

Below is a letter from President Judith Rodin to Dr. Dennis Culhane, along with the Executive Summary of the Final Report which the Ad Hoc Committee on Racial Profiling presented to Dr. Rodin and she released it to the community. Following the Executive Summary is a response to the report by Maureen Rush, vice president for public safety. The full report, including the appendices, is available online as a PDF at the Division of Public Safety's website, www.publicsafety.upenn.edu/.

Public Safety Advisory Board Ad Hoc Committee on Racial Profiling Final Report

April 20, 2004

Dr. Dennis Culhane
Chair, Public Safety Advisory Board
Ad Hoc Committee on
Racial Profiling
3535 Market Street, Suite 3015
Philadelphia, PA 19104

Dear Dennis:

Thank you for your thorough report on University policies, procedures, and practices concerning racial profiling. I greatly appreciate the immense amount of time and effort you and the members of the ad hoc committee spent working on this important issue.

Racial profiling is a matter of serious concern for our community, the city, and the country. I asked the ad hoc committee to take on this task because I believe that it is critical that we, as a community, continue to address concerns about public safety and race, openly and forthrightly, to ensure that all members of our community feel safe.

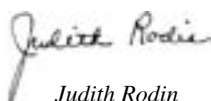
As your committee's report reflects, these issues are both sensitive and complex. I appreciate your committee's thoughtful process in reviewing and analyzing the relevant materials. Your careful consideration of policies, procedures, and practices at Penn have provided us with useful recommendations that, I am sure, will help to improve our performance in this area and will result in a stronger and safer Penn community.

Some of the issues you raise, as your report makes clear, can be informed by additional data. These data will help us develop measures to assist us as we continue to address concerns identified in the report. Other issues relate to practices and effective implementation of policies by the Department of Public Safety, which Public Safety will take the lead in addressing. Finally, some of the recommendations concern training for increased awareness by all members of our diverse community. I hope that the Committee on Pluralism will work with us on this issue.

I have spoken with Maureen Rush, Vice President for Public Safety, and she shares my view that the report is both thoughtful and constructive. I have asked her to develop processes to ensure the implementation of the recommendations offered.

I am releasing the report in its entirety to the Penn community. Again, thanks to you and your committee for your service.

Sincerely,



Judith Rodin

Executive Summary

Introduction

On October 11, 2003, an unfortunate incident occurred in which an associate master of the college house faculty and his friend were stopped by the Penn police outside of a University dormitory. In the interaction that ensued, the associate faculty master was sprayed with pepper spray and handcuffed. This incident, along with other purported incidents of stops by police, prompted concerns among members of our community that police officers are selectively targeting people for pedestrian or car stops on the basis of their perceived race. Other concerns were raised regarding the appropriateness of the use of force.

In response to these concerns, President Judith Rodin requested that the present committee be formed to review the University of Pennsylvania Police Department's (UPPD) policies, procedures and practices regarding racial profiling. We were further asked to review the details of the October 11th incident to observe what lessons could be learned from it that might inform our overall conclusions and recommendations.

Statement of the Problem

In law enforcement, the term "profiling" refers to procedures by which physical descriptors or other characteristics are used to help identify a suspected perpetrator of a crime. In cases in which a victim's or witness's physical descriptions of a perpetrator include inferences about "race," profiling as such is a routine part of practical police investigations. However, when perceptions of persons' race and racial stereotypes affect patterns of individual or collective police behavior such that those behaviors selectively target persons for stops, searches, citations or arrests, even absent the search for a specific suspect, then this could be considered "bias-based profiling." It is such biased-based profiling, and specifically that which is associated with racial stereotypes, that has been commonly referred to as "racial profiling." The possibility that bias may exist, and the very real fact that innocent persons can and will be stopped by police, even as part of legitimate police duties, make protection against biased-based profiling an important responsibility of any police department. Given that our University has chosen to assume the responsibility for public safety and policing on our campus and in our community, the University likewise has a responsibility for assuring that the police department's policies and procedures provide for rigorous training, monitoring and enforcement to protect against bias of any kind, including by perceptions of race.

Committee Procedures

At its first meeting, the Committee reviewed its charge and set out a scope of work. That scope of work was comprised of the following activities:

- 1) A review of current Police Department policies and procedures concerning racial profiling and the use of force, and an assessment of their adequacy.
- 2) A review of other police departments' policies, including other university police departments' policies, to determine potential best practices or guidelines.
- 3) A review of training materials, including a June, 2001 seminar conducted by Dr. Elijah Anderson, as well as the January, 2004 training conducted by in-house trainers at the UPPD.
- 4) A review of the Penn Police Department data regarding pedestrian and car stops, citations, and arrests, to determine if patterns of police behavior indicative of racially biased profiling could be inferred, and to see if and how patterns of individual officers' behaviors could be monitored.
- 5) A review of the October 11, 2003 incident, including the videotape, supporting documents and police reports, written witness accounts, and direct interviews with the two citizens involved, to determine what lessons could be learned in support of improved policies and procedures.

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Public Safety Advisory Board Ad Hoc Committee on Racial Profiling Final Report

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Bias Based Profiling Policy Review

A number of police departments, both collegiate and non-collegiate, have developed policies on biased based profiling and policing. The University of Pennsylvania Police Department (UPPD) has had such a policy since January, 2001. Our review focused on three key aspects of the policy: the definition of biased based profiling, the training associated with implementation, and the mechanisms in place for monitoring and enforcement.

Definition

The UPPD defines "Bias Based Profiling" as:

...(W)hen a police officer stops, takes enforcement or investigative action against a citizen based solely on the person's race, ethnicity, gender, sexual orientation, religion, socio-economic status, or disability. Biased based profiling may also be defined as characterizing any of the aforementioned groups with a tendency to participate in criminal behavior.¹

The policy goes on to state that:

Sworn personnel are prohibited from the practice of bias based policing as the sole reason for stopping a vehicle, issuing a citation, making an arrest, conducting a field interview, investigative detention, seizing assets, seeking asset forfeiture, or conducting a search. All investigatory detentions, traffic stops, arrests, searches and seizures made by sworn officers WILL be based on the standard of "reasonable suspicion" or "probable cause" as required by the Fourth Amendment and state statutes.²

The UPPD definition of biased based profiling is largely consistent with national standards. Some policies, such as that described in the New Jersey report, and the Fairborn, Ohio policy, are more explicit regarding when personal characteristics can be used as part of the basis for a stop.

- The Committee recommends that UPPD policy be made more explicit in requiring that officers must be able to describe how physical and personal characteristics are specifically related to establishing reasonable suspicion or probable cause when initiating enforcement based on such characteristics.

Other departments' policies are also more explicit in discussing the concept of stereotyping, and the influence of stereotyping on officer judgment. This is a more subtle concept than blatant racist behavior, but should be emphasized in the definition.

- The Committee recommends that the UPPD policy be more explicit in describing how racial and ethnic stereotypes can influence the discretion and judgment of officers, and in making this a specific learning objective of officer training.

Training

The UPPD policy states:

The University of Pennsylvania Police Department Training Officer will coordinate annual training for sworn personnel on subjects that include, but are not limited to profiling, cultural diversity, interaction with citizens, departmental policy, ethics and legal aspects. Training may be conducted through in-service, special courses, or roll-call training. Participation in training will be documented and recorded in the departmental training record. The University of Pennsylvania Police Department Training Officer shall coordinate special training on profiling or related subjects when required for a particular unit or officer when requested by the Chief of Police.³

The committee concluded that while the UPPD has taken steps to train its officers, the training policy and the implementation of that policy could be improved substantially. Training is not provided on an annual basis, as specified in the policy, nor is it required before new officers are placed in service. The content of the recent training was also inconsistent with the spirit of the bias based profiling policy.

The Committee reviewed the materials presented during the most recent of these training sessions, held on January 4, 2004. The Committee observed that the stereotyping that the biased based profiling policy is intended to discourage was inadvertently being taught to officers. Minority groups were distinguished from each other on the basis of stereotypic behaviors, communication styles, potentials for violence, and attitudes toward authority. Officers were further instructed to use different styles of communication depending on persons' ethnic background; a practice which, depending on the context and manner in which it might be applied, could violate the bias based profiling policy, and is in any case contrary to the spirit of the policy.

- The Committee recommends that the annual training requirement be enforced.
- The Committee further recommends that the current policy be amended to require training on the biased based profiling policy for all new officers prior to placement in service.
- The Committee recommends that the specific learning objectives and content of training materials be periodically reviewed in consultation with local and national experts in issues of cultural diversity and other issues related to policing and community interactions.
- The Committee recommends that cultural diversity training build skills in the areas of judgment, discretion and the interpretation of nonverbal behavior, and include practical cognitive strategies for recognizing when stereotypes may be influencing one's judgment.
- The Committee also recommends that training be cumulative for officers or offered in a staged or sequential manner (not repetitious, year after year).
- The Committee recommends that the policy be amended to include a requirement for periodic education of faculty, students and staff regarding the bias based profiling policy, the policy for filing complaints against police, and for how to behave in interactions with police. The mechanisms for conveying this information and their frequency should also be specified in the policy.

Reporting

The current UPPD bias based profiling policy mandates data collection regarding all pedestrian and vehicle stops. The policy also states that supervisors have the authority to request database information to enforce the policy. The policy also includes a provision for the annual review of complaints against police.⁴

The UPPD policy is consistent with the best practices of the field in requiring the collection of descriptive information on all pedestrian and car stops. Supervisors' authority to review individual officer data as part of an investigation of a complaint against an officer, and the annual report of complaints to UPPD directors, are also consistent with national standards. The Committee has concluded that the annual reporting process could be improved in two important ways.

- The bias based profiling policy should be amended to require an annual review of aggregate data on all pedestrian and vehicular stops, citations, arrests, and searches by perceived race or ethnicity, and by gender. Results should be presented on an annual basis to the Public Safety Advisory Board.
- The biased based profiling policy should be amended to require that the Chief of Police conduct an annual review of officer-level data on pedestrian and vehicular stops by perceived race or ethnicity and by gender, and the proportion of stops leading to citation, arrest or search by perceived race or ethnicity and by gender.

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¹⁻⁴ UPPD Directive 87, *Bias Based Profiling*, (January 26, 2001).

Analysis of UPPD Data

The results of our analysis of UPPD pedestrian and vehicle stop data suggest that African Americans are stopped more than other ethnic groups by the UPPD. It is impossible to determine, however, whether this is a function of any type of racial or ethnic profiling. Among those who are stopped, however, the proportion receiving tickets or citations is remarkably similar across ethnic groups, suggesting little difference in ticketing practices once a stop is made.

The most striking result of these analyses and ensuing discussions among the Committee was the conclusion that existing data collection efforts will not support accurate assessments of the presence of profiling. Without population-based data on the ethnic composition of the community by shift and by patrol area, as well as the ethnic composition of those committing acts justifying a stop, it is potentially impossible to reliably and validly observe the presence of bias based profiling associated with pedestrian and car stops in a statistically meaningful way. The proportion of stops resulting in searches, tickets or citations may be useful in assessing differential treatment of persons once stopped, and such data should be part of any annual review of data.

Data on complaints against police do not indicate that the complaint process is being used by members of the community who suspect that they have been treated differentially on the basis of their perceived characteristics.

- The Committee recommends that the UPPD continue to make its complaint process known and accessible to members of our community.
- The Committee recommends that the UPPD encourage members of our community to make use of the complaint process to enable supervisors to enforce the bias based profiling policy.

Community and Police Interactions

Police and citizen encounters do not usually occur with a shared frame of reference. When these competing frames of reference collide, as they predictably can, the possibility for misunderstanding is great. Officers and citizens may also have discordant cultural attitudes toward law enforcement. Among officers, variations by gender and ethnicity may affect decisions that are made about what constitutes the appropriate use of force.

- Officers must be trained to anticipate the surprise and lack of preparedness of a given community member for the initiation of contact, and should exercise caution with regard to interpreting that surprise.
- Community members must be equally prepared to understand some of the assumptions that an officer may have when initiating such contact, including an officer's presumption that his or her personal safety may be at risk in any given encounter. Members of the community must also be aware that lawful orders of a police officer must be followed.
- Training can and must seek to ensure as much consistency and uniformity as possible in the enforcement policies among officers. Training should engage officers in the consideration of how their judgments are affected by their own and others' perceived characteristics, and in how to apply clear behavioral criteria when they do respond to a situation.
- While officers must protect their own safety, they should also be careful to seek options that can de-escalate a situation whenever possible, including through the enlistment of support from other officers.

The UPPD, through its interactions with student organizations and orientation programs, already incorporates some of the principles of community policing.

- The department should more fully embrace a "community oriented policing" (COP) philosophy to increase interactions between officers and University community members.
- The University should establish mechanisms for educating students, faculty and staff, and the surrounding community, regarding how to approach interactions with police.

Conclusions

Having assumed the responsibility of providing police services on our campus and in our community, the Committee believes that the University of Pennsylvania assumes an even greater responsibility than might otherwise be expected of a public jurisdiction for upholding the highest possible standards for police behavior. A university is first and foremost an institution dedicated to learning, where the development of knowledge and a respect for the pluralism of our society, its ideas and cultures, are our highest values. As such, the University is of its nature a place that is without borders, whose "community" includes not only its faculty, staff and students, but the neighborhood and indeed the society in which it is embedded. This preferential openness is the signature of a great modern university like Penn. Thus, Penn's assumption of the responsibility for public safety and policing carries with it a co-extensive obligation for promoting those same values in its public safety activities. This represents a significant responsibility, as policing involves enforcement of laws, and interactions between police and citizens in which life and safety may be at stake, as well as individuals' civil rights and liberties. Such enforcement and interactions invariably involve judgments, often made under immediate and complex circumstances, which like all judgments are susceptible to error and bias. And the presence of bias—real or perceived—can threaten the sense of inclusiveness and openness that our institution values so highly.

The Committee did not undertake its work with an assumption that bias exists in the University's police department. The members of the committee are well aware that the University's Division of Public Safety is distinguished in its accreditation standards, and that the Division and its Director have continually sought to pursue the highest standards of professionalism. That said, policing in the community is an on-going activity. Incidents of bias and patterns of biased behavior by individuals or groups of officers may from time to time emerge, and that possibility requires vigilance and—when necessary—corrective action. The assumption of this Committee was that our work is part of a continuing obligation of the University to protect its core values and the honored role of our institution in society, especially as those values and role should be reflected in the governance, administration and behavior of our Police Department. Although the police department (and, to a lesser extent, our behavior as citizens who interact with police), have been singled out for study and assessment here, the Committee views this appraisal as only one small part of a larger institutional responsibility for self-study as to how we promote the value and respect for a pluralistic society throughout our academic affairs, student life and all other operations.

The Committee hopes that by adopting the recommendations offered here that unfortunate incidents like that which occurred on October 11, 2003, will be much less likely to occur in the future. We also hope that by adopting these recommendations that the University community will be committing itself to promoting the value of diversity among all of the University's constituencies, and to acknowledging that improved law enforcement policies is a critical part of that effort.

Acknowledgements: The Committee would like to acknowledge the persons who contributed time and/or materials for the development of this report. Rui DaSilva and Pedro Miangala met with the Committee to provide their descriptions of the October 11, 2003, incident, and to answer questions from the Committee. Mitch Yanak, Director of PennComm operations, DPS, provided the raw data for the analysis in this report. Chief of Police Tom Rambo met with some of the committee members to explain the uses of data by the department. Vice President for Public Safety Maureen Rush provided the Committee with the UPPD policy and training materials, and documents related to the October 11, 2003 incident. Pat Sweeney organized meetings, notes, and assisted with the compilation of this report.

Ad Hoc Committee on Racial Profiling

Dennis Culhane, SSW and Psychiatry, *Chair*
Elijah Anderson, Sociology
Jeanne Arnold, Office of Affirmative Action
William Baxt, Emergency Medicine
Alex Breland, College of Arts and Sciences
Amy Gautenlaub, College of Arts and Sciences
Reverend William Gipson, University Chaplain's Office
Sean Kennedy, Anesthesiology
David Mandell, Psychiatry

Response to the Community Regarding The Division of Public Safety Advisory Board Ad Hoc Committee on Racial Profiling Report

April 20, 2004

I would like to thank Dr. Dennis Culhane, Chairman of the Division of Public Safety's Advisory Board and Chair of the Ad Hoc Committee on Racial Profiling, as well as all of the members of this committee for the work they undertook in producing this thoughtful report.

Racial profiling is a serious concern nationally, and for our community. Professional police departments who are concerned about their communities have developed Bias Based Profiling policies to ensure that their officers are treating all citizens equally and with respect. To this end, the Penn Police Department issued Directive Number 87, Bias Based Profiling on January 26, 2001. The Committee benchmarked the UPPD's policies and procedures regarding bias based profiling, as well as community oriented policing measures, with Colleges and Universities, as well as Municipal Police Departments. It is evident that the Ad Hoc Committee has produced a thorough and comprehensive report. I am gratified, that after extensive national research, the Ad Hoc Committee has found that the UPPD's Bias Based Profiling policy is consistent with national standards. Chief of Police, Tom Rambo, and I agree that the UPPD can continue to enhance its delivery of services to the community. We enthusiastically accept the Committee's recommendations and have already begun to implement a number of new programs and procedures.

The programs are as follows:

Training for All Division of Public Safety Personnel: Form A DPS Advisory Board Training Committee:

I am submitting a request to Dr. Dennis Culhane, Chairman of the DPS Advisory Board, to form a DPS Advisory Board Training Committee to work with me in identifying training programs that will address the diverse issues of the Penn and West Philadelphia community, particularly as it relates to diversity issues of race and customer service. Working with a training consultant and the DPS Advisory Board Training Committee develop a five (5) year training plan which will be cumulative in nature and will be delivered in a sequential manner.

Training for the Community on Interactions with the UPPD:

Develop a Training Brochure for the Community:

The UPPD, in partnership with the University of Pennsylvania's Minority Coalitions' Student Leaders, is developing a brochure entitled *The Law and You at the University of Pennsylvania*. This brochure offers detailed suggestions for citizens on how to react to interactions with Law Enforcement Officers, as well as an overview of legal guidelines under which Law Enforcement Officers must operate in stopping citizens for investigation.

Review and Reporting of Data:

In order to ensure the integrity and spirit of the Bias Based Profiling policy the following changes will be made to the policy:

- An *annual* review of aggregate data on pedestrian and vehicular stops, citations, arrests and searches by perceived race, ethnicity and gender will be conducted and presented *annually* to the Division of Public Safety Advisory Board.
- The Chief of Police will review officer level investigations on pedestrian and vehicular stops by perceived race, ethnicity and gender, and the proportion of stops leading to citations, arrest or search by perceived race or ethnicity and gender on a *monthly* basis.

Citizen's Complaint Process:

Several years ago the Citizen's Complaint Process was revamped. As a result, citizens were able to access the complaint forms and an explanation of the process through the following means:

- DPS Website at www.upenn.edu/police/complaint.htm
- DPS Headquarters, 4040 Chestnut Street
- Penn Resource Centers
- Form may be E-mailed, faxed, mailed or hand delivered to DPS headquarters at 4040 Chestnut Street.

Additional Methods for Submitting Citizen Complaints:

During the monthly DPS & Minority Coalitions' Student Leaders meeting, a student suggested that the UPPD train the below named student organizations to accept and forward citizens complaints to the UPPD. This procedure is being implemented immediately.

- United Minority Coalitions
- Undergraduate Assembly (UA)
- Graduate and Professional Student Association (GAPSA)

Customer Service Programs:

In order to increase the effectiveness of services to our community we are in the process of developing the following programs:

24-hour Public Safety Customer Service Feedback Telephone Line

Community members can call (215) 573-TALK (8255) with comments, questions, critiques, complaints, kudos and ideas. **Note:** This line is being installed and is expected to be activated by April 27, 2004.

Division of Public Safety Customer Service Feedback Web Line

Community members can submit comments, questions, critiques, complaints, kudos and ideas via the DPS Website at www.publicsafety.upenn.edu.

Division of Public Safety Customer Service Kiosk

Community members can access the DPS Customer Service Kiosk in the lobby of the Public Safety headquarters 24-hours a day, 7-days a week. Learn what's new at DPS, as well as log onto the DPS Customer Service Feedback Web Line.

Customer Service Surveys:

Any community member receiving a service from Public Safety is contacted and asked to provide feedback on their level of satisfaction with the service rendered. A monthly report is generated detailing the level of satisfaction of the Penn and/or West Philadelphia community member. These monthly reports may be viewed by the community by accessing the DPS Website at www.publicsafety.upenn.edu and/or the DPS Customer Service Kiosk in the lobby of the DPS Headquarters.

Community Policing Programs:

Continue to Attend West Philadelphia Community Meetings:

The Division of Public Safety is represented at ten (10) Monthly community meetings. This gives members of the West Philadelphia community an opportunity to provide feedback to the Vice President for Public Safety and/or the Chief of Police. We will continue to attend these meetings and notify the community of our new Customer Service Feedback Phone line and Customer Service Feedback Website.

UPPD Detective Unit College House Liaison Program:

The UPPD Detectives interact daily with members of the community. The UPPD will enhance the College House Community Liaison Program. Detectives will be the primary liaison regarding crime prevention, outreach and investigative services for the College House residents. The primary goal of this program is to foster and strengthen the working relationship between the UPPD, students, faculty and staff.

UPPD Supervisory Patrol Zone Program:

The Chief of Police is designing a new program that will assign specific zone responsibilities for UPPD Supervisors. This primary goal of this program is to enhance the communications and trust between the UPPD and the community. The supervisors will work closely with the community on crime prevention, quality of life enhancement programs, special events and other pro-active projects. More importantly, it will put a face to the name of UPPD supervisors. The supervisors will also introduce officers under their command to opportunities to engage face-to-face with community members.

Bias Based Profiling Policy Review:

While the Ad hoc Committee found that the UPPD's bias based profiling policy is consistent with national standards, nonetheless, the UPPD will review the policy and examine ways to improve its effectiveness.

On behalf of the women and men of the UPPD and the entire Division of Public Safety I look forward to implementing these new programs and to continue to deepen our partnership with the community.

—Maureen S. Rush, Vice President for Public Safety