

PROGRESS REPORT

**CITY OF CINCINNATI COLLABORATIVE AGREEMENT
THE STATUS OF COMMUNITY PROBLEM ORIENTED POLICING
STRATEGY**

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I. INTRODUCTION

The November 2017 report from the City – **Community Problem-Oriented Policing Strategy** – strongly signals that the City of Cincinnati has abandoned the principles of the Collaborative Agreement. We conclude this based on two themes that permeate the City’s report. First, it suggests that the Cincinnati Police Department is applying a policing strategy other than Community Problem-Oriented Policing. And second, it indicates that the Cincinnati Police Department has little leadership interest in preventing crime using evidence-based practices. Taken literally, it states that the City of Cincinnati has unilaterally withdrawn from the Collaborative Agreement.

This is strong language, and we have purposely chosen our words to leave no ambiguity about our expert opinion, based on this third report from the City. If this report is the official position of the City of Cincinnati, then the parties to the Collaborative Agreement have three options. We identify and discuss those options in Section III of this report.

In this assessment of the City’s report on community problem-oriented policing, we will explain why we choose these words, why the report indicates a profound misunderstanding of community policing and problem-oriented policing, why we believe the suggested conflict between core functions of the Cincinnati Police Department is a myth, and how the parties to the Collaborative Agreement can proceed.

Given the misunderstanding about the Collaborative Agreement and the centrality of the CPOP approach expressed in the City’s report, we feel it necessary to address three basic errors in the City’s report. The first section corrects basic misunderstandings and misstatements about the problem-solving approach that are expressed in the City’s most recent report. The second section discusses the principles of policing that have guided the Collaborative Agreement, including both problem-solving methods and fair and bias-free policing, that guide our assessment of the City’s implementation of the Collaborative Agreement.

The third section focuses on the Cincinnati Police Department’s use of problem solving. The decline in problem-solving activity is not reflective of a lack of police capability. Rather, we show that it is a matter of leadership and willingness to apply an evidence-based strategy the police department has already demonstrated it is capable of applying. The fourth section describes the three options for the parties to the Collaborative Agreement: abandon it altogether;

refresh and improve it; or create alternative means for preventing crime in Cincinnati. We give recommendations under each option. But overall, we believe that the second approach is the best option: the Collaborative Agreement should be refreshed and improved.

The fifth section describes citizen involvement in policing, why this is critical, but why this is also difficult. We also address the need for the Fraternal Order of Police to fully engage in the Collaborative Agreement Refresh and problem solving generally. The last section concludes our report by recounting the basic values that undergird the Collaborative Agreement and that we hope the refresh will strengthen.

II. CORRECTING CORE MISUNDERSTANDINGS AND ERRORS

There are three fundamental misunderstandings – unsupported and factually wrong assumptions – in the City’s report. We examine each.

A. Confusing Problem-oriented Policing and Community Policing

The first misunderstanding deals with the distinction between community policing and problem-oriented policing. The City’s report begins by explaining community policing.¹ This explanation is irrelevant because it starts with a presumption that the Collaborative Agreement established community policing as the policing strategy for the City. It did not. It established problem-oriented policing.²

In the Collaborative Agreement, the parties used the term “community problem-oriented policing”. Their reason for applying the adjective “community” to problem-oriented policing was to remind everyone that the community would be engaged with the police in the solving of problems. It seems that the word “community” blinded some to the fundamental nature of the strategy: to solve problems.

The confusion between community policing and problem-oriented policing is not new in Cincinnati. Indeed, it was part of the negotiations leading up to the signing of the Collaborative Agreement, and it persisted for several years after the signing. That such confusion still persists, 15 years after the signing and after the members of the Cincinnati Police Department have successfully implemented problem-

¹ See City Report, at 3.

² Collaborative Agreement, *In Re Cincinnati Policing*, Case No. C-1-99-317, paragraphs 16, 17, 27, 29: 4-5.

oriented policing, is sad. Nevertheless, the confusion exists. So in this section we explain what the terms mean.

The City's report is justifiably skeptical of community policing, as commonly misapplied in U.S. policing agencies. Many of these agencies lack an understanding or awareness of the difference between "community policing" and "community relations". Though based on noble principles – getting the police closer to the public and developing respect for communities by police and police by community members – there is very limited evidence that community policing can reduce crime, disorder, or other serious troubles.³ Still, there is evidence it might help with community respect for police. These basic facts have been described in the National Academy of Sciences report on policing, which was published around the same time as the Collaborative Agreement's implementation.⁴ A recent comprehensive review of the scientific evidence on community policing reports similar findings.⁵

Both of these reports draw a sharp distinction between community policing and problem-oriented policing. The 2004 National Academy of Sciences report and more recent comprehensive reviews of scientific evidence show that problem-oriented policing can have an impact on crime and disorder.⁶

Problem-oriented policing is a strategy that focuses on safety troubles faced by the public, including crime, disorder, calls for police service, traffic difficulties, crowd violence, and all other types of problems that the community calls upon the police to address. It requires police agencies to take advantage of the expertise its line officers develop, to combine this with systematic inquiry and analysis, and employ evidence-based practices whenever possible. Engagement with communities is important to problem-oriented policing because it is far easier, less costly, and more sustainable to work with community members to identify and solve crime problems than for the police to try to prevent crime by themselves. Engagement is also critical in finding and developing prevention solutions that use the least necessary force and deprivations of liberties.

³ Charlotte Gill, Weisburd, D., Telep, C. W., Vitter, Z., & Bennett, T., *Community-oriented Policing to Reduce Crime, Disorder and Fear and Increase Satisfaction and Legitimacy among Citizens: A Systematic Review*, JOURNAL OF EXPERIMENTAL CRIMINOLOGY, 10(4), 399–428 (2014).

⁴ National Research Council, *Fairness and Effectiveness in Policing: The Evidence* (2004).

⁵ Gill et al., *supra* note 3.

⁶ National Research Council, *supra* note 4. David L. Weisburd, L., Telep, C. W., Hinkle, J., & Eck, J. E., *Is Problem-oriented Policing Effective in Reducing Crime and Disorder?*, CRIMINOLOGY & PUBLIC POLICY, 9(1), 139–172 (2010).

The misunderstanding of problem solving is most clearly reflected in the following passage from the City's report:

“It is our perception many of those who criticize the police efforts relative to problem solving do so with the belief problem solving should be aggressively pursued throughout the entire agency and conventional policing tactics should be minimized to the extent possible, or at least utilized only as a last resort. The police agency, however, cannot simply ignore its *core business demands*, which require a major portion of the Department's sworn personnel just to accommodate these functions:

- Calls for Service
- Crime (investigation, response, reporting and solving)
- Traffic (flow and congestion, enforcement, accident investigation).

To conduct problem solving activities to the current expectation level necessary to rebuild our communities will certainly require more agencies and stakeholders.” Report, p.4 (emphasis added).

There is broad agreement among police professionals and researchers that the core function of the police is to help *reduce* calls for service, crime, and traffic difficulties. Simply responding to them without engaging in efforts to reduce their frequency does very little to improve the safety and well-being of the citizens of Cincinnati. The 2004 National Academy of Sciences report compiled evidence on policing practices showing that just responding to calls, crime, and traffic difficulties does not reduce them.⁷

To be sure, demands by the public on the police need to be handled. But to stop there, as this passage suggests, is to guarantee that these demands will continue: more calls will come to the police, more citizens and their property will become victims, and traffic congestions and accidents will continue unabated. The perception that these problems can only be managed but not eliminated can undermine community trust in the police and their evaluation of the legitimacy of the police.⁸ The stance reflected in the quoted passage is a retreat from modern policing and a surprising embrace of 1960s policing

⁷ National Research Council, *supra* note 4.

⁸ The President's Task Force on Twenty-First Century Policing, Final Report (2015).

that has been rejected by the police profession.⁹ For potential victims, this is a tragedy. For tax payers, it is a waste of their money.

There is an old expression, “When you’re up to your neck in alligators, it’s easy to forget your objective was to drain the swamp.” If the Cincinnati Police Department is overwhelmed with calls for service, then tax payers would be better served by the police undertaking problem-solving efforts to find out why, and developing solutions that drive calls down. Faced with property and violent crime, problem solving should be used to reduce these threats. Confronted with traffic concerns, problem solving can be used to reduce accidents, injuries, and deaths.

In fact, the Cincinnati Police Department has done this in the past. In 2006, the Traffic Unit of the Cincinnati Police Department undertook the analysis of its workload, identified specific traffic related problems, developed a set of solutions, and reduced traffic related deaths, injuries and crashes.¹⁰ A rigorous evaluation showed this, and the effort received national attention. The original CIRV (Cincinnati Initiative to Reduce Violence) effort was based on problem solving. It too was rigorously evaluated, and shown to have reduced group-related homicides in Cincinnati.¹¹ The current PIVOT (Place-based Investigations of Violent Offender Territories) project, though relatively new, also shows great promise.¹² It is a clear example of how problem solving can engage with community members to tackle violence. Obviously, these capabilities exist within the Cincinnati Police Department and in City government. Later in this report, we discuss several organizational options that can incorporate problem solving and crime reduction into the city administration.

B. The False Choice Between Effective and Fair Policing

The second misunderstanding in the City’s report is the implied false choice between the police being fair or the police being effective. Not only is it factually

⁹ *Id.*

¹⁰ Nick Corsaro, Gerard, D. W., Engel, R. S., & Eck, J. E., *Not by Accident: An Analytical Approach to Traffic Crash Harm Reduction*, JOURNAL OF CRIMINAL JUSTICE, 40(6), 502-514 (2012).

¹¹ Robin S. Engel, Tillyer, M. S., & Corsaro, N., *Reducing Gang Violence Using Focused Deterrence: Evaluating the Cincinnati Initiative to Reduce Violence (CIRV)*, JUSTICE QUARTERLY, 30 (3): 403-439 (2013).

¹² City of Cincinnati, *PIVOT: Place-based Investigation of Violent Offender Territories*, Presentation for the Goldstein Awards, 27th Annual Problem-Oriented Policing Conference, Houston, Texas (October 2-4, 2017).

wrong, it is also dangerous.¹³ There is no scientific evidence that police must sacrifice fairness for effectiveness, or vice versa.¹⁴ Further, surveys of citizens in both low and high-crime neighborhoods show that the public is generally unsupportive of trading off rights for effectiveness.¹⁵ Finally, there is increasing evidence that when police are fair, and the public perceives them to be fair, young people are significantly less likely to engage in troublesome behavior.¹⁶

Embracing this false choice got Cincinnati into trouble 17 years ago; troubles that led to negotiations resulting in the Collaborative Agreement. Then, and seemingly now, there was an assumption that the people of Cincinnati could *either* have fair and “nice” police, but crime would spiral out of control, *or* the people could be safe with an aggressive police force that handled crime. That “either/or” assumption has no basis in fact; it is just that, an assumption.

The facts are that it is possible to have an effective and fair police organization; an organization that successfully works to drive down the many concerns the public bring to the police, and does so in a manner that is fair, constitutional, and uses limited force. Cincinnati has shown this is possible. A published study shows that since the signing of the Collaborative Agreement, police use of force has declined and so has crime.¹⁷

C. The Rebuilding Communities Mistake

The report contains a third misunderstanding that needs to be addressed. The City’s November 2017 report states, “To conduct problem solving activities to the current expectation level necessary to rebuild our communities will certainly require more Department resources and the active support of many more agencies and stakeholders.”¹⁸ We do not know where this expectation was voiced or by whom,

¹³ Report on Twenty First Century Policing, *supra* note 8.

¹⁴ Robin S. Engel, & Eck, J. E., *Effectiveness vs. Equity in Policing: Is a Tradeoff Inevitable?* IDEAS IN AMERICAN POLICING, no. 18., Police Foundation (2015), at <https://www.policefoundation.org/publication/effectiveness-vs-equity-in-policing-is-a-tradeoff-inevitable/>

¹⁵ Amanda B. Geller, Fagan, J. & Tyler, T. R., *Who’s Rights? Inequality and Tradeoffs in New York City*, Paper presented at the 10th Conference on Empirical Legal Studies, Ithaca, New York, Cornell Law School (October 2017).

¹⁶ Jeffrey Fagan, Tyler, T., & Meares, T., “Street Stops and Police Legitimacy in New York,” in J. E. Ross & T. Delpuech (Eds.), *Comparative Intelligence-Led Policing: New Models of Participation and Expertise* (pp. 203–231) (2016)

¹⁷ Robin S. Engel, Corsaro, N., & Ozer, M. M. *The Impact of Police on Criminal Justice Reform*, CRIMINOLOGY & PUBLIC POLICY, 16(2), 375–402 (2017).

¹⁸ City Report, *supra* note 1, at 4, 17.

but two things are clear. First, at no time during the negotiations over the Collaborative Agreement was it assumed that the police would rebuild Cincinnati's communities. Second, there is nothing in the considerable number of documents written about problem-oriented policing that suggests that community rebuilding is or should be part of the police mission. Certainly, none of the guides developed for police by the Center for Problem-Oriented Policing make such a suggestion.

In fact, from the very beginning, advocates for a problem-oriented approach have taken a modest and pragmatic stance. Police can assist in community rebuilding, but the heavy lifting for such undertaking will be done by many other public and private organizations. Problem-oriented policing was not designed to tackle society's greatest difficulties: homelessness, mental illness, deteriorated neighborhoods, racism, poverty, environmental degradation, etc. No policing strategy can tackle problems on that scale.

Between the handling of calls, crimes, and traffic accidents at one end of the scale of troubles, and rebuilding communities at the other end of this scale, are many modest size problems that need addressing. That is the focus of problem-oriented policing. Intelligently and diligently addressing these middle-range concerns can reduce the calls, crimes, and accidents and may be of help to those engaged in community revitalization. As we will discuss later, a problem-oriented policing strategy assumes that the police will take a strong collaborative and leadership role in addressing these problems, but there is an organizational alternative to this assumption that can still realize the goals of problem-oriented policing.

III. THE CPD'S USE OF PROBLEM SOLVING

Apart from the misstatement of the nature of community problem-oriented policing, the City's report provides evidence that the Cincinnati Police Department is unilaterally withdrawing from the Collaborative Agreement. There are two bases for this conclusion. First, the report asserts that community problem-oriented policing detracts from the police performing its core functions.¹⁹ However, the Collaborative Agreement clearly makes the addressing of problems a core function.²⁰ If there are conflicts among functions (no evidence is provided to support the claim that there are), it is a matter for the parties to the agreement to work out, based on detailed information and careful analysis.

¹⁹ City Report, *supra* note 1, at 4.

²⁰ Collaborative Agreement, *supra* note 2.

Second, the table titled “PSTS Projects per Year” shows a precipitous drop in problem-solving activities in the last two years.²¹ We have displayed the data from that table in Figure 1. Problem-solving projects fluctuate over time. There is a surge in problem solving activity in 2014-2015 following the release of the problem solving report in April, 2014.²² We have overlaid the tenure of police chiefs who served during the Collaborative Agreement with the measures of problem-solving actions in each year of each chief’s administration. Figure 1 illustrates that problem-solving activity is associated with police leadership. By leadership, we do not mean just the head of the department, but the command staff immediately underneath the chief. There is no evidence that the Cincinnati Police Department lost the capability to address problems. Rather, it appears that this was a decision of the police command. There is also no evidence in any of the reports prepared by the City for our review that the Manager’s Advisory Group (MAG) was consulted on this change in strategy.

We have also marked, in Figure 1, two external events that seem to impact on the quantity of problem-solving activities. First, these activities peaked at the end of court monitoring of the Collaborative Agreement in 2008, then declined. There was a resurgence of problem-solving activities in 2014, following the release of a report on problem solving in Cincinnati.²³ These events also point to leadership decisions: in the absence of external events, the City’s leadership does not appear to have a commitment to problem solving.

Some might argue that quality of problem solving matters more than quantity. That may or may not be the case. It is certainly worth examining. Quality of problem solving is difficult to assess. The 2014 report to the City on collaborative problem solving in Cincinnati did extract some information from the PSTS database that allowed a limited examination of quality.²⁴ Unfortunately, the 2017 report from the City presents no information that allows us to assess the quality of the problem-solving activities. It is possible that the police command staff decided to focus on quality. However, there is no evidence that they have discussed this with the MAG, nor have they presented any data that would allow us to measure any increase in the quality of their problem-solving efforts.

²¹ City Report, *supra* note 1, at 14.

²² John E. Eck, *The Status of Collaborative Problem Solving and Community Problem-Oriented Policing in Cincinnati*, School of Criminal Justice, University of Cincinnati (2014), at <https://www.cincinnati-oh.gov/police/departments-references/problem-solving-cpop-status-report/problem-solving-cpop-status-report1/>

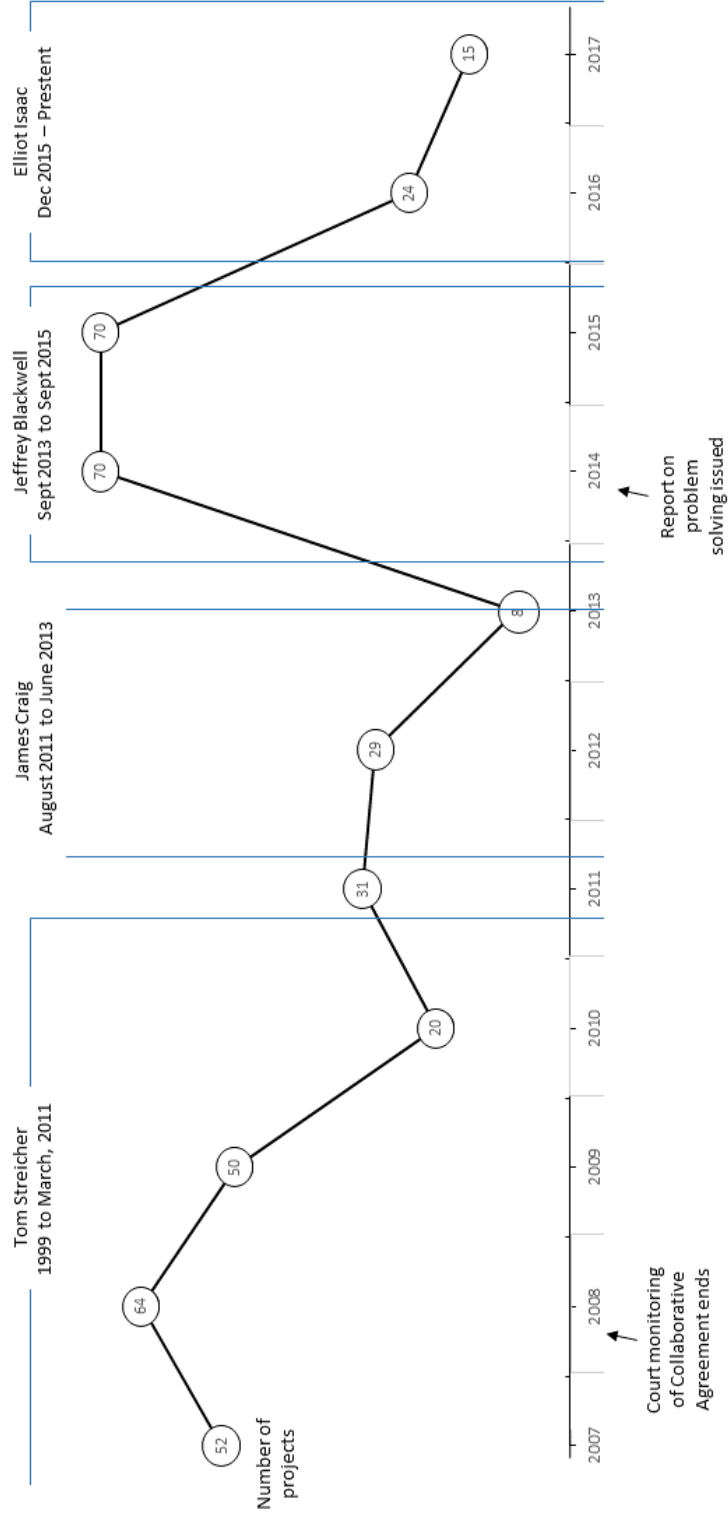
²³ *Id.*

²⁴ *Id.*

The City's report does make a useful distinction between three scales of problems: simple; complex; and macro events.²⁵ The report does not classify current problem-solving efforts using this typology, but the typology does have promise. The three types could be refined further, defined more specifically, and applied as a way of measuring problem-solving efforts. So, for example, the City could report on all three types rather than aggregating all problem solving into one heterogeneous pool. We would expect that in any given year, there would be numerous simple problems being addressed, a modest number of complex problems, and very few macro problems.

²⁵ City Report, *supra* note 1, at 16.

Figure 1: Problem Solving and Leadership in the Cincinnati Police Department: 2007-2017



IV. OPTIONS FOR THE PARTIES TO THE COLLABORATIVE AGREEMENT

Given the City's third report, the parties to the Collaborative Agreement have three options.

Option 1: Abandon the Collaborative Agreement.

The City's report suggests strong skepticism that community problem-oriented policing can be applied by the police. The level of problem solving, a center piece of the Collaborative Agreement, is extremely low: close to its lowest point since 2007. We observe from this that the police department appears to have chosen this option. We hope we are wrong and that this is not the case. But if we are correct, and this skepticism toward problem-solving policing is a strongly and widely held view in city government, then the parties must entertain the option of walking away from its historic and nationally recognized agreement that seems to have benefited Cincinnati.²⁶ Embracing the assumptions of the City's report and the excuses for low levels of community problem solving leave little wiggle room.

How the Collaborative Agreement could be dismantled is unclear. We have no recommendations. We do urge the parties to either openly and frankly take this option, or take one of the other two options. Worse than publicly declaring the Collaborative Agreement ended would be to pretend to embrace it while letting it die in a back room by maintaining its symbols but gutting its substance.

Option 2: Refresh the Collaborative Agreement.

This is the option we recommend. In 2014, a report on Collaborative Problem Solving in Cincinnati was delivered to the citizens of Cincinnati.²⁷ We do not know how many of the recommendations in that report were undertaken by the parties to the Collaborative Agreement. The report we reviewed from the City makes no particular mention of such efforts, though there are hints that something may have been done. Rather than repeat those recommendations, we suggest that the parties examine which still need to be addressed, which are still a priority, and what should be done to address them. Here we focus on topics that arose

²⁶ Charles F. Sabel & Simon, W. *Due Process of Administration: The Problem of Police Accountability*, YALE JOURNAL ON REGULATION, 33:165-211 (2016).

²⁷ Eck Report (2014), *supra* note 22.

reviewing the Collaborative Refresh Documents, during discussions with the parties, and in other refresh related activities.

- *Strengthen the MAG* so it can provide robust oversight of the Collaborative Agreement. The MAG should focus on patterns of practice and not on specific incidents (except in so far as they relate to patterns). Important decisions about major provisions of the Collaborative Agreement should not be made unilaterally. The MAG is the obvious forum for raising concerns about resources, priorities, abilities, conflicts, and commitments should any party find it difficult to live up to its obligations in the Collaborative Agreement or in any subsequent refreshed agreement. Rather than MAG members discovering changes after one party has made them, the MAG should be informed about difficulties prior to any commitment to a solution, and the MAG's participants should undertake an exploration of what needs to be done (if anything). The City should examine Seattle's Police Commission for ideas about collaborative problem-solving that might be applicable to Cincinnati (<https://www.seattle.gov/community-police-commission>).

- *Develop sound problem-solving performance indicators* to track the quantity, quality, and scale of problem solving activity. These indicators should be developed after consulting experts (in policing and academia) who are intimately familiar with problem-oriented policing. Creating a typology of problems will be a helpful start. We do not expect this to be easy, nor do we expect all initial efforts to withstand the test of time. We do expect modifications to be required as all parties learn more. Therefore, provisions should be made for reviews of such indicators with an eye to improving them, dropping those that are unproductive, and adding new indicators as needed.

- *Create an inspections regime designed to improve problem-solving quality.* Many aspects of police are held accountable by routine inspections. If problem solving is to be implemented and sustained, the CPD must have some form of internal audit and review. While this review process should be undertaken by the CPD, the criteria for review should be developed in collaboration with the other parties. Periodically, the CPD problem-solving inspections results should be shared with the MAG to facilitate discussions of how problem-solving efforts can be improved.

- *Develop sound indicators of fair policing.* The aphorism, "we are what we measure" is applicable here. In the absence of scientifically defensible and publically available quantitative measures of fairness, conflicts over perceived

injustice will fester and explode. Just as we pay attention to fluctuations in crime from year-to-year, we should be examining changes in fairness indicators.²⁸ Only then can long-term objectives be set, and progress to those goals be measured. We expect that publication of such indicators will cause some distress, particularly in the beginning. However, it is far better to have this distress expressed publically where it can be discussed, than to be hidden and form the basis of surprising outbursts of conflict.

- *Create problem-solving projects around specific policing equity and fairness concerns.* Fairness and equity in policing come in many forms, and have numerous sources. Just like crime and disorder problems, we suggest taking a problem-oriented approach to improving fairness. Rather than hold general debates about fairness in general, debates that usually lead to few if any specific actionable steps, we suggest being far more specific in fairness problem solving so that actions can be taken, both inside Cincinnati government and outside.
- *Develop sound measures of officer safety, health, and welfare.* Police justifiably want to be viewed as more than taxpayer funded public servants, but as professionals who undertake difficult and sometimes dangerous activities and whose lives matter. In the negotiations leading up to the signing of the Collaborative Agreement, the parties grappled with these issues. Nevertheless, the important role of the rank-and-file police officer often appears to be overlooked in discussions of the agreement. This refresh is an opportunity to address this deficiency. Attention to the concerns of the rank-and-file officers can enhance the legitimacy of the Collaborative Agreement and encourage their efforts to realize its goals.²⁹ Just as we recommend scientifically sound and publically available measures of fairness, we recommend the development of indicators of officers' safety, health, and welfare. Such indicators can inform the City about progress toward making their work lives less dangerous and signal the partnership of CPD officers in the Collaborative Agreement.
- *Create problem-solving projects around specific officer safety, health, and welfare concerns.* Like fairness, these concerns are best addressed by breaking

²⁸ Report on Twenty First Century Policing, *supra* note 8.

²⁹ Rick Trinkner, Tyler, T. R. & Goff, P. A., *Justice from within: The relations between a procedurally just organizational climate and police organizational efficiency, endorsement of democratic policing, and officer well-being*, PSYCHOLOGY, PUBLIC POLICY, AND LAW, 22: 158 – 185 (2016). Justin Nix & Wolfe, S. E., *The impact of negative publicity on police self-legitimacy*, JUSTICE QUARTERLY, 34: 84-108 (2017).

them down into discreet problems that can be carefully examined, allow specific actions to be developed, and success measured.

- *Create an annual report to the City documenting problem solving activities, progress toward addressing issues of fairness and equity, and progress toward improving officer safety, health, and welfare. The annual report should also note barriers to progress and efforts to overcome them in all three areas. The City of Cincinnati has made great strides in crime data transparency, but it has not made comparable strides in reporting on problem solving efforts. This should be a priority.*
- *Make it clear to current and future city and police managers that carrying out quality problem solving is a core function of the Cincinnati Police Department: just as are responses to calls for service, investigations, and other reactive work. New police leaders do not have the discretion to alter this negotiated fact. A new chief and command staff can improve the administration of problem solving and recommend to the MAG large scale improvements, but they are not empowered to walk away from the Collaborative Agreement.*

We have purposefully not specified who should carry out these activities, as we believe this is something that the City and its collaborative partners should decide based on specific information we do not have.

Option 3: Develop a Robust City Crime Prevention Capacity Outside of the Police Department.

If the City wants to reduce crime, disorder, and other problems, and if the Cincinnati Police Department is uninterested in taking a leading role, then this option should be considered. In this option, the police only react to crime: run from call to call, crime to crime, and traffic accident to traffic accident. The City establishes a modest size section dedicated to prevention (we will call it the Prevention Bureau for short). It would use police and other city data, as well as complaints from the public, city council, and the manager's office, to develop a list of priority problems. The Prevention Bureau's staff would engage with the public, city agencies, and other stakeholders to address the problems. Police involvement would be as one of the City agencies.

The Prevention Bureau could be staffed by former CPD officials with demonstrated problem solving and community engagement experience, as well as technical experts in data processing and analysis. For large scale problems,

members of other city agencies would be seconded to the Prevention Bureau for the life of the problem-solving effort. It may even be possible to recruit temporary staff members from local corporations and universities. As the CPD would require only limited analysis, most of the positions of crime analysts can be removed from the police department and the resources shifted to the Prevention Bureau.

The Prevention Bureau would report directly to the city manager. The City would develop metrics for determining the bureau's impact on targeted crimes. A stand-alone prevention bureau would not be a first for a U.S. city; the city of Portland, Oregon has such a unit within its Office of Neighborhood Involvement.³⁰

A Prevention Bureau would address effectiveness, and might have indirect impacts on police-community conflict. If problems are resolved without much police involvement, opportunities for conflict could be lessened. By resolving problems, police would have fewer calls to handle, and this too would reduce conflict. Nevertheless, this option would not address how police handle those calls it continues to respond to, nor the use of self-initiated stops of vehicles or pedestrians. Because the City's report suggests that the police should *only* focus on call, crime, and accident handling, the police should not be engaged in proactive hotspots patrolling, or stop and frisk activities, as these too take time from reactive police work.

This option is not our first preference, but it is preferable to option 1.

V. ROLES OF THE COMMUNITY AND FRATERNAL ORDER OF POLICE IN PROBLEM SOLVING

The Collaborative Agreement clearly provides that the community and the Fraternal Order of Police partner with the Cincinnati Police Department in carrying out Community Problem Oriented Policing. The commitment to the ongoing goals of the Collaborative Agreement, problem solving and improving police-community relations in Cincinnati are also embodied in the Collaborative Agreement Plan and most recently by the community's and Fraternal Order of Police's willingness to participate in Collaborative Agreement Refresh. These commitments demonstrate an understanding that City officials, CPD and community members will work together to be co-creators of public safety in Cincinnati.

³⁰ Portland's Crime Prevention Program, at <https://www.portlandoregon.gov/oni/article/349629>.

Our review of the Collaborative Agreement Refresh Documents, discussions with community and FOP representatives and participation in refresh related activities reveal a need for a more robust and effective participation by community and FOP members in Community Problem Oriented Policing in Cincinnati. Any barriers to participation must be identified and eliminated.

A. The Role of Community Members in Problem Solving as Envisioned by the Collaborative Agreement

As noted above the Parties intentionally used the term “community problem oriented policing” in the Collaborative Agreement to keep it in the forefront of everyone’s mind that community members would be engaged with police in preventing crime and disorder. However, the City’s Community Problem-Oriented Policing Strategy Report doesn’t contain any written input from the Black United Front, the representative plaintiff to the Collaborative Agreement and community representative in the Refresh process. More importantly, statements by Black United Front representatives during meetings with the Parties and at Collaborative Refresh related activities reflect significant frustration with the Cincinnati Police Department and City officials in being able to make substantive input during the refresh process.

It is important to note that the Black United Front has not sat idly by during the refresh process. The representatives have participated actively at the first two community forums and at the meetings of the Parties where refresh reports are reviewed and recommendations considered. They prepared a *Draft Work plan for Implementation of Green Team Recommendations for the Bias-free Policing – Arrests, Traffic Stops and Pedestrian Stops Progress Report*, convened members of the community to participate in the refresh and help implement recommendations, and were integral in the preparation, circulation and analysis of the *Community Perception Survey Report*. Despite the energy they have exhibited and the work they produced, the acrimony that exists between the Black United Front and the Cincinnati Police Department during this refresh process is palpable and poses a barrier to the partnering the Collaborative Agreement envisions.

This raises a question: when community representatives and the City/CPD are unable to work together effectively to conduct the important targeted work of the Collaborative Refresh under the direction of the City Manager, how will the First Goal of the Collaborative Agreement that “Police Officers and Community Members Will Become Proactive Partners in Community Problem Solving” ever

be accomplished? This question leads to important concerns these parties must face as they consider their options:

- Are the City/CPD and community representatives ready to put aside decades old acrimony to do the necessary work for the greater well-being of the community?
- The challenges community members face to fully and effectively participate in the Collaborative Refresh, and Community Problem Oriented Policing more generally, have to be identified and addressed. We cannot resolve these issues for the parties, but we do suggest they problem solve how to accomplish more effective avenues for substantive contributions by community members and to address the practical needs faced by community volunteers who have committed, and will be called upon to continue to commit, significant time to the work of Collaborative Agreement.
- There needs to be honest dialogue that addresses what each party wants in this Collaborative Agreement Refresh and problem solving moving forward, and an equally honest effort by each side to reasonably address those needs.

B. The Role of the Fraternal Order Of Police in Problem Solving as Envisioned by the Collaborative Agreement

Like the community, the Fraternal Order of Police's commitment to Community Oriented Policing is clearly stated in the Collaborative Agreement, and carried forward in the Collaborative Agreement Plan and the Collaborative Agreement Refresh. Unlike the community, city officials and CPD Administration, the Fraternal Order of Police has equivocated from the beginning of the refresh process on whether it would be a full participant. After initially voting to support the Refresh, it withdrew its support only to subsequently agree to rejoin the process. However, since returning to the table there has not been a written or spoken word contributed by FOP representatives to the city refresh reports, at community forums or during Parties meetings. In this report and our two previous progress reports we have addressed how problem solving can address the important rank-and-file officer issues such as officer safety, health and welfare. As we stated above, there needs to be honest dialogue that addresses what each party wants in the Collaborative Agreement Refresh and problem solving moving forward and an honest effort to address those needs. The FOP needs to be a willing and active participant.

VI. CONCLUSIONS

The City's report suggests deep ambivalence toward carrying out the problem-oriented policing strategy the parties agreed to in the Collaborative Agreement. The four members of our team, each with considerable experience with policing in general and problem-oriented policing in particular, recognize that implementing and sustaining a commitment to problem solving is difficult. It is probably the most challenging part of the Collaborative Agreement. However, difficult is not the same as impossible. Indeed, since 2001, the Cincinnati Police Department has had notable successes in undertaking problem-solving efforts, at the small, medium, and large scales. The department has the talent and expertise. It has the procedures and technology. And it has the community support for such efforts. However, the Cincinnati Police Department is inconsistent in its commitment. So this is not an issue of ability, it is an issue of leadership will power.

The Collaborative Agreement grew out of an extremely difficult and trying time in Cincinnati. But the difficulties of the late 1990s and early 2000s were not peculiar at their core. Like all large cities in the United States, Cincinnati has long struggled with whether government should police its urban neighborhoods, or police with its urban neighborhoods. And if government chooses to police with its neighborhoods, how should it do so?

The choice, by the three parties to the Collaborative Agreement, of community problem-oriented policing strategy was important, both for what this choice rejected and for what it embraced.

This choice rejected the use of law enforcement as the principle and virtually sole tactic of policing. Law enforcement was embraced as an important tool, but only one of many possible tools to use to improve public safety.

The choice rejected ignoring the human costs of enforcement and the inequitable distribution of these costs. It embraced working toward reducing such costs and finding ways to improve public and police safety fairly.

The choice rejected feel good "kumbaya oriented policing" that celebrated the police and public meeting together without producing tangible progress toward improving public safety, reducing inequities in the use of police powers, or improving officer safety and welfare. It embraced collaborative partnerships that got things done.

The choice rejected impulsive seat-of-the-pants policing programs: efforts that might seem useful but have no basis in science, evidence, or practice. It embraced the application of evidence-based policing, the use of data analysis, consulting with local and international experts, and the use of best practices.

The choice rejected the police command making important strategic decisions without consulting the public or its line officers. It embraced including members of the public and rank-and-file officers in important strategy decisions.

Most of all, the choice rejected the unsupported assumption that the public could either have safety or it could be treated fairly, but it could not have both. The choice of problem-oriented policing with community collaboration was made as a step toward a Cincinnati where the public is and feels safe, officers can do their work in safety, and all people are treated equitably.

Today, with the many studies available to draw upon, Cincinnati has no tested alternative to community problem-oriented policing. No other strategy improves safety, lessens inequities in policing, *and* has evidence of usefulness. Many other strategies, however, are easier to implement and sustain. So it comes down to this: is Cincinnati committed to an evidence-based policing strategy that holds out the possibility of achieving tangible improvements in the lives of its residents and police officers, or will Cincinnati settle for a policing strategy that is easy for its administrators?

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