with ER 8.1.A.

### **UCPD Proffer of Compliance**

See Memo of Assessment for ER 8.1.A

### **Data Reviewed**

See Memo of Assessment for ER 8.1.A

### **Current Assessment of Compliance**

#### **In Compliance**

Exiger Recommendation ("ER") 1.12.A is one of the Fundamental Findings that was included in Section 1 of the Exiger report as a summarized version of ER 8.1.A and includes identical requirements. The UCPD achieved compliance with ER 8.1.A and therefore has complied with ER 1.12.A.

### **Next Review**

No further review of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 11, 2017  
**REC. REF. NO.:** 1.14.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

The UCPD has historically made little use of the vast resources of the University at large.

### **Exiger Recommendation (“ER”)**

UCPD should make maximal use of University of Cincinnati’s (“UC”) resources in order to fully implement the recommendations made in this report.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when UCPD calls upon the resources of the University of Cincinnati to implement Exiger's recommendations which will bring the UCPD in align with best practices.

### **Proffer of Compliance from UCPD**

*“The UCPD has called upon the resources of the University of Cincinnati to implement Exiger’s recommendations and bring the UCPD into alignment with best practices. Examples of this include:*

- *DAAP Uniform Project: Public Safety partnered with the UC College of Design, Architecture, Art and Planning (DAAP) to redesign their uniforms. They are working collaboratively to develop a uniform design that balances authority and approachability. Uniform prototypes were created and modeled by UCPD officers at the DAAP Fashion Show in May 2017. It is anticipated that new uniform designs will be finalized and purchased in 2018 based on this collaboration.*
- *UCPD partnered with UC’s Human Resources Department to help develop a Recruitment Plan and EEO plan in accordance with the Office of Equal Employment Opportunity.*
- *Per the Written Directive Systems Policy (attached), UCPD now creates ad hoc subcommittees that utilize subject matter experts from the University of Cincinnati in the review and development of departmental policies and procedures. Examples to date of policy assistance from UC personnel outside of UCPD include Human Resources for the Recruitment and Selection Policy, and the Counseling and Psychological Services (CAPS) for the Mental Health Response Policy.*
- *The University’s newly renovated Emergency Operations Center (EOC) is now located in the Edwards Three building on UC’s West Campus. The monitoring team was provided a tour of the facility on Tuesday August 1<sup>st</sup> during their most recent site visit. The EOC is*



*designed to facilitate planning and response to both planned and unplanned campus events, and allows for coordination with other federal, state and local agencies. This is also a state of the art room that can be utilized for UCPD training purposes and is particularly suited for lecture training and any interactive work that involves an officer needing their own computer.*

- *The Training Section Commander was able to secure the use of Dyer Hall #160 for UCPD training purposes. This is a state of the art room that has a capacity for 44 officers and is ideal for any lecture or group work. The monitoring team was also provided a tour of this space on Tuesday August 1<sup>st</sup> during their most recent site visit.*
- *UCPD partners with researchers from the School of Criminal Justice for crime analyses as well as survey development and data analysis.*
- *The UCPD partnered with Athletics, Facilities, and Communications departments to host the Fred Shuttlesworth Peace Bowl. The Peace Bowl is an annual youth football tournament designed to promote non-violence and harmony between youth of different inner-city neighborhoods. More than 15 past Peace Bowl football players have gone on to play Division 1 football at universities including UC. Through Athletics, UC Cheerleaders and Football players came to meet some of the youth who attended this event.*
- *UCPD partners with the School of Criminal Justice and CJ Society for the distribution of burglary prevention and theft prevention door hangers and stickers. Students from CJ classes also do ride-alongs with UCPD officers.*
- *UCPD partners with Athletics by bringing in Cub Scouts who are given tours of Lindner Center and 5<sup>th</sup> Third prior to the construction. The Cub Scouts also met the Bearcat mascot and several of the student athletes. Also through partnership with Athletics, UC Football players have distributed burglary prevention and theft prevention door hangers alongside UCPD officers.*
- *Public Safety partnered with the United Black Student Association on various events geared towards community engagement such as Cop Connections, Cops & Popsicles and presentations on law enforcement topics.*
- *Public Safety partnered with the Student Activity Board to participate in the fairs during the fall semester.*
- *UCPD's Public Information Officer works with the UC Student Safety Board as their advisor. Together, they put on two cookouts each year to invite students to get to know UCPD officers. They work on other community engagement events throughout the year, and this group keeps UCPD connected to the thoughts and concerns of the UC student body.*
- *Public Safety partnered with the Office of Equity and Inclusion to put on "Elements of a Trial", which educated UC students, faculty and staff regarding the processes of a criminal trial, including a simulation of the jury selection process. UCPD is in the planning process with this office to bring Dr. Bleuzette Marshall in to train the officers on Equity and Inclusion issues/topics.*
- *UCPD Partnered with Student Affairs for the Generation -1 Program (for first generation students who have attended college) in order to provide them with a presentation of theft prevention and safety awareness on August 8, 2017.*

- *UCPD regularly partners with the College Conservatory of Music to provide campus safety seminars to their students.*
- *UCPD partners with the Department of Biomedical, Chemical & Environmental Engineering to conduct safety seminars for their international graduate students.*
- *UCPD Partnered with Planning Design & Construction to provide seminars to students and staff on campus community safety.*
- *Public Safety partnered with the UC Testing Center to provide UCPD Community Engagement officers with 45 minutes to present on safety around campus. They also partnered to conduct a safety survey on the University Pavilion 1<sup>st</sup> floor, where each room/area was inspected and recommendations were made to increase the safety of that floor.*
- *UCPD Partnered with International Studies to provide several presentations at freshman orientation, with safety tips for international students.*
- *Public Safety partnered with Residence Life to participate in ice cream socials, floor meetings, popcorns socials and various other functions put on each month by Resident Assistants. UCPD Community Engagement officers hosted an “engraving party” where the students were able to bring in personal property to have it engraved for identification purposes.”*

### **Data Reviewed**

UCPD’s Proffer of Compliance (above in italics)

### **Current Assessment of Compliance**

#### **In Compliance**

As described above in the UCPD’s proffer (above in italics), and as evidenced throughout the first three quarters of the monitorship, the Monitor has determined that the UCPD is extensively partnering with and utilizing UC resources. During this quarter the Monitor toured the newly acquired training room in Dyer Hall used for classroom style instruction, the hands-on training facility at Fishwick, and the newly renovated state of the art Emergency Operations Center on the UC’s West Campus which allows for a coordinated UCPD response to emergencies and campus events alongside with other UC campus resources. Additionally, the UCPD is now formally using University subject matter experts in the development and review of their policies and procedures; coordinating with University organizations to improve the campus community-police officer relationship; and, in an effort to improve their recruiting and hiring practices. The UCPD has committed to continue the coordinated approach with the UC as an ongoing resource in its efforts to continually improve.

### **Next Review**

The Monitor will assess the UCPD’s compliance with this recommendation on an ongoing, annual basis which will be scheduled in Q7 and Q11.

# Appendix 2

## Review of Pedestrian and Traffic Stops

## REPORT CARD MATRIX

2017




2018

2019

Q1: Jan-Mar  
Q2: Apr-Jun  
Q3: Jul-Sep  
Q4: Oct-Dec  
Q5: Jan-Mar  
Q6: Apr-Jun  
Q7: Jul-Sep  
Q8: Oct-Dec  
Q9: Jan-Mar  
Q10: Apr-Jun  
Q11: Jul-Sep  
Q12: Oct-Dec

### Section 2 - Review of Pedestrian and Traffic Stops

2.1.A	Traffic and pedestrian stops should not be used as a crime fighting tool. Clear guidance by policy and procedure should be given as to when, if ever, off-campus traffic stops are permissible.											
2.1.B	Involuntary off-campus pedestrian and traffic stops should only be allowed when the officers possesses reasonable suspicion to believe that a pedestrian or motorist is engaged in a criminal, non-driving offense.											
2.1.C	To the extent that any safety-related off-campus traffic stops are allowed, particular scrutiny of each such stop should be applied by UCPD Administration.											
2.1.D	Consider equipping officers with tablets which among other things would enable the electronic capture of stop data through an electronic version of the Field Contact Card.											
2.1.E	Give officers enhanced training on appropriately dealing with individuals who are stopped.											
2.2.A	Adopt a policy on biased policing, clearly indicating that UCPD officers may not use race, color, ethnicity, or national origin, to any extent or degree, in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or group.		-	-	-	-	-	-	-	-	-	-
2.2.B	Develop a curriculum and institute training on the biased policing policy including training on implicit bias and shall deliver such training both to new and existing members of the department.											
2.3.A	Develop and implement a protocol for the investigation of complaints of biased policing.											
2.3.B	Train officers conducting investigations of complaints of biased policing on the protocol to be employed in such investigations.											
2.3.C	OSR should audit all investigations of complaints of biased policing to ensure that they are being conducted in accordance with establish protocols for such investigations.											

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
2.4.A	Determine appropriate levels of response and mitigative strategies, including polite explanation, to combat the negative perception created by enhanced response levels.												

## COMPLIANCE MEMORANDUM

**DATE:** OCTOBER 11, 2017  
**REC. REF. NO.:** 2.1.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Prior to the shooting death of Samuel DuBose, traffic stops were being conducted in unprecedented numbers as part of the philosophy of the then newly installed Chief. The Chief failed to understand the potential implications of the initiative given the decision not to aggregate and analyze data on the nature and frequency of such stops.

### **Exiger Recommendation (“ER”)**

Traffic and pedestrian stops should not be used by UCPD as a crime fighting tool. The potential benefit of such aggressive tactics in terms of crime reduction in the UC setting is modest at best and clearly outweighed by the negative perception of and feelings toward UCPD engendered by such tactics. Clear guidance by policy and procedure should be given as to how traffic stops should be conducted and when, if ever, off-campus traffic stops are permissible.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. When the UCPD has established clear guidelines detailing how, when and if traffic stops are to be used. Explicit policies and procedures are established, make it clear that traffic stops are only to be used as a means necessary to provide for public safety.
2. Data and analysis reflects that UCPD personnel are acting in accordance with the established policies and procedures.

### **Proffer of Compliance from UCPD**

*“In accordance with recommendations 1.4.A and 2.1.A, the Traffic Enforcement Activities (SOP 10.1.100) policy (TEA policy) mandates that the UCPD policy specifically “excludes involuntary stops of citizens for non-emergency matters. The UCPD mission while patrolling these zones is to provide for public safety and protect the University community by the least intrusive means possible” (page 2 of policy). Guidelines for making a traffic stop are laid out clearly in this policy (pages 3 to 12). Typically, off-campus traffic stops are only conducted if there is an imminent threat to public safety. The Traffic Enforcement Activities Policy will be disseminated after the monitor reviews it and evidence of such will be provided to the monitor via Power DMS at that time.*

*Regarding recommendation 1.4.B which calls for the production of a monthly stop data report, the UCPD is unable to meaningfully analyze these data on a monthly basis. Since the change in UCPD traffic stop practices (effective Aug 5, 2015), UCPD no longer engages in involuntary*

*traffic stops off campus. Thus, the average number of off-campus traffic stops remains below 10 each year. Very few traffic stops occur on campus as well. As a result, the UCPD has decided to analyze all contact card data, including traffic stops, on a semi-annual basis. The first of these semi-annual reports (for the period of January-June 2017) is attached.*

*In order to assess compliance with Recommendation 2.1.B, the monitor will be given access to the body camera footage for all off campus traffic stops and the ARMS reports for these stops are attached. As of 9/30/17, there have only been four off-campus traffic stops since 1/1/2017. For future compliance assessment with this recommendation, and once the Traffic Enforcement Activities policy is effective, any Form 5 that ensues from an off-campus traffic stop (see TEA policy, Section N) will also be provided to the monitor. As will be required by this policy, following an off-campus traffic stop, a Form 5 will be filled out by the officer's supervisor and articulate the officer's stated "imminent or serious emergency that prompted the off-campus stop." This documented supervisory review will be forwarded through the chain of command to the Police Chief, Director of Public Safety, and Office of Safety and Reform.*

*Regarding Recommendation 2.1.C, instructions regarding mechanisms to identify outlying behavior inconsistent with UCPD stop policies can be found on page 5 of the Bias Free Policing (SOP 4.1.300) policy which describes the analysis of all stop data, including traffic stop data. In Exiger's review of the Bias-Free Policing Policy in Q2 (ER 12.7.B), the monitor noted that at the time there was no requirement for supervisors to document their monthly reviews designed to identify outlying behavior unless such evidence of outlying behavior was discovered, which would require a Form 5 memo through the chain of command. In order to ensure these monthly reviews are properly documented, the UCPD has developed a review report template (see attached). The format may change based on its ability to be incorporated into the Guardian Tracking System, which is currently being explored, but the general information included in the supervisor's review checklist will be consistent with the attached template. The columns indicate all the data that supervisors should be reviewing on a monthly basis per UCPD policy and include contact cards, traffic stops, suspicious persons contacts, field interviews, arrests, Guardian Tracking entries, body worn camera footage, and (once installed) motor vehicle dash camera footage. Supervisors will use the columns to check off when each of the required data is reviewed for each of their officers. The estimated timeline for the full implementation of this form for monthly reviews is January 1, 2018. Thus, examples of these monthly reviews will be available for the monitor to assess in Year 2.*

*As noted above, UCPD no longer engages in involuntary traffic stops off campus. Due to their infrequency, regular meetings regarding these data (as recommended by 2.1.C) are not scheduled by the UCPD. Instead the UCPD has laid out a specific procedure for documentation and command staff notification (to include the Chief of the UCPD, Director of DPS, and VP of OSR) after each off-campus traffic stop is made. This process is specified in Section N (page 12) of the Traffic Enforcement Activities Policy.*

*It should be noted that training associated with traffic enforcement is part of a separate Exiger Recommendation, 2.1.E, which is tentatively targeted for compliance assessment in Q5."*

### **Data Reviewed**

1. Traffic Enforcement and Activities (SOP 10.1.100)
2. Bias Free Policing (SOP 4.1.300)
3. Command Staff Situational Awareness Notification (SOP 11.2.800)
4. Semi-Annual Contact Card Report for the UCPD
5. Supervisor's Review Form (draft)
6. ARMS reports for off campus traffic stops 1/1/17-9/30/17

### **Current Assessment of Compliance**



#### **Partial Compliance**

The Monitor reviewed the UCPD's Traffic Enforcement and Activities ("TEA") policy which clearly establishes when and how traffic stops are to be used. The Bias Free Policing ("BFP") policy which contains direction on when and how investigatory pedestrian stops are to be used was previously reviewed by the Monitor and found to be compliant.

The TEA policy explicitly states that motor vehicle stops are for public safety and to protect the University community by the least intrusive means possible, and appropriately defines reasonable suspicion and probable cause. Further, the TEA policy establishes the boundary for traffic "enforcement" as the campus property line, and further explains that off-campus traffic stops shall not be conducted except in emergency situations. The policy defines "imminent or serious emergency" as an event in which serious physical harm or death has occurred, is occurring or is likely to occur should the actions of the individual continue. The Monitor suggested, and the UCPD agreed to revise the TEA policy definition for imminent or serious emergencies to include all emergencies which will help prevent potential misunderstandings on what types of traffic offences/violations constitute an emergency, an imminent emergency, or a serious emergency.

The Monitor also reviewed the body camera footage and the ARMS reports of the four off-campus traffic stops as reported in the UCPD's proffer (above in italics.) Since the actual violation is not captured on video but rather begins with the officer's contact with the violator, the emergency nature of the incident can only be judged based on the officer's description of what occurred. In all four incidents, it was obvious that the officers believed the driver had committed a traffic offence that had the potential of causing injury; however, it is not always clear if the "emergency" nature of the situation existed if the driver were to continue without being stopped. The ARMS reports also did not contain a sufficient written description to determine the seriousness of the offense. Since a determination as to the emergency nature of the offense is impossible to determine based on a post-incident video review only, the Monitor suggests that the officers be directed to include sufficient detail in the ARMs report describing why the officer believed it was an emergency situation based on the policy definition. While the Monitor understands that once implemented, the policy requires that the reviewing supervisor complete a Form-5 detailing the supervisory review of the incident, it is important for the officer to describe the nature of the emergency first hand.





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This policy is scheduled to be disseminated and implemented after the Monitor's review which will be after the conclusion of this reporting period ending September 30, 2017. As a result, the Monitor found the UCPD in partial compliance at this time.

**Next Review**

The Monitor will again assess the UCPD's compliance with the implementation to include dissemination in Q4.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 1, 2017  
**REC. REF. NO.:** 2.1.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Prior to the shooting death of Samuel DuBose, traffic stops were being conducted in unprecedented numbers as part of the philosophy of the then newly installed Chief. The Chief failed to understand the potential implications of the initiative given the decision not to aggregate and analyze data on the nature and frequency of such stops.

### **Exiger Recommendation (“ER”)**

Traffic and pedestrian stops should not be used by UCPD as a crime fighting tool. The potential benefit of such aggressive tactics in terms of crime reduction in the UC setting is modest at best and clearly outweighed by the negative perception of and feelings toward UCPD engendered by such tactics. Clear guidance by policy and procedure should be given as to how traffic stops should be conducted and when, if ever, off-campus traffic stops are permissible.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. When the UCPD has established clear guidelines detailing how, when and if traffic stops are to be used. Explicit policies and procedures are established, make it clear that traffic stops are only to be used as a means necessary to provide for public safety.
2. Data and analysis reflects that UCPD personnel are acting in accordance with the established policies and procedures.

### **Proffer of Compliance from UCPD**

*“The monitor previously assessed the content of the Traffic Enforcement and Activities (SOP 10.1.100) policy in Q3 and found the UCPD to be “Partial Compliance” for ERs 1.4.A, 2.1.A and 2.1.B pending the policy’s dissemination. The policy has now been fully disseminated to UCPD personnel. Evidence of such can be accessed by the Monitor via PowerDMS. It should be noted that training associated with traffic enforcement is part of a separate Exiger Recommendation, 2.1.E, which is tentatively targeted for compliance assessment in Q5.”*

### **Data Reviewed**

Traffic Enforcement and Activities (SOP 10.1.100) revised October 24, 2017.

### **Prior Assessment of Compliance**

During Q3 ending September 30, 2017, the Monitor found the UCPD in partial compliance with this ER. Although the UCPD had revised its Traffic Enforcement and Activities (“TEA”) policy

as recommended and appropriately defined reasonable suspicion and probable cause, the UCPD had not yet disseminated the policy as of the end of the quarter. In addition, and as a result of its review of body camera footage and the associated documentation of all off-campus traffic stops conducted since January 1, 2017, the Monitor suggested a revision to the policy to ensure clarity on the type of situations that warrant off-campus traffic stops. During meetings with the UCPD, the Monitor also suggested that the supervisory review of all off-campus pedestrian stops be conducted with similar scrutiny as off-campus traffic stops. The UCPD agreed and stated the Pedestrian Stop policy submitted in connection to ER 4.3.A-C would cover such reviews.

### **Current Assessment of Compliance**



#### **In Compliance**

During the current quarter, ending December 31, 2017, the Monitor confirmed that the UCPD disseminated the TEA policy and noted that it now incorporates the Monitor's suggested revision of the definition of "emergency" which is the only circumstances in which off-campus traffic stops are permitted. The policy now states that an emergency is "*An event in which serious physical harm or death has occurred, is occurring or is likely to occur should the actions of the individual continue.*" The Monitor is confident that the revised policy now leaves no doubt as to when off-campus traffic stops are acceptable.

The Monitor also reviewed the UCPD's revised Pedestrian Stop Policy which covers when and how pedestrian stops are to be used and includes the supervisory review of all off-campus pedestrian stops. The Monitor confirmed that the Pedestrian Stop Policy was disseminated to all appropriate personnel. For further detail on the Monitor's review of the Pedestrian stop policy, see the memoranda of assessment for ER 4.3.A-C.

### **Next Review**

The Monitor will assess the UCPD's on-going compliance with the implementation of this ER in Q7 ending September 30, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** OCTOBER 11, 2017  
**REC. REF. NO.:** 2.1.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Prior to the shooting death of Samuel DuBose, traffic stops were being conducted in unprecedented numbers as part of the philosophy of the then newly installed Chief. The Chief failed to understand the potential implications of the initiative given the decision not to aggregate and analyze data on the nature and frequency of such stops.

### **Exiger Recommendation (“ER”)**

Involuntary off-campus pedestrian and traffic stops should only be allowed when the officers possesses reasonable suspicion to believe that a pedestrian or motorist is engaged in a criminal, non-driving offense.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when data and analysis reflects that UCPD personnel are making traffic stops only following a proper determination of reasonable suspicion that a criminal non-driving offense has occurred, or when there is an eminent threat to public safety.

### **Proffer of Compliance from UCPD**

*“In accordance with recommendations 1.4.A and 2.1.A, the Traffic Enforcement Activities (SOP 10.1.100) policy (TEA policy) mandates that the UCPD policy specifically “excludes involuntary stops of citizens for non-emergency matters. The UCPD mission while patrolling these zones is to provide for public safety and protect the University community by the least intrusive means possible” (page 2 of policy). Guidelines for making a traffic stop are laid out clearly in this policy (pages 3 to 12). Typically, off-campus traffic stops are only conducted if there is an imminent threat to public safety. The Traffic Enforcement Activities Policy will be disseminated after the monitor reviews it and evidence of such will be provided to the monitor via Power DMS at that time.*

*Regarding recommendation 1.4.B which calls for the production of a monthly stop data report, the UCPD is unable to meaningfully analyze these data on a monthly basis. Since the change in UCPD traffic stop practices (effective Aug 5, 2015), UCPD no longer engages in involuntary traffic stops off campus. Thus, the average number of off-campus traffic stops remains below 10 each year. Very few traffic stops occur on campus as well. As a result, the UCPD has decided to analyze all contact card data, including traffic stops, on a semi-annual basis. The first of these semi-annual reports (for the period of January-June 2017) is attached.*

*In order to assess compliance with Recommendation 2.1.B, the monitor will be given access to the body camera footage for all off campus traffic stops and the ARMS reports for these stops are attached. As of 9/30/17, there have only been four off-campus traffic stops since 1/1/2017. For future compliance assessment with this recommendation, and once the Traffic Enforcement Activities policy is effective, any Form 5 that ensues from an off-campus traffic stop (see TEA policy, Section N) will also be provided to the monitor. As will be required by this policy, following an off-campus traffic stop, a Form 5 will be filled out by the officer's supervisor and articulate the officer's stated "imminent or serious emergency that prompted the off-campus stop." This documented supervisory review will be forwarded through the chain of command to the Police Chief, Director of Public Safety, and Office of Safety and Reform.*

*Regarding Recommendation 2.1.C, instructions regarding mechanisms to identify outlying behavior inconsistent with UCPD stop policies can be found on page 5 of the Bias Free Policing (SOP 4.1.300) policy which describes the analysis of all stop data, including traffic stop data. In Exiger's review of the Bias-Free Policing Policy in Q2 (ER 12.7.B), the monitor noted that at the time there was no requirement for supervisors to document their monthly reviews designed to identify outlying behavior unless such evidence of outlying behavior was discovered, which would require a Form 5 memo through the chain of command. In order to ensure these monthly reviews are properly documented, the UCPD has developed a review report template (see attached). The format may change based on its ability to be incorporated into the Guardian Tracking System, which is currently being explored, but the general information included in the supervisor's review checklist will be consistent with the attached template. The columns indicate all the data that supervisors should be reviewing on a monthly basis per UCPD policy and include contact cards, traffic stops, suspicious persons contacts, field interviews, arrests, Guardian Tracking entries, body worn camera footage, and (once installed) motor vehicle dash camera footage. Supervisors will use the columns to check off when each of the required data is reviewed for each of their officers. The estimated timeline for the full implementation of this form for monthly reviews is January 1, 2018. Thus, examples of these monthly reviews will be available for the monitor to assess in Year 2.*

*As noted above, UCPD no longer engages in involuntary traffic stops off campus. Due to their infrequency, regular meetings regarding these data (as recommended by 2.1.C) are not scheduled by the UCPD. Instead the UCPD has laid out a specific procedure for documentation and command staff notification (to include the Chief of the UCPD, Director of DPS, and VP of OSR) after each off-campus traffic stop is made. This process is specified in Section N (page 12) of the Traffic Enforcement Activities Policy.*

*It should be noted that training associated with traffic enforcement is part of a separate Exiger Recommendation, 2.1.E, which is tentatively targeted for compliance assessment in Q5."*

### **Data Reviewed**

1. Traffic Enforcement and Activities (SOP 10.1.100)
2. Bias Free Policing (SOP 4.1.300)
3. Command Staff Situational Awareness Notification (SOP 11.2.800)
4. Semi-Annual Contact Card Report for the UCPD

5. Supervisor's Review Form (blank draft)
6. ARMS reports for off campus traffic stops 1/1/17-9/30/17

### **Current Assessment of Compliance**



#### **Partial Compliance**

The Monitor reviewed the UCPD's Traffic Enforcement and Activities ("TEA") policy which addresses off-campus motor vehicle traffic stops and explicitly states they are not to be conducted except in emergency situations. The Bias Free Policing ("BFP") policy, previously reviewed by the Monitor and found to be compliant, addresses investigatory pedestrian stops but does not specifically address off-campus pedestrian stops.

Both the TEA and BFP policies appropriately define reasonable suspicion and probable cause; however, the TEA policy requires command staff notification and a supervisory review of body camera video footage for **all** off-campus traffic stops to ensure compliance with the policy, whereas the BFP policy does not require such notification or review of off-campus pedestrian stops. Rather, the BFP policy sets out a process for a monthly supervisory review of all officer activities to include pedestrian stops with random reviews of body camera footage.

The Monitor notes that while all stop data is reviewed on a semi-annual basis and is not suggesting that the command staff should be notified of every off-campus activity, in light of the historic issues facing the UCPD and the relatively low number of off-campus pedestrian stops, the Monitor suggests that similar to off-campus traffic stops, a higher level of supervisory review of all law enforcement related off-campus activities is warranted. The Monitor has communicated its suggestions to the UCPD who will consider after further review of the specific data.

This policy is scheduled to be disseminated and implemented after the Monitor's review which will be after the conclusion of this reporting period ending September 30, 2017. As a result, the Monitor found the UCPD in partial compliance at this time.

#### **Next Review**

The Monitor will again assess the UCPD's compliance with the implementation to include dissemination in Q4.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 2, 2017  
**REC. REF. NO.:** 2.1.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Prior to the shooting death of Samuel DuBose, traffic stops were being conducted in unprecedented numbers as part of the philosophy of the then newly installed Chief. The Chief failed to understand the potential implications of the initiative given the decision not to aggregate and analyze data on the nature and frequency of such stops.

### **Exiger Recommendation (“ER”)**

Involuntary off-campus pedestrian and traffic stops should only be allowed when the officers possesses reasonable suspicion to believe that a pedestrian or motorist is engaged in a criminal, non-driving offense.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when data and analysis reflects that UCPD personnel are making traffic stops only following a proper determination of reasonable suspicion that a criminal non-driving offense has occurred, or when there is an eminent threat to public safety.

### **Proffer of Compliance from UCPD**

*“The monitor previously assessed the content of the Traffic Enforcement and Activities (SOP 10.1.100) policy in Q3 and found the UCPD to be “Partial Compliance” for ERs 1.4.A, 2.1.A and 2.1.B pending the policy’s dissemination. The policy has now been fully disseminated to UCPD personnel. Evidence of such can be accessed by the Monitor via PowerDMS. It should be noted that training associated with traffic enforcement is part of a separate Exiger Recommendation, 2.1.E, which is tentatively targeted for compliance assessment in Q5.”*

### **Data Reviewed**

Traffic Enforcement and Activities (SOP 10.1.100) revised October 24, 2017.

### **Prior Assessment of Compliance**

During Q3 ending September 30, 2017, the Monitor found the UCPD in partial compliance with this ER. Although the UCPD had revised its Traffic Enforcement and Activities (“TEA”) policy as recommended and appropriately defined reasonable suspicion and probable cause, the UCPD had not yet disseminated the policy as of the end of the quarter. In addition, and as a result of its review of body camera footage and the associated documentation of all off-campus traffic stops conducted since January 1, 2017, the Monitor suggested a revision to the policy to ensure clarity on the type of situations that warrant off-campus traffic stops. During meetings with the UCPD,

the Monitor also suggested that the supervisory review of all off-campus pedestrian stops be conducted with similar scrutiny as off-campus traffic stops. The UCPD agreed and stated the Pedestrian Stop policy submitted in connection to ER 4.3.A-C would cover such reviews.

### **Current Assessment of Compliance**



#### **In Compliance**

During the current quarter, ending December 31, 2017, the Monitor confirmed that the UCPD disseminated the TEA policy which clearly states that traffic stops are only permitted when officers possess reasonable suspicion that criminality is afoot. The Monitor also reviewed the UCPD's revised Pedestrian stop policy. Both policies contain appropriate definitions and descriptions of the legal basis for those actions. The Monitor also confirmed that the Pedestrian Stop policy was disseminated to all appropriate personnel. For further details related to the Pedestrian stop policy, see the memoranda of assessment for ER 4.3.A-C.

### **Next Review**

The Monitor will assess the UCPD's on-going compliance with the implementation of this ER in Q7 ending September 30, 2018.



## COMPLIANCE MEMORANDUM

**DATE:** OCTOBER 11, 2017  
**REC. REF. NO.:** 2.1.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Prior to the shooting death of Samuel DuBose, traffic stops were being conducted in unprecedented numbers as part of the philosophy of the then newly installed Chief. The Chief failed to understand the potential implications of the initiative given the decision not to aggregate and analyze data on the nature and frequency of such stops.

### **Exiger Recommendation (“ER”)**

To the extent that that UCPD continues to make involuntary off-campus stops, the Office of Safety and Reform, must ensure that such stops are consistent with policy and must continue the collection, aggregation, and analysis of all relevant stop data. Regular meetings should be held among the Office of Safety and Reform, the Chief of Police, and the Director of Public Safety in which the analysis of such data is reviewed to determine whether there exist outlying officers in terms of number of vehicle and pedestrian stops or in terms of any racial disparities among those stopped.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

- 1) UCPD has established regular meetings attended by the Office of Safety and Reform, the Chief of Police, and the Director of Public Safety, in order to analyze all traffic stop data.
- 2) UCPD has a mechanism to identify outlying behavior inconsistent with UCPD stop policies and procedures and a method for disciplinary action when necessary.

### **Proffer of Compliance from UCPD**

*“In accordance with recommendations 1.4.A and 2.1.A, the Traffic Enforcement Activities (SOP 10.1.100) policy (TEA policy) mandates that the UCPD policy specifically “excludes involuntary stops of citizens for non-emergency matters. The UCPD mission while patrolling these zones is to provide for public safety and protect the University community by the least intrusive means possible” (page 2 of policy). Guidelines for making a traffic stop are laid out clearly in this policy (pages 3 to 12). Typically, off-campus traffic stops are only conducted if there is an imminent threat to public safety. The Traffic Enforcement Activities Policy will be disseminated after the monitor reviews it and evidence of such will be provided to the monitor via Power DMS at that time.*

*Regarding recommendation 1.4.B which calls for the production of a monthly stop data report, the UCPD is unable to meaningfully analyze these data on a monthly basis. Since the change in*

*UCPD traffic stop practices (effective Aug 5, 2015), UCPD no longer engages in involuntary traffic stops off campus. Thus, the average number of off-campus traffic stops remains below 10 each year. Very few traffic stops occur on campus as well. As a result, the UCPD has decided to analyze all contact card data, including traffic stops, on a semi-annual basis. The first of these semi-annual reports (for the period of January-June 2017) is attached.*

*In order to assess compliance with Recommendation 2.1.B, the monitor will be given access to the body camera footage for all off campus traffic stops and the ARMS reports for these stops are attached. As of 9/30/17, there have only been four off-campus traffic stops since 1/1/2017. For future compliance assessment with this recommendation, and once the Traffic Enforcement Activities policy is effective, any Form 5 that ensues from an off-campus traffic stop (see TEA policy, Section N) will also be provided to the monitor. As will be required by this policy, following an off-campus traffic stop, a Form 5 will be filled out by the officer's supervisor and articulate the officer's stated "imminent or serious emergency that prompted the off-campus stop." This documented supervisory review will be forwarded through the chain of command to the Police Chief, Director of Public Safety, and Office of Safety and Reform.*

*Regarding Recommendation 2.1.C, instructions regarding mechanisms to identify outlying behavior inconsistent with UCPD stop policies can be found on page 5 of the Bias Free Policing (SOP 4.1.300) policy which describes the analysis of all stop data, including traffic stop data. In Exiger's review of the Bias-Free Policing Policy in Q2 (ER 12.7.B), the monitor noted that at the time there was no requirement for supervisors to document their monthly reviews designed to identify outlying behavior unless such evidence of outlying behavior was discovered, which would require a Form 5 memo through the chain of command. In order to ensure these monthly reviews are properly documented, the UCPD has developed a review report template (see attached). The format may change based on its ability to be incorporated into the Guardian Tracking System, which is currently being explored, but the general information included in the supervisor's review checklist will be consistent with the attached template. The columns indicate all the data that supervisors should be reviewing on a monthly basis per UCPD policy and include contact cards, traffic stops, suspicious persons contacts, field interviews, arrests, Guardian Tracking entries, body worn camera footage, and (once installed) motor vehicle dash camera footage. Supervisors will use the columns to check off when each of the required data is reviewed for each of their officers. The estimated timeline for the full implementation of this form for monthly reviews is January 1, 2018. Thus, examples of these monthly reviews will be available for the monitor to assess in Year 2.*

*As noted above, UCPD no longer engages in involuntary traffic stops off campus. Due to their infrequency, regular meetings regarding these data (as recommended by 2.1.C) are not scheduled by the UCPD. Instead the UCPD has laid out a specific procedure for documentation and command staff notification (to include the Chief of the UCPD, Director of DPS, and VP of OSR) after each off-campus traffic stop is made. This process is specified in Section N (page 12) of the Traffic Enforcement Activities Policy.*

*It should be noted that training associated with traffic enforcement is part of a separate Exiger Recommendation, 2.1.E, which is tentatively targeted for compliance assessment in Q5."*

### **Data Reviewed**

1. Traffic Enforcement and Activities (SOP 10.1.100)
2. Bias Free Policing (SOP 4.1.300)
3. Command Staff Situational Awareness Notification (SOP 11.2.800)
4. Semi-Annual Contact Card Report for the UCPD
5. Supervisor's Review Form (blank draft)
6. ARMS reports for off campus traffic stops 1/1/17-9/30/17

### **Current Assessment of Compliance**



#### **Partial Compliance**

The requirement to review and analyze all involuntary traffic and pedestrian stops is included in the UCPD's Bias Free Policing policy, which was previously reviewed and determined to be compliant in relation to other ERs. With regard to the collection, aggregation, and analysis of all relevant stop data, the specific processes begin with UCPD police officers who are required to complete a contact card for all involuntary/non-consensual stops to include vehicle and pedestrian stops, and arrests, both on and off-campus.

UCPD supervisors then are required to conduct a monthly review of all contact cards and some body camera video, for officers under their direct report (to whom they are assigned). The supervisor's review is documented on a checklist titled "Supervisor's Review Form". If, during the supervisor's review, any abnormalities are identified, the supervisor must complete an additional internal memorandum which is directed to the Chief of Police ("COP") who will report any substantiated problems to the Director of Public Safety ("PS").

With regard to the department-wide review and analysis of stop data, the UCPD will prepare a semi-annual report to include a detailed analysis to determine whether there exist any outlying officers in terms of number of vehicle and pedestrian stops or in terms of any racial disparities among those stopped. If any individual or department-wide concerns are identified during these reviews, corrective actions will be taken to include training and/or policy revisions. The reports are to be reviewed by the COP, the Director of PS, and the Office of Safety and Reform and made publicly available on the UCPD's website.

While the documentation relative to monthly supervisory reviews of individual officer activities has not yet been implemented, the UCPD did submit its first department-wide semi-annual report covering 330 UCPD Contact Cards completed from January 1 through June 30, 2017. The Monitor reviewed the report and found it be very detailed and informative. The report contains analysis of the reason for the contact to include directed activities and those that were officer initiated; the location of the contact to include on and off-campus with mapping for cluster analysis; and reports the demographics of the contacts by gender, age, and race/ethnicity. The report also includes information on the outcome, be it a warning, citation, or arrest. The report does not include analysis of the data by officer, however the data has been reviewed for outliers by both the UCPD

command staff and the Monitor. The UCPD has indicated it expects full implementation of the supervisory review documentation to be in place by January 2018.

As a result, the Monitor found the UCPD in partial compliance at this time.

**Next Review**

The Monitor will again assess the UCPD's compliance in Q5 (Q1 2018) which will likely include a review of monthly supervisory review documentation and a sampling of contact cards to ensure accuracy of the supervisory reviews

# Appendix 3

## Review of Use of Force

## REPORT CARD MATRIX

2017				2018				2019			
Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec

### Section 3 - Review of Use of Force

3.1.A	Combine SOP 1.3.200, and SOP 1.3.400 with SOP PE 05 into a single Use of Force policy covering when force is permitted to be used as well as the investigation and review process.		DW	●				○				
3.1.B	The new Use of force policy should emphasize de-escalation (see specific language in Report)		DW	●	-	-	-	-	-	-	-	-
3.1.C	The use of force policy should define the following terms: Objectively Reasonable, Active Resistance, Passive Resistance, Serious Bodily Injury.		DW	●	-	-	-	-	-	-	-	-
3.1.D	Include a revised use of force continuum or critical decision making model in the use of force policy, which makes clear that the goal of force is to de-escalate any situation, and that only the minimal amount of force necessary should be used to overcome an immediate threat or to effectuate an		DW	●	-	-	-	-	-	-	-	-
3.2.A	The SOP on Use of Force should include a series of prohibitions for officer use, and discharge of a firearm.		DW	●	-	-	-	-	-	-	-	-
3.3.A	A clear policy statement governing the use of less lethal weapons should be included in the revised use of force policy.		DW	●	-	-	-	-	-	-	-	-
3.3.B	Include the following definitions in the revised policy to further enhance clarity. Arcing, Activation, Air Cartridge, Confetti Tags, Cycle, Display, Drive Stun, Duration, CED, Laser Painting, Probes, Probe Mode, Resistance, Active Resistance, Passive Resistance, Serious Bodily Injury, Spark Test.		DW	●	-	-	-	-	-	-	-	-
3.3.C	Include a clear policy statement governing the use of CED in the revised use of less lethal weapons policy		DW	●	-	-	-	-	-	-	-	-
3.4.A	Consider banning the use of the Kubotan.		◐	●	-	-	-	-	-	-	-	-
3.5.A	Establish a system for the collection, storage and retrieval of data regarding uses of force by members of the UCPD.											
3.5.B	Integrate the use of force data into ARMS.											

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
3.6.A	Establish a protocol for the timely review of every use of force to determine its appropriateness from an administrative point of view and whether or not further investigation, including potential criminal investigation, or discipline is appropriate.	DW			-	-	-	-	-	-	-	-	
3.6.B	Provide specialized training to investigators assigned to investigate police uses of force.												
3.6.C	Engage an independent consultant to conduct any administrative investigation in use of force cases that result in death, officer involved shootings resulting in serious injury or death, or in-custody deaths.				-	-	-	-	-	-	-	-	
3.6.D	Allow CPD, or the appropriate state agency, to conduct any criminal investigation in cases of use of force resulting in death, officer involved shootings resulting in serious injury or death, or in-custody deaths.				-	-	-	-	-	-	-	-	
3.6.E	The identity of the officer(s) directly involved in the discharge of a firearm shall be released to the public within 72 hours except in cases where threats have been made toward the officer(s) involved or the department.				-	-	-	-	-	-	-	-	
3.6.F	Create a Use of Force Review Board (UFRB) to review all cases where members used deadly force or deployed a CED, or any incident that results in serious injury or death.												
3.6.G	The UFRB should be comprised of, at minimum, a high ranking member of UCPD appointed by the Chief of Police, a member appointed by the President of the University, a member of the student body, a patrol officer (or union representative) and a member of the neighboring University of												
3.6.H	Make the findings of Officer Involved Shooting (OIS) investigation public upon completion				-	-	-	-	-	-	-	-	
3.7.A	Establish training to give all members of UCPD a thorough understanding of the use of force policies and procedures.												
3.8.A	Hold training for sworn personnel twice annually to include live fire exercises and Reality Based Training (RBT).												
3.8.B	Crisis Intervention Team Training (CIT) should be a part of both basic recruit and in-service officer training.												

## COMPLIANCE MEMORANDUM

**DATE:** AUGUST 31, 2017  
**REC. REF. NO.:** 3.1.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's Standard Operating Procedures (SOP) on Use of Firearms and Deadly Force (SOP 1.3.200) and Less Lethal Uses of Force (SOP 1.3.400) are insufficient. These procedures do not reflect current best practices and lack clarity regarding the circumstances under which the use of force is authorized.

### **Exiger Recommendation ("ER")**

UCPD should combine SOP 1.3.200 and SOP 1.3.400 with its policies and procedures regarding Use of Force (SOP PE 05). This single Use of Force policy should cover both when force is permitted to be used as well as the resulting departmental investigation and review process.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. UCPD combines the standard operating procedures on Use of Firearms and Deadly Force, Less Lethal Uses of Force, and Use of Force.
2. UCPD's new procedures reflect current best practices and clearly articulate circumstances under which the use of force is authorized.
3. UCPD's new single Use of Force policy outlines the departmental investigation and review process which follows the Use of Force.
4. UCPD's disseminates the policy/plan/procedures both internally to include all appropriate UCPD personnel, and externally to include posting on web-site.

Note: The training component of this ER is covered in ER 3.7.A.

### **UCPD Proffer of Compliance**

*UCPD has combined their standard operating procedures of Deadly Force, Less Lethal Uses of Force and Use of Force into a single Use of Force Policy (SOP 7.1.100). This consolidated policy is consistent with best practices because it is based on the Recommendations put forth in the Exiger Final Report and the guidance and requirements of the list below:*

- *United States Supreme Court*
- *US Court for the Southern and Northern Districts of Ohio*
- *US 6th/7th/9th Circuit Courts of Appeals*



- *Ohio Supreme Court*
- *Ohio Collaborative Community-Police Advisory Board*
- *OPOTA*
- *Cincinnati Police Department*
- *CPD Collaborative Agreement and MOU*
- *IACP*
- *PERF*
- *IACLEA*
- *Taser Instructor's Manuals*
- *Force Science Institute*
- *Caliber Press*
- *A cross section of variously sized and located PDs across the US (including Camden, NJ; NYPD; LAPD; Vanderbilt University; Las Vegas, NV; Aberdeen, SD; Dublin, OH)*

*UCPD's Use of Force Policy details the departmental investigation (pages 19-23) and review process (pages 23-25). The Use of Force Report and Investigation form referenced on these pages of the policy is also attached. Other reportable incidents are covered on pages 16-19 of the policy and the Use of Firearm Report and Use of CEW Report associated with these incidents is also attached. The Use of Force Policy will be disseminated prior to the conclusion of Q3 and evidence of such will be provided to the monitor via Power DMS at that time. The policy has also been sent to the UC Office of General Counsel for review. If OGC recommends any substantive revisions, the policy will be redisseminated to UCPD personnel at that time and evidence of such will be provided to the monitor. The policy will be disseminated publicly following OGC approval, which may not be complete before the end of Q3. The monitor will be provided evidence of public dissemination when it occurs.*

*As required in Rec. 3.1.B (a-e), the Use of Force Policy emphasizes that the UCPD respects the value of every human life, and that the sanctity of human life shall guide all training, leadership and procedures for the UCPD as well as guide officers in the use of force. The Use of Force policy emphasizes throughout the policy that the goal for a UCPD officer is always to de-escalate a situation to the extent possible and to only use the minimal amount of force necessary to overcome an immediate threat or to effect an arrest. Specific references to such can be found on page 2, 4, 6, 8, 13, and 14.*

*Continuing with other portions of Rec 3.1.B:*

- f) Verbal warnings are included on pages 8 and 13.*
- g) Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger bystanders: Page 14*
- h) Mindful of possible impairments: page 6.*
- i) Medical Aid: page 15.*
- j) Respect for remains: page 15.*
- k) Duty to report: pages 15-16.*

*In regards to Rec. 3.1.C, "Objectively Reasonable" is defined on page 4; Active resistance is defined on page 2; Passive Resistance and Serious Bodily Injury are defined on page 5. In*

*addition to those specific definitions, many others consistent with best practices in the industry are included on pages 2-5.*

*In regards to Rec. 3.1.D, the new Use of Force Policy contains a critical decision-making model, based on best practices in law enforcement (pages 6-8). It is clear throughout this policy and within the description of the critical decision-making model that UCPD promotes de-escalation and emphasizes to its officers that they utilize only the minimal amount of force necessary to gain compliance.*

### **Data Reviewed**

1. Use of Force Policy (SOP 7.1.100) effective date August 29, 2017
2. Use of Force Report and Investigation (Form 18A)
3. Use of Firearm Report (Form 18B)
4. Use of CEW Report (Form 18C)

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD's Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to revise the policy and address the Monitor's concerns.

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD submitted its finalized Use of Force (UOF) policy on August 29, 2017. The Monitor's review of that policy found that as required in ER 3.1.A, the revised policy is combined to include the policies and procedures related to all types of use of force, specifically including firearms, other types of deadly force, and less than lethal force.<sup>1</sup> The new policy is based on current best practices and clearly communicate the circumstances under which the use of force is authorized. Consistent with national best practice standards, the policy states that officers shall only use the minimal amount of force necessary to overcome an immediate threat or to effect an arrest. The concept of de-escalating situations as the first and best choice whenever possible, is a common theme throughout the policy.

The revised policy and the related forms, contain appropriate procedures for reporting, investigating, and reviewing all incidents of UOF to ensure a thorough and timely investigation.

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<sup>1</sup> The Monitor notes that the UCPD has opted to include the policy related to In-Custody Deaths (ICDs), which are those instances where a person in the care of law enforcement dies with the question of whether the death was in any way related to a Use of Force needing to be resolved, within its *Arrest, Processing and Transportation of Detainee's* (SOP 2.2.100) which will be reviewed by the Monitor upon completion.

Those procedures include the interview of all witnesses and collection of all evidence, a determination of the appropriateness of the force used, and a review of the tactics leading up to and used during the use of force. The policy also include procedures to address any potential disciplinary and/or criminal issues that arise during the investigation.

The Monitor commends the UCPD for taking the progressive and forward thinking step of including the “Critical Decision-Making Model” (CD-MM) in their UOF policy and UOF training. The CD-MM is a common-sense and ethically based thought process intended to help police officers manage a wide range of incidents safely and effectively. The UCPD has tailored the CD-MM around their core values and is geared towards the type of critical incidents and tactical situations that are at the heart of the current difficulties facing police today such as dealing with persons who are unarmed but acting erratically, and persons with mental illness or other special conditions.

The finalized policy has been disseminated to all appropriate UCPD personnel internally and has been posted on its public web-site.

#### **Next Review**

The Monitor will again assess compliance with this ER during Q7 for the period ending September 30, 2018. The Monitor will also continue to review all uses of force upon notification of occurrence on an on-going basis throughout the monitorship.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 6, 2017  
**REC. REF. NO.:** 3.1.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's Standard Operating Procedures (SOP) on Use of Firearms and Deadly Force (SOP 1.3.200) and Less Lethal Uses of Force (SOP 1.3.400) are insufficient. These procedures do not reflect current best practices and lack clarity regarding the circumstances under which the use of force is authorized.

### **Exiger Recommendation ("ER")**

UCPD's new use of force policy should emphasize the following:

- a. The primary duty of all sworn personnel is to preserve human life and that whenever possible, de-escalation techniques shall be employed to safely gain voluntary compliance by a subject.
- b. In cases in which de-escalation is not safe, not feasible or not effective, only the reasonable force necessary to gain compliance, control or custody of a subject will be utilized.
- c. The most serious act in which a police officer can engage during the course of their official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, which comes with great responsibility.
- d. Deadly physical force will be used ONLY as an objectively reasonable last resort to protect the officer and/or others from serious physical injury or death.
- e. An officer is not justified in using deadly force at any point in time when there is no longer an objectively reasonable belief that the suspect is dangerous, even if deadly force would have been justified at an earlier point in time.
- f. When feasible under the circumstances, police officers will give the suspect a verbal warning before using deadly force.
- g. Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger bystanders.
- h. Officers should be mindful when making use of force decisions that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including but not limited to alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.
- i. After using deadly force, officers shall immediately render the appropriate medical aid and request further medical assistance for the subject.
- j. In instances of obvious fatalities, appropriate respect shall be paid to the remains of the subject.
- k. Officers who witness inappropriate or excessive force have a duty to report such violations to a supervisor and Internal Affairs.

### **MADC Definition of Compliance**

UCPD's new use of force policy should emphasize the following:

- a. The primary duty of all sworn personnel is to preserve human life and that whenever possible, de-escalation techniques shall be employed to safely gain voluntary compliance by a subject.
- b. In cases in which de-escalation is not safe, not feasible or not effective, only the reasonable force necessary to gain compliance, control or custody of a subject will be utilized.
- c. The most serious act in which a police officer can engage during the course of their official duties is the use of deadly force. The authority to carry and use firearms in the course of public service is an immense power, which comes with great responsibility.
- d. Deadly physical force will be used ONLY as an objectively reasonable last resort to protect the officer and/or others from serious physical injury or death.
- e. An officer is not justified in using deadly force at any point in time when there is no longer an objectively reasonable belief that the suspect is dangerous, even if deadly force would have been justified at an earlier point in time.
- f. When feasible under the circumstances, police officers will give the suspect a verbal warning before using deadly force.
- g. Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger bystanders.
- h. Officers should be mindful when making use of force decisions that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including but not limited to alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.
- i. After using deadly force, officers shall immediately render the appropriate medical aid and request further medical assistance for the subject.
- j. In instances of obvious fatalities, appropriate respect shall be paid to the remains of the subject.
- k. Officers who witness inappropriate or excessive force have a duty to report such violations to a supervisor and Internal Affairs.

### **UCPD Proffer of Compliance**

*UCPD has combined their standard operating procedures of Deadly Force, Less Lethal Uses of Force and Use of Force into a single Use of Force Policy (SOP 7.1.100). This consolidated policy is consistent with best practices because it is based on the Recommendations put forth in the Exiger Final Report and the guidance and requirements of the list below:*

- *United States Supreme Court*
- *US Court for the Southern and Northern Districts of Ohio*
- *US 6th/7th/9th Circuit Courts of Appeals*
- *Ohio Supreme Court*
- *Ohio Collaborative Community-Police Advisory Board*
- *OPOTA*
- *Cincinnati Police Department*
- *CPD Collaborative Agreement and MOU*
- *IACP*

- *PERF*
- *IACLEA*
- *Taser Instructor's Manuals*
- *Force Science Institute*
- *Caliber Press*
- *A cross section of variously sized and located PDs across the US (including Camden, NJ; NYPD; LAPD; Vanderbilt University; Las Vegas, NV; Aberdeen, SD; Dublin, OH)*

*UCPD's Use of Force Policy details the departmental investigation (pages 19-23) and review process (pages 23-25). The Use of Force Report and Investigation form referenced on these pages of the policy is also attached. Other reportable incidents are covered on pages 16-19 of the policy and the Use of Firearm Report and Use of CEW Report associated with these incidents is also attached. The Use of Force Policy will be disseminated prior to the conclusion of Q3 and evidence of such will be provided to the monitor via Power DMS at that time. The policy has also been sent to the UC Office of General Counsel for review. If OGC recommends any substantive revisions, the policy will be redisseminated to UCPD personnel at that time and evidence of such will be provided to the monitor. The policy will be disseminated publicly following OGC approval, which may not be complete before the end of Q3. The monitor will be provided evidence of public dissemination when it occurs.*

*As required in Rec. 3.1.B (a-e), the Use of Force Policy emphasizes that the UCPD respects the value of every human life, and that the sanctity of human life shall guide all training, leadership and procedures for the UCPD as well as guide officers in the use of force. The Use of Force policy emphasizes throughout the policy that the goal for a UCPD officer is always to de-escalate a situation to the extent possible and to only use the minimal amount of force necessary to overcome an immediate threat or to effect an arrest. Specific references to such can be found on page 2, 4, 6, 8, 13, and 14.*

*Continuing with other portions of Rec 3.1.B:*

- f) Verbal warnings are included on pages 8 and 13.*
- g) Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger bystanders: Page 14*
- h) Mindful of possible impairments: page 6.*
- i) Medical Aid: page 15.*
- j) Respect for remains: page 15.*
- k) Duty to report: pages 15-16.*

*In regards to Rec. 3.1.C, "Objectively Reasonable" is defined on page 4; Active resistance is defined on page 2; Passive Resistance and Serious Bodily Injury are defined on page 5. In addition to those specific definitions, many others consistent with best practices in the industry are included on pages 2-5.*

*In regards to Rec. 3.1.D, the new Use of Force Policy contains a critical decision-making model, based on best practices in law enforcement (pages 6-8). It is clear throughout this policy and within the description of the critical decision-making model that UCPD promotes de-escalation*

*and emphasizes to its officers that they utilize only the minimal amount of force necessary to gain compliance.”*

### **Data Reviewed**

1. Use of Force Policy (SOP 7.1.100) effective date August 29, 2017
2. Use of Force Report and Investigation (Form 18A)
3. Use of Firearm Report (Form 18B)
4. Use of CEW Report (Form 18C)

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD’s Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to address the Monitor’s concerns.

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD submitted its finalized Use of Force (UOF) policy on August 29, 2017. The Monitor’s review of that policy found that as required in ER 3.1.B, the sanctity of life is emphasized throughout the policy. All of the specific requirements contained within ER 3.1.B a. through k. are also addressed in the policy and, as described in the UCPD’s proffer of compliance (in italics above), the policy contains clear verbiage that the value of every human life shall guide officers when using of force, and guide UCPD’s training and leadership principles. Consistent with national best practice standards, the policy states that officers shall only use the minimal amount of force necessary to overcome an immediate threat or to effect an arrest and emphasizes de-escalation whenever possible. As is stated throughout its review of the ERs related to the finalized UOF policies, the Monitor commends the UCPD for inclusion and adoption of the “Critical Decision-Making Model” (CD-MM) as a logical and ethically based thought process to help police officers manage a wide range of incidents safely and effectively.

Dissemination of this policy is assessed separately under ER 3.1.A (also scheduled for review this quarter), and training of this policy will be assessed separately under 3.7.A which has not yet been scheduled by the UCPD but is expected to be completed and assessed during Quarter 4, ending December 31, 2017.

### **Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the UOF policy review process and training on an annual basis; no further evaluation of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** AUGUST 31, 2017  
**REC. REF. NO.:** 3.1.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD should combine SOP 1.3.200 and SOP 1.3.400 with its policies and procedures regarding Use of Force (SOP PE 05). This single Use of Force policy should cover both when force is permitted to be used as well as the resulting departmental investigation and review process.

### **Exiger Recommendation (“ER”)**

UCPD’s use of force policy should define the following terms: Objectively Reasonable, Active Resistance, Passive Resistance, and Serious Bodily Injury.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

1. UCPD implements a new use of force policy;
2. The new use of force policy explicitly defines Objectively Reasonable, Active Resistance, Passive Resistance and Serious Bodily Injury;
3. The definitions are consistent with best practices in the industry.

### **UCPD Proffer of Compliance**

*“UCPD has combined their standard operating procedures of Deadly Force, Less Lethal Uses of Force and Use of Force into a single Use of Force Policy (SOP 7.1.100). This consolidated policy is consistent with best practices because it is based on the Recommendations put forth in the Exiger Final Report and the guidance and requirements of the list below:*

- *United States Supreme Court*
- *US Court for the Southern and Northern Districts of Ohio*
- *US 6th/7th/9th Circuit Courts of Appeals*
- *Ohio Supreme Court*
- *Ohio Collaborative Community-Police Advisory Board*
- *OPOTA*
- *Cincinnati Police Department*
- *CPD Collaborative Agreement and MOU*
- *IACP*
- *PERF*
- *IACLEA*
- *Taser Instructor's Manuals*
- *Force Science Institute*
- *Caliber Press*
- *A cross section of variously sized and located PDs across the US (including Camden, NJ; NYPD; LAPD; Vanderbilt University; Las Vegas, NV; Aberdeen, SD; Dublin, OH)*



*UCPD's Use of Force Policy details the departmental investigation (pages 19-23) and review process (pages 23-25). The Use of Force Report and Investigation form referenced on these pages of the policy is also attached. Other reportable incidents are covered on pages 16-19 of the policy and the Use of Firearm Report and Use of CEW Report associated with these incidents is also attached. The Use of Force Policy will be disseminated prior to the conclusion of Q3 and evidence of such will be provided to the monitor via Power DMS at that time. The policy has also been sent to the UC Office of General Counsel for review. If OGC recommends any substantive revisions, the policy will be redisseminated to UCPD personnel at that time and evidence of such will be provided to the monitor. The policy will be disseminated publicly following OGC approval, which may not be complete before the end of Q3. The monitor will be provided evidence of public dissemination when it occurs.*

*As required in Rec. 3.1.B (a-e), the Use of Force Policy emphasizes that the UCPD respects the value of every human life, and that the sanctity of human life shall guide all training, leadership and procedures for the UCPD as well as guide officers in the use of force. The Use of Force policy emphasizes throughout the policy that the goal for a UCPD officer is always to de-escalate a situation to the extent possible and to only use the minimal amount of force necessary to overcome an immediate threat or to effect an arrest. Specific references to such can be found on page 2, 4, 6, 8, 13, and 14.*

*Continuing with other portions of Rec 3.1.B:*

- f) Verbal warnings are included on pages 8 and 13.*
- g) Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger bystanders: Page 14*
- h) Mindful of possible impairments: page 6.*
- i) Medical Aid: page 15.*
- j) Respect for remains: page 15.*
- k) Duty to report: pages 15-16.*

*In regards to Rec. 3.1.C, "Objectively Reasonable" is defined on page 4; Active resistance is defined on page 2; Passive Resistance and Serious Bodily Injury are defined on page 5. In addition to those specific definitions, many others consistent with best practices in the industry are included on pages 2-5.*

*In regards to Rec. 3.1.D, the new Use of Force Policy contains a critical decision-making model, based on best practices in law enforcement (pages 6-8). It is clear throughout this policy and within the description of the critical decision-making model that UCPD promotes de-escalation and emphasizes to its officers that they utilize only the minimal amount of force necessary to gain compliance."*

### **Data Reviewed**

1. Use of Force Policy (SOP 7.1.100) effective date August 29, 2017
2. Use of Force Report and Investigation (Form 18A)
3. Use of Firearm Report (Form 18B)

#### 4. Use of CEW Report (Form 18C)

##### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD's Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to address the Monitor's concerns.

##### **Current Assessment of Compliance**

###### **In Compliance**

The UCPD submitted its finalized Use of Force (UOF) policy on August 29, 2017. The Monitor's review of that policy found that as required in ER 3.1.C, the terms "Objectively Reasonable", "Active Resistance", "Passive Resistance", and "Serious Bodily Injury" along with many others, are all appropriately and explicitly defined. As is stated in the UCPD's proffer of compliance (in italics above), the definitions are all consistent with current best practice standards.

As is stated throughout its review of the ERs related to the finalized UOF policies, the Monitor commends the UCPD for inclusion and adoption of the "Critical Decision-Making Model" (CD-MM) as a logical and ethically based thought process to help police officers manage a wide range of incidents safely and effectively.

Dissemination of this policy is assessed separately under ER 3.1.A (also scheduled for review this quarter), and training of this policy will be assessed separately under 3.7.A which has not yet been scheduled by the UCPD but is expected to be completed and assessed during Quarter 4, ending December 31, 2017.

##### **Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the UOF policy review process and training on an annual basis; no further evaluation of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** AUGUST 31, 2017  
**REC. REF. NO.:** 3.1.D  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD should combine SOP 1.3.200 and SOP 1.3.400 with its policies and procedures regarding Use of Force (SOP PE 05). This single Use of Force policy should cover both when force is permitted to be used as well as the resulting departmental investigation and review process.

### **Exiger Recommendation (“ER”)**

The UCPD should include a revised use of force continuum or critical decision making model in its use of force policy, which makes clear that the goal of force is to de-escalate any situation, and that only the minimal amount of force necessary should be used to overcome an immediate threat or to effectuate an arrest.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. UCPD's use of force policy contains a revised use of force continuum or critical decision model.
2. UCPD's use of force policy makes clear that the goal of force is to de-escalate any situation, and that only the minimal amount of force necessary should be used to overcome an immediate threat or to effectuate an arrest.
3. UCPD's use of force continuum reflects the current best practices

### **UCPD Proffer of Compliance**

*UCPD has combined their standard operating procedures of Deadly Force, Less Lethal Uses of Force and Use of Force into a single Use of Force Policy (SOP 7.1.100). This consolidated policy is consistent with best practices because it is based on the Recommendations put forth in the Exiger Final Report and the guidance and requirements of the list below:*

- *United States Supreme Court*
- *US Court for the Southern and Northern Districts of Ohio*
- *US 6th/7th/9th Circuit Courts of Appeals*
- *Ohio Supreme Court*
- *Ohio Collaborative Community-Police Advisory Board*
- *OPOTA*
- *Cincinnati Police Department*
- *CPD Collaborative Agreement and MOU*
- *IACP*
- *PERF*
- *IACLEA*

- *Taser Instructor's Manuals*
- *Force Science Institute*
- *Caliber Press*
- *A cross section of variously sized and located PDs across the US (including Camden, NJ; NYPD; LAPD; Vanderbilt University; Las Vegas, NV; Aberdeen, SD; Dublin, OH)*

*UCPD's Use of Force Policy details the departmental investigation (pages 19-23) and review process (pages 23-25). The Use of Force Report and Investigation form referenced on these pages of the policy is also attached. Other reportable incidents are covered on pages 16-19 of the policy and the Use of Firearm Report and Use of CEW Report associated with these incidents is also attached. The Use of Force Policy will be disseminated prior to the conclusion of Q3 and evidence of such will be provided to the monitor via Power DMS at that time. The policy has also been sent to the UC Office of General Counsel for review. If OGC recommends any substantive revisions, the policy will be redisseminated to UCPD personnel at that time and evidence of such will be provided to the monitor. The policy will be disseminated publicly following OGC approval, which may not be complete before the end of Q3. The monitor will be provided evidence of public dissemination when it occurs.*

*As required in Rec. 3.1.B (a-e), the Use of Force Policy emphasizes that the UCPD respects the value of every human life, and that the sanctity of human life shall guide all training, leadership and procedures for the UCPD as well as guide officers in the use of force. The Use of Force policy emphasizes throughout the policy that the goal for a UCPD officer is always to de-escalate a situation to the extent possible and to only use the minimal amount of force necessary to overcome an immediate threat or to effect an arrest. Specific references to such can be found on page 2, 4, 6, 8, 13, and 14.*

*Continuing with other portions of Rec 3.1.B:*

- f) Verbal warnings are included on pages 8 and 13.*
- g) Police officers using their professional judgment should not discharge their weapon when doing so might unnecessarily endanger bystanders: Page 14*
- h) Mindful of possible impairments: page 6.*
- i) Medical Aid: page 15.*
- j) Respect for remains: page 15.*
- k) Duty to report: pages 15-16.*

*In regards to Rec. 3.1.C, "Objectively Reasonable" is defined on page 4; Active resistance is defined on page 2; Passive Resistance and Serious Bodily Injury are defined on page 5. In addition to those specific definitions, many others consistent with best practices in the industry are included on pages 2-5.*

*In regards to Rec. 3.1.D, the new Use of Force Policy contains a critical decision-making model, based on best practices in law enforcement (pages 6-8). It is clear throughout this policy and within the description of the critical decision-making model that UCPD promotes de-escalation and emphasizes to its officers that they utilize only the minimal amount of force necessary to gain compliance."*

### **Data Reviewed**

1. Use of Force Policy (SOP 7.1.100) effective date August 29, 2017
2. Use of Force Report and Investigation (Form 18A)
3. Use of Firearm Report (Form 18B)
4. Use of CEW Report (Form 18C)

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD's Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to address the Monitor's concerns.

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD submitted its finalized Use of Force (UOF) policy on August 29, 2017. As described in other memorandums of assessment related to use of force, the Monitor commends the UCPD for the inclusion and adoption of the "Critical Decision-Making Model" (CD-MM) which is consistent with current best practice standards as a logical and ethically based thought process to help police officers manage a wide range of incidents safely and effectively. Also as required in ER 3.1.D, the revised policy makes it clear that the goal of force is to de-escalate any situation, and that only the minimal amount of force necessary should be used to overcome an immediate threat or effect an arrest.

Dissemination of this policy is assessed separately under ER 3.1.A (also scheduled for review this quarter), and training of this policy will be assessed separately under 3.7.A which has not yet been scheduled by the UCPD but is expected to be completed and assessed during Quarter 4, ending December 31, 2017.

### **Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the UOF policy review process and training on an annual basis; no further evaluation of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 27, 2017  
**REC. REF. NO.:** 3.2.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's current use of force policies fail to list specific prohibitions relative to the use of deadly force by a sworn member of UCPD.

### **Exiger Recommendation ("ER")**

The following prohibitions should be added to the revised SOP:

- a. Police officers shall not draw their firearms unless they reasonably believe there to be an immediate threat of serious bodily injury or death to themselves or another person exists.
- b. Police officers shall not discharge their firearms in defense of property.
- c. Police officers shall not use a firearm as a club.
- d. Police officers shall not fire warning shots under any circumstances.
- e. Police officers shall ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior police procedure to withdraw, take cover or reposition, rather than the immediate use of force.
- f. Police officers shall not discharge their firearms to subdue a fleeing individual who presents no immediate threat of death or serious physical injury to another person.
- g. Police officers shall not discharge their firearms to subdue an individual who poses a threat only to him or herself.
- h. Police officers shall not discharge their firearms from a moving vehicle unless the officers are being fired upon. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.
- i. Police officers shall not discharge their firearms at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle (e.g., officers or civilians are being fired upon by the occupants of the vehicle).
- j. A moving vehicle alone shall not presumptively constitute a threat that justifies an officer's use of deadly force.
- k. Officers should not move into or remain in the path of a moving vehicle, and doing so is not justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle.
- l. Officers should never place themselves or another person in jeopardy in an attempt to stop a vehicle.

- m. Barring exigent circumstances, (e.g., the driver is unconscious and the motor is still running), an officer shall never reach into an occupied vehicle in an attempt to shut off the engine or to recover evidence.
- n. Police officers with revolvers shall not under any circumstances cock a firearm. Firearms must be fired double-action at all times.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

- 1. UCPD implements a new use of force policy.
- 2. The new use of force policy reflects best practices.
- 3. UCPD's use of force policy contains the following provisions:
  - a. Police officers shall not draw their firearms unless they reasonably believe there to be an immediate threat of serious bodily injury or death to themselves or another person exists.
  - b. Police officers shall not discharge their firearms in defense of property.
  - c. Police officers shall not use a firearm as a club.
  - d. Police officers shall not fire warning shots under any circumstances.
  - e. Police officers shall ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior police procedure to withdraw, take cover or reposition, rather than the immediate use of force.
  - f. Police officers shall not discharge their firearms to subdue a fleeing individual who presents no immediate threat of death or serious physical injury to another person.
  - g. Police officers shall not discharge their firearms to subdue an individual who poses a threat only to him or herself.
  - h. Police officers shall not discharge their firearms from a moving vehicle unless the officers are being fired upon. Shooting accurately from a moving vehicle is extremely difficult and therefore, unlikely to successfully stop a threat of another person.
  - i. Police officers shall not discharge their firearms at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle (e.g., officers or civilians are being fired upon by the occupants of the vehicle).
  - j. A moving vehicle alone shall not presumptively constitute a threat that justifies an officer's use of deadly force.
  - k. Officers should not move into or remain in the path of a moving vehicle, and doing so is not justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle.
  - l. Officers should never place themselves or another person in jeopardy in an attempt to stop a vehicle.

- m. Barring exigent circumstances, (e.g., the driver is unconscious and the motor is still running), an officer shall never reach into an occupied vehicle in an attempt to shut off the engine or to recover evidence.
  - n. Police officers with revolvers shall not under any circumstances cock a firearm. Firearms must be fired double-action at all times.
4. UCPD's use of force policy reflects the current best practices and makes clear that the goal of force is to de-escalate any situation, and that only the minimal amount of force necessary should be used to overcome an immediate threat or to effectuate an arrest.

### **UCPD Proffer of Compliance**

*For Rec.3.2.A, the UCPD has revised the Use of Force Policy, SOP 7.1.100. This policy is consistent with best practices because it is based on the Recommendations put forth in the Exiger Final Report and the guidance and requirements of the list below:*

- *United States Supreme Court*
- *US Court for the Southern and Northern Districts of Ohio*
- *US 6th/7th/9th Circuit Courts of Appeals*
- *Ohio Supreme Court*
- *Ohio Collaborative Community-Police Advisory Board*
- *OPOTA*
- *Cincinnati Police Department*
- *CPD Collaborative Agreement and MOU*
- *IACP*
- *PERF*
- *IACLEA*
- *Taser Instructor's Manuals*
- *Force Science Institute*
- *Caliber Press*
- *A cross section of variously sized and located PDs across the US (including Camden, NJ; NYPD; LAPD; Vanderbilt University; Las Vegas, NV; Aberdeen, SD; Dublin, OH)*

*Each specific point for point 3 of this recommendation, can be found on the following pages:*

- a) *page 13, 2a*
- b) *page 14, 6c*
- c) *page 14, 6e "Officers should not use any item including a department-issued gun, flashlight or radio, as a blunt force instrument."*
- d) *page 14, 6f*
- e) *page 13-14, 5*
- f) *page 14, 6b*
- g) *page 14, 6c*
- h) *page 14, 6g*
- i) *page 14, 6h*
- j) *page 14, 6h*



- k) *page 14, 6j; also included in traffic enforcement policy.*
- l) *Page 14, 6i; also included in traffic enforcement policy.*
- m) *This provision was added to traffic enforcement policy, which is also scheduled for assessment in Q3.*
- n) *This provision is no longer applicable as there are no UCPD officers currently certified / authorized to carry a revolver nor will the Chief approve their use by UCPD officers. Furthermore, all UCPD weapons fire only double action.*

*Finally, as proffered above, the Use of Force policy reflects best practices and emphasizes throughout the policy that the goal for a UCPD officer is always to de-escalate a situation to the extent possible and to only use the minimal amount of force necessary to overcome an immediate threat or effectuate an arrest (see specific references to such on pages 2, 4, 6, 8, 13)."*

### **Data Reviewed**

Use of Force Policy (SOP 7.1.100) effective date August 29, 2017

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD's Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to address the Monitor's concerns.

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD submitted its finalized Use of Force (UOF) policy on August 29, 2017. The Monitor's review of the policy found that all of the deadly force prohibitions as required by ER 3.2.A are included in the policy with a few exceptions or verbiage revisions that were collaboratively agreed upon by the Monitor and UCPD, and which are described in the UCPD's proffer above.

The revised policy is based on current best practices and clearly communicates the circumstances under which the use of force is authorized. Consistent with national best practice standards, the policy states that officers shall only use the minimal amount of force necessary to overcome an immediate threat or to effect an arrest. The concept of de-escalating situations as the first and best choice whenever possible, is a common theme throughout the policy.

As described in other memorandums of assessment related to use of force, the Monitor commends the UCPD for the inclusion and adoption of the "Critical Decision-Making Model" (CD-MM) which is consistent with current best practice standards as a logical and ethically based thought process to help police officers manage a wide range of incidents safely and effectively. The UCPD has tailored the CD-MM around their core values and is geared towards the type of critical incidents and tactical situations that are at the heart of the current difficulties facing police today

such as dealing with persons who are unarmed but acting erratically, and persons with mental illness or other special conditions.

Dissemination of this policy is assessed separately under ER 3.1.A (also scheduled for review this quarter), and training of this policy will be assessed separately under 3.7.A which has not yet been scheduled by the UCPD but is expected to be completed and assessed during Quarter 4, ending December 31, 2017.

**Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the UOF policy review process, training and dissemination on an annual basis; no further evaluation of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 18, 2017  
**REC. REF. NO.:** 3.3.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not have a clear policy statement governing the use of less lethal weapons.

### **Exiger Recommendation (“ER”)**

A clear policy statement governing the use of less-lethal weapons should be included in the revised use of force policy.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD creates a clear policy statement governing the use of less-lethal weapons;
- 2) This policy is widely distributed to UCPD officers; and
- 3) This policy complies with best practices in the industry.

Note: The training component is covered in ER 3.7.A and dissemination will be tested under 3.1.A for all ERs to be included in the UOF policy.

### **UCPD Proffer of Compliance**

*“There is now one Use of Force policy that includes a policy statement governing the use of all less-lethal weapons, including CEWs (pages 2 and 8).<sup>1</sup> The Use of Force Policy will be disseminated prior to the conclusion of Q3 and evidence of such will be provided to the monitor via Power DMS at that time. The policy has also been sent to the UC Office of General Counsel for review. If OGC recommends any substantive revisions, the policy will be re-disseminated to UCPD personnel at that time and evidence of such will be provided to the monitor. This policy is consistent with best practices because it is based on the Recommendations put forth in the Exiger Final Report and the guidance and requirements of the list below:*

- *United States Supreme Court*
- *US Court for the Southern and Northern Districts of Ohio*
- *US 6th/7th/9th Circuit Courts of Appeals*
- *Ohio Supreme Court*
- *Ohio Collaborative Community-Police Advisory Board*
- *OPOTA*
- *Cincinnati Police Department*
- *CPD Collaborative Agreement and MOU*
- *IACP*

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<sup>1</sup> Please note that although the Exiger Report and recommendations refer to CEDs, the UCPD Use of Force policy refers to this equipment as a Conducted Electrical Weapon (CEW).

- *PERF*
- *IACLEA*
- *Taser Instructor's Manuals*
- *Force Science Institute*
- *Caliber Press*
- *A cross section of variously sized and located PDs across the US (including Camden, NJ; NYPD; LAPD; Vanderbilt University; Las Vegas, NV; Aberdeen, SD; Dublin, OH)*

*As required by 3.3.B, the Use of Force policy defines Activation, Air Cartridge, Confetti Tags, Cycle, Display, Drive Stun, Duration, CED, Laser Painting, Probes, Probe Mode, Resistance, Active Resistance, Passive Resistance, Serious Bodily Injury, and Spark Test (pages 8 through 11 of Use of Force Policy). All definitions are based on best practices in the industry. Arcing is not defined in the policy because of the design of the single cartridge CEW model the UCPD purchased. In order to arc this device, the cartridge must be removed, or a live cartridge can be discharged, when arcing, unless in direct contact with an individual's skin or clothing, whereas the dual cartridge Taser X2 has a switch that will allow the user to arc the device with a cartridge in the discharge port. This will allow for a drive-stun after one cartridge has been deployed and a second cartridge still in the discharge port, without deploying the second cartridge. The UCPD does not intend to allow arcing as a UOF compliance tactic because of the potential for accidental discharges and therefore it is not included in the policy.*

*In accordance with Recommendation 3.3.C, the Use of Force Policy contains the specific governance for all CEWs. The specific requirements of 3.3.C can be found in the policy as follows:*

- a. A CED is classified as a less-lethal device. A CED is intended to provide a greater margin of safety for officers who might otherwise be forced to physically subdue a dangerous subject or as an alternative to deadly physical force where it would be otherwise legally permissible. P.8*
- b. A CED should only be used against persons who are actively physically resisting, exhibiting active physical aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. P.8 and 10*
- c. A CED should only be used in situations that allow for the use of physical force. P.10*
- d. Officers should issue an appropriate warning, consistent with personal safety, to the intended subject and other officers present prior to discharging the CED. P.10*
- e. When a CED is used against a subject it shall be for one standard discharge cycle, after which the officer should reassess the situation. Only the minimum number of cycles necessary should be used. P.11*
- f. When practical, the CED should be discharged at the subject's back, and avoid discharging it at an individual's head, neck, and chest. P.11*
- g. When possible, the CED should not be used on children, the elderly, obviously pregnant females, or against subjects operating or riding on any moving device or vehicle. P.12*

*Finally, in accordance with Recommendation 10.1.B, the Use of Force Policy has been approved and implemented as a necessary precursor to the re-deployment of CEWs to officers. The policy provides clear guidance on the use of CEWs, on pages 8, and 10 to 13.”*

## **Data Reviewed**

Use of Force Policy (SOP 7.1.100)

## **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD's Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to revise the policy and address the Monitor's concerns.

## **Current Assessment of Compliance**

### **In Compliance**

The UCPD submitted its finalized Use of Force (UOF) policy on August 29, 2017. The Monitor's review of that policy found it to contain clear statements based on current best practices, governing the use of less-lethal weapons as required by ER 3.3.A. Specifically, the UCPD's revised UOF policy defines less-lethal force as *"Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another."* Further, the UCPD's revised UOF policy includes direction that officers should attempt de-escalation but when those techniques are not effective or appropriate, officers are permitted to use less-lethal force methods to control an actively resistant person.

The UOF policy details the below types of less-lethal force along with the type of equipment authorized and approved by UCPD.

- Empty hand tactics such as strikes, kicks, or takedowns,
- Impact weapons such as the handled mounted baton, collapsible baton, pepper ball launcher and rounds, 40mm foam round launcher and rounds,
- Chemical Irritant,
- Conducted Electrical Weapon (CEW)

The UOF policy requires that officers be trained in any and all of the less-lethal methods and equipment use, prior to deployment and provides examples of the types of circumstances in which the use/deployment of less-lethal force is permitted and when it is prohibited. For example, the handled mounted baton and pepper ball launcher/rounds are only permitted to be used in crowd control situations at the direction of a supervisor. Also consistent with national standards, the policy states that whenever possible prior to the use of less-lethal force, a verbal warning be issued.

As is described throughout our review of the UOF policy, the Monitor commends the UCPD for taking the progressive and forward thinking step of including the "Critical Decision-Making Model" (CD-MM) in their UOF policy and UOF training. The CD-MM is a common-sense and ethically based thought process intended to help police officers manage a wide range of incidents safely and effectively. The UCPD has tailored the CD-MM around their core values and geared it towards the type of critical incidents and tactical situations that are at the heart of the current

difficulties facing police today such as dealing with persons who are unarmed but acting erratically, and persons with mental illness or other special conditions.

**Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the UOF policy review process, training and dissemination on an annual basis; no further evaluation of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 19, 2017  
**REC. REF. NO.:** 3.3.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not have a clear policy statement governing the use of less lethal weapons.

### **Exiger Recommendation (“ER”)**

The following definitions should be included in the revised policy to further enhance clarity: Arcing, Activation, Air Cartridge, Confetti Tags, Cycle, Display, Drive Stun, Duration, CED, Laser Painting, Probes, Probe Mode, Resistance, Active Resistance, Passive Resistance, Serious Bodily Injury, and Spark Test.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD implements a revised policy governing the use of less lethal force;
- 2) The new explicitly defines Arcing, Activation, Air Cartridge, Confetti Tags, Cycle, Display, Drive Stun, Duration, CED, Laser Painting, Probes, Probe Mode, Resistance, Active Resistance, Passive Resistance, Serious Bodily Injury, and Spark Test;
- 3) The definitions are consistent with best practices in the industry.

### **UCPD Proffer of Compliance**

*“1.7.B and 3.3.A: There is now one Use of Force policy that includes a policy statement governing the use of all less-lethal weapons, including CEWs (pages 2 and 8).<sup>1</sup> The Use of Force Policy will be disseminated prior to the conclusion of Q3 and evidence of such will be provided to the monitor via Power DMS at that time. The policy has also been sent to the UC Office of General Counsel for review. If OGC recommends any substantive revisions, the policy will be redisseminated to UCPD personnel at that time and evidence of such will be provided to the monitor. This policy is consistent with best practices because it is based on the Recommendations put forth in the Exiger Final Report and the guidance and requirements of the list below:*

- *United States Supreme Court*
- *US Court for the Southern and Northern Districts of Ohio*
- *US 6th/7th/9th Circuit Courts of Appeals*
- *Ohio Supreme Court*
- *Ohio Collaborative Community-Police Advisory Board*
- *OPOTA*
- *Cincinnati Police Department*
- *CPD Collaborative Agreement and MOU*
- *IACP*

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<sup>1</sup> Please note that although the Exiger Report and recommendations refer to CEDs, the UCPD Use of Force policy refers to this equipment as an Conducted Electrical Weapon (CEW).

- *PERF*
- *IACLEA*
- *Taser Instructor's Manuals*
- *Force Science Institute*
- *Caliber Press*
- *A cross section of variously sized and located PDs across the US (including Camden, NJ; NYPD; LAPD; Vanderbilt University; Las Vegas, NV; Aberdeen, SD; Dublin, OH)*

*As required by 3.3.B, the Use of Force policy defines Activation, Air Cartridge, Confetti Tags, Cycle, Display, Drive Stun, Duration, CED, Laser Painting, Probes, Probe Mode, Resistance, Active Resistance, Passive Resistance, Serious Bodily Injury, and Spark Test (pages 8 through 11 of Use of Force Policy). All definitions are based on best practices in the industry. Arcing is not defined in the policy because of the design of the single cartridge CEW model the UCPD purchased. In order to arc this device, the cartridge must be removed, or a live cartridge can be discharged, when arcing, unless in direct contact with an individual's skin or clothing, whereas the dual cartridge Taser X2 has a switch that will allow the user to arc the device with a cartridge in the discharge port. This will allow for a drive-stun after one cartridge has been deployed and a second cartridge still in the discharge port, without deploying the second cartridge. The UCPD does not intend to allow arcing as a UOF compliance tactic because of the potential for accidental discharges and therefore it is not included in the policy.*

*In accordance with Recommendation 3.3.C, the Use of Force Policy contains the specific governance for all CEWs. The specific requirements of 3.3.C can be found in the policy as follows:*

- a. A CED is classified as a less-lethal device. A CED is intended to provide a greater margin of safety for officers who might otherwise be forced to physically subdue a dangerous subject or as an alternative to deadly physical force where it would be otherwise legally permissible. P.8*
- b. A CED should only be used against persons who are actively physically resisting, exhibiting active physical aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. P.8 and 10*
- c. A CED should only be used in situations that allow for the use of physical force. P.10*
- d. Officers should issue an appropriate warning, consistent with personal safety, to the intended subject and other officers present prior to discharging the CED. P.10*
- e. When a CED is used against a subject it shall be for one standard discharge cycle, after which the officer should reassess the situation. Only the minimum number of cycles necessary should be used. P.11*
- f. When practical, the CED should be discharged at the subject's back, and avoid discharging it at an individual's head, neck, and chest. P.11*
- g. When possible, the CED should not be used on children, the elderly, obviously pregnant females, or against subjects operating or riding on any moving device or vehicle. P.12*

*Finally, in accordance with Recommendation 10.1.B, the Use of Force Policy has been approved and implemented as a necessary precursor to the re-deployment of CEWs to officers. The policy provides clear guidance on the use of CEWs, on pages 8, and 10 to 13.”*



### **Data Reviewed**

Use of Force Policy (SOP 7.1.100)

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD's Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to revise the policy and address the Monitor's concerns.

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD submitted its finalized Use of Force (UOF) policy on August 29, 2017. The Monitor's review of that policy found that as required by ER 3.3.B, the policy includes appropriate definitions of all terms related to the newly deployed Conductive Energy Device (CED)/Conducted Electrical Weapon (CEW) including the terms Activation, Air Cartridge, Confetti Tags, Cycle, Display, Drive Stun, Duration, CED, Laser Painting, Probes, Probe Mode, Resistance, Active Resistance, Passive Resistance, Serious Bodily Injury, and Spark Test. As described in its Proffer of Compliance (above in italics), the UCPD has opted to exclude "Arcing" as a tactic. We believe this exclusion to be based on sound reasoning. All other definitions are consistent with national standards and best practices as required.

### **Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the UOF policy review process, training and dissemination on an annual basis; no further evaluation of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 17, 2017  
**REC. REF. NO.:** 3.3.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not have a clear policy statement governing the use of less lethal weapons.

### **Exiger Recommendation (“ER”)**

A clear policy statement governing the use of Conducted Energy Devices (CEDs) should be included in the revised use of less-lethal weapons policy, and should include the following:

- a. A CED is classified as a less-lethal device. A CED is intended to provide a greater margin of safety for officers who might otherwise be forced to physically subdue a dangerous subject or as an alternative to deadly physical force where it would be otherwise legally permissible.
- b. A CED should only be used against persons who are actively physically resisting, exhibiting active physical aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present.
- c. A CED should only be used in situations that allow for the use of physical force.
- d. Officers should issue an appropriate warning, consistent with personal safety, to the intended subject and other officers present prior to discharging the CED.
- e. When a CED is used against a subject it shall be for one standard discharge cycle, after which the officer should reassess the situation. Only the minimum number of cycles necessary should be used.
- f. When practical, the CED should be discharged at the subject’s back, and avoid discharging it at an individual’s head, neck, and chest.
- g. When possible, the CED should not be used on children, the elderly, obviously pregnant females, or against subjects operating or riding on any moving device or vehicle.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

1. UCPD institutes a clear policy statement governing the use of Conducted Energy Devices (CEDs) which appears in the revised use of less-lethal weapons policy;
2. This statement is consistent with best practices in the industry; and includes the following:
  - a. A CED is classified as a less-lethal device. A CED is intended to provide a greater margin of safety for officers who might otherwise be forced to physically subdue a dangerous subject or as an alternative to deadly physical force where it would be otherwise legally permissible.

- b. A CED should only be used against persons who are actively physically resisting, exhibiting active physical aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present.
- c. A CED should only be used in situations that allow for the use of physical force.
- d. Officers should issue an appropriate warning, consistent with personal safety, to the intended subject and other officers present prior to discharging the CED.
- e. When a CED is used against a subject it shall be for one standard discharge cycle, after which the officer should reassess the situation. Only the minimum number of cycles necessary should be used.
- f. When practical, the CED should be discharged at the subject's back, and avoid discharging it at an individual's head, neck, and chest.
- g. When possible, the CED should not be used on children, the elderly, obviously pregnant females, or against subjects operating or riding on any moving device or vehicle.

### **UCPD Proffer of Compliance**

*"There is now one Use of Force policy that includes a policy statement governing the use of all less-lethal weapons, including CEWs (pages 2 and 8).<sup>1</sup> The Use of Force Policy will be disseminated prior to the conclusion of Q3 and evidence of such will be provided to the monitor via Power DMS at that time. The policy has also been sent to the UC Office of General Counsel for review. If OGC recommends any substantive revisions, the policy will be re-disseminated to UCPD personnel at that time and evidence of such will be provided to the monitor. This policy is consistent with best practices because it is based on the Recommendations put forth in the Exiger Final Report and the guidance and requirements of the list below:*

- *United States Supreme Court*
- *US Court for the Southern and Northern Districts of Ohio*
- *US 6th/7th/9th Circuit Courts of Appeals*
- *Ohio Supreme Court*
- *Ohio Collaborative Community-Police Advisory Board*
- *OPOTA*
- *Cincinnati Police Department*
- *CPD Collaborative Agreement and MOU*
- *IACP*
- *PERF*
- *IACLEA*
- *Taser Instructor's Manuals*
- *Force Science Institute*
- *Caliber Press*
- *A cross section of variously sized and located PDs across the US (including Camden, NJ; NYPD; LAPD; Vanderbilt University; Las Vegas, NV; Aberdeen, SD; Dublin, OH)*

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<sup>1</sup> Please note that although the Exiger Report and recommendations refer to CEDs, the UCPD Use of Force policy refers to this equipment as a Conducted Electrical Weapon (CEW).

*As required by 3.3.B, the Use of Force policy defines Activation, Air Cartridge, Confetti Tags, Cycle, Display, Drive Stun, Duration, CED, Laser Painting, Probes, Probe Mode, Resistance, Active Resistance, Passive Resistance, Serious Bodily Injury, and Spark Test (pages 8 through 11 of Use of Force Policy). All definitions are based on best practices in the industry. Arcing is not defined in the policy because of the design of the single cartridge CEW model the UCPD purchased. In order to arc this device, the cartridge must be removed, or a live cartridge can be discharged, when arcing, unless in direct contact with an individual's skin or clothing, whereas the dual cartridge Taser X2 has a switch that will allow the user to arc the device with a cartridge in the discharge port. This will allow for a drive-stun after one cartridge has been deployed and a second cartridge still in the discharge port, without deploying the second cartridge. The UCPD does not intend to allow arcing as a UOF compliance tactic because of the potential for accidental discharges and therefore it is not included in the policy.*

*In accordance with Recommendation 3.3.C, the Use of Force Policy contains the specific governance for all CEWs. The specific requirements of 3.3.C can be found in the policy as follows:*

- a. A CED is classified as a less-lethal device. A CED is intended to provide a greater margin of safety for officers who might otherwise be forced to physically subdue a dangerous subject or as an alternative to deadly physical force where it would be otherwise legally permissible. P.8*
- b. A CED should only be used against persons who are actively physically resisting, exhibiting active physical aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. P.8 and 10*
- c. A CED should only be used in situations that allow for the use of physical force. P.10*
- d. Officers should issue an appropriate warning, consistent with personal safety, to the intended subject and other officers present prior to discharging the CED. P.10*
- e. When a CED is used against a subject it shall be for one standard discharge cycle, after which the officer should reassess the situation. Only the minimum number of cycles necessary should be used. P.11*
- f. When practical, the CED should be discharged at the subject's back, and avoid discharging it at an individual's head, neck, and chest. P.11*
- g. When possible, the CED should not be used on children, the elderly, obviously pregnant females, or against subjects operating or riding on any moving device or vehicle. P.12*

*Finally, in accordance with Recommendation 10.1.B, the Use of Force Policy has been approved and implemented as a necessary precursor to the re-deployment of CEWs to officers. The policy provides clear guidance on the use of CEWs, on pages 8, and 10 to 13."*

### **Data Reviewed**

Use of Force Policy (SOP 7.1.100)

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD's Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of

Safety and Reform collaborated with the Monitoring Team to revise the policy and address the Monitor's concerns.

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD submitted its finalized Use of Force (UOF) policy on August 29, 2017. The Monitor's review of that policy found it to contain clear statements regarding all specific requirements of ER 3.3.C and is based on current best practices governing the use of Conductive Energy Devices (CED)/Conducted Electrical Weapons (CEW). As described above and required in the ER, the policy appropriately classifies the CED/CEW as a less-lethal force option.

### **Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the UOF policy review process, training and dissemination on an annual basis; no further evaluation of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** AUGUST 28, 2017  
**REC. REF. NO.:** 3.4.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not have a clear policy statement governing the use of less lethal weapons.

### **Exiger Recommendation (“ER”)**

UCPD should consider banning the use of the Kubotan. A University police department does not need this device.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD gives meaningful consideration to banning the use of the Kubotan by any of its personnel; and
- 2) UCPD bans the use of the Kubotan by any of its personnel, unless there is a compelling reason not to.

### **UCPD Proffer of Compliance**

*“Page 9 of the Use of Force policy specifically states, “Officers are expressly prohibited from carrying and /or using a KUBOTAN.”*

### **Data Reviewed**

Use of Force Policy, SOP 7.1.100

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD’s Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to revise the policy and address the Monitor’s concerns.

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD’s revised Use of Force (UOF) policy, effective dated August 29, 2017, specifically bans the use of the Kubotan. Dissemination and training of this policy will be assessed separately under ER 3.1.A and 3.7.A respectively.



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**Next Review**

No further review of this ER is required.

## COMPLIANCE MEMORANDUM

**DATE:** August 31, 2017  
**REC. REF. NO.:** 3.6.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD lacks a clearly defined method of investigating uses of force by its members.

### **Exiger Recommendation (“ER”)**

UCPD should establish a protocol for the timely review of every use of force to determine the appropriateness of such use of force from an administrative point of view and whether or not further investigation, including potential criminal investigation, or discipline is appropriate.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. UCPD has created protocols for the timely review of every use of force incident.
2. UCPD has a thorough and focused review process which will determine whether criminal investigation or discipline is appropriate.

Note: Dissemination will be tested separately under ER 3.1.A and the training component is covered under ER 3.6.B.

### **UCPD Proffer of Compliance**

*“The revised Use of Force Policy contains extensive guidelines for the timely review of each use of force incident by a UCPD officer. Pages 15-16 includes the reporting requirements for a use of force incident. Additionally, the policy describes all supervisory investigative responsibilities and processes for a use of force on pages 19-23. The Use of Force Report and Investigation Forms are attached. The results of the investigative process will determine whether criminal investigation or discipline of the officer is appropriate for the incident in question based on whether his or her actions were consistent with legal standards and the critical decision-making model. Page 22 also specifically notes that: “If while investigating a use of force, an individual alleges excessive force or other officer misconduct, or the investigating supervisor discovers evidence of such, the investigating supervisor will initiate a Complaint Form and include it in the use of force case folder.”*

*The Use of Force Review Board procedures are described on pages 23 and 24, while the annual Use of Force Review Report requirements are outlined on page 25.”*

### **Data Reviewed**

1. Use of Force Policy (SOP 7.1.100) effective date August 29, 2017



2. Use of Force Report and Investigation (Form 18A)
3. Use of Firearm Report (Form 18B)
4. Use of CEW Report (Form 18C)

### **Prior Assessments of Compliance**

During Q1, ending March 31, 2017, the Monitor withheld its determination of compliance of this ER because the Methodologies to Aid in the Determination of Compliance (“MADC”) for this ER had not yet been discussed or agreed upon, nor had the applicable policies been finalized and submitted for review.

During Q2, ending June 30, 2017, the Monitor found the UCPD in partial compliance with this ER because of its handling of the single UOF, and further reported that full compliance would be achieved when the UOF policy relative to investigations of uses of force was finalized and found to be compliant.

### **Current Assessment of Compliance**



#### **In Compliance**

During Q3, ending September 30, 2017, there have been no reported uses of force. The UCPD did submit its finalized UOF policy which contained all of the agreed upon revisions as discussed over the prior two quarters with the Monitoring team. The UCPD’s finalized policy is consistent with nationwide best practices with regard to the use of force and the reporting and notification requirements of such incidents.

With regard to the investigation of use of force incidents, the policy requires a thorough and timely investigation (within 7 days), to include the interview of all witnesses and collection of all evidence, and a determination of the appropriateness of the force used. The investigation must also address any concerns raised regarding training, policy, or tactics and shall separately investigate any potential disciplinary and/or criminal issues that arise during the investigation.

As noted above, the training component of this ER will be assessed in connection with ER 3.6.B, and dissemination of this policy will be assessed in connection with ER 3.1.A.

### **Next Review**

The Monitor will review all uses of force that occur on an ongoing basis and will again review ER 3.6.A in connection to all UOFs that occur.

## COMPLIANCE MEMORANDUM

**DATE:** AUGUST 31, 2017  
**REC. REF. NO.:** 3.6.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD lacks a clearly defined method of investigating uses of force by its members.

### **Exiger Recommendation (“ER”)**

UCPD should engage an independent consultant to conduct any administrative investigation in cases of use of force resulting in death, officer involved shootings resulting in serious injury or death, or in-custody deaths.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the UCPD considers enacting a policy for hiring an independent consultant to conduct any administrative investigation in cases of use of force resulting in death, officer involved shootings resulting in serious injury or death, or in custody deaths and appropriately disseminated the existence of this policy and protocol.

### **UCPD Proffer of Compliance**

*“The UCPD Use of Force policy designates on page 22 that “*

*”*

### **Data Reviewed**

Use of Force Policy, SOP 7.1.100 dated August 29, 2017

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD’s Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to address the Monitor’s concerns.

### **Current Assessment of Compliance**



#### **In Compliance**

As indicated in the UCPD’s proffer (above in italics), the inclusion of a statement in the final use of force policy permitting the Vice President for Safety and Reform to retain an independent

investigation of any critical incident, clearly demonstrates the UCPD's consideration and in fact adoption of this ER.

**Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the UOF policy review process and training on an annual basis; no further evaluation of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** AUGUST 28, 2017  
**REC. REF. NO.:** 3.6.D  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD lacks a clearly defined method of investigating uses of force by its members.

### **Exiger Recommendation (“ER”)**

UCPD should allow CPD, or appropriate state agency, to conduct any criminal investigation in cases of use of force resulting in death, officer involved shootings resulting in serious injury or death, or in-custody deaths.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. UCPD enacts policy to permit appropriate state or local law enforcement agency to conduct any criminal investigation in cases of use of force resulting in death, officer involved shootings resulting in serious injury or death, or in-custody deaths.
2. UCPD disseminates the policy/plan/procedures internally to include all appropriate UCPD personnel and integration into training.

### **UCPD Proffer of Compliance**

*“The UCPD Use of Force policy designates that “At the direction of the Public Safety Director, an outside investigative entity (Cincinnati Police Department, Blue Ash Police Department, Clermont County Sheriff’s Office, Hamilton County Sheriff’s Office, Ohio State Highway Patrol, Ohio Bureau of Criminal Investigation) may be immediately requested to respond and assume investigative responsibility for a Critical Use of Force as defined by this policy” (page 22).”*

### **Data Reviewed**

Use of Force Policy, SOP 7.1.100 dated August 29, 2017

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD’s Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to address the Monitor’s concerns.

### **Current Assessment of Compliance**

 **In Compliance**

As indicated in the UCPD's proffer (above in italics), the inclusion of a statement in the final use of force policy permitting the Director of Public Safety to request an outside investigative entity to respond and assume investigative responsibility of any critical incident, clearly demonstrates the UCPD's consideration and in fact adoption of this ER.

**Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the UOF policy review process and training on an annual basis; no further evaluation of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 8, 2017  
**REC. REF. NO.:** 3.6.E  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD lacks a clearly defined method of investigating uses of force by its members.

### **Exiger Recommendation (“ER”)**

The identity of the officer(s) directly involved in the discharge of a firearm shall be released to the public within 72 hours, except in cases where threats have been made toward the officer(s) involved or the department.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. UCPD implements the procedure to identify the officer(s) directly involved in the discharge of a firearm within 72 hours, except in cases where threats have been made toward the officer(s) involved or the department.
2. UCPD has appropriately disseminated the policy both internally and externally.

### **UCPD Proffer of Compliance**

*“This recommendation is specifically addressed on page 22 of the Use of Force policy. It says, “the identity of the officer(s) directly involved in the discharge of a firearm shall be released to the public within 72 hours, except in cases where threats have been made toward the officer(s) involved or the department.” No discharge of firearms have occurred since the approval of this policy. If such an incident should occur during the three-year voluntary monitorship, the monitor will be notified and provided evidence of public release of the officer’s name as soon as practical.”*

### **Data Reviewed**

Use of Force Policy, SOP 7.1.100

### **Current Assessment of Compliance**



#### **In Compliance**

The Monitor’s review of the UCPD’s revised and finalized Use of Force (UOF) policy found that it specifically requires the release of involved officer’s names to the public within 72 hours if those officers discharged a firearm at an individual, unless the involved officers of the department have been threatened. The dissemination and training of this policy will be separately tested and assessed under ERs 3.1.A and 3.7.A respectively.



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**Next Review**

No further review of this ER is necessary unless a UCPD officer discharges his/her firearm during the monitorship at which time the Monitor would evaluate compliance with this ER.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 6, 2017  
**REC. REF. NO.:** 3.6.H  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD lacks a clearly defined method of investigating uses of force by its members.

### **Exiger Recommendation (“ER”)**

UCPD should make the findings of an Officer Involved Shooting (OIS) public upon completion of the investigation.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. UCPD has a policy which includes the making of findings of an Officer Involved Shooting (OIS) public upon completion of the investigation.
2. Documentation demonstrating dissemination of policy/plan/procedures internally to include all appropriate UCPD personnel.

Note: Dissemination will be tested under 3.1.A for all ERs to be included in the UOF policy.

### **UCPD Proffer of Compliance**

*“The Internal Investigations and Complaints policy provides for making the findings of an Officer Involved Shooting public upon completion of the investigation in Subsection X, page 14 (see attached). This provision is also included on pages 23-24 of the Use of Force policy (also attached), wherein the Use of Force Review Board findings will be made available to the public including the findings regarding officer-involved shootings. No officer-involved shootings have occurred during the voluntary monitorship. If such an incident should occur during the three-year monitoring period, the monitor will be notified and provided evidence of public release of the investigation findings as soon as practical.”*

### **Data Reviewed**

1. Internal Investigations and Complaints Policy 4.2.100
2. Use of Force Policy, SOP 7.1.100

### **Current Assessment of Compliance**



#### **In Compliance**

The Monitor’s review of the finalized versions of both the UCPD’s Use of Force (UOF) and the Internal Investigations and Complaints policies found that the policies do in fact specifically



address this ER and provide for making the findings public as required. Dissemination and training of this policy will be tested and assessed under ERs 3.1.A and 3.7.A respectively.

**Next Review**

No further review of this ER is necessary unless an OIS occurs during the monitorship at which time the Monitor would evaluate compliance with this ER.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 26, 2017  
**REC. REF. NO.:** 3.7.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's current training on use of force is insufficient and inconsistent with the new standards created by the Ohio Collaborative Community Police Advisory Board.

### **Exiger Recommendation ("ER")**

The UCPD should establish training to ensure all members of the department have a thorough understanding of the use of force policies and procedures.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the UCPD establishes appropriate training to ensure that all members of the department have a thorough understanding of the use of force policies and procedures.

### **UCPD Proffer of Compliance**

*"The UCPD Organizational Development Coordinator, in collaboration with the UCPD Training Section, developed a Use of Force Policy Training Course delivered via PowerDMS. The PowerPoint training course is attached and reviews the key elements of the UCPD's revised Use of Force Policy, including:*

- *the Use of Force policy statement,*
- *the Critical Decision Making (CDM) model<sup>1</sup>,*
- *the key definitions,*
- *the use of less-lethal force,*
- *the use of deadly force and restrictions related to such,*
- *the reporting and investigative procedures required following a use of force.*

*This course was assigned to all sworn personnel and security officers on October 24, 2017. The attendance summary for this electronic training course is attached. Upon completion of the training course, UCPD personnel were assigned to take the Use of Force policy test via Power DMS. The test and test results are attached. If an officer failed to receive the minimum passing score (80%), they were required to retake the test.*

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<sup>1</sup> A more in-depth training regarding the Critical Decision Making Model is planned for 2018 and its curriculum as well as attendance records will be submitted to the monitor at that time.

*In addition to the policy-specific training conducted via Power DMS, UCPD officers also attended the Practical Application of Use of Force Training during Q3 and Q4. Although the curriculum for this training was developed by the Ohio Peace Officer Training Academy, not the UCPD, UCPD officers in attendance received instruction on UOF policies and procedures consistent with the UCPD Use of Force Policy and applicable federal and state law, including when officers are legally permitted to use force; de-escalation tactics used to help avoid the need to use force, and tactics and techniques for appropriately using force. The monitor was able to observe one of these training sessions and the relevant documentation of that training is uploaded under the DR for ER 3.8.A.”*

### **Data Reviewed**

1. Use of Force Policy Training Course, Power DMS
2. Use of Force Policy Training Course, Attendance Summary
3. Use of Force Policy Test, Power DMS
4. Use of Force Policy Test Results Summary

### **Current Assessment of Compliance**



#### **In Compliance**

As reported in the Monitor’s previous quarterly report in connection with ER 3.1.A, the UCPD submitted its finalized Use of Force (UOF) policy on August 29, 2017. The Monitor’s review of that policy found it consistent with national best practice standards and appropriately emphasized the concept of de-escalating situations as the first and best choice whenever possible.

During the current quarter, the Monitor, along with one member of the Community Advisory Council (CAC) attended and observed one of several Practical Application of UOF training sessions in which the UCPD officers in attendance received instruction on UOF policies and procedures. The curriculum was not developed by the UCPD but rather specified by the Ohio Peace Officers Training Academy (OPOTA) and covered the legal basis for when officers are permitted to use force; the tactics used to help avoid the need to use force, such as using command presence, a tactical stance, and contact/cover; along with the many hands-on techniques for using force, such as handcuffing, weapon retention, and the use of the recently issues Tasers<sup>2</sup> - all of which is also appropriately contained in the UCPD policies and procedures.

The UCPD instructors who conducted the training were well prepared, presented the material in a manner that was clear, and covered all of the necessary elements related to UCPD policy, the United States Constitution, and applicable state and federal statutes. The Monitor’s observation of the classroom portion of the course did result in some feedback that was shared with the UCPD such as the benefits of the “team teaching” using multiple instructors to break up monotony of long lectures, and the need to more actively engage the students even though the material is considered refresher training. The Monitor also noted that one instructor repeatedly stated “...you

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<sup>2</sup> Further details specific to the Taser deployment can be found in this report under the Monitor’s assessment of ER 10.1.A.

already know this, but...” which can lead to a lackadaisical attitude. The Monitor suggested that the instructors take a “new material” approach to repetitive training in order to keep it interesting for all. Nevertheless, in general the lectures were thorough and aligned with best practice standards. The hands-on portion of the training was extremely well put together, included skill-based approach using reality based scenarios, and thoroughly engaged the students. The Monitor and the CAC member both complimented the UCPD on the high quality of the training.

The Monitor also reviewed the presentation and tests developed by UCPD and given on-line via its document management system, PowerDMS. The presentation and related test questions also covered UCPD policies and procedures but went further to include its “Critical Decision-Making Model” (CD-MM) as is included in their UOF policy. As previously reported in its assessment of ER 3.1.A, the CD-MM is a common-sense and ethically based thought process intended to help police officers manage a wide range of incidents safely and effectively. The Monitor confirmed that the presentation and tests were delivered to all appropriate UCPD personnel.

Lastly, during the current quarter, the UCPD delivered other types of training not specifically designated as UOF training but certainly related to UOF policy dealing with proper police response in situations where force may be necessary, such as crowd management/control and unlawful assemblies, range training including firearm qualification, and crisis intervention training.

Based on the above, the Monitor finds the UCPD in compliance during this current assessment. We will continue to monitor this paragraph to ensure that all members of the UCPD attend use of force training, that the training is ongoing and appropriate, and covers the UCPD UOF policies and procedures to ensure UCPD officers have a thorough understanding of the topic.

#### **Next Review**

The Monitor will review this ER on an annual basis and is next scheduled to review in Q8, ending December 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 16, 2017  
**REC. REF. NO.:** 3.8.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not currently employ realistic, scenario-based training.

### **Exiger Recommendation (“ER”)**

Training for sworn personnel should be held twice annually to include live fire exercises and Reality Based Training (RBT). All training should emphasize de-escalation and sanctity of life.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. UCPD training for sworn personnel is held twice annually to include live fire exercises and Reality Based Training (RBT).
2. UCPD training emphasizes de-escalation and sanctity of life.

### **UCPD Proffer of Compliance**

*“Every officer from the UCPD is required to attend live fire training twice annually; this is according to the UCPD Annual Training Plan that can be found under the Training Policy, page 9. The Use of Force Policy, under section J, requires that each officer qualifies once annually. Ideally, the UCPD offers qualification once a year and scenario-based live fire training once a year, but due to transitioning to a new firearm in November 2017, all officers will attend two firearms qualifications (attendance records attached).*

*Additionally, all officers will attend firearms training utilizing our training simulator to incorporate Reality Based/Scenario Based Training. Currently, 53 sworn personnel have attended the firearms training simulator training during the Practical Application of Force class. This training will be completed by the end of November 2017. The curriculum and current attendance records are attached and the monitor will be provided the remainder of the attendance records at the end of November.*

*During the live-fire/range training and the Practical Application of Force class, the Use of Force policy is reviewed with officers for the purpose of emphasizing the sanctity of life and de-escalation. The firearms simulator that is included in the Practical Application of Force class also stresses de-escalation and will be used on a more frequent basis going forward.”*

*As indicated in the UCPD Annual Training Plan, Security Officers will also attend a training block focused on Use of Force issues. It will be a separate 4-hour block of training, completed by January 2018 that includes applicable procedures and policies directly related to the security officer position at the University but excludes the content of the 8-hour Practical Application of Force training that is not relevant to the nature of their work.”*

### **Data Reviewed**

1. UCPD Annual Training Schedule
2. Training Policy
3. Use of Force Policy
4. Curriculum: OPOTA training for Live Fire
5. Attendance Records: Live Fire
6. Curriculum: Practical Use of Force and Introduction to the Simulator (two separate documents)
7. Attendance Records: Practical Use of Force

### **Current Assessment of Compliance**



#### **In Compliance**

In response to the requirements of this ER, during the current quarter the UCPD submitted its policies that address the firearm qualification mandates, the training schedule and curricula, along with sign-in roster documentation and score sheets evidencing both live-fire firearms qualification and its practical Use of Force (“UOF”) training.

Through its review of the above referenced documentation and its onsite observations during one of the several practical Use of Force (UOF) training sessions, the Monitor concluded that the UCPD is in fact training its sworn officers at least twice annually and that such training includes live-fire exercises to ensure proficiency, includes scenarios to present information to students in a realistic manner. All of the training appropriately emphasizes de-escalation and the sanctity of life, as required. The training observed included a demonstration of the UCPD’s newly acquired firearms simulator, which is clearly a “Reality Based Training” model and is one of the most beneficial tools used in modern police training.

Based on the above, the Monitor finds the UCPD in compliance during this current assessment. We will continue to monitor this ER to ensure that all sworn members of the UCPD continue to attend training twice annually to include live-fire and Reality-Based Training.

### **Next Review**

The Monitor will review this ER on an annual basis and is next scheduled to review in Q8, ending December 31, 2018.

# Appendix 4

## Review of Policies and Procedures

## REPORT CARD MATRIX

**2017**
**2018**
**2019**

<b>Q1:</b> Jan- Mar	<b>Q2:</b> Apr- Jun	<b>Q3:</b> Jul- Sep	<b>Q4:</b> Oct- Dec	<b>Q5:</b> Jan- Mar	<b>Q6:</b> Apr- Jun	<b>Q7:</b> Jul- Sep	<b>Q8:</b> Oct- Dec	<b>Q9:</b> Jan- Mar	<b>Q10:</b> Apr- Jun	<b>Q11:</b> Jul- Sep	<b>Q12:</b> Oct- Dec
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### Section 4 - Review of Policies and Procedures

<b>4.1.A</b>	Update policies and procedures to reflect campus law enforcement best practices, and assign ongoing responsibility for ensuring that they are kept current.	●			◐	○				○		
<b>4.1.B</b>	Establish a policy and procedure review committee consisting of a cross section of the UCPD and appropriate University resources to assist in updating and developing critical policies and procedures.			●				○				
<b>4.1.C</b>	Work with the newly hired Organization Development Coordinator to fully implement the electronic document management software system.		●					○		○		
<b>4.1.D</b>	Provide the Coordinator with the resources and support necessary to meet the requirements of his position, and to implement a critical but challenging agenda.	●						○		○		
<b>4.1.E</b>	Establish a procedure for the review of policies and procedures by appropriate UC personnel including the Vice President for Safety and Reform and General Counsel or his/her designee.			●				○				
<b>4.2.A</b>	Establish adequate and consistent policies and procedures in several key critical areas including officer supervision and accountability, department transparency, effective diversity recruitment and essential goal setting to develop community trust and partnership.	● NFE	-	-	-	-	-	-	-	-	-	-
<b>4.3.A</b>	Rewrite Field Interrogations policy to require that stops be constitutional and based upon probable cause and reasonable suspicion criteria.				●				○			
<b>4.3.B</b>	Remove problematic verbiage such as "Persons not fitting the place, time or area."				● NFE	-	-	-	-	-	-	-
<b>4.3.C</b>	Clarify sections in the procedure on when an officer can conduct a "pat down" for officer safety.				● NFE	-	-	-	-	-	-	-
<b>4.4.A</b>	Rewrite the Trespass Warning to articulate tenets of Constitutional policing as the basis for initiating trespassing encounters and clearly articulate probable cause and reasonable suspicion.			● NFE	-	-	-	-	-	-	-	-



REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
4.4.B	Remove contradictory language suggesting both that UC is “public property”, yet, “under the laws of Ohio, UC has the right to forbid a person to come onto this property.”			● NFE	-	-	-	-	-	-	-	-	
4.5.A	Limit the number of off-duty hours officers can work to 20-30 hours in addition to their normal work week.			● NFE	-	-	-	-	-	-	-	-	
4.5.B	Require UCPD approval of any collateral employment to prevent conflict of interests.			● NFE	-	-	-	-	-	-	-	-	
4.6.A	Require that officers complete a police/public safety officers’ bike course, and receive a certification prior to being allowed to deploy on a bicycle.	●				○							
4.7.A	Rewrite the Unlawful Assemblies policy to include a section on when student assemblies can/should be deemed unlawful.			● NFE	-	-	-	-	-	-	-	-	
4.8.A	Rewrite the Plain Clothes Detail policy to address supervisory oversight, notification protocols (UCPD and CPD), when plain clothes details may be utilized and collateral issues to plain clothes deployment.												
4.9.A	Prohibit the use of Confidential Informants (CIs) except in extraordinary circumstances with clearance at the University reporting level.												
4.10.A	Rewrite the Gangs policy to focus on what specific behaviors constitute a constitutional stop or other law enforcement encounter with a gang member, and to clarify what constitutes gang activity, and how an individual becomes classified as a known gang member.												
4.11.A	Revise Active Shooter policy so that the section on tactical responses is consistent with Multi-Assault Counter-Terrorism Capability (MACTAC)	●				○			○				
4.12.A	Update Bomb Threats policy to incorporate the likely motivations of modern bomb threat callers and to ensure alignment with current realities of today’s domestic and foreign terrorist bombers.			● NFE	-	-	-	-	-	-	-	-	

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
4.13.A	Make Clery notifications for reportable only for Clery incidents, and make other crime data available on the University's website	●				○				○			
4.14.A	Build out a dedicated Emergency Operations Center, designed to facilitate planning and response to both planned and unplanned events in coordination with other federal, state and local agencies.			● NFE	-	-	-	-	-	-	-	-	-

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 30, 2017  
**REC. REF. NO.:** 4.1.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD lacks an effective process for developing and managing new policies and procedures, and reviewing and updating existing ones.

### **Exiger Recommendation (“ER”)**

UCPD should update its policies and procedures to reflect campus law enforcement best practices, and assign ongoing responsibility for ensuring that they are kept current.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the UCPD develops a process to update its policies and procedures to reflect campus law enforcement best practices, and assigns ongoing responsibility for ensuring that they are kept current.

### **Proffer of Compliance from UCPD**

*“Although the Exiger Final Report made recommendations regarding the development or revision of many specific policies, not all policies fall under a specific Exiger Recommendation (ER). In order to demonstrate implementation of the UCPD processes for developing and/or updating policies and procedures (1.1.400 Written Directive System), the UCPD and Exiger have agreed that all policies that are related to the purview of the monitorship but not covered by a specific ER shall be submitted for compliance assessment with best practice standards under ER 4.1.A. For Q4, the following policies are included:*

- *Policy 1.1.600 Obeying Lawful Orders*
- *Policy 2.2.200 Arrest, Processing, Transportation, Interview and Interrogation of Detainees*
- *Policy 7.2.100 Weapons Management*
- *Policy 11.2.800 Command Staff Situational Notification*

*The Obeying Lawful Orders policy was developed based on the best practice standards of IACLEA Standard 1.1.6 Obeying Lawful Orders. This policy was fully disseminated prior to the new process for Exiger review to occur prior to dissemination. The monitor may find evidence of dissemination in Power DMS. If the monitor recommends substantive revisions, the policy will be redisseminated as needed.*

*The Arrest, Processing, Transportation, Interview, and Interrogation of Detainees Policy was written by the Director of Public Safety, James Whalen, who has over 30 years of experience in*

*law enforcement. In addition to his expertise and his collaboration with the Chief and Assistant Chief of UCPD, this policy is based on the following policies:*

- *Cincinnati Police procedure 12.600 Prisoners: Securing, Handling and Transporting*
- *Cincinnati Police procedure 12.555 Arrest/Citation: Processing of Adult Misdemeanor & Felony Offenders*
- *Milwaukee Police General Order 2016-58 Citizen Contacts, Field Interviews, Search & Seizure*
- *Arizona State University Police policy Law Enforcement Role & Authority, Arrests & Bookings*
- *Greenville Police policy 1.2.3 Alternatives to Arrest*
- *IACP Model Policy on Arrest*

*Furthermore, a subcommittee of UCPD supervisors (lieutenant and sergeants) and officers reviewed the policy to ensure it matched current practices, referenced the correct UCPD forms associated with processing arrests, and was functional. After the subcommittee met and made recommendations, the policy went through the normal command staff review for final approval. This demonstrates supervisor and officer involvement in the policy development process, which is in accordance with the Written Directive policy. Taken together, this comprehensive approach to policy development ensures that the UCPD's policy is consistent with best practice standards.*

*The Arrest, Processing, Transportation, Interview, and Interrogation of Detainees Policy will be disseminated after the monitor reviews it and evidence of such will be provided to the monitor via Power DMS at that time. The policy will be covered during roll call training and tested upon in Power DMS at the time of dissemination. Evidence of both will be provided to the monitor after completion.*

*The Weapons Management policy was developed based on the best practice standards of the IACP Model Policy on Firearms and IACLEA Standard 7.2 Weapons Management. This policy was fully disseminated prior to the full implementation of the new process for Exiger review to occur prior to dissemination. The monitor may find evidence of dissemination in Power DMS. No specific training or testing was conducted in Power DMS for this policy; however, hands-on weapons qualification and proficiency testing was completed (see documents uploaded for ER 3.8.A). If the monitor recommends substantive revisions, the policy will be redisseminated as needed.*

*The UCPD Command Staff Situational Notification policy was developed based on an internal need for the Director of Public Safety and other members of the command staff to be made aware of particular types of incidents occurring on campus or involving members of the UC community. Due to the unique campus environment for which UCPD is responsible, there was also a need for there to be an established protocol for notifying other campus entities (e.g., Athletics, President's Office, etc.) of specific types of events. This policy was fully disseminated upon initial development in 2016 and a revised version was redisseminated October 9, 2017. The monitor may find evidence of such in Power DMS. If the monitor recommends substantive revisions, the policy will be redisseminated as needed.*

### **Data Reviewed**

1. Policy 1.1.600 Obeying Lawful Orders
2. Policy 2.2.200 Arrest, Processing, Transportation, Interview and Interrogation of Detainees
3. Policy 7.2.100 Weapons Management
4. Policy 11.2.800 Command Staff Situational Notification
5. Policy 1.1.400 Written Directive System (reference only)

### **Prior Assessment of Compliance**

During Q1 ending March 31, 2017, the Monitor found the UCPD in compliance with this ER. The assignment of the Organizational Development Coordinator (“ODC”) for responsibility of policy development, revision, and management to ensure the UCPD policies meet best practice standards was clearly effective based on the Monitor’s review of the policies submitted and the protocols in place. The Monitor explained that reviews of continuous implementation would occur throughout the Monitorship based on policies submitted.

### **Current Assessment of Compliance**



#### **Partial Compliance**

In order to assess the UCPD’s system of developing and publishing policies that are consistent with best practices, during the current reporting period, the Monitor reviewed the four policies submitted as indicated in the UCPD’s proffer of compliance (above in italics). The Monitor’s review consisted of an assessment of the content of the policies to evaluate consistency with best practices and comparable policies within the law enforcement community. In order to conduct its continuous evaluation of the UCPD’s implementation of its policy management process (PowerDMS), the Monitor reviewed the process by which policies were developed, reviewed, and disseminated.

As previously noted in connection with ER 4.1.A in its first quarterly report, the implementation of policy review committee and the UCPD’s use of the International Association of Chiefs of Police (“IACP”) as model policies, and the use of the International Association of Campus Law Enforcement (“IACLEA”) as a resource are significant strides towards improving UCPD as a whole. While the overall quality of the four policies submitted was adequate, the Monitor noted several areas for needed revisions. Using the newly refined collaboration process, the ODC and the Monitor worked together to communicate the needed edits to ensure the policies meet best practice standards. Given the critical nature of the Arrests policy, the Monitor suggested more substantive adjustments to ensure that it clearly conveyed the information to UCPD officers and was organized in a manner that was easier to follow from a field officer’s perspective. Consequently, the Arrests policy remains in the revision process and had not yet been disseminated as of the end of the reporting period. The Monitor did confirm that the other three policies have been disseminated to appropriate personnel; however due to the status of the Arrests policy the Monitor found the UCPD in partial compliance at this time.

### **Next Review**

The Monitor will again assess the UCPD’s compliance with the implementation of this ER in Q5 ending March 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 5, 2017  
**REC. REF. NO.:** 4.1.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD lacks an effective process for developing and managing new policies and procedures, and reviewing and updating existing ones.

### **Exiger Recommendation (“ER”)**

UCPD should establish a policy and procedure review committee consisting of a cross section of the UCPD and appropriate University resources to assist in updating and developing critical policies and procedures.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD initiates a plan to establish a policy and procedure review committee;
- 2) The proposed committee consists of a cross section of the UCPD and appropriate University resources; and,
- 3) The proposed committee is best qualified to establish policies and procedures that meet best practices in the industry.

### **Proffer of Compliance from UCPD**

*“The UCPD has established a procedure for the review of policies, procedures, and written directive systems (WDS); SOP 1.1.400 is attached to this email. Specifically, it details how a review committee will be composed of a cross section of appropriated UCPD and University personnel and resources that are best qualified to review said policies and procedures (page 3 of SOP). Additionally, it includes a list of critical policies that must be reviewed by the Vice President for Safety and Reform as well as the Office of General Counsel.*

*This SOP has been effective since July 27, 2017 and is being followed in practice. A list of Policy Committee standing and ad hoc members for recent policy subcommittees is provided as an attachment, along with proof of the review process involving the Office of General Counsel. The Vice President for Safety and Reform, Dr. Robin Engel, has been directly involved in reviewing and revising critical policies, including those related to Use of Force, Internal Investigations and Complaints, Recruitment and Selection, and Traffic Enforcement and Activities.*

*Proof of policy dissemination to UCPD personnel will be available for the Monitor via PowerDMS prior to the conclusion of Q3.”*

### **Data Reviewed**

1. Written Directive System (SOP 1.1.400)
2. Documentation to include a list of standing members and recent ad-hoc members of the Policy and Procedures Review Committee.
3. PowerDMS was reviewed for evidence of dissemination

### **Current Assessment of Compliance**

#### **In Compliance**

The Monitor reviewed the UCPD's written directive (SOP 1.1.400) which clearly establishes procedures for the Policy and Procedures Review Committee and lists appropriate UCPD staff as "Standing Members" (shown below) along with Subject Matter Experts ("SME") from within the department and the larger University to be used on an ad-hoc/as needed basis. Documentation from a recently finalized policy was submitted to demonstrate the use of UC SMEs.

#### **Standing Policy and Procedure Review Committee members**

- John DeJarnette, Organizational Development Coordinator
- Assistant Police Chief Maris Herold
- The appropriate Bureau Commander(s) depending on subject matter:
  - CPT Dudley Smith (Support Services Bureau),
  - CPT Jeffrey Thompson (Field Operations Bureau),
  - CPT Rodney Carter (Standards and Strategic Development Bureau)

The Monitor has confirmed dissemination of the policy to UCPD personnel through PowerDMS.

### **Next Review**

The Monitor will assess the UCPD's compliance with this recommendation on an ongoing, annual basis which will be scheduled in Q6 (Q2 2018) and Q10 (Q2 2019).

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 5, 2017  
**REC. REF. NO.:** 4.1.E  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD lacks an effective process for developing and managing new policies and procedures, and reviewing and updating existing ones.

### **Exiger Recommendation (“ER”)**

UCPD should establish a procedure for the review of its policies and procedures by appropriate UC personnel including the Vice President for Safety and Reform, and the General Counsel or his/her designee.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD establishes a procedure for the review of its policies and procedures by appropriate UC personnel including the Vice President for Safety and Reform, and the General Counsel or his/her designee; and
- 2) This procedure is being followed in practice.

### **Proffer of Compliance from UCPD**

*“The UCPD has established a procedure for the review of policies, procedures, and written directive systems (WDS); SOP 1.1.400 is attached to this email. Specifically, it details how a review committee will be composed of a cross section of appropriated UCPD and University personnel and resources that are best qualified to review said policies and procedures (page 3 of SOP). Additionally, it includes a list of critical policies that must be reviewed by the Vice President for Safety and Reform as well as the Office of General Counsel.*

*This SOP has been effective since July 27, 2017 and is being followed in practice. A list of Policy Committee standing and ad hoc members for recent policy subcommittees is provided as an attachment, along with proof of the review process involving the Office of General Counsel. The Vice President for Safety and Reform, Dr. Robin Engel, has been directly involved in reviewing and revising critical policies, including those related to Use of Force, Internal Investigations and Complaints, Recruitment and Selection, and Traffic Enforcement and Activities.*

*Proof of policy dissemination to UCPD personnel will be available for the Monitor via PowerDMS prior to the conclusion of Q3.”*

### **Data Reviewed**



1. Written Directive System (SOP 1.1.400)
2. Copy of internal email provided as an example of a policy that was recently reviewed by the OGC.
3. PowerDMS was reviewed for evidence of dissemination

### **Current Assessment of Compliance**

#### **In Compliance**

The Monitor reviewed UCPD's *Written Directive System* document and the UCPD's proffer of compliance (in italics above) and found that the directive establishes clear processes for the review and approval of UCPD's policies. The directive also requires review from the Director of Public Safety, the Vice President for Safety and Reform ("VP for OSR"), and the Office of General Counsel ("OGC") for certain policies which are listed as "Critical" within the directive and included below for reference.

Specific policies requiring review by VP for OSR and OGC:

- Use of Force
- Bias Free Policing
- Body Worn Cameras
- Internal Investigations and Complaints
- Recruitment and Selection
- Mental Health Response
- Criminal Trespass
- Crowd Management and Control
- Emergency Operation of Police Vehicles
- Traffic Enforcement

With regard to documentation, each policy's review and approval is shown on the cover page of the policy document and the review of the critical policies by the VP for OSR and OGC will be documented within PowerDMS. The Monitor has also confirmed dissemination of this policy internally through PowerDMS.

### **Next Review**

The Monitor will assess the UCPD's compliance with this recommendation on an ongoing, annual basis which will be scheduled in Q6 (Q2 2018) and Q10 (Q2 2019).

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 1, 2017  
**REC. REF. NO.:** 4.3.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's policy on Field Interrogations (SOP 41.2.300) does not properly articulate the Constitutional basis for initiating field encounters.

### **Exiger Recommendation ("ER")**

This policy should be rewritten to articulate the basic tenets of Constitutional policing, including that stops be based upon probable cause and reasonable suspicion criteria.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

1. UCPD rewrites its policy on Field Interrogations;
2. The updated policy articulate basic tenets of Constitutional policing;
3. The updated policy requires that stops must be based upon probable cause and reasonable suspicion criteria; and,
4. The updated policy meets best practices in the industry.

### **Proffer of Compliance from UCPD**

*"The UCPD has revised its policy on Field Interrogations and renamed the policy "Pedestrian Stops, Field Interviews, and Pat-Down Searches." This policy (attached) was updated based on the best practice standards of the IACP model policy "Field Interviews and Pat-Down Searches."*

*The updated policy articulates the basic tenets of Constitutional policing. Specifically, probable cause and reasonable suspicion are defined on page 2. Page 2 of the policy also clearly articulates that "Law enforcement officers may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present." Pages 2 and 3 go on to list specific facts that may constitute reasonable suspicion. The list of facts included in the updated policy no longer includes problematic, vague language that was included in the previous version of the policy.*

*The updated policy also includes clarifying language on when an officer can conduct a "pat down" for officer safety on pages 4 and 5, and the appropriate procedures for doing so on pages 5 and 6.*

*The Pedestrian Stops, Field Interviews, and Pat-Down Searches policy will be disseminated after the monitor reviews it and evidence of such will be provided to the monitor via Power DMS at that time. The Training Section plans to conduct a test in Power DMS on the contents of this policy at*

*the time of its dissemination. Evidence of this test and its results will be available to the monitor via Power DMS at that time.”*

### **Data Reviewed**

Policy 2.2.101 Pedestrian Stops, Field Interviews, and Pat-Down Searches

### **Current Assessment of Compliance**



#### **In Compliance**

During the current quarter, the Monitor reviewed the UCPD’s revised “Pedestrian Stops, Field Interviews, and Pat-Down Searches” policy and found that it did contain the legal basis for conducting stops, field interrogations/interviews and pat-down searches and included the definitions of probable cause and reasonable suspicion.

The Monitor’s initial review identified several issues related to wording that was not consistent to other comparable policies or simply needed further explanation. The Monitor also suggested areas to improve the policy in an organizational manner to ensure that officers thoroughly understand the legal basis of their various interactions with the public. As a result, the UCPD’s Organizational Development Coordinator met with the Monitor throughout the quarter to revise and improve the policy through a collaborative approach, resulting in a policy that meets and exceeds best practice standards and one that the UCPD can be proud of.

As described in our assessment of compliance of ER 4.3.B and 4.3.C, the Monitor suggested and the UCPD agreed to increase the level of supervisory review of all off-campus pedestrian stops including a review of the body camera video. Similar to the review of all off-campus traffic stops this higher level of scrutiny should help to identify and address any potential problems with regard to pat-down searches conducted.

The Monitor confirmed that the above policy was disseminated to all UCPD sworn personnel.

### **Next Review**

The Monitor will assess the UCPD’s on-going compliance with the implementation of this ER in Q8 ending December 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 1, 2017  
**REC. REF. NO.:** 4.3.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's policy on Field Interrogations (SOP 41.2.300) does not properly articulate the Constitutional basis for initiating field encounters.

### **Exiger Recommendation ("ER")**

UCPD should remove problematic verbiage such as "Persons not fitting the place, time or area."

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

1. UCPD rewrites its policy on Field Interrogations;
2. The updated policy does not include problematic verbiage such as "Persons not fitting the place, time or area; and,
3. The updated policy meets best practices in the industry.

### **Proffer of Compliance from UCPD**

*"The UCPD has revised its policy on Field Interrogations and renamed the policy "Pedestrian Stops, Field Interviews, and Pat-Down Searches." This policy (attached) was updated based on the best practice standards of the IACP model policy "Field Interviews and Pat-Down Searches."*

*The updated policy articulates the basic tenets of Constitutional policing. Specifically, probable cause and reasonable suspicion are defined on page 2. Page 2 of the policy also clearly articulates that "Law enforcement officers may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present." Pages 2 and 3 go on to list specific facts that may constitute reasonable suspicion. The list of facts included in the updated policy no longer includes problematic, vague language that was included in the previous version of the policy.*

*The updated policy also includes clarifying language on when an officer can conduct a "pat down" for officer safety on pages 4 and 5, and the appropriate procedures for doing so on pages 5 and 6.*

*The Pedestrian Stops, Field Interviews, and Pat-Down Searches policy will be disseminated after the monitor reviews it and evidence of such will be provided to the monitor via Power DMS at that time. The Training Section plans to conduct a test in Power DMS on the contents of this policy at*

*the time of its dissemination. Evidence of this test and its results will be available to the monitor via Power DMS at that time.”*

### **Data Reviewed**

Policy 2.2.101 Pedestrian Stops, Field Interviews, and Pat-Down Searches

### **Current Assessment of Compliance**



#### **In Compliance**

During the current quarter, the Monitor reviewed the UCPD’s revised “Pedestrian Stops, Field Interviews, and Pat-Down Searches” policy and determined that the specific verbiage referred to in the ER (“Persons not fitting the place, time or area”) was removed. In its place, the UCPD appropriately gave examples of facts that could contribute to developing reasonable suspicion for stopping an individual. A few examples from the policy include: “*The appearance, demeanor or actions of an individual suggests that he or she is engaged in a criminal act*” and “*The hour of day or night is inappropriate for the suspect’s presence in the area.*”

As is described elsewhere in this report, the Monitor’s initial review identified several other areas that were needed for improving the policy and ensuring it met best practice standards. This was accomplished through a collaborative approach and resulted in a policy that not only meets best practice standards but is a policy that the UCPD can be proud of.

It should be noted that, as is described in our assessment of compliance for ER 4.3.A and 4.3.C, the Monitor suggested and the UCPD agreed to increase the level of supervisory review of all off-campus pedestrian stops including a review of the body camera video. Similar to the review of all off-campus traffic stops this higher level scrutiny should help to identify and address any potential problems with regard to pat-down searches conducted.

### **Next Review**

No further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 1, 2017  
**REC. REF. NO.:** 4.3.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's policy on Field Interrogations (SOP 41.2.300) does not properly articulate the Constitutional basis for initiating field encounters.

### **Exiger Recommendation ("ER")**

The procedure on when an officer can conduct a "pat down" for officer safety needs clarification.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

1. UCPD rewrites its policy on Field Interrogations;
2. The updated policy includes clarifying language on when an officer can conduct a "pat down" for officer safety; and
3. The updated policy meets best practices in the industry

### **Proffer of Compliance from UCPD**

*"The UCPD has revised its policy on Field Interrogations and renamed the policy "Pedestrian Stops, Field Interviews, and Pat-Down Searches." This policy (attached) was updated based on the best practice standards of the IACP model policy "Field Interviews and Pat-Down Searches."*

*The updated policy articulates the basic tenets of Constitutional policing. Specifically, probable cause and reasonable suspicion are defined on page 2. Page 2 of the policy also clearly articulates that "Law enforcement officers may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present." Pages 2 and 3 go on to list specific facts that may constitute reasonable suspicion. The list of facts included in the updated policy no longer includes problematic, vague language that was included in the previous version of the policy.*

*The updated policy also includes clarifying language on when an officer can conduct a "pat down" for officer safety on pages 4 and 5, and the appropriate procedures for doing so on pages 5 and 6.*

*The Pedestrian Stops, Field Interviews, and Pat-Down Searches policy will be disseminated after the monitor reviews it and evidence of such will be provided to the monitor via Power DMS at that time. The Training Section plans to conduct a test in Power DMS on the contents of this policy at the time of its dissemination. Evidence of this test and its results will be available to the monitor via Power DMS at that time."*

### **Data Reviewed**

Policy 2.2.101 Pedestrian Stops, Field Interviews, and Pat-Down Searches

### **Current Assessment of Compliance**



#### **In Compliance**

During the current quarter, the Monitor reviewed the UCPD's revised "Pedestrian Stops, Field Interviews, and Pat-Down Searches" policy and found that it did contain clarification regarding when pat-down searches are permitted. The Monitor's initial review identified several issues related to wording that was absent or needed further explanation and areas for improving the organization to ensure that officers thoroughly comprehend the policy and the legal basis of their interactions with the public. In order to address these issues, the UCPD's Organizational Development Coordinator met with the Monitor throughout the quarter to revise and improve the policy through a collaborative approach, resulting in a policy that meets and exceeds best practice standards and one that the UCPD can be proud of.

It should be noted that, as is described in our assessment of compliance for ER 4.3.A and 4.3.B, the Monitor suggested and the UCPD agreed to increase the level of supervisory review of all off-campus pedestrian stops including a review of the body camera video. Similar to the review of all off-campus traffic stops this higher level scrutiny should help to identify and address any potential problems with regard to pat-down searches conducted.

### **Next Review**

No further evaluation of the ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 12, 2017  
**REC. REF. NO.:** 4.4.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's Trespass Warning (SOP 1.2.500) does not properly articulate the Constitutional basis for initiating trespass encounters.

### **Exiger Recommendation ("ER")**

The [Trespass] warning should articulate tenets of Constitutional policing as the basis for initiating trespassing encounters and clearly articulate probable cause and reasonable suspicion.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD rewrites its policy on Trespass Warnings; and
- 2) The updated policy articulates the tenets of Constitutional policing as the basis for initiating trespassing encounters and clearly articulate probable cause and reasonable suspicion.

### **Proffer of Compliance from UCPD**

*"The Policy regarding Trespass Warnings (SOP 9.1.800) has been revised to clearly articulate the constitutional basis for initiating a trespass warning. Probable cause and reasonable suspicion are clearly defined in page 2 of the policy. Further, contradictory language has been removed. Also included as an attachment to this proffer is the requested current list of restricted access buildings on UC property. The policy meets best practices based on a review of the following:*

- *Ohio law*
- *City of Cincinnati policy 12.113*
- *University of Miami, OH Student Rights and Responsibilities handbook*
- *Marietta OH College Police policies (an IACLEA accredited organization) related to criminal trespass*
- *Recommendations from the University of Cincinnati Office of General Counsel (OGC).*

*The Trespass Warning policy is currently under simultaneous review by Exiger and OGC. The UCPD will wait until feedback from both has been provided prior to disseminating the policy to its personnel via PowerDMS. Once distributed, evidence of such will be available to the monitor via PowerDMS."*

### **Data Reviewed**

1. Trespass Warning (SOP 9.1.800)



2. List of UC Properties with Restricted Access
3. PowerDMS was reviewed for evidence of dissemination

### **Current Assessment of Compliance**

#### **In Compliance**

The Monitor reviewed the UCPD's revised policy regarding trespass warnings and has confirmed that as required by this ER, the policy contains clear language advising officers they must have a legal basis for issuing a trespass warning. Both of the terms "probable cause" and "reasonable (articulable) suspicion" are appropriately defined and the contradictory wording which was previously contained in the policy has been removed.

The policy has been reviewed by the UC Office of General Counsel, is consistent with Ohio state law, and explains that while the University grounds are generally open to the public, the UC does have the legal authority to restrict use or access to specific buildings and facilities which are listed at the Department of Public Safety Access Control Unit. The Monitor has confirmed dissemination of the policy to its personnel through PowerDMS and reviewed training material that was presented to all officers in a legal update which included updates to the Trespass policy.

#### **Next Review**

No Further evaluation of this ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 12, 2017  
**REC. REF. NO.:** 4.4.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's Trespass Warning (SOP 1.2.500) does not properly articulate the Constitutional basis for initiating trespass encounters.

### **Exiger Recommendation ("ER")**

The policy should be revised, including the clarification of seemingly contradictory language suggesting both that UC is "public property," yet, "under the laws of Ohio, UC has the right to forbid a person to come onto this property."

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD rewrites its policy on Trespass Warnings;
- 2) The updated policy clarifies the seemingly contradictory language suggesting both that UC is "public property," yet, "under the laws of Ohio, UC has the right to forbid a person to come onto this property;" and
- 3) The updated policy meets best practices in the industry.

### **Proffer of Compliance from UCPD**

*"The Policy regarding Trespass Warnings (SOP 9.1.800) has been revised to clearly articulate the constitutional basis for initiating a trespass warning. Probable cause and reasonable suspicion are clearly defined in page 2 of the policy. Further, contradictory language has been removed. Also included as an attachment to this proffer is the requested current list of restricted access buildings on UC property. The policy meets best practices based on a review of the following:*

- *Ohio law*
- *City of Cincinnati policy 12.113*
- *University of Miami, OH Student Rights and Responsibilities handbook*
- *Marietta OH College Police policies (an IACLEA accredited organization) related to criminal trespass*
- *Recommendations from the University of Cincinnati Office of General Counsel (OGC).*

*The Trespass Warning policy is currently under simultaneous review by Exiger and OGC. The UCPD will wait until feedback from both has been provided prior to disseminating the policy to*

*its personnel via PowerDMS. Once distributed, evidence of such will be available to the monitor via PowerDMS.”*

### **Data Reviewed**

1. Trespass Warning (SOP 9.1.800)
2. List of UC Properties with Restricted Access
3. PowerDMS was reviewed for evidence of dissemination

### **Current Assessment of Compliance**



#### **In Compliance**

The Monitor reviewed the UCPD’s revised policy regarding trespass warnings and has confirmed that as required by this ER, the policy contains clear language advising officers they must have a legal basis for issuing a trespass warning. Both of the terms “probable cause” and “reasonable (articulable) suspicion” are appropriately defined and the contradictory wording which was previously contained in the policy has been removed.

The policy has been reviewed by the UC Office of General Counsel, is consistent with Ohio state law, and explains that while the University grounds are generally open to the public, the UC does have the legal authority to restrict use or access to specific buildings and facilities which are listed at the Department of Public Safety Access Control Unit. The Monitor has confirmed dissemination of the policy to its personnel through PowerDMS and reviewed training material that was presented to all officers in a legal update which included updates to the Trespass policy.

### **Next Review**

No Further evaluation of this ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 21, 2017  
**REC. REF. NO.:** 4.5.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's Collateral (Off-Duty) Employment policy (SOP 22.3.400) is incomplete and is not consistent with best practices.

### **Exiger Recommendation ("ER")**

UCPD should consider limiting the number of off-duty hours officers can work to 20-30 hours in addition to their normal work week.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD rewrites its policy on Collateral (Off-Duty) Employment;
- 2) UCPD considers limiting the number of off-duty hours officers can work to 20-30 hours in addition to their normal work week; and
- 3) The updated policy meets best practices in the industry.

### **Proffer of Compliance from UCPD**

*"In accordance with 4.5A and B, the UCPD Collateral Employment policy (attached) was revised based on the best practice standards of the IACP Model Policy and IACP Paper on Secondary Employment as well as the current University of Cincinnati Collateral Employment and Conflict of Interest Policy (all attached for reference).*

*As recommended by ER 4.5.A, the UCPD considered and declined to specifically limit the number of off-duty hours officers can work. Instead, the UCPD policy includes the following limitations on collateral employment (p.3):*

- *Work hours for all collateral employment must be scheduled in a manner that does not conflict or interfere with the employee's duties as assigned by the UCPD.*
- *Extra employment hours shall be reasonable and not impinge on an employee's ability to function to standards during their UCPD employment.*

*As recommended by ER 4.5.B, the UCPD Collateral Employment policy addresses the approval process for collateral employment and prevention of conflict of interest. Specifically, the policy states on page 2 that "The Police Chief or his or her designee is responsible for approving or disapproving requests for collateral employment at the Division level and forwarding the request to UC Human Resources Division for University approval." The policy further specifies in Section*

*A 1-3 the types of potential employment that would be considered a conflict of interest between the primary employer (UCPD) and the agency hiring the officer for the off-duty employment.*

*The Collateral Employment Policy will be disseminated after the monitor reviews it and evidence of such will be provided to the monitor via Power DMS at that time. At this time, no additional training on this policy is planned.”*

#### **Data Reviewed**

1. UCPD Collateral Employment Policy 3.2.300
2. IACP Model Policy on Secondary Employment
3. IACP Paper on Secondary Employment
4. UC Collateral Employment and Conflict of Interest Policy

#### **Current Assessment of Compliance**



#### **In Compliance**

As described in the UCPD’s proffer of compliance, (above in italics), after due consideration and with support from the UC’s Human Resources Division, the UCPD opted not to specify the number of hours permitted for off-duty employment in addition to the normal work week. Rather, the UCPD’s Collateral Employment policy, which was submitted in response to ER 4.5.B, addresses the issue by stating that the hours worked be reasonable and scheduled in a manner that does not conflict or interfere with the employee’s duties or ability to function as assigned by the UCPD.

#### **Next Review**

No further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 21, 2017  
**REC. REF. NO.:** 4.5.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's Collateral (Off-Duty) Employment policy (SOP 22.3.400) is incomplete and is not consistent with best practices.

### **Exiger Recommendation ("ER")**

UCPD should require that it approve any collateral employment to prevent conflict of interests between the primary employer and the agency hiring the officer for the off-duty employment.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD rewrites its policy on Collateral (Off-Duty) Employment;
- 2) The updated policy requires that UCPD approve any collateral employment to prevent conflict of interests between the primary employer and the agency hiring the officer for the off-duty employment; and
- 3) The updated policy meets best practices in the industry.

### **Proffer of Compliance from UCPD**

*"In accordance with 4.5A and B, the UCPD Collateral Employment policy (attached) was revised based on the best practice standards of the IACP Model Policy and IACP Paper on Secondary Employment as well as the current University of Cincinnati Collateral Employment and Conflict of Interest Policy (all attached for reference).*

*As recommended by ER 4.5.A, the UCPD considered and declined to specifically limit the number of off-duty hours officers can work. Instead, the UCPD policy includes the following limitations on collateral employment (p.3):*

- *Work hours for all collateral employment must be scheduled in a manner that does not conflict or interfere with the employee's duties as assigned by the UCPD.*
- *Extra employment hours shall be reasonable and not impinge on an employee's ability to function to standards during their UCPD employment.*

*As recommended by ER 4.5.B, the UCPD Collateral Employment policy addresses the approval process for collateral employment and prevention of conflict of interest. Specifically, the policy states on page 2 that "The Police Chief or his or her designee is responsible for approving or disapproving requests for collateral employment at the Division level and forwarding the request to UC Human Recourses Division for University approval." The policy further specifies in Section*

*A 1-3 the types of potential employment that would be considered a conflict of interest between the primary employer (UCPD) and the agency hiring the officer for the off-duty employment.*

*The Collateral Employment Policy will be disseminated after the monitor reviews it and evidence of such will be provided to the monitor via Power DMS at that time. At this time, no additional training on this policy is planned.”*

#### **Data Reviewed**

1. UCPD Collateral Employment Policy 3.2.300
2. IACP Model Policy on Secondary Employment
3. IACP Paper on Secondary Employment
4. UC Collateral Employment and Conflict of Interest Policy

#### **Current Assessment of Compliance**



#### **In Compliance**

During the current quarter, the Monitor reviewed the UCPD’s Collateral Employment policy. As described in the UCPD’s proffer of compliance, (above in italics), the policy was drafted in collaboration with the UC’s Human Resources Division and is meant to be supplemental to the UC’s policy regarding the same topic. The policy and the procedures set out within, are consistent with best practices including the requirements for prior approval and complete documentation of all off-duty employment. The UCPD’s policy was drafted based on appropriate model policies and should prevent any conflicts of interest in relation to its employees engaging in off-duty employment. The Monitor confirmed that the Collateral Employment policy was disseminated to all UCPD personnel.

#### **Next Review**

No further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 4, 2017  
**REC. REF. NO.:** 4.7.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's policy on Unlawful Assemblies (SOP 46.1.300) addresses labor protests but does not address potentially unlawful student assemblies.

### **Exiger Recommendation ("ER")**

This policy should include a section on when student assemblies can and/or should be deemed unlawful.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD rewrites its policy on Unlawful Assemblies;
- 2) The updated policy includes a section on when student assemblies can and/or should be deemed unlawful; and
- 3) The updated policy meets best practices in the industry.

### **UCPD Proffer of Compliance**

*"UCPD has written a new Crowd Management and Control policy that, once approved, will replace the Unlawful Assemblies SOP 46.1.300 that was previously reviewed by Exiger for the Final Report. It is based on the best practice standards of the IACP model policy and the City of Cincinnati policy.*

*The policy begins with clear definitions (pages 2-3 of attached policy) of crowd management of lawful activities, crowd control of unlawful activities, and unlawful assembly, defined as "A gathering that constitutes a breach of the peace or any assembly of persons where there is destruction of property, violence or the threat of collective violence, or other illegal acts. Such a gathering may also be referred to as a riot."*

*The Crowd Management and Control Policy will be disseminated after the monitor reviews it and evidence of such will be provided to the monitor via Power DMS at that time. PR24 and Crowd Control Training was conducted by the Hamilton County Sheriff's Office (HCSO) in August and September 2016 (see attached training agenda and training sign-in sheets). Refresher training on this topic is also being conducted by the HCSO for UCPD sworn officers throughout the month of November (agenda is attached). At the beginning of the crowd control training portion of the session, the Field Operations Bureau Commander is reviewing the new UCPD Crowd Management and Control policy with the attendees. Evidence of the refresher training attendance*



*(i.e., sign in sheets) will be provided to the monitor at the conclusion of the training and prior to the conclusion of Q4, as will the Power DMS policy sign-offs once fully disseminated.”*

### **Data Reviewed**

1. 17.1.202: Crowd Management and Control
2. PR-24 and Crowd Control training agenda (2016)
3. PR-24 and Crowd Control training sign-in sheets (2016)
4. Crowd Management and Control refresher training agenda (2017)
5. Crowd Management and Control refresher training sign-in sheets (2017) - forthcoming

### **Current Assessment of Compliance**



#### **In Compliance**

In response to this ER, the UCPD opted to draft a new policy to cover unlawful assemblies titled “*Crowd Management and Control*”. The new policy appropriately defines an unlawful assembly; includes a section on when student assemblies can and/or should be deemed unlawful; and, incorporates best practices for police response and management to both lawful and unlawful assemblies.

During the month of November 2017, the UCPD conducted training for crowd control management including the contents of the new policy. In 2018 the UCPD is planning to conduct a refresher course to recertify its officers on the use of the PR-24 side-handled baton, which is only used during crowd control situations. As described above, the policy was covered during recent training which, with a few exceptions, was attended by the majority of UCPD sworn officers. The Monitor also confirmed that the policy was disseminated to UCPD personnel to through the UCPD’s policy document management system, PowerDMS.

### **Next Review**

The Monitor will only assess compliance with this ER again, if or when a situation occurs in which the implementation of the policy is applicable.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 4, 2017  
**REC. REF. NO.:** 4.12.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's Bomb Threats policy (SOP 46.1.600) is not aligned with the current realities of today's terrorist bombers.

### **Exiger Recommendation ("ER")**

UCPD should update this policy to incorporate the likely motivations of modern bomb threat callers and to ensure alignment with current realities of today's domestic and foreign terrorist bombers.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

1. UCPD rewrites its policy on Bomb Threats;
2. The updated policy incorporates the likely motivations of modern bomb threat callers and to ensure alignment with current realities of today's domestic and foreign terrorist bombers; and,
3. The updated policy meets best practices in the industry.

### **UCPD Proffer of Compliance**

*"The Bomb Threat and Emergency policy was revised, as recommended, based on the best practice standards of the IACP Model Policy on Bomb Threats and Searches (attached) and the sample college SOP for Bomb Threats obtained from the UC Public Safety website. Once a draft was developed, UCPD also obtained feedback from the local Joint Terrorism Task Force (JTTF) office.*

*The policy incorporates the likely motivations of modern bomb threat callers in the Information section on page 2. This policy was fully disseminated on July 27, 2017 (prior to the implementation of the new process for Exiger review to occur prior to dissemination). The monitor may find evidence of such in Power DMS. Furthermore, the test on this policy conducted in Power DMS is attached. Results of this test are also available to the monitor in Power DMS. If the monitor recommends substantive revisions to the policy, it will be redisseminated as needed. In addition to the Power DMS test, the UCPD Training Section is planning Roll Call training on the policy after the monitor has reviewed the policy and supporting documentation. The Training Section will incorporate the Monitor's feedback, if any, and expects this training to be complete for assessment in Q5."*

### **Data Reviewed**

1. Policy 17.1.201 Bomb Threats and Emergencies
2. IACP Model Policy on Bomb Threats and Searches
3. Bomb Threat Policy Test in Power DMS
4. Bomb Threat Checklist UCPD Form 17
5. Bomb Threat Stand Off Distances (National Counterterrorism Center)
6. Policy 17.1.200 Critical Incident Response Plan (cross-referenced)

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD's revised "*Bomb Threat and Bomb Emergencies*" policy, last revised on November 13, 2017, now includes the likely motivations of bomb threat callers and aligns with the current realities of today's domestic and foreign terrorist bombers as recommended by the Monitor. The Monitor's review of the policy, along with all of the related documentation and data as referenced above, found it to be based on thorough research and appropriate model policies, and clearly incorporates best practices from experts in the field and bomb threats, searches and explosions.

The Monitor has confirmed that the policy was disseminated and included a written exam within PowerDMS, the UCPD's document management system, to all appropriate UCPD personnel.

### **Next Review**

No further review of this ER is required.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 12, 2017  
**REC. REF. NO.:** 4.14.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

The UCPD does not currently have an Emergency Operations Center (EOC).

### **Exiger Recommendation (“ER”)**

UCPD, working with the Director of Emergency Management, should build out a dedicated Emergency Operations Center, designed to facilitate planning and response to both planned and unplanned campus events in coordination with other federal, state and local agencies.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

- 1) UCPD and the Director of Emergency Management builds out a dedicated Emergency Operations Center.
- 2) This operations center is designed to facilitate planning and response to both planned and unplanned campus events in coordination with other federal, state and local agencies.
- 3) The operations center and implementation policy is in accordance with best practices.

### **UCPD Proffer of Compliance**

*“The Emergency Operations Center (EOC) is located in the Edwards Three building on UC’s West Campus and was renovated during the summer of 2017. The monitoring team was provided a tour of the facility on Tuesday August 1<sup>st</sup> during their most recent site visit. The EOC is designed to facilitate planning and response to both planned and unplanned campus events, and allows for coordination with other federal, state and local agencies. A list of the recent activations of the EOC is also attached. The EOC Policy (SOP 17.3.400) is based on the National Incident Management Systems (NIMS) and clearly designates operations, command, action plans, and rules for the center’s use. The EOC policy will be fully disseminated prior to the conclusion of Q3 and evidence of such will be provided to the monitor via Power DMS at that time.”*

### **Data Reviewed**

1. Emergency Operations Center Policy (SOP 17.3.400)
2. List of recent EOC activations

### **Current Assessment of Compliance**

## **In Compliance**

The Monitor reviewed the UCPD's EOC policy and found that it generally follows NIMS guidelines and will assist them in facilitating the planning and response to all campus events. Further, the structured approach helps to ensure that when it becomes necessary to coordinate a response to an emergency situation, with federal, state and/or other local agencies, such as when mutual assistance is needed or requested, the UCPD staff and officers will have good understanding of the process. The Monitor verified that the policy was disseminated to its personnel within the UCPD's electronic policy database system, PowerDMS.

### **Next Review**

No further evaluation of this specific ER is needed.

# Appendix 5

## Review of Officer Recruitment, Hiring, Promotion and Retention

## REPORT CARD MATRIX

2017

2018

2019

Q1: Jan-Mar  
Q2: Apr-Jun  
Q3: Jul-Sep  
Q4: Oct-Dec  
Q5: Jan-Mar  
Q6: Apr-Jun  
Q7: Jul-Sep  
Q8: Oct-Dec  
Q9: Jan-Mar  
Q10: Apr-Jun  
Q11: Jul-Sep  
Q12: Oct-Dec

### Section 5 - Review of Officer Recruitment, Hiring, Promotion, and Retention

5.1.A	Update hiring policy by requiring diversity applicants throughout the police officer candidate recruitment process.											
5.1.B	Partner with well-established minority groups who will share and forward the UCPD's recruitment advertisements.			-	-	-	-	-	-	-	-	-
5.2.A	Work with officers, student population, and community members to craft a UCPD mission statement that states the reason that UCPD exists, what IT does, and reflects its basic philosophy.			-	-	-	-	-	-	-	-	-
5.2.B	Develop a strong employer brand that will contribute to its becoming the law enforcement employer of choice in Cincinnati.											
5.3.A	Expand the search for police officer candidates by partnering with well-established groups to share and forward recruitment advertisement to a broader community network.			-	-	-	-	-	-	-	-	-
5.3.B	Target all groups including women, Hispanic, Asian, AA and LGBTQ both in the community and on campus.											
5.3.C	Increase recruitment efforts among the more diverse pool of UCPD campus security officers and other university employees who serve in different campus departments who may have demonstrated commendable performance and good judgment.			-	-	-	-	-	-	-	-	-
5.3.D	Ensure that recruitment campaigns reflect UCPD's commitment to diversifying and market values like community engagement, partnerships, shared responsibility for crime prevention, etc.											
5.3.E	Leverage, to the greatest extent possible, its family tuition payment program, in an attempt to bring seasoned, diverse, mission-appropriate candidates into the recruitment mix.			-	-	-	-	-	-	-	-	-
5.4.A	Revise and update the current hiring policy to a true best practice recruitment and selection plan that acknowledges the need for diversity and sets diversity as a goal.											

## REPORT CARD MATRIX

		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
5.5.A	Explore the adoption of the Community Collaboration Model for recruitment.			-	-	-	-	-	-	-	-	-	-
5.5.B	Ensure that recruitment outreach is inclusive of all on and off campus communities including the LGBTQ community.				-	-	-	-	-	-	-	-	-
5.5.C	Carefully select and train officers who attend recruiting events like career fairs.												
5.5.D	Establish recruitment ambassadors, comprised of University staff, students and community members, that will work with officers and on their own to help recruit applicants.												
5.5.E	Work toward making recruitment part of UCPD officers' regular interactions with the community.				-	-	-	-	-	-	-	-	-
5.6.A	Track the performance of former Security Officers to assess any impact of the streamlined hiring process.			-	-	-	-	-	-	-	-	-	-
5.6.B	Use lateral and retired officers, after careful screening to ensure that their qualifications and background are consistent with the mission and philosophy of UCPD.				-	-	-	-	-	-	-	-	-
5.6.C	Consider a relocation bonus for lateral hires.		-	-	-	-	-	-	-	-	-	-	-
5.6.D	Build a process that gives priority to Cincinnati residents (1) at the beginning of a career or (2) in transition from a previous career and whose career aspirations are consistent with the mission and philosophy of UCPD.			-	-	-	-	-	-	-	-	-	-
5.6.E	Actively work with local high schools to identify and work with young people who may aspire to a career consistent with the UCPD mission and philosophy.												
5.6.F	Consider creating a UCPD Police Cadet program and a student intern program.												



REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
5.6.G	Consider offering a free Candidate Applicant Preparation Program												
5.7.A	Ensure that the annual evaluation process proposed in the Diversity Plan include the collection of data at every step, test, and exclusion point in the hiring process, including those who voluntarily drop out of the process. Use this data to continuously improve the hiring process.												
5.8.A	Consider developing and providing support mechanisms for all applicants to reduce the number of no shows and failures.												
5.8.B	Ensure that the proposed suitability assessments of the applicants to the agency is preceded by the adoption of a roadmap to change existing culture to the extent necessary to align it with that of the newly defined mission of the department.				●			○					
5.8.C	Screening of candidates with prior law enforcement experience.			● NFE	-	-	-	-	-	-	-	-	
5.8.D	The panel interview should be conducted by a diverse panel.				●			○					
5.8.E	Review of contractor process for bias and mission.				●			○					
5.9.A	Define the desired traits and qualifications for a supervisor, and those should be reflected in assessment center exercises, interview questions and scoring protocol.				●			○					
5.10.A	Ensure that the process for promotion is evaluated annually by the Chief, Assistant Chief and Lieutenants, and consider annual review of both the promotion and career development process by both the Chief and the Director of Public Safety			○ DW	◐	○							
5.11.A	Use students and community members in the assessment center exercises and in the interview processes.				●			○					
5.12.A	Update the promotional policies and procedures to reflect the position of Sergeant.			● NFE	-	-	-	-	-	-	-	-	

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
5.13.A	Select a turnover/attrition metric to identify and react to deviations from the expected rate.												
5.13.B	Enhance the recruitment and hiring process to ensure that candidates have proper expectations and are the right fit the job.												
5.13.C	Conduct, maintain and analyze exit interviews in order to better understand any deviations from the expected attrition rate.												

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 5.1.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's written policies and procedures for hiring do not prioritize the need to establish a police officer candidate pool that is representative of the diverse community it serves.

### **Exiger Recommendation ("ER")**

UCPD should update its hiring policy by requiring a diverse slate of candidates throughout the police officer recruitment process.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

1. UCPD updates its hiring policy by requiring a diverse slate of candidates that is representative of the diverse community it serves.
2. The updated policy meets best practices in the industry.
3. This policy is being followed in practice.
4. The policy has been disseminated both internally to include all appropriate UCPD personnel, and externally to include posting on web-site.

### **Proffer of Compliance from UCPD**

*The revised Recruitment and Selection of Sworn Personnel Policy guides UCPD personnel "in their efforts to recruit, hire and maintain a staff with a diversity composition similar to the community it serves (page 2 of policy). Additionally, the UCPD Recruitment Plan (also attached) states that Objective #1 is to "Recruit a diverse pool of qualified candidates that reflect the people that UCPD serves." According to the Recruitment Plan for Law Enforcement Officers Narrative (attached), this Objective and its associated strategies will commence in the late summer/fall of 2017. Both documents detail plans for how this will be achieved. UCPD plans to utilize its own staff as well as a vendor (yet to be named) to aid in the marketing and hiring phases, with an emphasis on increasing the diversity of our recruitment pool by focusing on local underrepresented groups.*

*Previously found to be in "Partial Compliance" in Q2 pending the policy's and plan's dissemination and implementation, both have now been disseminated to all UCPD personnel. Evidence of such can be accessed by the Monitor via PowerDMS. The policy has also been sent to the UC Office of General Counsel for review. If OGC recommends any substantive revisions,*

*the policy will be re-disseminated to UCPD personnel at that time and evidence of such will be provided to the monitor.*

### **Data Reviewed**

The UCPD's PowerDMS was reviewed to confirm dissemination.

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in partial compliance. While the policy and plan related to this ER were reviewed and contained all revisions as required, neither had been disseminated at the end of the reporting period.

### **Current Assessment of Compliance**



#### **In Compliance**

During this quarter ending September 30, 2017, the UCPD disseminated the updated policy, "*Recruitment and Selection of Sworn Personnel*," and the newly developed plan "*Recruitment Plan for University Law Enforcement Officers*" which were submitted by the UCPD to address the diversity issues identified during Exiger's initial review. The Monitor notes that it has suggested edits to future revisions of the hiring policy in relation to the Monitor's assessment of ER 5.8.C.

### **Next Review**

The Monitor will assess this ER on an annual basis, next scheduled for review in Q7 (Q3 2018) and Q11 (Q3 2019).

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 5.3.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's past recruitment efforts have been limited and lacked effective strategies to establish an appropriate officer candidate pool that was representative of the diverse community it serves.

### **Exiger Recommendation ("ER")**

In addition to enhancing the all-around recruitment effort, UCPD should target all groups including women, Hispanic, Asian, African American, and LGBTQ both in the community and on campus.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when UCPD develops and implements an HR policy/plan for recruiting all underrepresented groups both in the community and on campus.

### **UCPD Proffer of Compliance**

*The newly revised Recruitment and Selection of Sworn Personnel Policy emphasizes that the UCPD will specifically recruit from all underrepresented groups (page 2 of policy). This specifically includes, but is not limited to: African American, Asian, Latino, and LGBTQ. Additionally, the UCPD Recruitment Plan OGSM (also attached) states on page 1, "UCPD will strategically invest in short term recruitment strategies to support the attainment of the recruiting goals articulated in the Equal Employment Opportunity Plan (also attached) for the Department of Public Safety Law Enforcement Officers, including women, Latinos, Asian, African-American and LGBTQ."*

*Previously found to be in "Partial Compliance" in Q2 pending the policy's and plan's dissemination and implementation, both have now been disseminated to all UCPD personnel. Evidence of such can be accessed by the Monitor via PowerDMS.*

### **Data Reviewed**

The UCPD's PowerDMS was reviewed to confirm dissemination.

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in partial compliance. While the policy and plan related to this ER were reviewed and contained all revisions as required, neither had been disseminated at the end of the reporting period.

### **Current Assessment of Compliance**



#### **In Compliance**

During this quarter ending September 30, 2017, the UCPD disseminated the updated policy, “*Recruitment and Selection of Sworn Personnel*,” and the newly developed plan “*Recruitment Plan for University Law Enforcement Officers*” which were submitted by the UCPD to address the diversity issues identified during Exiger’s initial review.

### **Next Review**

The Monitor will assess this ER on an annual basis, next scheduled for review in Q7 (Q3 2018) and Q11 (Q3 2019).

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 5.3.D  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's past recruitment efforts have been limited and lacked effective strategies to establish an appropriate officer candidate pool that was representative of the diverse community it serves.

### **Exiger Recommendation ("ER")**

UCPD should ensure that recruitment campaigns reflect UCPD's commitment to diversifying the department and market such values as community engagement, partnerships, and shared responsibility for crime prevention.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD develops a recruitment plan/policy that reflects UCPD's commitment to diversifying the department and markets such values as community engagement, partnerships, and shared responsibility for crime prevention.
- 2) When hiring, UCPD implements the plan to advertise and attract a diverse officer candidate pool.

### **UCPD Proffer of Compliance**

*UCPD developed SOP Number 5.1.100 entitled Recruitment and Selection of Sworn Personnel as well as Recruitment Plan for University Law Enforcement Officers. Both the policy and the plan are based on industry best practices to recruit diverse, qualified and mission appropriate applicants. The Recruitment Plan establishes specific objectives, goals strategies and measures to recruit a diverse applicant pool that reflects the community that UCPD serves. For example, the first objective of the UCPD Recruitment Plan OGSM is to "Recruit a diverse pool of qualified candidates that reflect the people that UCPD serves." Several of the specific strategies included in the plan reflect the priority that recruitment efforts will place on community engagement, partnerships, and shared responsibility for crime prevention.*

*Once the UCPD completes their upcoming recruitment campaign and hiring process, additional information can be provided to test implementation of this plan with regard to the second component of the definition of compliance.*

*Previously found to be in "Partial Compliance" in Q2 pending the policy's and plan's dissemination and implementation, both have now been disseminated to all UCPD personnel. Evidence of such can be accessed by the Monitor via PowerDMS.*

### **Data Reviewed**

The UCPD's PowerDMS was reviewed to confirm dissemination.

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in partial compliance. While the policy and plan related to this ER were reviewed and contained all revisions as required, neither had been disseminated at the end of the reporting period.

### **Current Assessment of Compliance**



#### **In Compliance**

During this quarter ending September 30, 2017, the UCPD disseminated the updated policy, "*Recruitment and Selection of Sworn Personnel*," and the newly developed plan "*Recruitment Plan for University Law Enforcement Officers*" which were submitted by the UCPD to address the diversity issues identified during Exiger's initial review.

### **Next Review**

The Monitor will assess this ER on an annual basis, next scheduled for review in Q7 (Q3 2018) and Q11 (Q3 2019).



## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 5.4.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

There is an SOP which governs the hiring process for police and security officers but none that covers recruitment.

### **Exiger Recommendation (“ER”)**

UCPD should revise and update the Department’s current recruitment policy to a true best practice recruitment plan that acknowledges the need for diversity and sets diversity of applicants as a goal.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD implements an updated recruitment policy;
- 2) The policy is in accordance with best practices;
- 3) The policy acknowledges the need for diversity;
- 4) The policy sets diversity of applicants as a goal; and
- 5) The policy is followed in practice.

### **Proffer of Compliance from UCPD**

*UCPD has developed SOP Number 5.1.100 entitled Recruitment and Selection of Sworn Personnel. As required in paragraph III. C, a Recruitment Plan for University Law Enforcement Officers has been developed. This plan is partially modeled after the 2016 Hartford Police Department Recruitment Initiative (see Recommendation 5.5.A), which was identified by Exiger as a best industry practice to recruit diverse, qualified and mission appropriate applicants. The newly created UCPD policy and plan acknowledges the need for a diverse workforce. The Recruitment Plan also establishes specific objectives, goals strategies and measures to recruit a diverse applicant pool that reflects the community that UCPD serves. Specific recruitment goals are founded in the Law Enforcement Officer Equal Employment Opportunity Plan: January 1, 2017 - December 31, 2017.*

*Previously found to be in “Partial Compliance” in Q2 pending the policy’s and plan’s dissemination and implementation, both have now been disseminated to all UCPD personnel. Evidence of such can be accessed by the Monitor via PowerDMS.*

### **Data Reviewed**

The UCPD's PowerDMS was reviewed to confirm dissemination.

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in partial compliance. While the policy and plan related to this ER were reviewed and contained all revisions as required, neither the policy or the plan had been disseminated at the end of the reporting period.

### **Current Assessment of Compliance**



#### **In Compliance**

During this quarter ending September 30, 2017, the UCPD disseminated the updated policy, "*Recruitment and Selection of Sworn Personnel*," and the newly developed plan "*Recruitment Plan for University Law Enforcement Officers*" which were submitted by the UCPD to address the diversity issues identified during Exiger's initial review.

### **Next Review**

The Monitor will assess this ER on an annual basis, next scheduled for review in Q7 (Q3 2018) and Q11 (Q3 2019).

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 5.5.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the advertising component of the new Diversity Plan appropriately expands on previously limited recruiting efforts and puts forward new approaches that have the potential to expand the diversity of the applicant pool, there are some additional steps that should be considered.

### **Exiger Recommendation (“ER”)**

UCPD should ensure that recruitment outreach is inclusive of all on and off campus communities including the LGBTQ community.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when UCPD's recruitment outreach is inclusive of all on and off campus communities including the LGBTQ community.

### **UCPD Proffer of Compliance**

*“The newly revised Recruitment and Selection of Sworn Personnel Policy emphasizes that the UCPD will specifically recruit from all underrepresented groups (page 2 of policy). This specifically includes, but is not limited to: African American, Asian, Latino, and LGBTQ. Additionally, the UCPD Recruitment Plan OGSM (also attached) states on page 1, “UCPD will strategically invest in short term recruitment strategies to support the attainment of the recruiting goals articulated in the Equal Employment Opportunity Plan (also attached) for the Department of Public Safety Law Enforcement Officers, including women, Latinos, Asian, African-American and LGBTQ.”*

### **Data Reviewed**

The UCPD's PowerDMS was reviewed to confirm dissemination.

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in partial compliance. While the policy and plan related to this ER were reviewed and contained all revisions as required, neither had been disseminated at the end of the reporting period.

### **Current Assessment of Compliance**



**In Compliance**

During this quarter ending September 30, 2017, the UCPD disseminated the updated policy, “*Recruitment and Selection of Sworn Personnel*,” and the newly developed plan “*Recruitment Plan for University Law Enforcement Officers*” which were submitted by the UCPD to address the diversity issues identified during Exiger’s initial review.

**Next Review**

While the Monitor will continue to review other ERs related to the implementation of the UCPD’s newly revised hiring policy and practices, no further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 15, 2017  
**REC. REF. NO.:** 5.5.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the advertising component of the new Diversity Plan appropriately expands on previously limited recruiting efforts and puts forward new approaches that have the potential to expand the diversity of the applicant pool, there are some additional steps that should be considered.

### **Exiger Recommendation (“ER”)**

UCPD should carefully select and train officers who attend recruiting events like career fairs.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD implements a policy regarding the selection process of officers who attend recruiting events like career fairs.
- 2) UCPD implements a policy requiring that specific training be given to officers prior to their attending recruiting events like career fairs.
- 3) These policies result in first selecting and then training officers who are capable of attracting a diverse group of officer candidates.
- 4) These policies are followed in practice, and UCPD only sends officers who have been selected and trained to recruiting events.

### **UCPD Proffer of Compliance**

*Subsection III, J (page 7) of UCPD’s Recruitment and Selection of Sworn Personnel Policy requires careful selection and counseling of “all personnel involved in in the recruiting, screening selection processes” and also mandates recruitment training and an annual review of the UCPD EEO Plan, Recruitment Plan, and Recruitment and Selection Policy for these personnel.*

*Similarly, in the UCPD’s Recruitment Plan OGSM, the following are listed on page 1 as specific strategies to assist in the goal to: Recruit a diverse pool of qualified candidates that reflect the people that UCPD serves.*

- 1) *Designated persons will be trained in recruitment, hiring, development and promotion best practices.*
- 2) *UCPD will continue to carefully select and counsel all personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes to eliminate bias in personnel actions.*

*To date, UCPD Detective Monica Jagoditz and Law Enforcement Officer Matthew Kackley have attended the OPOTA advanced training course titled “Conducting Background Investigations.” Their training certificates are attached. Lt Rob Gutierrez has also been approved to attend this training in November. This approval is also attached. Training specific to law enforcement recruitment and hiring is very limited, but the UCPD Training Section is actively seeking out any opportunities that address these topics.*

*Previously found to be in “Partial Compliance” in Q2 pending the policy’s and plan’s dissemination and implementation, both have now been disseminated to all UCPD personnel. Evidence of such can be accessed by the Monitor via PowerDMS.*

### **Data Reviewed**

The UCPD’s PowerDMS was reviewed to confirm dissemination.

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in partial compliance. While the policy and plan related to this ER were reviewed and contained all revisions as required, the policy had not yet been disseminated.

### **Current Assessment of Compliance**



#### **In Compliance**

During this quarter ending September 30, 2017, the UCPD disseminated the updated policy, “*Recruitment and Selection of Sworn Personnel*,” and the newly developed plan “*Recruitment Plan for University Law Enforcement Officers*” which were submitted by the UCPD to address the diversity issues identified during Exiger’s initial review. The Monitor notes that as described in the UCPD’s proffer (above in italics) several UCPD staff have attended training related to background investigations which will benefit the UCPD’s in the selection process of persons who apply to UCPD. And while training courses specific to recruitment efforts may be limited, other courses such as those in connection with bias free and community policing, would likely contribute to the overall recruitment and hiring efforts to increase diversity.

### **Next Review**

The Monitor will again assess the UCPD’s compliance with this ER in Q7 for the period ending September 30, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 5.5.E  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the advertising component of the new Diversity Plan appropriately expands on previously limited recruiting efforts and puts forward new approaches that have the potential to expand the diversity of the applicant pool, there are some additional steps that should be considered.

### **Exiger Recommendation (“ER”)**

UCPD should work toward making recruitment part of UCPD officers’ regular interactions with the community.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when an appropriate policy is adopted and disseminated through Power DMS.

### **UCPD Proffer of Compliance**

*“The UCPD Recruitment and Selection of Sworn Officers Policy (attached) specifically states that recruitment will be an active part of UCPD officers’ regular interactions with the community (page 2). This strategy is also formally documented on page 1 of the UCPD Recruitment Plan OGSM, also attached.*

*Previously found to be in “Partial Compliance” in Q2 pending the policy’s and plan’s dissemination and implementation, both have now been disseminated to all UCPD personnel. Evidence of such can be accessed by the Monitor via PowerDMS.*

### **Data Reviewed**

The UCPD’s PowerDMS was reviewed to confirm dissemination.

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in partial compliance. While the policy and plan related to this ER were reviewed and contained all revisions as required, the policy had not yet been disseminated.

### **Current Assessment of Compliance**



**In Compliance**



Office of the Independent Monitor  
University of Cincinnati Police Department

During this quarter ending September 30, 2017, the UCPD disseminated the updated policy, “*Recruitment and Selection of Sworn Personnel*,” and the newly developed plan “*Recruitment Plan for University Law Enforcement Officers*” which were submitted by the UCPD to address the diversity issues identified during Exiger’s initial review.

**Next Review**

While the Monitor will continue to review other ERs related to the implementation of the UCPD’s newly revised hiring policy and practices, no further evaluation of this ER is necessary.



## COMPLIANCE MEMORANDUM

**DATE:** OCTOBER 11, 2017  
**REC. REF. NO.:** 5.6.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While UCPD's recent decision to no longer require candidates to be pre-certified as police officers along with its decision not to give special consideration to candidates who have already completed the academy are critical steps toward increasing the diversity of the applicant pool, the plan can be enhanced.

### **Exiger Recommendation ("ER")**

UCPD should use lateral and retired officers only after it has carefully screened those candidates to ensure that their qualifications and background are consistent with the mission and philosophy of UCPD.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD implements a policy regarding the hiring of laterals and retired officers;
- 2) The policy requires that UCPD only hire lateral and retired officers after careful screening that those candidates qualifications and backgrounds are consistent with the mission and philosophy of UCPD; and
- 3) The policy is being followed in practice, and lateral and retired officer candidates are being carefully screened.

### **UCPD Proffer of Compliance**

*"The Recruitment and Selection of Sworn Personnel (SOP 5.1.100) policy discusses the hiring of lateral and retired officers (page 7 of policy). The process for these individuals does not differ from the hiring of other ULEO candidates. If it is known that a candidate has previous law enforcement experience, UCPD command staff will ask questions to this end during the candidate's panel interview (one of the final steps of the hiring process). In the attached Personal History Questionnaire document, the monitor will find examples of screening questions for officer candidates with previous law enforcement experience on pages 31 and 32. Between January 1, 2017 and September 30<sup>th</sup>, there have not been any hired law enforcement officers, but one command staff hire is relevant to this ER, as Captain Rodney Carter (Standards and Strategic Development Bureau) was employed at another law enforcement agency at the time of his selection. Proof of dissemination for the Recruitment and Selection Policy can be found by the Monitor via PowerDMS."*

### **Data Reviewed**

1. Recruitment and Selection of Sworn Personnel (SOP 5.1.100)
2. UCPD Personal History Questionnaire

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD has submitted and the Monitor reviewed the UCPD's newly revised hiring policy "*Recruitment and Selection of Sworn Personnel*" which covers the screening and hiring of lateral and retired officer candidates. The UCPD has indicated that persons with prior law enforcement experience would undergo the same background investigation process as those with no-experience and the policy specifically calls out similar wording under procedures related to "External Laterals". The background investigation process includes a review of the candidate's work history and performance.

The Monitor reviewed documentation in connection to the hiring of one individual who, in order to accept the offer of employment from UCPD, would have retired from his prior law enforcement agency. The individual's background investigation summary includes a review of the personnel file from the prior agency and indicates that no disciplinary action was noted and further describes commendations and exemplary performance over the individual's career. While the background investigation summary does not explicitly reference a review of uses of force or civilian complaints, it is evident that the individual's qualifications were carefully screened for consistency with the UCPD's mission and philosophy.

The Monitor notes that while Section G. *Selection Process 4. Background Investigation* of the Hiring policy does not explicitly state that a review of uses of force, use of force training, civilian complaints, and discipline is required. The Monitor suggests the lack of specificity in these areas be addressed to prevent any confusion or missed steps during the screening process of lateral or retired candidates. The Monitor did verify that the policy was disseminated to all appropriate UCPD personnel.

#### **Next Review**

While the Monitor will continue to review ERs related to the implementation of the UCPD's hiring policy and practices, unless or until lateral or retired officers are hired, no further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 5.6.E  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While UCPD's recent decision to no longer require candidates to be pre-certified as police officers along with its decision not to give special consideration to candidates who have already completed the academy are critical steps toward increasing the diversity of the applicant pool, the plan can be enhanced.

### **Exiger Recommendation ("ER")**

UCPD should actively work with local high schools to identify and work with young people who may aspire to a career consistent with the UCPD mission and philosophy.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD implements programs designed to work actively with local high schools; and
- 2) These programs are used to identify and nurture young people who may aspire to a career consistent with the UCPD mission and philosophy.

### **UCPD Proffer of Compliance**

*"The UCPD has immediate plans to launch the UCPD Explorer Program, which is geared towards young men and women aged 14 to 20 who have an interest in the law enforcement field. The Office of Safety and Reform was recently awarded a grant by the Ohio Office for Criminal Justice Services to help cover the cost of UCPD launching this program (grant award list attached). The program is detailed in the Recruitment Objectives, Goals, Strategies and Measures (OGSM) 2017 plan (attached). The design of the program and curriculum will begin in the Fall of 2017, with the intention that students will begin to apply to the program in Jan/Feb of 2018. Additionally, in the next few months the UCPD will be creating a Standard Operating Procedure which will set expectations and procedures for this program. The program will be run by the UCPD Community Affairs Section Lieutenant. UCPD Chief Anthony Carter has been in contact with Hughes High School (across the street from the University of Cincinnati) and with Cincinnati Public Schools regarding the launch of the UCPD Explorer Program. Attached to this memo is a letter of support from the Principal of Hughes High School."*

### **Data Reviewed**

1. OCJS Media Release (below)
2. Recruitment OGSM 2017 Plan (separate)
3. Letter of Support from the Hughes High School Principal (below)

## **Current Assessment of Compliance**



### **In Compliance**

The UCPD submitted and the Monitor reviewed the UCPD's newly revised hiring plan "*Recruitment Objectives, Goals, Strategies and Measures*" outlining its hiring strategies including the beginning of an Explorer Program in local high schools which have been very successful in other areas around the country in identifying and attracting young people who may not have otherwise considered a career in law enforcement. The Monitor looks forward to reviewing the coming Standard Operating Procedure, and furthermore would like to congratulate the UCPD in being awarded an Ohio State grant to assist in the financial costs of implementing the recruitment plan.

### **Next Review**

The Monitor will again assess the UCPD's compliance with this ER in Q7 (Q3 2018).

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 16, 2017  
**REC. REF. NO.:** 5.6.F  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While UCPD's recent decision to no longer require candidates to be pre-certified as police officers along with its decision not to give special consideration to candidates who have already completed the academy are critical steps toward increasing the diversity of the applicant pool, the plan can be enhanced.

### **Exiger Recommendation ("ER")**

UCPD should consider creating a UCPD Police Cadet program and a student intern program.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD gives meaningful consideration to creating a UCPD Police Cadet program;
- 2) UCPD gives meaningful consideration to creating a student intern program; and,
- 3) If either program is offered, it is done so in a manner that furthers the UCPD's mission and philosophy.

### **UCPD Proffer of Compliance**

*"Consideration has been given to creating a UCPD Police Cadet program as well as student intern program. These plans are contained in the Recruitment Objectives, Goals, Strategies & Measures (OGSM) plan (page 3). The Cadet program will target those aged 18 to 24. The UCPD has long term plans to launch this Police Cadet program in 2018/2019."*

### **Data Reviewed**

Recruitment OGSM 2017 Plan

### **Current Assessment of Compliance**



#### **In Compliance**

The Monitor has reviewed the UCPD's newly revised hiring plan "Recruitment Objectives, Goals, Strategies and Measures" outlining its hiring strategies which include launching a Police Cadet program in 2018/2019. As stated elsewhere in this report, the Monitor congratulates the UCPD in being awarded an Ohio State grant to assist in the financial costs of implementing the recruitment plan.



Office of the Independent Monitor  
University of Cincinnati Police Department

**Next Review**

The Monitor will again assess the UCPD's compliance with this ER in Q11 (Q3 2019).

## COMPLIANCE MEMORANDUM

**DATE:** JANUARY 6, 2017  
**REC. REF. NO.:** 5.8.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the Diversity Plan proposes a re-engineering of the hiring process, including improved data keeping, contracting out of entry-level testing, and a re-ordering of the process which on its face looks appropriate, there are certain items for consideration that could enhance the proposed plan further.

### **Exiger Recommendation (“ER”)**

UCPD should update its hiring policy by requiring a diverse slate of candidates throughout the police officer recruitment process.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when UCPD suitability assessments of its applicants are tailored to the UCPD mission statement and helps create a diverse candidate pool.

### **Proffer of Compliance from UCPD**

*“The UCPD Recruitment and Selection of Sworn Personnel policy (attached) states on page 1 that: “It is the policy of UCPD to recruit, both on and off campus, and hire a qualified and diverse workforce that possesses the skills, knowledge, abilities and values that align with University of Cincinnati’s mission. The UCPD recruitment efforts support a workplace that is inclusive of all individuals, including, but not limited to underrepresented groups, such as: African American, Asian, Latino, and LBGTO.”*

*One method that the UCPD has employed to help ensure suitability of prospective employees to the UCPD Vision Statement, Mission Statement, and Core Principles (attached) is the selection and customization of PRADCO’s “Quick View Law Enforcement Assessment” (attached) as a pre-employment screening tool (see attached PRADCO Benchmark Report). As stated on page 1 of the PRADCO Benchmark Report:*

*PRADCO partnered with the University of Cincinnati Police Department to customize the use of the Quick View Law Enforcement Assessment for their culture. The process was designed to conform to current legal guidelines as well as good professional practice in the field of Industrial/Organizational Psychology.*

*The UCPD will continue to explore improvements in this process with the current vendor or other vendors that will enhance the pre-employment suitability assessment and the ability of these*

*assessments to help create a diverse candidate pool. Taken together, it is expected that the use of PRADCO as a bias-free suitability assessment center (as shown in proffer for 5.8.E) and the use of diverse interview panels (as shown in proffer for 5.8.D) will help increase diversity over the long term. It is important to note, however, that given the low number of open positions the net result for increasing diversity will take years to fully assess.”*

### **Data Reviewed**

1. Recruitment and Selection of Sworn Personnel Policy 5.1.100
2. PRADCO Benchmark Report
3. PRADCO Quick View Law Enforcement Index Dimension Definitions
4. UCPD Vision Statement, Mission Statement, and Core Principles

### **Current Assessment of Compliance**



#### **In Compliance**

As is described in the UCPD’s proffer of compliance (above in italics), and which was evidenced in the Monitor’s review of the documentation submitted, the UCPD is committed to ensuring that the individuals selected, both for hiring as new recruits and promoted into leadership positions, are recruited from a diverse population and inclusive of all persons. The customized suitability assessments are in fact consistent with the mission and philosophy of the Department and have been carefully incorporated into the processes administered by an outside vendor, PRADCO, and appears to have been assimilated into the UCPD’s background investigation and interview processes. Given the relatively small number of open positions each year, it will take some time to fully realize these efforts; however, the Monitor is certain that the implementation of the policy will be of great benefit to both the UC campus and surrounding communities in the long term.

Based on the above, the Monitor finds the UCPD in compliance during this current assessment. We will continue to monitor this ER to ensure that as positions within the Division become available, that diverse pools are created and, indeed, lead to more diversity within the Division.

### **Next Review**

The Monitor will again assess this ER in Q8 ending December 31, 2018.



## COMPLIANCE MEMORANDUM

**DATE:** OCTOBER 11, 2017  
**REC. REF. NO.:** 5.8.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the Diversity Plan proposes a re-engineering of the hiring process, including improved data keeping, contracting out of entry-level testing, and a re-ordering of the process which on its face looks appropriate, there are certain items for consideration that could enhance the proposed plan further.

### **Exiger Recommendation (“ER”)**

UCPD should ensure that where the candidate has previous law enforcement experience, the background investigation should include inquiry into the candidate’s use of force training, and any history of use of force, civilian complaints, or discipline.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when UCPD evaluations of candidates with previous law enforcement experience, include background investigations into the candidate’s use of force training, and any history of use of force, civilian complaints, or discipline.

### **UCPD Proffer of Compliance**

*“The Recruitment and Selection of Sworn Personnel (SOP 5.1.100) policy discusses the hiring of lateral and retired officers (page 7 of policy). The process for these individuals does not differ from the hiring of other ULEO candidates. If it is known that a candidate has previous law enforcement experience, UCPD command staff will ask questions to this end during the candidate’s panel interview (one of the final steps of the hiring process). In the attached Personal History Questionnaire document, the monitor will find examples of screening questions for officer candidates with previous law enforcement experience on pages 31 and 32. Note that there have not been any recently hired officers, thus no list is applicable for the document request. Proof of dissemination for the Recruitment and Selection Policy can be found by the Monitor via PowerDMS.”*

### **Data Reviewed**

1. Recruitment and Selection of Sworn Personnel (SOP 5.1.100)
2. UCPD Personal History Questionnaire

### **Current Assessment of Compliance**



**In Compliance**

The UCPD has submitted and the Monitor reviewed the UCPD's newly revised hiring policy "*Recruitment and Selection of Sworn Personnel*" which covers the screening and hiring of lateral and retired officer candidates. The UCPD has indicated that persons with prior law enforcement experience would undergo the same background investigation process as those with no-experience and the policy specifically calls out similar wording under procedures related to "External Laterals". The background investigation process includes a review of the candidate's work history and performance.

The Monitor reviewed documentation related to the one individual who has been hired since the inception of the monitorship. That individual had prior law enforcement experience and the UCPD background investigation summary did state that a review of the personnel file from the prior agency was conducted and no disciplinary action was noted. While the background investigation summary does not explicitly reference a review of uses of force or civilian complaints, it is evident that the individual's qualifications were carefully screened. The Monitor also noted that neither the summary investigation, nor the documentation mention the physical agility or medical examination of the candidate, however all other testing processes seem to have been performed and met. The Monitor expects that all testing and results will be included in the hiring documentation going forward.

The Monitor also notes that while Section G. *Selection Process 4. Background Investigation* of the Hiring policy seems to cover the requirements of the ER, the policy does not explicitly state that a review of uses of force, use of force training, civilian complaints, and discipline is required. The Monitor suggests the lack of specificity in these areas be addressed to prevent any confusion or missed steps during the review of candidates with prior law enforcement experience. The Monitor did verify that the policy was disseminated to all appropriate UCPD personnel.

#### **Next Review**

While the Monitor will continue to review ERs related to the implementation of the UCPD's hiring policy and practices, unless or until candidates with prior law enforcement experience are hired, no further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** JANUARY 6, 2017  
**REC. REF. NO.:** 5.8.D  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the Diversity Plan proposes a re-engineering of the hiring process, including improved data keeping, contracting out of entry-level testing, and a re-ordering of the process which on its face looks appropriate, there are certain items for consideration that could enhance the proposed plan further.

### **Exiger Recommendation (“ER”)**

The Plan utilizes a panel interview conducted by UCPD/external stakeholders. While an assessment center approach offers benefits, a diverse interview panel is acceptable.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the UCPD Diversity Plan institutes panel interviews comprised of UCPD officials and external stake holders.

### **Proffer of Compliance from UCPD**

*“ER 5.9.A recommends that the desired traits and qualities for supervisors be defined and reflect the mission and philosophy of the UCPD (Vision Statement attached). The desired traits and qualities for a supervisor are listed in the job posting descriptions for the positions of Lieutenant and Captain (attached). Please note, the position of Sergeant has not been open since the monitorship began. A complete list of job-specific Sergeant and Lieutenant position descriptions, however, does exist and was previously submitted to the monitor under DR 0123 in Q3. As recommended in 5.9.A, the suitability assessments, interview questions, and scoring protocol reflect how these parts of the promotion process reflect the mission and philosophy of the UCPD.*

*Since January 1, 2017, two supervisory hires were made for the UCPD—one for the position of Captain, and one for the position of Lieutenant. The position of Captain was posted outside of the agency, but the position of Lieutenant was posted internally on the UCPD information board as well as via email. For the Lieutenant position, no written examination was given and PRADCO maintains the results of the behavioral assessment and they are not subject to release. As such, we have included a copy of the PRADCO contract and the company’s services overview document (see specifically “promotional assessment”), which has been deemed acceptable substitutes by the monitor. The promotional process for the position of Lieutenant included the interview of two current sergeants at the UCPD: Brian McKeel and David Waksmundksi. The attached panel and command staff interview questions demonstrate how these parts of the promotion process reflect the mission and philosophy of the UCPD.*

*As recommended in ERs 5.8.D and 5.11.A, the Recruitment and Selection of Sworn Personnel policy requires on page 6 that “the interview panel will be comprised of a diverse group of students, faculty, staff, and community members.” They do not participate in the assessment center process because this is handled by an outside vendor (PRADCO). For the position of Lieutenant, the following individuals made up the Panel Interviewers: Sue Bourke (Instructor, School of Criminal Justice) Nyirah Jackson (Co-President, United Black Student Association) and Jack Martin (CAC Member). For the position of Captain, the following individuals made up the Panel Interviewers: James Whalen (Director of Public Safety), Maris Herold (Assistant Chief of UCPD), Dudley Smith (Captain, UCPD), Michele Ralston (PIO, DPS), Pia Washington (Assistant Director of Emergency Management, DPS), Lauren Hunter (Office of General Counsel), and Brooke Duncan (Student Government Vice President). The Public Safety Command Staff Interviews for the Lieutenant applicants were conducted by Chief Carter and Assistant Chief Herold. Again, copies of all interview questions are attached.*

*Finally, Rodney Carter was selected to fill the position of Captain, who was external to the UCPD at the time of hiring. For the position of Lieutenant, Brian McKeel was recommended for promotion and David Waksmundski was not recommended for promotion. A copy of the internal hiring correspondence for each of these 3 individuals is attached to this proffer as required by the Law Enforcement Supervisor promotional process SOP (attached).*

#### **Data Reviewed**

1. UCPD Vision Statement, Mission Statement, and Core Principles
2. Job Posting: Lieutenant
3. Job Posting: Captain
4. PRADCO Contract
5. PRADCO services overview
6. Recruitment and Selection of Sworn Personnel Policy 5.1.100
7. Panel Interview Template: Lieutenant
8. Command Staff Interview Questions: McKeel
9. Command Staff Interview Questions: Waksmundski
10. Interview Questions: Carter
11. Form-5: McKeel
12. Form-5: Waksmundski
13. Form-5: R. Carter
14. Law Enforcement Supervisor promotional process (SOP 3.1.300)

#### **Data Reviewed**

1. PRADCO Benchmark Report
2. PRADCO Quick View Law Enforcement Index Dimension Definitions
3. UCPD Vision Statement, Mission Statement, and Core Principles

#### **Current Assessment of Compliance**



**In Compliance**

As is clearly outlined in the UCPD's proffer of compliance (above in italics), and which was evidenced in the Monitor's review of the documentation submitted, the UCPD's Diversity Plan requires and, the UCPD is, in fact, comprising its promotional interview panels with both UCPD command staff and external stakeholders such as members of the Community Advisory Council and a member of the United Black Student Association.

**Next Review**

The Monitor will assess this ER on an annual basis, next scheduled for review in Q8 ending December 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** JANUARY 6, 2017  
**REC. REF. NO.:** 5.8.E  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the Diversity Plan proposes a re-engineering of the hiring process, including improved data keeping, contracting out of entry-level testing, and a re-ordering of the process which on its face looks appropriate, there are certain items for consideration that could enhance the proposed plan further.

### **Exiger Recommendation (“ER”)**

UCPD and relevant stakeholders should review the process to be used by the contractor, confirm that it has been tested for bias and is aligned with the UCPD mission and philosophy.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the entry-level testing to be performed by the contractor is free from bias, aligned with UCPD's mission and philosophy, and leads to a diverse force.

### **Proffer of Compliance from UCPD**

*“The selection process for UCPD is described on pages 3-8 of the Recruitment and Selection of Sworn Personnel Policy (attached). The three testing stages used for entry-level applicants, which are performed by a contractor, are described on pages 4-5 of that policy. These tests are as follows:*

- 1. **Physical agility test:** performed by the Cincinnati Police Department (CPD)*
- 2. **Polygraph test:** Tri-state Polygraph*
- 3. **Behavioral assessment:** performed by PRADCO*

*A review of each contractor and his or her examination process is written below. Each section describes how the UCPD has ensured that the contractor’s examination is free from bias and is also consistent with the UCPD mission and philosophy.*

- 1. **Cincinnati Police Department:** UCPD sought the use of a neutral party to assess the physical agility of our candidates in an effort to ensure the integrity of the assessment process. Because CPD is an OPOTA certified law enforcement agency (rather than a private vendor), the UCPD can be confident that testing done by that agency meets the required standards of the State of Ohio. CPD has been conducting this assessment for several years and their staff is familiar with the course and the process oversight to ensure testing assesses whether candidates are performing at or above the standard.*

*Furthermore, OPOTA will have an examiner on site for the final OPOTA physical agility test and the assessor will ensure the proper number of sit-up and push-ups are completed by each candidate and that they are performed in compliance with the established standards. This oversight will assist UCPD in assessing the suitability of each candidate, and ensure it is done in a manner free from bias.*

2. ***Tri-State Polygraph:*** *Tri-state Polygraph Associates, through Mr. Robert Patterson, administer the Polygraph examination to UCPD applicants during the hiring process. They are part of the Ohio Association of Polygraph Examiners, who promote high standards of professional and ethical conduct. Tri-State Polygraph has administered these exams for close to 20 years with no complaints reported to the UCPD nor to the Better Business Bureau. Mr. Patterson constructs a large portion of the polygraph questions based on the UCPD personal history questionnaire (attached), which ensures that the questions align to the UCPD mission and philosophy to hire officers with integrity.*
  
3. ***PRADCO:*** *PRADCO provides the behavioral assessment test given to applicants. This assessment is identified as a valid tool to screen candidates for a position at the UCPD. Prior to contracting with PRADCO last year, the company sent the UCPD an adverse impact analysis (attached) which details how their exams influence different protected classes. This analysis confirms that their assessments are bias free, in that they do not have an adverse impact for any protected class according to their statistical analyses. UCPD command staff identified the 15 behaviors that they considered to be most important to their position. PRADCO then created an assessment based on these items, weighing them accordingly (see attachment). PRADCO administered this test to the entire department to create baseline values for the target range scores for applicants to continue in the selection process. This ensures that PRADCO is identifying those applicants who score in the range that UCPD has identified as being most important to their mission and philosophy.*

### **Data Reviewed**

1. Recruitment and Selection of Sworn Personnel Policy
2. UCPD Personal History Questionnaire
3. PRADCO Adverse Impact Analysis
4. PRADCO UCPD Benchmark Report

### **Current Assessment of Compliance**



#### **In Compliance**

As is described in the UCPD's proffer of compliance (above in italics), and which was evidenced in the Monitor's review of the documentation submitted, the UCPD and stakeholders has thoroughly reviewed its contractor processes to ensure they are free from bias and that it aligns with the UCPD's mission and philosophy. The UCPD Command staff executive leadership is committed to ensuring that the individuals selected, both for hiring as new recruits and promoted into leadership positions, are recruited from a diverse population and inclusive of all persons. Given the relatively small number of open positions each year, it will take some time to fully

realize these efforts; however, the Monitor is certain that the implementation of the policy will be of great benefit to both the UC campus and surrounding communities in the long term.

Based on the above, the Monitor finds the UCPD in compliance during this current assessment. We will continue to monitor this paragraph to ensure that as positions within the Division become available, that diverse pools are created and, indeed, lead to more diversity within the Division.

**Next Review**

The Monitor will again assess this ER in Q8 ending December 31, 2018.



## COMPLIANCE MEMORANDUM

**DATE:** JANUARY 6, 2017  
**REC. REF. NO.:** 5.9.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While UCPD follows a standard promotional process, there appears to be no definition of the desired qualities for each supervisor position consistent with the mission and philosophy of the Department.

### **Exiger Recommendation (“ER”)**

UCPD should define the desired traits and qualifications for a supervisor, consistent with the mission and philosophy of the Department, and those should be reflected in assessment center exercises, interview questions and scoring protocol.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when UCPD defined desired traits and qualifications for supervisors, are consistent with the mission and philosophy of the Department, reflected in assessment center exercises, interview questions and scoring protocol, and leads to the hiring of thoughtful supervisors.

### **Proffer of Compliance from UCPD**

*“ER 5.9.A recommends that the desired traits and qualities for supervisors be defined and reflect the mission and philosophy of the UCPD (Vision Statement attached). The desired traits and qualities for a supervisor are listed in the job posting descriptions for the positions of Lieutenant and Captain (attached). Please note, the position of Sergeant has not been open since the monitorship began. A complete list of job-specific Sergeant and Lieutenant position descriptions, however, does exist and was previously submitted to the monitor under DR 0123 in Q3. As recommended in 5.9.A, the suitability assessments, interview questions, and scoring protocol reflect how these parts of the promotion process reflect the mission and philosophy of the UCPD.*

*Since January 1, 2017, two supervisory hires were made for the UCPD—one for the position of Captain, and one for the position of Lieutenant. The position of Captain was posted outside of the agency, but the position of Lieutenant was posted internally on the UCPD information board as well as via email. For the Lieutenant position, no written examination was given and PRADCO maintains the results of the behavioral assessment and they are not subject to release. As such, we have included a copy of the PRADCO contract and the company’s services overview document (see specifically “promotional assessment”), which has been deemed acceptable substitutes by the monitor. The promotional process for the position of Lieutenant included the interview of two current sergeants at the UCPD: Brian McKeel and David Waksmundksi. The attached panel and*

*command staff interview questions demonstrate how these parts of the promotion process reflect the mission and philosophy of the UCPD.*

*As recommended in ERs 5.8.D and 5.11.A, the Recruitment and Selection of Sworn Personnel policy requires on page 6 that “the interview panel will be comprised of a diverse group of students, faculty, staff, and community members.” They do not participate in the assessment center process because this is handled by an outside vendor (PRADCO). For the position of Lieutenant, the following individuals made up the Panel Interviewers: Sue Bourke (Instructor, School of Criminal Justice) Nyirah Jackson (Co-President, United Black Student Association) and Jack Martin (CAC Member). For the position of Captain, the following individuals made up the Panel Interviewers: James Whalen (Director of Public Safety), Maris Herold (Assistant Chief of UCPD), Dudley Smith (Captain, UCPD), Michele Ralston (PIO, DPS), Pia Washington (Assistant Director of Emergency Management, DPS), Lauren Hunter (Office of General Counsel), and Brooke Duncan (Student Government Vice President). The Public Safety Command Staff Interviews for the Lieutenant applicants were conducted by Chief Carter and Assistant Chief Herold. Again, copies of all interview questions are attached.*

*Finally, Rodney Carter was selected to fill the position of Captain, who was external to the UCPD at the time of hiring. For the position of Lieutenant, Brian McKeel was recommended for promotion and David Waksmundski was not recommended for promotion. A copy of the internal hiring correspondence for each of these 3 individuals is attached to this proffer as required by the Law Enforcement Supervisor promotional process SOP (attached).*

### **Data Reviewed**

1. UCPD Vision Statement, Mission Statement, and Core Principles
2. Job Posting: Lieutenant
3. Job Posting: Captain
4. PRADCO Contract
5. PRADCO services overview
6. Recruitment and Selection of Sworn Personnel Policy 5.1.100
7. Panel Interview Template: Lieutenant
8. Command Staff Interview Questions: McKeel
9. Command Staff Interview Questions: Waksmundski
10. Interview Questions: Carter
11. Form-5: McKeel
12. Form-5: Waksmundski
13. Form-5: R. Carter
14. Law Enforcement Supervisor promotional process (SOP 3.1.300)

### **Current Assessment of Compliance**



#### **In Compliance**

As is described in the UCPD’s proffer of compliance (above in italics), and which was evidenced in the Monitor’s review of the documentation submitted and its interaction with the above

mentioned supervisors, the UCPD has clearly defined the desired traits and qualifications for supervisors. These traits and qualifications are consistent with the mission and philosophy of the Department and have been carefully incorporated into the interview questions and scoring protocols. The assessment center administered by PRADCO appears to have carefully constructed its processes to use evaluate those same qualifications. Based on the Monitor's interaction with the individuals promoted since the inception of the monitorship, it is clear that the methods used is indeed resulting in the hiring of supervisors who are not only thoughtful, but also possess solid leadership skills and high ethical standards.

**Next Review**

The Monitor will assess this ER on an annual basis, next scheduled for review in Q8 ending December 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 30, 2017  
**REC. REF. NO.:** 5.10.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Current procedures for review of promotion decisions and the promotion/ career development process are inadequate.

### **Exiger Recommendation (“ER”)**

UCPD should ensure that as required by the current SOP, the process for promotion is evaluated annually by the Chief, Assistant Chief, and Lieutenants. Additionally, UCPD should consider annual review of both the promotion and career development process by both the Chief and the Director of Public Safety.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) In practice, the process for promotion is evaluated annually by the Chief, Assistant Chief and Lieutenants;
- 2) UCPD gives meaningful consideration to requiring an annual review of both the promotion and career development process by both the Chief and the Director of Public Safety.

### **UCPD Proffer of Compliance**

*“The Law Enforcement Supervisor Promotional Process (SOP 3.1.300) requires that the Police Chief or designee annually evaluates the process for promotion (page 4 of attached policy). Revisions to the process, however, may be limited by the Collective Bargaining Agreement’s promotion provisions and would require approval by the UCPD and the union. The current supervisory CBA is also attached.*

*The UCPD also reviews the career development process for individual officers annually in June and are submitted to UC Human Resources in July in accordance with UC policy.*

*Evidence of dissemination of this policy to UCPD personnel is available to the monitor via Power DMS.”*

### **Data Reviewed**

1. Law Enforcement Supervisor promotional process (SOP 3.1.300)
2. Collective Bargaining Agreement, Sergeants and Lieutenants

### **Prior Assessment of Compliance**

During Q3 ending September 30, 2017, the Monitor withheld its determination of compliance with this ER. Although the UCPD had revised its “*Law Enforcement Supervisor Promotional Process*” policy, the Monitor found that as drafted, it did not adequately address a number of areas such as advance notice of testing, eligibility, assessment and selection of candidates, and was inconsistent with the Collective Bargaining Agreement (“CBA”) in a few instances.

### **Current Assessment of Compliance**



#### **Partial Compliance**

During the current quarter, through a collaborative process, the UCPD and the Monitor addressed the issues outlined above from the Monitor’s prior assessment. The revised policy now meets the requirements of the ER, is consistent with the CBA, and is based on best practices as compared with other law enforcement organizations so that the promotional examination and processes are fair and consistent in the manner they are administered. Given the recentness of the update and finalization of the policy, the UCPD was not able to fully disseminate it prior to the end of the reporting period. Therefore, the Monitor found the UCPD in partial compliance for the current assessment. The Monitor will continue to assess this ER to ensure that the Promotion policy is fully disseminated.

### **Next Review**

The Monitor will again assess the UCPD’s compliance in Q5 for the period ending March 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** JANUARY 6, 2017  
**REC. REF. NO.:** 5.11.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Current interviews and assessment center process do not include participation from the student body and community.

### **Exiger Recommendation (“ER”)**

UCPD should use students and community members in the assessment center exercises and in the interview processes.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD's policies include a requirement that students and community members participate in both the assessment center exercises and the interview process; and,
- 2) In practice, students and community members are participating in both the assessment center exercises and the interview process.

### **Proffer of Compliance from UCPD**

*“ER 5.9.A recommends that the desired traits and qualities for supervisors be defined and reflect the mission and philosophy of the UCPD (Vision Statement attached). The desired traits and qualities for a supervisor are listed in the job posting descriptions for the positions of Lieutenant and Captain (attached). Please note, the position of Sergeant has not been open since the monitorship began. A complete list of job-specific Sergeant and Lieutenant position descriptions, however, does exist and was previously submitted to the monitor under DR 0123 in Q3. As recommended in 5.9.A, the suitability assessments, interview questions, and scoring protocol reflect how these parts of the promotion process reflect the mission and philosophy of the UCPD.*

*Since January 1, 2017, two supervisory hires were made for the UCPD—one for the position of Captain, and one for the position of Lieutenant. The position of Captain was posted outside of the agency, but the position of Lieutenant was posted internally on the UCPD information board as well as via email. For the Lieutenant position, no written examination was given and PRADCO maintains the results of the behavioral assessment and they are not subject to release. As such, we have included a copy of the PRADCO contract and the company’s services overview document (see specifically “promotional assessment”), which has been deemed acceptable substitutes by the monitor. The promotional process for the position of Lieutenant included the interview of two current sergeants at the UCPD: Brian McKeel and David Waksmundksi. The attached panel and*

*command staff interview questions demonstrate how these parts of the promotion process reflect the mission and philosophy of the UCPD.*

*As recommended in ERs 5.8.D and 5.11.A, the Recruitment and Selection of Sworn Personnel policy requires on page 6 that “the interview panel will be comprised of a diverse group of students, faculty, staff, and community members.” They do not participate in the assessment center process because this is handled by an outside vendor (PRADCO). For the position of Lieutenant, the following individuals made up the Panel Interviewers: Sue Bourke (Instructor, School of Criminal Justice) Nyirah Jackson (Co-President, United Black Student Association) and Jack Martin (CAC Member). For the position of Captain, the following individuals made up the Panel Interviewers: James Whalen (Director of Public Safety), Maris Herold (Assistant Chief of UCPD), Dudley Smith (Captain, UCPD), Michele Ralston (PIO, DPS), Pia Washington (Assistant Director of Emergency Management, DPS), Lauren Hunter (Office of General Counsel), and Brooke Duncan (Student Government Vice President). The Public Safety Command Staff Interviews for the Lieutenant applicants were conducted by Chief Carter and Assistant Chief Herold. Again, copies of all interview questions are attached.*

*Finally, Rodney Carter was selected to fill the position of Captain, who was external to the UCPD at the time of hiring. For the position of Lieutenant, Brian McKeel was recommended for promotion and David Waksmundski was not recommended for promotion. A copy of the internal hiring correspondence for each of these 3 individuals is attached to this proffer as required by the Law Enforcement Supervisor promotional process SOP (attached).*

### **Data Reviewed**

1. UCPD Vision Statement, Mission Statement, and Core Principles
2. Job Posting: Lieutenant
3. Job Posting: Captain
4. PRADCO Contract
5. PRADCO services overview
6. Recruitment and Selection of Sworn Personnel Policy 5.1.100
7. Panel Interview Template: Lieutenant
8. Command Staff Interview Questions: McKeel
9. Command Staff Interview Questions: Waksmundski
10. Interview Questions: Carter
11. Form-5: McKeel
12. Form-5: Waksmundski
13. Form-5: R. Carter
14. Law Enforcement Supervisor promotional process (SOP 3.1.300)

### **Current Assessment of Compliance**



#### **In Compliance**

As is clearly outlined in the UCPD’s proffer of compliance (above in italics), and which was evidenced in the Monitor’s review of the ample documentation submitted, the UCPD is, in fact,



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using a diverse group of students and community members in its promotional interview panels, and understandably cannot do so in the assessment centers given those are being administered by an outside vendor.

**Next Review**

The Monitor will assess this ER on an annual basis, next scheduled for review in Q8 ending December 31, 2018.



## COMPLIANCE MEMORANDUM

**DATE:** OCTOBER 11, 2017  
**REC. REF. NO.:** 5.12.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Current policies and procedures do not contemplate the recently established supervisory position of sergeant.

### **Exiger Recommendation (“ER”)**

UCPD should update its promotional policies and procedures to reflect the position of Sergeant.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the UCPD updates promotional policies and procedures to reflect the position of Sergeant, a position of great strategic importance in bringing the UCPD in accordance with best practices.

### **UCPD Proffer of Compliance**

*“The Law Enforcement Supervisor promotional process policy (SOP 3.1.300) designates the position of Sergeant and describes its promotional process (page 3) and supervisory training (page 4).”*

*Evidence of dissemination of this policy to UCPD personnel is available to the monitor via Power DMS.”*

### **Data Reviewed**

1. Law Enforcement Supervisor promotional process (SOP 3.1.300)
2. Collective Bargaining Agreement, Sergeants and Lieutenants

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD submitted and the Monitor reviewed the UCPD’s newly revised *Law Enforcement Supervisor promotional process* which now covers the sergeant positions. While the Monitor had some suggested revisions to improve the promotion policy which was communicated to the UCPD related to ER 5.10.A, this specific recommendation to include sergeants in that policy has been met. The UCPD appropriately disseminated the policy internally through their PowerDMS system.



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**Next Review**

While the Monitor may review ERs related to the implementation of the UCPD's promotional policy and practices, no further evaluation of this ER is necessary.

# Appendix 6

## Review of Training

## REPORT CARD MATRIX

2017

2018

2019

Q1: Jan-Mar  
Q2: Apr-Jun  
Q3: Jul-Sep  
Q4: Oct-Dec  
Q5: Jan-Mar  
Q6: Apr-Jun  
Q7: Jul-Sep  
Q8: Oct-Dec  
Q9: Jan-Mar  
Q10: Apr-Jun  
Q11: Jul-Sep  
Q12: Oct-Dec

### Section 6 - Review of Training

6.1.A	Draft and adopt consistent policies and procedures for the development and approval of all UCPD courses and ensure that all courses are consistent with UCPD mission and philosophy.				●				○				
6.1.B	Ensure appropriate oversight of outside training to ensure it is consistent with Department Mission, Vision and Values.		●						○				
6.1.C	Require proper tracking, and evaluation of all courses and instructors.												
6.1.D	Require instructors to attend a certified instructor development course.		●						○				
6.1.E	Ensure training is consistent with officer tasks and competencies to successfully serve in an urban and campus environment in a manner consistent with Department Mission, Vision and Values.				●				○				
6.1.F	Establish and maintain a “lessons learned” program.												
6.1.G	Establish a Training Committee responsible for review of training policies and procedures, curricula development and course delivery.		●						○				
6.1.H	Ensure that training opportunities are available to all employees both sworn and unsworn.												
6.2.A	Locate the training office within headquarters and create a state of the art on-campus learning environment by identifying a professional setting for in-service training.			●					○				
6.3.A	Develop a portion of the 80-hour class in an e-learning format, to be delivered immediately upon swearing in, so as to allow for appropriate orientation before the commencement of patrol functions.												

## REPORT CARD MATRIX

		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
6.4.A	Develop introductory curricula, with time allotment and method of delivery (e-learning versus classroom) for the Clery Act; Mission, Vision and Values of UCPD; and community relations for inclusion in orientation training.					○							
6.5.A	Design courses to specifically meet unique training needs including courses addressing the unique intersection of urban and university policing, and training designed to promote effective interactions with diverse populations.			◐				○					
6.6.A	Build on the recommendations of this report relative to needs assessment and conduct a formal review of training, to be repeated on an annual basis.												
6.6.B	Develop an annual training plan consisting of goals and strategy based on an annual formal needs assessment, with input from the Chief of Police, a training committee comprised of UCPD personnel, training unit officer-in-charge, and the community.												
6.7.A	Develop as part of the annual training plan a mandatory training curriculum in modular format, to be reviewed and modified annually, including the state-mandated training as well as those courses which are determined to be best suited for UCPD-mandated annual training.												
6.7.B	Infuse the curriculum developed with elements of community policing, including a clear and unified message as to the UCPD's commitment to community policing, as well as with critical thinking and problem solving skills training throughout.	●				○			○				
6.7.C	Develop a series of elective courses in different relevant subject matter areas all of which would have to be completed over a three-year period.												
6.7.D	Consider courses for the mandatory training that include updates on trends and innovations in both municipal and university policing, an update on Ohio criminal law, a use of force update including de-escalation techniques, community and problem solving policing updates, and anti-bias training.												
6.7.E	Elective courses should include: Community-police relations; Building partnerships with communities both on and off campus; Critical thinking and problem solving; Ethics and Integrity; Diversity; Biased policing; Substance Abuse; Date rape; Leadership; De-escalation skills through												
6.7.F	Determine the appropriate split of total mandatory annual training hours between mandatory and elective courses.												
6.7.G	Increase diversity and biased policing training and require these subject to be recurrent training annually.	●				○			○				

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
6.7.H	Centralize and maintain records of all training in an electronic format which becomes part of an Officer's personnel package												
6.8.A	Develop a process by which UCPD develops its curricula.			●			○						
6.9.A	Establish a lessons learned program, derived from UCPD uses of force, post-incident debriefings, employee suggestions, personnel complaints and case law updates.												
6.10.A	Develop a list of tasks and skill competencies expected of an FTO.			●			○						
6.10.B	Create a selection process to assess whether an applicant has the skills necessary to train new officers.			●			○						
6.10.C	Ensure that all FTO's support the Mission, Vision and Values of UCPD and will be a strong role model for new employees.			●			○						
6.10.D	Ensure that the selection process includes a detailed review of the disciplinary and merit file of the candidate.			●			○						
6.10.E	Ensure that there is a policy that requires a timely suitability review of any FTO in the case of a sustained complaint involving that FTO.			●			○						
6.11.A	Require instructors to be OPOTC Certified Instructors.				●			○					
6.12.A	Require all courses taught by UCPD instructors to have written lesson plans that include clearly stated, realistic performance objectives and learning activities that utilize multiple learning modalities.				●			○					
6.12.B	Base the training approach on the tenets of adult education, promoting decision-making and critical thinking.												

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
6.12.C	Develop problem-based scenarios and case studies that allow the student to apply problem solving skills & knowledge of diverse populations.	●				○				○			
6.12.D	Require curriculum review before a class is taught.		●		●		○		○				
6.12.E	Observe instructors and rate performance.				●				○				
6.12.F	Survey students relative to the performance of their instructor.				●				○				
6.13.A	Ensure that community relations issues are included in use of force courses and that unique campus life issues are included in the defensive tactics course.												
6.14.A	Require by policy that all non-UCPD training be reviewed and approved prior to authorizing attendance at such program, and that a syllabus of such training be obtained for inclusion in the attending employee's file.	●				○				○			
6.15.A	Ensure that the training lieutenant is devoted primarily, if not exclusively, to all of the tasks attendant to training.		● (NFE)	-	-	-	-	-	-	-	-	-	
6.15.B	Re-establish the Training Review Committee under the direction of the training lieutenant and include a member from the university and two members from the community.		●				○						
6.15.C	Ensure that an annual Continuing Education Plan and Learning Needs Assessment is conducted.												
6.15.D	Review, approve, and maintain the curriculum of every outside course approved for attendance by a UCPD officer.	●				○				○			
6.16.A	Obtain a Learning Management System (LMS) to track all training records, retain expanded course outlines and lesson plans, allow for automated employee training requests and approvals.												

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
6.16.B	Use best practice templates to design training, evaluate training delivery and instructors.		●				○						
6.16.C	Complete regular assessments of courses and training delivery. Ensure curricula includes relevant and realistic officer tasks and competencies.	●				○			○				
6.16.D	Training Unit lieutenant should approve all internal courses and lesson plans, and approve all outside courses prior to employees being allowed to attend to ensure consistency with UCPD policies, procedures, and agency mission, vision and values.	●				○			○				
6.17.A	Identify the actual training budget for equipment and off-site training each year and hold the department accountable for working within its training budget.			●			○						
6.18.A	Develop a policy with respect to the selection of instructors and for the evaluation of their performance.				●			○					
6.19.A	Develop a policy which charges the training lieutenant with mandatory attendance (either by himself or an appropriate designee) of training in order to evaluate, in writing, its effectiveness.	●				○			○				
6.20.A	Extensively collaborate with the University on issues of training and should consider the creation of a Community-Police Academy for surrounding communities and a Student Community-Police Academy for campus communities.												
6.21.A	Collaborate with CPD on issues of training												
6.22.A	Utilizing the Claremont Campus OPOTC-certified Police Academy as its own internal academy where sponsored/hired cadets could attend.					○							



## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 23, 2017  
**REC. REF. NO.:** 6.1.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Training Policies and Procedures are generic and out dated and do not meet the needs of UCPD.

### **Exiger Recommendation (“ER”)**

UCPD should draft and adopt consistent policies and procedures for the development and approval of all UCPD courses and ensure that all such courses are consistent with the mission and philosophy of the department.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when UCPD develops, disseminates and consistently implements policies and procedures for the development and approval of all UCPD training courses that are consistent with UCPD's mission and philosophy.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented a training policy that we believe is in accordance with best practices in modern policing. The creation of the training policy has involved a great amount of research that includes attending and evaluating training and conferences, researching and evaluating other training policies from other police agencies, and including the core competencies as a focal point within our training policy. The training policy has been disseminated internally through Power DMS and is done so whenever a change is approved by the Chief of Police within the policy. The monitor may find evidence of all recent disseminations and updates of the policy in Power DMS.*

*Additionally, UCPD has implemented a training policy that ensures the development and approval of all UCPD courses; these courses must be in alignment with UCPD's mission and philosophy. Attached is documentation demonstrating courses that have been approved as well as documents such as the Public Safety Training Request and the New Course Approval Form. These forms aid in determining how training specifically meets UCPD's mission, vision, and values (the VSMV statement and supporting policy were previously submitted to the monitor under DR 0001 in Q2).”*

### **Data Reviewed**

1. Course Consideration Analysis Example
2. New Course Approval Form
3. New Course Approval Example
4. Public Safety Training Request
5. Training Request Example

## 6. Training Policy

### **Current Assessment of Compliance**

#### **In Compliance**

As described in the UCPD's proffer of compliance (above in italics), and as verified by the Monitor during its review of the documentation submitted and its onsite attendance of UCPD delivered training courses, the UCPD training policies and procedures have been updated to meet best practices. The Training Policy clearly sets out appropriate standards and the forms used to request training and evaluate external training courses to be attended clearly document the process used to ensure that all training courses delivered and attended are consistent with the UCPD's mission, vision and philosophy. The Monitor confirmed that the policy has been disseminated and the forms are being used for the most recent training courses attended.

#### **Next Review**

The Monitor will assess this ER on an annual basis to include a continuous review of all training courses attended and delivered. The next scheduled for reviews will be in Q8 ending December 31, 2018 and Q12 ending December 31, 2019.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 23, 2017  
**REC. REF. NO.:** 6.1.E  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Training Policies and Procedures are generic and out dated and do not meet the needs of UCPD.

### **Exiger Recommendation (“ER”)**

UCPD should ensure training is consistent with officer tasks and competencies to successfully serve in an urban and campus environment.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when UCPD develops, disseminates and consistently implements policies and procedures for the development and approval of all UCPD training courses that are consistent with UCPD's mission and philosophy.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has created and implemented a policy that identifies core competencies that are necessary to successfully serve in an urban and campus environment. There are 19 competencies identified that are specific for patrol officers beginning on page 5 of the training policy. Additionally, supervising officers have 13 other competencies that have been implemented within the training policy in order to best serve in an urban and campus environment.*

*Whenever a new course is considered, that course is evaluated and the competencies it fulfills are identified. The initial course evaluation where competencies are identified is included on the Course Consideration Analysis; this form has been recently modified to ensure core competencies are identified in the early process of considering courses. The UCPD New Course Approval Form 100D is then submitted for appropriate signatures with the specific core competencies identified in the top right of the form. The attached New Course Approval forms display approval on three levels and identifies the core competencies that each course meets.”*

### **Data Reviewed**

1. Training Policy
2. ALERRT New Course Approval Form Example
3. ICAT New Course Approval Form Example
4. Course Consideration Analysis

**Current Assessment of Compliance** **In Compliance**

As described in the UCPD's proffer of compliance (above in italics), and was verified by the Monitor through its review of the documentation submitted, the UCPD training policy and procedures have been updated to document the process by which each course is determined to meet a specific need and cover specific tasks and competencies for the intended participants. The tasks and competencies for each rank/position are included in the Training Policy and were previously determined by the Monitor to be appropriate as compared to best practice standards. The Monitor confirmed that the policy has been disseminated and the forms are being used for the most recent training courses attended.

**Next Review**

The Monitor will assess this ER on an annual basis to include a continuous review of all training courses attended and delivered. The next scheduled for reviews will be in Q8 ending December 31, 2018 and Q12 ending December 31, 2019.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 27, 2017  
**REC. REF. NO.:** 6.2.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Current training-related facilities are inadequate.

### **Exiger Recommendation (“ER”)**

UC and UCPD should locate the training office within headquarters and create a state of the art on-campus learning environment by identifying a professional setting for in-service training.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD moves the training office to within UCPD headquarters and into a space that is professional in appearance; and,
- 2) A visit to the new training office proves that it is located in a professional setting that creates a state of the art on-campus learning environment.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has located the training section within the police division headquarters along with utilizing on-campus resources to have a professional setting for in-service training. Additionally, UCPD is creating a state of the art training facility that is located off-site that will be utilized dependent upon the in-service training topic.”*

*The training section for UCPD is now located on campus in Suite 2310 of the Edwards III building. The areas that are currently utilized for training on campus consist of four locations; visits to each have been provided for members of the Exiger team during Q3. First, Dyer Hall #160 is a state of the art room that has a capacity for 44 officers; this room is ideal for any lecture or group work. The second location is an area that will be a shared space with the Emergency Operations Center; this is also a state of the art room that is ideal for lecture and any interactive work that involves an officer needing their own computer. The third room currently being utilized is the Edwards III Training Room; this is a temporary room as it will eventually change when the permanent Emergency Operations Center is complete. This training room seats 16 to 18 people and is generally used for smaller training sessions and the OPOTA state mandated trainings when a web format is being utilized.*

*In addition to having the on-campus facilities, UCPD is also creating a state of the art training center at a university owned property located a short distance away. This facility, the Fishwick*

*Training Center (FTC), will house our firearms training simulator and will also be the location for defensive tactics training. In addition to the physical training that will be completed at the FTC, UCPD will also have a state of the art classroom where classes as large as 48 people could be held.*

*The EOC is scheduled to be completed and ready to be utilized beginning August 31, 2017. The Fishwick Training Center can currently be utilized for the firearms training simulator and defensive tactics; the classroom portion is still under development, but funds have been allocated to complete the project. Lastly, the training policy specifies that the Training Section Supervisor will manage and coordinate all training facilities.”*

### **Data Reviewed**

- 1) Picture of Dyer Hall #160
- 2) Document listing past and future trainings with locations

### **Current Assessment of Compliance**

#### **In Compliance**

As is clearly described in the UCPD’s proffer of compliance (above in italics), and as was verified during the Monitor’s onsite inspections, the UCPD has complied with both the specific requirements of this ER and with the spirit of the matter by upgrading their training facilities into a professional space where adult learning by UCPD officers can occur in an environment that is worthy of their reverence. The Monitor’s inspections of all three of the UCPD’s permanent training locations, including the Dyer Hall classroom, the EOC and the FTC found that the classroom and EOC both have all the conveniences and instructional benefits of modern technology including large workspaces and an interactive learning environment. The FTC facility is a work in progress and has recently been painted and carpeted. The FTC appears to have most of the necessary training equipment but will be even better once the project is completed.

### **Next Review**

The Monitor will assess this ER on an annual basis, next scheduled for review in Q7 (Q3 2018) and Q11 (Q3 2019).

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 23, 2017  
**REC. REF. NO.:** 6.5.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Based upon a review of available materials, specialized and in-service training does not appear to properly prepare police and security officers to police in a large university and in urban areas or adequately train toward effective interactions with diverse populations.

### **Exiger Recommendation (“ER”)**

UCPD should design courses to specifically meet their unique training needs, including courses addressing the unique intersection of urban and university policing, and training designed to promote effective interactions with diverse populations.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD designs training courses to specifically meet their unique training needs, including courses addressing the unique intersection of urban and university policing, and training designed to promote effective interactions with diverse populations; and,
- 2) The Monitor determines that these training courses are being provided to all UCPD officers.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has begun to implement courses that meet our unique training needs due to serving an urban campus environment. While these courses are not designed by personnel from UCPD, these courses will be utilized in order to promote effective interactions with diverse populations.”*

*The first training that will be department wide is the Crisis Intervention Training (CIT). The UCPD has already begun to implement this course and the majority of police officers and dispatchers will be trained by December 8, 2017. This course addresses de-escalation, homeless individuals, children, suicidal subjects, veterans, individuals with developmental disabilities, and any person effected with a mental health issue or any person in crisis. Documents attached include presentations given to officers; lesson plans are unavailable.*

*The next training has been developed by UC’s Office of Equity and Inclusion. This training will be mostly department wide with the exception of one course that specifically has to do with hiring; all other courses will be attended by all officers. This training will be ongoing and will include a range of topics including non-discrimination workshops, implicit bias, micro-aggressions, and*

*various other areas. The overall goals for these 13 trainings are specific to the topics of each workshop. Documentation attached includes a brief description of each workshop.”*

### **Data Reviewed**

1. A 360 Degree View on Cultural Dilemma
2. Anti-Harassment and Non-Discrimination Workshop
3. CIT: Agitated Psychotic Event
4. CIT: Child and Adolescent
5. CIT: Developmental Disabilities
6. CIT: De-escalation Techniques
7. CIT: Homeless
8. CIT: Suicide
9. CIT: Veteran Affairs
10. Implicit Bias Workshop
11. Inclusion Advocacy in Support of Equity and Inclusion
12. Informed Discussion Flyer
13. Micro-aggression Workshop Flyer
14. OEI Workshop Planning Document
15. The Multigenerational Workforce
16. Thinking Styles Workshop

### **Current Assessment of Compliance**



#### **Partial Compliance**

As described in the UCPD’s proffer of compliance (above in italics), and based on the Monitor’s review of the training course descriptions provided, the UCPD Training Section has sought out and selected courses that, while not specifically created by UCPD, will certainly cover many of the unique situations when policing in an urban university environment. In addition to the Crisis Intervention Training which deals with persons affected with a mental health issue or any person in crisis, the other courses chosen address a wide variety of issues such as the differences and similarities across generations, strategies for inclusive working environments and facilitating difficult conversations around “hot button” issues to enhance the understanding of respectful communication and avoiding destructive speech and behaviors. The Monitor commends the UCPD for selecting such progressive looking topics for its officers and will review the attendance documentation in the coming review periods.

Based on the fact the training has not yet been delivered, the Monitor finds the UCPD in partial compliance during this current assessment. We will continue to monitor this ER to ensure that the above listed training course are delivered.

### **Next Review**

The Monitor will assess this ER on an annual or continuous basis to include a review of training attendance records. The next scheduled for review will be in Q8 ending December 31, 2018.



## COMPLIANCE MEMORANDUM

**DATE:** OCTOBER 13, 2017  
**REC. REF. NO.:** 6.8.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

There is no identifiable process by which UCPD training curricula is developed.

### **Exiger Recommendation (“ER”)**

UCPD working with the University should develop a process by which it develops its curricula.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when UCPD develops a process for developing its curricula and when that process assigns specific roles and responsibilities to appropriate individuals, and ensures that the creation of training is conducted in an effective and efficient manner.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented the Training and Professional Development (TPD) policy that outlines a process by which UCPD develops and maintains its curricula. As stated in the policy (page 9): “An annual Training Needs Analysis conducted by the Training Committee may determine that the UCPD training curriculum is in need of new courses in order to continue to offer the most relevant and realistic training opportunities that align with department mission, vision, and values.” The approval process for adding a new course is outlined in Section C.2 of the policy.*

*As described on page 12 of the policy:*

*When a new course is needed to meet the training needs of the UCPD, the Training Committee will research outside training agencies to determine whether courses are already available to satisfy the identified training needs. If the results of this search indicate that no vendor courses are available or that available vendor courses do not align with department mission, vision, and values, the UCPD Training Unit will develop a training course internally to satisfy the identified training need.*

*All internally developed courses will adhere to the minimum approval requirements. Before a course will be incorporated into the curriculum, it must be reviewed by the Training Committee using the Internal Course Review (Form 100C). All course approvals must be documented on the New Course Approval form (Form 100D) prior to it being included in the curriculum.*

*To summarize then, the approval process for all training (including when internally developed training is needed) is as follows:*

- 1) The Training Committee identifies training needs.*
- 2) External training options are researched by the Training Committee.*
- 3) If external options are exhausted, the Training Section Supervisor would assign the Training Consultant to develop the needed course in consultation with the subject matter experts. The Training Consultant will ensure that the course developed is in accordance with the following requirements on page 11 of the TPD policy:*
  - Lesson plans consistent with departmental mission, guidelines, policies, and state requirements*
  - Student Performance Objectives (SPO) focusing on UPCD competencies*
  - A statement of what will be learned and how it will benefit the participant*
  - Inclusion of problem-based scenarios*
  - Adult Learning Theory incorporated into course design*
  - Multiple delivery techniques including lecture, group discussion, panel and debate, teach backs, videos, simulations, and/or gamification*
  - A facilitator experienced in the subject matter as well as adult learning and facilitation*
  - An assessment of participant knowledge retention to include written test or practical demonstration if deemed necessary*
  - A basis for evaluating the effectiveness of the course*
- 4) Once developed, the Internal Course Review Form is completed (Form 100C) by the Training staff and the New Course Approval Form (Form 100D) is completed by the Training Committee, the Assistant Chief, and the Chief of Police.*
- 5) Following the approval of the new course, the training would be piloted for a small group, observed by the Training Consultant and subject matter experts, and evaluated by the student participants. The observations and course evaluations (see attached template) would be used to make any needed revisions.*
- 6) After the course has been fully incorporated into the UCPD training curriculum, the Training staff will continue to revise or update the course based on the Student Course & Trainer Evaluations to revise and/or improve the course for future (pages 14-15 in the policy).*

*To date, there has not been an internally-developed training course. Evidence of the above-described development and approval process will be made available to the monitor should the need arise for an internally-developed course addition to the UCPD ATS.”*

### **Data Reviewed**

1. Training and Professional Development Policy 6.1.100
2. Annual Training Schedule
3. IA Investigation Training Recommendation

4. Internal Affairs Course Consideration
5. Internal Course review
6. New Course Approval Form

### **Current Assessment of Compliance**

#### **In Compliance**

The Monitor reviewed UCPD's proffer of compliance (above in italics) which summarizes the process by which UCPD will develop curricula when needed. As explained, the UCPD's Training and Professional Development policy indicates that if no outside vendor training is available or is not adequate, the UCPD Training Unit will develop a training course internally. The proffer clearly describes the process by which internal training will be assigned, developed, and approved.

The Monitor notes that above process appears to address best practices to include standardized processes. However, given that the UCPD has not yet developed any internal training by which to assess their development process, the Monitor suggests the UCPD identify future courses that will likely need to be developed, such as the orientation training for newly promoted supervisors, and use it as a model to develop and test the process.

### **Next Review**

The Monitor will assess this ER on an as-needed basis and has requested that going forward the UCPD provide the curriculum of any UCPD internally developed courses along with the process by which it was developed.

## COMPLIANCE MEMORANDUM

**DATE:** OCTOBER 13, 2017  
**REC. REF. NO.:** 6.8.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

There is no identifiable process by which UCPD training curricula is developed.

### **Exiger Recommendation (“ER”)**

UCPD working with the University should develop a process by which it develops its curricula.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when UCPD develops a process for developing its curricula and when that process assigns specific roles and responsibilities to appropriate individuals, and ensures that the creation of training is conducted in an effective and efficient manner.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented the Training and Professional Development (TPD) policy that outlines a process by which UCPD develops and maintains its curricula. As stated in the policy (page 9): “An annual Training Needs Analysis conducted by the Training Committee may determine that the UCPD training curriculum is in need of new courses in order to continue to offer the most relevant and realistic training opportunities that align with department mission, vision, and values.” The approval process for adding a new course is outlined in Section C.2 of the policy.*

*As described on page 12 of the policy:*

*When a new course is needed to meet the training needs of the UCPD, the Training Committee will research outside training agencies to determine whether courses are already available to satisfy the identified training needs. If the results of this search indicate that no vendor courses are available or that available vendor courses do not align with department mission, vision, and values, the UCPD Training Unit will develop a training course internally to satisfy the identified training need.*

*All internally developed courses will adhere to the minimum approval requirements. Before a course will be incorporated into the curriculum, it must be reviewed by the Training Committee using the Internal Course Review (Form 100C). All course approvals must be documented on the New Course Approval form (Form 100D) prior to it being included in the curriculum.*

*To summarize then, the approval process for all training (including when internally developed training is needed) is as follows:*

- 1) The Training Committee identifies training needs.*
- 2) External training options are researched by the Training Committee.*
- 3) If external options are exhausted, the Training Section Supervisor would assign the Training Consultant to develop the needed course in consultation with the subject matter experts. The Training Consultant will ensure that the course developed is in accordance with the following requirements on page 11 of the TPD policy:*
  - Lesson plans consistent with departmental mission, guidelines, policies, and state requirements*
  - Student Performance Objectives (SPO) focusing on UPCD competencies*
  - A statement of what will be learned and how it will benefit the participant*
  - Inclusion of problem-based scenarios*
  - Adult Learning Theory incorporated into course design*
  - Multiple delivery techniques including lecture, group discussion, panel and debate, teach backs, videos, simulations, and/or gamification*
  - A facilitator experienced in the subject matter as well as adult learning and facilitation*
  - An assessment of participant knowledge retention to include written test or practical demonstration if deemed necessary*
  - A basis for evaluating the effectiveness of the course*
- 4) Once developed, the Internal Course Review Form is completed (Form 100C) by the Training staff and the New Course Approval Form (Form 100D) is completed by the Training Committee, the Assistant Chief, and the Chief of Police.*
- 5) Following the approval of the new course, the training would be piloted for a small group, observed by the Training Consultant and subject matter experts, and evaluated by the student participants. The observations and course evaluations (see attached template) would be used to make any needed revisions.*
- 6) After the course has been fully incorporated into the UCPD training curriculum, the Training staff will continue to revise or update the course based on the Student Course & Trainer Evaluations to revise and/or improve the course for future (pages 14-15 in the policy).*

*To date, there has not been an internally-developed training course. Evidence of the above-described development and approval process will be made available to the monitor should the need arise for an internally-developed course addition to the UCPD ATS.”*

### **Data Reviewed**

1. Training and Professional Development Policy 6.1.100
2. Annual Training Schedule
3. IA Investigation Training Recommendation

4. Internal Affairs Course Consideration
5. Internal Course review
6. New Course Approval Form

### **Current Assessment of Compliance**

#### **In Compliance**

The Monitor reviewed UCPD's proffer of compliance (above in italics) which summarizes the process by which UCPD will develop curricula when needed. As explained, the UCPS's Training and Professional Development policy indicates that if no outside vendor training is available or is not adequate, the UCPD Training Unit will develop a training course internally. The proffer clearly describes the process by which internal training will be assigned, developed, and approved.

The Monitor notes that above process appears to address best practices to include standardized processes. However, given that the UCPD has not yet developed any internal training by which to assess their development process, the Monitor suggests the UCPD identify future courses that will likely need to be developed, such as the orientation training for newly promoted supervisors, and use it as a model to develop the process. Then the specifics processed as described in the proffer above and adjusted by way of the model, should then be added to the Training and Professional Development policy.

#### **Next Review**

The Monitor will assess this ER on an as-needed basis and has requested that going forward the UCPD provide the curriculum of any UCPD internally developed courses along with the process by which it was developed.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 14, 2017  
**REC. REF. NO.:** 6.10.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the UCPD Field Training Program is a sound structure and commonly used throughout the country, the core success of any Field Training Program is based on the quality of the FTO for which UCPD does not have a written selection protocol.

### **Exiger Recommendation (“ER”)**

Develop a list of tasks and skill competencies expected of an FTO.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when UCPD:

- 1) Develops a list of tasks and skill competencies expected of an FTO;
- 2) The tasks and skill competencies listed will, in combination, produce a quality FTO; and,
- 3) Is ensuring that all FTOs obtain the skill competencies and perform the tasks listed.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented the “Police Training Officer Program” policy whereas it ensures that sufficient measures are taken to have a successful Police Training Officer (PTO) program with appropriately selected PTO’s.*

*First, the PTO policy specifically states in Section F-1 that PTO’s must maintain proficiency in all core competencies as recommended in 6.10.A. Competencies are identified on pages 5-7 of the Training and Professional Development Policy (6.1.100); all yearly evaluations completed by the PTOs shift Lieutenant will be reviewed by the Training Section Commander to ensure standards are met or surpassed.*

*Secondly, the PTO policy specifically outlines in section F-2 the selection process for choosing police officers for the PTO program. Currently, we have a total of five individuals trained in the Basic PTO program, four patrol officers and one Lieutenant; these officers were selected as each officer has had experience training as an FTO. The new PTO policy has implemented a selection process that will be followed when selecting any additional PTO’s. The selection process also includes a detailed review of the officer’s discipline and other selection criteria as shown in the PTO policy Section F-1 and F-2.*

*Next, the PTO policy specifically states in C-2 and C-5-c that duties of the PTO's include completing tasks in support of UCPD's Vision Statement, Mission Statement, and Core Principles. Furthermore, it specifically states that the PTO will be a role model for the trainee.*

*Fourth, the PTO policy ensures that a timely review of any PTO who receives a sustained complaint is completed in a timely manner. Section E-6 demonstrates the process that will be completed if such occurrence happens.*

*Lastly, in regard to the PTO program, there is an additional step that is occurring within UCPD to ensure that the PTO program and policy is successful; this is not within the Exiger recommendations, but it should be noted that three supervisors are scheduled to attend PTO training in October. One sergeant will become Basic PTO certified while one sergeant and one lieutenant will become PTO trainers. Essentially, UCPD will be able to certify our PTO's in-house in order to cater to what is needed, as well as to provide additional training to already certified PTOs as a refresher."*

### **Data Reviewed**

- 1) Police Training Officer Policy, 6.2.200
- 2) Training and Professional Development Policy, 6.1.100
- 3) PTO Certifications

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD submitted its newly adopted Police Training Officer (PTO) program (previously titled "Field Training Officer" (FTO) and referred to as FTO in the Exiger Report). The UCPD's PTO program was developed based on a Problem-Based Learning ("PBL") model designed by a team put together in the COPS Office (Community Oriented Policing Services) and supported by the Police Executive Research Forum (PERF). This PTO program model teaches Police Training Officers how to help their trainee apply policing and problem solving skills and is specifically designed for agencies that place emphasis on community oriented policing. As is described in the UCPD's proffer of compliance (above in italics) and confirmed by the Monitor's review of the documentation submitted, the UCPD's PTO program contains appropriate tasks and skill competencies expected of an FTO as required by this ER.

### **Next Review**

The Monitor will assess the UCPD's compliance with this recommendation on an ongoing, annual basis which will be scheduled in Q7 (Q3 2018) and Q11 (Q3 2019). The next review will include an evaluation of any PTO selections made under the new program.



## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 14, 2017  
**REC. REF. NO.:** 6.10.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the UCPD Field Training Program is a sound structure and commonly used throughout the country, the core success of any Field Training Program is based on the quality of the FTO for which UCPD does not have a written selection protocol.

### **Exiger Recommendation (“ER”)**

Create a selection process to assess whether an applicant has the skills necessary to train new officers.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD creates a selection process to assess whether an applicant has the skills necessary to train new officers; and,
- 2) The selection process does, in practice, properly assess whether an applicant has the skills necessary to train new officers.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented the “Police Training Officer Program” policy whereas it ensures that sufficient measures are taken to have a successful Police Training Officer (PTO) program with appropriately selected PTO’s.*

*First, the PTO policy specifically states in Section F-1 that PTO’s must maintain proficiency in all core competencies as recommended in 6.10.A. Competencies are identified on pages 5-7 of the Training and Professional Development Policy (6.1.100); all yearly evaluations completed by the PTOs shift Lieutenant will be reviewed by the Training Section Commander to ensure standards are met or surpassed.*

*Secondly, the PTO policy specifically outlines in section F-2 the selection process for choosing police officers for the PTO program. Currently, we have a total of five individuals trained in the Basic PTO program, four patrol officers and one Lieutenant; these officers were selected as each officer has had experience training as an FTO. The new PTO policy has implemented a selection process that will be followed when selecting any additional PTO’s. The selection process also includes a detailed review of the officer’s discipline and other selection criteria as shown in the PTO policy Section F-1 and F-2.*

*Next, the PTO policy specifically states in C-2 and C-5-c that duties of the PTO's include completing tasks in support of UCPD's Vision Statement, Mission Statement, and Core Principles. Furthermore, it specifically states that the PTO will be a role model for the trainee.*

*Fourth, the PTO policy ensures that a timely review of any PTO who receives a sustained complaint is completed in a timely manner. Section E-6 demonstrates the process that will be completed if such occurrence happens.*

*Lastly, in regard to the PTO program, there is an additional step that is occurring within UCPD to ensure that the PTO program and policy is successful; this is not within the Exiger recommendations, but it should be noted that three supervisors are scheduled to attend PTO training in October. One sergeant will become Basic PTO certified while one sergeant and one lieutenant will become PTO trainers. Essentially, UCPD will be able to certify our PTO's in-house in order to cater to what is needed, as well as to provide additional training to already certified PTOs as a refresher."*

### **Data Reviewed**

- 1) Police Training Officer Policy, 6.2.200
- 2) Training and Professional Development Policy, 6.1.100
- 3) PTO Certifications

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD submitted its newly adopted Police Training Officer (PTO) program (previously titled "Field Training Officer" (FTO) and referred to as FTO in the Exiger Report). The UCPD's PTO program was developed based on a Problem-Based Learning ("PBL") model designed by a team put together in the COPS Office (Community Oriented Policing Services) and supported by the Police Executive Research Forum (PERF). This PTO program model teaches Police Training Officers how to help their trainee apply policing and problem solving skills and is specifically designed for agencies that place emphasis on community oriented policing. As is described in the UCPD's proffer of compliance (above in italics) and confirmed by the Monitor's review of the documentation, the UCPD's PTO program contains an appropriate selection process to ensure only qualified individuals train and mentor newly hired UCPD officers.

### **Next Review**

The Monitor will assess the UCPD's compliance with this recommendation on an ongoing, annual basis which will be scheduled in Q7 (Q3 2018) and Q11 (Q3 2019). The next review will likely include an evaluation of any PTO selections made under the new program.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 14, 2017  
**REC. REF. NO.:** 6.10.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the UCPD Field Training Program is a sound structure and commonly used throughout the country, the core success of any Field Training Program is based on the quality of the FTO for which UCPD does not have a written selection protocol.

### **Exiger Recommendation (“ER”)**

Ensure that all FTO’s support the Mission, Vision, and Values of UCPD and will be a strong role model for new employees.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements a policy that requires that all FTOs support the Mission, Vision, and Values of UCPD;
- 2) UCPD implements a policy that requires that all FTOs will be a strong role model for new employees; and,
- 3) FTOs are following these policies in practice.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented the “Police Training Officer Program” policy whereas it ensures that sufficient measures are taken to have a successful Police Training Officer (PTO) program with appropriately selected PTO’s.*

*First, the PTO policy specifically states in Section F-1 that PTO’s must maintain proficiency in all core competencies as recommended in 6.10.A. Competencies are identified on pages 5-7 of the Training and Professional Development Policy (6.1.100); all yearly evaluations completed by the PTOs shift Lieutenant will be reviewed by the Training Section Commander to ensure standards are met or surpassed.*

*Secondly, the PTO policy specifically outlines in section F-2 the selection process for choosing police officers for the PTO program. Currently, we have a total of five individuals trained in the Basic PTO program, four patrol officers and one Lieutenant; these officers were selected as each officer has had experience training as an FTO. The new PTO policy has implemented a selection process that will be followed when selecting any additional PTO’s. The selection process also includes a detailed review of the officer’s discipline and other selection criteria as shown in the PTO policy Section F-1 and F-2.*

*Next, the PTO policy specifically states in C-2 and C-5-c that duties of the PTO's include completing tasks in support of UCPD's Vision Statement, Mission Statement, and Core Principles. Furthermore, it specifically states that the PTO will be a role model for the trainee.*

*Fourth, the PTO policy ensures that a timely review of any PTO who receives a sustained complaint is completed in a timely manner. Section E-6 demonstrates the process that will be completed if such occurrence happens.*

*Lastly, in regard to the PTO program, there is an additional step that is occurring within UCPD to ensure that the PTO program and policy is successful; this is not within the Exiger recommendations, but it should be noted that three supervisors are scheduled to attend PTO training in October. One sergeant will become Basic PTO certified while one sergeant and one lieutenant will become PTO trainers. Essentially, UCPD will be able to certify our PTO's in-house in order to cater to what is needed, as well as to provide additional training to already certified PTOs as a refresher."*

### **Data Reviewed**

- 1) Police Training Officer Policy, 6.2.200
- 2) Training and Professional Development Policy, 6.1.100
- 3) PTO Certifications

### **Current Assessment of Compliance**



#### **In Compliance**

The UCPD submitted its newly adopted Police Training Officer (PTO) program (previously titled "Field Training Officer" (FTO) and referred to as FTO in the Exiger Report). The UCPD's PTO program was developed based on a Problem-Based Learning ("PBL") model designed by a team put together in the COPS Office (Community Oriented Policing Services) and supported by the Police Executive Research Forum (PERF). This PTO program model teaches Police Training Officers how to help their trainee apply policing and problem solving skills and is specifically designed for agencies that place emphasis on community oriented policing. By virtue of the PTO task and competencies, the PTO selection process, and the supervision and oversight of the UCPD's PTO program - all FTOs will support the Mission, Vision, and Values of the UCPD and will be strong role models for new employees.

### **Next Review**

The Monitor will assess the UCPD's compliance with this recommendation on an ongoing, annual basis which will be scheduled in Q7 (Q3 2018) and Q11 (Q3 2019). The next review will likely include an evaluation of any PTO selections made under the new program.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 14, 2017  
**REC. REF. NO.:** 6.10.D  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the UCPD Field Training Program is a sound structure and commonly used throughout the country, the core success of any Field Training Program is based on the quality of the FTO for which UCPD does not have a written selection protocol.

### **Exiger Recommendation (“ER”)**

Ensure that the selection process includes a detailed review of the disciplinary and merit file of the candidate.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements policies and procedures regarding the FTO selection process that require a detailed review of the disciplinary and merit file of all candidates;
- 2) UCPD, in practice, completes a detailed review of the disciplinary and merit file of all candidates for an FTO position, and only selects those candidates who meet the criteria outlined in the policies and procedures.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented the “Police Training Officer Program” policy whereas it ensures that sufficient measures are taken to have a successful Police Training Officer (PTO) program with appropriately selected PTO’s.*

*First, the PTO policy specifically states in Section F-1 that PTO’s must maintain proficiency in all core competencies as recommended in 6.10.A. Competencies are identified on pages 5-7 of the Training and Professional Development Policy (6.1.100); all yearly evaluations completed by the PTOs shift Lieutenant will be reviewed by the Training Section Commander to ensure standards are met or surpassed.*

*Secondly, the PTO policy specifically outlines in section F-2 the selection process for choosing police officers for the PTO program. Currently, we have a total of five individuals trained in the Basic PTO program, four patrol officers and one Lieutenant; these officers were selected as each officer has had experience training as an FTO. The new PTO policy has implemented a selection process that will be followed when selecting any additional PTO’s. The selection process also includes a detailed review of the officer’s discipline and other selection criteria as shown in the PTO policy Section F-1 and F-2.*

*Next, the PTO policy specifically states in C-2 and C-5-c that duties of the PTO's include completing tasks in support of UCPD's Vision Statement, Mission Statement, and Core Principles. Furthermore, it specifically states that the PTO will be a role model for the trainee.*

*Fourth, the PTO policy ensures that a timely review of any PTO who receives a sustained complaint is completed in a timely manner. Section E-6 demonstrates the process that will be completed if such occurrence happens.*

*Lastly, in regard to the PTO program, there is an additional step that is occurring within UCPD to ensure that the PTO program and policy is successful; this is not within the Exiger recommendations, but it should be noted that three supervisors are scheduled to attend PTO training in October. One sergeant will become Basic PTO certified while one sergeant and one lieutenant will become PTO trainers. Essentially, UCPD will be able to certify our PTO's in-house in order to cater to what is needed, as well as to provide additional training to already certified PTOs as a refresher."*

### **Data Reviewed**

- 1) Police Training Officer Policy, 6.2.200
- 2) Training and Professional Development Policy, 6.1.100
- 3) PTO Certifications

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD submitted its newly adopted Police Training Officer (PTO) program (previously titled "Field Training Officer" (FTO) and referred to as FTO in the Exiger Report). The UCPD's PTO program was developed based on a Problem-Based Learning ("PBL") model designed by a team put together in the COPS Office (Community Oriented Policing Services) and supported by the Police Executive Research Forum (PERF). This PTO program model teaches Police Training Officers how to help their trainee apply policing and problem solving skills and is specifically designed for agencies that place emphasis on community oriented policing. As is described in the UCPD's proffer of compliance (above in italics) the UCPD's PTO program selection process requires a review of all disciplinary and merit records of all PTO candidates. While none of the current PTO's were selected under the newly revised PTO Program, they have all attended PTO training and their work histories were reviewed and approved by UCPD command staff as required.

### **Next Review**

The Monitor will assess the UCPD's compliance with this recommendation on an ongoing, annual basis which will be scheduled in Q7 (Q3 2018) and Q11 (Q3 2019). The next review will likely include an evaluation of whether the review of discipline and merit records of any PTO candidates occurred as required.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 14, 2017  
**REC. REF. NO.:** 6.10.E  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While the UCPD Field Training Program is a sound structure and commonly used throughout the country, the core success of any Field Training Program is based on the quality of the FTO for which UCPD does not have a written selection protocol.

### **Exiger Recommendation (“ER”)**

Ensure that UCPD has a policy that requires a timely suitability review of any FTO in the case of a sustained complaint involving that FTO.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements a policy that requires a timely suitability review of any FTO in the case of a sustained complaint involving that FTO;
- 2) UCPD, in practice, completes a timely suitability review of FTOs who are subject to a sustained complaint.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented the “Police Training Officer Program” policy whereas it ensures that sufficient measures are taken to have a successful Police Training Officer (PTO) program with appropriately selected PTO’s.*

*First, the PTO policy specifically states in Section F-1 that PTO’s must maintain proficiency in all core competencies as recommended in 6.10.A. Competencies are identified on pages 5-7 of the Training and Professional Development Policy (6.1.100); all yearly evaluations completed by the PTOs shift Lieutenant will be reviewed by the Training Section Commander to ensure standards are met or surpassed.*

*Secondly, the PTO policy specifically outlines in section F-2 the selection process for choosing police officers for the PTO program. Currently, we have a total of five individuals trained in the Basic PTO program, four patrol officers and one Lieutenant; these officers were selected as each officer has had experience training as an FTO. The new PTO policy has implemented a selection process that will be followed when selecting any additional PTO’s. The selection process also includes a detailed review of the officer’s discipline and other selection criteria as shown in the PTO policy Section F-1 and F-2.*

*Next, the PTO policy specifically states in C-2 and C-5-c that duties of the PTO's include completing tasks in support of UCPD's Vision Statement, Mission Statement, and Core Principles. Furthermore, it specifically states that the PTO will be a role model for the trainee.*

*Fourth, the PTO policy ensures that a timely review of any PTO who receives a sustained complaint is completed in a timely manner. Section E-6 demonstrates the process that will be completed if such occurrence happens.*

*Lastly, in regard to the PTO program, there is an additional step that is occurring within UCPD to ensure that the PTO program and policy is successful; this is not within the Exiger recommendations, but it should be noted that three supervisors are scheduled to attend PTO training in October. One sergeant will become Basic PTO certified while one sergeant and one lieutenant will become PTO trainers. Essentially, UCPD will be able to certify our PTO's in-house in order to cater to what is needed, as well as to provide additional training to already certified PTOs as a refresher."*

### **Data Reviewed**

- 1) Police Training Officer Policy, 6.2.200
- 2) Training and Professional Development Policy, 6.1.100
- 3) PTO Certifications

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD submitted its newly adopted Police Training Officer (PTO) program (previously titled "Field Training Officer" (FTO) and referred to as FTO in the Exiger Report). The UCPD's PTO program was developed based on a Problem-Based Learning ("PBL") model designed by a team put together in the COPS Office (Community Oriented Policing Services) and supported by the Police Executive Research Forum (PERF). This PTO program model teaches Police Training Officers how to help their trainee apply policing and problem solving skills and is specifically designed for agencies that place emphasis on community oriented policing. As is described in the UCPD's proffer of compliance (above in italics) the UCPD's PTO program policy requires a timely suitability review of any PTO who has a sustained complaint.

### **Next Review**

The Monitor will assess the UCPD's compliance with this recommendation on an ongoing, annual basis which will be scheduled in Q7 (Q3 2018) and Q11 (Q3 2019). The next review will likely include an evaluation of any newly sustained discipline records for current PTOs to ensure a timely suitability review was conducted as required.



## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 23, 2017  
**REC. REF. NO.:** 6.11.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Currently, instructors at UCPD are not required to attend an OPOTC Certified instructor development course.

### **Exiger Recommendation (“ER”)**

UCPD should require instructors to be OPOTC certified instructors.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

1. UCPD implements a policy requiring that all instructors be OPOTA; and,
2. In practice, UCPD requires that all instructors be OPOTC certified.

### **UCPD Proffer of Compliance**

*“UCPD continues to send all instructors to OPOTA certification courses as they are offered, as stated in the Training and Professional Development Policy (attached). In this quarter, Officer Jeff Polly and Officer Adam Hubbard (completion date of 11/3/17) attended the OPOTA certification course. Also, included is Dispatcher Kristen Leopold’s Instructional Skills certificate.”*

### **Data Reviewed**

1. Training and Professional Development Policy
2. Two instructor certificates
3. Attendance verification for Officer Adam Hubbard

### **Current Assessment of Compliance**

#### **In Compliance**

As described in the UCPD’s proffer of compliance (above in italics), and is clearly set out in its revised Training policy, all UCPD trainers must be certified by the Ohio Peace Officer Training Academy (OPOTA). The policy also states that instructors must maintain training responsibilities and other appropriate standards in order to qualify as a UCPD trainer. During the current quarter ending December 31, 2017, the UCPD was able to send three individuals for OPOTA certification bringing the total number to six of the 13 instructors. Given that the Ohio State certification course is only open to a limited number of positions per organization and offered only a handful of times

each year, it will take some time to get all UCPD instructors OPOTA certified; however, the UCPD Command staff has indicated they will do so as quickly as is possible. In the interim, at a minimum, all instructors must be certified as an instructor/facilitator in the topic for which they will instruct prior to scheduling a course.

**Next Review**

The Monitor will assess compliance with this ER on an annual basis to include a review of all training courses taught by UCPD instructors to ensure they are being taught by OPOTC certified individuals. The next scheduled for reviews will be in Q8 ending December 31, 2018 and Q12 ending December 31, 2019.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 23, 2017  
**REC. REF. NO.:** 6.12.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Training delivery currently is left to the discretion of each individual instructor at UCPD. There is no standard requirement that the training include role play, scenarios or table top exercises and no indication that adult learning methodology is consistently applied.

### **Exiger Recommendation (“ER”)**

Require all courses taught by UCPD instructors to have written lesson plans that include clearly stated, realistic performance objectives and learning activities that utilize multiple learning modalities.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements a policy requiring that all courses taught by UCPD instructors have written lesson plans that include clearly stated, realistic performance objectives and learning activities that utilize multiple learning modalities;
- 2) All UCPD courses have written lesson plans; and
- 3) All UCPD course lesson plans include clearly stated, realistic performance objectives and learning activities that utilize multiple learning modalities.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division (UCPD) has developed a Training Policy that shows a commitment to having written lessons plans that include clearly stated and realistic performance objectives and learning activities that utilize multiple learning modalities. To ensure all courses have written lesson plans and course objectives, the policy also states that a qualified, designated individual will review each course before it is added to the UCPD Curriculum. To demonstrate this, see the attached Training and Professional Development Policy and Procedure that states the following in section C2 and C2a under Curriculum Maintenance:*

#### *C2 Approval*

*An annual TNA conducted by the Training Committee may determine that the UCPD training curriculum is in need of new courses in order to continue to offer the most relevant and realistic training opportunities that align with department mission, vision, and values.*

*The following minimum requirements must be met before a course will be added to the UCPD curriculum:*

- *Lesson plans consistent with departmental mission, guidelines, policies, and state requirements*
- *Student Performance Objectives (SPO) focusing on UCPD competencies*
- *A statement of what will be learned and how it will benefit the participant*
- *Inclusion of problem-based scenarios*
- *Adult Learning Theory incorporated into course design*
- *Multiple delivery techniques including lecture, group discussion, panel and debate, teach backs, videos, simulations, and/or gamification*
- *A facilitator experienced in the subject matter as well as adult learning and facilitation*
- *An assessment of participant knowledge retention to include written test or practical demonstration if deemed necessary*
- *A basis for evaluating the effectiveness of the course*

*Section C2a of the policy qualifies who will review courses:*

*If a course is determined to be a consideration, the TSS, (Training Section Supervisor) or designee, will attend the course in an effort to evaluate its effectiveness. Using the Vendor Course Review (Form 100B) the TSS or designee will evaluate the course to determine whether it:*

- *Includes materials that are clear, concise and easy to read and understand*
- *Is presented consistently with the course description*
- *Allows time to deliver the content at a comfortable pace*
- *Provides participants adequate time to practice the new skill*
- *Incorporates skill practices and/or reality based scenarios and/or case studies*

*The TSS, or designee, will only attend a course if it has already been determined that it meets the following criteria as outlined in the training policy:*

- *The course is offered by an approved agency*
- *The course meets UCPD standard course requirements*
- *Objectives are clearly defined*
- *The course objectives align with those identified in the TNA*
- *The content aligns with stated objectives*

*To demonstrate that the UCPD is following this policy, attached are three forms used to aid in the research and approval of a recently approved outside vendor course tentatively scheduled to be delivered in February:*

1. *ALERRT Course Review (Form 100B)*
2. *Active Shooter Course Consideration Analysis (Form 100A)*
3. *ALERRT New Course Approval (Form 100D)*

*The training committee identified a need for an Active Shooter training program and began researching available training opportunities. A training class has been approved but has not yet been implemented. Six trainers are in the process of becoming certified to facilitate the course. Also attached are two lesson plans for recent courses attended by officers and facilitated by UCPD Trainers.:*

1. *OPOTA 2017 CPT*
2. *IPMBA Unit Plans*

*OPOTA 2017 CPT is an annual course requirement from the state of Ohio where participants review legal cases impacting the UCPD's Use of Force Policy. OPOTA develops lesson plans for the required CPT courses. However, after reviewing their plan, the UCPD Training Section recognized that it did not meet all of the UCPD course requirements. As a result, a UCPD Trainer enhanced the content by incorporating additional adult learning principles and critical thinking opportunities, and developed an enhanced lesson plan consistent with the UCPD's requirements. The lesson plan was enhanced using the UCPD Lesson Plan template.*

*The IPMBA Unit Plans were created by IPMBA, the International Police Mountain Bike Association. IPMBA is the national standard for certifying officers to become members of Bicycle Patrol. This class was selected prior to the creation of the training committee. As such, neither the Vendor Course Review nor the Course Consideration Analysis were utilized. However, before the course was implemented the Training Section reviewed the material and determined it met all UCPD course requirements outlined in the Training and Professional development Policy; therefor, no alternations or enhancements were necessary."*

### **Data Reviewed**

1. Training Policy – Effective Date August 30, 2017
2. OPOTA 2017 CPT
3. IPMBA Unit Plans
4. ALERRT Course Review (Form 100B)
5. Active Shooter Course Consideration Analysis (Form 100A)
6. ALERRT New Course Approval (Form 100D)

### **Current Assessment of Compliance**



#### **In Compliance**

As is described above in detail within the UCPD's proffer of compliance (above in italics), confirmed through a review of the revised Training policy and documentation submitted, and was verified during the Monitor's recent onsite attendance of UCPD training - the UCPD has indeed

implemented the policy requiring that all courses taught by UCPD instructors have written lesson plans. The lesson plans do include clearly stated, realistic performance objectives and learning activities using several types of learning modalities. The lesson plans taught that were observed by the Monitor followed best practice models and were delivered in a competent manner by experienced instructors.

**Next Review**

The Monitor will assess compliance with this ER on an annual basis to include a review of all training courses attended by UCPD to ensure of the existence of suitable and approved lesson plans. The next scheduled for review will be in Q8 ending December 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 23, 2017  
**REC. REF. NO.:** 6.12.D  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Training delivery currently is left to the discretion of each individual instructor at UCPD. There is no standard requirement that the training include role play, scenarios or table top exercises and no indication that adult learning methodology is consistently applied.

### **Exiger Recommendation (“ER”)**

Require curriculum review before a class is taught.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements a policy requiring that curriculum be reviewed before a class is taught;  
and
- 2) UCPD has assigned the task of reviewing curriculum to an individual or group of individuals who are qualified and knowledgeable about best practices in training and policing in an urban campus environment.

### **UCPD Proffer of Compliance**

*The University of Cincinnati Police Division (UCPD) has developed a Training Policy that shows a commitment to having written lessons plans that include clearly stated and realistic performance objectives and learning activities that utilize multiple learning modalities. To ensure all courses have written lesson plans and course objectives, the policy also states that a qualified, designated individual will review each course before it is added to the UCPD Curriculum. To demonstrate this, see the attached Training and Professional Development Policy and Procedure that states the following in section C2 and C2a under Curriculum Maintenance:*

#### *C2 Approval*

*An annual TNA conducted by the Training Committee may determine that the UCPD training curriculum is in need of new courses in order to continue to offer the most relevant and realistic training opportunities that align with department mission, vision, and values.*

*The following minimum requirements must be met before a course will be added to the UCPD curriculum:*

- *Lesson plans consistent with departmental mission, guidelines, policies, and state requirements*
- *Student Performance Objectives (SPO) focusing on UPCD competencies*
- *A statement of what will be learned and how it will benefit the participant*
- *Inclusion of problem-based scenarios*
- *Adult Learning Theory incorporated into course design*
- *Multiple delivery techniques including lecture, group discussion, panel and debate, teach backs, videos, simulations, and/or gamification*
- *A facilitator experienced in the subject matter as well as adult learning and facilitation*
- *An assessment of participant knowledge retention to include written test or practical demonstration if deemed necessary*
- *A basis for evaluating the effectiveness of the course*

*Section C2a of the policy qualifies who will review courses:*

*If a course is determined to be a consideration, the TSS, (Training Section Supervisor) or designee, will attend the course in an effort to evaluate its effectiveness. Using the Vendor Course Review (Form 100B) the TSS or designee will evaluate the course to determine whether it:*

- *Includes materials that are clear, concise and easy to read and understand*
- *Is presented consistently with the course description*
- *Allows time to deliver the content at a comfortable pace*
- *Provides participants adequate time to practice the new skill*
- *Incorporates skill practices and/or reality based scenarios and/or case studies*

*The TSS, or designee, will only attend a course if it has already been determined that it meets the following criteria as outlined in the training policy:*

- *The course is offered by an approved agency*
- *The course meets UCPD standard course requirements*
- *Objectives are clearly defined*
- *The course objectives align with those identified in the TNA*
- *The content aligns with stated objectives*

*To demonstrate that the UCPD is following this policy, attached are three forms used to aid in the research and approval of a recently approved outside vendor course tentatively scheduled to be delivered in February:*

1. *ALERRT Course Review (Form 100B)*
2. *Active Shooter Course Consideration Analysis (Form 100A)*
3. *ALERRT New Course Approval (Form 100D)*



*The training committee identified a need for an Active Shooter training program and began researching available training opportunities. A training class has been approved but has not yet been implemented. Six trainers are in the process of becoming certified to facilitate the course. Also attached are two lesson plans for recent courses attended by officers and facilitated by UCPD Trainers.:*

1. *OPOTA 2017 CPT*
2. *IPMBA Unit Plans*

*OPOTA 2017 CPT is an annual course requirement from the state of Ohio where participants review legal cases impacting the UCPD's Use of Force Policy. OPOTA develops lesson plans for the required CPT courses. However, after reviewing their plan, the UCPD Training Section recognized that it did not meet all of the UCPD course requirements. As a result, a UCPD Trainer enhanced the content by incorporating additional adult learning principles and critical thinking opportunities, and developed an enhanced lesson plan consistent with the UCPD's requirements. The lesson plan was enhanced using the UCPD Lesson Plan template.*

*The IPMBA Unit Plans were created by IPMBA, the International Police Mountain Bike Association. IPMBA is the national standard for certifying officers to become members of Bicycle Patrol. This class was selected prior to the creation of the training committee. As such, neither the Vendor Course Review nor the Course Consideration Analysis were utilized. However, before the course was implemented the Training Section reviewed the material and determined it met all UCPD course requirements outlined in the Training and Professional development Policy; therefore, no alternations or enhancements were necessary."*

### **Data Reviewed**

1. Training Policy – Effective Date August 30, 2017
2. OPOTA 2017 CPT
3. IPMBA Unit Plans
4. ALERRT Course Review (Form 100B)
5. Active Shooter Course Consideration Analysis (Form 100A)
6. ALERRT New Course Approval (Form 100D)

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in compliance with this ER as the policy requirements and standards at the time of the review had been met. The Monitor noted that while the Training Review Committee had not yet convened or reviewed any training, the policy required that curriculum be reviewed before a class is taught and assigned the review responsibility to staff qualified to do so. The Monitor had noted several minor inconsistencies between the forms and the policy that needed to be addressed during subsequent revisions to the policy.

## **Current Assessment of Compliance**

### **In Compliance**

As described in the UCPD's proffer of compliance (above in italics), plainly set out in its revised Training policy, was evidenced by the Monitor's review of the documentation submitted, and the Monitor's recent onsite attendance of UCPD training - the UCPD has implemented a policy requiring that all course curricula be reviewed before such a class is taught. The responsibility of reviewing the curriculum rests with the Training Section ("TS") Supervisor, the TS Coordinator, the Training Review Committee, and finally, the UCPD Command staff – all of whom combined are qualified and knowledgeable about best practices in training and policing in an urban campus environment. The Monitor notes that the documentation including the forms referenced in the policy have been updated to ensure all criteria is consistent throughout.

### **Next Review**

The Monitor will assess compliance with this ER on an annual basis to include a review of all training courses attended by UCPD personnel to ensure the curricula was reviewed and approved prior to attendance. The next scheduled for reviews will be in Q8 ending December 31, 2018 and Q12 ending December 31, 2019.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 23, 2017  
**REC. REF. NO.:** 6.12.E  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Training delivery currently is left to the discretion of each individual instructor at UCPD. There is no standard requirement that the training include role play, scenarios or table top exercises and no indication that adult learning methodology is consistently applied.

### **Exiger Recommendation (“ER”)**

Observe instructors and rate performance.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements a policy requiring that UCPD instructors are observed and that their performance is rated on a regular basis; and,
- 2) UCPD has assigned the task of observing and rating instructor performance to an individual or group of individuals who are qualified and knowledgeable about best practices in training and policing in an urban campus environment.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented a policy (attached) that requires observation and evaluation of all trainers. Additionally, the policy also requires a selection process for those individuals who may be interested in instructing a specific topic. Attached within the proffer is documentation that includes observation and evaluation of both internal instructors and an external instructor. The task of observing instructors is the duty of the training lieutenant or an assigned delegate. Also, attached to this proffer is documentation demonstrating that the policy is being followed for the selection of new instructors. This documentation includes the announcement of the initial instructor opening, the candidate completing paperwork showing initial interest, presentation guidelines for the candidates, rating of the candidates, and the final recommendation signed by the Assistant Chief of Police and the Chief of Police.”*

*Evaluations can also be completed by the Training Consultant. The Training Consultant, Dawn Miles, began employment with the UCPD in 2017 and has a training background that includes conducting needs analysis, instructional design, and Organization and Management. Additionally, she has held positions that include Corporate Trainer and Training Specialist with various prominent companies. Her resume is attached.”*

### **Data Reviewed**

1. Instructor Recommendation with initial request and trainer vetting
2. Polly Observation
3. Richey Observation
4. Taser Instructor Opening
5. Taser Presentation Guideline
6. Training Policy
7. Wiehe Observation
8. Young Vistelar Observation (External Trainer)
9. Dawn Miles Resume

### **Current Assessment of Compliance**

#### **In Compliance**

As described in the UCPD's proffer of compliance (above in italics), and was assessed by the Monitor's review of supporting documentation and during onsite attendance of UCPD delivered training courses - the instructors are being observed and evaluated by persons qualified to do so, as required by this ER.

The UCPD training policy and procedures set out appropriate standards and forms used to document the observation, evaluation, and selection process for UCPD trainers to ensure the highest quality of instructors are used to teach UCPD officers. The Monitor also confirmed that the policy has been disseminated and the forms were used during the most recent training course attended.

#### **Next Review**

The Monitor will assess compliance with this ER on an annual basis to include a review of additional instructor observation and evaluation documentation. The next scheduled for reviews will be in Q8 ending December 31, 2018 and Q12 ending December 31, 2019.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 26, 2017  
**REC. REF. NO.:** 6.12.F  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Training delivery currently is left to the discretion of each individual instructor at UCPD. There is no standard requirement that the training include role play, scenarios or table top exercises and no indication that adult learning methodology is consistently applied.

### **Exiger Recommendation (“ER”)**

Survey students confidentially relative to the performance of their instructor and adequacy of training generally.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

1. UCPD implements a policy requiring that surveys be conducted of students confidentially relative to the performance of their instructor and adequacy of training generally;
2. the surveys and survey questions adequately capture key performance indicators; and,
3. the results of surveys are reviewed by UCPD and used to bring about positive change to UCPD training.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division’s Training and Professional Development Policy (attached) requires on page 14 that “Directly after a trainer presents a training session, learners will be asked to complete a Student Course & Trainer Evaluation Form (100H).” A blank Form 100H is attached and includes key performance indicators related to the following five areas, as required by policy:*

- 1. Subject Knowledge*
- 2. Organization*
- 3. Communication*
- 4. Learner Engagement*
- 5. Facilitation Skills*

*The classes that have been instructed internally (i.e., by UCPD instructors) since January 1, 2017 include: Practical Application of Use of Force, Taser Training, Police Mountain Bike Training (IPMBA), and Firearms. Students also complete evaluations of the many courses attended off campus or taught by a third party on campus. Copies of Student Course Evaluation Forms for the following courses are also attached: Practical Application of Use of Force, Taser Training,*

*ALERRT (Advanced Law Enforcement Rapid Response Training), and Internal Affairs Investigation Training.*

*Once completed, each evaluation is reviewed and the Training Section identifies areas for improvement for the class and the instructor, as well as areas where an instructor excelled or where a class was particularly helpful. The information obtained through the review will be utilized for the purpose of changing the course as necessary, continuing the utilization of an external course or instructor, constructive criticism for the instructor, and to present the findings to the members of the training committee for the Annual TNA as required on page 14 of the Training and Professional Development Policy.*

### **Data Reviewed**

1. Training and Professional Development Policy
2. Student Course & Trainer Evaluation Form (100H)
3. Practical Application of Use of Force Student Evaluations (internal, multiple dates)
4. Taser Training Student Evaluations (internal, multiple dates)
5. ALERRT Student Evaluations (external, multiple dates)
6. Internal Affairs Investigation Training Student Evaluations (external, multiple dates)

### **Current Assessment of Compliance**

#### **In Compliance**

As described in the UCPD's proffer of compliance (above in italics), and was noted during the Monitor's recent onsite observation of UCPD delivered training, students were in fact required to complete evaluation forms after class and prior to leaving. While this is common practice, it is not a confidential method of surveying students, especially given the relatively small number of students attending class at any given time. The Monitor shared this concern with the UCPD Training Section Supervisor who indicated that the confidentiality of the evaluations will be addressed with the use of the upcoming Learning Management System ("LMS") that is planned for the near future. The Monitor will follow-up with this issue during its next assessment of this ER and during its review of the LMS once implemented under ER 6.16.A which has not yet been scheduled for review.

### **Next Review**

The Monitor will assess compliance with this ER on an annual basis which is next scheduled for review in Q8 ending December 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 27, 2017  
**REC. REF. NO.:** 6.17.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

The Training Unit lacks an identified budget.

### **Exiger Recommendation (“ER”)**

UCPD should identify the actual training budget for equipment and off-site training each year and hold the department accountable for working within its training budget.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements a policy requiring that each year it identify the actual training budget for equipment and off-site training;
- 2) UCPD implements a policy that holds the department accountable for working within its training budget;
- 3) In practice, each year the UCPD identifies a training budget for equipment and off-site training; and,
- 4) Each year, the UCPD works within its training budget, and is held accountable if it does not.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented a training policy that specifically states on page 2 “The Training section supervisor shall coordinate with the Chief and the Associate Director for Business Affairs on the annual training budget and ensure the Training Sections works within the established budget.” Additionally, the Training and Professional Development policy also states on page 13: “The department will consider and remain within the department training budget (including associated training costs such as travel, lodging, etc.) when approving specialized advanced and in-service training. The agency will assume all usual, customary and reasonable costs of travel when approved by the Chief of Police in advance.”*

*In order to ensure that the Training Section maintains its budget, the Training Section supervisor also attends a monthly budget meeting on the fourth Wednesday of every month that is scheduled by the Associate Director for Business Affairs; also included within this meeting is the Police Chief as well as the Standards and Strategic Development Captain. Additionally, every training request is reviewed by the training section, the appropriate Captain of the person making the training request, the Assistant Police Chief and the Police Chief. This approval process also permits proper oversight of costs associated with training as every cost pertaining to training is visible on the*

*training request. A recent example of this training request process is attached. Lastly, the training section tracks every attended training within SharePoint to keep a record of cost that displays whether the actual cost was over, at, or below the estimated cost on the training request.”*

### **Data Reviewed**

1. UCPD Training and Professional Development Policy
2. Example of completed training request displaying estimated expenses with signatures for approval
3. Excel document showing cost variance between estimated cost and actual cost for training

### **Current Assessment of Compliance**

#### **In Compliance**

As is described in the UCPD’s proffer of compliance (above in italics) and verified during the Monitor’s review, the UCPD’s Training policy requires that the UCPD establish a budget for training and that the Training Section Commander be held accountable for staying within the allotted budget. While onsite the Monitor reviewed UCPD budget documentation which revealed that the UCPD has indeed set a budget for the training section and to date, remains within that budget.

### **Next Review**

The Monitor will assess this ER on an annual basis, next scheduled for review in Q7 (Q3 2018) and Q11 (Q3 2019).



## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 26, 2017  
**REC. REF. NO.:** 6.18.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

There appears to be no control over the selection of instructors or ongoing evaluation of their performance.

### **Exiger Recommendation (“ER”)**

UCPD should work with the University to develop a policy with respect to the selection of instructors and for the evaluation of their performance.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements a policy regarding the selection of instructors and evaluation of their performance;
- 2) The policy is consistent with best practices in the industry; and,
- 3) The policy is being followed in practice.

### **UCPD Proffer of Compliance**

*“The University of Cincinnati Police Division has implemented a policy (attached) that requires observation and evaluation of all trainers. Additionally, the policy also requires a selection process for those individuals who may be interested in instructing a specific topic. Attached within the proffer is documentation that includes observation and evaluation of both internal instructors and an external instructor. The task of observing instructors is the duty of the training lieutenant or an assigned delegate. Also, attached to this proffer is documentation demonstrating that the policy is being followed for the selection of new instructors. This documentation includes the announcement of the initial instructor opening, the candidate completing paperwork showing initial interest, presentation guidelines for the candidates, rating of the candidates, and the final recommendation signed by the Assistant Chief of Police and the Chief of Police.*

*Evaluations can also be completed by the Training Consultant. The Training Consultant, Dawn Miles, began employment with the UCPD in 2017 and has a training background that includes conducting needs analysis, instructional design, and Organization and Management. Additionally, she has held positions that include Corporate Trainer and Training Specialist with various prominent companies. Her resume is attached.”*

### **Data Reviewed**

1. Instructor Recommendation with initial request and trainer vetting

2. Polly Observation
3. Richey Observation
4. Taser Instructor Opening
5. Taser Presentation Guideline
6. Training Policy
7. Wiehe Observation
8. Young Vistelar Observation (External Trainer)
9. Dawn Miles Resume

### **Current Assessment of Compliance**

#### **In Compliance**

As described in the UCPD's proffer of compliance (above in italics), and was assessed by the Monitor's review of supporting documentation, the UCPD has implemented a policy regarding the selection of instructors. The UCPD training policy and procedures set out appropriate standards and forms used to document the observation, evaluation, and selection process for UCPD trainers. The policy also describes an annual evaluation by the Training Section Supervisor or their designee to ensure that only the highest quality of instructors teaching UCPD officers. The Monitor also reviewed the process for student evaluation and continuous improvement and confirmed that the forms were being used during the most recent training course attended by the Monitor.

#### **Next Review**

The Monitor will assess compliance with this ER on an annual basis to include a review of documentation for any instructors selected during the prior period. The next scheduled for review will be in Q8 ending December 31, 2018.

# Appendix 7

## Review of Accountability Mechanisms

## REPORT CARD MATRIX

2017

2018

2019

Q1: Jan-Mar  
Q2: Apr-Jun  
Q3: Jul-Sep  
Q4: Oct-Dec  
Q5: Jan-Mar  
Q6: Apr-Jun  
Q7: Jul-Sep  
Q8: Oct-Dec  
Q9: Jan-Mar  
Q10: Apr-Jun  
Q11: Jul-Sep  
Q12: Oct-Dec

### Section 7 - Review of Accountability Mechanisms

7.1.A	Each of the three patrol shifts should be made up of two squads of officers, with each squad having a permanently assigned sergeant who works the same rotating schedules as their officers.	● (NFE)	-	-	-	-	-	-	-	-	-	-
7.1.B	Consider redesigning the Organization chart so that it is comprised of sub charts showing Field Operations and Support Services in greater detail, and should be updated to reflect latest changes and clearly reflect each squad sergeant and the officers assigned to the squad.	● (NFE)	-	-	-	-	-	-	-	-	-	-
7.1.C	Conduct a comprehensive review of the patrol chart to determine if it deploys the patrol force and the supervisors in the most effective manner.											
7.2.A	Finalize the Managing Performance and Early Intervention policy and procedure that documents the use of Guardian Tracking.					○						
7.3.A	Develop a list of critical duties and responsibilities for these positions.			● (NFE)	-	-	-	-	-	-	-	-
7.3.B	Consider requiring that patrol sergeants perform documented visits, preferably in the field, to each subordinate during their shift.	●				○			○			
7.4.A	Implement a quality control process to ensure compliance with the performance evaluation requirements, and incorporate related duties on the list of supervisor responsibilities.											
7.5.A	Draft Complaint Initiation Policies and Procedures that (a) call out the different methods of initiating/receiving complaints; (b) allow for the receipt of anonymous complaints; (c) provide for walk-in complaints at UCPD headquarters; (d) prohibit any attempt to dissuade an individual from	○ (DW)	○ (DW)	●		○		○				
7.5.B	Draft Complaint Investigation Policies and Procedures that (a) requires the categorization of complaints; (b) defines the workflow of the different categories of complaints from investigation to adjudication; (c) provides time frames for the investigative process; and (d) establishes complaint		○ (DW)	●				○				
7.5.C	Draft Complaint Adjudication Policies and Procedures that (a) set forth the standard of proof; (b) prohibit automatic credibility preference being given to an officer's recitation of facts; (c) define the categories of potential disposition; (d) define the timeframe in which adjudication should be		●	●				○				

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
7.6.A	Compile complaint information into a simple database, which can be accessed by the ICS system, and includes several fields (year, date of complaint, nature of the complaint, employee, investigating supervisor, disposition and date completed).												
7.7.A	Develop brochures, in hard copy and for inclusion on UCPD's website, about the complaint process and complaint forms and make such materials available and include as a requirement in a new SOP governing civilian complaints.												
7.8.A	Consider establishing a subgroup of the CAC to review the UCPD'S investigation of complaints made against employees.												
7.9.A	Create a separate SOP detailing how disciplinary matters should be handled by UCPD. Such a procedure should include creating a form that summarizes details of an allegation of misconduct and creates a log listing the number of the issue starting at 001 of year and including the name of												
7.10.A	Establish an Inspectional Services or Audit unit, reporting directly to the Vice President for Public Safety and Reform.												
7.11.A	Enter into a voluntary independent monitorship which would provide regular status updates to the Board of Trustees and the public relative to the progression of reform within the Department		-	-	-	-	-	-	-	-	-	-	

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 27, 2017  
**REC. REF. NO.:** 7.3.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Despite the requirement that written statements of the duties and responsibilities of each specific position be maintained, there appears to be no current listing of duties and responsibilities for Sergeants and Lieutenants other than a general listing of duties for persons seeking the promotion/position.

### **Exiger Recommendation (“ER”)**

UCPD should develop a list of critical duties and responsibilities for these positions.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD develops a list of the critical duties and responsibilities for the position of Sergeant;
- 2) UCPD develops a list of the critical duties and responsibilities for the position of Lieutenant; and
- 3) These lists are comprehensive.

### **UCPD Proffer of Compliance**

*The UCPD has created job descriptions which lists the critical duties and responsibilities for Sergeants and Lieutenants. The job descriptions are attached to this memo. There is one for each unit area, which includes:*

1. *Community Engagement Lieutenant*
2. *Community Engagement Sergeant*
3. *Patrol Lieutenant*
4. *Patrol Sergeant*
5. *Regional Campus Lieutenant*
6. *Regional Campus Sergeant*
7. *Investigations Lieutenant*
8. *Investigations Sergeant*

### **Data Reviewed**

1. Community Engagement Lieutenant
2. Community Engagement Sergeant
3. Patrol Lieutenant
4. Patrol Sergeant
5. Regional Campus Lieutenant

6. Regional Campus Sergeant
7. Investigations Lieutenant
8. Investigations Sergeant

### **Current Assessment of Compliance**

#### **In Compliance**

As required by this ER, the UCPD created position comprehensive descriptions for sergeant and lieutenant to include all critical duties. The Associate Director of Business Affairs for the Department of Public Safety is responsible for maintaining and updating all position descriptions documentation for the UCPD. The UCPD has advised that the sergeants and lieutenants were involved in the creation of these descriptions and have all received a copy of the finalized version.

#### **Next Review**

No further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 30, 2017  
**REC. REF. NO.:** 7.5.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD policies with respect to complaint receipt, investigation, and disposition are inadequate.

### **Exiger Recommendation (“ER”)**

UCPD should draft Complaint Initiation Policies and Procedures that (a) call out the different methods of initiating/receiving complaints (by mail, telephone, fax or email and via the UCPD website); (b) allow for the receipt of anonymous complaints; (c) provide for walk-in complaints at UCPD headquarters; (d) prohibits any attempt to dissuade an individual from filing a complaint; (e) requires appropriate notification from UC General Counsel anytime a lawsuit alleging police misconduct is filed; (f) requires notification to UCPD by any officer who is arrested or otherwise criminally charged or the subject of a lawsuit that alleges physical violence, threats of physical violence or domestic violence; (g) requires officers to report the misconduct of other officers including improper use or threatened use of force, false arrest, unlawful search or seizure, or perjury; and (h) allows for the processing of internally generated complaints.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements Complaint Initiation Policies and Procedures;
- 2) the policies and procedures call out the different methods of initiating/receiving complaints (by mail, telephone, fax or email and via the UCPD website);
- 3) the policies and procedures allow for the receipt of anonymous complaints;
- 4) the policies and procedures provide for walk-in complaints at UCPD headquarters;
- 5) the policies and procedures prohibit any attempt to dissuade an individual from filing a complaint;
- 6) the policies and procedures require appropriate notification from UC General Counsel anytime a lawsuit alleging police misconduct is filed;
- 7) the policies and procedures require notification to UCPD by any officer who is arrested or otherwise criminally charged or the subject of a lawsuit that alleges physical violence, threats of physical violence or domestic violence; and,
- 8) the policies and procedures require officers to report the misconduct of other officers including improper use or threatened use of force, false arrest, unlawful search or seizure, or perjury;
- 9) These policies and procedures allows for the processing of internally generated complaints; and
- 10) These policies and procedures are being followed in practice.



### **UCPD Proffer of Compliance**

*“The IIC Policy, complaint form, and all associated forms for the investigative process are attached. The revised Internal Investigations and Complaints Policy incorporates the specific items addressed in Recommendation 7.5.A and can be found as follows:*

- *Different methods of initiating/receiving complaints: Subsection V. Receipt of Complaints, A, B, and C (pg 4-5)*
- *Allow for the receipt of anonymous complaints: Subsection V. Receipt of Complaints, A, B, and C (pg 4-5)*
- *Provide for walk-in complaints: Subsection V. Receipt of Complaints, A, B, and C (pg 4-5)*
- *Prohibit any attempt to dissuade an individual from filing a complaint: Subsection V. Receipt of Complaints, F (pg 6)*
- *Require appropriate notification from UC General Counsel anytime a lawsuit alleging police misconduct is filed; Subsection V. Receipt of Complaints, F (pg 7) reads as follows and addresses notification by the UCPD to OGC: “If a lawsuit alleging police misconduct is filed against Public Safety personnel, the Chief will notify the Director of Public Safety, Vice President for Safety and Reform, and the University of Cincinnati Office of General Counsel.” Should the Office of General Counsel be notified of a lawsuit against the Police Division prior to UCPD being notified, the OGC is committed to prompt notification of the UCPD as well.*
- *Require notification to UCPD by any officer who is arrested or otherwise criminally charged or the subject of a lawsuit that alleges physical violence, threats of physical violence or domestic violence; Subsection V. Receipt of Complaints, J & K (pg 6)*
- *Require officers to report the misconduct of other officers: Subsection V. Receipt of Complaints, I (pg 6)*
- *Allow for the processing of internally generated complaints; Subsection III. Definitions, C & E (pg 2-3); Subsection V. Receipt of Complaints, I (pg 6)*
- *In order to demonstrate that the procedures in the Internal Investigations and Complaints Policy are being followed in practice, all citizen and internally generated complaints against UCPD personnel dating from January 1, 2017 have been submitted to the Monitor for compliance assessment.*

*In addition, supervisors have been specifically trained on this policy. Attached is the PowerPoint training, which includes the investigation protocol for all complaints, and the supervisors training sign off sheets. The policy underwent revisions after this training and supervisors were made aware of these changes via the updated policy in PowerDMS (see attached policy revision screenshots). Supervisors also trained their officers with the attached PowerPoint training in small group sessions (also attached). The training sign-off sheets for officers will be submitted to the monitor prior to the end of Q3.*

*The revised IIC Policy will be completely disseminated to all UCPD personnel prior to the conclusion of Q3. Evidence of such will be available to the monitor via Power DMS.*

### **Attachments**

1. Internal Investigations and Complaints Policy
2. Internal Investigations and Complaints training for supervisors
3. Complaint Investigation Supervisor Training sign off sheets
4. Internal Investigations and Complaints training for employees
5. Complaint Investigation Employee Training sign off sheets (forthcoming)
6. Policy Revision Screenshots from Power DMS
7. Form 15A Complaint Form
8. Form 15B Internal Investigation Checklist
9. Form 15C Internal Investigation Employee Complaint Notification
10. Form 15D Waiver or Non-Waiver of Union Representation
11. Form 15E Internal Investigation – Investigation Summary
12. Form 15F Conflict Facilitation Meeting Form
13. Form 15G Complaint Investigation Employee Finding Notification Report
14. Form 15H Complaint Follow Up Letter Template

### **Prior Assessment of Compliance**

During Q1, the Monitor withheld its determination of compliance because although the UCPD provided the Monitor with all complaints as required, the Methodologies to Aid in the Determination of Compliance (“MADC”) for this ER had not yet been discussed or agreed upon, nor had the applicable policies been finalized and submitted for review.

During Q2 ending June 30, 2017, the Monitor again withheld its determination of compliance because the policy and related documents required further substantive revisions which were communicated to UCPD.

### **Current Assessment of Compliance**

#### **In Compliance**

During this review period, the UCPD submitted a revised version of the policy along with all of the related forms, processing procedures documents, and its log sheet. The Monitor’s most recent review of the policy found that all revisions, as collaboratively agreed upon, have been made and the specific requirements of this ER as described above have now been addressed. The UCPD had fully disseminated the prior version of the policy; however, given that some of the revisions were substantial in nature, such as the proper handling of criminal versus administrative investigations, the Monitor has confirmed that the revised policy has been uploaded in PowerDMS and is currently being re-distributed. The UCPD has also provided the PowerPoint overviews covering the policy which were provided to both investigators, supervisors and officers. The Monitor understands that annual training will occur and future overviews will also address the aforementioned revisions.

### **Next Review**

The Monitor will continue to review all complaints on an ongoing basis and will again assess compliance with this ER to include the quality of the complaints investigated to the standards as contained within the newly revised policies during Q7 for the period ending September 30, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 30, 2017  
**REC. REF. NO.:** 7.5.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD policies with respect to complaint receipt, investigation, and disposition are inadequate.

### **Exiger Recommendation (“ER”)**

UCPD should draft Complaint Investigation Policies and Procedures that (a) requires the categorization of complaints; (b) defines the workflow of the different categories of complaints from investigation to adjudication; (c) provides time frames for the investigative process; and (d) establishes complaint investigation protocols. The revised SOP should provide for confidentiality to the extent otherwise permissible where disclosure would compromise the investigation.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements Complaint Initiation Policies and Procedures;
- 2) These policies and procedures require the categorization of complaints;
- 3) These policies and procedures define the workflow of the different categories of complaints from investigation to adjudication;
- 4) These policies and procedures provide time frames for the investigative process;
- 5) These policies and procedures establish complaint investigation protocols;
- 6) These policies and procedures provide for confidentiality to the extent otherwise permissible where disclosure would compromise the investigation; and
- 7) These policies are disseminated internally to include all appropriate UCPD personnel (investigators).
- 8) The policies are sufficiently explained to all relevant UCPD personnel (investigators) either as formalized training or an online learning tool (PowerDMS.)

### **UCPD Proffer of Compliance**

*The revised Internal Investigations and Complaints Policy (IIC Policy) describes the procedures governing a complaint or allegation of misconduct against a UCPD officer. The system set forth in this policy is designed to be fair, objective and just for all parties involved. The IIC Policy specifically prohibits UCPD officers from dissuading anyone from making a complaint (page 6). The IIC Policy, attached to this memo, categorizes complaints (pages 2 to 3) and defines the workflow of complaints from the stages of investigation to adjudication (pages 7 to 13). Included in the IIC Policy are specific timeframes for the investigative process (page 7 to 8) along with complaint investigation protocols (pages 7 to 10). The IIC Policy specifically provides for confidentiality to the extent otherwise permissible where disclosure would compromise the investigation (page 14).*

*To comply with the guidelines set forth in Recommendation 7.5.C, the IIC policy sets forth the standard of proof for each type of case disposition, by describing the levels of evidence necessary to meet each category of disposition (page 10). The IIC Policy specifically prohibits automatic credibility preference being given to an officer's recitation of facts (page 8). The IIC Policy sets a specific timeframe in which adjudication should be completed (pages 7 to 8).*

*The IIC Policy will be completely disseminated to all UCPD personnel prior to the conclusion of Q3. Evidence of such will be available to the monitor via Power DMS.*

*The IIC Policy, complaint form, and all associated forms for the investigative process are attached.*

### **Data Reviewed**

1. Internal Investigations and Complaints Policy
2. Form 15 A Complaint Form
3. Copy of Internal Investigations Log Sheet

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance because the policy and related documents required substantive revisions which were communicated to UCPD.

### **Current Assessment of Compliance**

#### **In Compliance**

During this review period, the UCPD has submitted several revisions of the policy along with all of the related forms processing procedures document and its log sheet. The Monitor's initial review identified a few additional issues related to complaint intake and processing and through the collaborative process including in-person discussions between the Monitor and UCPD staff, further revisions were made and the most current edition of the policy addressed the workflow issues, contains all of the specific requirements of this ER as described above, and meets best practice standards.

Given that some of the revisions were substantial in nature such as the proper handling of criminal versus administrative investigations, the Monitor has confirmed that the revised policy is in PowerDMS and has been re-disseminated. The UCPD also provided the PowerPoint overviews covering the policy which were provided to both investigators, supervisors and officers. The Monitor understands that annual training will occur and future overviews will also address the aforementioned revisions.

### **Next Review**

The Monitor will continue to review all complaints on an ongoing basis and will again assess compliance with this ER to include the quality of the complaints investigated to the standards as contained within the newly revised policies during Q7 for the period ending September 30, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 30, 2017  
**REC. REF. NO.:** 7.5.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD policies with respect to complaint receipt, investigation, and disposition are inadequate.

### **Exiger Recommendation (“ER”)**

UCPD should draft Complaint Adjudication Policies and Procedures that (a) set forth the standard of proof; (b) prohibits automatic credibility preference being given to an officer’s recitation of facts; (c) defines the categories of potential disposition; (d) and, sets the timeframe in which adjudication should be completed.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements Complaint Adjudication Policies and Procedures;
- 2) These policies and procedures set forth the standard of proof;
- 3) These policies and procedures prohibit automatic credibility preference being given to an officer’s recitation of facts;
- 4) These policies and procedures define the categories of potential disposition;
- 5) These policies and procedures set the timeframe in which adjudication should be completed; and
- 6) These policies are disseminated internally to include all appropriate UCPD personnel (investigators & reviewers).
- 7) The policies are sufficiently explained to all relevant UCPD personnel (investigators and reviewers) either as formalized training or an online learning tool (PowerDMS.).

### **UCPD Proffer of Compliance**

*“The newly created and implemented Internal Investigations and Complaints Policy (IIC Policy) describes the policies governing a complaint or allegation of misconduct against a UCPD officer. The system set forth in this policy is designed to be fair, objective and just for all parties involved. The IIC Policy specifically prohibits UCPD officers from dissuading anyone from making a complaint (page 5). The IIC Policy, attached to this memo, categorizes complaints (pages 2 to 3) and defines the workflow of complaints from the stages of investigation to adjudication (pages 7 to 13). Included in the IIC Policy are specific timeframes for the investigative process (page 7 to 8) along with complaint investigation protocols (pages 7 to 10). The IIC Policy specifically provides for confidentiality to the extent otherwise permissible where disclosure would compromise the investigation (page 13).*

*To comply with the guidelines set forth in Recommendation 7.5.C, the newly implemented IIC policy sets forth the standard of proof for each type of case disposition, by describing the levels of evidence necessary to meet each category of disposition (page 9). Page 9 of the policy also defines the categories of potential disposition. The IIC Policy specifically prohibits automatic credibility preference being given to an officer's recitation of facts (page 7). The IIC Policy sets a specific timeframe in which adjudication should be completed (pages 7 to 8).*

*The IIC Policy has been disseminated internally to all UCPD personnel. The proof of dissemination was uploaded for compliance assessment under 7.5.A (DR 0007)."*

### **Data Reviewed**

1. Internal Investigations and Complaints Policy
2. Form 15 A Complaint Form
3. Copy of Internal Investigations Log Sheet

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in partial compliance. While the policy related to this ER was reviewed and contained all revisions as required, the policy had not yet been disseminated.

### **Current Assessment of Compliance**

#### **In Compliance**

As described above, the Monitor's review of the UCPD's revised Internal Investigations and Complaints Policy found that it contained all of the requirements as described in this ER. Specifically, the policy set appropriate standards of proof, prohibits automatic credibility of officer's recitation of facts, defined the disposition categories, and set timelines for completion of the investigation. The Monitor verified that the revised policy has been disseminated to its personnel through a review of its electronic document system, PowerDMS.

### **Next Review**

The Monitor will again assess compliance with this ER during Q7 (Q3 2018) which will include a review of any training provided to its investigators and reviewers of investigations.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 30, 2017  
**REC. REF. NO.:** 7.6.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not maintain a complaint log as is required in the Internal Affairs policy (SOP 52.1.100).

### **Exiger Recommendation (“ER”)**

Complaint information should be compiled into a simple database, which can be accessed by the ICS system, and should include fields for number for the year, listing in chronological order for the year, date complaint received, nature of the complaint, employee who is the subject of the complaint, the supervisor assigned to investigate the complaint, disposition, and date investigation completed.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD creates a database for compiling complaint information;
- 2) UCPD implements policy and procedures for the use of that database;
- 3) The database can be accessed by the ICS System;
- 4) The database includes, at minimum, the following fields: (a) number for the year; (b) date complaint received; (c) nature of the complaint; (d) employee who is the subject of the complaint; (e) the supervisor assigned to investigate the complaint; (f) disposition; and (g) date investigation completed; and
- 5) The policies and procedures for compiling the information are being followed.

### **UCPD Proffer of Compliance**

*“In accordance with recommendation 7.9.A, the Internal Investigations and Complaints Policy (IIC Policy) encompasses procedures to handle all complaints for UCPD employee job performance or personal misconduct that violates laws or policies / procedures of the UCPD. It details how all disciplinary matters shall be handled by the UCPD. Upon an allegation of misconduct or upon receipt of a complaint, a supervisor will fill out the University of Cincinnati Police Division Complaint, Form-15A (attached). This process is mandated in the IIC Policy (see page 5). From this form, data are entered into the complaint log.*

*In accordance with recommendation 7.6.A, the IIC Policy also mandates the creation, assignment and maintenance of a complaint log (database) for recording and monitoring investigations of complaints (see page 4 of IIC Policy). The monitor receives a copy of this log each month via the Complaint Investigations Document Repository Smartsheet. The most recent version for Q3 was*

*uploaded on September 13, 2017. Currently, this log is maintained by the Unit Operations Coordinator. In accordance with recommendations 7.6.A and 7.9.A, the log contains the following fields: the date of incident, date complaint received, type of investigation, case number, complaint category (administrative investigation, citizen complaint, citizen contact or internal investigation), allegation, involved employee, name of complainant (if available), the assigned Investigator, assigned date, due date, extension date (if applicable), disposition, discipline imposed (if applicable) and closure date. The log is reviewed and discussed by UCPD command staff at least once a week during their regular meetings.*

*The database is searchable and has the capability of producing reports for analytic purposes, including but not limited to the annual summary report of the Division's complaint investigations required by the IIC Policy (p.4).*

*The database is not currently compatible with the ICS dashboard system and the contract with the Institute of Crime Science has not been renewed. The spreadsheet is also not integrated with Guardian Tracking System (GTS), but findings of culpability are manually entered into GTS at the time of case closure. The UCPD proffers that, in the interim, supervisory access to their subordinates' complaint information via Guardian Tracking meets the spirit of this recommendation. Per the supervisory job descriptions uploaded under DR0123, supervisors are expected to "supervise and track employee's performance via current employee performance computer system." In addition, the UCPD is still exploring stand-alone systems or systems capable of integrating with GTS. The monitor can access both the complaint entries and supervisor monthly reviews of their employees via their viewing permission."*

### **Data Reviewed**

1. Internal Investigations and Complaints Policy
2. Form 15 A Complaint Form
3. Copy of Internal Investigations Log Sheet

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in partial compliance. While the UCPD was capturing the data specified in this ER within an excel log sheet, it was not yet accessible to supervisors within the ICS database.

### **Current Assessment of Compliance**

#### **In Compliance**

As described above in the UCPD's proffer and in prior Monitor assessment for this ER, the UCPD does maintain an excel sheet to log all complaints. During recent meetings with the UCPD staff, it was explained that the log cannot be uploaded to the ICS dashboard system and since they have not renewed the contract with ICS, until such time as a stand-alone system is identified, the temporary solution is to manually enter any sustained complaint into the Guardian Tracking System (GTS) in order to provide supervisors with access to officer complaint information. The



Monitor has verified that complaint information is currently being entered into GTS, and will conduct further testing of completeness of the GTS complaint data during subsequent reviews.

**Next Review**

The Monitor will annually assess compliance with this ER and is again scheduled for review during Q7 (Q3 2018) and Q11 (Q3 2019).

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 30, 2017  
**REC. REF. NO.:** 7.7.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

No brochures about the complaint process or complaint forms were observed in UCPD public spaces.

### **Exiger Recommendation (“ER”)**

UCPD should develop brochures, in hard copy and for inclusion on UCPD’s website, about the complaint process and complaint forms and make such materials available and include as a requirement in a new SOP governing civilian complaints.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements Standard Operating Procedures governing civilian complaints;
- 2) The Standard Operating Procedures require that UCPD make brochures about the complaint process and complaint forms;
- 3) These brochures are made available in hard copy; and
- 4) These brochures are made available on the UCPD website.

### **UCPD Proffer of Compliance**

*“The Internal Investigations and Complaints policy (SOP 4.2.100) governs the process of civilian complaints. Per policy, the UCPD has created a brochure which describes the complaint process for a civilian audience. This brochure contains the form for citizens to begin the process of filing a complaint or commendation (page 4 of policy). Once a citizen fills out the brochure, it is given to a supervisor who files an official Form 15 A Complaint Form to initiate the internal investigation process (if the complaint box is checked by the citizen). A large supply of these brochures (containing the citizen complaint form) are kept in the lobby of the police station, in the UCPD roll call room, in the supervisor office as well as in every police cruiser. Additionally, citizens are able to provide feedback on UCPD’s website and file a complaint (or commendation) electronically (<http://www.uc.edu/publicsafety/CitizenFeedback.html>). The same information that is on the brochure is on this webpage.”*

### **Data Reviewed**

1. Internal Investigations and Complaints policy (SOP 4.2.100)
2. Complaint Brochure

## **Current Assessment of Compliance**

### **In Compliance**

The Monitor reviewed the “Citizen Feedback Form” brochure created by UCPD in response to this ER and found that it does include clear instructions for making a complaint, as well as how to make a commendation. Both the brochure and the UC web page encourage community input, communication, and appropriately reference department and personal accountability. While onsite, the Monitor also verified that brochures were available at the front entry into the UC Department of Public Safety entrance on campus.

The UCPD’s Internal Investigations and Complaints policy does not specifically call out the brochure or the process by which brochures should be reviewed or where they are to be located, however, the policy does state that the procedure for registering complaints will be made public on its webpage. The Monitor suggests that the IIC be updated during its next revision to contain the specific process to be used to ensure both the hard copy brochures and the web page will be updated and supplied as intended going forward.

### **Next Review**

The Monitor will again assess compliance with this ER during Q7 (Q3 2018).

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 30, 2017  
**REC. REF. NO.:** 7.9.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

The UCPD disciplinary process is governed by the FOP contract and there appears to be no governing SOP.

### **Exiger Recommendation (“ER”)**

A SOP should be created detailing how disciplinary matters should be handled by UCPD. Such a procedure should include creating a form that summarizes details of an allegation of misconduct and creates a log listing the number of the issue starting at 001 of year and including the name of the employee, the dereliction charged, the name of the supervisor reporting and/or investigating the matter, and the date adjudicated.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when:

- 1) UCPD implements a Standard Operating Procedure detailing how disciplinary matters should be handled by UCPD;
- 2) That Standard Operating Procedure requires completing a form that summarizes details of an allegation of misconduct and mandates entry into a log listing the number of the issue starting at 001 of the year; and,
- 3) Each log entry includes the name of the employee, the dereliction charged, the name of the supervisor reporting and/or investigating the matter, and the date adjudicated.

### **UCPD Proffer of Compliance**

*“In accordance with recommendation 7.9.A, the Internal Investigations and Complaints Policy (IIC Policy) encompasses procedures to handle all complaints for UCPD employee job performance or personal misconduct that violates laws or policies / procedures of the UCPD. It details how all disciplinary matters shall be handled by the UCPD. Upon an allegation of misconduct or upon receipt of a complaint, a supervisor will fill out the University of Cincinnati Police Division Complaint, Form-15A (attached). This process is mandated in the IIC Policy (see page 5). From this form, data are entered into the complaint log.*

*In accordance with recommendation 7.6.A, the IIC Policy also mandates the creation, assignment and maintenance of a complaint log (database) for recording and monitoring investigations of complaints (see page 4 of IIC Policy). The monitor receives a copy of this log each month via the Complaint Investigations Document Repository Smartsheet. The most recent version for Q3 was uploaded on September 13, 2017. Currently, this log is maintained by the Unit Operations*

*Coordinator. In accordance with recommendations 7.6.A and 7.9.A, the log contains the following fields: the date of incident, date complaint received, type of investigation, case number, complaint category (administrative investigation, citizen complaint, citizen contact or internal investigation), allegation, involved employee, name of complainant (if available), the assigned Investigator, assigned date, due date, extension date (if applicable), disposition, discipline imposed (if applicable) and closure date. The log is reviewed and discussed by UCPD command staff at least once a week during their regular meetings.*

*The database is searchable and has the capability of producing reports for analytic purposes, including but not limited to the annual summary report of the Division's complaint investigations required by the IIC Policy (p.4).*

*The database is not currently compatible with the ICS dashboard system and the contract with the Institute of Crime Science has not been renewed. The spreadsheet is also not integrated with Guardian Tracking System (GTS), but findings of culpability are manually entered into GTS at the time of case closure. The UCPD proffers that, in the interim, supervisory access to their subordinates' complaint information via Guardian Tracking meets the spirit of this recommendation. Per the supervisory job descriptions uploaded under DR0123, supervisors are expected to "supervise and track employee's performance via current employee performance computer system." In addition, the UCPD is still exploring stand-alone systems or systems capable of integrating with GTS. The monitor can access both the complaint entries and supervisor monthly reviews of their employees via their viewing permission."*

### **Data Reviewed**

1. Internal Investigations and Complaints Policy
2. Form 15 A Complaint Form
3. Copy of Internal Investigations Log Sheet

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance because the policy and related documents required substantive revisions.

### **Current Assessment of Compliance**

#### **In Compliance**

As described above in the UCPD's proffer and based on the Monitor's review of the most recently submitted version of the Internal Investigations and Complaints policy and processing documents, the policy now contains sufficient details on how disciplinary matters will be handled to include the completion of an intake form that summarizes the complaint. Both the IIC policy and "Complaint Processing Procedures" document clearly require that the complaint is entered into the complaint tracking sheet which lists all complaints for 2017 starting at 001 as required. The log entries include the name of all involved employees, the charges, the name of the supervisor reporting and investigating the matter, and the date adjudicated.



Office of the Independent Monitor  
University of Cincinnati Police Department

**Next Review**

The Monitor will annually assess compliance with this ER and is again scheduled for review during Q7 (Q3 2018) and Q11 (Q3 2019).

# Appendix 8

## Review of Community Engagement, Problem- Oriented Policing, and Crime Prevention

## REPORT CARD MATRIX

### Section 8 - Review of Community Engagement, Problem-Oriented Policing, and Crime Prevention

		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
8.1.A	Recognize the essential nature of the community affairs function within the UCPD and appropriate resources dedicated to it.				●				○				
8.1.B	The Community Affairs organization should be elevated to a more prominent position in the organization and should be staffed appropriately.	● NFE	-	-	-	-	-	-	-	-	-	-	-
8.1.C	Create a separate Community Affairs Office which reports directly to the Chief, thereby exercising greater authority across the organization.	● NFE	-	-	-	-	-	-	-	-	-	-	-
8.1.D	Rescind the existing SOPs and write new policies and procedures to reflect the new structure and mission of the unit.			● NFE	-	-	-	-	-	-	-	-	-
8.1.E	Consider whether the Victim Services Coordinator belongs in the Community Affairs Office or whether it might be more appropriately housed elsewhere within UCPD or the University.	● NFE	-	-	-	-	-	-	-	-	-	-	-
8.2.A	The Community Affairs Office should be managed by a supervisor with formal operational authority to manage all of the various components of the Community Affairs mission.	● NFE	-	-	-	-	-	-	-	-	-	-	-
8.2.B	The supervisor position could either be a civilian title, e.g., Director, or a uniformed title, e.g., Captain but should be of sufficient stature as to be able to coordinate resources across the organization, particularly those resources that are not specifically assigned to Community Affairs	● NFE	-	-	-	-	-	-	-	-	-	-	-
8.2.C	Staff the Community Affairs Office with a minimum of two officers whose sole responsibilities are community affairs duties.	● NFE	-	-	-	-	-	-	-	-	-	-	-
8.2.D	Consider assigning officers as community liaisons to designated community groups.	● NFE	-	-	-	-	-	-	-	-	-	-	-
8.2.E	Consider revising the provision of the Collective Bargaining Agreement that prescribes a four-year rotation period for CAO's.												



REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
8.2.F	Design and implement a selection process for the Community Engagement Officers which evaluates candidates against the specific qualifications necessary for effective performance of the function, and includes the opportunity for community and student body input.					○							
8.3.A	Provide Community Affairs Office staff with specialized training on public speaking, crime prevention, labor relations, and social media			●			○						
8.4.A	Establish the supervisory position of Event Coordinator, with appropriate staff					○							
8.5.A	Train personnel in a community policing problem solving model.	● NFE	-	-	-	-	-	-	-	-	-	-	
8.5.B	Consider adopting the CAPRA community policing problem solving model.	● NFE	-	-	-	-	-	-	-	-	-	-	
8.5.C	Develop a problem-solving approach to chronic crime and disorder problems.												
8.5.D	If UCPD continues to patrol off campus, then problem-solving groups should also involve community residents and CPD.												
8.5.E	Develop a policy that outlines the problem-solving program, and contain clear roles, responsibilities and expectations regarding the UCPD's problem-solving efforts.												
8.6.A	Increase the number of CCTV cameras deployed in both the on and off campus communities, and collaborate with the CPD to identify strategic locations to place the additional cameras.					○							
8.6.B	Institute a 'Safe Haven' program whereby local businesses register with UCPD, agree to display a distinctive logo on their storefronts that identifies them as a Safe Haven, and pledge to assist University affiliates in distress.												
8.6.C	Consider implementing Operation Blue Light, a program that authorizes UCPD personnel to mark property with an invisible ink discernible only under a special blue light.												

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
8.6.D	Consider implementing Operation ID, a nationwide program that aims to deter theft by permanently identifying valuable property with an indelible, inconspicuous, specially assigned number.												
8.6.E	Consider implementing PC PhoneHome/Mac PhoneHome, a program that allows authorities to locate a lost or stolen computer by identifying its location when the machine is connected to the Internet.												
8.6.F	Consider employing Stop Theft Tags, which possess a unique ID number that is entered into the STOPTHEFT worldwide database, and allow lost or stolen property to be reunited with its owner.												
8.6.G	Look into Bicycle Registration, where a permanent decal is affixed to the bicycle, thus giving it a unique ID number that is registered with the UCPD.												

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 23, 2017  
**REC. REF. NO.:** 8.1.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's effort to develop and maintain a robust community affairs program is not centralized or coordinated.

### **Exiger Recommendation ("ER")**

The essential nature of the community affairs function within the UCPD should be recognized and appropriate resources dedicated to it.

### **MADC Definition of Compliance**

Compliance with this recommendation will occur when is devoting an appropriate amount of resources to, and is recognizing the essential nature of the community affairs function.

### **UCPD Proffer of Compliance**

*"The UCPD recognizes the essential and important nature of the community affairs function within the UCPD. The Community Affairs Section Protocol (attached) clarifies the staffing and reporting structure as well as duties of the unit. The unit is staffed with two officers and a supervisor. The Division has elevated the Community Affairs Unit to the "Community Affairs Section (CAS)" and assigned a lieutenant to manage the section (see ER 8.2.A) The Community Affairs Section has been placed under the authority of the Patrol Bureau Commander (shown in the UCPD organization chart, attached). As described in the documents uploaded under DR 0126, the Division is investing resources in the training of the Community Affairs Section personnel by sending them to specialized training in problem-oriented policing, crime prevention, community engagement, and media relations from well-established training programs around the state of Ohio, the Southern Police Institute, and the Center for Problem Oriented Policing conference."*

### **Data Reviewed**

1. Community Affairs Section Protocol
2. Organization Chart

### **Current Assessment of Compliance**

 **In Compliance**

During the current reporting period the Monitor reviewed the documentation submitted and confirmed that the UCPD has deployed adequate resources to the Community Affairs Section and



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elevated its reporting structure to ensure appropriate supervision and recognition of its essential function within the UCPD and the UC Community.

**Next Review**

The Monitor will review this ER on an annual basis to ensure the resources assigned remain in place. The next scheduled reviews will be conducted in Q8 ending December 31, 2018 and Q12 ending December 31, 2019.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 11, 2017  
**REC. REF. NO.:** 8.1.D  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's effort to develop and maintain a robust community affairs program is not centralized or coordinated.

### **Exiger Recommendation ("ER")**

The existing SOPs should be reviewed and revised to reflect the new structure and mission of the unit, and consistent with current practice, its responsibility for community based crime prevention activities.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) The UCPD reviews and revises the SOPs of the community affairs program; and,
- 2) The current practice is consistent with its mission of community based crime prevention activities.

Note: Training associated with the mission and revised policy of the Community Affairs program will be assessed under 8.3.A.

### **UCPD Proffer of Compliance**

*"The Community Affairs Section (CAS) policy (SOP 12.1.100) details the mission and structure of the CAS of the UCPD. It details their responsibility for community based crime prevention. It is consistent with the UCPD's mission of community-based crime prevention activities. This policy has been disseminated through PowerDMS, and we expect to receive > 94% sign off prior to the conclusion of Q3. Evidence of such will be provided to the monitor via Power DMS at that time.*

### **Data Reviewed**

Community Affairs Section (CAS) policy (SOP 12.1.100)

### **Current Assessment of Compliance**

#### **In Compliance**

The Monitor reviewed the revised CAS policy and found that it now reflects the structure and mission of the unit, and is consistent with the UCPD's current practice including the unit's



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responsibility for community based crime prevention activities such as projects related to the SARA problem solving model. The dissemination of the policy was verified through PowerDMS.

**Next Review**

No further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 11, 2017  
**REC. REF. NO.:** 8.3.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's effort to develop and maintain a robust community affairs program is not centralized or coordinated.

### **Exiger Recommendation ("ER")**

Community Affairs Office staff should receive specialized training on, among other things, the following topics:

- Public Speaking
- Crime Prevention (National Crime Prevention Council and Community Oriented Policing Services)
- Crime Prevention through Environmental Design (CPTED)
- Labor Relations
- Social Media

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) The UCPD provides specialized training for members of the Community Affairs Office;
- 2) The UCPD's training incorporates existing well-established training programs; and
- 3) The UCPD training includes the following:
  - Public Speaking
  - Crime Prevention (National Crime Prevention Council and Community Oriented Policing Services)
  - Crime Prevention through Environmental Design (CPTED)
  - Labor Relations
  - Social Media

### **UCPD Proffer of Compliance**

*"UCPD Community Affairs Section officers have received specialized training from well-established training programs around the state of Ohio and the Southern Police Institute. Their certificates are attached. Additionally, there are two members of the Community Affairs Section, along with four other officers, who will be attending the Center for Problem Oriented Policing conference in Houston, TX from October 2 to 4, 2017. The officers and their certifications are listed below:*

*Officer Douglas Barge*

- *Ohio Crime Prevention Association Certification*
- *Crime Prevention Through Community Engagement Certification*
- *Crime Prevention Through Environmental Design (CPTED) Certification*

*Officer James Vestring*

- *Crime Prevention Through Environmental Design Certification*

*Officer George K. Castle*

- *Crime Prevention Through Environmental Design Certification*

*Sergeant Brian McKeel*

- *Modern Day Media Relations Training Certification*

**Data Reviewed**

1. Community Affairs Section (CAS) policy (SOP 12.1.100)
2. CAS Certificates

**Current Assessment of Compliance**

 **In Compliance**

The Monitor reviewed the training certificates submitted by the UCPD in response to the requirements of this ER and determined that the officers assigned to the CAS have attended several classes which covered all but the public speaking and labor relations requirements. The latter is not applicable to the duties of the CAS staff and the UCPD intends to ensure the staff are trained in public speaking in the coming annual period.

**Next Review**

The Monitor will again assess the UCPD's compliance with this recommendation in Q7 (Q3 2018) which will include a review of the staff assigned and training classes attended.



# Appendix 9

## Review of Encounters with Individuals with Mental Health Concerns






## REPORT CARD MATRIX

**2017**
**2018**
**2019**

<b>Q1:</b> Jan- Mar	<b>Q2:</b> Apr- Jun	<b>Q3:</b> Jul- Sep	<b>Q4:</b> Oct- Dec	<b>Q5:</b> Jan- Mar	<b>Q6:</b> Apr- Jun	<b>Q7:</b> Jul- Sep	<b>Q8:</b> Oct- Dec	<b>Q9:</b> Jan- Mar	<b>Q10:</b> Apr- Jun	<b>Q11:</b> Jul- Sep	<b>Q12:</b> Oct- Dec
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### Section 9 - Review of Encounters with Individuals with Mental Health Concerns

<b>9.1.A</b>	Establish clearly written policies and procedures based upon existing best practices used by campus police departments.											
<b>9.1.B</b>	Include in the new policy a list of generalized signs and symptoms of behavior that may suggest mental illness.		 NFE	-	-	-	-	-	-	-	-	-
<b>9.1.C</b>	Include in the new policy should a list of indicators that will help an officer determine whether an apparently mentally ill person represents an immediate or potential danger.		 NFE	-	-	-	-	-	-	-	-	-
<b>9.1.D</b>	The new policy should include guidelines for officers to follow when dealing with persons they suspect are mentally ill.		 NFE	-	-	-	-	-	-	-	-	-
<b>9.1.E</b>	Review applicable reports from other jurisdictions, including the USC and LA Mental Health Advisory Board, and incorporate suggestions from those reports in policies, procedures and training.		 NFE	-	-	-	-	-	-	-	-	-
<b>9.2.A</b>	Implement a Student Concerns Committee that consists of first responders and those potentially in a position to take notice of irrational student behavior.		 NFE	-	-	-	-	-	-	-	-	-
<b>9.2.B</b>	The Student Concerns Committee should meet on a weekly basis to discuss issues that took place during the previous week and are potentially related to mental health, and collaboratively create a plan of action.		 NFE	-	-	-	-	-	-	-	-	-
<b>9.3.A</b>	Ensure that additional officers trained in crisis intervention are deployed during potential peak periods of stress for students.			 NFE	-	-	-	-	-	-	-	-
<b>9.4.A</b>	Provide all sworn officers with CIT, and with documented refresher training on a bi annual basis.											
<b>9.4.B</b>	Utilize UCMC experts to educate officers on issues specific to student populations, particularly those within the University community, including sensitivity training highlighting the position of students who are away from home											

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
9.4.C	Consider establishing proactive response teams pairing an on-call UCMC clinician with a law enforcement officer to provide emergency field response to situations involving mentally ill, violent or high risk individuals.			-	-	-	-	-	-	-	-	-	
9.5.A	After every encounter with an individual suffering from a mental illness, UCPD should mandate detailed reporting for inclusion in the ARMS system.												
9.5.B	In order to improve performance, annually audit the handling of mental health-related calls and incidents for that year.												

## COMPLIANCE MEMORANDUM

**DATE:** JANUARY 6, 2017  
**REC. REF. NO.:** 9.1.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While there are some existing practices, UCPD does not have adequate policy or procedures articulating how to deal with incidents involving individuals suffering from mental health issues.

### **Exiger Recommendation (“ER”)**

UCPD should establish clearly written policies and procedures based upon existing best practices used by other campus police departments.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) The UCPD establishes clearly written policies and procedures on how to deal with incidents involving individuals suffering from mental health issues;
- 2) The UCPD policies and procedures are based upon best practices; and
- 3) The UCPD consults with other campus police departments with a proven track record in dealing with individuals suffering from mental health issues.
- 4) The policy is disseminated internally to include all appropriate UCPD personnel.
- 5) The topic was sufficiently explained to all relevant UCPD personnel. Sufficiency of explanation will depend upon the topic and can include, but is not limited to, formalized training, roll-call presentations, and online learning tools.
- 6) The policy is being followed in practice.

### **UCPD Proffer of Compliance**

*“The monitor previously assessed the content of the Mental Health Response Policy in Q2 and found that it includes procedures on how to deal with incidents involving individuals suffering from mental health issues and is based on best practices. At that time, however, the monitor found the UCPD to be “Partial Compliance” for ER 9.1.A pending the policy’s dissemination. The policy has now been fully disseminated to UCPD personnel. Evidence of such can be accessed by the Monitor via PowerDMS. Furthermore, the Crisis Intervention Team Training that has been conducted over the last 6 months (and is scheduled for Q5 assessment under ERs 9.4.A and 9.4.B), reinforced the main tenets of the UCPD policy.”*

### **Data Reviewed**

1. Mental Health Response Policy 9.2.600

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor reviewed the UCPD's updated Mental Health Response Policy and found that it was based upon best practices and met the requirements of the ER. The Monitor found the UCPD in partial compliance as the policy had not been disseminated nor trained on since the policy was being reviewed by the Office of General Counsel.

### **Current Assessment of Compliance**

#### **In Compliance**

During the current quarter the Monitor confirmed that the policy was both trained on and that all sworn members had been trained on the policy as part of the CIT training. As was reported by the Monitor in connection with its assessment of ER 9.3.A, the UCPD's intention of including Security Officers in the department-wide training will further enhance the UCPD's response to incidents involving individuals suffering from mental health issues.

### **Next Review**

The Monitor will again assess the UCPD's compliance with this ER and the annual training requirement in Q8 ending December 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** JANUARY 6, 2017  
**REC. REF. NO.:** 9.3.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

There is no apparent recognition of potential peak periods of stress for students that may bring on increased manifestations of emotional crisis.

### **Exiger Recommendation (“ER”)**

Until all UCPD officers are CIT certified, to the extent that it is practical, UCPD should ensure that additional officers trained in crisis intervention are deployed during potential peak periods of stress for students (midterms, finals, holidays), including at least one CIT trained officer working on each tour.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD implements a policy that it deploy CIT certified officers trained in crisis intervention on each tour during potential peak periods of stress for students until all UCPD officers are CIT certified.
- 2) UCPD deploys CIT certified officers trained in crisis intervention on each tour during potential peak periods of stress for students until all UCPD officers are CIT certified.

### **UCPD Proffer of Compliance**

*“The UCPD Mental Health Response Policy specifically recognizes peak periods of stress for students as October through November and February through April, as identified by the University of Cincinnati’s Counseling and Psychological Emergency Services unit (see pages 4-5). The policy states that: “UCPD’s Field Operations Bureau will be mindful of these time periods to ensure appropriate staffing.” Due to personnel and budgetary restrictions, officer deployment is unable to be increased, but the completion of the CIT training has been prioritized on the Training Section’s calendar. By year’s end, greater than 94% of sworn officers are expected to have attended this training and this is the most expedited timeline available for the training based on the outside vendor’s schedule (Mental Health America of Northern Kentucky and Southern Ohio).*

*Based on the info from CAPS and the CIT training timeframe, October and November 2017 is the only remaining "peak" stress period that will occur prior to greater than 94% of UCPD personnel being CIT trained. Although additional officers are unable to be deployed, the UCPD Training Section reports that, as of 10/31/17, the percent of sworn officers who are CIT-trained is approximately 49%. Furthermore, on average, each shift at the UC Uptown Campus has at least*

*half of its assigned officers who are CIT-trained (see attached example line-up sheets with CIT-trained officers denoted). At the UC-Clermont branch campus, one of two officers is currently CIT-trained and the other is scheduled for December. At the UC-Blue Ash branch campus, both officers have attended this training in the past but are scheduled to attend upcoming training sessions as well.*

*Upcoming CIT trainings are scheduled for November 13-17 and December 4-8. It is anticipated that, by the end of 2017, 63 of 67 officers will be CIT-trained, as well as 10 of 13 dispatchers. Those not yet trained will be scheduled as soon as the 2018 schedule is available from the vendor. Security officers will also be attending this training as spots are available throughout 2018.”*

### **Data Reviewed**

1. Mental Health Response Policy 9.2.600
2. Shift Line up sheets

### **Current Assessment of Compliance**



#### **In Compliance**

The Monitor has reviewed the documentation submitted by the UCPD which clearly illustrates that both the policy component of this requirement, as well as the practice of ensuring that at least one CIT trained officer is deployed during peak periods has been implemented. It should be noted that the Monitor’s assessment occurred after the completion of CIT training for all sworn members which negates the need to ensure even coverage during peak periods. The department-wide training to include Security Officers will further enhance the UCPD’s response to incidents involving individuals suffering from mental health issues.

### **Next Review**

The Monitor will assess the UCPD’s compliance with the annual training in connection with ER 9.1.A therefore no further evaluation of this ER is necessary.

# Appendix 10

## Review of Equipment



## REPORT CARD MATRIX
















2017







2018

2019

Q1: Jan-Mar  
Q2: Apr-Jun  
Q3: Jul-Sep  
Q4: Oct-Dec  
Q5: Jan-Mar  
Q6: Apr-Jun  
Q7: Jul-Sep  
Q8: Oct-Dec  
Q9: Jan-Mar  
Q10: Apr-Jun  
Q11: Jul-Sep  
Q12: Oct-Dec

### Section 10 - Review of Equipment

10.1.A	Re-deploy CEDs.					-	-	-	-	-	-	-	-
10.1.B	Review policies and procedures related to the use of CEDs to include when the use of the devices is authorized and the allowable number of discharges of the device.				-	-	-	-	-	-	-	-	-
10.1.C	Develop intensive training on the use of CEDs and the relevant policies, including scenarios in which the utilization of CEDs is appropriate and those instances where it is not.												
10.1.D	Designate a CED training officer, who should receive training as a trainer and whose responsibilities should include remaining current on all relevant literature and data on the use of CEDs.												
10.2.A	Work with CPD and appropriate neighborhood organizations to provide significantly greater deployment of video surveillance in the off-campus patrol areas.		-	-	-	-	-	-	-	-	-	-	-
10.3.A	Conduct a review of all existing video surveillance equipment in conjunction with the exploration of an off-campus video system.												
10.4.A	Develop or adopt appropriate training for the use of the batons, and ensure that every member of UCPD receive such training.												
10.5.A	Evaluate and choose an automated commercial off-the-shelf product for tracking of all equipment.				-	-	-	-	-	-	-	-	-
10.6.A	Evaluate the need and potential utilization of the bomb robot.		-	-	-	-	-	-	-	-	-	-	-
10.6.B	If there is justification to retain the robot, appropriate initial and refresher training and qualification of a select group of sworn officers on the utilization of the robot and related skill sets including bomb disposal should be developed and deployed.		-	-	-	-	-	-	-	-	-	-	-

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
10.7.A	Evaluate the need and potential utilization of the sniper rifle.		-	-	-	-	-	-	-	-	-	-	
10.7.B	If there is justification to retain the rifle, appropriate initial and refresher training and qualification of a select group of sworn officers on the utilization of the rifle should be developed and deployed.		-	-	-	-	-	-	-	-	-	-	
10.8.A	Consider installing in-car video as an adjunct to the current deployment of body cams, providing for potential additional views of and redundancy in any critical incident.												
10.9.A	Work with the Director of Emergency Management to build out a dedicated Emergency Operations Center, designed to facilitate planning and response to both planned and unplanned campus events in coordination with other federal.				-	-	-	-	-	-	-	-	

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 1, 2017  
**REC. REF. NO.:** 10.1.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While UCPD is very well-equipped to handle situations in which deadly force is required, a significant gap in the less-lethal force continuum exists. UCPD does not currently utilize CEDs, removing an option that would allow officers the ability in appropriate circumstances to disable an individual from a safe distance and avoid potential resort to deadly physical force.

### **Exiger Recommendation (“ER”)**

UCPD should expand the alternatives that its officers have to the use of deadly physical force by arming UCPD officers with CEDs, complying with whatever constraints may exist from the settlement of prior lawsuits

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the UCPD has provided alternatives to the use of deadly physical force by arming UCPD officers with CEDs.

### **UCPD Proffer of Compliance**

*“UCPD sworn officers have been distributed CEWs (Conducted Electrical Weapon) as an alternative to the use of deadly physical force. A total of 66 CEWs have been distributed, and one additional CEW will be distributed mid-November 2017 to a recently hired ULEO 1 officer. Command staff at the UCPD were given the option by Director James Whalen to carry CEWs, pending attending the appropriate training(s). As such, the only sworn UCPD officers who have not been supplied a CEW are two of the three captains, the assistant chief, the chief (total of 4 command staff officers), and three DPS/UCPD employees who hold a commission but do not act as police officers. Attached to this email are two documents which contain the serial number of each CEW and the officer to which the CEW was assigned.”*

### **Data Reviewed**

1. CEW Equipment Records\_1
2. CEW Equipment Records\_2
3. Use of Force Policy, SOP No. 7.1.100

### **Current Assessment of Compliance**

 **In Compliance**

During the Monitor's onsite visit in the current quarter, the Monitor observed one of several practical Use of Force (UOF) training sessions. During the training UCPD officers in attendance were issued and also received training on the use of the Conduct Electrical Weapon/Device, also known as "Tasers" X26P Taser. The UCPD submitted additional documentation demonstrating the issuance Tasers to all appropriate sworn personnel.<sup>1</sup> The Monitor applauds the UCPD for taking this forward step to expand its less-lethal force continuum and permitting its officers to carry and deploy CED/CEWs when appropriate.

**Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the annual training requirement for the Tasers (ER 10.1.C), no further evaluation of this specific ER is needed.

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<sup>1</sup> Further details specific to the Taser training can be found in this report under the Monitor's assessment of ER 10.1.C.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 10, 2017  
**REC. REF. NO.:** 10.1.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

While UCPD is very well-equipped to handle situations in which deadly force is required, a significant gap in the less-lethal force continuum exists. UCPD does not currently utilize CEDs, removing an option that would allow officers the ability in appropriate circumstances to disable an individual from a safe distance and avoid potential resort to deadly physical force.

### **Exiger Recommendation (“ER”)**

UCPD should review all policies and procedures related to the use of CEDs to include, but not be limited to, when the use of the devices is authorized and the allowable number of discharges of the device.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD implements a policy to re-deploys CEDs to its officers;
- 2) The policy gives clear guidance on when the use of a CED is authorized;
- 3) The policy gives clear guidance on the allowable number of discharges of a CED; and
- 4) The CED policies and procedures meet best practices in the industry.

### **UCPD Proffer of Compliance**

*“1.7.B and 3.3.A: There is now one Use of Force policy that includes a policy statement governing the use of all less-lethal weapons, including CEWs (pages 2 and 8).<sup>1</sup> The Use of Force Policy will be disseminated prior to the conclusion of Q3 and evidence of such will be provided to the monitor via Power DMS at that time. The policy has also been sent to the UC Office of General Counsel for review. If OGC recommends any substantive revisions, the policy will be redisseminated to UCPD personnel at that time and evidence of such will be provided to the monitor. This policy is consistent with best practices because it is based on the Recommendations put forth in the Exiger Final Report and the guidance and requirements of the list below:*

- *United States Supreme Court*
- *US Court for the Southern and Northern Districts of Ohio*
- *US 6th/7th/9th Circuit Courts of Appeals*
- *Ohio Supreme Court*
- *Ohio Collaborative Community-Police Advisory Board*

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<sup>1</sup> Please note that although the Exiger Report and recommendations refer to CEDs, the UCPD Use of Force policy refers to this equipment as an Conducted Electrical Weapon (CEW).

- *OPOTA*
- *Cincinnati Police Department*
- *CPD Collaborative Agreement and MOU*
- *IACP*
- *PERF*
- *IACLEA*
- *Taser Instructor's Manuals*
- *Force Science Institute*
- *Caliber Press*
- *A cross section of variously sized and located PDs across the US (including Camden, NJ; NYPD; LAPD; Vanderbilt University; Las Vegas, NV; Aberdeen, SD; Dublin, OH)*

*As required by 3.3.B, the Use of Force policy defines Activation, Air Cartridge, Confetti Tags, Cycle, Display, Drive Stun, Duration, CED, Laser Painting, Probes, Probe Mode, Resistance, Active Resistance, Passive Resistance, Serious Bodily Injury, and Spark Test (pages 8 through 11 of Use of Force Policy). All definitions are based on best practices in the industry. Arcing is not defined in the policy because of the design of the single cartridge CEW model the UCPD purchased. In order to arc this device, the cartridge must be removed, or a live cartridge can be discharged, when arcing, unless in direct contact with an individual's skin or clothing, whereas the dual cartridge Taser X2 has a switch that will allow the user to arc the device with a cartridge in the discharge port. This will allow for a drive-stun after one cartridge has been deployed and a second cartridge still in the discharge port, without deploying the second cartridge. The UCPD does not intend to allow arcing as a UOF compliance tactic because of the potential for accidental discharges and therefore it is not included in the policy.*

*In accordance with Recommendation 3.3.C, the Use of Force Policy contains the specific governance for all CEWs. The specific requirements of 3.3.C can be found in the policy as follows:*

- a. A CED is classified as a less-lethal device. A CED is intended to provide a greater margin of safety for officers who might otherwise be forced to physically subdue a dangerous subject or as an alternative to deadly physical force where it would be otherwise legally permissible. P.8*
- b. A CED should only be used against persons who are actively physically resisting, exhibiting active physical aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. P.8 and 10*
- c. A CED should only be used in situations that allow for the use of physical force. P.10*
- d. Officers should issue an appropriate warning, consistent with personal safety, to the intended subject and other officers present prior to discharging the CED. P.10*
- e. When a CED is used against a subject it shall be for one standard discharge cycle, after which the officer should reassess the situation. Only the minimum number of cycles necessary should be used. P.11*
- f. When practical, the CED should be discharged at the subject's back, and avoid discharging it at an individual's head, neck, and chest. P.11*
- g. When possible, the CED should not be used on children, the elderly, obviously pregnant females, or against subjects operating or riding on any moving device or vehicle. P.12*

*Finally, in accordance with Recommendation 10.1.B, the Use of Force Policy has been approved and implemented as a necessary precursor to the re-deployment of CEWs to officers. The policy provides clear guidance on the use of CEWs, on pages 8, and 10 to 13.”*

### **Data Reviewed**

Use of Force Policy, SOP No. 7.1.100

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD’s Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to revise the policy and address the Monitor’s concerns.

### **Current Assessment of Compliance**

#### **In Compliance**

The UCPD submitted its finalized Use of Force (UOF) policy on August 29, 2017. As described in the UCPD’s Proffer of Compliance (above in italics), the revised UOF policy has been approved, disseminated and the training for CED/CEWs is currently underway. The Monitor applauds the UCPD for taking this forward step to expand its less-lethal force continuum and permitting its officers to carry and deploy CED/CEWs when appropriate.

### **Next Review**

While the Monitor will continue to review all uses of force that occur throughout the monitorship, and will review the UOF policy review process, training and dissemination on an annual basis; no further evaluation of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 10, 2017  
**REC. REF. NO.:** 10.1.C  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not currently arm UCPD officers with Conductive Energy Devices (CEDs), removing an option that would allow officers the ability, in appropriate circumstances, to disable an individual from a safe distance and avoid potential resort to deadly physical force.

### **Exiger Recommendation (“ER”)**

UCPD should develop intensive training on the use of CEDs and the relevant policies related thereto. Training should include scenarios in which the utilization of CEDs is appropriate and those instances where it is not.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the following is found:

- 1) UCPD implements policies on how to train officers on the use of CEDs;
- 2) These policies meet best practices in the industry;
- 3) UCPD gives training to all UCPD officer on the use of CEDs; and,
- 4) This training includes a discussion of scenarios in which the utilization of CEDs is appropriate and those instances where it is not.

### **UCPD Proffer of Compliance**

*“UCPD’s Use of Force Policy (attached, p.10) requires that “Only those who have successfully completed this agency’s approved initial and in-service training programs are authorized to use a CEW.” Furthermore, page 26 of the attached policy outlines all training requirements related to use of force and specifically requires the following with regard to CEWs:*

*“All officers will be required annually to qualify with their assigned CEW.*

- a. Prior to initial issuance and as part of annual qualifications, all agency CEWs will be inspected by a certified weapons instructor or armorer.*
- b. Any CEW found to be unsafe will be removed from service until it is properly repaired and passes a re-inspection.”*

*As described in the UCPD Q3 proffer for ER 3.1.A, the Use of Force policy was developed based on the best practice standards of the Recommendations put forth in the Exiger Final Report and the guidance and requirements of the list below, including the Taser Instructor’s Manuals:*

- United States Supreme Court*
- US Court for the Southern and Northern Districts of Ohio*



- *US 6th/7th/9th Circuit Courts of Appeals*
- *Ohio Supreme Court*
- *Ohio Collaborative Community-Police Advisory Board*
- *OPOTA*
- *Cincinnati Police Department*
- *CPD Collaborative Agreement and MOU*
- *IACP*
- *PERF*
- *IACLEA*
- *Taser Instructor's Manuals*
- *Force Science Institute*
- *Caliber Press*
- *A cross section of variously sized and located PDs across the US (including Camden, NJ; NYPD; LAPD; Vanderbilt University; Las Vegas, NV; Aberdeen, SD; Dublin, OH)*

*Attached are the following supporting documents related to this ER:*

- 1) pre-course training message,*
- 2) X26P course syllabus (pages 4-6 of the Taser Syllabus),*
- 3) the PowerPoint CEW training used by the UCPD, and*
- 4) the sign-in rosters showing the names of each UCPD officer who attended said training in August and September 2017.*

*The monitoring team observed a session of the UCPD CEW training in September, which included a discussion of factors that an officer should consider when determining if the utilization of CEWs is appropriate or not appropriate (see for example PowerPoint slides 94, 96-98 105-109, 140, 143, and 146), as well as the use of many video example scenarios (PowerPoint slides 10, 132, 138, 144, 147, 149, 152, 156, 163, 165, 167, 175, 177, 179, 186, 188, 200), and the list of interactive scenarios attached and referenced on the Day 2 overview slide 209 in the PowerPoint attachment. In addition, the training incorporated some of the drills listed in the Taser Instructor Drill Booklet (attached).”*

### **Data Reviewed**

1. Use of Force Policy 7.1.100
2. Taser Training Pre-Course Message
3. Taser Syllabus
4. Taser Training PowerPoint
5. Taser Instructor Drill Booklet
6. Taser Scenarios
7. Taser Training Roster

### **Current Assessment of Compliance**

 **In Compliance**

As described in the UCPD's Proffer of Compliance (above in italics), during the Monitor's onsite visit in the current quarter, the Monitor observed one of several practical Use of Force (UOF) training sessions. During the training UCPD officers in attendance were issued and received training on the use of the Conduct Electrical Weapon/Device, also known as "Tasers" X26P Taser.<sup>1</sup>

The UCPD instructors presented the training course using a syllabus designed and mandated by the Taser manufacturer. The training content was thorough, was aligned with best practice standards, and included scenarios to demonstrate when the use of a Taser is appropriate and when it is not. The trainers were well prepared, presented the material in a manner that was clear, and covered all of the necessary elements related to UCPD policy, the United States Constitution, and the law.

The Monitor applauds the UCPD for taking this forward step to expand its less-lethal force continuum and permitting its officers to carry and deploy CED/CEWs when appropriate.

#### **Next Review**

The Monitor will assess the UCPD's compliance with the training of CED/CEWs on an annual basis. The next scheduled review is in Q8 ending on December 31, 2018.

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<sup>1</sup> Further details specific to the Taser deployment can be found in this report under the Monitor's assessment of ER 10.1.A.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 13, 2017  
**REC. REF. NO.:** 10.4.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD has 16 side handle PR-24 Batons for use in crowd control. By policy, these batons can only be used by trained and qualified officers, and yet the requisite training has not been provided.

### **Exiger Recommendation (“ER”)**

UCPD should develop or adopt appropriate training for the use of the batons, and ensure that every sworn member of UCPD receive such training in order to be properly qualified for use of the baton in crowd control.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD implements a policy regarding the use and training on the use of batons;
- 2) The proposed policy meets best practices;
- 3) UCPD requires that every sworn member of UCPD receives such training in order to be properly qualified for use of the baton.

### **UCPD Proffer of Compliance**

*“The revised Use of Force policy includes guidance regarding the use and training on the use of PR24 batons on pages 8, 9, 15 and 26. Attached is the class roster for the PR24 certification training conducted in August and September 2016 by Deputy Lee Edwards with the Hamilton County Sheriff’s Office at their facility. This training will reoccur annually.”*

### **Data Reviewed**

1. Use of Force Policy 7.1.100
2. Training Rosters for Baton Training

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor withheld its determination of compliance with this ER as the review of the UCPD’s Use of Force (UOF) policies identified several issues that needed to be addressed through substantive revisions to the policy. In response, the UCPD and Office of Safety and Reform collaborated with the Monitoring Team to revise the policy and address the Monitor’s concerns.

## **Current Assessment of Compliance**

### **In Compliance**

The Monitor reviewed the revised UOF policy which includes direction that the PR-24 is to be used in Crowd Control situation only. The training documentation provided indicates that during classes held in August and September 2016, all but one sworn officer and the five members of the command staff attended the training. The Monitor suggests that in the future when exceptions are made for specific training that is required to be attended by all sworn UCPD members, such exceptions should be approved and documented by either the Vice President for Officer of Safety and Reform or the Director of Public Safety. The Monitor noted and agrees with the UCPD that the PR-24 training should occur annually, especially given that PR-24 batons are rarely deployed and consequently the skillset can be perishable.

### **Next Review**

The Monitor will assess the UCPD's compliance with this recommendation on an ongoing, annual basis which will be scheduled in Q7 (Q3 2018) and Q11 (Q3 2019).

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 10, 2017  
**REC. REF. NO.:** 10.5.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD's method of tracking equipment does not comport with best practice.

### **Exiger Recommendation ("ER")**

UCPD should evaluate and choose an automated, commercial off-the-shelf product for tracking of all equipment.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when the UCPD evaluates a series of, and chooses an automated off-the-shelf product that tracks all UCPD equipment.

### **UCPD Proffer of Compliance**

*"The UCPD has looked at a number of different software packages for the tracking of equipment. PDF copies of the software packages evaluated by the UCPD are attached to this email and include Tracker Products, Collective Quartermaster, and PMI Evidence Tracker (Attachments 1-3). After evaluation, UCPD decided to go with PMI Evidence Tracker due to the cost and functional options. Additionally, attached to this memo is the purchase request, purchase order, invoice, and system requirements for the PMI Evidence Tracker purchase (Attachments 4-7). Finally, attached is a PDF of some entries into the PMI system, which shows entries for asset management and evidence management (Attachment 8). These are only examples to show how the system generates a report. The system has just started being used; therefore, UCPD is still in the process of uploading all evidence and assets into the system. It will be accomplished in the next few months."*

### **Data Reviewed**

1. QuarterMaster 11 vs CQM Comparison
2. Tracker Products EST-001037
3. CollectiveQuartermaster
4. System Requirements for PMI Evidence Tracker 7
5. Quote #JAR125171640
6. PO #4500096943
7. Invoice PMI
8. PMI Evidence Tracker Features SQL

**Current Assessment of Compliance** **In Compliance**

The Monitor reviewed the documentation submitted by the UCPD and was provided with a demonstration while onsite. The Monitor agrees with the UCPD, as described above in the proffer of compliance (in italics above), that the newly acquired PMI Evidence Tracker7 will sufficiently track its equipment.

**Next Review**

No further evaluation of this ER is necessary.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 28, 2017  
**REC. REF. NO.:** 10.8.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD does not currently have video recording capabilities in their vehicles.

### **Exiger Recommendation (“ER”)**

UCPD should consider the installation of in-car video as an adjunct to the current deployment of body cameras, providing for potential additional views of and redundancy in any critical incident.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD gives meaningful consideration to installing in-car video as an adjunct to the current deployment of body cameras; and
- 2) If UCPD determines that in-car video is appropriate, it installs video recording devices in all of its patrol vehicles.

### **Proffer of Compliance from UCPD**

*“In an effort to fulfill its commitment to professionalism, accountability and transparency, the University of Cincinnati Police Division decided to purchase 24 Axon Fleet cameras earlier in 2017. The quote, purchase order, and signed contract for this equipment purchase is attached (listed as Axon Fleet cameras quantity=24).*

*The In-Car Video Recording System is a video and audio recording system assigned to each patrol vehicle while in use for police activity. The IVRS is meant to supplement the officer’s visual perspective of an incident, thus allowing the officer a greater opportunity to capture details otherwise missed during times his/her attention might be focused elsewhere.*

*Also attached is the policy governing the use, training, and review of the new equipment and its recordings (In-Car Video Recording System Policy 9.1.701). The policy will be disseminated and trained on once the monitor reviews it. Once fully disseminated, evidence of such will be available to the monitor via Power DMS. The hardware has been fully installed, but the docking stations are still in progress (equipment installation records are therefore forthcoming). The equipment will not be used by UCPD officers until they have been trained on its use and the new policy. This is estimated to occur early in Q5.”*

### **Data Reviewed**

1. Quote from Taser
2. Purchase Order for Taser
3. Signed Contract for Taser
4. In-Car Video Recording System Policy 9.1.701
5. Equipment Installation Records (forthcoming)

Body Worn Camera Digital Recording System Policy, SOP 9.1.700

### **Current Assessment of Compliance**



#### **Partial Compliance**

During the current quarter, as described above in the UCPD's proffer of compliance (above in italics), the UCPD began the process of implementing In-Car Video Recording to include installation of the equipment and drafting of the policy. During its initial review of the ICV policy, the Monitor noted several areas for clarification and revision which was accomplished via the collaborative process with the Organizational Development Coordinator. As stated in its proffer, the ICV process will not be implemented until all of the hardware is installed and training on the policy has taken place.

As the system has not yet been implemented nor has training been delivered, the Monitor finds the UCPD in partial compliance during this current assessment. We will continue to monitor this ER to ensure that the ICV system is fully implemented.

### **Next Review**

The Monitor will again assess the UCPD's compliance in Q5 for the period ending March 31, 2018.



## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 12, 2017  
**REC. REF. NO.:** 10.9.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

The UCPD does not currently have an Emergency Operations Center from which emergency personnel from UCPD and Office of Emergency Management can operate for both planned and unplanned events coordinating with outside federal, state, and local agencies.

### **Exiger Recommendation (“ER”)**

UCPD should work with the Director of Emergency Management to build out a dedicated Emergency Operations Center, designed to facilitate planning and response to both planned and unplanned campus events in coordination with other federal, state and local agencies.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) the UCPD works with the Director of Emergency Management to build out a dedicated Emergency Operations Center (EOC); and,
- 2) the EOC is designed to facilitate planning and response to both planned and unplanned campus events in coordination with other federal, state and local agencies.

### **UCPD Proffer of Compliance**

*“The Emergency Operations Center (EOC) is located in the Edwards Three building on UC’s West Campus and was renovated during the summer of 2017. The monitoring team was provided a tour of the facility on Tuesday August 1<sup>st</sup> during their most recent site visit. The EOC is designed to facilitate planning and response to both planned and unplanned campus events, and allows for coordination with other federal, state and local agencies. A list of the recent activations of the EOC is also attached. The EOC Policy (SOP 17.3.400) is based on the National Incident Management Systems (NIMS) and clearly designates operations, command, action plans, and rules for the center’s use. The EOC policy will be fully disseminated prior to the conclusion of Q3 and evidence of such will be provided to the monitor via Power DMS at that time.”*

### **Data Reviewed**

1. Emergency Operations Center Policy (SOP 17.3.400)
2. EOC Activation List

**Current Assessment of Compliance** **In Compliance**

As described above in the UCPD's proffer of compliance (in italics above), the Monitoring team recently toured the dedicated room for the newly designed EOC. While the EOC room had a few minor details that remained to be completed, we found it to include state of the art technology and was clearly in line with best practices. As intended and required, the UCPD is using and activating the EOC for both planned sporting events and unplanned emergency situations.

**Next Review**

No further evaluation of this specific ER is needed.

# Appendix 11

## Review of Technology

## REPORT CARD MATRIX

**2017**
**2018**
**2019**

<b>Q1:</b> Jan-Mar	<b>Q2:</b> Apr-Jun	<b>Q3:</b> Jul-Sep	<b>Q4:</b> Oct-Dec	<b>Q5:</b> Jan-Mar	<b>Q6:</b> Apr-Jun	<b>Q7:</b> Jul-Sep	<b>Q8:</b> Oct-Dec	<b>Q9:</b> Jan-Mar	<b>Q10:</b> Apr-Jun	<b>Q11:</b> Jul-Sep	<b>Q12:</b> Oct-Dec
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### Section 11 - Review of Technology

<b>11.1.A</b>	Require that each officer create a test recording before they deploy to the field each day to ensure the body camera is functional.											
<b>11.1.B</b>	Re-write Body cam policy to address how to specifically handle video in use of force (i.e., who takes custody of the camera, who reviews the video, when should an officer review video, etc.).					-	-	-	-	-	-	-
<b>11.1.C</b>	Those developing the body camera policy should continue to refine and improve the policy as lessons are learned, and collaborate with other agencies that have deployed cameras to learn from those experiences.											
<b>11.1.D</b>	Consider including the body camera policy as a topic of discussion in community forums, student body meetings, etc.		-	-	-	-	-	-	-	-	-	-
<b>11.2.A</b>	Consult a subject matter expert to assist in negotiating an agreement for cameras and storage so that it includes discounted pricing; a "termination for convenience" clause; the appropriate level of on-site training and support from Taser; etc.			-	-	-	-	-	-	-	-	-
<b>11.2.B</b>	UCPD should identify any video in storage that must be retained into the future, and work with Taser to migrate that video to Evidence.com for long-term storage.			-	-	-	-	-	-	-	-	-
<b>11.2.C</b>	Consider engaging a provider for additional system training, to ensure the Department is making full use of its video management system		-	-	-	-	-	-	-	-	-	-
<b>11.3.A</b>	Modify the practice of tagging video with only a suspect's name. Instead, it should consider utilizing additional identifiers, such as the CAD incident number and/or an RMS record number.											
<b>11.3.B</b>	Consider contracting with a vendor that allows for CA integration with its video management system.		-	-	-	-	-	-	-	-	-	-
<b>11.4.A</b>	Ensure that all business/functional requirements for ARMS are clearly documented and that testing of the upgraded ARMS is conducted against those requirements before the system is accepted.											

REPORT CARD MATRIX		2017				2018				2019			
		Q1: Jan- Mar	Q2: Apr- Jun	Q3: Jul- Sep	Q4: Oct- Dec	Q5: Jan- Mar	Q6: Apr- Jun	Q7: Jul- Sep	Q8: Oct- Dec	Q9: Jan- Mar	Q10: Apr- Jun	Q11: Jul- Sep	Q12: Oct- Dec
11.5.A	Consider implementing an ARMS Mobile Product on MDCs and/or tablets to enable officers to complete reports from the field.					○							
11.6.A	Add a radio console to the third position so it can be in a position to handle multiple calls/traffic at one time.	● NFE	-	-	-	-	-	-	-	-	-	-	
11.7.A	Implement a 9-1-1 system that provides the actual geo location of the call, as is standard in dispatch centers across the country.												
11.8.A	Explore ways to expand adoption of Live Safe on campus and potentially off-campus as well.	●					○						
11.9.A	Identify funding for a replacement card access system.			● NFE	-	-	-	-	-	-	-	-	
11.9.B	PSTS should document the requirements for a replacement system, which should include a plan for how to integrate the card access system with an existing key management system that was developed in-house.												
11.10.A	Consider adding one IT Project Manager to PSTS staff to ensure large IT projects are implemented according to IT management best practices.	● NFE	-		-	-	-	-	-	-	-	-	
11.10.B	PSTS should engage in a study to determine the appropriate IT staffing levels. It appears that additional Technicians are likely required to support the IT needs of the Department.					○							

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 28, 2017  
**REC. REF. NO.:** 11.1.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD has implemented body cameras which already places it ahead of most University police departments. The body camera policy, however, does not address a number of issues, including how video is handled subsequent to an incident involving a shooting or serious use of force.

### **Exiger Recommendation (“ER”)**

UCPD should implement a requirement that each officer create a test recording before they deploy to the field each day to ensure the camera is functional. If a camera is not functioning properly, the officer should be required to check out a new, functioning camera before he/she deploys to the field.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD implements a policy requiring officers to create a test recording each day before being deployed and if a camera is not functioning appropriately, an officer will check out a new functioning camera; and
- 2) The policy is disseminated internally to include all appropriate UCPD personnel.
- 3) The topic was sufficiently explained to all relevant UCPD personnel. Sufficiency of explanation will depend upon the topic and can include, but is not limited to, formalized training, roll-call presentations, and online learning tools.
- 4) The policy is being followed in practice

### **Proffer of Compliance from UCPD**

*“The monitor previously assessed the content of the Body Worn Camera Digital Recording System Policy in Q2 and found the UCPD to be “Partial Compliance” for ERs 11.1.A and 11.1.B pending the policy’s dissemination. It was scheduled for reassessment in Q4 because it was expected that the policy would be fully disseminated to UCPD personnel by that time. In fact, recent versions of that policy were fully disseminated in August and November (see Power DMS). However, due to the development of the In-Car Video Recording System Policy (see ER 10.8.A) and the need for the Body Worn Camera policy to be consistent with the new policy, additional revisions were necessary. Therefore, the most updated version of the Body Worn Camera Policy is still pending full dissemination. It is expected this will occur early in Q5 and evidence of such will be available to the Monitor via PowerDMS at that time.”*

### **Data Reviewed**

Body Worn Camera Digital Recording System Policy, SOP 9.1.700

### **Prior Assessment of Compliance**

During Q2, ending June 30, 2017, the Monitor found the UCPD in partial compliance. While the Monitor's review of the UCPD's updated Body Worn Camera ("BWC") Digital Recording System policy found that it adequately addressed the requirements of the ER, it had not yet been disseminated as of the end of the reporting period.

### **Current Assessment of Compliance**

#### **Partial Compliance**

The icon consists of a circle with a vertical green-to-white gradient.

During the current quarter, although the Monitor confirmed that the last version of the updated Body Worn Camera ("BWC") Digital Recording System policy was disseminated as stated in the UCPD's proffer of compliance (above in italics). As a result of the newly implemented collaborative policy review process, which was used to review and revise the In-Car Camera policy in connection with ER 10.8.A, the BWC policy also required additional revisions. The revisions in both policies mainly related to changes in the supervisory review process which will be further refined in the coming weeks.

Given the recentness of the updates and finalization of both policies, the UCPD was not able to fully disseminate and train on the policies prior to the end of the reporting period. Therefore, the Monitor found the UCPD in partial compliance for the current assessment. The Monitor will continue to assess this ER to ensure that the BWC policy is fully disseminated and trained on.

### **Next Review**

The Monitor will again assess the UCPD's compliance in Q5 for the period ending March 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** DECEMBER 28, 2017  
**REC. REF. NO.:** 11.1.B  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

UCPD has implemented body cameras which already places it ahead of most University police departments. The body camera policy, however, does not address a number of issues, including how video is handled subsequent to an incident involving a shooting or serious use of force.

### **Exiger Recommendation (“ER”)**

The policy should address how to specifically handle video in use of force cases (i.e., who takes custody of the camera, who uploads and reviews the video, when should an officer review video, etc.)

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD implements a policy which addresses how to handle video following a use of force case;
- 2) the policy specifically identifies who takes custody of the camera, uploads the video, and is permitted to review the footage;
- 3) The policy meets best practices standards; and
- 4) The policy is being followed in practice.

Note: dissemination and training components will be assessed under ER 11.1.A

### **Proffer of Compliance from UCPD**

*“The monitor previously assessed the content of the Body Worn Camera Digital Recording System Policy in Q2 and found the UCPD to be “Partial Compliance” for ERs 11.1.A and 11.1.B pending the policy’s dissemination. It was scheduled for reassessment in Q4 because it was expected that the policy would be fully disseminated to UCPD personnel by that time. In fact, recent versions of that policy were fully disseminated in August and November (see Power DMS). However, due to the development of the In-Car Video Recording System Policy (see ER 10.8.A) and the need for the Body Worn Camera policy to be consistent with the new policy, additional revisions were necessary. Therefore, the most updated version of the Body Worn Camera Policy is still pending full dissemination. It is expected this will occur early in Q5 and evidence of such will be available to the Monitor via PowerDMS at that time.”*



### **Data Reviewed**

Body Worn Camera Digital Recording System Policy, SOP 9.1.700, revised version dated October 9, 2017

### **Prior Assessment of Compliance**

During Q2 ending June 30, 2017, the Monitor found the UCPD in partial compliance with this ER. Although the UCPD had revised its Body Worn Camera (“BWC”) Digital Recording System policy as recommended, and collaborated with the Monitor to make all needed revisions, the UCPD had not yet disseminated the policy as of the end of the quarter.

### **Current Assessment of Compliance**



#### **In Compliance**

During the current quarter, although the revised Body Worn Camera (“BWC”) Digital Recording System policy had not yet been fully disseminated by the end of the current reporting period, the Monitor confirmed that the specific requirements in this ER are addressed in the BWC policy and implementation was evidenced during the Monitor’s review of BWC video footage. As explained in its report for ER 11.1.A, as a result of the newly implemented collaborative policy review process which was used to review and revise the In-Car Camera policy in connection with ER 10.8.A, the BWC policy also required additional revisions. The revisions in both policies mainly related to changes in the supervisory review process which will be further refined in the coming weeks. Nevertheless, the requirements of this ER have now been met.

### **Next Review**

Given that dissemination and implementation will be assessed in connection with 11.1.A, no further review of this specific ER is needed.

## COMPLIANCE MEMORANDUM

**DATE:** JANUARY 6, 2018  
**REC. REF. NO.:** 11.3.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

Officers are not consistently categorizing the video as they capture it, leaving a considerable number of uncategorized videos. This could have a significant impact on video retention, and UCPDs ability to produce video as required by law. The current practice is to label or “tag” each video with a suspect’s name.

### **Exiger Recommendation (“ER”)**

UCPD should modify its practice of tagging video with only a suspect’s name. Instead, it should consider utilizing additional identifiers, such as the CAD incident number and/or an RMS record number.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD has modified its current practice of tagging video with only a suspect’s name and utilizes additional identifiers, such as the CAD incident number and/or an RMS record number; and,
- 2) UCPD new practice effectively make videos easily identifiable.

### **Proffer of Compliance from UCPD**

*“The UCPD now tags body worn camera video using the CAD incident number for the corresponding encounter in the title of the recording. With the improved CAD automated integration, officers no longer have to ID, label or categorize videos. They are automatically generated by CAD through integration into AXON. According to the Body Worn Camera Digital Recording System Policy, “The Computer Aided Dispatch (CAD) system will generate a predetermined title for video. In the absence of a CAD generated title, the supervisor responsible for the incident disposition will title the video” (page 9 of Policy, attached). Also attached to this memo is evidence in the form of two screenshots, showing that videos are now identified using CAD information. The monitor has also been provided viewing access to the UCPD body camera recordings. Once the motor vehicle dash camera systems are installed, a similar video tagging process will be utilized for these recordings. The In-Car Video Recording System policy (also see ER 10.8.A) will be provided to the monitor once it is approved by the UCPD chain of command, prior to the conclusion of Q4.*

### **Data Reviewed**

1. Body Worn Camera Digital Recording System Policy, SOP 9.1.700
2. In-Car Video (ICV) Recording System Policy 9.1.701

### **Current Assessment of Compliance**

#### **In Compliance**

During the current quarter, as described above in the UCPD's proffer of compliance (above in italics), the Monitor confirmed that the video tagging procedures have been modified to include a unique identifier (CAD number) which will ensure the ease of identifiability when locating video footage of any incident. The Monitor notes that the use of the newly implemented collaborative policy review process was extremely beneficial for both UCPD and the Monitor in fully understanding the impact of the new automated tagging process. The revisions to and finalization of both the Body Worn Camera and In-Car Video Recording policies were just recently completed and therefore the UCPD was not able to fully disseminate or train on the policies prior to the end of this current reporting period. Nevertheless, the requirements of this ER have now been met given the policy includes the updated tagging requirements and procedures. The Monitor will continue to assess the UCPD's compliance with this ER to ensure dissemination, training, and implementation occur.

### **Next Review**

The Monitor will review this ER on an annual basis and is next scheduled to review in Q8, ending December 31, 2018.

## COMPLIANCE MEMORANDUM

**DATE:** SEPTEMBER 14, 2017  
**REC. REF. NO.:** 11.9.A  
**SUBJECT:** ASSESSMENT OF COMPLIANCE

### **Exiger Finding**

The existing card access system that controls the doors on campus buildings is going to expire and must be replaced. While the vendor will offer limited extended support until 2020, it is growing increasingly difficult for IT staff to support the system and obtain replacement parts for the system.

### **Exiger Recommendation (“ER”)**

Funding for a replacement card access system should be identified, and an RFP should be drafted for the procurement of a new system.

### **MADC Definition of Compliance**

Compliance with this provision will be achieved when:

- 1) UCPD secures funding for the procurement of a replacement card access system; and
- 2) An RFP is drafted for procurement of the system.

### **UCPD Proffer of Compliance**

*“Budget approval was received for \$1,000,000 for FY17 and \$1,000,000 for FY18 for the replacement card access system. These funds are sufficient for completing the conversion of the existing access system, Picture Perfect, to a new system. United Technologies Corporation (UTC), which owns the Picture Perfect product, offers an upgrade option to another UTC owned product, Lenel OnGuard. Public Safety has decided to replace Picture Perfect using the upgrade option to Lenel OnGuard as this provides the best migration and conversion path while moving to a product with all the features of Picture Perfect and more. An RFP is not needed to make the initial software and hardware front end conversion since it is considered an upgrade through our current service agreement with UTC. The RFP for the next phase of the project, which is to convert all the hardware access control panels in the field to be compatible with Lenel OnGuard, was published on 7/6/2017. Seven responses were received by the 7/27/2017 RFP closing date. Responses have been reviewed and the top 4 vendors have been invited to make presentations to the selection committee in mid-September. A policy will be developed with the new standards for the new system. This cannot be completed at this time, however, as there are some options for equipment that will not be finalized until the conversion is completed.”*

### **Data Reviewed**

RFP and Addendum Documents  
T809-18B Access Control.doc  
T809-18B Ad1.pdf  
T809-18B Addendum 2.pdf

### **Current Assessment of Compliance**

#### **In Compliance**

As is clearly described in the UCPD's proffer of compliance (above in italics), and verified through a review of the documents submitted, the UCPD has received funding and drafted an RFP for procurement of a replacement access card system as recommended.

#### **Next Review**

No further evaluation of this ER is necessary.

# Appendix 12

## Review of Data Collection Systems, Data Usage, Automation and Records Management

REPORT CARD MATRIX		2017				2018				2019			
		Q1:	Q2:	Q3:	Q4:	Q5:	Q6:	Q7:	Q8:	Q9:	Q10:	Q11:	Q12:
		Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec
<b>Section 12 - Review of Data Collection Systems, Data Usage, Automation, and Records Management</b>													
12.1.A	Integrate all data collection systems into one large database that tracks all of UCPD's information.												
12.2.A	Ensure that access to stored CAD data is easily obtainable and meets UCPD's mandated reporting functions to the state and federal governments												
12.2.B	Research whether the new CAD system from TriTech can be integrated into ARMS, and integrate if possible.	● NFE	-	-	-	-	-	-	-	-	-	-	
12.2.C	If integration is not possible, continue to use the CPD CAD.	● NFE	-	-	-	-	-	-	-	-	-	-	
12.3.A	Evaluate the ARMS module for Field Contacts, and ensure that all required data fields can be reported through the module.	● NFE	-	-	-	-	-	-	-	-	-	-	
12.3.B	If the data fields can not be included or the ARMS' module for Field Contacts utilization is otherwise undesirable, maintain the MAD and ensure that all data is transferred into the ICS Dashboard.	●				○							
12.4.A	Work with ICS and UCPD IT experts to identify standardized reporting from ARMS data in a variety of formats, such as bar graphs, pie charts and line graphs, that will assist UCPD in analyzing crime, operational, staffing and performance data on various indicators.												
12.5.A	Integrate the DPLF and PPF MADs into the ARMS system. If integration is not possible, continue to collect this data and ensure that the data can be exported into the ICS Dashboard.		● NFE	-	-	-	-	-	-	-	-	-	
12.6.A	Work with ICS to further develop the functionality of the Dashboard.					○							
12.6.B	Capture data relative to race, gender, age and ethnicity, so as to better foster transparency and legitimacy.		●				○						
12.7.A	Add the following fields to its MAD: whether the stop was a traffic or pedestrian stop, whether there was a frisk or search of the person or property, and whether force was used during the stop.		●				○						

REPORT CARD MATRIX		2017				2018				2019			
		Q1:	Q2:	Q3:	Q4:	Q5:	Q6:	Q7:	Q8:	Q9:	Q10:	Q11:	Q12:
		Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec
12.7.B	Monitor stop data regularly as part of an early warning system, surfacing potentially at-risk behavior of policy violation or biased policing.												
12.8.A	Continue to utilize the Guardian Tracking electronic database for documenting and tracking positive and negative aspects of employee performance.												
12.8.B	Conduct a thorough review of the capabilities of the Guardian Tracking system and its potential interface with the ICS Dashboard, so as to allow for inclusion of Guardian Tracking data in ICS dashboards and more fulsome early warning system.												
12.9.A	Establish an electronic database to track and maintain data related to internal affairs complaints, and can readily communicate with other UCPD databases (ARMS).												
12.10.A	Establish an electronic database to track and maintain data related to uses of force, and investigations thereof, and can readily communicate with other UCPD databases (ARMS).												
12.11.A	Integrate the data and analysis available from the ICS tool into bi-weekly meetings and consider adding additional UCPD command staff to the meeting.												
12.11.B	Institute a regular Compstat-like process which goes beyond just examination of crime data, analyzing other relevant information including Uses of Force, Complaints, and other performance-related issues												
12.12.A	UCPD should leverage the technology available in the ICS Dashboard to build a proactive risk management database, which will track and analyze risk related information, and data related to a series of performance indicators.												
12.12.B	Analysis should include the crime and performance data currently available in the Dashboard in order to obtain a more holistic picture of an officer's performance.												
12.12.C	Work with ICS to establish appropriate performance thresholds triggers, including Department-Level Thresholds (e.g., 3 internal affairs complaints in 12 months); Peer Officer Averages (compares performance with similarly situated officers); and Performance Indicator Ratios (e.g., ratio of UOF												
12.12.D	Establish a protocol for the resolution of EWS notifications of potentially at risk officers.												



REPORT CARD MATRIX		2017				2018				2019			
		Q1:	Q2:	Q3:	Q4:	Q5:	Q6:	Q7:	Q8:	Q9:	Q10:	Q11:	Q12:
		Jan- Mar	Apr- Jun	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul- Sep	Oct- Dec	Jan- Mar	Apr- Jun	Jul- Sep	Oct- Dec
12.13.A	Consider including the following data on its website: (1) yearly totals for Part 1 and significant Part 2 crimes; (2) an incident map; (3) the Daily Crime Log; (4) pedestrian and traffic stop totals broken down by demographic data; (5) use of force data broken down by type of force used and whether												

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