

Hamilton County LAW LIBRARY

NEWS

Professional legal information, services, and education

July 2020

PROTESTS AND THE PANDEMIC: REMMENDATIONS FOR A MORE EQUITABLE CINCINNATI

BY THE OHIO JUSTICE AND POLICY CENTER

On June 4, after more than a week of protests across the United States and almost three months into a global pandemic, The Ohio Justice & Policy Center and the Cincinnati Black United Front released a list of eight recommendations. These are concrete ways for law enforcement, prosecutors, courts, and local governments to respond to the two imminent threats to the livelihood of Black citizens: police brutality and the current pandemic.

The Values and Reasons Behind These Recommendations

All people deserve safety and justice. All communities should have the power to hold criminal-legal systems accountable to the people they serve. These values—safety, justice, fairness, community power, and accountability—are crucial to the success of our democracy and our society.

The violent deaths of George Floyd, Ahmaud Arbery, Breonna Taylor, and many others sparked protests in Cincinnati and around the country. People are calling for an end to racial violence and discriminatory policing, as well as an increase in police accountability. The local bodies that would advance these goals, like the

Citizens' Complaint Authority, are unfortunately stalled. At the same time, recent data shows that policing of the Governor's pandemic-related Orders generated **high levels of arrests** in Cincinnati and the rest of Hamilton County, a **significant racial disparity** in arrests, and numerous **improper arrests**.

Our recommendations offer clear, concrete ways for local law enforcement, prosecutors, courts, and local governments to work toward our common values and build trust with the community. The recommendations are reflective of a longstanding effort in Cincinnati to improve policing and to ensure that people of all races and backgrounds are treated fairly. In April 2002, the City of Cincinnati entered into the historic Collaborative Agreement in order to resolve pending litigation alleging discrimination and excessive force in policing. The agreement included the City of Cincinnati, the U.S. Dept. of Justice, the Fraternal Order of Police, and the community as a whole. It focused on "community problem-oriented policing" practices; mutual accountability; improving use-of-force policies, documentation, and investigations; commitment to fair, equitable, courteous, statistically bias-free policing; and an in-

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Hamilton County Law Library

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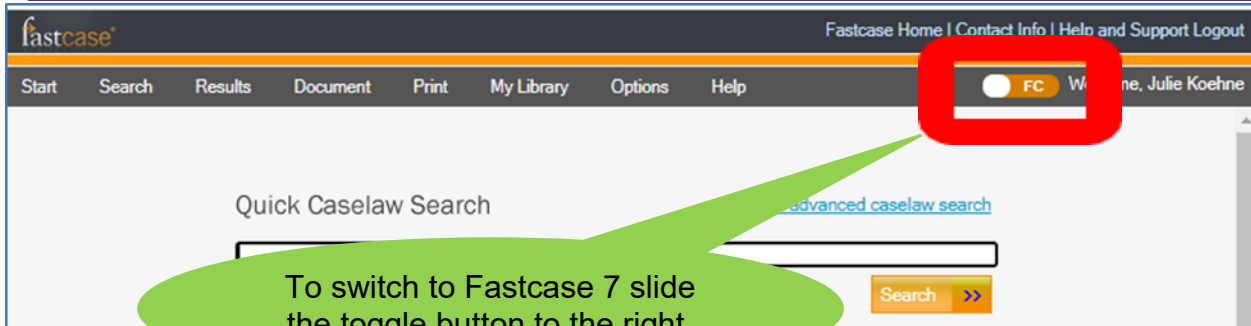
Open Monday-Friday 8 - 4

<http://lawlibrary.hamilton-co.org>

Tech Tip: How to access Fastcase 7 and an introduction of features.

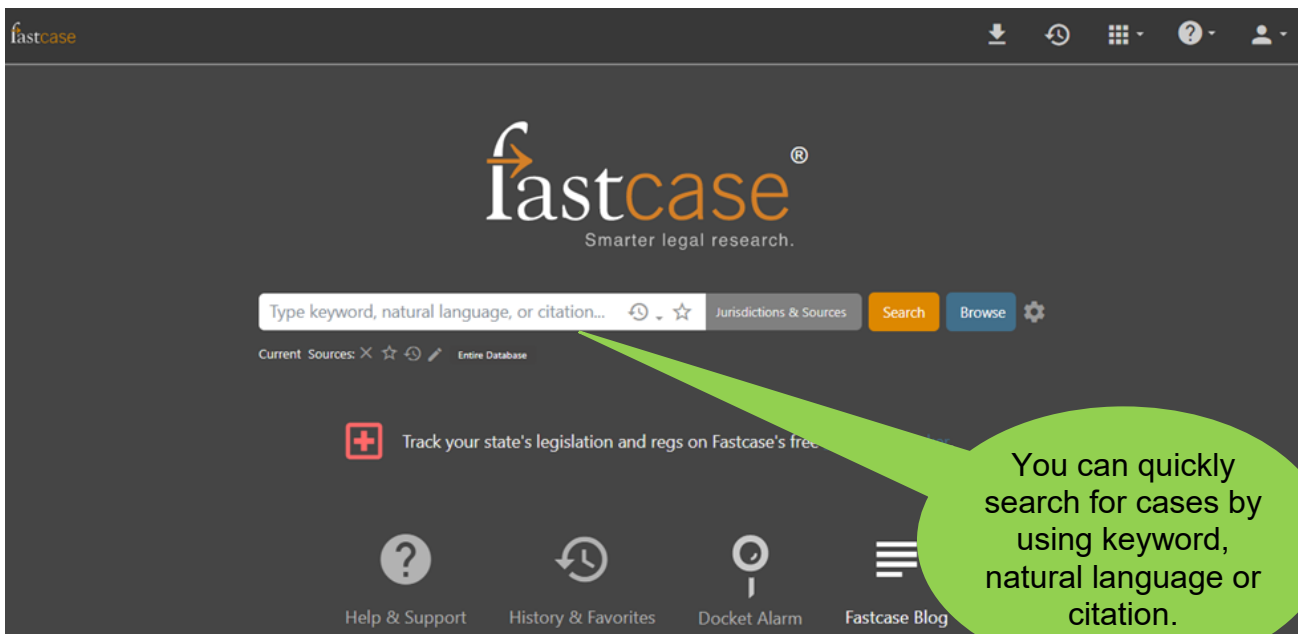
By Julie Koehne, Systems Librarian

Over the past couple of years Fastcase has defaulted to Fastcase 6 and has given us the choice to use Fastcase 6 or 7. Soon they will be defaulting to Fastcase 7, so here is an introduction of the new platform to become familiar before the change. After you log into our website and select "Go to Database" for Fastcase you will see the screen below which is currently Fastcase 6.



To switch to Fastcase 7 slide the toggle button to the right.

Once you slide the toggle, you will have access to Fastcase 7 as seen below.

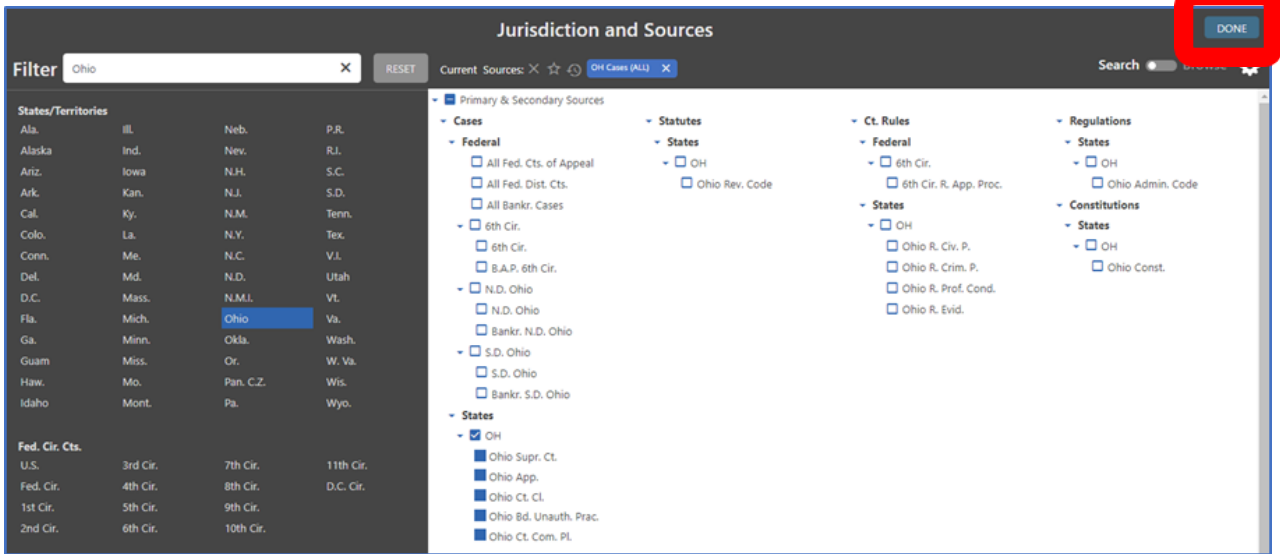


You can quickly search for cases by using keyword, natural language or citation.

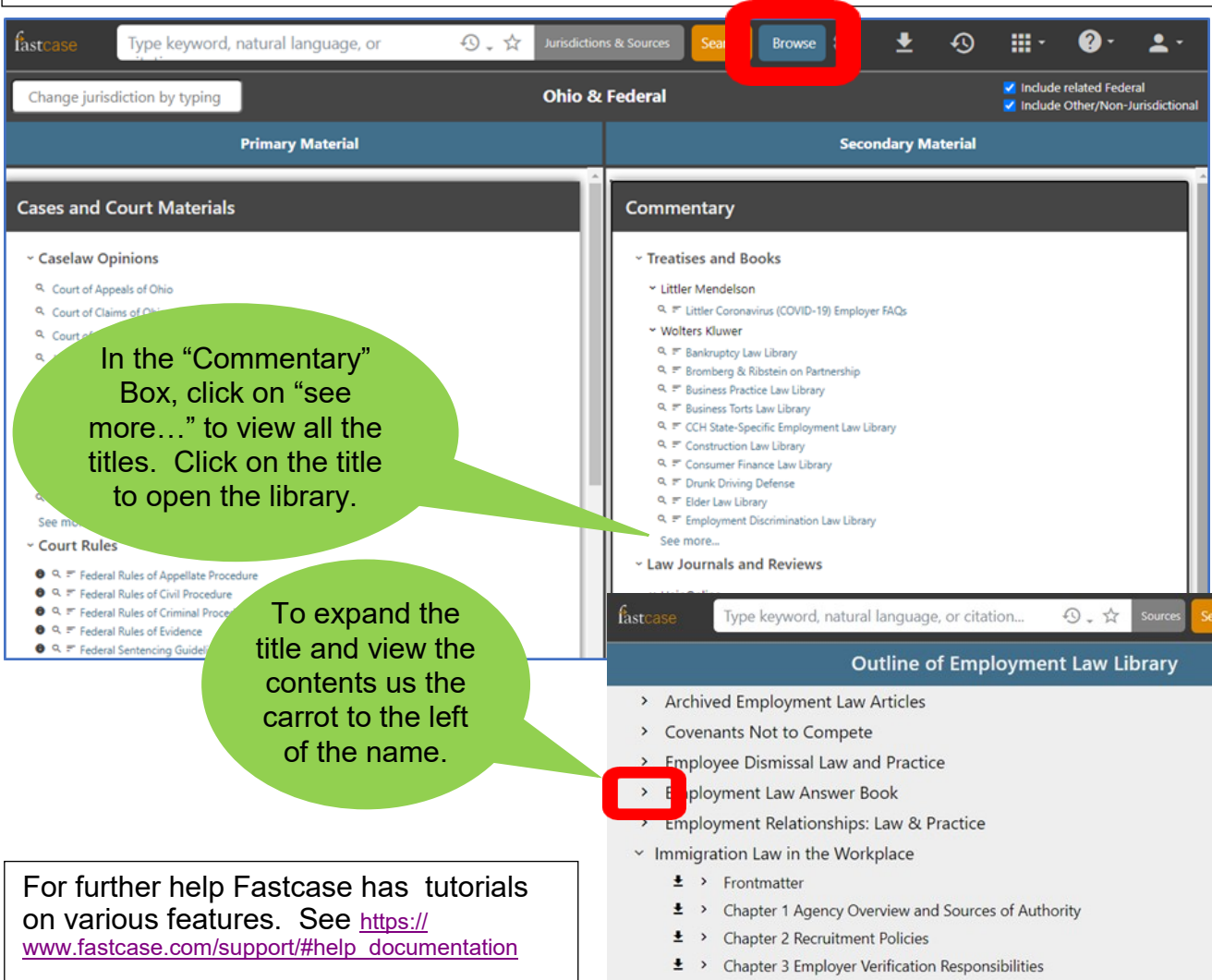


You have the ability to limit your search by jurisdiction or source before searching.

To select a specific jurisdiction, click on the “Jurisdiction & Sources” button, select the various sources you desire, then click “Done” in the top right corner of the window. You are now ready to run your search using the jurisdiction or source you selected.



To Access the titles available through the “Loislaw Library”, now “Wolters Kluwer” click on the “Browse” button on the home screen or the top of the window.



For further help Fastcase has tutorials on various features. See https://www.fastcase.com/support/#help_documentation

dependent civilian review process. While the official agreement ended in 2008, the City stated that it was committed to its underlying principles.

In June 2017, the City and community members announced a voluntary “Refresh” of the Collaborative Agreement. The parties hired Saul Green, who had served as the court-appointed monitor of the Agreement, to review reports from various City agencies, evaluate community feedback, and conduct an independent review. Mr. Green produced recommendations and action steps for implementing problem-oriented policing, ensuring bias-free policing, having a stronger Citizens Complaint Authority with community engagement, getting community input in policing, and promoting mutual accountability.

There has been a lot of progress and a lot to be proud of. There is also a lot of work left to do.

Now more than ever, we need a mutual commitment to safety, justice, fairness, community power, and accountability. We all value justice over blame, and we all want to work together on common goals. We have a shared interest in building trust between communities of color and law enforcement, in protecting the health and safety of all people, and in ending violence and discrimination. While the last few months exposed and underscored problems in our legal system, borne largely by people of color, there are ways to ensure equitable, effective criminal justice in the future.

Recommendations:

- **Apply laws and policies fairly to all people. Eliminate racial disparity in the criminal-legal system – including in arrests, convictions, and sentencing.** We urge police departments to enhance anti-profiling and anti-bias policies, to offer continuous trainings for all officers, and in Cincinnati, to actively support the Refresh. This is particularly important in light of recent data showing that Black people were disproportionately arrested for social-distancing violations while Ohio’s statewide Stay-Home and Stay-Safe Orders were in effect (see below). Eliminating bias is also an important in light of recent protests and ongoing efforts to reduce use of excessive force.
- **Offer warnings first and problem-solve for constructive, creative solutions while policing. Commit to understanding why reducing arrests and citations produces better outcomes for the community.** Problem solving has to be the primary strategy to promote public safety. Law enforcement can often end alleged violations without criminal charges or juvenile delinquency charges. This is explicitly part of the Refresh recommendations for the City, and the concept is true anywhere in Hamilton County. For example, when enforcing state or local emergency orders, the solutions like sending people home, dispersing crowds, and taking injured people to get medical attention do not require criminal charges or juvenile delinquency charges. Officers should be prepared to refer people to social services agencies where needed. Importantly, law enforcement does not need to find the solutions alone; they should engage teams of neighbors, community leaders, and local organizations to address the roots of the problems, such as addiction, homelessness, or misunderstanding of law. This builds trust in the community and has better outcomes than lifelong criminal records, court debt, and incarceration. Fewer arrests also mean fewer use-of-force issues and better health outcomes—especially given the need to limit police-community contact and decrease the number of people in our courts and jail during the pandemic.
- **When charging people with a crime, cite-and-release rather than arrest, wherever possible.** First, mass-arrests and hours-long detention based on city curfew violations must stop. Second, there should be no more arrests related to the state pandemic orders. If a situation truly necessitates criminal charges, then traffic offenses, misdemeanors, and fourth- or fifth-degree felonies should be presumptively cited rather than arrested. This strategy keeps people out of jails at a time when the pandemic makes facilities especially dangerous for virus transmission. A cite-and-release policy also protects our city and

county's police officers, since arresting people has a higher risk of exposure to a virus. If cited, people should understand how to move through the court process, at a time when courts are operating in an unusual way (hearing dates are changed, courthouse rules change, etc.). Whether through the citation paperwork, or through other means, people must clearly know the location and time of the hearing, any current court-specific rules, a phone number to contact a public defender for eligibility (rather than in-person), and an appropriate phone number to contact the court to check for updates on the hearing date.

- Address the pandemic as an issue of public health not of criminality.** In Ohio, Governor Mike DeWine issued a series of emergency orders through the Ohio Department of Public Health. These included the "Stay at Home Order" (March 23 to May 1) and the "Stay Safe Order" (May 1 to May 19). These public-health Orders were meant to keep people healthy by curbing the spread of COVID-19. Local health departments and law enforcement, however, varied in their interpretation and enforcement of the orders, with only some focusing on problem-solving and health-based responses. Too often, the Orders were instead used a tool for criminalizing and incarcerating people under R.C. 3701.352, a law that prohibits violating a public-health order intended to mitigate a pandemic. From March 16 to May 11, there were 111 criminal cases in Hamilton County for violating the social-distancing orders. For comparison, during that same timeframe in New York City, there were 125 social-distancing arrests—despite New York City having 10 times more people. Instead of turning to law enforcement, we can turn to agencies that focus on health. The Hamilton County Department of Health can set up call lines, diverting calls from law enforcement. As the health crisis continues, the City and County must invest in social services that address public health rather than cutting social-service funding and spending money on furthering criminalization.
- Ensure that City of Cincinnati and**

Hamilton County prosecutors drop charges for violations of R.C.

3701.352. Data now shows that arrests under R.C. 3701.352 were made too often and, alarmingly, that Black people were arrested far more often for allegedly violating social-distancing rules. The data shows, throughout Hamilton County, 61% of criminal cases were against Black people, who comprise only 27% of the county population. In the City of Cincinnati, 78% of arrested people were Black. The 111 arrests included people who were victims of violent crimes, people who were charged twice for the same conduct, and parents who were charged because their children were outside. In about 30% of criminal cases (33 cases), people were arrested solely for their inability to explain an "essential" reason to be outside the home; 21 of these cases had Black defendants, again showing unacceptable racial disparity. Instead, law enforcement could have taken teenagers home with a warning and should have taken victims of shootings to the hospital—all without imposing a criminal charge. Of note, where people are convicted of other criminal acts while violating state order, the sentencing for those other charges will already consider context like the pandemic; heaping on the additional criminalization serves no purpose. In light of the data, we know that arresting practices were a harmful response, and the responsible course-correction is dropping all charges and dismissing all cases related to RC 3701.352.

- Revive the Citizen Complaint Authority (CCA) and the City Managers Advisory Group (MAG), and empower these groups to fulfill their work.** The CCA was established in 2003 in connection with the Collaborative Agreement. Its mission is to investigate serious interventions by police officers such as using and discharging of firearms; deaths in custody; excessive use of force; improper stops; improper entries, searches and seizures; and discrimination. The MAG was established when court supervision of the Collaborative Agreement ended in 2008 to advise the City Manager about continuing to implement the reforms under the spirit of the Collaborative Agreement. The CCA and

MAG are critical to ensuring that citizen complaints and input are addressed fairly and timely. They ensure community engagement in policing and promote better policies and training where systems have broken down. Unfortunately, the work of both groups has stalled and must be revived and fully funded immediately. Even while it functioned, the CCA was supposed to independently review each use of force incident within 90 days, but could not meet this deadline due to chronic understaffing. Without CCA review and recommendations, discipline for officers is delayed. The City of Cincinnati must immediately name a permanent Director for the CCA, reactivate the MAG, and appropriately fund the work of both bodies.

- Review use-of-force policies, conduct/repeat trainings for officers about responding in ways that protect the safety and health of officers and community members, and hold officers accountable for policy violations.** In many local police departments, officers can be disciplined and fired for excessive use of force. Continually reviewing and improving these use-of-force policies, and training officers to reduce excessive force, is critical. We commend the Cincinnati police for recently requiring de-escalation when approaching suspects, as well as increasing body-camera interactions subject to review. We ask for continued training for all law-enforcement departments, funding for CCA to foster accountability, and renewed dedication to reducing excessive use-of-force. We ask for an end to use-of-force as a tool to prevent protected First Amendment activities. The City should also implement the problem solving effort that was promised when Officer Brown was disciplined, to reduce arrests and use of force against youth (see CPD Press Release "Statement from Police Chief Isaac on Officer Kevin Brown on 10/30/2018).
- Improve policing data collection, analysis, and evaluation capabilities—including tracking by race. Create data-driven policies collaboratively with police and the community to ensure accountability in**

law-enforcement activities. Arrests for violating social-distancing Orders are problematic and lack this community's support in large part because they are disproportionately imposed on Black people. Arrest data for traffic offenses recently showed similar trends. Now more than ever, there needs to be robust, accurate data-tracking by race for all stops and arrests, to create transparency and build community trust in police. This is true in the City and countywide, and requires separately identifying for adult and juvenile arrests. While protecting people's identities, the criminal-legal data should be made accessible to the public.

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OJPC's mission is to create fair, intelligent, redemptive criminal-justice systems through zealous client-centered advocacy, innovative policy reform, and cross-sector community education.



Reopening

Great news! The Law Library will reopen its physical facility to patrons beginning July 6, 2020. In addition to meeting your remote research needs, we've been busy working behind the scenes to prepare for a safe reopening. In order to maintain the health and safety of patrons and staff, things will look a little different. A few things to note about our first stage of reopening:

Hours:

The Law Library will be open to patrons Mondays, Tuesdays and Thursdays from 7am to 3pm.

We will continue serving you remotely on Wednesdays and Fridays.

Access:

Access will be limited to attorneys and their staff, subscribers, government employees and press. Attorneys may meet with clients on site, but the facility will not be open to the general public.

Access to enter the library via the 5th Floor will be restricted. Patrons should enter the library from the 6th Floor entrance, near the elevator.

Patrons will sign in and out of the library by checking in with library staff. This will be a contactless process.

We will follow all orders put forth by the courts about building access. The most recent is available, [here](#).

Conference Rooms:

Access to conference rooms will be by appointment only. Appointments can be made on our [website](#), by email, by phone at 946-5300 or on-site. We will have restrictions for the number of persons permitted per room.

Services and Books:

We will not offer notary service or coffee in the initial phase.

Copies and prints will be free in our first few weeks of reopening.

All books should be returned to the book drops.

CLEs will continue to be done by webinar.

Health and Safety:

Masks will be required, in accordance with [court orders](#).

Any individuals exhibiting signs of respiratory infection may be denied access.

Social distancing of at least 6 feet must be observed by patrons and staff at all times.

We will engage in frequent cleaning and disinfecting of surfaces.

We know that this is a lot to remember, so please don't hesitate to reach out to [Lauren](#) with any questions. These protocols will likely evolve over time as we adapt to best meet your needs and keep on top of this dynamic situation. We will work hard to keep you informed about changes as they happen.



Board Meeting

The Hamilton County Law Library Resources Board will hold its next regular quarterly board meeting on Thursday, July 9, 2020 at 11am via Zoom. Call in information for the meeting is below. This meeting is open to the public. Should you wish to attend, please email [Lauren](#) for the password.

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 838 4937 0648

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive legal information databases from the Law Library, including Westlaw, Wolters Kluwer Cheetah™, Bloomberg Law®, Overdrive e-books, HeinOnline, and Loislaw treatises

Wireless network throughout the Law Library

Polycom videoconferencing

Eight meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

CLE seminars throughout the year, on legal research and substantive topics

Subscribers' lounge, magazines, daily newspapers, and coffee

Bi-weekly news alerts by practice area

Discounted rates for photocopying

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises, HeinOnline (for under 50 attorney firms), EBSCOhost, and Intelli-Connect Law, Business, Tax, and Accounting

Topical Updates

If you have not signed up before and would like to start receiving substantive bi-weekly updates in one or more practice areas, please visit the topical updates page on our website to sign up. You can select from the following areas of law:

Constitutional Law— ****NEW Update****

Criminal

Employment

Estates and Trusts

Family Law

Intellectual Property

Pension Benefits

Real Estate

Tax

Torts

If you have any questions about this please feel free to contact our Reference Librarian, [Amy Kurlansky](#).



Upcoming CLEs—Live Interactive Webinars

Thursday, July 2, 2020, 12-1 PM
Medicaid Planning

Presenter: Attorney Ashley Burke
1.0 general credit in OH & KY

Wednesday, August 26, 2020, 12-1
Mediation

Presenter: Attorney Anthony Castelli
1.0 general credit in OH & KY

Friday, August 28, 2020, 12-1 PM
Fastcase 7

Presenter: Erin Page
1.0 general credit in OH & KY

Civil Rights Law Resources

Law Library subscribers have access to a variety of Civil Rights Law Resources, including those listed below. If you have questions about these resources, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300.

Challenging the conditions of prisons and jails: a report on Section 1983 litigation
KF9731 .H35

Civil rights and civil liberties litigation: the law of section 1983
KF1325 .C58 N34

Civil rights in the workplace
KF3464 .P48 2018

Constitutional civil rights in a nutshell
KF4750 .V5 1998

Constitutional rights of prisoners
KF9731.A7 P35 2004

Constitutional rights of the accused
KF9319 .C64

Death row U.S.A. reporter. NAACP Legal Defense and Educational Fund
KF9725 .D432

Harvard civil rights-civil liberties law review
K8 .A7911

A legal guide for lesbian and gay couples
KF539 .L44 2010

Rights of prisoners
KF9731 .G6 2009

Section 1983 litigation. 2, Statutory attorney's fees

KF1325 .C58 S36

Section 1983 litigation
KF1325.C58 S36

Section 1983 litigation forms
KF1325.C58 W57

State constitutional law: litigating individual rights, claims, and defenses
KF4750.Z95 F75

EBSCO

Federal Court Forms
Minority Trial Lawyer

Fastcase—LoisLaw Library

Section 1983 Litigation Library

HeinOnline

Crime and Justice : A Review of Research
Criminal Justice
Criminal Law Practitioner
Current Issues in Criminal Justice
Journal of Contemporary Criminal Justice
Journal of Criminal Law and Criminology
Ohio State Journal of Criminal Law

Westlaw (contact staff for materials)

Civil Rights & Civil Liberties Litigation: the Law of Section 1983
Federal Civil Rights Acts, Third Edition
Handbook of Section 1983 Litigation
Harvard Civil Rights-Civil Liberties Law Review
Howard Human & Civil Rights Law Review
Journal of Law & Social Challenges
Law & Inequality
NAAG Civil Rights Update
Rutgers Race & The Law Review
Seattle Journal for Social Justice
Southern Journal of Policy and Justice
Stanford Journal of Civil Rights & Civil Liberties

Upcoming Events:

July 2, 2020: Live Interactive Webinar CLE: Medicaid; 1 general credit in OH & KY

Friday, July 3, 2020: Library Closed in celebration of July 4th

August 26, 2020: Live Interactive Webinar CLE: Mediation; 1 general credit pending in OH & KY

August 28, 2020: Live Interactive Webinar CLE: Fastcase 7; 1 general credit pending in OH & KY



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