



City of Clinton

POLICE DEPARTMENT

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February 15, 2014

Memorandum

To: Shawn Purvis
City Manager

From: Jay Tilley
Chief of Police

Subject: 2013 Annual Report (Internal Affairs)

Use of Force (CALEA 1.3.13)

In 2013, there were 20 reported cases involving use of force by officers. Four incidents involved euthanizing injured animals. In the remaining sixteen incidents, there were twenty suspects who officers used force against. Seven cases had two or more officers using some level of force.

Analysis Summary:

The 2013 review and analysis of the use of force cases did not show any patterns or trends of excessive force. The use of Tasers has consistently shown a low percentage of officer and suspect injuries during use of force actions. The Taser use is continuing to provide better options than hard hand and asp baton strikes which are more likely to cause physical injury. There was no use of force incidents found to be out of policy. Supervisors conducting good post use of force investigations and expanding the in-service training on use of force will help continue the reduction of out of policy incidents. The Early Warning System used by the CPD is another tool that needs to be utilized to insure against problem trends.

The CPD is currently involved in civil litigation over a 2009 use of the Taser. The Department's Taser instructor is now reviewing the collection of information and how the reports are reviewed. Also being reviewed is the policy on the use of the Taser. The Command Staff will review with the Taser instructor his findings and recommendations and be included in the analysis summary for 2014.

Integrity Professionalism Respect Teamwork
The City of Clinton is an equal opportunity provider and employer.

An analysis of the past four years of use of force involving race and sex shows that black males make up on average of 58% of the incidents. 65% of all use of force involved suspects that were engaging in a physical/assaultive manner or during a felony apprehension. Reviewing arrest data from RMS shows that 42% of arrests involve black males. In 2013, approximately 48% of the violent crime arrest involved black males. This is a partial explanation for the disproportionate use of force.

The age analysis is consistent with violent crime is committed in majority by young people (18 to 29 years of age). Arrest data, incident reports, and use of force cases clearly reflect this.

Analysis of injury data showed that an officer had to receive medical treatment for an injury during a use of force that required going to the hospital. The officer was bitten by the suspect while trying to subdue the suspect using soft hand tactics. The two subjects that sustained injuries this year occurred during incidents in which only “hands on” tactics were used. Both subjects received minor injuries. One refused any treatment while the other was treated by EMS. This information re-enforces that “hands on” tactics increases the chances of injury.

CPD is currently doing analysis based on four years of data. The year 2010 was the first complete year that data was collected in the administrative investigation system that CPD uses. The best indicators of trends should be five years of data. The current system of reporting will continue for the most effective information.

Recommendations:

1. Review the findings of the Taser review and make necessary changes to policy & training.
2. The CPD needs to increase community base programs that focus on conflict resolution. These programs should target teen-age and pre-teen age groups. The SRO program and the CPD school reading program are two examples where conflict resolution can be taught.
3. There needs to be an emphasis in minority and juvenile sensitivity training, communications skills, and use of force training for officers. Some of these type trainings will be identified in the review being done with Tasers. This type training will enhance officer’s conflict resolution skills.

Reasons for use of force:

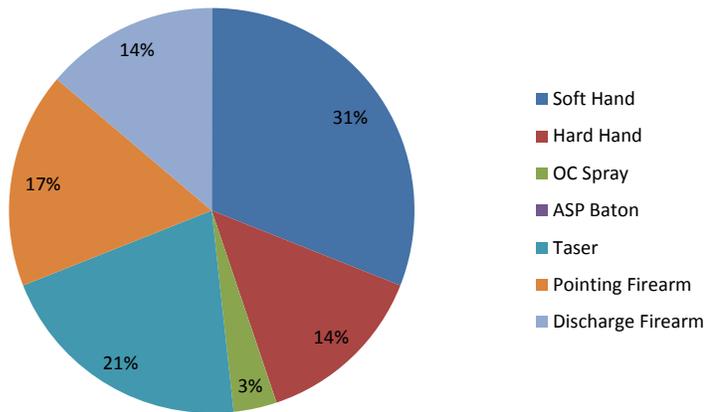
	2010	2011	2012	2013
Euthanized animal	0	3	2	4
Physically resisting arrest	7	3	4	4
Failure to comply with commands during arrest	1	3	4	2
Fleeing from arrest	7	1	3	2
Fleeing with weapon	0	0	1	0
Assault on Officer	3	1	4	1
Fighting/Assault on other	2	2	5	3
High risk search warrant/Felony Vehicle Stops	0	0	2	3
Other	1	1	0	2

Types of force used:

	2010	2011	2012	2013
Soft Hand	12	7	11	9
Hard Hand	1	4	3	4
OC Spray	0	1	1	1
ASP Baton	0	1	0	0
Taser	15	7	10	6
Pointing Firearm	1	3	4	5
Discharge Firearm	0	2*	2*	4*

**euthanized animals*

2013 Types of Forces Used by Percentage

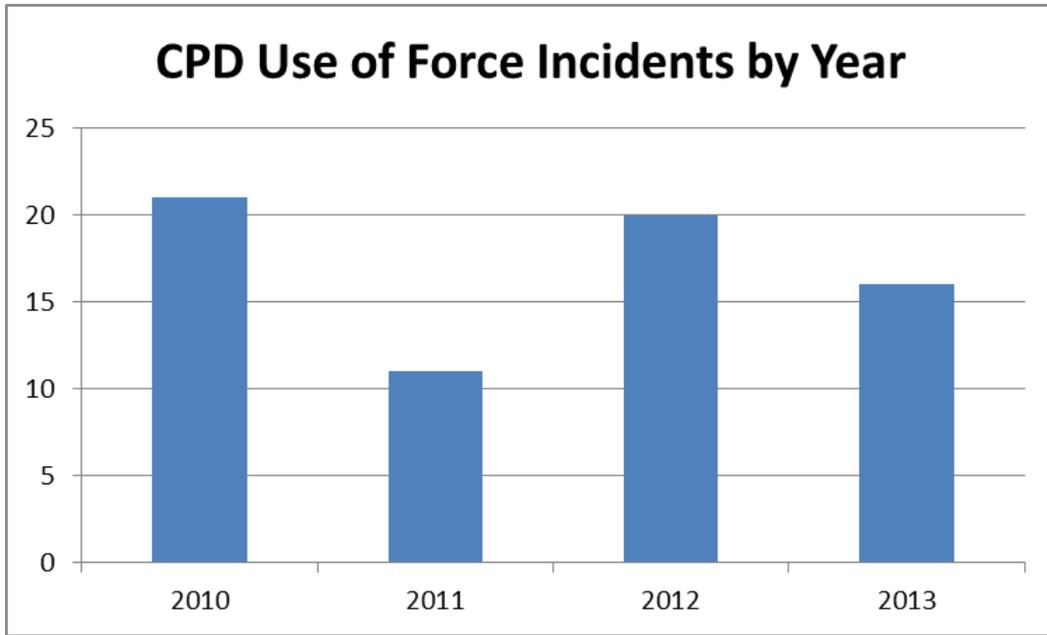


Use of force by Race/Sex:

	2010	2011	2012	2013
B/M	12	7	12	13
B/F	1	4	3	1
W/M	4	0	1	2
W/F	0	0	0	1
H/M	3	0	4	3
H/F	0	0	1	0
NA/M	1	1	1	0
NA/F	0	0	0	0

Use of force by Age:

	2010	2011	2012	2013
Under 18 years of age	0	0	0	1
18-29 years of age	10	6	14	13
30-39 years of age	5	2	5	3
40-50 years of age	5	3	2	2
51 years of age & older	1	0	1	0



**not including euthanizing animal incidents*

Injuries during use of force:

	2010	2011	2012	2013
Officer-Minor Injury/No Medical	1	1	0	0
Officer-Minor Injury/EMS	0	0	0	1
Officer-Serious Received Medical	0	0	0	1
Subject-Apparent Injury	10	3	3	2
Subject-Complaint of Injury	1	0	3	2
Taser Prong/No Other Injury*	0.	0	0	0

*data not collected 2010-2012

Internal Affairs (CALEA 52.1.5)

In 2013, the CPD Internal Affairs section oversaw 37 investigations. There were 2 internal affairs cases, 13 citizen complaints, 1 critical incident review, 2 employee grievances, and 19 supervisor investigations.

Type	2010	2011	2012	2013
Internal Affairs	5	3	3	2
Citizen Complaints	13	16	2	13
Critical Incident Review	2	0	0	1
Employee Grievance	0	2	0	2
Supervisor Investigations	6	13	5	19
Civil Complaint	0	0	1	0

Dispositions

Type	2010	2011	2012	2013
Internal Affairs-Sustained	2	3	3	2
Internal Affairs-Not Sustained	1	2	0	0
Citizen Complaints-Sustained	2	9	1	0
Citizen Complaints-Not Sustained	11	6	1	13
Supervisor Investigations-Sustained	6	13	3	14
Supervisor Investigations-Not Sustained	0	0	2	5

Type Complaint

Type	2010	2011	2012	2013
Use of Force	1	3	2	3
Racial Profiling	0	0	0	0
Rules of Conduct	13	12	4	10
Unsatisfactory Job Performance	6	5	2	11
Reporting Violations	3	9	1	5
Extra Duty Employment Violation	0	3	1	1

Race/Sex of Complainant

Type	2010	2011	2012	2013
W/M	5	4	0	4
W/F	3	4	1	4
B/M	1	5	1	1
B/F	3	5	1	5
H/M	0	0	0	1
H/F	0	0	0	0
NA/M	0	0	0	0
NA/F	0	1	0	0

Summary

The CPD continues to have a responsive internal affairs section that investigates all citizen complaints and oversees all administrative investigations in the Department. The six areas of responsibilities for internal affairs are as follows:

1. Internal Affairs: investigations involving serious allegations of misconduct.
2. Citizen Complaints: any complaint of misconduct from a citizen including anonymous sources.
3. Critical Incident Review: a review of an incident that exposed officers or the public to a safety issue.
4. Employee Grievance: review of an employees' claim of unfair work practices.
5. Supervisor Investigations: investigations by supervisor for policy violations that do not involve grievous misconduct.
6. Civil Complaint: a review of an incident that involves litigations like a civil suit, EOC complaint, or etc.

A review of the investigations showed that several officers did not comply with evidence inspection guidelines. Administrative corrections were issued in these matters. 2012 had a relatively low number of citizen complaints while in 2013 there was a significant increase. The 2013 numbers were consistent with 2010 and 2011 numbers. There was no citizen complaint investigation that found the officer in violation of the policy.

Supervisor investigations had the highest number during the four year tracking period. The largest percentage of these investigations dealt with reporting issues and procedural violations.

There was one critical incident review involving a prisoner that escaped from an officer while in route to the magistrates' office. The prisoner was apprehended within a couple of minutes and a block of the escape scene. The review generated Department wide training on handling and transporting prisoners.

Grievance Analysis (CALEA 25.1.3)

Summary:

Two grievances were filed during the reporting period. Both grievances were dealt with on the Department Head level and were resolved in the employees' favor. One issue dealt with disciplinary action and the other an unfair work practice in the selection process for position. The disciplinary action case was reviewed by the Assistant Chief and realized the original corrective action was not consistent with other like cases. The corrective action was reduced. The second incident dealt with an officer's eligibility for a position. After reviewing the information provided by the employee, that employee was allowed to compete for that position.

Analysis:

There were no trends in the grievances filed. Each incident involved one individual officer. Neither of the incidents or the findings during the grievance process required changes in the Department's policy or procedures. The grievance procedure is functioning properly and is giving the individual employee a mechanism to address perceived or real unfair practices in the workplace. Also this procedure is giving supervisory staff mandatory reviews of workplace events.

Bias Base Profiling Review (CALEA 1.2.9)

The Clinton Police Department policy and procedure requires an annual review of enforcement actions. This review is part of a process to ensure enforcement is not based on race, gender, age, or any identifiable groups.

Review

In March of 2013, the records management system was upgraded which enhanced the Department's ability to collect data on traffic and pedestrian stops. Officers are now required to obtain information identified by North Carolina law during stops which helps determine if bias based profiling is being conducted.

Demographic information that was being using for this review showed that the population of Clinton was 8639. Census data had race at 49% percent White, 41% African-American, and 6 % Hispanic.

Data for traffic stops are broke down by race/sex/age. Citations, verbal warning, written warning, on-scene arrests, and no actions are the categories for enforcement. Also included in the data are the drivers and passengers that are searched during traffic stops.

During the ten month data collection period, approximately 1200 vehicles were stopped by officers. This does not include vehicles stopped at collision scenes. Sixty percent of the stops had male drivers. White males made up 24 % of the stops, African American males were 22%, and Hispanic males were 13%. The break down for females showed White females 18%, African-American females 16%, and Hispanic females 5%. In comparison with demographic data, traffic stops involving white drivers was 42%, African-American drivers was 40%, and Hispanic drivers was 18%. The remaining percentages included Native American, Asian, and unreported race drivers.

The review of enforcement actions showed White males received citations 48% while African American males was at 45% and Hispanic males 72%. On-scene arrests were White males 1%, African American males 5%, and Hispanic males 8%. Citations for females showed White females 51%, African American females 58%, and Hispanic females 67%. White females were involved in 1% on-scene arrests while African American females were 1% and Hispanic females 2%.

Enforcement action for age groups was fairly even in the break down. The age group of 20 to 24 years had the highest number of stops. That age group accounted for 17%. Also it had the highest issuance of citations at 59%. The lowest percentage of stops was the over 60 years of age group which was 10%. There was no disproportioned issuance of citations to any age group.

Searches conducted during traffic stops was 7%. White males were search 2%, African American males 3%, Hispanic males 1%, and White females 1%. African American females and Hispanic females were searched less than 1%.

Reviewing the enforcement actions involving Hispanic drivers shows a greater disparity than demographics and enforcement actions of other groups. There are three factors that lead to these numbers. Clinton/Sampson County has a high number of undocumented Hispanic populations that is not reflected in the census. This is an agricultural area that imports a significant number of temporary Hispanic workers during the planting and harvesting seasons. A substantial number of Hispanics in this area do not have proper drivers license, registration, or insurance because of their immigration status. Sixty percent of the traffic stops with Hispanics involved driver's license, registration, and/or insurance violations. Only 32% of all other groups had these type violations.

The Department has a field interview program for investigative stops of citizens. Documenting the information from these stops are done in the records management system. The review showed that 21% of stops involved White males, 46% were African American Males, and 5% was Hispanic Males. 11% of the stops were White females, 8% were African American Females, and there were no Hispanic female stops.

The Department did not receive any bias based profile complaints during 2013. There were concerns expressed during a Hispanic community meeting about traffic check points. Department data showed that 6% of overall traffic stops were initiated from a check point. Hispanics were stopped 19% of the time at check points.

Results

The review did not show any bias base profiling for enforcement actions of the Police Department. No corrective actions are required.

Analysis & Recommendations

In 2013, the Department held a Hispanic community meeting in which the issues of traffic stops and check points were discussed. This was an excellent forum in educating the citizens and obtaining valuable feedback for developing enforcement strategies. This type meeting should be held again.

Training that is required by policy for bias based profiling should continue.

The current data only encompassed ten months of work. This is insufficient information to identify any trends. At least three years of information will be needed to set long term goals. The collection of data needs to be reviewed by Command Staff to make sure the correct information is being captured.

Supervisors need to continue an emphasis on field interviews and documenting that information.

Revise policy on traffic checking stations to provide better over-sight by shift supervisors.

Vehicle Pursuit Analysis (CALEA 41.2.2 j)

Type	2010	2011	2012	2013
Pursuits In-Policy	3	3	2	2
Pursuits Out of Policy	0	0	2	0

Summary

The Department had two vehicle pursuits in 2013 and both were within policy. In one incident, the supervisor allowed a pursuit to continue for a property crime at a local tractor business. Policy does not permit pursuits for those type crimes however the supervisor allowed it based off three factors, location, light traffic, and the frequency the business had been victimized with this type crime. The supervisor did terminate the pursuit once the police vehicle left the city limits. The Command Staff reviewed the pursuit and determined that the decision and action was prudent.

In both pursuits, the police vehicles did not have in-car cameras. There was no damage to any police vehicles. One suspect vehicle wrecked due to the driver's careless operation. Stops sticks and vehicle ramming techniques were not used in any incident. There were no injuries in any pursuits.

Analysis

In both pursuits, a supervisor was monitoring the event and providing guidance. Neither vehicle used in these vehicles was equipped with in-car cameras. Video is important for the supervisory staff to identify policy and training needs. There was one incident that the supervisor gave exception to policy. It was acceptable in this case however the Department must continue to train supervisors on liability and safety issues so they fully understand possible consequences for making exceptions to policy.

There is patterns or issues from the 2013 pursuits to change policy or procedures.

Recommendations

1. The Commanders of each section need to provide roll call training to the sergeants on the pursuit policy.
2. The pursuit policy should be reviewed in all Department sponsored driving training.
3. Driving training with pursuit policy review need to be calendared for training in 2015.