

Background Report:
Analysis and Response to Urban Civil Disorder

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Ferguson Commission

Background for Analysis and Response to Urban Civil Disorder

I. Introduction

The events of August in Ferguson were only the latest in a disturbingly long and familiar series of police incidents followed by civil unrest that have occurred in America's urban areas over the last 50 years. The major urban riots in the mid 1960's in Chicago, Detroit, Newark and Los Angeles were followed by scattered incidents in Miami, Washington, D.C, and others, and then the major damage and destruction that occurred in Los Angeles, following the Rodney King verdict in 1992.

Each of these incidents has been followed by an effort to identify the causes of the civil unrest, evaluate the community's response, and develop strategies to address the issues raised. So now too, as Ferguson and the St. Louis region confront these same issues, a Ferguson Commission has been established by Governor Jay Nixon. The Commission has been charged with three goals:

- Study the underlying social and economic conditions of the unrest following the death of Michael Brown;
- Tap into the expertise needed by the Commission to address the key concerns, including poverty, education, governance and law enforcement;
- Make specific recommendations for "making the St. Louis region a stronger, fairer place for everyone."

The purpose of this report is to review and examine prior efforts to address these questions to identify common themes, recommendations proposed and implemented, their results, and lessons learned. Efforts have been made to review prior examinations of and responses to civil unrest that appear most similar to the Ferguson situation and to identify specific strategies and tactics developed by the impacted communities and their results.

II. Civil Disorder in the 1960's: The Kerner Commission Report 1968

Large scale urban disorder impacted a number of major American cities in the period 1965 to 1967. In February, 1968, President Lyndon Johnson appointed the "National Advisory Commission on Civil Disorders" (which became known as the *Kerner Commission*), and charged it to answer the questions; "What happened? Why did it happen? What can be done to prevent it from happening again?" The Kerner Commission Report became the most famous and broadest study of the causes and responses to civil unrest in urban America.

Key findings of the Commission included the following:

- The civil unrest in America's cities resulted from African Americans' frustration at a lack of economic opportunity;
- Strong criticisms of federal and state governments for failed housing, education and social service policies;
- That a main cause of the urban violence was white racism. Famously, it stated that America was moving "toward two societies, one black, and one white— separate and unequal."

Major recommendations of the Report included:

- Large scale federal programming to provide jobs, training, new housing, the extension of early childhood education to disadvantaged children and other social services.

- Major efforts to de-segregate housing patterns, including (a bit ironically, it would seem now), the “opening up of suburban residential areas to Negroes,” and to “spread out” low income housing to smaller projects on scattered sites.
- More racial diversity among police forces, “as mistrust of primarily white forces had sparked violence in many areas.”

Aftermath and Evaluation

The Kerner Commission’s recommendations for substantive federal investment in programs providing economic empowerment for African Americans went largely unmet and unfulfilled. Federal programming and response at the time was significantly constrained by the escalating budgetary requirements of the Vietnam War.

There was significant criticism of the primary findings of the Commission. Some contended that the report, by identifying white racism as a primary cause of civil unrest, served to exonerate rioters for criminal behavior.

This tension--between those who regard urban civil unrest as the result of “righteous anger caused by the frustration and despair of deprivation” vs. those who see civil unrest that results in looting and rioting as purely criminal behavior-- is one that continues to exist today, and is evident in the responses to the events in Ferguson.

A comprehensive analysis of conditions “30 years after” the Kerner Commission Report was completed in 1998 by the Eisenhower Foundation. While it focuses primarily on the role of federal policy, its findings and particularly its recommendations, on what policies and programs have been found to be effective, are instructive. An Executive Summary of the report, titled “*The Millennium Breach; Richer Poorer and Racially Apart*,” is included as an attachment to this report.

III. Los Angeles and the “Rodney King” Riots: 1992

The 1992 riots that followed the Rodney King verdict in Los Angeles were the most serious and destructive since the 1960’s. The damages included 53 people dead, 2,000 injured and estimates of property losses of up to \$1 billion. Like other urban conflagrations, it was triggered by a single police incident (the filmed beating of police suspect Rodney King), but was rooted in longstanding tensions and grievances.

Unfortunately, Los Angeles had substantial experience and prior studies of urban unrest before 1992. The Watts riots of 1965 were examined both by the Kerner Commission and by California Governor Brown’s own appointed Commission (known as the *McCone Commission*), established to investigate “the immediate and underlying causes of the riots.” Its primary findings:

- Scarcity of employment opportunities;
- Scarcity of education designed to meet the special needs of disadvantaged Negro children; and
- Community resentment, and even hatred, of the police as the symbol of authority.

McCone Commission Recommendations: The Commission concluded that three areas (employment, education and law enforcement – community relations) were the most critical to improving life in the impacted areas. It recommended:

- The establishment of major job training programs directed at the African American community;
- The institution of an “emergency” education program featuring preschool education, intensive instruction, small classes, remedial courses, and other special treatment for disadvantaged children;
- That law enforcement agencies place greater emphasis on their responsibilities for crime prevention and that they institute improved means of handling citizen complaints and developing community relationships.

1992 Legislative Review and Recommendations

A quarter of a century after the 1965 riots and the Governor's McCone Report, the California state legislative committee reexamining these same issues concluded that "the causes of the 1992 unrest were the same as the causes of the unrest of the 1960's, aggravated by a highly visible increasing concentration of wealth at the top of the income scale and a decreasing Federal and State commitment to urban programs serving those at the bottom of the income scale."

This 1992 committee made a variety of recommendations; among the most interesting and innovative included:

- Adopt a California Community Reinvestment Act to meet the credit and capital needs of low and moderate income communities;
- Support the development of a critical mass of small businesses and entrepreneurs in the affected areas;
- Support the concept of Neighborhood Family Service Organizations as the vehicle to give low and moderate income families greater control over the delivery of social services resources available to their communities;
- Increase the number of minority judges on the County Courts;
- Create a State Urban Community Relations Agency to provide funding for research, conduct statewide symposia on current community conflicts and resolution strategies, and develop models for community organizing in ethnically diverse urban settings and act as an information clearinghouse for research being conducted on the Los Angeles Crisis.

Rebuild L.A.- A Private Sector Response

The most dramatic and substantial attempts to address the urban problems that led to the 1992 riots were carried out under the auspices of an "extra governmental" entity- a private, business driven entity that was intended to harness the power of the private sector to literally rebuild the damaged city. Co-chaired by private sector power houses Peter Ueberroth (former organizer of the 1984 L.A. Olympics and Commissioner of Major League Baseball) and Bernard Kinsey (an African American and former senior executive with Xerox Corporation), Rebuild L.A. set an ambitious agenda of attracting and stimulating the investment of more than \$ 1 billion by over 500 companies to the riot torn areas of the City. Mayor Tom Bradley assembled a total of 80 top civic and business leaders to govern the effort.

The Rebuild L.A. Plan had four points of emphasis: job creation, local ownership of businesses, development of the work force in neglected areas of the city, and government reform. The effort was identified as the nation's largest to focus business, government and the community together to address urban problems.

Rebuild L.A.'s supporters point to a number of substantive successes, claiming the investment of \$500 million in new investment committed and the creation of thousands of jobs in its first year. According to Co-Chair Kinsey, Rebuild L.A. renovated 63 percent of damaged or destroyed L.A. businesses within two years of its inception. During his stint as chairman between 1992 and 1994, the program made good on \$380 million of a pledged \$500 million in investments from corporations.

But the overall and final reactions are decidedly mixed on the success of Rebuild L.A. Among the criticisms were that it:

- Was corporate dominated, and didn't fully engage the community;
- Dramatically over promised, and inevitably under delivered;
- Established a five year time frame that was too short; and that its efforts significantly diminished, even during that period. Ueberroth resigned after the first year, Kinsey resigned two years in; by 1995 the initiative was described as a "glorified small business loan" organization;

- Was troubled by a lack of solid political leadership with which to work. The Mayor’s office, the LA Police Department, and LA County officials were all under a great deal of public criticism and pressure, and were unable to deliver the required public support;
- Was expected to “address everything” having to do with LA’s urban crisis; taking on social issues for which it was ill-equipped;
- Was forced to expand and diversify its governance to the extreme. The agency’s structure grew to include 94 board members, headed by five co-chairs. (Quoting co- Chair Kinsey, “Those board meetings were just a farce”.)

Lessons Learned from the Rebuild L.A. Initiative as a Private Sector Response

While there is great potential power in harnessing and utilizing private sector investment to rebuild economically disadvantaged communities, both the mission and the activities must be defined and focused. Some of the best conclusions about the impact of Rebuild L.A. come from economists with an outside view.

Economist Jack Kyser, quoted in a NY Times article, said the program was doomed from the start. “There were so many competing groups that wanted Rebuild L.A. to wave a magic wand and solve all their problems,” Kyser said. “The expectations were too grand for anyone to meet.”

Anthony Downs, senior fellow at the Brookings Institution in 1994, indicated that it would have been nearly impossible to generate business investment substantial enough to truly address an inner city’s issues. “You can’t expect a few businessmen and a few residents to cope with those monumental problems on their own,” Downs told the NY Times. “The job of an organization like Rebuild L.A. is probably impossible without some greater change in society.”

Post 1992 Police Reform in L.A.

Responses to police practices and reform proceeded on a separate track in Los Angeles, and did result in substantive and positive changes. The Rodney King incident and L.A. riots led to hearings conducted by the Independent Commission on the Los Angeles Police Department (also known as the *Christopher Commission*), which spurred significant reforms. Fundamental changes in police policies and practice were put in place which transformed the historically deeply troubled relationship between the police and the residents of South Los Angeles. The establishment of the Christopher Commission immediately after the incident sent a message that the practices and culture of the police department could and would be substantively questioned, and that real reform could occur.

The Commission’s report described and documented a police culture that indeed required reform. Among its findings, quoting directly from the report, were that:

- “a significant number of officers in the LAPD repetitively used excessive force against the public and persistently ignored the written guidelines of the Department regarding force;
- the problem of excessive force is aggravated by racism and bias;
- the failure to control these officers is a management issue;
- The complaint system is skewed against complainants.”

Demonstrating the last point was the fact that of the 2,152 citizen complaints of excessive force between 1986 and 1990, only 42 were sustained.

As a result of the report, specific reforms including the following were instituted by the LAPD:

- Introduction of non-lethal weapons like such as pepper spray and beanbag rounds;
- Virtual abandonment of the side-handled metal baton;
- Extensive training for new recruits in the use of these new procedures;

- Overhaul of the citizen complaint process, requiring all complaints to be formally investigated by Internal Affairs in a more transparent process.
By 2002, 15 percent of complaints against officers were sustained, compared to the two percent documented by the Christopher Commission.

IV. Cincinnati Riots: 2001

The Incident, Reaction and Impact

In April 2001, the City of Cincinnati erupted in a series of disorders that followed a familiar pattern. An unarmed black youth was shot and killed by police in a minority neighborhood adjacent to the downtown area under questionable circumstances. Protest demonstrations led to looting, property damage, arson and assaults. Over six days, private property damage was estimated at \$3.6 million, and the city incurred another \$1.5 to 2 million in damages and costs to respond to the crisis. The Cincinnati disturbances are considered to be the largest US civil disorders since the L.A. Riots in 1992. A subsequent boycott of downtown business which caused the cancellation of planned conventions and events and had an estimated impact of \$10 million on the city.

Context

The triggering incident (as is often the case) took place in the context of longstanding tensions between the police department and the minority community. Between 1995 and April 2001, 15 black males had been killed by Cincinnati police. Three weeks *before* the incident occurred, the American Civil Liberties Union and a group of local organizations had filed suit against the police department alleging 30 years of racial profiling. The legal action already underway framed the method and means by which the “police practices and community relations” elements of the crisis were addressed.

The course taken by the City regarding its response to the police policy issues raised is discussed below under the section on “The Cincinnati Collaborative Agreement.” The following section describes the City’s civic response on the broader racial issues that had surfaced.

The City’s Civic Response

Cincinnati developed a broad response to the crisis under the auspices of a new community wide initiative known as Cincinnati Community Action Now (“CAN”). The leadership of the group included African American leadership led by Ross Love, a prominent African American business man and civic leader, Mayor Charlie Luken and business, philanthropic and other civic leaders.

The leadership of CAN acknowledged the critical nature of badly strained police-community relations as the trigger for the riots, but they also recognized that the underlying causes included broader issues of race relations and economic exclusion – the racial divide in the community.

Utilizing a diverse group of institutional and grassroots community leaders, CAN reached out to and engaged more than 250 people from throughout the community. As a result, **four key areas** were identified; areas that CAN participants felt were critical to closing the racial disparities gap, and improving the quality of life for all of the City’s residents.

- 1. Police and Justice System Improvement** - a new relationship between police and community to reduce crime and replace adversarial relationships with a true partnership.

2. Spurring Economic Inclusion and Development - more and better jobs for the most disadvantaged residents.

3. Expanding Opportunities for Education and Youth Development - programs targeted at higher academic achievement, and the successful education of at-risk children.

4. Housing and Neighborhood Development - better housing through increased home ownership and availability of affordable, quality housing for inner city residents.

In addition, CAN put a priority on sustaining public engagement on the issues of race relations and underlying racial disparities.

The process was not easy, and incurred significant obstacles. There was initial discontent among the African American leadership regarding the pace of progress; a boycott of events and businesses was called for. The City police department was less than enthusiastic about efforts to reform policy policies and culture.

The Greater Cincinnati Foundation and the Formation of “Better Together Cincinnati”: 2003

As the initial CAN initiative planned to conclude its efforts after three years, much remained to be done. The capacity to carry on programming in its identified four areas of interest needed an institutional “home” and financial support in order to continue. In 2003, the Greater Cincinnati Foundation and a group of 14 corporations and foundations came together to form “Better Together Cincinnati” (BTC). To provide focus, capacity and funding, this coalition made a five year pledge to provide the resources needed to find practical ways to address the issues that had been identified and targeted by CAN.

BTC Program Initiatives: With funds committed over five years, BTC awarded grants to five projects the collaborative believed would “make substantial and lasting differences in the community... reduce economic and social disparities (and)... were ready for implementation and funding.” The programs included:

- Community Police Partnering Center
- Hard to Serve Initiative
- Minority Business Accelerator
- Cincinnati Arts & Technology Center
- Youth Employment & Development Initiative

BTC Program Funding: From 2003 to 2011, BTC funded a total of \$6.5 million in projects to address its identified priorities, allocated as follows:

• Race Relations & Disparity Data	\$ 212,000
• Education	180,000
• Workforce Development	558,000
• Police Community Relations	4,895,000*
• Minority Economic Development	650,000
Total	\$6,495,000

*Funding the Community Police Partnering Center, the key program established to support and implement the court approved “Collaborative Agreement”

Providing Data to Track Racial Disparities: To provide for measurement of the initiatives results, BTC committed to a process of selecting, tracking, and publicizing a set of indicators to highlight both Cincinnati's progress in reducing racial disparities and the gaps that remained. Regular, public discussion of such indicators of disparity and diversity are provided to meet the important goal of keeping a spotlight on the issues, and informing ongoing discussion.

**Observations On
The Greater Cincinnati Foundation/ Better Together Cincinnati Model
Comments from the 2011 Report, "Cincinnati in Black and White: BTC- A Decade Later", March 2011**

The crisis created by the unrest in Cincinnati brought a diverse group of funders together willing to help figure out what needed to be done and to bring money with them to a new grant making process – BTC, under the leadership of The Greater Cincinnati Foundation ("GCF"), which acted as the convener. GCF understood the important needs in the community and the nonprofit landscape and was able to attract key private and corporate foundations to the collaborative process.

The formation of BTC built on GCF's experience in shifting from a traditional framework of responsive grant making to a more strategic outcome-driven grant making approach for systemic community issues. The idea took hold because funders came to believe that pooling resources allows for grant making that has greater impact, both in dollars and in terms of informed decision making, more knowledge assembled around the table.

BTC intended to raise \$20 million but only raised and invested \$6.5 million. There were several reasons why it did not meet the target, one most important to the result. Originally, it was hoped by GCF that the effort would attract the attention of large national foundations, and while some initially expressed significant interest, financial contributions were never realized.

Note: More detail on the operations and funding of BTC is available in the Cornerstone Consulting Group's report, "Cincinnati in Black and White: Better Together Cincinnati- a Decade Later", 2011

The Cincinnati Collaborative Agreement: Police Policy Response

As indicated above, the process for addressing the police practices and community relations aspects of the Cincinnati civil disorders was carried out through a legal process that had begun prior to the triggering police incident. The ACLU and an organization known as the Cincinnati Black United Front had filed a civil suit alleging long term racial profiling and discriminatory law enforcement. With the leverage provided by the April 2001 civil disorders, the City and Police Department moved forward to negotiate a settlement that was ultimately approved by the plaintiffs, the City Council, and the Fraternal Order of Police (the Police Union). The Collaborative Agreement was ordered, at the request of the parties, by the US District Court in April of 2012.

The Cincinnati Collaborative Agreement has been characterized as one of the most comprehensive and innovative plans ever put in place to improve police-community relations. The Agreement calls for the engagement of both police and everyday citizens to participate in positive community oriented policing practices and to make their community a better place for both groups.

The Agreement enacted in April 2002 had a five-year time frame, and stated the following objectives:

- Establish police officers and community members as proactive partners in community problem-solving;
- Build relationships of respect, cooperation and trust within and between police and communities;
- Improve education, oversight, monitoring, hiring practices and accountability within the police department;
- Ensure fair, equitable, and courteous treatment for all;
- Create methods to enhance the public's understanding of police policies and procedures and to recognize exceptional service in an effort to foster support for the police.

The Agreement is an extensive (16 page, 132 paragraph) document that provides detailed policies, procedures, reporting requirements and a requirement for outside evaluation to be provided by the Rand Corporation. All documentation regarding the Collaborative Agreement and its reporting and evaluations are publicly available and online.

Although the implementation of the Agreement had its difficulties, including initial resentment and resistance from the police, real and significant changes have been made. Among them:

- Training officers in hard to manage situations, like the “dark alley” where the triggering incident occurred;
- Training in how to recognize possible mental health issues in suspects and to better handle mentally ill people;
- Computers in officers' cruisers to provide access to a person's detailed and complete criminal record;
- Foot pursuit policy changes to require that officers assess whether a pursuit is appropriate, considering the seriousness of the offense, whether the suspect is armed and the ability to apprehend at a later date;
- In late 2003, the City bought updated tasers for all officers after the death of an African-American suspect with drugs in his system;
- Officers are now required to fill out "contact cards" when they stop vehicles. The cards include details about those in the car, including their race. The cards grew out of allegations that Cincinnati officers stopped more minority drivers than white drivers;
- A Citizens Complaint Authority was created in 2002 to do independent reviews of all serious uses of force by police officers.

A number of parties involved in the Cincinnati situation have observed that an agreement such as the Cincinnati Collaborative Agreement can likely only be achieved as the result of litigation and a court ordered settlement or decision.

Lessons Learned and Other Commentary from the Cincinnati Experience

There are a number of parallels, and some key differences, between the Ferguson and Cincinnati situations. Both were triggered by singular police incidents, against a pattern of long standing frustration and latent anger about what were seen as discriminatory police practices. Substantial and deep racial disparities exist in both communities.

But there is no pending legal action that might result in a court order or settlement in Ferguson. Attorneys and other Cincinnati participants have pointed out how difficult, and relatively ineffective, it can be to get federal Justice Department intervention in dealing with local law enforcement issues, compared to local or state court action. More importantly, the Ferguson situation involves one relatively small suburban jurisdiction; the underlying problems in the St. Louis region cross local municipality and county jurisdictional boundaries, and require regional approaches.

Nevertheless, that, there appears to be much to learn from the Cincinnati experience relative to Ferguson and St. Louis. A number of Cincinnati participants have already interacted with St. Louis area counterparts, and there have been a number of commentaries on what the Cincinnati experience may have to offer. Below are some observations and quotes for consideration.

- People involved in police reform in Cincinnati offer the following general observations:
 - Police reform will take a long time – many years, not many months.
 - A Justice Department investigation, such as the one underway in Ferguson, is necessary but not sufficient to bring about lasting reform.
 - An enforceable court order will be necessary to make sure changes are implemented in the long term.
 - A new policing policy strategy, involving community engagement, is needed to bring the police and community together.
 - The reforms should include transparency in events of police shootings of civilians, an early warning system to identify troubled officers, new policies minimizing use of force, a civilian review board and video and audio on police cars and officers.

- Avoid the “blame game”; there are well intentioned people, as well as those who may not be so well intentioned, on both sides. Avoid blaming individuals and groups in order to find common ground solutions.

- Essential elements of meaningful reform include:
 - Transparency “expanded transparency has been the most effective tool in building trust”
 - A court enforceable reform vehicle
 - A credible complaint authority and process
 - The use of “problem oriented policing”
 - Use of force and chase policies designed to reduce injuries and deaths
 - Access to mental health teams and resources
 - Use of video and audio to document (and support) police involvement
 - “De-militarize” police response; eliminate /minimize the use of police dogs, military vehicles, black gloves.

- Missing ingredients in Ferguson/ St. Louis:
 - Who can be/should be at the table to represent “the community” in the discussion?
 - Need for long-term judicial oversight.

- More minority police officers (Cincinnati had been subject to a federal consent decree that led to an increase in black officers).

V. Conclusion

This report is a limited survey of occurrences of civil disorder in American cities and responses to such incidents as background for the study of the August 2014 events in Ferguson, MO.

It describes the events and civic responses to urban unrest in American cities, going back to the 1960's. It describes prior efforts to identify issues, causes, responses and themes that may be useful to the response of the St. Louis region to the civil unrest prompted by the Ferguson incident.

This report is by no means a complete or comprehensive survey of American responses to urban civil disorder and racial unrest. There is a rich universe of research, reports, community responses and proposed solutions available to help inform the discussion of these issues. Attached to this report is a bibliography of resources that may be useful to the St. Louis region's response to the Michael Brown shooting in Ferguson, and the issues that it raises.

Hopefully, the well documented history of how these incidents and issues have impacted and been addressed in other American cities can and will be instructive to the work that needs to be done in the St. Louis Region.

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