COLUMBIA UNIVERSITY SENATE COMMISSION ON DIVERSITY

Report on Columbia University Public Safety and Restorative Justice

I. Introduction

In the summer of 2020, concern about police violence and accountability, as well as the structural nature of racial discrimination within criminal justice institutions at large, rose to the forefront of American public discourse. Such concerns were raised largely in response to the killings of George Floyd, Breonna Taylor, Ahmaud Arbery, and countless others by police and vigilante actors. The consequence has been a national call for change in approaches to policing and public safety in general, including demands for accountability and transparency in addressing racism and its effects within institutions. Institutions of higher learning have been among those to take seriously this national call for redress of racial injustice and, on July 21, 2020, the Office of the President of Columbia University released a statement entitled, "Columbia's Commitment to Antiracism," locating this community in response to the national public discourse and setting out actions to be taken.¹

It is important to note that while these issues have more recently gained heightened attention, concerns about race and policing have a longstanding history at Columbia University.

II. University History

The mission statement of Columbia University declares that "The University recognizes the importance of its location in New York City and seeks to link its research and teaching to the vast resources of a great metropolis." However, Columbia's relationship with its closest Harlem and Washington Heights neighbors, and with students and faculty of color, has historically been contentious.

In 1969, Columbia University formed the University Senate in response to the campus turmoil of 1968, which included protests against Columbia's attempt to create a gym in Morningside Park that signaled division between the University community and the surrounding Harlem community. Black students, Harlem residents, and their allies occupied many university buildings and stopped the construction of what came to be called "Gym Crow." At the request of the Executive Committee of the Faculty, a report was produced by the Cox Commission in response to the 1968 protests. According to the "Crisis at Columbia" report, "Separate and unequal access to the facilities prompted cries of segregation and racism." Columbia's turbulent relationship with the surrounding community, and especially the proposed creation of a gym in Morningside Park, was an initiating cause of subsequent political unrest. The report noted that:

¹ President Lee C. Bollinger, "Columbia's Commitment to Antiracism," July 21, 2020; accessed February 23, 2021, https://president.columbia.edu/news/columbias-commitment-antiracism.

² "Mission Statement," Mission Statement | Columbia University in the City of New York; accessed February 19, 2020, http://ftp.columbia.edu/content/mission-statement.html.

³ The Cox Commission's "Crisis at Columbia" report explains, "The building provided access to the University community at the top of Morningside Park along its western boundary, while residents of the surrounding Harlem community would enter on the basement level, along the eastern edge of the park, where they would have access to only a small portion of the building." Archibald Cox, et al., "Crisis at Columbia," New York: Vintage, 1968; accessed April 4, 2021, https://exhibitions.library.columbia.edu/exhibits/show/1968/causes/gym.

By the spring of 1968, the opposition both in the [Harlem] community and among the faculty and student body was highly emotional, widespread, and deeply rooted. Contrary to statements by Columbia officials, this was—in the context of 1968—a racial issue.⁴

The University cannot prosper spiritually or intellectually as an isolated island surrounded by distrust.⁵

In order to address this legacy of distrust and to seek restorative justice and healing for the institution, its constituent communities, and its neighbors, we, the members of the Columbia University Senate Commission on Diversity, submit this report.

III. Protections and Transparency in Public Safety Practices

A. Background

The Commission on Diversity identified public safety as a priority matter for restorative justice in Fall 2019 and gave an initial presentation to the University Senate at the March 6, 2020 plenary. Over the course of the past eighteen months, the Commission has met with representatives from many campus groups and organizations, including the Black Student's Organization, the Center for Justice, and the National Lawyers Guild. The Commission has collaborated extensively with the Student Affairs Committee. Having also met with the Inclusive Public Safety Working Group commissioned by the Office of the President, the Commission on Diversity sees its efforts being supported by the Working Group.⁶

To frame discussion on public safety and campus security, the Commission on Diversity conducted a review of reports on the practices and policies of private security and police forces at colleges and universities across the country. In many of these reports, investigators were especially concerned with constitutional protections and transparency. One noted, "There is no constitutional protection against unreasonable search and seizure by private citizens, ... no requirement for private security agents to issue Miranda warnings, ... no exclusionary rules for evidence obtained through unauthorized searches or questioning conducted by private agents." In other words, private security forces, including those at universities, are generally not required to observe standard legal protections granted to the public in relation to the police. This could result in "[heightened] anxiety about private agents who could be highly skilled (such as ex-government agents) but subject to less stringent legal constraints and less effective oversight than their public service counterparts."

⁴ Archibald Cox, et al., "Crisis at Columbia," New York: Vintage, 1968; accessed March 11, 2021, https://exhibitions.library.columbia.edu/exhibits/show/1968/consequences/cox.

⁵ Archibald Cox, et al., "Crisis at Columbia" New York: Vintage, 1968; accessed March 11, 2021, https://exhibitions.library.columbia.edu/exhibits/show/1968/consequences/cox.

⁶ See report of the Inclusive Public Safety Working Group, "The Data-Gathering Subcommittee Progress Report," December 15, 2020; accessed March 22, 2021 https://universitylife.columbia.edu/sites/default/files/content/report of the inclusive public safety working group 12 15 20.pdf.

⁷ Malcolm K. Sparrow, "Managing the Boundary Between Public and Private Policing," Harvard Kennedy School and National Institute of Justice, September 2014.

⁸ Sparrow, "Managing the Boundary Between Public and Private Policing."

Additionally, reports raised concerns about the transparency of private universities and the scarce release of reports on internal operations pertaining to public safety. In most states, including New York, private campus security and public safety forces are exempt from most public records requests, even when officers have the power to make arrests or use force. This has led to concerns for the safety and security of not only students, faculty, and staff within an institution, but also neighboring community members, as "[p]eople who are not affiliated with the school, but who live in a neighborhood under campus police jurisdiction, are subjected to a police force with little if any accountability." Ocnditions such as these make it exceedingly difficult for the institution in question to identify incidents of racial profiling and other discriminatory policing practices, due especially to the lack of publicly available material with which to identify problematic trends and render these practices accountable to oversight.

B. Columbia University

In the United States, campus law enforcement may take a number of different forms. A 2011 Bureau of Justice Statistics survey reported that, of 905 four-year colleges and universities surveyed, 861 (95%) had their own private campus law enforcement agency. Private security firms or local law enforcement agencies were used by most of the schools that did not have their own campus security agency. Of the surveyed colleges and universities with their own campus law enforcement agency, ranked by the greatest number of full-time employees, Columbia University's Department of Public Safety tied for tenth position, with 188 persons employed full-time in 2011. By 2020, Columbia's Department of Public Safety employed 165 full-time security officers as well as 62 uniformed supervisors licensed by the State of New York. In 2011, law enforcement employees at 96 of the 100 largest four-year campuses included sworn personnel, broadly understood to mean armed officers with law enforcement authority and powers of arrest. Only Columbia University, New York University, DePaul University, and Portland State University had no sworn personnel, a situation that is unchanged at Columbia, with the 2020 Annual Security and Fire Safety Report noting that "officers are not sworn and do not carry firearms, nor do they have police powers including those of arrest." The distinction is critical in so far as uniformed public safety personnel may invoke a perception of authority and power they may not actually carry.

IV. Best Practices and Campus Security Reporting Procedures at Peer Institutions

Civilian oversight agencies have existed in the United States for close to a century, and the function and structure of these bodies have evolved over time. Initially designed to provide basic civilian oversight, the function of these agencies transformed in the 1970s and 1980s with the emergence of an investigative

⁹ Madeline Will, "Despite Public Interest in Increased Police Transparency, Most Private Universities Shield Police Reports," Student Press Law Center, March 16, 2016.

¹⁰ Nathalie Baptiste, "Campus Cops: Authority Without Accountability," *The American Prospect*, November 2, 2015; accessed February 25, 2021, https://prospect.org/civil-rights/campus-cops-authority-without-accountability/.

¹¹ Brian A. Reaves, "Campus Law Enforcement, 2011–2012," U.S. Department of Justice, January 2015, p. 22; accessed Mach 8, 2021, https://www.bjs.gov/content/pub/pdf/cle1112.pdf.

¹² "2020 Annual Security and Fire Safety Report Columbia University Public Safety," Columbia University Public Safety, 2020, p. 5; accessed March 8, 2021, https://publicsafety.columbia.edu/annualsecurityreport.

¹³ Brian A. Reaves, "Campus Law Enforcement, 2011–2012," U.S. Department of Justice, January 2015, p. 23; accessed Mach 8, 2021, https://www.bjs.gov/content/pub/pdf/cle1112.pdf.

¹⁴ "2020 Annual Security and Fire Safety Report Columbia University Public Safety," Columbia University Public Safety, 2020, p. 5; accessed March 8, 2021, https://publicsafety.columbia.edu/annualsecurityreport.

model. From the 1990s and through the present, there has been a subsequent shift toward auditor, monitor, and mixed models of civilian oversight. (See Table 1a: "Civilian Review Board Models.") With greater focus on policing and heightened calls for public safety reform in recent years, civilian oversight practices have become part of a now national conversation.¹⁵

Before considering distinct features of the broad types of civilian review agencies, we should first consider their purposes and objectives. Civilian review bodies are intended to enhance accountability in order to improve trust between public safety agencies and the local communities they are intended to serve. The review function aims to increase transparency, providing protocols for complaints to be received and investigations to be conducted properly. Since the creation of the first civilian oversight agencies in the United States in the 1930s, in 2016, there were over 140 such agencies in existence.¹⁶

The benefits of independent review boards have been noted for quite some time. In 2001, the National Institute of Justice released a report on citizen oversight committees and noted significant benefits.

Complainants have reported that they:

- Feel "validated" when the oversight body agrees with their allegations—or when they have an opportunity to be heard by an independent overseer regardless of the outcome.
- Are satisfied at being able to express their concerns in person to the officer.
- Feel they are contributing to holding the department accountable for officers' behavior.

Police and sheriff's department administrators have reported that citizen oversight:

- *Improves their relationship and image with the community.*
- Has strengthened the quality of the department's internal investigations of alleged officer misconduct and reassured the public that the process is thorough and fair.
- Has made valuable policy and procedure recommendations.¹⁷

As Columbia University explores possible ways in which to build up trust in the Department of Public Safety through greater transparency and accountability, we recommend that it consider incorporating a civilian review function. We set out below the broad models in existence across the country, the critical features and potential strengths and weaknesses of each model, and the forms in place in a number of colleges and universities. (See Table 1b: "Forms of Civilian Review in Place Across U.S. Colleges and

¹⁵ On the subject of policing reform, the Thurgood Marshall Institute notes that the following groups and organizations are currently active in this area: <u>Advancement Project</u>; <u>American Civil Liberties Union</u>; <u>Amnesty International</u>; <u>Campaign Zero</u>; <u>Center for Constitutional Rights</u>; <u>Community Resource Hub for Safety & Accountability</u>; <u>Human Rights Watch</u>; <u>Leadership Conference on Civil and Human Rights</u>; and <u>Policing Project at NYU School of Law</u>.

¹⁶ Joseph De Angelis, Brian Buchner, and Richard Rosenthal, "Civilian Oversight of Law Enforcement," National Association for Civilian Oversight of Law Enforcement, 2016; accessed March 8, 2021, https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727974/NACOLE Accessingth eEvidence Final.pdf?1481727974.

¹⁷ Peter Finn, "Citizen Review of Police: Approaches and Implementation," U.S. Department of Justice, Office of Justice Programs, The National Institute of Justice Report, March 2001, pp. x-xi; accessed March 11, 2021, https://www.ojp.gov/pdffiles1/nij/195076.pdf.

Universities.") We suggest that best practices in public safety transparency and accountability derive from a diversity of models already in place at peer institutions. Best practices include the authority and function to administer complaints, review policies and procedures (*e.g.*, UC Berkeley, The University of Chicago, New York University), provide independent assessment, and make recommendations (*e.g.*, SUNY Binghamton, The University of Chicago.) We note that in undertaking such a review of Public Safety at this moment, Columbia is not alone among U.S. colleges and universities.¹⁸

Table 1a: Civilian Review Board Models

Model	Characteristics	Strengths	Weaknesses	Example
Investigation- focused	Undertake independent investigation of complaints	Independence	Cost and complexity	Civilian Complaint Review Board, New York, NY
	Independent investigations may be instead of or in addition to an internal investigation	Skilled investigators	Possible resistance from body being investigated	
	Staffed by civilian investigators, with no members from the body being investigated	Investigators' skill and independence may enhance trust	Failure to meet expectations may lead to loss of trust	
Review- focused	Primarily charged with undertaking reviews of internal investigations and may provide recommendations	Community input	Authority and resources may be limited	Citizen's Police Review Board, Albany, NY
	Populated by civilian volunteers	Scope for building trust in the community	Board members may have limited expertise	
	Facilitates public meetings to gather community input and support communication	Low-cost structure and least complex model	Degree of independence may be limited	
Auditor- monitor- focused	Examines broad patterns in complaint investigations	Strong public reporting	Focus on broad patterns may not be supported by community	Office of the Inspector General for the New York City Police Department, New York, NY
	May participate in or monitor internal investigations	Moderate costs (between the most and least expensive models)	Requires expertise	
	Undertake systemic reviews with aim of driving organizational change	Potential to drive long- term cultural change	Limited authority may mean role limited to recommendations / comments	

Source: (De Angelis et al., 2016)

¹⁸ See Stephanie Hanes, "If Police on Campus Have Guns, Is College More Safe?," *The Christian Science Monitor*, July 2, 2020, https://www.csmonitor.com/USA/Education/2020/0702/If-police-on-campus-have-guns-is-college-more-safe.

Table 1b: Forms of Civilian Review in Place Across U.S. Colleges and Universities

University	University Public Safety / Law Enforcement Structure	Review Board	Authority / Function	Review Board Est.
UC Berkeley: University of California Police Department	UCPD Officers are sworn peace officers with statewide authority (see California Penal Code Section 830.2 (b)).	UC Berkeley Campus Police Review Board	Administers complaints against sworn members of UC Police Department; monitors and reviews departmental policies and procedures.	1990
Binghamton University: New York State University Police at Binghamton	The New York State University Police at Binghamton is a fully accredited law enforcement agency with sworn law enforcement officers; recognized by the New York State Division of Criminal Justice Services.	Binghamton University Campus Citizen Review Board	Provides "independent and evidence-based assessment of the operation of the University Police Department (UPD) toward the goals of advising the Binghamton University president about issues and recommending changes."	2020
University of Chicago Police Department	UCPD Officers are employed by the University and all sworn officers have the authority to make full custody arrests.	Independent Review Committee for the University of Chicago Police Department	Reviews complaints relating "to issues of excessive force, violation of rights, abusive language, or dereliction of duty." Evaluates UCPD actions and makes recommendations as needed. This independent committee exists alongside internal review structures.	2005
Columbia University Department of Public Safety	Columbia University Department of Public Safety does not include sworn officers with law enforcement authority, powers of arrest, and they are unarmed.	۵		NA
New York University: NYU Public Safety Department	NYU's Public Safety Department does not include sworn officers with law enforcement authority and powers of arrest, and they are unarmed.	Professional Standards	A unit within the Department of Public Safety, oversees and manages accreditation, adherence to standards, and development of policies.	NA
Johns Hopkins: Johns Hopkins Campus Safety and Security (Police Department (stayed until 2022)	Johns Hopkins Campus Safety and Security includes (i) unarmed campus police officers with arrest authority; (ii) unarmed campus security officers without arrest authority; (iii) unarmed private security firm officers without arrest authority; and (iv) armed off-duty Baltimore City police officers with arrest authority	Complaints submitted to a central email, investigated by security management/ HR/ Office of Institutional Equity	In June 2020, creation of Johns Hopkins Police Department, a private campus police department, was stayed for two years, as was the creation of the associated Accountability Board. (source: https://publicsafety.jhu.edu/jhpd- information/accountability-board/	NA
Yale University: Yale Police Department	Yale Police Department includes 93 sworn staff, including patrol officers and detectives. While Yale employees, Yale police officers, who have been certified by the Connecticut Police Officer Standards and Training Council, are commissioned for deployment by the New Haven Police Department.	Yale Police Department	The University Police and Security Department has civilian administration in the form of the Director of Compliance and Strategic Initiatives (reports to the Director of Public Safety/Chief of Police) and the Director of Strategic Analysis, who reports to the Director or Compliance and Strategic Initiatives. In March 2020, Yale undertook an Assessment of the Yale Police Department. In June 2020, Yale released a statement, "The Yale Police Department in a Time of Historic	

Source: Compiled by author

V. Recommendations

In conclusion, the Commission on Diversity recommends the creation of an independent review body. In so far as transparency and accountability contribute to communal trust and restorative justice, the Commission on Diversity makes the following four recommendations:

- 1. An independent review body shall comprise students, faculty, staff, and community members not affiliated with Columbia University's Department of Public Safety, and that such body be empowered to review incidents and complaints involving the Department of Public Safety.
- 2. An independent review body shall be granted the authority to receive and review complaints about the Department of Public Safety issued by students, faculty, and staff of Columbia University, as well as from members of the broader community, regardless of University affiliation.
- 3. An independent review body shall provide assistance navigating the reporting process for complainants who request support; shall make recommendations, including corrective action, in response to individual complaints; and publicize anonymized recommendations to the community.
- 4. An independent review body shall conduct a self-evaluation and issue proposed recommendations no less than once per year for any structural changes to the Department of Public Safety that will both reinforce its mission and build a stronger community of trust.

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THE SENATE STUDENT AFFAIRS COMMITTEE HAS ENDORSED THIS REPORT.

Public Safety and Restorative Justice



Commission on Diversity

April 9, 2021



The historical moment

- In the summer of 2020, concern about police violence and accountability rose to the forefront of American public discourse. The consequence has been a national call for change in approaches to policing and public safety, including demands for accountability and transparency.
- In July 21, 2020, the Office of the President of Columbia University released a statement entitled, "Columbia's Commitment to
 Antiracism," locating this community in response to the national public discourse and setting out actions to be taken.



Objectives

Independent review bodies are created to enhance accountability and improve trust between public safety agencies and the local communities they are intended to serve.

Independent review is a matter of principle and good governance structure.



Findings

The Commission on Diversity conducted a review of reports on the practices and policies of private security and police forces at colleges and universities across the country. We found that

- 1. Private security forces, including those at universities, are generally *not* required to observe standard legal protections granted to the public in relation to the police.
- 2. In most states, including New York, private campus security and public safety forces are exempt from most public records requests.
- 3. The 2020 Annual Security and Fire Safety Report of Columbia University Public Safety notes that "officers are not sworn and do not carry firearms, nor do they have police powers including those of arrest."



Findings: Peer Institutions

Table 1b: Forms of Civilian Review in Place Across U.S. Colleges and Universities

College / University	College / University & Public Safety / Law enforcement structure	Review Board	Authority / Function	Review Board Est.
UC Berkeley: University of California Police Department	UCPD Officers are sworn peace officers with statewide authority (see California Penal Code Section 830.2 (b)).	UC Berkeley Campus Police Review Board	Administers complaints against sworn members of UC Police Department; monitors and reviews departmental policies and procedures.	1990
UC Davis: University of California Police Department	UCPD Officers are sworn peace officers with statewide authority (see California Penal Code Section 830.2 (b)).	UC Davis Police Accountability Board (PAB)	Reviews investigation reports, makes recommendations on policies, procedures, and practices, including, training, and seeks public input. The members of this independent board are drawn from the campus community.	2014
Binghamton University: New York State University Police at Binghamton	The New York State University Police at Binghamton is a fully accredited law enforcement agency with sworn law enforcement officers. It is recognized by the New York State Division of Criminal Justice Services.	Binghamton University Campus Citizen Review Board	Provides "independent and evidence-based assessment of the operation of the University Police Department (UPD) toward the goals of advising the Binghamton University president about issues and recommending changes."	2020
University of Chicago Police Department	UCPD Officers are employed by the University and all sworn officers have the authority to make full custody arrests.	The Independent Review Committee for the University of Chicago Police Department	Reviews complaints relating "to issues of excessive force, violation of rights, abusive language, or dereliction of duty." Evaluates UCPD actions and makes recommendations as needed. This independent committee exists alongside internal review structures.	2005
New York University: NYU Public Safety Department	NYU's Public Safety Department does not include sworn officers with law enforcement authority and powers of arrest, and they are unarmed.	Professional Standards	A unit within the Department of Public Safety, it oversees and manages accreditation, adherence to standards, and development of policies.	NA



Findings: Peer Institutions

Models of reporting procedures at peer institutions and best practices to support public safety transparency and accountability include:

- Authority to administer complaints
- Review of public safety policies and procedures
- Mandates for independent assessment
- Authority to make recommendations.



Recommendations: Public Safety and Restorative Justice

- 1. An independent review body shall comprise students, faculty, staff, and community members not affiliated with Columbia University's Department of Public Safety, and that such body be empowered to review incidents and complaints involving the Department of Public Safety.
- 2. An independent review body shall be granted the authority to receive and review complaints about the Department of Public Safety issued by students, faculty, and staff of Columbia University, as well as from members of the broader community, regardless of University affiliation.

Recommendations: Public Safety and Restorative Justice

- 3. An independent review body shall provide assistance navigating the reporting process for complainants who request support; shall make recommendations, including corrective action, in response to individual complaints; and publicize anonymized recommendations to the community.
- 4. An independent review body shall conduct a selfevaluation and issue proposed recommendations no less than once per year for any structural changes to the Department of Public Safety that will both reinforce its mission and build a stronger community of trust.

Acknowledgements

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