

The Rising Group

Stanford



Stanford University

Incident Review

May 11, 2023

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INTRODUCTION

On January 28, 2023, Stanford University Department of Public Safety (SUDPS) deputies conducted a traffic stop in a main campus intersection. The incident response included four SUDPS deputies, three Palo Alto Police Department officers, and one SUDPS lieutenant. The incident escalated to a high-risk traffic stop for a possible nonviolent misdemeanor warrant, traffic infraction and suspicion of property theft.

The public nature of the incident and the timing—days after the tragic death of Tyre Nichols, in Memphis Tennessee, at the hands of persons who were police officers—resulted in SUDPS Chief Laura Wilson partnering with the Stanford University Community Board on Public Safety to request an independent review of the incident response. Administrators contacted The Riseling Group (TRG) to conduct the review.

TRG conducted a document analysis, site visits, policy applicability, POST training and standards review, and interviews on March 7-9, 2023, at the Stanford University campus. Additional interviews were conducted by telephone following the campus visit.

ACKNOWLEDGMENT

On behalf of TRG, the reviewers would like to extend our utmost gratitude to the Stanford University Department of Public Safety and the Santa Clara County Sheriff's Office (SCCSO) members who provided their time and valuable feedback relating to this incident. We also greatly appreciate the openness and collaborative approach SUDPS staff provided the TRG team.

DISCLAIMER

This report is based on data made available to The Riseling Group, LLC. While we have made every attempt to ensure that the information contained in this report has been obtained from reliable sources, TRG is not responsible for any inaccuracies or omissions or for the results obtained from the use of this information. TRG's access to the evidence and files was severely restricted, making the completion of the report a challenge. TRG provides this report without warranty of any kind, express or implied, including but not limited to, warranties of performance, merchantability, and fitness for a purpose. The authors' opinions, findings, conclusions and recommendations are intended solely for the use and benefit of Stanford University. Nothing herein shall constitute legal advice or, to any extent, substitute for the independent investigations and the sound technical and business judgment of Stanford University. In no event will TRG or its partners, affiliates or agents be liable to Stanford University, partners, affiliates, employees or agents for any decision made or action taken in reliance on the information in this report or for any consequential, special or similar damages. TRG is not responsible for any statements made or opinions expressed by individual members of the team outside of this report.

Stanford deputies fall under the auspices of the County Sheriff's department. Permission was requested by Stanford to allow TRG to access the evidence and conduct a review. TRG agreed to and signed a confidentiality agreement with the County so TRG could access the evidence. While TRG did receive access to the body worn cameras and other evidence, TRG was not allowed to copy any of the materials. Therefore, a highly detailed chronology of the incident is not included and some points of clarification may be needed.

SCOPE OF REVIEW

The focus of this review is centered around the events leading to a high-risk traffic stop and possible use of force for a nonviolent misdemeanor warrant, traffic infraction and suspicion of property theft. An area of concern that will be examined through a SUDPS internal affairs investigation involves the operation of emergency vehicles deployed in the situation and is highlighted only briefly within this review. Through an assessment of policies and procedural compliance and applying the California Peace Officer Standards and Training regulations, the review identifies findings and recommendations for the chief, the Community Board and Stanford University Department of Public Safety to consider.

REVIEW PROCESS

The TRG team focused on objectively, carefully and skillfully analyzing all available information to determine the facts that are not subject to reasonable dispute and drawing conclusions regarding other issues to the extent justified by the available evidence. Through the fact-finding and investigative processes, TRG ensured the preservation of confidentiality of the information obtained.

The purposes of TRG's fact-finding and review process included ascertaining the magnitude of compliance; gathering and analyzing evidence; identifying and interviewing witnesses; and determining whether more extensive investigations were needed. The facts obtained arose from the following evidentiary items. Evidence that was unavailable for TRG's review has also been included below.

1. **News Articles and Department of Public Safety Statement on the Incident (5)**
2. **Video Footage:**
 - **Officer Body Camera (2.16 hrs.)**
 - **Police Car Cameras (3.87 hrs.)**
 - **Stanford University CCTV Video (none found having recorded the incident)**
3. **Site Review:**
 - **Incident Site #1 (Suspicious Vehicle/Person Contact)**
 - **Incident Site #2 (Traffic Stop)**
4. **Police Reports:**
 - **Stanford DPS Crime/Arrest Report #23-0106**
 - **Three (3) supplemental case reports for DPS Crime/Arrest Report #23-0106**
5. **CAD Incident Logs (2) – Palo Alto Police Department Communications Unit**
6. **Police Radio Recordings – Palo Alto Police Department Communications Unit**
7. **Stanford Department of Public Safety Traffic Citation #595450**
8. **Stanford Department of Public Safety Use of Force Administrative Review**
9. **Stanford University Crime Statistics / Trend Analysis**
10. **Stanford Department of Public Safety General Orders**
11. **Santa Clara Sheriff's Office General Orders**
12. **California Peace Officer Standards & Training (POST) Documents**
13. **Stanford Department of Public Safety POST Field Training Officer Program Manual**
14. **Requested but unable to obtain HR Documentation due to confidentiality exemptions (e.g., Performance Evaluations, Accountability, etc.)**
15. **Stanford University Department of Public Safety Records Management System – Person Record on Detained Student (no documented history)**
16. **Interviews:**
 - **Stanford Department of Public Safety Command Staff (3)**
 - **Santa Clara Sheriff's Office – Stanford University Liaison Captain**
 - **Two involved Deputies (referred to as Deputy 1 and Deputy 3 within this report)**
 - **Requested with no response: Complaining Student Witness, Detained Student, 2 Other Involved Stanford Public Safety Deputies, and a Stanford Resident Dean**
 - **Note: no other involved parties or witnesses were located.**

SUMMARY OF INCIDENT

A summary of the incident in question is below. In essence, these are the circumstances TRG was able to determine from the information available.

On January 28, 2023, about 10:47 p.m., four Stanford deputies and one Stanford lieutenant deputy were assigned to patrol operations for the evening shift. Stanford Deputy 1 was on patrol in a marked car when he noticed a car parked backward in a parking stall of a student residence facility. There was discarded trash on the ground outside the driver's door, and the deputy observed no front license plate on the vehicle. He could not see into the vehicle as the windows were darkly tinted and the area was dimly lit. The deputy illuminated the car with the vehicle's spotlight and saw a person reclined in the driver's seat.

The driver rolled down the car window, at which time the deputy could see a pile of delivery packages stacked in the rear seat area. Deputy 1 exited his vehicle and remained behind the patrol car's driver door. Meanwhile, Deputy 2 was en route to Deputy 1's location as a cover officer. Prior to Deputy 2's arrival, Deputy 1 had a brief conversation with the driver from afar. The driver explained he did not throw any trash outside his vehicle, was an Amazon delivery driver, and asked if he was being detained or free to leave. Although Deputy 1 held reasonable suspicion that this encounter may involve a crime of mail/package theft—a common crime occurring within the Stanford University community—he advised the driver he was free to leave, at which time the driver drove away. Deputy 2 did not arrive on scene with Deputy 1 prior to the driver leaving the area.

Deputy 1 proceeded to follow the vehicle, advising Palo Alto Police Department dispatch and patrol deputies of the suspicious nature of his contact, the vehicle's travel direction and the vehicle license plate number. While Deputy 1 was following the vehicle, Deputy 3 called Deputy 1 and the two held a brief conversation over their SUDPS issued cell phones regarding the suspicious contact. One side of the cell phone conversation was recorded on one of the deputy's body worn camera system. They discussed the numerous packages observed with no indication that the driver or the vehicle was associated with the delivery company and that the driver had been argumentative. Meanwhile, Palo Alto PD dispatch advised the deputies that the driver's license of registered owner of the vehicle was suspended and there was a misdemeanor arrest warrant for DUI for the registered owner of the vehicle.

Deputy 3 was returning to campus from the city of Palo Alto and quickly accelerated his patrol vehicle, activating the red and blue emergency lights and reached a top speed of 58 mph to catch up to the suspect vehicle. Deputy 4, also returning from Palo Alto, was following behind Deputy 3 and activated his patrol vehicle's red and blue emergency lights; he reached a top speed of 64 mph during this same time period. Each of the deputies activated their sirens periodically as they proceeded through one or more stop signs and red traffic lights without stopping. There were numerous pedestrians, bicyclists, skateboarders and motor vehicles within the campus areas along the deputies' route.

A short time later, Deputies 3 and 4 entered a traffic roundabout at Campus Drive and Serra Street, near Stanford's Escondido Village Graduate Student Residences. Deputy 1 advised over the police radio that the vehicle in question was entering the roundabout. Deputy 3 stopped his vehicle in the roundabout with his patrol vehicle's red and blue emergency lights activated and observed the subject vehicle stop prior to entering the roundabout from Campus Drive. With a short pause and no activity coming from the suspect vehicle, Deputy 3 exited his patrol vehicle and remained behind the driver's door. The vehicle's driver (here forth referred to as Party 1) rolled down the driver-side window, at which time Deputy 3 ordered Party 1 to turn off his vehicle, to put his hands up; that he was being detained and was not free to leave. He repeated these instructions more than once. Due to the position of the patrol car relative to Party 1's vehicle at this point, Deputy 3 was able to see Party 1. Deputy 3 reported he was unable to see one of Party 1's hands, so he un-holstered his firearm and kept it by his side, not pointing it at the vehicle or the driver. The driver then placed both hands outside the window for the deputy to see. Concurrently, Deputy 4, who had stopped behind Deputy 3's patrol vehicle, performed the role of a cover officer and responded to the right rear of Deputy 3's vehicle. Deputy 4 drew his duty firearm, pointing it directly at

Party 1's vehicle given his opinion that a high-risk traffic stop was taking place. During this initial contact, Party 1 asked the deputies if their cameras were on, called the deputies "morally corrupt," "demons" and "evil", and continued making comments at the deputies. At one point, Deputy 4 asked Party 1 for his name.¹

During the initial contact with Party 1 by Deputy 3 and Deputy 4, Deputy 1 was stopped behind an uninvolved motor vehicle. He exited his vehicle and walked over to Deputy 3's patrol car where he positioned himself behind the front passenger door of the patrol car. Due to the progression of events, Deputy 1 also withdrew his duty firearm, keeping it by his side, pointed toward the ground. Just prior to Deputy 1 assuming the role of the primary officer, Deputy 4 lowered his firearm, which was approximately 64 seconds from the time he first pointed it at the vehicle. Reviewing one of the videos, Deputy 4 lowered his firearm at the same time that persons who were not involved with the traffic stop walked into his field of view, while Deputies 1, 3 and 4 were conducting the traffic stop, Deputy 2 was stopped behind Deputy 1's vehicle and assisted with traffic control and scene safety.

Once positioned behind the door of Deputy 3's vehicle, Deputy 1 began to issue instructions to Party 1. Party 1 told Deputy 1 that he could not hear the instructions he was being given by the Deputy 1, so Deputy 1 repeated the instructions, raising his voice, continuing to repeat the word "please" and "sir". As directed, Party 1 exited his vehicle, walked backward toward the deputies, and placed his hands behind his back. Deputy 4 handcuffed him and conducted a pat-down search of Party 1 for weapons. Deputy 4 then placed Party 1 into the rear seat of a patrol car.

Deputy 1 and Deputy 3 proceeded to check Party 1's car for other persons and any circumstances that would pose a threat to the officers, keeping their duty firearms un-holstered. After determining there were no other persons in the vehicle, they holstered their weapons. They subsequently moved Party 1's vehicle out of the roundabout to allow traffic to flow.

The SUDPS patrol shift lieutenant who had been working in the public safety facility heard the police radio traffic with Deputy 3 announcing an "11-96" transmission (requiring additional police assistance) and Palo Alto dispatch issuing an initial "Code 33" (emergency radio traffic only). Not knowing what had occurred or what information his patrol deputies had learned that elevated the incident's critical risk level (from a suspicious vehicle involved in package theft, missing front plate, and a possible registered owner with a misdemeanor warrant and suspended driver license), the lieutenant left the office and responded to the scene. Upon arrival, Party 1 was already secured in a patrol vehicle. Deputy 1 provided an overview of the incident to the lieutenant, who found the scene safe and secure and allowed the deputies to continue their investigation.

Shortly after Party 1 was placed within a patrol vehicle, three Palo Alto Police Department officers arrived at the scene. They had heard Deputy 3 place an "11-96" over the police radio, which they associate with an emergency situation requiring officer assistance. Additionally, the Palo Alto Communications, which provides emergency dispatching services for the Palo Alto Police and Stanford DPS (using the same police channel for both agencies) had initially issued a "Code 33," referencing a hold being placed on all radio traffic except for communication deemed an emergency. Palo Alto Communications immediately rescinded the Code 33, replacing it with a Code 22, which still indicates to officers to not use the police radio except for emergency situations. It is unknown if the Palo Alto Officers heard the change from Code 33 to Code 22; regardless, they responded with lights and sirens. Upon contact with SUDPS deputies, Deputy 4 thanked them for their response, advised that Party 1 was "uncooperative – totally uncooperative," and that all was under control at that time. Palo Alto police officers subsequently left without further involvement.

The Stanford deputies determined during further investigation that Party 1 was not the registered owner of the car, however, he was in possession of an open container of marijuana within the vehicle. Although not able to confirm Party 1's affirmation he was an Amazon delivery person, called a "flex

¹ Deputy 4 opted not to speak with TRG as part of this review. He did tell Chief Wilson that he asked Party 1 for his name in an effort to diffuse the situation and to determine if Party 1 was the registered owner.

driver,” deputies determined evidence supporting probable cause for an arrest of property theft was not present.

Party 1 was subsequently removed from the patrol vehicle and unhandcuffed while Deputy 1 was completing a traffic citation. While waiting for Deputy 1 to finish writing the citation, Party 1 continued to talk with the officers. Party 1’s demeanor during this time was erratic. At times he was calm and collected, and at other times he quickly transitioned to becoming extremely annoyed, irate, derogatory, and antagonistic with the deputies. While this exchange was occurring, Stanford deputies noticed what appeared to be a knife on Party 1’s right hip area. Party 1 was asked if he had a knife. He confirmed he did. He was instructed to place his hands on the hood of the patrol car. Party 1 complied and Deputy 3 removed the knife from Party 1’s person.

Deputy 1 issued Party 1 a traffic citation for two infractions of the California Vehicle Code (possession of marijuana in an unsealed container in the compartment of a moving vehicle and a missing front license plate) and he was released.

It is important to note that social media carried numerous accounts of this police interaction. Neither Party 1 nor the bystander posting on social media indicated interest in filing a complaint or grievance regarding the situation.

ASSESSMENT OF POLICIES AND PROCEDURAL COMPLIANCE

The Stanford University Department of Public Safety (SUDPS) policies and procedures, referred to as General Orders, may be viewed via the following web link: <https://police.stanford.edu/policy-procedure-deck.html>. Per a memorandum of understanding, the Department of Public Safety (DPS) must comply with the General Orders of the Santa Clara Sheriff’s Office. SUDPS may have policies that are specialized for campus operations and reporting structures. If a DPS General Order has not yet been finalized, the Sheriff’s Office General Order is applicable. Santa Clara County Sheriff’s General Orders and policies may be viewed via the following web link: <https://countysheriff.sccgov.org/about-us/so-policies-procedures>.

SUDPS General Orders 2.00 (Maintenance of General Orders and Division Unit Directives) and 2.01 (Written Communications System) stipulate the use of General Orders as guiding principles setting the direction and standards for SUDPS and its personnel. They guide employees in the performance of their duties and ensure employees’ actions further department objectives. General Orders are made available to all employees electronically, with each employee reviewing and acknowledging receipt of a new, revised or rescinded order. Supervisors review all new or revised General Orders with their personnel.

TRG reviewed the General Orders (i.e., policies and procedures) determined applicable to the incident in question with the following findings:

- **1.00 (Code of Ethics)**

The purpose of this department policy affirms, “Ethical behavior is the foundation for all public safety employees upon which community trust and respect is built. The purpose of this Order is to ensure that all personnel of the Stanford University Department of Public Safety (SUDPS) are fully aware of their individual responsibility to comply with the University’s Code of Conduct and the Law Enforcement Code of Ethics. The content of the Law Enforcement Code of Ethics is applicable to all members of SUDPS.”

Department policy states, “It shall be the policy of the Stanford University Department of Public Safety that its personnel will adhere to the University’s Code of Conduct, and the Law Enforcement Code of Ethics, which can be found in the California Peace Officer Standards and Training Manual.”

TRG’s review of the information available and policy directives/procedures determined that the majority of the actions taken by the involved deputies met the ethical behavior standards prescribed within department and university policy and those of the Law

Enforcement Code of Ethics. Those actions which were noted as questionable are further described within the POST Learning Domain (01 Leadership Professionalism and Ethics) and the findings and recommendations sections of the report.

- **1.01 (Mission Statement)**

Department policy affirms, "The Stanford University Department of Public Safety exists to support Stanford's Mission. It supports the Mission by working collaboratively with the Stanford community, local, state and federal agencies to provide a safe environment for community member's to enjoy their right to life, liberty and the pursuit of happiness. It shall be the policy of the Stanford University Department of Public Safety (SUDPS) that all personnel will use the knowledge of the Department's Mission Statement to guide their daily activities and interactions as representatives of the SUDPS and Stanford University. Sworn personnel shall also use the knowledge of the Sheriff's Office Mission Statement to guide their performance."

TRG's review of the information available and policy directives/procedures determined the involved Stanford deputies' lawful actions to be consistent with the Department of Public Safety, Santa Clara County Sheriff's Office, and Stanford University Mission Statements.

- **1.02 (Core Values)**

Department policy prescribes that, "All members of the Stanford University Department of Public Safety (SUDPS) shall conduct themselves in accordance with the core values enumerated in this General Order. They are to be used as a guide to instruct the work we do, the decisions we make and the manner in which we interact with others. By exercising these core values along with the R.O.O.T.S. philosophy, we seek to promote a positive working environment and maintain a faithfulness to the Department's Mission Statement as defined in General Order 1.01."

TRG's review of the information available and policy directives/procedures noted various observations referenced within this report, that some of the deputies' actions potentially fall outside of the Department's Core Values and R.O.O.T.S. philosophy. R.O.O.T.S judgment and decision-making, effective communication, and a degradation in the core concepts in de-escalation are a few of the issues of concern.

- **10.06 (Body Worn Cameras)**

Department policy states, "This policy is intended to provide deputies with guidelines on when and how to use body worn cameras (BWCs), including both audio and video recording, so that deputies may reliably record their contacts with the public, arrestees and inmates in accordance with the law."

TRG's review of the information available and policy directives/procedures determined that all involved Stanford deputies were in compliance with the department body worn camera policy and procedures.

- **11.00 (Standards of Conduct)**

Department policy states, "Stanford University Department of Public Safety (SUDPS) personnel, whether on- or off-duty, shall conduct themselves at all times in a manner that is consistent with the Peace Officer Code of Ethics, the Stanford Administrative Guide 1.1.1 Code of Conduct, and the best interest of the department, its values and mission statement. While employees of SUDPS are expected to do vastly different jobs, each employee is expected to address his or her responsibilities with the same high level of commitment, dedication and integrity. The working standards of SUDPS, as well as the Santa Clara County Sheriff's Office (SCCO) by association through a Memorandum of Understanding, anticipate that excellence will be the norm to which we aspire and expect of ourselves. Supervisors and managers are responsible for the

commendable, objectionable and substandard performance of their subordinates. Just as rule violations reflect poorly on staff and department alike and should be avoided, good performance reflects well on us all and should be both encouraged and rewarded.”

TRG’s review of the information available and policy directives/procedures found, that one of the deputies’ actions potentially fall outside of performance expectations.

- 12.00 (Use of Force)

Department policy affirms, “The authority of deputies to use physical force is a serious responsibility. The decision to use physical force must be evaluated in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that deputies use force consistent with law and the policies of the Office of the Sheriff (“Sheriff’s Office”). Deputies shall use only force which is necessary, given the facts and circumstances known to the deputy at the time of the event, to bring an incident under control. Every reasonable effort to deescalate an uncooperative or actively resisting subject shall be made when feasible prior to the use of force.” It also prescribes that, “The authority to use force shall be exercised judiciously with respect for human rights, dignity and life in a fair and unbiased manner without prejudice to anyone.”

Although this review, based on the available information and policies/procedures obtained, found the use of force options taken by the involved Stanford deputies to be lawful and within department policy (given the circumstances involving a high-risk vehicle stop in the mindsets of the deputies), TRG found performance concerns in the events leading up to the use of force and lack of deescalation tactics and decisions made which unnecessarily escalated both the deputies’ and public’s risk. These are further discussed within the POST Learning Domain Review and the findings and recommendations sections of this report.

- 12.02 (Use of Firearms)

“It is the policy of the Stanford University Department of Public Safety (SUDPS) that all sworn staff employed by Stanford University and granted peace officer powers by the Office of the Santa Clara County Sheriff pursuant to the MOU between Stanford University and the Santa Clara County Sheriff, who are authorized to carry firearms, use those firearms in a manner that protects officer safety while recognizing the sanctity and dignity of human life.”

Department procedure “A”, bullet “d”, on drawing a firearm states, “A SUDPS Deputy shall draw and exhibit a firearm only: When the deputy reasonably believes it necessary for his or her own safety or for the safety of others. A deputy also may draw and be ready to use a firearm any time he/she reasonably believes that he/she or another person may be in danger of death or great bodily injury.”

TRG’s review of the information available and policy directives/procedures learned that three of the four involved deputies drew their firearms during the traffic stop. One deputy pointed their firearm at the vehicle stopped when they believed the stop to be of “high-risk”. The other two deputies pointed their weapons at the ground, as the deputies performed standard “high-risk” vehicle pullover procedures for removing and detaining the occupant of the vehicle. The deputies who withdrew their firearms believed the traffic stop to be of a “high risk” situation, their actions were reasonable and within policy. However, TRG does not believe the traffic stop should have been approached as high-risk. While deputies are never exactly sure of what they are facing, the stop involved suspicion of property theft, a possible misdemeanor warrant, and a missing front license plate traffic infraction, and did not rise to a high-risk stop.

- 13.01 (Emergency Operations of a Vehicle)

The Department of Public Safety initiated an investigation into this matter prior to TRG’s review, and therefore TRG will not comment further.

- **17.12 (Bias Free Policing)**

Department policy states, "All employees of SUDPS are prohibited from taking law enforcement actions, including the use of force, based on actual or perceived personal characteristics, including but not limited to race, color, ethnicity, national origin, age, religion, political affiliation, gender identity or expression, sexual orientation, mental and or physical disability. All employees of SUDPS shall rely on their training and experience when engaging in the investigation of appropriate suspected specific activity to identify a particular person or group."

The information available to TRG were the radio communications, reports, body worn camera footage, hearing one half of the cell phone conversation and interviews of some of the deputies.

Deputy 1 approached Party 1 without knowing his race as the tinted windows did not allow Deputy 1 to see the individual until the window was rolled down. The dispatcher did not state the race of the owner of the vehicle nor was the race of Party 1 broadcast before the traffic stop. In the half of the cell phone conversation that was recorded, the race of Party 1 was not mentioned.

Deputy 3 and 4 activated their emergency lights and sirens prior to seeing the car or Party 1. Deputy 3 initiated a high-risk stop before Party 1 lowered his window and made his hands visible, again tinting of the windows did not allow the deputies to see inside the vehicle. TRG's review of the information available and policy directives/procedures regarding potential claims that Stanford deputies involved in the incident applied actual or perceived personal characteristics when taking law enforcement actions, was unsubstantiated.

APPLICABILITY WITH CALIFORNIA PEACE OFFICER STANDARDS AND TRAINING REGULATIONS

As specified within California Commission on Peace Officer Standards and Training (POST) regulation 1005, the Regular Basic Course (academy) is the entry-level training requirement for California peace officers. The Regular Basic Course curriculum is divided into 41 individual topics, called Learning Domains. The Learning Domains contain the minimum required foundational information for given subjects, which are detailed in the training and testing specifications for peace officer basic courses. The Commission on POST Basic Course Training Specifications weblink is: <https://post.ca.gov/regular-basic-course-training-specifications>.

TRG conducted a review of the Stanford University Department of Public Safety training as related to California POST training standards and the incident under review. The following applicable POST standards and training were assessed and outlined below.

- A. The Stanford University Department of Public Safety's peace officer field training program is in compliance with both Santa Clara County Sheriff and POST training standards, in accordance with General Order 19.00.
- B. POST Standards and Training (POST) Learning Domain (LD) Reviews.

1. POST LD 00 (Becoming an Exemplary Peace Officer)

Learning needs of this POST training segment focus on "developing four qualities of an exemplary peace officer: good character, proficiency, professionalism, and leadership. The goal is to assure that (academy) graduates have strong critical thinking, problem solving and leadership skills, and a keen sense of who they are and how their work will be performed."

Another training segment focuses on exemplary decision-making. This learning domain professional standard prescribes:

All decisions must have at least three dimensions: 1. They must be legal, 2. They must be ethical, and 3. They must be effective.

TRG's review determined stopping the vehicle was an acceptable decision as it was effective in accomplishing the primary policing purpose. TRG found various concerns with critical thinking, judgment, and communication in how the stop was conducted.

2. POST LD 01 (Leadership Professionalism and Ethics)

This learning domain also prescribes the "Code of Professional Conduct and Responsibility for Peace Officers," which consists of nine "Canons of Ethics," each described in detail by a total of 52 ethical standards.

TRG's review found three of the deputies followed the Canons for the items TRG reviewed. However, one deputy followed fifty of the fifty-two standards. Other professional competencies mentioned within this learning domain and reviewed by TRG include: leadership, professionalism, ethics, and decision-making. TRG observed aspects of the incident in which further training may be warranted.

3. POST LD 03 (Principled Policing in the Community)

A learning need of the POST training segment reviewed by TRG states: "Peace officers should recognize the existence of implicit bias and how it can influence decision-making and procedural justice."

The information available to TRG: were the radio communications, the reports, the body worn camera footage, hearing one half of the cell phone conversation and interviews of some of the deputies.

Deputy 1 approached Party 1 without knowing his race as the tinted windows did not allow Deputy 1 to see the individual, until the window was rolled down. The dispatcher did not state the race of the owner of the vehicle. In the half of the cell phone conversation that was recorded, the race of Party 1 was not mentioned.

Deputy 3 and 4 activated their emergency lights and sirens prior to seeing the car or Party 1. Deputy 3 initiated a high-risk stop before the Party 1 lowered his window and made his hands visible. Prior to the window being lowered the tinted glass did not allow the deputies to see inside the vehicle. TRG reviewed this issue because of a concern expressed in the public comments relating to this incident involved bias. While implicit bias is real and does occur, in this particular circumstance none of the materials reviewed would indicate its presence in this stop. Through TRG's review of the available information, bias based policing by the involved Stanford University deputies was not found.

4. POST LD 05 (Introduction to Criminal Law)

The learning need of this POST training segment states in part:

- "To enforce the law, peace officers must know what constitutes a crime and the information required to identify that a crime has occurred."
- "To arrest a subject, peace officers must determine what type of crime has been committed, who was involved in the commission of the crime, and who cannot be criminally liable."

From a review of available information, TRG determined the Stanford University Department of Public Safety appropriately trains and maintains policies and procedures (i.e., General Orders) ensuring its deputies are knowledgeable and trained in the law (i.e., constitutional, statutory, and case law) and application of their law enforcement authority, duties and responsibilities. TRG found that deputies properly applied their knowledge of criminal law to this incident.

5. POST LD 15 (Laws of Arrest)

The learning need of this POST training segment states, “peace officers must have an understanding of the amendments to the U.S. Constitution, and similar sections of the California Constitution that are related to the authority, liability, and responsibility they have in making arrests.”

From a review of available information, TRG found the initial contact of Party 1 was in compliance with POST training standards of consensual encounters. TRG also found Stanford deputies possessed reasonable suspicion for a lawful traffic pullover, detention, and probable cause to effect a lawful arrest of Party 1 for possession of an open container of marijuana while operating a motor vehicle, a violation of the California Vehicle Code.

POST training standards reference laws relating to the length of a detention stating, “a detention must be temporary and last no longer than is necessary to resolve the reason for the stop. A legal detention at its beginning can become an illegal arrest if extended beyond what is reasonably necessary under the circumstances.” **TRG found the length of time of the traffic pullover and detention, approximately 36 minutes, to be reasonable given the circumstances of the incident being investigated.**

6. POST LD 16 (Search and Seizure)

The learning need of this POST training segment states, “peace officers must have a clear understanding of their authority, responsibility, and potential for liability in the areas of search and seizure law, as well as the protections provided by constitutional law, statutory law, and case law against unreasonable search and seizures.”

From a review of available information, TRG found Stanford University deputies possessed a reasonable suspicion to conduct a lawful traffic pullover, pat-down search of Party 1 during a detention, and a limited search of his vehicle for Party 1’s identification, leading to a plain view observation of open container of marijuana while operating a motor vehicle, a violation of the California Vehicle Code.

7. POST LD 20 (Use of Force – De-escalation)

A learning need of this POST training segment states, “Peace officers must recognize that they have the authority to use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance as authorized by the California Penal Code. For their safety, and for the safety and well-being of fellow officers, it is critical that peace officers know the laws governing the use of force.”

The learning domain references the reasonable officer standard to be used in assessing use-of-force options:

- *Would another officer, facing a similar circumstance, act in the same way or use similar judgment? (The Officer’s Perspective) Peace officers will constantly be faced with decisions of when to use force and to what degree it should be applied. The totality of the circumstances must be evaluated from the perspective of the officer at the scene, rather than from an outsider’s benefit of “20/20” hindsight. The facts and circumstances known to the peace officer at the time the force was used will be the basis for the determination of reasonableness.*

The learning domain also references community expectations involving use-of-force standards. POST affirms “community members want to be treated with respect and dignity. The public expects peace officers to exercise their authority in order to maintain social order, manage conflicts, and solve problems. They expect peace officers to listen to them, treat them fairly, and be trustworthy. Community members want their officers to possess the skills to subdue violent and dangerous subjects. They also want officers to use these skills to apply only the amount of force that is reasonable. Peace officers should always be promoting community trust and should act

in a way to maintain that trust. Trust is vital for building long lasting, innovative community partnerships capable of solving problems and improving the community's quality of life."

TRG's review of the information available determined the involved Stanford deputies were justified in their use-of-force options involving what at least one deputy believed from the start to be assisting with a "high-risk" traffic stop, while others escalated the situation within their mindsets to a "high-risk" situation given a perceived furtive movement within the vehicle and progression of circumstances. TRG however also determined performance concerns within the actions of the involved deputies that unnecessarily escalated the incident to a "high-risk" stop for what POST standards and training would consider to be a lower-risk (i.e., "unknown risk") type of vehicle stop as described below within POST LD 22 - Vehicle Pullovers. Performance concerns are described further within the findings and recommendations section of this report.

One other applicable use-of-force learning domain element involves "de-escalation." POST standards and training state "peace officers must understand how the principles of de-escalation can enhance contacts with the public and may result in improved decision-making, reduction in situational intensity, and opportunities for outcomes with greater voluntary compliance."

The core concepts of de-escalation expect peace officers to "attempt to recognize the public's physical and psychological reactions to situations. Peace officers should also try to recognize their own physical and psychological reactions to situations. Tactics and techniques may assist in decreasing the situational intensity of a situation and gain voluntary compliance." POST prescribes that de-escalation is dynamic.

TRG's review of the information available determined de-escalation tactics and techniques were used, to varying degrees by the involved deputies.

8. POST LD 21 (Patrol Techniques)

The learning need of this POST training segment states, "to safely and effectively fulfill their duties of public protection and service, peace officers must be able to develop appropriate law enforcement patrol strategies under a wide variety of circumstances and conditions."

Basic patrol strategies are placed into two categories through which patrol officers can provide protection and service: preventative patrol and directive enforcement patrol. As related to this incident, preventative patrol actions include:

- maintaining a law enforcement presence and visibility within the community
- conducting frequent security checks of high-risk targets and businesses
- conducting checks of persons who may be involved in suspicious activities

Given the information reviewed, TRG determined the SUDPS deputies utilized their training in these basic patrol strategies appropriately.

9. POST LD 22 (Vehicle Pullovers)

The learning need of this POST training segment states, "Peace officers must recognize the inherent risks involved when conducting a vehicle pullover in order to take the appropriate precautions necessary to ensure their own safety as well as the safety of others."

Levels of risk statement, "Conducting a vehicle pullover can be one of the most dangerous duties a patrol officer can perform. Violent acts that have taken place during a vehicle pullover are among the leading causes of officer injuries and death."

POST prescribes two levels of risk: unknown risk and high-risk. Unknown risk is described as those vehicle pullovers that generally involve: "traffic or equipment violations, suspicious activity, a citizen's request, or certain misdemeanors." High-risk is described as those vehicle pullovers that generally involve: "felony violations, serious misdemeanors, vehicles that match

a description given during a crime broadcast, or stolen vehicles (often used in other serious crimes).”

POST training standards state, “as general rule, risk assessment refers to the level of anticipated risk involved with any vehicle pullover based on the officer’s perception of danger due to a suspect’s conduct, or advance knowledge.”

Given the information reviewed, TRG determined the traffic stop met the POST definition of “unknown risk.” At no time did information (i.e., observed, relayed, or received information by the deputies conducting the traffic stop) rise to the level of a high-risk stop.

PERFORMANCE STANDARDS - FINDINGS AND RECOMMENDATIONS

For law enforcement, situational awareness and an officer’s mindset are vital skills that many police officers and deputies work continually to improve. When dealing with potential threats day in and day out, a situational awareness mindset can be key in maintaining safety for the officers and community members alike. The findings and recommendations identified below are directly connected to the performance standards and expectations prescribed by the Peace Officer Standards and Training and policies and procedures of the Stanford University Department of Public Safety and Santa Clara County Sheriff’s Office. Further review of the referenced findings by SUDPS leadership is recommended, as well as remedial training for the involved Stanford deputies and/or other sworn deputies the department deems appropriate based on results of this assessment, internal review(s) and investigations .

1. *Emergency Vehicle Operations*

Department policy General Order 13.01 (Emergency Operations of a Vehicle) requires field personnel response to incidents and calls for service be accomplished in a safe and professional manner. Community safety and that of agency personnel are clearly articulated when responding given the lowest level (Code 1) or highest level (Code 3) response authorization, and must be done so in accordance with the law and department general order.

The Department of Public Safety initiated an investigation into these observations prior to TRG’s review and therefore TRG will have no further comment.

2. *Vehicle Pullovers - Officer and Public Safety*

POST training standards for vehicle pullovers and officer safety (LD 22) prescribe standards in the practical application of tactically sound procedures in conducting all categories of vehicle pullovers.

Based on the information reviewed, TRG found the vehicle pull over was initiated without: a plan of action; selection of a location advantageous to the deputies involved; appropriate communication in the coordination of responding field personnel; and applying safe and sound tactics initiating the pullover. Given the low threat/risk level of the incident being responded to, deputies should have made an effort to have the vehicle move out of the high vehicular and pedestrian area where it had stopped to better ensure the safety of not only the deputies but the community.

TRG observed the following with the incident in question:

A. **Failure to search or conducting a poor search:**

- Cursory search of the occupant(s) and/or vehicle
- Failure to locate firearms, other deadly weapons or contraband

Within the body camera video footage, TRG observed that Deputy 4 conducted a cursory pat-down search of Party 1 after he was directed from the vehicle and handcuffed. Party 1 was then placed into the rear compartment of the patrol vehicle. At least two deputies asked if Party 1 was searched; they were told he was. Upon conclusion of the

investigation into the suspicion of package theft, Party 1 was removed from the patrol car, unhandcuffed and asked to wait by the front of a patrol car while a traffic citation was written. While waiting, a deputy appeared to notice an object on Party 1's right hip. The deputy asked if he had a knife to which Party 1 confirmed he did. Party 1 was instructed to place his hands on the hood of the patrol car. He complied, and Deputy 3 removed the knife from Party 1's person placing it onto the opposite side of the patrol car's hood.

B. Inadequate communication:

- Ineffective communication with cover officer and/or other involved deputies
- Not establishing roles (contact, cover, etc.)

Within the body camera video footage, TRG observed Deputy 1 and Deputy 3 discussing the nature surrounding the suspicious contact via the use of cell phones while Deputy 1 was attempting to catch up with Party 1's vehicle and Deputies 3 and 4 responding from an off-campus location to assist in stopping the vehicle. Use of the police radio is critical in maintaining officer safety and that of the public in coordinating the proper response of field personnel to the type of incident at hand. This is especially crucial in times where field personnel are responding "Code 3" and violating traffic laws, or in this case ceasing such a response given the nature of the incident did not warrant a high-risk emergency response. The police radio is also critical in strategically communicating roles and responsibilities of the vehicle pullover (i.e., contact, cover, traffic/pedestrian control, etc.) In this incident, no such communication occurred. Failing to properly communicate over the radio also left an urgent officer safety mindset in the Palo Alto Police Department dispatchers and police officers as to what Stanford deputies were dealing with. As such, three Palo Alto Police Department patrol units responded Code-3 (emergency lights and sirens) to an incident that didn't require such a response.

C. Poor positioning:

- Failure to exercise caution in positioning of officer and/or patrol vehicle
- Rushing into a situation without planning the pullover

In this case, the vehicle stop occurred in a commonly used vehicular and pedestrian thoroughfare to the graduate student residential facilities. Within the body camera footage, TRG observed pedestrians, bicyclists and skateboarders passing through the potential line of fire where one deputy had their firearm drawn and pointed at Party 1 and his vehicle. Given the nature of this incident (i.e., suspicion of a property crime, possible driver with an outstanding DUI misdemeanor warrant, missing front license plate, and an argumentative driver), there was unnecessary risk to the public and the deputies.

3. De-Escalation

Stanford General Order 12.00 defines de-escalation.

In the initial contact with Party 1, while parked within a campus residential facility, it is TRG's opinion Deputy 1 properly used de-escalation strategies in determining whether or not to initiate further contact with Party 1. Choosing to allow Party 1 to drive away, Deputy 1 followed Party 1's vehicle as he further considered his reasonable suspicion of theft and strategy in how to initiate contact with a disconcerted and argumentative person. With regards to de-escalation, the deputy's decisions in this initial phase were sound and kept with his mission and community safety.

However, from the information available to TRG, the progression of events leading to and the initiation of the traffic stop were devoid of de-escalation strategies. Deputy 3 and 4 raced

toward the incident as if there was an emergency or critical situation requiring an emergency “Code 3” response. The situation was known to be potentially unstable as determined by the cell phone conversation between Deputy 1 and Deputy 3. No plan of engagement was formulated in any of the conversations between deputies on the radio or cell phone. The situation from a reasonable officer and person would conclude the situation did not reasonably appear to require emergency intervention.

It appeared Deputy 3 and Deputy 4’s mindsets and escalation of intensity led to the conducting of a high-risk vehicle pullover technique within a high traffic (vehicles, pedestrians, bicyclists and skateboards) roundabout intersection. At no time were tactical methods used that may have “allowed deputies additional time to assess the situation” and/or help “better formulate an appropriate response that may diffuse the situation and/or help gain voluntary compliance when feasible.”

Deputy 3, by virtue of the stop of the vehicle, became the contact officer, while Deputy 4, who was following behind Deputy 3, became the cover officer. At one point as Party 1 was being verbally ordered from the car, both the contact and cover deputies gave an order to Party 1 simultaneously. Although their instructions were clear, this potentially creates confusion for the receiver.

Party 1 was handcuffed and safely detained as the deputies proceeded with their investigation. As Deputy 1 was writing the ticket, Party 1 remained highly irate and argumentative with the remaining deputies. At one point Deputy 2 engaged Party 1 and began verbally chastising him. This only escalated the situation, until such time Deputy 2 was pulled away by another deputy. Having one deputy pull another deputy away was an effective de-escalation technique. Intervening deputy to deputy in situations like these during this portion of the stop is the ethical action by other deputies. While Party 1 continued to be demeaning and disrespectful to the deputies, Party 1 did follow the commands given by the deputies during his detention.

4. Leadership, Professionalism and Ethics

Rank is not required for a deputy to show leadership. POST, the Stanford University Department of Public Safety, and Santa Clara County Sheriff’s Office recognize that every officer is a leader.

Through a review of the available information, TRG observed various performance concerns.

- **Command and Control**

This leadership function is essential in the safe, efficient and professional management of incidents and deputy activities. The first deputy on scene, also referred to as the contact officer/deputy, is responsible for the initial assessment, making contact with the involved parties, and determining if law enforcement action is required. To safely accomplish these tasks, this deputy may need to rely on the support from one or more deputies proficiently employing leadership command and control through communication, direction and support. The cover officer (Deputy 4) should have been given responsibility by the contact officer (Deputy 3) for surveillance and control of a suspect in order to free the contact deputy to perform a thorough investigation. **From the body and vehicle camera footage observed, TRG found the command and control aspect of the incident suboptimal.**

TRG found several of the performance concerns to be a result of ineffective and inadequate communication. This unfortunately encapsulated (i.e., rush into the situation without any plan of action and not considering alternative actions); a failure to keep field officers, supervision and dispatch apprised of the escalating situation and actions (i.e., communicating through use of cell phones versus the police radio).

- Judgment / Decision-making / Problem Solving

TRG found that although the communication, was sub-optimal, some effective decisions were made that efficiently accomplished their purposes. Safety, however, is an important consideration in all policing decisions, and TRG formed the opinion that decisions made regarding the response and stop of the vehicle did not adequately assess safety when compared with the severity and risk of the incident being responded to and managed. Effective decisions reduce the risk of injury or danger to victims, bystanders, perpetrators, suspects and officers.

CLOSING SUMMARY

In the course of routine patrol, a Stanford University Department of Public Safety deputy followed up on reasonable suspicious circumstances. As other deputies became aware of the situation, they responded in a more urgent mode than was necessary given the initial facts. The responding deputies conducted a lawful traffic stop, however, utilized high-risk stop tactics for a situation that did not warrant the use of such under POST standards. The incident transpired at a busy campus intersection with moderate pedestrian traffic at that time of the evening. The location was not ideal for a traffic stop and other alternatives may have enhanced all parties' safety.

Due to a lack of deputies using the law enforcement radio effectively among all of the deputies involved, judgment and some decisions made by responding deputies served to escalate the situation. Escalation when not warranted can lead to further issues and unwanted challenges.

TRG has made multiple findings that indicate more training be considered in effective communications, strategic planning, employing de-escalation strategies, emergency vehicle operations, and tactics and procedures associated with vehicle pullovers. Specifically, TRG is concerned about the escalation of the stop by Deputy 3, his perception of danger that the facts did not support.

Professionalism is demonstrated by the pursuit of the policing mission with courage, composure, competence, and respect in a manner that upholds the highest standards of policing ethics, displays a commitment to continual self-improvement, and generates public trust, respect, and confidence. TRG recognizes policing is often conducted in a fluid and ever-changing environment requiring flexibility, adaptability, common sense, multi-tasking, a keen sense of officer and community safety, as well as ethical and professional obligations. Continuous efforts in education and training, coupled with an openness to feedback and discussion, are necessary to enhance the knowledge, skills, and experiences of deputies.

APPENDIX A: THE RISELING GROUP TEAM



LORI BERQUAM, PhD

Lori Berquam has served in higher education for forty years. Her most recent post was Interim President for Mesa Community College (MCC) in Mesa, Arizona. Lori stepped into this role in February of 2020 as the world was just learning about COVID. The next month the world “closed” to handle the pandemic. Mesa Community College pivoted its operation to an on-line environment for its over 30,000 students. Prior to assuming the Presidency, Lori was the Executive Vice President for Academic and Student Affairs for MCC.

Dr. Berquam served a one-year fellowship for the American Council on Education (ACE) at the University of Arizona in Tucson in 2018-19. Before heading to Arizona, she served for fourteen years as the Vice Provost for Student Life and Dean of Students at the University of Wisconsin-Madison 2005-2019. Across her career she also served at four other universities in Student Affairs.

She has a PhD in Higher Education Leadership from Colorado State University, a Master of Arts in Student Affairs Administration from UW-LaCrosse, and a Baccalaureate Degree in Mathematics and Psychology Education from Truman State University in Kirksville Missouri.



SCOTT VANSKOY

Scott is an experienced accreditation manager and assessor. He works via IACLEA and The Riseling Group, LLC. He has been trained by the Commission on Accreditation for Law Enforcement Agencies and IACLEA. He has assessed departments throughout the United States, Trinidad, and Canada. For this report we are including just the universities in California he has worked with for accreditation standards: Fresno State, San Francisco State, California State University at North Ridge, University of California, San Diego, Cal Poly Pomona, California. He has advised all of the California State system campuses over the last 20 years. Recently

at Humboldt University, he led the police reform efforts for the institution.