

March 20, 2013

MEMORANDUM

TO: Harold Medlock [Signature] Chief of Police
FROM: Lieutenant C. Davis [Signature] Unit Commander, Office of Professional Standards and Inspections
SUBJECT: 2012 Annual Report (Office of Professional Standards & Inspections)

All numbers included for the 2012 annual report are from investigations/summary files that have been closed as of this date.

In 2012, there were moderate declines in all the following investigative categories:

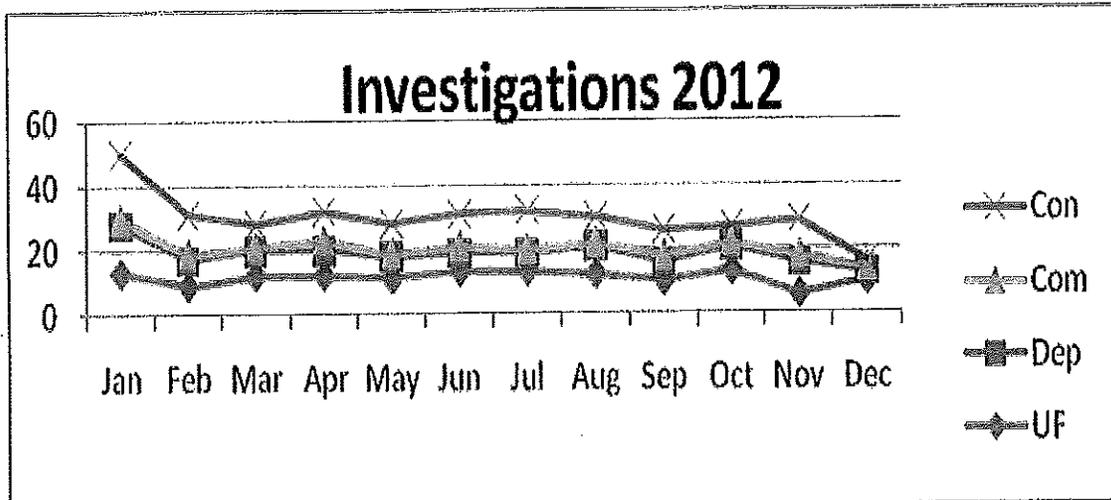
- Use of Force Incidents
• Departmental Investigations
• Citizen Complaints

Table with 6 columns: Investigative Category, 2009, 2010, 2011, 2012, Variance. Rows include Departmental Investigations, Citizen Complaints, and Use of Force.

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122nd Nationally Accredited Law Enforcement Agency



UF = Use of Force  
 Dep = Departmental Investigation  
 Com = Citizen Complaint  
 Con = Citizen Contact

### Departmental Investigations

Departmental investigations are normally initiated by a supervisor and include vehicle accidents, vehicle pursuits, performance issues, unbecoming conduct, etc. In 2012, 37% of all Departmental Investigations were the result of officers being involved in vehicle accidents, which is a 4% improvement over 2011. Overall, there was a 2.7% decrease in the number of Departmental Investigations conducted in 2012.

In an attempt to lower the number of vehicle accidents, all Departmental employees involved in "at fault" accidents are mandated to attend the City's Defensive Driving Course.

In addition to vehicle accidents, unsatisfactory performance issues accounted for the majority of the investigations. Unbecoming Conduct investigations, Violations of Law and Vehicle Pursuits accounted for the remainder of the Departmental Investigations.

Departmental Investigations	Campbellton	Cross Creek	OSB	Service	Total
2011	59	26	17	8	110
2012	52	34	14	5	107

	2009	2010	2011	2012	Variance	Sustained
Vehicle Accidents	37	56	46	40	- 6	95%
Vehicle Pursuits			10	16	+ 6	56%
Unsatisfactory Performance			33	28	- 5	93%
Unbecoming Conduct			10	6	- 4	83%
Violation of Law			11	7	- 4	100%
<b>Total</b>			<b>110</b>	<b>107</b>	<b>- 3</b>	<b>85%</b>

*The BLOCKED out sections were not captured in 2009 and 2010.*

### Citizen Complaints

A complaint would be documented on a Personnel Incident Report and an internal investigation would be conducted if a citizen provides information that upon initial review indicates an employee could receive a written verbal warning or higher for a sustained complaint.

<b>Citizen Complaints</b>	<b>Campbellton</b>	<b>Cross Creek</b>	<b>OSB</b>	<b>Service</b>	<b>Total</b>
<b>2011</b>	17	5	0	0	22
<b>2012</b>	14	4	1	1	21

<b>Complaint</b>		<b>Sustained</b>
Excessive Force	15	1%
Unbecoming Conduct	2	0%
Unsatisfactory Performance	1	0%
Vehicle Operations	1	100%
Negligence	1	100%
Abuse of Authority	1	100%
<b>Total</b>	<b>21</b>	<b>20%</b>

*\*1 case is still under investigation.*

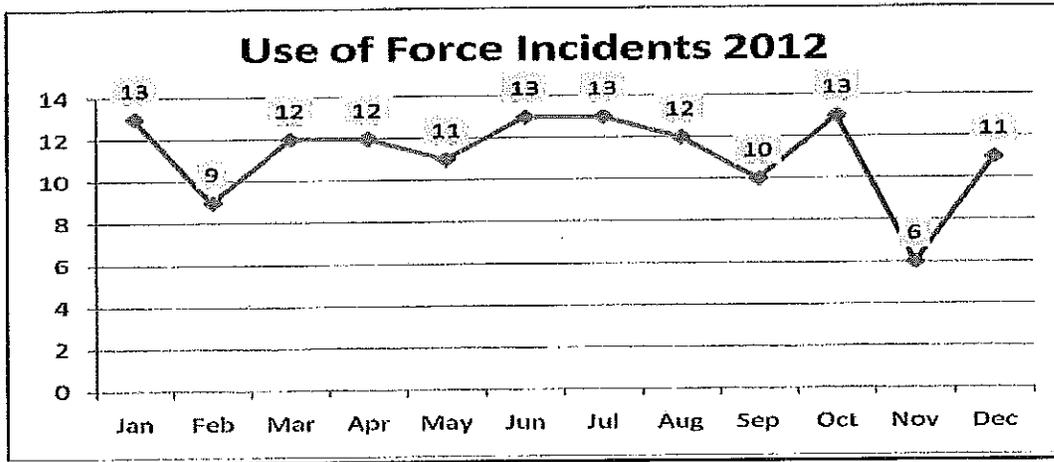
### Citizen Contacts

The Citizen Contact Sheet is used to document citizen complaints that appear to be minor infractions of department policies and procedures, as well as positive comments made by a citizen about an employee.

In 2012, the Department processed 133 Citizen Contacts (120 complaints / 13 positive), which is an overall increase of 16%. The complaints increased by 17%. Considering that officers responded to over 230,000 calls for service in 2012, 120 complaints is a very minute number. The Citizen Contacts fell into the following categories:

<b>Citizen Contacts</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>Variance</b>	<b>Sustained</b>
Rudeness	21	17	15	- 2	20%
Unbecoming Conduct	21	32	34	+2	6%
Unsatisfactory Performance	41	16	25	+ 9	4%
Negligence	2	30	22	- 8	23%
Violation of Law	2	8	5	- 3	0%
Biased Policing	7	21	20	-1	0%
<b>Total</b>	<b>87</b>	<b>103</b>	<b>120</b>	<b>+ 17</b>	<b>15%</b>
Good Job	2	12	13	+ 1	

**Use of Force Investigations**



Type of Force	2009	2010	2011	2012	Variance	Sustained
Hands/Physical	27	44	83	63	- 20	2%
Taser			28	51	+ 23	6%
Taser / Hands	31	60	11	9	+2	0%
Taser / OC "Pepper Spray"			2	0	- 2	0%
Firearm (Suspects)			5	7	+2	14%
OC "Pepper" Spray	11	10	13	4	- 9	0%
K-9	0	0	1	2	+1	0%
ASP Baton / Hands	1	2	2	1	- 1	0%
<b>Total</b>	<b>91</b>	<b>121</b>	<b>145</b>	<b>137</b>	<b>- 8</b>	<b>6%</b>
Use of Force Summary Files		4	13	32	+ 19	

*\*In 2012, Hands / Physical and Taser Use accounted for 90% of all Use of Force Incidents (84% in 2011).*

*\*\*4 cases are still under investigation*

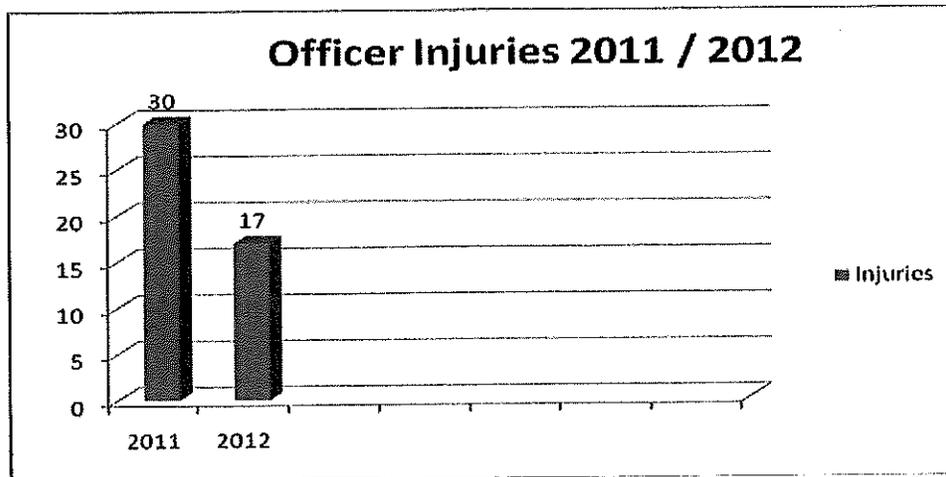
*\*\*\*The BLOCKED out sections were not capture in 2009 and 2010.*

Use of Force Incidents by Bureau	Campbellton	Cross Creek	OSB	Service	Total
2011	95	44	6	0	145
2012	84	38	14	1	137

<b>Use of Force - Suspects</b>	<b>2011</b>	<b>2012</b>	<b>Variance</b>
Black Male	68%	60%	- 8%
White Male	13%	25%	+ 12%
Black Female	8%	5%	- 3%
White Female	3%	4%	+ 1%
Hispanic Male	0%	2%	+ 2%
Other Male	6%	1%	- 5%
Unknown	0%	3%	+ 3%

Overall, the Use of Force numbers have remained steady, with the exception of the increased Taser use (+23) and the decrease in the use of hands on techniques (- 20).

### Use of Force Options and Officer Injures



The number of officers injured in 2012 was 43% lower than the number of officers injured in 2011. The decrease could be attributed to the increase in Taser use (+ 82%) and the decrease in physical force (- 25%). In the fourteen (14) cases where officers were injured while using some type of force, the majority (64%) were injured while utilizing physical force, 21% when utilizing the Taser, and 14% when utilizing a firearm.

### Deadly Force Factors

Although many factors determine if a firearm will be used, in 2012 the following facts may have played a role in the seven (7) incidents involving service weapons:

1. Narcotics / Alcohol – Present in at least 2 of the incidents
2. Mental Health Issues – Present in 3 of the incidents
3. Weapons – Present in 4 of the incidents
4. Repeat Offender – Present in 2 of the incidents
5. Active Duty Soldier – Present in 2 of the incident

Use of Force Investigations fall into a "reactive" investigative category that we cannot predict from year to year, but we can continue to closely monitor these investigations to ensure they are thoroughly reviewed. Currently, four (4) 2012 Use of Force investigations are still under investigation.

In order to help officers cope with deadly force situations, all officers received a two (2) hour block of instruction on what to expect from a physiological and mental standpoint, as well as, what to expect from the administrative investigation.

### **Use of Force Summary Files**

In 2010, the Department added the Use of Force Summary File, which will be completed if the following situations occur:

1. A suspect sustains an injury that is **not** the result of a use of force or alleged use of force.
  2. A suspect injures himself while fleeing from the officer **prior** to being taken into custody.
  3. A suspect in custody sustains a minor injury **not** due to or caused by the officer's actions or intentionally inflicts injury to himself.
  4. A suspect complains of wrist and/or ankle soreness as a result of being restrained.
  5. An animal is destroyed for defensive purposes OR as a humanitarian measure because the animal is seriously injured or sick.
  6. An officer points a firearm directly at another person(s), under any circumstances the situation does not require any other use of force and no policy violations exists with regard to the circumstances of the deadly use of force.
- b. However, when one or more of the above situations does occur, a summary file including the following documentation is required: (No PIR is required as there is no internal investigation being conducted.)
1. Completed Incident Report and supplemental
  2. A Supervisor will respond and take photographs
  3. A Supervisor will attempt to obtain a statement from the suspect
  4. A CAD report
  5. Medical forms, if available
  6. A Supervisor's written report to OPS
  7. Incident will be documented on e-mail Daily/Special report

All documentation will be forwarded through the Chain of Command to OPS&I. OPS&I will keep the documentation on file for statistical purposes and to address any questions that may arise from the incident at a later time.

In 2012, thirty-four (34) Use of Force Summary Files were completed to document the following incidents:

<b>Use of Force Summary Files</b>	<b>2011</b>	<b>2012</b>
<b>Animal Shootings</b>	7	12
<b>Service Weapons Pointed</b>	5	22
<b>Hands On</b>	1	0

Officers are no longer trained to go to the “low ready position.” They are trained to go to the “compressed high ready,” which increases the opportunity of the officer to actually point their weapon at a suspect or appear to be pointing in the suspect’s direction.

Another possible explanation for the increase in “weapon pointing incidents” is incidents being captured on the officer’s in-car camera system, and through the supervisory review process are being investigated more thoroughly and in accordance with departmental policy

### **Recommendations**

Although mental illness does not play a role in every use of force incident, it does play a major role. As a result, the Department has put an emphasis on officers trained in CIT (Crisis Intervention Training), which will give the officers an additional resource to draw upon when they are dealing with someone in crisis. As of January 2013, 78 FPD officers, all of the dispatchers and 911 call takers have been trained in CIT techniques. It is recommended that the Department continue to emphasize CIT training.

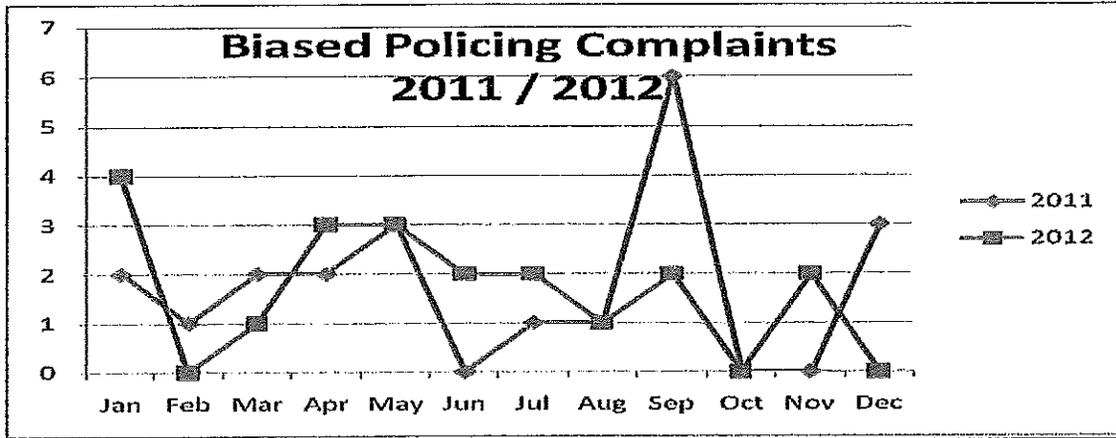
In order to eliminate any confusion, it is recommended that all officers get a refresher on the new compressed high-ready positioning and terminology. Supervisors and older officers are still regularly using the term “low-ready” in their reports.

Finally, it is recommended that all BLET students receive the “What to Expect if Your Involved in a Shooting” class before they start PTO training.

### **Biased Based Policing**

In 2012, the Department received 20 Biased Policing Complaints. In eighteen (18) of the cases, the complaint was determined to be Unfounded. In two (2) of the cases, the complaint of biased policing was Unfounded, but the officers were found to be violation of other Department Regulations.

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Biased Policing Complaints</b>	2	7	21	20



With regards to Biased Based Policing Complaints, the Department continued to fine tune the following areas:

- Data entry into the Biased Policing Module.
- Community Education Series
- NOBLE Study Response
- Traffic Stop Reporting Form
- Racial Profiling Module

Preventing Biased Policing is a priority for the Fayetteville Police Department. In 2012, the Fayetteville Police Department continued to improve on its ability to capture traffic stop related data and will continue to do so in 2013.

#### Police Related Calls for Service

	2011	2012	% Change
<b>January</b>	19,056	19,428	+ 2.0
<b>February</b>	17,665	18,281	+3.5
<b>March</b>	18,588	20,815	+ 12.0
<b>April</b>	18,918	19,589	+ 3.5
<b>May</b>	19,270	19,705	+ 2.3
<b>June</b>	19,181	19,663	+ 2.5
<b>July</b>	18,416	20,327	+10.4
<b>August</b>	19,281	18,874	- 2.1
<b>September</b>	18,722	19,054	+1.8
<b>October</b>	18,232	19,395	+6.4
<b>November</b>	17,337	17,736	+ 2.3
<b>December</b>	17,470	17,522	+ . 3
<b>Total</b>	<b>222,136</b>	<b>230,389</b>	<b>+3.7</b>

	Calls for Service by District			
Campbellton 2011	Campbellton 2012	Cross Creek 2011	Cross Creek 2012	
122,419	121,105	99,717	106,681	
55%	53%	45%	47%	

*The Airport had 2,603 calls for service in 2012 that are not included in the District calls for service.*

### **Ride-Along Program**

	2009	2010	2011	2012
Ride- Alongs	206	235	242	143

In 2012, fewer students requested to participate in the program and / or fewer professors required them to participate. In the past, Methodist University would send 10-20 students (a class) at a time, but that did not happen in 2012. Additionally, prior to a BLET Academy being run, there is typically an increase in the number of ride-along requests. In 2012, the department had only one (1) academy. Finally, thirty-one (31) ride-along applicants were denied due to questionable backgrounds.

### **PIO / Media Relations**

	2009	2010	2011	2012	% Change
Press Releases	284	432	823	590	- 28%
Facebook Friends		1666	4120	8270	+101%
Nixle Subscribers		1200	2167	2770	+28%
Twitter Followers				571	
YouTube Subscribers				138	

*\*The BLOCKED out sections were not captured in 2009- 2011.*

Due to the massive number of press releases generated in 2011, members of the FPD had a concern that we were inadvertently desensitizing the public. As a result, there was a concerted effort to focus on quality (importance of content) and not quantity.

### **Employee Turnover**

Turnover Figures	2009	2010	2011	2012
Sworn	38	33	26	30
Non-Sworn	14	34	21	20
Total	52	67	47	55

<b>Why Employees Departed:</b>	<b>Sworn 2011</b>	<b>Sworn 2012</b>	<b>Non-Sworn 2011</b>	<b>Non-Sworn 2012</b>
Health / Family / Personal Reasons	3	7	12	14
Retired	3	6	4	0
Relocation	4	3	1	2
Resigned while Under Investigation	7	7	0	2
Dismissed	0	2	0	0
Career Advancement	6	3	1	2
Career Change	2	1	3	0
Dissatisfied with Job	0	0	2	0
Other	0	1	0	0
<b>Total</b>	<b>25</b>	<b>30</b>	<b>23</b>	<b>20</b>

### Early Warning System Review

This is the ninth year since the implementation of the Early Warning System component of the IA PRO software. Thresholds for each investigative category is set at three (3), with an overall threshold of six (6). When an employee reaches the pre-determined threshold, our policy requires that the employee's supervisor contact OPS&I to review all documentation related to the cases listed on the alert in an effort to identify negative performance or behavioral patterns that may need to be addressed. Once the review has taken place, supervisors will submit an administrative memorandum summarizing each case listed on the alert. Supervisors will also articulate whether a formal review with the employee and / or intervention is needed. Options include:

- No additional action
- Informal counseling
- Formal counseling or corrective action
- Formal monitoring
- Mandatory remedial or additional training
- Voluntary or mandatory referral to the Employee Assistance Program (EAP).
- Reassignment

<b>Alert Category</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>Variance</b>
Departmental	0	3	1	5	+4
Citizen Complaints	1	0	0	6	+6
Citizen Contacts	7	9	1	0	-1
Use of Force	28	31	72	74	+2
Overall Alerts	7	3	34	18	-16
<b>Total</b>	<b>43</b>	<b>46</b>	<b>108</b>	<b>102</b>	<b>-6</b>

The increase in Use of Force Alerts and Overall Alerts corresponds with the increased Use of Force incidents. A review of this system indicates that it continues to be a very effective tool for prompting a review into employee behavior providing an additional resource for use by supervisors to ensure employees are performing consistent with Department Policy. It is recommended that the Department continue to use the current system with no changes needed.

**Promotional / HR Data**

It is the policy of the City of Fayetteville to provide career enhancement opportunities to the most capable persons in employment with the City. All promotions shall be made on the basis of the candidate's qualifications, the Police Department's need for human resources, and equal opportunity principles.

<b>Sworn Officer Promotions (January to December)</b>				
<b>Tested</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Caucasian / Male	19	36	0	10
Caucasian / Female	2	6	0	1
African-American / Male	5	11	0	2
African-American / Female	1	1	0	1
Hispanic / Male	0	1	0	1
Hispanic / Female	1	0	0	1
<b>Total</b>	<b>28</b>	<b>55</b>	<b>0</b>	<b>16</b>
<b>Eligible After Testing</b>				
Caucasian / Male	15	18	0	6
Caucasian / Female	1	3	0	0
African-American / Male	5	5	0	1
African-American / Female	1	0	0	0
Hispanic / Male	0	1	0	1
Hispanic / Female	0	0	0	0
<b>Total</b>	<b>22</b>	<b>27</b>	<b>0</b>	<b>8</b>
<b>Promoted</b>				
Caucasian / Male	4	3	6	3
Caucasian / Female	0	1	1	0
African-American / Male	2	0	3	0
African-American / Female	1	0	0	0
Hispanic / Male	0	1	0	0
Hispanic / Female	0	0	0	0
<b>Total</b>	<b>7</b>	<b>5</b>	<b>10</b>	<b>3</b>

*\*A Lieutenant's promotional process was the only process held in 2012.*

### Grievances / Suspensions

Grievances fell into the following categories:

- 8 - disciplinary action
- 2 - related to city policy
- 1 - promotional testing process

Suspensions were based on the following investigations:

- 10 - Departmental
- 1 - Use of Force
- 1 - Citizen Complaint

	2011	2012
<b>Grievances</b>	3	11
<b>Suspensions</b>	7	12

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### Pursuit Analysis

The data in the following report is based upon thirty-seven (37) vehicle pursuits reported in 2012. All data and conclusions represented in this report are based solely upon the (36) filed Vehicle Pursuit Reports. One (1) file is still being reviewed.

	2009	2010	2011	2012	Variance
<b>Vehicle Pursuits</b>	26	29	46	37	- 9

	2011	2012	Variance
<b>Pursuit Summary Files</b>	35	21	- 40%
<b>Pursuit - Departmental Inv.</b>	11	16	+ 45%
<b>Total</b>	46	37	- 20%

An analysis of the last four years revealed that the Department has averaged thirty-five (35) vehicle pursuits per year. In 2012, we had 37 pursuits (21 Pursuit Summary Files and 16 Departmental Investigations), which is a 20% decrease in the number of pursuits.

*One (1) Departmental Investigation (vehicle pursuit) is still open and a portion of that data has been included in the final analysis.*

Reason for Pursuit	2009	2010	2011	2012
Traffic	12	14	19	22
Stolen MV	5	1	2	2
B&E	4	1	4	2
Larceny	2	0	0	1
Robbery	0	7	2	2
Suspicious Activity	1	2	5	0
Check Point Violation	1	0	0	0
Drug Violations	1	1	0	2
Weapon Violation	0	1	3	2
Wanted Person	0	2	1	3
Loud Music	0	0	1	0
Under Investigation				1
Total	26	29	37	37

By far, the majority of vehicle pursuits were initiated for traffic related offenses (61%). However, with the implementation of a more restrictive Vehicle Operations policy (see below), that number is expected to drop in 2013.

#### Day of Week

	Sun	Mon	Tue	Wed	Thurs	Fri	Sat	Total
2009	6	3	2	5	3	3	4	26
2010	4	2	2	6	7	6	2	29
2011	4	4	6	7	7	5	4	37
2012	4	3	11	7	6	3	3	37

Based on the data from the thirty-seven (37) pursuits in 2012, Tuesday, followed by Wednesday were the most prevalent days for pursuit initiation. 49% of the pursuits were initiated on those days.

### Weather / Road / Traffic Conditions during Pursuit

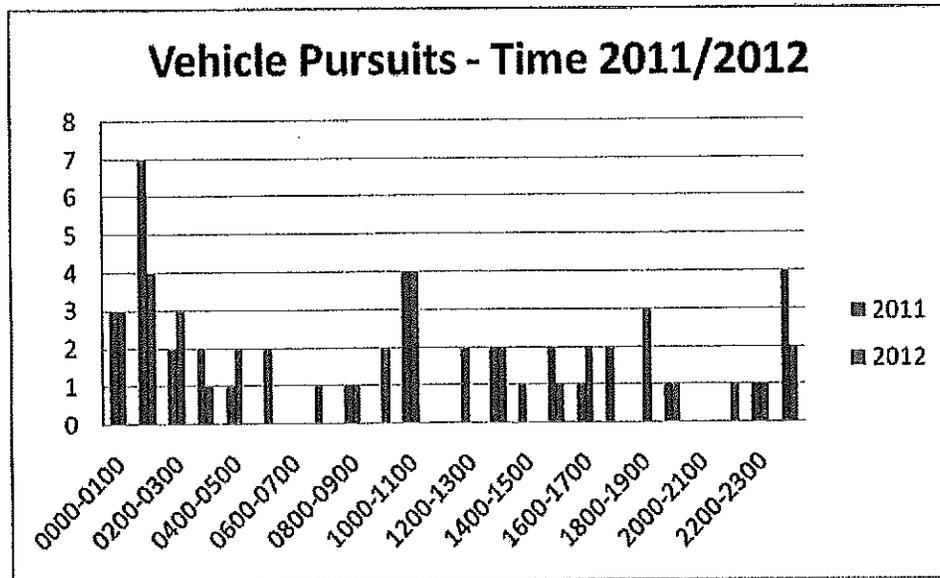
Weather/Pavement/Traffic	2011	2012
Clear/Dry/Light	34	26
Clear/Dry/Moderate		1
Clear/Dry/Heavy		
Cloudy/Dry/Light		3
Cloudy/Dry/Moderate		
Cloudy/Dry/ Heavy		
Cloudy/Wet/Light		3
Cloudy/Wet/Moderate		
Cloudy/Wet/Heavy		
Rain/Wet/Light		3
Rain/Wet/Moderate		
Rain/Wet/Heavy		
Unknown		1
<b>Total</b>	<b>37</b>	<b>37</b>

\*The **BLOCKED** out sections were not annotated in 2011.

### Vehicle Pursuit Speed Data

Taking into account thirty-six (36) of the thirty-seven (37) vehicle pursuits, the top speed registered by a suspect was 140 mph (3 times) and the top speed registered by a police officer was 120 mph (3 times). The average pursuit speed for the officer and the suspect was 77 mph.

### Vehicle Pursuits by Time of Day



Based on the data gathered, the peak time for a vehicle pursuit was between 0001-0600. 43% of all pursuits took place during this time period.

Reason for Pursuit Termination	2009	2010	2011	2012
Suspect Stopped	14	20	26	24
Accident	8	6	3	5
Stop Sticks	0	0	2	0
Officer Terminated	3	1	5	1
Supervisor Terminated	1	2	1	3
Lost Vehicle				3
Unknown				1
Total	26	29	37	37

*Due to the danger involved in using stop sticks. Their use was discontinued as of July 2012.*

At some point, the suspect stopped in 24 of the 36 (67%) vehicle pursuits. 14% of all pursuits ended because one or more vehicles were involved in an accident. However, in 33% of the pursuits, there was some type of accident. Only 4 police vehicles were damaged while participating in a pursuit. Supervisors / officers terminated pursuits in 4 cases, which is a good indication that both parties are cognizant of their responsibility to terminate a pursuit if the benefits of apprehension do not outweigh the risks of endangering the officer or the general public.

### Property Damage Sustained from Pursuit

	Other Property	Suspect Vehicle	Police Vehicle	Total
2009	\$33,449	\$29,510	\$1,000	\$63,959
2010	\$6,100	\$10,900	\$100	\$17,100
2011	\$5,600	\$15,100	\$50	\$20,750
2012	\$12,825	\$26,201	\$5,500	\$44,526

The total amount of pursuit related damage increased by 115%.

### Apprehensions

35 suspects were apprehended as a result of vehicle pursuits in 2012. In 4 of the pursuits, the suspect avoided apprehension.

## Distance of Pursuit

The longest pursuit in 2012 was 46.1 miles and the shortest was .4 miles. On average, vehicle pursuits lasted 3.6 miles.

Pursuits	Longest	Shortest	Average
2010	28	.4	4.9
2011	21.4	.6	3.4
2012	46.1	.4	3.6

*Distance = Miles / Avg. pursuit distance minus 46.1 mile pursuit = 2.4 miles*

## Number of Vehicle Pursuits by District

	Campbellton	Cross Creek	OSB	Total
2009	19	7	0	26
2010	21	7	1	29
2011	32	2	3	37
2012	21	11	5	37

*57% of all vehicle pursuits were initiated by Campbellton District officers.*

## Policy Compliance

The analysis of the 2012 data revealed that of the thirty-seven (37) pursuits, sixteen (16) required a Departmental Investigation be initiated because one of the following factors was present:

- Third party injuries
- Officer involved collision
- Damage to City Property
- Damage to third party property over \$1,000 as a result of a vehicle collision
- Violation do departmental policy by any officer involved in the pursuit

In nine (9) of the sixteen (16) incidents (56%), officers were found to be in violation of Departmental Policy. Twenty-one (21) pursuits were investigated and reviewed as a Pursuit Summary File.

## Policy Change

In an effort to promote community & officer safety, pursuits for minor offenses were prohibited by a 2012 policy change. The following policy change (G.O. 4.02 - Vehicle Operations) was made in June 2012:

- **Authority to Pursue**

*Officers are authorized to pursue when:*

- a. *An officer has reasonable suspicion to believe that the violator is committing, is attempting to commit or has committed a felony.*

b. *The Watch Commander or their designee may authorize a vehicular pursuit that does not meet the above criteria only in exceptional circumstances. Exceptional circumstances are limited to situations where there is probable cause to believe that the suspect has committed a violent misdemeanor, or is driving in a careless and reckless manner or DWI to the extent that the safety of the public is in jeopardy.*

▪ **Vehicle Pursuits are not allowed:**

a. *For motor vehicle offenses, suspected or actual.*

*Officers must have completed the prescribed pursuit training course before being allowed to pursue.*

*\*The full impact of the policy change is yet to be seen. However, in 2012, 54% of the pursuits occurred before the policy change was implemented.*

### **Findings**

The analysis revealed that the number of pursuits that resulted in a summary file dropped by 40%. However, the number of pursuits that required a Departmental Investigation increased by 45%, which would indicate that a much larger percentage of pursuits involved one or more of the following:

- Third party injuries
- Officer involved collision
- Damage to City Property
- Damage to third party property over \$1,000 as a result of a vehicle collision
- Violation do departmental policy by any officer involved in the pursuit

The increased percentage would also account for the 115% increase in property damage sustained while involved in a pursuit.

*Officers did annotate 16 cases in which the suspect driver refused to stop, but they did not pursue.*

### **Recommendation**

We will continue to monitor the number of pursuits throughout 2013 to identify the effect of the new policy on reducing the opportunity for:

- injury to the officer and/or citizen
- violating policy
- property damage to the public and the City of Fayetteville

