CMPD

2009 Internal Affairs Report

It is my pleasure to present to you the 2009 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 pro-active 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,

Rodney D. Monroe

Chief of Police

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***

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

We are proud to be part of an organization that places high value on integrity and public 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.

In order to achieve these goals, the Internal Affairs Bureau has several key functions. The bureau receives complaints, completes investigations into serious misconduct allegations and reviews investigations by field supervisors, facilitates the adjudication of allegations, and prepares cases appealed to community oversight boards.

Some misconduct allegations can generate significant community concern. An Internal Affairs sergeant is assigned to investigate such allegations thoroughly so that commanders overseeing board hearings can make informed, unbiased decisions regarding complaint dispositions. Internal Affairs presents the information gathered during an investigation to employee commanders in what is called an Independent Chain of Command Review. While Internal Affairs remains present throughout these reviews, its staff assumes **no** active role in determining the final adjudication of any alleged violation. That responsibility is reserved for an Independent Chain of Command Board and, ultimately, the Chief of Police. Internal Affairs also represents the department and the Chief of Police when a case disposition is appealed to one of the community oversight boards.

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 bureau and 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.

"I enjoy working in Internal Affairs because of the unit's function of helping the police department develop and maintain the trust of the community it serves." - Sgt. Rich Austin

"I wanted to serve in IA because I want to help ensure that our department maintains the high level of ethics and professionalism that our community partners have come to expect from the CMPD." – Sgt. Alex Watson

The Internal Affairs Staff of seven sergeants, led by a captain and a major, are always willing to assist the public in addressing their concerns. Please feel free to contact any unit member with any questions or concerns you may have. To learn more please visit www.cmpd.org. To read more about the role of Internal Affairs, click on "Our Organization/Office of the Chief/Internal Affairs." This area of our website contains detailed information about the Charlotte-Mecklenburg Police Department Disciplinary Process, the complaint process, and an FAQ section. For a complete list of the Rules of Conduct and who may investigate a potential violation please go www.cmpd.org and clink on the "Departmental Directives" link.

The Internal Affairs Staff

Major
Cam Selvey

Captain
Roslyn Maglione

Sergeants
Rich Austin
Chris Dozier
Will Farrell
Rico McIlwain
Victoria Suarez
Michael D. Sloop
Alex Watson

CMPD Fact: *All CMPD Internal Affairs Sergeants are specifically trained to investigate citizen concerns. They all are also members of the National Internal Affairs Investigators Association (NIAIA) and the North Carolina Internal Affairs Investigators Association (NCIAIA). These organizations provide 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. Sergeant Rico McIlwain currently serves on the Executive Board of the NCIAIA. The CMPD is recognized as a national leader in internal affairs operations.*

The CMPD and Our Community

The CMPD 2009

- **Employees**: 2,122
  - **Sworn**: 1,640
  - **Civilian**: 482

- **Male**: 75 percent
- **Female**: 25 percent
- **Caucasian**: 76 percent
- **African-American**: 18 percent
- **Hispanic/Latino**: 3 percent
- **Asian/Pacific Islander**: 1 percent

Our Community 2009

- **Jurisdiction Size**: 438 square miles
- **Jurisdiction Population**: 777,827
- **Male**: 49 percent
- **Female**: 51 percent
- **Caucasian**: 60 percent
- **African-American**: 29 percent
- **Asian/Pacific Islander**: 4 percent
- **Other**: 5 percent
- **Two or More Races:** 2 percent

Note: *Approximately 10% 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 all Independent Chain of Command Board 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 Independent Chain of Command 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 counseling through employment termination.

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 the following:

- 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 2009, one case was appealed to the CRB. The CRB did not find that the Chief abused his discretion in that appeal. Since its inception, there have been zero cases where the board found that a chief of police abused his authority.

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 Willie Ratchford of the Community Relations Committee:

By Mellissa Treadaway, CMPD RP&A

Some people don't trust the police.

So for more than 40 years, Charlotte-Mecklenburg has had a committee that, among other things, helps individuals who think they've been treated unfairly by officers.
The Charlotte-Mecklenburg Community Relations Committee helps people file formal complaints against the Charlotte-Mecklenburg Police Department and monitors the follow-through on all complaints by participating in a panel that determines whether each accusation has been substantiated.

The Charlotte-Mecklenburg Community Relations Committee (CRC) is a city department, but answers to city government only about administrative matters. The Committee is governed by 45 members, who are appointed by the mayor, City Council or Board of County Commissioners.

One of the committee's goals is to develop trust and communication between Charlotte-Mecklenburg police officers and those who live, work and even visit the Queen City, said CRC Executive Director Willie Ratchford.

"It's particularly important in the African-American community because there are some young African-American males who believe that even if you witness a crime, you don't talk to the police," Ratchford said. "We want to get them by that. We want them to understand they should be working with the police and not against them."

If someone wants to file a complaint against an officer or air a concern but isn't comfortable going to the police department, Mr. Ratchford states that CRC staffer William "Butch" Simmons will meet the person in the CRC office and help them with the paperwork. He said that Mr. Simmons also makes sure the person understands the complaint process.

Simmons – or another CRC representative – is a voting member of every Internal Affairs Independent Chain of Command Review Board. After a complaint is investigated, the board reviews the evidence, decides whether the complaint has been sustained and, if so, determines the appropriate discipline.

“If a complainant isn’t satisfied with the outcome, Simmons can also help file an appeal to the Citizen Review Board,” Ratchford said.

Simmons says it’s his job to make sure both the complainant and the officer are treated fairly by the department.

The CRC model was created in the early 1960’s to address fears of racism and to help with desegregation. In addition to its police programs it also administers the city’s fair housing and public accommodations laws, offers diversity training, group mediation, and a dispute settlement program.

Each May, the CRC recognizes officers with Police Community Relations Awards. The nominations and awards come from the community.

“We’ve created a relationship between police and citizens that you do not see in other communities,” said Ratchford. “This certainly has the potential to reduce crime… if people see a good relationship between police and citizens in a neighborhood, they are going to be less likely to commit a crime there.”

CHARLOTTE

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. Most police departments require citizens to follow a more formal process than the CMPD, which 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 complainants through the process, anonymous complaints are also investigated. 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. An investigation consists of interviews, statements and evidence gathering. After an investigation is complete, depending on the allegation, the case is either reviewed by the employee's chain of command or an independent chain of command review board to determine a disposition. If an allegation is sustained by a Chain of Command Review Board, the board will discuss and impose discipline consistent with the department's disciplinary philosophy. Internal Affairs reviews every

internal investigation for consistency with the disciplinary policy and philosophy, and works with the chain of command board 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 a supervisory chain of command. This is an independent board comprised of every level in the department that is represented in the employee's chain of command through the rank of major. 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 allegation can be adjudicated.

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 2009, fewer complaints were filed than in the previous year. **Table 1 and Table 1A** compare the total number of complaints received during 2008 and 2009 as well as the percentage of those complaints that concluded in a sustained disposition.

Total Complaint Events			
	2008	**2009**	**Change**
External Complaint Events	72	70	-2.8%
Internal Complaint Events	136	120	-11.8%
Total Complaint Events	208	190	-8.7

Table 1

Total Sustained ROC Violations			
	2008	**2009**	**Change**
External Complaint Events Sustained	50	48	-4%
Internal Complaint Events Sustained	170	144	-15.3%
Total Complaint Events Sustained	220	192	-12.7%

Table 1A

**** There could possibly be more than one Rule of Conduct (ROC) violation per Complaint Event.***

Table 2 compares complaints received from citizens to calls for service and arrests. The number of external complaints remained fairly constant from 2008 to 2009 when compared with the number of calls for service officers handled and arrests made.

Complaints Events by Citizen Calls for Service and Arrests				
	2008	**Rate**	**2009**	**Rate**
External Complaints	72	N/A	70	N/A
Citizen Calls for Service	395,718	2 per 10,000	371,389	2 per 10,000
Total Arrests	28,533	25 per 10,000	29,659	24 per 10,000

Table 2

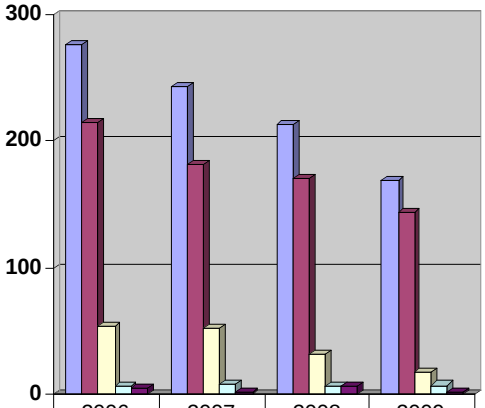
Table 3 identifies the rules of conduct that account for the majority of all misconduct allegations. There are more misconduct allegations than complaints because an officer can be accused of violating multiple rules in connection with a single complaint and more than one officer can be accused of misconduct in the same complaint. Each officer and each misconduct accusation is counted in the table. The total number of alleged violations (302) was down in 2009 with significant drops in several categories including excessive use of force (-19%) which was up 5.4 percent as recently as 2007. This could be reflective of department wide mandatory tactical training that has occurred since then. During this training, officers were refreshed on the department's use of force continuum as well as defensive tactics that promote officer and suspect safety.

Most Common Alleged Rule of Conduct Violations							
	2008			2009			% Change
	External	Internal	Total	External	Internal	Total	
Violation of Rules	8	20	28	11	21	32	+14.3%
Unbecoming Conduct	12	26	38	16	21	37	-2.6%
Absence From Duty	0	26	26	0	12	12	-53.8%
Neglect of Duty	11	19	30	2	22	24	-20.0%
Conformance To Laws	12	14	26	8	17	25	-3.8%
Courtesy	27	6	33	25	6	31	-6.1%
Excessive Use of Force	25	17	42	29	5	34	-19.0%
Arrest, Search and Seizure	24	6	30	22	7	29	-3.3%
Pursuit Driving	0	21	21	0	11	11	-47.6%

Table 3

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.*

Internal Misconduct Allegations



	2006	2007	2008	2009
Total Internal Misconduct Allegations	276	243	213	169
Sustained	215	182	170	143
Not Sustained	53	52	31	17
Exonerated	6	8	6	7
Unfounded	4	2	6	2

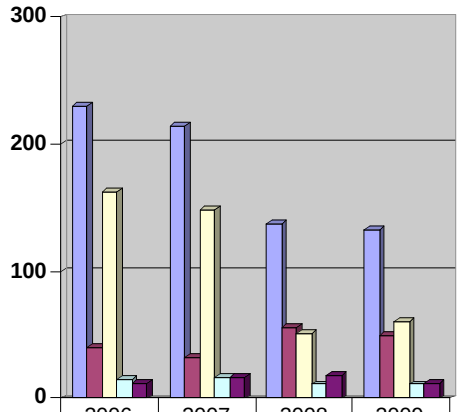
Chart 1

As the chart above indicates, CMPD employees place high value on integrity. As a result, internal complaints account for the majority of misconduct allegations (55 percent). **Chart 1** displays the adjudication categories for employees accused of misconduct resulting from internal complaints. The CMPD experienced a 16 percent decrease in internal allegations resulting in a sustained disposition. Violation of Rules cases account for most of the internal sustained complaints.

CMPD Fact: *Violation of Rules (ROC 2) is a broad based directive that is applied to an allegation if no other Rule of Conduct is appropriate for the particular disciplinary matter. ROC 2 violations, in general, are not the most serious violations and are often easily corrected with training and/or supervisory counseling.*

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

External Misconduct Allegations



	2006	2007	2008	2009
Total External Misconduct Allegations	230	214	137	133
Sustained	40	32	56	49
Not Sustained	163	149	51	61
Exonerated	15	16	11	11
Unfounded	12	17	18	12

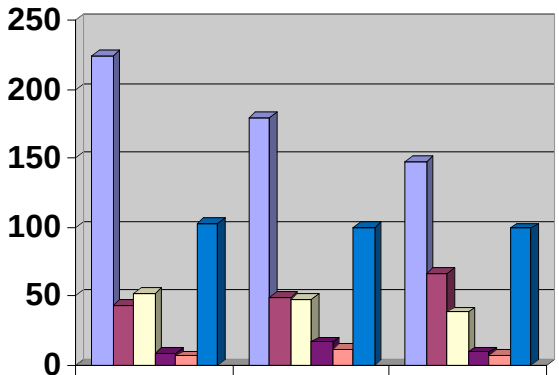
Chart 3

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 , E-Policing Resources, then select Departmental Directives, then 100-004 Disciplinary Philosophy.

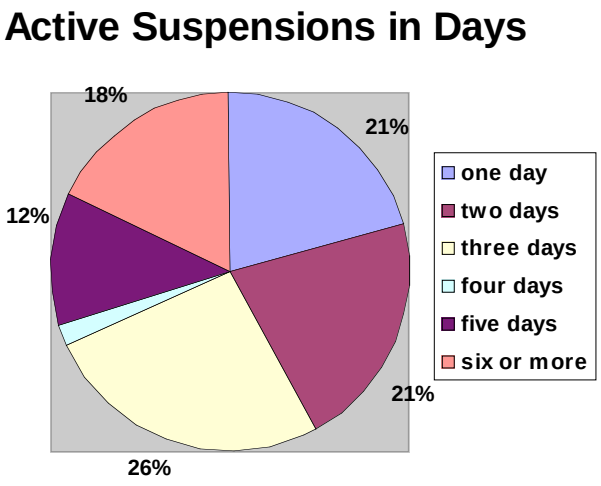
Chart 4 illustrates the disciplinary action taken for sustained allegations in 2007 through 2009. An Inactive Suspension is activated if an employee violates a similar rule within a year. The disciplinary action is considered a resignation if an employee resigns while under investigation or rather than 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.



	2007	2008	2009
Counseling	224	179	147
Active Suspension	43	49	66
Inactive Suspension	52	47	38
Termination	8	16	9
Resignation	6	11	7
Written Reprimand	103	100	99

Chart 4

See Chart 5 for information on the length on active employee suspensions.



***Chart**

A Chain of Command hearing often includes a one-day inactive suspension for the employee 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.

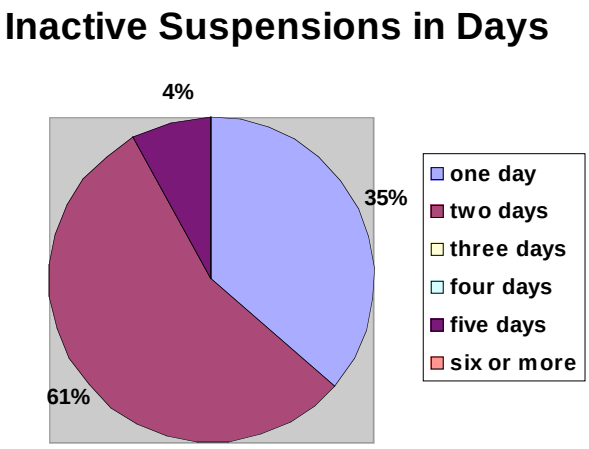


****Chart 6**

**** Chart 6 had no representation for the three-day, four-day or six or more-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 employees accused of criminal misconduct in 2009. For comparison purposes, the data for 2008 is also included in the table.

	Employees Charged	Sustained	Not Sustained
2008	7	6	1
2009	8	7	1

Table 4

The offenses that employees were alleged to have committed during 2009 included:

4- Domestic Related
1- Sex Offense
2- Traffic (non-DWI)
1- Driving While Impaired

Of the seven officers with sustained internal charges for violating the law in 2009, four faced lengthy suspensions and three were cited for termination to the Civil Service Board. All of the terminations were upheld by the board.

Table 5 displays the disposition of the criminal court cases involving employees charged in 2008 and 2009. 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.

Criminal Allegations and Criminal Court Dispositions						
	Employees Charged	Charges Dismissed	Guilty	Not Guilty	Expunged	Pending
2008	8	2	6	0	0	0
2009	8	5	1	0	1	1

Table 5

Use of Force

Police officers are trained to seek voluntary compliance in their lawful direction, however, they are sometimes met with circumstances in which a subject's actions compel them to use force in order to gain compliance. Officers are authorized to use *non-deadly force* under both North Carolina General Statute and Departmental Directives in circumstances limited to situations where the officer believes it is necessary to protect himself, herself, or another person, or to affect a lawful arrest. To better understand Charlotte-Mecklenburg Police Department use of force policies, visit www.cmpd.org and under E-Policing Resources, select All Departmental Directives and select 600-019 Use of Non-Deadly Force and 600-018 Use of Deadly Force.

The circumstances in which an officer may use *deadly-force* are limited by North Carolina General Statute and further restricted by Departmental Directives. To help officers train and understand what level of force is most appropriate, the CMPD utilizes a continuum to identify what actions may be taken in response to certain behaviors by a subject. To better understand this continuum, visit www.cmpd.org. From the homepage, click under E-Policing Resources, All Departmental Directives. The department's Use of Force Continuum can be found under 600-020 Use of Force Continuum.

Table 6 shows the number of times officers used force compared with total arrests made and total citizen initiated calls for service in 2008 and 2009. Officers used force 2.8% percent less in 2009 than 2008. Less than one percent of those incidents were found to be in violation of the CMPD's use of force policy.

Use of Force Events per Citizen Calls for Service and Arrests				
	2008	**Rate**	**2009**	**Rate**
Total Use of Force Events	461	N/A	448	N/A
Citizen Calls for Service	395,718	12 per 10,000	371,389	12 per 10,000
Total Arrests	28,533	162 per 10,000	29,659	151 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 2008, 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.

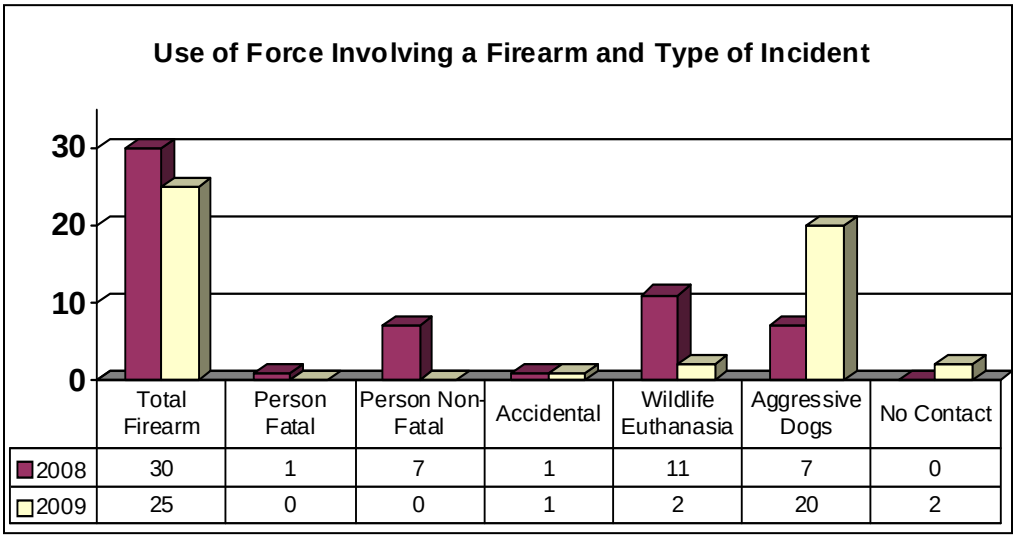
Regardless of who investigates, the facts revealed by the criminal investigation are presented to the Mecklenburg County District Attorney, who determines if the officer's action should result in criminal prosecution. Simultaneously, the Internal Affairs Bureau conducts a parallel investigation to determine 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 during a deadly force investigation. 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 yearly 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 2008 and 2009. In 2009, there were no police shootings involving persons after eight such occurrences in 2008. The 2008 rise in incident appears to be an anomaly. The majority of shooting incidents in 2009 involved aggressive animals. Such incidents appear to be increasing in frequency after a significant decrease in frequency in 2008. In 2009, officers were involved in 20 incidents where they discharged their firearm at an aggressive canine. The department is continuously

reviewing these incidents and has tried less than lethal means of subduing aggressive canines, but these techniques have, unfortunately, been unsuccessful. Often, these 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 imminent threat to the public or to officers.



	Total Firearm	Person Fatal	Person Non-Fatal	Accidental	Wildlife Euthanasia	Aggressive Dogs	No Contact
2008	30	1	7	1	11	7	0
2009	25	0	0	1	2	20	2

Chart 7

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 (see 600-018) 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. The training concluded in 2008. 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 quarterly firearms training and qualification sessions. 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 2007 to 2009. 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.

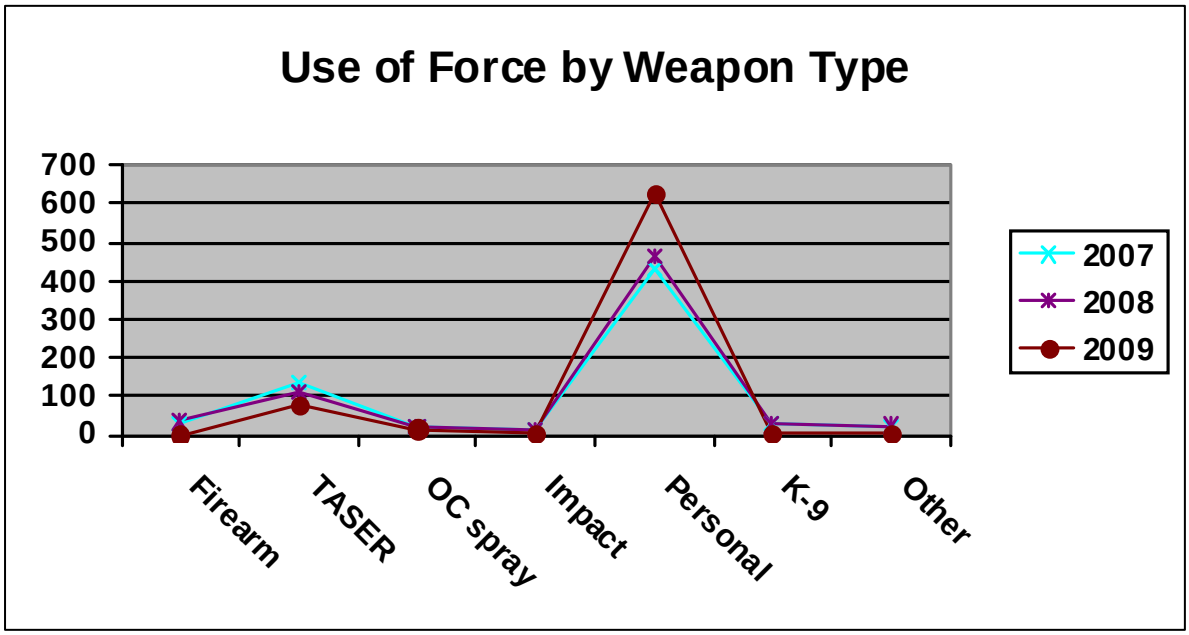


Chart 8

In **Chart 9,** an analysis of the weapons used when applying non-deadly force shows that officers continue to be 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. In 2008, officers were given additional training as a result of an arrestee suffering cardiac arrest after an officer deployed a Taser on him.

OC spray use continues to decline 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 with OC usage than with a Taser weapon and people with respiratory disorders can have a serious reaction to the spray.

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 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.*

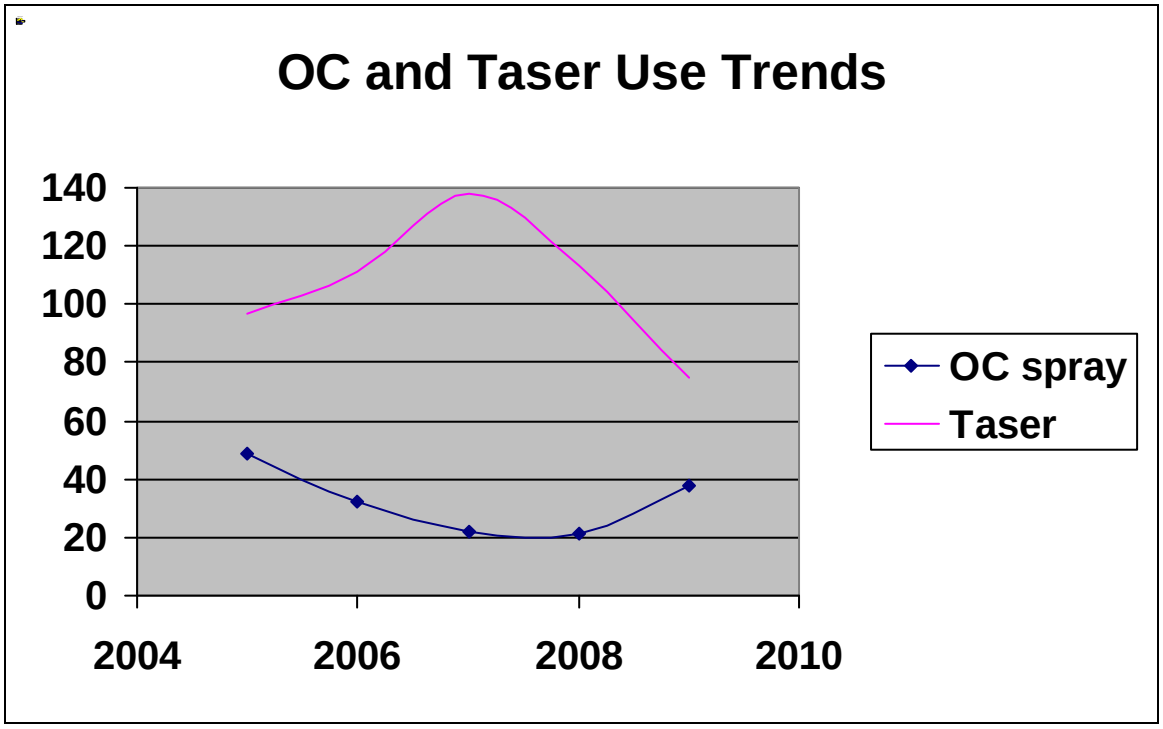


Chart 9

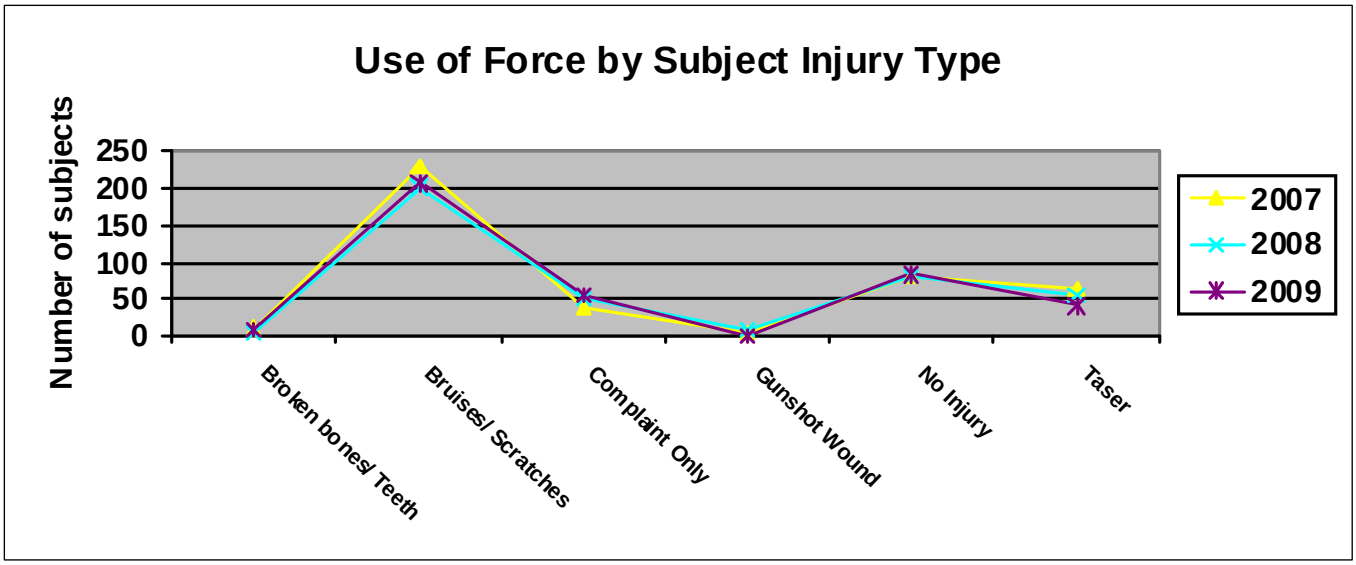


Chart 10

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

The percentage of suspects needing particular levels of treatment after force incidents fell in 2009 as the table below indicates. See **Table 7**.

Medical Treatment Following Use of Force			
	2007 (505 total*)	**2008 (477*)**	**2009 (454*)**
Hospitalized	22 (4.4%)	27 (5.6%)	19 (4.2%)
Not treated	122 (24.2%)	110 (23%)	140 (30.8%)
Refused treatment	64 (12.3%)	49 (10.3%)	67(14.7%)
Treated & released	270 (53.5%)	262 (54.9%)	228 (50.2%)

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

Table 8 below 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 approximately 78 percent of the CMPD's 1,600 officers are Caucasian.

Use of Force by Subject and Officer Race						
		Subject Race				
		African-American	Asian	Caucasian	Hispanic	Total
Officer Race	**African-American**	70	0	17	6	94
	American Indian/Alaskan Native	2	0	1	0	3
	Asian or Pacific Islander	4	1	5	0	10
	Caucasian	429	1	121	31	582
	Hispanic	13	0	3	1	17
	Unknown	3	0	0	0	3
	Total	521	2	147	38	709

Table 8

In a small number of incidents, the race of the employee to offender is unknown. These are most likely cases where the offender fled the scene before demographics could be determined.

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.

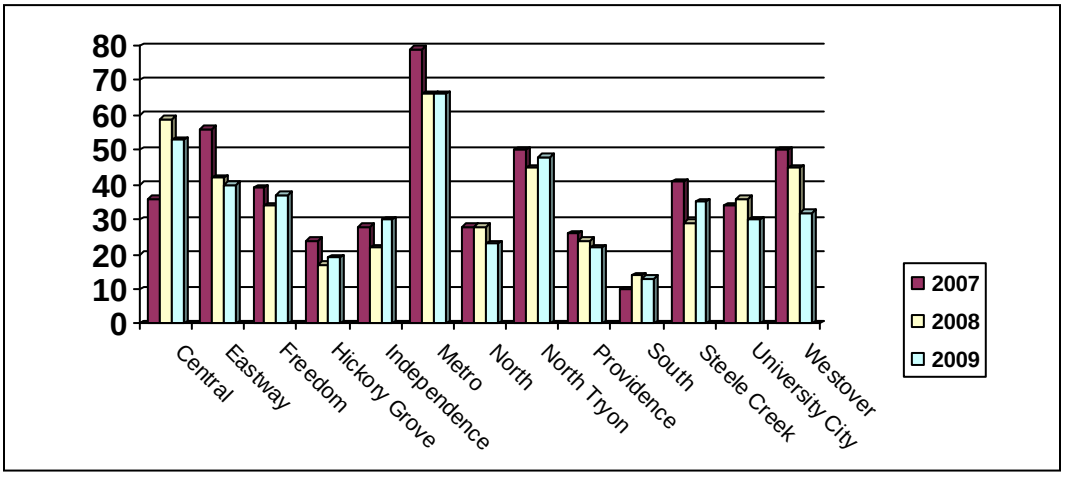


Chart 11

(**See Appendix 3** for use of force, arrests and rates by division.)

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 it 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. From the homepage, click E-Policing Resources, All Departmental Directives, 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 2009, our department experienced one incident of in-custody death. In this case, a Chain of Command Review Board convened and reviewed the criminal and internal investigations and the Medical report. The following is a synopsis of incident:

On July 22, 2009, at approximately 2:36 P.M., Several Charlotte-Mecklenburg Police Officers executed a lawful search warrant in the 4400 block of South Tryon Street at an extended stay motel. As a result of the search, officers located a quantity of crack cocaine, heroin, and drug paraphernalia. Officers charged the male occupant of the room with several drug charges. Several minutes after the initial entry by officers into the room, the arrestee indicated that he had ingested a large quantity of cocaine and was not feeling well. A detective then called for MEDIC to respond to the scene and made the decision to release the subject from custody so he could be transported to the hospital for treatment. The supervising sergeant on scene concurred with the detective's decision and the arrestee was transported to Carolinas Medical Center by MEDIC. Once at the hospital, the subject refused medical treatment and signed himself out of the hospital Against Medical Advice.

At approximately 5:17 P.M. a sergeant was traveling in the 900 block of Clanton Road when he was flagged down by the arrestee and he noticed that the subject was displaying symptoms of extreme distress apparently due to his ingestion of cocaine. The sergeant called for MEDIC as well as other CMPD officers to assist and stood by with the subject

until Charlotte Fire Department (CFD) Personnel arrived on scene. The subject then became physically combative and both CMPD and CFD personnel had to restrain the subject in handcuffs and leg restraints face down on the ground until MEDIC arrived on scene. The subject then became unresponsive with Medic and CFD having to administer CPR. A pulse was regained and the subject was then transported back to Carolinas Medical Center. While en route to the hospital, he went into cardiac arrest again and was unable to be resuscitated after approximately thirty minutes of CPR. The most likely cause of death was determined to be cocaine toxicity.

Upon review of the case by the Mecklenburg County District Attorney's Office (which is normal protocol in in-custody deaths) it was determined the officers' actions were in compliance with state law and departmental policy.

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.

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 to ensure compliance with CMPD policy.

To view the complete departmental directive governing pursuits, go to www.cmpd.org, E-Policing Resources, and then to Departmental Directives, then to Directive 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.

Pursuit Events		
	2008	**2009**
Total Pursuits	53	40
Justified Pursuits	45	33
Not Justified Pursuits	2	7
Justified Pursuits w/Policy Violations	6	0
Total Officers Involved	110	81

Table 11

Table 11 shows the number of pursuits, how they were adjudicated as well as how many officers were involved. The total number of pursuits decreased by 24.5% between 2008 and 2009. See ***Appendix 4*** for a further detailed analysis of 2009 pursuits.

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 seven years shows that CMPD officers are pursuing more often than in years past, but trended downward in 2008 and 2009. 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. Pursuits have continued this downward trend in 2009.
(See **Chart 13**)

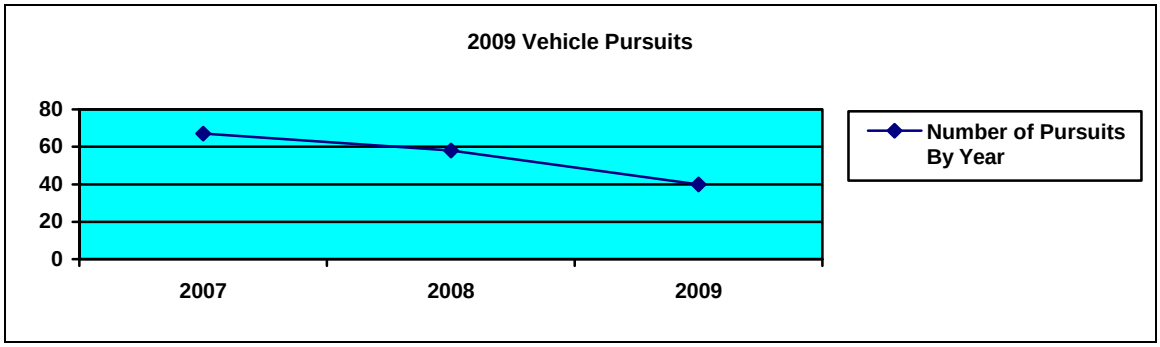


Chart 13

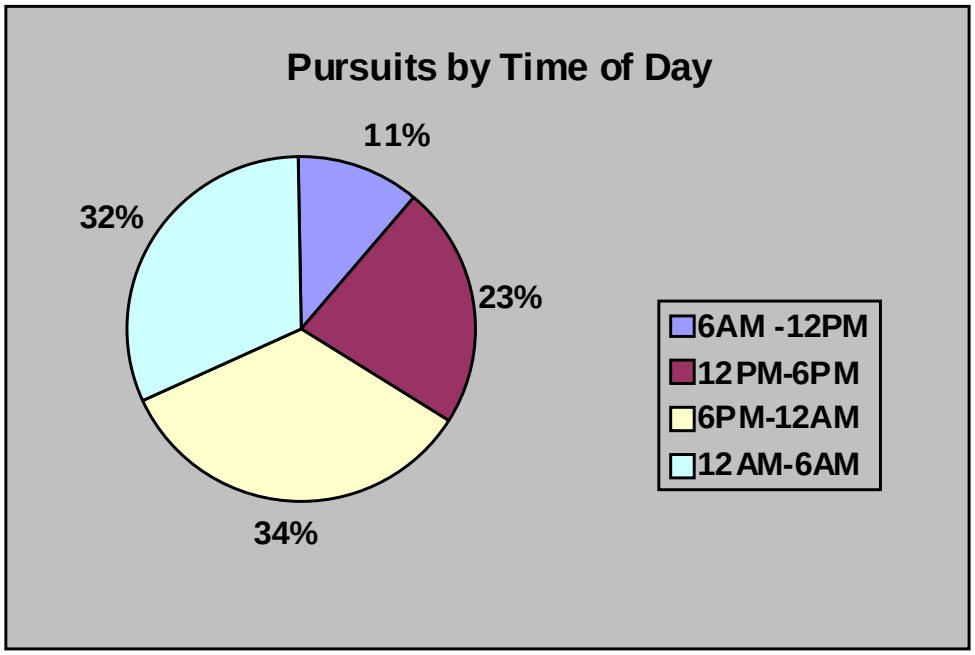
CMPD Fact: Departmental policy allows two patrol units to initially engage in a vehicle pursuit. A police supervisor can authorize additional officers based upon his or her assessment of the situation. The vast majority of pursuits involve one or two patrol units. It is very unusual for more than three 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 12 indicates that, as in previous years, the majority of all pursuits were for violent felony offenses. For the fourth straight year, the overwhelming majority of pursuits (30 percent in 2009) were initiated to apprehend robbery suspects.

2009 Pursuits	Count
ADW	3
B&E	6
Burglary	2
Hit and Run	1
Homicide	1
Kidnapping	3
Larceny from Vehicle	1
Larceny of Vehicle	3
Larceny – Misdemeanor	1
Rape/Sex Offense	1
Armed Robbery	12
Traffic Offense	4
Warrant/OFA	2
Total Pursuits	40

Table 12

Chart 14 below shows pursuits by the time of day they occurred. Nearly 34 percent of pursuits occurred between 6 p.m. and midnight; 66 percent occurred between 6 p.m. and 6 a.m.



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.

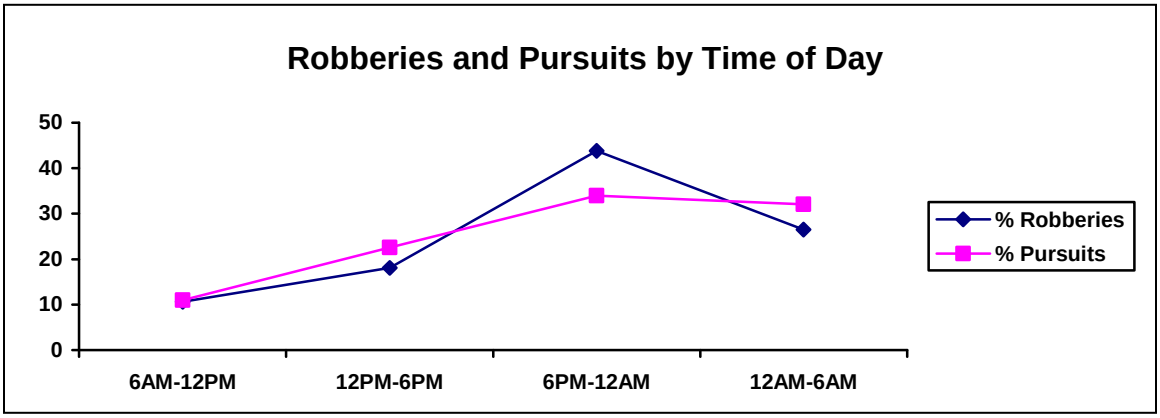


Chart 15

CMPD Fact: ***When an officer declares that they are in pursuit, one of the first responsibilities of the telecommunicator and 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 ground units may disengage until the vehicle comes to rest making the situation safer for both the public and the officers pursuing.***

2009 Employee Motor Vehicle Collisions

To provide police services throughout urban and suburban Mecklenburg County, department employees drive an enormous 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, and 17,934,489 miles in 2009; a 5.3% increase.

Table 13 below shows the total number of preventable and non-preventable collisions occurring in 2009, compared to 2008.

Collisions by Disposition		
	2008	**2009**
Not Preventable Accidents	149	126
Preventable Accidents	137	125
Total Collisions	286	251

Table 13

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 14 shows the rate of collisions in 2009 compared to 2008. **Appendix 5** provides a breakdown of collisions and dispositions by employee assignment.

Collisions by Miles Driven		
	2008	**2009**
Total Collisions	1.70 per 100,000 miles	1.4 per 100,000 miles
Not Preventable	.90 per 100,000 miles	.70 per 100,000 miles
Preventable	.80 per 100,000 miles	.70 per 100,000 miles

Table 14

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

Chart 15 shows lighting conditions during employee-involved crashes.

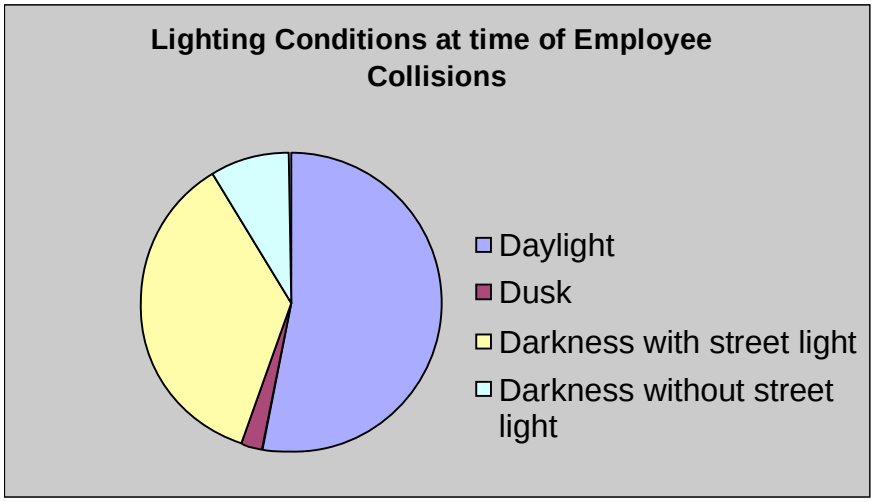
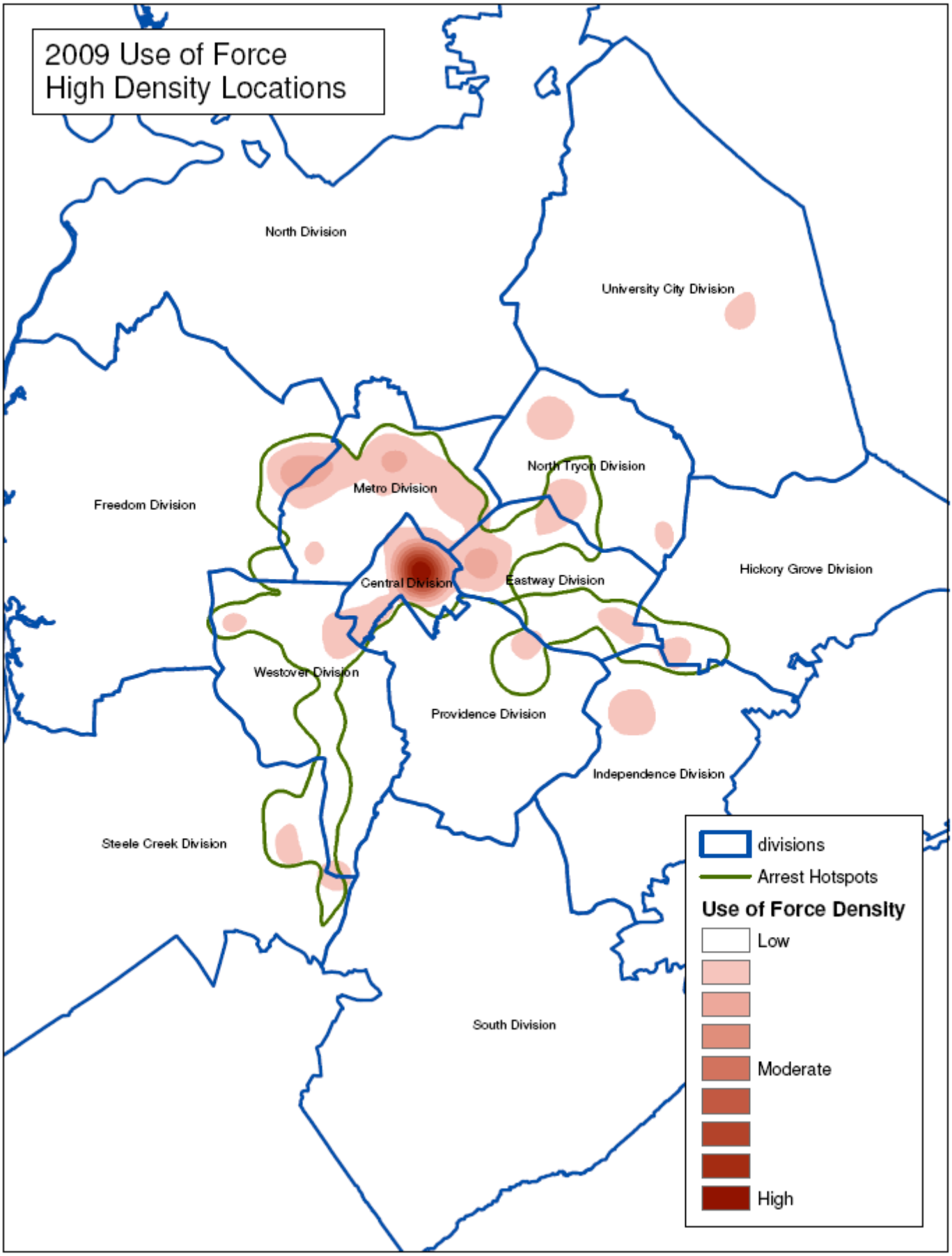


Chart 16

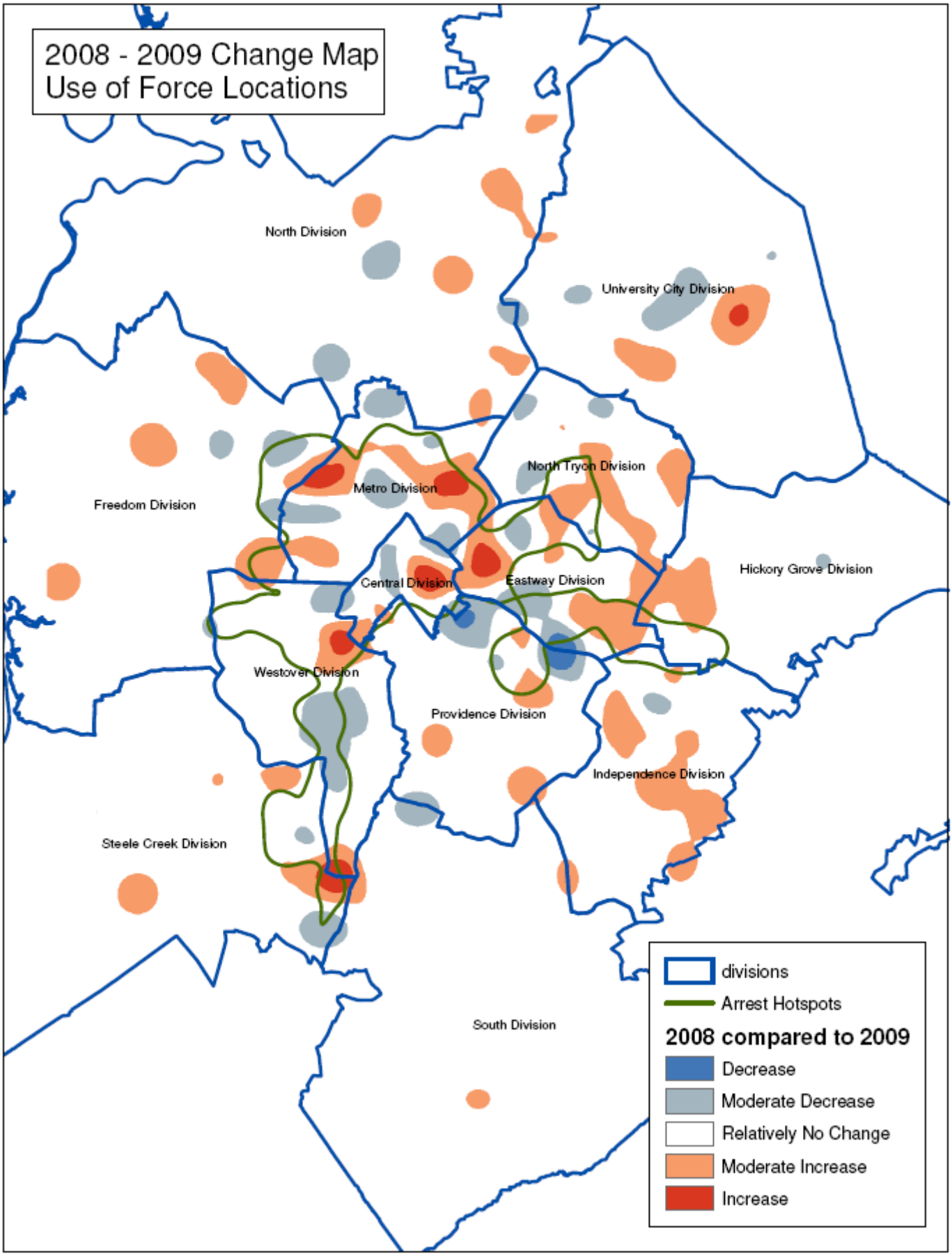
Lighting Conditions	Number of Collisions
Daylight	140
Dusk	3
Dawn	2
Darkness	87

CMPD Fact: ***The CMPD takes very seriously traffic collisions involving officers. Nationwide, 56 officers were killed in traffic-related incidents in 2009, compared to 71 in 2008. Of the 56 traffic-related fatalities in 2009, 40 died in automobile crashes, 12 were struck and killed by automobiles while outside of their own vehicles and four died in motorcycle crashes. Even with the decline, however, traffic-related incidents were still the leading cause of officer fatalities nationwide for the 12th year in a row***

Appendix 1


2009 Use of Force
High Density Locations
North Division
University City Division
Freedom Division
Metro Division
North Tryon Division
Central Division
Eastway Division
Hickory Grove Division
Westover Division
Providence Division
Independence Division
Steele Creek Division
South Division
divisions
Arrest Hotspots
Use of Force Density
Low
Moderate
High

Appendix 2


2008 - 2009 Change Map
Use of Force Locations
North Division
University City Division
Freedom Division
Metro Division
North Tryon Division
Hickory Grove Division
Central Division
Eastway Division
Westover Division
Providence Division
Independence Division
Steele Creek Division
South Division
divisions
Arrest Hotspots
2008 compared to 2009
Decrease
Moderate Decrease
Relatively No Change
Moderate Increase
Increase

Appendix 3

Uses of Force, Arrests, and Rate by Division

Division Name	2008			2009		
	Uses of Force	Arrests	Rate*	Uses of Force	Arrests	Rate*
Central Division	59	2,127	2.8	53	2,211	2.4
Eastway Division	42	3,291	1.3	40	2,932	1.4
Freedom Division	34	2,107	1.6	37	2,480	1.5
Hickory Grove Division	17	1,540	1.1	19	1,611	1.2
Independence Division	22	1,412	1.6	30	1,657	1.8
Metro Division	66	3,511	1.9	66	3,804	1.7
North Division	28	1,388	2.0	23	1,519	1.5
North Tryon Division	45	2,473	1.8	48	2,505	1.9
Providence Division	24	1,537	1.6	22	1,404	1.6
South Division	14	1,206	1.2	13	1,345	1.0
Steele Creek Division	29	2,169	1.3	35	2,218	1.6
University City Division	36	1,431	2.5	30	1,956	1.5
Westover Division	45	3,260	1.4	32	3,309	1.0
Total	461	27,452	1.7	448	28,951	1.5

***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.

Acknowledgements

Internal Affairs Division
Sgt. Rich Austin

CTS Application Development
Ravi Vasireddy

Research, Planning and Analysis Division
Melissa Treadaway
Chris Callard

Public Information Office
Maurice Osborne

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