

**Summary of Memorandum of Agreement between the United States Department of Justice  
and the City of Cincinnati and the Cincinnati Police Department (CPD)**

The Memorandum of Agreement (Agreement) will enhance policies on the use of force by officers, including the use of firearms, beanbag shot guns and 40 millimeter foam rounds, chemical irritant and canines; procedures for handling incidents involving the mentally ill; procedures regarding the reporting and documentation of use of force; procedures to ensure thorough investigation of all uses of force; procedures for receiving, investigating, and resolving misconduct complaints; supervisory measures to reduce use of force and promote police integrity; training; and the establishment of an independent monitor to review and analyze implementation of the Agreement by the CPD and the City of Cincinnati.

The Agreement includes the following specific provisions:

*Use of Force Policy Requirements:* CPD will revise and augment its use of force policies to incorporate a use of force model that relates the force options available to officers to the types of conduct by individuals that would justify the use of such force. Policy revisions will emphasize that de-escalation techniques, such as disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units may be an appropriate response to a situation. CPD will also explicitly prohibit the use of choke holds (with one limited exception) and advise its officers that the use of excessive force will subject officers to discipline and possible criminal prosecution and/or civil liability. With respect to its Canine Unit, CPD will require canine handlers to obtain supervisory approval and issue verbal warnings before canines are released. Additionally, the canines will be prohibited from biting suspect unless the suspect poses a serious risk of imminent danger or is actively resisting or escaping. CPD will also revise its policy on chemical irritant to limit its use as a crowd control device, require that verbal warnings be given when appropriate and require that spray only be used after the subject has been given a reasonable time to comply with the officer's orders. Finally, the CPD will provide that beanbag shotguns and forty millimeter foam rounds may only be used to subdue or incapacitate a subject to prevent imminent physical harm to the officer or another person and prohibit the use of the weapons to prevent theft or minor vandalism. Use of beanbags shotguns on crowds will also be limited.

*Incident Documentation, Investigation and Review:* Oversight of use of force incidents will be enhanced. Specifically, CPD supervisors will document and investigate each incident giving rise to a use of force for compliance with CPD policy and to evaluate the tactics used by the officer. As part of this investigation, CPD supervisors will be required to assess whether the basis for the initial stop or seizure was appropriate, and determine whether the officer's actions in regard to the stop or seizure were within CPD policy. CPD supervisors will be held accountable for the quality of their investigations.

*Supervisory Review of Patterns of Conduct:* The CPD will enhance and expand its risk management system to include an improved database that will use computerized information on use of force incidents, misconduct investigations, and other matters to assist CPD supervisors to promote civil rights and best police practices; to manage risk and liability; and to evaluate and improve the performance of CPD officers across all ranks, units and shifts. CPD supervisors will be required to review system reports to evaluate individual officer, supervisor, and unit activity. CPD supervisors will also initiate intervention, when appropriate, for individual officers, supervisors and for units based on information contained in the risk management system.

*Misconduct Allegations:* CPD will implement a variety of changes in its procedures for the intake, investigation, and resolution of misconduct allegations. CPD will make complaint forms and informational materials more widely available at a variety of locations and ensure that officers refrain

from discouraging citizens from making complaints. Additionally, during the complaint investigation, the complainant will be kept informed regarding the status of the investigation, and at completion of the investigation, the complainant will be notified of its outcome. The City will also develop the new Citizen Complaint Authority ("CCA") which will replace the Office of Municipal Investigations ("OMI") and have jurisdiction over all complaints alleging excessive force, the improper pointing of firearms at persons, unreasonable searches and seizures, and discrimination.

*Training:* CPD will implement measures to improve training for recruits and current officers. The training will address such matters as proper use of force decision making skills, de-escalation techniques, proper use of chemical irritant, and skills for interacting with people with mental illness. CPD will also take steps to enhance its canine unit curriculum, firearms training and field training program for new officers.

*Independent Monitor:* An Independent Monitor will be selected to review and report on implementation of the DOJ Agreement, as well as the settlement in the private lawsuit, In re Cincinnati Policing, No. C-1-99-317 (S.D. Oh. 2001). The responsibilities of the Monitor will include evaluating use of force reports and investigations; analyzing data concerning uses of force and any actions taken by CPD to address deficiencies; and assessing supervisory reviews of use of force incidents, misconduct investigations and supervisors' use of the Risk Management System.

*Agreement Term:* The Agreement will terminate 5 years after its effective date or earlier if the parties agree that the CPD and the City are in substantial compliance with each of the provisions for at least two years.