2023 BIASED POLICING ANNUAL REVIEW

OVERVIEW:

As required by department policy and IACLEA standards, this report serves as the annual review of biased policing by the VCU Police Department for calendar year (CY) 2023. 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 2023, the Community Oversight and Review Committee (CORC), a multi-disciplinary committee composed of VCU and VCU Health System members, met twice for the review of use of force incidents and department complaints. The Committee evaluated the department's initial findings and supporting documentation, and affirmed the department's findings for each use of force incident.

Throughout CY2023, the VCU Police Department 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:

- VCU Police Training and Development Division conducted defensive tactics refresher training and use of force refresher training as part of the required in-service training.

- VCU Police Officers and Safety Ambassadors receive Crisis Intervention Training (CIT) and Mental Health First Aid as part of their initial onboarding. This training helps identify mental health crises and informs the procedures for rendering aid and/or resources to the individual. VCU Police Department is a One Mind Campaign pledged law enforcement agency, which seeks to ensure successful interactions between law enforcement and persons with mental health conditions and intellectual/developmental disabilities.

- VCU Safety Ambassadors, a nonsworn unit comprised of six unarmed staff, were fully operational throughout CY2023. Each Safety Ambassador received 188 hours of required training before beginning duty. Safety Ambassadors responded to calls for service on VCU's campuses that did not require a police officer.

- In February 2024, the Department completed an Annual Use of Force analysis, a comprehensive annual review of the Use of Force incidents captured by the department in CY2023. This analysis allowed the department to evaluate each use of force incident to attempt to determine the root cause of the incident and to evaluate and determine any trend or pattern that would require additional training.

IACLEA ACCREDITATION STANDARD 4.1.3 & RELEVANT VCU POLICE DEPARTMENT WRITTEN POLICY:

In January 2023, the VCU Police Department completed its second reaccreditation review from the International Association of Campus Law Enforcement Agencies (IACLEA) and successfully obtained full

recommendation for continued status as an accredited agency. IACLEA Accreditation Standard 4.1.3 addresses "Bias Free Policing" 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 [that] prohibits officers from engaging in biased enforcement activity. The directive will include:

   a. A clear definition of biased policing and/or enforcement;
   b. A prohibition of any biased policing;
   c. A requirement that all officers receive entry-level training as well as annual training on bias profiling;
   d. A requirement that all complaints of biased enforcement activity be investigated;
   e. A requirement that an annual review of all investigated complaints be conducted to identify trends or training needs; and
   f. A requirement that the chief executive officer review the annual summary in bullet "e" and acknowledge this in writing."

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 equal and professional delivery of services to a diverse demographic. 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 agency's commitment to providing the highest level of service to all community members and constituencies. The refresher training can be met through roll-call training and/or a review of agency policy."*

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, and 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.*
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> *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."*

OFFICER TRAINING:

To address issues concerning bias policing/profiling, the VCU Police Department's Training and Education Division provides comprehensive bias policing training to all entry-level sworn personnel, and existing sworn

personnel must complete bias policing refresher training on a biennial basis. Bias 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 improve their interpersonal communication skills. VCUPD has two Fair and Impartial policing instructors who attended booster training in 2023.

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 is 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, sergeants and lieutenants 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 by the department, to include allegations of potential biased policing.

The department also requires supervision to conduct weekly reviews of officer body worn video camera footage as well as additional random footage reviews by administration. This ensures that officers are following department policies and protocols and delivering high levels of service to the community. Supervisors are also required to conduct and document live monthly reviews for all staff. These reviews are a real time assessment/evaluation of the officer's performance/interaction while on an actual call for service.

COMPARISON DATA:

When evaluating biased 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 training opportunities available to officers.

The US 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 biased 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, the VCU Police Department has historically 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).

The U.S. Census was most recently completed in calendar year 2020, as mandated by Article I, Section 2 of the U.S. Constitution. However, the second identified issue with the use of available census data is that although the base data for all of the City of Richmond has been updated to reflect the 2020 census results, the most recent data for U.S. Census Tracts: 205, 301, 302, 305, 402, 403, 404, and 411 has not been updated. Therefore, the totality of the City of Richmond's population is represented in the comparison charts below. It is uncertain to what extent such discrepancies may impact the reported law-enforcement data.

The 2020 Census Data indicates the City of Richmond comprises 59.9 square miles. VCU's Richmond-based campuses (Monroe Park Campus and MCV Campus) are reported at 198 total acres, all of which are included within the City's footprint.

U.S. Census Bureau's 2020 Census Data – All of Richmond City, Virginia

Race/Ethnicity	Count	% of Total*
White	98,140	43.3%
Black	91,653	40.5%
Asian	6,259	2.8%
Other**	30,558	13.5%
Total	226,610	100.1%*

*Note: Ranking based on unrounded numbers. Percentages may not add to 100 due to rounding. Source: 2020 Decennial Census Data at https://data.census.gov/profile/Richmond_city,_Virginia?g=050XX00US51760#populations-and-people.

**Other also includes the Race/Ethnicity categories of Two or More Races, Native American/Alaskan, Hawaiian/Pacific Islander

VCU Police Department Demographic Data

Race/Ethnicity	Count	% of Total
White	39	48.75%
Black	34	42.50%
Asian	1	1.25%
Other*	6	7.50%
Total	80	100%

Source: VCU Police Website, current as of 3/15/2024
*Other includes the Race/Ethnicity categories of Hispanic, American Indian, Alaska Native, Pacific Islander & Unknown

Traffic Stop Data

The following traffic stop data was collected from January 1, 2023 – December 31, 2023. The table below represents only the traffic stops that resulted in the issuance of a traffic summons.

2023 Traffic Summonses*	Number by Race/Ethnicity	Percent by Race/Ethnicity	USCB 2020 Census Data Richmond City, VA
White	527	33.4%	43.3%
Black	887	56.1%	40.5%
Asian	43	2.7%	2.8%
Other	123	7.8%	13.5%
Total	1580	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: In CY2023, there was a significant increase (239%) in the number of total traffic citations (1580) compared to CY2022 (466). VCU Police conducted several "ClickIt or Ticket" events and began a Pedestrian Safety initiative due to the increased number of vehicle-related accidents with pedestrians, bicyclists and scooters, three of which resulted in deaths. The 2023 data reveals that a higher percentage of summonses were issued to subjects in the "Black" category than those in the "White" category when compared to the 2022 data, with a 2% overall increase.

Formal Police Contacts

The following formal police contact data was collected from January 1, 2023 – December 31, 2023. Please note that the tables below only capture the number of contacts that resulted in an arrest.

2023 DUI Arrests	Number by Race/Ethnicity	Percent by Race/Ethnicity	USCB 2020 Census Data Richmond City, VA
White	2	40%	43.3%
Black	3	60%	40.5%
Asian	0	0%	2.8%
Other	0	0%	13.5%
Total	5	100%	100%*

2023 Narcotics Arrests	Number by Race/Ethnicity	Percent by Race/Ethnicity	USCB 2020 Census Data Richmond City, VA
White	6	50%	43.3%
Black	6	50%	40.5%
Asian	0	0%	2.8%
Other	0	0%	13.5%
Total	12	100%	100%*

2023 All Other Arrests	Number by Race/Ethnicity	Percent by Race/Ethnicity	USCB 2020 Census Data Richmond City, VA
White	122	33.3%	43.3%
Black	243	66.4%	40.5%
Asian	1	0.3%	2.8%
Other	0	0%	13.5%
Total	366	100%	100%*

2023 Total Arrests**	Number by Race/Ethnicity	Percent by Race/Ethnicity	USCB 2020 Census Data Richmond City, VA
White	130	33.9%	43.3%
Black	252	65.8%	40.5%
Asian	1	0.3%	2.8%
Other	0	0%	13.5%
Total	383	100%	100%*

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

Summary: The 2023 total arrest data indicates that there was a slight decrease in the percentage of formal contact with subjects in the "Black" category (CY2022 = 67.44% / CY2023 = 65.8%), despite an overall increase in CY2023 (383 total arrests) from CY2022 (344 total arrests). There was an increase in the numbers of formal contacts for persons in the "White" category (CY2022 = 30.82% / CY2023 = 33.9%).

In CY2023, there was an overall decrease in DUI arrests (CY2022 = 9; CY2023 = 5). The data indicates an increase in the percentage of DUI arrests for subjects in the "Black" category (CY2022 = 55.56% / CY2023 = 60%). There was also an increase in the percentage of persons in the "White" category arrested for DUI (CY2022 = 33.33% / CY2023 = 40%).

In CY2023, there was an overall increase (12 total) in narcotics-related arrests when compared to CY2022 (9 total). The data also reveals there was a decrease of narcotics arrests of subjects in the "Black" category (CY2022 = 77.78% / CY2023 = 50%) while subjects in the "White" category saw an increase (CY2022 = 22.22% / CY2023 = 50%).

In CY2023, there was an overall increase (366 total) in all other arrests when compared to CY2022 (326 total). The data reveals there was a slight decrease of all other arrests of subjects in the "Black" category (CY2022 = 67.48% / CY2023 = 66.4%) while subjects in the "White" category saw an increase (CY2022 = 30.98% / CY2023 = 33.3%).

Field Interviews/Informal Police Contacts

2023 Field Interviews*	Number by Race/Ethnicity	Percent by Race/Ethnicity	USCB 2020 Census Data Richmond City, VA
White	529	34.0%	43.3%
Black	861	55.3%	40.5%
Asian	28	1.8%	2.8%
Other	138	8.9%	13.5%
Total	1556	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: In CY2023, there was a significant increase (285%) in informal police contacts when compared to CY2022 (404 total contacts). Similar to the Traffic Stop increase, the Department's Pedestrian Safety initiative drove this increase in Informal Police Contacts. A review indicates there was a higher percentage of field interviews/informal contacts made with persons in the "Black" category (CY2022 = 47.77% / CY2023 = 55.33%), while contacts in the "White" category (CY2022 = 38.12% / 2023 = 34.00%) decreased.

Use of Force

Citizens Involved in 2023 Use of Force Incidents	Number by Race/Ethnicity	Percent by Race/Ethnicity	USCB 2020 Census Data Richmond City, VA
White	2	15.4%	43.3%
Black	10	76.9%	40.5%
Asian	0	0%	2.8%
Other	1	7.7%	13.5%

Total	13	100%	100%*

Summary: The above data reflects an 18% increase in total number of use of force incidents from the previous year (CY2022 total citizens = 11; CY2023 total citizens = 13). The data also indicates there was a decrease in the percentage of use of force incidents with subjects in the "Black" category (CY2022 = 100% / CY2023 = 76.9%), with a corresponding increase with subjects in both the "White" (CY2022 = 0% / CY2023 = 15.4%) and "Other" (CY2022 = 0% / CY2023 = 7.7%) categories.

This data serves to promote the importance of agency transparency and community-based policing. VCUPD is a staunch advocate for inclusive policing and community outreach initiatives.

All use of force incidents captured in CY2023 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 use of force incidents were deemed "justified" and in accordance with the department's policies and procedures pertaining to use of force. The Community Oversight and Review Committee (CORC) annually reviews all use of force incidents and produces a report on their findings.

Citizen Complaints

	2018	2019	2020	2021	2022	2023
Total Complaints	16 *18.8% founded*	27 *25.9% founded*	30 *26.7% founded*	101* *8.9% founded*	34 *17.6% founded*	45 *6.7% founded*
Bias-Related Complaints^	2 (12.5% of total) *0% founded*	3 (11.1% of total) *33.3% founded*	7 (23.3% of total) *14.3% founded*	5 (4.9% of total) *0% founded*	3 (8.8% of total) *0% founded*	3 (6.7% of total) *0% founded*

*Of this total, 60 complaints were related to one arrest and were received through the VCU Police website portal (53 of these were anonymous). The website portal link was shared on social media with encouragement to use.

^Bias-Related Complaints are included in Total Complaints.

Summary: During CY2023, the VCU Police Department received a total of 45 citizen complaints, three of which were bias-based. While the number of bias-related complaints remained consistent with CY2022, the total number of citizen complaints increased by 32.4%, showing a rising trend for citizen complaints over the previous six years, while bias-based complaints remain relatively flat across that time frame and are decreasing as a percentage of the overall number of complaints received.

All three bias-related complaints were reviewed or investigated in accordance with the department's established policy and procedures. Two were deemed to be "unfounded" (indicating the bias-based complaint was determined to not involve officer bias) and one was determined to be "not sustained" (indicating there was insufficient evidence to prove or disprove the allegation).

CONCLUSION AND RECOMMENDATIONS:

In the calendar year 2023, 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.

In January 2024, the Department convened CORC to provide a comprehensive annual review of all use of force incidents captured by the department in calendar year 2023. The Committee will meet regularly during 2024 to review all use of force incidents captured during the calendar year and provide an overall report in early 2025.

The VCU Police Department remains dedicated to practicing fair and impartial policing and respecting the rights of all persons with whom the agency interacts. VCU Police provided additional training for the department and includes more cultural/bias training than the DCJS standard requires.

In sustaining the agency's commitment to bias-free policing, the VCU Police Department will 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 will continue to provide ample officer training on issues relating to bias policing and implicit bias, with particular emphasis on field contacts, traffic stops, searches and asset forfeiture. The department will 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-related complaints, and impose disciplinary action for affected officers, as necessary. The department will review bias-related complaints in the aggregate in order to identify potential biased patterns of behavior.

ACTION ITEMS:

Lieutenants will share the data contained in this report with all sworn staff in person by April 5, 2024. They will provide written documentation of completion to their respective Major.

By April 15, 2024, all sworn staff will complete a mandatory review of the following VCU Police Department policies: 1-3 Constitutional Rights; 1-6 Bias Reduction; 1-12 Active Bystandership for Law Enforcement (ABLE); and 4-8 Citizen Complaints.

Approximately 80% of sworn staff have completed Fair and Impartial Policing Training. VCUPD will complete the training of all sworn staff by July 31, 2024. Those that have already completed the training shall attend a four (4) hour block of Fair and Impartial Policing booster training, to be completed by June 15, 2024.

Fair and Impartial Policing will again be a mandatory component of the Basic Academy curriculum with eight (8) hours of training. Pre-certified officers will complete this training within 90 days of employment. Fair and Impartial Policing training will be a mandatory four (4) hour component of the In-Service curriculum.

Beginning April 2024, by the 10th of each month, the Major of Patrol Operations shall meet with all department Majors, Captains, and Lieutenants to review and analyze the monthly traffic stop and field stop data submitted via Citizen Contact in compliance with the Community Policing Data Collection Act. Following these meetings, a summary report will be submitted to the Chief of Police by the 15th of each month.