



Durham Police Department

Professional Standards Annual Report – 2016

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DURHAM POLICE DEPARTMENT

MISSION STATEMENT

To minimize crime, promote safety, and enhance the quality of life in partnership with our community.

Mission Statement
Values
Organizational Vision
Accreditation
Code of Ethics
Policy & Procedures

VALUES

We respect the rights and individuality of all people. We are committed to personal and organizational integrity. We are committed to providing quality service in partnership with our community.

FOUNDATION

ORGANIZATIONAL VISION STATEMENT

To be a progressive law enforcement agency committed to reducing crime by providing the best quality of service, fostering public confidence and maintaining the highest standards of excellence as a community partner for positive change.

ACCREDITATION

The Durham Police Department is committed to the organizational excellence through the participation in the Police Accreditation process. Excellence in policing promotes effective and efficient practices within the organization and thus provides for quality service to the community.

The Durham Police Department has been accredited by the Commission on Accreditation for Police Agencies, Inc. (CALEA) since 1991 and remains committed to continual improvement and organizational development that is garnered by the process.

CODE OF ETHICS

As a member of the Durham Police Department my fundamental duty is to serve the public interest. I must therefore conduct myself in a manner that fosters the respect, trust and confidence of the public.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency.

I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

I will be exemplary in obeying the law and the regulations of my department and honest in thought and deed both in my personal and official life. Whatever I see or is confided to me in my official capacity of a confidential nature will be kept secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions.

I will never engage in acts of corruption or bribery, nor will I condone such acts by other Department members. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.



Message from the Commander

This annual report, which is prepared by the Professional Standards Division of the Durham Police Department (DPD), is an in-depth review of department investigations involving employees of the DPD (**sworn and non-sworn**) conducted in 2016. It is an analysis of actions that potentially affect public trust and police-community relations. The information provided in this report derives from the analysis of key areas including: Internal and External Complaints; Use of Force; Use of Deadly Force; In-Custody Deaths, Vehicle Pursuits and Department Motor Vehicle Collisions.

The 2016 Professional Standards Division Annual Report has been developed with three goals in mind:

1. To provide information on the complaint process, investigative process and disciplinary process of the department;
2. To provide information on the Community oversight of administrative investigations conducted against personnel of the Durham Police Department;
3. To provide an overview of the results of internal and external investigations, Use of Force actions and Vehicle collisions involving personnel;


Due to the nature of Police work, Officers are expected to identify, assess, and respond to situations with limited information and expected to take the most appropriate action. Though some interactions between police officers and citizens are highly stressful and rapidly evolving, most reach the best possible solution without complaint or force.

However, when a citizen feels that their interaction with an officer does not comply with the standards of the Durham Police Department or that the employee has exceeded their authority or acted inappropriately, it is necessary that these issues be addressed by supervisors and Command Staff. In order to ensure that these issues are handled correctly, a system of guiding principles must be in place to ensure that all concerns, external or internal, are addressed promptly, sufficiently, and fairly. These principles must ensure the following:

- The citizens' concerns and complaints are taken seriously, investigated properly and will ensure due diligence on the part of the Police Department to address any identified violations of policies and procedures;
- Employees will receive an unbiased and thorough investigation that is completed in a timely manner. To ensure that employees continue to have confidence in this system, they must know that if their behavior or actions are found to be consistent with Departmental policy and procedures, that they will be supported by the Department. Knowing that most complaints are filed due to a citizen's honest belief that an employee's actions were inappropriate, consideration must be given to the fact that some complaints are motivated by inappropriate reasons, such as an attempt to secure a more favorable court ruling, monetary, or retaliation for multiple reasons;

- The Department is able to monitor and identify trends in employee behavior, favorable or unfavorable, in order to adjust and modify policy, practice, and training.

The Durham Police Department has numerous General Orders, Rules and Regulations, and Standard Operating Procedures for topics ranging from Uniform Dress Code to the Use of Force. When an alleged violation of these policies has been discovered, an investigation is conducted to determine what policy, if any, has been violated and if so, what punishment is appropriate.



Captain Gregory W. Pickrell
Professional Standards Commander

Professional Standards Division

The Professional Standards Division is a part of the Office of the Chief of Police and is comprised of Internal Affairs, Staff Inspections and the Office of Accreditation. The Professional Standards Division commander reports directly to the Chief of Police.

Internal Affairs

The Internal Affairs Unit is managed by a Captain who serves as the Division Commander. One Lieutenant, Two Sergeants, Two Corporals, a non-sworn Administrative Coordinator and a non-sworn Office Assistant comprise the staff of the Internal Affairs Unit. In 2016, the Internal Affairs Unit handled 397 cases, which include use of force reviews, vehicle pursuit reviews, collisions involving Department members, performance reviews and administrative reviews.

Staff Inspections

The Department maintains one Sergeant as the Staff Inspector. This position conducts inspections on different components of the Department to ensure policies and procedures are upheld and to assist in identifying potential improvements. The Staff Inspector is also responsible for monitoring the state mandated Traffic Stop Reports. In 2016 the Staff Inspector conducted 2 staff inspections on the following agency components: Traffic Services and Property/Evidence.

Office of Accreditation

The Office of Accreditation is responsible for managing the Department's CALEA accreditation program and maintaining the Department's policies and procedures. In July 2016, the Department was awarded their eighth award by the Commission on Accreditation for Law Enforcement Agencies.

The Internal Affairs Process

Making a Complaint

Citizens may lodge complaints against employees of DPD via telephone; in-person; through e-mail; written correspondence; or on-line electronic submission. Anonymous complaints are also accepted but will be handled at the discretion of the Chief of Police. In person complaints may be received by the desk officer at police headquarters or any member of the Durham Police Department at other times and locations who will then contact the on duty supervisor.

Not all complaints require a formal supervisory investigation. The initial review of many complaints find that incidents are of complainants mere misunderstanding of applicable procedures of lawful duty, or a perceived perception and requires a supervisor or commander's mediation with the complainant to address the concerns presented.

Formal investigations are conducted in all cases where there are allegations of misconduct, violations of policy and procedures, and alleged violation of criminal law. When the investigation is complete, the employee's divisional chain of command shall review all of the facts and determine how the complaint is adjudicated.

The Professional Standards Division's Internal Affairs Unit investigates all allegations of misconduct that generally carry more serious consequences for the employee, the department or threatens the community's confidence in the police. The employee's immediate supervisor conducts internal investigations of complaints with less serious consequences for the employee or community confidence.

The Durham Police Department makes every effort to investigate and adjudicate all supervisory level investigations within 45 days from the date a complaint was received and within 90 days of the date received for Internal Affairs investigations. However, there are circumstances, including case complexity and witness availability, which might prevent Internal Affairs from achieving this goal in every instance.

The Investigative Process

All Professional Standards Division investigations and notification of complaint disposition must follow guidelines established by state law and department policy.

Upon receipt of a complaint, the Professional Standards staff enters the complaint into the IA PRO case management software system, which assigns a complaint file number to the case. The case management software permanently captures all elements of a complaint throughout the investigative process. The information within the system can never be fully deleted, even if a complaint is later withdrawn by the complaining party. There is always some record of a complaint, investigated or withdrawn. The commander of Professional Standards Division will review the complaint allegations to determine which policy violations are applicable for investigative purposes; determine the severity of the allegation(s); and assign the case for investigation.

The assigned supervisory level investigator conducts the investigation, which consists of the following components:

- Interviewing and obtaining a statement from the complaining party;
- Interviewing and obtaining a statement from any relevant witnesses;
- Obtaining any physical, documentary, photographic and video evidence;
- Reviewing all statements and evidence prior to interviewing the accused employee in order to prepare for the interview;
- Interviewing and obtaining a statement from the accused employee;
- Re-interviewing any complainants, witnesses or accused employees to clarify facts; and
- Completing summaries of evidence and events surrounding the allegation(s) of misconduct and investigation results.

Violations of Criminal Law. When an employee is alleged to have violated a criminal law, two parallel investigations typically occur: the internal administrative investigation described above; and a separate criminal investigation is conducted by the Criminal Investigations Division. All criminal investigations are reviewed by the District Attorney to determine if the employee will be prosecuted.

Use of Force Resulting in Death. The use of force by members of the DPD that results in the death of a citizen or any in-custody death is investigated as a violation of criminal law. There are three concurrent investigations that are conducted under these circumstances. (1) The Administrative Investigation by Internal Affairs as described above; (2) the criminal investigation as described above, by the North Carolina State Bureau of Investigation as an independent agency investigating the actions of the officer; and (3) a criminal investigation conducted by the DPD Criminal Investigation Division into the criminal actions of the deceased. The findings of the State Bureau of Investigation are submitted to the District Attorney to determine if the employee will be prosecuted.

Department Vehicle Collision. All department vehicle collisions are investigated in accordance with N.C. State Law and department policy. All traffic collisions upon completion are forwarded to Professional Standards for review by an Internal Affairs investigator who coordinates a department Accident Review Board hearing to determine violation of policy and fault.

Other Investigations. Police department supervisors conduct investigations into all use of force applications, vehicle pursuits and employee injuries. If there is no evidence that a violation occurred, the investigation is completed by the employee's supervisor and the chain of command renders a finding. The Professional Standards Division reviews every supervisor investigation for consistency with the established investigative process.

Once information has been gathered by the investigator and a conclusion of facts has been developed, the case file is ready for a review by the employee's chain of command for concurrence with the findings of the investigation and if warranted, a disciplinary recommendation. The completed case with all supporting exhibits and interviews are submitted

to the employee's chain of command for a complete review and concurrence with the findings of the case.

Case Findings

Findings are determined by the assigned investigator based on a conclusion of the facts and reviewed by the employee's chain of command as described above. Each allegation will receive one of seven possible findings:

Sustained- The investigation disclosed sufficient evidence to prove the allegation made in the complaint. The standard of proof to sustain an allegation is defined as a preponderance of the evidence, a much lower standard than proof beyond a reasonable doubt.

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; however, the investigation revealed that they were justified, lawful and proper.

Unfounded- The allegation is false or the employee could not have committed the violation.

Withdrawn- The complainant withdraws the complaint before completion of the investigation or finding of fault.

Discontinued- Circumstances exist where the investigation can no longer be continued against the employee.

Policy Failure-The allegation is true. There is, however, no written policy governing the conduct in question therefore, the officer was not inconsistent with departmental policy.

The Professional Standards Division does not participate in determining or assigning discipline in investigative cases. These actions are the sole responsibility of the employee's chain of command.

The Discipline Process

In cases of sustained findings the investigation is returned to the employee's commander for recommendation for disciplinary action. The employee's commander is provided a history of disciplinary actions for the applicable violation and the employee's history to assist in ensuring an equitable delivery of progressive discipline. The recommended discipline is forwarded through the employee's chain of command for concurrence with the recommendation. Discipline stops at the level of Deputy Chief for anything at or below a five (5) day suspension. Discipline recommendations of suspension, demotion or termination require a pre-disciplinary hearing. An employee has the right to waive the hearing and accept the recommended discipline.

It is the policy of the Durham Police Department to follow a progressive disciplinary system and to ensure that all discipline will be administered in an equitable, fair, and consistent manner in accordance with City Policy HRM 322. The Durham Police Department provides personnel reasonable opportunity to correct poor job performance or unacceptable conduct.

Community Oversight

Civilian Police Review Board (CPRB)

The City of Durham, under the authority of the City Manager, has tasked a citizen based oversight committee known as the Civilian Police Review Board to function as an Ad-Hoc hearing committee on behalf of residents who disagree with the findings of their complaint. The nine member board is appointed by the City Manager and confirmed by the City Council for term limit service. The CPRB accepts appeal requests in cases where the complainant disagrees with the finding(s) of an investigation. The CPRB will review the appeal request to determine if there are grounds for an appeal hearing due to a perceived abuse of discretion by the Professional Standards Division.

District Attorney Review

As described earlier, there are certain situations requiring both administrative and criminal investigations. In cases where an employee's actions result in the death of a person, a request is made by the Chief of Police to the State Bureau of Investigation to conduct a criminal investigation into the actions of the employee. The result of the State Bureau of Investigation's case is presented to the Durham County District Attorney to determine whether prosecution is appropriate. The result of the investigation is provided to the Professional Standards Division to assist in the adjudication of the internal investigation.

In other cases where an employee is alleged to have violated the law, facts of the criminal investigation are presented to the District Attorney by Criminal Investigation Division personnel to determine if prosecution is warranted in the matter. This criminal review removes perceived internal political influence over the outcome of the criminal investigation.

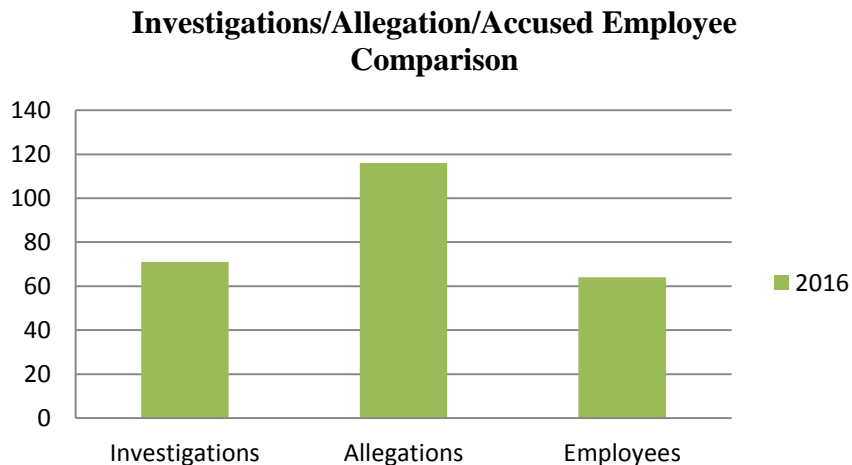
Internal Affairs & Disciplinary Process



Annual Report Overview

The Durham Police Department is a full service agency delivering first rate quality police services to the citizens of Durham. Interactions between the community and police personnel occur hundreds of thousands of times annually. These interactions may be simple interactions on the street, general conversations in stores, or while working sporting events or festivals. These interactions also occur when there is a request for assistance by citizens to mediate or intervene in disputes. Attempting to quantify the number of citizen-police interactions is nearly impossible due to the complexity of the daily duties of police personnel and the size of the agency. No matter how interactions are initiated, the majority of the interactions that occur between the community and police personnel end as a positive interaction. To provide a clear picture of the extent of citizen-police interaction that resulted with allegations against personnel for poor performance or misconduct, an analysis was conducted of the number of citizen complaints compared to the total number of calls for service for 2016. Calls for service (CFS) are those citizen-police interactions that are entered in the department's computer aided dispatch system. These calls for service can be initiated by a citizen's request for police response or self-initiated activity by police personnel.

There are many complaints that involve multiple officers and/or contain multiple allegations against one or more employees therefore allegation totals exceed the number of employees and complaints.



Allegations of Policy Violations

When an employee of the DPD is alleged to have been involved in an action of alleged misconduct; violation of criminal law; causes serious bodily injury or death to another person; is likely to become high a profile focus within the community; or by nature of the action could lead to the immediate dismissal of the employee, an internal investigation by authority of the Chief of Police is conducted. Each allegation is reviewed by nature of the incident for determination of City policy; departmental policy or criminal law violation to categorize the investigation.

Investigations may consist of multiple allegations within one case as well as multiple officers. The below tables identify the most frequent allegation categories comparatively for 2014, 2015 and 2016. (*Administrative Investigation: AI; Citizen Complaint: CC; Performance Review: PR*)

2014 Top 5 Allegations by Policy

Allegation	AI	CC	PR	2014 Total
4008 Use of Force	11	40	0	51
4004 Warrantless Search	2	44	0	46
RR 1.3 Conduct Unbecoming	7	33	1	41
RR 2.2 Performance of Duty	4	22	2	28
RR 2.4 Respect Rights of Others	3	23	0	26

2015 Top 5 Allegations by Policy

Allegation	AI	CC	PR	2015 Total
GO 4008 Use of Force	6	20	16	42
Rule 2.2 Performance of Duty	14	21	0	35
GO 4004 Search and Seizure	7	18	2	27
Rule 1.3 Conduct Unbecoming	1	24	0	25
GO 2017 Secondary Employment	2	14	0	16

2016 Top 5 Allegations by Policy

Allegation	AI	CC	PR	2016 Total
GO 4008 Use of Force	6	33	3	42
Rule 2.2 Performance of Duty	7	17	13	37
GO 4004 Search and Seizure	10	19	0	29
Rule 1.3 Conduct Unbecoming	5	13	2	20
GO 2017 Secondary Employment	1	0	13	14

Disciplinary/Personnel Actions Taken

Actions Taken	2014	2015	2016
Suspensions	28	21	21
Demotions	2	0	2
Resignation (in lieu of termination)	4	3	1
Termination	1	1	2
Other (Reprimands, etc).	107	71	63

Citizen's Complaint

In 2016, Citizen's Complaints comprised approximately 28% of the investigations conducted by the Department. In 2016, thirty-six (36) Citizen's Complaints were made which included 57 total allegations. Thirty-two were forwarded to the employee's Commander for investigation and 4 were investigated by Internal Affairs.

Citizen Complaints in General	2014	2015	2016
Calls for Service	288,628	280,670	277,611
Citizen Complaints	48	75	71
Citizen Allegations	103	114	116
Complaints per CFS	0.0002	0.0003	0.0001
Sustained Complaint Allegations per CFS	7.6	2.1	3.2
Sustained Investigations	12	6	6
Sustained Allegations	22	6	9

Allegation Findings – Citizen's Complaints	2014	2015	2016
Sustained	16	9	11
Not Sustained	13	6	8
Exonerated	39	27	59
Unfounded	20	9	23
Other	0	6	2
Pending	5	4	13

Allegation by Policy – Citizen's Complaint	2016
GO 4008 Use of Force	27
GO 4004 Search and Seizure	19
Rule 1.3 Conduct Unbecoming	13
Rule 2.2 Performance of Duty	12
Rule 2.4 Respect the Rights of Others	11

Internal Investigations

In 2016, Internal Complaints comprised approximately 62% of the investigations conducted by the Department. In 2016, seventy eight (78) complaints were initiated which included 100 total allegations. Fifty-five (55) were forwarded to the employee's Commander for investigation as a Performance Review and 23 were investigated by Internal Affairs.

Performance Review

Performance reviews are initiated by the employee's supervisor or command level authority. The initiation of a performance review can occur when a fellow employee files a complaint of misconduct or violation of policy against another or when command personnel identify potential

violations of department policy, procedures or alleged misconduct. Command level performance reviews are initiated far more often than internal employee complaints.

Performance Reviews	2014	2015	2016
Total Performance Reviews Initiated	84	70	55
Total Number of Allegations	100	78	100
Total Number of Employees Involved	71	62	86
Total Sustained Investigations	70	47	35
Number of Sustained Allegations	80	55	44

Administrative Investigations

Administrative Investigations are internal investigations that are initiated at the direction of the Chief of Police or his/her designee due to the severity of the allegations of potential misconduct or alleged violation of criminal law. These investigations are conducted by the Professional Standards Division.

Administrative Investigations [AI]	2014	2015	2016
Total AI Initiated Cases	28	24	23
Total Number of AI Allegations	62	64	64
Total Number of Employees Involved	34	33	38
Total Sustained Investigations	18	15	14
Number of Sustained AI Allegations	30	32	24
Specific Allegations Categories	23	28	21

Allegation Findings – Internal Complaints	2014	2015	2016
Sustained	17	18	14
Not Sustained	4	2	2
Exonerated	4	3	2
Unfounded	1	1	0
Withdrawn	1	0	1
Discontinued	0	0	3
Policy Failure	0	0	0

Allegation by Policy – Internal Complaint	2016
General Order 4004 Warrantless Search and Seizure	10
Rule 2.2 Performance of Duty	7
Rule 1.2 Obedience to Laws	7
General Order 4008 Use of Force	5
Rule 1.3 Conduct Unbecoming	5

Use of Force

The Durham Police Department uses North Carolina Training and Standards mandated subject control techniques as a guide to instruct personnel in the legal application of the use of force. This instructional lesson plan trains officers to understand the level of force most appropriate for the level of resistance faced by the officer. An officer's decision to use any level of force is based on the behavior presented by the subject involved. When an officer finds it necessary to use force to achieve a lawful police function, he/she must use the most reasonable amount of force necessary given the totality of the circumstances given at the time. The officer should consider his/her physical abilities and characteristics, as well as the apparent physical conditioning and age of the subject, and the apparent likelihood of injury when applying force. By law and policy, an officer must continually assess the totality of the circumstances and appropriately escalate, de-escalate, or completely cease any force used to overcome subject resistance. Members of the Durham Police Department are never justified in using excessive force. The following list is a force control continuum guide for legal applications of force authorized by state law and department policy.

Officer Presence	Refers to the effect that the mere presence and appearance of a police officer has on a subject. It is recognized that the presence of more than one officer at an incident has a substantial effect in reducing the likelihood that subjects will be non-compliant
Verbal Direction	Refers to any verbal attempt to gain compliance on the part of a police officer including direct commands and attempts to verbally deescalate a situation. Verbal Direction is typically used to facilitate control of compliant subjects and in conjunction with other levels of force to facilitate control of non-compliant subjects.
Soft Empty Hand Techniques	Refers to physical contact that does not involve dynamic impact to include grabbing, holding, joint manipulations, pressure point techniques, takedowns and balance disruptions. These techniques are typically used to maintain control of compliant subjects or facilitate control of non-compliant subjects.
Aerosol Weapons / Chemical Munitions	Refers to the use of a pressurized irritant such as CN, CS and/or OC that has the effect of pain and inflammation of the mucus membranes of a subject to include spraying a subject with Freeze+P. Aerosol weapons are typically used to facilitate control of a subject that is actively non-compliant or to prevent or stop assaultive non-compliant behavior by a subject. Chemical Munitions refers to the use of specialty, hand-delivered munitions or projectiles that contain a chemical agent, typically used during a police response to civil unrest.
Leverage Weapons	Refers to the use of weapons, not involving dynamic impact, with slow pressure to include pressing baton against a motor nerve area and/or using a baton to facilitate control of a subject's arm. Leverage Weapons are typically used to facilitate control of a subject that is actively non-compliant.
Stunning and Distraction Strikes	Refers to the use of physical contact involving dynamic impact to specific areas of the body that are not likely to result in serious injury, but are likely to result in a temporary disruption in focus, attention and/or physical function on the part of a subject. Stunning and Distraction Strikes are typically used to facilitate control of an actively non-compliant subject when Soft Empty Hands techniques alone are ineffective.
Conducted Electrical Weapon (CEW)	Refers to the use of a weapon capable of delivering energy to the subject by either propelling two probes attached to the unit into the subject or by putting the unit in direct contact with the subject's body (drive stun mode). CEWs are typically used to prevent or stop assaultive non-compliant behavior by a subject or a subject who poses an imminent threat of physical injury to the officer or a third party if not immediately apprehended.
Hard Empty Hand Strikes	Refers to the use of physical contact involving dynamic impact to include punches, kicks, elbow strikes and head butts. These techniques should be used against the part of the subject's body that is most accessible and that is likely to be most effective. Hard Empty Hand techniques are typically used to stop assaultive non-compliant behavior by a subject.

Police Canine Bite

Refers to the use of physical contact involving a police canine to include a bite and hold by the canine at the direction of a canine handler. A Police Canine Bite is typically used to facilitate control of an actively non-compliant subject that poses a threat to others.

Impact Weapons/Munitions

Refers to the use of weapons involving dynamic impact such as striking a subject with a baton. Impact Weapons are typically used to prevent or stop assaultive non-compliant behavior by a subject. Impact Munitions refers to the use of specialty impact munitions such as the Defense Technologies 40mm Exact Impact Muniton. These Impact Munitions are designed to deliver blows that will stun and/or temporarily disable a subject. Impact Munitions are designed to be used against a subject that is assaultive and non-compliant.

Deadly Force/Firearms

An action that is likely to cause death or serious injury. Any discharge of a firearm as a Use of Force is considered Deadly Force.

Less-than-Lethal Force

Sworn personnel of the DPD are required by the North Carolina Criminal Justice Training and Standards Commission to receive use of force training annually (that includes firearms qualification and a review of the use of force policy) in order to maintain their police certification.

Officers are issued compliance assistance tools which may be used to protect themselves or others, or to gain control of non-compliant or assaultive individuals in arrests and other enforcement situations. The use of a CEW, aerosol weapon, or impact weapon shall constitute a use of non-lethal force. Training on less-than-lethal weapons is required biennially.

Type of Force	2014	2015	2016
Expandable Impact Baton	0	1	1
Aerosol	5	2	9
Conducted Electrical Weapon	44	55	27
Canine	10	13	11
Other	14	44	54

Precipitating Factors in Use of Force Application

In reviewing use of force incidents, the Professional Standards Division takes a hard look into all applications of force to include an analysis of what precipitated an application of force. The analysis is conducted to identify issues that may require updates in training and or policy evaluation and revisions.

Precipitating Factors	2014	2015	2016
Fleeing	23	26	12
Resisting Arrest	21	28	27
Non-Compliance/Resistance	14	11	7
Threatening Behavior	5	4	8
Other	6	5	20

Use of Deadly Force

Deadly force is the most extreme application of the force continuum that is likely to result in serious permanent bodily injury or death. The application of deadly force is generally applied by the discharge of a firearm, but can also include the use of a motor vehicle or impact weapon. All

deadly force actions by Durham Police Personnel are aggressively and thoroughly investigated in three separate components. (1)The Department’s Internal Affairs Division conducts an administrative investigation to determine compliance with policy and training. (2) The Department’s Criminal Investigations Division conducts a thorough investigation into the actions of the involved citizen, and (3) the State Bureau of Investigation (SBI) is requested by the Chief of Police to conduct an independent investigation into the criminal actions of the officer to determine if any violation of state law occurred. The SBI’s findings are submitted to the Durham County District Attorney’s Office for review to determine if the actions of the officer were justified or, if probable cause to charge the officer exists.

Deadly Force Application	2014	2015	2016
Firearm Discharge	2	3	2
Motor Vehicle	0	1	0

2016 Use of Force Statistics by Race/Ethnicity and Gender of Citizen										
		Race/Ethnicity & Gender of Citizen								
		White <i>Non-Hispanic</i>		Black <i>Non-Hispanic</i>		Hispanic/Latino <i>Any Race</i>		Other		Total
		M	F	M	F	M	F	M	F	
Firearm	Discharge	0	0	2	0	0	0	0	0	2
	Number of Citizens Receiving Non-Fatal Injuries	0	0	0	0	0	0	0	0	0
	Number of Citizens Receiving Fatal Injuries	0	0	1	0	0	0	0	0	1
Conducted Electrical Weapon		3	0	20	1	1	0	0	0	25
Expandable Impact Baton		0	0	1	0	0	0	0	0	1
Aerosol		0	0	8	2	0	0	0	0	10
Weaponless Force		8	4	36	5	5	0	0	0	58
Canine	Release Only	1	0	5	0	1	0	0	0	7
	Release & Bite	0	0	3	0	0	0	0	0	3
Total Use of Force		12	4	76	8	7	0	0	0	107
Total Number of Incidents Resulting in Officer Injury or Death										13
Total Agency Custodial Arrests		584	322	3536	1104	420	100	19	7	6092
Total Complaints Investigated Regarding Use of Force		1	0	6	7	0	0	0	0	14

Bias Based Policing Review

Bias based police practices can have a profound, negative impact on the Durham Police Department’s relationship with its community members. General Order 4074 strictly prohibits bias based profiling. In 2016, the department received and investigated 2 complaints related to bias based policing. One stemmed from a traffic stop which was not sustained, one stemmed

from a field contact which was exonerated and none stemmed from asset forfeitures. The incident involving the field contact also had an allegation of the officer failing to properly handle the citizen's property which was sustained.

Traffic stop data is also reviewed by the department's Staff Inspector regularly to look for abnormalities that may indicate an officer is engaged in bias based practices. The following criteria are used to determine if a further review is necessary: the officer has conducted at least 25 traffic stops with 75% or more of the stops being of minority drivers.

In 2016, the Staff Inspector forwarded the names of 23 officers whose traffic stop report data to the individual's Commander for review. The Commanders reviewed in-car camera and patrol locations for each of the officers. All of the officers were found to have complied with department bias based policing procedures.

A review of 2016 Use of Force data shows that force was used on 2% of black males, 2% white males, and 1.2% of Hispanic males in relation to the total number of custodial arrests. The data also shows that force was used on 1.2% white females and 0.07% of black females arrested.

In 2016 the Durham Police Department conducted Bias Based Policing training as part of the annual in-service training. The training included a review of the Department's policy and state traffic stop reporting.

In 2016 the International Association for Chiefs of Police conducted an Operations and Management study which included a policy review. The report, released to the department in September, found that the policy was sound and effective. The report recommended that the department consider adding specific policy language with regards to implicit bias, impartial policing and components of procedural justice. By the end of 2016, a review of these specific recommendations was underway but not yet completed.

Motor Vehicle Pursuits & Collisions

Collisions involving Department Employees

The Professional Standards Division leads a Traffic Accident Review Board represented by an Internal Affairs Sergeant; the DPD Fleet Manager; Traffic Services Sergeant (non-voting member); and a North Carolina Training and Standards Certified Specialized Driving Instructor. This board reviews all department traffic collisions to determine if the officer involved violated department policy as well as recommending equitable disciplinary action.

DPD personnel serve a geographical jurisdiction of 107.37 square miles of roadways and highways. The DPD authorized fleet of 454 City owned vehicles averages approximately 11,695 miles per vehicle yearly. DPD fleet vehicles were involved in 107 auto crashes during 2016. Of the 107 crashes, 30 were found to be a violation of policy therefore disciplinary action was imposed. Thirteen incidents are still pending completion by the Accident Review Board.

An analysis of department collisions for 2016 indicates that the majority of vehicle collisions are the result of backing or inattention. After completion of basic drivers training in the academy,

personnel do not receive any other updates on driving unless they have been found at fault in a number of at fault collisions and are mandated to attend remedial drivers training. In 2016, the department required ten employees to attend and successfully complete remedial drivers training.

An employee involved in a vehicle collision where there is an obvious indication that the employee is at fault, he/she is required by city and department policy to immediately submit to a drug and alcohol screening test.

Motor Vehicle Pursuit

Motor Vehicle Pursuits are governed by General Order 4019 *Vehicle Pursuits*. Vehicle pursuits are permitted when the officer reasonably believes that the violator has committed a violent felony and, by nature of the crime committed, the violator poses a threat of serious injury to the public or other police officers if they are not apprehended immediately. The forcible stopping of a motor vehicle is considered a use of deadly force therefore all requirements for the application of deadly force apply.

In 2016, nine vehicle pursuits were initiated by department personnel. None were terminated either by the pursuing officer or a supervisor prior to apprehension of a suspect. Eight of the pursuits were initiated because of a felony offense and one was initiated as a result of a traffic violation which was in violation of policy, therefore a performance review was initiated.

As with Use of Force reports, when an officer engages in a vehicle pursuit, a supervisor submits a Vehicle Pursuit Report to Professional Standards with an incident critique attached. Each report is reviewed by Professional Standards to ensure that they are in compliance with General Order 4019. In 2016, six pursuits were conducted in compliance with department policy. Three were found to be in violation of department policy and Performance Reviews were initiated. Four of the pursuits resulted in collisions that injured one uninvolved party. No officers or suspects were injured during these pursuits.

All reports submitted in 2016 were analyzed. As a result of the 2016 Pursuit Report Analysis, there were no patterns or trends observed, therefore there are no recommended changes to the policy or training at this time.

In December of 2016, General Order 4019 was reviewed by Captains and Lieutenants assigned to Patrol Districts. Sixteen out of seventeen responded to the review. One Lieutenant suggested expanding legal intervention to the use of spike strips (which the Department stopped using in 2015). Another Lieutenant commented that the language in the policy about report routing needs to be updated to accommodate a recent department wide reorganization.

Personnel Early Warning System Evaluation

The Durham Police Department maintains a Personnel Early Warning System documented in the Internal Affairs management software. An evaluation of the program was conducted for 2016 to

identify statistical activity; the effectiveness of the program, any recommendations for additions, subtractions or changes in program reporting criteria and policies.

In a review of the early warning alerts for 2016, the following was found:

- 68 total alerts for 2016
- 12 Overall Alerts
- 26 Incident Type Alerts {If possible break down numbers for each incident type}
- 25 Supervisor Alerts
- 0 individual officers underwent review by command staff as a result of the alerts
- 0 individual officers were evaluated for incident or overall alerts
- 0 supervisors were evaluated by command staff for Supervisory Alerts due to personnel under their span of control setting off alerts
- As a result of the alerts, 0 individuals required further action implementation through Action Plans by their respective Commander

Based on this information and a review of General Order 1050 *Personnel Early Warning System*, there are no recommended changes at this time.

Conclusion

This 2016 Annual Report from the Professional Standards Division seeks to educate and inform the community and employees about the Department's commitment to maintaining a high level of professionalism among the men and women who serve the Durham community. The DPD Professional Standards Division will continue to work with citizens and members to earn trust and cooperation in order to best serve the City of Durham.