



An Assessment of the Yale Police Department

21CP Solutions

March 2020

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About the Yale Police Department and this Assessment

About the Yale Police Department

The Origins of the YPD

The Yale Police Department (“YPD”) is the oldest campus law enforcement agency in the country. The first two officers assigned exclusively to the campus were tasked with securing its properties, research, and assets. The presence of police officers in Yale’s academic space was a source of distrust and fear among some students who had come to value their campus as an isolated sanctuary amidst a growing city.¹ Before YPD’s creation, the university handled unrest and security concerns through a network of deans, faculty, and administrators *in loco parentis*, which gave the university unilateral authority to discipline students based on concerns for on-campus safety.²

Historical accounts suggest that, to at least some extent, early officers responded to this distrust and skepticism through community engagement and outreach. For instance, responding to the student’s complaints and subsequent riots about the new electric lights installed on campus in 1894, Yale officers painted half of each light bulb black to block the light from shining brightly into the student dorms and detracting from studying and sleep.

Overview of Current Departmental Activities

Since Yale established the country’s first campus police law enforcement organization, campus police departments are a critical part of over 6,300 institutions across the country.³ The unique challenges of campus police have become part of a national dialogue on best practices and standards on public safety on the campuses of institutions of higher learning.

As the Yale campus grew, the size of the Yale Police Department also grew. Today, YPD is a full-service police department of 93 officers, including 65 uniformed patrol officers, two community engagement officers, six detectives, twelve sergeants, and additional command staff.

¹ *Id.*

² “Race and Policing in Higher Education,” *The Activist History Review* (Nov. 19, 2019), <https://activisthistory.com/2019/11/19/race-and-policing-in-higher-education/>.

³ *Id.*

⁴ It’s Your Yale, Our Offices, Human Resources and Administration, Human Resources and Administration Senior Leadership, *Ronnell*

The organization is led by Chief Ronnell Higgins, a career YPD officer who was named Chief of Police in 2011 and Director of Public Safety in 2015.⁴

As summarized in YPD’s General Order 103, YPD receives its authority pursuant to section 3 of the Public Act No. 83-466 of the Connecticut General Statutes⁵:

The City of New Haven, acting through its board of police commissioners, may appoint persons designated by Yale University to act as Yale University police officers. Such officers having duly qualified under section 7-294d of the general statutes, and having been sworn, shall have all the powers conferred upon municipal police officers for the city of New Haven. They shall be deemed for all purposes to be agents and employees of Yale University, subject to such conditions as may be mutually agreed upon by the city of New Haven, acting through its board of police commissioners, and Yale University.⁶

This means that Yale police officers who have been certified by the Connecticut Police Officer Standards and Training (“POST”) Council are commissioned for deployment by the New Haven Police Department (“NHPD”). At the same time, they are employees of Yale University and therefore subject to YPD’s management, rules and regulations. This dual commissioning allows YPD officers to serve Yale University but also to act functionally as an NHPD member when necessary or called to do so.

YPD maintains a written Memorandum of Understanding (MOU) with the City of New Haven governing the relationship between Yale and the New Haven Police Department that includes an agreement regarding the investigation of criminal incidents and in turn, the YPD

Higgins, <https://your.yale.edu/our-offices/human-resources-and-administration/human-resources-and-administration-senior-3> (last visited Jan. 20, 2020).

⁵ Yale Police Department General Order 103, Law Enforcement Authority.

⁶ Connecticut Public Act No. 83-466 § 3.

responds to calls for service on campus and within an extended patrol area as agreed upon by NHPD” and Yale.⁷

YPD maintains a close relationship with NHPD, as this report elsewhere details, and seeks to collaborate closely with NHPD on various investigations, initiatives, and responses. In the simplest terms, YPD officers are available to NHPD when New Haven may be delayed in responding to a particular call or when a property largely considered an asset of Yale, based on its use by students and faculty, is implicated in a call in some manner. NHPD also notifies YPD if a member of the Yale community is a victim of a crime in New Haven and assists in coordinating appropriate responses.

YPD officers are trained through the Connecticut State POST. They must successfully complete 818 hours of training at the state academy focusing on the development of basic patrol skills, as well as a twelve-week field-training program, before they are sworn into duty. All current YPD officers are required to complete bi-annual, in-service training to advance and build their skills.⁸ YPD also offers ongoing, specialized in-service training on topics such as community policing, bicycle patrols, and active shooter response.⁹ Currently, YPD provides opportunities for the Yale and New Haven communities to be involved in annual trainings on implicit bias and de-escalation tactics.

Today, Yale manages its security and safety functions under the auspices of the broader Department of Public Safety (“DPS”). Led by Chief Higgins and under the oversight of Vice President for Human Resources and Administration Janet Lindner, DPS encompasses several public-safety-related functions beyond YPD. This includes Yale Campus Security (“Yale Security”) and its over 130 security guards, who oversee the security function in Yale’s residential colleges, academic buildings, laboratories, medical campus

facilities, and wealth of properties and assets owned by Yale University throughout New Haven. Yale Security maintains a central alarm station where it monitors some 2,500 cameras and 5,000 electronic access points. They also support response to over 500 blue light phones available to faculty and staff on campus and offer escorts to cars, resident halls, and throughout campus as the Yale community requests it.

YPD maintains close working relationships with local, state, and federal law enforcement agencies, including the Federal Bureau of Investigation, the Secret Service, and the United States Department of Justice, regarding campus events, regional law enforcement matters, training, and significant investigations.¹⁰

Key Incidents Affecting Public Safety at Yale

Community focus on YPD, and on public safety generally, has waxed and waned throughout Yale’s history. In 1974, a 20-year-old Yale student “was shot fatally . . . in a robbery attempt as he walked on a quiet residential street about a mile from the center of campus.”¹¹ On February 17, 1991, Yale sophomore Christian Prince was shot on the steps of St. Mary’s Church on Hillhouse Avenue.¹² The murder “rocked the campus”¹³ and “forced Yale to reexamine its own security practices and relationship with New Haven” – prompting, for instance, the installation of the emergency blue phones, an expansion in shuttle bus and escort services, and the expansion of the University’s police and security functions.¹⁴ The deaths of students Suzanne Jovin in 1998 and Annie Le in 2009 also focused attention on security issues.¹⁵

In January 2015, a YPD officer stopped a black student on campus and instructed him to lie face down on the ground while determining his identity.¹⁶ The incident was a source

⁷ Yale Police Department, *2018 Yale University Annual Security and Fire Safety Report* (2019).

⁸ It’s Your Yale, Community, Public Safety, Police, *Training* <https://your.yale.edu/community/public-safety/police/training> (last visited Jan. 20, 2020).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Murray Illson, “A Tale of Two Trials Angers Police Chief,” *N.Y. Times* (Feb. 5, 1978), <https://www.nytimes.com/1978/02/05/archives/connecticut-weekly-a-tale-of-two-trials-angers-police-chief-a.html>.

¹² Jon Nordheimer, “Son of Privilege, Son of Pain: Random Death at Yale’s Gates,” *N.Y. Times* (June 28, 1992), <https://www.nytimes.com/1992/06/28/nyregion/son-of-privilege-son-of-pain-random-death-at-yale-s-gates.html>.

¹³ Cassandra Day, “Top 50: When Crime Hit Campus, Yale Responded,” *New Haven Register* (July 5, 2018), <https://www.nhregister.com/news/article/Top-50-When-crime-hit-campus-Yale-responded-13049621.php>.

¹⁴ Andrew Paciorek, “The Murder that Changed It All,” *Yale Daily News* (Feb. 16, 2001), <https://yaledailynews.com/blog/2001/02/16/the-murder-that-changed-it-all/>.

¹⁵ Cassandra Day, “Top 50: When Crime Hit Campus, Yale Responded,” *New Haven Register* (July 5, 2018), <https://www.nhregister.com/news/article/Top-50-When-crime-hit-campus-Yale-responded-13049621.php>.

¹⁶ *Report of the Ad-Hoc Institutional Advisory Panel’s Review of the Yale Police Department’s Report of the Incident on January 24, 2015 2* (March 24, 2015).

of significant community concern and controversy. An advisory panel concluded that “the facts of the stop . . . do not lead us to the conclusion that this interaction was based on racial profiling.”¹⁷

In May 2018, YPD officers responded to a call from a white woman about “[a] black graduate student at Yale who fell asleep in her dorm’s common room.”¹⁸ This “Sleeping While Black” incident¹⁹ generated community concern both about why police were summoned and the nature of YPD’s performance during the response.

Most recently, the April 2019 shooting of Stephanie Washington, who was not armed at the time of the incident, beyond the boundaries of Yale’s campus generated substantial concern and protests on campus.²⁰ The State’s Attorney for the Judicial District of New Haven conducted an investigation and filed charges against an involved Hamden police officer. No charges were filed against the involved YPD officer, and the State’s Attorney found the officer’s conduct reasonable.²¹

The Scope of 21CP’s Assessment

In the summer of 2019, Yale University engaged 21st Century Policing Solutions, LLC (“21CP”) to conduct a comprehensive assessment of the Yale Police Department – focusing on its operations, policies, procedures, processes, performance, and relationship with the community. 21CP began the assessment process in September 2019.

Any overall assessment of an organization as complex as a police department could focus on a near-endless array of issues and topic areas. Accordingly, throughout 21CP’s inquiry, we refined our focus and identified a host of areas that appeared to be most important and relevant to YPD and the Yale community. 21CP worked with the University to refine this scope and ensure responsiveness to the needs and interests of Yale administrators, YPD representatives, and the Yale community.

¹⁷ *Id.*

¹⁸ Christina Caron, “A Black Student Was Napping, and a White Student Called the Police,” *N.Y. Times* (May 9, 2018), <https://www.nytimes.com/2018/05/09/nyregion/yale-black-student-nap.html>.

¹⁹ Jon Greig, “Yale Student Guilty of ‘Sleeping While Black’ to Graduate This Spring and Head to Another Prestigious University,” *Blavity* (May 15, 2019), <https://blavity.com/yale-student-guilty-of-sleeping-while-black-to-graduate-this-spring-and-head-to-another-prestigious-university?category1=news>.

Although the assessment and this report ultimately covers a great deal about the police-community relationship, core police practices, and day-to-day operations – and although it addresses what 21CP concluded to be the most significant issues that YPD encounters – it is not singularly exhaustive. For instance, 21CP could write a separate, lengthy report that evaluated YPD’s use of specific data systems and technology – making recommendations for improving business workflows, technology structures, and the like in micro-granular and technical detail. Instead, in the area of technology, this report focuses on broader recommendations relating to how technology may be leveraged to further the mission, objectives, and values of the Department.

The University made clear, from the beginning of 21CP’s engagement, that it wanted an accessible report that contains actionable and pragmatic steps for improvement and enhancement. Accordingly, while 21CP believes that this assessment report addresses the most significant challenges and opportunities that YPD faces, the discussions contained here should not be considered exhaustive.

About 21CP

21CP Solutions’ mission is to help law enforcement agencies and communities effectively tackle the challenges of delivering safe, effective, and constitutional policing in the 21st Century. We assist cities and their police departments in employing best practices for effective, community-focused policing that builds trust.

We are a diverse group of national experts in public safety. We are police chiefs who have turned around troubled police departments and renewed the community’s confidence in their agencies. We are social scientists and academics who have spent careers understanding what works in policing and public safety. We are lawyers and community leaders who have overseen some of the

²⁰ Sharon Otterman, “Police Shoot at a Black Couple Near Yale, Prompting a Week of Protests,” *N.Y. Times* (Apr. 24, 2019), <https://www.nytimes.com/2019/04/24/nyregion/yale-shooting-protests.html>.

²¹ Connecticut State Division of Criminal Justice, *Report of the State’s Attorney for the Judicial District of New Haven Concerning an Officer-Involved Use of Deadly Physical Force in New Haven on April 16, 2019*, <https://portal.ct.gov/-/media/DCJ/041619-New-Haven-Use-of-Force-Report.pdf?la=en> (last visited Jan. 28, 2020).

country's most successful police reform efforts. And we are all professionals who have worked in, with, and for communities to drive safe, effective, and constitutional policing.

21CP is an outgrowth of many of its consultant's experiences on President Obama's Task Force on 21st Century Policing. Building on the Task Force's work, several members formed 21CP in 2015 to assist local law enforcement agencies and communities with implementing strategies for ensuring officer and public safety, constitutional policing, and authentic partnerships between communities and law enforcement.

21CP's Approach & Methodology

In 21CP's experience, what a department actually does is often very different from what it says it does – which may be different from what its policies say it should do. 21CP's analysis aimed to consider each of these different realities.

First, 21CP interviewed stakeholders across YPD, the Yale campus community, and the New Haven community. 21CP, working with Yale administrators and the Department, selected an initial, diverse group of stakeholders to meet in a variety of listening sessions. Initial participants were identified by surveying Yale community groups – such as student unions, academic clubs reflecting a diversity of background and experience, cultural houses and their leadership, faculty councils, and affinity groups.

During these initial meetings, 21CP asked for referrals to other groups, individuals, and New Haven community members who participants believed should be engaged in the process. These requests led to further engagement with additional organizations, clubs, affinity groups, individuals, and community members during subsequent on-site listening sessions.

21CP conducted listening sessions with a goal of understanding participants' experiences, history, views, expectations, criticisms, suggestions, and values with respect to YPD and public safety at Yale. Each facilitated dialogue aspired to promote transparency, honesty, and openness through listening through the creation of a platform by which all stakeholders were able to communicate effectively – to hear and to be heard. In practice, this process at times required community

members to give voice to their experiences and emotions, to share information, and to participate in providing structured input and feedback on what Yale and YPD might do differently or better in the future.

At the beginning of all conversations with stakeholders – including students, faculty, staff, YPD personnel, and members of the New Haven community more broadly – 21CP outlined for participants that our goal was to listen and understand experiences and perspectives. Consistent with that objective, 21CP indicated that it would be taking notes about what participants said but would not associate their comments with any specific identifying information. Accordingly, throughout this report, when we quote individuals or characterize comments, the source is identified only in broad terms (i.e. “an undergraduate student,” “a staff member,” “a community stakeholder,” and the like) to provide general context.

Generally, 21CP's listening sessions lasted between 60 and 90 minutes. Individual participants introduced themselves by name, major or academic department, and the duration of time they have been a part of the community. Participating 21CP members introduced themselves and provided their professional backgrounds. The purpose of the assessment project and its timeline were also addressed. In locations and meeting spaces where it was possible, a 21CP representative displayed notes being taken during the conversation on a screen or board visible to the entire group, in an effort to allow each participant to adjust collected feedback as it was recorded and ensure that it reflected their intent accurately.

All stakeholders were typically asked a series of foundational questions, with 21CP members following up and pursuing lines of inquiry based on the specific responses and particular experiences and ideas that participants articulated. These general questions included:

- How do you know when you've been heard?
- What does safety look like on campus?
- What's working with your relationship with YPD?
- What can be improved with your relationship with YPD?
- What are the barriers to successful public safety on campus?
- What is your relationship with NHPD?

- Do you feel safe with the presence of security on campus? If no, why not? If so, why so?
- When you've experienced a safety concern on campus, how was it handled? What worked or didn't work?
- Who else do you think we should be meeting with as part of this assessment process?

Mindful that the scope of our task did not allow for unlimited community engagement, the 21CP Team remained committed to meeting with as many individuals who were interested in engaging in our time on campus. As noted, 21CP asked participating stakeholders to recommend other community members who should be engaged. Campus stakeholders routinely cited the Yale Students for the Disarmament of the Police, the Yale Black Women's Coalition, and students within a number of the cultural houses as vital voices on police and public safety issues. These groups respectfully declined to engage in the review.

21CP interviewed patrol officers, supervisors, and command staff within YPD, either conducting one-on-one conversations or small focus groups. 21CP personnel participated in ride-alongs and shadowed Yale officers as they conducted their typical duties. Discussions were wide-ranging and candid, with officers discussing their experiences, aspirations, and challenges. Additionally, 21CP met with YPD's police officer union and observed some in-service training sessions.

We note here, as we do at intervals in this report, that the listening-session approach has some limitations. Participation was self-selecting, and we talked to nowhere near a statistically-representative sample of the Yale community. It is entirely possible, if not likely, that our process failed to capture additional and vital points of view.

Nevertheless, among the diverse group of stakeholders who did speak with us, we identified sufficient similarities in terms of issues, concerns, and potential solutions that we could – combined with our independent analysis of data, information, and policies and our direct observation of YPD – formulate findings and recommendations that we believe are responsive to a good number of challenges facing Yale when it comes to policing and public safety.

Separately, 21CP reviewed YPD's policies, practices, procedural manuals, and other written protocols. 21CP requested and received a variety of data on YPD's performance, from crime rates and use of force data to employment data. This analysis of aggregate data assisted 21CP in understanding the Department's performance over time.

We also evaluated YPD in light of the practices of a number of peer campus law enforcement departments – including those at Brown University; the University of Chicago; Harvard University; the University of Southern California; Vanderbilt University; and the University of Virginia. Several of these institutions provided 21CP with detailed information about their policies and performance, and we are grateful to the departments for assisting.

We considered all of these inputs – our conversations with Yale stakeholders; independent observations and experiences with YPD and the campus community; analysis of YPD data; review of YPD policies, procedures, protocol, training, and other materials; and others – in light of best practices in the field and the practices of other campus police departments. Especially as this report discusses a number of operational areas, this report outlines the nature, and sources, of these best practices.

Pillar 1: Reimagining Public Safety at Yale

This report's first set of recommendations focuses on what we call "reimagining public safety at Yale." By this, we mean the process of critically analyzing and restructuring the structure of public safety at Yale – what entities provide safety services, how they relate to one another, and how they carry out their functions.

We speak in terms of "public safety," rather than policing or law enforcement, to emphasize the role that policing increasingly has in partnering and coordinating with other government and social services to preserve and enhance community well-being. Traditionally, policing functions have focused on "law enforcement" and "order maintenance."²² Although "fighting crime" and enforcing laws usually remains a core area of focus for police agencies, focus has increasingly turned to how law enforcement can serve as one tool in a comprehensive toolkit that helps to solve community problems.²³

21CP makes two primary recommendations for reimagining how public safety works at Yale. First, we recommend that Yale build on its existing Department of Public Safety structure to establish a true differential response model, in which the best public safety tool is made available to address appropriate community problems. While law enforcement may be the necessary or best response to some campus issues, other community resources – from the Yale Security Department and campus mental health providers to deans and advisors in residential colleges – may be better situated to respond. For example, based on data for calls for service made to YPD from January 1, 2014 through mid-October 2019, YPD officers responded to 749 noise complaints.²⁴ A differential response model might route such calls to non-YPD campus resources so that safety resources other than police officers respond.

The adoption of a formalized differential response model will provide YPD officers with more time to engage in the type of community and problem-oriented policing that this report addresses in other recommendations as well as in core law enforcement and crime prevention activity. It will also provide services to the Yale community that may be understood by that community as less intrusive. As this report discusses, 21CP's conversations with stakeholders suggest that at least some community members believe that YPD's presence is too significant on campus, or that the Department's response to lower-level, "quality of life" concerns is unnecessary, undesirable, or even harmful. 21CP believes that a differential response approach may help target the services that YPD does provide while giving the Department more opportunities to engage with the community in a non-enforcement capacity, which numerous Yale stakeholders say that they want.

Our second primary recommendation is for the University to engage in a community-driven, collaborative process to formulate a new Public Safety Vision. 21CP identified a hunger across Yale stakeholders – students, staff, and faculty alike – to talk about the best ways to keep the community safe and promote community well-being. Forward-thinking approaches in policing are emphasizing the primacy of community participation in policing²⁵:

The community's voice should inform all aspects of department operations, from how departments are structured to how officers use their time. Department leaders should seek community members' concerns and desires when devising policing strategies, and community members should be able to provide input when policies are created and revised Departments that seek community voice enhance police

²² Larry K. Gaines and Victor E. Kappeler, *Policing in America* 15 (8th ed. 2015).

²³ See, e.g., Julia Ryan, "A Natural Connection: The Role of Public Safety in Community Development," *LISC.org*, <https://www.lisc.org/our-resources/resource/natural-connection-role-public-safety-community-development> (Jan. 25, 2020); Center for Popular Democracy, *Freedom to Thrive: Reimagining Safety & Security in Our Communities* (2017), <https://populardemocracy.org/sites/default/files/Freedom%20To%20Thrive%2C%20Higher%20Res%20Version.pdf>; Madeline White, "Policing with Patience: How the Role of Police Officers is

Drastically Changing," *KIVITV.com* (Feb. 17, 2019), <https://www.kivity.com/news/policing-with-patience-how-the-role-of-police-officers-is-drastically-changing>.

²⁴ Yale Police Department, Calls for Service 5 Years, Events by Nature Code by Agency (provided to 21CP Solutions Nov. 2019).

²⁵ See, e.g., Barry Friedman, *Unwarranted: Policing Without Permission* (2017); Tracey Meares, "Policing and Procedural Justice: Shaping Citizens' Identities to Increase Democratic Participation," *111 Northwestern University Law Review* 1525 (2017); Imani J. Jackson and Frank LoMonte, "Policing Transparency," *Human Rights* (Jan. 7, 2020).

legitimacy and strengthen democracy. Many cities are experimenting with models that amplify community perspectives on police operations.²⁶

With major jurisdictions engaging in broad conversations with their communities about how policing should function in their cities, Yale is well-positioned to do the same for the purposes of the campus community.

Close readers may find some tension between Primary Recommendations 1 and 2 – and, for that matter, between the concept of the Yale community determining the direction of public safety services for itself and providing highly prescriptive recommendations in the remainder of the report. We concede that the Yale community, in its deliberations about a Public Safety Vision, could conclude that a differential response model or other specific recommendations about YPD’s practices are ill-suited for the campus or provides an incomplete solution to its needs. However, consistent with our scope and charge, this report inventories all relevant recommendations so that Yale can be best informed as it ideally decides, for itself, the best approaches for policing and public safety going forward.

Primary Recommendation 1. Yale should strengthen its Department of Public Safety to promote a first-in-class differential response model while better integrating its currently disparate and sometimes siloed public safety functions.

In 2015, Yale restructured some of its public safety operations under a newly-created Department of Public Safety. It named YPD Chief Ronnell Higgins as the first Director of Public Safety. Functionally, the most significant effect of the consolidation was that Yale Security now report to Chief Higgins and the Department of Public Safety.

The unified Department of Public Safety approach provides the University with a pre-existing structure for more dynamically integrating and coordinating existing public

safety functions. Although it appears that YPD interacts well with other departments and groups that provide safety-related services on campus, there are many, additional steps that Yale can take to use the Public Safety structure as a platform for strategically providing a differential response to community issues.

Recommendation 1.1. Yale’s Department of Public Safety needs to expressly develop a comprehensive, differential response model focusing on matching the best and most effective response to calls for service and law enforcement responses.

The Department of Public Safety structure at Yale provides an opportunity to implement a coordinated differential response model to public safety issues:

Differential police response (DPR) strategies involve efforts to systematically differentiate among requests for police service in terms of the forms of police response that are optimal. DPR strategies provide for a wider range of response options that the traditional one of dispatching a patrol officers as quickly as possible.²⁷

The concept of differential response is not new, with policing and criminal justice literature discussing it, in some form or another, for decades. In the early 1980s, the National Institute of Justice designed inquiries to examine whether individuals who needed public safety services were satisfied with various alternatives to response by a police officer, finding that “[m]ore than 90 percent of callers in . . . three cities who received the alternative responses were satisfied with them.”²⁸

Today, police “[o]fficers spend their time responding to pressing problems” that go beyond enforcing laws or fighting crime – “overdoses, homelessness, and mental-health crises, to name a few.”²⁹ Police must “[p]ick up the pieces of what society has failed at solving,” as “when no one

²⁶ The Leadership Conference on Civil and Human Rights, *New Era for Public Safety: A Guide to Fair Safe and Effective Community Policing* 22 (2019).

²⁷ Robert E. Worden, “Toward Equity and Efficiency in Law Enforcement: Differential Police Response,” *12 American Journal of Police* 1, 1 (1993).

²⁸ David M. Kennedy, “The Strategic Management of Police Resources,” U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *Perspectives on Policing* 3 (1993).

²⁹ “Are We Asking Police to Do Too Much? 7 Experts Debate the Role Cops Should Play in Today’s Society,” *Philadelphia Inquirer* (Feb. 28, 2019), <https://www.inquirer.com/opinion/commentary/role-of-police-law-enforcement-expert-opinion-20190228.html>.

else can help, we call the cops and ask them to do something.”³⁰

As more jurisdictions recognize that “true public safety requires communities and police departments to work together to coproduce it,”³¹ there has been renewed attention to mechanisms for ensuring that law enforcement and communities both actively contribute to community well-being and safety – rather than forcing law enforcement to address any of a myriad of social and community issues on their own.

Many departments say that they operate under a differential response model.³² However, true differential response is far more than the standard triaging and prioritization of calls for service that must occur at the point of dispatch.

Instead, forward-looking differential response focuses on matching the best and most appropriate public safety response to the situation at hand. It focuses police resources on responding to situations where their expertise and training is most applicable while dispatching other resources when other are best tailored to the situation.

Functionally, a differential response model would formalize, in advance, understandings about what Yale function may address what campus issues. For instance, rather than police being dispatched immediately, calls about loud noise might be uniformly routed to residential college officials and/or Yale Security for initial handling. When dispatchers receive a call expressing concerns about a community member’s mental welfare, it may be that campus mental health professionals are best situated to take the lead on response, with YPD providing backup support at the scene to ensure the safety of both the subject and mental health professional. Reports of lost or missing property might be routed to specific, non-police personnel for triage, with police becoming involved if or when a formal report is to be filed. Meanwhile, calls involving threats or stalking would receive an immediate police response.

³⁰ “Are We Asking Police to Do Too Much? 7 Experts Debate the Role Cops Should Play in Today’s Society,” *Philadelphia Inquirer* (Feb. 28, 2019), <https://www.inquirer.com/opinion/commentary/role-of-police-law-enforcement-expert-opinion-20190228.html>.

The adoption of a true differential response model would require, among other things, a much tighter and more seamless integration of various functions at Yale that relate to public safety, including all Security functions (whether general campus security, security for cultural properties, or security functions for other sensitive locations), emergency management, fire services, campus health and mental health resources, emergency medical response services, and the like. Although some of these services already fall within the Public Safety umbrella, others do not. Structural, organizational changes would likely be a first step, then, in implementing a differential response approach. Pursuant to such organizational changes, a rich, cross-functional stakeholder collaborative would need to address, in detail, the protocols and practices for matching the best response resources to particular types and classes of calls for service and community issues.

21CP recommends this approach in light of several strands of concerns that it heard from Yale community stakeholders. Some community members – many, though by no means all, of whom are individuals of color – say that they feel over-policed on campus. For example, one member of a student affinity group said that the “presence of police on this campus is oppressive and dangerous to people of color.” A graduate student noted, “they are present everywhere. You don’t have escape from them. That can be jarring.”

A participant at a focus group with members of the Medical School community agreed, saying that “under-served populations are over-policed” at Yale and in New Haven. A faculty member noted that “there does seem to be a sense that black males feel more frequently policed by YPD.” Black and brown students, as well as staff and faculty members, did tend to cite more negative experiences with campus law enforcement and had concerns about the frequency and intrusiveness of their interactions with police. A faculty member noted that complaints about targeting and over-intrusiveness extend to Yale Security, as well. As another Medical School community member summarized, “my sense of safety is the result of my community and not necessarily YPD.”

³¹ The Leadership Conference on Civil and Human Rights, *New Era for Public Safety: A Guide to Fair Safe and Effective Community Policing* xxxv (2019).

³² See, e.g., Raymond O. Sumrall, et al, Police Executive Research Forum, *Differential Police Response Strategies*, Police Executive Research Forum (1981).

We note here that the topic of disarming the Police Department arose in some of our listening sessions.³³ The April 2019 shooting of Stephanie Washington, which involved a YPD officer, appears to have focused the attention of a number of community members on the fact that YPD officers, since the Department's founding, have typically been equipped with firearms. For some Yale community members, the risks associated with officers being armed outweigh the risks associated not being armed, such that the Yale community would be safer if YPD officers did not have weapons.

Other stakeholders were concerned less about overall presence than about the performance or behavior of law enforcement when responding calls for service or initiating contacts with community members. For instance, one student recounted being locked out of her on-campus suite. According to her, a YPD officer refused to leave until she found her key and could prove that the key unlocked her door. The woman noted that a large, armed man standing in her doorway was frightening and intimidating. Interestingly, YPD indicates that they do not assist in lock-outs and have not for many years – suggesting some understandable confusion between the roles of YPD and Yale Security.

Other community members cited separate incidents where it appeared that the Department's response appeared disproportionate to the nature of the problem or threat involved. As one University representative remarked, "the perception" in some quarters of campus "is if you call YPD they will come in with guns drawn."

Among stakeholders of this group, there was less concern about the fact that YPD personnel carry firearms than about the circumstances under which an armed officer may respond. A number of students in listening sessions indicated that it was the less the presence of YPD officers than about their arrival, while in uniform and armed, to the scene of a low-level situation that would be highly unlikely to involve the type of deadly threat in which an officer may need to deploy a firearm.

Yet other stakeholders say that YPD's service is helpful and appropriate. For example, a number of members of staff affinity groups, a number of whom live in the City of New Haven, had positive things to say about YPD. One representative indicated simply that "the Police Department cares about this community," with another agreeing that "YPD is dedicated, caring, and quick." Likewise, several undergraduate students noted that, especially in light of the City of New Haven's historical challenges with violence and public safety, YPD's presence is necessary.

Some community members pointed out that, while YPD officers fortunately do not routinely face situations that require them to consider using a firearm, the nature of Yale as an institution and a campus makes access to armed law enforcement desirable. The possibility of an active shooter situation; terrorist threats; criminal activity focusing on high-profile community members; and credible threats against various of Yale's religious, ethnic, racial, and identity groups were all cited as reasons why equipping YPD officers with firearms may be necessary. A faculty member specifically cited recent interactions between YPD and Muslim faith groups as being, in their view, reassuring to those groups in light of potential threats.

In a discussion with a University working group, a group member asked, "Our reliance on the police to pretty much respond to every crisis: Is that the best structure in this environment?" 21CP believes that this type of inquiry – closely evaluating the circumstances in which an immediate police response or direct law enforcement interaction is necessary and identifying alternatives to police involvement that might nonetheless address community issues – may be the sort that can accommodate the varying experiences, views, and values of the Yale community summarized briefly here.

A differential response model looks to deploy police when it is necessary – because, for instance, of a threat to community members or the need to enforce violations of the law – but looks to deploy alternative resources when it is possible. This can enhance the quality of the University's response, focusing police resources on the types of response

³³ See generally Harry Zehner, "It's Time for Accountability and Disarmament at Yale," *DailyCampus.com* (Apr. 25, 2019), <https://dailycampus.com/stories/2019/4/24/its-time-for-accountability-and-disarmament-at-yale>; Leslie Mayes, "Protestors

Call for Yale Police to be Stripped of their Guns," *NBCConnecticut.com* (Apr. 26, 2019), <https://www.nbcconnecticut.com/news/local/protesters-call-for-yale-police-to-be-stripped-of-their-guns/154317/>.

for which it is best suited and trained, and reducing the enforcement presence of officers on campus. Although it is unlikely to provide a solution to all Yale stakeholders, streamlining and focusing YPD's presence could be a step in the right direction for many community members.

Recommendation 1.2. The operations of YPD and the Yale Security Department need to be more dynamically and meaningfully integrated.

The Yale Security Department dates to the 1970s.³⁴ It has “grown from three officers patrolling the Medical School to a department with 150 officers and managers that . . . patrol[] buildings and parking facilities . . . , provides walking escorts and nighttime safe rides, runs theft deterrent programs, and provides lockout services.”³⁵ Yale Security reports that it handles at least 15,000 lock-outs per year and numerous responses to alarms (including fire and door alarms). The Department maintains three offices across Yale's campus.³⁶ It is currently led by Director of Security Duane Lovello, who was formerly the Chief of Police of the Darien, Connecticut Police Department.

Despite their integration on paper, the Yale Security Department and Yale Police Department are not yet as deeply or dynamically integrated as they should be – especially given that they are both Departments within the Public Safety structure at Yale.

This report elsewhere highlights the fact that some students, faculty, and staff do not see or make a distinction between Yale security and YPD. To further complicate matters, Yale's museums and libraries – often called Yale's “cultural properties” – have a separate security force. For some, then, the police and security are functionally the same.

For others, there is a meaningful difference. For some, it is positive. Yale Security, in the words of a graduate student, “create[s] a presence of security without controversy.” Some groups indicated to us that they will route issues or requests to Security rather than YPD because they want a lower-level response. For others, the difference is negative, with several students noting the sense that Yale Security

may unfairly single out minority students for greater scrutiny.

Senior command within YPD conceded in discussions with 21CP that “Security forces play a vital role in visibility on campus.” With more security personnel than officers around campus, Yale Security may often be the initial eyes and ears of problems and may be positioned more closely to issues or incidents that warrant response.

Consequently, 21CP recommends that Yale focus on better integrating YPD and Yale Security's operations in a number of ways.

Recommendation 1.2(a). YPD and Yale Security's dispatch functions, which are currently separate, should be united into a single entity. This includes dispatch systems used by security functions at Yale's cultural properties and museums.

Yale Security maintains a Central Alarm Facility that houses Yale Security's dispatch function. This dispatch entity is separate from YPD dispatch. Based on call volume, call types, and the volume of other responses (such as to alarms), 21CP cannot readily identify reasons why the University should retain separate security and police dispatch functions. 21CP recommends that Yale work toward the various campus dispatches being unified to, among other things, prevent important public safety information from being siloed within one campus department or another and facilitate the type of differential response recommended elsewhere in this report.

Recommendation 1.2(b). YPD and Yale Security should regularly train together to ensure common understandings, mutual expectations, and enhanced familiarity and camaraderie among the public safety branches.

Many YPD and Security personnel say that they would welcome more cross-training between the entities. Doing so is likely to ensure a better, more integrated relationship

³⁴ It's Your Yale, Community, Public Safety, *Yale Security Department*, <https://your.yale.edu/community/public-safety/yale-security-department> (last visited Jan. 24, 2020).

³⁵ *Id.*

³⁶ *Id.*

between Security and Police that allows the groups to better address campus challenges.

Yale Security is also a logical pipeline for new YPD officer recruits. Individuals who already know Yale's campus and stakeholders, and have existing relationships with members of the University community, may be particularly well-suited for employment in a police department focused on community and problem-oriented policing. Although Chief Higgins has made commendable efforts toward cultivating such "in-house" recruits, ongoing co-training may provide YPD Security with greater, productive exposure to both the demands and opportunities associated with the law enforcement side of campus public safety that might attract new police personnel.

Recommendation 1.2(c). Yale's Central Alarm Facility should be expanded.

To the extent that Yale's Central Alarm Facility remains one that addresses both alarm monitoring and dispatching, it should be expanded. Currently, three dispatchers work from a relatively cramped space where they are "literally sitting on top of each other," in the words of one campus employee.

Recommendation 1.2(d). Yale Security's radio systems need to be updated quickly.

Yale is aware that Security's current radio system is rapidly approaching obsolescence. As of October 2019, a consultant had been retained to assist in the selection and procurement of a new system. Whatever radio system the Security Department uses, it should be able to meaningfully interface with the YPD's radio system.

Recommendation 1.2(e). Yale Security should acquire and deploy updated technology, including new dispatch and scheduling software.

The Yale Security Department will benefit from updated technology, including a new dispatch platform and scheduling software. If and when the dispatch and call response functions of Yale Security and YPD are integrated, a single dispatch platform should be used by all Public Safety functions, with Security Officers and YPD alike maintaining access on hand-held devices, which will facilitate the type of

alternatives to motorized patrol that this report recommends.

Recommendation 1.3. Yale Fire response functions, including its full-time fire inspectors, should fall under Public Safety rather than Facilities. Fire alarms should likewise be routed through the more centralized Public Safety dispatch.

Currently, fire response functions at Yale are somewhat siloed from YPD and other public safety services. The Fire Marshall currently reports to Facilities. In our meetings with Yale stakeholders, senior leaders generally agreed that Fire should be under the Public Safety umbrella going forward.

Further, fire alarms should be fielded and addressed by a centralized Public Safety dispatch, if and when it exists. Especially given the size of the Yale footprint and the types of services that the University typically needs to provide, Yale should move to a single, integrated function that addresses all calls and indicators for fire service or attention on campus.

Recommendation 1.4. The Department of Public Safety should consider the expansion or strengthening of public safety services as part of its adoption of an integrated, differential response model.

During stakeholder listening sessions, some individuals and groups suggested that the Department of Public Safety could expand service to some places or issues on campus that require it. Although 21CP believes that discussions about where to focus public safety resources should be part of the broader, community-driven Public Safety Vision process described elsewhere in this report, we do highlight two issues that Yale may want to address even as that process is considered: the shuttle system and traffic management.

We heard a good deal about the campus shuttle system. Clearly, it is an important University service, and some students and faculty believe that it is less secure than it should be. Yale may explore additional training opportunities for bus drivers to ensure coordination with campus safety resources.

Several others cited traffic safety and traffic management considerations as areas where Public Safety could make a significant impact on the well-being of campus. As one focus group participant noted, “red lights are a suggestion around here at best.” Another participant remarked that “seeing the YPD out to work on the traffic to help us stay safe would be a positive.” Representatives of the Medical School noted that there have been some high-profile, traffic-related deaths and incidents in recent years and suggested that Yale Public Safety could help by increasing its presence at busy pedestrian crossings and promoting traffic and pedestrian safety campaigns on campus. However, as other stakeholders have concerns and complaints about elevated traffic stops, particularly as they impact community members of color, any enhanced traffic presence should be implemented thoughtfully and with the collaboration of the Yale community.

Recommendation 1.5. YPD should continue investing in strengthening its overall relationship with the New Haven Police Department.

The City of New Haven continues to face challenges with crime and public safety. Throughout the 2010s, New Haven regularly was included in analyses of Connecticut’s, and in some years the country’s, most dangerous cities.³⁷ After some decline toward the end of the decade,³⁸ violent crime spiked in the city in the latter half of 2019.³⁹

Given the geographic location of the University, many members of the Yale community, on any given day, will pass back and forth between areas that are within the jurisdiction of YPD and those that are within the jurisdiction of the New Haven Police Department. As a general matter, NHPD, a department of approximately 435

sworn personnel, has law enforcement jurisdiction for all areas around Yale and New Haven for which YPD does not. These geographic and jurisdictional realities lead to some distinctive dynamics with respect to public safety at Yale and within New Haven. For instance, the New Haven Green, a 16-acre public park and square, is located at the heart of the City of New Haven⁴⁰ – but also serves as a notable Yale campus border, with residential colleges located immediately to the northern side of the Green. The area has historically had the reputation as being an epicenter of public safety issues.⁴¹

The nature of New Haven and Yale’s geography often makes it difficult to know precisely where the University’s boundaries start and stop. It is eminently possible that a public safety incident might start in either the City of New Haven or Yale, respectively; cross over into the other jurisdiction; and then head back to the other again – simply by virtue of an individual or an activity spanning the course of a few city blocks. This report elsewhere addresses some more specific recommendations on the coordination of law enforcement services in such situations. The point here is that the nature of Yale’s boundaries with respect to the City of New Haven make the relationship between YPD and NHPD particularly important.

At the same time, many graduate and professional students, as well as faculty and staff, live off campus. Many other Yale community members regularly commute from, or at least through, neighborhoods that NHPD patrols. These individuals may spend just as, if not more, time in New Haven proper, where NHPD serves, than at Yale locations where YPD patrols.

³⁷ Bob Connors, “New Haven 4th Most Dangerous City: Report,” *NBCConnecticut.com* (May 25, 2011), <https://www.nbcconnecticut.com/news/local/new-haven-4th-most-dangerous-city-report/1885063/> (identifying New Haven as the nation’s fourth most dangerous city in 2011, behind Flint, Michigan; Detroit, Michigan; and St. Louis, Missouri); Federal Bureau of Investigation, 2017 Crime in the United States, *Connecticut: Offenses Known to Law Enforcement by City, 2017*, <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/table-8/table-8-state-cuts/connecticut.xls> (last visited Jan. 24, 2020) (showing New Haven as the city with the third-highest level of violent offenses in 2017); Samuel Stevins, “America’s Most Dangerous Cities,” *247WallSt.com* (Oct. 23, 2019), <https://247wallst.com/special-report/2019/10/23/americas-most-dangerous-cities/2/> (identifying New Haven as the 47th-most violent city in the country based on 2018 statistics).

³⁸ Sammy Westfall, “New Haven Crime on the Decline,” *Yale Daily News* (Jan. 18, 2019), <https://yaledailynews.com/blog/2019/01/18/new-haven-crime-on-the-decline/>.

³⁹ Ben Lambert, “Crime, Particularly Violent Offenses, Spikes in New Haven in Recent Months,” *New Haven Register* (Dec. 11, 2019), <https://www.ctinsider.com/news/nhregister/article/Crime-particularly-violent-offenses-spike-in-14898972.php>.

⁴⁰ Walk New Haven, Downtown Tour, *New Haven Green*, http://www.walknewhaven.org/tours/sites/downtown/downtown_site01.html (last visited Jan. 24, 2020).

⁴¹ See, e.g., Mike Massaro, “One Year Later: K2 Overdoses on the New Haven Green,” *NBCConnecticut.com* (Aug. 15, 2019), <https://www.nbcconnecticut.com/news/local/one-year-later-new-haven-k2-overdose/123091/>.

Finally, the nature and size of Yale's Police Department requires a close relationship with NHPD. For instance, as a general matter, the investigation of major crimes are handled by NHPD simply because they have more specialized personnel, who investigate these such cases more regularly. For instance, whereas NHPD has personnel who are specially trained to investigate homicides, it would likely be unnecessary given past trends and the size of the organization for YPD to stand up a dedicated homicide unit. Ultimately, Yale's campus department addresses different types of challenges and focuses on the campus community – making NHPD, which serves a larger and broader community, well-equipped to provide resources in areas where it would make little sense for YPD to invest.

21CP spoke with personnel at both YPD and NHPD about the relationship of the agencies. Generally, and especially at the upper levels of the departments, both departments appear satisfied with the quality of the relationship and the scope of cooperation. For example, Yale attends NHPD's COMPSTAT meetings, which evaluate and analyze crime and public safety data. NHPD crisis, bomb, and hostage teams have all incorporated Yale personnel. At the same time, Yale's SWAT team will back up New Haven's on request.

NHPD and YPD also engage in some community outreach efforts together. One community member, for instance, complimented the agencies for their "great collaboration" on the National Night Out in Newhallville, a New Haven neighborhood – where police officers engaged neighborhood youth, danced with community members, and generally engaged with neighborhood residents in an approachable manner.

At the same time, it appears that Yale and NHPD's relationship may benefit from some additional improvements. First, YPD may want to work with NHPD to ensure standardized protest response and management protocols for demonstrations and First Amendment events. Many Yale community members said that NHPD's response to protests after the April 2019 shooting incident was substantially different from, and less effective than, YPD's response. Multiple students noted, emphasizing the theme discussed elsewhere about the challenge that many have in distinguishing NHPD and YPD, that the nature of the protests made it particularly difficult for people to distinguish YPD and NHPD officers – such that the

response of NHPD was attributed, perhaps inappropriately, to YPD.

Second, NHPD and YPD representatives appeared to agree that more joint training opportunities would be beneficial. In particular, it is 21CP's understanding from its interviews with a range of personnel that there have not been any recent, integrated training between YPD and NHPD on critical incident response, active shooting scenarios, and other emergency situations that might implicate cross-agency response.

Third, YPD and NHPD should make additional efforts to ensure collaboration on the level of patrol personnel. It became apparent to 21CP that the generally warm feelings at the top of the organization may not always extend to everyone in the agencies. YPD personnel can sometimes feel disrespected by NHPD personnel, who they believe do not view Yale's officers as "real" police officers. Meanwhile, some NHPD officers appear envious of the resources and support available to YPD officers by virtue of their affiliation with a campus department and think that YPD officers look down on the work of their New Haven counterparts.

Recommendation 1.6. The Department of Public Safety should convene integrated trainings across its various functions (police, security, fire, etc.), related campus resources, and New Haven stakeholders.

Nearly all YPD, Yale Security, and other public safety personnel who we interviewed indicated that more, regular, and integrated trainings among the various safety functions at Yale would benefit the agencies and the University. 21CP recommends that, in particular:

- YPD should coordinate an integrated training with NHPD for active shooting situations and critical incident response.
- The Department of Public Safety should help to coordinate active shooter, fire response, and other drills for Yale faculty and staff.
- YPD and Yale Security should conduct cross-training with Yale Mental Health Services.

Recommendation 1.7. The Department of Public Safety should be involved early in discussions regarding the expansion of Yale’s footprint and/or the acquisition of new buildings or properties so that it can assess the potential implications for deployment and service delivery.

In conversations with several stakeholders, 21CP heard about the Department of Public Safety sometimes being among the last to know about new acquisitions to the Yale campus or other changes in campus infrastructure that may implicate the provision of safety services. This suggests that the University is not benefitting from an important voice in the deliberative process surrounding campus growth as much as it could. It also leaves Public Safety needing to scramble to redeploy staff and resources and provide necessary services. Going forward, the Department of Public Safety should be involved early in discussions that implicate the size, scope, and boundaries of Yale’s footprint so that it can assess the implications for deployment and service delivery.

Recommendation 1.8. Yale should enhance the line of communications between the head of the Department of Public Safety and the University President, especially to the extent that the Department of Public Safety receive expanded responsibilities.

Currently, Chief Higgins and the Department of Public Safety report to the University’s Vice President of Human Resources and Administration, Janet Lindner. It appears that this relationship is a close and collaborative one.

Nevertheless, given the importance of security and safety issues on any college campus, the University may want to consider ways of enhancing the flow of real-time communication between the Department of Public Safety and the University President. This is especially true if the Department of Public Safety gains new functions and responsibilities as part of implementing a differential response approach.

Recommendation 1.9. YPD should look for opportunities to strengthen its relationship with the University’s risk management function.

The role of the University’s risk management function, as with any organization’s risk management capacity, is to identify operational risks and to try either to keep them from happening or, if they occur, to minimize their impact. Part of Yale’s General Counsel office, the University’s Risk Management function addresses issues, like claims, and tries to prevent potential issues, by reviewing practices and operations. For instance, on Yale’s campus, Yale personnel indicate that auto accidents involving University personnel or equipment are the most typical claim, and Risk Management handles those claims while considering how the University might reduce the risks of auto accidents.

According to YPD and University personnel, the risk management function does not interact with police as regularly as it once did. Although no stakeholders indicated that this has resulted in any particularly notable problems or challenges, 21CP recommends that YPD and Risk Management representatives routinely confer – so that YPD can update Risk Management on its initiatives, performance, and challenges and Risk Management can provide insights on law enforcement issues. YPD might also, given that officers have their eyes and ears constantly on the Yale community and campus, provide insight on various practices on campus that may be unsafe or problematic.

It also appears that Yale’s risk management function could support YPD in analyzing the costs and benefits of particular public safety initiatives, implementing new technologies, and the like. For example, University personnel noted that risk managers previously conducted an analysis regarding a proposal to give out bike locks to University community members in an effort to curtail bike theft. Representatives of risk management told 21CP that it would welcome the opportunity to do more of this type of analysis around crime prevention and campus safety efforts.

Primary Recommendation 2. Yale and the Department of Public Safety should engage in a community-driven, collaborative process to establish a Yale Public Safety Vision – identifying what public safety looks like at Yale going forward and establishing a new, shared agenda for policing at the University.

The theme that most frequently and overwhelmingly emerged in 21CP's listening sessions with students, faculty, and staff was the sense that policing on campus happens *to* the community rather than *with* the community. The recurring, express criticism was that Yale, or at least YPD, sets a public safety agenda that is not informed by authentic community collaboration or consistent with community needs.

We heard a great deal from diverse stakeholders that pointed directly to the need for a comprehensive community discussion that defines public safety at the University and explores what policing on campus should be:

- A member of a professional student organization composed of students from a traditionally underrepresented racial group recommended that the police collaborate with the community to structure and contribute to the “planning” of the Department, rather than simply show up and provide information about what the PD is already doing.
- An undergraduate member of an affinity group suggested that, at heart, issues around policing at Yale are a public policy issue: “who and what should YPD police? How should they police? And what services should they provide?”
- A member of a graduate student organization echoed the sentiment of many, saying that they perceived the priorities of the YPD to be always formulated from a “crime control lens” when the Yale community wants to have the conversation about what YPD and how it carries out its role.
- Members of a graduate student organization characterized the predominant sentiment of their members as being really interested in actionable change that addresses solutions rather than YPD merely changing rhetoric or communications strategies. As one student noted, students want to know the purpose and mission of YPD.
- A staff member observed that students “need to be more heard and their feelings need to be reflected, and the solution[s] created need to be marketed.”

- A group of graduate and professional students aligned on the possibility of dramatically increasing student voice on various University and YPD committees addressing public safety.
- A focus group of graduate students observed that prior townhalls around the subject of policing were by and large unproductive – but believed that they could be improved with stronger facilitation, a clear structure, and a substantive focus.
- A representative of an undergraduate student organization observed that “campus-wide, students need more access to information and administrative decision making.” They also noted that “students don’t know what is expected of them when interacting with YPD.”

21CP is aware that the above evidence is, to some relevant extent, qualitative and may be unrepresentative. It could be that a scientific poll of the Yale campus highlighted different sentiments. However, across our many discussions with numerous individuals, we could not deny that a great deal of feedback spoke to a desire among Yale stakeholders to have a substantive conversation about what safety is to them and to the Yale community.

Thus, even where community stakeholder recommendations did not always conceive of it in quite this way, it appears to 21CP that the Yale community needs an opportunity to determine what it is that the police should do, going forward, at the University – to discuss, constructively and independent from what YPD has traditionally done on Yale’s campus, how public safety should work. For purposes of this report, we refer to this community-driven, collaborative process and the resulting output as the Yale Public Safety Vision.

In our conception of the Yale Public Safety Vision process, University stakeholders would engage in a structured process aimed at exploring how Yale’s diverse communities see and feel safety – and how services at the campus may need to change in light of this. Although we know that this discussion will require that community members have the space to give voice to their histories, concerns, and experiences, as the past must inevitably inform the future, the focus of the Public Safety Vision must be on, regardless of what happens elsewhere or what has happened at Yale at

the past, what the role of YPD and public safety services on Yale's campus should be in the future.

The concept of community members partnering with police to engage in structured, candid discussions about public safety and the role of policing is not novel, even if it is used far less frequently than is likely optimal. For instance, the San Francisco Police Department developed a Community Policing Plan as part of a collaborative reform initiative undertaken with the Department of Justice's Community Oriented Policing Services Office.⁴² Writing in *Police Chief* about the development of such a plan for the City of San Francisco, the Chief of Police and Commander of the Department's Community Engagement Division cited four lessons learned, all of which point to the fundamental importance of community collaboration in the development of a community policing approach:

- Development of the plan must be a true partnership. Community policing necessitates that the community itself have a voice and so should officers of all ranks
- Beginning the process by outlining desired outcomes from community policing will serve as a guide for the work. It is very difficult to define a process if the end goal is not articulated
- Diverse viewpoints (by demographics, geography, politics, background, opinion of the police, and more) are critical for creating a plan that can be accepted as legitimate by the community.
- Transparency and an open, accessible process are just as important as the resulting plan in earning the community's trust; the act alone of creating a community policing plan is not enough. The community members involved in creating the plan should provide input about how to make the process as inviting and available as possible.⁴³

Similarly, the Cleveland Division of Police, as part of reform under a federal Consent Decree in the wake of controversial use of force incidents, including the shooting of 12-year-old

Tamir Rice, which received national attention, developed a community and problem-oriented policing plan in 2019.⁴⁴ That Plan was the culmination of a major initiative that included City-wide roundtables, meetings in various police districts, and discussions and outreach with substantial numbers of community organizations comprised of or representing Cleveland's diverse communities.⁴⁵

The plans generated in San Francisco and Cleveland were not perfect. No community policing plan will be. Community engagement and collaboration in both places could have been broader, deeper, and reflective of more engagement with hard-to-reach populations.

Regardless, these major American cities – where discussions about policing have been historically contentious – started their efforts to develop a community policing approach by asking the community what policing should look like in their communities going forward. If major American cities, of hundreds of thousands of residents, can turn to the community to develop a vision for policing, Yale University can do the same. If smart, forward-looking leaders in those cities could develop mechanisms for soliciting and structuring community input, the University's faculty, staff, and student leaders can do the same.

We note the possibilities of an inclusive, vision-setting process in large municipalities elsewhere – with conversations just as, if not more, charged as on Yale's campus – because our listening session discussions identified some potential resistance to the concept in some quarters of the University. One observer from the New Haven community said that “the problem is the Yale students don't appear to want to really engage in finding solutions” to policing at Yale – instead wanting to discuss broader, national issues involving law enforcement, criminal justice, and race. Some faculty members indicated that, however well-intentioned, the ever-changing nature of the Yale campus – with students arriving and graduating each year – would risk indeterminacy even if everyone currently on campus managed to buy into a process and

⁴² See generally U.S. Department of Justice, Office of Community Oriented Policing Services, Collaborative Reform Initiative, *An Assessment of the San Francisco Police Department* (2016).

⁴³ William Scott and David Lazar, “Community Policing Strategic Plans,” *Police Chief* (Oct. 3, 2018).

⁴⁴ Cleveland Division of Police, *Community and Problem-Oriented Policing Plan* (2019), <https://static1.squarespace.com/static/58a33e881b631bc60d4f8>

[b31/t/5c6c64fc15fcc006885690b1/1550607613358/CDP+Community+and+Problem-Oriented+Policing+Plan.pdf](https://static1.squarespace.com/static/58a33e881b631bc60d4f8/b31/t/5c6c64fc15fcc006885690b1/1550607613358/CDP+Community+and+Problem-Oriented+Policing+Plan.pdf).

⁴⁵ See Cleveland Police Monitoring Team, *Sixth Semiannual Report 14–19* (March 2019) (describing development of Community and Problem-Oriented Policing Plan); “Clevelanders Discuss Ideas for Community Policing Policy,” WOSU.com (Mar. 22, 2017), <https://radio.wosu.org/post/clevelanders-discuss-ideas-community-policing-policy> (addressing process of public input for community policing plan).

vision at a given moment. Other faculty and administrators worried that student stakeholders might not appreciate the diversity of interests and experiences that a diverse community like Yale's needs to accommodate when providing basic safety services.

Separately, some might argue that the breadth of 21CP's recommendation for community involvement and community direction at Yale, in the form of the Public Safety Vision, is more significant and sweeping than the exemplar processes in San Francisco and Cleveland cited here. The initiatives there were focused on a more specific issue – community policing – than the basic role of police and public safety in the community.

Based on 21CP's experience interacting with students, faculty, staff, administrators, and YPD personnel, we think that Yale can, and should, challenge itself to help lead the national conversation on renewing and resetting and police-community relationship. First, the size of the Yale community and Police Department may be particularly beneficial in this regard. In contrast to a city like San Francisco or Cleveland, the size of the Yale community and Police Department is relatively small. It may be more possible to develop a comprehensive, substantive engagement process that provides ample opportunities for as many Yale community members as possible.

Likewise, 21CP was consistently impressed, throughout its engagement in this assessment, on the thoughtfulness of Yale stakeholders. Yale faculty, students, and staff are talented and thoughtful. Importantly, even among strong critics of police and of YPD, and even when discussions became heated or impassioned, dialogue about law enforcement was more respectful and, in some critical ways, more well-informed than we have typically experienced in other jurisdictions. We are confident that the University can support and sustain a structured conversation that grapples with core issues about the role of policing.

How the process is structured will matter. The Public Safety Vision cannot be unilaterally imposed. Individuals and groups from all stations should be able to convene, participate, and provide initial input on how the initiative will work and what the final product of the Vision will be. If the project is led by YPD alone or masterminded entirely by

the Yale administration, the purpose will be defeated. If the community is to determine, for itself, how it wants to be policed, then the community needs to drive the process of how that is determined.

At the same time, the process must be solutions-oriented. 21CP is mindful of the endless politics and bureaucracy that can seem endemic in university life. The ultimate purpose of the Public Safety Vision is to articulate a clear, actionable view of how safety services are provided on the campus. Groups or individuals who are not willing to roll up their sleeves, actively participate, listen respectfully, consider concrete ideas for the future, and engage with views that are not their own will be ill-suited for the venture.

We could imagine that the outcome of the Public Safety Vision process would be a written document that outlines the common themes or, at the least, the common issues and concerns that the Yale University community identified. The process may produce something as simple as a set of values to which the community wants to see Yale's public safety functions adhere. Beyond the desire for some clear Vision to be memorialized that YPD and the public safety function can use to inform what it does, we leave this the ultimate format of the Vision up to the community to decide.

The Yale community should also consider how Yale and YPD might be evaluated to ensure that they are policing according to the public safety vision. A number of student and faculty groups observed that only when YPD pre-announces metrics for success and allows the community to chart its progress can authentic accountability and transparency be established. 21CP agrees. If the ultimate Vision is vague or amorphous, it will not meaningfully transform the community-police relationship at Yale.

Pillar 2: Strengthening Community Trust and Confidence

This report speaks in terms of “trust” and “confidence” as broad values and goals for policing and public safety at Yale. These terms are regularly used in relation to law enforcement and implicate to a number of other important concepts. Indeed, the concepts of trust, confidence, approval, legitimacy, and procedural justice are distinct, though sometimes used interchangeably both within policing and in the academy.

At least from a rational choice perspective, “you trust someone if you have adequate reason to believe it will be in that person’s interest to be trustworthy in the relevant way at the relevant time.”⁴⁶ A person trusts when they rely on, have faith in, or place confidence in other individuals, organizations, or institutions in the idea that they will act in a specific way in the future.

Trust is often referenced in the positive sense – where one trusts another to do something good or desirable – but one may trust another to do something bad or undesirable. Sir Robert Peel’s oft-cited policing principles from 1829 spoke in terms of a police department’s obligation to recognize that “[t]he ability of the police to perform their duties is dependent on public approval of police actions.”⁴⁷ Peel’s sense was that it is not just the police being reliable, or reliably bad, that matters – but that the policing enterprise depends on individuals instead generally affirming and sanctioning the activities and performance of the police.

Peel’s link of approval with the core ability of police to do their jobs is related to legitimacy. “Legitimacy is the belief that legal authorities are entitled to be obeyed and that the individual ought to defer to their judgments.”⁴⁸ As President Obama’s Task Force on 21st Century Policing observed, “[d]ecades of research and practice support the premise that people are more likely to obey the law when

they believe that those who are enforcing it have the legitimate authority to tell them what to do.”⁴⁹

However, contemporary research, thinking, and experience suggests that people do not necessarily need to approve, or sanction, the specific actions of the police to believe that the police have legitimacy. Indeed, the positive or negative outcome of a police-civilian interaction matters less than an individual’s sense that they were treated fairly in the interaction.⁵⁰ This procedurally just treatment focuses on four pillars: (1) treating people with dignity and respect; (2) giving individuals “voice” during encounters; (3) being neutral and transparent in decision-making; and (4) conveying trustworthy motives.⁵¹ The concept of procedural justice therefore positions trust as confidence that the police will reliably and consistently interact with individuals in a fair manner.

Therefore, when this report talks about trust, it is referring to an individual’s level of confidence that the police will treat them with fairness across interactions and encounters – which promotes the police legitimacy.

Trust, while an “abstract concept,” is “firmly rooted in experience[.] individuals’ interactions with other people and their past experiences with institutions create expectations about how they will be treated in the future.”⁵² The Yale University community comes from many different places, with a staggering diversity of backgrounds and life experiences. The University and its Police Department cannot do anything to change prior views of and experiences with law enforcement. However, both can serve to foster the types of interactions and relationships – grounded in respect, fairness, and collaboration – between members of the Yale community and its police department that might create different expectations for how

⁴⁶ Russell Hardin, “The Street-Level Epistemology of Trust,” *21 Politics & Society* 505, 505 (1992) (emphasis added).

⁴⁷ “Sir Robert Peel’s Nine Principles of Policing,” *N.Y. Times* (Apr. 15, 2014), <https://www.nytimes.com/2014/04/16/nyregion/sir-robert-peels-nine-principles-of-policing.html>.

⁴⁸ Tom R. Tyler & Yuen Huo, *Trust in the Law* xiv (2002).

⁴⁹ *Final Report of the President’s Task Force on 21st Century Policing* 9–10 (2015).

⁵⁰ See generally Tom R. Tyler, *From Harm Reduction to Community Engagement: Redefining the Goals of the American Policing in the 21st Century*, 111 *Northwestern University Law Review* 1537, 1543 (2017).

⁵¹ *Final Report of the President’s Task Force on 21st Century Policing* 10 (2015) (citing Lorraine Mazerolle, et al, “Legitimacy in Policing: A Systematic Review,” *The Campbell Collection Library of Systematic Reviews* 9 (2013)).

⁵² Andrew Goldsmith, “Police Reform and the Problem of Trust,” 9 *Theoretical Criminology* 443, 447 (2005) (quoting W. Mishler & R. Rose, *Trust in Untrustworthy Institutions: Culture and Institutional Performance in Post-Communist Societies* 5 (1998)).

community members may be treated by the police in the future.

To strengthen community trust and confidence between the police and the community that they serve, this section makes two primary recommendations. The first is that YPD should implement a comprehensive community and problem-oriented policing model that sees community engagement and problem-solving as the primary way that all officers do business rather than as a specialized function performed by just a few, designated police personnel. The report's recommendations speak to some, but by no means all, of the major considerations that implementing such a model implicates.

The second primary recommendation relates to YPD's transparency. It was apparent to 21CP that Yale community members need more access to information about the Department generally – who they are, what they do, where it does it works, and how it does its work – and to information about YPD's enforcement and call response activity, specifically. We therefore outline some specific ways that YPD might further this wider transparency.

Primary Recommendation 3. As part of implementing the broader Yale Public Safety Vision, and expanding on the success of its Community Engagement officers, YPD should implement an integrated, comprehensive community and problem-oriented policing model – one that sees community engagement and problem-solving as the minute-to-minute way that YPD does policing rather than as an additional, or standalone, function.

The term “community policing” has “suffered from conceptual confusion in both research and practice”⁵³ – with the term tending to “mean different things to different people.”⁵⁴ Although “[t]he concept of community policing took hold in the early 1990s” and has purported to have been “adopted by hundreds of departments . . . , community policing programs vary widely in their approach.”⁵⁵

In some agencies, “community policing” refers to a series of scattered programs and initiatives focused on community engagement and interaction – having officers participate in youth sports leagues, holding “Coffee with a Cop” events, organizing ice cream socials for the community, or sending departmental representatives to the meetings of community organizations. In organizations that take this approach, officers conduct their standard police work or enforcement activity and then make time for organized community engagement activities or programs.

In other agencies, “community policing” refers to a type of program within the department to which specific personnel are assigned. Typically, specific officers are designated as community policing officers or community engagement specialists. The designated officers “do” community policing while the remainder of the force focuses on core enforcement activity.

Real community policing is something else. It is an overriding approach to policing. Rather than a series of disconnected programs, an isolated assignment, or an extracurricular activity, community policing refers to the fundamental way that police conduct their work on a minute-to-minute, shift-to-shift basis. Specifically:

[Community policing] should be the standard operating method of policing, not an occasional special project; (2) it should be practiced by personnel throughout the ranks . . . ; (3) it should be empirical, in the sense that decisions are made on the basis of information that is gathered systematically; (4) it should involve, whenever possible, collaboration between police and other agencies and institutions; and (5) it should incorporate, wherever possible, community input and participation, so that it is the community's problems that are addressed (not just the police department's) and so that the community shares in the responsibility for its own protection.⁵⁶

⁵³ A. Gersamos Ginakis, et al, “Reinventing or Repackaging Public Services? The Case of Community-Oriented Policing,” 58 *Public Administration Review* 485 (1998).

⁵⁴ Susan Cheurprakobkit, “Community Policing: Training, Definitions and Policy Implications,” 25 *Policing* 709, 712 (2002).

⁵⁵ The Leadership Conference on Civil and Human Rights, *New Era for Public Safety: A Guide to Fair Safe and Effective Community Policing* 9 (2019).

⁵⁶ Gary W. Cordner, “Community Policing: Elements and Effects,” 5 *Police Forum* 1, 5 (1995).

Ultimately, a Department that adopts community policing as the way it does its work “embraces a broad view of the police function rather than a narrow focus on crime fighting or law enforcement.”⁵⁷ In this way, a community and problem-oriented policing plan is consistent with the possibility of Yale addressing a differential response model focused on pairing the right public safety and community resources to match the right public safety challenge.

Although some community members expressed skepticism or fear with greater interaction with YPD, 21CP heard repeatedly during conversations with Yale community stakeholders about the desire of many groups to have greater, more sustained interaction with YPD. In fact, in some instances, even where there was skepticism, reticence, and fear about interactions, community members expressed the desire to interact in a more meaningful, sustained way with individual officers.

Many community groups cited, with approval, the presence and efforts of YPD’s designated Community Engagement officers, to whom many referred by name. The officers have worked, full-time, on engaging with Yale’s diverse communities and stakeholders.

These Community Engagement officers are, clearly, highly visible across the Yale community – from dressing up as characters for the First-Year Olympics, participating in an Egg Hunt, and hosting “donuts with cops” events for students to initiating one-on-one conversations, and varying other events to help build relationships with student groups. Their ongoing activities are numerous. The Community Engagement officers have started an Instagram page. They are working in six elementary and middle schools in New Haven. They are producing an internal newsletter on YPD’s community engagement efforts. Representatives of one undergraduate student group said that conversations with the Community Engagement officers “help the YPD feel more accessible.” A graduate student group cited the two Community Engagement officers as a “productive step” that led to “growing” engagement on policing issues among the graduate student population.

The Community Engagement officers appear to function, at times, as the sole or at least the primary mechanism

through which YPD engages in a non-enforcement capacity with the Yale community. They work to build and cultivate relationships while the remainder of the Department focuses on patrol and call response duties. More directly, the two Community Engagement officers do “community policing” while the rest of the Department does “real policing.” Officers told 21CP that a small number – “maybe nine people out of the 63” officers in the Department, in the estimation of one – seem to really understand what the Community Engagement officers are doing. In particular, long-term officers tend to be less involved in, or see less value in, the efforts of the Community Engagement officers.

To this extent, the Community Engagement officers both do too much and too little. On the one hand, as one New Haven community member observed, the Community Engagement officers do a tremendous amount for two people. On the other hand, for as much as the Engagement officers do, they cannot be everywhere. Yale is a large, diverse campus, and the larger city of New Haven encompasses still more residents, organizations, and stakeholders. Simply, two officers alone cannot be the sole, consistent source and face of YPD’s engagement.

Community stakeholders do see a distinction between the Community Engagement officers and the rest of YPD. A member of one focus group of undergraduate students, for instance, noted that the “Community Engagement Team has done a good job of interacting with students, but, with the other police, the interactions aren’t great.” As a member of a Law School group noted, YPD officers typically seem “invisible” unless and until there is an emergency or urgent need.

Clearly, strong engagement by some YPD representatives is better than no engagement – and Chief Higgins and YPD should be commended on identifying, investing in, and supporting this initiative. 21CP met with the Community Engagement officers and was impressed with their commitment to trying many different modes of engagement to reach different students where they are.

In addition to the Community Engagement officers, and as this report addresses elsewhere, numerous stakeholders noted the positive interactions that they have enjoyed with Chief Higgins. Even among at least some individuals and

⁵⁷ *Id.* at 2.

groups that voiced criticism about YPD and the police generally, there was respect for the efforts that Chief Higgins has made to interact with and be present within the Yale community.

Nevertheless, it is not practical or sustainable in the long-term for two officers and the Chief of Police to shoulder the burden of managing YPD's relationships with the community on a day-to-day basis. For one thing, these three can only get to so many places on campus at once, which makes substantial, long-term, and individualized relationships potentially challenging. For another, many important interactions between police and community simply cannot and will not involve the Community Engagement officers. If officers who respond in the event of an emergency have a different philosophy or approach than the Chief and YPD's Community Engagement officers, the disconnect can at best engender confusion and, at worst, distrust.

At many points during 21CP's listening sessions, we heard officers and administrators speak some variation of the view that "campus policing is community policing." Until YPD embraces a truly comprehensive approach that sees community policing and problem-solving as the overriding way that all YPD officers perform their duties, this will not be realized as fully as Yale as it should be.

Nothing about community and problem-oriented policing detracts from or minimizes traditional law enforcement functions. Yale, by the numbers, is a relatively safe place. Crimes to persons are relatively rare. Meanwhile, property crimes reveal a downward trajectory between 2014 and 2018 (with 2019 numbers not finalized in time for 21CP's review).⁵⁸ Likewise, from 2014 through 2018, Yale's reported UCR crime (violent and property crimes reported under the Uniform Crime Reporting program to the Federal Bureau of Investigation) has not increased. YPD, Yale Security, and other University services clearly have played a notable role in helping to support community safety.

Instead, community policing is effective policing. A closer partnership with the community makes community members active collaborators and co-producers of public

safety. In communities around the country, forward-looking police departments and civilians are recognizing that a police department that is highly attuned to the needs of a community can serve it better than one that sees the community as the "other," or even as the "served" entity.

Therefore, all YPD officers need to see community problem-solving and engagement as their fundamental role and task on a shift-to-shift basis. The strong platform that the Community Engagement officers have created should be expanded to become a sustained, ongoing philosophy for YPD's delivery of public safety services. Consequently, 21CP recommends that, as part of the broader process for establishing a public safety vision for the Yale community, YPD should design and implement an integrated, comprehensive community and problem-oriented policing model. The recommendations that follow address some of the important issues that adoption of such a model entails and implicates.

Recommendation 3.1. As part of implementing the broader Yale Public Safety Vision, YPD should develop both a Community Policing Plan, for translating the Vision into actionable organizational roadmap, and a General Police Order specifically addressing community engagement and problem-solving, for translating the community policing approach into policy commitments.

For the Public Safety Vision described previously to become a reality, YPD needs to translate it into a clear and specific operational plan. A Community Policing Plan will translate the Public Safety Vision's description of what policing at Yale should be into for transformation that includes actionable items, role delegation and matrix for goal setting and assessment. Among other things, a Community Policing Plan will answer the questions, "How do we get there from here? What programs, projects, and policies will allow us to achieve" the community-generated Public Safety Vision?⁵⁹

Whereas the Public Safety Vision may speak in terms of end goals, values, and overall approaches, a Community Policing Plan is, in some ways, a project implementation program that "translate[s the] project mission . . . into actionable

⁵⁸ Yale Police Department UCR Total 2014-2019 (provided to 21CP Solutions Nov. 2019).

⁵⁹ Michael J. Palmiotto, *Community Policing: A Police-Citizen Partnership* 252 (2011).

realities.”⁶⁰ As with any other project management tool, the Policing Plan needs, while remaining accessible to the broader Yale community and YPD officers, to “clearly define what needs to be done . . . , by whom, when, and how” through specific deadlines, the identification of specific YPD stakeholders responsible for overseeing implementation of various components of the Plan, and addressing the sequencing of interrelated components.⁶¹

Departmental policy is what codifies clear expectations against which performance can be assessed.⁶² The translation of generalized goals or objectives into clear policy language can assist a department in pre-committing itself to a community-focused approach, embedding the philosophy into the fabric of a department in the same way that a department might embed the values of the sanctity of human life, reasonableness, proportionality, necessity, and de-escalation within a department through a use of force policy.

The New Orleans Police Department, for instance, has a Community Policing and Engagement Policy that addresses the Department’s basic commitments, the elements of its community and problem-solving efforts, how officers log community contacts, how the Department will assess and analyze its community policing performance, and specific commitments regarding ongoing officer training on community policing and engagement.⁶³

Even when an overriding policy on community may necessarily cross-reference many other policies,⁶⁴ or when a broader policy on general officer duties specifically references community-oriented policing responsibilities,⁶⁵ a sound policy will define what community policing is for an

agency and explain basic expectations for officers and supervisors.

The three-step approach that 21CP is recommending – (1) the development of a community-generated Public Safety Vision for Yale, (2) the development of a Community Policing Plan that translates the Vision into actionable steps that YPD can implement, and (3) the implementation of a Community Policing Policy that cements the Department’s approach as a formal commitment of the organization – is, as referenced above, somewhat akin to a process that the City of San Francisco used to address community policing issues. There, the Community Oriented Policing Services Office conducted an assessment of the San Francisco Police Department and recommended that the Department “develop a strategic community policing plan that identifies goals, objectives, and measurable outcomes for all units.”⁶⁶ As the Department started to develop that plan:

Developing a vision of community policing in San Francisco began with an initial assessment of its current strengths, challenges, and values This provided a common vision of what the resulting plan should achieve, needs it should address, and the group’s priorities.⁶⁷

Likewise, only after the Department has a sense of what public safety is for the community, and the broad features that stakeholders want to see with respect to policing, can Yale translate the vision to a specific action plan for implementing Community Policing – which must, in turn, involve the reduction of those action steps into long-term departmental policy.

⁶⁰ Jack Ferraro, *Project Management for Non-Project Managers* 172 (2012).

⁶¹ Kathy Schwalbe, *Information Technology Project Management* 16–17 (2015).

⁶² See generally Mayors Innovation Project, *Community Policing*, <https://www.mayorsinnovation.org/policy/public-safety/community-policing/> (last visited Jan. 16, 2020) (“[P]olice departments should establish community policing policy and train officers on community policing principles and best practices.”)

⁶³ New Orleans Police Department, *Operations Manual*, Chapter 10.0, Community Policing and Engagement (Nov. 2018), https://nola.gov/nola/media/NOPD/Documents/NOPD-Regulations-Manual-Reduced-Size_3.pdf.

⁶⁴ See, e.g., Santa Cruz Police Department, *Santa Cruz Police Department Operations Manual*, Policy 209, Community Oriented Policing,

<http://www.cityofsantacruz.com/home/showdocument?id=73385> (last visited Jan. 16, 2020);

⁶⁵ Metropolitan Police Department, District of Columbia, General Order 101.09, Duties and Responsibilities of Sworn Officials (July 28, 2011), https://go.mpdconline.com/GO/GO_101_09.pdf; Philadelphia Police Department, Directive 4.18, Police Service Areas (PSA Integrity) (June 1, 2009), <https://www.phillypolice.com/assets/directives/D4.18-PoliceServiceAreas.pdf>.

⁶⁶ U.S. Department of Justice, Office of Community Oriented Policing Services, Collaborative Reform Initiative, *An Assessment of the San Francisco Police Department* 105 (2016).

⁶⁷ William Scott and David Lazar, “Community Policing Strategic Plan,” *Police Chief* (Oct. 3, 2018), <https://www.policechiefmagazine.org/community-policing-strategic-plan/>.

Recommendation 3.2. YPD should provide regular, unassigned time for patrol officers to engage with students, staff, faculty, the Yale community, and the New Haven community at-large and to address community problems. At the same time, it should establish mechanisms for officers to log their community engagement and problem-solving activities.

For a comprehensive community and problem-oriented policing approach to work, officers need sufficient time to engage with the community in a capacity that is not purely focused on enforcement or call response.⁶⁸ There is a recurring reality in many jurisdictions “that responding to calls for service leaves [police officers] with too little time to practice community policing.”⁶⁹ When the call volume is lighter, “patrol officers’ time not committed to handling calls is either spent simply waiting for the next call or randomly driving around.”⁷⁰ Police officers at Yale indeed appear to feel overburdened and overextended by their existing responsibilities – believing that they run from one call or predesignated priority to another, leaving little time for impromptu or sustained engagement with Yale community members.

Police departments in cities like Chicago,⁷¹ Cleveland,⁷² and New York⁷³ are implementing community police models that focus on providing officers with time “off the radio” when, not needing to respond to an urgent call for service, they can engage in meaningful relationship-building and can proactively solve community problems. This typically takes the form of specific time during which dispatchers do not route new calls for service to an officer, allowing the officer to engage in community-building and problem-solving activities. Officer engagement efforts are logged and tracked, both to ensure that officers are effectively using the

time and to inventory community and concerns for follow-up and analysis.

YPD should also adjust its staffing and deployment models to provide all officers with designated time “off the radio” to engage with the community and assist in community problem-solving. The Department should concurrently establish straightforward mechanisms for officers to inventory how they use this time, as well as community-focused, non-enforcement activity in which they engage while on more “traditional” patrol and during call response. Any mechanism for information collection in this area should exploit technological solutions that impose minimal friction to officers as end users, allowing for straightforward collection of information in a minimal amount of time on portable technologies.

Recommendation 3.3. YPD should consider broader use of foot, bike, Segway, and other alternatives to motorized patrols in police vehicles.

The effective implementation of alternatives to motorized patrol, including foot patrols and bike patrols, are one common and successful step that can support an overriding community policing approach.⁷⁴

A 2016 Police Foundation study evaluating foot patrol programs nationwide, including the New Haven Police Department’s foot patrol program, found that, among other benefits, foot patrols “facilitate relationship-building between officers and the community,” “[e]nhance the enforcement and problem-solving capability of law enforcement,” “can change how the community views police officers,” and can “increase the legitimacy of the

⁶⁸ Allison T. Chappell, “The Philosophical Versus Actual Adoption of Community Policing: A Case Study,” 34 *Criminal Justice Review* 17–18 (2009).

⁶⁹ *Id.* at 18 (summarizing R.W. Glesnor & K. Peak, Implementing Change: Community-oriented Policing and Problem Solving, 65 FBI Law Enforcement Bulletin, at 14–21 (1995)).

⁷⁰ Gary W. Cordner, “Community Policing: Elements and Effects,” 5 *Police Forum* 1, 3 (1995).

⁷¹ NYU School of Law Policing Project, *Neighborhood Policing Initiative*, <https://www.chicagonpi.org/npi> (last visited Jan. 15, 2020) (describing program to “provide all officers uncommitted time in which to engage in relationship-building and problem-solving within the neighborhoods they serve”).

⁷² Cleveland Division of Police, *Community and Problem-Oriented Policing Plan* 6 (2019)

<https://static1.squarespace.com/static/5651f9b5e4b08f0af890bd13/t/5c796361e2c48323a6b4064b/1551459170892/CPOP+Ex+A.pdf> (providing patrol officers with 20 percent of their time to devote purely to community engagement opportunities).

⁷³ New York Police Department, *Neighborhood Policing*, <https://www1.nyc.gov/site/nypd/bureaus/patrol/neighborhood-coordination-officers.page> (last visited Jan. 15, 2020) (describing “off-radio time” provided to officers “so they are not exclusively assigned to answering calls for service” and “used to engage with neighborhood residents, identify local problems, and work toward solutions”).

⁷⁴ Gary W. Cordner, “Community Policing: Elements and Effects,” 5 *Police Forum* 1, 4 (1995); A. Gerasimos Gianakis, et al, “Reinventing or Repackaging Public Services? The Case of Community-Oriented Policing,” 58 *Public Administration Review* 485 (1998).

police in the eyes of the community.”⁷⁵ These benefits seem to stem from foot patrols making informal, ongoing police-community interactions easier: A community member cannot have an impromptu conversation with a police officer or even exchange a brief greeting with police personnel when officers are restricted to driving down streets alone in closed-up cars. Other studies suggest that foot patrols may be more effective than motorized patrols in addressing crime and public safety issues,⁷⁶ as “[o]fficers on foot patrol can observe more than officers in vehicles.”⁷⁷

A typically cited impediment to the widespread implementation of foot patrols is that it is resource-intensive⁷⁸: Officers can cover more geographic territory more quickly in a car than on foot, allowing the police department to respond effectively to calls for service generated from wider area. The heavy use of motorized patrol is what has allowed the Los Angeles Police Department, for instance, to deploy, historically, around 9,000 sworn officers to police a city of some 4 million people.⁷⁹

Yale’s geographic footprint is, however, much smaller than that of a city like Los Angeles and even the jurisdictions policed by many other departments with similar personnel numbers. Although some of Yale’s campus buildings and assets are not geographically adjacent, which likely requires that YPD continue to use patrol vehicles as at least an element of its public safety strategy, the relatively compact footprint of Yale’s campus would appear to provide an ideal opportunity for an operational strategy built around foot patrols. As it is, Yale’s largely pedestrian-oriented campus typically requires officers to park their cars and navigate to the University’s many buildings and residences on foot.

Many Yale community members have a positive view of Yale Security. Many know the names of security personnel positioned where they live, work, or frequent on campus, and even more find the familiarity of the same faces

positioned in the same places to be reassuring. Although some students, faculty, and staff of color indicate that they have experienced or observed challenges with racial bias in some incidents with respect to security personnel, it appeared that people see, and interact with, Yale Security more regularly and more personally than they do with YPD.

21CP suspects that at least one of the reasons that many Yale community members have a more positive view of Yale Security is that they can interact more directly with them on an ongoing and informal manner. Relationships can be built over weeks and months of saying hello, exchanging small-talk, or addressing smaller, day-to-day issues like being locked out of one’s residence or office. Because most Yale Security personnel perform their duties out in the open, community members can fairly easily engage in these relatively run-of-the-mill interactions. In contrast, YPD officers who drive the streets in and around campus in the patrol vehicles are more inhibited, because of the closed-off nature of the vehicle, from having these organic, ordinary types of community interactions. Having officers get out of their cars and patrol the campus on foot goes a great distance toward having YPD become as approachable and accessible as Yale Security, for many, already is.

21CP has observed the benefits of foot patrols in supporting enhanced police-community interactions in other jurisdictions. Especially if and when coupled with other recommendations outlined in this report about the provision of time to officers exclusively for community relationship-building and problem-solving and assigning officers to designated campus locations or “beats.” The enhanced accessibility that foot patrols create can go a great distance toward the type of accessibility and visibility that many within the Yale community appear to desire.

For those at Yale who believe that YPD is already too visible and too present, it may be that foot patrols compound the issue. This is where the nature of YPD’s patrol – including

⁷⁵ Brett M Cowell & Anne L. Kringen, Police Foundation, *Engaging Communities One Step at a Time: Policing’s Tradition of Foot Patrol as an Innovative Community Engagement Strategy* iv (2016), https://www.policefoundation.org/wp-content/uploads/2016/09/PF_Engaging-Communities-One-Step-at-a-Time_Final.pdf.

⁷⁶ Elizabeth R. Groff, et al, “Exploring the Relationship Between Foot and Car Patrol in Violent Crime Areas,” 36 *Policing* 119, 119 (2013).

⁷⁷ Michael J. Palmiotto, *Community Policing: A Police-Citizen Partnership* 99 (2011).

⁷⁸ Brett M Cowell & Anne L. Kringen, Police Foundation, *Engaging Communities One Step at a Time: Policing’s Tradition of Foot Patrol as an Innovative Community Engagement Strategy* v (2016), https://www.policefoundation.org/wp-content/uploads/2016/09/PF_Engaging-Communities-One-Step-at-a-Time_Final.pdf.

⁷⁹ George Gascón, Los Angeles Police Department, *COMPSTAT Plus*, <http://www.lapdonline.org/inside-the-lapd/content-basic-view/6364> (last visited Jan. 15, 2020).

what they do, how they interact with the community, and even what they wear – is important for inclusion in a campus-wide discussion about the public safety vision for Yale. Because foot patrols make direct, personalized, and relationship-based interactions between police officers and Yale community members more possible than patrol vehicles do, the use of foot patrols is a promising approach worthy of close consideration.

Recommendation 3.4. YPD’s community engagement and partnership efforts need to be grounded in person-to-person listening, candor, humility, and open-mindedness. The engagement must reflect the reality that students come to the Yale community with a significant diversity of personal experience and history with law enforcement.

21CP’s discussions with Yale students, faculty, and staff made clear that how YPD and its officers interact with the community is of primary importance with respect to resetting and renewing the police-community relationship going forward. Enhanced opportunities for officers and community to interact will not change underlying relationship dynamics if YPD does not work to meet members of Yale’s diverse community where they are and interact in ways that foster trust, candor, and respect.

As a threshold issue, YPD needs to redouble its efforts to show up at varying venues or environments that it does not organize, even if that may be uncomfortable. Some parts of the campus that are engaged on police issues do not see YPD as involved in campus discussions about law enforcement and policing as they should be. In a meeting with one undergraduate organization, a representative astutely noted that students and professors on a campus like Yale are going to talk about issues surrounding policing, race, and social justice generally, and that YPD needs to participate in such discussions, even when they are difficult.

This report recommends elsewhere that YPD affirmatively seek out and participate in opportunities to engage in intellectual and academic discussions around campus on law enforcement, constitutional law, civil rights, and social justice issues. The Yale community is an intellectually curious, socially engaged population, and part of YPD meeting members of the community where they are should be engaging in discussions where the experiences of YPD are applicable and useful. If YPD does not engage in one of

the central elements of campus life – the exchange of ideas – then the Department is missing out on a substantial opportunity to cultivate relationships.

In discussions with 21CP, one Law School student articulated a view, which we heard several stakeholders repeat, that the Police Department generally does not engage with critics. Specifically, the student noted that some Yale community members, by virtue of being active members of a national learning environment, bring elements of the national dialogue about police to the campus. In that student’s experience, in those more limited, formal instances when YPD personnel were confronted with the idea that policing has historically been a way to enforce laws enacted to further or perpetrate inequality and racism, officers exhibited dismissive behavior. Yale faculty representatives who have witnessed YPD interactions with student groups observed that many students, especially students of color, have viewed YPD’s engagement posture as “defensive” and stemming from a sense of needing to engage rather than wanting to understand.

One conversation with representatives of YPD’s cultural houses underscored an important theme. Participants suggested that one of the solutions to starting to heal and transform the relationship between police and community was for the Department to “start from a basis of human understanding,” including acknowledging the feelings, history, and experience of Yale stakeholders regarding the police. Stakeholders suggested that YPD start by engaging in conversation and get to know students on a person-to-person, individual basis – connecting on the personal and establishing some common ground.

Consequently, YPD must not only focus on efforts at participating a broader array of campus activities and discussions, but it must do so in a renewed and intentional way. Defensiveness and dismissiveness are not places from which mutual understanding typically arises.

In our discussions with sworn YPD personnel, it was clear that YPD officers take pride in working at Yale and in being a cop. Most see themselves as providing a vital service to the Yale community that allows for community members to study, work, and thrive in a safe, supportive environment. Most cite public-interest-related motivations – wanting to make the world around them better and to do something

that positively impacts others – for becoming police officers in the first instance.

Because of this pride and professional dedication, 21CP recognizes that, for the men and women of the YPD, criticism of the Department and of their profession generally can be difficult to encounter. It can be challenging for individual officers, committed to principles of justice, fairness, and equity to interact with community members who do not believe that police officers are committed to such values. Several members of 21CP, who have spent their careers in public safety, know how challenging, dispiriting, and even painful it can be when criticisms from the public sometimes feel like overly broad-strokes indictments of individual officers.

At the same time, policing is a challenging profession. No one calls 9-1-1 to say, “Hello, how are you?” Individuals ask the police to address emergencies, crises, and urgent situations that they cannot address themselves. Consequently, law enforcement requires individuals who can interact with individuals – of all backgrounds, stations, and experiences – with humanity, integrity, thoughtfulness, and professionalism. These attributes are necessary whether an officer is addressing a public safety emergency, investigating a crime, helping to solve a community problem, or interacting with individuals who are critical of how police do their business.

A focus group of undergraduates thoughtfully articulated the view that YPD personnel need to focus on “listening before speaking.” A number of individuals expressed the perception that, when YPD has engaged in the past, it has talked at community members rather than listening to them – with YPD and its officers appearing to have an agenda or to want to get community members to understand particular points. A Yale staff member familiar with YPD’s interaction with Yale’s cultural houses observed that, while officers “try sometimes at the houses,” their efforts can come off as a “tokenizing approach,” which Yale students “can sniff out quickly” and is therefore “ineffective.”

Honest engagement can be difficult and challenging for all participants. It is natural for people to avoid uncomfortable situations. However, as one Yale stakeholder put it to us, YPD needs to authentically embrace having the difficult conversation. To be sure, a commitment to open-minded, person-to-person listening must be authentic and sustained. It must be manifest both when YPD takes the

lead in reaching out or convening the community and when the YPD is one of many voices in a process or setting that other stakeholders are managing.

The skills and tools necessary to navigate sometimes difficult and charged discussions require practice and fine-tuning. Discussions about topics like the role of law enforcement, the institution of policing, race, gender, gender identity, sexual orientation, bias, discrimination, and disparate impact can be challenging. Even for those police professionals who have been engaging in those discussions for some time and have experience diffusing difficult situations, there is always a great deal more to learn from individuals of diverse backgrounds – and always more that can be done to create environments that promote mutual respect and understanding. To this end, YPD officers may benefit from specific in-service training on facilitation, mediation, cross-cultural communication, and engagement.

Recommendation 3.5. YPD should foster stronger, long-term relationships with Yale’s cultural houses. This should include the formal designation of a liaison who regularly engages with the cultural houses.

Several Yale students suggested that YPD might focus on enhancing relationships with Yale’s various cultural houses, both by fostering relationships during orientation periods and designating specific, long-term liaisons who regularly engage with the houses. These students believe that, because the houses are gathering points for students of various, diverse backgrounds, YPD would do well to make the houses a point of focus.

Specific orientation programs – modeled as discussions about public safety at Yale and in New Haven – might go some distance toward providing a forum for candid discussions about how students of varying backgrounds, experiences, races, ethnicities, religions, and other important characteristics and affiliations might be best served by YPD, as well as how YPD can best support the pursuits of these Yale stakeholders.

21CP reiterates here the importance of long-term, personal relationship-building. Rather than YPD being represented by different personnel from encounter to encounter or meeting to meeting, the Department should explore changes to its staffing and assignment model that might

permit specific personnel to serve as a long-term liaison with the cultural houses. This might allow for YPD personnel and members of the various cultural houses to really get to know one another as individuals, rather than simply representatives of organizations.

YPD's Community Engagement officers recently trained seven officers to be liaisons to the cultural and affinity groups. To the extent that this produces a long-term relationship between the same YPD personnel and the cultural houses, this may well go a great distance in addressing this recommendation.

Recommendation 3.6. YPD should ensure long-term, dedicated assignments of officers to specific geographic areas or University units. Specifically, YPD may consider focusing on its approach to interfacing with residential colleges – perhaps requiring officers to spend defined portions of each shift in and around assigned colleges.

A critical element of many forward-thinking community policing plans is ensuring that patrol officers enjoy what is sometimes called “beat integrity”: the assignment to a specific geographic area with a supporting staffing structure that allows the officer to remain in that area without being called away to address calls for service or staffing needs in other areas.⁸⁰ For example, the Philadelphia Police Department established Police Service Areas (“PSAs”) that serve as “[t]he smallest geographical subdivision of a police district to which police personnel are assigned,” with each of its police districts generally consisting of two or three PSAs.⁸¹ Crucially, “[o]fficers assigned to a PSA . . . handle the majority of the calls for service in that PSA,” though “[t]here will be times when the goal of PSA Integrity may not be met due to call volume.”⁸² In Philadelphia, the goal has been for “between sixty and eighty percent of the calls in a PSA [to be] responded to by an officer assigned to that PSA” – that is, an officer who

works in a geographic area as a long-term, permanent assignment responds to the calls for service of the area and population that they know.⁸³

YPD, as this report summarizes elsewhere, currently has 93 sworn members, including the Chief. The vast majority (80 officers) are assigned to Patrol, which is divided into a North and a South District. The North District is divided into four beats, while the South consists of three beats. These beats are organized around vehicle patrol. Nevertheless, when a call for service arises, officers on any beat and any District may typically be called to respond.

21CP recommends later in this report that the Department conduct a comprehensive analysis of its current staffing and resource allocation approach and make changes to support its needs and operational priorities. A comprehensive staffing and patrol plan will permit the Department to engage in a comprehensive community policing approach that allows officers and the community to interact in an ongoing, non-enforcement capacity. For example, the University of Alabama Police Department recently made its geographic areas of assignments (“beats”) smaller to facilitate implementation of a community policing plan.⁸⁴ We suspect that Yale will similarly need to address its unit and types of assignment to support new initiatives and commitments to community policing going forward.

Separate from YPD's basic organization of patrol personnel into beats and districts, it is 21CP's understanding that YPD currently identifies particular personnel to serve as liaisons between the Department and Yale's residential colleges. Officers and students both indicated, however, that this existing liaison initiative was minimally effective, for a few different reasons. First, some officers indicated that they simply did not have the time to focus on community engagement efforts because they were expected to respond to calls and address other needs. Second, YPD's shift structure and staffing plan appears to make ensuring continuity of these liaisons across time of day and across the

⁸⁰ See, e.g., NYU School of Law Policing Project, *Neighborhood Policing Initiative*, <https://www.chicagonpi.org/npi> (last visited Jan. 15, 2020) (describing Chicago community policing model); New York Police Department, *Neighborhood Policing*, <https://www1.nyc.gov/site/nypd/bureaus/patrol/neighborhood-coordination-officers.page> (last visited Jan. 15, 2020) (describing “off-radio time” provided to officers “so they are not exclusively assigned to answering calls for service” and “used to engage with neighborhood residents, identify local problems, and work toward solutions”).

⁸¹ Philadelphia Police Department, Directive 4.18, Police Service Areas (PSA Integrity) at 2 (June 1, 2009), <https://www.phillypolice.com/assets/directives/D4.18-PoliceServiceAreas.pdf>.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Kelvin Reynolds, “University of Alabama Police Department Boost Community Policing,” WBRC.com (Sept. 12, 2018), <https://www.wbrc.com/2018/09/13/university-alabama-police-department-boosts-community-policing/>.

academic year challenging. Specifically, with different officers working different shifts at any one period, and these shift assignments tending to change over time, it is difficult for YPD liaisons to establish a meaningful presence at residential colleges. Finally, some students suggested that some YPD personnel have not always appeared comfortable in identifying the best ways to engage students within the residential college context.

21CP recommends that YPD explore mechanisms for promoting “beat integrity” that allow the same officers, over an extended period, to work the same place at the same times. This will allow officers to establish specific relationships with community members and develop a heightened sense of community needs and priorities. This should include consideration of assignment and “beats” in a way that may be somewhat untraditional: the incorporation of residential colleges, university schools, and/or particular university buildings and assets to an officer’s beat. In a university environment, and particularly at Yale, the basic units of the institution – the areas where people work, study, and live – are on a different scale than the “neighborhoods” around which the patrol boundaries of a large, urban environment may be drawn. Because Yale’s geographic footprint is relatively limited, reliance solely on geography to formulate beat assignments may not yield the type of stability and integrity that the Department and community both need.

Consequently, YPD may need to analyze its functions and re-imagine its assignments by conceiving of an officer’s “beat” as a set of stable, defined responsibilities rather than the coverage of geographic turf. 21CP is not saying that geography should not be considered in this analysis. It should be. It would be unrealistic to ask officers to address responsibilities that would require them to spend their shifts navigating back and forth from one far corner of the campus to the other. We are recommending, however, that Yale consider how its community actually live their lives on a daily basis, and the nature of the public safety challenges that the campus encounters, and then organize themselves around those realities.

Recommendation 3.7. Yale Public Safety, and YPD, should focus on strengthening its new student and

staff orientation programs – providing tailored messages and presentations to incoming undergraduate freshmen, incoming graduate students, new international students, new employees, and the like. Senior YPD leadership should address issues including what YPD’s role is, what its jurisdiction is, and how it relates to the overall public safety function. These orientation programs should be required and part of a unified communications approach from Yale Public Safety and the YPD.

From undergraduate and graduate students, 21CP heard that the primary way that most had ever heard directly from YPD about who the Department is and what they do was in the context of new student orientation. Although 21CP is mindful of the efforts that YPD and Yale have made to provide basic information in other ways, orientation – when individuals are new members of the community – appears to be a crucial mechanism for informing and beginning to build long-term relationships. For instance, whereas fewer than 900 people viewed a Yale Public Safety video on YouTube from when it was published on September 11, 2018 through January 2020, thousands of students and staff have arrived on campus for orientation programs – making orientation a reliable ability to reach more people just as they join the Yale community.⁸⁵

Graduate students from multiple stakeholder groups believe that YPD can do better in the orientation context. In the past, some YPD orientation presentations were especially poorly received. At one orientation, for instance, a YPD sergeant is reported to have told participants to “just get comfortable with the idea that you are going to get robbed” during their time at Yale. Although the situation was addressed and the particular sergeant does not appear to have reprised an orientation role, the story achieved a kind of urban legend status in some quarters.

With respect to more recent orientation programs, many students were left dissatisfied. One student summarized that “it all felt very standard.” Another graduate student observed, and many students agreed, that the primary message that seemed to be stressed was to “be careful with your bicycle.” Students recalled being told to download the

⁸⁵ Yale Public Safety, *Yale Public Safety Orientation*, YouTube (Sept. 11, 2018) (last visited Jan. 15, 2020), <https://www.youtube.com/watch?v=nN2r0uV1jvo>.

LiveSafe App, although precisely how this might be used either by the University or students going forward was left vague. A medical student recalled being told simply to “never walk alone after dark.”

Students suggested that YPD’s participation at orientation should simultaneously be better tailored to their specific needs and broader in scope. To better suit community needs, YPD’s orientation should focus more meaningfully on topics and concerns that students believe are central to their day-to-day lives on campus. For instance, students suggested that YPD could expressly address the specialized issues or concerns facing students living off-campus and perhaps even consider requiring a specific orientation for students who live off-campus. Closer, long-term partnerships between YPD and student organizations may allow for current community members to assist in identifying the most pressing or topical areas that the Department might address in annual orientations.

YPD’s orientation should help students get a broader understanding of campus safety at the critical point where they are joining the Yale community. This report notes in many instances the basic confusion and lack of understanding among many community members about YPD – its role, functions, history, jurisdiction, values, and programs. Students tended to agree that the Department could use orientation to talk in a more general, but important, way about how it fits together with other campus resources (like Yale Security, residential college leaders, mental health services, and the like) to support community well-being. Especially given the Yale student population’s diversity of prior living experiences and history with police, and with some populations like international students sometimes having vastly different experiences with law enforcement in their countries of origin, YPD cannot skip over the basics.

To this end, some students brought up a video presentation that YPD provided before Department representatives spoke in a recent orientation, which they believed did a good job in personalizing and humanizing the Department. This “Every Bulldog, Every Day” video starts by noting that the YPD is “responsible for each member of our community and our responsibility to protect, serve, and respect our

students, faculty, and staff is something we take seriously every day” and focuses on how a diverse spectrum of YPD personnel all see their mission as helping the community address problems.⁸⁶ This short presentation is a good starting place for a substantive introductory program for students that provides insight into the underlying values and commitments of the organization.

Members of the larger New Haven also have some impressions about how students are oriented to public safety issues at Yale. Whether true or not, 21CP heard – from vastly different people in very different conversations – the belief that, as one individual put it, “the first thing [the students] hear is where not to go and all the safety risks they could be at risk of.” A belief exists that students are provided with safety strategies like “walk in groups” in New Haven, which “makes the students feel scared.” The community worries that these messages give students the impression of Yale University as a bubble of safety from which leaving presents extreme risk.

Students were not alone in wanting YPD to provide better and more useful information in orientations. Yale staff noted that new employee orientation also lacked education around policing and public safety in a systematic way. In the same way that YPD might collaborate with students to identify topics and approaches for orientations, the Department should similarly work with staff members to develop introductory programs for University employees.

Recommendation 3.8. Yale and YPD should be more transparent about the purpose, scope, and criteria for circulating public safety alerts (Clery notices). When they do circulate alerts to the campus community, they should be clearer about what the plan is to address the issue. Further, Yale and YPD should consider opportunities for going beyond the Clery requirements and provide some mechanism for obtaining follow-up information about whether the situation has been resolved would also be worthwhile (whether a clear web-based portal, a process to opt into follow-up communications, or the like).

⁸⁶ Yale Public Safety, *Every Bulldog, Every Day*, YouTube (Oct. 18, 2018) (last visited Jan. 15, 2020), <https://www.youtube.com/watch?v=pe3G99HBKTO>.

In the Spring of 1986, a 19-year-old freshman at Lehigh University in Bethlehem, Pennsylvania named Jeanne Clery was raped and murdered in her dorm room by a student who had gained access through “a series of three doors that had been propped open by pizza boxes.”⁸⁷ Only “after Jeanne’s murder” did the Clery family “learn[] there had been 38 violent crimes – including rapes, robberies and assaults – on the Lehigh campus in the three years before her death,” far more during the same period than nearby, substantially larger universities like Penn State University.⁸⁸ In addition to settling a lawsuit against the university for failing to address the open dorm doors, the family “lobbied state legislatures and Congress to require colleges to report campus crimes.”⁸⁹

Congress passed what would come to be known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in 1990. The goal of the Act was “to ensure that . . . current and prospective students, as well as their parents, would be able to obtain accurate ‘official’ statistics about how much crime had occurred” on a college campus and “gain knowledge of the security procedures that each school had in place.”⁹⁰ Before the Act, “students and their parents . . . had access to little information concerning campus crime.”⁹¹

The Clery Act requires, among other things, that institutions of higher learning receiving federal funding:

- **Publish annual crime statistics.** The Act mandates that “all universities receiving federal funding . . . collect and publish current campus crime data for the preceding 3 years.”⁹² Institutions of higher learning

must publish annual security reports by October 1 of each calendar year.⁹³

- **Maintain a public crime log.** Notable amendments to the Act in 1998 “increased the categories of crimes” that institutions of higher education must report, “expanded the geographic locations that must be included in crime reporting,” and required that institutions “with a security or police department . . . maintain a public crime log.”⁹⁴
- **“Issue timely warnings about Clery Act Crimes which pose a serious or ongoing threat to students and employees.”**⁹⁵ Crimes that must be disclosed under the Clery Act include murder; both non-negligent and negligent manslaughter; sexual offenses including rape, fondling, incest, and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.⁹⁶ “Although the Clery Act doesn’t define ‘timely,’ the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves,” which “means that a warning should be issued as soon as pertinent information is available.”⁹⁷ The United States Department of Education notes that even if a university does not “have all of the facts surrounding a criminal incident that represents a serious and continuing threat to . . . students and employees,” the institution “must issue a warning.”⁹⁸

The Clery Act is silent as to “what information has to be included in a timely warning,” but, again, the Department of Education has provided guidance that “the warning should include all information that would promote safety and that would aid in the prevention of similar crimes.”⁹⁹

⁸⁷ Rob O’Dell and Anne Ryman, “It Means Her Life Was Not in Vain,” *The Tragedy that Gave Birth to the Clery Act*, *Arizona Republic* (Apr. 15, 2016), <https://eu.azcentral.com/story/news/local/arizona-investigations/2016/04/15/tragedy-that-gave-birth-to-clery-act/82811052/>.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Bonnie S. Fisher, et al, “Making Campuses Safer for Students: The Clery Act as a Symbolic Legal Reform,” 32 *Stetson Law Review* 61, 63 (2002).

⁹¹ *Id.*

⁹² Matt R. Nobles, et al, “Community and Campus Crime: A Geospatial Examination of the Clery Act,” 59 *Crime & Delinquency* 1131, 1132 (2012).

⁹³ The University of Iowa, *Compliance, The Clery Act*, <https://uiowa.edu/compliance/safety/clery-act> (last visited Jan. 18, 2020).

⁹⁴ Gail McCallion, “History of the Clery Act: Fact Sheet,” *Congressional Research* (2014), <http://clery.clerycenter.org/wp-content/uploads/2015/09/nps69-111214-12-3-2.pdf>.

⁹⁵ The University of Iowa, *Compliance, The Clery Act*, <https://uiowa.edu/compliance/safety/clery-act> (last visited Jan. 18, 2020).

⁹⁶ Vanderbilt University, Police Department, *Crime Info, Clery Act Frequently Asked Questions*, <https://police.vanderbilt.edu/crimeinfo/cleryactfaq.php> (last visited Jan. 18, 2020).

⁹⁷ United States Department of Education, *The Handbook for Campus Safety and Security Reporting: 2016 Edition* 6-12 (2016), <https://ifap.ed.gov/eannouncements/attachments/HandbookforCampusSafetyandSecurityReporting.pdf>.

⁹⁸ *Id.*

⁹⁹ *Id.*

Finally, “[a]lthough there is no required format for a timely warning, the warning must be reasonably likely to reach the entire campus community” and “issue in a manner that gets the word out quickly and effectively communitywide.”¹⁰⁰

The Clery Act therefore sets a legal floor for universities as to what to disclose, but it leaves a great deal up to the institutions themselves to determine how best to tailor public safety information and response to their particular campus communities. Simply, Yale must provide timely warnings of specified crimes occurring in specified places and provide sufficient information to promote public safety. Beyond this, however, the University can determine, for itself, the particular format, detail, scope, and nature of the public safety notices.

Nationally, college administrators, staff, students, and law enforcement debate the effectiveness of the Clery Act in changing public safety dynamics.¹⁰¹ A 2003 survey of law enforcement reported that “large majorities of [campus] law enforcement officers . . . indicated that the annual [Clery-required] annual campus crime reports were not effective in changing student behavior.”¹⁰² This is likely because, at least as of studies in the early 2000s, “only about 25% of students knew about or had read any of the mandated reports required by the Act.”¹⁰³ Nevertheless, especially given national conversations about sexual violence and university responses to it, Clery Act compliance has come to be seen as a critical element of public safety transparency on college campuses.

In discussions with 21CP, all of students, faculty, and staff brought up the topic of the email notifications that the Yale community receives from YPD regarding crime. Notable majorities of faculty, staff, and students all said that they read these alerts. In fact, one undergraduate student, summarizing a view that we heard across many students

group, noted that “our most common interaction with YPD is when Chief Higgins sends out [safety alert] emails.”

Because of the salience of the alerts to Yale community members, a number of issues appear to arise. First, there is widespread confusion about why the Yale community receives email alerts about crime and public safety issues in the first place. For instance, some graduate students said that they found Chief Higgins’ email alerts to be inconsistent as to the crimes that students hear about. One student expressly asked, “What is the methodology to release these alerts?” A number of students said that they wanted to understand why and when they are sent.

Yale is complying with the Clery Act’s requirements. Our discussion of alerts here do not relate to whether the University is complying with federal law. By all accounts, it is. Instead, because of the importance of the alerts to student’s sense of public safety, we make some recommendations for additional steps – having nothing to do with compliance with relevant regulations – that the University may take to further enhance safety on campus.

The University’s alerts could contain some plain-English explanations at the conclusion of all public safety emails that explains why they are receiving the alert – not necessarily with respect to the particular crime or incident but about Yale’s policy for alerting the campus generally. Relatedly, Yale should create a more detailed, comprehensive web portal addressing the Clery Act that provides some of the basics outlined above about Yale’s crime reporting obligations. Currently, Yale’s primary Clery Act information on the University’s website consists of four short paragraphs of broad, boilerplate text.¹⁰⁴ In contrast, Vanderbilt University’s Police Department maintains a substantially more detailed portal about Clery requirements and the Department’s compliance.¹⁰⁵

¹⁰⁰ *Id.*

¹⁰¹ See, e.g., Daniel Doss, et al, “Quantitatively Assessing Reported Crime versus Enrollment among Selected Higher Education Institutions,” 5 *Universal Journal of Educational Research* 1978 (2017); Dennis E. Gregory & Steven M. Janosik, “The Clery Act: How Effective Is It? Perceptions from the Field—The Current State of Research and Recommendations for Improvement,” 32 *Stetson Law Review* 7 (2002); Joseph H. Gardella, et al, “Beyond Clery Act Statistics: A Closer Look at College Victimization Based on Self-Reported Data,” 30 *Journal of Interpersonal Violence* 640 (2015).

¹⁰² Steven M. Janosik & Dennis E. Gregory, “The Clery Act and Its Influence on Campus Law Enforcement Practices,” 41 *NASPA Journal* 182, 196 (2003).

¹⁰³ Steven M. Janosik, “Parents’ Views of the Clery Act and Campus Safety,” 45 *Journal of College Student Development* 43, 43 (2004).

¹⁰⁴ Yale University, Yale College, *Policies & Procedures: Clery* <https://yalecollege.yale.edu/policies-procedures/clery> (last visited Jan. 19, 2020) (“With city living, it is important to take steps to stay safe, and Yale invests in significant public safety resources.”).

¹⁰⁵ Vanderbilt University, Police Department, *Crime Info, Clery Act Frequently Asked Questions*, <https://police.vanderbilt.edu/crimeinfo/cleryactfaq.php> (last visited Jan. 18, 2020).

Yale might also consider streamlining web resources related to crime reporting and public safety information. For instance, the University of Pennsylvania's Division of Public Safety maintains a single web page that contains large, graphic links to the University's Annual Report, a real-time Clery Crime Log, a link to use for reporting a crime, and the like.¹⁰⁶ Yale's website is far more minimalistic on this front.

Some Yale community stakeholders discussed the content and tone of the alerts themselves. As noted above, the specific substance, approach, framing, and type of communication of the alerts are, at least under the terms of the Clery Act, left largely to Yale to determine. Consequently, the content of the alerts does appear to have changed over time. For instance, as a group of staff members noted, the public safety alerts from YPD previously included the name of the offender, when it was available. One of the staff affinity groups argued that this created bias and preferential treatment, and offender names are now not typically included. Separately, the alerts now often include tips on how to stay safe, although there are differing opinions among campus stakeholders about how useful these safety pointers are. Regardless, the University could and should modify its approach to crafting the alerts based on the needs and expectations of community stakeholders.

A number of students, in particular, said that the alerts lead them to feel more alarmed or on guard about crime generally. As one student said, "the emails . . . are useful, but they do make me nervous." Other stakeholders took a similar, but stronger, view, with one staff member observing that "the emails are too much," making "New Haven look terrible."

There was a strong consensus in a number of focus group sessions, across staff, students, and faculty, that follow-up information about the alerts is desired and important – helping appropriately contextualize them and making them feel less individually alarming. Indeed, the strong, nearly universal sense was that University stakeholders push information about something having occurred, often with information that an investigation is ongoing or that a subject is being sought in connection with the incident, but

that no communication is forthcoming when an incident has been resolved, an investigation completed, or a subject identified or arrested. As one graduate student noted in a focus group, "not knowing the conclusion brings stress." A faculty member in another conversation agreed, saying that they "appreciate the emails – they are helpful – but a follow-up that a situation is no longer a problem would help." Representatives from Yale's cultural properties noted that it would be tremendously helpful for their staff to know when it's "all clear" and a particular situation or threat has been resolved.

Community members brainstormed various follow-up mechanisms. Some believed that, in most or all instances, emails should be sent to update the community on prior alert emails. However, others contended, somewhat persuasively in 21CP's view, that these follow-up emails would dilute the importance of the primary alert emails, perhaps making people less likely to review and to take seriously information about new public safety incidents. Other suggestions that 21CP heard were to offer live updates on various situations to which the community had been alerted on Yale's website; to allow an "opt-in" follow-up email system; or to use Twitter or other social media vehicles to provide updates. Yale might also consider one of the approaches of the University of Pennsylvania's Division of Public Safety, which displays large "UPenn Alerts" at the top of its website in an information bar in red at the top of its webpage, and provides rolling, real-time updates on the status of the alert until it is resolved. Whether it is one of several of these approaches, providing more detailed and real-time information about follow-up would appear to go a long way toward addressing some community concerns.

Yale stakeholders in our discussions also explored additional ways that the communications could be framed or construed to make the alerts more helpful and less alarming. One possibility is to provide contextual information about trends and overall public safety threats – situating the incident within a larger reality. For instance, an alert about a robbery may include a section about "context" in which Yale provides the number of robberies on campus for the year, and how the year-to-date numbers compare with previous years. Similarly, when law enforcement believes that it can provide such information,

¹⁰⁶ University of Pennsylvania, Division of Public Safety, *Clery Act & Crime Reporting*, <https://www.publicsafety.upenn.edu/clery/> (last visited Jan. 19, 2020).

it might note whether the crime appears to be an isolated incident or part of a larger trend or pattern. As stakeholders suggested, Yale might, in plain language, discuss the steps that law enforcement is taking to address the issue when something is unresolved. For instance, YPD might simply note that it is investigating the incident, sharing information and partnering with NHPD or nearby jurisdictions, or focusing enhanced patrols on an implicated area.

Some stakeholders discussed their view that the alerts were problematically including the race of criminal subjects. After exploring the issue further, 21CP confirmed with University representatives that the rule for many years has been that a subject's race is not to be included unless it is an exceptional instance where a subject's race is highly salient to the nature of an ongoing public safety concern. In discussions with 21CP, Chief Higgins passionately articulated the view that, as a black police chief, he is personally committed to avoiding the description of race in public safety alerts.

Again, Yale appears to take seriously its Clery Act obligations. Nothing in 21CP's discussions and review of documentation suggests a problem with Yale not providing notice and information consistent with federal requirements. Instead, this recommendation is geared toward how Yale can provide additional information beyond what is federally required to further enhance public safety.

Recommendation 3.9. YPD should consider further modifying its uniform and/or dress requirements to ensure that officers conducting community engagement and problem-solving might be perceived as approachable by a broader group of students and faculty.

What police wear while performing their duties matter:

When a police officer puts on his or her uniform the officer is perceived in a very different way by the public. He or she is viewed as embodying each person's stereotypes about all police officers.¹⁰⁷

What police wear while performing their duties has changed over time and been the subject of periodic debate and community discussion. Research is somewhat inconclusive on the potential value of officers wearing non-traditional uniforms. Some studies find that public attitudes about police are "negatively affected by the traditional military style police uniform."¹⁰⁸ Less traditional uniforms may engender more positive feelings. For instance, one study found that officers wearing a "light blue shirt and navy pants . . . created the most positive impression" of various police uniforms.¹⁰⁹ Studies of a 1969 initiative in Menlo Park, California, where police swapped their traditional police uniforms "for forest green blazers worn over black slacks, white shirts and ties," found that, at least after 18 months of the new uniforms, assaults on officers decreased by 30 percent, injuries to civilians decreased by 50 percent, and "officers exhibited fewer 'authoritarian characteristics' on psychological tests."¹¹⁰

Other studies, however, suggest that officers in traditional uniforms are "perceived as more competent, more reliable, more intelligent, and more helpful" than when dressed in civilian clothing.¹¹¹ One focused study found "[n]o positive effects on [a] uniform change" in police departments from "a more traditional police uniform to a more 'civilian' style of dress," with officers in traditional uniforms "perceived as more honest, more active, more helpful, more competent, more 'good,' more valuable, faster, and as possessing better judgment."¹¹² A 2008 study suggested that traditional dark colors, and black uniforms specifically, might be associated with the most positive community member attitudes.¹¹³

Departments that experimented with less-traditional uniforms have tended to revert to their older-style

¹⁰⁷ Richard R. Johnson, "The Psychological Influence of the Police Uniform," 70 *FBI Law Enforcement Bulletin* 27 (2001).

¹⁰⁸ Daniel J. Bell, "Police Uniforms, Attitudes, and Citizens," 10 *Journal of Criminal Justice* 45, 45 (1982).

¹⁰⁹ Richard R. Johnson, "Police Uniform Color and Citizen Impression Formation," 20 *Journal of Police and Criminal Psychology* 58 (2005).

¹¹⁰ Aarian Marshall, "A History of Police Uniforms—and Why They Matter," *CityLab* (Aug. 18, 2014),

<https://www.citylab.com/equity/2014/08/a-history-of-police-uniforms-and-why-they-matter/378660/>.

¹¹¹ Ming S. Singer & Alan E. Singer, "The Effect of Police Uniform on Interpersonal Perception," 119 *Journal of Psychology* 157, 157 (1985).

¹¹² Robert Mauro, "The Constable's New Clothes: the Effects of Uniforms on Perceptions and Problems of Police Officers," 14 *Journal of Applied Social Psychology* 42, 42 (1984).

¹¹³ Ernest Nickels, "Good Guys Wear Black: Uniform Color and Citizen Impressions of Police," 31 *Policing* 77 (2008).

uniforms over time. For instance, Menlo Park eventually abandoned their less traditional uniforms after early, positive trends reversed themselves over time. Departments have wrestled with the implications of having “plain-clothes” officers working in some functions who do not wear traditional uniforms.¹¹⁴ Ultimately, whether for law enforcement or other professions, traditional uniforms can be, for some, a kind of “shortcut” or external social signifier of trust.¹¹⁵

A number of members of the Yale community suggest that the traditional police uniform creates a distance and separation between YPD and the community that is inconsistent with relationship-building and authentic engagement. Simply, some Yale community members would be more comfortable interacting with members of the Department if they wore something other than their traditional uniform. As one student put it, “the garb is everything.”

A member of one student group recounted an instance in which Yale’s Community Engagement officers walked to a meeting of primarily black students in full dress uniform. The student noted that it was intimidating to members – for whom the presence of the officers was less of a problem than the imagery, visuals, and symbolism of the uniform and police belt.

Community members did have varying ideas about what YPD officers should wear. Many observed that dress expectations could be different for officers depending on the setting. For instance, something more clearly “uniformed” in some way may be necessary when officers are on patrol and responding to calls for service, while “a YPD T-shirt and jeans could be good enough,” as one undergraduate focus group suggested, for attending meetings with student organizations.

YPD has already given some thought to the subject of uniforms. Some officers wear YPD polo shirts. The Community Engagement officers do not always attend community functions in full-dress uniform. Multiple stakeholders approved of these “softer” uniform options,

and others indicated that they should be the standard-issue uniform rather than simply an option.

Yale and YPD should build upon these preliminary explorations of non-traditional uniforms by deliberating meaningfully about the standard uniforms for all personnel going forward. That process should include the Yale community and YPD officers. Clearly, a change in uniform cannot alone change perceptions, erase experiences, or transform attitudes. What officers do and how the Department polices matters much more than what they are wearing when they do it. Based on conversations with the Yale community, however, 21CP believes that YPD might be able to identify a new, standard approach to uniforms that could help promote easier and more effective police-community interactions.

Recommendation 3.10. YPD needs to do a better job of communicating to campus and New Haven community stakeholders about its outreach and community partnership efforts rather than communicating only about public safety incidents.

Throughout conversations with campus stakeholders, 21CP encountered a lack of awareness about what YPD does to engage with the campus and broader New Haven communities. This lack of information suggests that YPD and Yale can do a better job at communicating to stakeholders about its efforts in and for the community – rather than communicating only about public safety incidents. For instance, representatives of another local university recommended in conversations with 21CP in October 2019 that YPD engage in the Youth Police Initiative. YPD had in fact done something substantially similar in late June 2019, partnering with Youth Link and the American Family Institute (NAFI) on a two-week Youth and Police Initiative.

Many students and faculty articulated the view that YPD needs to engage more broadly with the New Haven community, with a number of stakeholders citing a need for YPD specifically to build relationships with New Haven youth. The YPD Headquarters features prominent,

¹¹⁴ See, e.g., Sheryl Gay Stolberg, “Does a Uniform Keep Officers in Line? The Baltimore Chief Thinks So,” *N.Y. Times* (Apr. 14, 2017) (describing national dynamics involving plainclothes, non-uniformed officers).

¹¹⁵ Paul Fussell, *Uniforms: Why We Are What We Wear* (2002); see also George James, “Ideas & Trends; Sharper Image: The N.Y.P.D. Dresses for Success,” (Nov. 27, 1994), <https://www.nytimes.com/1994/11/27/weekinreview/ideas-trends-sharper-image-the-nypd-dresses-for-success.html>.

ground-floor space where the Department offers tutoring and academic assistance to New Haven youth, things like tax preparation help for families, and a number of other programs and services. As noted elsewhere, YPD's Community Engagement officers have established a presence in six New Haven schools.

YPD is not alone in facing challenges in communicating its outreach efforts. At Yale, we heard from many administrators, faculty, staff, and even students about the difficulty in getting and sustaining people's attention about a variety of topics. Nationally, police departments encounter similar challenges.

21CP does present here an exhaustive inventory of specific strategies, approaches, or initiatives in this regard. We did, however, hear a number of specific suggestions from stakeholders during listening sessions. From regular newsletters to more dynamic use of social media, many of the proposed approaches could be promising. However, like with establishing a new vision for public safety at Yale, it needs to be the campus community, in dynamic partnership with Yale Public Safety and YPD, that constructs a communication strategy that helps identify precisely the type of information that Yale's need to receive. If YPD designs its approach to messaging about its community engagement efforts in a vacuum, it simply will not be as successful as if the community itself actively works with YPD to devise a clear, effective strategy.

Primary Recommendation 4. The University and Police Department should establish clear protocols and systems to ensure transparency with respect to YPD's policies and practices and campus public safety indicators.

¹¹⁶ The Leadership Conference on Civil and Human Rights, *New Era for Public Safety: A Guide to Fair Safe and Effective Community Policing* 65 (2019).

¹¹⁷ Monika Bauhr and Marcia Grimes, *What is Government Transparency? New Measures and Relevance for Quality of Government* 4 (Quality of Government Institute, Working Paper No. 6, 2012), https://gog.pol.gu.se/digitalAssets/1418/1418047_2012_16_bauhr_grimes.pdf.

¹¹⁸ Christina Garsten and Monica Lindsh de Montoya, "Introduction: Examining the Politics of Transparency," in Christina Garsten and Monica Lindsh de Montoya (eds.), *Transparency in a New Global Order: Unveiling Organizational Visions* 4 (2008).

¹¹⁹ Andrew K. Schnackenberg and Edward C. Tomlinson, "Organizational Transparency: A New Perspective on Managing

"Transparency is essential to building public trust and legitimacy . . ." ¹¹⁶ Broadly, transparency can be defined as "the release of information which is relevant for evaluating institutions." ¹¹⁷ It "implies visibility, openness and communication." ¹¹⁸ Generally, "information must be openly shared for it to be considered transparent"—that is, transparency requires that information must be available, accessible, visible, or able to be observed. ¹¹⁹

For public and government institutions, "transparency is a clear signal of institutional strength and healthy democratic governance," with greater transparency having been associated with "increase[d] public participation in policy-relevant decision making," "enhance[d] accountability" as a result of "reduc[ed] information asymmetries," and increased "trust in government." ¹²⁰ As a result, "law enforcement agencies should also establish a culture of transparency and accountability to build public trust and legitimacy." ¹²¹ This commitment to transparency "is critical to ensuring decision making is understood and in accord with stated policy." ¹²²

YPD and Yale University have already made a number of commitments with respect to law enforcement transparency. First, and as discussed in greater detail elsewhere in this report, the University must, and does, provide disclosure about campus crime and safety pursuant to its obligations under the Clery Act.

Second, Yale posts its General Orders and Standard Operating Procedures on its website – something which is not yet common to all police departments. ¹²³ Indeed, a survey by the New York University School of Law Policing

Trust in Organization-Stakeholder Relationships," 42 *Journal of Management* 1784, 1792 (2014).

¹²⁰ Joshua Chanin and Salvador Espinosa, "Examining the Determinants of Police Department Transparency: The View of Police Executives," 27 *Criminal Justice Policy Review* 498, 499 (2015).

¹²¹ *Final Report of the President's Task Force on 21st Century Policing* 1, 12 (2015).

¹²² *Id.*

¹²³ It's Your Yale, Community, Public Safety, Police, *General Orders and Standard Operating Procedures*, <https://your.yale.edu/community/public-safety/police/general-orders-and-standard-operating-procedures> (last visited Jan. 26, 2020).

Project found that, of 200 cities surveyed, “more than half do not post their police manuals online at all.”¹²⁴

Third, statistics about crime are available,¹²⁵ as is general information about YPD’s community partnerships and programs.¹²⁶

Fourth, and finally, YPD appears to situate transparency as a primary goal and value of the Department:

Yale Police is committed to being fully transparent with the University community. We continually improve our lines of communication with students, faculty, and staff and have developed community outreach and engagement programs, committees, and comprehensive officer training programs to ensure an accountable agency.¹²⁷

Nevertheless, Yale and YPD should consider taking a number of additional steps to ensure deeper and more sustained transparency of the sort that can facilitate the true co-production of public safety by the Yale community and YPD.

Recommendation 4.1. YPD should continually invest in programs, partnerships, and other mechanisms for engaging with Yale community members about their jurisdiction, patrol boundaries, purpose, role, mission, and values.

21CP identified a great deal of misinformation across the Yale community about who YPD is and what it does. For instance, a number of Yale students either asserted, or indicated that they have heard others assert, that YPD is a “private police force.” This is not accurate. The City of New Haven, as discussed previously, appoints individuals through its board of police commissioners to be YPD officers. Although YPD officers are University employees,

and are directed by the University as such, their power as law enforcement officers derives from local and state authority. Consequently, in terms of status, YPD officers are equivalent to officers in New Haven.

Similarly, graduate students suggested to 21CP that it was not possible to make a complaint about police officer performance online. It is.¹²⁸

21CP could cite many more, similar instances. Perhaps even more important than misinformation was the lack of information and knowledge about YPD’s role and activities. For example, many students called for YPD to become engaged with the City of New Haven, with many contending that YPD is not engaging the larger City and stopped any outreach or community engagement at the University’s boundaries. Although a robust discussion may be had about the necessary scope and depth of YPD engagement with the broader New Haven community, the Department does currently interact with the City in a number of sustained ways – from its presence in New Haven schools and participation in New Haven neighborhood events to its provision of community assistance and engagement programs at the public-facing ground floor of its police building.

Many, if not most, Yale stakeholders appear confused about YPD’s jurisdiction and the Department’s relationship with NHPD and other neighboring jurisdictions. Although there appears to be more awareness of the issue following the shooting of Stephanie Washington in April 2019, there does not appear to be a single, common understanding of how YPD does and does not interact with other law enforcement agencies. Although this report and the Sentinel Event Review surrounding the April 2019 incident elsewhere discuss the realities of jurisdictional and collaborative issues in greater detail, 21CP observes here that a variety of rumors, half-facts, and misunderstandings appear circulate around Yale’s campus on this front.

¹²⁴ New York University School of Law Policing Project, *The Manuals Initiative*, <https://www.policingproject.org/manuals-findings> (last visited Jan. 26, 2020).

¹²⁵ It’s Your Yale, *Daily Crime Log January 2020*, <https://your.yale.edu/community/public-safety/daily-crime-log/2020-01> (last visited Jan. 26, 2020).

¹²⁶ It’s Your Yale, Community, Public Safety, *Community Policing Partnerships*, <https://your.yale.edu/community/public-safety/community-policing-partnerships> (last visited Jan. 26, 2020).

¹²⁷ It’s Your Yale, Community, Public Safety, *Yale Police Department*, <https://your.yale.edu/community/public-safety/yale-police-department> (last visited Jan. 26, 2020).

¹²⁸ Yale Public Safety, *Civilian Complaint Report*, https://yalesurvey.ca1.qualtrics.com/jfe/form/SV_5d1nfybhu4N1S_uN (last visited Jan. 15, 2020).

Perhaps even more critically, Yale community members do not share a common understanding about YPD's role, mission, and values. Even to the extent that the Yale community undertakes the process of the community helping to determine precisely what YPD's mission, vision, and values should be going forward, YPD needs to better engage and communicate with Yale's community about how it does business – and about how its day-to-day activities and performance may align with the Department's overall mission and goals. To this end, this report's other recommendations – with respect to community engagement, a community and problem-oriented policing philosophy, the re-calibration of new student and staff orientation on public safety issues, and others – are applicable.

Recommendation 4.2. Yale should consider making crime statistics available on YPD's website on a monthly or bi-monthly basis rather than annually, as the University currently does.

As required by federal law, the University provides overall statistics on crime in an Annual Report, along with an ongoing log of crimes on YPD's website. These resources provide important transparency to community members on public safety issues.

However, these classes of information exist at poles of specificity – with the Annual Report serving as a sweeping, overall view across a large span of time and the daily crime logs providing hyper-specific detail on each and every criminal incident occurring on campus that meets requisite Clery Act definitions. The community can see yearly, aggregate trends and daily, individual data points.

21CP recommends that YPD provide ongoing, aggregate statistics on crime on its website on a monthly or bi-monthly basis. This is the type of information that, based on 21CP's familiarity with crime data and observation of command staff discussions on incident information, can be easily generated within the Department. The ability to

situate today's data points in terms of month-to-month, year-to-date, and year-to-year comparisons ensures that Yale is not just providing data but, instead, providing it to community members in a meaningful way that might provide an accurate, nuanced view of community life and campus well-being.

Recommendation 4.3. YPD should creatively explore and expand sustained, meaningful opportunities to engage with, assist, and support the community around Yale.

YPD's footprint borders five of New Haven's ten police districts. Within that context, 21CP heard a great deal about what some referred to as "town-gown" dynamics. The social and economic tensions between some parts of the New Haven community and the University are real – and they are long-standing.¹²⁹

The history of Yale-New Haven relations have always been somewhat of a Rorschach ink blot. Some see Yale as the premier institution in New Haven, which has added layers of culture and economic development to an otherwise average northeastern city. Others see Yale as a tax-exempt leech, preying on the poor city of New Haven which staggers along, year after year, outside of the University's castle walls.¹³⁰

In our conversations with New Haven residents, political representatives, and activists, it became clear that the relationship between the City and Yale remains, after hundreds of years, a work in progress. One New Haven clergy member summarized, "The University needs to do more to bridge-build with New Haven." Another observed, "You cannot separate Yale from New Haven and New Haven from Yale. They are one community, and what they have failed to do is address it as one community." A community activist suggested that "there is this invisible

¹²⁹ See, e.g., Elissa Gootman, "New Haven and Yale: A Couple with a History," *N.Y. Times* (Feb. 18, 2001), <https://www.nytimes.com/2001/02/18/nyregion/new-haven-and-yale-a-couple-with-a-history.html>; Ed Stannard, "Top 50: 300-Year Relationship Molded New Haven and Yale," *New Haven Register* (Oct. 13, 2018), <https://www.nhregister.com/news/article/Top-50-300-year-relationship-molded-New-Haven-13303757.php>; Erik Ofgang, "When Yale Medical Students Robbed a Grave for Science,

New Haven Erupted in Fury," *Connecticut Magazine* (Mar. 19, 2018), https://www.connecticutmag.com/the-connecticut-story/when-yale-medical-students-robbed-a-grave-for-science-new/article_94312fde-27c5-11e8-a23d-cf5e1f70160e.html.

¹³⁰ Monica Disare, "With Election, Town-Gown Relations at Key Juncture," *Yale Daily News* (Sep. 9, 2013), <https://yaledailynews.com/blog/2013/09/09/with-election-town-gown-at-ijuncture/>.

wall, which separates New Haven from Yale. People don't feel comfortable in the other's location." Another expressed the view that Yale "owes the community support and investments in New Haven" beyond what is currently provided.

At the same time, other community members say that, especially as the community's largest employer and most significant institution, the University bears the brunt – perhaps sometimes unfairly – of focus with respect to the City of New Haven's social and economic dynamics. As one listening group participant noted, "there is town/gown animosity," stemming from a "wealth disparity" and "feeling[s] about broken promises." With respect to policing issues, a community stakeholder contended that a significant "contributing factor is that some in the New Haven and Yale communities want to be part of the national conversation about the police." A faculty member observed that Yale community members are "living in a post-industrial city with its own social problems," and that the University "trying to make a safe environment so that people can study, live work, and grow" may at least appear inherently alienating to those who are not a part of the campus community.

At the same time, 21CP identified a strong sense among many stakeholders that Yale has a responsibility to do what it can to help support the City of New Haven. One graduate student observed that "there needs to be an improved relationship between YPD and residents of New Haven." A number of other students expressed the view that YPD and Yale need to do what it can to support and engage the broader New Haven community. A member of the Yale administration summed up this point of view, saying that even if "there is a potential risk when YPD ventures out into the New Haven community," when it is "done properly," it "is a good thing."

In the same way that Yale students, faculty, and staff often miss or are unaware of the difference between NHPD and YPD, many New Haven residents appear likewise to make no distinction between New Haven Police and Yale Police. Even as YPD and NHPD may work to make responsibilities, roles, and jurisdiction clearer to Yale and New Haven community members alike, the close proximity of the jurisdiction – indeed, the presence of Yale's campus footprint within the City of New Haven – makes it inevitable that residents, regardless of their location or

affiliation, may see the police as simply "the police." This gives YPD a significant role to play in the larger fabric of public safety in the New Haven community, as well.

Separately, and regardless of the views or understandings of the differences between NHPD and YPD, public safety at Yale is inextricably tied to public safety in New Haven. No walls surround all of Yale's campus. Again, whether Yale student or New Haven resident, University staff or employees at other New Haven organizations, it is possible and even likely, in the course of a typical day, for the business of life to take someone from the University to the City and back again, perhaps several times. Public safety issues in New Haven can quickly impact YPD. This interdependency is one reason why YPD's sustained coordination and engagement with NHPD is so necessary and productive.

Enhanced and coordinated YPD efforts with the New Haven community is, in our estimation, an objective and a task that carries the possibility of tremendous benefits – to YPD, to New Haven residents, to the Yale community, and to the University generally. Creating a written engagement strategy with New Haven – in partnership with the University and New Haven representatives – may go a long distance toward building stronger relationships with the New Haven community while strengthening YPD's relationship with at least some members of the Yale community.

Pillar 3: Ensuring Responsive Police Practices and Operations

Primary Recommendation 5. YPD should focus on strengthening, improving, and reforming some of its day-to-day operations and practices to align with 21st Century policing principles, best practices, and the specific needs of the Yale and New Haven communities.

Area 1: Use of Force

Background

Data provided to 21CP by YPD on its use of force for calendar years 2015 through 2018 shows a Department that uses force infrequently.¹³¹ In the most recent year for which data was provided, 2018, YPD used force in 29 incidents. Most of these incidents occurred in the context of motor vehicle stops (28 percent of force incidents), suspicious person calls (21 percent), and medical calls (21 percent). “Hard hand control” and “handcuffing” were the most common force types. Officers reported having firearms at a “low ready” position, indicating that they were unholstered, in two instances and using firearms in three instances. (It should be noted that this does not mean that firearms were deployed in five separate incidents, as multiple incidents can have multiple types of force used – such that, for instance, one incident may involve a control technique and handcuffs.) Overall numbers do not appear to deviate substantially among years between 2015 and 2018.

Relatively few citizens have been injured, in any capacity, as a result of force – three non-sworn individuals in 2017 and ten in 2018. YPD reports that 11 officers were injured in some manner in 2017 in the context of force incidents and 13 officers were injured in 2018.

Even in a Department like YPD, which has not historically needed to use force with great frequency, articulating specific guidance on when force may be used and providing detailed, ongoing training to officers on how to make decisions about when to use force is important. “To ensure

fair, safe, and effective policing now and in the future, community members and police leaders should work together to create clear and specific guidance and expectations on appropriate use of force”¹³² As the Police Executive Research Forum (“PERF”) has observed, federal and state law “outlines broad principles regarding what police officers can legally do in possible use-of-force situations, but it does not provide specific guidance on what officers should do.”¹³³ Ultimately, “police agencies are always within their authority to adopt new policies . . . that they consider best practices in the policing profession, even if the new policies are not specifically required by court precedents.”¹³⁴

Likewise, although a review of specific force incidents and their investigations was outside of the scope of 21CP’s assessment, some of YPD’s force trends warrant further exploration to ensure that officers are routinely employing force only when necessary, reasonable, proportional, and de-escalation attempts have failed. For instance, in 2018, a combination of “control techniques,” “force-strike/hold/impact,” and “hard hand control” techniques accounted for exactly half of the “force techniques” used across the 29 reported incidents. With these terms not readily defined in YPD policy, and without conducting exhaustive reviews of force incidents and investigations, it is impossible for 21CP to say, one way or another, whether this force was appropriate. As a general matter, however, 21CP counsels jurisdictions to ensure strong, clear policies where force data suggests that officers might be relying, even if justified under law and policy, too heavily or routinely on hands-on physical maneuvers or some other force option.

Recommendations

In light of best practices, YPD should ensure that its policies are strengthened to adhere to some additional best practices.

¹³¹ Yale University Police Department, Use of Force Annual Reports 2015–2018 (provided to 21CP Solutions Nov. 2019).

¹³² The Leadership Conference on Civil and Human Rights, *New Era for Public Safety: A Guide to Fair Safe and Effective Community Policing* 112 (2019).

¹³³ Police Executive Research Forum, *Guiding Principles on Use of Force* 15 (2016) (emphasis in original).

¹³⁴ *Id.* at 17.

Recommendation 5.1. YPD should strengthen its generally strong and forward-thinking Use of Force policy along a number of key dimensions.

YPD's use of force policy – by which we refer to the various policies contained within YPD's General Orders 302, et seq – is generally consistent with the best practices of other forward-looking police departments. Along many of the dimensions on which 21CP, as well as other civil rights and police organizations alike, may typically evaluate a use of force policy, YPD's current policy performs favorably. Important features that are already a part of a YPD's existing force policy include:

- A focus on de-escalating situations when feasible;
- Requiring a verbal warning prior to using use of force;
- Restricting shooting at or from moving vehicles;
- Providing detailed guidance to officers on when to draw and point weapons;
- Limiting the use of chokeholds and neck restraints only to instances where deadly force would otherwise be otherized;
- Providing details on the application of less-lethal force tools; and
- Situating the appropriateness of force in terms of objective reasonableness.

Nevertheless, 21CP recommends that YPD revise its use of force policies in some areas to ensure even greater alignment with 21st Century policing principles:

- **Expressly indicate the Department's commitment to valuing and upholding the sanctity of human life, and the connection of those values with its Use of Force policy.**

YPD can better tie the idea of affirming the sanctity of human life with the use of force values of reasonableness, proportionality, and de-escalation – making the connection that the commitment to recognizing the sanctity of life is what drives the specifics of the force policy. Some examples of similar, overarching policy statements that more clearly

make the connection between force and respecting the sanctity of life include:

New Orleans Police Department: “The policy of the New Orleans Police Department is to value and preserve human life when using lawful authority to use force Members are advised that the Department places restrictions on officer use of force that go beyond the restrictions set forth under the Constitution or state law”.¹³⁵

Las Vegas Metropolitan Police Department: “It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and that the application of deadly force is a measure to be employed in the most extreme circumstances.”¹³⁶

- **Emphasize that any force should be used only when necessary under the circumstances.**

YPD GPO 302 speaks obliquely about using force when it is “necessary” to achieve any of a number of specifically-listed objectives. However, the general concept of necessity is not defined or explained as specifically or comprehensively as it might be. For example, the Seattle Police Department's force policy provides that “[o]fficers will use physical force only when no reasonably effective alternative appears to exist” in order to achieve a legitimate and lawful objective.¹³⁷ Any force, regardless of level of severity or magnitude, must be subject to the necessity requirement. Similarly, the Cleveland Division of Police requires that officers “use force only as necessary, meaning only when no reasonably effective alternative to the use of force appears to exist” –

¹³⁵ New Orleans Police Department Use of Force Policy, at p. 5, available at <https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Chapter-1-3-Use-of-Force.pdf>.

¹³⁶ Las Vegas Use of Force Policy, at 1149, available at <https://static1.squarespace.com/static/56996151cbced68b17038>

[9f4/t/569ad92b57eb8d0f11460ead/1452988719385/Las+Vegas+Use+of+Force+Policy.pdf](https://www.lasvegaspolice.org/Portals/0/Files/Use%20of%20Force%20Policy.pdf).

¹³⁷ Seattle Police Department Manual, Section 8.200: Using Force (rev. Sep. 1, 2015), <https://www.seattle.gov/police-manual/title-8---use-of-force/8200---using-force>.

regardless of the level or type of force.¹³⁸ YPD’s policy should contain this type of specific guidance.

- **Emphasize that, when force is used, it must always be proportional to the nature of the threat or resistance posed by a subject.**

YPD’s current policy does not expressly speak in terms of “proportionality.” Many departments specifically require in their force policies that the nature or severity of the force that an officer uses be proportional to, or consistent with, the nature of the threat posed by the subject. Some policies use the term “proportional.” Others describe the concept in more general terms:

Seattle Police Department: “Officers shall use only the degree of force that is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject The level of force applied must reflect the totality of circumstances surrounding the situation, including the presence of imminent danger to officers or others The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be objectively reasonable and necessary to counter it.”¹³⁹

New York Police Department: “Only the amount of force necessary to overcome resistance will be used to effect an arrest or take a mentally ill or emotionally disturbed person into custody All members of the service at the scene of a police incident must . . . use minimum necessary force.”¹⁴⁰

Over half of the country’s fifty largest police departments have a proportionality requirement.¹⁴¹

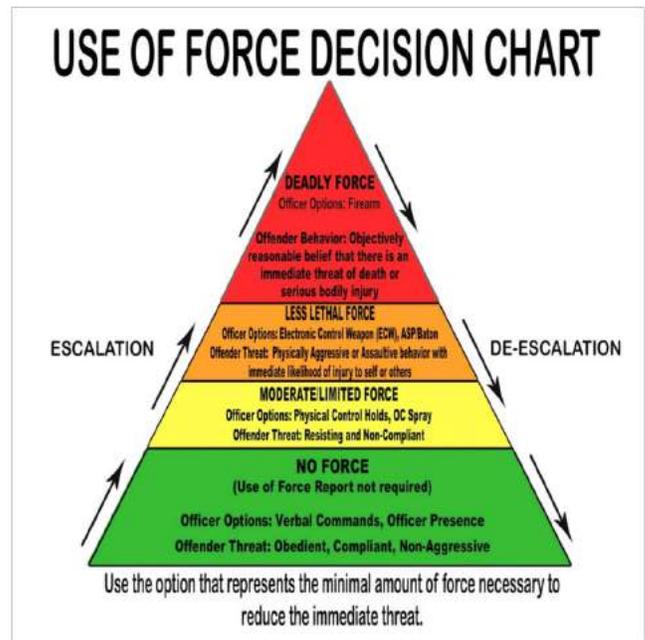
¹³⁸ Cleveland Division of Police, General Police Orders, Use of Force: General at 1, <https://static1.squarespace.com/static/5651f9b5e4b08f0af890bd13/t/582c54ac59cc685797341239/1479300270095/Dkt.+83--Use+of+Force+Policies+with+Exhibits.pdf>.

¹³⁹ Seattle Police Department Manual, Section 8.000: Use of Force Core Principles, <https://www.seattle.gov/police-manual/title-8---use-of-force/8000---use-of-force-core-principles>.

Another approach that departments can take is the adoption of a use of force continuum, spectrum, or matrix. This is typically a graphical representation or flowchart that categorizes various force responses that may be consistent with various, corresponding levels of threats. The Philadelphia Police Department’s “Use of Force Decision Chart” is a good example.

Chart 1: Use of Force Decision Chart, Philadelphia Police Department

Source: Philadelphia Police Department



These graphical representations of force decision-making – all emphasizing that an officer’s response should be closely consistent with the nature of the threat – have the benefit of making legal requirements to use the force that is necessary to counter the threat more understandable. They also underscore the extent to which the nature of threats, like the selection of force necessary to counter it, may become more or less severe during the course of the same interaction.

On the other hand, departments and police organizations are increasingly skeptical of rigid force matrices or

¹⁴⁰ New York Police Department, General Regulations, Procedure No. 203-11: Use of Force at 1 (Aug. 1, 2013), http://www.nyc.gov/html/oignypd/assets/downloads/pdf/oig_ny_pd_use_of_force_report_-_oct_1_2015.pdf.

¹⁴¹ Brandon L. Garrett & Seth W. Stoughton, “A Tactical Fourth Amendment,” 103 *Virginia Law Review* 211 (2017).

continuums. For instance, PERF has recommended against “rel[iance] on rigid, mechanical, escalating continuums of force” because:

[C]ontinuums suggest that an officer, when considering a situation that may require use of force, should think, “If presented with weapon A, respond with weapon B. And if a particular response is ineffective, move up to the next higher response on the continuum . . .

[A]ssessing a situation and considering options as circumstances change is not a steady march to higher levels of force if lower force options prove ineffective. Rather, it entails finding the most effective and safest response that is proportional to the threat. Continued reliance on rigid use-of-force continuums does not support this type of thinking.¹⁴²

Whether specific policy language or a force continuum, YPD should consider how to incorporate specific guidance on the concept of proportionality into its use of force policy.

- **Add a requirement to clarify that officers must exhaust all other means reasonably available to them under the circumstances before using deadly force.**

YPD should require that officers exhaust all reasonably available alternatives before using deadly force. For example:

Newark Police Department: “. . . Officers’ use of firearms, therefore shall never be considered routine and is permissible only in defense of life or to prevent serious bodily injury to the officer or others – and then only after all alternative means have been exhausted.”¹⁴³

Philadelphia Police Department: “The application of deadly force is a measure to be employed only in the most extreme circumstances and all lesser means of force have failed or could not be reasonably employed.”¹⁴⁴

- **List some of the specific factors and circumstances that are considered in determining the objective reasonableness of force.**

YPD’s use of force policy generally describes the requirement that force must be objectively reasonable. Force is justified when a reasonable officer, under the circumstances that the officer confronted, would conclude that the use of force was necessary to address a threat or resistance.

21CP recommends that policy list some of the types of factors that may be particularly relevant in assessing reasonableness. For instance, the Seattle Police Department’s force policy notes that “[f]actors to be considered in determining the objective reasonableness of force include,” but are not limited to, a number of factors like “the potential for injury to citizens, officers or subjects”; “the availability of other resources”; “the level of threat or resistance presented by the subject,” and “whether the subject has any physical disability.”¹⁴⁵

- **Limit the use of the Taser to three, standard five-second cycles, with individual cycles separately justified in use of force reporting.**

YPD’s General Order 302B addresses Electronic Control Weapons, also known as Tasers. It provides specific, appropriate guidance on considerations for their use that are consistent with national best practices for deployment. YPD policy will be strengthened by requiring officers to justify with specificity the use of more than one, five-second, standard cycle of the Taser. Likewise, policy should

¹⁴² Police Executive Research Forum, *Guiding Principles on Use of Force* 19–20 (2016).

¹⁴³ Newark Police Department Use of Force Policy, Section II.

¹⁴⁴ Philadelphia Police Department Directive 10.1, at 1.A.

¹⁴⁵ Seattle Police Department Manual, Section 8.050: Use of Force Definitions, <http://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions> (last visited Jan. 22, 2020).

expressly prohibit exposing a subject to more than three standard, five-second CED cycles.¹⁴⁶

- **Add a requirement in the Use of Force policy imposing a duty on officers to intervene when they observe other officers violating the Use of Force policy.**

YPD's use of force policy should include a requirement that officers who observe or witness other officers violating the use of force must step in to protect the subject, other officers, and bystanders. To enhance front-line accountability and prevent the application of force inconsistent with policy, many departments have embraced this affirmative duty:

Anaheim, California Police Department:
 “Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.”¹⁴⁷

Cities from Albuquerque, Austin, and Denver to Newark, Raleigh, and Washington, D.C. all have policies that impose a duty to intervene.¹⁴⁸ YPD should join those departments and others in articulating this duty to intervene.

Recommendation 5.2. YPD policy should require that it provide annual, scenario-based training to officers on use of force skills and decision-making.

The traditional “training regime for police officers” in many departments “fails to effectively teach them how to interact with our communities in a way that protects and preserves life.”¹⁴⁹ For instance, officers in many departments receive much more training on firearms and defensive tactics – 58 and 49 hours, respectively, according to a 2015 Police Executive Research Forum – than on use of force decision-making skills on topics like de-escalation – on average, only around 8 hours.¹⁵⁰ Even where training is offered, police training has tended to suffer from so-called “death by PowerPoint,” in which an officer is confronted with “an unending stream of slides with bullet lists, animations, that obscure rather than clarify the point and cartoons that distract from rather than convey the message.”¹⁵¹

Consequently, President Obama’s Task Force on 21st Century Policing emphasized the “need for realistic, scenario-based training to better manage interactions and minimize force”¹⁵² As the Leadership Conference for Civil Rights recommends, “[o]fficers should practice, in interactive environments” topics like “de-escalation techniques and threat assessment strategies that account for implicit bias in decision-making.”¹⁵³ “There is an overwhelming amount of science-based evidence to suggest that true RBT [reality-based training] is a strong, if not the strongest method of overcoming stress and solidifying task proficiency” within police training.¹⁵⁴

Based on 21CP’s discussions with YPD command staff and officers, it is clear that YPD is appropriately committed to

¹⁴⁶ Community Oriented Policing Services, U.S. Department of Justice and Police Executive Research Forum, *2011 Electronic Control Weapons Guidelines* 20 (March 2011); Axon, Taser X3, X26, and M26 ECD Warnings, Instructions, and Information: Law Enforcement, <https://fingfx.thomsonreuters.com/gfx/rngs/USA-TASER/0100503907S/images/warnings-2010.pdf>.

¹⁴⁷ Anaheim Police Department Policy Manual, Use of Force, Policy No. 300 (June 17, 2015).

¹⁴⁸ Campaign Zero, *Police Use of Force Policy Analysis* 11 (September 20, 2016), available at <https://static1.squarespace.com/static/56996151c1cbced68b170389f4/t/57e1b5cc2994ca4ac1d97700/1474409936835/Police+Use+of+Force+Report.pdf>.

¹⁴⁹ Campaign Zero, *Training*, <https://www.joincampaignzero.org/train> (last visited Jan. 22, 2020).

¹⁵⁰ Police Executive Research Forum, *Re-Engineering Training on Police Use of Force* 11 (2015), <https://www.policeforum.org/assets/reengineeringtraining1.pdf>.

¹⁵¹ See R.M. Harden, “Death by PowerPoint—The Need for a ‘Fidget Index,’” 30 *Medical Teacher* 833, 833 (2008), <https://medicine.fiu.edu/resources/faculty-tools/clinical-and-classroom-teaching/classroom-teaching/learning-teaching-series-services/assets/death-by-powerpoint-by-rm-harden.pdf>; Dale Cyphert, “The Problem of PowerPoint: Visual Aid or Visual Rhetoric?,” *Business Communication Quarterly* (March 2004), <https://www.policeforum.org/assets/reengineeringtraining1.pdf>.

¹⁵² *Final Report of the President’s Task Force on 21st Century Policing* 52 (2015).

¹⁵³ The Leadership Conference on Civil and Human Rights, *New Era for Public Safety: A Guide to Fair Safe and Effective Community Policing* 143 (2019).

¹⁵⁴ David Blake, “Truly Test Your Officers with Reality-Based Training,” *PoliceOne.com* (Apr. 25, 2014), <https://www.policeone.com/police-trainers/articles/truly-test-your-officers-with-reality-based-training-4TdWfK0tGPJRFdUW/>.

providing ongoing in-service training to current officers. Indeed, we audited some recent training initiatives, in person, in October on community policing and Yale's affinity groups and were favorably impressed. Nevertheless, YPD should ensure that, among its annual training requirements, it provides regular training that allows officers to practice use of force decision-making skills in the context of navigating realistic, real-world scenarios tailored to the types of needs and realities that a campus police officer will encounter.

Area 2: Pursuits

Vehicle Pursuits

Overview

Pursuits are a high risk, low-frequency police action. As such, guidance to officers concerning pursuits must be clear and comprehensive. There is little question as to whether a police department should have explicit pursuit policies. The challenge is to balance the potential need to apprehend fleeing offenders with the safety of police officers, offenders, and innocent bystanders.

Police literature has generally recognized three policy models for pursuits, with a fourth policy model more recently entering the lexicon:

- **Discretionary:** Allowing officer to make all major decisions relating to initiation, tactics, and termination.
- **Restrictive:** Placing certain restrictions of officers' judgements and decisions.
- **Discouraging:** Severely cautioning against or discouraging any pursuit, except in the most extreme circumstances.
- **Prohibited:** Pursuits are not allowed.¹⁵⁵

¹⁵⁵ Hugh Nugent, et al, *Restrictive Policies for High-Speed Police Pursuits*, U.S. Department of Justice, National Institute of Justice (1990).

¹⁵⁶ Brian Reaves, *Police Vehicle Pursuits, 2012-2013*, U.S. Department of Justice, Bureau of Justice Statistics (May 2017).

¹⁵⁷ Edgar Mendez, "Police Chases Nearly Triple Since Change in Milwaukee Pursuit Policy," *Milwaukee Neighborhood News Service* (Jan. 7, 2020).

¹⁵⁸ New Orleans Police Department, Chapter 41.5, Vehicle Pursuits (Aug. 11, 2019).

Restrictive vehicle pursuit policies began to appear in the 1980s. By 2019, the Bureau of Justice Statistics (BJS) found that an estimated 85 percent of local police departments restrict vehicle pursuits.¹⁵⁶

Vehicle pursuit policies do make a difference. The recent experience of the Milwaukee Police Department (MPD) starkly illustrates the point.¹⁵⁷ In 2010, MPD limited its pursuit policy to only incidents involving a violent felony. Vehicle pursuits dropped precipitously by 2012. A subsequent reversal in policy by MPD in 2017 allowed pursuits in incidents involving reckless driving or drug dealing. MPD's pursuits increased by 155 percent since the 2017 policy change. The number of people injured as a result of a police pursuit more than tripled between 2017 to 2018 – which included 38 injuries to third-party victims and 13 injuries to police officers.

With respect to how a restrictive vehicle policy functions, the New Orleans Police Department ("NOPD") is illustrative.¹⁵⁸ NOPD requires the officer to have knowledge that the fleeing suspect committed or attempted to commit a crime of violence and that the escape of the subject poses an imminent danger to others. NOPD also requires supervisor approval prior to initiating a pursuit. The Connecticut POST's pursuit policy permits a pursuit only when the fleeing suspect was involved in a violent felony or is a danger to others.¹⁵⁹ Seattle's vehicle pursuit guidelines allow pursuits for DUIs and felonies.¹⁶⁰

Most policies require supervisors to monitor and take control the pursuit. The Connecticut POST policy requires supervisors to respond to the location where a vehicle was stopped during a pursuit. Supervisors are also responsible for ensuring all required reports are completed.¹⁶¹

The Connecticut, New Orleans, and Seattle policies, like the International Association of Chiefs of Police Model Policy,¹⁶² list the conditions under which a pursuit is to be terminated, and officers in the pursuing car or the

¹⁵⁹ POST Connecticut Model Policy, Police Motor Vehicle Pursuit Policy.

¹⁶⁰ Seattle Police Department Manual, 13.031, Vehicle Eluding/Pursuits (May 7, 2019).

¹⁶¹ POST Connecticut Model Policy, Police Motor Vehicle Pursuit Policy.

¹⁶² International Association of Police Model Policy, Vehicular Pursuit (Dec. 2015).

supervisor may choose to terminate the pursuit at any time. All of these policies require Communications to notify a jurisdiction when a pursuit enters a neighboring jurisdiction. Required reports and training, including refresher training, on pursuits are also specified in the policies.

Recommendations

Overall, YPD's General Order 402, which covers Pursuit and Emergency Driving, is sound on the fundamentals. YPD's vehicle pursuit policy is a restrictive policy.¹⁶³ It limits pursuits to apprehending persons engaged in the commission of a violent felony or if the person presents a danger to human life and only when the officer reasonably believes the person cannot be apprehended by another method. Yale's policy appropriately outlines decision criteria for officers, communications responsibilities for personnel when initiating and engaging in a pursuit, and supervisory responsibilities.

Nevertheless, YPD can further strengthen its vehicle pursuit policy on several fronts.

Recommendation 5.3. YPD's pursuit policy should be revised to ensure that its general standard is clear.

General Order 402 includes a clear policy statement: "No motor vehicle pursuit will be undertaken except to apprehend persons who the officer reasonably believes have committed or are engaged in the commission of a violent felony, and then only when the officer reasonably believes (s)he cannot apprehend the person by other readily available means."

However, the policy paragraphs preceding this statement suggest there is wider discretion given to the officer. The earlier paragraphs should be deleted or provided as background but not policy.

Recommendation 5.4. YPD policy provides a list of factors to be considered by an officer when deciding to initiate or continue a pursuit. Additional factors should be considered.

The following should be added to the list of factors that officers must consider when deciding whether to initiate or to continue a vehicle pursuit:

- Whether persons in the vehicle previously engaged in the commission of violent felony;
- The officer's training and experience;
- The officer's familiarity with the pursuit area;
- Lighting and visibility; and
- Any other extraordinary circumstance or conditions (e.g. the proximity to school zones, playgrounds, shopping centers, etc.).

Recommendation 5.5. GO 402 lists five pieces of information the officer must provide communications upon commencing a pursuit. Officers should also be required to provide the following additional information to communications:

- **Any information concerning the use of firearms, threat of force, or other unusual hazard;**
- **Number, identity, and description of occupants, if known; and**
- **The continuous progress of the pursuit and if headed towards another jurisdiction.**

Although YPD's policy appropriately lists information that officers must provide communications upon initiating a pursuit, the inclusion of the above items may enhance officer safety and effectiveness in pursuit situations, especially with respect to the response of secondary units.

Recommendation 5.6. Responsibilities of the secondary unit should be specified in GO 402.

When a unit that did not initiate a pursuit provides assistance by joining the pursuit, such secondary units should be expressly required by YPD policy to:

- Immediately notify communications they are joining the pursuit;
- Maintain visual contact with the primary unit; and

¹⁶³ Yale University Police Department General Order 402, Pursuit and Emergency Driving.

- Assume responsibility from the primary unit for relaying information to communications.

Recommendation 5.7. YPD policy should contain stronger policy statements regarding pursuits in unmarked police vehicles and motorcycles.

YPD's GO 402 currently states, "Whenever possible, patrol units having the most prominent markings and emergency lights will be used to pursue, particularly as the primary unit." 21CP recommends that the policy include a stronger statement regarding unmarked vehicles and motorcycles, such as:

Unmarked units and motorcycles shall not, barring exigent circumstances, initiate a vehicle pursuit. However, if a pursuit is initiated based upon exigent circumstances, the operators of these types of vehicles shall relinquish the position as Primary Vehicle to the first responding marked unit and withdraw from the pursuit immediately.

Recommendation 5.8. The following should be assigned to the supervisor assuming responsibility for the pursuit:

- **After any pursuit, if appropriate, make sure officers have sufficient time to calm down and regain their composure before returning to patrol.**
- **Supervisors must be proactive at the end of the pursuit to ensure that arrests are made in accordance with departmental policy. Supervisors will be held accountable if they fail to take appropriate action.**

Good pursuit policies recognize that the active involvement of supervisors not involved in a pursuit can help ensure that the effects of heightened stress and adrenaline typical in pursuit situations do not result in officers either violating other policies when taking a pursued subject into custody or responding in inappropriate or disproportionate ways in subsequent interactions because of the lingering physiological effects of the high-stress encounter. YPD policy should expressly give supervisors the duty to manage

appropriately the officers under their command who engaged in a pursuit.

Recommendation 5.9. GO 402 should require that the primary unit terminate the pursuit if it loses sight of the pursued vehicle.

The risks of pursuits remain present even when a pursuing officer may have lost sight of a pursued vehicle, with officers potentially more apt to inadvertently ignore pedestrians, bystanders, traffic, and other considerations if they are focused on looking for the pursued vehicle. To ensure that a well-intentioned officer does not make unfortunate driving errors while trying to re-establish the location of a pursued vehicle, YPD policy should require discontinuation of a pursuit when a vehicle can no longer be seen.

Recommendation 5.10. GO 402 should add, with respect to Interagency Pursuits, a policy provision requiring that, once a pursuit has been taken over by the law enforcement agency of another jurisdiction, the initial pursuing officers shall cease emergency driving.

Yale's relatively compact geographic territory and the operation of several nearby police agencies suggests at least a reasonable likelihood that a vehicle pursuit initiated by a YPD officer might spill over into a neighboring jurisdiction. Yale's pursuit policy should require that, once another agency has responded to and taken over the pursuit, YPD personnel should discontinue the pursuit.

Recommendation 5.11. GO 402 should make clear that that officers should not join a pursuit in progress initiated by other agencies unless authorized a supervisor.

Although YPD's existing policy prohibits officers from joining a pursuit that another agency initiated unless the officer receives authorization from a YPD supervisor, this prohibition is contained as the third of six items in the relevant location. 21CP recommends elevating the importance of this particular prohibition by making it the primary policy prescription in the list.

Foot Pursuits

Recommendations

Recommendation 5.12. YPD should establish and train on a foot pursuit policy using other model policies as guides.

Because of the relatively compact geographic imprint of the Yale campus, it appears just as, if not even slightly more likely, that an officer might need to pursue a subject through on parts of the Yale campus while outside of his or her vehicle. Indeed, this becomes even more salient if Yale's Public Safety Vision and community and problem-oriented policing plans provide the staffing and resources necessary to expand and prioritize foot patrols and other alternatives to motorized patrols, as discussed in Recommendation 3.3.

Foot pursuits of suspects can place the officer, public, and/or the suspect at significant risk. Research helps to establish that:

1. Substantial number of officer-involved shootings involve foot pursuits;
2. Foot pursuits are associated with a high likelihood of the use of force generally;
3. Foot pursuits are associated with substantial productivity losses due to accidental and assault-related injuries to officers; and
4. Certain use of force tactics may substantially increase the odds of injury among suspects actively fleeing police on foot.¹⁶⁴

Because of the elevated risks associated with foot pursuits, many police departments are enacting policies that specifically address the initiation and continuation of pursuits of subjects while on foot. Typically, these policies do not prohibit foot pursuits. Instead, they provide officers with important safety and tactical guidance.

Currently, YPD does not have an express policy governing foot pursuits. 21CP recommends that the Department develop one.

¹⁶⁴ Robert Kaminski and Jeff Rojek, "Police Foot-Pursuit Policies, Practices and Training: Findings from a National Survey" (2015) (unpublished manuscript), [https://www.researchgate.net/publication/280829775_Police_foot-](https://www.researchgate.net/publication/280829775_Police_foot-pursuit_policies_practices_and_training)

21CP recommends that any foot pursuit policy should, consistent with the advice of the International Association of Chiefs of Police ("IACP"), presume and articulate that "whenever possible, foot pursuits should be avoided."¹⁶⁵ IACP recommends that foot pursuit policies should identify:

- Guidelines for initiation and termination of a foot pursuit;
- Who has the authority to authorize continuation and termination of a pursuit;
- Who has the responsibility for coordinating the pursuit; and
- Tactics to be employed by officers engaged in a foot pursuit to ensure subject, officer, and public safety.

With respect to specific guidance for officers, the Philadelphia Police Department, New Orleans Police Department, and Sacramento Police Department allow an officer to engage in a foot pursuit when the officer has reasonable knowledge the suspect committed an act which justified a stop, investigative detention, or arrest. The New Orleans policy provides that mere flight by a subject who is not suspected of criminal activity shall not serve as the sole justification for engaging in a foot pursuit.

All of the IACP, Philadelphia, New Orleans, and Sacramento policies identify specific risk factors to consider when initiating, continuing, and terminating foot pursuits. Such factors include, among others, whether the officer is alone, availability of assisting officers, familiarity of the area, the number of suspects, knowledge of the suspect, physical capabilities of the officer, whether the suspect enters a building, confined space or difficult terrain, quality of radio communications, weather conditions and visibility, and maintaining sight of the suspect. These policies require officers and supervisors to consider alternatives to a foot pursuit like aerial support, containment, canine search, saturation of the area with officers, or apprehension at a later time.

Within these model policies, the pursuing officer or the coordinating supervisor may terminate a pursuit at any

[pursuit policies practices and training Findings from a national survey.](#)

¹⁶⁵ International Association of Chiefs of Police, *Concepts and Issues Paper: Foot Pursuits* (July 2019).

time. Continual assessment of risk factors should contribute to a decision to terminate. A field supervisor is expected to take control and coordination of the foot pursuit. The supervisor is to respond to the end of the pursuit and take control of the scene and ensure all paperwork is complete. The roles and responsibilities of the pursuing officer to keep radio communications informed and the responsibilities of communications are clearly delineated. Central to any foot pursuit procedures should be continuous contact between the pursuing officer, supervisors, and communications personnel.

The IACP recommends that departments develop and train officers on specific procedures and tactics to be used during a pursuit. Guidelines should cover situations where the officer is alone and when there are two or more officers in pursuit, and the responsibilities of assisting officers. A foot pursuit policy, as well as tactical training relating to the policy, should address safety concerns like avoiding potential traps; leaving a police vehicle accessible; and situations where a suspect may cross over a wall or fence, flees from a vehicle, rounds a corner, or otherwise enters a confined space or difficult terrain.

Area 3: Relationship/Coordination with Neighboring Police Departments

Background

Public safety partnerships between university police departments and neighboring police agencies involve unique challenges. The Coalition of Urban Serving Universities identified some of the primary challenges as “the blurring of boundaries between campus and community, creating difficulties balancing public access with university needs or resources, and growing expectations on the part of the city and community for them to do more.”¹⁶⁶ They also identified specific challenges associated with managing community-police relations when the university police force is one of many law

enforcement agencies providing policing services in close proximity.

Some of these challenges may also be opportunities. Law enforcement has long understood that multijurisdictional, multiagency cooperation can benefit enforcement and investigative efforts of criminal activities which cross jurisdictional boundaries. A 2018 report by the National Center for Campus Public Safety concluded that urban campuses become safer when campus police departments work closely with the other law enforcement agencies in their area.¹⁶⁷ Specifically, through collaboration with other law enforcement agencies, campus police departments can improve training, work more efficiently, and even cut costs with better coordination.¹⁶⁸ To promote such collaboration, the National Center’s report emphasized the importance of:

- Establishing formalized Memorandums of Understandings or Mutual Aid Agreements to guide collaboration and joint response;
- Holding regular meetings with leaders of all local law enforcement agencies;
- Conducting joint training and details;
- Developing clear and routine information-sharing processes; and
- Promoting campus police as a public safety multiplier.¹⁶⁹

A key issue for many university police departments is clarifying their jurisdiction. The jurisdictional authority of a university police agency is often set by state statute, though it may be functionally, if confusingly, extended by formalized agreements.¹⁷⁰

Jurisdictional issues are not just about geographic boundaries but are also about roles, responsibilities, and authorities when responding to emergencies, investigating and preventing crime, and sharing information. Consequently, departments and jurisdictions benefit from

¹⁶⁶ The Coalition of Urban Serving Universities, *University Public Safety Partnerships that Advance Urban Development*, https://uscoalition.org/images/APLU_USU_Public_Safety_Final_Report.pdf (last visited Jan. 30, 2020).

¹⁶⁷ Queens University, *Campus Policing in an Urban Environment: Findings from a Forum on Issues in Urban Campus Public Safety*, National Center for Campus Public Safety (2018), https://www.nccpsafety.org/assets/files/library/Campus_Policing_Urban_Environment_Report_Final.pdf.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ See, e.g., Jamie P. Hopkins and Kristina Neff, “Jurisdictional Confusion that Rivals Erie: The Jurisdictional Limits of Campus Police,” 75 *Montana Law Review* 123, 123 (2014) (noting that the “power of campus police officers” and campus “[p]olice jurisdiction has become a particularly thorny, though increasingly relevant, issue as colleges and universities continue to experience both intense population and physical growth culminating in a large amount of distance learning and commuting students, challenging the historical concept of an insular campus”).

reaching a clear understanding, in advance, of how various organizations will and will not interact with each other.¹⁷¹

The Campus Security Guidelines, a major collaborative effort between local and campus law enforcement lead by the Major Cities Chiefs Association, identified four major topic areas on which campus police departments must focus when it comes to coordinating with other law enforcement agencies:

- Policies and Agreements section encourages the development of written policies and formal agreements between local and campus police departments,
- Prevention and Preparedness for critical incidents on campus,
- Coordinated Response with multiple agencies, and
- After Action response and debriefing processes.¹⁷²

More specifically, the guidelines recommend that campus law enforcement focus on:

1. Policies and Formal Agreements: Local and campus law enforcement agencies should have both policies and formal agreements to define general and specific roles for all types of incident response.
2. Coordination Plans: Local and campus law enforcement must coordinate with each other in order to be prepared to respond to critical incidents.
3. Interoperable Communications: Local and campus law enforcement must find solutions to achieve interoperability.
4. Potential Risks and Threats: Local and campus law enforcement should work together to improve information-sharing and threat assessments in their jurisdiction.
5. Media and Public Relations: Local and campus law enforcement should plan and practice joint media and the public relations scenarios, as

perceptions of competency and coordination are paramount during a critical incident on campus.¹⁷³

Existing YPD Coordination with Other Law Enforcement Agencies

YPD officers are given police authority under Section 3 of Public Act No 83-466 of the Connecticut General Statutes:

The City of New Haven, acting through its board of police commissioners, may appoint persons designated by Yale University to act as Yale University police officers. Such officers having duly qualified under section 7-294d of the general statutes, and having been sworn, shall have all the powers conferred upon municipal police officers for the city of New Haven. They shall be deemed for all purposes to be agents and employees of Yale University, subject to such conditions as may be mutually agreed upon by the city of New Haven, acting through its board of police commissioners, and Yale University.

Public Act 83-466 allows university special police forces to enter into mutual aid agreements with municipalities. A memorandum of understanding sets the roles, authorities and responsibilities between the City of New Haven, the New Haven Police Department, and the Yale University Police Department. YPD Order 103 summarizes the MOU. The agreement itself authorizes YPD officers to exercise the powers and authority conferred upon municipal police officers of the City of New Haven. It permits the Chief or Assistant Chief of Police of NHPD, coordinating with YPD, to summon YPD officers for emergency services when necessary.

A memorandum of operations between YPD and NHPD is the basis for coordinating police operations and support

¹⁷¹ EduRisk, *Clarifying the Jurisdiction of Campus Police* (Oct. 2019), <https://www.edurisksolutions.org/blogs/?id=273>.

¹⁷² William J. Bratton and James H. Burch, Major Cities Chief Association and U.S. Department of Justice, Bureau of Justice Assistance, *Campus Security Guidelines, Recommended*

Operational Policies for Local and Campus Law Enforcement Agencies (Sept. 2009), https://bia.ojp.gov/sites/g/files/xyckuh186/files/Publications/MC_C_CampusSecurityGuidelines.pdf.

¹⁷³ *Id.* at 2.

services provided by NHPD to YPD. Order 103 outlines some of the services that NHPD may provide to YPD:

- Criminal investigation, follow-up and supervision of major cases;
- Records processing and crime analysis services;
- Communication liaison and assignment of case numbers for incident reports
- Identification and crime scene services;
- Prisoner transportation and detention;
- Prisoner processing and tracking and record keeping of court dispositions;
- Property and evidence services;
- Juvenile offender services;
- Assistance upon the request of the Yale Police Chief or his designee, in specific incidents, including, but not limited to, special events and demonstrations;
- Joint patrols, as agreed to by the Chiefs of the New Haven and Yale Police Departments;
- Joint Hazardous Devices response; and
- Other specialized police services.

Separately, Yale University Police Department is a member of the South Central Criminal Justice Administration of Connecticut (“SCCJA”). SCCJA provides testing services at the recruit and promotional levels, training, regional coordination, and research to twenty-two municipalities and universities in South Central Connecticut. The South Central Chiefs of Police Association is part of the SCCJA. That association also works to improve cooperation among its members and explores regional and metropolitan approaches to problems. A Mutual Police Assistance Compact was executed by SCCJA and signed by municipalities in 1995. New Haven signed the Compact, and it is 21CP’s understanding that YPD is part of the Compact, by extension.

The Connecticut legislature passed, and the Governor recently signed, new laws governing who investigates officer-involved shootings.¹⁷⁴ The new law requires the Chief State’s Attorney to assign investigations into non-lethal use of force as well as lethal use of force investigations to another state’s attorney out of the jurisdiction of where it occurred. The investigations of police-involved death are

done by the state police and the evidence is turned over to the designated state’s attorney for review.

Recommendations

21CP observed a high level of coordination and cooperation between YPD and surrounding jurisdictions. For instance, NHPD attends YPD’s BlueStat, Yale’s data-driven discussion of public safety trends in the Yale footprint. Likewise, YPD attends NHPD’s Compstat – a similar, data-driven discussion of crime and safety trends in New Haven generally. Departments from Yale, New Haven, and Hamden all participated in the Sentinel Event Review meetings surrounding the April 2019 officer-involved shooting. Based on discussions with YPD command, it is apparent that the leadership of YPD, New Haven, and Hamden frequently exchange calls and emails and hold informal meetings to address specific issues and overall public safety trends and strategies.

We nonetheless make several recommendations for ways that YPD can further strengthen its relationships and collaboration with nearby law enforcement agencies.

Recommendation 5.13. Yale University, the City of New Haven, YPD, and the New Haven Police Department should ensure that their relationships are clear and sufficiently reflect new practices, technology, and practices.

Changes in circumstances require partners to routinely review and modify guidance which govern their relationships. This recommendation addresses this need to stay current with technology improvements, advancements in best practices and policies, and changes in laws.

Recommendation 5.14. YPD and NHPD should work together to create reality-based training scenarios to jointly train their officers on how to respond to fast-moving incidents.

YPD and NHPD officers can often respond to same incident. This is especially true for critical, fast-moving incidents. To ensure a coordinated and effective response, these departments need to have training scenarios that

¹⁷⁴ State of Connecticut, Public Act No. 19-90 (October 1, 2019), <https://www.cga.ct.gov/2019/act/pa/pdf/2019PA-00090-R00SB-00380-PA.pdf>

involve dispatchers, officers, and supervisors responding to, handling, and coordinating efforts. The training should reflect the established guidelines governing the roles and responsibilities of the various members of the departments.

Recommendation 5.15. Yale University and YPD should work with New Haven and NHPD on a media protocol outlining procedures for coordinating press releases and media interactions for a variety of critical incidents.

Local police and campus police departments should plan and practice joint media and public relations scenarios. Joint protocols should be in place about the provision of information to the public, how messages are coordinated, and the roles and responsibilities of the various public information offices at Yale and New Haven. This might take the form of a guidebook outlining the steps to be taken and the initial messages by the parties for each type of critical incident, such as a significant crime on campus, an officer-involved shooting, a hazardous material incident, protest events, or a mass casualty situation.

Recommendation 5.16. YPD, in conjunction with surrounding jurisdictions, should review authorities, roles, and responsibilities for initial response to officers' use of force given the changes in the law.

In discussions with the Chiefs of Yale University Police Department, New Haven Police Department, Hamden Police Department and their respective staffs, all appeared to agree that, with the passage of Public Act No. 19-90 addressing the investigation of officer-involved shootings, the departments need to review their response to officer-involved shootings and the changed roles and responsibilities for supervisors. This recommendation reflects the consensus of the Chiefs.

Recommendation 5.17. YPD should, in conjunction with surrounding jurisdictions, review their communication and patrol operations policies to update them in reference to response to crimes occurring off the Yale footprint.

The intersection of Yale University boundaries with the neighborhoods of New Haven are the areas where confusion and an uncoordinated response can occur. The passage of time alone requires that formal agreements be

reviewed and modified to ensure that they reflect best practices and changes in technology and law. Appropriate training should be provided to officers on any changes.

Recommendation 5.18. The University and YPD should explore ways in which surrounding police departments may benefit from combining purchasing power, technology, and training.

Combining and sharing resources can facilitate improved coordination among neighboring police departments. Pooling the purchasing power of Yale University, New Haven, and other nearby jurisdictions might not only reduce costs but also may increase the compatibility of equipment and training. For instance, if all the jurisdictions purchased the same radios and computer-aided dispatch system, collaboration during an event requiring a multi-departmental response would be substantially easier.

Recommendation 5.19. YPD should explore with the surrounding jurisdictions the creation of a joint PSAP (Public Safety Answering Point).

The Yale Police Department, New Haven Police Department, and the Hamden Police Department all operate their own dispatch functions. This requires each department to pass along information to others manually, which can result in critical information not being shared as accurately or expeditiously as necessary. It is our understanding that Yale PD officers can switch their radio to hear New Haven and Hamden communications and can talk directly to the officers in those departments. However, the far more typical practice is to have Yale officers communicate to Yale Communications, which passes the information to the appropriate communication center of the neighboring jurisdiction.

A joint PSAP (Public Safety Answering Point) would create a single communication center servicing multiple jurisdictions. The essence of this recommendation is to encourage YPD to work with their surrounding local police departments to explore ways for decreasing the need to pass information from dispatch center to dispatch center. Other options that might also promote this outcome include:

- Setting a policy on what information should automatically be transmitted and assigning

personnel in each center to monitor the others' transmission and retransmit based on policy;

- Exploring the patching in of other communication centers into YPD's Communication Center; and
- Modifying MOUs to reflect revised and updated policies about the information flow between communications centers, especially during rapidly evolving events.

Recommendation 5.20. The current Mutual Aid Compact should be reviewed to determine if changes are required given the passage of time and experience.

A Mutual Police Assistance Compact was executed by SCCJA and signed by municipalities in 1995. New Haven signed the Compact, and it is 21CP's understanding that YPD is part of the Compact by extension. This ultimately responsibility for reviewing and potentially modifying the Compact sits with South Central Criminal Justice Administration of Connecticut. However, Yale should encourage SCCJA and others to review the Compact.

Recommendation 5.21. The Mutual Aid Compact outlines authorities, roles and responsibilities for agencies, their supervisors, and their officers. These requirements should be clearly communicated to department personnel and multi-jurisdictional training should reinforce the requirements.

YPD should ensure that current officer training adequately addresses the authorities, roles, and responsibilities under the Mutual Aid Compact.

Area 4: Responding to Individuals Experiencing Behavioral Health Crises

Background

¹⁷⁵ Seattle Police Department, *Use of Force in Crisis-Involved Incidents* (Dec. 2018), https://www.seattle.gov/Documents/Departments/Police/Publications/Crisis_UoF%20Report%20SPD%20Final.pdf.

¹⁷⁶ Martha W. Deane, "Emerging Partnerships Between Mental Health and Law Enforcement," 50 *Psychiatric Services* 99 (1999).

¹⁷⁷ Center for Disease Control and Prevention, *Mental Health*, <http://www.cdc.gov/mentalhealth/index.htm> (last visited Mar. 3, 2020).

¹⁷⁸ See, e.g., Sarah Goodyear, "The Crisis of Rural Despair," *Psychology Today* (Jan. 2, 2018),

A lack of mental health services nation-wide – coupled with the often co-occurring conditions of substance use disorder, homelessness, and other conditions of despair – has led to police officers increasingly being called as first responders to incidents of behavioral crisis. Recent studies from one major US city illustrate the magnitude of this response: nearly 3 percent of all calls to police – upwards of 15,000 over an 18-month period – involved an individual in behavioral or emotional crisis.¹⁷⁵ Other studies suggest that as many as 10 percent of all officer-public contacts involve a person in a serious mental health crisis.¹⁷⁶

With the Centers for Disease Control and Prevention recognizing mental health as a critical and non-discriminating public health issue,¹⁷⁷ these are circumstances not unique to large jurisdictions¹⁷⁸ – nor is the demand for crisis intervention response any less significant on college campuses.¹⁷⁹ Indeed, considering the academic and social pressures, uncertainty, and financial concerns often facing college students and faculty alike, it may be of even greater critical weight.¹⁸⁰

As a field, law enforcement has recognized the need to change its approach to responding to individuals in behavioral crisis and to provide officers with the training, tools, and community resources that they need to meaningfully and peacefully address interactions with individuals experiencing behavioral health challenges. A focus on crisis intervention enhances public safety by linking individuals in crisis with necessary health and social services. It also produces safer outcomes for both subjects in crisis and police officers.

Even as the challenges facing campus policing in this regard are substantial, there is also tremendous and unique opportunity for campus police to leverage the diversity and inherent wealth of research and innovation that surrounds them. Institutions of higher learning are in a unique

<https://www.psychologytoday.com/us/articles/201801/the-crisis-rural-despair>.

¹⁷⁹ Gary J. Margolis & Penny R. Shtull, "The Police Response to Mental Illness on Campus," 26 *Journal of College Student Psychotherapy* 307 (2012); see also Kristie Auman-Bauer, "PTSD Can Make College Tough for Student Veterans," *Futurity* (May 29, 2018), <https://www.futurity.org/ptsd-college-student-veterans-1769282/>.

¹⁸⁰ See, e.g., D.E. Howard et al., "Stress and Mental Health Among College Students: Overview and Promising Prevention Interventions," in M.V. Landow (ed.), *Stress and Mental Health of College Students* (2006) at 91–123.

position to use a partnership between social science and law enforcement to meet a significant social demand at the intersection of public safety and public health.

Recommendations

Apart from agency-specific requirements relating to reporting and documentation, commonalities across model polices and best practices include the following core tenets:¹⁸¹

1. Clear messaging that de-stigmatizes and educates officers and the community about behavioral health issues. According to the Centers for Disease Control and Prevention, more than 50 percent of Americans will be diagnosed with a mental health disorder at some point in their life; one in five will experience a mental illness in any given year; and approximately one in 25 Americans are living with a chronic, serious mental illness, such as schizophrenia, bipolar disorder, or major depression.¹⁸² Policies and practices should reflect that a breakdown in mental health is, first and foremost, a health crisis, rather than a criminal act; that persons experiencing these crises are entitled to and will be treated with dignity; that there are many different bases and causes of behavioral crises; that officers are responsible to respond to the symptomatology and behaviors with which they are presented, not to diagnose the condition; and that, while arrest is appropriate when necessary for public safety, diversion to other services is often the ideal outcome for a crisis response. Police officer training that reinforces

this commitment must likewise reinforce these points.

2. Establishment of collaborative partnerships to advise training, policy, and diversion pathways. Crisis intervention partnerships leverage community resources, including mental health professionals, members of academia, and community advocates, to promote awareness of and access to behavioral health services, streamline diversions, create individualized support networks, and ensure that policy and training is based on best evidence, best practice, legal authority, and community expectations.¹⁸³
3. Commitment to advanced levels of crisis intervention training and response of CIT officers. Best practice literature recommends that all of a police department's sworn staffing have basic training in recognizing indicators of behavioral health crisis; that a minimum of 20 percent of a department's sworn staffing receive advanced crisis intervention training; and that policy set clear expectation for dispatching, where feasible, an officer with advanced crisis intervention training to calls that involve behavioral crisis.
4. Commitment to de-escalation and continuum of response from all officers. Policy should reflect clear expectations with respect to de-escalation, diversion opportunities, and detentions of individuals experiencing a crisis.

Recommendation 5.22. YPD should streamline and update its generally strong General Order addressing

¹⁸¹ CIT International, *Crisis Intervention Team (CIT) Programs: A Best Practice Guide for Transforming Community Responses to Mental Health Crises* (Aug. 2019), [http://www.citinternational.org/resources/Documents/CIT%20guide%20desktop%20printing%202019_08_16%20\(1\).pdf](http://www.citinternational.org/resources/Documents/CIT%20guide%20desktop%20printing%202019_08_16%20(1).pdf); International Association of Chiefs of Police, *Improving Police Response to Persons Affected by Mental Illness* (March 2016), <https://www.theiacp.org/sites/default/files/2018-08/ImprovingPoliceResponseToPersonsWithMentalIllnessSymposiumReport.pdf>; IACP National Law Enforcement Policy Center, *Responding to Persons Affected by Mental Illness or in Crisis: Model Policy* (Jan. 2014), <https://pmhctoolkit.bja.gov/oipasset/Documents/IACP%20Mental%20Illness%20Policy.pdf>; Cleveland Division of Police, *General Police Order, Crisis Intervention Team Program* (Jan. 5, 2017), http://www.city.cleveland.oh.us/sites/default/files/forms_publications/CITProgramPolicy.pdf; Seattle Police Department, Manual

Section 16.110, *Crisis Intervention* (Aug. 1, 2019) <https://www.seattle.gov/police-manual/title-16---patrol-operations/16110---crisis-intervention>.

¹⁸² Centers for Disease Control and Prevention, *Mental Health, Learn About Mental Health* <https://www.cdc.gov/mentalhealth/learn/index.htm> (last visited Jan. 21, 2020).

¹⁸³ See, e.g., Bureau of Justice Assistance and Council of State Governments, Justice Center, *Improving Responses to People with Mental Elements: The Essential Elements of a Specialized Law Enforcement-Based Program* (2008) <https://csgjusticecenter.org/wp-content/uploads/2012/12/le-essentialelements.pdf>; Amy C. Watson and Anjali J. Fulambarker, "The Crisis Intervention Team Model of Police Response to Mental Health Crises: A Primer for Mental Health Practitioners," 8 *Best Practices in Mental Health* 71 (2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3769782/>.

behavioral health crisis to make expectations clearer and adhere to best practices.

YPD's General Order addressing crisis intervention issues, General Order 426, is generally strong in terms of outlining procedural expectations of officers. That said, it may also create unnecessary confusion by seemingly creating different response expectations depending on whether the individual is "mentally ill," "in crisis," "experiencing psychiatric disabilities,"¹⁸⁴ or engaged in "abnormal" or "impaired" behavior. Consistent with best practice standards that train officers to tailor their response to the behaviors presented along a continuum, irrespective of the underlying cause, YPD should revise General Order 426 to focus on behaviors indicative of behavioral crisis and avoid attempts at more granular distinctions.

YPD should also work with University and community partners to update the language of GO 426 to be more culturally sensitive. Terminology such as, for example, "dealing with the mentally ill," "mental disorders of old age," "drug addict" and "mentally retarded," carry pejorative connotations that should be avoided. Similarly, while they are often co-occurring conditions, mental illness and homeless should not be conflated in policy.

Finally, YPD should also consider including in policy a specific description of subjects that, under Connecticut law or local prosecution requirements, are not subject to diversion so that officers can provide the best responses to the appropriate individuals.

Recommendation 5.23. The Department of Public Safety and YPD should better integrate its existing crisis intervention framework with other campus and community resources.

¹⁸⁴ Notwithstanding the particularized language of C.G.S. Sec. 17a-503, where the statutory standard can be met by a description of the behaviors alone, introducing the term into the policy seems to add extraneous complexity.

¹⁸⁵ See, e.g., Jessica Lee, "How Co-Responder Teams Are Changing the Way Minneapolis Police Deal with Mental Health Calls," *Minneapolis Post* (Jan. 2, 2019), <https://www.minnpost.com/metro/2019/01/how-co-responder-teams-are-changing-the-way-minneapolis-police-deal-with-mental-health-calls/>; Ashley Jiruko, "The Co-Responder Way: Mental Health Professionals and Officers Team Up," *Redmond Reporter* (May 27, 2019), <https://www.redmond-reporter.com/news/the-co-responder-way-mental-health-professionals-and-officers-team-up/>; Angel Ransy, "Gainesville's

In conversations with campus mental health providers, 21CP identified some lack of integration and collaborative problem-solving between providers and police. For example, it does not appear that campus mental health services regularly participate in or conduct training for or with YPD – despite the providers and YPD being located in immediately adjacent buildings on campus.

Perhaps more importantly, the view of at least some mental health providers on campus is that their role is to address situations once an individual comes to their doorstep – because an individual asks for help themselves, because someone else gets them to seek out mental health services, or because the police bring them to providers involuntarily. This essentially eliminates the possibility of social service providers working with YPD in response to individuals in behavioral crisis.

Yale should embrace a forward-looking, integrated framework for the provision of mental health services to Yale community members. Many communities have, in recent years, seen benefits from a "co-responder model" in which specially-trained officers respond to incidents or calls that may implicate behavioral health issues alongside mental health professionals.¹⁸⁵ Research suggests that the model may produce better outcomes for individuals in crisis, increased safety for officers, and improved relationships between police and the community.¹⁸⁶

Area 5: First Amendment Concerns

Background

The First Amendment right to freedom of speech, and the right to exercise that freedom through peaceful assembly and protest, is a foundational characteristic of American society. A critical role of a police agency is to protect the

Mental Health Co-Responder Team Diverts Arrests and Saves Taxpayers Mooney," *WUFT.org* (Apr. 26, 2019), <https://www.wuft.org/news/2019/04/26/gainesvilles-mental-health-co-responder-team-diverts-arrests-and-saves-taxpayers-money/>.

¹⁸⁶ See, e.g., Clair White and David Weisburd, "A Co-Responder Model for Policing Mental Health Problems at Crime Hoot Spots: Findings from a Pilot Project," 12 *Policing* 194 (2018); Nils Rosenbaum, "Street-Level Psychiatry: A Psychiatrist's Role with the Albuquerque Police Department's Crisis Outreach and Support Team," 10 *Journal of Police Crisis Negotiations* 175 (2010); Katie Bailey, et al, "Barriers and Facilitators to Implementing an Urban Co-Responding Police-Mental Health Team," 6 *Health and Justice* 21 (2018).

rights of people to peacefully assemble, demonstrate, protest, or rally, while also protecting the lives and property of the community. This is especially true on college campuses:

The expression of student voice, both on and off campus, has a long tradition throughout the history of American higher education. The nature of colleges and universities fosters such expression, and American colleges and universities, in particular, provide environments suited for student activism.¹⁸⁷

Indeed, recent events at the November 2019 Yale-Harvard football game highlighted issues surrounding campus protest and the expression of First Amendment rights.¹⁸⁸

Law enforcement agencies have come to recognize that community outreach and coordination is a critical component of encouraging and facilitating the peaceful exercise of civil liberties. Because the mere presence of police might inflame passions and escalate tensions, it is critical that departments create opportunities to build trust and open channels of communication with those who assemble. This should be done at all stages of planning and operation, by reaching out in advance of known events to identified groups in order to communicate and reinforce the agency's support for demonstrators' rights to be heard and to assemble, to delineate legal conduct, to interact during events with community members, to facilitate dialogue and cooperation, and to invite, when possible, after-protest input.¹⁸⁹

This process, known as the Madison Method, is well-recognized as industry standard, and is supported by the Elaborated Society Identify Model of Crowd Behavior, which suggests that such proactive measures of engagement encourage acceptable behavior and encourage

groups to “self-police.”¹⁹⁰ Even in situations where it is difficult to engage, such as with assemblies that have no clear organization structure or desire to interact with the police, agencies should continue to seek to communicate through whatever channels are available, including via social media and electronic communication.

Recommendations

Recommendation 5.24. YPD should articulate to the Yale community its policies and protocols for providing safety services during First Amendment activities.

Many members of the Yale community with whom 21CP spoke did not have a clear understanding of YPD's policies and practices related to First Amendment activities. Accordingly, we recommend that YPD establish regular opportunities to engage with faculty, student groups, and members of the community to message its commitment to peaceful assembly, to receive input, and to relay what the community can expect of YPD with respect to facilitating events. To this end, YPD may consider establishing a long-term collaboration with resources at the Yale School of Law to ensure that its practices remain informed by current events and court decisions. As a general matter, YPD should create a standalone section on its webpage addressing First Amendment issues – a one-stop shop that addresses the Department's commitments, outlines its protocols, links to its policies relating to the First Amendment, and provides additional general and campus resources as appropriate.

YPD should routinely reinforce its commitment to neutral facilitation of First Amendment events by normalizing after-action debriefs with the involved group's leadership, when feasible. These post-protest or post-activity discussions can help both law enforcement personnel and those who exercised their First Amendment rights understand what worked to foster the safe, successful

¹⁸⁷ Christopher J. Broadhurst, “Campus Activism in the 21st Century: A Historical Framing,” 167 *New Directions for Higher Education* 3 (2014), https://www.researchgate.net/profile/Christopher_Broadhurst/publication/265604889_Campus_Activism_in_the_21st_Century_A_Historical_Framing/links/5b86b325458515fd13b8bc9/Campus-Activism-in-the-21st-Century-A-Historical-Framing.pdf.

¹⁸⁸ Britton O'Daly, “Climate Change Protestors Disrupt Yale-Harvard Football Game,” *N.Y. Times* (Nov. 23, 2019), <https://www.nytimes.com/2019/11/23/us/harvard-yale-game-protest.html>.

¹⁸⁹ See Police Executive Research Forum, *Managing Major Events: Best Practices from the Field* (2011), https://www.policeforum.org/assets/docs/Critical_Issues_Series/managing%20major%20events%20-%20best%20practices%20from%20the%20field%202011.pdf.

¹⁹⁰ See Mike Masterson, “Crowd Management: Adopting a New Paradigm,” *Federal Bureau of Investigations Law Enforcement Bulletin* (Aug. 1, 2012), <https://leb.fbi.gov/articles/featured-articles/crowd-management-adopting-a-new-paradigm>.

exercise of free speech while preserving the safety of participants and the public.

Area 6: Bias-Free Policing

Background

Bias-based policing is the differential treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws – as well as any other discernible personal characteristics of an individual such as disability status, economic status, gender identity, homelessness, mental illness, national origin, political ideology, or veteran status.

The subject of bias in police operations has tended to center around law enforcement activities that, whether because of express bias or subconscious bias, lead to the disparate impact and disparate treatment of certain individuals. Often, this arises in the context of police stops of individuals of color and the use of force against similar populations. However, agencies are increasingly addressing how any of a variety of practices and operations may have a discriminatory effect even if they do not have a discriminatory intent.¹⁹¹

As a general matter, 21CP recommends that all law enforcement agencies go beyond what the law, at minimum, requires and to strive for the higher bar of establishing true legitimacy within the communities they serve.¹⁹² This typically requires that agencies commit to policies and training that allow officers to understand the types of cultural biases we all have, how these biases may implicitly impact our decision-making, and how we can take affirmative steps to try to reduce the unwanted influence and effects of cultural assumptions. This commitment requires policies and training built on principles of procedural justice in addition to positive, fair and

responsive community dialogue. Such principles form the basis of our specific recommendations.

Recommendations

Recommendation 5.25. General Order 310 should be revised to better articulate the affirmative commitment and general values of YPD when it comes to bias-free policing.

Currently, YPD’s General Order 310 is entitled “Racial Profiling.” It is limited in context to stops and detentions. Instead, YPD policy should be updated to encompass “Bias-Free Policing” more generally. Although racial profiling, “the use of race or ethnicity, or proxies thereof, by law enforcement officials as a basis for judgments of criminal suspicion,”¹⁹³ often arises in the context of stops and detentions, cultural assumptions about race can influence many different types of law enforcement decisions and police-community encounters. A broader General Order should affirmatively articulate YPD’s commitment to providing services in a professional, nondiscriminatory, fair and equitable manner. This order should mirror, at minimum, Yale University’s Title IX nondiscrimination policy.¹⁹⁴ The policy should require that complaints of bias be addressed by an independent reviewer rather than a departmental supervisor or shift commander.

Consistent with various model policies and best practice recommendations,¹⁹⁵ a general Bias-Free Policing policy should include:

- A statement of guiding principle. For example, the Seattle Police Department’s general policy on bias-free policing begins with the following:¹⁹⁶

¹⁹¹ National Academies of Sciences, Engineering, and Medicine, *Proactive Policing: Effects on Crime and Communities* (2018).

¹⁹² See generally Police Executive Research Forum, *Subject to Debate* (Jan./Feb. 2014), [https://www.policeforum.org/assets/docs/Subject to Debate/Debate2014/debate_2014_janfeb.pdf](https://www.policeforum.org/assets/docs/Subject%20to%20Debate/Debate2014/debate_2014_janfeb.pdf).

¹⁹³ Jack Glaser, *Suspect Race: Causes and Consequences of Racial Profiling* 3 (2014).

¹⁹⁴ Yale, *Nondiscrimination/Title IX*, <https://www.yale.edu/nondiscrimination> (last visited Jan. 21, 2020).

¹⁹⁵ See, e.g., Office of Attorney General for the State of California, Racial & Identity Profiling Advisory Board, *Annual Report 2020*, [https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-](https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2020.pdf)

[report-2020.pdf](#); Anti-Defamation League, *Managing Implicit Bias for Law Enforcement Agencies* <https://www.adl.org/who-we-are/our-organization/signature-programs/law-enforcement-training/implicit-bias> (last visited Jan. 21, 2020); National Academies of Sciences, Engineering, and Medicine, *Proactive Policing: Effects on Crime and Communities* (2018); Cleveland Division of Police, General Police Order, Bias-Free Policing (Feb. 9, 2018), http://www.city.cleveland.oh.us/sites/default/files/forms_publications/GPO1.07.08BiasFreePolicing.pdf.

¹⁹⁶ Seattle Police Department Manual Section 5.140, Bias-Free Policing, <https://www.seattle.gov/police-manual/title-5---employee-conduct/5140---bias-free-policing>.

The Seattle Police Department is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner.

The Department recognizes that bias can occur at both an individual and an institutional level and is committed to eradicating both.

Our objective is to provide equitable police services based upon the needs of the people we encounter.

The intent of this policy is to increase the Department's effectiveness as a law enforcement agency and to build mutual trust and respect with Seattle's diverse groups and communities.

- Definition of bias-based policing.
- Clear prohibition on bias-based policing, and direction that such prohibition applies across all department activity (field activities, investigations, etc.).
- Directives on training.
- Reporting, review, and corrective measures based on complaints of bias-based policing.
- A protocol for annual systemic reviews.

Yale's revised, expanded policy on bias-free policing should reflect these features. For instance, the current YPD Racial Profiling policy reads, in relevant part:

The department has established guidelines for its members to actively investigate suspicious persons and circumstances and enforce the motor vehicle laws, such that persons may be stopped or detained when reasonable suspicion exists to believe they have committed, are committing, or are about to commit a violation of the law.

Instead, 21CP would propose something approximating the following:

The Yale University Police Department is committed to unbiased policing, by providing services and equitably enforcing laws and limiting the circumstances in which officers can consider race/ethnicity when making law enforcement decisions.

The training requirements articulated in the policy also need to be fleshed out in greater detail. They should include mandates that the training, among other things, address: a historical perspective on individual and institutional bias (the role of policing in past and present injustice); applying principles of procedural justice as a means of addressing bias (treating all persons with dignity and respect, providing individuals a voice during encounters, being neutral and transparent in decision-making, and conveying trustworthy motives); and training specific to implicit bias and strategies for recognizing and minimizing the effects of such bias. YPD should engage community partners to collaborate in the drafting of the policy and participate in the development of training.

Area 7: Misconduct Complaints & Investigations

Background

Generally, most “[p]olice departments conduct their own inquiries into alleged police misconduct, primarily through their internal affairs divisions . . . , which are charged with providing consistent and secure investigation strategies and issuing dispositions of complaints”:¹⁹⁷

Allegations of officer misconduct may come from either internal or external sources. Internal allegations involve reports by supervisors or other department employees. External allegations involve formal or informal complaints by citizens. All internally generated allegations are investigated by the Internal Affairs Unit¹⁹⁸

¹⁹⁷ United States Commission on Civil Rights, *Revisiting Who is Guarding the Guardians? A Report on Police Practices and Civil Rights in America* (Nov. 2000), <https://www.usccr.gov/pubs/guard/main.htm>.

¹⁹⁸ Samuel Walker, National Institute of Justice, *Police Accountability: Current Issues and Research Needs* 18 (2001), <https://pdfs.semanticscholar.org/0395/6625e9881b49bf2286f39876e49ae2a5c378.pdf>.

YPD conducts formal investigations of potential misconduct or deficient performance that departmental personnel identify. It also conducts investigations of civilian complaints.

Recommendations

Recommendation 5.26. YPD should strengthen transparency and accountability with respect to the misconduct and complaint investigation process so that members of the Yale community understand what happens when an incident of misconduct is reported.

As this report recounts elsewhere, Yale students seem especially in the dark about the process for making complaints about YPD officers or service. Although the Department commendably provides the ability to make a form online, and provides a clear description of what a complainant can initially expect initially,¹⁹⁹ it might provide additional detail about the process of an investigation, whether a complainant will need to be interviewed, the approximate timeline for investigations, and the like.

Recommendation 5.27. YPD should ensure that all complainants are notified of the ultimate findings of complaint investigations and provided with status updates at regular intervals while an investigation is ongoing.

We heard from some Yale community members that, although they made a formal complaint to YPD, they were not provided with updates on the status of their complaint and its investigation. Because regular communication can foster increased trust that the Department is taking an individual's complaint seriously, we recommend that YPD ensure automatic notification of complainants as to the status of their case at pre-designated intervals. Complainants should receive a notification and explanation of a final disposition when an investigation has concluded and a finding determined.

Recommendation 5.28. Yale should identify – likely within the context of the Public Safety Vision process – and implement a concrete mechanism for

independent review of internal affairs, misconduct, and complaint investigations.

Given the inherent skepticism that many have to the notion of the police policing themselves on matters of misconduct, many jurisdictions use some mechanism of independent oversight. The National Association for Civilian Oversight of Law Enforcement identifies three major classes of oversight models: (1) an auditor/monitor model, which either “review[s] . . . the completeness and thoroughness of Internal Affairs investigations” or, alternatively, involves an outside individual or entity “monitoring . . . entire internal investigations from beginning to end” to ensure fairness, thoroughness, and consistency; (2) an investigative model, in which “[a] civilian[-]led agency investigates complaints of misconduct” themselves; and (3) a review-focused model, in which “[a] civilian board or panel examines the quality of internal affairs and investigations.”²⁰⁰

21CP makes no specific recommendations here as to the form or structure of oversight. We note simply that, to enhance community trust and confidence in the police and to alleviate the concerns of some community members that the University may be unduly protecting problematic officers, YPD and Yale should consider establishing an oversight mechanism for its internal investigations of officer performance. We understand that Yale has created a Police Advisory Board (which is different from a pre-existing Advisory Committee on Community Policing) that may fulfill an oversight function going forward.

Area 8: Training

Background

While the importance of professional training for law enforcement officers has long been recognized, so too have the considerable constraints that agencies encounter in this area – including time, cost, and staffing limitations. Due in large part to these constraints, in-serve training evolved in the twentieth century to focus mostly on reinforcing the kind of technical skills and legal principles learned in the

¹⁹⁹ It's Your Yale, Community, Public Safety, Contact Us, *Civilian Complaint*, <https://your.yale.edu/community/public-safety/civilian-complaint> (last visited Jan. 27, 2020).

²⁰⁰ Office of the Police Monitor, City of Austin, Texas, *Preliminary Police Oversight Analysis* 4 (2018), <http://www.austintexas.gov/edims/document.cfm?id=301093>.

police academy.²⁰¹ Training was siloed, redundant, and often limited to that necessary to meet state requirements or retain qualification. If new topics were introduced, they were often driven by headlines or lawsuits, or as necessary to implement new technology.²⁰² Training was generally taught by in-house instructors, recycling insular knowledge and beliefs without introducing new ideas and concepts. Outside instructors were rarely invited to teach, and when they did, they often served to confirm knowledge already ingrained in the department.

Over the past few decades, however, standards and best practices in police training have transformed significantly in terms of how in-service training is envisioned, developed, and delivered. Modern police training is built on a foundation of adult learning theory, with the content and structure of training tailored to the unique characteristics of the audience.²⁰³ Adult learning theory recognizes that participants have unique experiences that they bring to their education, and that training is most effective when adults are motivated to learn and are treated as equal partners in the learning process.²⁰⁴ The subject matter should be relevant, with a focus on problem-solving rather than the passive consumption of content.

Recommendations

Recommendation 5.29. YPD should ensure enhanced transparency around YPD by inviting the Yale community to observe, participate in, and help to develop YPD training.

President Obama's Task Force on 21st Century Policing recommended that "[l]aw enforcement agencies . . . engage community members in the training process."²⁰⁵ This provides an opportunity for communities to give input into the design and type of training for police that reflects the

needs and characteristics of their particular community. It also provides a level of transparency that can increase trust. The idea that only sworn personnel can train police officers is outdated. Modern training programs require curriculum development and adult learning techniques and should be supported by professionals trained in those disciplines. The Yale community offers a wealth of experience and resources that should be leveraged to identify deficiencies in existing training and to ensure that YPD training is informed by the perspectives and expectations of the community it serves.

Recommendation 5.30. YPD should expand and strengthen its Advisory Committee on Community Policing to ensure greater student and staff representation and a process for substantive, in-depth consultation on police training operations.

The Advisory Committee on Community Policing is an existing body which already provides input into police operations. By strengthening its membership to include greater representation and opportunities for input, YPD will be better able to tailor its training to conform to community expectations.

Recommendation 5.31. YPD's training initiatives should emphasize the particular cognitive, emotional, and developmental needs of university undergraduates.

YPD serves an undergraduate community of highly intelligent, capable individuals who bring to campus their own experiences, understandings, expectations and, in some cases, criticisms of the police. At the same time, a good many of these individuals are young adults – some living away from home for the first time, and most under academic and social pressures that are processed by brains that are continuing to develop in significant ways.²⁰⁶

²⁰¹ See, e.g., David Bradford and Joan E. Pynes, "Police Academy Training: Why Hasn't It Kept Up With Practice?," *2 Police Quarterly* 283 (1999) (describing historical deficiencies in police training).

²⁰² See generally Michael Buerger, "Educating and Training the Future Police Officer," *73 FBI Law Enforcement Bulletin* 26 (2004) (summarizing static nature of law enforcement training).

²⁰³ See, e.g., Michael T. Charles, *Breaking All the Rules: Implementing the Adult Education Model into Police Training* (2000) (outlining application of adult learning practices to law enforcement training).

²⁰⁴ Mark R. McCoy, "Teaching Style and the Application of Adult Learning Principles by Police Instructors," *29 Policing* 77 (2006);

Michael L. Birzer, "The Theory of Andragogy Applied to Police Training," *26 Policing* 29 (2003).

²⁰⁵ *Final Report of the President's Task Force on 21st Century Policing* 54 (2015).

²⁰⁶ See, e.g., Sara B. Johnson, et al, "Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Adolescent Health Policy," *45 Journal of Adolescent Health* 216, 216 (2009) ("Longitudinal neuroimaging studies demonstrate that the adolescent brain continues to mature well into the 20s."); Carl Zimmer, "You're an Adult. Your Brain, Not so Much," *N.Y. times* (Dec.

Consequently, a campus population consists of individuals with distinct emotional needs and mental health challenges.²⁰⁷

YPD members need to receive training that focuses on the particular challenges and opportunities inherent in policing in a college environment. Training on cognitive development, common mental health challenges like anxiety and depression, and similar topics may allow officers to have more successful interactions with student communities.

Recommendation 5.32. YPD should continue to provide training on de-escalation, trauma-informed policing, and the perspectives or experiences of individuals who may not see police as trustworthy.

YPD reports that approximately twenty officers have been trained in “Kingian Training,” which employs training on the strategies of Dr. Martin Luther King regarding non-violence. Trainings such as the Anti-Defamation League’s “Law Enforcement and Society Training – Lessons from the Holocaust” offers important instruction that provides officers with critical historical perspective on the impact of their work on their communities.²⁰⁸ This type of training is has increasingly become required by many federal, state, and local agencies. Additionally, to the extent that it is not otherwise being provided, YPD should avail itself of trauma-informed training specific to sexual assault.²⁰⁹

Recommendation 5.33. YPD should provide officers with additional training on problem-solving.

A core pillar of adult learning theory is an emphasis on problem-solving. Since law enforcement activities are rarely routine or predictable, the success of an officer in

resolving incidents is often determined by the officer’s ability to make rapid and fluid transitions between skill sets in dynamic circumstances. Officers must be able to evaluate their tactics in real-time during an incident and modify those tactics as necessary to meet the intended objectives and produce the best outcomes.

Modern police training should simulate, to the extent possible, the contexts in which officers operate. Increasingly, agencies are turning to integrated, reality-based training in which concepts and skills are taught during dynamic scenarios. Using a “tell, show, do” method of instruction, which combines classroom-based presentations with participatory scenario simulations, officers are trained to integrate decision-making, crisis recognition, and tactical communications skills to resolve situations they encounter.²¹⁰

Recommendation 5.34. YPD should use Learning Management Software as a means of supplying electronic-based learning to its members.

Training initiatives need to be strategically designed and scheduled to ensure that resources, including audience and trainer time, are being directed efficiently. YPD should regularly conduct a needs assessment to identify what training topics that are best suited for electronic delivery and what areas are better suited for hands-on, in-person instruction – including the scenario-based, integrated training discussed above.

Electronic-based learning, often called “e-learning,” is a particularly effective model for delivering information that is procedural, administrative, or informational (rather than practical). YPD currently uses PowerDMS to distribute and track policy updates, but it does not use it to provide e-

21, 2016), <https://www.nytimes.com/2016/12/21/science/youre-an-adult-your-brain-not-so-much.html> (describing continuing development of brain through an individual’s 20s).

²⁰⁷ See, e.g., Tammy Wyatt and Sara B. Oswald, “Comparing Mental Health Issues Among Undergraduate and Graduate Students,” 44 *American Journal of Health Education* 96 (2013) (comparing emotional and mental health challenges of undergraduate and graduate college students); Kara Zivin, et al, “Persistence of Mental Health Problems and Needs in a College Student Population,” 117 *Journal of Affective disorders* 180 (2009) (noting that “[m]ost mental health disorders have first onset by young adulthood”).

²⁰⁸ Anti-Defamation League, *Law Enforcement and Society: Lessons of the Holocaust*, <https://www.adl.org/who-we-are/our-organization/signature-programs/law-enforcement-trainings/law-enforcement-and-society> (last visited Jan. 26, 2020).

²⁰⁹ International Association of Chiefs of Police, *Trauma Informed Sexual Assault Investigation Training*, <https://www.theiacp.org/projects/trauma-informed-sexual-assault-investigation-training> (last visited Jan. 26, 2020); Karen Rich, “Trauma-Informed Police Responses to Rape Victims,” 28 *Journal of Aggression, Maltreatment & Trauma* 1 (2018).

²¹⁰ Judith Andersen, et al, “Highly Realistic Scenario Based Training Simulates the Psychophysiology of Real World Use of Force Encounters: Implications for Improved Police Officer Performance,” 5 *Journal of Law Enforcement* 1 (2016), https://tspace.library.utoronto.ca/bitstream/1807/73822/3/highly_realistic_scenario_based.pdf.

learning. It should expand its use of the platform to enhance the quality and scope of ongoing in-service training.

Recommendation 5.35. YPD needs to evaluate whether it should invest such significant time on training for SWAT and Bomb/HazMat personnel – and perhaps apply some of those resources to more broadly applicable training across the department.

A training program should be strategically developed on a multi-year cycle that is informed by an assessment of the organization’s needs relative to demands. A “risk impact/probability matrix” often helps agencies weigh and schedule the content and frequency of their training in light of the probability and impact of potential public safety situations.

Although SWAT, bomb, and hazmat trainings are certainly critical for law enforcement, it appeared to us that a substantial amount of YPD training time may be focused on high-risk but low frequency incidents. Indeed, Yale is more of the exception than the rule when it comes to maintaining a SWAT team in the first place, with most of the peer benchmark institutions that we identified not maintaining such a team.

We recommend that YPD consider the extent to which specialized training may diminish its ability to resource trainings that are more directly applicable across the Department’s day-to-day functions. It may be that YPD can consider whether training for specialty units can be consolidated with local and state partners – and can factor into the training assessment described above the availability of other resources for such responses.

Recommendation 5.36. All Yale emergency response and management functions should regularly engage in cross-training opportunities. This should also include cross-training with NHPD and New Haven’s emergency response functions.

Recommendation 5.37. YPD officers should receive training on how to integrate with NHPD communications.

As recommended earlier in this report, all emergency response and management functions (police, fire, and security) should be gathered under a single Public Safety umbrella. This should include both dispatch and response functions. Regardless of whether that recommendation is adopted or not, the aforementioned University departments and functions should regularly cross-train – so that when a significant event happens, all Yale divisions will have already established the relationships and knowledge necessary to deliver efficient responses to rapidly-evolving, complex safety challenges.

In addition to cross-training within the Yale organization, it is important that YPD cross-train with surrounding agencies with which they may interact with an emergency. Especially given the potential cross-jurisdictional responsibilities and authority of YPD and NHPD, as well as the potential impact on the broader New Haven community of an emergency event on campus, the University and City should engage regularly in joint and cross-jurisdictional training at all levels of emergency response, including communications. Such training can promote working efficiencies in the field and expand training resources for both departments.

Area 9: Technology & Equipment

Background

A study for the National Institute of Justice observed that “technology is having a positive impact on U.S. law enforcement agencies in terms of increasing efficiency, providing communication, enhancing information-sharing practices, and improving informational and analytical capacities.”²¹¹ At the same time, police technology and its use often moves faster than the laws, regulations, and ethical guidelines governing it. Often, the use of new technology can have unintended consequences for major policing objectives other than the ones the technology was intended to help police achieve. As President Obama’s Task Force on 21st Century Policing noted:

[D]espite (and because of) the centrality of technology in policing, law enforcement agencies face major challenges including determining the effects of implementing

²¹¹ RTI International and the Police Executive Research Forum, *Research on the Impact of Technology on Policing in the 21st Century*

2-3 (May 2016), <https://www.ncjrs.gov/pdffiles1/nij/grants/251140.pdf>.

various technologies; identifying costs and benefits; examining unintended consequences; and exploring the best practices by which technology can be evaluated, acquired, maintained, and managed.²¹²

At the same time, technology is also changing the way crime is being committed and the mechanisms through which public safety services can be delivered. It is therefore essential for law enforcement agencies to stay abreast of technology for policing, understand how to address the unlawful use of technology, and identify ways that technology can be used to enhance community well-being. A 2019 report from the Department of Justice’s Community Oriented Policing Services (COPS) Office identified nine steps that law enforcement agencies should consider taking with respect to technology and policing:

1. Creating a formal strategic plan for what technology to adopt and when;
2. Identifying what data to capture, why it is being captured, and how it is being captured;
3. Integrating new data or systems with the old;
4. Analyzing the available data;
5. Ensuring policies and procedures are updated and consistent with legal requirements and industry practice;
6. Funding and procuring new technologies;
7. Sharing information with a variety of stakeholders, including other law enforcement or intelligence agencies as well as community members;
8. Adopting security policies and controls that protect against accidental and malicious compromise; and

9. Ensuring individual right to privacy and civil liberty protections.²¹³

Recommendation 5.38. YPD needs to ensure that new technologies and tools are subject to an intensive cost-benefit process – helping to better ensure that technology serves the Department’s mission, objectives, and values rather than driving them. This process should include meaningful opportunities for community review, feedback, and collaboration.

Cost-benefit analysis “is a policy assessment method that quantifies . . . the values of all consequences of a policy to all members of society” or the community that will be subject to the policy, with “[t]he aggregate value of a policy . . . measured by its net social benefits.”²¹⁴ Such analysis considers how “any government action . . . causes a change in the status quo” that may impose either benefits or costs²¹⁵ – so that projected effects can enter the process of determining whether the particular action should proceed. Despite being “prevalent around other regulatory domains, [it] is comparatively thin around policing.”²¹⁶ Especially when it comes to adopting new technologies, however, law enforcement is increasingly looking to a formalized assessment process that identifies, and quantifies, benefits and risks to inform decisions about whether to ultimately implement such new approaches.²¹⁷

21CP accordingly recommends that, whenever Yale is considering the implementation of new technologies to assist in public safety, the tool should be subjected to a rigorous cost-benefit analysis. Because the social costs and benefits can be sometimes be challenging to incorporate

²¹² *Final Report of the President’s Task Force on 21st Century Policing* 31 (2015).

²¹³ Office of Community Oriented Policing Services, U.S. Department of Justice, *Law Enforcement Best Practices: Lessons Learned from the Field* (2019), <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>.

²¹⁴ Anthony E. Boardman, et al, *Cost-Benefit Analysis: Concepts and Practice* 2 (4th ed. 2018).

²¹⁵ Eric A. Posner and Matthew D. Adler, “Rethinking Cost-Benefit Analysis,” 109 *Yale Law Journal* 164, 177 (1999).

²¹⁶ Barry Friedman, “On Balance: Bringing Benefit-Cost Analysis to Policing Practices,”

²¹⁷ U.S. Department of Justice, Office of Community Oriented Policing Services, *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned* 34 (2014) (noting use of cost-benefit analysis “when exploring whether to implement body-worn camera” technology); Emily Blackburn, et al, “The Hidden Costs of Police Technology: Evaluating Acoustic Gunshot Detection Systems,” *Police Chief Magazine*, <https://www.policemagazine.org/the-hidden-costs-of-police-technology/> (last visited Jan. 27, 2020) (discussing costs and benefits of acoustic gunshot detection technology); Eric L. Piza, et al, “The Financial Implications of Merging Proactive CCTV Monitoring and Directed Police Patrol: A Cost-Benefit Analysis,” 12 *Journal of Experimental Criminology* 403 (2016) (analyzing benefits and costs of a patrol program informed by extensive CCTV security camera monitoring).

formally within a traditional cost-benefit framework,²¹⁸ community input and collaboration should be included throughout the deliberative process. Likewise, we suspect that a number of experts within Yale’s economics, law, and other faculties may be well-suited to assist the Department and University with these types of formalized analyses.

Recommendation 5.39. A technology plan should be developed based on YPD’s Public Safety Vision process. The technology plan should address, among other things, technology maintenance, replacement cycle, necessary security measures, and new technology adoption to advance YPD’s mission.

Any public service agency should have a strategic technology plan. Such a plan will help make sure that technology does not drive priorities but, instead, that a department’s vision, mission, and values drive technology decisions. It should cover both the maintenance of existing technology and the acquisition of new technology.

Recommendation 5.40. The Department should ensure efficient, real-time officer access to all critical databases and data-sharing platforms regardless of whether officers are on foot, bicycle, Segway, or motorized patrol (i.e., non-Mobile Data Terminal access points).

Although the specific technologies that a department uses must be driven by the needs of the organization and the community that it serves, to fully realize the benefit of technologies, departments need to ensure that the technology is accessible.²¹⁹ Keeping technology and related information locked away in a police department’s headquarters limits its usefulness. An officer, regardless of how they are patrolling, needs to have access to key databases so that decision-making, as much as possible, can be driven by information and data.

Recommendation 5.41. YPD needs to explore how the LiveSafe app can be better used by it, and the campus community, to address public safety.

Yale uses LiveSafe, an app that allows for two-way communication about public safety issues, to interact with the Yale community. Listening group sessions with Yale students, faculty, and staff revealed a general familiarity with the platform, with many students indicating that they dutifully downloaded the program, as recommended by YPD and/or Yale administrations, at orientation. However, many community members indicate that they do not use the app and have found it to be of minimal utility. Consequently, YPD should explore enhanced ways of using the platform to better engage the community.

Area 10: Communications

Background

Call-takers and dispatches working in a Communication Center are usually the first point of contact for residents needing assistance from public safety personnel. They are the link between the caller and the first responder. It is the dispatcher who conveys critical information to the police officer, which can greatly affect the response outcome. Communications personnel must process calls quickly and accurately, often performing multiple tasks simultaneously under pressure.

The Minnesota Office of the Legislative Auditor identified seven best practices for Communication Centers or Public Safety Answering Points (PSAPs):

1. Develop and Use Standard Operating Procedures;
2. Support a Trained and Qualified Work Force;
3. Maintain Adequate Communications and Network Equipment;
4. Consider Opportunities for the Coordinated Use of Dispatching Equipment and for Cooperative Dispatching;
5. Keep Records and Measure Performance;
6. Promote Information Exchanges among Public Safety Response Agencies; and

²¹⁸ See, e.g., Richard L. Revesz, “Quantifying Regulatory Benefits,” 102 *California Law Review* 1423 (2014); Cass R. Sunstein, “The Limits of Quantification,” 102 *California Law Review* 1369 (2014); Geoff Mulgan, “Measuring Social Value,” 8.3 *Stanford Innovation Review* 38 (2010).

²¹⁹ See Jules Verdone and Carl Matthies, Vera Institute of Justice *Cost-Benefit Analysis and Public Safety Technology: A Roundtable Discussion* (Oct. 2014), <https://www.vera.org/publications/cost-benefit-analysis-and-public-safety-technology>.

7. Educate the Public on the 9-1-1 System and Services.²²⁰

The area of police communications has undergone significant transformation in recent years, a result of radical advancements in technology and organizational trends of consolidation and streamlining of services in order to meet increasing demand. The Police Executive Research Forum in 2017 identified two primary components of the revolution in emergency communication – Next Generation 911 and FirstNet.²²¹ Next Generation 911 will replace existing narrowband, circuit-switched networks with new Internet-Protocol-based networks which can carry text, photos, video and other data. FirstNet is a nationwide public safety wireless communications network. Through FirstNet, police agencies are wirelessly sharing digital information with the public and each other.²²²

YPD has recently invested some focus on communications. The dispatch center was re-done in January 2019. 21CP was impressed with its technology and capabilities. YPD should continue to ensure their Communications Center operations reflect current best practices while preparing for future changes.²²³ The recommendations that follow are intended to provide YPD with direction in bringing its Communications Division into even greater alignment with best practices.

Recommendations

Recommendation 5.42. YPD should consolidate its dispatch and communications function into a unified Yale dispatch function.

This report has previously addressed 21CP’s most significant recommendation regarding communications: that Yale’s disparate dispatch functions be consolidated into a unified Yale dispatch function. Currently, YPD, Yale Security, and Security at Yale’s cultural properties all have their own dispatch people. This is simply less efficient and less effective in ensuring prompt and appropriate safety

response than it should be. Especially to the extent that the University’s Department of Public Safety structure is strengthened, streamlined, and consolidated within the structure of a differential response model, the dispatch function will need to be unified, highly dynamic, and well-trained to match the best campus resources to particular calls for service.

21CP heard from Yale personnel that each dispatch function has at least historically tended to use different radio systems, made by different vendors, which further silos the dispatch functions from one another. We understand that, as of October 2019, a consultant is working on the process for procuring a single, University-wide radio, which would alleviate some of these challenges.

Recommendation 5.43. YPD should review and make appropriate changes to its organizational structure and policies to ensure that the issues and concerns of the Communications Center are being communicated to the Chief of Police.

The YPD Communications Division is overseen by a Communications Manager who is a direct report to the Chief and has general supervisory authority over the division. Shifts are overseen by shift supervisors who, under YPD General Order 406, are responsible for ensuring that “dispatchers are present, properly attired and follow the procedures” under the Order and “taking immediate corrective action when required.”

We recommend that YPD revise GO 406 to align more clearly with supervisor responsibilities with respect to staffing, training, workflow, and quality assurance. We further recommend that YPD consider adding a civilian management position with specialized experience in the development and oversight of a communications center to support the Communications Manager, which can provide shift supervisors with greater bandwidth to focus on mentorship, training, and quality control.

²²⁰ Jody Hauer et al, Minnesota Legislative Audit Commission, *9-1-1 Dispatching: A Best Practices Review* (Apr. 6, 1998), <https://www.auditor.leg.state.mn.us/ped/bp/911d98.htm>.

²²¹ Police Executive Research Forum, *Critical Issues in Policing Series: The Revolution in Emergency Communications* (2017), <https://www.policeforum.org/assets/EmergencyCommunications.pdf>.

²²² *Id.*

²²³ See, e.g., *id.*; D.W. Stephens, et al, U.S. Department of Justice, Office of Community Oriented Policing Services, *Strategic Communication Practices: A Toolkit for Police Executives* (2011) <https://cops.usdoj.gov/RIC/Publications/cops-p222-pub.pdf>.

Recommendation 5.44. YPD should assign at least one additional supervisor to the Communications Center and ensure that a supervisor is working during the Center’s busiest times.

Especially during times of peak activity, it is critical that dispatchers have a senior resource, whether a supervisor or a chief dispatcher, to accept escalated or “punched in” calls, be available to provide necessary guidance, and ensure that proper protocols are followed. YPD should evaluate its staffing model to ensure adequate supervisory coverage.

Recommendation 5.45. YPD should ensure that its General Police Orders specify how a request to review and/or save a communication recording is to be made and who is responsible for maintaining a copy.

When recordings of communications with dispatchers are not properly saved, evidence needed for criminal, civil, or administrative purposes can be lost. Inefficient methods for copying and retaining calls results in the duplication of effort and a loss of valuable staff time. YPD should create clear protocols within its departmental policies for creating, impounding, retaining, and accessing recordings.

Recommendation 5.46. YPD should ensure that it has specific procedures for an “officer assist” call and officer-involved shootings.

In some emergency situations, such as an officer-involved shooting, automatic protocols to dispatch a supervisor, additional units, and to stage medical support are warranted. Additionally, setting clear standards for when an officer needs backup, assistance, or is in critical need of help (“help the officer”) is important to eliminate ambiguity and assure coordination with other public safety agencies. YPD should evaluate whether it has protocols and procedures in place necessary for a successful response in high-impact emergencies.

Recommendation 5.47. YPD should review its radio code list and decide whether it is still required given the existing preference to use “plain talk” during radio transmissions.

Transitioning from so-called 10-codes – numerical codes used to refer to various types of calls, situations, or response – to plain speak has been an industry standard for the last decade. As such codes are generally agency-specific, and there are no national standards, their use impairs interoperability with other emergency services and may silo the agency using the codes.²²⁴

Recommendation 5.48. YPD, in partnership with NHPD, the Hamden PD, and other surrounding jurisdictions should determine what circumstances, such as violent crimes in progress near jurisdictional boundaries, officer-involved-shootings, or vehicle and foot pursuits, would justify officer-to-officer communication over the radio channels.

It is 21CP’s understanding that YPD and its neighboring jurisdictions are able to navigate to a common radio frequency to ensure communication among agencies in situations involving a larger-scale law enforcement response. In practice, New Haven regularly comes on to Yale radios, while Yale less regularly goes on to the New Haven radio. We recommend that YPD and neighboring jurisdictions establish, in advance, what circumstances may warrant the use of common radio channels. Cross-dispatching protocols should be established prior to a critical event to ensure seamless collaboration of multi-responding agencies.

Recommendation 5.49. YPD should ensure that officers are appropriately using communications equipment during their shifts, including providing dispatch with information as to their enforcement activities and logging into MDTs whenever on duty.

21CP learned from various personnel about issues with officers not always following guidelines on the use of radios and mobile data terminals (“MDTs,” or mobile computers) to keep dispatch, and thereby the Department, updated on an officer’s whereabouts and actions. It appears to frustrate at least some YPD personnel – appropriately, in our view – that some officers are working while not logged into their mobile data terminal. It is through the MDT that the YPD GPS function operates. Not logging into an MDT means

²²⁴ U.S. Department of Homeland Security, *Making the Transition from Ten Codes to Plain Language* (2013),

https://www.fema.gov/media-library-data/20130726-1824-25045-1506/plain_language_guide.pdf.

that the Department cannot readily identify an officer's location.

Clear lines of communication are essential for the delivery of effective police services. Many police professionals note that the radio is the best piece of safety equipment available to officers. However, the utility of the tool is only effective when officers regularly communicate their location and activity to dispatch, and log into the MDTs (which should provide GPS locations). YPD needs to ensure that its officers, whenever they are working, can be immediately located.

Recommendation 5.50. Yale should collaborate with New Haven dispatch to ensure greater coordination. This includes updated protocols for notification as to each other's activities in their respective patrol areas and for use of the other's communications systems.

21CP learned that there have been instances in the past where YPD is never notified when police, fire, or medical services from New Haven are dispatched to campus. While YPD reports that it monitors New Haven's dispatch, other mechanism – including a hotline between NHPD and YPD that was previously established – are not used as regularly as may be useful. A lack of communication places both YPD and New Haven at a significant disadvantage – and may increase risks to officers and community members alike. Similar to the cross-dispatching protocols and jurisdictional clarity recommended above, YPD and New Haven should coordinate and collaborate to ensure more seamless interoperability.

Recommendation 5.51. The Public Safety Department must better integrate YPD and Yale Security radio functions.

Although there may be factors, such as sensitivities and authorizations related to particular types of information, that prevent total integration, a centralized dispatch function will promote efficiency and enhance communication across police and security functions. Additionally, during times of heavy call load, centralized dispatch of low priority, non-emergency calls may free up primary units for response to higher-priority calls.

Recommendation 5.52. Yale should design and implement a new dispatcher training program informed by best practices.

21CP's understanding is that Yale does not have a formalized training program for dispatchers. New dispatchers train by sitting with a current dispatcher for multiple months – essentially learning protocols and procedures through long-term “job shadowing.” Although such practical, on-the-job learning is certainly useful, best practices in dispatcher training combine classroom-based learning with practical and on-the-job training, with regular assessment.²²⁵ YPD should conduct a gap analysis of its dispatcher training relative to best practices and supplement accordingly, which may include contracting with vendors to supply training or sending new communications personnel to outside trainings.

Recommendation 5.53. YPD must ensure that supervisors are appropriately monitoring communications.

We heard some mixed messages from YPD personnel as to the relationship of supervisors to communications. On the one hand, we heard from a variety of personnel that YPD shift supervisors are rarely listening to communications. On the other, we heard that at least some YPD supervisors are regularly present in the dispatch center, seemingly directing or managing the Department from the communications center.

Supervisors must strike a balance between interfering in operations properly handled by dispatchers and failing to maintain the situational awareness necessary to escalate serious calls when appropriate. This can be best achieved by supervisors generally monitoring communications, focusing on call priority, and intervening thoughtfully.

Area 11: Recruitment, Hiring, Promotions & Retention

Background

Effective recruitment, hiring and retention is a critical driver of constitutional policing, organizational efficiency, and positive police-community relations, regardless of the

²²⁵ NENA, *Recommended Minimum Training Guidelines for Telecommunicators*,

<https://www.nena.org/page/trainingguidelines> (last visited Jan. 27, 2020).

size of the organization.²²⁶ Increasingly, law enforcement agencies are working to address the needs of their community by focusing on attracting officers and retaining who possess skills, attributes, and life experiences consistent with those of the community that they will serve.²²⁷ As President Obama’s Task Force on 21st Century Policing observed:

Law enforcement agencies should strive to create a workforce that contains a broad range of diversity including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities.²²⁸

In an organization like the Yale Police Department, competitive benefits, access to specialized training units, and high-quality equipment and facilities are abundant. Nevertheless, the ongoing job satisfaction of employees is critical to sustaining a thriving police force. According to the U.S. Department of Justice, law enforcement agencies thrive when they:

- Recruit and hire talented personnel who reflect the community’s diversity;
- Retain talent by providing incentive structures, mentorship, and transparent organizational justice; and
- Provide clear, merit-based, and objective pathways to promotion or transfer.²²⁹

YPD currently uses a multi-phase hiring process:

Phase 1: Includes the submission of an application through the University HR Strategic Talent-management And Recruitment System (STARS) system.²³⁰

Phase 2: Includes the Connecticut POST standard COOPER physical agility test.

Phase 3: Includes both a written examination and a two-tier interview process. The written test is designed to measure candidates’ judgement, comprehension, learning ability, background, experience, interests, and job-related personality factors. If candidates pass the written examination, they are placed on an “interview-eligible” list. The Department can choose anyone from the list (regardless of written exam score ranking) for a Tier 1 interview.

Tier 1 Interviews: These are structured interviews conducted by a panel of Police Officers. Successful candidates are forwarded into a pool for Tier 2 Interviews.

Tier 2 Interviews: These interviews are conducted one-on-one by the Chief of Police, who determines which candidates will be interviewed and whether a candidate advances to Phase 4.

Phase 4: Includes a preliminary background investigation conducted by an investigator that includes collection of candidate fingerprints; investigatory interviews of candidates, friends, family, colleague; and a review of additional background information. If a candidate passes the background investigation, they advance to the fifth and final phase in the hiring process.

Phase 5: A conditional offer of employment is extended. Candidates at this point in the process are given an offer of employment conditioned upon their successful completion of the following:

- Polygraph Examination;

²²⁶ U.S. Department of Justice, Office of Community Oriented Policing Services, *Law Enforcement Best Practices: Lessons Learned from the Field* 94 (2019).

²²⁷ Dwayne Orrick, International Association of Chiefs of Police, *Best Practices Guide: Recruitment, Retention, and Turnover* <https://www.theiacp.org/sites/default/files/2018-08/BP-Recruitment.pdf> (last visited Jan. 27, 2020).

²²⁸ *Final Report of the President’s Task Force on 21st Century Policing* 16 (2015).

²²⁹ U.S. Department of Justice, Office of Community Oriented Policing Services, *Law Enforcement Best Practices: Lessons Learned from the Field* 94 (2019).

²³⁰ It’s Your Yale, Policies & Procedures, University Policies, Procedures, and Forms, *Get Support with STARS*, <https://your.yale.edu/policies-procedures/guides/get-support-stars> (last visited Jan. 27, 2020).

- Psychological Examination (written and personal interview);
- Supplemental Background (as required);
- Approval of Application by Chief of Police, New Haven Dept. of Police Services;
- Comprehensive Pre-employment Physical; and
- Physical Agility Test.

Upon the completion of Phase 5, candidates are assigned a seat at the next available academy. Once academy training is completed and recruits are certified by the state POST, they return to Yale PD for Field Training completion of a required probationary period.

The most recently produced Yale PD recruiting materials²³¹ indicate that the department “has implemented an ongoing open recruitment campaign” and that “[c]andidates will be called to participate in the testing process as budgeted positions become available.” However, during 21CP’s listening sessions, there was not broad-based awareness of an open recruiting process within or outside the YPD. Additionally, we did not readily identify a sustained focus on proactive recruiting across the ranks of YPD. As of this writing, the Yale University STARS does not list police officer as an open position and there is no application material available online.

Recommendation 5.54. YPD should have a simpler and more streamlined application and hiring process.

In today’s competitive job market, a faster, more efficient application and hiring process is critical for success. Many potential job applicants who need to find employment are unable to wait for a police recruiting process that takes many months to complete.²³²

YPD’s current recruiting and hiring process is cumbersome and perhaps unnecessarily time-consuming. A preliminary background examination should occur earlier in the process perhaps prior to the written test. This would flag

candidates with a criminal history that would disqualify them early in the process and eliminate the need to process them completely through the first three phases described above.

Recommendation 5.55. Yale should adopt a consistent and ongoing recruitment and hiring plan.

YPD would benefit greatly from the implementation of a strategic recruiting plan incorporating rank-and-file officers into the process of identifying potential future YPD officers. Recruiting should be promoted as everyone’s job within the Department. YPD should organize a system to collect names and contact information for people that current personnel encounter and refer.

Recommendation 5.56. Yale should expand incentives for officers to choose employment and service with YPD.

In addition to providing financial tuition benefits, the University might also allow officers to audit classes, attend lectures, and participate in leadership, management, and other offerings of interest free of charge. Yale should encourage faculty members to engage with interested officers regarding their teaching and research.

Recommendation 5.57. Yale should identify and address impediments to officer promotion and consider mechanisms for promoting diversity in the rank of sergeant and higher – including officer hesitation to test for promotion to sergeant because they believe that such a promotion involves the loss of benefits.

Diversity is critical to any police department.²³³ It is a key element to the successful implementation of the type of community-based policing addressed previously in this report.²³⁴ Police will be seen as more legitimate and may be better able to partner with community organizations in

²³¹ YPD recruiting materials provided via email to 21CP Solutions, Dec. 3, 2019.

²³² Police Executive Research Forum, *The Workforce Crisis, and What Police Agencies Are Doing About It* 14. (Sept. 2019).

²³³ *Final Report of the President’s Task Force on 21st Century Policing* 16–17 (2015).

²³⁴ Mary Ann Viverette, “President’s Message: Diversity on the Force,” *The Police Chief*, (Dec. 2005).

fighting crime if they more closely resemble and identify with the communities they serve.²³⁵

As of late 2019, the YPD had 21 officers that hold the rank of sergeant and higher (excluding the Chief). Especially with respect to gender diversity, YPD should ensure that its recruitment processes and professional development opportunities align with the goal of enhancing female representation. Likewise, although more than a third (38 percent) of YPD supervisors are non-white, YPD should ensure that its promotional processes encourage diverse candidates.

Table 1: Gender and Race/Ethnicity of YPD Supervisors, by Rank, 2019

Source: YPD

Position	Female	Male	Black	Latino	White	Asian
Asst. Chief	0	2	1	0	1	0
Captain	0	2	1	0	1	0
Lieutenant	0	5	1	1	3	0
Sergeant	2	10	2	1	9	1
TOTAL	2	19	5	2	13	1

A common issue surfaced among all YPD ranks that may explain, to at least some extent, the absence of greater diversity in the supervisory ranks. Specifically, there is a widely-held belief among YPD officers that seeking a promotion above the rank of Detective is disadvantageous in terms of pay and benefits. Many officers indicated that they believe they would lose fringe benefits, and potential take-home pay, if they were promoted. Perhaps because of this belief, YPD personnel also tend to have the view that the Department is not able to get the best people possible into supervisory positions.

In conversations with University administrators, we understand that some elements of this perception – that officers lose benefits upon being promoted – may be outdated or inaccurate in some important respects. Regardless, Yale should ensure that YPD officers that are promoted out of the union bargaining unit receive benefits that at least mirror the benefits of their subordinates. Further, Yale should put measures in place to prevent pay compression between the ranks – perhaps by establishing

permanent pay differentials between the ranks of Detective and above.

Recommendation 5.58. For supervisory positions, YPD should have a clear written policy and transparent procedure for making promotions.

Promotions within the union bargaining unit (which includes all officers below the rank of Sergeant) are governed by very specific language in Article XXXVI of the current collective bargaining agreement.²³⁶ This language provides for a detailed promotional process which include multiple elements with specific weighting.

Conversely, promotions outside the union bargaining unit (which includes promotion to all ranks above Detective) are not currently governed by a formal promotional process. The absence of a formal, written promotional procedure does not conform to best practices and runs contrary to a commitment to internal procedural justice. This can erode the culture of the department by creating confusion about the qualifications for promotion and how promotional decisions are made, bringing the very legitimacy of promotional decisions into question.

Area 12: Staffing and Deployment

Background

Determining the appropriate personnel level for a university police department can be complex. The level of staffing required, and the manner in which personnel should be used, usually cannot be determined by any single variable. Factors that can affect staffing include:

- The size and composition of the student population;
- The size and composition of the faculty and staff populations; and
- The location and physical security requirements of the institution (such as the number of buildings on campus, amount and location of on-campus housing, the geography of the institution).

²³⁵ Carl F. Matthies, et al, RAND Center on Quality Policing, *Issues in Policing: Identifying Barriers to Diversity in Law Enforcement Agencies* (2012), https://www.rand.org/content/dam/rand/pubs/occasional_papers/2012/RAND_OP370.pdf.

²³⁶ Article XXXVI. Promotional Procedure, *Agreement between Yale University and the Yale Police Benevolent Association, July 1, 2002 – June 30, 2010* (July 1, 2002) https://your.yale.edu/sites/default/files/2002_vpba.pdf.

A department's mission and overall approach to providing law enforcement services also impact staffing needs. A department that fully embraces a comprehensive community policing approach by assigning officers to dedicated geographical areas, for instance, will have different requirements than one that bases staffing more on general patrol and call response.

More granular, but important, administrative considerations like officer workload and desired shift durations make the design of a staffing or deployment plan a combination of science and art. There are a variety of methods for determining staffing levels. These include benchmarking, staffing formulas, and workload analysis:²³⁷

Benchmarking. Staffing levels are determined by examining similar institutions and comparing a staffing approach to those benchmarks. At best, this approach demonstrates whether an agency's staffing level is comparable to another institution.

Staffing Formula. This approach usually uses some type of ratio, such as the ratio of officers to student population or officers to student, faculty, and staff population to determine the staffing level necessary for an agency. Another formula-based approach is generally referred to as minimum staffing per post, which is geared toward ensuring that a post (or the smallest unit of assignment or division within a department) is staffed twenty-four hours a day, seven days a week.

Workload Analysis. Workload analysis is considered one of the best ways of determining staffing, especially if the majority of staff is dedicated to patrolling and responding to calls for service. It determines staffing levels in terms of the

actual demands on personnel and how officers ultimately report spending their time.

Current YPD Staffing

Current YPD sworn staffing totals 93. Table 2 provides a breakdown of current staffing by rank.

Table 2: Current YPD Staffing, by Rank

Source: YPD

Chief	1
Assistant Chief	2
Captains	2
Lieutenants	5
Sergeants	12
Detectives	6
Officers	65
TOTAL	93

Sworn YPD personnel are divided between two bureaus, Patrol and Administration. Patrol has a total of 80 sworn personnel, which is approximately 87 percent of total sworn positions. Administration, which consists of Investigative Services, Training and Professional Standards, Communications, Information Technology, and Injured and Long-Term Sick, have a total of twelve sworn positions. The Chief, as head of the Department, oversees both bureaus.

The Patrol Bureau consists of approximately 65 patrol officers, overseen by ten sergeants, three lieutenants, a captain, and an assistant chief.

Currently, YPD divides the Yale footprint into a North District and a South District. To provide law enforcement services, the North District is divided into four, car-based "beats." The South District consists of three, car-based "beats." By car-based, we mean that the beats presume that officers are patrolling the District in a vehicle.

Table 3: YPD Patrol Bureau Staffing, by Rank

Source: YPD

Assistant Chief	1
Captain	1

²³⁷ See Woolfenden Q.P.M. and Stevenson, Bill, *Establishing Appropriate Staffing Levels for Campus Public Safety Departments*, COPS, U.S. Department Justice, July 2011. https://cops.usdoj.gov/pdf/vets-to-cops/e061122378_Est-Approp-Stfg-Levels_FIN.pdf; Wilson, Jeremy M., and Alexander

Weiss, *A Performance-Based Approach to Police Staffing and Allocation*. Washington, DC: Office of Community Oriented Policing Services, 2014. <https://cops.usdoj.gov/RIC/Publications/cops-p246-pub.pdf>

Lieutenants	3
Sergeants	10
Officers	65
TOTAL	80

YPD currently has are four patrol shifts.²³⁸ A Shift Commander, lieutenant, is assigned to each. The Shift Commanders report to the Captain of Community Patrol and Emergency Services, who reports to the Assistant Chief of Patrol.²³⁹ There are three lieutenants. Consequently, sergeants may be required to act as a shift commander when a lieutenant is not available.

Table 4: Current YPD Patrol Shifts

Source: YPD

Squad A	0700–1500 hrs
Squad B	1500–2300 hrs
Squad C	2300–0700 hrs
Squad D	1800–0200hrs

Sergeants are patrol supervisors and, as such, are responsible for the patrol officers assigned to their geographic area of responsibility. The ten patrol sergeants supervise the officers assigned to one of the seven primary beats, which are staffed 24 hours per day, 7 days per week.

Officers are assigned to one of the four squads or shifts based on seniority. Every four months, there is a shift bid. Following each shift bid, an officer’s assigned shift may change.

Minimum staffing is seven for the day, evening, and night shifts. Sergeants have discretion in how to use officers above the minimum staffing threshold.

Patrols are generally conducted using departmental vehicles. Patrols may be conducted on motorcycle, bike, foot, or Segway patrols. We understand that these patrols tend to be one-person and lack visibility like reflective clothing and other means to increase visibility.

Officers assigned to patrol work eight-hour shifts. They work five days “on” and two days “off,” and then work four days “on” and three days “off.” Generally, there are no lieutenants working patrol Sunday and Monday unless they are hired back on overtime.

Current staffing requirements are based on geographic-based posts and not officer workload – that is, personnel are allocated based on the traditional, geographically-driven “beat” system rather than things like call volume, enforcement activity, and general officer work levels. When new property or buildings are added to the Yale campus, YPD reports that they determine whether additional staff is required by using a basic approach of ensuring that there are six officers and one sergeant available for each new post or beat.

This staffing approach – specifically, the minimum staffing per post approach – is fairly common, especially for smaller communities with fewer calls for service. However, the minimum staffing approach is, by definition, not based on objective realities like workload, departmental mission, and other policy considerations. This threshold-based, formula-driven approach can lead to both under-staffing and over-staffing, depending on the time of day or situation; limit law enforcement flexibility; and preclude a department from truly optimizing its resources.

YPD has ample data to use a more flexible, data-driven staffing model. Between January 1, 2014 and October 10, 2019, there were a total of 81,612 dispatches involving YPD officers. More than two-thirds (68 percent) of those dispatches were self-initiated, meaning that they involved activity that patrol officers themselves called in (because they identified a problem or encountered a safety issue themselves, as opposed to a call for service coming in to which officers are dispatched to respond). This amounts to roughly 1,183 dispatches per month for the 65 officers assigned to patrol to handle. There were another 851 calls involving assistance with another police agency, with 52 percent of them being self-initiated by officers.

The number of UCR crimes (violent and property crimes reported under the Uniform Crime Reporting program to the Federal Bureau of Investigation) reported to the YPD averages 276 per year over the last five years. The vast majority of these are larceny – for instance, in 2018, approximately 85 percent of crime at Yale was larceny. Separately, YPD made 1,547 arrests between 2014 and October 10, 2019. This is roughly 22 arrests per month – or fewer than one per day.

²³⁸ Order 410, Patrol Operations, five shifts are listed. A Squad D is included which is between 1000-1800 hours.

²³⁹ Order 410 states the Shift Commanders report directly to the Assistant Chief of Patrol.

As stated, YPD's Patrol Bureau currently has three lieutenants and six sergeants. With these six patrol sergeants, the officer to supervisor ratio is approximately 6 to 1, which is generally consistent with typically-cited guidelines.

Currently, there may be times when there are two sergeants working at the same time because of the shift schedule. YPD Order 410 requires that, when two or more supervisors are scheduled for any one patrol shift, one supervisor will conduct roll call while the other supervisor conducts vehicle and personnel inspections of the shift that is concluding.

Recommendations

Recommendation 5.59. Yale should commission a comprehensive staffing study to determine staffing requirements for patrol and investigations, as well as security personnel requirements. This analysis should be based not only on traditional measures like calls for service and caseload but also on YPD's Public Safety Plan and Vision.

YPD should commission a comprehensive staffing study to explore the Department's current and intermediate-term personnel requirements. Such a study will provide an evidence-based projection of how many officers of what rank are required to provide the types of services that YPD actually does, and wants to, provide. The assessment of such a staffing study will estimate, based on current calls for service and crime data as well as the Department's parameters about how it wants to engage with the Yale community, precisely what officers of what ranks should work where. 21CP would recommend that the staffing study also consider new ways of dividing up the Yale footprint to ensure greater beat integrity, consistent with other recommendations in this report about providing officers with the opportunity to work assigned areas without being pulled away elsewhere.

Recommendation 5.60. YPD's staffing plan should ensure continuity of assignments for patrol officers to promote longer-term, meaningful relationships between YPD officers and Yale community members.

With YPD officers bidding for patrol shifts every four months, there is a distinct possibility that officers will be

assigned to work different hours of the day, in different places, as many as three times per year. This lack of continuity may serve as a significant impediment to officers developing long-term relationships with community members. Rather than students being able to get to know a particular officer because they always work the same schedule throughout an academic year, students may simply see a succession of entirely different faces. To the extent that long-term relationship-building is a priority of YPD, the Department needs to consider how to keep the same people in the same places for longer periods.

21CP is mindful that, as professionals, YPD officers want and deserve the ability to seek different assignments throughout their career. Likewise, working overnight shifts can place a long-term burden on individuals and their families. Nevertheless, we recommend that YPD explore options – such as having somewhat less frequent bidding opportunities or providing incentives for officers to remain in particular positions for designated periods – for enhanced continuity of assignment.

Recommendation 5.61. YPD's staffing approach should explore ways of increasing foot, bike, and Segway patrols and increasing the visibility of current use.

Elsewhere in this report, we recommend that YPD make greater use of alternatives to motorized patrol. We note here only that YPD should aim for a formal staffing approach that allows for greater and more visible use of these approaches, including foot, bike, and Segway patrols. It is possible that, because officers who are out of reach of a car may take longer to cover the same distance as an officer in a patrol vehicle in the event of an emergent call for service, YPD will need to consider new arrangements for a similar, or expanded, number of officers on a given shift to address all of Yale's needs.

Recommendation 5.62. YPD should train and use their patrol officers on working with students and staff to address chronic disorder problems on campus such as thefts.

Larceny is the offense most reported to YPD – by a large margin. With larceny accounting for some 85 percent of reported crime at Yale in 2018, YPD would do well to focus its enforcement and prevention efforts on this area. This is

a staffing issue as well as a public safety and crime prevention issue. The more time that officers are not addressing larceny, the more time they may have available to address other offenses, help to solve community problems, and engage with Yale's diverse communities.

Recommendation 5.63. Patrol shifts should be diversified so that newer officers are better represented across all shifts rather than clustered on midnight shifts.

In focus groups with YPD officers, 21CP consistently heard that the overnight shifts (working Squad C) are largely staffed by newer officers. Officers with more seniority elect to work daytime shifts during the shift bid process. YPD personnel report that this has the effect of placing younger officers on shifts when they interact minimally with students.

Although 21CP understands the desirability of daytime shifts, the necessity of ensuring that sustained service is rewarded with an organization, and the fact that issues related to assignments are typically the subject of union bargaining, it appears that young, enthusiastic officers – including many who say that they joined YPD to conduct community-focused law enforcement – are functionally less able to conduct community policing. Especially given greater similarities in terms of age and experience between younger officers and Yale's student population, Yale should consider avenues for newer officers to gain the responsibility of assignments in which community engagement is most required.

Recommendation 5.64. The Communications Center should be staffed with supervisors for all shifts.

YPD Order 406, which addresses radio communications, states that, in the absence of the Communications Coordinator of the Communications Unit, the Shift Commander or Shift Supervisor is responsible for overall supervision of the Communications Unit. Specifically, field supervisors must inspect the Communications Unit to ensure dispatchers are present, properly attired, and follow the procedures outlined in Order 406.

Splitting supervisors' responsibilities between officers and dispatchers is likely to leave Communications without sufficient oversight. This is likely to be more the case when an active incident is unfolding such as a pursuit, officer-involved shooting, or other high-risk incidents. 21CP recommends that YPD staff the Communications Center with Communications supervisors for all shifts so that patrol supervisors can focus on overseeing patrol activities.

Recommendation 5.65. YPD should analyze how often sergeants are acting as Shift Commander or Supervisor of the Communications Center. Based on this analysis, it should determine if an additional lieutenant position is required.

Currently, YPD's Patrol Bureau has only three lieutenants. They function as the Shift Commander and are responsible for the general supervision and command of all department personnel assigned to their shift. No lieutenants work patrol on Sunday or Monday unless they are hired back on overtime. Sergeants may temporarily serve as Shift Commander when a lieutenant is not on duty. As noted previously, this means that Sergeants may be working as supervisor of the Communications Center.

21CP recommends that YPD explore adding a lieutenant position to ensure that Sergeants are only rarely pressed into service as supervisors. Many police departments have encountered challenges relying on the use "temporary" or "acting" supervisors to address long-term staffing needs.

Pillar 4: Strengthening YPD's Culture

Policing is a dangerous and unpredictable job. Officers are expected to respond to the scene of situations that others have not been able to address themselves – and to resolve situations in which people are often at their worst or most vulnerable. They often are called to address situations and people that the remainder of the social service fabric has forgotten or left behind.

As a result of performing their everyday duties, police officers can face unique physical and mental stress.²⁴⁰ In 2016, more officers died of suicide than any single cause of death in the line of duty (and almost as many as all causes combined).²⁴¹ Officers also exhibit symptoms of post-traumatic stress disorder (PTSD) at a higher rate than the general population.²⁴²

This ongoing stress affects more than just officers themselves. It affects their spouses, children, and families—as well as the communities that they serve. Mental and physical health challenges can and often do result in increased administrative costs from absenteeism, increased use of workers' compensation and sick days, and more frequent use of early retirement. Likewise, “[w]hen exhausted, officers are unable to effectively communicate with community members and may even incite agitation among them.”²⁴³ “Officers who are equipped to handle stress at work and at home, it notes, are more likely to make better decisions on the job and have positive interactions with community members.”²⁴⁴

Given the importance of officer wellness, President Obama's Task Force on 21st Century Policing recommended:

Support for wellness and safety should permeate all practices and be expressed through changes in procedures, requirements, attitudes, and behaviors. An agency work environment in which officers do not feel they are respected, supported, or treated fairly is one of the most common sources of stress. And research indicates that officers who feel respected by their supervisors are more likely to accept and voluntarily comply with departmental policies. This transformation should also overturn the tradition of silence on psychological problems, encouraging officers to seek help without concern about negative consequences.²⁴⁵

Officer wellness can be supported through a variety of mechanisms within a police organization:

There is clearly a continuum of mental health and wellness strategies, programs . . . that begins with recruitment and hiring and goes through retirement. It includes proactive prevention and resiliency building; early interventions; critical incident response; treatment, reintegration; and ongoing support for officers, staff members, and their families.²⁴⁶

In addition to discrete programs and forms of assistance, procedural justice, as this report has addressed previously, should be the cultural foundation any modern police organization. There are both external and internal

²⁴⁰ Deborah L. Spence, et al, *Law Enforcement Mental Health and Wellness Act: Report to Congress* (2019).

²⁴¹ John M. Volanti, et al, “Law Enforcement Suicide: A National Analysis,” *15 Int'l J. Emergency Mental Health & Human Resilience* 289, 289 (2013).

²⁴² Nat'l Alliance on Mental Illness, *Law Enforcement Officers, Health/Strengthening-Officer-Resilience* (<https://www.nami.org/Law-Enforcement-and-Mental-Health/Strengthening-Officer-Resilience> (last visited Jan. 28, 2020)); Ellen Goldbaum, University of Buffalo, “Police Officer Stress Creates Significant Health Risks Compared to General Population, Study Finds,” (July 9, 2012), <http://www.buffalo.edu/news/releases/2012/07/13532.html>.

²⁴³ Police Executive Research Forum, *Building and Sustaining an Officer Wellness Program: Lessons from the San Diego Police Department* 7 (2018).

²⁴⁴ The Leadership Conference on Civil and Human Rights, *New Era for Public Safety: A Guide to Fair Safe and Effective Community Policing* 312 (2019).

²⁴⁵ *Final Report of the President's Task Force on 21st Century Policing* 62 (2015).

²⁴⁶ 21CP Solutions, U.S. Department of Justice, Office of Community Oriented Policing Services, *Law Enforcement Mental Health and Wellness Programs: Eleven Case Studies* (2019), <https://cops.usdoj.gov/RIC/Publications/cops-p371-pub.pdf>.

components to procedural justice in policing agencies. This report has elsewhere emphasized the importance of external procedural justice principles to community confidence and police legitimacy. Internal procedural justice refers to the practices within an agency and the relationships officers have with their colleagues and leaders. Officers who feel respected by their supervisors and peers are more likely to accept departmental policies, understand decisions, and comply with them voluntarily. It follows that officers who feel respected by their organizations may be more likely to reflect these values in their interactions with the people they serve.²⁴⁷

Investing in the enhancement of internal culture not only saves the agency money but it is the bedrock of community-responsive public safety services. As Tracey Meares of Yale Law School and the President’s Task Force on 21st Century Policing observed, “Hurt people can hurt people.”²⁴⁸

Primary Recommendation 6. YPD should invest in enhancing its internal culture – continuing to transform the Department into truly community-responsive public safety service.

Recommendation 6.1. The Department’s vision, values, and community-centered approach should be evidenced in the day-to-day, routine functions of the whole of the police department in ways that community members see and feel.

Based on focus groups and interactions with officers of all ranks, it appears that YPD, like many police organizations, suffers from an internal lack of clear, unified goals and expectations.

In our discussions with him, the Chief of Police articulates a consistent and laudable vision for the department and its officers. However, his vision does not always filter down to supervisors and each rank and file officer. We heard varying explanations from various ranks about the vision and direction of the police department. Officers observed that they feel like the vision and direction seems to vary based upon the priorities of individual supervisors in their line of command. As one officer summarized, “There is no consistency across supervisors about how to handle specific

types of calls for service.” YPD should therefore collaborate internally with YPD stakeholders at all ranks to ensure consistency of vision and approach.

Recommendation 6.2. YPD’s supervisors and senior command should engage more regularly with rank and file patrol officers, the Yale Police Benevolent Association, and other police officer organizations.

Some officers indicated that their sergeants and lieutenants are extremely supportive and conduct both formal and informal check-ins with them while on the street and in the station. These supervisors and commanders have cultivated a high level of trust with the officers they oversee. However, officers noted this was not universal among first-line supervisors.

Officers also expressed the feeling like they do not see the Chief or the Assistant Chiefs as often as they would like. They have an authentic desire to interact with the Chief, both Assistant Chiefs, and other command staff on a regular and ongoing basis. In addition to attending roll calls and periodically conducting officer “ride-alongs,” an effective way to engage officers may be for senior command staff to schedule regular informal meetings. Along these lines, some departments have implemented a “lunch with the Chief” (Assistant Chief, Captain, etc.) program. This gives officers and the department’s command the opportunity to discuss issues important to officers and to develop informal mentoring relationships. YPD might consider these and other similar initiatives to provide greater opportunities for direct engagement between command staff and the rank and file.

Recommendation 6.3. YPD should explore the implementation of additional officer wellness and employee assistance opportunities to support YPD officers.

Officer wellness programs can address issues related to fitness, nutrition, medical care, sleep, healthy relationships, financial stability, substance abuse, self-care, peer support, early warning systems, and character and moral development.²⁴⁹ Although the University has a robust

²⁴⁷ *Final Report of the President’s Task Force on 21st Century Policing* 10 (2015).

²⁴⁸ *Id.* at 61.

²⁴⁹ 21CP Solutions, U.S. Department of Justice, Office of Community Oriented Policing Services, *Law Enforcement Mental Health and Wellness Programs: Eleven Case Studies 1* (2019), <https://cops.usdoj.gov/RIC/Publications/cops-p371-pub.pdf>.

health care system and Employee Assistance Plan, these traditional resources should be strengthened and supplemented with additional support networks and further integration with existing University resources.

For instance, YPD's headquarters sits directly across a small grassy area from a building that houses Yale Mental Health Services. In discussions with 21CP, Yale Mental Health representatives were genuinely appreciative to have a good working relationship with YPD. They also expressed great interest in participating in joint training with YPD officers and in developing a program to assist officers. YPD should pursue this opportunity.

Recommendation 6.4. Yale PD should do more to join the academic work and conversation around policing and law enforcement nationally.

Yale University is one of the most highly respected educational institutions in the world. Accordingly, its police department has an extraordinary opportunity to lead in defining the best in campus safety and to exemplify forward-looking police practices. YPD should look for ways to incentivize its personnel to participate in research and other educational endeavors related to policing and public safety both on Yale's campus and beyond.



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