

# CPD does not collaborate': No rules exist for handling watchdog's reform suggestions

**Max Londberg** | Cincinnati Enquirer

In Denver, the police and sheriff departments have one month to respond when the city's civilian oversight agency calls for improving law enforcement practices. Police officials must either agree with the agency's recommendation or submit reasons justifying disagreement. If they agree, they must submit a plan and timetable for implementing solutions.

That's not how it works in Cincinnati, where the Police Department has come under scrutiny for failing to engage with the Citizen Complaint Authority, the city's own agency for civilian oversight of police. The Citizen Complaint Authority (CCA) "is authorized to conduct administrative investigations, but CPD does not collaborate with CCA regularly regarding policy and training changes," the agency wrote three times in 2019 and once this year.

The authority – created in 2002 as one in a series of police reform measures – investigates complaints against police, issues findings and, upon identifying policy issues or patterns in officer behavior, provides recommendations to Cincinnati police on ways to address them. A seven-member board appointed by the mayor oversees the authority.



Mark Childers, the newly elected chairman of the agency's citizen board, said CPD has never shared with board members whether recommendations were adopted since he was appointed in 2018.

"The thing I wondered about is what happens to these recommendations," he said, adding they are meant to help improve police-community relations.

An Enquirer investigation, based on documents requested under Ohio's Open Records Act, found the Citizen Complaint Authority issued 101 recommendations since 2015, with some of them repeated as many as a dozen times. CPD's responses to about half weren't released to The Enquirer, if they exist at all. The Enquirer, through public records requests with the city of Cincinnati and the authority, verified 52 direct or indirect responses do exist. "It is clear that CPD has ignored the CCA and these reasonable recommendations," said Al Gerhardstein, a Cincinnati civil rights lawyer who worked to bring police reform to the city in 2001 after an officer shot and killed Timothy Thomas, an unarmed Black man.

In an interview with The Enquirer, Cincinnati Police Chief Eliot Isaac blamed the void in communication on the lack of a "formal mechanism" guiding how the department should respond to recommendations, such as the one in Denver. He told The Enquirer he hopes to "reinvigorate that relationship" with the Citizen Complaint Authority.

But he refused to answer when asked directly for CPD's specific responses to all 101 recommendations.

The Enquirer also asked, via email and phone, for more information about how CPD handles the recommendations. In addition to Isaac, The Enquirer emailed spokespeople Stephen Saunders and Eric Franz, assistant chief Martin Mack and Capt. Maurice Robinson. No one replied.



A member of the Manager's Advisory Group, a civilian-city partnership that oversees Cincinnati's police reform, called for tracking CPD responses to recommendations. But the panel member, Margaret Fox, acknowledged she didn't know if tracking already existed.

"Because information is not being shared. That's the key to all of this," Fox said. She praised advances in policing in the city, such as the implementation of body cameras, implicit bias training and ShotSpotter, a network of microphones to notify police when and where gunshots are fired.

But she was also critical of the department for not sharing more information about how it plans to address concerning patterns. "We still don't understand how the police are responding in action steps by district to correct some of those patterns," Fox said. "That goes back to the list of recommendations."

A bipartisan majority of Cincinnati City Council told The Enquirer that CPD's responses to all recommendations should be made public. They were Jeff Pastor, Chris Seelbach, P.G. Sittenfeld, Jan-Michele Lemon Kearney and Greg Landsman.

"We have no idea if you're pursuing them," Landsman told The Enquirer, referring to CPD. "And because (the recommendations) say the same thing over and over, we're led to believe you're not pursuing them." Landsman added that when council members pass motions, most departments heed them. "Not with CPD," he said.

For example, Landsman said he and Councilman David Mann sought a deployment assessment last year from the department but received an insufficient response that consisted of broad departmental

data rather than a breakdown of officer assignments by police district. CPD justified not releasing more nuanced data by arguing doing so could endanger officers, according to Landsman.

Fox is also concerned about CPD's lack of information sharing, saying there's been "tension trying to get at some of the statistics in terms of a variety of things in the Police Department."

Iris Roley, a project manager for the Cincinnati Black United Front, said CPD should publicly release its response to all recommendations. Doing so will allow for citizen input and encourage finding common ground, Roley added, echoing the city's administrative code that calls for police-community collaboration.

The authority has been understaffed for years in violation of the city code, until the recent protests against racism influenced city leaders to add funding. The Hamilton County Prosecutor's Office won a court ruling in 2018 that delayed officer interviews with the Citizen Complaint Authority if they were witnesses in ongoing criminal cases. But the First District Court of Appeals overturned the ruling in December. Judge Pierre Bergeron wrote in the decision that the prosecutor's office argued confidential information shared with the oversight agency could be obtained by a criminal defendant, but didn't present evidence on the likelihood of that happening.

## **Lack of powers isn't unique**

About 150 civilian oversight agencies operate around the country, according to the National Association for Civilian Oversight of Law Enforcement. A 2016 report by the nonprofit found some oversight agency models are more effective at bringing change to policing than others. Investigative agencies, such as exists in Cincinnati, reported police implemented their recommendations frequently or very frequently just 42% of the time, but agencies under the auditor-monitor model, such as in Denver, reported 72% compliance. Many cities have not established consequences for police departments that fail to follow through with recommendations, according to Liana Perez, the association's director of operations. Cincinnati is among them. The issue is one of transparency and accountability for police, Perez added.

The Cincinnati Police Department does have an internal investigations unit, which also investigates complaints against officers. Some incidents are investigated by CPD and the Citizen Complaint Authority, others by just one of the two.

Isaac told The Enquirer that the "vast majority" of the time, the two units come to the same conclusions. "I think it proves that we do have the ability to police ourselves," Isaac said.

But the Citizen Complaint Authority uncovered police misconduct at a higher rate than CPD's internal unit, with the authority sustaining about 14.3% of allegations against police in the past five years but CPD's internal unit sustaining just 8.6% of allegations, according to the agency's 2019 annual report.

Fraternal Order of Police President Dan Hils told The Enquirer that he accepts the need for civilian oversight, but he was critical of the authority, saying police officers are better suited to investigate citizen complaints.

However, a defining principle of civilian oversight of law enforcement is independence, according to the national association. To maintain legitimacy, an oversight agency must demonstrate it is free of law enforcement or political influence.

"The more transparent investigations are," said Childers, the Citizen Complaint Authority chairman, "the more trust there is from the public that they're being done fairly."

*Enquirer reporter Sharon Coolidge contributed.*