

Final Report and Recommendations

UMW Police Community Advisory Panel

University of Mary Washington

Executive Summary

In response to the May 25, 2020, death of George Floyd at the hands of Minneapolis police, members of the Fredericksburg community took to the streets in protest. The protests continued for several days, including May 31, 2020 (the “May 31 Protest”). Three facts about the May 31 Protest provided the impetus for the work of the University Police Community Advisory Panel (“CAP”): (i) the Fredericksburg Police department (the “FPD”) invoked the mutual aid agreement between the City of Fredericksburg and the University of Mary Washington¹ to request assistance from the University of Mary Washington Campus Police (the “Campus Police”) in managing the May 31 Protest; (ii) beginning around 8:35 p.m. May 31, the Fredericksburg Police (“FP”) dispersed orthochlorobenzalmalononitrile smoke (“tear gas”) on the protesters and did so several times during the evening; and (iii) members of the University of Mary Washington Campus Community (the “Campus Community”) were among those directly affected by the tear gas. Campus Community members expressed their heartfelt sadness, anger, and concern upon learning about the Campus Police assistance. Some felt betrayed by the Campus Police and questioned their commitment to the safety of the Campus Community.

Convening CAP

Hearing these reactions, Dr. Troy Paino, University President (“Dr. Paino”), convened CAP to accomplish the following:

- Provide a full and open accounting of the events surrounding the May 31 Protest in

Fredericksburg and the role played by the Campus Police,

¹ The University of Mary Washington is sometimes referred to as the “University.” The University President together with the President’s cabinet is sometimes collectively referred to as the “University Administration.”

- Identify lessons learned and what reforms, if any, need to be made to ensure that the policies, practices, and procedures of the Campus Police are in alignment with University's Statement of Community Values ("ASPIRE")², and
- Determine in what way should we reframe the role of Campus Police in light of the current climate on campus and in Fredericksburg, Virginia, and the country.

Sources of Information

CAP met throughout the fall 2020 semester to gather the information used in formulating the conclusions and recommendations that follow. CAP relied on:

- The Incident Reports about the May 31 Protest (Lt. Gill submitted the undated Police Information Report: Case # 20-00152 (the "Gill Report"); and Officer Sercombe submitted a report for Incident No. 20-00152-001, dated July 29, 2020 (the "Sercombe Report"); the Gill Report and the Sercombe Report are collectively referred to as the "Incident Reports")
- Campus Police policies and procedures, including the Mission Statement, the Code of Conduct and certain General Orders;
- Interviews and listening sessions with:
 - Campus Community members;
 - the authors of the August 23, 2020, Defund the Police Demand Letter (the "Defund Demand Letter" (the coalition of student organizations that authored the letter, the Radical Students' Union, the Black Student Association, the Latino Student Association, the Jewish Student Organization, and PRISM are collectively referred as the "Defund Police Coalition"))
 - The UMW NAACP;

² The University's Statement of Community Values can be found at <https://catalog.umw.edu/university/statement-community-values/>

- Chief Michael Hall, Chief of Police (“Chief Hall”)
 - Lt. Bill Gill, Campus Police (“Lt. Gill”)
 - Dr. Juliette Landphair, Ph.D., Vice President for Student Affairs (“Dr. Landphair”)
 - Sabrina Johnson, Vice President for Equity and Access and Chief Diversity Officer (“Ms. Johnson”)
 - Tevya Zukor, Ph.D., CGP, Director, Talley Center for Counseling Services and (“Dr. Zukor”), and
- the results of the Campus Climate Survey (the “Campus Survey”) designed and implemented by Dr. Debra Schleeef, Ph.D., Associate Provost, Institutional Analysis Effectiveness (“Dr. Schleeef”).

The Final Report of the President’s Task Force on 21st Century Policing (May 2015) (the “21st Century Policing Report”) provided a theoretical foundation and guidance for many of the recommendations in this report. The 21st Century Policing Task Force examined ways that local law enforcement agencies and the communities they protect can form strong collaborative relationships. Trust is the vital element in a successful relationship between police and the community. Establishing a culture of transparency and accountability is essential in building trust and legitimacy. Further, the 21st Century Policing Task Force emphasizes, throughout its report, the importance of community involvement in the process of developing and evaluating policies and procedures. Arguably, these foundational principles are applicable to a campus community like the University.

Background on the Campus Police

The Campus Police is an accredited law enforcement agency. In June 2018 the Virginia Law Enforcement Professional Standards Commission conducted an assessment of the department and determined the Campus Police complied with all of its applicable program standards. Led by Chief Hall since 2014, the Campus Police is currently staffed with 16 state certified police officers: chief of police, captain of administration/security/investigation, lieutenant of field operations, lieutenant of

investigations, sergeant of communications, two community policing officers (sergeant and officer), and nine patrol staff (two sergeants and seven police officers).

Functional sub-organizational units of the University Police include Campus Security and the Emergency Communications Center. There are currently seven state certified campus security officers. The Emergency Communications Center normally operates 24/7 with a staff of five (three police officers are temporarily assigned to the Center to ensure continuous staffing). There are three “regular” fully trained emergency communications officers working 12-hour shifts. The Center ideally operates with one supervisor (or lead emergency communications officer) and four other emergency communications officers.

The Report

This report is presented in two parts. Part I provides (i) a factual review of the May 31 Protest focusing on Campus Police involvement, (ii) a catalog of the formal and informal mutual aid agreements where the Campus Police is a proposed party, and (iii) a review of the mutual aid agreement invoked during the May 31 Protest. The Part I recommendations are a call to: (i) the Campus Police (with guidance from the University Administration) to acknowledge its role in the May 31 Protest and the negative reactions from some Campus Community members to their presence and participation as members of that evening’s police force; (ii) for a more in-depth review and negotiation of the MAA (as defined herein) that promotes the inclusion of terms reflecting ASPIRE values.

In making our recommendations, CAP concludes that, based on the information available to CAP, the Campus Police followed the policies and procedures in place at the time under the mutual aid agreement when responding to the May 31 call for assistance from the FPD. The question going forward is whether these policies are appropriate for today’s Campus Community. CAP concludes that there is work to be done to clarify the terms in the mutual assistance agreement to develop and implement procedures with the University Administration to ensure that when Campus Police activity is initiated

under the mutual assistance agreement that Campus Police and the University Administration collaborate to assess the appropriateness of Campus Police involvement in off-campus police activity and there is a protocol in place that requires continuous communication between the Campus Police and the University Administration as events unfold.

Part II of this report addresses the broader question of whether current Campus Police protocols align with ASPIRE values and expectations of the Campus Community. CAP concludes that much work could be accomplished here. Continued Community engagement to identify policing concerns and proffer solutions as well as support and buy-in from Campus Police are essential to the process of evolving policing practice on campus. The proffered recommendations focus on the development of a campus policing infrastructure where all Campus Community stakeholders, including the Campus Police, work to “co-produce public safety” policies (21st Century Policing Report, p. 3). The proposed Campus Policing Advisory Council is suggested as the forum for vetting policing policies and reforms, while also serving as a platform to facilitate communication between Campus Police and the Campus Community.

One final issue: Mental health crisis response surfaced in our listening sessions with student groups. As a matter of policy, Campus Police are the primary point of call for after-hours response when a student is experiencing a mental health crisis. Campus Police present in full uniform carrying lethal weapons, a response that may be appropriate to a crime or other event requiring law enforcement, but is questionably appropriate in a health crisis. Students, Campus Police, and the Talley Center director, Dr. Zukor, all agree that providing a mental health clinician as the primary responder to a mental health crisis is the preferable response protocol. CAP recommends that Dr. Landphair conduct a review of mental health crisis response procedures with an eye to elevating the involvement of clinical staff in mental health crisis response.

Conclusions and Recommendations

Conclusions. The fundamental conclusions and observations that inform the proffered recommendations are:

- The Campus Police followed the policies and procedures in place at the time under the MAA (as defined herein) when responding to the FPD call for assistance during the May 31 Protest. Some members of the Campus Community were saddened, shocked, and angered by the Campus Police participation as part of the police force during the May 31 Protest. Some expressed a sense of “betrayal,” feeling that the Campus Police should not have participated.
- The Campus Police enjoy a positive perception within the Campus Community, bolstered by their positive personal interactions with members of the Campus Community (though most Campus Survey respondents never or almost never interact with the Campus Police).
- A small but significant group of Campus Community members (about 15%) hold negative impressions of or report negative interactions with the Campus Police. The demographics reported in the Campus Survey results indicate that students, staff, and alumni who identify as persons of color or persons in the LGBTQIA+ community were disproportionately likely to hold negative views.
- There is agreement that reforming the University’s mental health crisis response protocols is needed to require that mental health clinicians are (i) available to students 24/7 and (ii) are the primary responders in a mental health crisis, while using Campus Police in a supporting role.
- Campus Community members expressed concern about:
 - Campus Police civility during interactions with Campus Community members and the consequences to officers for inappropriate behavior;
 - a need for more communication and regular interaction among Campus Community members and Campus Police (outside of service calls);
 - transparency of information about policing activity, specifically actions taken in response to complaints and the outcome of investigations; and

- Campus Police proficiency in the areas of cultural competency, implicit bias, and Title IX matters, as examples.

Recommendations. CAP's recommendations are summarized here:

- Acknowledge the role of the Campus Police in the May 31 Protest and provide an opportunity to engage with Campus Community members affected by the protest.
- Consider establishing statewide campus policing standards among Virginia public universities.
- Establish a committee within the University Administration to complete an MAA amendment that reflects Campus Community values and concerns.
- Promptly conduct a May 31 Protest review with the Campus Police and the Fredericksburg Police Department.
- Establish the Campus Policing Advisory Council as a forum for co-producing campus policing policies and facilitating communication between the Campus Police and the Campus Community.
- Redesign the Campus Police website for improved transparency of Campus Police activity and protocols.
- Restructure mental health crisis response to ensure that mental health clinicians are the primary responders and the Campus Police are in a supporting role in a mental health crisis.
- Undertake a review of the general orders, mission statement, and code of conduct to ensure compliance with recent changes in Virginia law and consistency with ASPIRE values.
- Provide opportunities for Campus Police to build relationships among Campus Community members through active engagement in campus activities.

Final Report and Recommendations

Part I. Assessment of the May 31 Protest

Sparked by the May 25, 2020, death of George Floyd at the hands of Minneapolis police, members of the Fredericksburg community, including members of the Campus Community, took to the streets in protest. The protests continued for several days, including May 31. Throughout that day, groups of 100 to 300 protesters marched through the streets of Fredericksburg. The FP characterized the protests as “peaceful and lawful demonstrations with no police involvement.” However, as the day wore on the FP claimed that protesters walked haphazardly throughout the downtown streets, blocked traffic, and chanted obscenities at police when officers attempted to reroute protesters to maintain traffic control.

By the evening, FP perceived that the tension had escalated to a degree warranting a stronger police presence. About 8 p.m. to 8:30 p.m., the FP took two actions: (i) activation of the Tactical Field Force (the “TFF”) and (ii) engagement of police officers from surrounding jurisdictions, including the Campus Police. The TFF is a specialty unit trained and outfitted to handle public demonstrations involving large crowds. They wear helmets, soft body armor, padded gear, and shin guards and can carry shields, PR-24 batons, and gas masks.

As stated by the FP, about 8:30 p.m. May 31, near the 2100 and 2200 blocks of Cowan Boulevard, the FP began a series of declarations to the protesters that their continued demonstration constituted an “unlawful assembly” requiring the protesters to disperse to stop a serious and immediate breach of public safety, peace, or order. The officer making the declaration also stated that red smoke would be dispersed into the crowd. The protesters continued and moved past the police line established at the corner of Cowan and at the intersection to Hugh Mercer Elementary School in the direction of the FPD Headquarters. Shortly after a TFF officer deployed the red smoke, the first canister of tear gas was

dispersed into the crowd. This use of tear gas marked the first of at least three tear gas deployments that evening.

Campus Police Involvement

Fredericksburg Police made two calls to the Campus Police requesting support. Lt. Gill heard the call for assistance from Captain Mason (Fredericksburg Police) at approximately 8:30 p.m. May 31. After hearing the call for assistance, Lt. Gill, Sgt. Charles Wheeler, and Officers Brooks, Jackson, and Baez (collectively the “UMW Officers”) proceeded to the Cowan Boulevard area near the entrance of the FPD headquarters. As reported by Lt. Gill, Lt. Josh Lynch (Fredericksburg Police) requested that the UMW Officers provide security for the FPD headquarters building. The UMW Officers remained at this post until approximately 12:30 a.m.

The second call to Campus Police related to the deployment of the TFF. Officer Sercombe was at home when she received the request to deploy³. Officer Sercombe reported that she arrived at the staging site at between 8:30 p.m. and 9 p.m.; she remained with the team until midnight once downtown Fredericksburg was cleared. Upon her arrival, Officer Sercombe noted, “[w]hen I, my squad leader and the other members arrived, we were advised to put our gas masks on because gas had been deployed since crowds were not dispersing after the unlawful assembly order was given multiple times and because projectiles such as rocks, beer bottles, milk, and frozen potatoes were thrown on us.”

CAP Assessment

Information Sources. CAP was charged with providing a “full and open” accounting of the events surrounding the May 31 Protest and the role played by Campus Police. To accomplish this CAP: (i) reviewed the Incident Reports; (ii) interviewed Chief Hall and Lt. Gill; (iii) conducted listening sessions

³ The UMW Officers who were also part of the TFF did not deploy with the TFF. None of the UMW Officers were prepared with the TFF uniform or equipment, so each remained at the Fredericksburg Police Department Headquarters (Gill Report, 2020).

with members of the Campus Community; and (iv) reviewed certain Campus Police policies, including the MAA (as defined herein).

CAP was limited in its efforts to provide a “full accounting” of the May 31 Protest. The Incident Reports provide scant details regarding the degree of involvement of the UMW Officers and Officer Sercombe’s activities with the TFF. While CAP invited all the UMW Officers and Officer Sercombe to interview with the panel, except for Lt. Gill, the invitations were declined.⁴ Consequently, CAP relied only on the interviews with Chief Hall for much of the information received regarding Campus Police involvement in the May 31 Protest. Though Chief Hall reported that he monitored Campus Police activity during the May 31 Protest, he was out of town during the event and, therefore, does not have firsthand knowledge of police activity during May 31 Protest. Further, while an open invitation to share individual experiences was provided to the Campus Community through the publication on August 21, 2020, and the CAP website, the response to the CAP invitation was very limited. Last, CAP did not interview any personnel from the FPD or the City of Fredericksburg.

The Incident Reports and Interviews. During the interview with CAP, Chief Hall and Lt. Gill confirmed the information in the Incident Reports. The UMW Officers did not use tear gas or engage in any use of force (Campus Police, personal communication July 29, 2020). Officer Sercombe stated in her report, “[d]uring my time in downtown, I [Officer Sercombe], did not deploy gas not did I deploy any kind of munitions rounds. I did not come into contact with protesters nor did I use ‘use of force.’” Chief Hall emphasized that the UMW Officers, including Officer Sercombe, did not hold the credentials required to deploy tear gas. Lt. Gill reported that upon arriving on Cowan Boulevard near the FPD headquarters, protesters and residents were visible as far as the eye could see. He also stated that the UMW Officers were not able to see the actions of FP or protesters from their posts monitoring the FPD

⁴ The decision to participate was voluntary; no inference is made about the role of the officers in the May 31 Protest from their decision to forgo the CAP discussion.

headquarters. Lt. Gill stated that he was initially unaware that UMW students were participating in the protests and only learned of their involvement after a radio announcement reported that tear gas had been deployed.

CAP did not receive any information that contradicted the Incident Reports or Chief Hall's account of Campus Police involvement in the May 31 Protest. However, CAP members expressed concern about the very limited scope of the internal Campus Police investigation. Only two reports were available for review, both from officers involved in events. The investigation file did not include any accounts from Campus Community members present on the scene. Chief Hall stated that because the Campus Police were not involved in the use of force, no additional investigation was required. Given the reaction of the Campus Community to the May 31 Protest, conducting a more extensive investigation might have been useful to build community trust and project transparency.

The Mutual Aid Agreements. In his June 1, 2020, campus statement regarding the May 31 Protest, Chief Hall cited the MAA as the authority for the Campus Police assistance to FPD. In discussions with CAP, Chief Hall noted that the call for assistance on May 31 was the first request from the FPD under the MAA. (Chief Hall stated that, even without the MAA, the Campus Police would have had an ethical and moral expectation to respond when an agency calls for assistance to neutralize a situation. Arguably then, the Campus Police might have responded to a call for assistance in the May 31 Protest in the absence of an MAA.)

Cooperation agreements among law enforcement agencies in proximity to each other have a long history in the United States (IACP National Law Enforcement Policy Center, 2007) and more specifically Virginia. The agreements generally document an understanding between two or more jurisdictions to share personnel and other resources, typically during an emergency. The agreements take on a variety of titles including mutual assistance agreement, mutual aid agreement, or memorandum of understanding. Under Virginia law, Va. Code § 23.1-815.C, those public or private

higher education institutions that maintain police departments are required to enter a mutual aid agreement for limited investigative purposes:

Each public institution of higher education and private institution of higher education that establishes a campus police force pursuant to this article shall enter into and become a party to a mutual aid agreement with an adjacent local law-enforcement agency or the Department of State Police for the use of their regular and auxiliary joint forces, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or controlled by such institution or any death resulting from an incident occurring on such property.

Beyond the statutory requirement, these cooperation agreements are a means for colleges and universities to access much-needed law enforcement resources, like special tactical teams and equipment, that a college or university could not maintain on its own. The University has several formal and informal cooperation agreements including:

- The Mutual Aid Agreement with the King George County Sheriff's Department (unsigned 2019 draft);
- The Mutual Aid Agreement with Stafford County (unsigned 2019 draft); and
- The February 15, 2018, letter regarding the development of a regional civil disturbance team with Stafford County, Spotsylvania County, King George County, Fredericksburg Sheriff's Office, and the City of Fredericksburg.

Central to the issues of the May 31 Protest is the Agreement for Law Enforcement Mutual Aid and for Concurrent Jurisdiction in Designated areas, dated April 27, 2005, as amended on March 1, 2011 (the "MAA"). An amendment to the MAA is now under consideration (the "MAA Amendment"). The MAA establishes the geographical boundaries for concurrent jurisdiction between the Campus Police and the FPD (these boundaries were modified in the March 2011 amendment).

CAP acknowledges the benefits of the MAA, recognizing that access to resources beyond the boundaries of the University are critical in an emergency. As an example, Chief Hall recounted the presence on campus of the Virginia State Police when the Divest UMW group staged a sit-in on campus in 2015. Further, CAP members recognize that the cooperation between the Campus Police and FPD benefits UMW students. Chief Hall also noted that, at times, FPD calls the Campus Police to handle a

matter with a student, offering an alternative to arrest and judicial process. Consequently, CAP is not recommending the termination of the MAA. However, with respect to the MAA, CAP noted three concerning issues:

1. **Lack of service boundaries:** Beyond the specific geographical boundaries, the terms of the MAA are broad and general.⁵ The key concepts of the document are:

- The FPD and the Campus Police have the authority to furnish police services in each other's jurisdictional boundaries when there is a request for support;
- Each party remains liable for the actions its own law enforcement personnel and indemnifies the other with respect to potential claims;
- Officers assisting under the MAA are subject to the lawful orders or direction of the chief law enforcement officer or designee of the jurisdiction **receiving** assistance; and
- Officers assisting under the MAA have the same authority conferred to officers in the supported jurisdiction.

The proposed MAA Amendment provides slightly more detail on the scope of services that can be provided but still contains a broad catchall provision. Assistance may be requested:

- in response to law enforcement emergencies involving a threat to life or public safety;
- when participating in joint criminal investigations;
- during an emergency resulting from war, internal disorder, or fire, flood, epidemic, or other public disaster;
- for parking enforcement in certain residential parking zones near the University campus;

⁵ CAP also reviewed mutual assistance agreements between the University of Virginia and Charlottesville, and Christopher Newport University and Newport News. The terms in all the agreements were similarly general. CAP, after contacting SCHEV (as defined herein), was unable to find a standard set of policies applicable to mutual aid agreements statewide.

- for participation in activities conducted by Fredericksburg specialty teams, including the Crisis Negotiation Team, Unmanned Aerial Systems, Tactical Field Force, or Incident Management Team; or
- for any other circumstance that is likely to exceed the law enforcement capabilities of the requesting jurisdiction.

The terms of the MAA leave open the possibility for Campus Police to respond to any situation without limit. While arguably the broad general terms are designed to offer the flexibility to respond as circumstances arise, the terms do not account for the unique aspects of a campus community within a town or city. Nor do they reflect the will of the Campus Community to support off-campus policing activities. CAP does not have the authority to amend the MAA and has not made specific recommendations, recognizing the practical and legal issues that must be considered when negotiating the MAA or similar arrangements. However, the process for completing the MAA Amendment should include an opportunity for Campus Community comment and education and awareness efforts to inform the Campus Community about the MAA and its potential ramifications.

2. The Absence of a Termination or Review Date: The MAA, including the proposed amendment, does not provide for a specific termination or review date. Chief Hall stated that May 31 marked the first time (since 2005) that the FPD invoked the MAA for assistance from Campus Police. Having a stated termination date, or at a minimum a review date, would require the parties to review the terms of the MAA ensuring that the agreement continues to fit the needs of both the Campus Community and Fredericksburg City.

3. The Absence of Clear Procedures and Process: During CAP's discussions with Chief Hall and Dr. Landphair, CAP was unable to discern clear processes and procedures for managing service requests either between the Campus Police and the FPD or between the Campus Police and the University Administration.

The MAA provides that responding officers are subject to the lawful orders of the chief law enforcement officer or designee of the jurisdiction receiving assistance. However, in our discussions with Chief Hall, it was unclear under what circumstances supporting officers could withdraw from an incident. For example, there is no guidance on whether the University Administration can require officers to return to campus if, as in the May 31 Protest, members of the Campus Community are subject to police tactics that (i) are not in line with ASPIRE values, or (ii) do not meet the best practices standard for law enforcement. Lt. Gill reported that the UMW Officers left when dismissed, not due to the deployment of tear gas that impacted members of the Campus Community.

Further, CAP was unable to discern any internal University procedures for approving the involvement of Campus Police under the MAA, aside from General Order 3-02, Liaisons with Other Agencies, which states that the chief of police is charged with the administration of mutual aid agreements. Procedural requirements seem to be limited to notice to designated persons in University Administration when Campus Police are called into service. There does not appear to be an ongoing requirement for University Administration collaboration with Campus Police for monitoring or oversight of an MAA call for assistance. This is especially challenging since, per the MAA, command authority for the Campus Police when called into service is relinquished to the receiving jurisdiction under the MAA.⁶

With respect to the May 31 Protest, Lt. Gill reported that he called Chief Hall, who was out of town (personal communication, August 5, 2020). Chief Hall in turn contacted Dr. Landphair, his supervisor, who then called Dr. Paino. Once the information reached Dr. Paino, the UMW officers were already on their way to downtown Fredericksburg. CAP did not find that a substantive discussion occurred among the University Administration leadership about the appropriateness of Campus Police

⁶ Chief Hall noted that although the Campus Police are under the command of another agency when responding to a request for assistance under a mutual aid agreement, UMW Police are bound by the UMW Police code of conduct as approved by the UMW President and UMW Board of Visitors (personal communication, August 5, 2020). This principle is not clearly stated in the MAA or the MAA Amendment.

involvement in the May 31 Protest. There does not appear to be a procedure in place that requires a substantive discussion on the merits of a request. Further, there does not seem to be a procedure in place that requires ongoing engagement by the University leadership (other than the Chief of Police) to monitor the progression or escalation of events like the May 31 Protest. Maintaining this line of communication and engagement on the part of University Administration leadership seems critical to ensure that the interests and safety of the Campus Community, not just law enforcement, is an element in decision making.

Conclusions

With respect to Campus Police participation in the May 31 Protest, CAP did not receive any information that contradicts statements in the Incident Reports. Both Lt. Gill and Officer Sercombe unequivocally state that Campus Police did not have direct involvement in or responsibility for the use of tear gas during the May 31 Protest. Further, following the agreed protocol, Lt. Gill did alert Chief Hall about the call for assistance, and Chief Hall in turn contacted Dr. Landphair. Therefore, CAP concludes that the Campus Police followed the policies and procedures in place under the MAA when responding to the May 31 call for assistance from the FPD.

However, CAP cannot ignore the conclusions reached in the Police Executive Research Forum (“PERF”) Report dated February 2021 that (i) criticizes FPD’s use of tear gas when less-harmful tools might have been available to disperse the crowd and (ii) notes FPD’s failure to follow best practices when communicating with the protesters. Most important, CAP cannot ignore the feelings expressed by those Campus Community members affected, both directly and indirectly, by the tear gas used during the May 31 Protest. In our listening sessions with the Defund Police Coalition, members of the Coalition expressed their shock and sadness with the use of tear gas during May 31 Protest and the need to hold the Campus Police accountable for their involvement. Recognizing that the Campus Police were not directly involved in dispersing tear gas, a member of the Defund the Police Coalition argued that Campus

Police protection of the FPD headquarters allowed FP to engage in other assignments like to deployment of tear gas. When asked for their view on avoiding similar issues in the future, the Coalition suggested that Campus Police should be restricted from responding in protests or politically charged protests.

Further, a UMW staff member (who was in downtown Fredericksburg during the May 31 Protest as an observer but became a victim of the tear gas deployment) poignantly said that the traumatic feelings and sense of betrayal had not, at the time of the CAP listening session, gone away. The staff member noted that past experiences with the police had been neutral; they [the police] are supposed to be there to protect and to serve. Who are they protecting? The staff member noted her community involvement as a way to heal. The goal of the staff member's involvement is to make sure we do not have the same conversations again and that we find less traumatic ways to handle difficult situations.

Similar sentiments were expressed in comments in the Campus Climate Survey:

Previously, I did not have any strong particular feelings toward the UMW campus police. I accidentally triggered the silent emergency call in the practice rooms in Pollard and the police officer who came was very understanding and polite about it. However, I felt incredibly betrayed when UMW aided the tear gassing and violence upon me and my fellow peaceful protesters this summer. I understand UMW police [were] obligated to lend assistance through their mutual agreement however, I would have hoped that they would have had the courage to stand up and contest the orders to attack us. So long story short, I have not had any problems with them on campus, the one time I really engaged with them they were quite understanding and polite, but it was off campus that the majority of my negative feelings stem from. (Campus Survey: Student Comment)

I understand the reciprocal relationship that we have with city police. But the handling of non-violent protesters with tear gas? Unacceptable and totally unnecessary. I live downtown and witnessed the protest from my own balcony. I saw young people—many of them our students and alumni—running with fear away from the clouds of tear gas. That is something that never should have happened. I also understand that UMW Police did not deploy the gas—but neither did they, it seems, object to it or try to assert a better way to respond. (Campus Survey: Staff Comment)

Recommendations

CAP's expectation in offering the recommendations that follow is that the University Administration and Campus Police will adopt and promote policies and procedures to ensure that, when

events like the May 31 Protest occur, protecting the rights of Campus Community members in a safe and respectful manner is paramount.

Acknowledge the role of the Campus Police in the May 31 Protest and provide an opportunity to engage with Campus Community members affected by the protests. CAP recommends that the Campus Police acknowledge their role in the May 31 Protest and the negative reactions from some Campus Community members to their presence and participation as members of that evening's police force. The 21st Century Policing Report (2015) encourages law enforcement departments to acknowledge the role of police in past and present injustice and how this involvement is an impediment to the promotion of community trust (21st Century Policing Report, 2015). Participants in CAP listening sessions and in comments in the Campus Climate Survey, expressed their feelings of "betrayal" regarding Campus Police involvement in the May 31 Protest. The Defund the Police Coalition and the UMW NAACP, among others, have called for an apology from the Campus Police stating that an apology is the first sign of caring and understanding – a way to build trust and respect. The UMW NAACP specifically recommended that the on-duty police officers from the May 31 Protest should help to heal community wounds by participating in a dialogue with students. CAP is not recommending that the Campus Police offer an apology; to offer an apology is solely within the purview of the Campus Police. CAP does, however, strongly urge Dr. Paino and the Campus Police to explore ways to engage directly with those involved in the May 31 Protest to foster their healing and restore trust in the Campus Police. Given the PERF criticisms of the Fredericksburg Police's May 31 operations, acknowledgement of the role of the Campus Police and recognition of the impact on some members of Campus Community seem appropriate.

Develop statewide campus policing standards among Virginia public universities. Undertake an initiative to bring together leaders of Virginia public universities to discuss statewide campus policing standards from an educational campus perspective rather than a law enforcement perspective. (Early in

the process, CAP contacted the State Council of Higher Education for Virginia (“SCHEV”) as a resource for campus policing standards. SCHEV did not offer any best practices policies, but rather identified the 21st Century Policing Report as a resource.) Chief Hall expressed interest in developing a specific certification credential for campus police officers. Directing the development of this specialized certification might be another appropriate initiative for this group.

Establish a committee within the University Administration to complete an MAA Amendment that reflects Campus Community values and concerns. The committee would complete the following objectives:

- With the assistance of university counsel, review the proposed MAA Amendment to develop terms that address the unique needs of the Campus Community, which may include:
 - a time-bound termination provision or review requirement to ensure a periodic review of the MAA;
 - the right for Campus Police to withdraw from service when best policing practices are not followed and members of the Campus Community are negatively affected as a result;
 - an express provision that requires officers to raise concerns when best practices are not followed during an event;
 - a description of the types of special teams that Campus Police can join and the terms of special teams engagement; and
 - standards for engagement during lawful protests where Campus Community members may be involved that requires (i) the use of de-escalation techniques

rather than traditional use of force methods like chemical dispersion, and (ii) the development within one year of an Incident Action Plan for these types of events.⁷

- Develop procedures for monitoring activities Campus Police activity when the MAA is invoked (particularly where members of the UMW community may be involved). Procedures should go beyond simple notice, but require ongoing communication throughout the incident. A full investigation and report should be required after each engagement of Campus Police under the MAA, which should be reported the BOV and made available to the Campus Community.
- Clarify the status of each mutual aid agreement; all mutual aid agreements that have the potential for Campus Police support must be reflected in an agreed signed document with clear terms that reflect ASPIRE values.

Conduct a May 31 Protest review with the Campus Police and the FPD. Promptly engage with the Campus Police and the FPD to conduct a postmortem on the May 31 Protest, reviewing best practices and lessons learned, and present the results to the UMW Board of Visitors.

Part II: The Role of the Campus Police in a Changing Community

“[W]e foster an environment in which *every individual* [emphasis added] is treated with dignity at all times by valuing the inherent worth of all identities, abilities, and differences” (ASPIRE). Applying this standard to campus policing protocols means that if just one Campus Community member feels

⁷ Law enforcement agencies should create policies and procedures for policing mass demonstrations that use a continuum of managed tactical resources that are designed to minimize the appearance of a military operation and avoid using provocative tactics and equipment that undermine civilian trust (21st Century Policing Report, 2015).

unheard, disregarded, or unsafe in an interaction with Campus Police, there is work to do. Through the Campus Survey and listening sessions, CAP learned that there is need and an opportunity to align campus policing protocols more closely with ASPIRE values, not just in area of respect and civility (quoted above) but also in strengthening Campus Police accountability and promoting Campus Community engagement in in structuring policing operations.

Campus Community Perspectives: What We Learned

The Campus Survey.⁸ Campus Survey response rates were notably high among students and staff, indicating a high degree of interest in campus policing issues. All members of the campus community had the opportunity to complete a survey. Overall those completing the survey totaled:

- 1,457 students (34% of student population);
- 383 staff (46% of the University staff); and
- 414 alumni from 2014 through 2020 (the “Alumni Group”) (6% of potential respondents).

The results indicate that Campus Police enjoy a positive reputation among UMW staff (82%) and, to a lesser degree, students (59%), and the Alumni Group (47%).⁹ Further, those who have had personal interactions with the Campus Police, UMW staff (86%) and to a lesser degree, students (64%), and the Alumni Group (49%) indicated that their experiences were positive or very positive. Ending the discussion there is tempting, given these positive results. However, in contrast, from the data reflecting a negative impression of or negative experience with Campus Police, a second narrative surfaces that is concerning. A significant group of students (20%) and members of Alumni Group (26%) had a negative

⁸ A cross section of the Campus Survey results has been posted to the [CAP website](#). All members of each group – students, staff, and the alumni group – were surveyed. Responses to individual questions about the Campus Police interactions and safety are normally distributed, some with negative attitudes, some with positive attitudes, and many in the neutral range. Contact Dr. Schleef with specific questions about the data or to see more results.

⁹ Not included in these totals are those who have never or almost never interacted with the Campus Police – 60% of students, 23% of UMW staff, 32% of the alumni group.

impression of the Campus Police, while 10% of students and 23% of the Alumni Group characterized their interactions with Campus Police as negative.¹⁰ The demographics reflected in the Campus Survey results indicate that students, staff, and alumni who identify as persons of color or persons in the LGBTQIA+ community were disproportionately likely to hold negative views.

The wide range of participant comments in the Campus Survey suggests that community concern about campus policing goes beyond Campus Police involvement in the May 31 Protest. For many, the Campus Police are helpful, responsive, and respectful. On the other hand, students also expressed “distrust” for Campus Police when responding to sexual assault incidents or incidents involving people of color and the LGBTQIA+ community. Still other Campus Community members perceive the Campus Police as “rude” and “dismissive” in their interactions: “[w]hen they were called because of [a] threat to our apartment, they seemed completely annoyed that they had to deal with it.” (Campus Survey: Student Comment). Slow response times to service calls and feelings that Campus Police are reluctant to give safe rides were also noted in the comments, “[w]hen I’ve called them to escort me, they sound resentful” or, “[i]f you have an injury that affects how you get to class, you cannot depend on them to send the golf cart to help you.” (Campus Survey: Student Comment).

Listening Sessions. CAP met with two student advocacy groups: the UMW NAACP and the Defund the Police Coalition. The UMW NAACP presented an extensively researched report titled *UMW Campus Police Assessment Report: Safe for Who?* (the “UMW NAACP Report”). The UMW NAACP Report presents the results from the group’s survey that contains several questions similar to those in the Campus Survey. (Dr. Schleef noted that the results of both surveys show similar views on the Campus Police.) While the UMW NAACP Report is titled as a police assessment, the report covers a wide range of issues on campus life and academics that are not within CAP’s charge; nonetheless, the UMW NAACP Report offers insights about student concerns, as well as programs that might be implemented

¹⁰ Only 5% of UMW staff responded that they had negative impressions of the Campus Police.

to address those concerns. For example, The UMW NAACP suggested (i) a student-run rideshare program providing an alternative to the Eagle Patrol; (ii) the use of night-desk attendants as an extra layer of safety in the residence halls; and (iii) establishing a bias resource team to investigate hate crimes on campus. CAP did not vet the suggested solutions presented, rather, CAP recommends establishing a Campus Policing Advisory Council that could be a forum for the Campus Community to consider programs like those suggested in the UMW NAACP Report.

Citing the Patriot Front stickers that appeared on campus in fall 2019, the UMW NAACP representatives expressed frustration with the lack of Campus Police response and involvement in incidents that occur on campus. The representatives noted that they had conversations with leaders in the administration but were unclear on whether the incident was investigated or whether those responsible were held accountable. These representatives also suggested that the procedures for filing complaints about campus incidents were not widely known; further, some students feel that without a commitment to action there is no point to filing a complaint.

The UMW NAACP supports defunding Campus Police and reallocating its current budget to the Talley Center, the James Farmer Multicultural Center, and other initiatives, a position that the Defund Police Coalition also supports. The Coalition made clear that its primary goal is the eventual abolition of Campus Police rather than reform of policing policies. In addition to the demand for budget reallocation, the Defund Demand Letter¹¹ delineated seven additional demands including, (i) limiting Campus Police assistance under mutual aid arrangements, (ii) restricting cooperation with ICE and CBP to the minimum required by law, and (iii) implementing more extensive training for Campus Police on diversity, inclusion, and bias (systematic and individual). When asked to prioritize their demands, the Defund Police Coalition declined, arguing that their demands should be viewed in the whole as a new approach to campus safety.

¹¹ A copy of their demand letter has been posted to the [CAP website](#) (the “Defund Demand Letter”).

The core demand delineated in the Defund Demand Letter, abolishing the Campus Police, does not seem to have widespread support within the Campus Community given the overall support for the Campus Police apparent in the Campus Survey. There were also expressions of opposition to the defund-the-police concept in Campus Survey comments and messages on the CAP website.

Mental Health Crisis Response. Reforming mental health crisis response policies and procedures is an issue of common interest and agreement among the Campus Community and Campus Police. Both support using a mental health professional as the first to respond to a person experiencing a mental health crisis, not a Campus Police officer. As one Campus Survey student commenter stated: “I would call these police if someone stole my bike, and I trust they would intervene in a situation of danger. I would never call them for a mental health concern or, without other support, for a crime with a traumatized victim” (Campus Survey: Staff Comment). From the student perspective, the concern is multifaceted: (i) the perception is that Campus Police, as law enforcement professionals, are not adequately trained to respond to a mental health crisis (though all the officers have completed Crisis Intervention Team (CIT) training); (ii) Campus Police present themselves in full uniform, carrying a lethal weapon, which may elevate the anxiety and fear of a student already in crisis; and (iii) when Campus Police provide hospital transport, a student in crisis is placed in handcuffs and transported in a marked vehicle, adding to the stigma associated with mental health challenges. As one student noted:

One time [I] had a really bad panic attack late at night—I alerted my RA, and apparently the protocol is to call UMW PD. The individual officer was really nice, but I hated that that was the process. Having the police involved made me more anxious than I already was (it felt like I might get in trouble), and I could definitely see how their presence could escalate situations worse than mine. (Campus Survey: Student Comment)

Dr. Zukor also expressed interest in developing an alternative paradigm for mental health crisis response at the University using a mental health professional as the primary responder, with Campus Police involved as a backup (personal communication, October 29, 2020). Developing this model would

require that a clinician is available 24/7 (currently clinicians are not available after hours or on weekends) and likely additional training for Campus Police. In addition to developing a new crisis response model, Dr. Zukor would like students to have 24/7 access to counseling support. Dr. Zukor identified PROTOCOL as a potential service provider. The UMW NAACP report also identifies a possible solution for 24/7 crisis counseling: implementing a program similar to the Crisis Assistance Helping Out on the Streets (CAHOOTS) program in Eugene, Oregon.

Given the consensus for reform, CAP urges the administration to formulate a plan for change that addresses the concerns and needs of the Campus Community.

Conclusions and Recommendations

Summarizing the Campus Survey and listening sessions:

- The Campus Police enjoy a positive perception within the Campus Community, bolstered by their positive personal interactions members of the Campus Community (though many Campus Survey respondents never or almost never interact with the Campus Police).
- A small but significant group of Campus Community members (about 15%) hold negative impressions of or report negative interactions with the Campus Police. The demographics reported in the Campus Survey results indicate that students, staff, and alumni who identify as persons of color or persons in the LGBTQIA+ community were disproportionately likely to hold negative views.
- Respondents generally agree that the University's mental health crisis response protocols should be reformed to elevate the role of mental health clinicians while using Campus Police in a supporting role.
- Campus Community members also expressed concern about:
 - Campus Police civility in interactions with Campus Community members and the consequences for inappropriate behavior;

- a need for more communication and regular interaction among Campus Community members and Campus Police (besides service calls);
- transparency of information about policing activity, specifically actions taken in response to complaints and the outcome of investigations; and
- Campus Police proficiency in such areas as cultural competency, implicit bias, and Title IX matters.

In response CAP recommends the following:

Establish the Campus Policing Advisory Council (the “Council”).¹² The expectation is that the Council will be a bridge between the Campus Community and the Campus Police.

This group of students, faculty, staff, administration, and Campus Police representatives would:

- Oversee implementation of adopted CAP recommendations.
- Develop a process for continuous review of campus policing policies and procedures to assess effectiveness, including a public comment process for consideration of new and updated policing policies.
- Conduct community forums on policing topics affecting campus, including the police responses to bias incidents and hate crimes.
- Serve as an independent panel to review complaints involving Campus Police, including bias complaints.¹³
- Restructure the complaint reporting, review, and investigation process by

¹² Examples of committees similar to the proposed Council are the Student Safety Advisory Board at Georgetown University (<https://police.georgetown.edu/>) and Cornell University’s Police Safety Advisory Committee (<https://www.cupolice.cornell.edu/campus-safety-security/public-safety-advisory-committee-psac/>)

¹³ The 21st Century Policing (2015) report notes that civilian oversight is important in strengthening trust between police and community.

- developing a system for logging, monitoring, and processing complaints through a single transparent process, and
- reporting investigation resolutions and outcomes to the community.

Redesign the Campus Police website to improve transparency and accountability.¹⁴ The Campus Community wants greater transparency on campus policing activities and policies. The website is an essential tool in building a culture of transparency. Students are unclear on how to file complaints. Some expressed concern that the outcomes of complaint investigations are not communicated to the Campus Community. In some instances, lack of information is interpreted as lack of action. CAP suggests the website include:

- General Orders, the Code of Conduct, and Mission Statement;
- Department demographics;
- Officer Identification and contact information (to the extent legally permissible);
- Officer training credentials (including certifications necessary to engage in special response units and use of force)¹⁵;
- Reports on Campus Police activity (beyond the Clery Act Requirements) including information on:
 - calls for service: the reason for the call, response times, and resolutions

¹⁴ To embrace a culture of transparency, law enforcement agencies should make all department policies available for public review (21st Century Policing Report, 2015).

¹⁵ CAP notes that in the listening sessions and Campus Survey comments, Campus Community members reported that some police officers were rude, insensitive, and dismissive. For some, these responses are evidence of biased or racist behavior. This may, in part, explain the calls for more extensive training specifically in the areas of cultural competency, diversity, inclusion, and bias. However, given that training credentials are not now published, members of the Campus Community concerned about training may not know the training that officers are required to complete. Publishing this information is a first step. The Georgetown University Police Department website provides an example of published officer training credentials. That said, expanding opportunities for additional training on diversity and inclusion, implicit bias, cultural competency, and Title IX issues is a laudable objective.

- arrests;
- Instructions on the process for filing complaints, an explanation of the investigation process, and the plan for reporting investigation results to the Campus Community; and
- A section highlighting Campus Police achievements and accolades, as well as promoting officer wellness.

Restructure mental health crisis response. Campus Community members and Campus Police agree that mental health professionals, rather than Campus Police, should be the first contact when responding to a mental health crisis occurring primarily after business hours and on weekends. Given the support for reform in this area CAP suggests convening, under Dr. Landphair’s leadership, Dr. Zukor, Campus Police and those from the University staff involved in mental health crisis response, with interested students, to develop a plan and timeline for moving forward with reforms that might include:

- 24/7 availability of clinical staff for student support;
- offering students more counseling options by engaging a service like PROTOCOLL or developing a support program resembling CAHOOTS;
- changes in Campus Police protocols that, during mental health crisis calls, allow Campus Police to:¹⁶
 - respond in plain clothes or less formal uniforms,
 - respond with nonlethal equipment, and

¹⁶ Reforms on carrying lethal weapons during mental health crisis response calls may offer the opportunity for a broader discussion of whether and in what situations Campus Police need to be armed with lethal weapons. Chief Hall noted that a gun had never been discharged during his tenure as chief. Several students and staff noted a preference that Campus Police not carry guns on campus:

“I wish they wouldn't carry guns. Guns should be kept in the police station and in locked police vehicles. I recognize the very real benefits for an officer of having a gun at all times, but those benefits are outweighed by the dangers.” (Campus Survey: Staff Comment)

- transport persons in crisis in unmarked cars without handcuffs (unless the person in crisis is presenting with dangerous or violent behavior).

Review the General Orders, Mission Statement and Code of Conduct. These three documents govern policing operations at the University. Ensuring that each reflects ASPIRE values and recent changes in Virginia law is a necessity.¹⁷ Suggested policies for critical review are:

- General Orders that govern crowd control;
- The “No Knock Search” policy;
- Training requirements;
- “Expressive Activity by Members of University Community” (this policy was designated for review in 2019);
- Use of Force policy;
- Use of chokeholds; and
- Policing policy on implicit bias.

Provide opportunities for Campus Police to build relationships with Campus Community members. Each Campus Police officer is a member of the Campus Community. Successful policing programs depend on officers actively building and engaging in relationships with community members (21st Century Policing Report, 2015). While COVID has changed the opportunities for relationship building, this is the time for forward thinking. We recommend that Residence Life, the James Farmer Multicultural Center, Campus Police, and interested student groups form a task force to identify and implement (through the Campus Policing Advisory Council) positive and informal interactions among community members and police in non-policing activities. Notably, the UMW NAACP Report offers a

¹⁷ During the Virginia General Assembly’s summer 2020 special session, sweeping reforms to policing policies and practices were adopted and signed into law by Governor Northam.

number of possibilities for consideration (residence halls' evening desk attendants as an example).

Other ideas include:

- Coffee with the chief;
- Sexual assault defense training;
- Training related to the impact of drinking; and
- Safety chats with campus police.

These ideas are not new; perhaps some have been tried. The May 31 Protest and the diminished trust between the Campus Police and the Campus Community calls for a new commitment to examine and reform campus policing protocols to meet the needs and expectations of the Campus Community.

Acknowledgments

Campus Community engagement is the driver supporting the recommendations in this report. The listening sessions with members of the Campus Community, the UMW NAACP, and the Defund the Police Coalition provided CAP with an opportunity to not only hear your views, but also experience your heartfelt conviction regarding them. Thank you. We also thank the Campus Survey respondents. Those sharing their views through survey comments provided CAP with valuable insight.

Dr. Schleef's Campus Survey work is simply outstanding in its substance and timeliness. We are honored to work with her. We also salute students Xan Mead, Josephine Ohene-Okae, Delaney Quigley, and Stephanie Turcios, who assisted Dr. Schleef with Campus Survey data analysis. Taking on this project while completing their course load and coping with the stress of COVID is exemplary.

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CAP members:

Zoya Ahmed '18

Allida Black, Board of Visitors

Bridget Brew, Assistant Professor of Sociology and Anthropology

Claire Cole Curcio, Community Member

Arin Doerfler, Staff Member

Michael Hall, Police Chief and ex officio member

Davis McCrory, Internal Auditor and ex officio member.

Maya Jenkins, Current Student

Pamela Jones, Community Member

Mark Tate '92

Danny Tweedy, Associate Professor of English, Linguistics, and Communication

Rhonda VanLowe, Chair and Secretary, Board of Visitors

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