

Cincinnati Police Union Contract Analysis

[Non-Supervisors](#) (2024-2027)

[Supervisors](#) (2024-2027)

Last Updated: 6/24/26

Overview: The supervisors and non-supervisors contracts between the City of Cincinnati and the Queen City Lodge No. 69 Fraternal Order of Police both run from April 28, 2024 - April 24, 2027.

Both contracts contain identical language regarding the removal of disciplinary and corrective records from police officer personnel files, as well as identical language establishing a statute of limitations that prohibits disciplinary action or misconduct charges, *even if the misconduct is sustained or proven*. As these sections are identical in both contracts, the descriptions and explanations are only listed once.

Non-Supervisors Contract

Article XI, Section 1 – Service Record Availability (pg. 40-41)

Overview

This section outlines the circumstances under which the City of Cincinnati must remove records of disciplinary actions from a police officer's file. Currently, no record of discipline is permanently maintained in a police officer's file. There is also no default process for requiring discipline records be maintained in an officer's file for more than 7 years.

Specifically:

- A. **Discipline Up To 7 Days.** If an officer is disciplined for up to 7 days (one week), then the record of this discipline must be removed from the officer's personnel file three years after the *date of the incident* that led to the discipline, as long as the officer has not received a suspension or demotion during the three year period for a similar incident.
- B. **Discipline Greater Than 7 Days.** If an officer is disciplined for more than 7 days (one week), then the record of this discipline must be removed from the officer's personnel file seven years after the date of the incident that led to the discipline, as long as the officer has not received a suspension or demotion during this seven year period for a similar incident.
- C. **Removal of Not Sustained or Unfounded Materials/Complaints.** Any records related to charges or allegations against an officer that were determined to be "not sustained" or "unfounded," or for which the officer was later exonerated, must be removed from the officer's personnel file immediately and destroyed. *Not sustained is defined as allegations*

where there were insufficient facts to determine if misconduct occurred. Unfounded is defined as an investigation where it was determined that no facts to support the incident were found.

Impact and Examples

When records of disciplinary action are removed from an employee's file and/or destroyed, it prevents the documentation of behavior patterns over time. This also means that past discipline history cannot be considered in future instances where an employee's pattern of behavior may be relevant. Given the high level of trust and authority that officers hold in the community, it is important that the City maintains an accurate record of their behavior over time.

Additionally, the retention period is only three or seven years depending upon the length of the employee's disciplinary action. For example, if an employee engages in harassment (of any kind) and is disciplined for an incident and receives a five day suspension, the record is removed from their file three years from the date of the incident, provided they do not receive any other disciplinary actions for a similar infraction within those three years. If the employee engages in similar misconduct after those three years pass, there will be no record of the previous incident or the resulting discipline.

Of note, is that the period of record retention begins on the date of the alleged incident, as *opposed to* the date of the disciplinary action. This means that the time needed to complete an investigation reduces the length of time that the discipline record is kept in the employee's file. For instance, if an allegation were made on January 1, the investigation completed on July 1st, and the discipline imposed on August 1st, the retention period would begin on January 1st, not August 1st. This results in shorter record retention periods for disciplinary action as the retention period is backdated to begin – and end – earlier as aligned to the date of the *incident*, as opposed to the date the investigation was concluded or the date discipline was imposed.

Ultimately, there is no record of discipline that is permanently maintained in an employee's file. Sustained complaints are removed after a specified period, and complaints that are determined to be “unfounded” or “not sustained” are removed immediately. Unfounded and not sustained complaints are not the same as complaints resulting in exoneration. Instead, they mean that investigators decided there was not sufficient evidence to move forward with disciplinary actions or further investigation. Because of these clauses, there is no way to establish a true or sustained pattern of behavior for employees.

ARTICLE XI

Service Record Availability

Section 1. Expungement, Inspection Notice

A. All disciplinary/corrective actions shall be removed from the member's personnel service record by the following schedule:

1. All disciplinary penalties of less than fifty-six (56) hours suspension, demotion, loss of vacation or reduction of pay shall be removed from the member's personnel service record three (3) years after the date of the incident which is the subject matter of the allegation or charge provided no other suspension or demotion has occurred during the previous three (3) year period.
2. All disciplinary penalties of fifty-six (56) hours or more suspension, demotion, loss of vacation or reduction of pay shall be removed from the member's personnel service record seven (7) years after the date of the incident which is the subject matter of the allegation or charge provided no other suspension or demotion has occurred during the previous seven (7) year period.
3. All entries and copies placed in the member's personnel service record pertaining to allegations or charges which are determined to be "not sustained" or "unfounded" or which result in an exoneration of the accused member shall be immediately removed from the member's personnel service record and destroyed in accordance with law.

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- Non-Supervisors
4. For incidents that occur before May 2, 2021, the service record availability process set forth in the Labor Agreement dated May 12, 2019- May 1, 2021 shall apply.

Article XII, Section 2 – Period of Limitations (pg. 41)

Overview

This section creates an internal statute of limitations that prohibits disciplinary action for misconduct if the allegation is more than three years old.

Specifically, if a complaint of misconduct or breach of discipline is brought forth more than three years after the date of the alleged incident, none of the knowledge related to the allegation can be used to support any disciplinary action or misconduct charges against a sworn member of the Cincinnati Police Department. There is a specific exception for any record of disciplinary actions that have already been documented in an employee's personnel service record, meaning that they could be used as the impetus for future discipline if they have not been expunged as a result of the expungement clause in Section 1.

Impact and Examples

Importantly, the three year statute of limitation begins on the date of the alleged incident, not the date the complaint is filed. This matters because misconduct is not always reported immediately. For example, if an officer engaged in misconduct on January 1, 2023, but it was not reported until February of 2026, the City could investigate the complaint but could not take disciplinary action on the findings of the investigations even if misconduct was sustained, simply because more than three years would have passed since the date of the alleged incident.

The three year limitation is an arbitrary time window that limits the City's ability to hold officers accountable and, importantly, does not differentiate between offenses, regardless of severity. Additionally, the period of limitations is another barrier to establishing patterns of officer misconduct. Of note, while disciplinary records already in a personnel file can be used in future discipline, this only applies if the record is not older than three years or has not been removed from the file per the expungement clause in Section 1.

Section 2. Period of Limitations

Records maintained by the Police Department, or any other City agency or department which allege misconduct or other breach of discipline, for a period of more than three (3) years from the date of the alleged misconduct or breach of discipline or division knowledge of such misconduct or breach of discipline shall not be used to support any disciplinary action or charge of misconduct brought against a sworn member of the Police Department after the expiration of said three (3) year period. This provision shall not apply to the City's use of entries or copies of prior disciplinary actions which have been placed in an employee's personnel service records, unless such entries or copies have been or should have been expunged pursuant to any other provisions of this Article XI of the Labor Agreement.