

THE BOYCOTT IN CINCINNATI

*A National Hearing on the Underlying Causes
of the Crises Affecting Black Communities*

May 17, 2003

AFRICAN AMERICAN CULTURAL CENTER
UNIVERSITY OF CINCINNATI

Report of the Proceedings

Conducted by the Center for Constitutional Rights

March 2004

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Introduction/Overview

On May 17, 2003, the Center for Constitutional Rights convened an important National Hearing in Cincinnati, Ohio to examine the crises and issues underlying a two year boycott of the downtown business area and tourism by a relatively broad and sometimes disparate coalition of organizations. The immediate cause of the boycott was a rebellion ignited by the death of Timothy Thomas, an unarmed Black man who was shot and killed by officers of the Cincinnati Police Department on April 7, 2001. Timothy Thomas was the 15th Black man over a two year period to be killed under questionable circumstances by the police in Cincinnati.

While the death of Timothy Thomas was the spark that ignited the insurrection, longstanding issues of economic inequality/disparities and political disenfranchisement appear to have been the root causes of the rebellion. What is somewhat unique about the Cincinnati uprising is that Black youth, grassroots activists and a few progressive pastors refused to simply allow the rebellion to dissipate into just another riot. These constituencies formed community based coalitions to spearhead the demand for redress and justice from the centers of influence and power in the public and private sectors in Cincinnati.

To underline their determination to achieve redress and justice, coalition leaders issued various calls for a boycott of Cincinnati. Some leaders called for a boycott of all downtown businesses while others sought to extend the boycott to business and tourism in the entire city. The launching of the boycott in its differing incarnations was significantly bolstered when Bill Cosby cancelled an engagement and refused to perform in downtown Cincinnati. A series of artists, performers and organizations followed suit including the Isley Brothers, Midnight Star, Whoopi Goldberg, the Progressive National Baptist Convention and the National Urban League.

Despite an apparent lack of coordination between the different coalitions, the boycott has not only been sustained, it has gained the support of a number of national organizations and leaders. The boycott in Cincinnati has become a focal point of national attention in part because the fight against police brutality and misconduct, economic apartheid and political disenfranchisement in Cincinnati is one of the most important racial justice struggles in the country. The issues driving the boycott are a microcosm of the kind of contradictions and tensions evident in poor and working class urban and rural communities across the country with heavy African American and people of color populations. Accordingly, there is a sense among many national organizations and leaders that if formulations for justice and reconciliation can be found in Cincinnati, they can serve as a model for resolving similar crises in other locales around the country. Hence there is a determination on the part of national leaders and organizations to keep the spotlight on Cincinnati and to provide the support necessary for the struggle there to be concluded on terms satisfactory to the affected constituencies. It was in this spirit and for this purpose that the Center for Constitutional Rights decided to sponsor a National Hearing in Cincinnati.

The boycott in Cincinnati has become a focal point of national attention in part because the fight against police brutality and misconduct, economic apartheid and political disenfranchisement in Cincinnati is one of the most important racial justice struggles in the country.

GOALS AND OBJECTIVES OF THE HEARING

1. To examine the crises affecting Black communities in Cincinnati from the perspective of representatives of the Boycott Council, the public and private sectors, scholars, policy analysts and community people. The broad categories reviewed included **Policing in the Black Community, Social and Economic Justice, and Voting Rights and Democracy.**
2. To assess the progress or lack thereof towards the resolution of the economic sanctions campaign/Boycott in Cincinnati based on the articulated demands for redress formulated by the Boycott Council.
3. To hear recommendations, formulas and strategies for resolving the crisis towards the goal of achieving justice, healing and reconciliation in the Cincinnati community.
4. To prepare and release a report to representatives of government, the private sector, civil rights and human rights organizations in Cincinnati and a broad range of organizations and agencies nationally.

THE HEARING PANEL

1. **HONORABLE REV. DR. WALTER E. FAUNTROY**, Former Member of Congress, President, National Black Leadership Roundtable, Pastor, New Bethel Baptist Church, Washington, D.C. [invited but unable to attend]
2. **RON HAMPTON**, Executive Director, National Black Police Association, Washington, D.C.
3. **STACEY BEST**, Attorney at Law, Clinical Instructor, Criminal Justice Institute, Harvard Law School, Cambridge, MA
4. **REV. DR. JAMES E. FITZGERALD**, Minister for Mission and Social Justice, The Riverside Church, New York, NY
5. **KEENAN KELLER**, Attorney at Law, Counsel, House Judiciary Committee, U.S. Congress, Washington, D.C.
6. **DR. WILLIAM SPRIGGS**, Director, National Urban League Institute of Opportunity and Equality, Washington, D.C.
7. **SANHO TREE**, Fellow, Institute for Policy Studies, Washington, D.C.
8. **BENJAMIN JEALOUS**, Director, Domestic Human Rights Program, Amnesty International USA, Washington, D.C.
9. **Arndrea Waters**, Operations Manager, Center for Democratic Renewal, Atlanta, GA.
10. **JOANN N. WATSON**, Vice-President, Center for Constitutional Rights, Member of City Council, Detroit, MI.
11. **DR. RON DANIELS**, Executive Director, Center for Constitutional Rights, NY. Moderator.

How The Hearing Was Conducted

A total of six and a half hours was allocated for the hearing as follows:

- Introductions, Overview of the Hearing and Introduction of the Hearing Panel – 30 minutes
- Testimony on Policing in the Black Community – 90 minutes
- Testimony on Social and Economic Justice – 120 minutes
- Testimony on Voting Rights and Democracy – 60 minutes
- Community Speak-Out on Justice and Reconciliation – 60 minutes
- Final Statements, Summation and Wrap-Up – 30 minutes

The richness and extent of the testimony was such that the actual time was extended to eight and a half hours, particularly to accommodate additional speakers for the Community Speak-Out section of the hearing. Panelists were assigned to facilitate the section of the hearing focused on the issues with which they had the most experience and expertise. The panelists were also asked to provide their reflections on the most significant findings in the issue area which they facilitated:

Policing in the Black Community – Ron Hampton, Stacey Best and Keenan Keller

Social and Economic Justice – Benjamin Jealous, Dr. William Spriggs and Arndrea Waters

Voting Rights and Democracy – Council Member Joann Watson and Rev. Dr. Walter Fauntroy

Justice and Reconciliation – Sanho Tree and Rev. Dr. James Fitzgerald

LIST OF WITNESSES

1. **REV. DAMON LYNCH III**, Cincinnati Boycott Council
2. **ATTY. AL GERHARDSTEIN**, Counsel to Boycott Council
3. **SCOTTY JOHNSON**, Sentinels Police Association
4. **ROCHELLE MORTON** for Eileen Cooper Reed, Children's Defense Fund
5. **DEASA BROWN**, African American Chamber of Commerce
6. **MORRIS WILLIAMS**, Coalition of Neighborhoods
7. **CANDACE TUBBS**, Homeless Advocate
8. **MARCIA WATTS**, Cincinnati Urban League
9. **DONALD SHABAZZ**, Cincinnati Boycott Council
10. **DOUGLASS SPRINGS**, Community Activist
11. **ROY EUVARD**, Cincinnati Progressive Action
12. **JOHN SCHAGETTER**, City Council Candidate
13. **PROFESSOR DAN LABOTZ**, Miami University and Cincinnati Progressive
14. **DR. CALVERT SMITH**, Cincinnati NAACP
15. **DR. STAN BROADNAX**, Cincinnati Boycott Council
16. **REGINALD BOYD**, Cincinnati Boycott Council
17. **JULEANA FRIERSON**, Cincinnati Boycott Council

WRITTEN SUBMISSIONS

1. Charlie Luken, Mayor of Cincinnati
2. David Pepper, Cincinnati City Council
3. Alicia Reece, Vice-Mayor of Cincinnati (sent regrets, unable to attend)

Significant Findings by Category

CCR makes no claim that the allegations of injustice in the areas of Policing in the Black Community, Social and Economic Justice and Voting Rights and Democracy expressed by various witnesses as cited in this report are completely accurate. Nor can we validate the claims of city officials, who chose to respond by letter or in person, that substantial progress in the resolution of long standing grievances has been made or is underway [Council Member David Pepper submitted a paper entitled, *Update On the Progress in Cincinnati* which is contained in the Appendix of this Report. Mayor Charlie Luken also provided a letter describing the City's progress in certain areas.]. What we can attest to is the deep and abiding perception among members and followers of the Boycott Council that far too little has been done by the public and private sectors to meet their stated demands in a meaningful way.

It is important to make this point because in an atmosphere of tension and conflict, perception often becomes the reality. Therefore, conflict resolution and reconciliation depends not only on addressing the grievances of the affected parties; solutions must be devised and implemented which have the substantial input and approval of the affected parties. In that sense a solution that does not have the buy-in of the affected parties may ultimately not be a meaningful solution at all. Though there are indications that some strides towards addressing the demands of the Boycott Council have been made, there is a distinct view that these steps are insufficient to alleviate the conditions which precipitated the economic sanctions campaign in the first place and/or that these steps are being taken by circumventing the Boycott Council. Hence, as of this writing, the boycott in Cincinnati continues.

What follows below are some of the most compelling observations, points and recommendations/suggestions derived from the testimony presented by witnesses.

A. POLICING IN THE BLACK COMMUNITY

- As an outgrowth of the civil unrest in 2001 sparked by the death of Timothy Thomas, the Black United Front filed a lawsuit which resulted in a court mediated Collaborative Agreement between the City of Cincinnati, the Fraternal Order of the Police and the Black United Front (representing the community). The purpose of the Collaborative Agreement is to identify, address and resolve complaints about police brutality and misconduct.
- The announcement of the Collaborative was universally heralded as a breakthrough in police community relations in Cincinnati and a model for other cities around the country. In practice, however, problems with implementation have emerged.
- There is dissatisfaction with the diversity of appointments on the Citizens Review Board. Moreover, the Fraternal Order of Police (FOP) has pressed for the right of police officers to file complaints against civilians before the Review Board. This is contrary to how such review boards generally function around the country.
- There appears to be a substantive disagreement over the definition of community policing. The Boycott Council contends that representatives of the community must frame the definition and function of community policing in order for it to be accepted and effective.

What we can attest to is the deep and abiding perception among members and followers of the Boycott Council that far too little has been done by the public and private sectors to meet their stated demands in a meaningful way.

The leadership within the Cincinnati Police Department feels that police should shape the definition and spearhead the implementation of the process.

- There was serious concern that the \$20 million in funding for the Police Community Partnership Center — which was supposed to be raised by the private sector and business community — which is a component of the Collaborative, has not been forthcoming.
- Though the monitoring Judge is viewed as the final arbiter of disputes within the Collaborative and guarantor of the implementations of the various provisions of the agreement, hearing panelists expressed reservations about the ultimate viability of this approach. There was consensus among the panelists that a consent decree from the Department of Justice would have provided a clear mandate about how to resolve disputes among the parties.
- There was also testimony which clearly articulated the sentiment that there is strong resistance to the Collaborative within the Cincinnati Police Department (CPD) spearheaded by the FOP. Accordingly, there is a feeling that nothing has changed in terms of the kinds of policing tactics which many within the community believe resulted in the death of Timothy Thomas and other young Black men at the hands of officers of the Cincinnati Police Department. Police abuses are still prevalent. One witness testified that there had been ample warnings over the years that the policing methods of the CPD would lead to civil unrest. These warnings were ignored. The witness emphasized that Cincinnati is “one incident away from reverting back to April, 2001.”

Other grievances cited included the conviction that there is a dual system of justice where police officers are not punished for abuse, misconduct and wrongdoing if the victims are Black. Police abuse complaints by Whites are processed expeditiously and settled in “record time.” As of the date of this hearing, there were bitter feelings that there had been no settlement of the lawsuits on behalf of the families of Black men who died as a result of the use of deadly force by officers of CPD. Since that time, a settlement in excess of \$4 million was reached.

B. SOCIAL AND ECONOMIC JUSTICE

As noted above, while the issue of police violence was the immediate cause of the insurrection which erupted in April of 2001, longstanding and deep seated feelings of blatant neglect in terms of social and economic needs in poor and working class Black neighborhoods have been seething for decades in Cincinnati. Social and economic inequality and injustice are bedrock issues which many people we talked to feel must be addressed if tensions and conflicts are to subside.

- Data provided by the Boycott Council based on the 1990 census paints a dismal picture of conditions in the areas designated as an Empowerment Zone. About

50,000 people live in neighborhoods within the Empowerment Zone, 73% of whom are African Americans. Forty-five percent of the population have incomes below the poverty line. Of this number, 59% of the children and 39% of senior citizens also live in poverty. Twenty-eight percent of the residents receive some form of public assistance. Only 18% of the residents own homes. Forty-four percent did not have a high school diploma.

- A major complaint submitted by witnesses is that millions of federal dollars have flowed into Cincinnati to address the conditions of social and economic inequality and impoverishment, but these funds have had little or no effect. The Boycott Council and witnesses at the hearing charge that the lack of progress on changing the depressed conditions in the Empowerment Zone is because of the mis-direction and mis-allocation of funds which are supposed to be utilized to improve conditions in the targeted neighborhoods. Indeed, a major section in the testimony of one witness declares that “the city has spent billions but failed to prevent and eliminate the breeding grounds ... for crime, poverty, under-education and ill health” in Cincinnati over a 55-year period dating back to 1948. The testimony goes on to state, “the intended use of these funds was to eliminate and prevent these deteriorated conditions and to revitalize residential, retail and commercial enterprises in order to create and attract jobs and businesses, and increase the tax base in these deteriorated areas... It is apparent that most of the dollars have not been spent in these deteriorated areas. These neighborhoods continue to deteriorate and die.”
- The city officials who attended the hearing or submitted letters or written statements countered this allegation by contending that substantial funds have been allocated to ameliorate conditions in Empowerment Zone neighborhoods prior to and since the insurrection in 2001. For example, a letter from the office of the Mayor offered the following assessment:

“City investments in the Empowerment Zone have stimulated over \$400 million in private investment. Since 2000, we have created and retained over 2,000 jobs in the Empowerment Zone. We have also created over 1,000 new housing units in the Zone. Most importantly, each new development, business unit, and housing unit creates new jobs. Hundreds of people have gained important skills and talent while working on various development projects.”

Another section of the letter cautions that “you should also be aware of the community’s number one concern: CRIME.... Very little progress can be made in the economic development of the inner-city neighborhoods without attention to reducing crime.”

- The optimistic picture of progress painted by city officials would appear to be refuted by a report issued by the Inspector General’s Office of the Department of Housing and Urban Development in January, 2003. In an article in the *Cincinnati Inquirer* newspaper entitled “Audit Says Cincinnati Wasted Much of Empowerment Grant,” Gregory Korte writes that, “The agency responsible for running Cincinnati’s Empowerment Zone misspent thousands of federal dollars and failed to produce results in key programs, according to a just-released federal audit.” Indeed, in the report

There is a vast disparity between the resources invested by banks and other lending institutions in Black neighborhoods than in White neighborhoods.

The Inspector General noted that Cincinnati had the most serious findings of the programs in five cities that had been audited to date. The articles goes on to state that the “Cincinnati Empowerment Corp...‘wholly refutes’ the audit’s findings.”

- The perception of lack of progress in the Empowerment Zone is exacerbated by the belief that redlining and predatory lending practices are prevalent in Cincinnati. Arguing that the Empowerment Zone in Cincinnati is the “12th poorest in the nation,” one witness charged that there is a vast disparity between the resources invested by banks and other lending institutions in Black neighborhoods versus White neighborhoods. Moreover, this witness alleged that Black neighborhoods have large numbers of outlets that charge excessive check charging fees and interest rates on loans. According to this witness, Cincinnati ranks in the top 5% in terms of predatory lending practices. Blacks are 3.2 times more likely to be victimized by predatory lending than their White counterparts.

C. VOTING RIGHTS AND DEMOCRACY

- Despite the fact that there are Black elected officials on the City Council and the State legislature and an African American woman serves as Vice-Mayor, there are allegations of political disenfranchisement in Cincinnati. According to testimony provided, this sense of grievance emanates from the fact that Cincinnati has an at-large rather than district-based system of elections. The Boycott Council and its constituency complain that the at-large system results in the Black representatives on the City Council being less responsive and accountable than they might otherwise be under a district-based system. Moreover, in an interesting twist, there is a complaint that the at-large system also renders the Black representative more vulnerable to financial co-optation and lack of responsiveness to depressed communities like Over-the-Rhine.
- There is a feeling that Black elected officials can ignore the Boycott or attempt to circumvent it because their real allegiances are to forces outside the Black community.
- There is also a view that Blacks do not get a fair shake in the criminal justice system because the judges who hear the cases are elected county-wide, once again diminishing the influence of the Black community and various neighborhoods and constituencies therein.
- The hearing panel also heard testimony about the faulty administration of elections including allegations that polling places are switched before elections with little or no notification and that significant numbers of ballots are often thrown out.

D. JUSTICE AND RECONCILIATION

This section of the Hearing provided an opportunity for people from the community to offer views on the question of what would constitute justice and reconciliation, or, stated another way, what could be done that would create the conditions for ending the Boycott. There were numerous responses covering a wide range of issues, some of which were not directly connected to the issue areas enumerated for the Hearing. Nonetheless, they were perhaps important as a gauge of the sentiment of segments of the Black community in Cincinnati. The following is a listing of some of the comments:

“Solutions should reflect the identified problem. There was a disparity study completed ...in the city of Cincinnati, and it found that businesses had been discriminated against based on race. The city council as a result voted that a non-race-based solution be employed, which would not include a set-aside program. The solution in fact was to maintain the system that was already in place, which created the need for the study in the first place.... This institutionalized racism is one of the many ways that African Americans are excluded from participation in the economic community in Cincinnati.”

“Study the results of apartheid.... Change the educational system, which is the key to the employment and economic development. Change the political system.”

“My daughter was suspended from school 26 times in one year. She has attention deficit disorder. There are no alternative systems for dealing with this problem.”

“End the death penalty. The 1957 repeal of proportional representation should be revoked to provide better opportunities for Blacks to be represented more effectively.”

“There is race and class discrimination. We need decent wages and salaries and a redistribution of wealth.”

“We need judges that are elected by the people in the city as opposed to county-wide elections.”

“My son was shot in the back of the head ... and convicted in the media. We need equal application of the law.”

“We need more Black owned businesses, but the system is not helpful. We have an SBE without side programs for women and minorities. Other barriers include non-competitive bidding of contracts and high bid bonds that make it difficult for minority and women owned businesses to compete.”

“We have a dual legal system, two sets of laws. We need a federal investigation.”

“This institutionalized racism is one of the many ways that African Americans are excluded from participation in the economic community in Cincinnati.”

“Unity to achieve justice.”

“Stop racial discrimination, White against Black and Black against White... A district system of elections and better public education.”

“More attention needs to be paid to former prisoners. Their voices need to be heard and programs should be developed to assist them to come back into the community with a job and a second chance to get an education.”

CINCINNATI HUMAN RELATIONS COMMISSION

Cecil Thomas, Executive Director of the Human Relations Commission, is the one City official who has consistently shown a willingness to be helpful as it relates to the efforts of the Center for Constitutional Rights to understand and contribute to the resolution of the crisis in Cincinnati. By definition, the Commission is charged with “fact finding” and “mediation” among its range of roles and responsibilities. To a degree the Boycott Council perceives Mr. Thomas and the Commission as playing a buffer role in the crisis. Despite the skepticism about his role, however, Mr. Thomas has been willing to offer his observations regarding the crisis at various venues and fora, including the National Hearing convened by CCR. The following is an attempt to summarize some of his key observations:

- The problems and controversy surrounding the Empowerment Zone, which consists of the nine poorest neighborhoods in Cincinnati, led to a major loss of opportunity to address a number of critical issues facing the community.
- The boycott and the issues surrounding it have resulted in the City making progress on some of the demands articulated by various organizations demanding reform. The Boycott organizations, however, seems to not have been able to acknowledge these gains as a part of its strategy to resolve the crisis.
- A major problem confronting the City is the perception of the lack of a clear set of central demands that can be reasonably acted upon. For example, despite the demand, it may be virtually impossible to fire the Chief of Police because of Civil Service protections. Other demands are seen as being too broad or general to be resolved by concrete actions or policies by the City. The demands need to be more concrete.
- Another problem is the fact that there have been different groups presenting different demands. It has not always been clear which group or individual the City should respond to even when there has been a willingness to discuss various demands.
- As the City has moved forward on some of the demands, it appears Boycott organizations and leaders have raised the bar and declared whatever measures the City has adopted as inadequate.
- In the absence of a clearly defined, understandable and actionable set of goals, there does not appear to be an exit strategy for the Boycott — no way of measuring when to declare success.

SELECTED OBSERVATIONS FROM THE HEARING PANEL

WILLIAM SPRIGGS, *Executive Director, National Urban League Institute for Opportunity and Equality*

My initial reaction is that there appears to be no single ombudsman reporting to the mayor or city manager responsible for implementing and monitoring progress along any of the lines that are the cause of the racial rift in Cincinnati. The mayor's office apparently wanted to highlight the empowerment zone as an initiative to address some of the rift, and it is also clear that some monies have been made available for investment in the most affected areas. However, it was also clear that there is wide disagreement over the size of those investments, and the true level of commitment of the city to the empowerment zone. Lacking an ombudsman, it is unclear how the city is really responding to the multi-faceted layers of complaints before it, though clearly the data showing the disparity and divide show a comprehensive approach is necessary.

STACEY BEST, *Attorney at Law, Clinical Instructor, Criminal Justice Institute, Harvard Law School*

City officials of Cincinnati, Ohio have taken the appropriate first step in addressing the deeply ingrained socio-economic conditions that disproportionately impact the Black citizens of the community. Participation in the Collaborative Agreement with the Police Department and the Black community, in addition to the creation of the Empowerment Zone, are a demonstration. What is lacking in this process, however, appears to be acceptance of responsibility for the systemic creation of the socio-economic divide.... This...is manifested in the lack of true investment in the community. It is also manifested in the tone and ambiguity of the Collaborative Agreement.

The Collaborative Agreement purports to promote community oriented policing, but suffers from a lack of provisions that create real accountability by the Cincinnati Police Department to the Black community. There is recognition that the citizens of the community have a lack of trust in the Department as a result of violent incidents perpetrated in the community in the form of suspicious shootings and deaths of its citizens. The Collaborative Agreement fails to include any accountability or remedy for breach of trust. For instance, while the Agreement has a provision for tracking violent offenders, there is no similar provision for tracking and decertifying officers who have demonstrated rogue tendencies. There is a provision for data collection on racial profiling which is ineffective due to lack of funding by the City.

These problems might be resolved by a review and renegotiation of these problematic provisions...including a reorientation of the Cincinnati Police Department's approach to community policing towards an approach based on empowering the community. In addition, the community can create greater accountability by organizing a strategic approach to City officials, and being trained in the concept of community oriented policing based on models in other cities around the country. The mobilization/organization of the community to engage in community oriented policing need not be dependent on funding or the participation of the City and police officials.

BENJAMIN JEALOUS, *Director, Domestic Human Rights Program, Amnesty International USA*

(personal observations which do not necessarily represent the views of the organization).

Cincinnati's history of institutionalized racism runs as deep as any city I have seen on either side of the Mason-Dixon Line.

The Boycott leadership seemed reasonable and well informed.

The boundaries of the Boycott area seemed arbitrary.

The at-large council system should be abolished.... While the origins appear to be racial, I wonder if the present impact does not have more to do with class within the Black community.... I would be curious to know the geographic distribution of the Black and White council members in relationship to more affluent versus poorer neighborhoods.

RON HAMPTON, *Executive Director, National Black Police Association*

I thought the witnesses presented some of the most riveting testimony I have heard in a long time.... They were well prepared, had first hand knowledge, and obviously experienced the turmoil they shared with the panel. The testimonies detailed the very integrally woven institutional racism that has resulted in the economic, educational, social, and political oppression and depression for African Americans in the City of Cincinnati... I am convinced that institutional racism and the systematic denial of the most basic rights and privileges have occurred in the City of Cincinnati against poor people and communities of color.

Recommendations

Since the Center for Constitutional Rights conducted a National Hearing on the underlying causes of the crises affecting the Black Community in Cincinnati and the Boycott arising from same, no meaningful breakthrough towards resolving the crisis appears to have occurred. While there are fragmentary reports of small steps being taken by the City and the private sector to address the demands of the Cincinnati Boycott Council, these measures have not resulted in the lifting of the Boycott. Fundamentally this is because they are viewed as inadequate and/or were taken without the input and sign-off of the Boycott Council. It is not likely that measures initiated without the input/approval of the Boycott Council will be perceived as legitimate. In an atmosphere of distrust, it is more likely that these measures will be seen as a part of a cooptation strategy rather than an earnest effort to resolve the crisis.

In a potentially important development, Rev. Damon Lynch, President of the Black United Front of Cincinnati, decided to run for a seat on the Cincinnati City Council in the November 2003 election. Rev. Lynch is the most visible figure associated with the Boycott. Though he was not elected, the vote was nonetheless revealing. Inevitably Rev. Lynch's campaign was viewed as somewhat of a referendum on the Boycott. Though he did not win, what is significant is that he amassed an overwhelming vote in those communities which comprise the Empowerment Zone and other neighborhoods with substantial Black populations. This suggests a high degree of support for the Boycott among the most affected constituencies and those who care about the most economically disadvantaged in the Black community. What is troubling, but not surprising, is the racial divide revealed by the vote. While Rev. Lynch did win a small percentage of the White vote, it is probably reasonable to speculate that the overwhelming majority of Whites voted against him for the same reasons the majority of Blacks voted for him. Moreover, one could make an argument that the at-large system of voting prevented a clear voice in favor of the Boycott from winning a seat on City Council — a critical focal point of decision-making on public policy.

These observations notwithstanding, the principal point is that the various parties to the crisis/conflict have not connected in a manner to resolve the impasse over the issues and concerns which precipitated the Boycott. Hence, the Boycott is still in effect. What follows are the recommendations which were derived from the National Hearing Conducted May 17, 2003 in Cincinnati. This Report is being distributed widely to local and national bodies in the hope that dialogue, negotiations and action will break the inertia and impasse in Cincinnati.

1. While there was considerable sentiment that the Collaborative represents a significant and meaningful step in attempting to address the longstanding issue of police brutality and misconduct in Cincinnati, there was also concern that the Agreement lacked adequate accountability procedures in terms of enforcement. It was noted that the Agreement does not have the same weight as a consent decree mandated, monitored and enforced by the Department of Justice. Therefore, all parties should return to the table to review the Agreement with an eye to substantially strengthening its accountability procedures.
2. The City of Cincinnati should move post haste to ensure that the business community and the private sector fully fund the Community Policing Center to ensure effective training of police and citizens and to implement effective complaint-gathering measures as a means of achieving the goal of improving police community relations and reducing crime.

3. The City should vigorously explore ways and means of abolishing the system of at-large elections for city council in favor of a system based on electoral districts. This would afford communities the opportunity to directly elect persons to the City Council based on a clearly defined geographic constituency, thereby creating avenues for greater accountability.
4. The City and private sector, in consultation with the Boycott Council, should devise a massive and measurable program for eradicating economic disparities and social ills in Cincinnati.
5. The City should have an ombudsman or some impartial system and process for reporting progress on economic issues/concerns particularly as it relates to the communities which comprise the Empowerment Zone.
6. The City should enter into direct negotiations with the Cincinnati Boycott Council as the body which is most representative of the constituencies which called for and are currently sustaining the Boycott. The demands of the Boycott Council should serve as the basis for the negotiations. Efforts to circumvent the CBC will only result in more frustration, anger and actions which will prolong the economic sanctions campaign/boycott.

Commitments

The National Black Police Association

1. The Executive Director is proposing that a letter be sent to the Cincinnati Convention and Visitor's Bureau informing them that neither the National organization or any of its affiliates will use Cincinnati as a meeting site until the issues presented to the City by the Boycott Council are resolved. This letter will be circulated widely to other national African American organizations.
2. NBPA is prepared to develop a strategic plan of action to assist Scotty Johnson and the Sentinel Police Association as they attempt to effectively relate to and serve the community.
3. NBPA is prepared to assist the Cincinnati Police Department, through the Sentinel Police Association, to appropriately define and implement the Community Problem Oriented Policing Philosophy.

National Urban League Institute of Opportunity and Equality

Upon request, will continue to provide its best assessment of the utilization of federal funds for the Empowerment Zone in Cincinnati and the impact on the affected communities in relation to articulated goals and objectives.

Harvard Law School Criminal Justice Institute

Will continue to provide evaluations/assessments of the Collaborative Agreement, particularly as it relates to the adequacy of accountability structures.

Keenan Keller/House Judiciary Staff

Will continue to monitor the operations of the Collaborative Agreement and provide advice to participants as appropriate.

Councilwoman JoAnn Watson

In her capacity as City Councilwoman in Detroit, former Executive Secretary of the Detroit Branch of the NAACP and former Aide to Congressman John Conyers, will disseminate information about the Boycott and return to Cincinnati at the behest of the Boycott Council to be supportive in whatever manner deemed necessary.

Rev. Jim Fitzgerald/Riverside Church, New York City

Would like to mobilize ecumenical religious support, particularly among White pastors and congregations, to deepen the understanding about the Boycott and broaden support for it.

Conclusion

As the nation continues to maintain a watchful eye on Cincinnati, it is hoped that the findings, recommendations and commitments contained in this Report can contribute in some meaningful way to the resolution of what has become a protracted crisis. The Center for Constitutional Rights, consistent with our mission of “advancing and protecting those rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights,” is prepared to facilitate, mediate or otherwise act to resolve the crisis in Cincinnati in a manner that will bring justice, peace and security to the affected constituencies and the entire community.

Just as the finishing touches were being applied to this Report, the crisis in Cincinnati took yet another troubling turn. On the night of November 30, 2003, Nathaniel Jones, an unarmed African American man, died as a result of an encounter with officers of the Cincinnati Police Department. Most of the deadly encounter was captured by a police video camera (ninety-seven seconds is missing from the tape). Reminiscent of the Rodney King police beating, the incident was shown repeatedly on local and national news, again raising questions about the adequacy of police procedures in the apprehension of unarmed individuals. As of this writing several investigations by public and private agencies are underway. What is clear is that the death of the eighteenth African American male at the hands of the police in recent years has re-opened old wounds, inflamed passions, and re-enforced the demands of the Boycott Council that economic sanctions remain in place until the overall crisis in Cincinnati can be resolved in an equitable and just manner.

Synopsis of Cincinnati Boycott

Cincinnati Boycott 2003 — the Longest Economic Sanction in U. S. History

Prepared by the Cincinnati Boycott Council

5-7-03

The Cincinnati boycott is the longest economic sanction in United States history. It now exceeds the famous Montgomery (Alabama) Bus Boycott involving Rosa Parks, who has been called the mother of the modern Civil Rights Movement. The Cincinnati Boycott will be the national springboard for renewed efforts to achieve “Economic Rights and Equal Justice” for African-Americans in this new millennium.

The boycott started after civil unrest was sparked by the murder of an unarmed teenager wanted on misdemeanor traffic violations. The Cincinnati unrest was the worst such eruption in the United States in nearly a decade. This eruption was triggered by the April 7, 2001 killing of an unarmed teenager named Timothy Thomas by a twenty-seven year old cop who said he thought Thomas was reaching for a weapon that was never found. This is the “ironies of ironies” — that an African-American man was murdered for committing only misdemeanors (traffic violations including not wearing a seat belt), while the Caucasian police officer, Stephen Roach who committed murder was charged with two misdemeanors which carried a maximum sentence of nine months in jail — but for first time offenders no jail time is likely. This officer was acquitted of both misdemeanor charges. This death was one of 15 (another list says 18) African-American men killed by police in Cincinnati since 1995. While police brutality was a focal point, it highlighted other disparities in economics, health and education; and continuing violations of civil rights and lack of equal justice.

The Cincinnati Boycott had its earliest beginnings on May 19, 2001 when local clergy called for a boycott of a “Taste of Cincinnati,” a major economic event in downtown Cincinnati primarily attended by Caucasian residents and sponsored by Caucasian businesses and local government. However, by July 2001, the boycott had escalated to a national level by three groups including the Black United Front, the Coalition of Concerned Citizens for Justice, and the Coalition for a Just Cincinnati. The focus of the boycott included: (1) a boycott of the Cincinnati metropolitan area by conventions, tourists, and other travelers (individuals who cannot avoid coming to Cincinnati were urged to avoid spending money downtown on hotels, food, goods, services, or entertainment). (2) A boycott of downtown businesses; “Downtown” is defined as bounded by Central Parkway to the north, the Ohio River to the south, I-71 to the east, and I-75 to the west.

The underlying causes of the growing racial disparities in Cincinnati are the same as those found in other urban areas across the United States. While there are multiple underlying causes, the City of Cincinnati in 1959 cited research showing that “deteriorated communities” are breeding grounds for juvenile delinquency, crime, ill-health, under-education, poverty and other adverse social conditions. In order to eliminate these breeding grounds, the City of Cincinnati passed its own Urban Renewal Law, to make local tax resources and development assistance available to city residents to eliminate slums and revitalize neighborhoods to prevent the economic and social disasters. After applying for and receiving billions of dollars in local, state and federal dollars, the breeding grounds (deteriorated communities) are worse than ever. There were numerous development plans for African-American neighborhoods designed to eliminate the deteriorated conditions; but these plans were never funded nor implemented. African-American neighborhoods became “pockets of poverty” and deterioration; and continued to be breeding grounds for crime, juvenile delinquency, ill-health, under-education and poverty. It should not be a surprise that these areas erupted as predicted.

WHY IS THERE A BOYCOTT?

Previous race reports ignored. At least six major reports on race relations in Cincinnati have been produced since 1968, including some that focused almost entirely on the city's police division. All of those reports found problems and many warned of dire consequences unless city officials took swift action to correct problems. Ideas have been proposed time and time again during the past 30 years by a series of city officials, blue-ribbon committees and special commissions. For the most part those ideas have been ignored. "These reports went on somebody's shelf," said Cecil Thomas, executive director of the Cincinnati Human Relations Commission. "If city leaders had acted back in the 1960s and 1970s, we wouldn't be where we are today." African-Americans have received promises but little or no participation in economic opportunities. A disproportionate amount of public and private dollars (taxes or deposits to lending institutions) contributed by African-Americans have not been equitably reinvested in their neighborhoods or businesses. In recent years Cincinnati has evolved into a city made up of nearly 50% African-American, a vast number of whom are mired in poverty or one paycheck away from poverty. This city has suffered from a series of incendiary incidents that have led to even more disparity and Band-Aid approaches to soothe the symptoms of a much greater problem and placate the African-American community. The local power structure in the City of Cincinnati and Hamilton County has failed to promote and execute economic inclusion and parity. Even though African-Americans have paid taxes, there has been a disparity in the reinvestment of those tax dollars in African-American communities and businesses. Despite billions of dollars spent on development projects such as football and baseball stadiums, new expressways, housing for middle and upper income families, business development, tax abatements, and proposed additional funding for downtown businesses, there continues to be a growing disparity in economic participation.

WHAT IS BEING ASKED FOR?

In 2001 each of the three community groups calling for the boycott had three separate lists of demands needing to be met by the local power structure in order to end the boycott. In response to requests from community residents, the groups came together to consolidate and streamline the demands. The purpose of this presentation was to consolidate into one document the demands articulated by three community organizations that have led different aspects of the Cincinnati Boycott movement. This effort involved representatives from the three organizations who met to review, refine and consolidate the issues presented in the three different organizational documents that articulated demands. Some demands have been merged, clarified or deleted. The demands fall into five different categories which are described as (A) POLITICAL, (B) ECONOMIC, (C) JUSTICE, (D) HEALTH, (E) EDUCATION. The following information describes the issues. Our mutual goals are to resolve the issues and end the Boycott. To better coordinate boycott activities, the groups organized the Cincinnati Boycott Council (CBC).

Summary of Consolidated Demands — Cincinnati Boycott

PURPOSE:

This is a summary of the consolidated demands that combined and condensed the various demands articulated by three community organizations that have led different aspects of the Cincinnati Boycott movement. The goal is to find meaningful solutions that would allow all factions to come together to build and grow our community in such a way that benefits all of its citizens. It is critical that the Boycott organizers are an integral part of deciding the implementation strategies of agreed upon solutions; as well as monitoring and evaluating outcomes and the effectiveness of strategies. Our mutual goals are to resolve the issues and end the Boycott. Details of the items summarized below can be found in an expanded document.

1. ECONOMIC ISSUE:

End Economic Apartheid by

- (A). Revitalization of low-income, deteriorated neighborhoods beginning with investing \$1.5 billion in public and private Dollars to revitalize nine low-income deteriorated neighborhoods in Downtown and Uptown Cincinnati to implement the approved/updated neighborhood “Urban Renewal or Community Development Plans” for residential, retail, commercial, parking and business development. This \$1.5 billion dollars would return a portion of the tax revenue previously collected, but never reinvested in these areas. By comparison an estimated \$900 million dollars is projected to be spent in one neighborhood, “the Banks” on the Riverfront
- (B). Implementing Workforce Development programs, property ownership and race based contracting with African-American Entrepreneurs/Businesses beginning with major public projects, i.e. the \$1.5 billion neighborhood revitalization programs and other regional capital projects by local governments including the Convention Center Expansion, etc and other public and private programs for goods and services in the region.
- (C). Ending discriminatory lending practices by local lending institutions by supporting the passage of the “CRA Modernization Act” of 2001 and then updating and enforcing the local laws against discriminatory lending including ordinances of the City and County; and action motions of the Board of Education.

2. CIVIL RIGHTS & EQUAL JUSTICE:

To Resolve Civil Rights and Equal Justice Issues by

- (A). Seeking Federal Prosecution of police officers and expedite family lawsuit settlements
- (B). Requesting Civil Rights Investigations by the Dept. of Justice and the Dept. of Housing and Urban Development (HUD) and implementing the recommended remedies to correct the effects of past and present discrimination resulting from the discriminatory pattern and practices in the City and County’s Prosecutor’s Office; and of the discriminatory pattern and practices in the city’s use of federal, state and local funds in its’ Housing and Community Development programs. (See complaints dated 5-12-01 & 4-22 02).
- (C). Settling the various discrimination and Civil Rights complaints and lawsuits filed by African-American

City Workers. Reopen the Judicial Restitution Order in the “Deveroes Case” involving young African-Americans whose restitution orders were excessive and duplicative.

- (D). Continuing to implement the federal settlement for reforms in the Cincinnati Police Department (the Collaborative Agreement) to assure the implementation of reforms. Also Investigating the outside forces conducting large-scale trafficking of guns, ammunitions and drugs that are coming into our communities.

3. POLITICS & GOVERNANCE:

To increase African-American political and economic interest by

- (A). Changing Cincinnati City Charter to have elections of City Council Members by “Districts” or “Proportional Representation” to assure that the political and economic interest of African-American neighborhoods is equitably represented. Require Newly Hired City employees to reside in the City.
- (B). Restoring Campaign Finance Reform (Issue 6) so that more African-Americans can run for public office and reduce the impediment of massive fundraising. Increase “Public Access” to local television for political campaigns to increase the access of African-American candidates to the total community

4. HEALTH:

To reduce health disparities — including physical, mental and social health by

- (A). Increasing access and funding to reduce the health disparities among African-Americans in the Cincinnati area by using funds from the Cincinnati Health Department and the County Tax Levies and State funds for Health, Mental Health, Substance Abuse, etc. Also resources should address Environmental Health.

5. EDUCATION:

To improve educational achievement, performance and participation by

- (A). Increasing funded activities to improve educational achievement, increasing the number of African-American teachers (especially males) incorporating Afro-centric curriculums and increasing the number of students who pass proficiency test and graduate; and reducing suspensions and expulsions.

Collaborative Community Partnering Plan for Community Problem Oriented Policing

This Plan amends and replaces the original Plan approved by the Court as part of the Collaborative Agreement.

GOALS AND OBJECTIVES

The primary goal of the Collaborative Community Partnering Plan is to enable the community to assume a leadership role in community based problem solving in partnership with the police. This leadership role is critical to community compliance with these five overarching Collaborative 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 CPD.
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 greater support for the police.

The Collaborative Agreement is rooted in two key principles: First, conflicts should be engaged through careful analysis based on detailed information and a willingness to explore a wide range of alternatives (problem solving), and second, achieving the five overarching Collaborative Goals of the Agreement (developed through the collaborative effort facilitated by the ARIA Group) is an important criterion for success of the collaborative.

INITIAL IMPLEMENTATION BACKGROUND

The Parties have commenced implementation of the Collaborative Agreement and the Memorandum of Agreement, U.S. Department of Justice Agreement with the City of Cincinnati. Through this process the Parties have met with various community organizations that are involved in community-police relations. The goal of these meetings was to ensure that the Collaborative Agreement is implemented through all available resources and in harmony with all related efforts. Citizens need to know that the new initiatives they are invited to work on are consistent with the five consensus goals of the Collaborative and consistent with the implementation of the Agreement. Police officials and the FOP need to know that competing demands for their

attention from various community interests have a clearinghouse that will ensure coordinated progress consistent with the agreements. Further, existing organizations and stakeholders, particularly those who have indicated a willingness to serve on the Friends of the Collaborative, need to be engaged in efforts that will help CPOP take root and continue past the term of the Agreement. Accordingly, this amended plan was drafted to more adequately reflect how community problem oriented policing will be implemented consistent with other reform initiatives underway in Cincinnati.

AMENDED PLAN

The parties agree to cooperate in the establishment of the Community Police Partnering Center (“Center”). The Center will be incorporated in Ohio and apply for tax-exempt status to ensure adherence to the principles and requirements of the Collaborative Agreement. A 9-member Board of Directors will be appointed by the parties specified in the Code of Regulations: Urban League of Greater Cincinnati (1), Cincinnati Chapter of the NAACP (1), co-chairs of Cincinnati Community Action Now (2), City of Cincinnati (1), Fraternal Order of Police (1), and jointly by the Cincinnati Black United Front and the American Civil Liberties Union of Ohio Foundation (3), of which one may be a young person under the age of 25. Current sworn members of the Cincinnati Police Department may not serve on this board. The Center’s Board of Directors may appoint one ex-officio, non-voting Board member. The Center’s Board of Directors will manage and administer the affairs of the corporation, elect officers, appoint and define the duties of an Executive Director, enter into agreements, approve budgets and otherwise perform the duties ascribed to an Ohio nonprofit corporation. The Center, subject to guidelines established by the Monitor, and consistent with the other provisions of the Collaborative Agreement, shall have access to the collaborative database maintained by the Aria Group as appropriate for the advancement of the work of the Center. As to Community Problem Oriented Policing (CPOP), the Center shall abide by this Collaborative Agreement. After the Collaborative Agreement expires, it is anticipated that the Center will continue providing services to the Community. The Center will foster and encourage the widespread adoption of CPOP principles at all levels and among all stakeholders in the community at the grass roots level.

The Urban League of Greater Cincinnati as host will be the sole member (“the member”) of the Community Police Partnering Center Corporation. The member may amend the Articles of Incorporation only with the unanimous consent of the Center’s Board of Directors; the provisions regarding amendment of the Code of Regulations by the Board are found in Article XI of the Code. Specific duties expected of the sole member will include: providing and/or securing space for operations, ensuring public accountability by providing professional financial and programmatic information management, assisting in fundraising efforts as needed and appropriate, and providing other support services as needed and appropriate as determined by the Board.

The Articles of Incorporation of the Center is attached as Exhibit A and the Code of Regulations of the Center is attached as Exhibit B to this Amended plan. These exhibits are incorporated into this Amended Plan; in the event of any inconsistencies between the text of this Attachment A-1 and its Exhibits A and B, Exhibits A and B shall control.

CENTER ACTION PLAN

The Center will coordinate all community efforts that seek to improve relations with the police. The Center will promote problem solving as a technique that the entire community will use to resolve problems involving the police as well as issues that may not require police action.

Under the Collaborative Agreement the Parties have agreed to adopt problem solving as the principal strategy for improving the quality of life in the entire community, addressing social conflict and community tension, and reducing crime and disorder using a best practice known as Community Problem Oriented Policing (CPOP). CPOP uses a process based on four key principles: problem definition, analysis, solution development and assessments of results (SARA)(Scanning, Analysis, Response and Assessment).

While the Collaborative Agreement was being formulated, Cincinnati Community Action Now (Cincinnati CAN) volunteers were establishing related initiatives known as the “Cincinnati Plan” designed to improve community-police relations and reduce crime and disorder in targeted inner-city neighborhoods. These include problem-oriented policing training and implementation, youth street workers, mentoring of highest-risk youth, and resources to enable neighborhoods to replicate portions of the federal “Weed & Seed” program. Cincinnati CAN’s problem oriented policing training and implementation will merge into and become a part of the Center’s CPOP efforts.

The Center will coordinate all of these efforts and others that have been generated by business, neighborhood, faith based organizations, schools, the Fraternal Order of Police, the plaintiffs, the city and social service organizations in order to move forward together under a coherent plan. To the extent such plan includes elements not related to problem solving, CPOP, or the Memorandum of Agreement, such elements are not subject to the Collaborative Agreement.

With respect to CPOP, the Center activities will include but not be limited to the following:

- Draft simple materials and referral information on community oriented and problem oriented policing.
- Provide community problem solving and CPOP training to diverse property owners, social service agencies, schools, faith based organizations, recreational organizations, businesses, tenant associations, community councils, other organizations and individuals.
- Promote Public Service Announcements about CPOP through diverse local media outlets.
- Develop training videos on CPOP to be aired through diverse public access and distributed to libraries and video stores to be loaned for private viewing free of charge.
- Provide presentations on CPOP at diverse festivals and public events in Cincinnati.
- Participate on Radio/TV talk show(s) hosted for the purpose of receiving calls from the public and dialoguing on the air with a diverse CPD officer about how various problems could be addressed through CPOP.

- Coordinate widespread distribution of the CPOP information and referral literature through diverse schools, libraries, media outlets, social service agencies, and, if possible, billing departments of the Cincinnati Water Works, utility companies, telephone companies, and others.
- Cooperate with the CPD Training Academy to help involve all police recruits in community activities that may be unfamiliar to the recruit in order to help the recruit gain increased cultural, racial and religious sensitivity.
- Encourage and assist diverse community groups across the region in establishing and maintaining athletic, educational and other programs that will foster positive interaction between the police and youth. These initiatives will include but not be limited to: The Study Circle initiative by the Cincinnati Human Relations Commission; Neighbor to Neighbor; athletic teams coached by police officers in CRC leagues; mentoring programs by the Sentinel Police Association, Mallory Center, etc.
- Provide diverse speakers to schools and encourage schools across the region to include CPOP and appropriate conduct when interacting with police in their curriculums.
- Promote ways to access youth through diverse community-based organizations and schools to educate them on CPOP, local government, personal safety, answer their own concerns about safety and crime, and develop ways to achieve positive interactions between youth and police officers.

The Center will accomplish these and additional tasks by entering into work plans or action plans with diverse organizations throughout the City. This will be a coordinated, structured, comprehensive effort to blanket the city with the training and support needed while minimizing gaps and duplication. Special initial emphasis will be made to target, accomplish and promote results with residents and property owners in those police districts experiencing high levels of dissonance.

The Parties agree that all police reform efforts should be coordinated. Nothing in this plan or amended agreements shall prevent the Center Board or Funders Collaborative described below or the Greater Cincinnati Foundation from separately contracting with the persons or entities providing evaluation services under the Collaborative Agreement for evaluation and quality assurance services for the programs that are related to CPOP but not covered by the Collaborative Agreement in order that uniform outcome measures are utilized by all those working on improving community-police relations. In that event any evaluations done by such persons or entities for the Center Board, Funders Collaborative or the Greater Cincinnati Foundation shall be available to the Parties to this case and to the Center Board and Executive Director.

PERSONNEL

1. EXECUTIVE DIRECTOR (1)

The Executive Director of the Center will manage the Center and provide professional leadership in order to accomplish the Center's mission. He or she will harness existing community efforts and lead a focused training effort to promote community problem solving and CPOP and improve community-police relations. This person will also carry forward the existing 'how' ideas recorded from the 3500 Collaborative participants, assist

groups and organizations by developing additional solutions, oversee ‘marketing’ of CPOP in the community, partner with the police administration and line officers, and take responsibility for overall coordination of the community partnering effort.

2. COMMUNITY WORKERS (15)

Diverse community workers will meet with diverse business groups, community groups, tenant organizations, etc. to explain and model problem solving by working with the citizens on real issues in collaboration with the CPD, the Fraternal Order of Police, other city agencies and/or other citizens and community groups.

3. PROFESSIONAL AND SUPPORT STAFF

There shall be an executive assistant for the executive director and an administrative assistant for the community workers and additional professional and support staff as determined by the Board.

FUNDING

The parties have agreed to cooperate with the Greater Cincinnati Foundation in the collection of funds for the Center. The Greater Cincinnati Foundation intends to establish a Funders Collaborative which would make a good faith effort to help raise the funds necessary for the Center. The Center will phase in full operating capacity based on fundraising and initial operating success. The parties will report to the Monitor at the beginning of each quarter on the progress they are making implementing CPOP in the community through the Center.

Responses from Cincinnati Elected Officials

Update on Progress in Cincinnati

FROM CITY COUNCILMAN DAVID PEPPER

Below is a summary of work the City of Cincinnati and other community partners are undertaking to address some of the underlying causes of the 2001 unrest, and ongoing community tension. I believe this progress shows that this City is moving forward, sincerely and diligently, in trying to address and solve the major challenges that urban areas such as our's face today. My hope is that we become a model of how to effectively address issues such as police-community relations and economic inclusion.

To help fill you in on our work, I'd like to walk you through the concerns citizens have expressed about the community, and the work the community — City leaders, business leaders, nonprofits, etc. — has done on those issues.

1. ECONOMIC GROWTH AND OPPORTUNITY

Citizens have expressed concern about overall economic growth and inclusion in our City. The City, along with

Dear Dr. Daniels:

Thank you for your visit to Cincinnati, and your work to assess where we are as a City. While I was not able to attend the forum you hosted (and did not receive notice of it until several days prior), I have certainly attended numerous forums addressing the boycott over the past year, where I have listened to concerns of all citizens, tried to address those concerns, and also tried to summarize what the City has been doing and wants to do in the future. Usually the experience of these panels leaves me verbally battered and bruised— (once, believe it or not, the boycott groups refused to let me into a meeting I wanted to attend)—but I have generally attended as many as I can because I think they are important, although none seem to have gotten us very far. Indeed, I was in Milwaukee the day before your visit sitting on a panel addressing the boycott at a national conference of African-American meeting planners.

Regardless, I thought your work might benefit from the following paper, which is my best effort to summarize major issues and concerns in Cincinnati, and to update people on where we are. While a little late, I hope you will consider this as my testimony to your process.

If you or members of the panel want to ask me further questions on any of these issues, feel free to call me anytime. (513) 352-2440.

David Pepper
Cincinnati City Council.

business and community leaders, have undertaken a number of key steps in this regard:

- City Council passed a “living wage” ordinance, requiring that all City employees and employees of City contractors delivering services are paid a living wage.
- We have created an economic development and reform panel, made up of a diversity of business leaders, to examine how to step up our economic growth and learn from best practices in other cities. This includes a strategic plan to revive the central city.
- City Council has passed the Economic Growth and Fairness Act, making sure that it opens up city-funded projects to all potential bidders, and notifies minority-owned businesses, and provides the opportunity for them to bid, on all business opportunities that receive major city support.
- Responding to a recently completed disparity study of the City’s contracting practices, City Council approved a program to provide aggressive outreach to open up City contracting opportunities for small, minority and women-owned businesses.
- Led by the Greater Cincinnati Chamber of Commerce, the African-American Chamber of Commerce, the Cincinnati Business Committee and the South Central Ohio Minority Development Council, the business community will develop a comprehensive game plan designed to dramatically increase the number of sizable minority-owned businesses in the region, with a particular interest in African-American businesses. This initiative resulted from a voluntary effort of Cincinnati business leaders.
- The Port Authority of Cincinnati has created a model program of economic inclusion for its \$320M economic development project on the riverfront, reaching out to minority- and women-owned businesses. As part of its brownfields revitalization work, the Port recently announced a major investment in a minority-owned company within Cincinnati’s Empowerment Zone.
- Thanks to a recently passed school levy, (driven in large part by business community support), the Cincinnati Public Schools will be investing \$1 billion to rebuild or renovate every school building in our district. The school board has announced a priority that this construction work be done inclusively, and has set aside \$250,000 in its 2002-03 budget to pay for a comprehensive study on how to best accomplish this goal, including data on the availability of minorities, women and other. City Council and the school board have fought to avoid inflexible rules that would lock out smaller, minority-owned businesses.

JOB OPPORTUNITIES:

- The City has recently opened a one-stop employment center, providing job training for the “hardest to employ,” and working with the business community to locate jobs after such training. Union leadership has been active in designing this program. There is much work to be done here.
- The City, business community and other governments have created a public-private partnership called the Youth Employment Initiative, where together they have raised several million dollars, and provided more than 2,000 paying jobs to Cincinnati teenagers-many of which are

year round. Many of these jobs are beyond your typical teen summer job, with kids working in banks, newspapers, government and Fortune 500 companies, acquiring true skills.

- The Community Action Agency has initiated a task force — including City leaders, agencies and other nonprofits — to tackle the deep problem of assisting reforming ex-offenders in reentering the workplace.
- Our major local banks have collaborated to design programs that will increase low and moderate-income home ownership in Cincinnati. The initial product, announced by Firststar and Provident Bank and the Home Ownership Center provides access to \$8 million in low interest loans to first-time homeowners in the city, with at least half of that going to low-moderate income participants. Recently, Third Federal announced an attractive loan product, which promotes home ownership. Also, this group has developed an Employer Assisted Home Loan Product that is now available to City of Cincinnati employees and will be made available to private sector employers to encourage home ownership within the city.
- Recruitment and Retention — Cincinnati CAN is launching several programs designed to help businesses become more effective at attracting, developing and retaining African-American managers and professionals.
- The “Coaching Connection” is designed to provide mentoring advice to black professionals seeking to overcome career path obstacles. Promark Company is currently sponsoring the start-up of this program, which will then be administered through the Urban League. The “Leadership Roundtable” will provide a forum for senior executives to share “best practices” in hiring/retaining African-American management talent. Sponsored by the Chamber of Commerce and the Cincinnati Business Committee, the goal is to expand successful diversity practices to a broader range of area companies.
- The City and a partnership of local businesses, nonprofits and agencies have organized a campaign to assist low-income and working families “make work pay” — by increasing a awareness and access to the Earned Income Tax Credit through free tax preparation sites, and promoting individual development account programs, which stimulate financial literacy, individual savings and asset-building.

2. POLICE-COMMUNITY RELATIONS.

Clearly, safety and police-community relations are a critical concern in Cincinnati, as they are in most major urban districts. Cincinnati, once again, has taken great strides in the last two years.

- Cincinnati City Council put on the ballot, and the citizens passed, the most major reform of the police department structure in years, giving civilian leaders more authority over the police chief, including the right to look beyond Cincinnati in hiring future chiefs — something that was forbidden under the old system.
- The City reached a historic agreement settling a class action racial profiling lawsuit. As part of this agreement, known in the City as the “Collaborative,” the City, Black United Front, ACLU and Fraternal Order of Police together agreed to:

- Create a Citizen Complaint Authority, where a panel of seven citizens will review all “critical incidents” (ie. shootings) involving officers, as well as citizen complaints against officers; this authority is among the strongest of any city’s “citizen review panel” in the country. In one year, the CCA is up and running, its director has been hired, and it has begun to hear its first cases.
 - Commit to a new technique of policing called Community Problem Oriented Policing, where police and the community will work together to solve problems in the community, including safety and other neighborhood concerns. Training, promotions, etc. will all reflect this CPOP focus.
 - Outlaw, in city law, racial profiling, and create a system to track traffic stops to be sure profiling does not occur.
 - Create a more transparent and accessible citizen complaint process, including using the internet, so citizens feel free and comfortable to file complaints against officers; up and running June 3, 2002:
 - Create a firearm pointing protocol, to address citizen concerns that officers too often point firearms at them during routine stops.
 - Create a Mental Health Response Team, where mental health professionals have trained a large team of police officers on how to interact and apprehend mentally ill suspects, and minimize possible dangers in such apprehensions. This team has intervened on dozens of occasions without incident.
 - Create a system and process of ongoing monitoring and dispute resolution among the parties, including federal court oversight, of all issues agreed to in the Collaborative.

- After April 2001, the Mayor invited the Department of Justice to Cincinnati to investigate the Police department’s use of force. After months of discussions, the City reached an agreement with the Department of Justice, agreeing to key changes, and incorporating best practices, in the Department’s use of force policies, including:
 - Dog bite policies
 - Macing policies
 - Beanbag policies
 - The reporting of uses of force
 - Augmented training, including diversity training
 - Special training for interacting with mentally ill suspects
 - Creating a multi-million dollar “Risk management system” to track officer performance, and eliminate problems in performance before they boil over into critical incidents.

- A voluntary effort by business and community leaders has created “the Cincinnati Plan,” complementing the CPOP efforts by bringing youth workers to interact with young people in Cincinnati’s troubled neighborhoods, and to implement a system of community-based prosecutions.

- The City expanded its Human Relations Commission community monitors program, where workers experienced in working with youth monitor neighborhoods and downtown to resolve youth issues before they boil over into problems. These monitors have provided critical service over the past year-particularly in times of added tension.

- The City and a local bank recently instituted a residency incentive program, so more officers will choose to live in the neighborhoods they police.
- The City is hiring a consultant to examine and ensure that our City disciplinary processes are fair across racial lines, both within the police department and more broadly.
- All these efforts are paying off. One example: While controversial police shootings were the key instigator of the tension in Cincinnati in 2001 and before, there were no police shootings in 2002, something almost no city our size could match.

3. GOVERNMENT AND ELECTION REFORM

In recent years, many have called for changes to Cincinnati's government structure, adding to both effectiveness and representativeness. In November 2001, Cincinnati implemented a dramatic change to its form of leadership thanks to a referendum passed several years ago. The change gave the Cincinnati Mayor greater authority, including the power to recommend the appointment of the City manager, name the vice mayor, and the committee chairs of the City Council. The Mayor is also now separately elected, giving him or her more of a mandate. With that new power, among other things, the Mayor worked hard to ensure that Cincinnati government reflects the diversity of the City—the Vice Mayor, City Manager, Clerk of Council, City Solicitor, and Chairpersons of three of our five major Council committees are all African Americans.

Also for the first time, future Cincinnati elections will include tight contribution limits—a long sought reform by those looking to improve our system of governance. This was the result of a grassroots campaign in 2001.

4. NEIGHBORHOOD REVITALIZATION, EDUCATION REFORM AND CHILD DEVELOPMENT

- A major community concern has been the revitalization of Cincinnati's neighborhoods, and, in particular, its mixed- and low-income neighborhoods. Cincinnati City Council has led the efforts to reinvest in those neighborhoods, setting aside \$50 million to invest in capital improvements and homeownership in those neighborhoods, passing laws to more effectively target litter and blight, and, for the first time in decades, agreeing on a comprehensive plan for Over-the-Rhine—the neighborhood hardest hit by crime, poverty and the 2001 riots.
- As part of our community empowerment efforts, City Council recently allocated several million dollars to support micro-grants to assist communities that are helping themselves through clean-up, anti-blight and safety projects.
- Education reform—the City is in the middle of a multi-year reform of its school system. The Cincinnati system is now the highest ranking urban district in the state, and numerous companies have “adopted” schools and provided numerous resources, volunteers and technology to our worst-off schools. A capital improvement plan is in place to rebuild or renovate every school in the Cincinnati Public School district.
- Success by Six — Key business, civic and government leaders have launched a comprehensive

program to upgrade, target and expand the capacity of the area's existing early childhood development programs (providing an expert resource/coach to every parent of an at-risk child) and establish full-time pre-school for the at-risk children in this area.

These are just some of the efforts taking place in the community.

Overall, I believe Cincinnati has made great strides in the past two years, and signaled a new direction in its history. Thanks to many of these steps, a group of civil rights leaders, ministers and other community leaders in our City ran a full-page ad last year proclaiming that "Cincinnati's turned a corner." Nonprofits and foundations have come to Cincinnati to study some of our successes, and to introduce them to other cities with similar problems. And the singer Bono, who toured our City as part of a Midwest tour promoting AIDS awareness to which Cincinnati was a host, praised the City for its efforts. "It's a city that is throwing off a lot of energy from all quarters. That's what's important to the rest of the world about Cincinnati," Bono said.

In sum, while we certainly have a long way to go to complete our work, we believe this string of successes in the past several years shows that this City and the community are moving forward to solve some of the most severe problems and divisions that we, along with many other cities, face.

Mayor Charlie Luken and Vice-Mayor Alicia Reece Responses

May 16, 2003

Ladies and Gentlemen,

I want to welcome you to Cincinnati for your discussion of important issues here.

While I know we have many challenges, we have many positive accomplishments. I think those achievements should be made a part of your record. I would put our record up against any in the nation.

The Collaborative:

While the Collaborative has been troubled, it remains a top priority for the City. We continue to implement the agreement, even as we work through legitimate philosophical disagreements on some of the outcomes. Last month, the Black United Front pulled out of the Collaborative, leaving us to collaborate with only lawyers. Now, a new group has been named, and we are looking forward to their input in the process.

Police-Community Relations and CPOP:

While much of this is covered in the Collaborative, Cincinnati is making clear progress in this area. Our police are engaging in CPOP every day, and in many neighborhoods, CPOP teams have been formed and are actively working with police to reduce crime and solve problems. CPOP can be fully integrated into development projects, encouraging a safer community near new developments.

The Police Chief has identified CPOP team leaders and is directing a department overhaul of practices and procedures that will result in better police-community relations. And our new City Manager, Valerie Lemmie, has been dedicated to improving the Department's approach to customer service.

Empowerment Zone Investments:

City investments in the Empowerment Zone have stimulated over \$400 million in private investment. Since 2000, we have created and retained over 2,000 jobs in the Empowerment Zone. We have also created over 1,000 new housing units in the Zone. Most importantly, each new development, business, and housing unit, creates new jobs. Hundreds of people have gained important skills and talent while working on the various development projects.

In Bond Hill, the City is partnering with Valu-Pak to create 300 new high-paying jobs. The investment support of Procter & Gamble is a perfect example of how public and private investment can better our community.

Cincinnati CAN:

Cincinnati CAN (Community Action Now) is the race-relations commission I formed in April 2001

following the riots. The commission is still active, and now it is moving its key initiatives into implementation phases. Programs such as “Success by Six” have found homes in the United Way, and CAN continues to advise local agencies on how best to impact race relations and make Cincinnati better.

Youth Employment Initiative:

This initiative has provided thousands of jobs for Cincinnati’s youth since April of 2001. Hundreds of businesses have participated, providing much needed job training for young people who live in Cincinnati. The program continues, and this summer will employ over 1,000 young people.

This list is by no means exhaustive, and there have been hundreds of examples of how Cincinnatians have come together to make significant progress in this area.

You should also be aware of the community’s number one concern: CRIME. A spike in violent crime is now the preminent issue as it has caused fear in our neighborhoods. I would urge you to consider the impact of crime on our City and understand that very little progress can be made in the economic development of inner-city neighborhoods without attention to reducing crime.

Regarding the boycott, I want to make my perspective clear. I have worked tirelessly in the past four years to increase investments in our city, support our schools, and create jobs for our citizens. I am proud of that record. Always, my door is open to meet with anyone who wants to talk about how to make Cincinnati a better place. However, it is not helpful or productive to place demands on Cincinnati. We will only achieve a better community when people *work together* for progress.

I am sorry that my schedule will not allow me to be with you today, but I am prepared to respond to any of your concerns after your hearing.

Sincerely,
Charlie Luken
Mayor

Dear Dr. Daniels,

Thank you for your letter dated May 8, 2003, inviting me to your forum on May 17, 2003. Unfortunately due to a prior commitment that was scheduled months ago I will be unable to participate in the forum.

I tried to contact you by phone to discuss my voting record and fight for change. While we were unable to connect this time, please feel free to give me a call in the future,

Sincerely,
Alicia Reece
Vice Mayor
City of Cincinnati

HUD Inspector General Audit Report

CITY OF CINCINNATI EMPOWERMENT ZONE, CINCINNATI, OHIO
JANUARY 28, 2003
OFFICE OF AUDIT, REGION V, CHICAGO ILLINOIS

Executive Summary

We completed an audit of the City of Cincinnati's Empowerment Zone Program. The objectives of our audit were to determine whether the City: (1) efficiently and effectively used Empowerment Zone funds; and (2) accurately reported the accomplishments of its Empowerment Zone Program to HUD. The audit was part of our Fiscal Year 2002 Annual Audit Plan. The audit was conducted based upon our survey results and two requests from Congress.

The United States House of Representatives' Conference Report 107-272 directed HUD's Office of Inspector General to review the use of Empowerment Zone funds and to report our findings to the Senate Appropriations Committee. The United States Senate's Report 107-43 also requested us to review the use of Zone funds and report our audit results to Congress.

We concluded the City needs to improve its oversight of Empowerment Zone funds and more accurately report its Empowerment Zone Program accomplishments to HUD. Specifically, the City inappropriately used \$15,364 of Zone funds and lacked documentation to show that another \$311,346 in Zone funds paid benefited the City's Empowerment Zone Program or were matched with in-kind services as required. We also found that the City used Empowerment Zone monies to fund three projects that have not provided benefits to Empowerment Zone residents or benefited only 37 percent of Zone residents as of October 2002. The three projects were completed between August 2001 and November 2002.

CONTROLS OVER EMPOWERMENT ZONE FUNDS NEED TO BE IMPROVED

- As previously mentioned, the City of Cincinnati needs to improve its oversight of Empowerment Zone funds. Four of the 10 projects we reviewed incurred inappropriate or unsupported expenditures of Zone funds. The City inappropriately used \$15,364 of Zone funds and lacked documentation to show that another \$311,346 in Zone funds paid benefited the City's Empowerment Zone Program or were matched with in-kind services as required. The problems occurred because the Cincinnati Empowerment Corporation, the administering entity of the City's Empowerment Zone Program, lacked effective oversight and controls to assure Zone funds were used appropriately.

THE CITY INACCURATELY REPORTED THE ACCOMPLISHMENTS OF ITS ZONE PROJECTS

- The City inaccurately reported the actual status and/or progress for all 10 of the projects we reviewed from its June 30, 2001 or June 30, 2002 Annual Reports. The City's June 2001 Report contained inaccuracies related to two projects' progress on projected outputs, three projects' milestones, and one project's source of funding. The City's June 2002 Report, inaccurately showed seven projects' progress on projected outputs, seven projects' milestones, and five projects' sources of funding. The problems occurred because the Cincinnati Empowerment Corporation, the administering entity of the City's Empowerment Zone Program, failed to maintain adequate controls over the Annual Reports submitted to HUD.

THE CITY PROVIDED ZONE FUNDS TO PROJECTS THAT HAVE NOT BENEFITED ZONE RESIDENTS OR BENEFITED ONLY 37 PERCENT OF ZONE RESIDENTS

- The City used \$594,462 of the \$648,030 in Empowerment Zone monies committed to fund three projects that have not benefited Empowerment Zone residents or benefited only 37 percent of Zone residents as of October 2002. The three projects were completed between August 2001 and November 2002. Since the three projects spent 92 percent of their funds committed, benefits to Empowerment Zone residents would be expected. However, this has not occurred.

The problem occurred because the Cincinnati Empowerment Corporation, the administering entity of the City's Empowerment Zone Program, did not ensure that Empowerment Zone contracts required projects to primarily benefit Zone residents. We believe the City's use of Empowerment Zone funds for the three projects does not meet HUD's Empowerment Zone regulation at 24 CFR Part 598.215(b)(4)(i)(D) that incorporates the Appendix from the April 16, 1998 Federal Register requiring all projects financed in whole or in part with Zone funds be structured to primarily benefit Zone residents. However, HUD must make a determination whether the City's use of Zone funds was appropriate.

RECOMMENDATIONS

- We recommend that HUD's Director of Renewal Communities/Empowerment Zones/Enterprise Communities Initiative assure the City of Cincinnati reimburses its Empowerment Zone Program for the inappropriate use of Zone funds and implements controls to correct the weaknesses cited in this report.

We presented our draft audit report to the Chief Executive Officer of the Cincinnati Empowerment Corporation, the administering entity of the City's Empowerment Zone Program, and HUD's staff during the audit. We held an exit conference with the Chief Executive Officer on December 20, 2002. The Cincinnati Empowerment Corporation disagreed that Empowerment Zone funds were inappropriately used, that the City inaccurately reported the actual status and/or progress for all 10 of the projects we reviewed from its June

30, 2001 or June 30, 2002 Annual Reports, and that the City needs to implement procedures and controls to ensure that Empowerment Zone contracts meet Empowerment Zone Program requirements regarding benefits to Zone residents.

We included paraphrased excerpts of the Cincinnati Empowerment Corporation's comments with each finding (see Findings 1, 2, and 3) and the summary of Empowerment Zone projects reviewed (see Appendix B). The complete text of the comments is in Appendix C with the exception of four exhibits, attachments in three binders, a financial insert, 10 binders, and a portion of an e-mail that were not necessary for understanding the comments. A complete copy of the Cincinnati Empowerment Corporation's comments with the four exhibits, the attachments in three binders, the financial insert, the 10 binders and a portion of the e-mail were provided to HUD's Director of Renewal Communities/Empowerment Zones/Enterprise Communities Initiative.

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