



January 12, 2017

MEMORANDUM

TO: Anthony D. Kelly, Interim Chief of Police
FROM: Lars T. Paul, Captain of Internal Affairs
SUBJECT: 2016 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

Shelia Washington

Kellie Berg

Office Assistant II

Samantha McGill

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, 2016, the Fayetteville Police Department (FPD) Internal Affairs Unit (IAU) processed two hundred ninety-four (294) cases of various categories: Use of Force, Departmental Investigations, Citizen Complaints, Vehicle Pursuits and Vehicles Crashes for 2016.

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

Investigative Category	2013*	2014	2015	2016	Variance from 2015	Percentage
Use of Force Incidents	103	52	46	55	+9	+19.57%
Departmental Investigations	37	62	56	88	+32	+57.14%
Citizen Complaints	13	62	56	28	-28	-50%
Vehicle Crashes	62	81	81	109	-28	+34.57%
Vehicle Pursuits	18	16	24	12	-12	-50%
Firearms Discharge	4	2	0	2*	+2	+200%

*One Firearm Discharge was for an aggressive canine

****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 was resumed in **2015** with a total of (44) officers pointing their weapon in (34) incidents. In **2016**, total of (63) officers pointed their weapons in (45) incidents.

Use of Force (UOF) Investigations

The FPD saw an increase in the overall number of Use of Force (UOF) incidents. In 2016 FPD investigated fifty-seven UOF incidents verses the forty-six reported in 2015. This constitutes a

23.9% increase when compared to the previous year. Also noteworthy is the increase in the number of firearms discharges from 0 to 2.

Below you will find the raw data regarding UOF Investigations.

	2015	2016	Variance	Percent Change
Total Number of UOF Incidents	46	57	+11	+23.91%
Total Number of People	46	57	+11	+23.91%

2015-2016 Comparison of Race / Gender / Force Type

Type of Force	B/M	W/M	B/F	W/F	H/M	H/F	OTHER	2015	2016	Variance	Percentage Change
Taser	10	4	4		1			23	19	-4	-17.39%
Taser plus another force	7	1		1				1	9	+8	+800%
Hands	18	2	2				1	22	23	+1	+4.55%
Firearm Discharge (Suspect)	1						1*	0	2	+2	+200%
Multiple Force (No taser)	2			1				0	3	+3	+300%
O/C Pepperspray								1	0	-1	-100%
Asp								0	0	0	0%
K-9 Bite	1							0	1	+1	+100%
Total Number of People Force Used	39	7	6	2	1		2	46	57	+11	+23.91%
Total Percentage of Force Used	68.4%	12.3%	10.5%	3.5%	1.8%	0%	3.5%				

*Firearm Discharge "Other" is an aggressive canine, not a human suspect.

Demographics of Involved Citizens

Age	B/M	W/M	B/F	W/F	H/M	H/F	Other	Totals	Percentage
Less than 18	6							6	10.7%
18-25	9	1	2	1				13	23.2%
26-35	15	2	1		1		1	19	33.9%
36-45	6	2	2					10	17.9%
46-55	2	1		1				4	7.1%
56-65	1	1						2	3.6%
Over 65			1					1	1.8%
Totals	38	7	6	2	1		1	56*	
Percentage	67.9%	12.5%	10.7%	3.6%	1.8%	0%	1.8%		

*One UOF is a Firearm Discharge for an aggressive canine for which no race/gender/age statistics are present)

Police Officer Demographics Who Used Force

Officer Race	2015	2016	Variance	Total Percentage of Force Used in 2015	Total Percent of Force Used in 2016
White	60	61	+1	83.3%	77.2%
Black	6	9	+3	8.2%	11.4%

Hispanic	3	5	+2	4.1%	6.3%
Native American	1	2	+1	1.3%	2.5%
Asian	2	2	0	2.7%	2.5%
Other	0	0	0	0.0%	0.0%
No entry	0	0	0	0.0%	0.0%
Total Officers	72	79	+7		

Age of Officers	2015	2016	Variance	Total Percentage of Force Used in 2015	Total Percent of Force Used in 2016
20 to 29	40	41	+1	55.5%	51.9%
30 to 39	20	24	+4	27.8%	30.4%
40 to 49	7	9	+2	9.7%	11.4%
50 and up	5	5	0	6.9%	6.3%
Total Officers	72	79	+7		

Gender of Officers	2015	2016	Variance	Total Percentage of Force Used in 2015	Total Percent of Force Used in 2016
Female	8	11	+3	12.3%	13.9%
Male	64	68	+4	88.8%	86.1%

Total Number of Injuries

	2015	2016	Variance
Suspect	25	25	0
Officer	2	2	0
Both	11	13	+2
None	9	17	+8
Animals	0	1	+1

Use of Force Investigative Dispositions

	Exonerated	Sustained	Active	VOTC*	Not Sustained	Unfounded
Number of UOF Investigations	34	7	10	3	0	3
Percentage of all UOF Investigations	59.6%	12.3%	17.5%	5.3%	0%	5.3%

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

Violations Other Than Complaint (VOTC) included:

- Three (3) Squad Level Corrective Actions (PM5)

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.

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 2016, a total of eighty-eight Departmental Investigations were conducted; an increase of thirty-two when compared to 2015. IAU sees no significant trends with regards to departmental investigations.

Allegations	2015	2016	Variance	2016 Percent Totals
Unsatisfactory Performance	14	13	-1	14.87%
Reporting for Duty	4	1	-3	1.1%
Disobedience of Order / Insubordination	1	0	-1	0.0%
Unbecoming Conduct	4	1	-3	1.1%
Violation of Law	2	12	+10	13.6%
Failure to Appear (Court)	3	2	-1	2.3%
Courtesy	1	0	-1	0.0%
Department Records / Citation	3	0	-3	0.0%
Neglect of Duty	3	3	0	3.4%
Unauthorized Persons in Vehicle	0	0	0	0.0%
Vehicle Operations	3	11	+8	12.5%
Operating Procedure	3	8	+5	9.1%
Litigation	0	0	0	0.0%
Violation of Policy	1	5	+4	5.7%
Truthfulness & Cooperation	0	2	+2	2.3%
Conduct	4	2	-2	2.3%
Fail to Qualify	9	6	-3	6.8%
Loss or Damage to City Equipment	0	2	+2	2.3%
Injury While in Custody	0	0	0	0.0%
Failure to Secure a Prisoner	1	0	-1	0.0%
VOTC	2	0	-2	0.0%
Body Worn Camera	-	9	+9	10.2%
Citizen Complaint	-	2	+2	2.3%
Divulge of Departmental Business	-	1	+1	1.1%
Escape from Custody	-	1	+1	1.1%
Absence from Work	-	2	+2	2.3%
Case Management System	-	1	+1	1.1%
Recording and Transmitting Devices	-	1	+1	1.1%
Failure to Secure Prisoner	-	1	+1	1.1%
Self-Assigned Police Action	-	2	+2	2.3%
Total	56	88	+32	

*VOTC is not reflected in 2016 Departmentals as all VOTC's have their own listed allegation.

Dispositions	2015	2016	Variance	2016 Percent Totals
Exonerated	0	1	+1	1.1%
Sustained	42	71	+29	80.7%
Unfounded	2	4	+2	4.5%
Not Sustained	2	0	-2	0%
VOTC	0	0	0	0%
Open / No Final Action	10	12	+2	13.6%
TOTAL	56	88	+32	

Sustained - Disciplinary Actions	2015	2016	Variance	Percent Total
Corrective Action / PM5	9	14	+5	19.7%
Written Warning	6	9	+3	12.7%
Written Reprimand	12	17	+5	23.9%
Suspension	12	23	+11	32.4%
Consideration of Dismissal / Terminated	3	6	+3	8.5%
Demotion	-	2	+2	2.8%
TOTAL	42	71	+29	

The breakdown of Considerations for Dismissal (COD) included:

- Three officers
- Three 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 2016, the FPD received twenty-eight citizen complaints compared to fifty-six received in 2015.

Allegations	Active	Sustained	No Violations	Unfounded	Not Sustained	VOTC	Exonerated	2015	2016	Variance +/-	% Change
Abuse of Position	1		1	1				2	3	+1	+50%
Unsatisfactory Performance		1						2	1	-1	-50%
Rudeness		1		3				8	4	-4	-50%

Unbecoming Conduct	1			1			1	8	3	-5	-62.5%
Neglect of Duty		2	1					5	3	-2	-40%
Conduct (Professional Image)		1	1	1			1	3	4	+1	+33.3%
Operating Procedures								10	0	-10	-100%
General Order								2	0	-2	-100%
Illegal Search & Seizure				1				2	1	-1	-50%
Courtesy			1	1				4	2	-2	-50%
Records and Reports								0	0	0	0%
Excessive Force				1			1	1	2	+1	+50%
Biased Policing			4				1	9	5	-4	-44.4%
TOTAL	2	5	8	9	0	0	4	56	28	-28	-50%

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 eighty-seven positive compliments in 2016, an increase of twenty-two over the sixty-five received in 2015.

Biased Policing

There were five 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). The following dispositions were given in regards to the aforementioned incidents:

- Four (4) were **unfounded**
- 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 2016 there were ten excessive force situations. The following dispositions were given in regards to the aforementioned incident:

- Four (4) cases were deemed unfounded
- Four (4) cases were deemed exonerated
- One (1) case was deemed not sustained
- One (1) case was deemed no violations

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 2016, the FPD was involved in twelve vehicle pursuits; twelve fewer than the twenty-four reported in 2015. Of the twelve pursuits in 2016, ten were deemed to have been conducted in accordance with policy, one was found to be in violation and one case remains open.

Below is the raw data regarding vehicle pursuits:

Reason for Pursuit	2015 Count	2016 Count	Variance +/-	2016 Percent Totals
Careless & Reckless	0	1	+1	8.33%
DWI	1	0	-1	0%
DWI & C&R	3	1	-2	8.33%
DWI / AOGO	0	0	0	0%
Felony	17	7	-10	58.3%
Other	2	3	+1	25%
Violent Misdemeanor	1	0	-1	0%
EMU Bracelet	0	0	0	0%
Total Pursuits	24	12	-12	-50%

Pursuits Within Policy	2015 Count	2016 Count	Variance	2016 Percent Totals
No	12	10	-2	83.3%
Yes	9	1	-8	8.3%
Pending (Open)	3	1	-2	8.3%

Dispositions	2016	Percentage Total
Exonerated	9	75.0%
Sustained	1	8.3%
Unfounded	1	8.3%
Not Sustained	0	0.0%
VOTC	1	8.3%
Open / No Final Action	0	0.0%
TOTAL	12	

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 2016, FPD officers were involved in a total of one hundred and nine vehicle crashes where they were occupying and/or operating their assigned vehicles.

The fifty-six at-fault crashes our officers were involved with continue to involve the backing of a patrol car. Still, backing crashes represent 14.7% of all FPD at-fault crashes occurring in 2016.

Below is the raw data regarding vehicle crashes:

Employee Fault	2015 Count	2016 Count	Variance	2016 Percent Totals
No	37	53	+16	48.6%
Yes	44	56	+12	51.4%
Total Crashes	81	109	+28	

Cause of Crash when FPD at-Fault	2015 Count	2016 Count	Variance +/-	2016 Percent Totals
Fail to Yield	1	2	+1	3.57%
Fail to Reduce Speed	5	8	+3	14.29%
Improper Turn	4	0	-4	0.0%
Improper Backing	13	16	+3	28.57%
Inattention	4	16	+12	28.57%
Red light / Stop sign	2	0	-2	0.0%
Lane Change	3	2	-1	3.57%
Exceed Safe Speed	1	0	-1	0.0%
Over corrected	0	2	+2	3.57%
Sideswipe	2	0	-2	0.0%
Road conditions	1	0	-1	0.0%
Improper Parking	10	2	-8	3.57%
Crossed Centerline	*	1	+1	1.79%

Failure to Clear Intersection	*	1	+1	1.79%
Followed too closely	*	3	+3	5.36%
Ran off Road	*	2	+2	3.57%
Visibility Obstructed	*	1	+1	1.79%
Total		46	56	+10

*Not a category used in 2015

Estimated Damage	2015 Count	2016 Count
City	\$87,208.00	\$115,419.00
Other	\$54,820.00	\$90,800.00
Total	\$229,236.00	\$206,219.00

*Damages from IPro/Blue Team Entries

Dispositions	2016	Percentage Total
Exonerated	40	36.7%
Sustained	51	46.8%
Unfounded	0	0%
Not Sustained	0	0%
VOTC	2	1.8%
Open / No Final Action	16	14.7%
TOTAL	109	

Employee Injury	2015 Count	2016 Count	Variance	2016 Percent Totals
No	76	102	+26	93.6%
Yes	5	7	+2	6.4%

Non-Employee Injury	2015 Count	2016 Count	Variance	2016 Percent Totals
No	73	101	+28	92.7%
Yes	3	8	+5	7.3%
Unknown	5	0	-5	0.0%
N/A	0	0	0	0.0%

Crash Month	2015 Count	2016 Count	Percentage Total
December (previous year)	5	0	0.0%
January	9	1	0.92%
February	4	9	8.26%
March	10	12	11.01%
April	10	10	9.17%
May	5	6	5.50%
June	4	13	11.93%
July	4	12	11.01%
August	8	11	10.09%

September	7	10	9.17%
October	5	12	11.01%
November	7	6	5.50%
December	3	7	6.42%

Summary of Vehicle Crash Data:

The overall number of crashes in 2016 involving FPD is the one hundred and nine, an increase of twenty-eight over 2015. Crashes involving backing continue to be the highest categories. However, Inattention is the second highest category. 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 2016, a total of twenty-nine Quality Reviews were completed.

Below is the raw data regarding Quality Reviews:

Purpose of Review	2015 Totals	2016 Totals
Vehicle Crash*	13	9
Unbecoming Conduct	1	2
Use of Force History	2	0
Complaint Procedure	1	0
Mentally Ill subject (Hearing voices)	**	1
Civil Case (Documentation only)	**	1
Unfounded complaint from prisoner	**	1
Complaint on departmental program (not officer)	**	1
Citizen Complaint	**	2
Violation of Policy	1	0
Fail to Qualify	1	0
Injured Subject (While Fleeing)	2	5
Damage / Loss to City Property	0	1
Unsatisfactory Performance	3	0
Assault	**	2
Court Appearance, Statement, Testimony	**	1
Emergency Commitment	**	1
Firearm Discharge	**	1
Rudeness	**	1
Total Quality Reviews	24	29

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

**Category not used in previous years' annual report

Early Intervention System (Alerts)

The FPD's Early Intervention (EI) System appears to be functioning as intended. Supervisors are notified when an Alert has been generated on an officer. The overall Threshold was increased from 4 to 6 to allow for the new Pointing of a Weapon category. Currently, the thresholds for each type of incident are as follows:

- Citizen Complaint 3 per 12 months
- Departmental 3 per 12 months
- Pointing of a Weapon 3 per 12 months
- Firearm Discharge 2 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 6 incidents per 12 months

In 2016, the FPD's IA Pro software generated Fifteen Alerts on twelve different officers. Of the Alerts generated, five overall Alerts on two officers resulted in Command and Supervisory Staff making recommendations regarding a pattern of behavior. Those recommendations included:

- Additional Training – (Two Officers were ordered remedial drivers training for vehicle accidents)
- 10 hour suspension (One Officer was issued a 10 hour suspension for pattern)
- One officer's driving privileges were suspended
- One officer was fined for the violation

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

Do we want to consider a policy change for POW threshold for members of high risk units such as CCU and VCAT?