



2016 BIAS-BASED POLICING ANNUAL REVIEW

INTRODUCTION:

The purpose of this document is to provide an overview of the VCU Police Department's commitment to bias-free policing and to present measures of our individual and collective performance in this area. As required by department policy and IACLEA standards, this memo serves as the annual review of bias-based policing by the VCU Police Department for calendar year 2016.

OFFICER TRAINING:

In order to address issues relating to bias-based policing/profiling, the VCU Police Department's Training Division provides comprehensive bias-based profiling training to all entry-level sworn personnel and all sworn personnel are required to complete bias-based profiling training on a biennial basis. Bias-based profiling training focuses primarily on issues relating to law enforcement field contacts, traffic stops and contacts, searches and asset forfeiture, as well as emphasis on cultural diversity, courtesy and improving interpersonal communications skills.

IACLEA ACCREDITATION STANDARD 4.1.3 AND RELEVANT VCU POLICE DEPARTMENT POLICY:

The VCU Police Department achieved accredited status by the International Association of Campus Law Enforcement Agencies (IACLEA) in September 2014. IACLEA Accreditation Standard 4.1.3 addresses "Bias-Based Profiling" and sets forth specific criteria that an accredited law enforcement agency must meet in order to achieve and maintain accreditation.

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."

The VCU Police Department strives to meet and exceed the requirements set forth in IACLEA standard 4.1.3, including maintaining documentation of compliance as part of the ongoing accreditation process. The continuous oversight by IACLEA assessors and the Commission further attests to the VCU Police Department's commitment to institutional and community-wide bias reduction efforts.

In accordance with IACLEA Standard 4.1.3, the 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 policy 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 probable 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."

IN-CAR AND BODY WORN CAMERA SYSTEMS:

In addition to relevant departmental policies and targeted training efforts, the VCU Police Department utilizes two forms of audio/visual technology that is intended to increase transparency, officer accountability, and accurate incident documentation.

The VCU Police Department currently uses Mobile Video Recorder (MVR) systems ("in-car cameras"), which are designed for fixed installation within a police vehicle. To-date, all of the department's primary enforcement vehicles are equipped with the in-car camera system, which further enhances accountability and consistent review of officer performance. The system also provides supervisors with a means to better assess officer training needs and the ability to accurately investigate any complaints received by the department.

In March 2015, the VCU Police Department fully implemented its 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 assists in the accurate investigation of any complaints received by the department.



In-car camera systems and BWC systems have proven to be a valuable tool for thorough investigation into any complaints brought before the department, including complaints relating to bias-based policing.

COMPARISON DATA:

There are several areas that should be considered when evaluating bias-based policing by a professional law enforcement agency. These areas include, but are not necessarily limited to, enforcement actions, including traffic stops and arrests, informal police contacts, citizen complaints, and training provided to officers.

The U.S. Census Bureau (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 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.

There are two significant issues with using USCB population data for a baseline comparison for law enforcement contact data that may impact 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, as 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. Thus, in an attempt to minimize such discrepancies, we have focused on the population data extracted from the census tracts which comprise VCU Police Department's jurisdictional boundaries for the purposes of this comparative review (U.S. Census Tracts: 205, 301, 302, 305, 402, 403, 404, and 411).

A second identified issue with the use of available census data is that the most recent census data is six years old and the demographic data for each tract has presumably fluctuated since the data was last collected for 2010. Consequently, it is unclear to what degree such discrepancies may impact the extracted law enforcement data.

**2010 U.S. Census Bureau 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%

Note: 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 Department of Motor Vehicles.

For the 2016 bias-based policing review, the following law enforcement data was extracted for all of the VCU Police Department’s jurisdiction:

TRAFFIC STOP DATA

The following traffic stop data was collected from January 1, 2016 – December 31, 2016. Please note that the table below captures only the number of traffic stops that resulted in the issuance of a traffic summons and does not include the number of stops in which no law enforcement action was taken.

2016 Traffic Summonses	Number by Race/Ethnicity	Percent by Race/Ethnicity	U.S. Census Bureau Data
White	910	41.9%	53.1%
Black	1,018	46.8%	32.8%
Asian	81	3.7%	9.0%
Other	166	7.6%	5.1%
Total	2,175	100%	100%

Note: 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 Department of Motor Vehicles.

Summary: If we examine the rate of vehicles stopped by race, the data indicates that almost five percent more drivers in the “Black” category were stopped than drivers in the “White” category, which is slightly inconsistent with the available raw census data available for all of the VCU Police Department’s jurisdiction.

FORMAL POLICE CONTACTS

The following formal police contact data was collected from January 1, 2016 – December 31, 2016. Please note that the table below only captures the number of contacts that resulted in arrest.

DUI Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	40	57.2%	53.1%
Black	26	37.1%	32.8%
Asian	3	4.3%	9.0%
Other	1	1.4%	5.1%
Total	70	100%	100%

Narcotics Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	122	43.9%	53.1%
Black	131	47.1%	32.8%
Asian	11	4.0%	9.0%
Other	14	5.0%	5.1%
Total	278	100%	100%



All Other Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	415	39.8%	53.1%
Black	586	56.1%	32.8%
Asian	25	2.4%	9.0%
Other	18	1.7%	5.1%
Total	1044	100%	100%

2016 Total Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	577	41.4%	53.1%
Black	743	53.4%	32.8%
Asian	39	2.8%	9.0%
Other	33	2.4%	5.1%
Total	1,392	100%	100%

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

Summary: When reviewing the total number of formal police contacts that resulted in an arrest in 2016, it was apparent that a higher rate of contact was made with those in the “Black” category than those in the “White” category (53.4% versus 41.4%). Yet the difference in the total number of arrests between those in the “Black” category versus those in the “White” category markedly decreased from the previous year (2015 percentage gap = 18.1% / 2016 percentage gap = 12%).

In 2016, the law enforcement data indicates that there were more DUI arrests of persons in the “White” category (57.2%) as contrasted with more Narcotics arrests of persons in the “Black” category, which is consistent with prior years’ data. However, the data reflects that the difference in the number Narcotics arrests between those in the “White” category versus those in the “Black” category significantly diminished from the previous year (2015 percentage gap = 26.6% / 2016 percentage gap = 3.2%).

FIELD INTERVIEWS/INFORMAL POLICE CONTACTS

Field Interviews	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	902	38.3%	53.1%
Black	1349	57.2%	32.8%
Asian	30	1.3%	9.0%
Other	75	3.2%	5.1%
Total	2,356	100%	100%

Summary: When reviewing all documented informal police contacts in 2016, the law enforcement data indicates that more subjects in the “Black” category were interviewed or contacted by law enforcement than might be anticipated based on the raw 2010 census demographics available for all of the VCU Police Department’s jurisdiction.

USE OF FORCE

Citizens Involved in Use of Force Incidents	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	1	10%	53.1%
Black	9	90%	32.8%
Asian	0	0%	9.0%
Other	0	0%	5.1%
Total	10	100%	100%

Summary: In calendar year 2016, the data indicates that there were four fewer use of force incidents than in calendar year 2015. The data also shows that there was a higher number of use of force incidents involving subjects in the “Black” category than in any other race/ethnicity category, which is consistent with prior years’ data. All use of force incidents in calendar year 2016 were subject to either an internal review or an administrative investigation within the department. At the conclusion of each review/investigation, the department determined that nine of the ten use of force incidents were found to be justified and thereby in accordance with departmental policies and procedures. In the one use of force incident that was found to be not justified, the involved officer was required to complete remedial training on pertinent departmental polices and was also required to complete counseling.

Additionally, the Use of Force Review Committee convened on April 5, 2017 for their annual review of all VCUPD use of force cases for the 2016 calendar year, and no concerns were noted by the Committee at that time.

CITIZEN COMPLAINTS

	2013	2014	2015	2016
General Complaints	38 <i>26% founded</i>	27 <i>26% founded</i>	41 <i>22% founded</i>	30 <i>10% founded</i>
Bias-Related Complaints	4 (10.5%) <i>0% founded</i>	4 (14.8%) <i>0% founded</i>	7 (15%) <i>0% founded</i>	11 (36.7%) <i>0% founded</i>

Note: The number of bias-related complaints is a subset of the total number of general complaints received.

Summary: During calendar year 2016, the VCU Police Department received thirty citizen complaints, eleven of which were bias-related (36.7%). All eleven bias-related complaints were reviewed or investigated in accordance with the department’s established policy and procedures, and all eleven were determined to be “unfounded” (indicating the complaint was false/not factual).

In general, the department continued to see a decline in the total number of citizen complaints received in calendar year 2016. In 2016, the data reflects that the department saw a 26.8% decrease in the total number



of citizen complaints received from the previous calendar year, along with a significant reduction in the number of citizen complaints that were deemed “founded” following a departmental review or investigation.

CONCLUSION AND RECOMMENDATIONS:

The VCU Police Department is committed to practicing bias-free policing and respecting the rights of all persons the agency encounters. To affirm the agency’s commitment, the VCU Police Department should continue to take proactive measures to ensure that all officers enforce the laws and investigate criminal activity 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. The VCU Police Department should also continue to provide adequate officer training on issues relating to bias-based profiling in relation to field contacts, traffics stops, searches and asset forfeiture, and promotion of cultural diversity, courtesy and interpersonal communication skills that are vital to an officer’s successful performance of their duties. The VCU Police Department should also continue to thoroughly investigate all bias-based related complaints and impose immediate disciplinary action as deemed necessary.