



February 17, 2011

MEMORANDUM

TO: Tom Bergamine - *AB 2/18/11*
Chief of Police

FROM: Lt. C. Davis *CD 2/17/11*

SUBJECT: 2010 Annual Report (Office of Professional Standards & Inspections)

Investigative Category	2007	2008	2009	2010	Variance
Departmental Investigations	70	66	86	101	+15
Citizen Complaints	30	20	26	23	-3
Use of Force	91	83	91	121	+30

In comparing the calculations of investigations within the three investigative categories, investigations initiated as a result of Use of Force incidents, Citizen Complaints, and Departmental Investigations revealed increases in three of four categories when compared to 2009. The increase in Use of Force investigations can be attributed to an increase in the use of the Taser and the increase in the number of Departmental Investigations can be attributed the increased number of vehicle accidents.

Departmental Investigations

Departmental investigations are normally initiated by a supervisor and include vehicle accidents, vehicle pursuits, performance issues, unbecoming conduct, etc. In 2010, 56% of all Departmental Investigations were the result of officers being involved in vehicle accidents. Overall, there was a 15% increase in the number of Departmental Investigations conducted in 2010 as compared to 2009.

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 and unbecoming conduct investigations accounted for the majority of all Departmental Investigations. Compared to 2010, there was a 34% increase in the number of vehicle accidents. This may be attributed to the large number of new / younger sworn employees that were hired throughout 2010. Eighty-Three of all closed Departmental Investigations were sustained.

	2007	2008	2009	2010	Variance
Vehicle Accidents	19	29	37	56	+19

Citizen Complaints / Contacts

Over the course of the last four (4) years, the Department has averaged 117 citizen complaints / contacts a year. When you consider officers respond to over 215,000 calls for service per year, 117 complaints is a minute number. However, there was a 15% decrease in the number of complaints from 2009 – 2010. Excessive Force Complaints accounted for 59% of all Citizen Complaints. However, only 9% of the complaints were sustained.

The following accounted for the majority of the ninety-seven (97) Citizen Contacts (complaints):

- Rudeness – 22
- Communication Issue – 16
- Improper Charge - 8
- Unsatisfactory Performance – 8
- Traffic Issue - 6

Use of Force Investigations

Historically, it has been difficult to identify the reasons “why” the number of Use of Force investigations increase or decrease or why some people resist arrest. The 2010 data indicated a 15% increase in the number of Use of Force incidents and that could be attributed to an increased number of patrol officers on the street and the increased number of X-26 Tasers issued. Beginning in January of 2008, officers were issued the X-26 Taser, which is smaller than its predecessor and can be worn on the officer’s utility belt as opposed to being maintained in the patrol car, making it more accessible. In 2009, Taser usage increased by 59%, conversely, OC Spray use dropped by 52%. As a result of

the data, it is clear that officers are opting to use their Tasers in lieu of their Mace/Pepper Spray. Officers were exonerated in 96% of the closed use of force investigations, indicating that officers are applying force consistent with department policy.

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, ten (10) of the 121 use of force investigations are still under 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 2010, four (4) Use of Force Summary Files were completed. Three addressed a firearm being pointed at a suspect and one (1) addressed the shooting of an animal.

Type of Force	2007	2008	2009	2010	Variance
Hands/Physical	26	32	27	44	+17
OC "Pepper" Spray	27	33	11	10	-1
ASP Baton	5	2	1	2	+1
Nova Spirit	4	3	2	0	-2
Taser	20	16	31	60	+29
Firearm (includes animal shootings)	10	6	6	5	-1
Flashlight	0	0	0	0	0
K-9	5	4	0	0	0
Total	101	98	91	121	+30
Use of Force Summary Files				4	

- Hands / Taser use accounted for 86% of all Use of Force incidents.
- Firearm usage included: 2 persons / 3 animals

Biased Based Policing

	2007	2008	2009	2010
Biased Policing Complaints	3	9	2	7

With regards to Biased Based Policing Complaints, seven (7) citizen complaints included an allegation of biased policing of which none were sustained. Coincidentally, four (4) of the seven (7) complaints came in after 10/22/10, following a story published by the Fayetteville Observer from Columnist Troy Williams who addressed alleged racial profiling practices of the Department. Based upon additional accusations by the NAACP, Chief Bergamine requested the City Manager to ask the US Department of Justice to conduct an independent assessment of the Department's Practices. Currently, we are awaiting a response from the Department of Justice.

Police Related Calls for Service

	2007	2008	2009	2010
Calls for Service	203,827	212,515	208,709	215,761

Once again, the total number of calls for service was over 200,000. In fact, in 2010 the Department responded to more than 215,000 calls, which is the highest total in the last four years. The mere fact that the Department only received 117 citizen complaints is phenomenal.

Ride-Along Program

	2007	2008	2009	2010
Ride- Alongs	222	138	206	235

Many ride-alongs are school related, but ultimately that means more students are being exposed to the policing profession and it may spark additional interest in the field, i.e. increased number of job applications.

PIO / Media Relations

	2007	2008	2009	2010
Press Releases	235	295	284	432
Facebook Friends				1666
Nixle Subscribers				1200

The Public Information Officer (PIO) position was implemented in 2005 and was assigned to the Office of Professional Standards & Inspections. Since that time, the PIO has played a vital mission in our on-going relationship with the media.

The dramatic increase in the number of press releases can be attributed to having a proactive PIO and a desire to promote the Department in a positive light.

In April of 2010, Dan Grubb was hired as the PIO and implemented the FPD Facebook, Nixle, and Twitter websites. Since that time, he and other OPS personnel have regularly

posted police related updates on the sites. To date, FPDFacebook.com has over 1,600 Facebook Friends and over 1,200 Nixle Subscribers. One of the OPS Unit goals for 2011 is to increase those numbers.

Grubb left the Department in December 2010 and since that time OPS has been operating without a designated PIO.

Employee Turnover

Turnover Figures	2007	2008	2009	2010
Sworn	36	22	38	33
Non-Sworn	24	26	14	34
Total	60	48	52	67

Why Employees Departed:	Sworn	Non-Sworn
Health / Family / Personal Reasons	8	9
Retired	7	1
Relocation	6	3
Resigned while Under Investigation	5	6
Dismissed	3	1
Career Advancement	3	4
Career Change	1	6
Dissatisfied with Job	0	1
Return to School	0	1
Other	0	2
Total	33	34

In 2009, the sworn officer vacancy rate was 6% and with the increased emphasis on recruiting, that number was reduced to 3.4%. The largest ever group of BLEET students graduated in December 2010 and another academy is scheduled for July 2011.

Early Warning System Review

This is the eighth 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

Alert Category	2007	2008	2009	2010
Departmental	0	1	0	3
Citizen Complaints	1	1	1	0
Citizen Contacts	14	9	7	9
Use of Force	29	32	28	31
Overall Alerts			7	3
Total	44	43	43	46

The increase in Use of Force Alerts corresponds with the increased Taser usage. 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.

Pursuit Analysis

The data in the following report is based upon twenty-nine (29) vehicle pursuits reported in 2010. All data and conclusions represented in this report are based solely upon the twenty-nine (29) filed Vehicle Pursuit Reports.

	2007	2008	2009	2010	Variance
Vehicle Pursuits	24	31	26	29	+3

An analysis of the last five years revealed that the Department has averaged twenty-nine (29) vehicle pursuits per year. A 2009-2010 comparison revealed that there was a 10% increase in the number of pursuits. Since the implementation of a stricter vehicle pursuit policy in August 2008, the number of pursuits has remained fairly consistent.

Reason for Pursuit	2009	2010
Traffic	12	14
Stolen MV	5	1
B&E	4	1
Larceny	2	0
Robbery	0	7
Suspicious Activity	1	2
Check Point Violation	1	0
Drug Violations	1	1
Weapon Violation	0	1
Wanted Person	0	2
Total	26	29

In 2009, 46% of all pursuits were initiated for traffic related violations and in 2010, that number increased to 48%. Based on the 2009 pursuit analysis, it was recommended that the command staff consider prohibiting pursuits that were initiated based on ANY traffic offense and for most misdemeanor offenses, with assault type cases being the exception. However, after close review, the command staff voted unanimously to retain the current policy based on the following additional statistical information that was gathered.

- 71% of the pursuits were initiated for traffic and/or misdemeanor violations
- 46% of the 28 pursuits resulted in the suspect being charged with additional traffic offenses and/or misdemeanors
- 54% of the 28 pursuits resulted in the suspect being charged with felony charges

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

Based on the data from the twenty-nine (29) pursuits in 2010, Thursday, followed by Friday and Wednesday were the most prevalent days for pursuit initiation. Sixty-five percent of the pursuits were initiated on those days.

Weather / Road / Traffic Conditions during Pursuit

In 2010, the majority (90%) of vehicle pursuits took place in ideal conditions (clear weather / dry roads / light traffic). There was only one pursuit that fell into the questionable category of rain / wet roads / moderate traffic, but that pursuit was initiated for a robbery.

Vehicle Pursuit Speed Data

Taking into account all twenty-nine (29) vehicle pursuits, the top speed registered by a suspect was 135 mph and the top speed registered by a police officer was 120 mph. The slowest speed registered by both the suspect and the police was 30 mph. The average suspect speed for all pursuits was 72 mph, which was just 3 mph faster than 2009.

Vehicle Pursuits by Time of Day

Based on the data gathered, 69% of all vehicle pursuits took place between: 0001-1200 hours, but overall, the breakdown between day and night pursuits was fairly equal.

Reason for Pursuit Termination

	2009	2010
Suspect Stopped	14	20
Accident	8	6
Officer Terminated	3	1
Supervisor Terminated	1	2
Total	26	29

At some point, the suspect stopped in 72% of all vehicle pursuits. However, 21% of all pursuits ended because one or more vehicles were involved in an accident. Supervisors / officers terminated pursuits in three 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

According to the 2010 vehicle pursuit data, the total amount of damage done to either the suspect vehicle or the police vehicle while engaged in a pursuit was reduced by 73%.

Apprehensions

Twenty-four (24) suspects were apprehended as a result of vehicle pursuits in 2010. Five (5) suspects successfully avoided apprehension.

Distance of Pursuit

The longest pursuit in 2010 was 28 miles and the shortest was .4 miles. On average, vehicle pursuits lasted 4.9 miles.

Number of Vehicle Pursuits by District

	Campbellton	Cross Creek	OSB	Total
2009	19	7	0	26
2010	21	7	1	29

72% of all vehicle pursuits were initiated by Campbellton District officers.

Vehicle Pursuit Injury Data

Of the twenty-nine (29) vehicle pursuits, only two or 9% resulted in some type of injury.

Policy Compliance

The analysis of the 2010 data revealed that of the twenty-nine (29) pursuits, only five (5) required that a Departmental Investigation be initiated because one of the following factors was present:

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

However, in four (4) of the five (5) incidents the officers were exonerated of any wrongdoing and the final incident is still under investigation. Twenty-Four pursuits were investigated and reviewed as a Pursuit Summary File.

Recommendation

The pursuit analysis did not identify any patterns or practices that would cause concern regarding the pursuits that occurred. The current pursuit policy does not require any additional changes at this time. In an effort to reduce the number of accidents while officers are involved in a pursuit, the Training Unit has coordinated a 4-hour Defensive Driving Class for all sworn employees in 2011. The class will be taught by Risk Management employees. I will also suggest that our Police Attorney augment that instruction with a block of instruction on vehicle pursuit liability issues.

