

Memorandum

**TO:** Chief A. Troy Aronhalt  
**FROM:** Captain J. F. Shelhorse  
**SUBJECT:** Bias-Based Review Calendar Year 2022  
**DATE:** March 1, 2023  
**CC:** CALEA 1.2.9

Pursuant to GO 1-6, Biased Based Policing, a review has been conducted of complaints, traffic summonses, arrests and incidents involving sworn members of the Ashland Police Department. The purpose of the review was to ascertain if there were any patterns of bias practiced by those members. Comparisons were made based on demographics culled from the last reported census conducted in Ashland (2020).

	Counts	Percentages
<b>Total Population</b>	<b>7,573</b>	<b>100.00%</b>
Population by Race:		
American Indian and Alaska native alone	46	0.5%
Asian alone	116	1.2%
Black or African American alone	1,529	21.6%
Native Hawaiian and Other Pacific native alone	3	0.0%
Some other race alone	446	5.90%
Two or more races	597	7.89%
White alone	4,828	60.2%
Population by Hispanic or Latino Origin (of any race)		
Persons of Hispanic or Latino Origin	803	13.5%
Persons Not of Hispanic or Latino Origin	6,762	89.39%
Population by Gender		
Male	3,738	45.4%
Female	3,827	54.6%

## **Complaints**

In 2022, the Ashland Police Department received ten (10) formal complaints on officer's conduct, versus two (2) in 2021. Six of these complaints were from individuals other than Caucasian. Two of these complaints were from mothers of African American males, one juvenile and one adult, alleging they were stopped based on their race. Neither mother was on-scene during either of the encounters. The encounter with the juvenile also was captured on OWC and showed that the officer did stop her son based off information provided by Emergency Communications and totality of circumstances, not race. The mother acknowledged that part of the scenario and was more frustrated by the citizen reporting to Emergency Communications. The complaint involving the adult was withdrawn when the mother met with me at the department and was shown independent camera footage of her son violating traffic laws. Footage was captured on a Randolph-Macon College security camera.

The third complaint which involved an African American female as the complainant. She complained officers used too much force when taking her into custody on a warrant service. The event was captured on OWC and determined to be unfounded. She had an existing physical condition which may have led to the minor injury.

The other three complaints were from African American males who complained about officers being rude during officer encounters or improper traffic stop. All were investigated and determined to be unfounded or unsubstantiated.

<b>Complaints</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>% of Total pop</b>	<b>% of Complaints Received</b>
African American	4	2	6	21.6%	60 %
Caucasian	2	2	4	60.2%	40 %
Hispanic	0	0	0	13.5%	None Received
Other	0	0	0	4.7%	None Received

Every citizen is afforded the opportunity to file a complaint in person, through the Department's web site, by electronic mail, or by telephone. Department policy clearly details how complaints are to be received and handled. Once received, complaints are processed, and the complainant receives notification of the results and any actions taken within 30 days. Non-formal complaints are handled on the supervisory level and are typically received when an individual feels as if one or more of the following has occurred: officers has not returned a phone call, traffic and/or parking ticket should not have been issued, etc. Supervisors contact the concerned citizen and gather information regarding the nature of a complaint. If it is a matter of miscommunication or misunderstanding the supervisor rectifies the matter at that time. If the complainant is not satisfied with the supervisor's results or the complaint surrounds alleged misconduct, then the issue will rise to a formal complaint. In 2022, informal complaints were

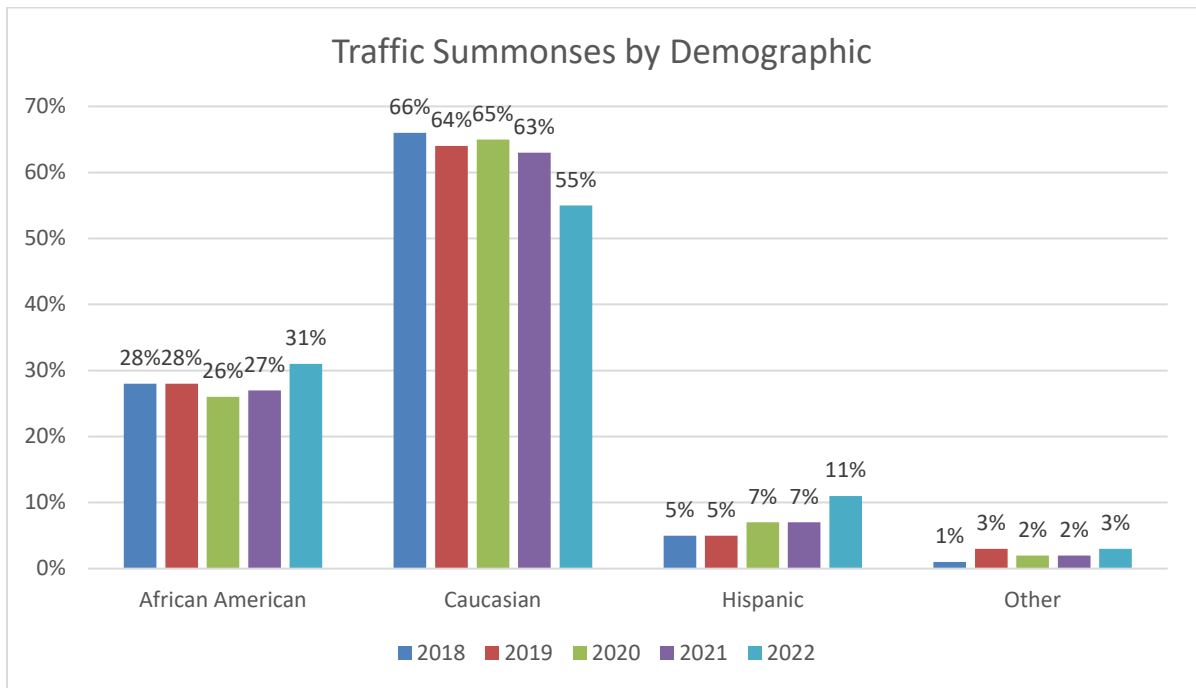
documented, and several were assigned to be handled by the supervisors and reflected in this report.

### **Traffic Summonses**

In the 2022 calendar year, 1,614 uniformed traffic summonses were issued by officers of the Ashland Police Department, this is an increase of 41.4%. In comparison, the total issued in 2021 was 1,141 summonses.

Summonses	Male	Female	Total	% of Total pop	% of Summonses Written
African American	308	192	500	21.6%	30.97%
Caucasian	609	272	881	60.2%	54.58%
Hispanic	131	54	185	13.5%	11.46%
Other	32	16	48	4.7%	2.97%

In a review of 2022 data, the ratio of traffic summonses issued to Caucasians decreased by 8.92% and the ratio of summonses issued to African Americans increased by 3.87% compared to 2021. The ratio of summonses issued to Hispanics increased by 4.56% and the ratio of summonses issued to Indians, Asians, and Other increased 0.47% compared to 2021.



Traffic enforcement increased in 2022 to combat the increasing rate of vehicle crashes that we experienced in 2021. The issuance of summonses increased by 41.4% as compared to 2021 figures. Statistically speaking, 62% of motorists stopped received a summons which is a lower ratio as compared to previous years (2021 issuance rate was 71.3%). The balance of 38% of the motorists received a verbal warning from the officer.

The percentage of African Americans receiving summonses was higher than the population percentage in 2022. Likewise, the percentage of Caucasians receiving summonses was lower than the population percentage.

When the data was reviewed at the micro level, there were multiple factors that potentially attributed to the differences.

When entering information, officers entered “unk” (unknown) in the race field for summonses, when they could not determine the driver’s race. Since the race classification was removed from the Virginia driver’s licenses, it is up to the officer to enter his or her best guess or simply ask the driver. We also must consider that major thoroughfares in Ashland are not only utilized by Ashland residents, but also by people from the greater Hanover area, Caroline County, Henrico and points beyond.

Historically, APD has not collected or maintained data on verbal warnings until the 2020 General Assembly House Bill 1250 mandated the collection of demographic data on all traffic stops, including warnings, which began on July 1, 2020.

<b>Traffic Stops</b>	<b>Resulting in Summons</b>	<b>Resulting in Warning</b>	<b>% of Total pop</b>
African American	30.97%	26.87%	21.6%
Caucasian	54.58%	64.16%	60.2%
Hispanic	11.46%	5.83%	13.5%
Other	2.97%	3.02%	4.7%

Starting July 1, 2022, House Bill 1250 required police departments to capture residency data on traffic stops. When taking into account this information starting in late June of 2022 for our agency, Town of Ashland residents of African American decent that received summonses and warnings for violations were closer in line with the population percentage. Although this information only includes half of the year for 2022, it provides a large data set to determine if any bias existed during that time frame regarding traffic enforcement.

<b>Traffic Stops Ashland Residents Only</b>	<b>Resulting in Summons</b>	<b>Resulting in Warning</b>	<b>% of Total pop</b>
African American	22.86%	26.19%	21.6%
Caucasian	58.10%	65.48%	60.2%
Hispanic	18.10%	3.57%	13.5%
Other	0.94%	4.76%	4.7%

The difference in Hispanic drivers receiving a summons versus a warning can be attributed to officers encountering unlicensed Hispanic drivers during traffic

stops. On traffic stops where normally a warning may be given for the initial reason for the stop, officers issued a summons for the driver being unlicensed at the time.

It was also noted starting on June 22, 2022, through the end of the year, only 17% of traffic stops conducted by officers were on Town of Ashland residents. The vast majority of traffic stops were conducted on drivers who reside in other Virginia jurisdictions (70%). Out of state drivers accounted for 12% of traffic stops during that same time.

**Criminal Arrests**

In the 2022 calendar year, Ashland Police Officers made 321 criminal arrests resulting in an overall increase in arrests of 27.3% as compared to 2021 data (252 arrests).

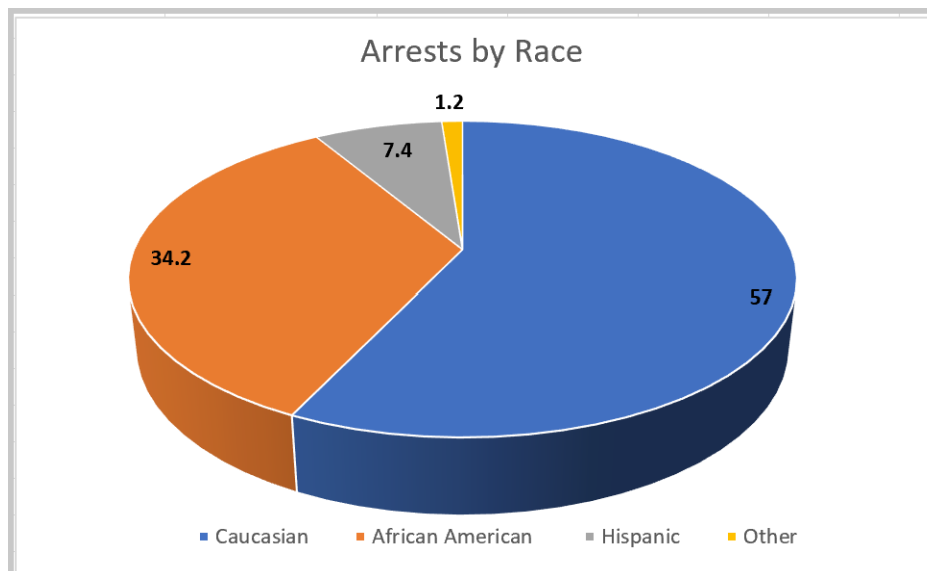
Arrests	Male	Female	Total	% of total pop	% of Arrest Made
African American	92	18	110	21.6%	34.2%
Caucasian	148	35	183	60.2%	57.0%
Hispanic	18	6	24	13.5%	7.4%
Other	1	3	4	4.7%	1.2%

In 2022 Caucasian males accounted for 46.1% of the arrests made, while Caucasian females accounted for 10.9%. African American males accounted for 28.6% of the arrests made, while African American females accounted for 5.6% of the arrests that were made. Hispanic males and females combined accounted for seven percent (7.4%) of the total arrests made. Those identified as Indian, Asian, and Other accounted for one percent (1.2%) of the total arrests made.

Several factors impacted our arrest rate that did not involve officer discretion and thus, no bias could enter into the officer’s decision making. Those would include some of our largest segment of arrests where the crime is brought to our attention by another entity and our officers are duty bound to enforce the law which would include warrant service and shoplifting calls. The other large categories of arrests include assaults, disorderly conduct/drunken in public offenses and DUI.

- Serving arrest warrants obtained by citizens or forwarded to APD from other law enforcement agencies comprises the **largest single category of our arrests** (27.4%, 88 arrests). This is also impacted by the fact that the State Department of Corrections District 41 Probation is located in Town. This district office covers all of Hanover County, Caroline County and the Town of Ashland. Those whose terms of probation are violated are arrested by APD upon direction from Probation. In 2022, Caucasians reflected 63.6% of all arrested while African Americans accounted for 32.9% of those arrested for warrant services. **This location is historically one of our top calls for service locations.**

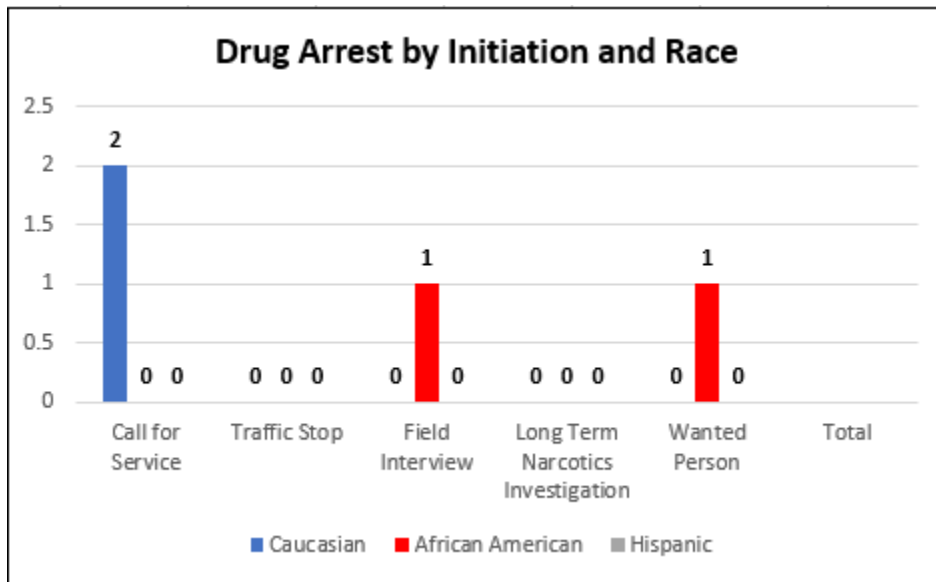
- Shoplifting calls for service represented 7.1% of arrests. Many times, a store employee has observed the crime and detains the individual before APD's arrival.
- Drug arrests represented 1% (4 arrests) of our arrest figures and will be discussed in detail later in this report.
- Disorderly/Drunk in Public arrests represented 10.2% of our arrests in 2022 which is a decrease compared to 13.97% in 2021. This decrease could be reflective of the fact that restaurants and bars being shut down (or only conducting take-out services) in part of 2020 during the pandemic due to COVID-19 restrictions and business increased in 2021. The bar and restaurant business normalized as we transitioned from 2021 into 2022. In these arrests in 2022, Caucasians reflected 54.5% of all arrested while African Americans accounted for 39.3% of those arrested for this offense. Historically, drunk in public arrests are "problem solving" arrests. Typically, officers do not seek out these arrests, but are rather the result of some type of call for service, like a disorderly person outside of an ABC "On" location. Often an arrest for a minor charge of DIP is the more lenient approach to solving an issue that could result in a more serious charge. Additionally, often officers encounter people who are intoxicated to the point that they cannot take care of themselves or are a danger to themselves (i.e. walk out in traffic) so the DIP arrest can be a community caretaker function. In cases of severe drunkenness, EMS is called rather than an arrest to ensure emergency medical attention.
- Drunk Driving arrests represented 4.04% of all arrests. Caucasians reflected 46.1% of all arrested while African-Americans accounted for 15.3% of those arrested for this offense. Hispanics accounted for the rest of the 38.4% arrested for this offense. This would be reflective of an increasing Hispanic population and visitor rate as reflected in the US Census population estimates.



## Drug Offenses

Drug violations were down drastically from 2021 and 2020 numbers (19 drug arrest incidents in 2021, down from 25 in 2020). There were only four (4) drug related arrests in 2022. This decrease in drug arrests in 2022 continues due to the legalization of marijuana. On July 1, 2020, possession of an ounce or less of Marijuana in Virginia became decriminalized and is only punishable by a civil fine. Also, laws enacted in previous years to assist with the encouragement for those associated with drug opioid overdose victims to call for 911 services when an overdose occurred would protect them from certain legal prosecution.

Drug arrests initiated by calls for service could be generated by a caller who smells an odor associated with drugs in the area, a caller who witnessed what they felt to be a drug transaction or an unrelated call, such as trespassing, where the officer discovers drugs as part of their response.



There was a total of four (4) individuals charged in twelve (12) drug violation incidents in 2022. Caucasians represented two (50%) of those arrested and African Americans represented two (50%).

## Victimization / IBR Data

During the 2022 calendar year there were 629 individual victims of crime reported to the Town of Ashland Police Department to include Part 1 and Part 2 offenses (521 in 2021).

One of the single largest categories of offenses that include a victim is that of Simple Assault totaling 51 that resulted in the identification and apprehension of a suspect.

Although the vast number remain simple assaults, a few numbers were categorized as aggravated assaults where the victim sustained a serious injury, suffered a strangulation or a weapon was involved, most cases were a knife. In all but a few cases, the offender and victim were known to one another therefore were domestic in nature.

Although not all arrests made by the Ashland Police Department involve a victim, those that do more often than not involve victims and suspects of the same racial make-up.

Victims	Total	% of total pop	% of Crime Victims	% of Arrested
African American	134	21.6%	21%	34%
Caucasian	439	60.2%	70%	57%
Hispanic	45	13.5%	7%	8%
Other	11	4.7%	2%	1%

### **Asset/Forfeiture**

In a review of APD investigative efforts, there were no Asset/Forfeiture proceedings initiated in 2022. Our last case where we pursued forfeiture proceeded was in 2018 involving a white male transporting a large amount of narcotics and cash. Historically, APD has not been involved in many Asset/Forfeiture cases.

### **Use of Force**

Historically (2010-2016) a review of Use of Force data since 2010, officers have applied force in 26 incidents. African Americans represented 30.7% of those force applications with Caucasians representing 69.3%. We were very fortunate to not see any incidents of lethal force or serious injury. The vast majority of these incidents involved hands-only, OC spray and to a much smaller extent, Taser applications.

Considering our desire to pursue recommendations from the report of the President’s Task Force on 21<sup>st</sup> Century Policing, recommendations for our 2016 CALEA assessment team and a request by the Hanover NAACP, we dramatically altered the reporting requirements for force application in 2017. In essence, we lowered the threshold to require a Use of Force when a firearm is pointed at an individual in affecting a detention, painting an individual with a Taser, or weaponless force where an individual is forced to the ground became captured by the completion of a use of force report.

With those threshold changes in place, we saw a dramatic increase in our reported use of force from an average of 3.9 incidents per year (2010-2016), to 28 incidents that triggered a Use of Force report in 2017. Of those, 14 were firearm displays (*previously would not have been recorded*), eleven weaponless “hands only” (*most of which would have not been recorded due to no obvious*



*injury or complaint of injury*) and three Taser applications. Caucasians represented 53.5% of all force applications under these new guidelines and African Americans represented 46.4%. Males were involved in 23 instances with females only involved in five. **In total, force applications (under the new thresholds) were present in less than 6% of all criminal arrests in 2017.**

In the 2018 calendar year, a -50% decrease in the total use of force by officers was noted. A total of fourteen incidents were recorded, of those, nine were firearm displays, *four* weaponless “hands only” (*most of which would have not been recorded previously due to no obvious injury or complaint of injury*) and one Taser painting as explained previously. Caucasians represented 57.1% of all force applications under these new guidelines with African Americans representing 42.8%. Males were involved in 13 instances with females only involved in one. **In total, force applications (under the new thresholds) were present in less than 3.2% of all criminal arrests in 2018.**

In the 2019 calendar year, we saw a 78% increase in the total use of force by officers (+11 incidents over the 2018 data). A total of 23 incidents were recorded, of those, eight were firearm displays only, eleven hands on (weaponless) and four included both Taser and Firearms challenge at the same time. There were no instances where Taser, OC, baton or FN-303 were deployed. Caucasians represented 52% of all force applications under these new guidelines with African Americans representing 43%. Males were involved in 19 instances with females only involved in four. **In total, force applications (under the new thresholds) were present in less than 5.3% of all criminal arrests in 2019.**

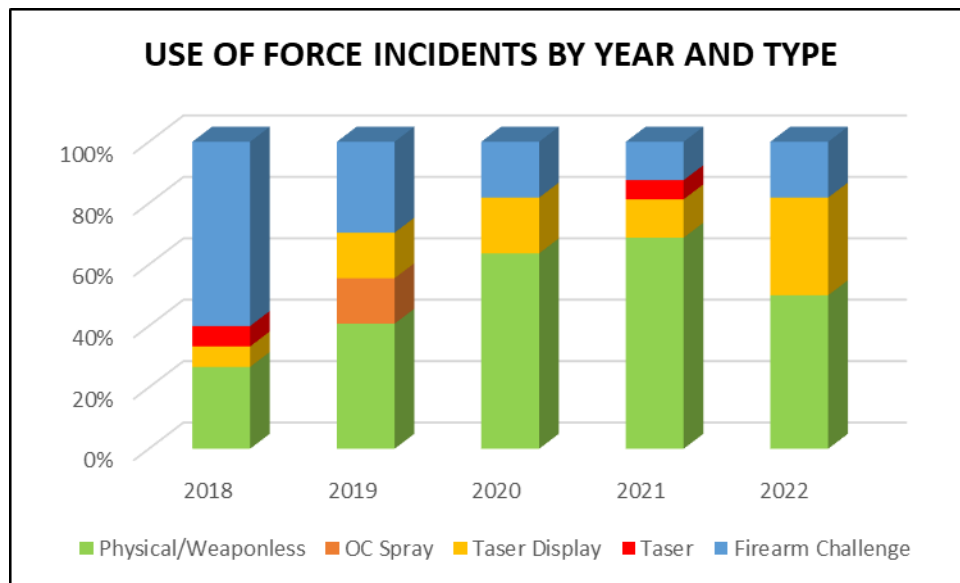
In the 2020 calendar year, we saw a 52% decrease in the total use of force by officers (-12 incidents as compared to 2019 data). A total of 11 incidents were recorded, of those, two were firearm displays only, seven hands on (weaponless) and two included both Taser painting/display. There were no instances where Taser, OC, baton or FN-303 were deployed. Also, there were also no firearm discharges outside of euthanizing injured animals. Caucasians represented 73% of all force applications under these new guidelines with African Americans representing 18%. Males were involved in 91% of the instances where force was used. **In total, force applications (under the new thresholds) were present in less than 4.1% of all criminal arrests in 2020.**

In the 2021 calendar year, we saw a 45% increase in the total use of force by officers (+5 incidents as compared to 2020 data). A total of 16 incidents were recorded, of those, two were firearm displays only, eleven hands on (weaponless), two included both Taser painting/displays, and one incident involved a Taser deployment. There were no instances where OC, baton or FN-303 were deployed. Also, there were no firearm discharges outside of euthanizing injured animals. Caucasians represented 62.5% of all force applications under these new guidelines with African Americans representing 37.5%. Additionally, a male arrestee or detainee represented 87.5% of the instances where force was used while females represented 12.5%. **In total, force applications (under the new thresholds) were present in just over 6% of all criminal arrests in 2021.**

In the 2022 calendar year, we saw similar numbers to what we saw in 2021, up two from 16 to 18, approximately a 12.5% increase in the total number of incidents requiring a level of force to safely effect an arrest or detain a suspect. The review further indicated that during the 18 incidents, force was used on 22 total individuals. Four of the incidents (22%) involved a firearm challenge, five (28%) were as a result of Taser painting, and nine (50%) of the uses of force involved physical weaponless force. The review indicated there were two incidents involving more than one individual. One involved a high-risk traffic stop occupied by 4 individuals and the second was a Taser painting of two individuals in making an arrest. The review further indicated that in three (17%) of the use of force incidents two types of force were required to escalate or de-escalate the level of force in response to the individual's actions.

To ensure we accurately captured incidents of force when compared to race and gender identity all 22 individuals from the 18 incidents where force occurred were reviewed. Sixteen (73%) of the offenders that were involved in use of force related incidents were Caucasian, four (18%) were African American, and two (9%) were Hispanic. There was not any force reported on any other demographic. Additionally, 18 (82%) of the incidents requiring a level of force involved a male arrestee or detainee and four (18%) involved females.

Individual reviews of each use of force did not indicate that bias played any part in the application of force. **In total, force applications (under the new thresholds) were present in just over 5.6 % of all criminal arrests in 2022.**



### Proactive Measures

We continue to see increases in our Latino community in different areas of the town. We continue to leverage our connections in this community by working with Mrs. Theresa Lopez, local Latina business owner, who continues to advocate for the Latino community. She is instrumental in assisting victims to come to us as

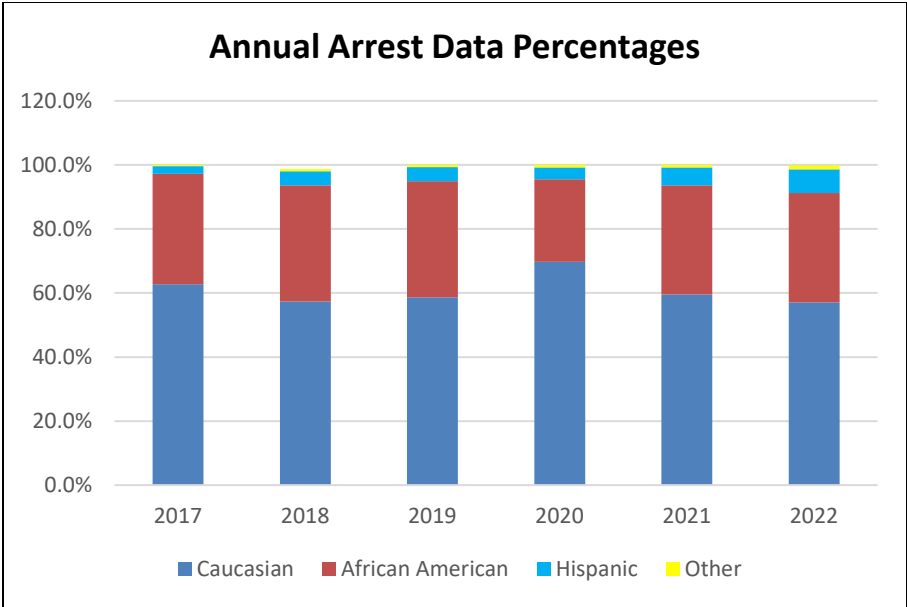
they may be fearful of us or unsure of our commitment. Mrs. Lopez hosts several community events every year for adults and children and continues to invite our department to be in attendance to speak with participates and present PD programs aimed at assisting these communities.

The Police Department mandates that its officers attend training on bias and cultural diversity on an annual basis. In addition to the 2 hours of mandated training required by the state, all new hires completed a 4-hour Implicit Bias course started in 2021. As part of this review, training materials and written directives were reviewed and there does not appear to be a need to revise our training or directives at this time.

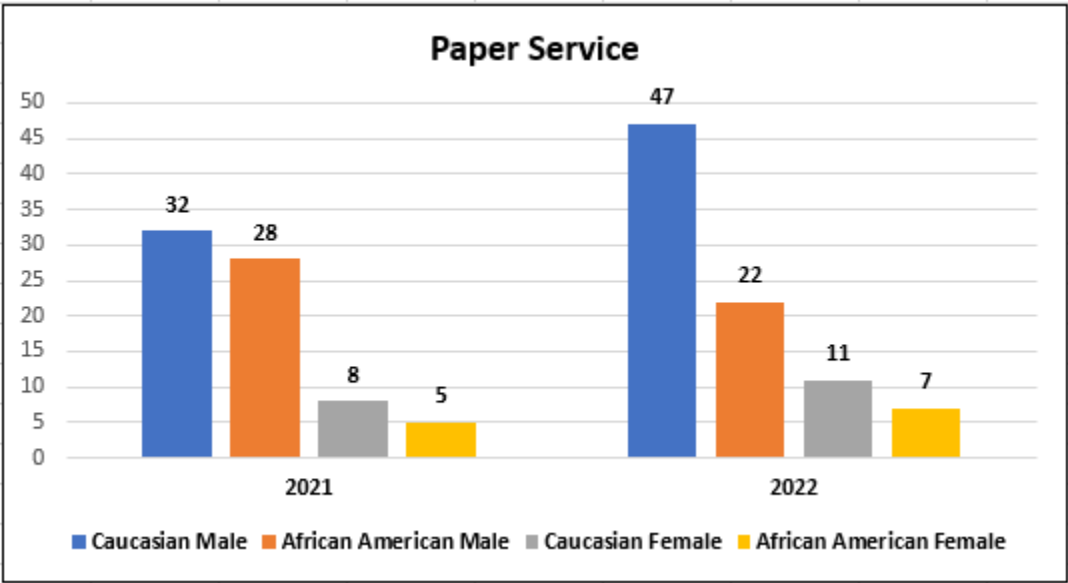
Additionally, we are very active in community engagement with our African American community. The Chief communicates with members of the local Hanover Chapter of the NAACP, Mrs. Pat Hunter Jordan, on a regular basis to emphasize the department's commitment to transparency. We also assisted with organizing the first Hanover County Juneteenth celebration which was held on the lawn at Town Hall in 2022. One of our lieutenants continues to conduct a traffic stop presentation for younger drivers and interaction with law enforcement upon request from Church and Civic groups. This has allowed everyone to appreciate the perspectives during a traffic stop while allowing members of the agency to engage with younger members of the community in a meaningful way. We also have continued our relationship with the Pride of Hanover Masonic Lodge and built on the already strong bonds with the surrounding neighborhood. We will continue to build upon these existing relations and build new relationships in the upcoming months.

## **Conclusion**

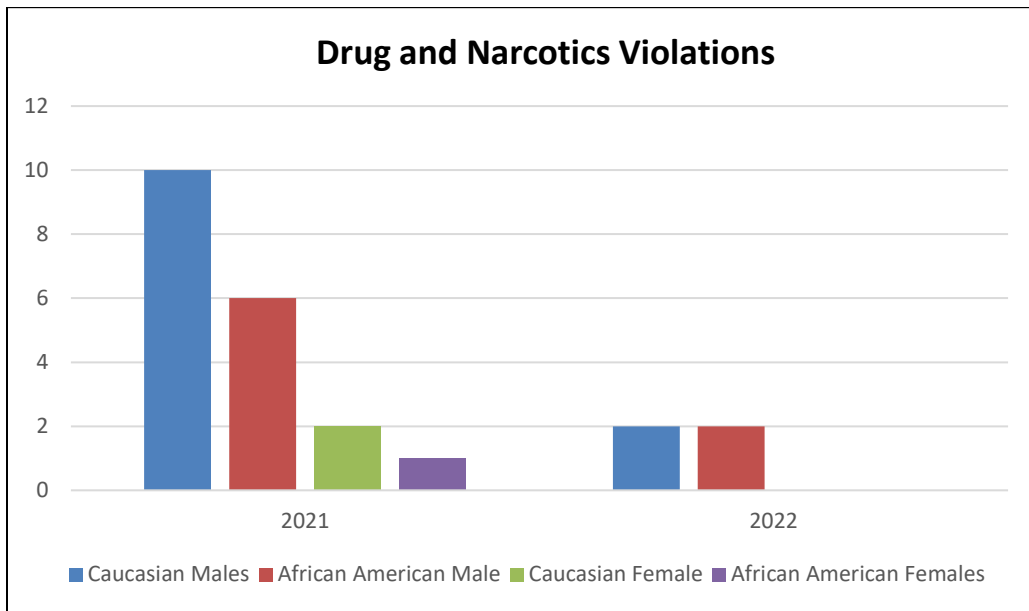
Based upon the demographics of the Ashland, Virginia area and a thorough review of APD data, there is ***no indication of systemic racial bias*** noted in the enforcement efforts or reporting procedures currently conducted by the Town of Ashland Police Department.



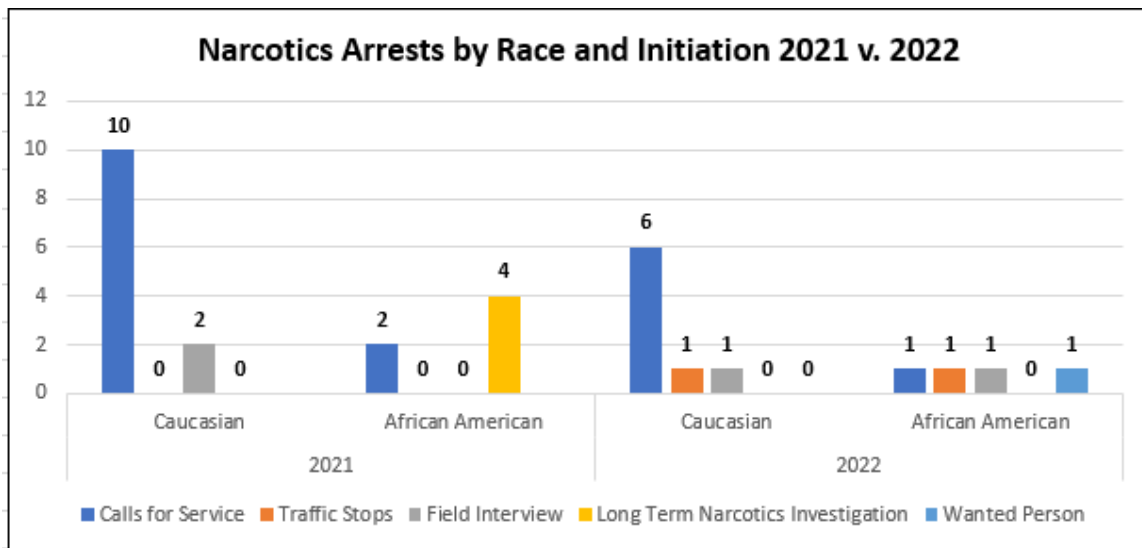
The vast majority of arrest categories are along the racial demographics as captured in the 2020 census. Although some categories of arrests are more heavily represented by African Americans (ex. Paper Services), other categories are more heavily represented by Caucasians, (ex. Drunk Driving). Once again, when it comes paper/warrant services, which most often take form of probation violations at the Area 41 Probation Office, our officers are affecting an arrest based on legal detentions by other entities. However, as shown in the chart below, the arrest of African American males in 2022 decreased by 21% and the number of Caucasian males arrested increased by 46.8%. Overall, this category increased from seventy-three (73) to eighty-eight (88) arrests and remains our single largest category of arrests. We do not control this probation process and respond when called.



Narcotics violations in 2022 showed another year of significant variation as compared to 2021, as it did in 2020. Totals arrests from narcotics offenses in 2022 decreased significantly to four (4) arrests for narcotics offenses.



There can be several reasons for this occurrence, first, the opioid epidemic is still ongoing and some of the seizures of heroin could have been related to overdose calls where arrest was either unwarranted or impossible if the victim had passed away. Second, on July 1, 2020, possession of an ounce or less of Marijuana in Virginia became decriminalized and is only punishable by a civil fine. This no doubt has resulted in de-policing of minor Marijuana possession offenses across the state.



**Final Thought**

The Town of Ashland Police Department strives to enforce the laws of the Commonwealth of Virginia in a fair and equal manner. Education of the officers and the citizens remains a number one priority, the data reflected in this report shows that even with ever changing demographics The Town of Ashland Police Department is meeting that goal and will continue to do so through sound policies, practices, and procedures.