

The Cincinnati Police-Community Relations Collaborative

By Jay Rothman and Randi Land

In early 2001, Cincinnati, Ohio, found itself confronted with accusations of racial profiling and increased tension between the African American community and the police, culminating in an outbreak of civil unrest. Thrust into an unwanted limelight, the city was challenged to look at alternative ways for resolving this conflict, which resulted in an alternative dispute resolution (ADR) effort known as the Cincinnati Police-Community Relations Collaborative.

Cincinnati's attempt at forging a new path in police-community relations is, perhaps, the first of its kind. Following on the heels of a proposed racial profiling lawsuit filed against the city and its police department in March 2001, thousands of citizens from all racial and economic backgrounds, religions, and professions joined together to constructively engage a significant social conflict. They crafted a consensus platform of goals for improving the relationship between police and the community that served as the cornerstone for the historic federal court-sponsored collaborative settlement agreement that was reached in 2002.

Origins of the collaborative

It could be argued that this innovative and unprecedented approach to police-community relations was more than three decades in the making, as African Americans in Cincinnati have alleged disparate treatment by the police since 1967. From 1967 to 2000, the Cincinnati Police Department was the subject of 17 reports investigating racial issues that ranged from shootings of African Americans to hiring and promotion of African American police officers. Lawsuits, commissions, and investigations resulted in 214 recommendations, most frequently suggesting ways to improve informing the public about police actions, policies, or procedures, external oversight, police involvement with the community, and the promotion and assignment of African American

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police officers. But few of these recommendations were implemented or sustained. (Lisa Bostaph, John Eck, Lin Liu, *Racial Profiling and Police Vehicle Stops: The Cincinnati Data*, paper presented at the Annual Meeting of the American Society of Criminology, Chicago, IL, November 13, 2002.)

Though police-community conflict had been a long-standing issue in Cincinnati, for many African American activists the recent history of police abuses began on February 1, 1995, with the killing of Harvey Price, who was shot after advancing with a knife on officers during the investigation of a murder. Price was the first of 14 men killed by the police between 1995 and the filing of the federal lawsuit in March 2001, all of them African Americans. Many in the African American community believed that the police investigation of these deaths was inadequate. This conflict was augmented by concern over the police practice of stopping and searching African Americans more often than Caucasians. (John Eck and Jay Rothman, *Police-Community Conflict and Crime Prevention in Cincinnati, Ohio: The Collaborative Agreement*, in PUBLIC SECURITY AND POLICE REFORM IN THE AMERICAS (John Bailey and Lucia Dammert eds., forthcoming).)

By 2001 there were two opposing public explanations for the situation that existed between police and citizens. Within the African American community, many believed it was a callous attitude on the part of police that allowed rogue cops to ignore repeated complaints. They felt that if only the police department would hold officers more accountable and make meaningful efforts to engage community members in a dialogue over how policing should be conducted, then these problems would decline.

Police, on the other hand, pointed to the high victimization and arrest rates among African Americans as the underlying cause of the frequent stops and the use of force within their community. From the police perspective, crime rates would be higher if not for the aggressive enforcement of even minor laws. They believed that good police work only appeared discriminatory because of antipolice activists, and that crime would decrease and the need for aggressive tactics would abate if only they were left alone to do what they perceived as a very difficult job.

The lawsuit

On March 15, 2001, the Ohio chapter of the American Civil Liberties Union joined forces with the Cincinnati Black United Front (BUF) on behalf of Bomani Tyehimba, an African American businessman who claimed that two police officers had violated his civil rights by handcuffing him and unjustifiably pointing a gun at his head during a traffic stop two years earlier. They filed a

class action suit alleging that the police department had treated African American citizens differently than other racial groups for more than 30 years. (*In re Cincinnati Policing*, No. C-1-99-317 (S.D. Ohio 2001).) The plaintiffs claimed that recent deaths of African Americans at the hands of the police and the disproportionate stop-and-search rate for African Americans were not an aberration, but part of a pattern and practice of discrimination by the Cincinnati Police Department.

As evidence, they cited the 17 investigative commissions, ad hoc committees, and other suits dealing with allegations of discrimination. The attorneys who filed the class action were more than aware of all the efforts to force the City of Cincinnati to address this issue through the use of litigation over the past three decades, and that none had produced lasting success. This time, they hoped for a new approach to the complex problem of police-community relations and race relations.

They did not know what that approach would look like until the case was placed on the docket of U.S. District Judge Susan J. Dlott. As a former domestic relations lawyer, Judge Dlott had developed the strong conviction that in issues with such deep emotional content the courtroom was not the best place to forge a lasting solution. Rather, she felt people involved in such disputes needed to take an active role in defining and solving such problems. In her view, court action would only further polarize the parties. With so much at stake in this case, she asked the attorneys if they had thought about settling in other ways. "If I could get the parties to settle early, that would be a contribution to the system, parties, everyone," she said during a briefing on Cincinnati race relations to the Greater Cincinnati Foundation Funder on Oct. 2, 2002. "That's what I specialize in: the ability to solve problems before trial."

A negotiated settlement appealed to the plaintiffs, whose lawyers had successfully litigated discrimination suits against the police in the past, only to find that reforms were blocked. The city also felt that negotiations would be preferable to protracted legal proceedings, the risk of large monetary losses, and increasing loss of public support. Through Judge Dlott, all parties eventually agreed to set aside normal litigation and pursue an alternative path of collaborative problem solving and negotiation on the wider issue of police-community relations. In addition, both parties agreed to invite the local chapter of the police union, the Fraternal Order of Police (FOP), to participate in the negotiations.

Alphonse Gerhardstein, lead counsel for the BUF, contacted the New York City-based Andrus Family Fund (AFF), a foundation interested in innovations in community reconciliation, and secured a \$100,000 pledge contingent on Cincinnati matching the funds to underwrite a citywide dialogue on police reform.

Negotiations appealed to those who'd seen past reforms blocked.

At the recommendation of the AFF, Jay Rothman, president of the ARIA Group, a conflict resolution training and consulting company in Yellow Springs, Ohio, was invited to guide this process. Rothman became the director of the collaborative and was appointed special master by Judge Dlott.

Rothman began holding regular meetings with leaders from the FOP, city and police administration, and the plaintiffs. He first proposed a problem-definition process, suggesting that without a common definition of the problem, the parties would have difficulties finding a common solution. However, the police leadership strongly resisted this approach. They argued that focusing on problems would only result in finger-pointing. Moreover, the police and city attorneys were unwilling to engage in an effort to define a problem—racial profiling—that they simply did not agree existed.

In response, Rothman suggested that the parties undertake a broad-based visioning process focused on improving police-community relations. The city and police department accepted this proposal because it seemed a constructive process in which representatives from all parties could work collaboratively. The leaders of the Black United Front found this approach appealing largely because it was to be conducted within a framework that promised some form of judicial oversight during the process and after its

conclusion. Such a process, it was hoped, would foster collaborative relationships. Such relations are defined as those that would "evolve toward commitment to common mission, comprehensive communication and planning, pooled resources, and shared risks and products. Authority is vested in the collaborative, rather than in individuals or an individual agency?" (Ellen Taylor-Powell, Boyd Rossing, and Jean Geran, *Evaluating Collaboratives: Reaching the Potential*, Program Development and Evaluation of the University of Wisconsin Extension, at 5 (1998).)

By the end of March 2001, an advisory group consisting of the attorneys and key players from the parties to the proposed lawsuit had been formed. Over the course of the collaborative, this advisory group shifted from a group of adversaries, brought together by necessity, to an advisory body that worked together to guide the process to completion, including the successful negotiation of a collaborative settlement agreement in April 2002. (Full text available at http://www.ariagroup.com/FINAL_document.html.)

One of the driving forces behind this shift was three days of violence and rioting in the streets of Cincinnati in early April 2001, following the shooting death of Timothy Thomas, a young unarmed African American man wanted for misdemeanors and traffic violations. On April 7, 2001, just after 2 a.m., off-duty police officers spotted Thomas, who was wanted by the police for 14 misdemeanors warrants, many of which were traffic-related.

They reported this to on-duty officers, who pursued Thomas on foot. One officer, Stephen Roach, ran down a dark alley with his gun drawn. He did not know the nature of Thomas's warrants, and in a sudden confrontation, Roach fired and fatally wounded Thomas. The officer at first claimed he saw what looked like a weapon and fired in self-defense. Later he claimed it was an accident. To many in the African American community it looked like murder and yet another example of police overuse of force.

Although the city and the police had initially been reluctant to pursue the collaborative process, three days of rioting and unrest following the Thomas shooting made the planned ADR process seem more appealing. They approached the judge and indicated they were ready to participate in mediation.

The formal establishment of the collaborative began when the Andrus Family Fund challenged the city to match the grant money and sign on as a formal sponsor and member of the collaborative. At a rancorous city council meeting on May 2, 2001, the collaborative, and the city's financial and moral contribution to it, was narrowly approved by a five-to-four vote. Over the year-long course of the project, which cost a total of \$400,000, other foundations, businesses, religious organizations, and individuals contributed to keep it going.

In her subsequent court order, Judge Dlott stated the purpose of the collaborative:

The proposed amended complaint alleges social conflict of great public interest to the community. To the extent possible, the collaborative will include an opportunity to receive the viewpoints of all persons in the Cincinnati community regarding their goals for police-community relations. The participants will state their goals for police-community relations, why these goals are important, and how they would achieve these goals The collaborative will include an opportunity for dialogue about these responses in structured group sessions. . . . [T]he collaborative will also include a process for expert analysis of the current practices of the Cincinnati Police Division and [best] practices in other communities.

(*In re Cincinnati*, Collaborative Agreement, Case No. C-1-99-317, § IV, n.10.)

Collaborative processes have grown in popularity and application in recent years. However, applying collaborative procedures to such a large-scale dilemma—the nature and future of police-community relations in the context of mutual mistrust and animosity—was unprecedented. This ambition turned into a project of unprecedented proportions in which thousands of Cincinnatians, dozens of lawyers, and a research team—all under federal court oversight—conducted an inclusive and ultimately successful large-scale collaborative effort.

The city's civil rights warriors supported this new process, but warily. Would it really make a difference? As long as the court would enforce any agreement, they felt it could provide a breakthrough. The project spawned other community-based efforts, including study circles sponsored by the Cincinnati Human Rela-

tions Commission, the Neighbor-to-Neighbor project, and community work by the National Conference for Community and Justice (NCCJ) and Cincinnati Community Action Now (CCAN). All of these provided additional venues for citizens to meet and talk about the broader issue of race relations.

With the collaborative now formally launched and officially legitimized, though not without opposition, the next task for the collaborative was to gain legitimacy through wide-scale public participation. As its first act, the advisory group invited participation from all citizens of the city in the goal setting/visioning process. Based on previous studies of tensions in police-community relations, the population was organized into eight stakeholder groups (African American citizens, city employees, police and their families, white citizens, business/foundation/education leaders, religious and social service leaders, youth, and other minorities). With help from the news media, everyone who lived or worked in the city, or was closely associated with the city—including suburban residents—was invited to answer a questionnaire and participate in feedback groups.

The advisory group then commissioned University of Cincinnati criminology professor John Eck to serve as the policing expert. Eck had worked with the Cincinnati Police Department previously and had experience in conducting research on police. Eck's job in the collaborative was to research the most relevant "best police practices" and "model programs" to provide recommendations to the negotiating parties. To do this, Eck drew on the social science research on police effectiveness that had been conducted over the last quarter of a century. Throughout the summer and fall of 2001, Eck and three graduate students examined the existing strategy of the Cincinnati Police Department through interviews and document review, and collected information on research and practices in other police agencies.

Participation is key

The core of the collaborative process was based on a design called "action evaluation," a participatory methodology for strategic visioning. This process is defined by stakeholder participation via the contribution of goals and action plans for shaping a desired future. In the form of either interviews or questionnaires (hard copy or Web-based), members of these eight stakeholder groups were invited to share their voices and answer three questions: (1) What are your goals for future police-community relations in Cincinnati? (2) Why are those goals important to you (what experiences, values, beliefs, and feelings influence your goals)? (3) How do you think your goals can best be achieved? More than 3,500 people responded.

The key component to the collaborative was this public participation. Invitations went out to the entire community through the media. In addition, community leaders, including the mayor, the police chief, the city manager, the president of the Chamber of Commerce, and religious and education leaders, sent letters. The special master wrote an open invitation in the local newspaper:

Cincinnati truly has an opportunity to reshape its future. From the inside out. From the bottom up. This is how. All Cincinnatians are being asked to share their goals for the future of police-community relations within the context of the federal court-mandated collaborative process. This is a once-in-a-lifetime opportunity, already being seized upon by thousands of Cincinnatians who have shared their opinions, hopes, hurts and ideals. After the kinds of distress that Cincinnati experienced a few months ago, most cities stumble through a process of rebuilding the bricks and mortar but fail to address the hearts and minds of the people. This time Cincinnati is going to the heart of the issues. Cincinnati is going to the people. . . . The collaborative belongs to you the people of Cincinnati. It belongs to the youth, to white, African American and other minority citizens, to the police, to elected officials, to business people, to religious and social service leaders, to everyone who cares.

Will you participate?

(Jay Rothman, *Change Starts in Individuals*, CINCINNATI ENQUIRER, August 25, 2001.)

Although conflicts between police and community had been on the rise throughout the nation, this was the first time the entire citizenry of a city was invited to participate directly in addressing the conflict and suggesting solutions. Rather than a closed-door, top-down process in which policy makers and government officials set their own agenda and imposed it upon the city, this process was bottom-up, participatory, and inclusive.

Group meetings

In addition to the interviews and questionnaires, citizens were invited to participate in feedback sessions with other members of their stakeholder groups. These sessions took place every couple of weeks from June through December 2001. They were held in churches, the convention center, the FOP Union Hall, Cincinnati State College, and other community centers. A total of 700 people attended these eight sessions.

At these sessions, participants broke into small groups for a facilitated discussion about the values motivating their goals for improved police community relations. These discussions were often the first opportunity many people had to listen to others and to be heard. After the “why” (or values) discussion, a selected subgroup negotiated a set of group goals representing the interests both of those present at the session and the hundreds of others who had completed the questionnaire.

Some citizens, particularly African Americans, felt this was just another dead-end process that would result in no real change. But for those who did participate, it provided an outlet for sharing

grief and frustration. A youth session offered a particularly poignant opportunity for expression. “When we felt pain, no one from the city came to listen to us,” said one tearful young woman, whose comments were widely broadcast. “We needed someone to comfort and listen to us.”

Police were reluctant at first to take part in the collaborative as they viewed it as just one more effort by outsiders to tell them how to do their jobs. But in the end, 25 percent of the police department responded to the questionnaire. It proved an unusual opportunity for police officers to share their perceptions. At their

initial meetings, officers participated in two separate groups: the Sentinels, an organization for officers of color, and the FOP. The Sentinels told of off-duty experiences of racial profiling. They also spoke about the drugs and violent crime plaguing Cincinnati’s predominantly black neighborhoods, as well as internal police policies affecting African American officers. In the FOP group, officers expressed feelings of being mis-

understood, demonized, and unappreciated. They recounted experiences when they were called “pigs,” pelted with beer bottles, and cursed. They also talked about the different perceptions black and white citizens tended to have of police intentions and actions. Although they denied the existence of a department policy of racial profiling, some officers suggested that a lack of courtesy might have contributed to perception of racial profiling and discrimination.

In the initial goal-setting meetings, stakeholders met and talked only with other members of their group. Later, the goals of all eight groups were narrowed down to five shared goals. At an intergroup session in December 2001, 60 representatives came together to examine, prioritize, and approve this final set of five overarching shared goals:

1. Police officers and community members will become proactive partners in community problem solving.
2. Build relationships of respect, cooperation, and trust within and between police and communities.
3. Improve education, oversight, monitoring, hiring practices, and accountability of the Cincinnati Police Department.
4. Ensure fair, equitable, and courteous treatment for all.
5. Create methods to establish the public’s understanding of police policies and procedures and recognition of exceptional service in an effort to foster support for the police. (For more information on the process, see <http://www.ariagroup.com/cinti.html>.)

By working together to create a platform of goals, many citizens of Cincinnati began to feel a deep sense of ownership of the collaborative agreement. It was this platform of goals that served as a public guide to the negotiators as they worked toward a final settlement.

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And while the 3,500 citizens were creating this platform, the advisory group (attorneys and parties to the lawsuit) was meeting regularly to form a bond of understanding and appreciation for the other side. Strengthening relationships was a goal that Rothman, in his role as mediator, hoped would stand the parties in good stead through the next phase of intense settlement negotiations.

Negotiating an agreement

Within complex and multiparty negotiations, mediators often use a “single text” process. This process is most helpful when the issues to be resolved are varied, complex, highly charged, and a great deal of negotiations over precise settlement terms and language is anticipated.

Usually, a single text process begins with the mediator’s private consultation with each of the disputing party’s concerning possible settlement terms and acceptable structure and language of an agreement. In these conversations, the mediator attempts to understand and gather in oral or written form each party’s specific objectives, concerns, and restraints regarding possible terms of settlement. Based upon the information received, the mediator produces a “single text” of possible settlement terms, drafted from his or her third-party perspective.

In the Cincinnati process, the single-text drafting process was guided by the stakeholders’ five goals, which created a “formula” upon which the parties to the lawsuit would add the “details” for a final settlement. This single text process formed the basis of settlement negotiations. All of the recommendations were closely examined, resulting in multiple revisions. (Among the more substantive changes were provisions calling for the expedited investigation of accusations that police pointed guns at citizens, and establishing an independently funded and operated police-community problem solving center.) At any time during this process any one of the parties, the judge, or the mediator could have called off the process, and, indeed, this almost occurred, as a number of serious disagreements had to be resolved.

DOJ intervention

At the same time that the collaborative was proceeding, the Civil Rights Division of the U.S. Department of Justice (DOJ) was investigating the use of force by the CPD. At the invitation of the mayor, the DOJ conducted its review over the summer and fall of 2001. As the DOJ review progressed, the city became anxious that it would be subjected to a court-imposed settlement. So the city hired an outside law firm to negotiate with the Justice Department. It was hoped that the results of this investigation and negotiations could be combined with the collaborative agreement. Consequently, the collaborative process did not undertake a separate examination of police use of force issues.

The city and the Justice Department were able to reach a memorandum of agreement to improve police operations and establish policies and procedures in such areas as use of force, training, and discipline of officers in time to join the negotiating

table with the collaborative. The DOJ investigation resulted in a set of recommendations that was much less comprehensive than those developed in the collaborative. Although it was not clear until the last weeks of the negotiations whether combining the Justice Department’s requirements with the collaborative agreement would be possible, the plaintiffs would not sign an agreement without a link between the two agreements to ensure accountability on the part of the city. Ultimately, the link was approved by the city in response to both the large number of citizens who participated in the collaborative and the allegations by many in the plaintiff class that the city would never follow through on promised reforms. A single independent monitor will now oversee the agreements until 2007.

Settlement agreement

By April 5, 2002, almost a year after the riots, the collaborative settlement agreement had been signed by all parties. The timing was no coincidence; the anniversary of the riots kept the pressure on the parties to settle. The final agreement reflected the best practices recommendations—problem-solving, community engagement (aspects of problem-oriented policing), use of force (from the DOJ), promotion and hiring, citizen review, and evaluation—measured against the stakeholders’ goals to ensure that each goal was addressed by at least one set of recommendations. The goals were explicitly stated in the final court order, and the recommendations were included in five key conditions:

- Implementation of community problem-oriented policing (CPOP);
- External evaluation of the implementation of the agreement;
- Incorporation of the use of force agreement between the city and the U.S. Department of Justice;
- Parties’ collaboration to ensure fair, equitable, and courteous treatment for all citizens; and
- City establishment of a citizen complaint authority.

(*In re Cincinnati*: The Collaborative Agreement, Case No. C-1-99-317 (S.D. Ohio 2002).)

Additionally, the final settlement has a section that describes a detailed process for monitoring compliance with the agreement and for settling disputes among the parties should conflicts arise over compliance. Ultimately, under federal court jurisdiction, the parties were charged with the differing degrees of responsibility for carrying out the provisions within the agreement, with the largest burden being shouldered by the city and its police department. The parties were also required to select an independent monitor to report on implementation compliance, assuring all sides of an impartial overseer. If disputes cannot be resolved at these stages, a federal magistrate judge will act as the “conciliator” to resolve the conflict. Finally, if this fails, Judge Dlott can examine the dispute and force a resolution.

Transitions in Cincinnati

One of the concepts propelling the collaborative was “transitions” as defined by William Bridges, an expert and consultant on change management. He maintains that without an internal, psychological process of “transition,” people and organizations are not able to fully adapt to and embrace external change. Recognizing and attending to the emotional and psychological aspects of change are essential elements in creating and sustaining social change. Although related, change and transition are not identical, and people must first go through transition in order to accept change. Bridges suggests that basic assumptions must often be scrutinized and replaced before change can be sustained.

(WILLIAM BRIDGES, *MANAGING TRANSITIONS: MAKING THE MOST OF CHANGE*, 4, Perseus Books (1991).)

Bridges describes transition as a three-part process: First there is an ending or letting go of the familiar and an acknowledgment of the resulting losses. The second phase is the “neutral” zone, which is the very core of the process. Although marked by uncertainty and discomfort, the neutral zone is also the phase in which there is the greatest opportunity for healing and creativity. The final phase is new beginnings. Unfortunately, organizations and communities too often try to jump right into new beginnings.

They may make changes—external transformations such as new policies and new systems—without allowing the intellectual and emotional elements to catch up with those changes. Without enabling people to experience endings and to spend adequate time in the neutral zone, new laws, policies, or structures can actually get ahead of people’s hearts and minds, inhibiting successful change. Although new structures or new policies may be in place, if people have not moved along with it, they may be stuck in the endings stage. The community engagement element of the collaborative was an effort to help police and citizens of Cincinnati move through the transition process.

Endings in Cincinnati

The City of Cincinnati, its citizens, and its police force were ready for the end to bad relations between police and the community, to relying solely on litigation to resolve conflict, to a history of racial discrimination and tension, to the disregard for the challenging job of policing, and to a denial of any wrongdoing on the part of the police. It was time to end an old way of addressing complex social conflicts through adversarial litigation.

For the city administration, the collaboration represented a challenge to end a “we’re elected, we know best” attitude. The city council had to agree not to try to control the collaborative’s agenda. The FOP and the police were challenged to relinquish their unwillingness to accept any blame for the mutual mistrust, fear, and disrespect. To the Cincinnati Black United Front and the African American community, this process represented the chance to end the raw feeling of victimization and offered a new commitment to mutual accountability for problems and improvements.

During an intergroup meeting in December 2001, plaintiff attorney Ken Lawson described moving from an ending to the neutral zone:

As many of you know, we’ve been fighting for a very long time with the police, and it was a good feeling when [FOP President] Keith Fangman and I sat down several months ago and Keith said, “Look, I’m tired, you’re tired, and everybody’s tired of the relationship between the community and the police division. There are officers who are tired of going into neighborhoods and being chased out, there are African Americans who are tired. . . .” I know it was time to get together instead of fighting a lawsuit, instead of doing a bunch of depositions, instead of arguing motions, instead of talking about who’s wrong. It’s time to talk about people and their feelings on both sides. So, it’s been an eye-opening experience for me to see the other side. . . . [W]e may not like one another all the time, but we should respect one another. And we’re always going to be together. We can’t get divorced. . . . [W]e’re going to live together the rest of our lives, but we have to learn to do it right. . . .

The neutral zone

The conflict in Cincinnati was clearly identity-based, meaning one in which people’s sense of self is on the line. When a sense of self is at stake, a people’s history and their anger cannot be ignored. Deep feelings need to be engaged in a safe way. (JAY ROTHMAN, *RESOLVING IDENTITY-BASED CONFLICT IN NATIONS, ORGANIZATIONS, AND COMMUNITIES* (Jossey-Bass Publishers 1997).)

Part of the action evaluation process is sharing values and beliefs, and it gave Cincinnati participants an opportunity to talk about the deepest motivations and values underlying their goals. This opportunity for reflection helped individuals stay the course within the often murky and difficult neutral zone. Faced with the natural tendency to flee back to familiar territory or leap ahead to new beginnings, staying within the neutral zone is where the possibility of true transition is born.

The smaller group discussions enabled citizens to find commonalities between their own emotions and those of others. Concerns ranged from issues of fairness and respecting differences to safety and effective policing. As one African American female participant stated: “I am employed as a teacher. I have been in deep prayer concerning how to reach the black males in my class. I have seen frustration, oppression, and an anger that concerns me. I have children of my own and I don’t want them to fear or have anger towards the police. I want them to know that they [the police] are there to help.”

And a white police officer told a group: “Everybody in the city is sick and tired of the animosity, acrimony between community and police. Everyone wants reconciliation. We can’t do our jobs in this current atmosphere. In the recent months, we have suffered legal indictments against police officers, attacks and mis-

representations by the press, litigation, etc. Officers have shut down as a result. We want to be the finest police force we can be for Cincinnati. I was born and raised in Cincinnati. I don't want this community to go to hell in a basket the way it's been going. . . . The charge of racial profiling is just a disguise for police bashing. It is unfair, demonizing. . . . I have a sense of insult. I am angry."

A city employee said, "Police-community relations affects all black people, not just the criminal elements in our society. After the riots this spring, I tried to reach out . . . to the police department, to try to get some justice for some of the experiences my friends and loved ones had had at the hands of the CPD. I felt frustrated. I got no response. Why I am angry is because it is personal. I feel I have done everything right as a member of society and I have still been treated wrongly. My anger stems both from my negative experiences and also from my frustration at not being able to get my hurt acknowledged."

New beginnings

The period of settlement negotiations in early winter 2002 was intense. With both sides posturing and threatening to give up on collaboration, the mediators and judge struggled to hold the parties together. Sometimes this meant holding sessions long into the night in the judge's chambers (once in her home.) "The attorneys were spectacular," said Judge Dlott. "We had sessions 'til midnight, 3 a.m., weekends." Often the judge would provide food so there was no excuse to leave. In the end, she said, they "got the job done." An agreement was signed by the lawyers at 2:04 a.m. on April 3, 2002. And after public hearings to assure the public of the fairness of the agreement, the court gave approval of it in August 2002.

The result is a 60-page agreement that begins:

The overall Collaborative Agreement described in this document contains a description of problem-oriented policing which frames the overall philosophy and practices at its core. Central to a problem-solving orientation is that problems are dilemmas to be engaged and learned from and that blame is an obstacle to progress. The overall collaborative effort suggests an alternative to blame: that different groups within the community with different experiences and perspectives share much more in common than not, and can work together on common goals and solve problems together.

(The Collaborative Agreement, Sec. I, p. 1.)

The new beginning stands on a two-pronged foundation:

A civilian review board was established.

community problem-oriented policing (CPOP) and mutual accountability, both of which call for the police and community to participate as active partners. CPOP policing is the new cornerstone of the CPD. The collaborative agreement states, "Under CPOP, all parties to the agreement will help the police and community work together to address such problems as crime, disorder, and quality of life issues in Cincinnati, and all parties will be held accountable for implementing CPOP." (Collaborative Agreement, Background, p. 2.)

As part of the plan, other city agencies will partner with the community to successfully implement the program. CPOP asks residents and patrol officers to cooperate to improve the quality of life in Cincinnati neighborhoods. Through weekly meetings and the use of "scanning, analysis, response, and assessment" (SARA), citizens and officers identify problems in the community, analyze the underlying cause, work together to create solutions that are

often alternatives to incarceration or enforcement, and then assess their success.

A mutual accountability plan (MAP) would develop an array of statistical, demographic, and qualitative surveys to measure citizen satisfaction with officer interaction, officer perception of personal safety, job satisfaction, and so on. In addition to providing much-needed data on the demographics of traffic stops, these measures are also intended to gauge the perception of citizens and officers in terms of police conduct and officer safety. Finally, these measures are to be used to counter unwarranted criticism of the police.

In addition to CPOP and MAP, a civilian review board with subpoena power was established. One of the biggest complaints of the plaintiffs was that the existing review board was ineffective. A concession was the creation of a new civilian review board with professionally trained, independent investigators with subpoena power (which allows the board to require police officers to testify about incidents under investigation).

In addition, a community partnering plan was created in order to ensure that the community would hold up its end of the bargain. A problem solving center has been set up in order to train community members and officers in the use of CPOP and SARA; it has assembled a board and is currently searching for an executive director. The problem solving center is the largest outgrowth of the plan, but the plan also includes provisions to support neighborhood associations and partnerships between various entities that could help citizens collaboratively solve problems without police assistance.

Recognizing that beginnings are not easily implemented, the agreement mandated the appointment of a monitoring team to

nurture the new programs and allow them to grow over a five-year process of implementation with oversight. It is hoped that within two to three years, the word “compliance” will be used less, and “mutuality,” “learning for continuous improvement,” and “problem solving” will replace it. Change will be accomplished less by compulsion and increasingly by persuasion.

Barriers to transition

The agreement reached in April 2002 was both a beginning and an ending. It allowed the parties involved in the lawsuit, and the citizens of Cincinnati, to step back from the crisis and begin working in a common direction. The city set aside \$5 million for implementation of the agreement, and the plaintiffs to the lawsuit are raising another \$8 million in private money to fund the community-based, problem-solving partnering center. But there have been delays in selecting the monitor and in funding the evaluation component. Since the linking and approval of both agreements, a first monitor was appointed in December 2002 and fired within a month after submitting a bill to the city council. Saul Green, a former U.S. attorney for the State of Michigan, was then appointed monitor and continues to serve in that role.

The extent to which true transition will occur is largely dependent upon all sides being committed to the process and recognizing it as a valuable vehicle for change.

Yet, there are barriers that have to be addressed continually as the process moves forward. On the part of the city, there is still resistance and ambivalence about relinquishing power, but, hopefully, officials will increasingly understand that the best chance to serve the community is to accept the community’s voice and active participation. The police, some of whom still feel embittered and embattled, must understand that this is their best hope for a true partnership with the community they serve.

The role in the collaborative for the Black United Front, whose members were deeply impatient for new beginnings, has changed. In March 2003, the BUF pulled out of the agreement, citing a desire to focus its attention on an economic boycott of the city to address racial issues. The BUF continued to endorse the substance of the agreement, but recognized that it was untenable to boycott and collaborate at the same time. Although the withdrawal of the BUF initially caused concern for the success of the collaborative, it has made room for the involvement of the NAACP alongside the ACLU and the broader African American community to step up to the plate to support the process and patiently ensure that the collaborative goals are met. As for the boycott, it grabbed headlines when major black entertainers cancelled appearances in Cincinnati in 2002 and remains in effect with a continued economic impact on the city.

So after a year of negotiations and a year of initial implementation, the political status of the agreement is precarious. Though there are no overt public objections to its content, the parties are still having difficulty working together to implement it. In this sense, the collaborative agreement is similar to many other attempts to change the Cincinnati police.

And yet, it is too early to predict failure of the agreement for two reasons. First, the agreement itself has raised expectations for the city and its police. The fact that no one has voiced objections to the agreement’s substance speaks to the political necessity of carrying out the content. Second, the agreement is court enforceable and not subject to an elected city council.

Several elements make this agreement unique, including its direct solicitation of a wide array of views and their incorporation into the agreement, its addressing of the core strategy of the

Cincinnati police, its innovative engagement of community members in problem solving, its enforceability by the court, and its evaluation component. A deep understanding, however, of its success and shortcomings will take time. There are still four years left in which to implement this agreement and there is hope that it will yet become not only a story of a successful collaborative process, but also one of a substantive and successful transition in police-community relations.

After a year, the status of the agreement is still precarious.

Conclusion

All around, organizations and communities neglect to address the human and internal dimensions of change. Legal action alone cannot ensure compliance, much less a change in complicated social dynamics. The Cincinnati Police-Community Relations Collaborative, and its use of a broad-based inclusive methodology for community participation, not only forged a foundation for the external transformations that are laid out in the historical settlement agreement, but also attended to the psychological and emotional transitions of the citizens of Cincinnati as they now face this change. The process of being able to contribute one’s goals and to describe why these goals were important had a transforming influence in and of itself. If this spirit, deeply democratic and hopeful, can prevail, Cincinnati will not only have paved a path for a new national model, it will live it as well.

“There will be bumps in the road,” Judge Dlott said in October 2002, “but I’m here for life. . . . This is my top priority and I’m dedicated to doing it.” Judge Dlott is not alone. The thousands of citizens and police, the lawyers and the activists, the business leaders, bureaucrats, youth, and religious leaders who were core to the collaborative process are all hoping that what they experienced will make a difference, and that there will be both transition and change in Cincinnati.