



# Durham Police Department

Professional Standards Annual Report – 2019 CY

## Table of Contents

Mission Statement.....	3
Message from the Commander.....	4
Professional Standards Division.....	6
The Internal Affairs Process.....	7
Making a Complaint.....	7
The Investigative Process.....	7
Case Findings.....	8
The Discipline Process.....	9
Civilian Police Review Board (CPRB).....	9
Professional Standards Cases.....	10
Citizen’s Complaint.....	12
Administrative Investigations.....	14
Performance Review.....	15
Disciplinary Actions.....	16
Use of Force.....	17
Less-than-Lethal Force.....	17
Precipitating Factors in Use of Force Application.....	18
Use of Deadly Force.....	19
Bias Based Policing Review.....	21
Motor Vehicle Pursuits & Collisions.....	21
Collisions involving Department Employees.....	21
Motor Vehicle Pursuit.....	22
Conclusion.....	23

# DURHAM POLICE DEPARTMENT

## MISSION STATEMENT

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

## 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.

## 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.

## 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.



## **Message from the Commander**

This annual report, which is prepared by the Professional Standards Division of the Durham Police Department (DPD), is a review of department investigations involving both sworn and non-sworn employees of the DPD conducted in 2019. The information provided in this report derives from the analysis of key areas including: Internal Affairs Investigations, Bias Based Policing, Use of Force, Vehicle Pursuits and Department Motor Vehicle Collisions.

The 2019 Professional Standards Division Annual Report has been developed with three goals in mind. To provide:

1. Information on the complaint process, investigative process and disciplinary process of the department;
2. Information on the Community oversight of administrative investigations conducted involving personnel of the DPD;
3. An overview of the results of internal and external investigations, use of force actions and vehicle collisions involving personnel and vehicle pursuits.

Due to the nature of police work, officers are expected to identify, assess, and respond to situations with limited information and 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 a complaint or the use of force.

When a citizen feels that their interaction with an officer does not comply with the standards of the DPD or that the employee has exceeded their authority or acted inappropriately, it is necessary that supervisors and command staff address these issues. 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:

- Citizen concerns and complaints are taken seriously, investigated properly and with due diligence on the part of the department to address any identified violations of policies and procedures.
- Employees will receive an impartial and thorough investigation. In order for employees to 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, the department will support them.
- The department can monitor and identify trends in employee behavior, favorable or unfavorable, in order to adjust and modify policy, practice, and training.

The DPD has numerous general orders, rules and regulations, and standard operating procedures for topics ranging from a 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.

A handwritten signature in black ink, appearing to read "Marianne Bond". The signature is stylized and cursive.

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Marianne Bond  
*Captain, Professional Standards  
Division*

## **Professional Standards Division**

The Professional Standards Division (PSD) is a part of the Office of the Chief of Police and is comprised of Internal Affairs, Staff Inspections, Secondary Employment, the Office of Accreditation and the ABC Permitting/Towing Inspector. The PSD 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. Two lieutenants, three sergeants, two corporals, a non-sworn administrative coordinator and a non-sworn office assistant comprise the staff of the Internal Affairs Unit. In 2019, the Internal Affairs Unit handled 380 cases, which included use of force reviews, vehicle pursuit reviews, vehicle crashes involving Department members, performance reviews, citizen complaints/concerns and administrative investigations.

### 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 Report forms. In 2019, the staff inspector conducted eight staff inspections on the following agency components:

- District 4 Uniform Patrol
- Property & Evidence (three Inspections conducted)
- MDC Audits (two Inspections conducted)
- Driver's License Audit
- Criminal Charge Audit
- Special Inspection – Peer Support Program

### Office of Accreditation

The Office of Accreditation is responsible for managing the department's Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation program and maintaining the department's policies and procedures. In September 2019, the department completed its annual review of accreditation by CALEA for the third year in the current accreditation cycle.

## **The Internal Affairs Process**

### **Making a Complaint**

Citizens may lodge complaints against employees of the DPD via telephone, in-person, via e-mail, written correspondence, or online electronic submission. Anonymous complaints are also accepted. In person complaints may be received by the desk officer at police headquarters or any member of the DPD.

Not all complaints require a formal investigation. Supervisors may follow up with citizens where there may be a misunderstanding of applicable policies, procedures or the law.

The PSD's Internal Affairs Unit investigates all allegations of misconduct that carry more serious consequences for the employee, the department, or jeopardizes 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. When the investigation is complete, the employee's divisional chain of command shall review all the facts and determine how the complaint is adjudicated.

The DPD makes every effort to investigate and adjudicate employee involved investigations in a timely manner.

### **The Investigative Process**

All PSD investigations and notifications of complaint disposition follow guidelines established by state law and department policy.

Upon receipt of a complaint, the PSD staff enters the complaint into a 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 is not deleted, even if the complaining party later withdraws a complaint. The PSD commander 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 supervisor conducts the investigation, which consists of:

- interviewing and obtaining a statement from the complaining party;
- interviewing and obtaining statements from relevant witnesses;
- obtaining physical, documentary, photographic and video evidence;
- interviewing and obtaining a statement from the accused employee;
- re-interviewing 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 which is conducted by the Criminal Investigations Division (CID). All criminal investigations are reviewed by the District Attorney to determine if the employee will be prosecuted.

**Use of Force Resulting in Death.** Any 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:

- The administrative investigation by Internal Affairs as described above;
- A criminal investigation, by the North Carolina State Bureau of Investigation as an independent agency investigating the actions of the officer; and
- A criminal investigation conducted by the DPD's CID 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 Collisions (Crashes).** All department vehicle crashes are investigated in accordance with N.C. state law and department policy. All department vehicle traffic crashes are forwarded to the PSD for review by an Internal Affairs investigator.

**Other Investigations.** DPD supervisors conduct investigations into all use of force applications, firearm discharges, vehicle pursuits and injury to citizens. Once the information has been gathered by the supervisor 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.

### **Case Findings**

Findings are determined by the assigned supervisor 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:

1. **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.

2. **Not Sustained** - The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.
3. **Exonerated** - The acts that provided the basis for the complaint or allegation occurred; however, the investigation revealed that they were justified, lawful and proper.
4. **Unfounded** - The allegation is false, or the employee could not have committed the violation.
5. **Withdrawn** - The complainant withdraws the complaint before completion of the investigation or finding of fault.
6. **Discontinued** - Circumstances exist where the investigation can no longer be continued against the employee.
7. **Policy Failure** - The allegation is true. There is, however, no written policy governing the conduct in question therefore, the employee was not inconsistent with departmental policy.

PSD reviews all investigations for consistency with the established investigative process but does not participate in determining or assigning discipline in any investigative cases.

### **The Discipline Process**

Disciplinary actions are the sole responsibility of the employee's chain of command. In cases with sustained findings, the investigation is returned to the employee's commander for a 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 with making a recommendation. The recommended discipline is forwarded through the employee's chain of command for concurrence with the recommendation.

It is the policy of the DPD to follow a progressive disciplinary system and to ensure that all discipline will be administered in an equitable, fair, and consistent manner per City Policy HRM 322 - Disciplinary Policy.

### **Civilian Police Review Board**

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 (CPRB) to hear complaints submitted by residents concerning actions taken by Durham police officers. If a complainant is not satisfied with the outcome of the investigation, he or she may file a request for a hearing with the board. The nine-member board is appointed by the city manager and confirmed by the City Council for term limited 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.

## Professional Standards Cases

A review of reports and statistical information from 2019 was conducted to identify trends, policy concerns and training needs. It is important to note that a single incident may generate multiple actions in the internal affairs case management system. The 380 cases handled or reviewed by the PSD in 2019 reflects the total number of cases, some of which may be related to the same incident.

The PSD utilizes IAPro software to build and maintain investigative files and our frontline supervisors use the digital web-based version, BlueTeam, to enter and manage investigations in the field. IAPro and BlueTeam are an integrated system which allows for investigations to be a paperless process. Figure.1 illustrates how different professional standards cases may be linked together:

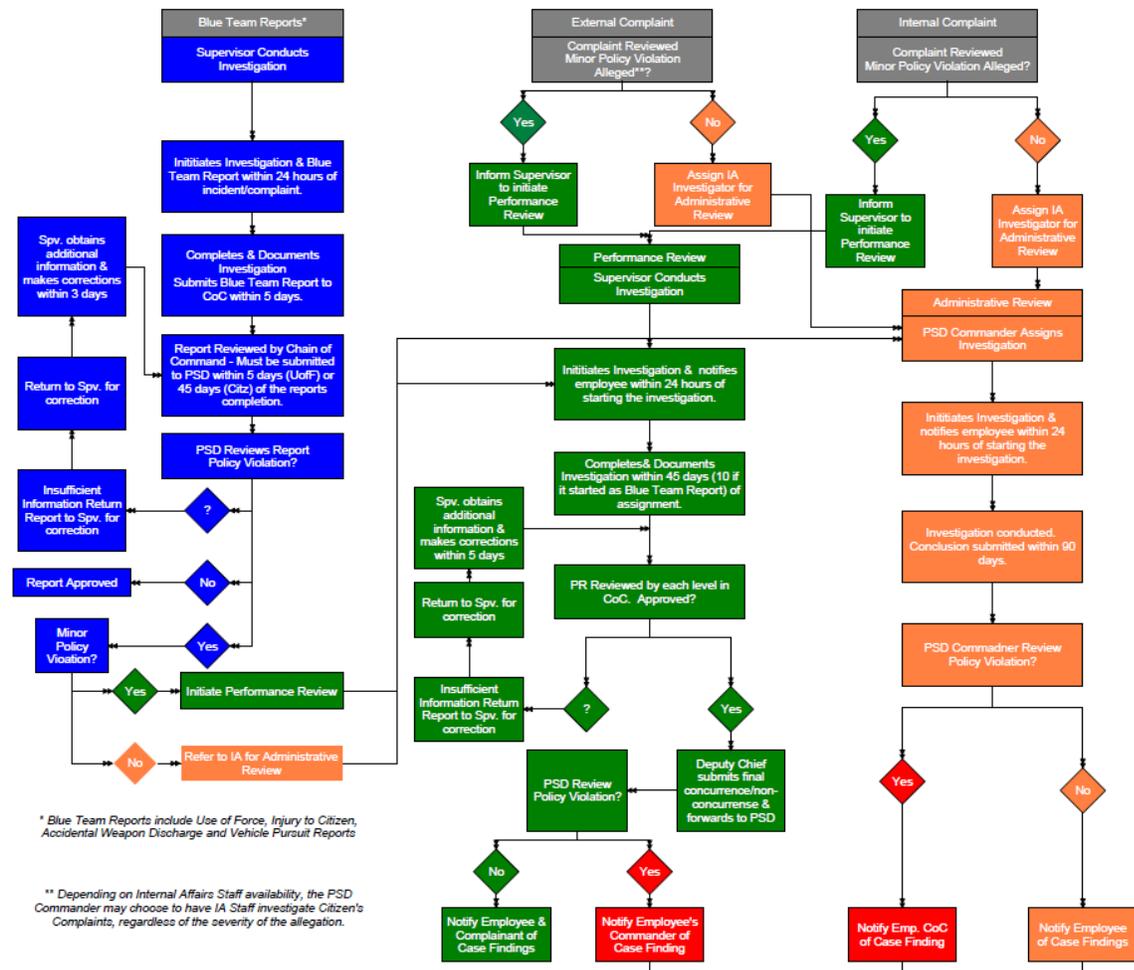


Figure.1

When reviewing the statistics for professional standards cases, it is also important to keep in mind that a single case may contain more than one allegation of a policy violation, and/or may involve more than one employee. Additionally, the data contained in this report are for a point in time. Cases continue to move through the workflow and may change until the case is complete.

Figure 2 reflects the breakdown of cases reviewed or investigated by PSD in 2019:

\*The data included in this report is automatically generated from canned reports in IAPro, the computer software used to record internal investigations.

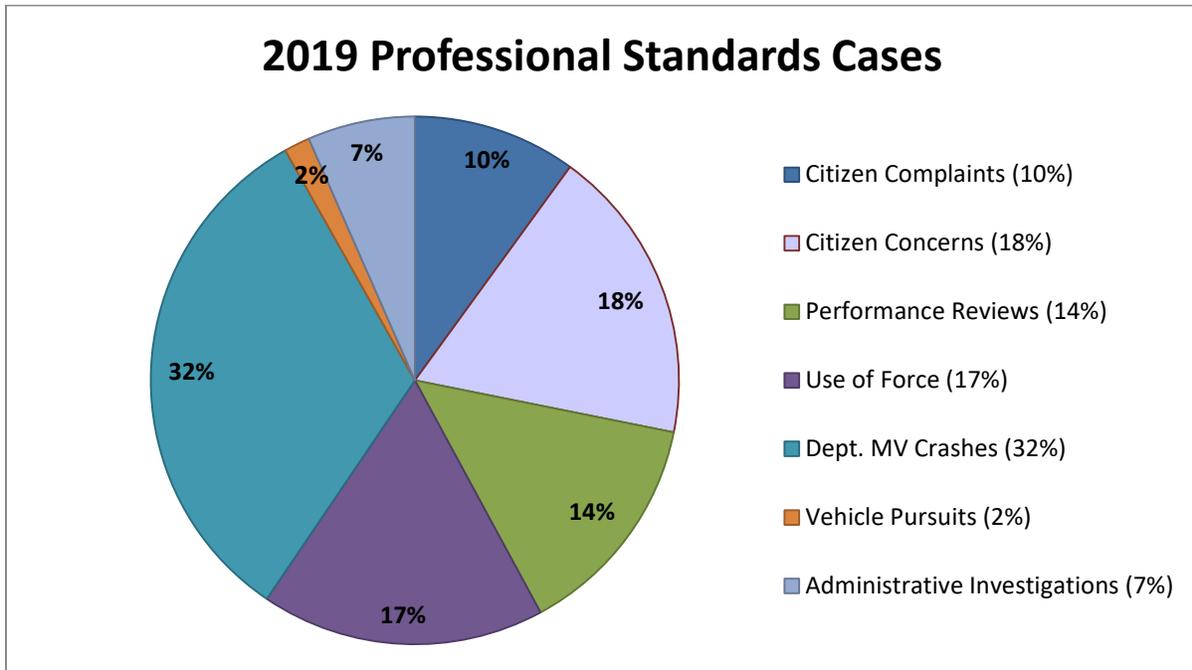


Figure.2

## Citizen Complaint and Citizen Concerns

A citizen complaint occurs when the Department is notified that an employee's conduct or behavior leads an individual to believe that a policy, procedure or law was violated during a citizen-police interaction. A new category for citizen concerns was started in 2016 and modified in 2019 to address complaints that were submitted by citizens that fall into one of the following categories:

- An individual sends a concern to the PSD but does not wish to file a formal complaint.
- An individual raises a concern which is outside the scope of the internal affairs process.
- An individual raises a claim that defies science and reason and/or the complainant's claim was impossible to investigate because the allegations were physically, logically, or technically impossible under any reasonable construct (*U.S. Department of Justice, Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*).
- The issue raised by the complainant is not a violation of policies or laws.

An analysis of citizen-police interaction was conducted by comparing the total number of calls for service for 2019. Calls for service (CFS) are those citizen-police interactions that are entered in the department's computer aided dispatch (CAD) system. These calls for service can be initiated by a citizen's request for police response or self-initiated activity by police personnel. In 2019, 38 citizen's complaints were made which included 88 total allegations. The top allegation from the 38 citizen complaints was performance of duty. Of these allegations of performance of duty, 12 were exonerated, 8 were sustained, 4 were withdrawn, 1 was not sustained, and 1 was discontinued. The majority of the allegations for performance of duty involve a complaint that the officer did not investigate an incident properly. A common theme was complaints involving the investigation of traffic crashes.

In 2019, there was also an increase in the number of citizen complaints involving search and seizure. Several of these cases involved multiple officers and body-worn-camera footage assisted in clearing most of these cases. Only one of the allegations for violating the warrantless search and seizure policy was sustained.

In 2019, calls for service increased 6%, while the volume of citizen complaints doubled for an average of one complaint for every 9,400 calls.

<b>Citizen Complaints in General</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Calls for Service	274,885	335,928	355,970
Citizen Complaints	35	19	38
Citizen Concerns	47	63	69
Citizen Allegations	87	52	88
Citizen Complaints per Calls for Service	7,854 (0.03%)	17,680 (0.006%)	9,368 (0.01%)

Table 1

<b>Allegation Findings – Citizen Complaints</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Sustained	19	15	22
Not Sustained	7	8	3
Exonerated	45	17	44
Discontinued	3	2	3
Unfounded	5	2	1
Withdrawn	2	8	7
Other	0	0	0
Pending	11	0	8

Table 2

<b>2019 Top 5 Allegations of Policy Violation</b>	<b>Citizen Complaints</b>
Rule 2.2 - Performance of Duty	26
GO 4004 - Warrantless Search and Seizure	15
Rule 2.1 - Responsibility for Knowing Law/Directives	7
Rule 2.4 - Responsibility to Respect the Rights of Others	9
Rule 1.3 - Conduct Unbecoming	4

Table 3

## Administrative Investigations

Administrative Investigations are internal investigations that are initiated at the direction of the Chief of Police or their designee due to the severity of the allegations of potential misconduct or alleged violation of criminal law. The PSD conducts these investigations.

In 2019, 25 Administrative Investigations were generated which included 52 total allegations. The most common allegation was conduct unbecoming at 10 followed by obedience to laws, 9. In 2019, 13 cases were discontinued due to the officer resigning either prior to case completion or prior to the completion of the discipline process. The majority of the discontinued cases involved violation of obedience to laws or truthfulness.

<b>Administrative Investigations [AI]</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Total AI Initiated Cases	7	24	25
Total Number of AI Allegations	20	92	52
Total Number of Employees Involved	11	56	29

Table 4

<b>Allegation Findings – (Administrative Inv.)</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Sustained	15	50	18
Not Sustained	0	7	5
Exonerated	2	6	2
Unfounded	0	4	4
Withdrawn	0	4	5
Discontinued	3	8	13
Policy Failure	0	10	0
Other	0	3	5

Table 5

<b>2019 Top 4 Allegations of Policy Violation</b>	<b>Administrative Investigations</b>
Rule 1.3 – Conduct Unbecoming	10
Rule 1.2 – Obedience to Laws	9
Rule 2.5 – Truthfulness	4
City HRM 714-1 Substance Abuse Testing	3

Table 6

## Performance Review

Performance reviews are initiated by the employee's supervisor or command level authority. The initiation of a performance review can occur when command level personnel identify potential violations of department policy, procedures or alleged misconduct. Performance reviews can also be generated after a review of a use of force investigations or vehicle pursuit investigations. In 2019, 53 complaints were initiated which included 73 total allegations. Several cases involved multiple officers and there was an increase in exonerated allegations in 2019. The top allegations that were exonerated include: 3 - general order 4008 – Use of Force, 3 rule 1.3 – Conduct Unbecoming, and rule 3 – Performance of Duty.

<b>Performance Reviews</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Total Performance Reviews Initiated	57	53	53
Total Number of Allegations	59	63	73
Total Number of Employees Involved	58	51	62

Table 7

<b>Allegation Findings – Performance Reviews</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Sustained	53	56	52
Not Sustained	2	1	3
Exonerated	1	4	14
Unfounded	0	0	0
Withdrawn	0	0	1
Discontinued	1	1	3
Policy Failure	0	0	0
Other	0	1	0

Table 8

<b>2019 Top 5 Allegations of Policy Violation</b>	<b>Performance Reviews</b>
GO 2017 - Secondary Employment	11
Rule 1.2 - Obedience to Laws	10
Rule 1.3 - Conduct Unbecoming	10
Rule 2.2 - Performance of Duty	6
GO 4008 - Use of Force	6

Table 9

## Disciplinary Actions

Each situation is unique, and the City of Durham reserves the right to treat violations of its rules, regulations, policies, guidelines or other performance expectations on an individual basis without creating a binding precedent for other cases which may arise in the future.

The City of Durham utilizes a progressive disciplinary policy for performance of duty issues. It also reserves the right to determine the level of discipline for personal conduct issues without use of progressive disciplinary principles.

Figure.3 Illustrates the discipline process after a policy violation has been identified:

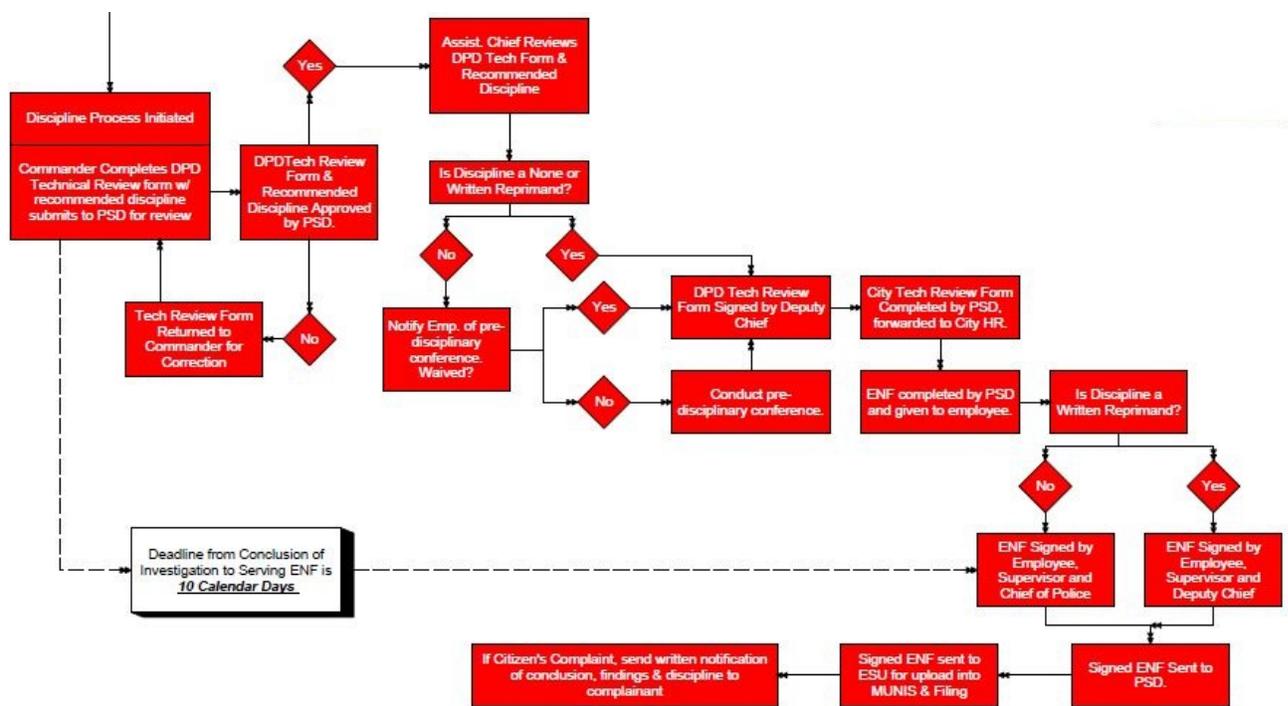


Figure.3

In 2019, there were 173 disciplinary actions. Some allegations pertained to more than one employee while the disciplinary actions are counted by individual employees.

During 2019, the IAPro software disciplinary actions categories were updated to reflect the language in general order 2001 – Disciplinary Procedures. Two such categories, coaching and counseling and administrative actions, are not considered a disciplinary action. However, those actions are included in the total provided.

In 2019, there were 29 administrative actions attached to cases, which is more than double the volume of 2018. The increase can be attributed to 14 actions which required

officers to attend remedial driving. Additionally, 8 employees resigned or retired prior to the completion of a case or discipline proposed or finalized.

### Disciplinary/Personnel Actions Taken

Actions Taken	2017	2018	2019
Suspensions	14	17	17
Demotions	0	3	0
Resignation (in lieu of termination)	2	1	0
Termination	0	0	2
Other (Administrative Actions, Reprimands, Coaching & Counseling etc.).	76	113	154

Table 10

### Use of Force

The DPD uses the North Carolina Training Academy's mandated Subject Control and Arrest Techniques lesson plan to instruct personnel in the legal authority governing the use of force. This instructional lesson plan trains officers to understand the level of force most appropriate to the level of resistance faced by the officer. General order 4008 - Use of Force establishes the department's policy and procedures for the application and reporting of force. An officer's decision to use any level of force is based on the actions and behaviors presented by the subject involved.

When an officer finds it necessary to use force to achieve a lawful police function, they must use the most reasonable amount of force necessary given the totality of the circumstances at the time. 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 DPD are never justified in using excessive force. In 2019, Internal Affairs reviewed 66 use of force cases. In some cases, more than one type of force was used. Out of the 66 use of force cases, 2 contained a violation of policy and in 64 there was no violation of policy.

### Less-than-Lethal Force

Officers have issued equipment 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 conducted energy weapon (TASER), aerosol weapon (OC spray), or impact weapon (baton) shall typically constitute use of less-than-lethal force. Training on less-than-lethal weapons is required biennially.

In 2016, DPD's use of force policy was revised. As a result of this revision, specifically the guidelines for the use of a Taser when someone is fleeing from the officer, the number of TASER uses continues to decline. The TASER is an optional piece of equipment and at the end of 2019, there were 186 certified TASER users.

<b>Force Options</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Expandable Impact Baton	1	1	2
Aerosol Spray	5	5	8
Taser	10	14	10
Canine	4	1	0
Hard Empty Hands	10	10	18
Soft Hands with Injury	59	41	62
Other *explained in the narrative	7	19	8
<b>Total Agency Custodial Arrests</b>	<b>4,996</b>	<b>4,769</b>	<b>5,802</b>

Table 11

### **Offender Compliance/Non-Compliance in Documenting Use of Force**

The PSD reviews all applications of force, to include the reason for the application of force. The analysis is conducted to identify needs in training and/or policy evaluation. During the calendar year of 2017, there was an update in the use of force software to reflect the options in the general order 4008 - Use of Force. For this report the reasons for the use of force have been broken down into the following categories, which explain the reason for the force used:

**Compliance** – describes subject behavior characterized by obedience to the verbal direction and an absence of physical efforts to prevent control by a police officer.

**Passive Non-Compliance** – describes subject behavior characterized by willful disobedience of verbal directions accompanied by an absence of physical efforts to prevent control by a police officer.

**Active Non-Compliance** – describes subject behavior characterized by willful disobedience to verbal directions and the presence of physical efforts to prevent control by a police officer.

**Assaultive Non-Compliance** – describes subject behavior characterized by physical efforts to strike, physically control or disrupt the balance and control efforts of a police officer.

**Aggravated Assaultive Non-Compliance** – describes subject behavior characterized by the use of weapon and/or physical efforts to strike, physically control, or disrupt the balance and control efforts of a police officer in a manner that is likely to cause incapacitation, unconsciousness, and/or death.

**In Defense of Others** - describes force being used to protect a third party from unlawful force which is likely to result in injury and/or death.

Figure 4 illustrates the reasons for use of force.

### 2019 Citizen Non-Compliance in Use of Force Encounters

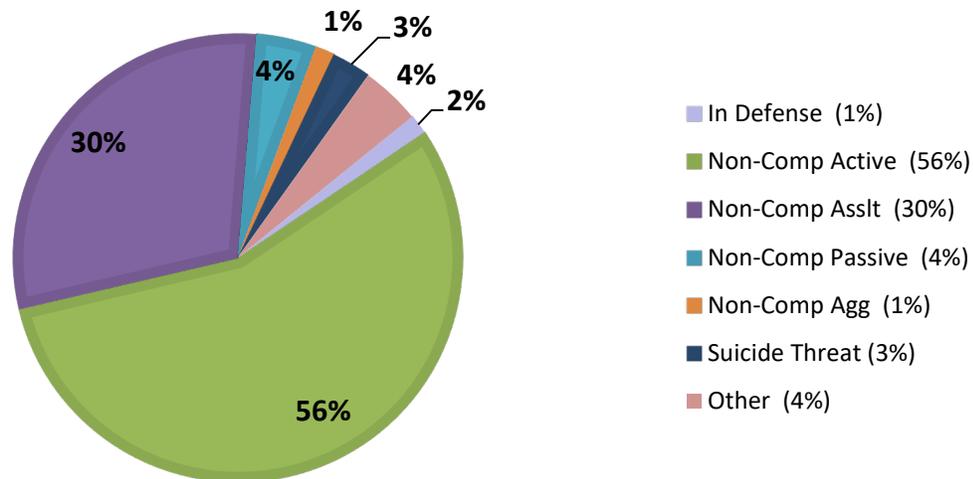


Figure.4

Supervisors investigating use of force incidents consider the level of force used in relation to the factors that precipitated the use of force when determining whether the appropriate level of force was used. In 2019, there were no trends or patterns in the relationship between offender compliance/non-compliance to force and the level of force used that required additional review.

#### Use of Deadly Force

Deadly force is the level of force that when used is reasonably 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 DPD personnel are thoroughly investigated in three separate components:

1. The department’s Internal Affairs Unit conducts an administrative investigation to determine compliance with policy, procedures and training;
2. The department’s CID conducts a thorough investigation into the actions of the involved citizen,

- The State Bureau of Investigation (SBI) conducts an independent investigation into the criminal actions of the officer to determine if any violation of state law occurred. The SBI's findings are presented 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.

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.

<b>Deadly Force Application</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Firearm Discharge	1	1	1
Motor Vehicle	0	0	0

Table.12

Table 13 provides a breakdown of the force option used by the Involved Officer based on the race and gender of the citizen. While 66 use of force cases were investigated, some circumstances required more than one type of force option. \*This report is automatically generated through IAPro and includes data required by CALEA. The non-fatal category contains a picklist of various treatment options. Not every use of force results in injury and therefore the totals will not equal the force totals.

### 2019 Force Option Statistics by Race/Ethnicity and Gender of Citizen

	Black Non-	Black Non-	Hispanic Latino	Hispanic Latino	Other		White Non-	White Non-
	Hispanic	Hispanic	Any Race	Any Race	Male	Female	Hispanic	Hispanic
	Male	Female	Male	Female			Male	Female
Baton	2	0	0	0	0	0	0	0
Canine Release - no bite	0	0	0	0	0	0	0	0
Canine Release - with bite	0	0	0	0	0	0	0	0
Chemical / OC	5	2	1	0	0	0	0	0
ECW - Discharge	6	0	1	0	0	0	2	0
ECW - Display	0	0	0	0	0	0	0	0
Firearm - Discharge	1	0	0	0	0	0	0	0
Firearm - Display	0	0	0	0	0	0	0	0
Weaponless	41	5	1	0	0	0	6	1
Force totals	55	7	3	0	0	0	8	1
Fatal	1	0	0	0	0	0	0	0
Non-fatal	36	6	2	0	0	0	8	1
Suspect injured	30	6	3	0	0	0	6	1
Suspect arrested	38	9	2	0	0	0	5	2
Officer injured	3	0	0	0	0	0	10	4

Table.13

## **Bias Based Policing Review**

Bias based police practices can have a profound, negative impact on the DPD's relationship with its community members. General Order 4074 - Bias Based Policing strictly prohibits the use of bias based profiling. In 2019, the department did not receive any complaints related to bias based policing.

Traffic stop data is also reviewed by the department's Analytical Services Manager regularly to look for abnormalities that may indicate whether or not an officer is engaged in bias-based practices. The data was analyzed further for officers that stopped at least 25 vehicles and had a 75% or higher rate of minorities. In 2019, that consisted of 19 total officers in the first half of the year and 24 in the second half.

The commanders of those officers were tasked with a more thorough analysis of their traffic stops, including a random review of in-car camera video and body worn camera video. Most of the officers worked in uniform patrol for either District 1 or District 4, which have the highest minority populations and the highest per capita violent crime figures.

Based on the data analyzed, there was no evidence of unexplainable disparities regarding traffic stops among the officers. Rather, officers are stopping vehicles consistent with the demographics and crime statistics of their assigned areas.

In 2019, Durham Police Department Officers attended *Best Practices for Officers During Community Dissent*, as part of the North Carolina Department of Justice (NCDOJ) mandatory in-service training. The training discussed the importance of opening meaningful dialog and "requires a thoughtful approach".

In addition to the mandatory in-service training, our new officers attend training on bias-based policing, verbal judo and procedural justice. This curriculum is in addition to the required training from the NCDOJ in the Basic Law Enforcement Program.

Based on a review of agency practices, additional training is not recommended. The department's current training plan should be maintained.

## **Motor Vehicle Pursuits & Collisions**

### **Collisions involving Department Employees**

PSD utilizes 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.

The DPD active fleet of 561 City owned vehicles averages approximately 10,034 miles per vehicle yearly. DPD fleet vehicles were involved in 123 vehicle collisions during 2019. Of the 123 collisions, 50 were found to be a violation of policy; therefore, disciplinary action was imposed. Employees were found to be at fault in 49% of the vehicle crashes. The only pattern noted in our vehicle crashes were 24% of the at-fault wrecks were caused by improper backing up or hitting a fixed object (curb, pole, etc.).

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 two collisions in three years. If they are at fault in two collisions in three years, they are mandated to attend remedial drivers training. In 2019, the department required 8 employees to attend and complete remedial drivers training. Three of those employees attended and completed remedial drivers training. However, five are waiting for the next class to be scheduled to complete the training. A pattern of rear end parking or backing up crashes was noted again in 2019. The DPD developed an in-service course for all patrol officers to complete in 2019, which focused on skills on backing. The training extended into 2020 to include all sworn members.

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

### **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 2019, six vehicle pursuits were initiated by department personnel, of which one was terminated by the officer, one was terminated by the supervisor, in two the suspect stopped, and in two the suspect vehicle crashed. All six of the pursuits were initiated because of a felony offense, however one was not a violent felony and did not fall within the policy.

As with Use of Force reports, when an officer engages in a vehicle pursuit, a supervisor submits a vehicle pursuit report to PSD with an incident critique attached. Each report is reviewed by PSD to ensure that they comply with department policy. In 2019, five pursuits complied with department policy and one violated department policy. Two of the pursuits resulted in crashes however neither the suspect nor officer were injured.

All reports submitted in 2019 were analyzed. As a result of the 2019 pursuit report analysis, there were no patterns or trends observed; therefore, there are no recommended changes to the policy or training at this time.

## **Conclusion**

This 2019 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 employees to earn trust and cooperation to best serve the City of Durham.