

**City of Cincinnati
Independent Monitor's
Twentieth Report**

April 2008

Monitor's Transition Year Progress Report on the
Collaborative Agreement between the Plaintiffs and
the City of Cincinnati

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**CITY OF CINCINNATI
INDEPENDENT MONITOR'S TWENTIETH REPORT**

INTRODUCTION AND EXECUTIVE SUMMARY

The Collaborative Agreement (CA) among the City of Cincinnati, the Plaintiff Class, and the Fraternal Order of Police (FOP) was signed in April 2002 and approved by Judge Susan Dlott in August 2002, for a term of five years. It calls for the adoption of Community Problem-Oriented Policing (CPOP), mutual accountability and evaluation, bias-free policing and the establishment of the Citizen Complaint Authority (CCA).

The City of Cincinnati is now in a very different situation than it was in 2002. In the five years of the Collaborative Agreement and the Memorandum of Agreement with the Department of Justice, the City made significant changes in the way it polices Cincinnati. The Cincinnati Police Department (CPD) has improved its training, its policies and procedures, its investigations of uses of force and citizen complaints, its risk management and its accountability. But those five years were not enough to complete the change of the CPD into a department that uses problem solving and problem-oriented policing as its principle way of doing business. In addition, efforts to improve relations between the police department and the community, particularly the African American community, continue to be needed.

In August 2007, the City and the Plaintiffs agreed to extend portions of the CA for one additional year to fully implement the adoption of problem solving as the CPD's principal crime-fighting strategy. From August 2007 to August of 2008, the City, the CPD and the community will engage in a Transition Year where the focus of their efforts will be to employ problem solving to address crime and safety problems in Cincinnati.

In the first four months of the Transition Year, from August 2007 to November 2007, the Parties focused on putting problem solving processes in place. The CPD adopted new policies and procedures and trained CPD supervisors and officers about their role in implementing community problem-oriented policing, as required by the CA. The Parties agreed on some objective measures to assess the progress that has been made in accomplishing the transition. The Parties also put together a Process Improvement Team (PIT) for problem solving, and a smaller working group within the PIT to focus on what steps need to be taken.

In the last four months, from December 2007 to March 2008, the CPD has begun to implement these changes. This Report is our effort to more specifically detail the implementation of problem solving, and evaluate whether the CA's goals are being accomplished, based on the measures agreed to by the Parties.

CPOP

At the end of 2007, the CPD and the Plaintiffs took many of the steps necessary to implement the core CPOP provisions. The CPD developed protocols, policies, and manuals to be used by CPD employees as it engages in a collaborative problem solving way of policing. Each CPD police District was asked to identify problem solving projects, particularly from the CPD's databases that contain repeat call for service locations, repeat victims and repeat offenders. It was then their responsibility to use the SARA process for undertaking those problem solving projects: engaging in problem analysis (including crime analysis), considering and then implementing appropriate responses, and assessing and measuring the outcome. The CPD also developed a problem solving tracking system to record and track its CPOP efforts.

During the last four months, the CPD has started a number of problem solving projects, and has recorded those efforts in the tracking system. In addition, the Monitor Team has worked with the CPD to develop in-house expertise and knowledge about collaborative problem solving. The Monitor Team meets monthly with the PIT working group, and staff from the Community-Police Partnering Center has also joined the group, to help improve the CPD's capacity to problem solve. At each meeting, members of the working group report on problem solving efforts and the Monitor Team provides technical assistance and problem solving training where appropriate. The May 2008 meeting will be last one led by the Monitor;¹ after that the PIT will be self-led, as we expect it to have sufficient expertise to self-critique problem solving projects.

Our expectation for the Transition Year is that fairly rapidly the CPD will ratchet up the quality and amount of problem solving that employees at all levels are engaged in, so that by the end of the Transition Year, the CPD uses a problem solving approach as its principle crime-fighting strategy. In one way, we believe those expectations are being met. Our review of a number of problem solving projects has shown improvements in the level of quality of the problem solving efforts. The projects are generated from a variety of sources, they address a wide range of problems, the officers engaged in the projects are now receiving advice from the Police Relations Section that includes information from relevant problem-oriented policing (POP) guides, and more projects than before are including a wider range of solutions (beyond just the criminal justice system), and including stakeholders beyond the police department. In the future, we will look for continued improvement in the quality of the problem solving efforts and a greater level of penetration of problem solving into the rank and file, including its use by other units in

¹ Due to scheduling conflicts, there will not be a PIT meeting in April 2008.

addition to Patrol. As the CPD moves in this direction, the policing reforms established by the Collaborative Agreement will be institutionalized, so that problem-oriented policing will remain a core strategy for the Department after the Transition Year and after the Collaborative Agreement ends.

Evaluation Protocol and Bias Free Policing

For the third year in a row, the Rand Corporation did a comprehensive analysis and evaluation of policing in Cincinnati. In December 2007, Rand issued its third evaluation report on community-police relations in Cincinnati. Like its 2005 and 2006 Reports, the 2007 Report found that “Blacks continue to bear a disproportionate share of the impact of policing in Cincinnati.” 2007 RAND Report, p. xv. The Rand report provides a powerful explanation for the wide gap in perceptions about policing between whites and blacks in the City. It is now up to the Cincinnati community to “fully and fairly” put these findings to use, as called for by the CA. Rand will continue its evaluation efforts into 2008.

In addition, the Parties have worked together to develop a community dialogue and communications project funded by the Andrus Family Foundation. This project will communicate the progress of the Collaborative Agreement to stakeholder groups in the community, and will seek and respond to input from the community regarding their views on public safety, racial fairness, and police policies, practices and strategies. The project will also focus stakeholders on the fact that work on the Collaborative Agreement goals must continue after the Transition Year, and on creating the structure to ensure that there is evaluation of the ongoing work. We look forward to assisting in this dialogue.

I. TRANSITION YEAR

A. Expectations for the Transition Year

August 5, 2007 marked the end of the five-year term of the Collaborative Agreement. The Collaborative Agreement outlined the steps the CPD would need to take to shift to a collaborative, problem solving policing agency that uses a variety of tools to reduce crime and other safety problems. To ensure full implementation and help transition the CPD into this new style of policing, the City and the ACLU jointly sought a one-year, court-supervised, modification and extension of the Collaborative, which began August 6, 2007. The Parties agreed that the FOP would no longer be a party to the extended Agreement, but the FOP is continuing its participation in efforts to implement the Collaborative and improve policing in Cincinnati. Judge Susan Dlott approved the extension on July 2, 2007.

The overall expectation for the Transition Year is that the CPD will increase the quality and amount of problem solving that employees at all levels are engaged in, so that by the end of the Transition Year, the CPD uses a problem solving approach as its principle crime-fighting strategy. This should be reflected in the growing percentage of employees that are engaged in this type of crime-fighting approach. There is also an expectation for the Transition Year that CPD employees at different levels will quickly accrue knowledge about problem solving, problem-oriented policing, and situational crime prevention. In addition, within the Neighborhood Projects Unit of the Police Relations Section and among crime analysts, there should be a working familiarity with the content of many of the problem-oriented policing guides put out by the Center on Problem Oriented Policing, including the response and tool guides series. There are about 60 problem-oriented policing guides on different crime and safety topics. In addition, the CPD can look to the model curriculum in problem solving to help advance the Department's understanding of problem solving. It is downloadable at:

http://www.popcenter.org/learning/model_curriculum/default.htm.

As well, there is a guide for crime analysts and how they can build their expertise in problem solving. Crime Analysis for Problem Solvers can be found at:

<http://www.popcenter.org/Library/RecommendedReadings/60Steps.pdf>.

Leading up to the Transition Year, the CPD developed and revised a number of key policies, procedures, and systems to integrate problem solving into its daily work. These efforts included:

- Developing a problem solving manual for CPD members
- Updating the CPD's problem solving procedures
- Redesigning a problem solving tracking system to capture CPD problem solving initiatives
- Developing training for sworn employees so they can engage in this new style of policing
- Creating a small team of CPD employees at different levels in the Department who will work with the Monitor Team and assist the Department in quickly absorbing problem solving knowledge
- Designing a database of repeat chronic crime that includes repeat call for service locations, repeat victims of crime, and repeat arrestees that will be used to identify problem solving projects
- Working on a high-level problem solving initiative that tackles some of the violence Cincinnati is experiencing (CIRV)
- Developing a joint CPD/Plaintiffs communications plan to report on progress and challenges throughout the year
- Revising the CPD's job descriptions and performance evaluation standards

B. Monitor Standards and Assessment

We noted in our last Report that during the Transition Year, we will assess the Parties' activities principally on the objective outcome measures included in the CPD's Problem Solving Procedures (12.370).

- Utilizing POP guides and other resources
- Opening five new projects per District per month (with the Patrol Bureau Commander making adjustments in the volume of projects as needed to ensure the quality of the projects)
- Reducing repeat crime locations, offenders and victims
- Resolving problems favorably with minimal displacement

In addition, we stated that we will also evaluate the following criteria:

- The development and implementation of problem solving training for CPD members at all levels in the Department, including the incorporation of problem solving into the recruit and FTO training curricula
- The CPD's quality assurance efforts and auditing of problem solving projects
- The CPD's use of its performance evaluation system and recently revised job descriptions
- The extent to which the problem solving projects include interaction with the Partnering Center, community groups and other city and county agencies, where appropriate
- The systems put in place by the CPD to ensure that problem solving remains the principle strategy for addressing crime and safety problems after the Transition Year is completed

To evaluate the Parties' progress in meeting these criteria, we have: reviewed problem solving cases included in the Problem Solving Tracking System (PSTS) to assess the quality of problem solving efforts; reviewed the CPD's training curricula and lesson plans for problem solving training, and observed in-service training on problem solving; reviewed the CPD's use of the new performance evaluation system; worked with the PIT working group in helping build problem solving expertise at the CPD and providing constructive feedback on District-level problem solving efforts; and observed CIRV call-ins and reviewed the University of Cincinnati's assessment of CIRV. We have also reviewed the Parties' efforts in advancing bias-free policing and the CA's Evaluation Protocol.

II. CPOP AND PROBLEM SOLVING

A. Process Improvement Team

Last summer, the Monitor requested that the Department establish a committee representing a vertical slice in the organization to expedite implementation of CPOP. The CPD established a Process Improvement Team (PIT) for problem solving, which met in August 2007. A smaller working group of the Performance Improvement Team now meets with the Monitor Team monthly to build advanced problem solving skills and to review ongoing problem solving projects. This smaller working group includes crime analysts from each of the Districts, neighborhood liaison sergeants and officers, and it is chaired by Lt. Chris Briede. Lt. Col. James Whalen and the head of Police Relations, Mr. S. Gregory Baker, attend the meetings, and Chief Streicher also

has attended several of the meetings. University of Cincinnati professors John Eck and Robin Engel also attend the meetings, as does Amy Krings Barnes, a supervisor from the Police Community Partnering Center. Several meetings have also included District Commanders when projects in their Districts are being presented.

In the last Report, we described the first meeting on October 25, 2007. During that day-long meeting, we shared information about the basics of problem-oriented policing principles. In four subsequent half-day meetings, the sessions included presentations on a variety of topics related to crime, crime reduction and a problem-oriented approach to reducing crime/safety problems, including:

- Reasons why a portion of places in a city may be crime prone – risky facilities
- The top 5, 10, and 15 repeat crime locations, by District
- The benefits/limitations of calls for service as a data source
- Supplementing analysis with different data sources
- Identifying repeat victims and parallels across repeat victims
- Identifying and turning around problematic apartment complexes
- Reviewing the POP guide on reducing drug dealing in privately-owned apartment complexes
- Introducing the work of John Campbell and his landlord training approach to turning around high crime apartment complexes
- Reviewing crime and safety problems at Cincinnati's Greyhound bus station
- Situational crime prevention as a resource in crime reduction
- Turning around crime problems in and around homeless shelters
- Panhandling and trespassing at the Shell gas station at 30 E. Liberty Street
- Noise, disorderly conduct, and fights at the Apple Lane Apartments – 1825 Sutton Avenue

- Drinking and disorderly behavior at the Marathon gas station at 2377 Victory Parkway
- Turning around crime in and around convenience stores
- Preventing off-premise crime in alcohol sales locations
- Using place managers as crime controllers
- Using city tools, such as conditional use permits and business licenses to reduce crime
- CHMA's efforts to reduce crime in public housing and its commitment to partnering with the CPD to do so
- District 3 project to map and clear out abandoned and junk autos
- District 5 project to reduce robberies in University Heights
- District 4 project to reduce break-ins near the Dollar Store at 924 McMillian St.
- New directions from the Community Police Partnering Center
- Analyzing retail theft problems and grocery store theft problems
- Efforts in Cincinnati and other cities to reduce metal theft
- District 4 project involving repeat radio runs to 2006 Alvin Street
- District 2 project addressing a chronic nuisance property at 4804 Whetzel Avenue
- The role of the Police Relations Section in helping Districts and Units reduce chronic crime and safety problems

There has been tremendous progress among PIT working group members. The Police Relations Section has taken an increasingly active role in assisting the CPD District personnel in improving the quality of their problem solving projects. Indeed, the quality of the advice the Police Relations Section personnel provide to District personnel keeps improving. In the coming months, the Monitor will transition the Monitor-facilitated PIT working group meetings to CPD-facilitated meetings. The last meeting the Monitor will chair will be in May 2008. During the May meeting, the Monitor and working group members will discuss the Collaborative Agreement, to solidify the path the CPD

is now taking towards a collaborative problem solving approach with the community on public safety problems.

B. District and Unit Level Problem Solving

1. District Responsibilities

Police Districts in Cincinnati are responsible for implementing problem solving using the SARA method and CPD's problem solving procedures. The procedures provide clarity to the different parts of problem solving and situational crime prevention, and lists the steps an officer, sergeant, and lieutenant must take in a District or in a Unit when using a problem solving approach. Working with the Partnering Center and other stakeholders is encouraged and problem solving and the SARA process is openly acknowledged in the procedures as the CPD's principal crime-fighting approach. In addition, the procedures note that participation and success in problem solving will be weighed in every sworn employee's annual performance assessment, for all ranks and assignments.

The CPD has also placed responsibility with crime analysts for using the repeat databases and recommending suitable "repeat" projects to the District Commander. Projects may come from the repeat databases, from the community, from the Partnering Center or from CPD members. The District Relief Lieutenant is responsible for ensuring coordination and completion of all projects assigned to that relief. Police Relations Section staff provide analysis and response assistance, and monitor the project through its different stages. Section members will consult problem-oriented policing guides, other relevant material, and situational crime prevention techniques as part of their assistance on a project. The Section will also conduct quality control reviews at different intervals. In future site visits, the Monitor Team will be reviewing the CPD's auditing and quality control efforts.

2. Use of New Problem Solving Tracking System

The CPD's Information Technology Management Unit and the Police Relations Section co-developed a new more user-friendly system for recording and tracking problem solving projects. The CPD expects that the quality of the projects in this Problem Solving Tracking System will improve from those contained in the prior system. The responsibility for the internal monitoring of the system rests with the CPD's Police Relations Section. This team is also tasked with assisting problem-solvers in the scanning and analysis phases of their projects, and will recommend responses after reviewing the research about the particular crime/safety problem.

During this quarter, the Monitor team had access to the Problem Solving Tracking System and reviewed over 80 cases entered into the system. The

large majority of these projects are efforts by District personnel; the remaining ones are from members in special units, such as the Vortex crime suppression unit. In March 2008, the Community Police Partnering Center also gained access to, and was trained on, the Problem Solving Tracking System.

3. Utilizing POP Guides

Once a member of CPD opens a problem solving project, having received the appropriate approvals in his/her chain of command, the member starts a problem solving case in the Problem Solving Tracking System. After the member inputs basic information about the parameters of the problem, the Police Relations Section staff review it and provide the member with relevant problem solving information related to that type of problem. For instance, if the Center for Problem-Oriented Policing has published a guide on the topic, the Police Relations Section staff will note the name of the guide along with recommendations it contains for responses to the problem. So, if an officer opens a project involving drug dealing in an apartment complex, the Police Relations staff will share with the officer the recommendations for ways to respond from the POP guide on that subject.

The Police Relations Section consistently provides guidance to members about POP guides. Each POP guide typically contains a host of different responses for a given problem and sometimes the Police Relations staff chooses among them to identify the most appropriate given the details of the problem being addressed. The Police Relations Section has done a good job of selecting appropriate responses, particularly in more recent CPOP projects, that show a refined application of the guides, leading officers away from enforcement action when there are more appropriate strategies to stem the problem. Two good examples are District 2 project 2007-000025 (Sunoco Gas Station noise problem) and District 2 project 2007-000036 (911 Abuse on Hackberry Street). In these cases, the advice the Police Relations staff gave was comprehensive but tailored.

Where there is no POP guide for the type of problem project a member has opened, the Police Relations Section is now providing other useful advice that can help turn around a problem, such as in the noise project in District 5 (2008-000075). In this project, one tenant's noisiness prompted another tenant to repeatedly call the police to intervene. The Police Relations Section staff provided information about the tenant's right in Ohio to peaceful enjoyment, that the tenant needs to send a certified letter to the property owner to alert the owner about the problem, and that the owner has the responsibility to resolve the issue.

4. Quality of Problem Solving

In this last quarter, we have seen a greater take up in problem solving by District personnel. We believe this is because of the leadership of Chief Streicher and Lt. Colonel Whalen. Chief Streicher and Lt. Colonel Whalen have instructed District Commanders to engage their shifts in problem solving. Officers have identified projects involving repeat call for service locations, repeat offenders, and repeat victims. Officers have also relied on a variety of sources to identify problems including citizen complaints, complaints from community organizations or neighborhood groups, officer observation or investigation, and the databases on repeat crime locations, victims and offenders.

In a number of cases, the work done on the project appears to have had a measure of success, decreasing the number of calls for service to the location, or reducing the number of crimes at particular locations. In most cases, however, it will be important for the CPD to assess the problem (or problem location) for a longer period of time to see if the crime reduction holds.

The CPD's problem solving projects vary in size, depending on the type of problem adopted for a project and the scale of the investment in reducing it. At the high end of the problem solving scale is the Cincinnati Initiative to Reduce Violence (CIRV), which involves many people, many agencies and organizations, and is a very large investment in time and commitment. We review the CIRV project later in this Report. Other projects are of medium size, such as those the Traffic Unit has taken on involving roadway reengineering. Many of the projects that CPD District personnel have adopted are on a smaller scale, involving a single apartment complex, a corner, a convenience store, a parking lot, a property, or a person.

The projects demonstrate a wide range in quality of the problem solving. Some projects contain detailed information about a chronic problem; in others the information about the problem is slight, and it is difficult to form a good picture about the problem. Overall, however, we believe the CPD is headed in the right direction and is working on improving: (a) the quality of the projects; (b) the advice that Police Relations staff provides to problem solvers who are working on projects; and (c) the quality of the project write-ups in the PSTS (which may or may not reflect the quality of the project itself). We have shared with the CPD the specifics of our review of the projects in the tracking system. We outline below some of our general observations and follow with some areas where we think improvement would be beneficial.

- Officers have chosen a wide variety of different types of problems to tackle in this quarter and last quarter, including drug sales, apartment complex crime, people with a mental illness, prostitution,

trespassing, thefts, robbery, burglary, noise, disorderly persons, intoxicated persons, panhandling, domestic violence, and a homeless encampment.

- Officers have chosen a number of different types of “targets,” including repeat locations, such as a chronic apartment complex or retail establishment, particular repeat offenders, and a repeat victim.
- For some projects, officers still rely on police enforcement or police presence as their main responses to a problem, even when other responses present more tailored and precise solutions. However, officers are generally using more creative and tailored solutions than they did in prior years. For instance, there are now a lot of examples of officers pushing for rule setting, rule posting, and target hardening at problem locations, and advocating for greater engagement of place managers or changes to the physical environment.
- In a number of cases, officers have rightly shifted their focus from a problem tenant or a problem activity at a property to the property owner, who has responsibility for dealing with that problem tenant or problem activity. The chronic nuisance ordinance has helped officers in identifying that these places need greater oversight and they are using information from crime analysts about the number of calls for police service and crimes on the property to bolster their case for getting a landlord to take responsibility for their property.
- Analysis in most of the problem solving projects is still very basic. In most cases, the analysis involves solely reviewing the number of calls for police service. More can be done, including reviewing information from crime reports and comparing like places to like places (a problem store to a similar store with no or few problems). Surveys are being used slightly more in projects, which helps identify more precise aspects of a problem, and would likely be a positive addition in more projects.

Areas where we identified (and shared with the CPD) that improvements could be made include:

- Some of the titles the officers use to catalogue the projects seem overbroad, and not as precise as they should be. For instance, some projects are catalogued as “public safety” or “community decline” problems when they are better described as something more precise. Making sure the projects are aptly titled will make it easier for CPD personnel later on to search the database for specific types of

problems. In other projects, the title does not reflect the actual problem at the identified location.

- A number of the projects, particularly in Districts 3, 4, and 5 have not been updated in well over a month.
- In projects involving problem behavior, such as an intoxicated person, disorderly juveniles, or homeless people in a park, there doesn't seem to be any effort to interview the people involved other than those complaining about the problem. Sometimes insights about how to resolve the problem or even why the problem is occurring can come from the very people who seem to be causing the offending behavior.
- Assessment periods are very short in a number of projects -- too short to really judge if there is a sustained impact.
- In a number of projects, there has been significant use of extra patrol and directed patrol, without considering alternative responses or considering whether reducing the harm from the problem could be sustained when these patrols are reduced.
- Some projects lack important details, such as the arrest date of the copper thieves in District 2 project #2007-000023; that date will be important in assessing impact after that time. Also, there are no addresses for the thefts in that project. In District 5 project #2007-000016, there is no mention of the number of vehicle accidents at the location, which is the problem the officers are trying to reduce. In District 5 project #2007-000022, there is no mention of the number of burglaries at the location, which is the problem the officers are trying to reduce.
- Some projects have blank pages, such as District 1 project #2007-000071, District 1 project #2008-000092, District 1 project #2008-000094, District 4 project #2008-000079, and many of the projects in District 3.
- Some projects have gone for about a month without an entry, such as Other Unit, Project #2008-000096 (last entry 2/13/08), and Other Unit, Project #2008-000097 (last entry 2/13/08).
- Some projects seem abandoned, such as District 5 project #2007-000030 (the last entry is 12/9/07); District 4 project #2007-000028 (there is no entry since 1/28/08); District 5 project #2008-000079 (there is no entry between 1/11/2008 and 3/4/2008; the last date

was an entry by the Liaison Unit); District 5 project #2008-000087 (last entry 1/30/08).

5. Quantity of Problem Solving

During this Transition Year, the CPD agreed to open five new problem solving projects per District per month as a means of ratcheting up the level of problem solving in the organization. This outcome measure was flexible however; if the volume of projects at any given time sacrificed quality, the Patrol Bureau Commander, Lt. Colonel Whalen, could adjust the number of new projects.

There are many potential problem solving projects in District neighborhoods. Officers opening projects have many to choose from and have been able to look to a wide range of sources to identify repeat, chronic safety problems in the community. The Parties settled on five new District problem solving projects monthly for several reasons. Plaintiffs felt that taking on five problem solving projects monthly would have a significant impact in Cincinnati's neighborhoods. It would also mean that a significant number of CPD members would be involved in problem solving, advancing the cultural shift in the organization that was called for in the Collaborative Agreement.² As noted in the CPD's problem solving manual, "[i]n order for problem solving to become CPD's principle strategy for addressing crime and disorder, *every* officer of *every* rank is expected to engage either directly or in a support role in problem solving initiatives. This approach is no longer the responsibility of a single unit within the police department." Initially, the CPD believed that the level of five new problem solving projects per District per month was doable.

In the first months of the Transition Year, the CPD set an expectation that a problem solving project would be opened and closed within a 30-day period. This 30-day deadline was unrealistic. At the outset, the CPD believed it could only handle new projects if the ones it had opened in the prior month were closed by month's end. However, repeat, chronic problems are only rarely resolved quickly. While work on a project might be intermittent, it may still take quite a long time to complete, particularly if follow-up is done to assess impact. The CPD now recognizes this to be the case. The CPD is concerned, however, about the quality of the projects when too many are open at the same time. Given this concern, the CPD has adjusted the outcome measure of opening five projects per District per month.

The number of projects to be opened each month remains in the hands of the CPD, and we believe that it can develop an improved system for ensuring

² Indeed, one of the rationales in 2006 for restructuring the neighborhood officers and eliminating COP special units in each District was to reassign responsibility for CPOP and problem solving to a wider number of District officers and supervisors.

that Districts produce quality projects, while expanding the number of CPD personnel engaged in problem solving. The CPD will want to find a balance that advances the cultural shift required. Currently, the PSTS documents approximately 80 different projects; however only about 20 to 30 of these projects appear to be currently active (based on whether an officer has made a recent written entry on the project). In the remaining months of the Transition Year, the Monitor Team will examine how well the CPD is doing in spreading problem solving throughout the Department, at all levels and in different shifts, units and sections.

6. Resolving problems favorably with minimal displacement

The CPD is still in the early stages of problem solving, and as such, officers engaging in it are not yet looking at minimizing displacement. It will be important for officers to document the names of people engaged in problematic behavior at places experiencing problems so they will be able to determine if they resurface at different locations. While some displacement of crime and problems may occur, it is not always inevitable and it is not always in the full amount of the original problem. It will be important for the CPD staff to learn more about the principles of displacement and to think about how to minimize it in a given problem solving project.

C. Cincinnati Initiative to Reduce Violence (CIRV)

The CPD continues its work with Professors David Kennedy, Robin Engel and John Eck in developing a highly focused violence reduction project around actively violent individuals and groups of individuals. The initiative is a “focused-deterrence” strategy modeled after the Boston Gun Project from the mid-1990s. Analysis has suggested that a large share of the City’s gun violence is driven by disagreements and retribution among small groups of chronic offenders.³ The CIRV combines this targeted approach with a community-based partnership among multiple law enforcement agencies, social service providers, and neighborhood leaders. A clear message is communicated to violent street groups – that the violence must stop. The identified people have been: (1) offered an alternative to a life of violence on the street; and (2) told about the legitimate levers that the police and other agencies will use to ensure that their violence stops if they refuse the offer of help. This message is communicated in various ways – through call-in sessions with probationers and parolees, direct contact through street workers, police, probation and parole officers, and through community outreach and media outlets.

³ Analysis of homicides from June 2006 to June 2007 showed that approximately 74% of homicides involved a victim and/or an offender known by law enforcement to be associated with a violent street group. *Implementation of the Cincinnati Initiative to Reduce Violence (CIRV): Interim Report*, February 8, 2008, University of Cincinnati Policing Institute.

The initiative has also sought the support of the families of these individuals, as well as faith and other community leaders, to persuade them to make a more productive and responsible choice. The first two call-in sessions of the CIRV project were held on July 31, 2007. A third call-in session was held on October 3, 2007, and two additional call-in sessions were held on February 28, 2008. Monitor Team members attended the July 31, 2007, call-in sessions and the February 28, 2008 call-in sessions.

The Monitor Team has been greatly impressed with how well the sessions were organized, the hard work and commitment of all of the stakeholders, and the level of coordination among the stakeholders. The message is being delivered with true conviction, both in terms of the need to stop the violence, but also the extent to which all the stakeholders – community leaders, social service providers, and law enforcement – are interested in seeing the young men succeed in moving beyond “the life” in the streets.

CIRV is a complex, multi-agency, and community project of the sort that the Collaborative Agreement supports. So far, the six call-in sessions involved 173 individuals (74 individuals attended more than one session) and 50 of the 69 groups identified in Cincinnati (38 of 43 high-violence groups, 11 of 19 medium-violence groups, and 1 of 7 low-violence groups). Also, since the first call-in session, over 185 individuals have contacted CIRV for services. Of these 185 individuals, 152 have been engaged in the program and 132 are actively participating in services. While it is early to assess the impact that the CIRV is having on gun violence and homicide in Cincinnati, the coordinators of CIRV are optimistic that CIRV has played a role in the downward trend in homicides in Cincinnati since the October call-in sessions (the CIRV team believes that at least two direct messages to street groups are necessary before behavior on the street is altered). In the months following the second call-in session in October 2007, the number of group-member-involved homicides has decreased.

D. Problem Solving Training

This quarter, the CPD is conducting in-service training for all sworn personnel, and Community Problem-Oriented Policing is a component in the training. Monitor Team members were able to attend in-service trainings held in January 2008.

Chief Streicher led off the training describing the importance of problem solving and using it to prevent predictable crime.⁴ During the training, the Chief spoke passionately about on-going problem solving efforts such as CIRV,

⁴ Chief Streicher or one of the Assistant Chiefs is the lead-off speaker for the in-service training. Taking time out of their schedules for this training reinforces the importance of the message they relay.

and of long-term chronic problem locations where problem solving efforts are starting or are likely to develop. He said that it is important to move away from over-enforcement in communities of color and spoke about the need for more surgically precise strategies, rather “than an occupying army.” He said his administration will take a hard look “at incidents turned bad” and wants to make sure “we are treating people so they can retain their dignity in every encounter.” Chief Streicher shared with sworn personnel several of the problem solving efforts the CPD’s Traffic Unit has implemented and spoke about the lives saved and the traffic crashes avoided as a result of the Traffic Unit’s new orientation towards reducing and not just responding to repeat crash locations.

Following the Chief, the Police Relations Section staff presented an hour training block on problem solving. Lt. Debbie Bauer, Sgt. Maris Herold, Officer Katie Werner and others newly assigned to their team presented an interactive segment on problem solving. At the beginning of this segment, Lt. Bauer told the attendees that the Department is “committed to problem solving as the principle strategy of crime fighting for the Police Department.” She stated:

- We have time for problem solving, we just have to manage time better
- We need to look at more data in deploying people to Districts and shifts
- There are places we go back to everyday and we need to look at the conditions that cause these problems to exist
- We need to focus on problem people
- We need to attack major problems and we have to make the initial investment in time to do so
- We need to look at our repeat databases, they tell us how we’re spending our time
- The top three types of places we go back to over and over is a gas station, an apartment complex, and a retail store
- There are benefits to being involved in proactive not just reactive policing

As part of the training, sworn personnel were divided into smaller groups and asked to dissect a problem location, and to think of ways to analyze the problem and then suggest ways to lessen the problems in that place.

During this training cycle, all officers and investigators will participate in the in-service training. Overall, we found the training highly useful and very well presented. We believe the training sends the right message to sworn personnel in the Department.

In addition to in-service problem solving training for sworn officers, the CPD updated Academy recruit training to include more about problem solving, including the benefits of using surveys in problem solving projects. This quarter, we met with Academy staff to learn about recent improvements to the curricula. In December, just prior to recruit graduation, Academy staff added a new training module on developing and using surveys to the curriculum. Once trained, recruits joined District 1 personnel, as part of a problem solving project, and helped survey patrons of a gas station about problems at the station because it is the number one call for service location in the City. Some recruits did not think that gas station patrons would be responsive and were surprised by how open the patrons were to the survey and to the officers asking their opinions. Academy personnel gave the completed surveys to the University of Cincinnati Policing Institute and UC criminology students created a report on the findings, which they provided to the District 1 officers who are working on the problems at the gas station.

This represents a shift in police tactics. First, without using the repeat database, the District 1 officers would not have focused on the gas station as the City's highest call location. Second, the District 1 officers working on the gas station would not have realized how unusual it is for a gas station to be the highest call for police service location in a city if they had not attended the PIT meeting. Third, rather than reflexively increasing police patrols at the gas station, District 1 officers sought to learn what were the underlying conditions causing the problem. Fourth, because a member of the CPD's Academy staff attends the monthly PIT meeting, that person saw how beneficial it would be to connect police recruits with District problem solving and offered to help develop a survey and to have recruits use it to survey gas station patrons, which necessitated learning about surveying the public on crime/safety problems and teaching it to new recruits. Fifth, having the recruits go out and assist surveying is a prime example of problem-based learning, which is the mode of learning that most aptly supports problem-oriented policing. Sixth, at the PIT meeting, when the Academy offered to assist with the surveys, a UC professor in attendance at the PIT meeting offered assistance in analyzing the surveys. This offer was promptly accepted showing a greater openness to community resources in understanding problems. Finally, the results of the survey will help guide the tactics District 1 officers develop to reduce the frequency of calls to police at this location.

The Police Academy has also updated its field training officer (FTO) training so that it includes additional information about FTO responsibilities in reinforcing problem solving with recruits who recently graduated from the

Police Academy. We met with Academy staff who shared how the field training curriculum now includes information about the problem solving and neighborhood liaison process (Procedure 12.370), as well as examples of problem solving. Also, the FTO recruit Phase II training now includes a CPOP exercise during weeks 8 and 12 of recruit field training. Guided by FTO's, probationary police officers (PPO) in field training review their District's repeat call for service database and select a problem address in their beat. Once selected, the PPO will scan, analyze, respond to and assess the problem under FTO supervision. For those problems the District captain selects as a District project, the PPO will proceed fully through the project. If not selected, the PPO will follow through on paper only, as a training exercise. The PPO project is recorded on newly developed form 647E (Community Problem Oriented Policing Problem-Solving Exercise).

As reported above, this quarter, the CPD has made great strides in broadening officer, FTO, and recruit familiarity with problem solving, and in doing so they have also expanded their use of community resources to include University of Cincinnati staff and students and even customers at problem locations.

E. Performance Evaluations and Job Descriptions

The Collaborative Agreement identified certain systems that may need revision to support a shift to a problem-solving policing agency. A police department that expects its employees to engage in problem solving is best supported with job descriptions that accurately describe the type of work expected of officers, supervisors, managers and command staff. In 2007, the CPD revised its job descriptions to reflect the type of work expected from its sworn employees. The revisions became effective May 22, 2007. All sworn employees are expected to:

- Have a working knowledge of Community Problem-Oriented Policing (CPOP) and to apply problem solving as the principal strategy for reducing crime and disorder problems
- Understand the SARA problem-solving methodology and utilize that knowledge to address repeat or chronic problems
- Apply contemporary problem-oriented strategies and situational crime prevention strategies to reduce crime and safety problems
- Support CPOP initiatives to maintain a positive relationship between the Police Department, community members and CPOP participants

- Be active in CPOP teams, committees, and other groups formed to reduce crime or safety problems, and participate in all aspects of SARA through activities, such as identifying repeat crime and safety problems, analyzing problems, developing responses tailored to the problem after exploring a range of responses, implementing responses, and assessing their impact
- Keep supervisors informed of current CPOP issues
- Document problem solving efforts so others can learn from them
- Coach and evaluate officers/investigators in the development of their ability to carry out a problem solving approach to crime/safety problems (added for supervisory positions)
- Manage work units so that problem solving is the primary crime-fighting approach taken to reduce crime or safety problems (added for lieutenant through lieutenant colonel rank)

The CPD performance evaluation system was another area identified by the Collaborative Agreement for review and revision as part of the CPD's move to a CPOP orientation. In 2006, the CPD agreed that its performance evaluations required updating to reflect a more current approach to assessing employee performance. The Department formed a process improvement team to develop an updated rating system. The revised performance evaluation standards contain core performance anchors for all CPD members, as well as assignment and rank-specific performance anchors. The CPD has placed additional emphasis on problem solving within the anchors, to make them more compatible with a commitment to problem solving as the CPD's principle crime-fighting strategy. The revised performance evaluation standards now connect employee performance measures to problem solving performance.

In this quarter, we reviewed a sample of performance evaluation forms for officers at different ranks and in different assignments. There is no doubt that the current performance evaluation system is an improvement from the previous system. However, because our analysis is limited to a paper review of completed forms, it is difficult to assess the extent to which a CPD member's efforts in problem solving are incorporated into the member's performance evaluations. Many police officers and police specialists have not yet become involved in problem solving projects, and their ratings will likely be listed as "meets standards" for the problem solving anchor. For sergeants, lieutenants and captains, working with and helping coach the CPD members below them, especially in problem solving, is an important aspect of the Department's shift to being a problem-oriented policing agency. In a few of the performance reports we reviewed, the rater's narrative did discuss the member's involvement

in problem solving. Many of the raters' narratives were fairly limited however, and did not include any discussion of problem solving or many of the other performance anchors.⁵

Beyond the issue of incorporating problem solving into performance evaluations, we did note performance reports where the rater's narrative detailed either specific concerns or identified particular areas or activities to commend. There were also reports that recommended actions the CPD member could take to improve from "meets standards" to "exceed standards" or "exceptional." However, there were also a large number of reports that included no direction for improvement and professional development, or for intended remediation even with ratings of "needs improvement." In addition, there were many reports where the employee had activity noted in one or more ETS categories, but where the ETS category was not discussed in the narrative. This was true in one case where the employee had five ETS categories noted.

III. EVALUATION PROTOCOL AND BIAS FREE POLICING

A. Evaluation Protocol and the Rand Report

1. Rand Findings

For the third year in a row, the Rand Corporation did a comprehensive analysis and evaluation of policing in Cincinnati. In December 2007, RAND issued its third evaluation report on community-police relations in Cincinnati. Like its 2005 and 2006 Reports, the 2007 Report found that "blacks continue to bear a disproportionate share of the impact of policing in Cincinnati." 2007 Rand Report, p. xv. Because of where black and white residents live in the city, and because of police decisions on deployment and crime control strategies, blacks and whites have very different experiences with policing in Cincinnati. Black residents are more likely than whites to live in neighborhoods characterized by crime and disorder, and residents in high-crime neighborhoods in Cincinnati are more likely to see "proactive policing" such as aggressive traffic stop enforcement, pedestrian stops, and officers patting down individuals on the street corner.

The Rand report provides a powerful explanation for the wide gap in perceptions about policing between whites and blacks in the City. Calls for service, reported crime, arrests and police use of force are geographically clustered in particular neighborhoods – including Over-The-Rhine, the Central Business District/Riverfront and Avondale. On average, black residents in

⁵ Interestingly, in one performance report of a lieutenant, both the Captain's narrative and the Lt. Colonel's narrative spoke approvingly of her "superior skill and commitment" in the Department's problem solving initiative, yet the lieutenant's rating for problem solving was only "meets standards." In other areas, however, the lieutenant had ratings of "exceeds standards."

Cincinnati experience traffic stops that are longer, that are more likely to involve searches for drugs, weapons and contraband, and that are more likely to involve investigation of the vehicle's passengers. Black residents are also more likely than whites to be stopped for equipment violations as opposed to moving violations such as speeding. In addition, 75 percent of those arrested by the CPD in Cincinnati are black, and 75 percent of the incidents involving CPD use of force involve black subjects.

Rand's review of traffic stops found no evidence of a department-wide pattern of racial bias in the decision to stop. When looking at what happens after the stop, black residents in Cincinnati are searched at a higher rate than nonblacks in Cincinnati, and they are stopped for longer periods of time. However, much of these differences can be attributed to factors such as the location and time of the stop, the reason for the stop, and whether the driver in the traffic stop had a valid driver's license. When Rand accounted for these factors and matched stops of black drivers with stops of similarly situated nonblack drivers, Rand found that officers searched black and "matched" nonblack drivers at nearly the same rates in situations where officers have discretion whether or not to search.

As in the previous two Rand reports, the 2007 report includes a review of over 300 randomly sampled video recordings of Cincinnati traffic stops. In reviewing stops of black drivers by white and black officers, and stops of white drivers by white and black officers, Rand's findings suggest that black and white officers are policing differently. Rand found a consistent pattern that white officers are more likely to look into cars in an effort to obtain probable cause, require identification from passengers, and stop cars for equipment and registration violations. This suggests "that white officers are using more proactive police tactics in their traffic stops, using the traffic stop as a means to investigate possible drugs, weapons or warrants" (p. 58). The fact that the differences in the stops of black and white drivers appeared to depend to a significant extent on the officer's race raises concerns for Rand and was most glaring for the Monitor. As Rand notes: "Black drivers may notice several differences in the stop based on the race of the officer who stopped them. In each case, this may lead to an appearance that they are treated with more suspicion when stopped by a white officer" (p. 59). Moreover, aggressive traffic stops will not necessarily lead to better policing. For example, 80% of the searches after traffic stops in 2006 resulted in finding no contraband.

2. Response to Rand Findings

It is now up to the Cincinnati community to "fully and fairly" put these findings to use, as called for by the CA. What Rand's research allows us to do is to ask the questions: What kind of policing do we have in Cincinnati? What kind of policing do we want to have in Cincinnati? And how far have we come in getting there? These are questions not just for police officers and city

officials, but also for the public - What kind of policing do the residents of the City want?

This public dialogue over policing, especially policing in predominantly African American and high crime neighborhoods, is one of the most important aspects of the CA and the Rand reports. It can also be the most difficult. There are very different views of the police among the many different sectors of the City, but it is necessary to move the City forward and advance policing that is effective and fair.

In this Transition Year, the City and the CPD have committed to fully implementing CPOP and problem solving as the principle strategy for addressing crime and disorder. Employing more targeted and precise police tactics in fighting crime can have great impact on both police effectiveness and on improving police-community relations. However, even if many of the CPOP projects undertaken in 2008 are successful, the goals of the Collaborative Agreement will not be met and the formidable efforts of the last five years cannot be deemed a success, unless the Department is able to address the daily interactions between police officers and African American residents, as found by RAND in their report.

There are three main recommendations that the Monitor made in response to the 2007 Rand Report. First, the CPD must assess, as best as possible, what accounts for the differences in police tactics used by white and black officers, as shown in the Rand Report. Second, the Parties must implement additional training and public education to improve interactions in traffic stop encounters for both officers and drivers. Third, the CPD must ensure consistency in policing for officers and drivers; for example in how equipment violations are treated, and in how and when it is appropriate to investigate a passenger in a car when there is no reasonable suspicion of any violation.

On this last issue, the CPD has already begun its efforts. Chief Streicher recently asked a number of stakeholders for input on the development of guidelines for CPD to determine when officers should run ID checks on vehicle passengers. The passenger ID issue presents a unique leadership opportunity for the CPD to develop guidance for the Cincinnati community related to this challenging and sensitive issue.

We believe it is important for the CPD to examine the circumstances of these kinds of stops and whether the additional investigative efforts produce constructive law enforcement results. Certainly there will be situations where officers appropriately run ID checks for officer safety reasons or for investigative purposes. However, there are other situations where the only result of a request for passenger ID will be increased distrust of the CPD on the part of the passengers and drivers.

The CPD has information that will help it address this issue. Among CPD officers, particularly African American officers, are many who successfully perform their duties without engaging in the type of aggressive traffic stop techniques that Rand finds “...contributes to the perception of inequity.” The CPD can look within to those officers who police well, but without making inordinate use of the techniques Rand warns us leads to “...the perception of bias and reinforce negative stereotypes about CPD officers.” These officers can provide valuable information on how they police effectively without utilizing the techniques the Rand Report questions. After gathering this information, the CPD will be able to develop guidelines for its officers that equips them to use passenger ID checks, stops for technical violations, and make inquiries about drugs and weapons only when appropriate, and that helps eliminate the perception of bias and reduce the longer stop durations often experienced by African American drivers.

We also stress the importance of developing high quality training related to the CPD guidelines. The training must effectively convey the perception black drivers and passengers have who experience disparate tactics from white officers, the impact being treated like a suspect has on innocent people, and that the most important tool a police agency possesses is the trust and cooperation of the community it serves.

Significant strides have been made in improving the interface the CPD has with citizens. We commend Chief Streicher’s willingness to eliminate inappropriate or unnecessarily intrusive policing and the perception of bias and negative stereotypes it creates.

B. Collaborative Agreement Communications Plan

The Collaborative Agreement calls for an ongoing community dialogue and interaction between the CPD and numerous stakeholders, such as youth, property owners, businesses, tenants, faith-based organizations, motorists, low-income residents and other city residents. The Evaluation Protocol section of the CA also calls on the Parties to use the data from the evaluation to improve police-community relations and assess whether any actions should be pursued in light of the evaluation results.

The Parties have agreed that part of the efforts of the Transition Year will be a project to communicate the progress of the Collaborative Agreement to stakeholder groups in the community, and to seek and respond to input from the community regarding their views on public safety, racial fairness, and police policies, practices and strategies. The Parties have obtained funding and expertise from the Andrus Family Foundation to assist in this effort. The Friends of the Collaborative has selected a project director to coordinate this project and facilitate police-community interaction.

Currently, the Parties are developing key “message elements” of this communications plan. These include:

1. The CPD policies, procedures and tactics that have changed since the beginning of the CA and MOA, and the results of these changes in terms of police-citizen interactions and public safety.
2. Even though police procedures have changed under the Collaborative Agreement, the basic relationship between many African Americans residents and the Police Department remains challenging and adversarial.
3. There are a number of community-building initiatives underway to improve police interactions with young African American males.
4. The changes in policing made under the CA are central to the CPD and will continue after the CA terminates.
5. After the federal monitoring concludes, these reforms will not go away.

There are a number of ways that these messages will be communicated to the larger Cincinnati community. The Parties hope to tell the story in an engaging way, to communicate the impact of the Collaborative through individual examples and the voices of the Parties and members of the community, and to convey that various stakeholders and constituencies still have different perspectives (including residents whose interactions with the CPD have not all been good, especially the youth). It will be important that this communications effort not be one-sided; the dialogue must include an element of conversation as well as presentation. The Parties and the community must also recognize that work to achieve the goals of the CA should continue beyond the Transition Year.

This is an important time to note that paragraph 30 of the CA calls for the development of a “...plan for determining what parts of this evaluation oversight may be transferred from the Monitor’s supervision to a successor agency before this Agreement expires in order that ongoing evaluation efforts of police-community relations continue.” At this point in time, significant work has been done on policies, procedures and tactics that favorably impact police-community relations in Cincinnati. However, there is still much work to be done that can’t be completed by August 2008. By developing the plan required by paragraph 30, the African American community, the CPD and the broader community can be assured that work toward attaining the CA goals will continue in the most effective way possible.