2020 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 2020. 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 March 2020, 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 calendar year 2019. The Committee evaluated the department's initial findings and supporting documentation, and affirmed the department's findings for each use of force incident.

Throughout calendar year 2020, the VCU Police Department and the university implemented a range of initiatives intended to minimize use of force incidents and/or better identify and address potential patterns of bias in policing, as described below:

- Beginning in May 2020, students who are experiencing a mental health emergency can call the University Counseling Services directly 24 hours a day. With this change, students no longer need to contact the VCU Police Department for mental health emergencies occurring after normal business hours.

- In fall 2020, the VCU Police Department pledged their commitment to the International Association of Chiefs of Police (IACP) One Mind Campaign, to have all officers, and select staff, trained in either Crisis Intervention Training (CIT) or Mental Health First Aid. As of March 2021, the department completed the One Mind Campaign Pledge by training and certifying 100% of the department's officers in Mental Health First Aid or other equivalent mental health awareness course and at least 20% of the department's sworn staff in collaborative crisis response training.

- In July 2020, the VCU Police Department created a new Fair and Impartial Policing Coordinator position within the department. This position coordinates all aspects of Fair and Impartial Policing integration into the department's organizational structure at every level; conducts research and identifies Fair and Impartial Policing best practices currently in use at other police departments and public safety agencies; involved in creating and implementing new Fair and Impartial Policing initiatives; evaluates and enhances existing programs and initiatives; participates in creating and assisting with training related to Fair and Impartial Policing; and works in coordination with the department's certified Fair and Impartial Policing instructors on department programming.

- In fall 2020, the department established the Student Safety Ambassador Program. Student Safety Ambassadors are non-sworn, unarmed, student employees who serve as points of contact on the Monroe Park Campus at VCU. The Safety Ambassadors are available to help community members who may need assistance, but do not feel compelled to contact police. Safety Ambassadors are stationed in areas with a high volume of students, such as outside the University Student Commons and in the Compass.

- In fall 2020, all civilian department employees completed mandatory implicit bias training.

- In fall 2020, VCU established the Safety and Well-being Advisory Committee, which operates within a purview independent of the VCU Police Department. The Committee is charged with defining and instituting the components of a new transformational model for public safety and wellness across VCU, while leveraging a transdisciplinary

approach, to better meet the safety and wellness needs of the university community. Community members can reach out to the Committee's leadership directly with ideas and concerns, by emailing safetymodel@vcu.edu.

- In calendar year 2020, the department trained two additional Fair and Impartial Policing (FIP) instructors.

- In calendar year 2020, based on feedback from a VCU alumnus, the VCU Police Department added a "Check Police" feature on the free LiveSafe app. The feature enables users to click "Check Police" in the app and report concerns about an officer's conduct in real time (Users can send information anonymously). Once the user hits "send," the VCU Police dispatchers receive the information immediately and will check in with the officer and send a police supervisor to the scene to ensure that officers are properly handling an incident or traffic stop.

- Throughout calendar year 2020, the VCU Police Department continued the use of "stop cards," which are disseminated to individuals upon contact with a VCU police officer. The cards include the officer's identifying 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.

In March 2021, 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 calendar year 2020. The Committee evaluated the department's initial findings and supporting documentation, and affirmed the department's findings for each use of force incident. The Committee noted that there were several reports that did not constitute a use of force incident, but rather documentation of a preexisting or self-inflicted injury by the arrestee or the detainee. In order to address this, the Committee recommended retraining supervisory staff to discern self-inflicted injuries associated with arrest or detention versus declaring the incident a use of force. The recommended retraining of supervisory staff will be completed by April 1, 2021.

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. The department will complete IACLEA's reaccreditation process in late 2022.

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 concerning bias-based policing/profiling, the 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 calendar year 2020, two additional sworn department personnel were trained as Fair and Impartial Policing instructors. Fair and Impartial Policing training was included as part of in-service training for sworn personnel and during basic academy training for entry-level recruits in calendar year 2020. All department personnel were also required to complete implicit bias training in 2020.

IN-CAR AND BODY WORN CAMERA SYSTEMS:

In addition to relevant department policies and targeted training efforts, the 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.

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

In-car cameras and BWC systems remain an invaluable tool for investigating any complaints received the department, to include 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 activities. The 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 extent such discrepancies may impact the extracted law-enforcement data.

The U.S. Census was completed in calendar year 2020, as mandated by Article I, Section 2 of the U.S. Constitution. However, due to delays caused by the COVID-19 pandemic, the 2020 census tract population data is not yet available for public review. Accordingly, this year's report continues to utilize 2010 U.S. Census data that is currently available to the public.

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 2020 bias-based policing review, the following law-enforcement data was extracted for the VCU Police Department's jurisdiction:

Traffic Stop Data

The following traffic stop data was collected from January 1, 2020 – December 31, 2020. 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.

2020 Traffic Summonses*	Number by Race/Ethnicity	Percent by Race/Ethnicity	USCB 2010 Census Data
White	146	36.3%	53.1%
Black	190	47.3%	32.8%
Asian	11	2.7%	9.0%
Other	55	13.7%	5.1%
Total	402	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 2020, the data reveals that a higher percentage of summonses were issued to subjects in the "Black" category than those in the "White" category as compared to the 2019 data (2019 percentage gap = 8.5% / 2020 percentage gap = 11%).

Formal Police Contacts

The following formal police contact data was collected from January 1, 2020 – December 31, 2020. 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	10	35.7%	53.1%
Black	17	60.7%	32.8%
Asian	0	0%	9.0%
Other	1	3.6%	5.1%
Total	28	100%	100%

Narcotics Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	25	53.2%	53.1%
Black	21	44.7%	32.8%
Asian	1	2.1%	9.0%

Other	0	0%	5.1%
Total	47	100%	100%

All Other Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	174	40.9%	53.1%
Black	240	56.5%	32.8%
Asian	8	1.9%	9.0%
Other	3	0.7%	5.1%
Total	425	100%	100%

2020 Total Arrests**	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	209	41.8%	53.1%
Black	278	55.6%	32.8%
Asian	9	1.8%	9.0%
Other	4	0.8%	5.1%
Total	500	100%	100%

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

Summary: The 2020 arrest data indicates that there was an increase in the percentage of formal contact with subjects in the "Black" category than those in the "White" category (2019 percentage gap = 2.7% / 2020 percentage gap = 13.8%).

In calendar year 2020, the law-enforcement data indicates that there was a larger percentage of DUI arrests of subjects in the "Black" category (2020 = 60.7%) versus the "White" category (2020 = 35.7%), which is a departure from DUI data captured in 2018 and 2019. However, there was an increase in the percentage of narcotics arrests of subjects in the "White" category (2020 = 53.2% / 2019 = 33.8%) versus subjects in the "Black" category (2020 = 44.7% / 2019 = 52.5%).

Field Interviews/Informal Police Contacts

Field Interviews*	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	238	36.9%	53.1%
Black	369	57.2%	32.8%
Asian	7	1.1%	9.0%
Other	31	4.8%	5.1%
Total	645	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 2020 informal police contact data indicates that there remains a significantly higher percentage of field interviews/informal contacts made with subjects in the "Black" category than might be anticipated based on the available 2010 census tract 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 2018 and 2019 reports (2018 percentage gap = 24.5% / 2019 percentage gap = 22.1% / 2020 percentage gap = 20.3%).

Use of Force

Citizens Involved in Use of Force Incidents	Number By Race/Ethnicity	Percent By Race/Ethnicity	USCB 2010 Census Data
White	4	40%	53.1%
Black	5	50%	32.8%
Asian	0	0%	9.0%
Other	1	10%	5.1%
Total	10	100%	100%

Summary: The above data demonstrates that there was a 50% reduction in the aggregate number of use of force incidents captured in calendar year 2020 versus 2019, as well as a decrease from calendar year 2018 (2018 = 16 / 2019 = 20 / 2020 = 10). The 2020 data also indicates that the disparity between the number of use of force incidents involving subjects in the "Black" category versus those in the "White" category decreased from previous calendar years (2018 percentage gap = 56.2% / 2019 percentage gap = 70% / 2020 percentage gap = 10%).

All use of force incidents captured in calendar year 2020 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 all 10 use of force incidents were deemed "justified," and in accordance with the department's policies and procedures pertaining to use of force. With respect to those incidents that were deemed "justified," five of these use of force reviews/investigations resulted in the involved officer(s) receiving additional tactical/procedural training and one review/investigation prompted an early intervention notice for the involved officer.

Citizen Complaints

	2015	2016	2017	2018	2019	2020
General Complaints	47 *22% founded*	30 *10% founded*	24 *21% founded*	16 *19% founded*	27 *26% founded*	30 27% founded
Bias-Related Complaints	7 (15%) *0% founded*	11 (36.7%) *0% founded*	6 (25%) *0% founded*	2 (12.5%) *0% founded*	3 (11%) *33% founded*	7 (23%) *14% founded*

Summary: During calendar year 2020, the VCU Police Department received a total of 30 citizen complaints, seven of which were bias-based. All seven bias-based complaints were reviewed or investigated in accordance with the department's established policy and procedures, and six were deemed to be "unfounded" (indicating the bias-based complaint was determined to be false/not factual). The VCU Police Department did not conduct any Internal Affairs investigations in calendar year 2020.

The 2020 data is relatively consistent with the 2019 complaint data. Although there was an increase in the total number of bias-based complaints received in calendar year 2020, a smaller percentage were deemed "founded" (2019 = 33% founded / 2020 = 14% founded).

CONCLUSION AND RECOMMENDATIONS:

In calendar year 2020, the department pursued a number of department initiatives intended to minimize use of force incidents and/or to better identify and address potential bias in policing.

As of March 2021, the VCU Police Department completed the One Mind Campaign Pledge by training and certifying 100% of the department's officers in Mental Health First Aid or other equivalent mental health awareness course and at least 20% of the department's sworn staff in collaborative crisis response training.

On March 8, 2021, the Use of Force Review Committee completed a comprehensive annual review of all use of force incidents captured in calendar year 2020. Upon evaluating the department's initial findings and supporting documentation, the Committee affirmed the department's findings for each use of force incident. The Committee noted that there were several reports that did not constitute a use of force incident, but rather documentation of a preexisting or self-inflicted injury by the arrestee or the detainee. In order to address this, the Committee recommended retraining supervisory staff to discern self-inflicted injuries associated with arrest or detention versus declaring the incident a use of force. The recommended retraining of supervisory staff will be completed by April 1, 2021. The Committee will reconvene in March 2022 to review all use of force incidents captured in calendar year 2021.

The VCU Police Department remains dedicated to practicing fair and impartial policing, and respecting the rights of all persons with whom the agency interacts. To that end, the VCU Police Department trained two additional instructors for Fair and Impartial Policing in calendar year 2020. Fair and Impartial Policing training was provided to existing sworn personnel during in-service training and to all entry-level recruits during basic academy training in 2020. All department employees were required to complete implicit bias training during fall 2020. The department also created a new Fair and Impartial Policing Coordinator position within the department. Additionally, the university established the Safety and Well-being Advisory Committee, operating independently from the VCU Police Department. This Committee is charged with defining and instituting the components of a new transformational model for public safety and wellness across VCU, while leveraging a transdisciplinary approach, to better meet the safety and wellness needs of the university community.

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 continue to include Fair and Impartial Policing training as part of in-service training for all existing sworn personnel and during basic academy training for entry-level recruits. The VCU Police Department should continue to provide ample officer training on issues relating to bias-based policing and implicit bias, with particular emphasis on field contacts, traffics 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 identify potential biased patterns of behavior.