CITY OF CINCINNATI
INDEPENDENT MONITOR'S
RESPONSE TO RAND'S SECOND 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 now need to be used to improve police-community relations and advance the goals of the Collaborative Agreement.

The Collaborative Agreement requires that the Parties meet with the Monitor "to study the results of the evaluation instruments and determine what changes, if any, in the Agreement or in their actions should be pursued in light of the evaluation results" (CA ¶30). Paragraph 46 of the Agreement also states that "measurement of the success of the mutual accountability process" will be based on whether the evaluation data was "fully and fairly used to assess progress toward attaining the goals" of the Collaborative Agreement, and whether the data was used "to adjust City, police and community strategies to address problems, reduce police and citizen use of force and improve police/community interaction."

Now that we are in our final year of both the Collaborative Agreement and the Memorandum of Agreement with the Department of Justice, it is even more crucial that the Parties and the larger Cincinnati community "fully and fairly" put this data to use.

II. Results of RAND Report

RAND's 2006 Second Annual Report repeats many of the findings of its 2005 First Year Report. Blacks and whites in Cincinnati experience "substantively different types of policing" (xxiii). 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, Avondale, and Pendleton. Because of where black and white residents live in the city, and because of police decisions on deployment and crime control strategies, some might even say that there is a *Tale of Two Cities* in how blacks and whites experience policing in Cincinnati.

On average, black residents in Cincinnati experience traffic stops that are longer, are more likely to involve searches for drugs, weapons and contraband, and 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 77 percent of the incidents involving CPD use of force involve black subjects.

More than anything else, the Monitor is struck by the statistics from the Over-the-Rhine (OTR) neighborhood.

- In 2005, the CPD made 9,076 arrests in OTR, representing 18 percent of all of the arrests the CPD made in the City. The reported number of crimes in OTR was seven percent of the City total.
- OTR accounted for 22 percent of incidents involving a CPD use of force.
- OTR saw a 25 percent jump in the number of arrests in 2005 from 2004, while there was a five percent drop in the number of reported crimes.
- Based on increased enforcement in early 2006, OTR is on track for nearly 11,000 arrests in 2006, a 44 percent increase from 2004.
- There were more traffic stops in OTR than in any other neighborhood in Cincinnati, other than on Interstate I75. Traffic stops in OTR represented eight percent of all stops of blacks in Cincinnati.

It is important to note that much of the difference in policing can be attributed to the fact that high levels of reported crime and calls for police service are concentrated in several black neighborhoods, and thus may not be due to racial bias in policing.

RAND's review of traffic stops found no clear statistical evidence of racial bias in the decision to stop. It also 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. (Although blacks are searched at a higher rate than nonblacks in Cincinnati, when factors such as the location of the stop, time of the stop, and reason for the stop are taken into account, blacks and whites are searched at similar rates.) Most of the differences between the features of stops of black and nonblack drivers involved differences in stop locations, or drivers who had invalid licenses. The one subset of searches where RAND found a difference among matched drivers was in searches for weapons, where black drivers were about three times more likely than matched nonblack drivers to undergo a high-discretion weapons search.

RAND also compared the stops of 133 officers who made more than 100 traffic stops in 2005. 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. Five of the 133 officers stopped black drivers at substantially higher rates than did other similarly-situated officers.

As in the First Year Report, RAND's research and analysis for the 2006 Second Annual Report included a review of 325 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. Third, white drivers' communications quality was more positive than that of black drivers – white drivers generally were more cooperative, courteous and apologetic. 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 raised concerns for RAND. As RAND notes, "even if racial bias does not explain this pattern, the fact that blacks are more likely to experience longer, more-invasive traffic stops when white officers stop them should be expected to contribute to more-negative attitudes within the black community" (xvii).

Perception of bias leads to distrust of the police, and also provides an explanation for why black motorists have negative communications with CPD officers. "If police have different enforcement policies or a

greater presence in those neighborhoods with a large number of black residents, it will likely appear racially biased to those residents even if individuals in those neighborhoods are actually being stopped without regard to their race. Perceptions of racial inequality in treatment drive attitudes and community relations, regardless of whether the true cause of that inequality is racial profiling, neighborhood profiling, enforcement priorities or other factors" (xix).

At the same time, RAND's survey of officers showed that they are very committed to their jobs and believe that informal interactions with citizens are an important method for solving problems and addressing crime. Ninety percent of the officers who responded to the survey indicated that residents' input is critical to solving neighborhood problems [p. 70].

III. Monitor's Response

We are convinced that the RAND's First Year Report and Second Year Report reinforce and validate the Collaborative Agreement's approach that problem solving must be the principal strategy for addressing crime and disorder in Cincinnati. RAND "underscored a point from last year's report: The city needs to avoid the assumption that effective law enforcement and good community relations are mutually exclusive goals and to work to find policies that can maximize both outcomes" [p. 92].

The RAND First Year Report demonstrated a wide gap in perceptions between whites and blacks in Cincinnati that must be addressed. Similar findings were made in the NCCJ surveys in 2006. These gaps must be reduced in future years for the Collaborative Agreement to be successful and its goals to be achieved. Central to this issue is the impact on the black community of decisions about police strategy. The right police strategy is one that effectively reduces crime, makes people feel safer, and reduces perceptions of police unfairness and bias. As noted by RAND, police research has shown that traditional reactive policing can create frustration and distrust of the police, and its effectiveness is questionable. This is why the Collaborative Agreement emphasizes problem solving and problem-oriented policing. Research shows that CPOP is effective policing.

In the RAND 2005 Report and in our earlier Monitor's Reports, we set out several recommendations for actions that the Parties and the Cincinnati community should take. The CPD will need to increase the level of community dialogue to build trust with the African American community, and to restore trust with the communities that have been

disillusioned. With RAND's 2006 Second Annual Report, we believe these steps need to be taken without delay.

A. Improved Communications in Traffic Stop Encounters

One area that has a significant prospect for improvement in police-citizen relations is communications in traffic stop encounters. As RAND states 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).

In the Monitor's comments on RAND's First Year Report, we called on the CPD to incorporate into their training additional opportunities for improving communications skills.

> Officers should be alerted to the fact that drivers' behavior is highly dependent on their own: when a driver is upset, disrespectful, unapologetic, this behavior could be a reaction to the officer's communications, and that the driver's behavior is most likely to improve if he or she is treated with respect and courtesy. ... The Monitor also endorses RAND's suggestion that police training that improves officer's listening skills may reduce the negative interracial interactions that RAND observed.

This call for additional training is consistent with the Collaborative Agreement's requirement for ongoing training regarding professional traffic stops and bias-free policing (CA¶52). In October through early December 2006, the CPD's Academy presented a two-hour training module entitled "Cross Cultural Communication" during management training for all supervisors. The module will be presented for all officers in January through early April 2007. We encourage all of the parties to participate in and expand this 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 notes in this 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 their March 2006 Collaborative Agreement Status Report, all of the Parties stated that training on proper conduct during traffic stops should be developed for the community.

> The RAND report provides substantial support for the need to expedite the development of a plan by the Parties to the CA, in

conjunction with the [Partnering Center], to prepare and disseminate training modules and public service announcements for presentation to the entire community, through the schools, churches, community councils, CitiCable and the media. This endeavor would encourage respectful and bias-free conduct and dialogue on the part of citizens during traffic stops and other policing efforts.

It is time to make this commitment real.

A third, very targeted, recommendation that RAND makes in its 2006 Second Annual Report addresses the differences apparent in the MVR tape review in how white and black officers handle traffic stops of black drivers. RAND recommends that:

specific guidelines be developed to determine when officers should run identification checks on vehicle passengers who have not violated any traffic law. We also suggest that these guidelines reflect the inconvenience to law-abiding passengers that result from an identification check, as well as the low proportion of arrests that can be attributed to these checks. Similarly we suggest that CPD communicate clear traffic enforcement priorities to officers. White officers working in areas with a high percentage of black drivers appear to be pursuing technical violations at a greater rate than do black officers in the same situation. Clear tasking and enforcement priorities may reduce this discrepancy [p 66].

This recommendation needs to be implemented, including exploring why black and white officers handle these enforcement issues differently.

B. Dialogue on Policing in Black Neighborhoods

In both its First Year Report and this Second Annual Report, RAND has called for a larger dialogue about how black neighborhoods are policed.

Black citizens in Cincinnati, by virtue of the neighborhoods in which they live and generally higher rates of crime in those neighborhoods, are more likely than nonblacks to experience proactive policing strategies such as increased law enforcement presence and aggressive traffic enforcement. Such strategies place a greater burden on law-abiding residents living in the areas where the enforcement occurs (xxii).

. . .

[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. 66].

In our comments on RAND's First Year Report, and in our Twelfth, Thirteen and Fourteenth Reports, we too urged this dialogue. The dialogue would include an examination of how and where arrests are made and how they correlate to reported crime; discussions regarding incorporating problem solving and CPOP into hot spot and saturation patrol efforts; 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. Similarly, if the City is going to continue its saturation patrol efforts with Operation Vortex, is should be able to demonstrate that it sought input from, and coordinated closely with, community groups affected in the specific locations that are targeted. Detailed analysis is also required both on the front end of any deployment, and in assessing the outcomes of the operation (and not just the activity of the unit) after the deployment.

Whether the evaluation protocol was "fully and fairly used" to assess progress towards attaining the goals of the Collaborative Agreement depends on the actions taken to address these areas.