

City of Cincinnati



Interdepartmental
Correspondence Sheet

Date: May 2, 2007

To Mayor and Members of City Council

From Milton Dohoney, Jr., City Manager

Subject **AFTER ACTION REPORT RE: MEMORANDUM OF AGREEMENT
(MOA) COMPLIANCE**

REFERENCE DOCUMENT #200700438

The City Council at its session on 4/11/2007 referred the following item for review and report:

MOTION, dated 4/11/2007 submitted by Mayor Mallory, Councilmembers Thomas, Cole, Crowley, Berding, Cranley, Monzel, Ghiz, Bortz and Vice Mayor Tarbell that while the 2002 Memorandum of Agreement with the Department of Justice is set to expire, the City of Cincinnati expresses its intent to maintain full compliance on the seventy-six operating provisions of the agreement that were determined to be in full compliance as of the fifteenth report of the federal monitor. WE FURTHER MOVE that full compliance be achieved with regard to the remaining six operating provisions which were found to be in partial compliance as of the fifteenth report of the federal monitor. WE FURTHER MOVE that all operating provisions under the Memorandum of Agreement be at full compliance no later than December 15, 2007. WE FURTHER MOVE that the City Manager submit a report to the Mayor and Council regarding the compliance status of all operating provisions, including but not limited to those determined to be in partial compliance, no later than November 15, 2007.

The Memorandum of Agreement between the City and the U. S. Department of Justice terminated on April 12, 2007 with the Police Department being in full compliance with 93% of the terms and conditions. For the remaining provisions (all found to be in partial compliance for at least one year) and in response to City Council's motion to achieve full compliance, CPD personnel are currently working with the effected sections within the Police Department, as well as the Citizen's Complaint Authority, to achieve full compliance.

It should be noted that the Monitoring Team did not assess CPD's progress based on information provided to them for the fourth quarter of 2006 and the first quarter of 2007. The past, as well as current quarters, will become the basis for the assessment to determine compliance for the remaining items.

Once assessed the subject areas will be submitted to the City Manager for review and approval.

In addition, attached is a detailed summary of the MOA Compliance Status for the 82 provisions, which contain 184 separate requirements (Attachment I). Also attached is a detailed description of the provisions that are in partial compliance. Each provision is a separate subset of an overall requirement. (Attachment II). Finally, attached is a copy of the correspondence received from the Department of Justice terminating the agreement, congratulating the Department on its accomplishment and acknowledging CPD's commitment to constitutional policing and fairness.

This report is for informational purposes only. No action is required.

Cc: Colonel Thomas H. Streicher, Jr., Police Chief

Attachment I: Chart of MOA Compliance

Attachment II: Summary of MOA Paragraphs in Partial Compliance

Attachment III: Department of Justice correspondence

CHART OF MOA COMPLIANCE STATUS

As of Monitor's 15th Report, January 15, 2007

| MOA Paragraph | MOA Requirement | Compliance Status |
|---------------|---|-------------------|
| | | |
| 10 | Mental Health Response Team (MHRT) | Compliance |
| | | |
| 11 | Foot pursuits | Compliance |
| | | |
| 12 | Use of Force | Compliance |
| 12a | Use of Force Policy shall use clear terms | |
| 12b | Define force as in MOA | |
| 12c | Incorporate force model | |
| 12d | Individuals should be allowed to submit to arrest before force is used | |
| 12e | Advise that excessive force will subject officers to discipline | |
| 12f | Prohibit chokeholds | |
| 12g | Remove term "restraining force" from policies and procedures | |
| | | |
| 13 | Policy revisions made publicly available; publish on website | Compliance |
| | | |
| 14 | Chemical Spray | Compliance |
| 14a | Define terms in chemical spray policy | |
| 14b | Limit spray to cases where force is necessary to protect persons, to effect arrest, or prevent escape | |
| 14c | Spray used only where verbal commands would be ineffective or endanger officer | |
| 14d | Supervisory approval needed for spray on crowd, absent exigency | |
| 14e | Verbal warning and time for compliance required, unless dangerous | |
| 14f | Aim at upper torso and face | |
| 14g | Guidance on duration and distance for spray | |
| 14h | Decontamination within 20 minutes | |
| 14i | Medical attention when needed | |
| 14j | Don't keep subject face down | |
| 14k | Spray on restrained persons used only when subject or other likely to suffer injury or escape | |
| | | |
| 15 | Spray on restrained person investigated with tapes; investigations reviewed by Inspections Section | Compliance |
| | | |
| 16 | Sufficient restraining equipment in cars, and officers to be trained to use | Compliance |
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| 17 | In-service training on chemical spray | Compliance |
| | | |
| 18 | Accounting of spray canisters | Compliance |
| | | |
| 19 | Periodic review of research on choice of spray | Compliance |
| | | |
| 20 | Canines | Compliance |
| 20a | Revise canine policy; improve operations, and introduce “improved handler-controlled alert curriculum” | |
| 20b | Policy shall limit off-leash searches to commercial buildings and search for suspect wanted for offense of violence or reasonably suspected of being armed | |
| 20c | Approval of supervisor needed for deployment | |
| 20d | Loud and clear announcement required before deployment, time to surrender | |
| 20e | Canines not allowed to bite unless subject poses risk of imminent danger, or is actively resisting or escaping | |
| 20f | 1. Dog called off at first possible moment 2. Bites of nonresistant suspects prohibited 3. Medical treatment must be sought | |
| 20g | CPD to track deployments, calculate bite ratio monthly | |
| 20h | Bite ratio included in risk management system; 20% ratio triggers review | |
| | | |
| 21 | Beanbag Weapon | Compliance |
| 21a | Define terms in beanbag weapon policy | |
| 21b | Weapons may only be used to incapacitate subject to prevent physical harm | |
| 21c | Prohibit use to prevent theft or minor vandalism | |
| 21d | Prohibit use against crowd, unless specific target who poses threat of imminent physical harm | |
| 21e | Weapon use can be inappropriate even if only option is to let subject escape | |
| 21f | Supervisor required to approve use against crowd | |
| | | |
| 22 | Enforce provision limiting simultaneous rounds against single individual | Compliance |
| | | |
| 23 | Verbal warning to be given before use of beanbag shotguns, where distance makes it practical | Compliance |
| | | |
| 24 | 1. All uses of force reported as CPD reports use of force 2. Report form will indicate each and every type of force 3. Report to contain supervisor’s narrative, and taped statement 4. Supervisors shall have access to force reporting database 5. Special form for canine deployments, tracking | Compliance Partial Compliance with respect to revised MOA ¶24 for Taser incidents |

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| 25 | Gun pointing contingency | N/A |
| | | |
| 26 | 1. Officers to notify supervisors after use of force 2. Supervisors to respond to scene 3. Supervisors involved in incident will not investigate force | Compliance |
| | | |
| 27 | 1. Supervisors will investigate force. Include description of facts 2. Investigation will review basis of stop and seizure | Compliance |
| | | |
| 28 | 1. IIS will respond and investigate incidents of serious use of force 2. Inspections will review canine bites, beanbags and batons | Compliance |
| | | |
| 29 | 1. Prohibit investigators from asking leading questions 2. Consider all relevant evidence and make credibility determinations 3. No automatic preference for officer 4. Resolve material inconsistencies | Compliance |
| | | |
| 30 | All officers who witness force will provide a statement; be identified on force form; and forms will indicate whether medical care was provided, or refused | Compliance |
| | | |
| 31 | 1. Lieutenant or higher will review each investigation and identify deficiencies 2. Appropriate corrective action taken for deficient investigations | Compliance |
| 32 | Firearms discharge investigations will account for shots, locations, and include ballistic or crime scene analysis | Compliance |
| 33 | 1. Create firearms discharge board 2. Board will review all discharges 3. Board's reports will determine whether force was in policy, proper tactics were used, lesser force was available | Compliance |
| | | |
| 34 | Firearm Board's policy requirements; return incomplete investigations; annually review patterns; 90 days for review | Compliance |
| | | |
| 35 | Program to inform public of complaint process | Compliance |
| | | |
| 36 | 1. Complaint forms available at various locations, CPD stations, in police vehicles 2. Officers will not discourage any person from making complaint | Compliance |
| | | |
| 37 | 1. Complaints can be made through variety of processes 2. Every complaint will result in written form 3. Every complaint resolved in writing. Complaint will have unique identifier, and be tracked by type | Compliance |

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| 38 | Allegations filed with CPRP, OMI, CCA will be referred to IIS in 5 days | Compliance |
| 39 | Complaints evaluated using preponderance of evidence standard | Compliance |
| 40 | Officers involved in incident shall not investigate incident | Compliance |
| 41 | 1. Investigating agency will consider all relevant evidence 2. No automatic preference 3. Resolve material inconsistencies 4. Consider and train investigators on credibility determinations | Partial Compliance |
| 42 | 1. All relevant police activity and each use of force will be reviewed 2. Investigation not to be closed if complaint withdrawn 3. Guilty plea not to be used to decide whether force is in policy | Compliance |
| 43 | Complainant will be kept informed | Compliance |
| 44 | Each allegation to be closed with one of four dispositions | Compliance |
| 45 | Unit Commanders to evaluate investigations to identify problems and training needs | Compliance |
| 46 | IIS will investigate complaints of force, pointing firearms, searches and seizures and discrimination. IIS will determine which complaints it investigates. Only complaints not in IIS jurisdiction will be eligible for CCRP | Compliance |
| 47 | CCRP complaints will be fully investigated and adjudicated, prior to resolution meeting. Willingness of complainant to participate in resolution meeting will have no bearing on outcome | Compliance |
| 48 | CCRP complaints will be handled through chain of command. Investigator will prepare report, with description of incident, summary and analysis of all evidence, findings and analysis. Investigation will be reviewed by District or Unit Commander, who will order additional investigation when appropriate | Compliance |
| 49 | Thoroughness of investigations | Partial Compliance |
| 49a | IIS investigations will have taped interviews of complainant, officers and witnesses | |
| 49b | Interviews of complainant and witnesses will be at times and sites convenient for them when practicable | |

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| 49c | Prohibit group interviews | |
| 49d | Notify supervisors of investigation | |
| 49e | Interview all appropriate CPD officers, including supervisors | |
| 49f | Collect and analyze appropriate evidence, including canvassing of scene | |
| 49g | Identify all material inconsistencies in officer and witness statements | |
| | | |
| 50 | <ol style="list-style-type: none"> 1. IIS report will include description of allegation, summary of all evidence, proposed findings and analysis 2. IIS will complete investigations within 90 days absent exceptional circumstances | Partial Compliance with first requirement Compliance with time period requirement |
| | | |
| 51 | CCA will assume all responsibilities from OMI | Compliance |
| | | |
| 52 | <ol style="list-style-type: none"> 1. All complaints will be directed to CCA 2. CCA will have jurisdiction over, and will investigate itself, excessive force, improper pointing of firearms, unreasonable searches and discrimination complaints 3. CCA will accept third party complaints 4. CCA will have sufficient investigators | Compliance |
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| 53 | CPD officers will answer CCA questions. CCA will have access to CPD records and personnel | Compliance |
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| 54 | City to develop procedures re timing, notification, and interviewing of witnesses so parallel investigations are effective | Compliance |
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| 55 | City will take appropriate action, including imposing discipline or non-corrective action where warranted, regarding CCA investigations | Compliance |
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| 56 | <ol style="list-style-type: none"> 1. CCA will complete investigations within 90 days 2. City Manager to take action within 30 days of completion of CCA investigation | Compliance |
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| 57 | CPD to expand risk management system. Use system to promote civil rights and manage risk and liability | Partial Compliance |
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| 58 | System will collect 10 data elements | Compliance |
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| 59 | System will include appropriate identifying information for each officer | Compliance |

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| 60 | CPD will prepare for review and approval of DOJ a Data Input Plan | Compliance |
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| 61 | CPD will prepare for review and approval of DOJ a protocol for using the risk management system | Compliance |
| | | |
| 62 | Use of Risk Management System | Partial Compliance |
| 62a | Protocol will contain data storage, retrieval, reporting, analysis, pattern identification, supervisory assessment | |
| 62b | Protocol will require system to analyze data on individual officer, average activity, patterns by officers, and by all officers within unit | |
| 62c | Protocol will require system to generate monthly reports describing data, data analysis, identifying individual and unit patterns | |
| 62d | CPD commanders, managers, and supervisors to review system reports (at least quarterly) and evaluate individual officer, supervisor and unit activity | |
| 62e | CPD commanders, managers, and supervisors initiate interventions for officers, supervisors or units based on activity and pattern assessment | |
| 62f | Intervention options include discussion, counseling, training, monitored action plans. All interventions to be documented in writing | |
| 62g | Actions taken will be based on all relevant information, not just numbers | |
| 62h | Data to be accessible to commanders, supervisors and managers, and supervisors will promptly review data on officers transferred into their units | |
| 62i | Commanders, managers and supervisors will be evaluated on their use of system | |
| 62j | System to be managed by Inspections. Inspections will do quarterly audits | |
| 62k | Protocol will require regular reviews (not less than quarterly) of all relevant risk management system information to evaluate officer performance citywide, and make appropriate comparisons regarding performance of units to identify patterns or series of incidents | |
| | | |
| 63 | City will maintain officer data in system during officer's employment and five years after. Aggregate statistical data will be kept indefinitely | Compliance |
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| 64 | System to be developed on specified schedule | Compliance |
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| 65 | CPD to use existing databases for risk management until new system implemented | N/A |

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| 66 | CPD may propose future changes, subject to review and approval of DOJ | N/A |
| 67 | CPD to develop protocol for audits, with regular fixed schedule for audits | Compliance |
| 68 | 1. CPD will conduct quarterly audits of CCRP complaints 2. CPD will conduct semi-annual audit of IIS investigations | Compliance |
| 69 | Regular meetings with local prosecutors to identify issues in officer, shift or unit performance | Compliance |
| 70 | MVRs | Compliance |
| 70a | Mandatory activation of video cameras for all traffic stops, pursuits | |
| 70b | To the extent practical, recording of requests for consent to search, vehicle searches, drug detection canines | |
| 70c | To the extent practical, manual activation for incidents in which the prisoner being transported is violent | |
| 70d | Supervisors to review tapes from incidents involving force, injuries to prisoners, vehicle pursuits, complaints | |
| 70e | CPD to retain and preserve tapes for at least 90 days, or longer when incident is subject to investigation | |
| 71 | If officer knows camera is not working, officer will notify shift supervisor | Compliance |
| 72 | 1. CPD will conduct periodic random reviews of MVR tapes for training and integrity purposes. Reviews will be documented in a log book 2. CPD to conduct random reviews of equipment | Compliance |
| 73 | CPD will upgrade its Police Communications Section technology | Compliance |
| 74 | CPD will maintain a written protocol or checklist to guide PCS operators on responding to situations | Compliance |
| 75 | 1. CPD will revise its disciplinary matrix to take account of violations of different rules rather than just repeated violation of same rule 2. CPD will revise matrix to increase penalties for excessive force, improper searches and seizures, discrimination, or dishonesty. Revised matrix will allow CPD to impose appropriate punishment when misconduct exhibits lack of fitness for duty | Compliance |

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| 76 | CPD will take disciplinary action when matrix calls for disciplinary action. CPD will consider non-disciplinary, corrective action (in addition to discipline) even where discipline is imposed | Compliance |
| 77 | 1. CPD will coordinate use of force training to ensure quality, consistency and compliance with policy 2. CPD will conduct regular reviews, at least semi-annually | Compliance |
| 78 | Director of training academy will (a) ensure quality of training (b) develop and implement use of force training curricula (c) select and train CPD officer trainers (d) develop oversee in-service training and roll-call curricula (e) establish evaluation procedures (f) conduct needs-assessments | Compliance |
| 79 | CPD will provide training consistent with CPD policy, law and proper police practices; ensure that only mandated objectives and approved lesson plans are taught | Compliance |
| 80 | CPD curriculum and policy committee will review all use of force training and use of force policies on regular basis. The committee will include academy staff, command staff, cross section of field personnel, and representative of City Solicitor's office | Compliance |
| 81 | Use of Force Training | Compliance |
| 81a | Use of force training will include CPD's use of force model | |
| 81b | Proper use of force decision making | |
| 81c | CPD's use of force reporting requirements | |
| 81d | Fourth Amendment and other constitutional requirements | |
| 81e | Examples of scenarios on force decision making | |
| 81f | Interactive exercises emphasizing proper force decision making | |
| 81g | Proper amount of chemical spray, proper targets and procedure | |
| 81h | De-escalation techniques to allow arrest without force, disengagement, area containment, surveillance, waiting out subject, summoning reinforcements, or letting subject temporarily evade arrest may be appropriate response, even when force is legally justified | |
| 81i | Additional training on extracting subjects from stationary cars and disabling cars | |
| 81j | Threat assessment | |
| 81k | Additional training on interacting with persons who are mentally ill | |
| 81l | Factors to consider in limiting or continuing a pursuit | |

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| 82 | <ol style="list-style-type: none"> 1. CPD will provide all officers charged with accepting complaints training on handling complaints. Training on role of CCA, IIS, CCRP to new recruits and as part of annual in service training 2. Training on burden of proof, factors to consider in assessing credibility, to supervisors responsible for investigating complaints | Compliance |
| | | |
| 83 | Leadership training for CPD supervisors. Provided to sergeants within 30 days of their assuming supervisory responsibilities | Compliance |
| | | |
| 84 | Canine Training | Compliance |
| 84a | Canine training will be modified: development and implementation of comprehensive training curriculum and lesson plan identifying the goals, objectives and mission of Canine Unit, consistent with canine policy as amended by MOA. | |
| 84b | <ol style="list-style-type: none"> 1. CPD shall purchase only professionally bred dogs 2. CPD to ensure that all canines, handlers and supervisors shall be formally trained in the canine policy and can carry it out | |
| 84c | Canines to receive annual recertification and periodic refresher training | |
| 84d | CPD to ensure that handlers are capable of implementing policy; able to maintain control of, and contact with, the canine to ensure that the canine is not allowed to bite a suspect without legal justification | |
| 84e | Canine trainers shall be certified canine instructors | |
| | | |
| 85 | Training instructors engage students in meaningful dialogue regarding scenarios | Compliance |
| | | |
| 86 | CPD to periodically meet with Solicitor's office concerning conclusion of lawsuits involving allegations of misconduct; to be incorporated into training | Compliance |
| | | |
| 87 | Copies of the agreement to be provided to all CPD and relevant City employees. Initial training within 120 days of implementation. Training thereafter to be part of in-service training | Compliance |
| | | |
| 88 | <ol style="list-style-type: none"> 1. The CPD to enhance FTO program. Protocol to address criteria and selection of FTOs, and set standards requiring assessment of officer's past complaint and disciplinary history 2. FTO appointment subject to review for reappointment at Training Director's discretion 3. District Commanders also will have discretion to remove FTO officer, in consultation with Training Director | Compliance |

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| | | |
| 89 | FTOs will be reviewed at least bi-annually, with recertification dependent on satisfactory performance and feedback from Training Academy | Compliance |
| | | |
| 90 | <ol style="list-style-type: none"> 1. CPD to ensure that all officers complete mandatory annual re-qualification firearms training 2. Increased in-service firearms training consisting of completion of re-qualification courses and a passing score on target shooting trials 3. Professional night training and stress training in annual in-service 4. CPD will revoke powers of officers failing recertification 5. Firearms instructors will critically observe students 6. CPD will create and implement a checklist identifying evaluation criteria. Checklists to be completed for each student by instructor; to include: <ol style="list-style-type: none"> a. maintains finger off trigger; b. maintains proper hold and stance; c. uses proper force decision making | Compliance |
| | | |

Summary of MOA Paragraphs in Partial Compliance**Paragraph 24 - Incident Documentation**

| <u>Compliance Status</u> | | <u>Requirements of Paragraph 24</u> |
|---------------------------------|----|--|
| Full | 1) | All uses of force are to be reported as CPD reports use of force. |
| Full | 2) | Report form will indicate each and every type of force. |
| Full | 3) | Report to contain supervisor's narrative and taped statement. |
| Full | 4) | Supervisors shall have access to force reporting database. |
| Full | 5) | Special form for canine deployments and tracking. |
| Partial | 6) | TASER Incidents – Taped statements are required if deployed on a restrained person or where subject complains of excessive force. (<i>revised in September 2005</i>) |

Paragraphs 41, 49 & 50 - Investigation of Complaints

| <u>Compliance Status</u> | | <u>Requirements of Paragraph 41</u> |
|---------------------------------|----|---|
| Partial | 1) | Investigating agency will consider all relevant evidence. |
| Full | 2) | No automatic preference. |
| Partial | 3) | Resolve material inconsistencies. |
| Partial | 4) | Consider and train investigators on credibility determinations. |
| | | <u>Requirements of Paragraph 49</u> |
| Full | 1) | IIS investigations will have taped interviews of complainant, officers and witnesses. |
| Full | 2) | Interviews of complainant and witnesses will be at times and sites convenient for them when practicable. |
| Full | 3) | Prohibit group interviews. |
| Full | 4) | Notify supervisors of investigation. |
| Partial | 5) | Interview all appropriate CPD officers, including supervisors. |
| Full | 6) | Collect and analyze appropriate evidence, including canvassing of scene. |
| Partial | 7) | Identify all material inconsistencies in officer and witness statements. |
| | | <u>Requirements of Paragraph 50</u> |
| Partial | 1) | IIS report will include description of allegation, summary of all evidence, proposed findings and analysis. |
| Full | 2) | IIS will complete investigations within 90 days absent exceptional circumstances. |

Paragraph 57 – Risk Management System

Compliance Status

Requirement of Paragraph 57

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|----------------|----|---|
| Partial | 1) | CPD to expand risk management system. Use system to promote civil rights and manage risk and liability. |
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Paragraph 62 - Use of Risk Management System

Requirements of Paragraph 62

| | | |
|----------------|-----|---|
| Full | 1) | Protocol will contain data storage, retrieval, reporting, analysis, pattern identification, supervisory assessment. |
| Full | 2) | Protocol will require system to analyze data on individual officer, average activity, patterns by officers, and by all officers within unit. |
| Full | 3) | Protocol will require system to generate monthly reports describing data, data analysis, identifying individual and unit patterns. |
| Full | 4) | CPD commanders, managers, and supervisors to review system reports (at least quarterly) and evaluate individual officer, supervisor and unit activity. |
| Partial | 5) | CPD commanders, managers, and supervisors initiate interventions for officers, supervisors or units based on activity and pattern assessment. |
| Full | 6) | Intervention options include discussion, counseling, training, monitored action plans. All interventions to be documented in writing. |
| Full | 7) | Actions taken will be based on all relevant information, not just numbers. |
| Full | 8) | Data to be accessible to commanders, supervisors and managers, and supervisors will promptly review data on officers transferred into their units. |
| Full | 9) | Commanders, managers and supervisors will be evaluated on their use of system. |
| Full | 10) | System to be managed by Inspections. Inspections will do quarterly audits. |
| Full | 11) | Protocol will require regular reviews (not less than quarterly) of all relevant risk management system information to evaluate officer performance citywide, and make appropriate comparisons regarding performance of units to identify patterns or series of incidents. |



U.S. Department of Justice
Civil Rights Division

WJK:GCB:SYC:TMG:GG:cw
DJ 207-58-3

Special Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530

APR 12 2007

VIA FACSIMILE AND REGULAR MAIL

The Honorable J. Rita McNeil
City Solicitor
City Hall
801 Plum Street, Room 214
Cincinnati, Ohio 45202

Re: Cincinnati Police Department Memorandum of Agreement

Dear Ms. McNeil:

We write to notify the City of Cincinnati ("City") and the Cincinnati Police Department ("CPD") that the Department of Justice ("DOJ") has closed its investigation of the CPD. We find that the City and the CPD have satisfied the requirements of the Memorandum of Agreement ("MOA") between the parties.

As you know, on April 12, 2002, the City and the DOJ executed a five-year MOA resolving our 42 U.S.C. § 14141 investigation of the CPD. The Parties subsequently selected Saul Green to monitor the City's implementation of the MOA. The MOA addressed all aspects of the CPD's use of force, including the CPD's management practices, policies, investigation practices, supervision, discipline, training, and monitoring of use of force. By its terms, the MOA expires on April 12, 2007. Additionally, we are pleased to report that closure is appropriate in light of the City's substantial compliance with the MOA's substantive provisions.

Most recently, on July 25, 2006, in light of the City's progress in successfully implementing the majority of the MOA requirements, we amended the MOA to terminate all provisions that the Monitor determined had been found in substantial compliance for two years or more. On October 10, 2006, the Monitor issued a Special Report indicating that 49 MOA provisions had been in compliance for at least two years and were ripe for termination (the Monitor found two additional provisions no longer applicable).

In its January 15, 2007 Report, the Monitor found the City in compliance with a majority of the MOA's 81 provisions and in "partial compliance" with six provisions. The Monitor issued a letter to the Parties on April 10, 2007 indicating that the CPD has made substantial progress on each outstanding provision and that members of the Monitor's team met with CPD officials in March 2007 to discuss the outstanding provisions.¹

The Monitor's assessment of the CPD's substantial progress regarding each MOA provision (including the outstanding provisions), and the CPD's willingness to accept additional recommendations from the Monitor regarding the outstanding provisions demonstrate that the CPD has achieved the goals the Parties memorialized in the MOA and has developed the tools to continue without DOJ oversight.

We congratulate the City on its progress and have closed this matter. This accomplishment demonstrates the City's commitment to constitutional policing and fairness for all those who travel through its jurisdiction.

Sincerely,



Shanetta Y. Cutlar
Chief
Special Litigation Section
Civil Rights Division

cc: Saul A. Green
Independent Monitor

Thomas H. Streicher
Chief of Police
City of Cincinnati

¹ We understand that many of the outstanding provisions have been "pending compliance" for a period of more than one year and that the City and the Monitor disagree as to the compliance requirements regarding these provisions such that it is possible that the Monitor may never judge the City in compliance with these provisions.



U.S. Department of Justice

Civil Rights Division

Washington, D.C. 20530

VIA FACSIMILE AND REGULAR MAIL

APR 12 2007

Thomas H. Streicher
Chief of Police
City of Cincinnati
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

The Honorable J. Rita McNeil
City Solicitor
City Hall
801 Plum St., Room 214
Cincinnati, Ohio 45202

Re: Cincinnati Police Department Memorandum of Agreement

Dear Chief Streicher and Ms. McNeil:

I write to congratulate the City of Cincinnati ("City") regarding recent notice, from the Civil Rights Division's Special Litigation Section, of the termination of our Cincinnati Police Department ("CPD") investigation after successful completion of the Memorandum of Agreement between the City, the CPD, and the United States.

This accomplishment demonstrates a commitment to constitutional policing and fairness for all those who reside in, or travel through, Cincinnati. We hope that the CPD will continue to serve as an example for law enforcement agencies across the nation.

Sincerely,

Wan J. Kim
Assistant Attorney General

CC: Saul A. Green
Independent Monitor