



**2008 INTERNAL AFFAIRS REPORT**

It is my pleasure to present to you the 2008 Annual CMPD Internal Affairs Report. The men and women of the CMPD are committed to providing the very best service possible and maintaining the high level of confidence this community has in us. Our Internal Affairs process plays an integral role in building and maintaining that trust.



In an effort to be as transparent and as proactive as possible, the Internal Affairs Bureau has created an annual report for citizens since 2003. Our hope is that this year's report will help you better understand the seriousness with which we approach citizen complaints and help build understanding about the processes we follow anytime an employee uses force, is involved in a motor vehicle accident, is injured, or is accused of misconduct. This report also will give you an overview of our 2008 activities and supply similar data from previous years for comparison.

I hope you will find the information in this report reassuring and helpful. I look forward to working with all members of our community as we work together to make this an even better and safer place to live, work and visit.

Sincerely,

Handwritten signature of Rodney D. Monroe in black ink.

Rodney D. Monroe

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# Charlotte-Mecklenburg Police Department Mission Statement

*The Charlotte-Mecklenburg Police Department will build problem-solving partnerships with our citizens to prevent the next crime and enhance the quality of life throughout our community, always treating people with fairness and respect.*

*We Value:*

- *Partnerships*
- *Open Communication*
- *Problem-solving*
- *People*
- *Our Employees*
- *Integrity*
- *Courtesy*
- *The Constitution of North Carolina*
- *The Constitution of The United States*

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## Charlotte-Mecklenburg Police Department Internal Affairs Bureau Mission Statement

*The Internal Affairs Bureau will preserve the public's trust and confidence in the Charlotte-Mecklenburg Police Department by conducting thorough and impartial investigations of alleged employee misconduct, by providing proactive measures to prevent such misconduct, and by always maintaining the highest standards of fairness and respect towards citizens and employees.*



## **Internal Affairs Bureau**

The Charlotte-Mecklenburg Police Department values the community it serves and the partnerships it has built through open communication and trust. The Internal Affairs Bureau 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 the rights of our employees are protected and all persons involved in an inquiry are treated with dignity and respect.

The Internal Affairs Bureau has several key functions. The bureau receives complaints against employees; investigates allegations of misconduct; reviews internal investigations conducted by field supervisors; facilitates the adjudication of complaints; and prepares and presents cases appealed to the Civil Service Board and the Citizen's Review Board.

The more serious allegations of employee misconduct are investigated by the Internal Affairs Bureau. Seven sergeants, one captain, one major, and two administrative staff oversee and manage the complaint process and report directly to the Office of the Chief of Police. Once complaints are thoroughly investigated, the facts are presented to the chain of command that supervises the employee against whom the allegations of misconduct have been levied. Many of these investigations result in a Chain of Command Review Board made up of supervisors and commanders in the employees' chain of command and a member of the City of Charlotte's Community Relations Committee. This board is normally chaired by the employee's Service Area major who acts on the authority of the Chief of Police. The board reviews the entire investigation and can question witnesses and the accused employee. At the conclusion of the board hearing the allegation is adjudicated and if appropriate, recommends corrective action. Internal Affairs investigates the allegation and presents its findings to the board, but does not have a role in the adjudication of charges.

The men and women who are assigned to the Internal Affairs Bureau take their responsibilities seriously and are dedicated to the unit's mission. The sergeants that comprise the unit's investigators apply internally for the position through a competitive process and are selected on their investigative skills, their ability to deal effectively with the public, and their commitment to both the department and the community we serve.

*"I applied to the Internal Affairs Bureau because I wanted to be a part of ensuring that our officers maintain only the highest level of integrity."* - Sgt. Chris Dozier

*"My reason for wanting to serve in IA was because of the unit's obvious commitment to maintaining the trust and confidence of our community"* – Sgt. Victoria Suarez

The Internal Affairs Staff are always willing to assist the public in addressing their concerns. Please feel free to contact any unit member with any questions you may have.

To learn more please visit [www.cmpd.org](http://www.cmpd.org). To read more about the role of Internal Affairs, click on “A-Z Services” and select [Internal Affairs Bureau](#). For a guide to the Charlotte-Mecklenburg Police Department Disciplinary Process, click on Services A-Z, Internal Affairs, and then [Internal Affairs Guidebook](#). For a complete list of the Rules of Conduct please go to “A-Z Services,” Directives, and then [200-001 APPENDIX A](#).

## **The Internal Affairs Staff**

### **Major**

*Tim Danchess*

### **Captain**

*Roslyn Maglione*

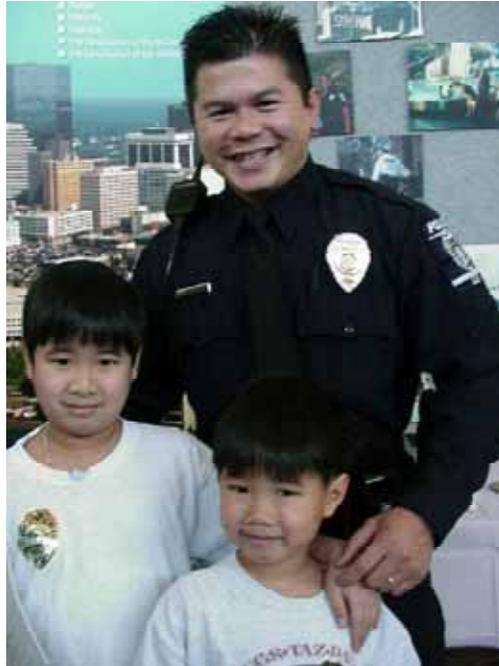
### **Sergeants**

*Rich Austin*  
*Gerenda Davis*  
*Chris Dozier*  
*Will Farrell*  
*Rico McIlwain*  
*Steve Murphy*  
*Victoria Suarez*



**CMPD Fact:** All CMPD Internal Affairs Sergeants are specifically trained to investigate citizen concerns. They all are also members of the National Internal Affairs Investigator’s Association. This organization provides training, leadership, and support for internal affairs investigators and administrators. Several of the Charlotte-Mecklenburg Police Department’s Internal Affairs administrators have served on the national board of the NIAIA. The CMPD is recognized as a national leader in internal affairs operations.

# The CMPD and Our Community



## The CMPD

- **Employees:** 2,085
  - **Sworn:** 1,640
  - **Civilian:** 445
- **Male:** 76 percent
- **Female:** 24 percent
- **Caucasian:** 77 percent
- **African-American:** 17 percent
- **Hispanic/Latino:** 3 percent
- **Asian/Pacific Islander:** 2 percent

## Our Community

- **Jurisdiction Size:** 438 square miles
- **Jurisdiction Population:** 765,766
- **Male:** 51 percent
- **Female:** 49 percent
- **Caucasian:** 64 percent
- **African-American:** 30 percent
- **Asian/Pacific Islander:** 4 percent
- **Other:** 2 percent

*Note: Approximately 11% of the above persons are of Hispanic or Latino origin.*

**Note:** Demographics of the jurisdiction population are estimates based on percentages from Census 2007 for the jurisdiction.

# Community Oversight

The Charlotte-Mecklenburg Police Department welcomes community oversight and strives to be transparent in its disciplinary process. Engaging members of the community in the disciplinary process serves to strengthen the public's trust of the CMPD, a vital underpinning of the police-community partnerships necessary to prevent and address crime, and to improve the quality of life in our community.

***Three different organizations provide oversight of issues brought to the Internal Affairs Bureau:***

## Community Relations Committee

The [Community Relations Committee](#) is a City of Charlotte Department, independent of the CMPD. A committee staff member participates in Chain of Command Board Review Hearings involving allegations of misconduct against officers and Shooting Review Boards, when the incident resulted in serious injury or death to a citizen. The Community Relations Committee representative is a fully involved member of the board and can review the entire case file, including all statements and physical evidence prior to the hearing. During the Chain of Command Review Board Hearing, the representative can question witnesses, accused employees and Internal Affairs investigators, and fully participate in the discussion, deliberation and final adjudication of the case. If the board finds that an employee violated a departmental policy, the Community Relations Committee representative fully participates in the subsequent discussions and recommendations for disciplinary action, ranging from a written reprimand to termination of employment.

## Civil Service Board

The [Civil Service Board](#) is made up of seven members (three appointed by the Mayor; four appointed by City Council). This community-based board reviews and has final authority over the hiring, promotion, demotion and termination of all sworn police officers through the rank of major. The board also hears officer-initiated appeals of disciplinary action that include any suspension without pay (imposed or deferred), demotions and all terminations of employment. Appeals of Civil Service Board decisions are limited to procedural matters and are heard in Mecklenburg County Superior Court.

## Citizens Review Board

To increase the department's level of accountability to the public, the [Citizens Review Board](#) (CRB) was created in September 1997. The CRB is comprised of eleven members (three appointed by the Mayor, five by the City Council and three by the City Manager). Like the Civil Service Board, the CRB is a community-based group that has the authority

to review certain types of actions taken by CMPD employees. The CRB reviews citizen appeals of departmental decisions in internal investigations involving:

- unbecoming conduct
- excessive use of force
- illegal arrest, search or seizure
- discharge of firearms resulting in personal injury or death

The CRB schedules a hearing to review an appeal by a complainant. During the hearing, the facts of the case are independently presented by both the appellant and the police department. If the CRB believes sufficient evidence exists to indicate the Chief of Police abused his discretionary powers, the CRB schedules a more extensive hearing where both sides have the opportunity to present their case in a formal setting. The formal hearing includes the presentation of evidence and witness testimony.

If after the full hearing the CRB determines that the Chief abused his discretion, the CRB makes a recommendation to the City Manager. The City Manager discusses the case with the Chief and makes a final disciplinary decision. If the CRB finds that the Chief did not abuse his authority, the appeal process ends.

In 2007, five cases were appealed to the CRB. In 2008, three cases were appealed. The CRB did not find that the Chief abused his discretion in any of those appeals.



**CMPD Fact:** *The CMPD was one of the first law enforcement agencies in the U.S. to implement a community-involved disciplinary process. The process used today has evolved from the department's first citizen review process implemented in 1968. The CMPD has set the standard for this citizen-based process.*

## **Meet William “Butch” Simmons**

*Mr. Simmons brings a much appreciated citizens’ perspective to CMPD Internal Affairs.*

William “Butch” Simmons does not like his job!

But he’s been doing it for 15 years and he does not expect to quit anytime soon because he knows its importance to our community.

Simmons works for the Charlotte-Mecklenburg Community Relations Committee, a city/county department that, among other things, works to develop trust and communication between police officers and citizens.

It is Simmons’ job to represent the community’s interest at CMPD Internal Affairs hearings. Those hearings are designed to identify inappropriate employee conduct and apply corrective action that will eliminate that behavior. He is the only non-police employee allowed to participate.



“Often the situations I’m involved with can effect somebody’s employment. We could make recommendations that could cause a person to lose their livelihood. If you have a heart, that is going to affect you,” he said.

“I once told a deputy chief, ‘If you find somebody who likes to do this, you need to get rid of them!’ I see it as a necessary situation to make sure things are done right. I do it because I hate to think about what this community would be like, or this department would be like if the internal review process was not in place.”

In addition to Simmons’ role at hearings, two all-civilian boards hear appeals to Internal Affairs decisions. Officers can appeal discipline decisions to the Civil Service Board; community members can appeal to the Citizen Review Board. Simmons says citizens have been involved in the city’s police complaint process for more than 40 years – longer than nearly any other city in the nation.

After Internal Affairs investigates a complaint against an officer or employee, Simmons reads everything in the extensive internal investigation packet. If a criminal investigation was conducted, he can read that file too. Then, Simmons participates in a CMPD Chain of Command Review Board process which convenes to determine whether or not the charges are substantiated.

During the board hearing, Simmons and the officer's chain of command (up through the rank of major) ask the officer and any witnesses questions. The major – after hearing recommendations from other board members – decides whether to unfound, sustain or not sustain the complaint or exonerate the officer. If the complaint is sustained, the major – again after hearing recommendations from other board members – determines the appropriate corrective action or discipline. Similar processes may be afforded to civilian employees, but are not required.

“I see my role as making sure nobody's interest is compromised – whether it's a citizen or an employee,” Simmons said. “I want to make sure that the investigations are complete and rules of conduct and departmental directives are applied evenly.”

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# Complaint Investigations

The Charlotte-Mecklenburg Police Department has a responsibility to prevent unethical and improper conduct among our employees, and to give them the very best preparation to make sound, appropriate, and respectable decisions.

The CMPD has more than 100 [Directives and Standard Operating Procedures](#) that establish policies for topics ranging from Use of Force to Towing Vehicles; however, to make internal discipline matters more clear, CMPD employees have 40 [Rules of Conduct](#) that must be followed. These rules cover the broader categories of behavior and performance expectations to which we hold all employees accountable.



*We recognize that despite our best efforts, there will be times when citizens, fellow employees or supervisors perceive an employee's behavior to be inappropriate and violate policy. When this occurs, staff uses a well-established process for receiving, investigating, and adjudication of complaints.*

Complaints about employee conduct are classified in two ways: internal or external. Internal complaints are generated by CMPD employees. External complaints originate from someone outside of the CMPD. The CMPD accepts complaints by telephone, in-person, written correspondence or e-mail. While the Internal Affairs Bureau would like to communicate effectively with complainants and assist them through the process, The Internal Affairs bureau investigates matters of significant concern to the community at large; while other allegations are investigated by a supervisor in the employee's chain of command. For details refer to [www.cmpd.org](http://www.cmpd.org) and select "Services A-Z," Directives and [200-001 Appendix A](#).

An investigation consists of interviews, statements and evidence gathering. After an investigation is complete, a case is reviewed by the employee's chain of command to determine a disposition. If any allegation is sustained by the chain of command, they will discuss and impose discipline consistent with the CMPD [disciplinary philosophy](#). [Internal Affairs](#) reviews every internal investigation for consistency with the disciplinary policy and philosophy, and works with the chain of command to resolve any inconsistencies.

[Affairs](#) reviews every internal investigation for consistency with the disciplinary policy and philosophy, and works with the chain of command to resolve any inconsistencies.

Upon disposition of a case, Internal Affairs mails a letter to the complainant to advise them their case has been thoroughly investigated and resolved. Except in cases appealable to the Citizens Review Board, a complainant is not notified of the disposition, but is informed that [North Carolina’s personnel privacy laws](#) prevent such disclosure. The CMPD makes every effort to investigate and adjudicate all complaints within 45 days from the time a complaint is made. However, there are circumstances, including case complexity and witness unavailability, which prevent this goal from being achieved in every instance.

The CMPD disciplinary process mandates the adjudication of complaint allegations by an employee’s supervisory chain of command. Internal Affairs Bureau personnel serve to advise the chain of command on the investigation and disciplinary process, but do not participate in determination of the final disposition. There are four ways an employee’s Chain of Command can adjudicate an allegation of misconduct:

**Sustained** – The investigation disclosed sufficient evidence to prove the allegation made in the complaint.

**Not Sustained** – The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.

**Exonerated** – The acts that provided the basis for the complaint or allegation, occurred but the investigation revealed that they were justified, lawful and proper.

**Unfounded** – The allegation is false. The incident never occurred or the employee was not involved in the incident, or the investigation conclusively proved that the employee’s alleged act or actions that would constitute misconduct never took place.

In 2008, fewer complaints were filed than in the previous year. There was a slightly lower number of internal complaints sustained. **Table 1** compares the total number of complaints received during 2007 to 2008 and the number of those complaints that concluded in a sustained disposition.

Complaint Events and Sustained Complaints						
	2007		2008		Change	
<b>External Complaint Events</b>	121	38	72	50	-40.5%	+31.5%
<b>Internal Complaint Events</b>	192	191	136	170	-29.2%	-10.0%
<b>Total</b>	313	229	208	220	-33.5%	-4.0%

Table 1

**Table 2** compares complaints received by citizens to calls for service and arrests. The number of external complaints dropped from 2007 to 2008 when compared with the number of calls for service officers handled.

<b>Complaints by Citizen Calls for Service and Arrests</b>				
	<b>2007</b>	<b>Rate</b>	<b>2008</b>	<b>Rate</b>
<b>External Complaints</b>	121	N/A	72	N/A
<b>Citizen Calls for Service</b>	403,901	3 per 10,000	395,718	2 per 10,000
<b>Total Arrests</b>	28,161	43 per 10,000	28,533	25 per 10,000

Table 2

**Table 3** identifies the rules of conduct that account for the majority of all misconduct allegations. There are more misconduct allegations than complaints because an officer can be accused of violating multiple rules in connection with a single complaint and more than one officer can be accused of misconduct in the same complaint. Each officer and each misconduct accusation is counted in the table. The total number of alleged violations (350) was down in 2008 with significant drops in several categories including excessive use of force which were up 5.4 percent in 2007. Use of force allegations have shown a marked 4 percent decreases since 2007. (In 2007, the total use of force events were up 27 percent, however, the increase is not indicative of an increase in use of excessive force but simply reflected the overall increase in the number of force incidents). Part of the reason for the decrease in use of force complaints in 2008 is that overall use of force incidents were down 11 percent.

<b>Most Common Alleged Rule of Conduct Violations</b>							
	<b>2007</b>			<b>2008</b>			<b>% Change</b>
	External	Internal	Total	External	Internal	Total	
<b>Violation of Rules</b>	4	61	65	8	20	28	-56.9%
<b>Unbecoming Conduct</b>	34	15	49	12	26	38	-22.4%
<b>Absence From Duty</b>	3	42	45	0	26	26	-42.3%
<b>Neglect of Duty</b>	7	18	25	11	19	30	20%
<b>Conformance To Laws</b>	13	14	27	12	14	26	-3.8%
<b>Courtesy</b>	40	6	46	27	6	33	-28.3%
<b>Excessive Use of Force</b>	68	10	78	25	17	42	-46.2%
<b>Arrest, Search and Seizure</b>	32	5	37	24	6	30	-19%
<b>Pursuit Driving</b>	0	17	17	0	21	21	23.5%

Table 3

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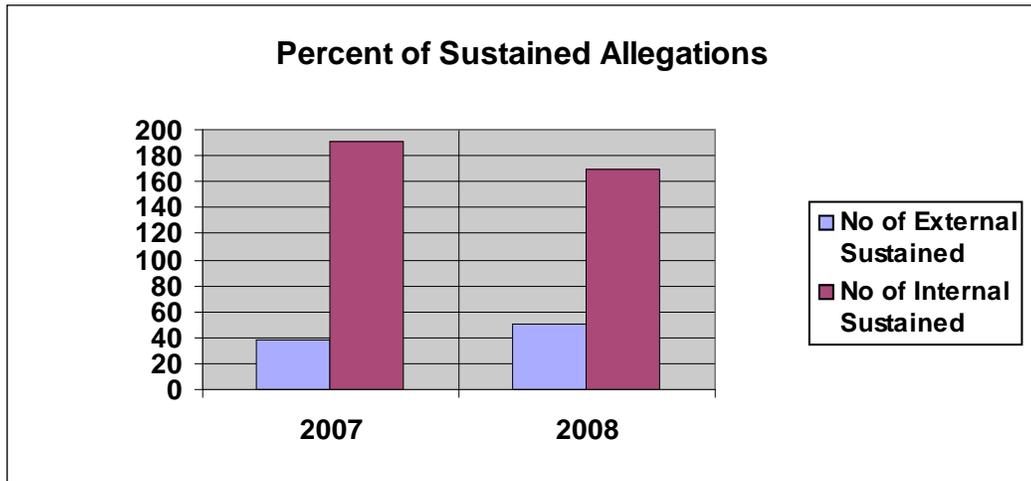
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**CMPD Fact:** *Internal complaints are sustained more often than external complaints because internal complaints are generated by CMPD employees who are familiar with the Rules of Conduct and other regulations. Internal complaints are often filed by an employee's supervisor, but can be filed by anyone within the CMPD.*

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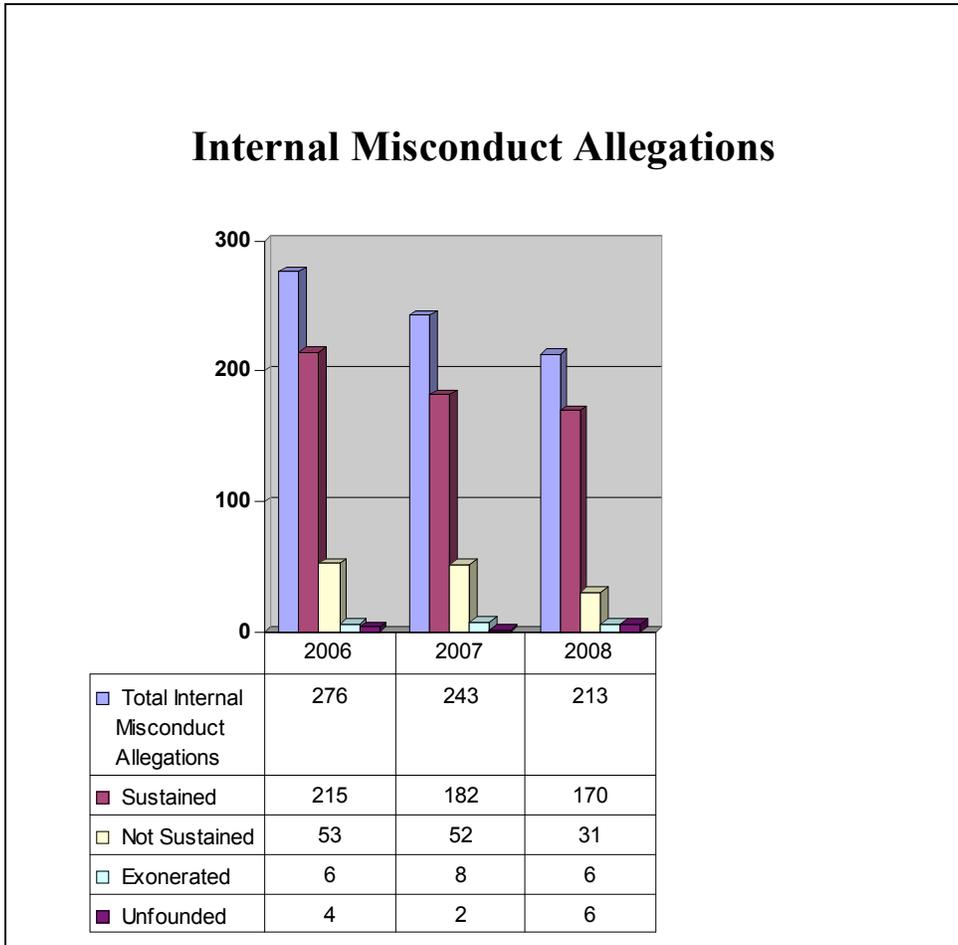
**Chart 1** shows the number of sustained internal allegations in 2008 compared to the previous year. As the chart shows, the number of external **sustained** allegations rose from 38 to 50. Internal sustained allegations have dropped however, from 191 to 170. .



**Chart 1**



As the chart below indicates, CMPD employees place high value on integrity. As a result, internal complaints account for the majority of misconduct allegations (61 percent). **Chart 2** displays the adjudication categories for employees accused of misconduct resulting from internal complaints. In 2008 the CMPD experienced a 6.6 percent decrease in internal allegations resulting in a sustained disposition. Absence from duty cases account for most of the increase.

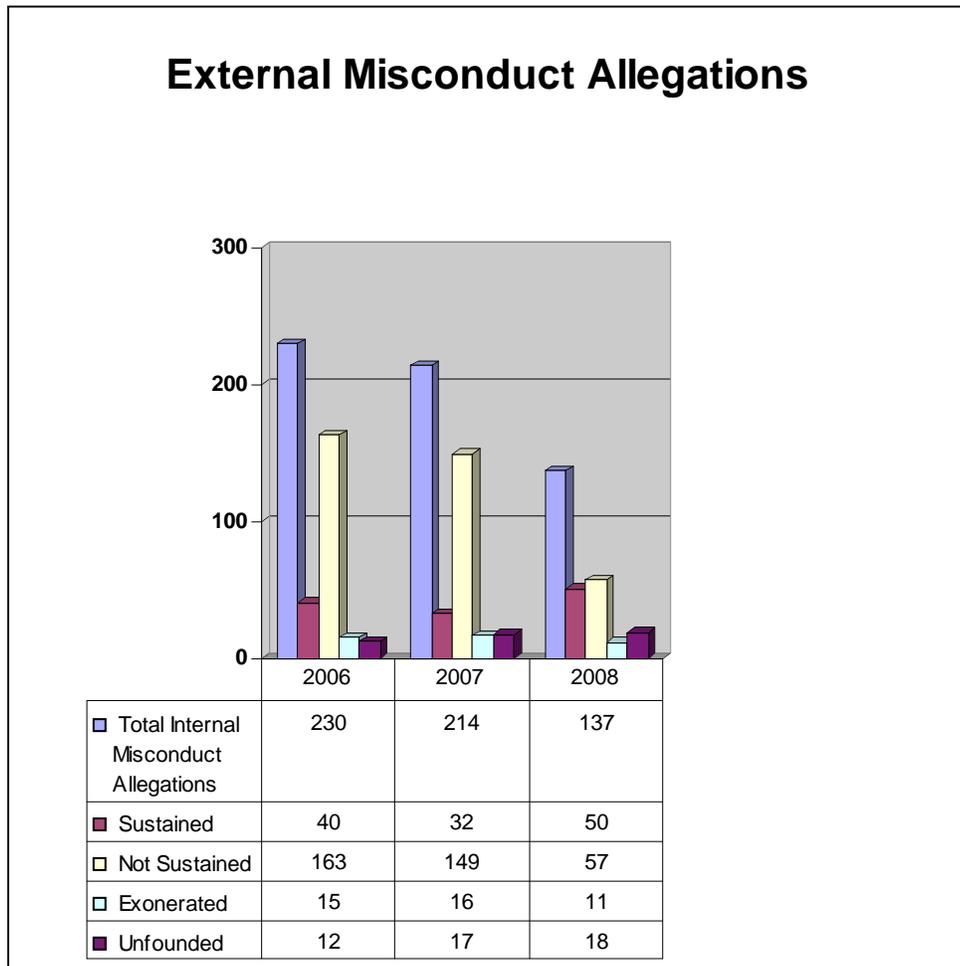


**Chart 2**

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**CMPD Fact:** *The number of absence from duty cases often increases in years where the entire department is scheduled for mandatory on-site training at the police academy. For instance, an employee may show up for line duty when, in fact, they were scheduled to be at training. This would show up as an absence from duty allegation. In most cases, the officer would work his or her shift and then report for training on an alternate day as directed by the employee's supervisor. A large portion of these types of internal allegations also are from missing court. The CMPD takes very seriously officer's duties to the court system and is pro-active in discipline when an officer fails to attend court whenever subpoenaed.*

**Chart 3** displays allegations resulting from external complaints and the dispositions for the last two years. Both the number of external misconduct allegations and the percentage of those allegations that were sustained were proportionately smaller compared to 2008.



**Chart 3**

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Oftentimes citizens ask what will happen with an officer as a result of a sustained complaint or rule of conduct violation. The following section explains the CMPD Disciplinary Philosophy and how the department addresses sustained allegations against employees. The CMPD has a process that is both fair to the public and the employee.

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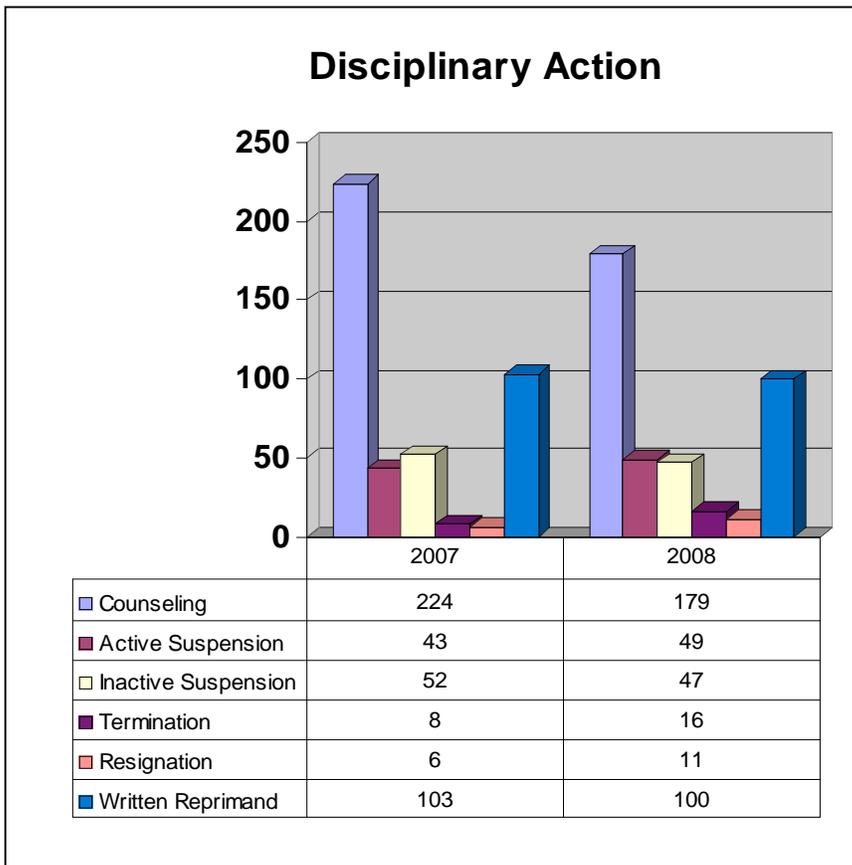
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## Disciplinary Action

The goal of the department is to apply progressive disciplinary action to ensure misconduct will not recur. Disciplinary action can range from counseling to a recommendation for employee termination. In many cases, employees also receive additional training in the subject areas where violations occur.

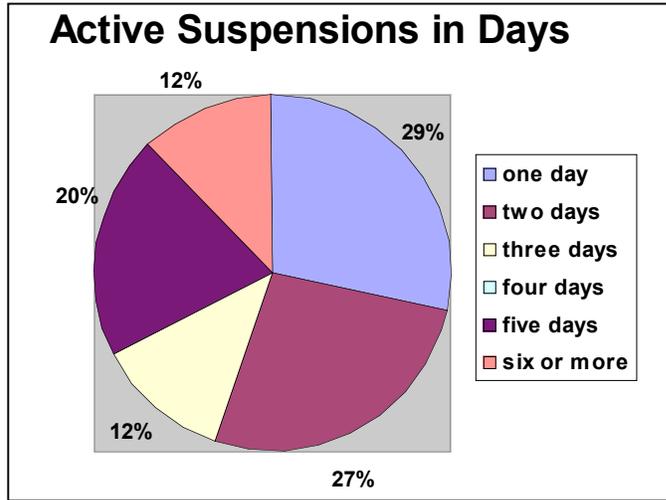
The Chain of Command makes the decision on the appropriate disciplinary action based on the CMPD's disciplinary philosophy. This philosophy takes into account employee motivation, degree of harm, employee experience, whether the violation was intentional or unintentional and the employee's past record. To view a more detailed explanation of our department's disciplinary philosophy, visit [www.cmpd.org](http://www.cmpd.org), "Services A-Z" and then select [100-004 Disciplinary Philosophy](#).

**Chart 4** illustrates the disciplinary action taken for sustained allegations in 2007 and 2008. An Inactive Suspension is activated if an employee violates a similar rule within a year. The disciplinary action is considered a resignation if an employee resigns while under investigation or rather than accepting the disciplinary action decided by their chain of command. There are more actions taken than allegations, as some allegations result in multiple disciplinary actions, such as reprimands and suspensions together.



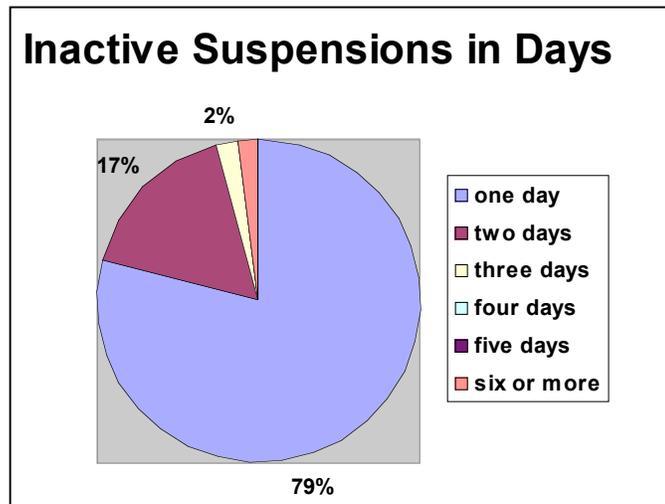
**Chart 4**

Active suspensions were down in 2008. See **Chart 5** for information on the length on active employee suspensions.



\*Chart 5

Inactive suspensions were up slightly in 2008. A Chain of Command often includes a one-day inactive suspension as part of the discipline to help the employee understand the seriousness of the violation and to deter the employee from violating the same or a similar Rule of Conduct in the future. See **Chart 6** for information on the length of inactive employee suspensions.



\*\*Chart 6

\* Chart 5 had no representation for the four-day suspension category.

\*\* Chart 6 had no representation for the four-day or five-day suspension category.

## Criminal Investigations Involving Employees

When a CMPD employee is charged with a crime in Mecklenburg County, the department conducts a separate criminal investigation in addition to the Internal Affairs investigation. Criminal investigations are conducted by detectives in the Criminal Investigations Bureau and are presented to the Mecklenburg County District Attorney for a decision on prosecution. If the alleged crime occurs outside of Mecklenburg County, then the agency with jurisdiction in that area conducts the criminal investigation in accordance with local procedures. Decisions on the final disposition of the criminal and administrative cases are made independently of one another. Employees charged with a crime, including certain traffic offenses, are required to report the charges to the Chief of Police.

**Table 4** shows the internal disposition for four employees accused of criminal misconduct in 2008. For comparison purposes, the data for 2007 is also included in the table.

<b>Criminal Allegations and Internal Dispositions</b>				
	<b>Employees Charged</b>	<b>Resigned*</b>	<b>Sustained</b>	<b>Not Sustained</b>
<b>2007</b>	4	1	3	1
<b>2008</b>	9	6	4	1

**Table 4**                      \* A resignation does not prevent a disposition on allegations from the criminal incident.

The offenses that employees were alleged to have committed during 2008 included:

- 2- Criminal Conspiracy                      3- Assault (including one ADW)
- 2- False pretense- fraud                      2- Driving while impaired

**Table 5** displays the disposition of the criminal court cases involving employees charged in 2007 and 2008. In examining several years of data, the number of employees charged in criminal court fluctuates from year to year; however, the overall numbers remain consistently low.

<b>Criminal Allegations and Criminal Court Dispositions</b>						
	<b>Employees Charged</b>	<b>Charges Dismissed</b>	<b>Guilty</b>	<b>Not Guilty</b>	<b>Deferred Prosecution</b>	<b>Pending</b>
<b>2007</b>	4	1	2	0	0	1
<b>2008</b>	8	2	5	0	1	0

**Table 5**

## Use of Force

### *Use of Non-Deadly Force*

Police officers are trained to seek voluntary compliance when discharging their duties; however, they are sometimes confronted with circumstances in which a subject's actions compel them to use force.. Every Police Department relies upon a Directive(s) which sets out the circumstances under which an officer may use physical force in discharging their duties. CMPD as do all other Departments must ensure that officers not only comply with both state and federal law when using force, but also follow specific internal guidelines.

Generally, CMPD officers are justified in using non- deadly force upon another person when and to the extent the officer reasonably believes it is necessary to effect the arrest of that person or when the officer reasonably believes it is necessary to defend him or herself or another person from the use or imminent use of physical force.

### *Use of Deadly Force*

An officer is justified in using deadly force only when it appears to be reasonably necessary to defend the officer or another from what the officer reasonably believes to be the use or imminent use of deadly force. In addition, officers may use deadly force to effect the arrest of a subject who is attempting to escape by means of a deadly weapon or who by their conduct or any other means indicates that he or she presents an imminent threat of death or serious physical injury to another unless apprehended without delay.

To help officers understand what level of force is most appropriate, CMPD utilizes a force continuum as a guide to assist officers in the application of force. in response to certain behaviors exhibited by a subject. To better understand our use of force directives and the use of force continuum visit [www.cmpd.org](http://www.cmpd.org) and select "Services A-Z, Directives, and 600-018-020.

**Table 6** shows the number of times officers used force compared with total arrests made and total citizen initiated calls for service in 2007 and 2008. Officers used force 1.7 percent less in 2008 than 2007 per 10,000 calls for service and arrests. Less than one percent of those incidents were found to be in violation of the CMPD's use of force policy.

<b>Use of Force Events per Citizen Calls for Service and Arrests</b>				
	<b>2007</b>	<b>Rate</b>	<b>2008</b>	<b>Rate</b>
<b>Total Use of Force Events</b>	505	N/A	461	N/A
<b>Citizen Calls for Service</b>	403, 901	13 per 10,000	395,718	12 per 10,000
<b>Total Arrests</b>	30,872	179 per 10,000	28,533	162 per 10,000

Table 6

## Use of Deadly Force

An officer's use of deadly force is rigorously investigated and thoroughly reviewed both criminally and administratively. Deadly force, most commonly the discharge of a firearm, is investigated administratively by Internal Affairs. If the shooting resulted in injury or death to a person, CMPD's Homicide Division or the State Bureau of Investigation conducts a criminal investigation. Since October, North Carolina law has required the SBI to investigate fatal shootings by police if the family of the deceased requests such an investigation within 180 days of the death. The law applies to shootings by any law enforcement agency in the state.

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Regardless of who investigates, the facts revealed by the criminal investigation are presented to the Mecklenburg County District Attorney, who determines if the officer's action should result in criminal prosecution. Simultaneously, the Internal Affairs Bureau conducts a parallel investigation to determine if the involved officer(s) complied with department policies. A Chain of Command Review Board is presented the administrative case, (which also includes the criminal investigation) and determines if any CMPD policies were violated. It also assesses whether the shooting was justified, not justified or accidental.



To the greatest degree permitted under law, the CMPD releases current and relevant information to the public throughout the investigative process. Any case involving a discharge of firearm that results in serious injury or death and is found to be justified, can be appealed to the Citizens Review Board.

The use of deadly force policy is reviewed with officers annually. Additionally, officers (from the Chief to the most recent academy graduates) are required to train and qualify with their firearm four times each year, twice during the daylight hours and twice during the hours of darkness. Officers must also qualify once a year with the Department-issued shotgun. Officers assigned to SWAT participate in firearms training once each month.

**Chart 7** displays the total number of incidents where employees discharged their firearms in the performance of their duties during 2007 and 2008. The majority of shooting incidents involve the euthanasia of injured animals in accordance with

departmental policy. Other shooting incidents during 2008 include the shooting of several aggressive animals. Such incidents appear to be reducing in frequency after a significant increase in frequency in 2007. In 2008, officers were involved in six incidents where they discharged their firearm at an aggressive canine. (One incident involved the shooting of two aggressive canines during the service of a search warrant). In 2007 officers were involved in 11 of these types of incidents which was the same number of incidents as in 2005 and 2006 combined. The department is continuously reviewing these incidents and has tried less than lethal means of subduing aggressive canines, but these techniques have, unfortunately, not been successful. Often, canines were shot in high risk warrants service calls where the dogs have been trained to be aggressive. Some citizens have understandably asked why the police department cannot attempt to tranquilize the dogs instead of using a firearm to subdue them. Officers (including CMPD Animal Care and Control Officers) often *do* attempt to tranquilize aggressive animals when there is no immediate threat to the general public or officers (such as a dog that runs away to an open area, such as a field, after attacking someone). The cases described above all involved an immediate threat to the public or to officers.

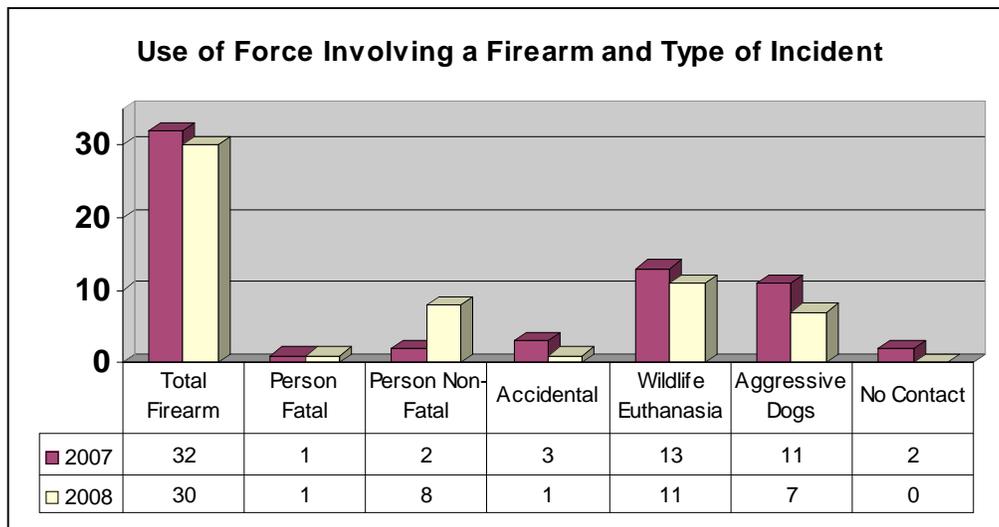


Chart 7

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*During 2008, there were eight incidents where members of the CMPD used deadly force that resulted in injury or death to a person. This was a sharp increase from the previous. After extensive review of the cases, there is no readily identifiable factor in the increase. A brief synopsis of each incident is listed below:*

## **Use of Deadly Force Incidents**

### **February 27, 2008**

*In the early morning hours of Wednesday, February 27, 2008, Officer D.L. Artieri, along with other members of the Charlotte-Mecklenburg Police Department's SWAT team, were assigned to serve a high risk search warrant on Langston Mill Road in Charlotte when a male inside the house fired a pistol at SWAT Officer Artieri. Officer Artieri returned fire with his SWAT issued sub-machine gun and struck the subject a total of four times. Officers immediately requested Medic to respond to their location and Mr. Gilberto Antonio Rivas was transported to Carolinas Medical Center for treatment. The other occupants were transported to the Charlotte-Mecklenburg Police Department for questioning.*

*The Mecklenburg County District Attorney's Office reviewed the case and found the shooting to be justified.*

### **March 2, 2008**

*On Sunday, March 2, 2008, Officer M. P. Relic discharged his service weapon during the performance of his duties as he attempted to detain and secure an armed robbery suspect. Officer Relic responded to an armed robbery call for service at a discount store located in the 5400 block of South Boulevard in Charlotte. As Officer Relic drove his marked police vehicle into the parking lot of the store, he observed the suspect, Bobby Airon Dinkins, walking from the scene of the armed robbery. Officer Relic stopped his vehicle near the suspect and exited his police vehicle. He then attempted to secure and detain the suspect by physically taking control of him. The suspect resisted and a violent physical struggle ensued including an attempt by the suspect to seize Officer Relic's service weapon from his holster. Officer Relic retained his service weapon whereupon the suspect separated himself from Officer Relic. The suspect then reached into his pants pocket, withdrew a loaded revolver and began to raise it toward Officer Relic. Upon observing the suspect's action, Officer Relic drew his service weapon from his holster and fired two shots at the suspect with the rounds striking the suspect in the torso area. The suspect dropped his revolver without discharging it toward Officer Relic and fell to the ground. Medic arrived and transported the suspect to Carolinas Medical Center to receive emergency medical attention. The suspect's wounds were non-fatal.*

*The Mecklenburg County District Attorney's Office reviewed the case and found the shooting to be justified.*

### **April 21, 2008**

*On Monday, April 21, 2008, Officer R. W. Jackson and Officer L. J. Rahal responded to a suspicious vehicle at 5124 Statesville Road, Charlotte, North Carolina 28269. Upon arrival both Officer Jackson and Officer Rahal approached the suspicious vehicle. Officer Jackson observed the unconscious driver, Mr. Jason Earnest Chappell, inside the vehicle with a knife on his lap. Officer Jackson woke Mr. Chappell by knocking on the door. He ordered Mr. Chappell to move the knife that was on his lap to the passenger's*

*seat and then exit the vehicle. Mr. Chappell partially complied in that he moved the knife, but then started the vehicle and began to back the vehicle at a high rate of speed. Officer Jackson, who had opened the passenger's side door and was positioned between the passenger's side door and the vehicle, could not maneuver his body to safety. He ordered Mr. Chappell to stop the vehicle or he would shoot Mr. Chappell. Mr. Chappell failed to comply with Officer Jackson's order, continued to back the suspect vehicle and placed Officer Jackson in a life threatening position, thus Officer Jackson discharged his service weapon one time toward Mr. Chappell to stop the aggressive act against him. Medic was immediately requested due to Mr. Chappell sustaining a gunshot wound to his arm and chest. Medic arrived and transported the Mr. Chappell to Carolinas Medical Center to receive emergency medical attention. Mr. Chappell's wounds were non-fatal did not succumb to his wounds.*

*The Mecklenburg County District Attorney's Office reviewed the case and found the shooting to be justified.*

**May 6, 2008**

*During the afternoon of Tuesday May 6, 2008, Officer Jenny Curlee was involved in a use of force while backing up an ABC officer during a traffic stop. The ABC officer had the vehicle stopped at 1920 Central Avenue for possible drug and alcohol violations. The driver refused to obey both officers' commands to keep his hands up where they could see them. When the driver made a sudden movement with his right hand to the center console of the vehicle, both of the officers fired their weapons. Officer Lopez fired his Taser into the right side of the driver through the open passenger door and Officer Curlee fired her service weapon one time through the suspect's arm and into his chest. Mr. Brian Howie received serious but non-fatal injuries. Officers immediately requested Medic to respond to their location and Mr. Howie was transported to Carolinas Medical Center for treatment. The other occupant/suspect was transported to the Charlotte-Mecklenburg Police Department for questioning.*

*The Mecklenburg County District Attorney's Office reviewed the case and found the shooting to be justified*

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**May 20, 2008**

*On May 20, 2008, at approximately 1:07 p.m., Miss Wesley Banks and Aaron Quentin Winchester were riding in a Mercury Sable inbound on N. Tryon Street with Miss Banks driving the vehicle. Ms. Banks and Mr. Winchester became engaged in a verbal dispute which escalated into a physical altercation with Miss Banks and Mr. Winchester allegedly pushing each other while still inside the moving vehicle. Miss Banks lost control of the vehicle and struck a pole on Dalton Avenue near N. Tryon Street. Miss Banks and Mr. Winchester continued to push and shove each other. Witnesses then called 911 to report the crash and assault.*

*Mr. Winchester exited the vehicle and Miss Banks managed to remove the vehicle from the pole and drove the car back onto the road to check for damage. Mr. Winchester then*

got back into the driver's side of the vehicle and attempted to drive off. Miss Banks pulled Mr. Winchester out of the vehicle and Mr. Winchester ran from the scene. Miss Banks reported that Mr. Winchester ran toward Sylvania Avenue.

Officer D.L. Jester responded to the 911 call for service regarding a reported crash and assault. Officer Jester located Mr. Winchester walking on Sylvania Avenue near Grimes Street and stopped to talk to him. Officer Jester advised that after a brief conversation, Mr. Winchester admitted that he was in the vehicle involved in the crash and that he assaulted his girlfriend while she was driving the car. Officer Jester advised that Mr. Winchester appeared visibly nervous. Mr. Winchester then ran and Officer Jester gave chase on foot. Officer Jester stated that he observed Mr. Winchester reach into his back pants pocket and pull out a silver revolver with brown grips. Officer Jester stated that as Mr. Winchester ran away, Mr. Winchester twisted his head and torso to the right and raised the gun toward Officer Jester. Officer Jester then fired four rounds from his CMPD issued .45 caliber pistol. Mr. Winchester sustained fatal injuries.

Per state law, the family of someone killed by police may request the State Bureau of Investigation to investigate the case. The family of Mr. Winchester made such a request. After the SBI investigation was completed, the Mecklenburg County District Attorney's Office reviewed the case and found the shooting to be justified.

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**August 4, 2008**

On Monday, August 4, 2008, shortly after midnight, Officer A.M. Riddle discharged his service weapon during the performance of his duties. Officer Riddle was following a dark green Honda passenger vehicle wanted for fleeing a traffic stop earlier in the evening when the vehicle made an abrupt stop. Earlier in the evening during the first stop, Officer M.F. Reagan and Officer G.R. Williams observed two Hispanic males in a dark green or black four-door Honda driving erratically on Branchway Court in southwest Charlotte. When they attempted to make the stop, the Honda accelerated and drove off. The officers radioed in a description of the vehicle and Officer Riddle located it a short time later on Nations Ford Road. The suspect vehicle turned onto Deanna Lane and stopped in a parking lot. Officer Riddle pulled in behind the vehicle. As he approached the vehicle on foot, the driver of the vehicle reached out through the window and fired several shots at officer Riddle, who returned fire. The vehicle fled the scene with the suspects inside. Evidence at the scene indicated at least one of the rounds Officer Riddle fired struck the suspect vehicle.

The suspect vehicle was found in South Carolina shortly before 2 a.m. near exit 69 on I-77. The suspects crashed the car there and were seen fleeing that scene on foot. Blood found inside the vehicle indicated that at least one or possibly both occupants were struck by the rounds fired by Officer Riddle.

The Mecklenburg County District Attorney's Office reviewed the case and found the shooting to be justified.

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**August 21, 2008**

*On Thursday, August 21, 2008, Officers B.E. Gant and J.M. Milliken of the West Service Area Crime Reduction Unit (West CRU) applied for and were granted a search warrant for an address on Orvis Street, Charlotte, North Carolina, based on information that a resident, Alfonzo Fernandez Edwards, was in possession of a large quantity of narcotics. West CRU and the (now defunct) Street Crimes Division were assigned to serve the high risk search warrant late that evening. Upon making entry, Mr. Edward fired a pistol at Officer Milliken. Officer Milliken returned fire with his service pistol and struck Mr. Edwards one time in the leg. Officers immediately requested Medic to respond to their location and Mr. Edwards was transported to Carolinas Medical Center for treatment. His wounds were non-fatal. Another occupant, a female, was transported to the Charlotte-Mecklenburg Police Department for questioning.*

*The Mecklenburg County District Attorney's Office reviewed the case and found the shooting to be justified.*

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**November 20, 2008**

*On Thursday November 20, 2008, Officers from the North Tryon Division and the West Service Area Crime Reduction Unit (West CRU), attempted to make a traffic stop on a white van in the 4900 Block of North Tryon Street in the lot of a gas station. The van's driver, Mr. Donald Ray Oakes, exited the van from the passenger side and began firing multiple rounds at the officers. Officers K. Bynoe, A.Demaioribus, J. Allman and C. Denton returned fire, striking Mr. Oakes several times and resulting in serious, but non-fatal, injuries. Officers immediately requested Medic to respond to their location and Mr. Oakes was transported to Carolinas Medical Center for treatment.*

*The Mecklenburg County District Attorney's Office reviewed the case and found the shooting to be justified.*

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***CMPD has an internal review process in place for any time an officer fires his or her firearm. The department calls these official reviews Shooting Boards. The purpose of the board is multi-faceted. Primarily, the board members review the case for any policy violations. They can also identify any training issues that need to be addressed and may make recommendations to the Chief of Police based on their findings. A shooting board is comprised of the employee's chain of command, the CMPD Range Master, a member of the Citizen Relations Committee, and a member of the CMPD Police Attorney's Office. A Shooting Board review convened separately on each of the above incidents. During the reviews, only one policy violation was discovered.***

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**CMPD Fact:** *An officer's actions in a Use of Force situation may be justified legally, but the officer's actions may still not be consistent with CMPD policy as was revealed in one of the above cases. CMPD's policies often are more stringent than state law.*

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## Use of Non-Deadly Force

Officers, when appropriate, may utilize several non-deadly force options. As with the use of deadly force, officers receive training consistent with the [Use of Force Continuum](#) and federal and state statutes. Officers in patrol assignments are required to carry O.C. aerosol spray and either a Taser conductive energy weapon or collapsible baton. All are tools to use in applying non-deadly force when needed. CMPD policy requires officers to report use of force incidents under a broad range of circumstances. Supervisors investigate and document each incident. To help officers better understand expectations and to ensure force is applied appropriately, every sworn officer was required to complete Situational Awareness Training in 2007. The eight-hour class provided a review of control training techniques and allowed officers to use the techniques during life-like training scenarios. Officers are required to undergo similar training approximately every other year. The use of force policy is also reviewed each time an officer attends their required firearms training and qualification sessions. These are required quarterly. Officers are also required by the North Carolina Criminal Justice Education and Standard Commission to have a block of use of force training yearly to maintain their police certification. The use of force training given to CMPD officers far exceeds the state's minimum requirements.



**Chart 8** displays a comparison of employee weapons used from 2004 to 2008. Year after year, officers use their hands and fists (personal) in the overwhelming majority of use of force situations. This occurs because most use of non-deadly force encounters begin when officers are in physical contact or close proximity with a subject at the time the subject decides to act with aggression or resistance. In this type of encounter, it is often difficult to disengage a subject safely and use another weapon type.

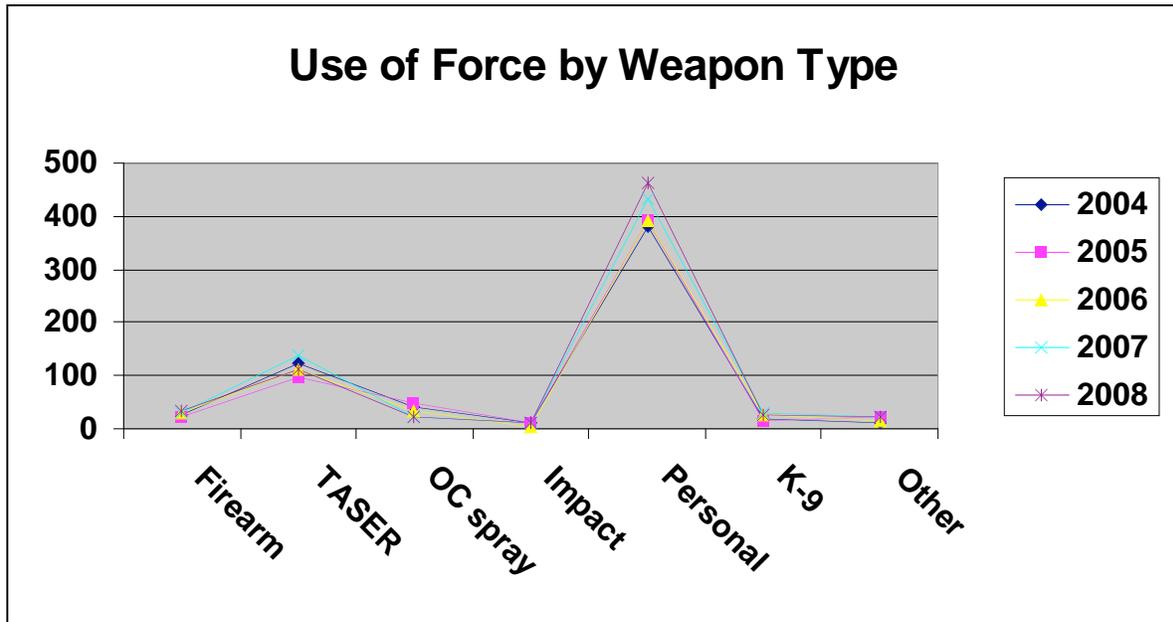


Chart 8

In **Chart 9**, an analysis of the weapons used when applying non-deadly force shows that officers continue to become more reliant on the Taser conductive energy weapon and less reliant on OC pepper spray. The CMPD began issuing Tasers in 2004 with full deployment beginning 2006.

OC spray use has declined because of limitations with its use. It cannot be used in confined spaces and the chance of an officer or non-involved person being affected increases in windy conditions. The recovery time is typically far longer than with a Taser weapon and people with respiratory disorders can have a serious reaction to the spray.

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**CMPD Fact:** *In recruit training, officers are required to submit to being sprayed with pepper spray, and to have the Taser deployed on them. The philosophy behind this training is that, in the field, any weapon that they carry may be used against them if taken from them in a scuffle. Being subjected to the effects of these two weapon types, allows officers to know firsthand what to expect and the best way to protect themselves should such an incident occur. It also gives them primary knowledge of the effects these weapons have on suspects.*

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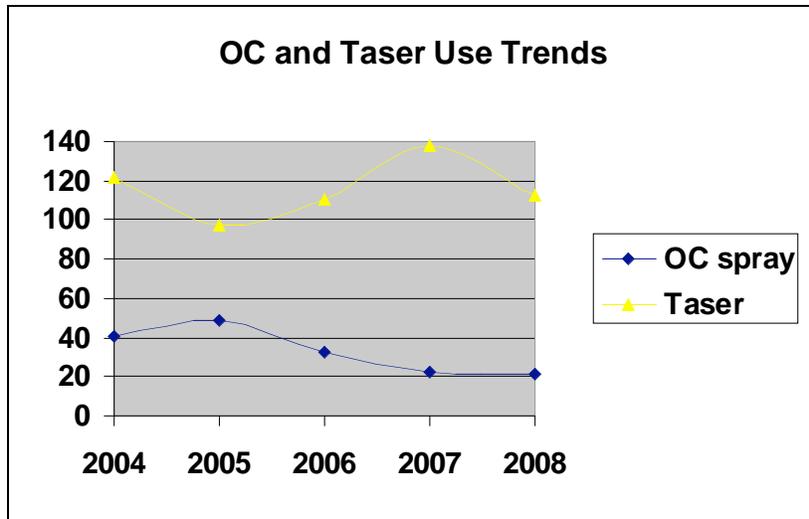


Chart 9

*The number of non-deadly force incidents was down almost 10% percent in 2008 compared to the previous year, the vast majority of suspects were not seriously injured.*

**Chart 10** shows that the injury level related to uses of force has remained mostly consistent.

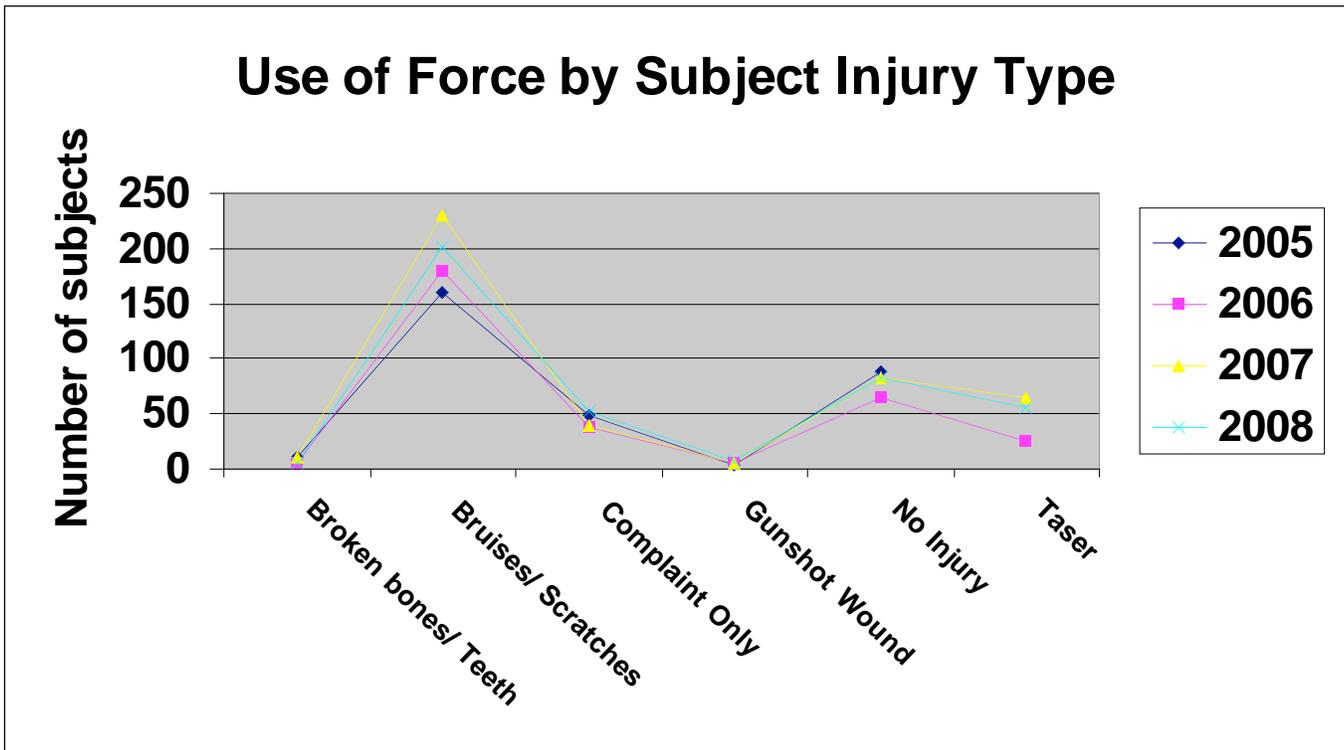


Chart 10

Fewer suspects were hospitalized after force incidents in 2008 than in 2007 after a noted spike in these types of incidents; however the percentage of suspects needing particular levels of treatment after force incidents remained fairly steady. See **Table 7**.

<b>Medical Treatment Following Use of Force</b>			
	<b>2006 (399 total*)</b>	<b>2007 (505 total*)</b>	<b>2008 (477*)</b>
<b>Hospitalized</b>	9 (2.3%)	22 (4.4%)	27 (5.6%)
<b>Not treated</b>	95 (23.8%)	122 (24.2%)	110 (23%)
<b>Refused treatment</b>	41 (10.3%)	64 (12.3%)	49 (10.3%)
<b>Treated &amp; released</b>	233 (58.4%)	270 (53.5%)	262 (54.9%)

**Table 7** \* In some cases, the medical treatment following use of force could not be determined.

**Table 8** shows uses of force by subject and officer race. The total is higher than the overall number of use of force incidents because in some incidents more than one officer applied force. It is important to note that 77 percent of the CMPD’s 1,640 officers are Caucasian.

<b>Use of Force by Subject and Officer Race</b>						
		<b>Subject Race</b>				
		African-American	Asian	Caucasian	Hispanic	Total
<b>Officer Race</b>	<b>African-American</b>	49	2	15	3	69
	<b>American Indian/Alaskan Native</b>	3		0		3
	<b>Asian or Pacific Islander</b>	3	0	4	1	8
	<b>Caucasian</b>	441	6	118	48	613
	<b>Hispanic</b>	9	0	2	5	16
	<b>Unknown</b>	2	0	0	0	2
	<b>Total</b>	507	8	139	57	711

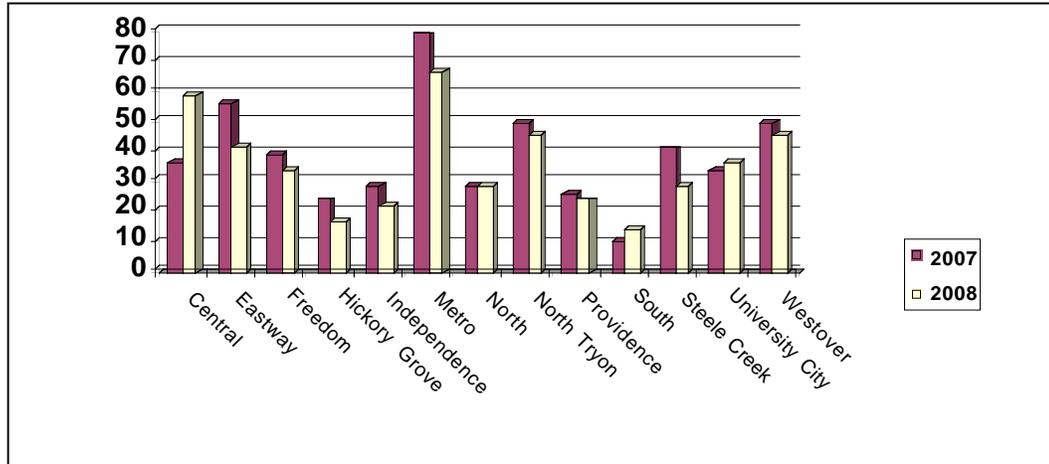
**Table 8**

To better understand the correlation between the race of the subject and the involved officer, an analysis was conducted using 2008 data. Officers made 28,533 arrests in 2008.

While Use of Force incidents occur throughout the CMPD jurisdiction, some patrol divisions have more than others. A greater number of force incidents in a patrol division may be a function of the division’s geographic area in relation to the location of violent crime hotspots and enforcement focused in those hotspots. See **Appendix 1 and 2**, which show that force incidents were more concentrated in areas with greater amounts of violent crime.

**Chart 11** indicates the comparison of total use of force incidents by the division. Each division's chain of command is responsible investigating uses of force. Their findings are then forwarded to CMPD Internal Affairs Bureau for final review and disposition.

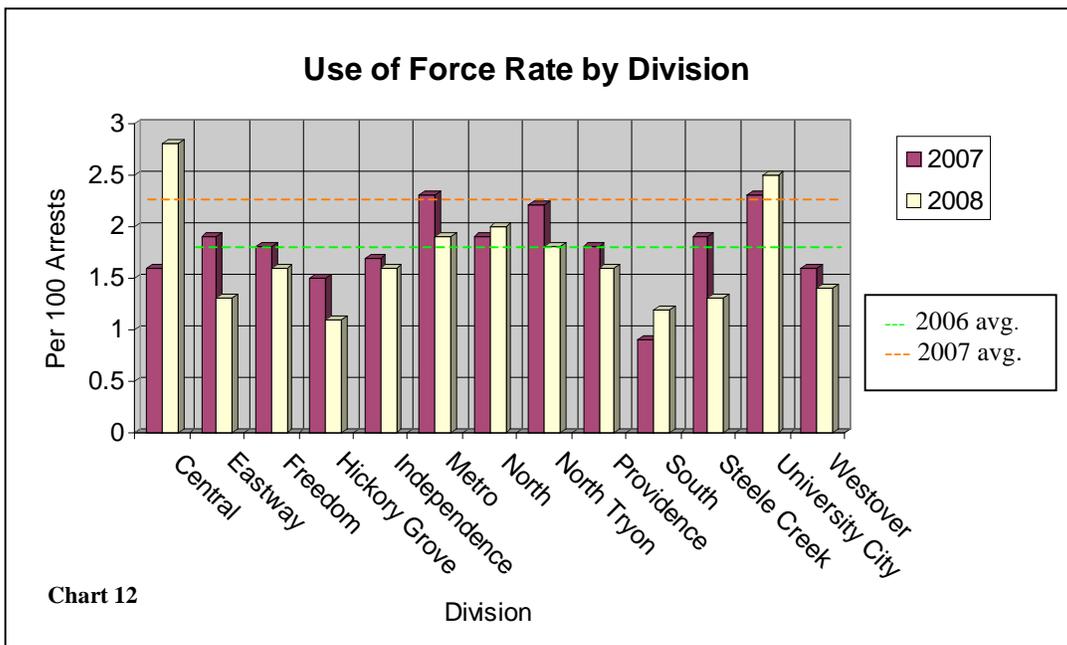
**Uses of Force by Division**



**Chart 11**

In order to provide a more complete understanding of the numerical changes, **Chart 12** shows the rate of use of force per 100 arrests by each patrol division. The data in this chart includes the arrests and uses of force occurring within each geographical patrol division area. Arrests at police, court, jail, hospital and mental health facilities were excluded from the analysis because they account for high arrest volume in controlled environments that result in low use of force incidents. This most dramatically affected Central Division, where police headquarters, the Mecklenburg County Jail and the Mecklenburg County Courthouse all demonstrated unusually high numbers of arrests and unusually low use of force counts. (See **Appendix 3** for use of force, arrests and rates by division.

**Use of Force Rate by Division**



**Chart 12**

While most divisions experienced decrease in their Use of Force rate in 2008, the Central, North, and University City Divisions experienced an increase that put them above the average rate. No single reason for the rate increases could be determined, although several factors likely contributed. A deeper look into the ratios revealed that the University City Division made less than 100 fewer arrests (1,431) than in 2007, but the use of force incidents were up only by two incidents. North had the exact same amount of Use of Force incidents for 2007 and 2008, but arrests incidents decreased by just over 100 causing the rate to show an increase of .3 over the average ratio of 1.7 Use of Force incidents per 100 arrests. In the case of the Central Division, there were 23 more reported Use of Force incidents than in 2007 for over two thousand arrests. This appears to me an anomaly. It could also be due, in part, to the increase of the concentration of alcohol establishments. In addition, downtown Charlotte is host to several alcohol involved festivals and special events. Also, because of the many special event opportunities available downtown, hundreds of thousands of citizens flock to the center city each year making the Central Division's population very fluid. It should be noted also that the number of use of force events are tabulated by geographical area and did not necessarily involve Central Division officers. Use of Force events are recorded whether the officers were working on-duty or in an off-duty capacity. Also, citywide, businesses in the Central Division hire off-duty police officers at a much higher ratio than other areas of the city. In addition, the Central Division geographical area businesses hire approximately 80% of off-duty officers that are hired for security at alcohol establishments.

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### **In-Custody Deaths**

If a person dies while in the custody of CMPD, detectives from the Homicide Unit respond to the scene to conduct a criminal investigation. The investigation is presented to the Mecklenburg County District Attorney, who conducts an independent review and decides whether to press criminal charges. An Internal Affairs investigation is simultaneously conducted to ensure policy compliance.

At the conclusion of the internal investigation, a Chain of Command Review Board reviews the case to determine if officers acted in compliance with our policies and procedures. The Board consists of members of an employee's chain of command, a Community Relations Committee member, the Police Attorney's Office and Internal Affairs Bureau staff.

The CMPD trains its employees to monitor all persons taken into custody and to summon medical treatment whenever a subject appears or states they are in distress. To aid in that endeavor, the CMPD has developed several policies related to prisoner care and transportation. For a complete list of those guidelines, please refer to [www.cmpd.org](http://www.cmpd.org) and selecting "Services A-Z," Directives and then [500-002 Confinement of Arrestees and](#)

[Booking Procedures](#), [500-003 Positional Asphyxia](#), [500-007 Use of Temporary Holding Areas](#) and [500-008 Prisoner Transport](#). These guidelines are periodically reviewed and updated to best guide employees in their handling of persons in custody.

During 2008, our department experienced two incidents of in-custody death. In each case, a Chain of Command Review Board was convened and reviewed the criminal and internal investigations and the Medical Examiner's report. The following are synopses of the two incidents:

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**March 20, 2008**

*On Thursday, March 20, 2008, Officer J. Dawson responded to a grocery store on Prosperity Church Road in Charlotte in reference a disturbance involving an employee. Officer Dawson encountered Mr. Darryl Turner in this investigation. Mr. Turner was aggressive toward the manager and as Officer Dawson approached, Mr. Turner threw something in the manager's face. Officer Dawson drew his Taser and challenged Mr. Turner, who turned aggressively toward Officer Dawson. Officer Dawson deployed his Taser. Mr. Turner, apparently unaffected by the Taser deployment, walked to the front of the store and fell near the shopping carts at the entrance of the business. After a second deployment of the Taser, Mr. Turner was secured in handcuffs by Officer Dawson and Officer Pryor.*

*Due to the deployment of the Taser, Medic was requested to respond to the Food Lion. CFD personnel found Mr. Turner unresponsive and began treatment. When Medic arrived, Mr. Turner was transported to Carolinas Medical Center where he was pronounced dead.*

*Upon review of the case by the Mecklenburg County District Attorney's Office, it was determined that Officer Dawson's actions were in compliance with state law.*

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**June 12, 2008**

*On Thursday, June 12, 2008, at approximately 9:03 AM, a citizen was awakened by his car alarm at 3078 Uxbridge Woods Court. When he went outside to investigate, he saw Mr. Spencer Scott Page inside his vehicle. The car owner did not know Mr. Page and Mr. Page had no legal reason to be inside of the vehicle. The car's owner confronted Mr. Page and he and Mr. Page got into a scuffle. During the physical confrontation, Mr. Page attempted to stab the car's owner with a screwdriver. The citizen was able to get Mr. Page subdued as he yelled for help from nearby City of Charlotte sanitation workers. One of the sanitation workers was able to subdue Mr. Page and pin him up against the citizen's SUV while they awaited police. The sanitation worker was still restraining the suspect when Officer Stephanie Gilyard stepped in to handcuff him. After Mr. Page was placed in handcuffs, the sanitation worker released his grip on him. Mr. Page then went limp and was leaned up against the SUV on his knees. Officer Gilyard then instructed Mr. Page several times to stand up, but he did not comply. Officer Gilyard repeated*

*commands for him to get up, but the suspect was unresponsive. Officer Gilyard then requested Medic to respond to treat Mr. Page. As they waited on medical personnel, Officer Gilyard had one of the sanitation workers help her get Mr. Page placed in a manner where he could lay on the ground until medical personnel could arrive. Officer Gilyard then unhandcuffed him. Medic and Charlotte Fire Department personnel responded almost simultaneously and began to treat Mr. Page. He was promptly transported to Carolinas Medical Center where he was pronounced dead a short time later. Officers located Mr. Page's Lexus automobile near where he was apprehended. Inside the vehicle was located, among other things, a large quantity of stolen property and a crack pipe.*

*The Mecklenburg County Medical Examiner's Office ruled that the cause of death was cocaine toxicity. This is a condition that causes an individual to suffer cardiac and respiratory arrest which results in death after the ingestion of usually a large quantity of cocaine.*

*On July 18, 2008, the investigation by the CMPD Homicide Unit was presented to the Mecklenburg County District Attorney regarding the actions of the citizen and the sanitation worker. It was ruled that their actions were not inappropriate and the force used to detain Mr. Page was not excessive. (Officer Gilyard was not named criminally in the case review).*

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**CMPD Fact:** *In-custody deaths are reported in this section even though they may not have occurred as a result of any type of force used by police. Even so, the CMPD classifies them internally to be investigated as use of force cases.*

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## Police Vehicle Pursuits

From time to time, police officers encounter a subject in a motor vehicle who refuses to stop when the blue lights and siren are activated. When police continue to keep pace with a vehicle in their attempts to stop its driver, a police pursuit occurs. Vehicle pursuits pose a significant risk to the general public, those in the pursued vehicle and pursuing officers.

For this reason, the CMPD significantly restricts, thoroughly investigates and closely reviews each of these incidents. Pursuits are restricted to those situations where a suspect has recently committed or will reasonably be expected to commit a felony offense that puts a life in danger.



Once a pursuit incident has ended, regardless of the means of termination, a patrol supervisor is responsible for completing an internal investigation. The investigation includes, at a minimum, a map of the pursuit route, statements from all employees involved and all audio, visual or documentary information. The investigation is reviewed by the involved employees' Chain of Command and ultimately by Internal Affairs in order to ensure compliance with departmental policy.

To view the complete departmental directive governing pursuits, go to [www.cmpd.org](http://www.cmpd.org), "Services A-Z," Directives, and then [600-022 Pursuit Driving](#).

Pursuits vary greatly in length, vehicle speed and number of units involved. While some pursuits go for several miles at high speeds, most last only seconds and cover short distances. An analysis of all pursuits in 2008 showed that of the 53 pursuits, almost half ended in three minutes or less. The median duration of pursuits was 3 minutes. The median distance traveled was 2.3 miles.

**Table 9** shows the number of pursuits, how they were ruled and how many officers were involved. The total number of pursuits increased by 49 percent between 2006 and 2007.

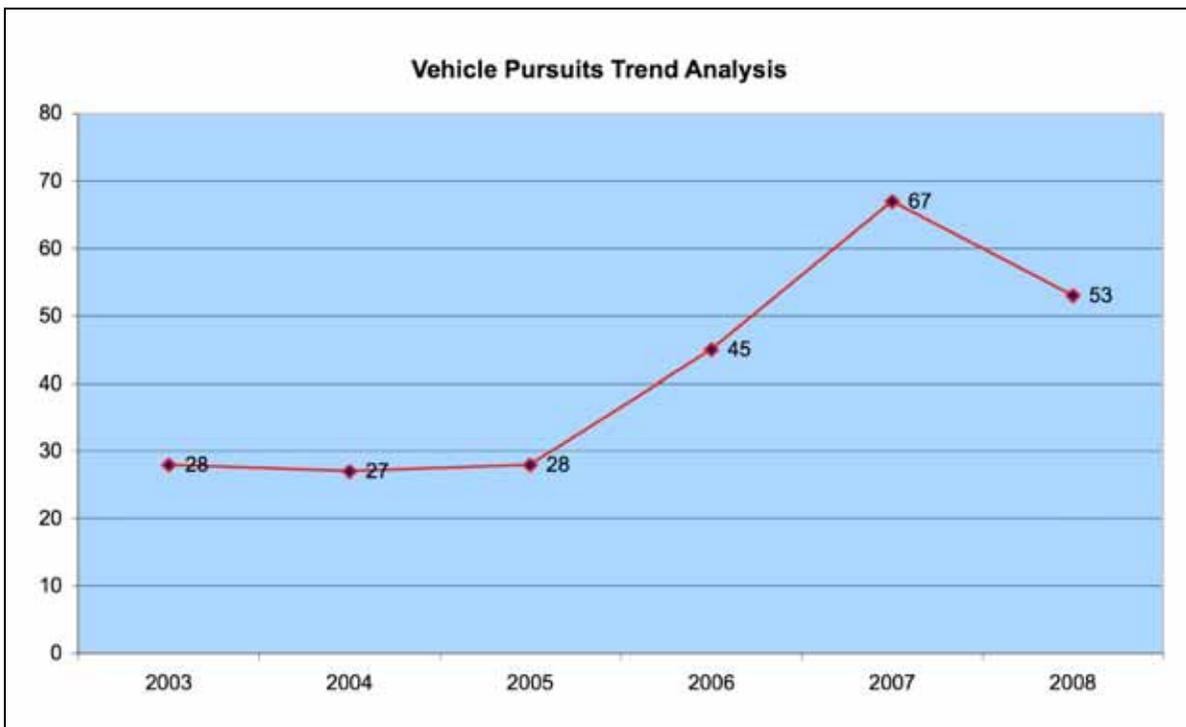
<b>Pursuit Events</b>		
	<b>2007</b>	<b>2008</b>
<b>Total Pursuits</b>	67	53
<b>Justified Pursuits</b>	60	45
<b>Not Justified Pursuits</b>	5	2
<b>Justified Pursuits w/Policy Violations</b>	2	6
<b>Total Officers Involved</b>	170	110

Table 9

The Charlotte-Mecklenburg Police Department periodically reviews and updates its pursuit policies, equipment and training in order to ensure the highest level of safety during these high-risk situations.

Beginning in April 2006 and continuing until May 2008, all CMPD officers completed Pursuit and Emergency Response Training. The eight-hour course served as a review of the department's driving policies and allowed officers to practice maneuvers in a safe environment. After completing the training, officers reported feeling more confident in their knowledge of pursuit policies and more comfortable with the necessary maneuvers.

An analysis of pursuit data over six years shows that CMPD officers are pursuing more often than in years past, but trended downward in 2008. The number of pursuits remained nearly constant from 2002 until 2005 but had increased steadily until 2008 when all officers had completed the aforementioned Pursuit and Emergency Response Training. (See **Chart 13**)



**Chart 13**

See **Appendix 4** for details about the duration, miles covered, and reason for each of pursuit.

It also should be noted that between 2002 and 2006, officers conducted 75.2 percent of pursuits without policy violations. In 2007, 89.6 percent were conducted without violations, indicating that officers have a better understanding of the policy governing pursuits. In 2008, the rate of pursuits without policy violations was 85 percent, indicating that the training remains very effective in reducing these types of violations.

In 2007, the Metro Division began testing tire deflation devices (TDDs), which cause a fleeing vehicle’s tires to deflate forcing the driver to stop. Metro was chosen for the pilot project because research shows that the more pursuits begin, end, or travel through the Metro Division more than any other. The TDDs have proven effective in the Metro Division as a tool to prevent or shorten the duration of a pursuit. In 2008, the department began training to implement the tire deflation devices department-wide.

**CMPD Fact:** *Departmental policy allows two patrol units to initially engage in a vehicle pursuit. A police supervisor can authorize additional officers based upon his or her assessment of the situation. The vast majority of pursuits involve one or two patrol units. It is very unusual for more than three cars to be involved. Some of the factors a supervisor will consider include the number of occupants in the fleeing vehicle, the presence of weapons and the severity of the offense for which the suspect vehicle is being sought.*

**Table 10** indicates that, as in previous years, the majority of all pursuits were for violent felony offenses. For the third straight year, the overwhelming majority of pursuits (70 percent in 2008) were initiated to apprehend robbery suspects. Although the number of robberies remained fairly consistent in 2007 as compared to 2006, 26 percent more cases were cleared in 2007 and at least some of those arrests involved pursuits.

<b>Pursuits by Criminal Incident</b>		
	<b>2007</b>	<b>2008</b>
<b>Homicide</b>	1	1
<b>Robbery</b>	49	36
<b>Assault (including on LEO)</b>	8	12
<b>Non-Violent Felony -other</b>	3	1
<b>Firearm related - other</b>	1	0
<b>Traffic Offense</b>	5	1
<b>Kidnapping</b>	0	2
<b>Total Pursuits</b>	67	53

**Table 10**

**Chart 14** (next page) shows pursuits by the time of day they occurred. Nearly 40 percent of pursuits occurred between 6 p.m. and midnight; 66 percent occurred between 6 p.m. and 6 a.m.



**CMPD Fact:** *When an officer declares that they are in pursuit, one of the first responsibilities of the telecommunicator in conjunction the supervisor of the district is to make contact with the police helicopter so that they may monitor the pursuit from the air. When the suspect vehicle is located by the helicopter, the oftentimes, the ground units may disengage until the vehicle comes to rest making the situation safer for both the public and the officers pursuing.*

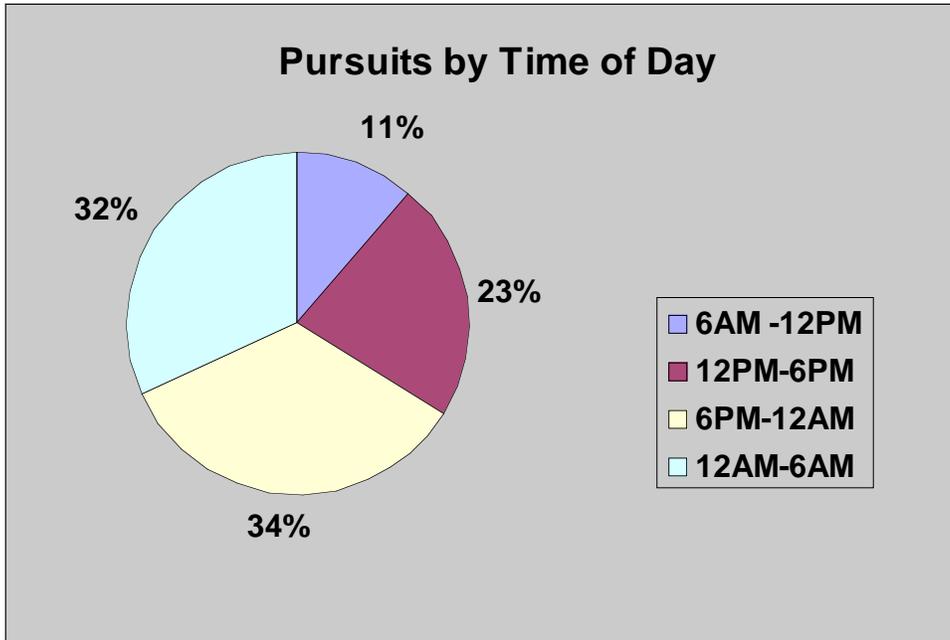


Chart 14

With the overwhelming majority of pursuits involving an attempt to capture robbery suspects, further analysis was conducted to explore the relationship between robberies and pursuits. Displayed in **Chart 15** is the correlation between the time of occurrence for both robberies and all pursuits, clearly indicating the strong connection between this crime and pursuits incidents.

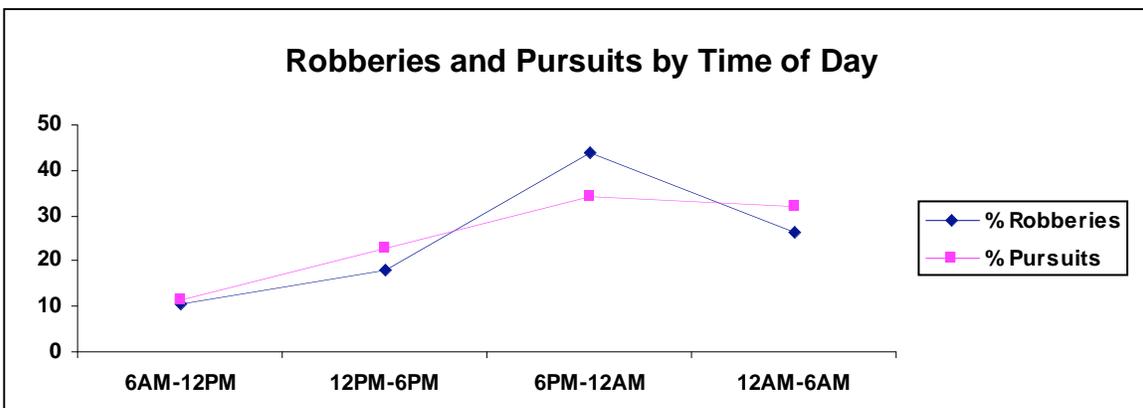


Chart 15

## Employee Motor Vehicle Collisions

To provide police services throughout urban and suburban Mecklenburg County, department employees drive an extraordinary number of miles in CMPD vehicles. The geographic jurisdiction for the Charlotte-Mecklenburg Police Department includes the City of Charlotte and the unincorporated areas of Mecklenburg County, covering 438 square miles. Employees drive their vehicles in all types of weather, traffic and emergency conditions.

In total, the department has approximately 2,000 employees operating 1,172 vehicles, with many vehicles being operated 24-hours a day. Department vehicles were driven a total of 17,027,484 miles in 2008, up 6.7 percent from 2007.

**Table 11**

*Table 11 shows the total number of preventable and not-preventable collisions occurring in 2007, compared to 2006. There was a 7.1 % increase in the total number of collisions for 2008. There was also a 15.1 % increase in the percentage ruled as preventable.*

<b>Collisions by Disposition</b>		
	<b>2007</b>	<b>2008</b>
<b>Not Preventable</b>	148	149
<b>Preventable</b>	119	137
<b>Total Collisions</b>	267	286

Also, during 2006 and 2007, all officers were required to successfully complete a series of driver training classes focusing on pursuit and emergency driving. The series was broken into three components, including policy review, classroom instruction and practical scenario-based training at the controlled driving facility.



A supervisor investigates all collisions involving a CMPD vehicle and the employee's chain of command determines if it was preventable or not preventable.

When an employee is involved in a preventable collision, they are assigned specialized training at the CMPD driver training facility to address the driving error that caused the collision. The CMPD has one of the finest driver training facilities in the state.

**Table 12** shows the rate of collisions in 2008 compared to 2007. **Appendix 5** provides a breakdown of collisions and dispositions by employee assignment.

<b>Collisions by Miles Driven</b>		
	<b>2007</b>	<b>2008</b>
<b>Total Collisions</b>	1.70 per 100,000 miles	1.70 per 100,000 miles
<b>Not Preventable</b>	.92 per 100,000 miles	.90 per 100,000 miles
<b>Preventable</b>	.74 per 100,000 miles	.80 per 100,000 miles

Table 12

CMPD employees drive 24 hours a day but the majority of collisions involving employees occur during daylight hours, when more drivers are on the roads.

**Chart 16** shows lighting conditions during employee-involved crashes.

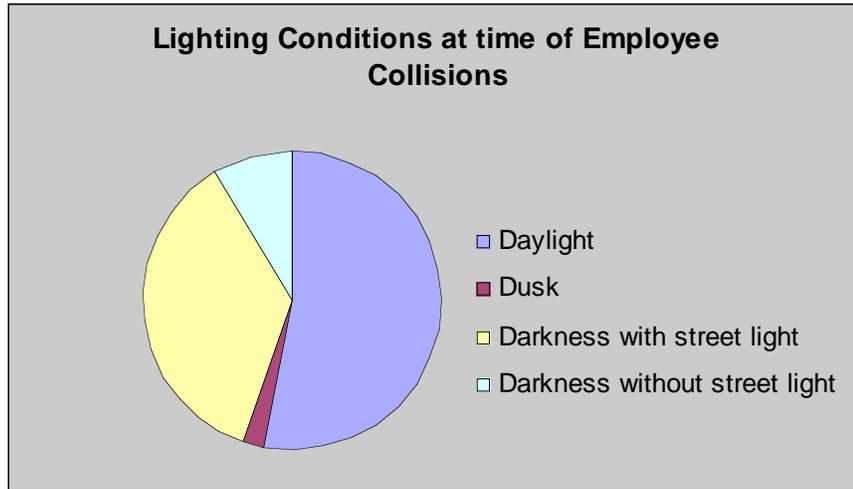


Chart 16

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**CMPD Fact:** *The CMPD takes driving issues very seriously because it is the single most life-threatening danger that law enforcement officers face nationwide. In 2008, for the 11th year in a row, more law enforcement officers across the country (71) died in traffic-related incidents than from gunfire or any other single cause of death. Mirroring the nationwide drop in traffic fatalities among the general public this year, the number of officers killed in traffic incidents was down 14 percent from 2007.*

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## Employee Injuries

While precautions are taken to prevent job-related injuries, incidents occur each year where employees are injured in the performance of their duties. When an employee is injured, regardless if medical treatment is necessary, a supervisor is required to complete an investigation and adjudicate the incident through the employee's chain of command. Injuries, similar to motor vehicle collisions, are ruled either preventable or not preventable.

**Table 13** shows the number of rate of injuries for all employees and compares 2007 to 2006.

<b>Employee Injury Rates</b>			
	<b>2007</b>	<b>2008</b>	<b>Change</b>
<b>Total Employees</b>	2,180	2,085	
<b>Total Injuries</b>	312 (14.3 per 100 Employees)	262 (12.6 per 100 Employees)	-4.7%
<b>Not Preventable</b>	300 (15.8 per 100 Employees)	249 (11.9 per 100 Employees)	-3.8%
<b>Preventable</b>	12 (.6 per 100 Employees)	13 (.6 per 100 Employees)	+0.1%

Table 13

**Chart 17** compares incidents occurring in 2008 to 2007 incidents.

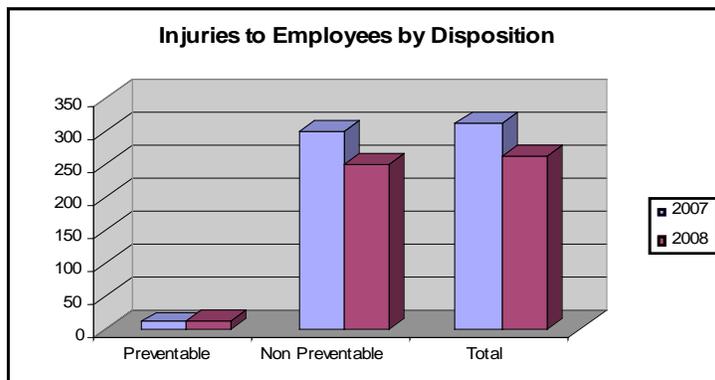


Chart 17

Total injuries were up 6.6% percent in 2008 compared to the year before. A single reason for the increase is not clear. Employees injured most often are assigned to patrol divisions (See Appendix 6). The largest increases in injuries came during suspect encounters and in-service training. Physical suspect encounters increase the likelihood of injury to an officer. Most officer injuries were minor (sprains, bruises, etc.) but ran the gamut to serious injury. The last line of duty deaths were in 2007 when two officers were slain

Some of the injuries likely are due to a physical training class conducted in 2007 that concluded in 2008. All officers were required to complete Situational Awareness Training, a physical training exercise that provided a review of control training techniques and allowed officers to use the techniques during training scenarios in a mock “apartment.” Officers were forced to make use-of-force decisions under stress in realistic situations. Participants wore protective gear and a safety officer monitored each exercise, but some officers were injured during the training.

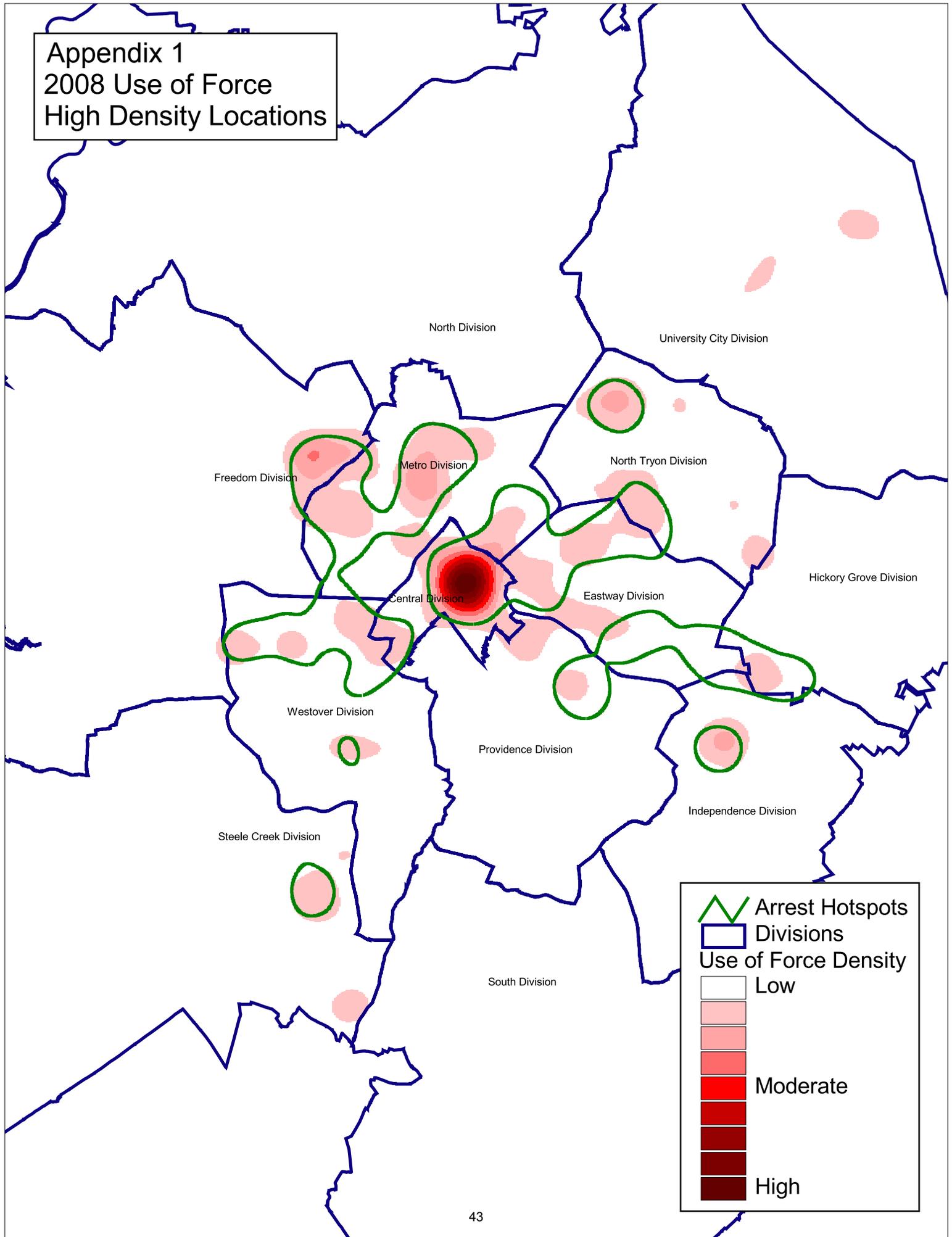
**Table 14** explains what employees were doing when they were injured.

<b>Activity</b>	<b>Under Investigation</b>	<b>Not Preventable</b>	<b>Preventable</b>	<b>Total</b>
<b>Accident</b>		19	8	27
<b>Use of Force</b>		57		57
<b>Pursuit</b>		5		5
<b>Raid/Search</b>		2		2
<b>Other Injury</b>	1	250	13	264
<b>Total For The Department</b>	1	333	21	355

Table 14

*\* Department-wide totals may exceed the aggregate number of employee injuries, as an employee may be involved in more than one event type when they are injured. The actual number of employees injured is reported on the "Injury" row.*

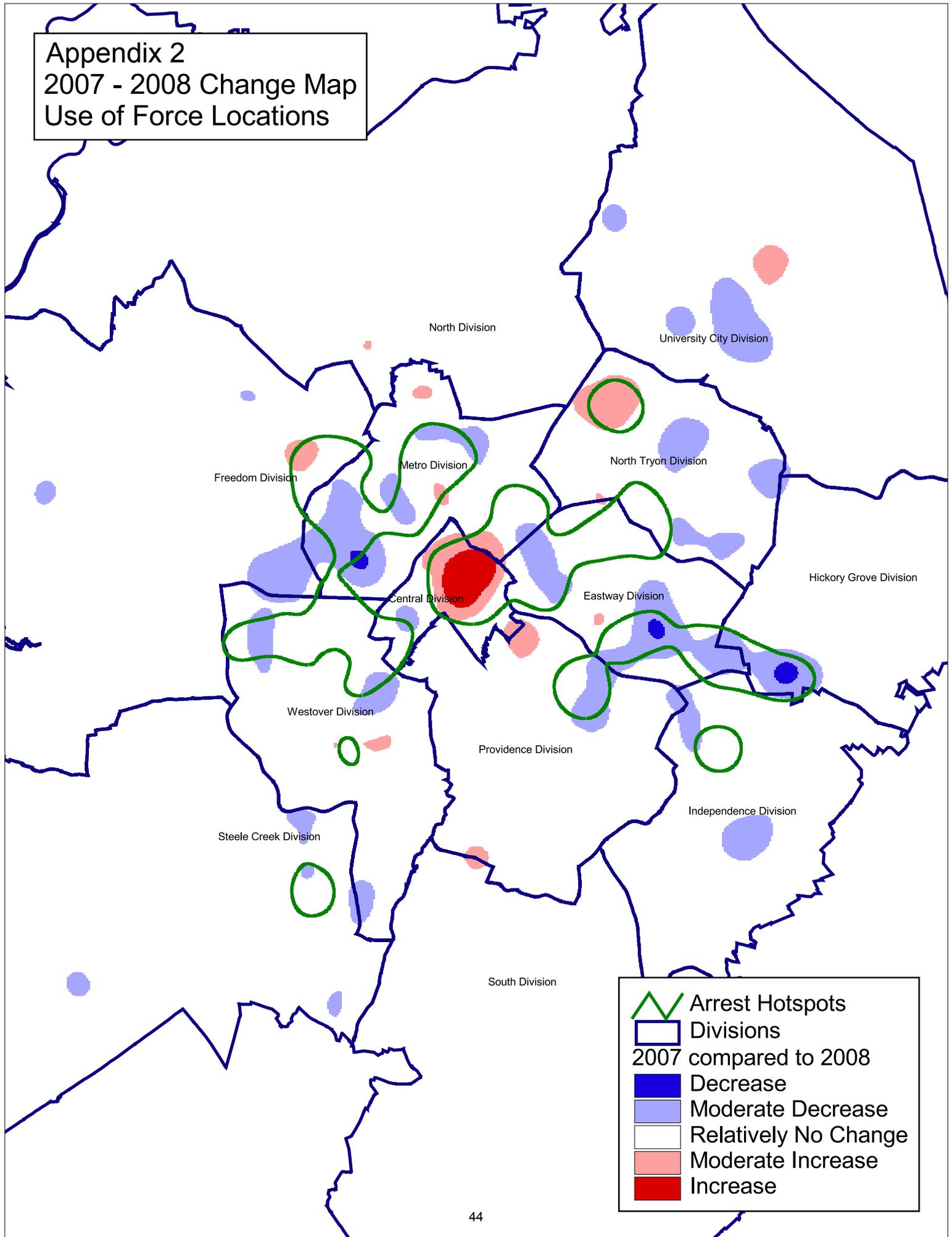
Appendix 1  
2008 Use of Force  
High Density Locations



Legend:

- Arrest Hotspots (Green outline)
- Divisions (Blue outline)
- Use of Force Density
- Low (White)
- Moderate (Red)
- High (Dark Red)

Appendix 2  
 2007 - 2008 Change Map  
 Use of Force Locations



*Appendix 3*

*Uses of Force, Arrests, and Rate by Division*

Division Name	2007			2008		
	Uses of Force	Arrests	Rate*	Uses of Force	Arrests	Rate*
Central Division	36	2,252	1.6	59	2,127	2.8
Eastway Division	56	2,944	1.9	42	3,291	1.3
Freedom Division	39	2,213	1.8	34	2,107	1.6
Hickory Grove Division	24	1,578	1.5	17	1,540	1.1
Independence Division	28	1,618	1.7	22	1,412	1.6
Metro Division	79	3,506	2.3	66	3,511	1.9
North Division	28	1,513	1.9	28	1,388	2.0
North Tryon Division	50	2,318	2.2	45	2,473	1.8
Providence Division	26	1,480	1.8	24	1,537	1.6
South Division	10	1,082	0.9	14	1,206	1.2
Steele Creek Division	41	2,190	1.9	29	2,169	1.3
University City Division	34	1,491	2.3	36	1,431	2.5
Westover Division	50	3,102	1.6	45	3,260	1.4
<b>Total</b>	501	27,287	1.8	461	27,452	1.7

\*Rate is the number of times officers used force per 100 arrests

**Note:** The arrest total in this chart does not equal total arrests by the department because arrests at police, court, jail, hospital and mental health facilities were excluded because they account for a high arrest volume in controlled environments that result in low use of force arrests. Four use of force incidents are not counted in this chart because they happened outside of CMPD jurisdiction.

*Appendix 4*

*Pursuits by Duration, Distance, and Offense*

<b>Duration in Minutes</b>	<b>Distance in Miles</b>	<b>Offense</b>
1	1.8	Armed Robbery
7	2.4	ADW
1	2.8	Common Law Robbery
1	1.5	Armed Robbery
1	0.8	Assault on an Officer
1	0.54	Armed Robbery
2	4	Armed Robbery
10	10.7	Armed Robbery
10	5.5	Kidnapping
4	7.1	ADW
2	2.5	ADW
13	21	Armed Robbery
4	4.7	Assault on an Officer
2	0.5	Armed Robbery
2	1.5	Assault on an Officer
4	2.6	Armed Robbery
3	1.8	Traffic
4	3.62	Assault on an Officer
2	2.2	Armed Robbery
3	2.3	Armed Robbery
4	2.9	Armed Robbery
2	2.5	Armed Robbery
1	1	Armed Robbery
11	15.1	Assault on an Officer
12	14.1	Armed Robbery
1	0.3	Armed Robbery
1	0.7	ADW
3	1.9	ADW
1	0.8	Armed Robbery
2	2	Armed Robbery
1	2	Armed Robbery
1	1.9	Armed Robbery
2	1.9	Homicide
3	4.6	Armed Robbery
3	2.5	Armed Robbery
3	2.6	Armed Robbery
5	4.7	Assault on an Officer
1	1.44	Armed Robbery
3	0.37	Armed Robbery

*Appendix 4 (continued)*

***Pursuits by Duration, Distance, and Offense***

7	7	Armed Robbery
30	30	Armed Robbery
1	0.8	Armed Robbery
3	3.3	Armed Robbery
1	0.9	Armed Robbery
1	2	Kidnapping
2	2.4	Armed Robbery
10	7.8	Kidnapping
16	9.3	Armed Robbery
21	13.4	ADW
4	1.8	Armed Robbery
4	3.3	Armed Robbery
2	4.7	Armed Robbery

*Appendix 5*

***Employee Collisions by Assignment, Disposition***

<b>Assignment</b>	<b>Not Preventable</b>	<b>Preventable</b>	<b>Total</b>
ADW Unit	1	0	1
Airport Law Enforcement	1		1
Animal Control Division	1	2	3
Animal Care and Control Division	1		1
Auto Theft Unit		1	1
Burglary East Investigations	3	0	3
Burglary North Investigations	1	0	1
Canine Unit	3	3	6
Central Division	7	8	15
Central Service Area		2	2
Communications Division		1	1
Community Services and Youth Division	1		1
COPS	2		2
Court Services Unit	1		1
Crime Scene Search Unit	1	2	3
Criminal Intelligence Unit	1		1
DEA Task Force	2		2
Eastway Division	9	9	18
Financial Crimes Unit	1		1
Freedom Division	10	7	17
Hickory Grove Division	7	5	12
HITS Division	1		1
HITS Division Traffic Enforcement Unit	2		2
Homicide Unit		2	2
Independence Division	6	7	13
Internal Affairs	1		1
Investigative Services Group	1		1
Juvenile Offenders Unit	2		2
Metro Division	13	11	24

*Appendix 5 (continued)*

***Employee Collisions by Assignment, Disposition***

<b>Motorcycle Unit</b>	1	3	4
<b>Narcotics Unit</b>		1	1
<b>North Division</b>	9	11	20
<b>North Tryon Division</b>	4	10	14
<b>Northeast Service Area</b>		1	1
<b>Police Reserves Unit</b>	1		1
<b>Property Crimes</b>	1		1
<b>Providence Division</b>	8	5	13
<b>Robbery Unit</b>	1	1	2
<b>South Division</b>	5	6	11
<b>Special Events/Secondary Employment Division</b>	1		1
<b>Steele Creek Division</b>	6	15	21
<b>Street Crimes Task Force</b>	4	1	5
<b>Training Division</b>	1	1	2
<b>University City Division</b>	13	10	23
<b>VCAT</b>	1		1
<b>Vice and Narcotics Division</b>	5	1	6
<b>Westover Division</b>	7	11	18
<b>Youth Crime/Domestic Violence</b>	2		2
<b>Total</b>	149	137	286

*Appendix 6*

*Employee Injuries by Assignment, Disposition*

<b>Assignment</b>	<b>Not Preventable</b>	<b>Preventable</b>	<b>Total</b>
<b>Animal Control Division</b>	6	1	7
<b>Animal Control Division Enf</b>	3		3
<b>Animal Control Division Shelter</b>	4		4
<b>Auto Theft Unit</b>	2		2
<b>Burglary East Investigations</b>	2		2
<b>Canine Unit</b>	1		1
<b>Central Division</b>	14	1	15
<b>Central Service Area</b>	1		1
<b>Court Services Unit</b>	1		1
<b>Crime Reporting Unit</b>	1		1
<b>Crime Scene Search Unit</b>	2		2
<b>Eastway Division</b>	16	4	20
<b>Freedom Division</b>	12	1	13
<b>Hickory Grove Division</b>	8		8
<b>Independence Division</b>	10		10
<b>Juvenile Offenders Unit</b>	2		2
<b>Metro Division</b>	22	1	23
<b>Motorcycle Unit</b>	1		1
<b>North Division</b>	12	2	14
<b>North Tryon Division</b>	12		12
<b>Northwest Service Area Street Crimes Unit</b>	2		2
<b>Police Reserves Unit</b>	1		1
<b>Providence Division</b>	12	1	13
<b>Records Division</b>		1	1
<b>Robbery Unit</b>	1		1
<b>School Resource</b>	3		3

*Appendix 6 (continued)*

***Employee Injuries by Assignment, Disposition***

<b>South Division</b>	6		6
<b>Special Investigations Bureau</b>	1		1
<b>Steele Creek Division</b>	11		11
<b>Steele Creek Division Response Area Commander</b>	1		1
<b>Street Crimes Task Force</b>	10		10
<b>SWAT Team and ALERT</b>	2		2
<b>Training Division</b>	28		28
<b>University City Division</b>	16		16
<b>Westover Division</b>	22	1	23
<b>Youth Crime/Domestic Violence</b>	1		1
<b>Total</b>	249	13	262

## **Acknowledgements**

### **Internal Affairs Division**

*Sgt. Rich Austin  
Sgt. Gerenda Davis*

### **CTS Application Development**

*Ravi Vasireddy*

### **Research, Planning and Analysis Division**

*Melissa Treadaway  
Chris Callard*

### **Public Information Office**

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