

# Report of the Task Force on Public Safety

University of Pennsylvania  
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## Public Safety Executive Summary

The University created the Task Force on Public Safety Practices in May, 1993, charging it with three main tasks: (1) review the current procedures of Division of Public Safety; (2) assess the practices from the standpoint of the rights and safety of the university community (including police officers), equality in the application of the practices, and consistency with the mission of the university and Division of Public Safety; and (3) make recommendations for improving public safety practices in light of the university's commitment to community policing.

In its preparation of the report, the Task Force has drawn on extensive interviews with members of the university community, officers and officials of the Division of Public Safety, and residents of the area. Task Force members have met with numerous campus and off-campus organizations and associations concerned with public safety. We have conducted focus group discussions of the issues, observed police officers on patrol, invited community comment, compiled data from a survey, and reviewed public safety policies at other universities and municipalities.

The University of Pennsylvania has long been committed to principles of community policing, which stress both strong campus security and cooperative relations between the police and members of the university community. Incidents from time to time have strained these relations, particularly incidents involving minority group members. Policing at the University nonetheless enjoys a reservoir of community support that should facilitate the task of improving community relations and implementing our recommendations.

The Task Force reaffirms the importance of Penn's commitment to community policing and finds that the police are already implementing many aspects of this concept. Our police force is performing well under challenging circumstances, it is viewed as a vital asset to the community, and our recommendations are intended to enhance its operations. To improve further the quality of community policing at the university, we propose initiatives in four areas:

**1. Police Procedures and Policies at the University.** We recommend that the Police Department adopt a new set of guidelines for the use of force, interrogation practices, and civilian complaints.

**2. Organization and Management of Public Safety at the University.** We recommend that the Police Department broaden its officer recruitment, intensify its officer training, and clarify its relationship with security personnel on campus and the Philadelphia Police Department.

**3. Police Relations with the University and Philadelphia Communities.** We recommend that the university improve relations between the Police Department and other university communities through a development process that collaboratively involves police officers and community members.

**4. Continuous Improvement of Campus Security and Community Relations.** We recommend the formation a Police-Community Advisory Board and other measures for ensuring on-going improvement of campus security and community relations.

## Section 1–Public Safety Practices at the University Of Pennsylvania

The University of Pennsylvania established the Task Force on Public Safety Practices in late spring, 1993, to advise the university on whether its current public safety practices require modification. A controversial campus incident in April had precipitated the call for the review, but broader concerns about the future of policing also underlay the action. In commenting on the April incident and surrounding controversy, President Sheldon Hackney alluded to the "serious tensions and mistrust now existing between the minority University community and the University Police." the tri-chairs of the African American Association urged the university to focus on the "systematic problems broader than those issues relevant to these specific, recent events." and the Commissioner of Public Safety, John Kuprevich, urged steps to "address the larger question of police procedures used by campus police." Another task force has already evaluated the specific police actions in the incident. This report is concerned with the more general procedures, organization, and relations of the police.<sup>1</sup>

### The Context Of Public Safety Practices

Public safety practices at the university should be viewed with several special circumstances in mind. This context gives shaping to and helps explain our current practices. It also gives rise to and helps account for those issues deserving further attention.

*Policing On and Off Campus*–The university police are called upon to prevent and respond to crime both on campus and off. Police procedures that may work well in one context may not always seem appropriate in the other. Moreover, those on or off campus often bring strongly differing expectations of what police presence and response is needed. Police officers thus face a complex and challenging set of demands for protection and service.

*Diversification of the University*–Student and employee ranks at the university have become more diverse. The proportion of full-time university students who are women, minorities, or international has grown from about 50 percent in 1982 to more than 60 percent a decade later. The proportion of full-time employees who are African-American has risen from 24 to 27 percent during the same period, with their numbers growing from approximately 2,500 to 3,300 (see the figures on the following page).

*Race Relations*–Questions of race shape campus policing and its reception. Encounters between police and members of the university community are on occasion interpreted as reflecting racial bias. The resulting cloud of suspicion can undermine the trust and cooperation between police and university constituencies that are essential to community policing.

*Expansion of Police Force*–The university substantially increased its police ranks during the past several years, doubling the number of officers between 1989 and 1991 (see the figure on the following page). Any organization undergoing a period of rapid growth is bound to face a host of expansion issues, as fresh staff are hired and trained and new administrative procedures are developed for a force with a far larger scope.

Several of these factors are shared by other campuses and communities, and the university's security problems are by no means unique. Experience in addressing these problems elsewhere may thus prove helpful in developing the right solutions here. Still, Penn must evolve a policing system that is responsive to its specific blend of issues, that is sustainable within its budgetary constraints, and is effective given its own history.

### University Commitment To Community Policing

The university already shares a commitment with many other municipalities and campuses to what is often termed community or problem-solving policing. These approaches are based on distinctive organizational strategies that bring different missions, operating methods, and managerial structures to police departments. Community policing stresses the creation of working ties between the police and communities to reduce crime. Problem-solving policing emphasizes addressing the problems underlying the crime. By building stronger relations with community residents and working to reduce the causes of crime, such approaches may serve to create more secure communities in the longer run than would traditional techniques.<sup>2</sup>

The Task Force embraces the general concepts of community and problem-solving policing as a guiding framework for assessing the university's current safety practices. The diversity of the university and its surrounding community points to the need for special efforts to build responsive links between the police and each of university's various constituencies. Fortunately, the university is already committed to such an approach, and it is explicitly embodied in the Police Department's mission statement: "the success of our mission depends on a true partnership between University of Pennsylvania Police Department personnel and the diverse population of students, faculty and staff that make up the university—a partnership built upon mutual respect and responsibility."<sup>3</sup>

In line with this commitment, the Task Force believes that the university's safety needs are best served when the Police Department approaches the task with a strong sense of community service. This means that police officers are actively engaged in the community and are guided in their actions by what the community judges important and appropriate. A first measure of community-oriented policing is the extent to which the police are seen as part of the community and are viewed as active partners working on long-term solutions to improve the quality of life. A second measure is the degree to which the community itself takes ownership of its security problems and recognizes the importance of actively working with the police to address the problems. A third measure is the extent to which there is widespread community understanding of police policies and procedures. A fourth is the degree to which the police force exercises its policies in fair and even-handed fashion, incorporates community values and standards into its practices, and is accountable to the community for its behavior and results. And a fifth measure is the extent to which the university provides a sense of safety and security for all of its members.

The university has already committed itself to building many of these facets of community-oriented policing. The Police Department's mission statement asserts that police personnel "pledge our respect for the needs and rights of the community, our diligence and professionalism in the protection of persons and property, and our determination ever to seek new and better ways to reduce the opportunity for crime, to increase safety awareness, and to encourage a sense of communal concern for each other's safety and well-being, as well as harmony with our neighbors."<sup>4</sup> The issue then is not whether the university should embrace the principles of community and problem-solving policing. Clearly it should. Rather, our concern is with the extent to which these principles need still further development and implementation. If the Police Department is to have the kind of internal policies and university guidance it needs for effective execution of community policing, the principles and implementation require more elaboration, specification, and dissemination at the university.

## **Race Relations**

Universities, like other institutions, are not free of the evils of racism and discrimination that continue to pervade American life. Even in the absence of racism or discrimination, the conflict between individual rights and strong security can generate conflict. Add racial discrimination and conflict and you have the makings of a volatile situation that can lead to misunderstandings and inappropriate responses.

The Task Force has learned from its discussions with members of the university community that some police encounters are viewed as reflecting racial and other bias. African-American and other minority students, staff, faculty, nearby residents, and even police officers reported to the Task Force that they had police encounters, or knew of others' encounters, that were experienced as racially insensitive. Occasionally, the behavior even appeared to be racially biased. It also seemed to some minorities that they became suspected of criminal activity on or near the campus in circumstances in which whites aroused no suspicion. While most of the complaints that we have heard involve allegations of racial bias, there have also been credible complaints concerning discrimination against other minorities.

It is recognized that the circumstances of encounters are often ambiguous, and officers must use their best judgment in moments that require quick action and offer little time for reflection. Upon reflection, however, the officers' actions may not have always adequately protected individual rights.

All members of the university community are subject to the ambiguities of action or inaction that can come with a racially diverse setting. Their behaviors can add to the problems of campus policing, as one recent incident illustrates. An African-American graduate student was preparing to leave the campus and momentarily examined her wallet under an evening light. On seeing this, another student summoned the police, and a few minutes later the departing student was confronted by two white police officers. The student identified herself and the officers apologized, but she nonetheless felt abused. She believed that neither the telephone call nor the police approach would have occurred had she not been African American.

The ambiguities in interpreting personal behavior and even physical presence can thus sometimes lead to inappropriate responses by those both inside and outside the Police Department. The situation may be further exacerbated by racially biased attitudes or behavior on the part of the police, those whom they encounter, or other members of the university community. In this context, it can sometimes appear that strong safety measures and the protection of individual rights are at odds.

In our discussions, the Task Force also learned that racial insensitivity or bias was often viewed as part of a larger tableau. Those who felt victimized understood that the problematic encounters reflected, in part, the problematic attitudes that may come with racial diversity as well as a legacy of racial misunderstanding and prejudice. While the larger context was appreciated, to those subjected to inappropriate encounters the experience nonetheless often loomed larger than life.

Policies should therefore be developed that reconcile the needs for strong campus security and consistent protection of personal rights. The safety of all individuals at the university must be protected. The rights of all individuals, including freedom from racial bias, must be ensured. This will require procedures that recognize the salience of race and the

importance of protecting both campus security and individual rights without sacrificing either. This will also require that improvements in this area be undertaken in conjunction with other on-going efforts to address racial tensions at the university. Multi-cultural education and efforts to better understand and eliminate racial conflict would be important steps in that direction.

## Issues Addressed By the Task Force

Using these concepts and issues, the Task Force has undertaken a review of university public safety measures in four areas. First, we consider the specific policies and procedures of the campus police. Here we are primarily concerned with the use of force, interrogation practices, and civilian complaints. Second, we turn to the organization and management of the Police Department. Here the questions include the recruitment, selection, training, and retention of police officers, and police relations with security personnel on campus and the Philadelphia Police Department. Third, we consider police relations with the university and Philadelphia. Here the primary focus is on a process for the Police Department to strengthen its relationships with the community. Finally, we propose a set of measures to facilitate continuous improvement of campus policing. This would include the formation a Police-Community Advisory Board as a sounding-board for on-going improvement of campus security and community relations.

We have good reason to believe that these recommendations can be implemented. The university and police are committed to the concept of community policing. Many members of the police department and university community are eager for further improvements in our campus security and police-community relations. Most in the campus community consider the Police Department and its officers to be a vital asset to the university. Most in the Department view enhanced campus safety and better community relations as vital to their mission. Changes of the kinds suggested here will require leadership and support in many quarters.

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### Notes to Section 1

1. The statements of President Sheldon Hackney, the Tri-Chairs of the African American Association, and Commissioner John Kuprevich appear in the Almanac, April 20, 1993, pp. 5-6. Also see "The Report of the Panel to Investigate Events of April 15, 1993," Almanac, July 13, 1993, pp. 3-4.
2. Community and problem-solving policing are defined and studies of their effectiveness are reviewed in Mark Harrison Moore, "Problem-Solving and Community Policing," in *Modern Policing*, Volume 15, edited by Michael Tonry and Norval Morris (Chicago: University of Chicago Press, 1992).
3. University of Pennsylvania Police Department Manual, 1993, p. 2
4. Ibid, p. 2.

## Section 2—Police Procedures & Policies

### Police Procedures and Policies at the University

We have focused on the practices and policies of the university's Police Department that have appeared problematic in the past or are considered critical for effective regulation of police conduct. We concentrate our recommendations on three specific areas: standards for the use of force, interrogation practices, and civilian complaints. In drawing up these recommendations, we have drawn upon the policies adopted by other police departments, both campus and municipal. We have also drawn upon guidelines suggested by organizations that have studied police practices. The policies suggested below should be viewed as applicable to all persons, whether students, staff, faculty, or community residents, and they should be evenly and fairly applied to all individuals.

The Police Department has recently reviewed and revised its standards for the operation of police vehicles and its procedures for reviewing their use. The Task Force participated in the revision process, and we have supported the adoption of revised standards. The Department implemented the new standards in August, 1993, and they are described in Appendices 2.4 and 2.5 of this report.

*Use Of Force Standards*—The current regulations for the use of force do not properly control the use of force by police officers.<sup>1</sup> We suggest that new standards be adopted in accord with several principles summarized here.

*Use of Force*—An officer should not use any physical force greater than that which is reasonably necessary to stop an ongoing crime, effect a lawful arrest or detention, prevent an escape from custody, or defend the officer or other person from what the officer reasonably believes to be the use or imminent use of physical force.

*Use of Deadly Force*—Deadly force refers to any physical force—not only firearms—that under the circumstances is readily capable of causing death or life-threatening injury. The use of deadly force should be permissible only where the officer reasonably believes that the person against whom the force is to be used poses an imminent threat of deadly force to the officer or another person and the officer cannot otherwise reasonably subdue or arrest the person.

The fact that the person has committed a crime of violence and will escape unless deadly force is used does not by itself justify the use of deadly force. Normally, it must also appear that this person is about to use deadly force against the officer or another person.

Shooting at a vehicle is considered the use of deadly force, and is only justified if the vehicle or its occupants present an immediate threat of death or serious bodily injury to an officer or another person. Officer actions should be guided by several general principles:

- Shooting at a vehicle or its occupants merely to prevent flight is not justified at any time.
- An officer should never place himself/herself or another person in jeopardy in an attempt to stop a vehicle.
- Police officers should not shoot from a moving vehicle.
- Police officers should not fire warning shots under any circumstances.
- A firearm should not be held or carried in the cocked position because of the hazard of an accidental discharge.
- A firearm should not be used as a club. More specific guidelines on the use of deadly force and the discharge of firearms are presented in Appendix 2.1.

*Use of Less Than Deadly Force*—A police officer in the performance of his or her duty may only use such non-deadly force as is necessary to:

- To protect the officer or another person from physical harm.
- To restrain or subdue a resistant individual.
- To bring an unlawful situation safely and effectively under control.

Before using non-deadly force, a police officer should assess the incident to determine which non-deadly technique or force will best de-escalate and bring the incident under control.

*Use of Authorized Non-Deadly Weapons*—The only non-deadly weapons that should be carried and used while on duty are a blackjack and baton. Our suggested specific guidelines for rules and regulations concerning the use of blackjacks, batons, and handcuffs are presented in Appendices 2.2 and 2.3.

## **Interrogation Practices**

The questioning of suspects or witnesses has on occasion led to civilian complaints and disputes. Suspects should be provided with a "Miranda warning" and witnesses should be furnished a witness card that outline their rights and responsibilities. A sample Miranda warning and witness card appear in Appendix 2.6.

## **Civilian Complaints**

We suggest that the process for investigating and adjudicating civilian complaints should be revised in several areas.<sup>2</sup> Presently, a line supervisor of the officer who is the subject of the complaint is in charge of the investigation. We should continue with an internal police investigation model (as opposed to a civilian review board), but all complaints should be investigated by a member of the department or administration with the designated title of Internal Affairs Officer. While the complaint process is here termed "civilian," the process should also be open to complaints by police officers about the conduct of other officers.

Internal accountability is essential to effective operation of any organization, and assigning special responsibility for investigating complaints outside the regular supervisory system could undermine that accountability. The use of a designated Internal Affairs Officer may result in a seeming lessening of the responsibilities of supervisors to ensure officer compliance with Department policies. At the present time we nonetheless believe that a designated position for reviewing complaints is desirable.

We propose the following procedures for internal investigations:

1. The university Police Department should designate an Internal Affairs Officer to investigate all cases of citizen complaints against the police.
2. Upon receipt of a complaint, the Internal Affairs Officer should promptly review and assign it for investigation.
3. The investigation should include interviews with the complainant; interviews with other witnesses; examinations of the scene of the complained of incident; viewing, analyzing and preserving all physical evidence; gathering all pertinent reports; and complete review of the file compiled by the Police Department.

4. The Internal Affairs Officer should record each step in the investigation.
5. The investigator should provide a recommendation for sanctions or clearance of the allegations against the accused officer.
6. All investigations should be completed within 45 days from the date of the filing of the citizen-complaint report. In the event that the complainant has been arrested and charged with a criminal offense, the investigation should remain open until such criminal charges have reached or nears a final disposition. In the event that the investigation cannot be completed within the prescribed period of time, a written notification should be sent to the complainants, the Office of the Supervisor of Patrol Operations, the Police Chief and the Police Commissioner. In accord with the current collective bargaining agreement, the Internal Affairs Officer should notify the bargaining unit when the investigation will exceed thirty days.
7. Each investigation and its conclusion should be reviewed by the Police Commissioner who should determine the appropriate disposition of the complaint.
8. If the Police Commissioner determines that criminal charges are appropriate, the complaint of police misconduct should be referred to the pertinent District attorney's Office.
9. If the Commissioner determines that non-criminal police misconduct occurred, sanctions should be imposed.
10. In non-criminal cases of misconduct, sanctions may range from oral or written warnings to suspension or dismissal.
11. The disposition of a complaint should be communicated in writing to the complainant.
12. A copy of the complaint and the entire investigation file should be maintained in the Commissioner's Office (policies may be required for determining the circumstances under which the complaint should be eliminated from an officer's file, and also the conditions under which the complaint should be forwarded to the Police-Community Advisory Board described below).
13. A copy of the final determination by the Police Commissioner or his or her designee should be maintained in the personnel file of the accused officer.
14. The Police Department should publish semi-annual statistics disclosing the number of complaints filed, the nature of the complaints and their disposition.

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Notes to Section 2

1. See sections 5.7.19 and 5.7.19 of the University of Pennsylvania Police Department Policy and Procedures Manual (September, 1990).
2. See section 3.24 of the University of Pennsylvania Police Department Policy and Procedures Manual (September, 1990). Sec. 3—Organization & Management

## **Section 3—Organization and Management of Public Safety at the University**

To achieve the objectives of community policing, the Task Force believes that it will be necessary to change the way the campus Police Department recruits and trains its officers. It also finds that it will be important to change the relationship between the Department and both the security personnel stationed in campus buildings and the Philadelphia Police Department.

### **Recruitment and Retention of Police Officers**

To create a Police Department that is receptive to the involvement of the campus and West Philadelphia communities and understands the special concerns and values of those communities, it makes sense to draw upon those communities as a source for recruitment. It is also wise to recruit a force that reflects the composition of those communities demographically. Within the university there is a substantial number of minority students and staff members, and within the nearby community there is a rich and diverse mix of races and cultures.

The gender and racial mix of the Police Department—particularly at the supervisory level (i.e., lieutenants and sergeants)—presently lacks women and minorities in appropriate numbers. Of 82 police officers presently employed and paid on an hourly basis, 14 are women and 28 are minorities (3 of those are women). Of the nine sergeants on the university force, all are men.

The difficulties in recruiting a more diverse police force should not be underestimated, and we recommend that the Division of Public Safety develop more pro-active recruitment strategies. This might include wider and different kinds of

advertising (including to the university community, which it has been suggested would generate more women applicants), and greater interaction with community groups which might serve as channels for suggestions to the Police Department and for greater communication to the local population. It remains unclear, however, whether requiring that a recruit have a college degree, or giving that high priority, would bring the kinds of community-oriented values and attitudes that are required for community policing.

A significant number of police officers working at the university use it as a stepping stone to move on to other municipal and suburban police forces. The reasons are several, including a preference for a traditional style of policing rather than the community policing that is a goal of our campus force. For some, the pay and fringe benefits are more attractive elsewhere; the promotional opportunities there are also likely to be greater than they are in the university Police Department. In addition, there has been reference more recently to morale problems, stemming from a perceived lack of support from the highest levels of the Department and the university in a number of conspicuous campus incidents, and from work assignments of a particularly passive nature.

It is important that recruits be identified who are likely to find working on the campus and in nearby West Philadelphia communities to be professionally satisfying. When recruiting, background investigations should be more thorough in exploring the intellectual and personal credentials of applicants. It is often possible to ascertain whether persons bring, for example, the needed sensitivities and attitudes (particularly on racial matters) that are of paramount importance in a university and urban setting. At both the recruitment and employment stages, emphasis should be placed upon the benefits of being university employees, including tuition benefits, academic courses, and the like. Although promotional opportunities within the Police Department do not arise too often, attention should be given to whether greater emphasis might be placed upon promotion "from within" as a way of inducing police officers to make a greater commitment to the force. More attention should also be given to professional development through in-service training and courses, a subject to be discussed at greater length below.

It is perceived that seniority and longevity of service among the campus police officers bring, not surprisingly, a better appreciation of the needs of the local communities and greater job satisfaction in meeting those needs. A person who starts his or her service with the more traditional precepts of policing tends in time to accept and appreciate the mores of the campus, and thus to become a more valuable member of the university force.

Particularly important, police officers should be evaluated regularly with respect to their performance, and in particular with respect to the manner in which they have assimilated and put into practice the values inherent in a system of community policing. The system of job performance evaluations in the police force, both of supervisors and of line officers, has apparently faltered. Despite the fact that the Department has the authority to carry out such evaluations as often as twice each year, there appears to have been no such systematic evaluations for several years. When the system of rewards within the police force is perceived to be unrelated to performance evaluations, and particularly unrelated to how well an officer implements the policies of community policing, morale as a general matter will diminish and interest in community policing will slacken.

## **Training of Police Officers**

Essential to the understanding and implementation of a policy of community policing is a systematic and comprehensive program of training. To effectuate the community policing philosophy of the police department, the Task Force recommends that periodic re-training be scheduled to reaffirm and develop the concepts of community policing. Fortunately, the Department will soon come under the requirements of the Municipal Officers' Training Act that will provide significant new training resources.

Members of the Police Department are initially trained at a police academy (an "Act 120" training facility) where they receive the same kind of training as do members of municipal police forces. That 22-week training program cannot and should not be abandoned. It provides an important exposure to basic policing practices and it is the only way that campus police officers can be empowered to make arrests and to implement their authority beyond the strict boundaries of the university campus. While such training should be viewed as essential, it does not provide fully sufficient preparation for policing at the university. Moreover, recruitment should not be limited to those who have received this training. Certification for completion of an Act 120 training program should be treated as one factor among a broad set of hiring criteria.

Presently the university provides a 16-week training program on campus. The latter program is also focused on standard policing practices, however, and devotes only limited time to the unique aspects of police work on a university campus. There is considerable agreement among those interviewed that there is a need to assign a responsible supervisory member of the police force to assume essentially full-time responsibility to develop and put into effect a comprehensive and regular training program on issues of special concern to the university. We recommend the creation of a new position of Training Officer to coordinate an expanded in-service training process.

Current in-service police training does not provide adequate updating of officers on legal issues, legislative developments, and criminal procedures that directly bear on the Department's policing activities. The training officer should be responsible for developing continuing in-service training in these areas. The officer should also develop training programs that focus upon an understanding of university rules and regulations, and the principles of community policing. One highly placed university official recently observed, "We have a good police force. We do not have so good a campus police force." the purpose of such training is to supplement the individual's sense of "being a cop" (a sense that is in part reinforced by the representation of the line officers by the Fraternal Order of Police) with a sense of also being a campus cop, with values and attitudes that are especially appropriate to a university community.

For example, instruction in such non-traditional areas as conflict resolution, interpersonal skills, cultural diversity and sensitivity, and the like is not presently carried out within the police force on a systematic basis. But it should be. It is important that both supervisors and line officers clearly understand the objectives of community policing and receive training in them.

To attempt to deal with these matters amidst the exigencies of the daily roll call will almost inevitably be unsatisfactory. Such training sessions should be held on a regular basis, perhaps once a month. Unlike the situation today—when training may have different form and different content from shift to shift—the training sessions here contemplated should be formal, systematic and uniform, so that the same policies will be pursued across all shifts and by all supervisory personnel. This will make for consistency across shifts in performance evaluations as well.

It would be well to include innovative instructional methods in the police training. Learning to implement police procedures in complex and often ambiguous situations could be facilitated through structured discussions of both real and hypothetical cases. Learning to understand the experience of racial minorities in police encounters, for instance, could be enhanced by exercises in which officers play the role of minorities suspected of criminal behavior. Group discussions of actual incidents that proved problematic could also help achieve better understanding of how to implement or improve department procedures.

As part of the training, university community policing objectives and policies should be clearly communicated to supervisors and offices. University expectations that the Police Department simultaneously provide strong campus security and protect individual rights require repeated affirmation during the training and afterwards. The energetic backing of officer training by both top administrators for first-line supervisors will be critical. Otherwise any training program devoted to the special issues of community policing is almost certainly fail. Given the fact that the sort of non-traditional training contemplated here is derived from an understanding of the university community, and its various constituencies, consideration should be given to utilizing the services of other appropriate university departments outside of the Police Department, including the Division of Human Resources. In fashioning the content of training programs, there should also be consultation with campus and Philadelphia community representatives. Through such mutual interchange, the community and the campus police can better appraise one another of concerns and expectations.

Questions have been raised as to whether members of the Police Department, at all levels, would be receptive to the sort of training outlined above—as distinguished from training on such matters as crime-detection techniques, the use of weapons, and legal updates. Individual reactions are indeed likely to vary. But there is reason to believe that many supervisory and line officers will be responsive to such training—and the more such training is treated as a regular part of the department's programs, and the more it is validated through supervisory example and rewards, the more likely it will have a sustained impact.

## **Police Relations with University Security Personnel**

Throughout the campus, buildings within different schools and departments are staffed by security personnel who are typically employed by independent contractors. These security personnel undertake responsibility for checking the identity of persons coming into the buildings and the condition of physical property including locked office spaces. They do not, however, have police training, and cannot carry firearms or make arrests.

The training given to such security guards is decentralized. Not surprisingly, the training given at different buildings in different schools is inconsistent and often minimal. It has been said that many, if not most, of the security guards are unversed in campus rules and regulations and in the handling of safety issues. The Police Department presently is given no responsibility for training security guards, and there is no direct radio link between the guards and members of the campus police.

Since various units on campus contract for their security services through outside agencies, and police officers have little contact with those services in the course of their work on campus, officers can find it difficult to quickly identify who is responsible for security in a given area. They can also find it difficult to ensure that security problems that they have identified in an area are later rectified by the security service.

In the interests of both general campus safety and of conformity of security personnel to the objectives of community policing, it would be most useful to have members of the Police Department conduct formal training sessions

for security guards at the outset of their employment and periodically thereafter. Centralization of the training function—in which, as suggested above, representatives of the university's human resources staff could participate—would assure systematic and uniform attention to university rules and regulations, to the special concerns that typify the university as a community, and to procedures for coordination between campus police and security guards.

All of these objectives could perhaps best be achieved if the university assumed the security function itself rather than pursue it through independent-contractor arrangements. In such a setting, security guards would be employees of, paid by, and trained by the university. It has been suggested that this would likely result in a significant reduction in overall operating costs, both by eliminating the management charges paid to independent contractors and by reducing premiums for liability insurance. Because it is beyond our purview, the Task Force does not make a specific recommendation on such structural and financial matters, but it is appropriate to recommend that training and coordination should be improved, and that it may be possible to do so within the present structure of independent-contractor relationships. In any event, a person within the Police Department could be identified as a manager of security services, and could undertake the responsibility for such training and coordination.

## **Police Relations with the Philadelphia Police Department**

At present, there is great uncertainty about the authority of the university Police Department outside of the formal boundary lines of the campus. This uncertainty should be reduced if the goals of community policy are to be achieved.

We believe it is important, for example, for police officers to know whether they can intervene in a violent confrontation that they witness beyond campus boundaries, as they move en route from one campus location to another. For one thing, acting in all good faith in such circumstances cannot necessarily shelter campus police officers from claims of false arrest or of other behavior giving rise to their civil or even criminal liability. For another, members of the Philadelphia community will be more receptive to intervention by, and cooperation with, campus police if there is confidence that the police are indeed acting within their proper sphere of authority.

Members of the Police Department have frequently cited the legitimacy of their concerns about crime prevention in neighborhoods which, although technically "off campus," encompass the homes or workplaces of many university faculty members, staff and students. This view about the proper role of the campus police is strongly echoed by those members of the university community who live or work nearby.

At present, it seems that "mutual aid agreements" between the university and Philadelphia police departments, which would allocate and clarify responsibility in contiguous geographic areas, are forbidden by law. The university's Commissioner of Public Safety is engaged in ongoing discussions with representatives of the Philadelphia department in an effort to change this law and to work out mutually satisfactory jurisdictional arrangements. These discussions should continue to be pursued.

Beyond that, proper university officials should devise—again, in cooperation with representatives of the campus and adjacent Philadelphia communities—a definition of the university's interests in crime prevention and detection outside of the campus boundaries. A more clearly understood cooperative arrangement between the campus and Philadelphia police forces will likely magnify the capability for dealing with area crime, will foster improved relationships between the campus police and the pertinent communities, and will enhance the morale of the campus police.

## **Section 4—Relations with University & Community**

The Task Force offers one main recommendation concerning police relations with the community. The Police Department should develop a comprehensive plan that serves to apply and implement the department's community policing mission. We believe that the present absence of such a plan undermines specific initiatives to enhance community relations because such initiatives come without a fuller context. A context is particularly important for patrol officers who are responsible for implementing the initiatives.

The Task Force refrains from detailing specific measures for this plan in the belief that the plan is best developed by the Police Department itself. We do, however, suggest that the plan be developed in accord with the Department's mission statement, which includes the following guidelines: Department policies and actions should (1) contribute toward the quality of university life by fostering a stable environment; (2) maintain a partnership between police and the community build upon respect and responsibility; (3) stand accountable to the university community; and (4) be open to ideas and concerns of its own members.

A central focus on these principles in building the plan will be important for realizing the main university goals of community policing. The process of developing the plan should involve as many officers and supervisors as possible, as

well as members of other campus constituencies. Ideally, the plan would be developed and implemented through close and continuing collaboration among these various groups. Such a process of inclusion would help create a sense of full community ownership of and investment in the plan's principles and applications.

The plan should include opportunities for members of the Police Department and other constituencies to interact on a continuing basis in both formal and informal ways. Such opportunities might consist of the inclusion of more police officers on university committees and on safety and security-related programs in dormitories, classrooms and offices or in other places where members of the community gather for work or social events. In this manner, police officers and other members of the university community would improve their familiarity with one another's concerns.

University groups and organizations, including those from the neighboring residential communities, should have opportunity to meet periodically with police officers to discuss their concerns. This is particularly important for those groups and organizations that have traditionally felt marginalized, such as the Bi-Cultural Inter-Greek Council, a group of African-American, Asian-American and Latino Greek organizations. These types of interactions would provide opportunities for officers to learn about the traditions, practices, and special concerns of a range of groups and organizations related to the university.

The plan should also encourage expansion of contact between the Police Department and various neighborhood organizations, including the Spruce Hill Community Association, the Garden Court Neighborhood Association, and Penn Faculty and Staff for Neighborhood Issues. Officers should be encouraged to provide their support and guidance to the development of Townwatch Programs and other civic and socially-oriented activities in the nearby West Philadelphia neighborhoods. This type of activity is already occurring to some extent, and the plan should build and further expand on these opportunities.

More generally, the plan should identify a range of steps to mobilize the participation of all those concerned with security issues. These initiatives would serve as a basis for building a partnership between the community and police. Among the initial steps that the department should consider are the provision of recurring workshops on safety and security with area businesses and establishments, and conducting regular meetings with campus groups. Identification of appropriate organizations and groups should be developed in collaboration with other university offices responsible for or involved in community relations. These and other steps should be premised on the concepts of contemporary quality improvement programs in which participants are encouraged to be candid in their assessments but also constructive in their suggestions.

To be effective, it will be important for the Police Department's plan to be understood by all department members, including both line and supervisory personnel. The community also needs to be informed of the Department's plan and should be updated periodically on its implementation. Finally, we suggest that the plan be developed with a five-year timeline, outlining the objectives that are to be achieved annually and at the end of five years, and containing a provision for regular reporting the plan's achievements to the community.

## **Section. 5–Improvement of Security/Relations**

In line with the concept of community policing, the Task Force recommends the creation of a Police-Community Advisory Board to facilitate the continuous improvement of campus security and community relations. The concept of community policing implies a continuing need to re-examine policies and procedures in light of changing constraints and conditions. A forum for regular dialogue between the Police Department and the university community would furnish an important mechanism for the on-going improvement.

The Task Force suggests that a Police-Community Advisory Board be established according to the following seven principles:

### **1. Board Role.**

The primary role of the board should be to serve as a forum for two-way communication between the police and university community. Its general purpose is to foster further improvement in public safety and community policing at the university. While some of its work will be in response to problems and concerns brought to its attention, its role will also be to suggest changes and initiatives intended to anticipate and prevent future problems. The board will also serve as a vehicle for improving the university community's understanding of public safety and policing at the university. The board should encourage the widespread participation of both police officers and university community members in the evolution and implementation of policing policies.

### **2. Board Purview.**

The board's purview should include periodic and wide-ranging re-examinations of public safety practices, community relations, and police organization. It could also investigate general community complaints about police

procedures and general police complaints about community support or response to its actions. The board's work and actions should not supersede or interfere with the Police Department's established procedures for investigating civilian complaints. The Task Force recommends that the Advisory Board not serve the function of a civilian complaint review board. While many municipalities have established such bodies, we believe that such a body would serve to undermine rather than further the objectives of community policing.

### 3. Board Reporting

The board should issue an annual report on its actions and recommendations. The board may wish to include in this report its own review of the procedures used by the Police Department in the investigation of civilian complaints. It may also wish to include a review of the university community's understanding of and work with the Police Department.

### 4. Board Structure.

The board should be structured in a way that both police officers and community members view it as a forum to which they would take their concerns and problems, not one that they would view as an unresponsive or intrusive body. The board should have considerable latitude in evolving an operating structure that would best serve its purposes as its needs and concerns evolve over time.

### 5. Board Membership.

The board should be constituted of approximately twelve representatives of the university community, defined to include staff, faculty, students, and neighboring community residents (within the neighborhood area normally patrolled by the Department). Those selected to serve on the board should exhibit as much understanding and familiarity as possible with policing and security at the university. Approximately three of the board's members should be from the Police Department, with both officers and management of the Department represented; three should be drawn from neighboring community residents; and two each should come from the ranks of staff, faculty, and students. Organizations representing these several groups should be consulted in making board appointments. Board membership should be for two years, with half of the board changing at the start of the academic year.

### 6. Board Recommendations.

The board should serve in an advisory capacity to the Commissioner of Public Safety. This implies that the Commissioner would seek to inform the board of all relevant issues related to public safety. It also implies that the board's findings and recommendations would be advisory to the Commissioner, leaving the latter full discretion on how and whether to implement any recommendations for action or change. The board's presence and actions should not be construed as diminishing the Commissioner's accountability for the Department's operations.

### 7. Administrative Location.

The Task Force has identified two options for the administrative location of the Advisory Board. The first is to create a new, stand-alone body appointed by the Executive Vice President. The second is to create such a body within the University Council's Safety and Security Committee. The first option would bring the advantage of allowing for a fresh, unrestrained design of the board. The second would bring the advantage of having the board placed within a committee that is already charged with some of the same issues. While seeing merit in both options, the Task Force recommends that the university seek to place the board under the auspices of the Office of the Executive Vice President.

The Task Force views the Advisory Board as one of several points where issues of race in police encounters should be reviewed. Inappropriate actions should be addressed by police supervisors as part of their normal administrative duties. Inappropriate actions may also be brought to the attention of the Internal Affairs Officer. Broader patterns of racially inappropriate or unacceptable police or community behavior should be of concern to the Department as well. If these concerns are not satisfactorily addressed, however, the Advisory Board should serve as a forum for the further development of policies to both ensure strong campus safety and protect individual rights.

A Police-Community Advisory Board should be viewed as only one of a set of on-going measures to enhance campus security and community relations. It will be equally important for all members of the university community to better understand the responsibilities that come with community policing and the individual rights that must be protected. For student, staff, and residential groups, continuous self-education in the practices of safety and security is vital. For police officers, continuous improvement in the practices of working with the diverse groups of the university community is important. And for university administrators, continuous enhancement of a culture that promotes campus security and community relations is critical.

1. Descriptions and studies of civilian review boards for Police Departments can be found in Samuel Walker and Vic W. Bumphus, *Civilian Review of the Police: A National Survey of the 50 Largest Cities, 1991* (Department of Criminal Justice, University of Nebraska at Omaha, 1991); Office of Research and Strategic Analysis, City of Virginia Beach, *S of Models or Approaches for Investigation of Complaints Against Police in 34 Localities* (Virginia Beach, Va., 1991).
2. Illustrations of the steps that can be taken to improve a culture of campus security and community relations at the university and elsewhere can be found in Anjali Avadhani, Jennifer Burke, and Jason Stoven, "Better Safe than Sorry: Concerns About Security Are Never Far from Students' Minds," *the Daily Pennsylvanian*, October 21, 1993, p. 3; Ellen Graham, "Fortress Academia Sells Security," *Wall Street Journal*, October 25, 1993, p. B1, 5; Suzette Parmley, "Educating Campus in Crime: at Penn, Safety is in a Class by Itself," *Philadelphia Inquirer*, October 13, 1993, p. B1, 2; Penn Faculty and Staff for Neighborhood Issues, "Priorities for Neighborhood Revitalization: Goals for the Year 2000," *Almanac*, October 26, 1993, pp. 6-11; and Michael Clay Smith, *Coping with Crime on Campus*, New York: Macmillan Publishing Company.

## **Appendix 2.1–Use of Deadly Force/Firearms**

### **Guidelines On the Use of Deadly Force and Discharge of Firearms By Police Reporting Discharges of Firearms**

The discharge of any firearm, whether accidental or intentional by UPPD sworn personnel on duty or off duty (except test or target fire at a bonafide pistol range or lawfully hunting game), should be reported as follows:

1. An officer who fired the weapon should:
  - a. Immediately notify the Philadelphia Police Department or the appropriate agency and the UPPD Communications Center of the occurrence and provide same with pertinent information regarding the need for supervisory personnel and also emergency equipment if required.
  - b. Inform the first university Police Department supervisor on the scene of the location(s) of the crime scene(s) and the general circumstances relative to the preservation and collection of physical evidence.
  - c. Make no additional statements to anyone except personnel of the pertinent Internal Affairs Division and UPPD supervisors.
2. The UPPD Communications Center personnel should:
  - a. Ensure that a UPPD Supervisor, if appropriate, is dispatched to scene.
  - b. Immediately notify
    - 1) City or County Police Department via pertinent Command Center;
    - 2) UPPD manager or administrator and
    - 3) Detective supervisor
3. First UPPD Supervisor on scene should be responsible for the following:
  - a. Ensure that the UPPD Communications Center and Philadelphia Police Radio or the appropriate law enforcement agency have been notified of the incident.
  - b. Determine which UPPD officer(s) fired their weapon(s) by personally examining the revolver of each UPPD officer who was present during the discharge; any UPPD officer having left the scene prior to the supervisor's arrival, should be recalled in order to have his or her weapon inspected.
  - c. Allow involved officer(s) to retain custody of the firearm, absent any exigent circumstances.
  - d. Ensure that information concerning the location(s) of the crime scene(s), and the general circumstances relative to the preservation and collection of physical evidence is provided by the UPPD involved officer(s).
  - e. Ensure that the information in paragraph (d) is provided to the assigned investigators, or a UPPD supervisor who should remain at the scene.
  - f. Ensure that the provisions of an officer's responsibility at a crime scene are carried out.
  - g. If possible and/or permitted, escort the UPPD officer (if not incapacitated), directly to the Philadelphia Police Department's Internal Affairs Division. If more than one (1) vehicle is required to transport the officers who discharged their firearms, additional PPD supervisors are required to transport these officers.
  - h. Within the City of Philadelphia limits, the first PPD supervisor on the scene, regardless of the rank, should not delegate the responsibility of transporting officers to any other supervisor regardless of the district or agency assignment of the officer(s) or supervisor involved.

When injury or death results from a discharged firearm, the Supervisor of Patrol Operations should contact the University of Pennsylvania Faculty Staff Assistance Program Office to arrange confidential counseling.

## **Investigation of Discharge of Firearms**

The Philadelphia Police Department's Homicide Unit or the pertinent law enforcement agency's appropriate investigative unit should investigate all cases involving the discharge of firearms by UPPD police personnel resulting in or likely to result in death which occur within the City limits.

The Municipal or Township's Detective Division of Occurrence of a shooting should investigate all other cases involving the discharge of firearms by police personnel. The UPPD Detective Unit via the Detective Supervisor or designee should act a liaison to the outside investigative unit. The appropriate law enforcement agency should conduct an investigation and should be responsible for the preparation of an Investigation Report. The UPPD Detective Unit should coordinate its efforts with the appropriate law enforcement agency and prepare a University Police Department's Investigation Report.

Whenever appropriate, the UPPD Detective Unit should assist appropriate Internal Affairs Division (IAD) in these cases. The police officer who fired the weapon should be interviewed by an UPPD IAD Shooting Team member. A UPPD report should be prepared detailing the results of the UPPD and appropriate agency's joint investigation.

Copies of all reports pertaining to the investigation of the discharge of firearms by UPPD police personnel should be forwarded directly to the Office of the UPPD Police Commissioner. Preliminary reports should be forwarded, if possible, within seven calendar days. Upon completion of the supplemental report, the Supervisor of Patrol Operations should also forward a complete report directly to the Police Commissioner's Office. The Commissioner should in turn report findings to the Division of Human Resources and the university President's office within fifteen days.

## **Custody and Disposition of Firearms Discharged By Police Personnel**

The UPPD should cooperate fully with the investigating municipal or township law enforcement agency. The Department should follow the investigative agency's established protocol, policies, and procedures relative to the discharge of firearms within its jurisdiction.

The firearm should not be unloaded or cleaned prior to examination. In discharges of approved privately-owned revolvers carried on duty by personnel, the same procedure should apply.

## **University Police Department's Firearms Review Board**

A Firearms Review Board should be established to function to provide the university Police Commissioner with information and recommendations regarding the use of deadly force by police personnel.

The Firearms Review Board should be composed of: (1) the senior firearms Instructor who should act as chairperson; (2) an additional firearms instructor; and (3) the shift supervisor (a lieutenant). The Chairperson of the Firearms Review Board should receive copies of all investigative reports on all discharges of firearms by police personnel. The Firearms Review Board should examine the facts of every case in which a police officer discharges a firearm (excluding training, target practice on a bona fide firing range or lawful hunting of game). The Chairperson should convene the Board for the purpose of reviewing the investigative reports on each case:

1. If the review indicates that the officer's action was in accordance with departmental policy, the review should be terminated and the Chairperson will so notify the Police Commissioner in writing via the appropriate chain of command.
2. When the findings of the Board indicate a need for additional training, the Chairperson should direct the Office of the Supervisor of Patrol Operations via the UPPD Training Officer to schedule the officer(s) for in-service training. A debriefing of all officers should be conducted by the Firearms Instructor(s) or his or her designee to aid in future training programs.
3. If the review indicates that further information is required, the Chairperson should schedule a hearing and summon the involved officer(s) and any witnesses necessary to enable the Board to complete its review. □
4. If the Board determines as a result of the hearing that the officer's action was not in accordance with departmental policy, the Chairperson should so notify the Police Commissioner and recommend a full disciplinary hearing before the Police Commissioner and/or his designee. The findings of the Firearms Review Board should in no way be determinative of the final disposition of any further hearing before the Police Commissioner or designee.

## Appendix 2.2–Use of Police Baton/Blackjack

### Guidelines On the Use of Police Baton and Blackjack

#### Policy

The baton and the blackjack are to be used as defensive weapons. These departmental–issued weapons may be needed for blocking, parrying, or counter-striking techniques for self defense and to attain control of an aggressively resisting subject. However, like any weapon, their use must be limited and monitored.

The police baton or blackjack may not be used to strike an individual with force intended to cause serious bodily injury or death, unless the officer would be reasonably justified in using deadly force. Care should be exercised to avoid potentially fatal areas of the body, including the head, face, and throat area. However, police personnel should not unnecessarily or unreasonably endanger themselves in applying these guidelines.

Verbal persuasion, verbal warnings, presence and assistance of additional officers, hands-on techniques, firm grip, learned control holds, or handcuffs should be utilized (though not as a weapon) when possible prior to the use of the baton or blackjack. Police Officers should not use any more force than is necessary to overcome the resistance that is met.

#### Definitions

Officers should make no modifications of, substitutions for, or additions to, the police baton or blackjack which they have been issued or obtained from the department clothing allowance. The baton and blackjack should be defined as follows:

- *Baton*: Issued type, overall length 22-24 inches, diameter 1-1/4 inches, wood or fiberglass composition. Lightweight is preferred for the most effective application of the "Lamb Method."
- *Blackjack*: Issued type, not to exceed 15 ounces in weight; round convex of flat type, no longer than 11 inches.

The use of any object (i.e., metal flashlights, service revolver, etc.) in place of the required baton or blackjack should not be used under normal circumstances. In the event an unusual circumstance arises where an object other than the required baton or blackjack is used in applying necessary force, the involved officer should submit a full explanation to the Office of the Patrol Supervisor via the chain of command.

Uniform officers should ordinarily carry the baton with them when they are out of the vehicle or on foot sector. The baton when carried in the belt loop should be worn on the opposite side of the gun holster and should not be draped over the service revolver. All officers should ordinarily carry the blackjack on their person while on duty.

#### Procedures

An officer should not carry or use the baton or blackjack unless he or she has satisfactorily completed the baton and blackjack training course at an approved municipal police officers' training facility. The use of the baton or blackjack should follow, if possible, the techniques of the "Lamb Method." the disabling areas of the body to use the baton or blackjack in a defensive posture are: knee, shins, wrist, elbow, and collarbone.

Generally, an officer may need to use the baton or blackjack in the following circumstances:

1. To overcome resistance to an arrest.
2. To protect the officer or other person from bodily injury.
3. To prevent a suicide or individual self-injury.

Situations that may require the baton or blackjack to be held in a non-aggressive stance include an investigation of persons, street or indoor disturbances, barroom brawl, rowdy crowd, or when a hostile subject must be removed or subdued. When active resistance from a subject ceases, restraining tactics should be used and the use of the baton or blackjack should cease. Under normal circumstances, the baton or blackjack should not be thrown or used as a projectile.

Immediately after using the baton or blackjack to subdue a subject and the situation is under control, if an obvious injury has occurred, the subject should be transported to the nearest hospital for medical evaluation and treatment. When the police baton or blackjack is used, the officers should ask the subject if he or she would like medical treatment even when no injury is evident. In the event the subject complains of injury or requests medical treatment, it be granted. Police officers should remain with the subject while he or she is being treated and should notify a supervisor. If the persons refuses medical treatment, the refusal should be noted on the submitted Incident Report.

#### Reporting

An officer's immediate on-duty supervisor should be notified of any use of the baton or blackjack. The circumstances of the use of the baton or blackjack should be recorded on the submitted Incident Report. When an injury resulting from the use of the baton or blackjack occurs to a subject, a preliminary investigation conducted by the officer's supervisor and followed by the Detective Unit should immediately commence. A copy of the Incident Report submitted by the officer, and

results of the joint investigation should be submitted to the Commissioner's office. This memorandum should be signed by each supervisor and maintained in a separate file for one year in the Commissioner's office.

### **Supervisor's Responsibilities**

Officers should be inspected at daily roll call for compliance with the required issued type baton and blackjack. No substitutions, modifications, or additions to issued type weapons should be permitted, and the supervisor should ensure compliance with all the provisions as outlined in this Directive.

## **Appendix. 2.3–Use of Handcuffs**

### **Guidelines On the Use of Handcuffs**

#### **Policy**

Handcuffs are restraining devices as well as a defensive device to protect persons from possible serious bodily injury. They are used to control a suspect whom an officer has reasonable suspicion or probable cause to conclude that an indictable offense has been committed. Handcuffs may also be used to secure the safety of all persons, including the police officer and the suspect, when exigent circumstances, the behavior of a suspect, or elements of a crime warrant their use. However, UPPD personnel should not unnecessarily or unreasonably endanger themselves in applying these guidelines.

Police Officers should not use more force (e.g., custodial detention) than is necessary to overcome suspect resistance. An officer should use the minimum amount of force that is necessary to safely bring a situation under control or effect an arrest. All officers are required to carry handcuffs on their person while on duty. The use of handcuffs for any other application against a person's body should normally be avoided. Officers should make no modifications of, substitutions for, or additions to, the handcuffs which they have been issued or obtained from the department clothing allowance.

#### **Procedures**

Handcuffs may be required as a restraining device or to prevent aggressive behavior in a range of situations, including the investigation of persons, street or indoor disturbances, barroom brawls, rowdy crowds, or when a hostile subject must be removed or subdued. Even in the absence of criminal behavior, handcuffs may be required for summary offenses. The use of handcuffs to control behavior or to facilitate transportation of actors is encouraged and permitted.

The investigatory or custodial detention of persons does not require the handcuffing of persons detained for summary violations of city ordinances, Pennsylvania Motor Vehicle Code, and the Crimes Code of Pennsylvania. Whenever flight or resistance is suspected, verbal persuasion, verbal warnings, presence and assistance of additional officers, or the presence of a mobile with a screen should be used prior to handcuffing a person for summary violations. Unless circumstances or individual behavior warrant, persons suspected of summary offenses should not be handcuffed when transported in a vehicle equipped with a security screen and doors that cannot be opened from the inside.

## **Appendix 2.4–Safe Operation of Police Vehicles**

### **Safe Operation of UPPD Police Motor Vehicles**

#### **University of Pennsylvania–Division of Public Safety**

Divisional Directive

General Order: 93-03

File Code: Motor Vehicles

Subject: Safe Operation of UPPD Police Motor Vehicles

References:

Special Orders: 93-19, 93-28  
General Order: 92-07  
UPPD Policy and Procedures Manual 9/90 (Sections, RE: Vehicles–Equipment)

Amends: Pages 2 & 5, add Appendix A issue date 08-04-93

Rescinds: Pages 2 & 5 issue date 07-29-93

Issue Date: 08-04-93

Effective: 08-04-93

I. Purpose

1. To establish identified responsibilities for personnel of the Division of Public Safety (DPS) when operating DPS vehicles.
2. To acquaint all members with this policy and procedure, other existing Departmental policy and procedures, and to require mandatory compliance with these provisions.

II. Scope

This order shall affect all personnel of the Division of Public Safety (DPS).

III. Policy

1. A DPS vehicle must be under complete control at all times and thereby operated with the purpose of preventing accidents, injuries, and property damage during routine and emergency operation. To reduce the possibility of injury during a collision and to maintain control of the vehicle after impact, lap-shoulder restraints/seat belts will be worn by the vehicle's operator and passengers.
2. The safety of innocent citizens, the operator and occupant(s) of the pursued vehicle, and police personnel involved in a pursuit are of paramount importance. Precautions shall be taken by all personnel who become involved in a pursuit of another vehicle. The use of emergency equipment as described in Section VI.6, will be adhered to.

IV. Outline Vehicle Operation

1. Under normal, non-emergency operating conditions, and while responding to routine calls for service, personnel operating police vehicles will strictly adhere to all traffic laws and drive defensively in a safe and courteous manner.

UPPD personnel assigned to patrol vehicles will limit their patrols on the inner campus; The UPPD will assign primary coverage of the inner campus to appropriate foot and bike patrol personnel. Whenever circumstance warrant the presence of a UPPD motor vehicle at an inner campus location, the motor vehicles will be operated at a safe speed, generally no more than 5 to 15 miles per hour. If necessary, vehicles will be parked at a convenient location and the assigned officer shall respond to a location on foot.

2. Any indication of faulty equipment will be reported to a supervisor immediately.
3. The right of way cannot be assumed or taken. Pedestrians are considered to have an absolute right of way at all times.

V. Emergency Vehicle Operation

1. Personnel will not operate a police vehicle in the emergency mode unless responding to an emergency call which threatens the loss of life, grievous bodily harm, or substantial and immediate threat to property or public safety. Emergency calls for service do not automatically include disturbance calls, fights on the highway, reports of crimes, etc. Emergency equipment will not be use during such responses unless exigent circumstances exist.
2. Police vehicles operated during an emergency response situation will have in operation all appropriate emergency equipment, including emergency lights (lightbar) and siren to warn vehicular and pedestrian traffic along the emergency route. Headlights SHALL be use during daylight hours as an added visibility factor. Police vehicles that do not contain a working visual signs (light bar) and audible signal SHALL NOT engage in emergency vehicle operations or in vehicle pursuit. State law requires these signals for emergency driving (P.V.C. 3105). (amended 8-4-93) Note: Four-way flashers will not be used while the vehicle is in motion because they interfere with brake lights and turn signals.

3. When arriving on the scene of a barricaded person/hostage situation or a major disturbance or riot, lights and sirens will normally be turned off to reduce curiosity and tension. Within two blocks of a felonious crime in progress, an operator shall turn off his or her lights and siren also.
4. The provisions of the Pennsylvania Vehicle Code will not relieve the driver of a police vehicle from the duty to drive with due regard for the safety of all persons, nor will such provisions protect the driver of a police vehicle from the consequences of careless disregard for the safety of others (refer to P.V.C., 3105 (e).)
5. A driver engaged in emergency vehicle operations may:
  - A. Exceed the speed limit after weighing the risks of danger to life and property and after considering the condition of the road, traffic, and weather.
  - B. Proceed past a red or stop signal or stop sign, but only after slowing down or stopping as may be necessary for safe operation. When a police vehicle enters a controlled intersection against the directed flow of traffic, he/she should do so at a safe speed. The driver should be sure that cross-traffic flow has yielded in each lane before attempting to cross that lane and be prepared to stop in the event of failure to yield right-of-way.
  - C. Disregard regulations governing vehicle movement or turning in specified directions only after considering or weighing the risks of injury to life or property, and be responsible for this action in such a case.
  - D. Disregard standard parking regulations, except that a police vehicle SHALL NOT block access to a fire hydrant at a fire scene, or in any way obstruct the passage of fire apparatus. Marked police vehicles should be strategically parked in roadways to protect accident scenes, injured persons, or officers directing traffic, when such use is practical, and the emergency lights (light bar) and four-way flashers are activated. Barricades should be used instead of vehicles when available.
6. Supervisory/Command Responsibility
  - A. General: Supervisors are responsible for monitoring emergency vehicle responses, upgrading or downgrading them, and controlling the number of vehicles responding to an emergency call for service.

## VI. Pursuits

1. Defined: the operation or use of a police motor vehicle to pursue a suspected criminal or traffic violator who willfully or knowingly uses illegal or evasive driving tactics in an effort to avoid detention, apprehension, or arrest.  
The pursuit of traffic violators or scofflaws is not encouraged. Whenever sufficient information is available, traffic violations reports will be completed and forwarded to violators via Philadelphia Traffic Court or Parking Authority procedures.
2. Pursuit Policy: the primary purpose of a pursuit is to apprehend a suspect with the least amount of force necessary and to minimize the risk of harm to persons and property. Failure to announce the pursuit, or choosing not to use the term "pursuit", will not alleviate officers from the responsibility of complying with all of the provisions of this directive. Therefore, a pursuit may be initiated by personnel when:
  - A. The initiating police officer (Primary Unit) is in close proximity to a suspect, driving a motor vehicle, with emergency equipment activated and the suspect fails to yield; and
  - B. The police officer has probable cause to believe that the suspect has committed, has attempted to commit, or is attempting to commit a crime.
  - C. Shooting at a vehicle is considered the use of deadly force and is only justified if the vehicle or its occupants present an immediate threat of death or serious bodily injury to an officer or another person. Shooting at a vehicle or its occupants merely to prevent flight is not justified at anytime.
  - D. Police officers should not shoot from a moving vehicle.
3. When a police officer initiates a pursuit, the officer will immediately inform the Communications Center dispatcher of the following:
  - A. The fact that there is a pursuit.
  - B. The specific law violation(s).
  - C. Initial location, direction, and approximate speed of travel.
  - D. The vehicle description and age and description of occupants, if known.
  - E. The continuous progress of the pursuit and if it is headed for or enters into another jurisdiction until the Secondary Unit arrives to assist.

NOTE: The primary unit will cease radio communications once the secondary unit has informed the Communications Center they have joined the pursuit, unless the officer in the primary vehicle has additional important information to convey to the Communications Center.

4. Responsibilities of the Communications Center:

- A. When the Communications Center is notified of an officer in vehicular pursuit, they will contact a Patrol Supervisor immediately. The supervisor will then contact PPD and inform them of the pursuit.
  - B. Once the Secondary Unit has arrived to assist the Primary Unit, Communications Center personnel will use the Secondary Unit as the Communications Car, unless the Primary Unit is a two-officer vehicle.
  - C. When the Communications Center is assured that the Secondary Unit has joined the pursuit, an announcement will be made by the dispatcher telling all vehicles except the Primary, Secondary, and Monitoring Supervisor not to join the pursuit and stay in their assigned area.
  - D. The Communications Center will ensure a control number is assigned for all pursuits.
5. Upon being notified of a pursuit, a Supervisor will evaluate the circumstances surrounding a pursuit, make a decision on allowing the pursuit to continue, and transmit that decision to the communications center dispatcher. Should the pursuit be allowed to continue, the Supervisor and primary unit will continue to monitor and evaluate the progress of the pursuit and may cancel it at any time. In addition, the monitoring Supervisor will go to the scene of a terminated pursuit, take command, and be responsible for the preparation of the pursuit memo, specifically identifying any unusual circumstances of the pursuit.
  6. All units engaged in a pursuit will operate the vehicle with emergency equipment activated continuously throughout the pursuit unless otherwise instructed by other provisions of this directive.
  7. During a pursuit, no more than two police vehicles will be operated in close pursuit (the primary and a secondary unit). In addition, a safe distance will be maintained between vehicles in order to lessen the possibility of a collision should the fleeing vehicle make a sudden stop or change of direction.
    - A. Once the Secondary Unit arrives to assist, the Primary Unit's main responsibility, within the limits of ensuring the safety of all involved, is the apprehension of the fleeing vehicle and its occupant(s). The Secondary Unit, as the communications car, will:
      1. Continuously update the Communications Center as to the direction and location, and, if needed, seek further instruction from an immediate supervisor.
      2. Speed of officer's vehicle and approximate speed of the Primary Unit's vehicle and the fleeing vehicle will be given frequently.
      3. Progress of pursuit and if it is headed for another jurisdiction.
      4. Location vehicle is stopped.
      5. Loss of the vehicle and location last seen.
  8. Only the Primary Unit, the Secondary Unit, and Monitoring Supervisor may leave their assigned area in response to the pursuit. No other units may leave their assigned area unless ordered to do so.
  9. An unmarked police vehicle involved in a pursuit will relinquish close pursuit to a marked radio patrol car as soon as possible. (Unmarked police vehicles and plainclothes personnel will physically not stop traffic violators; they will seek assistance from a marked unit.)
  10. Only sworn personnel may engage in a vehicular pursuit. Police vehicles being used to transport prisoner(s), witnesses, complainants, trainees/cadets, or other non-sworn individuals will not engage in a pursuit.
  11. The initiating police officer involved in a pursuit will write a pursuit incident report after the termination of the pursuit, outlining the specifics of the pursuit. In addition, where a secondary unit is involved, that police officer will complete a supplemental incident report to the primary police officer's pursuit incident report outlining the specifics of his or her involvement.
  12. The responsibility for a pursuit rests with the initiating police officer and the Monitoring Supervisor.
  13. Pursuit abandonment:
    - A. Because of the hazards to both the public and the police officer(s), it may be necessary to abandon the pursuit of some criminal offenders rather than continue.
    - B. Strong consideration will be given to terminate a pursuit when:
      1. The pursuit enters a congested area, and an unreasonable hazard to the general public exists;
      2. The visibility, weather conditions, and/or road conditions limit the probability of a safe and successful end to the pursuit; the longer a pursuit, the more likely an accident or injuries may occur.
      3. The violator can be identified to the point where later apprehension can be accomplished and the violator is not a threat to the public.
    - C. Police officer will terminate a pursuit when:
      1. A Supervisor or higher authority orders the pursuit terminated;
      2. Police officer(s) loses visual contact with the violator;
      3. Pursuing unit(s) loses radio contact with the Communications Center;

4. Probable cause no longer exists to believe that the violator or suspected violator has committed, has attempted to commit, or is attempting to commit a crime.
14. Police officer(s) will not pursue a violator the wrong way on an interstate highway, divided highway, or divided roadway. In the event that a police officer is in pursuit and the vehicle being pursued enters an interstate highway, divided highway, or divided roadway the wrong way, the following options will be used by the pursuing police officer:
  - A. Terminate the pursuit;
  - B. Maintain visual contact with the violator by paralleling this person on the lawful side of the highway;
  - C. Request that other police officer(s) be assigned to observe exits available to the violator;
15. Pursuit Outside of Jurisdiction A. If a pursuit appears to be headed towards, or has crossed into another jurisdiction, the Communications Center will alert the law enforcement agency within that jurisdiction of the pursuit, its progress, and the known charge(s) against the violator. The UPPD Supervisor will also be notified by the Communications Center that the pursuit has entered into another jurisdiction. In all cases, the UPPD Supervisor will determine if the pursuit will continue from one jurisdiction to another.
16. Pursuits Initiated by Agencies Outside of Our Jurisdiction
  - A. Personnel will not engage in pursuits initiated by agencies outside our jurisdiction that enter our area of patrol unless instructed to do so by a Supervisor. In addition, all guidelines and restrictions regarding pursuits described in this order and other policy and procedures will apply and be adhered to.
  - B. The Communications Center will, immediately upon receiving information that a pursuit has entered our area of patrol, determine from the pursuing agency the reason for the pursuit. This information will be relayed to a UPPD Supervisor.
17. Stopping the Pursued Vehicle
 

The following methods will not ordinarily be used as a means to stop a fleeing vehicle:

  - A. Ramming: the deliberate act of hitting a moving violator's vehicle with a pursuit vehicle for the purpose of forcing the violator's vehicle off the roadway.
  - B. Roadblocks: A barricade or other obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
  - C. Spikes or Sharp Instruments: To deflate tires or re-direct-direct the path of a pursued vehicle.
18. Pursuit Memorandums
  - A. Pursuit memorandums will, immediately following the incident, be submitted through the chain of command to the Supervisor of Patrol Operations.

## VII. Motorcycles/Mini-Bikes/Mopeds

1. Police personnel taking motorcycles, mini-bikes, or mopeds into custody will transport such vehicle in the trunk of a Patrol Car. If the cycle is too large to be transported safely and has to be driven by police personnel, only a qualified motorcycle operator, with the proper safety equipment, will transport the cycle back to UPPD headquarters. If no qualified motorcycle operator is available, a towing company will be notified to transport.
- Note: Under no circumstances will police personnel operate (transport) motorcycles, mini-bikes, or mopeds without the proper safety equipment and license.

## VIII. Parking

1. Police vehicles will not be left unattended without the parking or emergency brake engaged, the transmission selector lever in the "park" position, and the engine off. Vehicles will be parked in such a manner as to eliminate hazards to the vehicle, police officers and surrounding traffic.

# Appendix 2.5–Review of Vehicle Accidents

## Departmental Safety Review Board For Vehicle Accidents

### University of Pennsylvania–Division of Public Safety

Divisional Directive

Special Order: 93-28

File Code: Safety Review

Subject: Departmental Safety Review Board For Vehicle Accidents

Reference:

General Orders: 92-07, 93-03

Special Orders: 93-19, 93-27

UPPD Policy & Procedure Manual RE: Vehicles & Equip.

Amends:

Rescinds: UPPD Policy and Procedure Manual 9/90      Section 5.65.0–Safety Review Board

Issue Date: 07-29-93

Effective Date: 08-1-93

Expires:

#### I. Purpose

1. To establish identified responsibilities of the Safety Review Board.
2. To acquaint all members with this policy and procedure and to require mandatory compliance with these provisions.
3. To minimize the number of police vehicle accidents.

#### II. Scope

1. This order shall affect all personnel of the Division of Public Safety.
2. Authority for the administration of DPS vehicle safety program and the Safety Review Board is vested in the Supervisor of Patrol Operations.

#### III. Policy

1. It is the responsibility of the Department's Safety Review Board to establish and recommend, to the Supervisor of Patrol Operations, written guidelines with annual updates on the safe operation of DPS vehicles. Upon approval by the Supervisor of Patrol Operations, these guidelines and updates will be incorporated into the training curriculum and distributed to all DPS personnel in the form of a training bulletin and annual supplement.

#### IV. Duties of the Safety Officer and the Safety Review Board (SRB)

1. The Safety Officer will chair the Safety Review Board and will:
  - A. Review each DPS vehicle accident to determine whether it requires a SRB review.
  - B. Set dates and times of SRB hearings and notify pertinent Board members and involved DPS personnel.
  - C. Prepare all required reports for SRB review, conduct the hearings, and maintain records on the number of cases heard, and the findings and sanctions for each case.
  - D. Establish written guidelines on "Defensive Driving Techniques" through review of SRB's findings on causes of individual police vehicle accidents. These guidelines will be updated annually.
  - E. Prepare an annual report for the Supervisor of Patrol Operations advising him of the major causes of police vehicle accidents.
2. The Safety Review Board (SRB) will consist of the Safety Officer (Office of Fire and Occupational Safety - Inspector), an Assistant Safety Officer (Office of Risk Management–Supervisor) and one Lieutenant or Sergeant appointed by the Supervisor of Patrol Operations. All three members are needed to preside at a hearing and make the necessary findings of each case. The SRB's duties will include:
  - A. An investigative interview of the involved personnel when appropriate, as well as the evaluation of all available police reports and evidence concerning each case at issue.

- B. A review, as to what degree the actions of the vehicle operator were inconsistent with written guidelines established pursuant to this order and in G.O. 93-03 (Safe Operation of UPPD Police Vehicles).
  1. This review will result in a SRB opinion, determining whether the accident was "preventable" or "non-preventable," and will not be construed as a finding of guilt or negligence on the part of the officer involved.
- C. Recommend corrective/remedial action if the accident is deemed "preventable". This will include recommendations such as, eye examination, driver training, non driving assignments, and in cases where negligence is found, reprimand or suspension.
- D. Categorize the "causes of accidents" for statistical review by the Safety Officer.

V. Reports to Be Submitted to the Safety Officer

1. The Records Department is responsible for forwarding a copy of all reports related to police vehicle accidents.
2. All reports will be submitted within three (3) working days of notification of incident.

## Appendix 2.6–Witness Card/Miranda Warning

### Contents of a Witness Card and Miranda Warning

#### Witness Card

##### Information Card Requesting Consent to a Police Interview

- Must be read to persons whom the police want to have accompanied to police headquarters for questioning.
- We are investigating [describe crime].
- Investigating crimes involves asking people questions.
- We would like you to help us, and to do so, we need you to come to the police station.
- You are not under arrest.
- You have a right to say no.
- If you don't want to come now, but are willing to come later, that can be arranged for you.
- If you do agree to come with us, you are free to leave at any time.
- Thank you for your cooperation.

#### Miranda Warning

##### Standard Police Interrogation Card

##### Questions to be Answered by Accused

The accused must know the specific crime about which he is being questioned.

1. Do you understand that you have a right to keep quiet and do not have to say anything at all?
2. Do you understand that anything you say can and will be used against you?
3. Do you want to remain silent?
4. Do you understand that you have a right to talk to a lawyer before we ask you any questions?
5. Do you understand that if you cannot afford to hire a lawyer, and you want one, we will not ask any questions until a lawyer is appointed for you free of charge?
6. Do you want either to talk with a lawyer at this time or to have a lawyer with you while we ask you questions?
7. Are you willing to answer questions of your own free will, without force or fear, and without and threats or promises having been made to you?

#### Warnings to be Given Accused

- We are questioning you concerning the crime of (state specific crime).
- We have a duty to explain to you and to warn you that you have the following legal rights:
  - A. You have a right to remain silent and do not have to say anything at all.
  - B. Anything you say can and will be used against you in Court.

- C. You have a right to talk to a lawyer of your own choice before we ask you any questions, and also to have a lawyer here with you while we ask questions.
- D. If you cannot afford to hire a lawyer, and you want one, we will see that you have one provided free of charge before we ask you any questions.
- E. If you are willing to give us a statement, you have a right to stop any time you wish.

## **Task Force Members**

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The following individuals provided information or assistance in the preparation of this report, and their support is greatly appreciated. Except where otherwise indicated, they are associated with the University of Pennsylvania.

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