

*City of*  
**Fayetteville**  
*North Carolina*  
**POLICE**  
**DEPARTMENT**

March 25, 2014

**MEMORANDUM**

**TO:** Harold E. Medlock, Chief of Police

**FROM:** Michael P. Petti, Captain of Internal Affairs

**SUBJECT:** 2013 Annual Report (Internal Affairs Unit)

The Fayetteville Police Department (FPD) underwent several changes in 2013, many of which have directly impacted the way our organization operates. The addition of Chief Medlock, restructuring of the department and a change in policing philosophies all seemed to not only have impact on our crime rates, but also the way we handle administrative investigations.

The following graph is a snapshot of the FPD in regards to all administrative investigations and a year-to-year comparison.

Investigative Category	2010	2011	2012	2013	Variance from 2012
Use of Force	121	145	*157	114	-43
Departmental Investigations	101	110	107	**37	-90
Citizen Complaints	23	21	20	13	-7
Negative Citizen Contacts	87	103	120	82	-38
Vehicle Crashes (City Owned)	56	46	40	62	+22
Vehicle Pursuits		10	16	18	+2
Firearm Discharge (suspects)		5	7	4	-3

(\*) Includes twenty-two (22) Use of Force Summary Files which will be explained further in the UOF section.

(\*\*) Does not include Vehicle Pursuits and/or Vehicle Accidents. Those type investigations were placed in their own category in 2013. Further explained in Departmental Investigations section.

BLOCKED section not available.

## Use of Force (UOF) Investigations

The FPD saw a decrease in the number of UOF incidents in 2013, totaling 114 incidents for the year, when compared to 157 in 2012. However, before a true comparison can be made there are differences in our tracking methods which need to be explained.

In 2012 the FPD completed Use of Force Summary reports for certain situations which did not require full administrative investigations. These incidents included but were not limited to:

- Animal Shootings (12)
- Service Weapons Being Pointed (22)

Although mentioned in the 2012 report, the thirty-five (35) summary files outlined above were not included in the overall total UOF statistics. In March of 2013, the FPD ceased using the "Summary File" format and began categorizing all incidents as full investigations. All summary files completed during the first part of 2013 were reclassified and added as full administrative investigations. The 2013 UOF numbers also included three (3) incidents where an officer discharged his firearm at an animal. Midway through 2013, IAU reclassified shooting at animals as Firearm Discharges. For the purposes of analyzing force against humans, all animal shootings have been removed from the UOF numbers for both 2012 and 2013. However, in order to draw a more accurate comparison I have included the 2012 Case Summary files for firearm pointing as part of the overall UOF numbers for that year.

Lastly, in September of 2013, the FPD stopped categorizing the pointing of a duty weapon at a suspect/citizen as a level of force which required an administrative investigation. Although required to annotate the action in a report, supervisors are no longer required to complete a UOF Investigation. For 2013, eleven (11) incidents included in the overall numbers pertained to officers who pointed their weapons at an individual.

Therefore;

<u>2012 UOF</u>	<u>2013 UOF</u>
135 incidents	114 incidents (Includes eleven
+ <u>22 Service Weapon Pointing</u>	Service Weapon Pointing)
157 total UOF	

Overall it is IAU's belief the reduction in UOF incidents is a result of a combination of factors. Those factors include;

- Breaking down of UOF policy into three (3) separate sections
- An increase in Crisis Intervention Training (CIT) and De-escalation tactics
- More accountability for physical strikes

Below is the raw data regarding UOF Investigations:

	2012	2013	Variance	Percent Change
Total Number of UOF Incidents	157	114	-43	-27.3%
Total Number of People		116		

**2013 Totals for Race/Gender/Force Type**

Type of Force	B/M	W/M	B/F	W/F	H/M	A/M	I/M	O/F	2013 Totals	2012 Totals	Variance	Percent Change
Taser	20	11	1	1	1			1	35	51	-16	-31%
Taser plus another force	9	4			1				14	9	5	56%
Hands	24	9	5	5	1	1	1		46	63	-17	-27%
Firearm Discharge	4								4	7	-3	-43%
Multiple Force (No Taser)	1	2							3	2	1	50%
Pointing of Weapon	9	2							11		11	
OC / Pepperball	1	1							2	4	-2	-50%
Asp		1							1	1	0	0%
Total Nuber of People Force Used	68	30	6	6	3	1	1	1	116	137		

- \* Unknown if 2012 totals are for individuals or incidents.
- \*\* Totals for 2013 include two (2) separate incidents where force was used on two (2) people during each incident, i.e., two incidents = four (4) individuals received force.
- \*\*\* Does not include animal shootings (2012 = 12, 2013 = 8)

**2013 Percentages for Race/Gender/Force Type**

Type of Force	B/M	W/M	B/F	W/F	H/M	A/M	I/M	O/F	Total Percentage of Force Types
Taser	57%	31%	3%	3%	3%			3%	30%
Taser plus another force	64%	29%			7%				12%
Hands	52%	20%	11%	11%	2%	2%	2%		40%
Firearm Discharge	100%								3%
Multiple Force (No Taser)	33%	67%							3%
Pointing of Weapon	82%	18%							9%
OC / Pepperball	50%	50%							2%
Asp		100%							1%
Total Percentage of Force Used	59%	26%	5%	5%	3%	1%	1%	1%	

Total Number of Injuries

Suspect	45
Officer	5
Both	8
None	58
Animals	*8

Criminal Charges Versus Mental Commitments as a Result of Force Incidents

Criminal Charges Filed	91
Mental Commitments	20
None	5

\* One additional firearm discharge at an animal took place in 2013; however, the animal was not struck and no injury occurred.

Police Officer Demographics Who Used Force

Officer Race

White	154
Black	24
Hispanic	3
Native American	5
Asian	2
Other	2
No entry	1
Total Officers	191

Age of Officers

20 to 29:	94
30 to 39:	47
40 to 49	40
50 and Up	9
No DOB Entered	1

Gender of Officers

Female:	14
Male	176
No entry	1

Disposition of Use of Force Investigations (Incidents, Not Officers)

	Exonerated	Sustained	No Violation	Active	No Violation
Number of UOF Investigations	100	2	1	10	1
Percentage of all UOF Investigations	88%	2%	1%	9%	1%

\*\* In six incidents officers were exonerated for UOF but had VOTCs.

**Firearm Discharges**

In 2013, Fayetteville Police Officers were required to discharge their firearms, other than in training, a total of thirteen (13) times.

Below is the raw data regarding firearm discharges:

Reason for Firearm Discharge	2013	2012	Variance
Suspect(s)	4	7	-3
Animal	9	12	-3
Warning Shots	0		

\* One animal discharge did not result in injury.

\*\* In all four (4) suspect shootings, the suspect possessed a handgun and the officers were in fear for their lives.

\*\*\* Three (3) of the four (4) suspects involved in Police shootings are deceased.

## *Departmental Investigations*

Departmental Investigations are typically generated by individual supervisors within the FPD and are usually in response to employee performance issues and/or conduct deemed unsatisfactory or detrimental to the agency. Disciplinary actions resulting from these types of investigations can include formal counseling, suspension and up to an employee being terminated. Examples of conduct which would warrant departmental investigations include, but are not limited to:

- Officers failing to qualify with their duty weapons,
- Employees failing to report for duty,
- Violations of law,
- Improper investigative procedures,
- Failure to take appropriate actions,
- Escaped Prisoner,
- General overall history of poor performance, etc.

In 2013, the FPD conducted a total of thirty-seven (37) Departmental Investigations aimed at examining forty-two (42) allegations of misconduct. The highest allegation continues to be that of Unsatisfactory Performance. This allegation seems to be a "catch all" and should be avoided unless a pattern of overall poor performance exists. Typically, a policy exists governing the situation for which a supervisor is investigating and should be properly identified in lieu of Unsatisfactory Performance. Although there does seem to be improvement in this area during the last six (6) months of 2013, IAU will continue to remind and direct supervisors to indicate the appropriate policy violation when completing this type of Administrative Investigation.

Like the Use of Force category, an explanation regarding changes in our tracking methods needs to be addressed prior to examining the yearly data. In 2012, Departmental Investigations included all Vehicle Pursuits, Vehicle Crashes and general investigations pertaining to performance issues. In 2013, IAU removed Vehicle Pursuits and Crashes from being included as Departmental Investigations and placed each of them in their own specific category. Therefore, the data being displayed for 2013 Departmental Investigations specifically pertains to behavioral and/or performance issues involving our employees. Due to the disparity in how we tracked this information, there will be no comparison between 2012 and 2013 Departmental Investigations.

It does appear out of the five (5) employees receiving dismissal recommendations during 2013, three (3) of them were non-sworn members.

Below is the raw data regarding Departmental Investigations:

Allegations	Count	Percent Total
Unsatisfactory Performance	21	50%
Absence from Work	1	2%
Unbecoming Conduct	4	10%
Violation of Law	4	10%
Failure to Appear	4	10%
Courtesy	1	2%
Death during Police assistance	1	2%
Neglect of Duty	1	2%
Failure to Report for Duty	1	2%
Vehicle Operations	3	7%
Vehicle Pursuit	1	2%
<b>Total Allegations</b>	<b>42</b>	

Dispositions	Count	Percent Total
Sustained	25	68%
Exonerated	3	8%
Unfounded	1	3%
VOTC	1	3%
Not Sustained	2	5%
Still Under Review	5	14%
<b>Total Incidents</b>	<b>37</b>	

Disciplinary Actions	Count	Percent Total
Corrective Action	8	33%
Written Verbal Warning	2	8%
Written Reprimand	3	13%
Suspension	5	21%
Dismissal	5	21%
<b>Total Actions Taken for Incidents</b>	<b>24</b>	

\* One employee had two (2) Internals and was issued one (1) COD.

\*\* Three (3) employees resigned under investigation, CODs would have been issued in all three (3).

## Negative Citizen Contacts

Citizen Contacts are forms completed when a citizen contacts the FPD via email, mail, telephone, in person or via a third party indicating they wish to file a complaint or report something positive on an officer or employee. Typically, the complaints are minor in nature and do not require a full administrative investigation. Supervisors are encouraged to mediate these types of complaints (if possible) or investigate to determine if a policy or procedural violation has occurred. Serious allegations or evidence of employee misconduct results in the Citizen Contact being changed to a Citizen Complaint Investigation, which will be discussed later on in this report.

For the purposes of this section, we will add positive comments to the list of allegations so that all of the Citizen Contacts received may be accounted for.

In 2013 the FPD received a total of 105 Citizen Contact entries detailing 142 separate allegations. These numbers include reports on sworn and non-sworn employees and can vary in their purpose. The number one (1) negative report received on a Citizen Contact in 2013 surrounded the perception our employees "unsatisfactorily performed" some type of duty. Thirty (30) allegations of unsatisfactory performance were received for 2013, an increase of five (5) from the 2012 totals. However, the number one (1) report overall appears to be positive comments made about our employees. In all, thirty-one (31) positive reports were filed with the FPD indicating satisfactory service from our employees. The thirty-one (31) positive comments for 2013 represents a 138% increase from the thirteen (13) Positive Comments received in 2012.

In 2013, IAU separated biased policing complaints from the normal Citizen Contact category. In order for something to be categorized as a Biased Policing Complaint, there must be a race based component of the complaint. To aid IAU in the tracking of this specific type of allegation, a "Biased Policing Contact" form was created in our Investigative Software, IA Pro. The form itself is identical to a Citizen Contact; however, supervisors can now select "Biased Policing Contact" when entering the information into Blue Team, our input component of IA Pro and the contact is placed into its own category.

Also worth noting is the actual decrease in Biased Based policing complaints received in 2013. In 2012 the FPD received twenty (20) biased policing complaints, while in 2013 the FPD only received nine (9). The reduction represents a 55% decrease in biased policing complaints.

Below is the raw data regarding Citizen Contacts:

All Allegations	Count	Active	Sustained	No Violation	Unfounded	Not Sustained	VOTC	Exonerated	2013 Totals	2012 Totals	Variance
Abuse of Position	4		1	1	2				4		
Unsat. Performance	30		5	10	13			2	30	25	5
Biased Based Policing	9	2		2	5				9	20	-11
Rudeness	25	2	2	12	7	2			25	15	10
Unbecoming Conduct	9		3	4	2				9	34	-25
Neglect of Duty	1			1					1		
Vehicle Operations	1		1						1		
Conduct	1			1					1		
Professional Image	11		2		9				11		
Handling of Property	1		1						1		
Positive Compliments	41								41	13	28
Improper Force	2			1	1		1		2		
Improper Seizure	1				1				1		
Operating Procedure	1					1			1		
General Order	1					1			1		
Records & Reports	2		1	1					2		
Courtesy	2	1	1						2		
<b>Total</b>	<b>142</b>	<b>5</b>	<b>17</b>	<b>33</b>	<b>40</b>	<b>4</b>	<b>1</b>	<b>2</b>			

### *Vehicle Crashes*

As stated earlier, in 2012 Vehicle Crashes were categorized as Departmental Investigations. In 2013, IAU changed the way the FPD tracked these investigations by placing them in their own separate category. This year also brought about a change in how we handle unoccupied city vehicle crashes. Previously, if an unoccupied FPD vehicle (i.e., a vehicle parked in a parking space) was involved in a collision, an internal investigation was completed and the involved employee was listed as whomever the vehicle was assigned. In an attempt to streamline the administrative process, it was determined that these types of events would no longer require a full administrative investigation. Instead, the "Quality Review" report was created which allowed the supervisors to report on the incident, while eliminating all the paperwork and time associated with a full vehicle crash internal investigation. That process was started late in 2013

and thus far, only three (3) quality reviews have been completed for motor vehicle crashes. In all three, unoccupied police cars were struck while they were sitting in parked positions.

According to IAU's records, there were sixty-eight (68) motor vehicle crash incidents in 2013 involving FPD owned or operated vehicles. Out of those motor vehicle crashes, forty-one (41) of those incidents resulted in our employees being found "at-fault" or contributory in some fashion. That represents an increase of one (1) crash from the forty (40) crashes reported in 2012.

The number one contributory factor continues to be improper backing. In 2013 the FPD went through driver's in-service training and it is our hopes the number of employees found to be "at-fault" for backing will decrease in the future.

Below is the raw data regarding vehicle crashes:

Employee Fault:	Count	Percent Totals
No	27	40%
Yes	41	60%
Total Crashes	68	

Employee Injury	
No	64
Yes	6

At-Fault Crash Times:	Count	Percent Total
0001-0100	1	1%
0100-0200	3	4%
0200-0300	2	3%
0300-0400	1	1%
0600-0700	1	1%
0700-0800	2	3%
0800-0900	5	7%
0900-1000	1	1%
1000-1100	2	3%
1100-1200	2	3%
1200-1300	6	9%
1400-1500	5	7%
1500-1600	4	6%
1600-1700	6	9%
1700-1800	4	6%
1800-1900	3	4%
1900-2000	2	3%
2000-2100	2	3%
2100-2200	1	1%
2200-2300	7	10%
2300-2400	2	3%
Unknown	7	
Totals	68	

Cause of Crash when FPD at-fault	Count	Percent
Fall to Yield	4	9.76%
Fall to reduce speed	7	17.07%
Improper Turn	5	12.20%
Improper Backing	14	34.15%
Inattention	6	14.63%
Red Light/Stop Sign	3	7.32%
Lane Change	1	2.44%
Road Conditions	1	2.44%
Total	41	

Non-Employee Injury	
No	56
Yes	8
UNK	4

Estimated Damage	
City	\$77,778.00
Other	\$53,300.00
Total	\$131,078.00

\* Out of all the at-fault crashes, thirty-nine (39) involved sworn officers, while two (2) involved non-sworn.  
 \*\* Two incidents involved police officers running into other police cars

## Vehicle Pursuits

In 2013 the FPD was involved in eighteen (18) vehicle pursuits, up two (2) from 2012. According to IAU's data, thirteen (13) of the pursuits were conducted according to policy, while five (5) were found to have pursuit policy and/or driving policy violations.

The violations noted in these investigations included:

- Officer's speed and decision to pursue
- Failure to sync microphone
- Loss of control during pursuit.

Only one pursuit resulted in a police car being damaged after the officer lost control. Several of the pursuits did have VOTCs for issues other than driving, but for the most part our officers conducted pursuits as prescribed by policy.

Below is the raw data regarding vehicle pursuits:

Reason for Pursuit	Count	Percent
Carless & Reckless	2	11%
DWI	1	6%
DWI & C&R	2	11%
Felony	9	50%
Other	2	11%
Violent Misd.	2	11%
<b>Total Pursuits</b>	<b>18</b>	

Time of Day:	Count	Percent
0100 - 0200	3	17%
0300 - 0400	3	17%
0400 - 0500	2	11%
1000-1100	1	6%
1200-1300	1	6%
1400 - 1500	2	11%
1600-1700	2	11%
1700-1800	1	6%
2000-2100	1	6%
2300-2400	2	11%

Pursuit Within Policy	Count	Percent
No	5	28%
Yes	13	72%

Reasons for Termination:	Count	Percent
Officer Terminated	1	6%
Supervisor Terminated	3	17%
Suspect Eluded Officer	1	6%
Suspect Jump & Run	6	33%
Suspect Crashed	6	33%
Suspect Vehicle Stopped	1	6%

## Alerts

The FPD's Internal Investigative Software (IA Pro) is programmed to generate an "Alert" whenever officers reach a pre-determined threshold of administrative investigations, citizen complaints, or an overall combination of both within a one year period. After an Alert is generated, the supervisors of the involved employee must conduct a review of the employees IA history, the incidents which triggered the alert, and any other supporting documentation. Once the review has been completed, the supervisors are then required to provide their Command Staff a report outlining whether they feel a reoccurring pattern exists, and if additional training or other actions are in order for the employee.

When reviewing these alerts, several factors are taken into account to include:

- Area in which the officer works (high crime, etc.)
- Productivity of officer
- Situations surrounding incidents
- Officer's history

In 2013, IA Pro generated forty-one (41) alerts on twenty-five (25) different officers. Out of those alerts, all but two (2) came back indicating no reoccurring behavioral patterns existed.

Based on the information contained in two (2) of the Alerts, IAU received requests from the Bureau Commander asking for an overall review of the officer's IA history, along with possible recommendations. Based on the reviews conducted by IA, one officer has been placed on Administrative Duty pending a CCRB and a review of three separate incidents, while the other received sixteen (16) hours of remedial training by FPD's Training Staff and was returned to duty.

## Recommendations

Based on the previous systematic analysis of FPD data, the IAU recommends the following steps be taken to avoid potential problematic patterns:

### Use of Force:

- Continue with de-escalation training for UOF situations through the FPD's Police Training and Education Center.
- Coordinate with the FPD Police Training Center to implement and conduct reality based training aimed at promoting good decision making skills regarding the use of force.

\*\* I currently do not recommend any changes to the three (3) policies governing Use of Force, Use of Deadly Force and CEW's.

### Biased Based Policing Review

- Continue with current minority sensitivity training and biased based policing reviews.
- Currently, I do not recommend any changes to the Biased Based Policing Policy

### Negative Citizen Contacts:

- Instruct First Line Supervisors to increase roll call training regarding verbal tactics to avoid rudeness complaints.

### Vehicle Pursuits:

- Instruct the FPD Police Training and Education Center to implement driver's training with emphasis on reactionary and slow speed maneuvers on a yearly basis.
  - Instruct First Line Supervisors to conduct increased roll-call training regarding pursuit policy and usage of in-car cameras.
- \*\* I recommend a minor change to General Order 4.2, Vehicle Operations to indicate that officers are required to activate their in-car cameras during a pursuit, should reduce the volume of their AM/FM radios to avoid unnecessary background noise, and should not deactivate the cameras until after the pursuit (or triggering event) has concluded.
- \*\* I also recommend a change in the wording of Operating Procedure 3.21, In-Car Camera Systems to indicate officers are required to sync their mics while on-duty.

### Alerts (Early Intervention System) Review

- The EI System appears to be functioning as intended and do not recommend a change to the system and/or policy.

MPP