



2017 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 policy and IACLEA standards, this memo serves as the annual review of bias-based policing by the VCU Police Department for calendar year 2017.

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 must 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 July 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 compliance documentation as part of the ongoing accreditation process. The continuous oversight by IACLEA assessors and the Commission further attests to VCU Police Department’s commitment to institutional and community-wide bias reduction efforts.

In accordance with IACLEA Standard 4.1.3, VCU Police Department 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 promote 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.

The VCU Police Department fully implemented the Body Worn Camera (BWC) system for use by all on-duty patrol officers and sergeants in March 2015. Similar to the in-car camera systems, the use of BWC systems increases 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 camera systems and BWC systems have proven to be an invaluable tool for thorough investigation into complaints brought before the department, including complaints relating to 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 (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.

When using USCB 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 indubitably 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 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).

A second identified issue with the use of available census data is that the most recent census data is seven 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.

**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%

For the 2017 bias-based policing review, the following law enforcement data was extracted for all of VCU Police Department's jurisdiction:

TRAFFIC STOP DATA

The following traffic stop data was collected from January 1, 2017 – December 31, 2017. 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.

2017 Traffic Summonses	Number by Race/Ethnicity	Percent by Race/Ethnicity	U.S. Census Bureau Data
White	832	41%	53.1%
Black	947	46.7%	32.8%
Asian	76	3.7%	9.0%
Other	174	8.6%	5.1%
Total	2,029	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: If we examine the rate of vehicles stopped by race, the data indicates that almost six percent more drivers in the "Black" category were stopped than drivers in the "White" category. Although this rate is slightly inconsistent with the raw demographic census data available for all of the VCU Police Department's jurisdiction, it is comparable to the traffic summonses data captured for calendar year 2016.

FORMAL POLICE CONTACTS

The following formal police contact data was collected from January 1, 2017 – December 31, 2017. Please note that the tables below only capture the number of contacts that resulted in arrest.

DUI Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	56	51.4%	53.1%
Black	43	39.4%	32.8%
Asian	5	4.6%	9.0%
Other	5	4.6%	5.1%
Total	109	100%	100%

Narcotics Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	109	40.8%	53.1%
Black	134	50.2%	32.8%
Asian	11	4.1%	9.0%
Other	13	4.9%	5.1%
Total	267	100%	100%

All Other Arrests	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	418	42.6%	53.1%
Black	510	52%	32.8%
Asian	24	2.4%	9.0%
Other	29	3%	5.1%
Total	981	100%	100%



2017 Total Arrests*	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	583	43%	53.1%
Black	687	50.6%	32.8%
Asian	40	2.9%	9.0%
Other	47	3.5%	5.1%
Total	1,357	100%	100%

*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 2017, it was discovered that a higher rate of contact was made with subjects in the “Black” category than subjects in the “White” category (50.6% versus 43%). Yet the difference in the total number of arrests between those in the “Black” category versus those in the “White” category continued to decline from the previous year (2016 percentage gap = 12% / 2017 percentage gap = 7.6%).

In 2017, the law enforcement data indicates that there were more DUI arrests of subjects in the “White” category (51.4%) as contrasted with more Narcotics arrests of subjects in the “Black” category (50.2%), which is consistent with prior years’ data.

FIELD INTERVIEWS/INFORMAL POLICE CONTACTS

Field Interviews*	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	764	35.6%	53.1%
Black	1,232	57.4%	32.8%
Asian	27	1.3%	9.0%
Other	123	5.7%	5.1%
Total	2,146	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: When reviewing all documented informal police contacts in 2017, the law enforcement data indicates that more subjects in the “Black” category were interviewed or informally contacted by law enforcement than might be anticipated based on the available raw 2010 census demographics for all of VCU Police Department’s jurisdiction. The 2017 data also reflects that the difference in the number of interviews or informal police contacts involving subjects in the “Black” category versus those in the “White” category increased slightly from the data captured for 2016 (2016 percentage gap = 18.9% / 2017 percentage gap = 21.8%).

USE OF FORCE

Citizens Involved in Use of Force Incidents	Number By Race/Ethnicity	Percent By Race/Ethnicity	U.S. Census Bureau Data
White	11	43.5%	53.1%
Black	11	43.5%	32.8%
Asian	0	0%	9.0%
Other	1	13%	5.1%
Total	23	100%	100%

Summary: The data indicates that there was a significant increase in the number of use of force incidents captured in 2017 versus in calendar year 2016 (2016 = 10 / 2017 = 23). The 2017 data also shows that there was an equal number of use of force incidents involving subjects in the “Black” category as those in the “White” category, which deviates from prior years’ data (2016 percentage gap = 80% / 2017 percentage gap = 0%). All use of force incidents for calendar year 2017 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 twenty-one of the twenty-three use of force incidents were found to be justified and thereby in accordance with department policies and procedures pertaining to use of force. In the two use of force incidents that were found to not be justified, the involved officer was required to complete remedial training on pertinent department policies and was also required to complete counseling.

CITIZEN COMPLAINTS

	2013	2014	2015	2016	2017
General Complaints	38 <i>26% founded</i>	27 <i>26% founded</i>	41 <i>22% founded</i>	30 <i>10% founded</i>	24 <i>21% 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>	4 (17%) <i>0% founded</i>

Summary: During calendar year 2017, the VCU Police Department received a total of twenty-four citizen complaints, only four of which were bias-related (17% of total number of citizen complaints). All four bias-related complaints were reviewed or investigated in accordance with the department’s established policy and procedures, and all four of them were determined to be “unfounded” (indicating the complaint was determined to be false/not factual). VCU Police Department conducted one (1) Internal Affairs investigation in calendar year 2017, which involved conduct unbecoming of an officer, neglect duty, sleeping on duty and unsatisfactory performance. The investigation was handled in accordance with department policies and procedures, and there was a pattern of misconduct by this officer that was revealed after an extensive investigation and the employee was terminated.

Overall, the department saw a decline in the total number of citizen complaints received in calendar year 2017 (20% decline from 2016). This year’s data also demonstrates that there was a significant decrease in the total number of bias-related citizen complaints received by the department, all of which were subject to department review or investigation and were deemed “unfounded.”

**VCU****Make it real.****CONCLUSION AND RECOMMENDATIONS:**

The VCU Police Department is committed to practicing bias-free 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 laws 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. The VCU Police Department should also continue to supply adequate officer training on issues relating to bias-based profiling with respect 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 law enforcement duties. The VCU Police Department should remain dedicated to maintaining comprehensive investigations of all bias-based related complaints and imposing disciplinary action, as necessary.