



VCU

2019 BIAS-BASED POLICING ANNUAL REVIEW

OVERVIEW:

As required by department policy and IACLEA standards, this report serves as the annual review of bias-based policing by the VCU Police Department for calendar year 2019. The purpose of this report is to provide an assessment of the department's aggregate data for formal and informal police contact, use of force and citizen complaints in order to identify potential patterns of bias in policing.

In February 2019, the Use of Force Review Committee, comprised of various institutional partners, convened to provide a comprehensive annual review of all use of force incidents captured by the department in 2018. The Committee evaluated the department's initial findings and supporting documentation, and affirmed the department's findings for each use of force incident. The Use of Force Review Committee will assemble in the coming weeks to provide a comprehensive external review of use of force incidents captured in calendar year 2019.

Subsequent to the publication of the 2018 Bias-Based Policing Annual Review, VCU Police Department pursued a number of proactive measures designed to better identify and minimize potential patterns of bias in policing. In March 2019, the VCU Police Department arranged for external consultants, TMI Consulting, to provide a thorough analysis of bias-based complaints received by the department between 2014 and 2018, as well as an external review of existing department policies, procedures and training on bias-based policing.

As a result of the external review, beginning in May 2019, the department implemented the use of "stop cards," which are disseminated to individuals upon contact with a VCU police officer. The cards include officer information, the report number and date of contact, the Chief of Police's contact information, along with information regarding how to commend an officer, make a general complaint or submit a bias-based complaint. Also in May, a representative from TMI Consulting attended the department's comprehensive fair and impartial policing refresher training course that was provided by Fair and Impartial Policing (FIP) certified department trainers to all department sworn personnel.

IACLEA ACCREDITATION STANDARD 4.1.3 AND RELEVANT VCU POLICE DEPARTMENT POLICY:

In late 2018, the VCU Police Department earned its first reaccreditation from the International Association of Campus Law Enforcement Agencies (IACLEA). IACLEA Accreditation Standard 4.1.3 addresses "Bias-Based Profiling" and sets forth specific criteria that an accredited law enforcement agency must satisfy in order to achieve and maintain accreditation.

IACLEA Standard 4.1.3 specifically requires that an agency have "a written directive prohibiting officers from engaging in bias-based enforcement activity. The written directive will include:

- a. A clear definition of bias-based policing and/or enforcement
- b. A requirement that all officers receive entry level training as well as biennial training on bias-based policing
- c. A requirement that all complaints of bias-based enforcement activity be investigated
- d. A prohibition of any profiling based upon a person's actual or perceived race, ethnicity, gender, sexual orientation, religion, or socio-economic status, and

- e. An annual review of all investigated complaints shall be conducted and reviewed by the chief executive officer to identify trends or training needs."

IACLEA also offers the following commentary related to this standard for law enforcement agencies:

"Colleges and universities typically attract a diverse student and employee population. An important component of successful campus public safety is an agency's ability to provide an equal and professional delivery of services to a wide spectrum of people on campus. Disparate treatment, whether through traditional law enforcement activities or the enforcement of institutional rules and regulations, must be addressed by the agency's management. Regular training in this area addresses the changing needs of the community and reflects the commitment of the department to providing the highest level of service to all community members and constituencies."

In order to demonstrate compliance with this standard, VCU Police is responsible for producing a range of compliance documentation for the duration of the four-year accreditation cycle.

In accordance with IACLEA Standard 4.1.3, VCU Police Department's Written Directive: 1-6, "Bias Reduction," affirms the agency's commitment to ensuring fair and equitable treatment of all persons. The directive states in relevant part:

"The department's success is based on the respect its employees show to the community and the respect citizens observe toward law enforcement. To this end, employees shall exercise duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sexual orientation, gender, national origin, ethnicity, age, religion, or economic status. In law enforcement, the failure to control biases can lead to illegal arrests, searches and detentions, thus thwarting the mission of the department. Most importantly, actions guided by bias destroy the trust and respect essential for success."

In all enforcement decisions, officers shall be able to articulate specific facts, circumstances and conclusions, which support probably cause or reasonable suspicion for arrests, searches, seizures and stops of citizens. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, sexual orientation, gender, national origin, ethnicity, age, religion, and economic status."

OFFICER TRAINING:

In order to address issues relating to bias-based policing/profiling, VCU Police Department's Training and Education Division provides comprehensive bias-based policing training to all entry-level sworn personnel, and existing sworn personnel must complete bias-based policing refresher training on a biennial basis. Bias-based policing training primarily focuses on issues relating to law enforcement field contacts, traffic stops and arrests, searches and asset forfeiture, with an emphasis on cultural diversity, courtesy, and guidance on how an officer can ameliorate their interpersonal communication skills. In May 2019, FIP-certified department trainers administered the department's comprehensive fair and impartial policing refresher training course to all department sworn personnel. FIP training will be included as part of in-service training this year.

IN-CAR AND BODY WORN CAMERA SYSTEMS:

In addition to relevant department policies and targeted training efforts, VCU Police Department continues to utilize two forms of audio and visual technology that's intended to promote agency transparency, officer accountability, and ensure accurate incident documentation.

The VCU Police Department continues to utilize Mobile Video Recorder (MVR) systems ("in-car cameras"), which are designed for fixed installation within a police vehicle. All of the department's primary patrol vehicles remain equipped with the in-car camera system, which further enhances accountability and continuous review of officer performance. The system

also serves as a tool for patrol supervisors to better assess officer training needs and accurately investigate any potential complaints received by the department.

In March 2015, the VCU Police Department fully implemented the Body Worn Camera (BWC) system for use by all on-duty patrol officers and sergeants. Similar to the in-car camera systems, the use of BWC systems promotes officer accountability and allows for regular review of officer performance. The BWC system also aids in a supervisor's assessment of officer training needs and aids in the accurate investigation of any complaints received by the department.

In-car cameras and BWC systems have proven to be an invaluable tool for thorough investigation into complaints presented to the department, including allegations of potential bias-based policing.

COMPARISON DATA:

When evaluating bias-based policing by a law enforcement agency, there are several areas that should be considered, including, but not limited to: enforcement actions, such as traffic stops and arrests, informal police contacts, citizen complaints, and any training opportunities available to officers.

The U.S. Census Bureau's (USCB) population data frequently serves as a baseline comparison between law enforcement and citizen contact data, and can help identify evidence of bias in law enforcement. USCB's population data includes all residents of the community, sorted by race and ethnicity, which provides a number that can be used as a measuring standard for comparative analysis for bias-based policing.

When using USCB's population data for a baseline comparison with law enforcement contact data, there are two significant issues of note that may affect comparative analysis. One of the identified issues with the use of available census data is that the traffic enforcement and formal contact data may not be wholly representative of the available census data, since the law enforcement data includes both residents and non-resident drivers within the agency's jurisdiction. As VCU is centrally located within the City of Richmond, the urban campus is heavily traveled and encompasses many visitors who are not captured in the City's census data. Consequently, in an attempt to minimize such discrepancies, for the purposes of this comparative review, we have focused our analysis on the population data extracted from the census tracts which comprise VCU Police Department's jurisdictional boundaries (U.S. Census Tracts: 205, 301, 302, 305, 402, 403, 404, and 411). For reference, we have included both the 2010 U.S. Census data for all of the City of Richmond, as well as the 2010 data for aforementioned census tracts as shown below.

A second identified issue with the use of available census data is that the most recent U.S. Census data is nine years old and the demographic data for each tract has presumably fluctuated since the most recent data collection in 2010. Therefore, it is uncertain to what degree such discrepancies may impact the extracted law enforcement data.

U.S. Census Bureau's 2010 Census Data – All of Richmond City, Virginia

Race/Ethnicity	% of Total
White	40.8%
Black	50.6%
Asian	2.3%
Other	6.3%

U.S. Census Bureau's 2010 Census Data – Richmond City, Virginia
(Census Tracts: 205, 301, 302, 305, 402, 403, 404, and 411)

Race/Ethnicity	% of Total
White	53.1%
Black	32.8%
Asian	9.0%
Other	5.1%

For the 2019 bias-based policing review, the following law enforcement data was extracted for VCU Police Department's jurisdiction:

Traffic Stop Data

The following traffic stop data was collected from January 1, 2019 – December 31, 2019. Please note that the table below represents only the number of traffic stops that resulted in the issuance of a traffic summons and does not include the number of traffic stops in which no law enforcement action was taken.

2019 Traffic Summonses*	Number by Race/Ethnicity	Percent by Race/Ethnicity	USCB 2010 Census Data
White	574	40%	53.1%
Black	696	48.5%	32.8%
Asian	34	2.4%	9.0%
Other	130	9.1%	5.1%
Total	1,434	100%	100%

* Race/ethnicity categories reflect the race/ethnicity of the individual stopped, as determined by the officer at the time of the stop, to the best of their ability. In making this determination, officers may rely on the operator's license issued to the individual by the Virginia Department of Motor Vehicles.

Summary: Based on the number of traffic summonses issued in calendar year 2019, the data reveals that a higher percentage of summonses were issued to subjects in the "Black" category than those in the "White" category compared to the 2018 data. However, the 2019 data more closely parallels traffic summons data captured in calendar years 2016 and 2017 (2016 percentage gap = 4.9% / 2017 percentage gap = 5.7%).

Formal Police Contacts

The following formal police contact data was collected from January 1, 2019 – December 31, 2019. Please note that the tables below only capture the number of contacts that resulted in an arrest.

DUI Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	34	58.6%	53.1%
Black	21	36.2%	32.8%
Asian	0	0%	9.0%
Other	3	5.2%	5.1%
Total	58	100%	100%

Narcotics Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	47	33.8%	53.1%
Black	73	52.5%	32.8%
Asian	10	7.2%	9.0%
Other	9	6.5%	5.1%
Total	139	100%	100%

All Other Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	306	47.3%	53.1%
Black	316	48.8%	32.8%
Asian	12	1.9%	9.0%
Other	13	2%	5.1%
Total	647	100%	100%

2019 Total Arrests**	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	387	45.9%	53.1%
Black	410	48.6%	32.8%
Asian	22	2.6%	9.0%
Other	25	2.9%	5.1%
Total	844	100%	100%

**The table above reflects the aggregate number of all arrest categories cited in the prior tables

Summary: The 2019 arrest data reveals that although there remains a slightly higher rate of formal contact with subjects in the “Black” category than those in the “White” category, the disparity significantly decreased from the preceding three calendar years (2016 percentage gap = 12% / 2017 percentage gap = 7.6% / 2018 percentage gap = 9.1% / 2019 percentage gap = 2.7%).

In 2019, the law enforcement data indicates that there remained a larger number of DUI arrests of subjects in the “White” category (58.6%), versus a higher number of narcotics arrests of subjects in the “Black” category (52.5%), which is, generally, consistent with prior years’ arrest data.

Field Interviews/Informal Police Contacts

Field Interviews*	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	556	33.8%	53.1%
Black	918	55.9%	32.8%
Asian	37	2.3%	9.0%
Other	132	8%	5.1%
Total	1,643	100%	100%

* Race/ethnicity categories reflect the race/ethnicity of the individual stopped, as determined by the officer at the time of the stop, to the best of their ability. In making this determination, officers may rely on the operator’s license issued to the individual by the Virginia Department of Motor Vehicles.

Summary: A review of 2019 informal police contact data indicates that there remains a substantially higher rate of field interviews/informal contacts made with subjects in the “Black” category than might be anticipated based on the available raw 2010 census demographics for VCU Police Department’s jurisdiction. However, the variance in the number of informal police contact made with subjects in the “Black” category versus those in the “White” category decreased from the data captured in the preceding annual report (2018 percentage gap = 24.5% / 2019 percentage gap = 22.1%).

Use of Force

Citizens Involved in Use of Force Incidents	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	3	15%	53.1%
Black	17	85%	32.8%
Asian	0	0%	9.0%
Other	0	0%	5.1%
Total	20	100%	100%

Summary: This data demonstrates that there was a small increase in the overall number of use of force incidents captured in 2019 versus calendar year 2018 (2018 = 16 / 2019 = 20). The 2019 data reveals that the disparity between the number of use of force incidents involving subjects in the “Black” category versus those in the “White” category continued to expand (2018 percentage gap = 56.2% / 2019 percentage gap = 70%). All use of force incidents captured in calendar year 2019 were subject to either an internal review or an administrative investigation by the department. Following respective review/investigation of the complaints, the department determined that 19 of the 20 use of force incidents were deemed “justified,” and in accordance with department policies and procedures pertaining to use of force. With respect to those incidents that were deemed “justified,” seven of these use of force reviews/investigations resulted in the involved officer(s) receiving additional tactical/procedural training.

Citizen Complaints

	2015	2016	2017	2018	2019
General Complaints	47 <i>22% founded</i>	30 <i>10% founded</i>	24 <i>21% founded</i>	16 <i>19% founded</i>	27 <i>26% founded</i>
Bias-Related Complaints	7 (15%) <i>0% founded</i>	11 (36.7%) <i>0% founded</i>	6 (25%) <i>0% founded</i>	2 (12.5%) <i>0% founded</i>	3 (11%) <i>33% founded</i>

Summary: During calendar year 2019, the VCU Police Department received a total of 27 citizen complaints, three of which were bias-based. All three bias-based complaints were reviewed or investigated in accordance with the department’s established policy and procedures, and two were deemed to be “unfounded” (indicating the complaint was determined to be false/not factual). The bias-based complaint that was determined to be “founded” in violation of VCUPD’s policies and procedures resulted in an early intervention with the affected employee. The VCU Police Department did not conduct any Internal Affairs investigations in calendar year 2019.

Although the department experienced an increase in the total number of citizen complaints in calendar year 2019 (almost a 69% increase from 2018), this year’s data is more consistent with the complaint data that was captured for calendar years

2016 and 2017. There was also a slight increase in bias-based complaints received in 2019, but the total number remained lower than the data captured in 2016 and 2017.

CONCLUSION AND RECOMMENDATIONS:

In calendar year 2019, the department pursued a number of department initiatives intended to better identify and minimize potential bias in policing, which may have contributed to some of the variations in aggregate data captured for formal and informal police contacts in 2019 versus prior years. It should be noted that these additional measures were not implemented until mid-year 2019, so the 2020 data may better reflect these initiatives.

The Use of Force Review Committee will convene in the coming weeks to provide a comprehensive annual review of all use of force incidents for calendar year 2019. The Use of Force Review Committee will evaluate the department's initial findings, along with any supporting documentation, and affirm or deny the department's findings.

The VCU Police Department remains dedicated to practicing fair and objective policing and respecting the rights of all persons that the agency encounters. In sustaining the agency's commitment to bias-free policing, the VCU Police Department should continue to pursue preemptive measures to ensure that all officers enforce the law and investigate criminal activity solely on the basis of probable cause or reasonable suspicion, and not on the basis of race, ethnicity or gender of the citizens they may encounter in the field. As part of this commitment, the department will be including FIP training as part of in-service training to sworn personnel this year. The VCU Police Department should continue to provide ample officer training on issues relating to bias-based policing, with particular emphasis on field contacts, traffic stops, searches and asset forfeiture. The department should also continue to promote cultural and ethnicity awareness training, courtesy and enhancement of interpersonal communication skills that are vital to an officer's successful performance of their law enforcement duties. The VCU Police Department must continue to ensure that comprehensive investigations are conducted for all bias-based complaints, and impose disciplinary action for affected officers, as necessary. The department should also review bias-based complaints in the aggregate in order to better identify potential biased patterns of behavior.