

**CITY OF CINCINNATI
INDEPENDENT MONITOR'S
RESPONSE TO RAND'S THIRD ANNUAL EVALUATION REPORT:
POLICE-COMMUNITY RELATIONS IN CINCINNATI**

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I. Purpose of the RAND Report

The Collaborative Agreement was developed “to resolve social conflict, to improve community-police relationships, to reduce crime and disorder...and to foster an atmosphere throughout the community of mutual respect among community members including the police” (CA ¶10). One important aspect of the Agreement is its requirement that the parties implement a system of evaluation to track whether the goals of the Collaborative Agreement are being achieved.

The Collaborative Agreement provisions call for a broad and comprehensive approach to evaluation. The RAND Corporation was brought in as a national expert in research, law enforcement and evaluation. The efforts undertaken by RAND in the Evaluation Protocol provide valuable information and lessons learned, that need to be used to improve police-community relations and advance the goals of the Collaborative Agreement.

II. Transition Year

In August 2007, the City and the Plaintiffs agreed to extend portions of the Collaborative Agreement for one additional year to fully implement the adoption of problem solving as the CPD's principal crime-fighting strategy. The Collaborative is more than an attempt to simply change police policies and procedures; instead, the Collaborative attempts to change how policing in Cincinnati is conducted and accomplished, so that it effectively enhances public safety and improves relations between the CPD and the African American community. If the problem solving approach is put into practice, we are confident that it will advance effective, respectful and publicly accountable policing in Cincinnati.

The shift in orientation to problem solving policing from a more aggressive, reactive policing approach can have a significant impact on improving police-community relations, which is one of the key goals of the Collaborative Agreement. However, by itself, implementing this shift during the Transition Year is not likely to entirely resolve the tensions between the police department and members of the African American community. As shown by this RAND report, further steps need to be taken in how officers relate and interact with citizens. It is thus even more crucial that the Parties and the larger Cincinnati community “fully and fairly” put the RAND Report data to good use (CA ¶46).

III. Results of RAND Report

RAND's 2007 Third Annual Report repeats many of the findings of its 2005 First Year Report and 2006 Second Year Report. "Blacks continue to bear a disproportionate share of the impact of policing" in Cincinnati (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 enforcement, pedestrian stops, and officers patting down individuals on the street corner.

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 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 all of the vehicle's passengers. Black residents are also more likely than whites to be stopped for equipment violations. 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. The RAND Reports provide a powerful explanation for the wide gap in perceptions about policing between whites and blacks in Cincinnati.

A. Traffic Stop Review

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.

RAND also compared the stops of 294 officers who made more than 50 reported traffic stops in 2006. It compared the racial percentages of stops of each officer to the stops of other officers made in

the same neighborhoods and at similar times. Three of the 294 officers stopped black drivers at substantially higher rates than did other similarly-situated officers, while two stopped white drivers at a disproportionate rate.

In April 2006, the CPD instituted the Over the Rhine task force, and then in October this task force became the Vortex Unit, which implemented saturation patrols in high crime neighborhoods, including Over the Rhine. RAND conducted an analysis comparing the stops of Vortex officers (including Over the Rhine task force officers) with stops of other CPD officers patrolling the same neighborhoods at the same times as the Vortex officers. RAND found that Vortex officers stopped black drivers at a higher rate than other officers patrolling in the same neighborhoods. Vortex officers were also twice as likely as non-Vortex officers to use high-discretion searches.

B. Review of Traffic Stop Videos

As in the previous two RAND reports, the 2007 report includes a review of 318 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 reports three key findings.

First, black drivers were more likely to be pulled over for registration or equipment violations, and also more likely to experience proactive or intensive policing during the stop. Stops of black drivers took longer and were more likely to involve multiple officers, and black drivers were more likely to be asked whether they were carrying drugs or weapons, be searched, have a passenger searched, have the car searched, or have their passengers required to provide identification.

Second, several of these differences between the stops of white and black drivers were largely when the officer was white. As noted by RAND, the consistent pattern of white officers 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, 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).

Third, white drivers' communications quality was more positive than that of black drivers – white drivers generally were more cooperative, courteous and apologetic, while black drivers tended to be more impatient and argumentative.

RAND notes that concerns about enforcement patterns are increased in this year's report "because there is evidence that these differences in the stops of black and white drivers, when combined with differences in the behavior of white and black officers, may reinforce an appearance of bias" (p. 60). Perceptions of bias lead to distrust of the police, and also provide an explanation for why black motorists have negative communications with CPD officers.

IV. Monitor's Response

The RAND First Year Report demonstrated a wide gap in perceptions between whites and blacks in Cincinnati that must be tackled. Similar findings were made in surveys by the NCCJ in 2006. These gaps must be reduced for the Collaborative Agreement's goals to be achieved. Central to this issue is the impact on the black community of decisions about police strategy.

In this Transition Year, the City and the CPD have committed to fully implementing CPOP and problem solving as the principal 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. We have seen some evidence of a more surgical approach by the CPD; for example its implementation of the Cincinnati Initiative to Reduce Violence (CIRV). 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 this report. These problems have been raised in the earlier RAND reports, but there is no longer time to debate over what steps to take. The dynamic between the African American community and the police must be addressed now.

A. Analysis

The first step that must be taken is for the CPD to assess, as best as possible, what accounts for the differences shown in Chapter Four of the RAND Report between white and black officers in their actions in

traffic stops. The RAND report notes that there are plausible reasons for these differences in stops, other than racial profiling; RAND could not make a conclusion based on its data. Black and white officers may have had different assignments or duties. For example, if the percentage of white officers in the Vortex Unit is higher than the white percentage of the CPD as a whole, and if the percentage of black officers in the Traffic Unit is higher than the black percentage of the CPD as a whole, that might explain why white officers engaged in more “proactive stops” (as RAND describes them) and why black officers engaged in less invasive speeding stops on the highway. Are there any other differences, for example in training of white and black officers that might explain the RAND data? These questions need to be answered.

At the same time, however, we need to recognize that some of the problems in Cincinnati are not unique to Cincinnati, but are prevalent throughout America, and not only in policing. We all bring our own experiences, backgrounds, assumptions, and unfortunately, our generalizations and stereotypes, to our work and our daily lives. These issues take time to resolve, and it may be that even at the end of the Collaborative Agreement in August 2008, this work will not be complete; but certainly there will not be progress unless a sincere effort is undertaken now.

B. Improved Traffic Stop Encounters

One prospect for improvement in police-citizen relations is better communications in traffic stop encounters. As RAND stated in the 2006 Second Annual Report, the Department should “pay special attention to maintaining and improving, where needed, the tenor and tone of these interactions” (xxii). Training for CPD members is part of that effort. The CPD did conduct cross cultural training in late 2006 and early 2007. We believe additional energy is needed, and this year’s RAND report should be part of that training.

The Monitor and RAND have also called for additional efforts to involve community members, particularly black residents of Cincinnati, in improving police community relations. As RAND noted in its Second Annual Report, “[w]hile negative communications by black drivers may be an understandable reaction to the more proactive policing they have experienced, it is likely to be counterproductive” [p. 66]. Public education efforts are one way to accomplish this objective.

In addition, the Parties have discussed using some of the MVR tapes of actual traffic stops that RAND reviewed as a training tool for both officers and the public. Plaintiffs have again called for this endeavor.

A third, very targeted, recommendation that RAND made in its 2006 Second Annual Report and makes again in its 2007 Report is to ensure that black and white officers are consistent in their enforcement priorities and methods. The investigation of passengers during traffic stops is one example where white and black officers differ. RAND recommends that:

specific guidelines be developed to determine when officers should run ID checks on vehicle passengers who have not, themselves, been observed violating any law. We also suggest that these guidelines reflect the inconvenience to law-abiding passengers that result from an ID check, as well as the low proportion of arrests that can be attributed to these checks (p. 61-62)

It is unclear whether the CPD took action on the recommendation from the 2006 RAND report; if not, action should be taken now.

RAND also recommends that “clear traffic enforcement priorities be communicated to officers” (p. 62). This would address the concern that white officers appear to be pursuing technical violations (such as equipment violations) at a greater rate than are black officers in the same situation.

B. Dialogue on Policing in Black Neighborhoods

In all three of its Annual Reports, RAND has called for a greater dialogue about how black neighborhoods are policed.

[I]t may be possible to make improvements in relations between CPD and the black community by rethinking how black neighborhoods are policed. The proactive policing of motor vehicles that occur in these communities (longer stops, more searches) is likely to put a high burden on law-abiding members of these communities, and it may not match these communities’ policing priorities [p. 61].

In our comments on RAND’s Reports, and in our Monitor Reports, we too have urged this dialogue. The dialogue would include an examination of how and where arrests are made and how they correlate to reported crime; and the role of aggressive traffic enforcement and other “proactive” policing efforts, and how they fit in with the Collaborative Agreement. For example, aggressive traffic enforcement may engender greater distrust, and may not be effective in reducing crime or improving traffic safety.

The agreement to enter into a Transition Year is important evidence that the Parties recognize that the rift in views of the police by black and white residents of Cincinnati needs to be bridged. The City's commitment to problem solving and CPOP shows a sincere desire to implement effective and respectful policing.

As part of this effort, the Parties have worked 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. We look forward to assisting in this dialogue.

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