

III. CITY POLICY ON POLICE SERVICES

1. Introduction

When there is a privately sponsored event in Cincinnati, the procedure and authority for setting the level of City police services, the extent of the City law enforcement officers' responsibility, and the rate and method of payment is often unclear or arbitrary.

The City may charge a sponsor for police service at a theatre opening but not for a church activity, or it may charge for a rock concert but not for a baseball game. In the absence of a formal policy from City Council, and with diminishing financial and personnel resources, the Police Division of the Safety Department formulates policy according to its own discretion. The disagreement between the City Safety Department and Riverfront Coliseum over the responsibility and authority for the public plaza that surrounds the Coliseum is a result of this lack of policy and should be resolved by Council.

Management of the Coliseum has argued that since their facility is private and the plaza surrounding it is public property, the responsibility for the plaza belongs to the City. This argument has continued unresolved since the Coliseum first opened in 1975. Then and now the Coliseum has maintained that its responsibility lies with what occurs within its building, not with what happens outside of it. On the other hand, the Safety Department contends that the Coliseum is responsible for attracting crowds which cause the need for additional police and should therefore be responsible for either controlling the crowd, or paying for such control. (A similar conflict appears in other

areas of public activity which call for special police services.) This condition adversely affects the Coliseum patron. Arguments over which party is to pay for law enforcement on public property has overshadowed the need to protect the public. In the absence of a clear policy, both the Coliseum and the City have taken little responsibility for the safety of the Coliseum patron on the plaza and neither party has effectively taken charge of crowd management there.

Prior to December 3, the Coliseum hired off-duty Cincinnati law enforcement officers and paid them directly for their services. At that time the size of the police detail was negotiated by the City and the Coliseum. Most compromises, however, failed to satisfy either party completely. After December 3, the Safety Department obtained from City Council procedures requiring Coliseum management to use on-duty police details on the plaza (which doubled the cost of police service to the Coliseum), giving the Police Division authority to determine detail size; and giving law enforcement officers emergency on-the-scene authority to open the Coliseum's or any facility's doors.

Even with these regulations the central issue of responsibility for public safety on public space remains unresolved. The Council has two possible options: 1) A private facility or event promoter can be charged a fee for law enforcement details, whether on or off-duty officers are used; or 2) The City can supply law enforcement officers for use on public property at events without cost to the facility or event promoter. Whatever policy decision is made, it should be uniformly and equitably applied.

2. The Options

A. Law Enforcement Service Financed by Facility or Others

There are those who believe that law enforcement details used for a private event should be paid for by the sponsor of that event even though the detail in question is being used on public property. The support for this point of view is summed up in the following points:

1. Police have been privately paid for such services in the past.
2. Private payment allows the Police Division to assign needed officers without drawing police from regular assignments or from any community.
3. Since it is an event of the sponsor or facility which attracts the crowds, they should be required to pay for controlling that assemblage.
4. Frequently, a large percentage of patrons do not live within the city and therefore do not contribute taxes toward the cost of law enforcement.
5. The taxpayer would be relieved of the additional obligation of providing funds for the costs of police details at events.

The size of the Cincinnati police force has diminished considerably over the years. The change to two officer police cars has further reduced the number of available patrol units throughout the City. Even though there has also been a reduction in the city population, demand for certain aspects of police services has increased, including police presence at major events. With limited personnel, major events can seriously affect the numbers of on-duty personnel and the services they provide to the entire city.

If a private concern must pay for police service it can either be done by paying the city directly or by hiring off-duty officers. The first method,

paying the City for police service, is the more costly because officers are paid overtime. This would occur because a private party would be hiring officers working at overtime rates plus their city fringe benefits.

Off-duty officers, while less expensive to hire, can be just as effective as on-duty officers. According to the Cincinnati Police manual, police are obligated to take action in emergency situations whether on or off duty. An agreement that a police officer's authority remains the same whether on or off duty could be written into city work permits and contracts with private facilities and others desiring to use their services. The advantage to the facility or event promoter in using off-duty officers instead of paying for on-duty police is in the significantly reduced cost for their services.

B. Police Services Financed by the City

There are, of course, others who believe that the City should supply police services without charge when they take place on public property. The points made in support of this are:

1. Public services such as police should not develop into services for hire.
2. Major events facilities and promoters as well as many of the patrons who attend these events already pay their share of city taxes, a portion of which helps pay for city services such as police.
3. The City should always be responsible for activities on public property.
4. Excessive and burdensome charges for police services may reduce the number of major events brought to the City thereby reducing a portion of its expected revenue.

5. Police can determine the best crowd management procedures and size of detail required without negotiating with event promoter or facility management.
6. City services are extended to those citizens attending an event, not for the event itself.

The underlying issue is whether or not the City's public services such as police, fire, sanitation, etc. which are already supported by public funds should be allowed to move toward a posture that will allow them to charge for their services. Facility operators, in particular, are vehement in their opposition to paying for police service that they claim is supported in part by city taxes that their facilities and patrons pay. To gain a perspective on an issue of this importance, the Safety Department surveyed six cities similar to Cincinnati to learn their policies on this issues. The results from St. Louis; San Diego; Los Angeles; Kansas City, Missouri; Philadelphia; and Columbus, Ohio show that it is not common practice to charge facilities or event promoters for such city services as police details on public property. San Diego and Los Angeles mentioned that they are considering such a policy but they question whether such a departure would survive a legal challenge. Kansas City does not charge promoters whose events appeal to a broad segment of the local population, but it does charge when fund raisers and small special interest groups are involved.

The lack of coordination between facility procedures and police tactics has hampered the application of crowd management procedures such as outlined in this report. The police could not influence the number of entrances or the timing of patron admission to the facility, but instead had to react to the results of those decisions.

C. Alternatives

There are alternatives to using uniformed police at major events. At the present time the immediate option is to use private security police. If the police cadet program were to be reinstated or an auxiliary police detail were to be established, then additional options would be available. An unusual but successful concept used in England and Canada involves the use of "commissionaires" who direct pedestrian and vehicular traffic.

Whatever the concept, City Council should direct its attention to the most effective, equitable and financially feasible way of using police for crowd management.

The policy that City Council establishes will decide the future number and variety of events which the Cincinnati community and area will enjoy.

3. Related Issues

A. Crowd Management Training for Police Enforcement Officers

If Cincinnati law enforcement officers are going to continue to be involved in major events, then special training and skill development are necessary for effective crowd management. (All officers receive some crowd related training and have participated in seminars held by the International Association of Chiefs of Police or worked with crowd management consultants.) Simply assigning more and/or better paid police will not by itself enhance the safety of the public. Funds should be made available to the Police Division so that the necessary officers may benefit from this much-needed training.

Facility personnel would also benefit from similar training experience.

B. Funding Possibilities

The Task Force believes that the City should provide police protection at public events without billing the event sponsor or facility management. Funding for this added service could come from the General Fund of the City, creation of a Special Events fund for use by the Police Division, a new source of taxation, the Hotel and Motel tax or a portion thereof, receipts from a State tax, or an additional surcharge on each ticket sold for such events in the City.

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RECOMMENDATIONS

1. The City should not charge facility management or event sponsors for police personnel assigned to public property.
2. City Council must determine as a matter of policy the Cincinnati Police Division's role at major events.
3. City Council should allocate funds for the Safety Department to establish a training program in crowd management for its police officers and/or a special crowd management detail or enable them to attend training programs.
4. City Council should adopt an ordinance prohibiting contraband at events and require that a contraband warning be posted at entrances to events and that reference to contraband be printed on tickets.
5. City Council should study options for reducing the use of uniformed police officers at public events by supplementing them with other types of personnel that could reduce costs.
6. City Council should research alternative funding sources to finance police crowd management personnel.