



January 13, 2016

MEMORANDUM

TO: Harold E. Medlock, Chief of Police
FROM: Lars T. Paul, Captain of Internal Affairs
SUBJECT: 2015 Annual Report (Internal Affairs Unit)

We are proud to be part of an organization that places a high value on integrity and public trust. The Internal Affairs Unit is charged with ensuring the level of trust and confidence the public has in its police department is safeguarded and that our agency remains deserving of that trust. We also ensure that the rights of our employees are protected and all persons involved in an inquiry are treated with dignity and respect.

The Fayetteville Police Department realizes that some misconduct allegations can generate significant community concern. The Internal Affairs Unit Sergeants are assigned to investigate such allegations thoroughly so that the Chain of Command can make informed, unbiased decisions regarding complaint dispositions. IAU presents the information gathered during an investigation to the employee's Chain of Command via a Review Board. While Internal Affairs remains present throughout this review, its staff assumes no active role in determining the final adjudication of any alleged violation. That responsibility is reserved for the Review Board and, ultimately, the Chief of Police. IAU also represents the department and the Chief of Police when a case disposition is appealed.

The men and women who are assigned to IAU take their responsibilities seriously and are dedicated to the unit's mission. The sergeants that comprise the unit's investigators are selected based on their investigative skills, their ability to deal effectively with the public, and their commitment to both the department and the community we serve.

The IAU staff of two (2) sergeants and an office assistant, led by a captain, is always willing to assist the public in addressing their concerns.

The Internal Affairs Unit

Captain

Lars T. Paul

Sergeants

Manuel E. DeJesus
John A. Carlstead

Office Assistant II

Marissa Iannone

The Internal Affairs Unit will preserve the public's trust and confidence in the Fayetteville Police Department by conducting thorough and impartial investigations of alleged employee misconduct and using proactive measures to prevent such misconduct in order to maintain the highest standards of fairness and respect towards citizens and employees.

As of December 31, 2015, the Fayetteville Police Department (FPD) Internal Affairs Unit (IAU) processed two hundred fifty five (255) cases of various categories: Use of Force, Departmental Investigations, Citizen Complaints, Vehicle Pursuits and Vehicles Crashes for 2015.

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

Investigative Category	2012	2013*	2014	2015	Variance from 2014	Percentage
Use of Force Incidents	157	103	52	46	-6	-11.3%
Departmental Investigations	107	37	62	56	-6	-9.6%
Citizen Complaints	20	13	62	56	-6	-9.6%
Vehicle Crashes	40	62	81	81	0	0.0%
Vehicle Pursuits	16	18	16	24	+8	+50%
Firearms Discharge (Suspects)	7	4	2	0	-2	-200%

*Pointing of Weapons (firearms) by officers

Pointing of Weapons was removed from 2013 Use of Force (UOF) totals due to a cessation in tracking during 2014. Tracking resumed in 2015 with a total of forty-four incidents of officers pointing their weapons in thirty four instances. The process for recording these types of incidents is being reviewed per Department of Justice (DOJ) Collaborative Reform recommendation 4.1.

Use of Force (UOF) Investigations

The FPD continued to see a decrease in the overall number of Use of Force (UOF) incidents for a second straight year. In 2015 FPD investigated forty six UOF incidents verses the fifty two reported in 2014. This constitutes an 11.3% decrease when compared to the previous year. Also noteworthy is the decrease if the number of firearms discharges from 2 to 0.

Below you will find the raw data regarding UOF Investigations.

	2014*	2015	Variance	Percent Change
Total Number of UOF Incidents	52	46	-6	-11.3%
Total Number of People	53	46	-7	-13.2%

* One 2014 Firearm Discharge while taking a subject into custody was not counted as a UOF due to the discharge being unintentional.

2014-2015 Comparison of Race / Gender / Force Type

Type of Force	B/M	W/M	B/F	W/F	H/M	H/F	OTHER	2014	2015	Variance	Percentage Change
Taser	17	4	1	0	1	0	0	27	23	-4	-14.8%
Taser plus another force	1	0	0	0	0	0	0	1	1	0	0.0%
Hands	12	2	4	1	1	0	1	20	22	+2	10%
Firearm Discharge (Suspect)	0	0	0	0	0	0	0	2	0	-2	100%
Multiple Force (No taser)	0	0	0	0	0	0	0	0	0	0	0.0%
O/C Pepperball	1	0	0	0	0	0	0	3	1	-2	-66%
Asp	0	0	0	0	0	0	0	0	0	0	0.0%
K-9 Bite	0	0	0	0	0	0	0	0	0	0	0.0%
Total Number of People Force Used	31	6	5	1	2	0	1	53	46	-7	-13.20%
Total Percentage of Force Used	65%	13%	10%	2%	4%	0	2%				

Demographics of Involved Citizens

Age	B/M	W/M	B/F	W/F	H/M	H/F	Totals	Percentage
Less than 18	2	0	0	0	0	0	2	4.2%
18-25	10	1	1	1	0	0	13	27.6%
26-35	10	3	3	0	1	0	17	36.1%
36-45	5	1	0	1	1	0	8	17.3%
46-55	3	0	1	0	0	0	4	8.5%
56-65	1	0	0	0	0	0	1	2.1%
Over 65	0	1	0	0	0	0	1	2.1%
Totals	31	6	5	2	2	0	46	
Percentage	65.9%	13.0%	10.6%	4.2%	4.2%	0.0%		

Police Officer Demographics Who Used Force

Officer Race	2014	2015	Variance	Total Percentage of Force Used in 2014	Total Percent of Force Used in 2015

White	64	60	-4	81.0%	83.3%
Black	11	6	-5	13.9%	8.2%
Hispanic	3	3	0	3.8%	4.1%
Native American	0	1	+1	0.0%	1.3%
Asian	1	2	+1	1.3%	2.7%
Other	0	0	0	0.0%	0.0%
No entry	0	0	0	0.0%	0.0%
Total Officers	79	72	-5		

Age of Officers	2014	2015	Variance	Total Percentage of Force Used in 2014	Total Percent of Force Used in 2015
20 to 29	31	40	+9	39.2%	54.7%
30 to 39	19	20	+1	24.1%	27.3%
40 to 49	21	7	-13	26.6%	10.9%
50 and up	8	5	-3	10.1%	6.8%
Total Officers	79	72	-7		

Gender of Officers	2014	2015	Variance	Total Percentage of Force Used in 2014	Total Percent of Force Used in 2015
Female	6	8	+2	7.6%	12.3%
Male	73	64	-7	92.4%	88.8%

Total Number of Injuries

	2014	2015	Variance
Suspect	31	25	-6
Officer	1	2	+1
Both	10	11	+1
None	11	9	-2
Animals	1	0	-1

Use of Force Investigative Dispositions

	Exonerated	Sustained	Active	VOTC*	Not Sustained	Unfounded
Number of UOF Investigations	32	1	2	9	1	1
Percentage of all UOF Investigations	70.2%	2.1%	6.3%	19.1%	2.1%	2.1%

* In all VOTCs, the officers were exonerated for the UOF but other violations were found.

Violations Other Than Complaint (VOTC) included:

- Two Written Warnings
- One Written Reprimand
- Two Suspensions
- One Consideration for Dismissal (COD)

UOF Analysis / Recommendations

Based on the systematic analysis of FPD data regarding UOF, IAU recommends the following steps be taken in order to continue moving in the right direction and to avoid potential problematic patterns:

- Continue de-escalation training and identification of pre-assaultive behavior.
- Increase Reality Based training (RBT) beyond shoot/don't shoot scenarios. Scenarios should include utilizing de-escalation techniques to prevent situations from rising to a deadly force situation.
- Make changes to policies and practices as recommended by the DOJ Collaborative Reform Initiative Assessment Report.

**Changes to the UOF policies have already been made based on the DOJ report. Warning shots are no longer authorized and shooting at moving vehicles is now forbidden by policy.

Departmental Investigations

Departmental Investigations are typically generated by the individual supervisors within the FPD and are usually in response to an employee's performance and/or issues involving unsatisfactory types of conduct.

In 2015, a total of fifty six Departmental Investigations were conducted; a decrease of six when compared to 2014. IAU sees no significant trends with regards to departmental investigations.

Allegations	2014	2015	Variance	2015 Percent Totals
Unsatisfactory Performance	21	14	-7	25%
Reporting for Duty	4	4	0	0.0%
Disobedience of Order / Insubordination	3	1	-2	1.7%
Unbecoming Conduct	6	4	-2	7.14%
Violation of Law	4	2	-2	3.5%
Failure to Appear (Court)	0	3	+3	5.36%
Courtesy	0	1	+1	1.7%
Department Records / Citation	2	3	+1	5.3%
Neglect of Duty	4	3	-1	5.3%
Unauthorized Persons in Vehicle	1	0	-1	0.0%
Vehicle Operations	4	3	-1	5.3%
Operating Procedure	0	3	+3	5.3%
Litigation	1	0	-1	0.0%
Violation of Policy	0	1	+1	1.7%
Truthfulness & Cooperation	2	0	-2	0.0%
Conduct	2	4	+2	7.1%
Fail to Qualify	0	9	+9	16.0%
Loss or Damage to City Equipment	1	0	-1	0.0%
Injury While in Custody	1	0	-1	0.0%
Failure to Secure a Prisoner	1	1	0	1.7%
VOTC	1	2	+1	3.5%
Total	62	56		-9.6% decrease

Dispositions	2014	2015	Variance	2015 Percent Totals
Exonerated	1	0	-1	0.0%
Sustained	39	42	+3	75%
Unfounded	0	2	+2	3.5%
Not Sustained	1	2	+1	3.5%
VOTC	0	0	0	0.0%
Open / No Final Action	5	10	+5	17.8%
TOTAL	46	56	+10	

Sustained - Disciplinary Actions	2014	2015	Variance	Percent Total
Corrective Action / PM5	3	9	+6	+200%
Written Warning	4	6	+2	+50%
Written Reprimand	12	12	0	0%
Suspension	14	12	-2	-14.2%
Consideration of Dismissal / Terminated	6	3	-3	-50%
TOTAL	39	42	+3	+7.6

The breakdown of Considerations for Dismissal (COD) included:

- Two sworn officers
- One Civilian

The IAU continues to recommend that supervisory staff seek to identify specific policies to cite as violations and reserve Unsatisfactory Performance for incidents that involve an overall breakdown in conduct or the totality of the circumstances surrounding why the investigation was initiated was overwhelmingly egregious.

Citizen Complaints/Positive Compliments

The FPD accepts complaints or compliments in several different fashions including: In-person, by letter, via third party, emails, telephone, Facebook, Twitter, and through the department website.

During 2015, the FPD received fifty six citizen complaints compared to sixty two received in 2014.

Allegations	Active	Sustained	No Violations	Unfounded	Not Sustained	VOTC	Exonerated	2014	2015	Variance	% Change
Abuse of Position	0	2	0	0	0	0	0	0	2	+2	+2.2%
Unsatisfactory Performance	0	0	0	2	0	0	0	2	2	-0	0.0%
Rudeness	2	1	0	3	1	0	1	1	8	+7	+70%
Unbecoming Conduct	1	2	0	4	1	0	0	7	8	+1	+14.2%
Neglect of Duty	0	1	0	3	0	0	1	6	5	-1	-16.6%
Conduct (Professional Image)	0	1	0	1	0	0	1	6	3	-3	-50%
Operating Procedures	1	5	0	2	0	0	2	13	10	+3	-23.0%
General Order	0	2	0	0	0	0	0	2	2	0	0.0%
Illegal Search & Seizure	1	1	0	0	0	0	0	7	2	-5	-71.4%
Courtesy	0	1	0	2	0	0	1	4	4	0	0.0%
Records and Reports	0	0	0	0	0	0	0	7	0	+7	-100%
Excessive Force	0	0	0	1	0	0	0	2	1	-1	-50%
Biased Policing	0	0	0	5	0	3	1	5	9	+4	+80%
TOTAL	5	16	0	23	2	3	7	62	56	-6	-9.6%

Positive Compliments

The FPD also accepts positive compliments about its officers in the same manner in which it accepts complaints. In 2015, the FPD began entering all positive compliments into the “Blue Team” internal investigative software for tracking purposes. The FPD received sixty five positive compliments in 2015.

Biased Policing

There were nine complaints of allegations regarding Biased Based Policing. FPD’s Complaint Procedure (General Order 3.2) indicates that supervisors are required to complete a Citizen Contact and/or Citizen Complaint whenever anyone files a complaint and there is a race based

nexus included in the allegation(s). All nine were the result of traffic stops and/or involved field contacts. The following dispositions were given in regards to the aforementioned incidents:

- Five (5) were **unfounded**
- Three (3) were considered **VOTC**
- One (1) was **exonerated**

Excessive Force

Any allegation of excessive force automatically results in an internal investigation with a full Chain of Command review. Excessive force investigations can stem from a citizen's complaint or the Chain of Command can, and has, identified situations where they feel the force used was excessive. In 2015 there was one excessive force situation. The following disposition was given in regards to the aforementioned incident:

- One case was deemed unfounded

Citizen Complaint Analysis / Recommendations

Based on the systematic analysis of FPD data regarding Citizen Complaints, specifically Biased Based Policing and Excessive Force Complaints, the IAU recommends the following steps be taken to avoid potential problematic patterns:

- Continue to stress the importance of professionalism when dealing with the public.
- Continue department wide training regarding de-escalation tactics.
- Continue with current minority sensitivity training.
- Continue with community programs which promote citizen interaction.

The IAU does not recommend any changes to the current Biased Based Policing policy.

Vehicle Pursuits

In 2015, the FPD was involved in twenty four vehicle pursuits; eight more than the sixteen reported in 2014. Of the twenty four pursuits in 2015, nine were deemed to have been conducted in accordance with policy, twelve were found to be in violation and three cases remain open.

Below is the raw data regarding vehicle pursuits:

Reason for Pursuit	2014 Count	2015 Count	Variance	2015 Percent Totals
Careless & Reckless	1	0	-1	0.0%
DWI	1	1	0	4.3%
DWI & C&R	0	3	+3	13.0%

DWI / AOGO	1	0	-1	0.0%
Felony	11	17	+6	73.9%
Other	1	2	+1	8.6%
Violent Misdemeanor	0	1	+1	4.1%
EMU Bracelet	1	0	-1	0.0%
Total Pursuits	16	24	+8	+50%

Pursuits Within Policy	2014 Count	2015 Count	Variance	2015 Percent Totals
No	3	12	+9	50%
Yes	13	9	-3	37.5%
Pending (Open)	0	3		

Dispositions	2015	Percentage Total
Exonerated	9	37.5%
Sustained	12	50%
Unfounded	0	0.0%
Not Sustained	0	0.0%
VOTC	0	0.0%
Open / No Final Action	3	12.5%
TOTAL	24	

Vehicle Pursuit Analysis/Recommendations

Based on the 2015 Bi-annual report, the IAU recommended changes to the pursuit policy (GO 4.2.5) restricting pursuits to cases in which a suspect has committed or is attempting to commit a crime that is dangerous to human life and/or when there is a need to apprehend the suspect because of the potential danger posed to the public if the suspect is not apprehended immediately. This change was approved and put into effect on September 1, 2015. There are no other recommendations at this time.

Vehicle Crashes

In 2015, FPD officers were involved in a total of eighty one vehicle crashes where they were occupying and/or operating their assigned vehicles.

The forty four at-fault crashes our officers were involved with continue to involve the backing of a patrol car. Still, backing crashes represent 28.2% of all FPD at-fault crashes occurring in 2015.

Below is the raw data regarding vehicle crashes:

Employee Fault	2014 Count	2015 Count	Variance	2015 Percent Totals
No	41	37	-4	45.6%
Yes	40	44	+4	54.3%
Total Crashes	81	81	0	

Cause of Crash when FPD at-Fault	2014 Count	2015 Count	Variance	2015 Percent Totals
Fail to Yield	2	1	-1	2.1%
Fail to Reduce Speed	10	5	-5	10.8%
Improper Turn	4	4	0	8.7%
Improper Backing	12	13	+1	28.2%
Inattention	4	4	0	8.7%
Red light / Stop sign	3	2	-1	4.3%
Lane Change	0	3	+3	6.5%
Exceed Safe Speed	2	1	-1	2.1%
Over corrected	1	0	-1	0.0%
Sideswipe	1	2	+1	4.3%
Road conditions	0	1	+1	2.1%
Improper Parking	1	10	+9	21.7%
Total	40	46	+4	

Estimated Damage	2014 Count	2015 Count
City	\$92,953.00	\$87,208.00
Other	\$60,245.00	\$54,820.00
Total	\$153,198.00	\$229,236.00

Dispositions	2015	Percentage Total
Exonerated	27	33.3%
Sustained	46	56.79%
Unfounded	0	0.0%
Not Sustained	2	2.47%
VOTC	1	1.2%
Open / No Final Action	5	6.1%
TOTAL	81	

Employee Injury	2014 Count	2015 Count	Variance	2015 Percent Totals
No	75	76	+1	93.8%

Yes	6	5	-1	6.1%
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Non-Employee Injury	2014 Count	2015 Count	Variance	2015 Percent Totals
No	46	73	+27	90.1%
Yes	7	3	-4	3.7%
Unknown	3	5	+2	6.1%
N/A	25	0	-25	0.0%

Crash Month	2014 Count	2015 Count	Percentage Total
December (2014)	8	5	6.1%
January	6	9	11.1%
February	5	4	4.9%
March	6	10	12.3%
April	8	10	12.3%
May	3	5	6.1%
June	6	4	4.9%
July	7	4	4.9%
August	9	8	9.8%
September	7	7	8.6%
October	8	5	6.1%
November	4	7	8.6%
December	8	3	3.7%

Summary of Vehicle Crash Data:

The overall number of crashes in 2015 involving FPD is the same as 2014, eighty one. Crashes involving backing and parking continue to be the highest categories. IAU recommends that all newly purchased vehicles be equipped with backup sensors and/or backup cameras.

Quality Reviews

Quality Reviews are considered to be inquiries that stop short of being an internal investigation. Supervisors and IAU often complete Quality Reviews for the purposes of documenting incidents or occurrences which could lead to liability for the City or agency. An example of when a quality review might be completed would be when an officer's vehicle is struck while unoccupied. In 2015, a total of twenty four Quality Reviews were completed.

Below is the raw data regarding Quality Reviews:

Purpose of Review	2014 Totals	2015 Totals
Misplaced Money	0	0
Vehicle Crash*	11	13
Unbecoming Conduct	2	1

Use of Force History	2	2
Motor Vehicle Offense	2	0
Complaint Procedure	0	1
Violation of Policy	0	1
Fail to Qualify	0	1
Injured Subject While Fleeing	1	2
Damage / Loss to City Property	1	0
Unsatisfactory Performance	1	3
Chief Assigned – Failure to Perform	0	0
Total Quality Reviews	20	24

*All City Vehicles were unoccupied or not in operation at the time of the collision.

Early Intervention System (Alerts)

The FPD's Early Intervention (EI) System appears to be functioning as intended. All thresholds remain the same as in 2014 and supervisors are notified when an Alert has been generated on an officer. Currently, the thresholds for each type of incident are as follows:

- Citizen Complaint 3 per 12 months
- Departmental 3 per 12 months
- Excessive Force Allegation 3 per 12 months
- Use of Force 3 per 12 months
- Vehicle Pursuit 3 per 12 months
- Vehicle Crash 2 per 12 months
- Overall Threshold Any combination of 4 incidents per 12 months

In 2015, the FPD's IA Pro software generated thirty five Alerts on twenty-five different officers. Of the Alerts generated, one overall Alert resulted in Command and Supervisory Staff making recommendations regarding a pattern of behavior. Those recommendations included:

- Additional Training - Although the officer was justified in all of the use of force cases which triggered the alert, staff identified and recognized that steps could have been taken to diffuse the situations and force may have been avoided. A recommendation was made suggesting the officer attend additional CIT and Verbal Judo training.

Early Warning System Analysis / Recommendations

The IAU does not recommend any changes be made to the Early Intervention System (Alert) policy. It would appear the EI System is functioning as intended and is identifying those officers who may be demonstrating problematic behaviors.

LTP