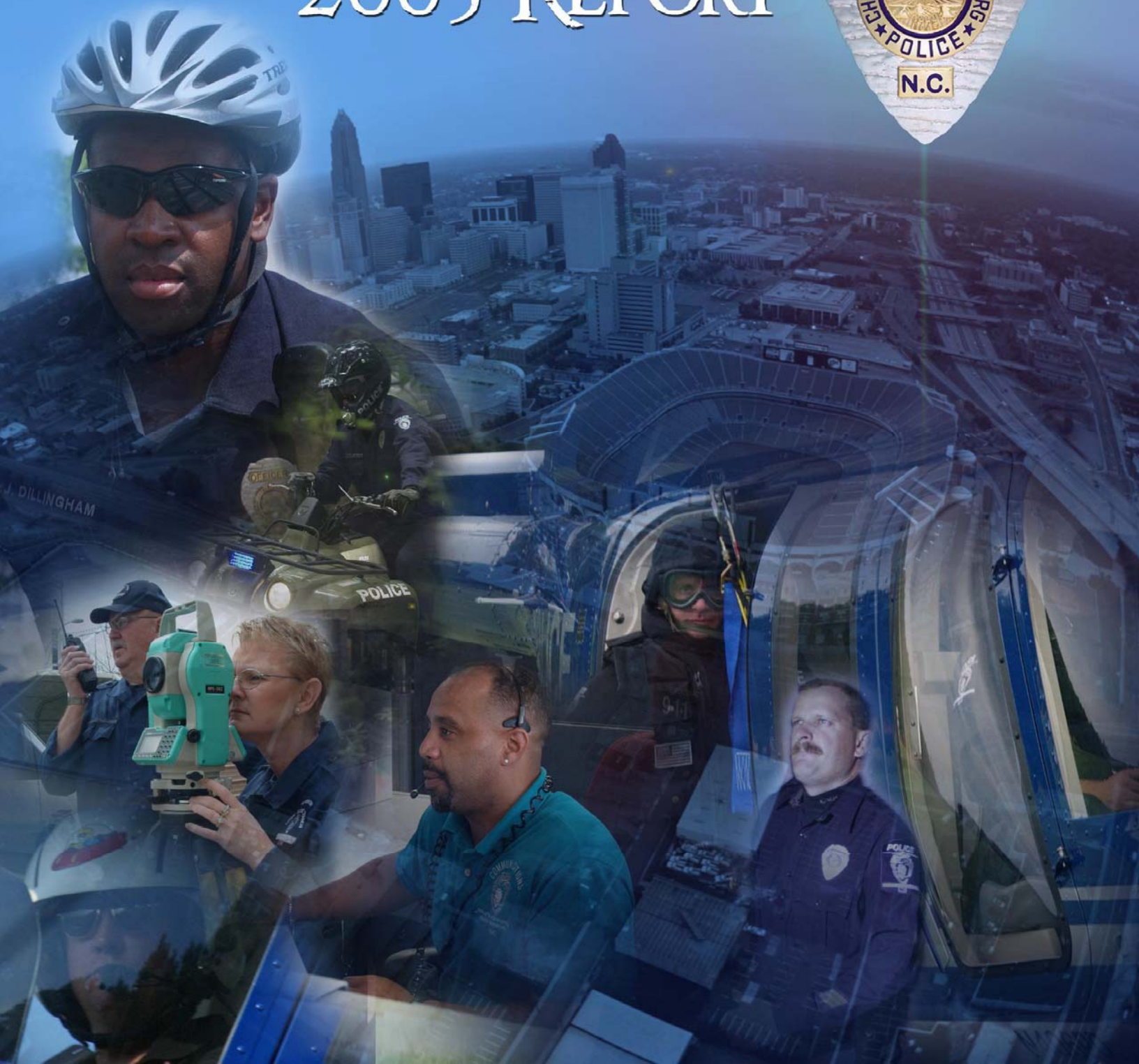


CHARLOTTE-MECKLENBURG POLICE DEPARTMENT

INTERNAL AFFAIRS 2005 REPORT





Charlotte-Mecklenburg Police Department

It is my pleasure to present the 2005 Annual Report for the Internal Affairs Bureau of the Charlotte-Mecklenburg Police Department.

The Police Department is committed to providing professional police services to the Charlotte-Mecklenburg community. A thorough examination of supervisory investigations is important in maintaining our integrity as a police department.

This report will focus on the number of events occurring in 2005 that merited a supervisory investigation. Events that are investigated include allegations of employee misconduct, incidents where force is used by police officers, police vehicle pursuits, vehicle collisions and employee injuries.

For detailed information about how the Police Department handles internal investigations and discipline, please see the Charlotte-Mecklenburg Police Department's website at www.cmpd.org. The CMPD 2005 Internal Affairs Guidebook can be found on the Internal Affairs page which can be found by choosing Internal Affairs under "Select Services A-Z".

Sincerely,

Darrel W. Stephens
Chief of Police

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Charlotte-Mecklenburg Police Department Mission

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

We Value:

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

Charlotte-Mecklenburg Police Department Internal Affairs Bureau Mission

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

Internal Affairs

“Integrity is what we do, what we say, and what we say we do.”

-- Don Galer

Integrity is at the core of the work of the Charlotte-Mecklenburg Police Department. It is the basis for building community trust and problem solving partnerships.

Each member of the organization bears responsibility for achieving and maintaining high standards of agency and individual performance. CMPD recognizes that its law enforcement authority often creates conditions which cause citizens to question certain actions. There are times department personnel question the behavior of a colleague. And, despite rigorous training and reinforcement of departmental policies, some personnel make bad choices in how they deal with a suspect, a victim or a situation. By investigating citizen complaints and allegations of police misconduct, Internal Affairs provides the necessary framework and protocols to uphold the established values of trustworthiness and honesty.

The department thoroughly investigates each complaint. The employee’s immediate supervisor typically handles minor allegations, investigating and documenting events involving the use of force, motor vehicle pursuits, motor vehicle accidents and employee injuries. Internal Affairs represents the Chief of Police and investigates allegations of serious misconduct by police personnel. In cases in which a complaint is sustained, appropriate disciplinary action is taken. When an officer is cleared, no further action is required and therefore it is not documented in their performance record.

Sharing the documentation of police activities serves to safeguard the integrity of the Charlotte-Mecklenburg Police Department as well as the trust of the community.

Community Oversight

In addition to the internal investigative process, there are several areas in which the community is involved in oversight of police operations. One of the most visible means of police oversight is through the news media. Police Department activities are a major focus of the print and electronic news media. The press routinely reports on crime problems and administrative issues they believe are important to bring to the attention of the community.

Another opportunity for community oversight is within the Police Department's Community Problem-Oriented Policing Philosophy. This philosophy places employees in regular contact with citizens throughout the community who are engaged in partnerships to address crime and safety problems in their neighborhoods. Our policing philosophy includes programs like the Citizens Academy and a volunteer initiative that has more than 350 citizens involved in a wide range of activities within the department.

The department routinely involves individuals, associations and other business and civic organizations in its planning processes, training and operations. Examples include the development of the department's existing mission and core values statement, its strategic planning process, and the development of crime reduction strategies for communities.

There are also three different organizations made up of community citizens independent of the police department that provide oversight of police operations: the **Civil Service Board**, the **Community Relations Committee**, and the **Citizens Review Board**. The Civil Service Board is appointed by the City Council and is the final authority on the hiring, promotion, demotion, and termination of employment for all sworn police officers through the rank of Major. The board also hears employee appeals of sustained allegations of misconduct when discipline imposed by the department includes any type of suspension or termination of employment.

The Community Relations Committee (CRC) participates in all Internal Affairs-level chain of command board hearings involving allegations of misconduct against officers. The CRC representative is a fully involved member of the board and has the opportunity to ask questions of accused employees, witnesses, and Internal Affairs investigators, as well as fully participate in the discussions and decisions of the board, including findings and any discipline. The CRC can also assist citizens in filing a complaint and appealing applicable findings to the Citizens Review Board.

The Citizens Review Board (CRB) is appointed by the City Council and reviews citizen appeals of police department findings in complaint investigations on police officers involving unbecoming conduct, excessive use of force, arrest/search/seizure, and discharges of firearms resulting in personal injury or death. The CRB reviews appeals by a complainant by scheduling a hearing to learn the facts of the case from both the complainant and the Police Department. If the CRB believes sufficient evidence exists to indicate the Chief of Police abused his discretion in the findings, the CRB schedules a more extensive hearing. If the CRB finds the Chief abused his authority in his decision, they make a recommendation to the City Manager. The City Manager would then discuss the case with the Chief and make a final decision. If the CRB does not find that the Chief abused his authority through the decision, the appeal process ends. If the CRB process results in a change in the findings or discipline for the officer that results in suspension or termination, that officer may appeal the ruling to the Civil Service Board, which again retains final authority on firings and discipline for officers.

In 2004, citizens appealed 3 cases to the CRB. In 2005, there were 4 cases appealed. The CRB did not find evidence the Chief of Police abused his discretion in how he ruled in any of these cases.

Just the Facts

Systems Improvements

It is important to note that in 2005, the Charlotte-Mecklenburg Police Department completed the first full calendar year using the Internal Affairs Case Management System. This system completely altered the way in which Internal Affairs data is collected. Previously, events which required an Internal Affairs investigation were counted as overall events, now we have the capability to count these events by the number of officers involved. Some portions of this report will be impacted more by this change than others. To assist the reader, these changes will be referred to again when necessary.

The Charlotte-Mecklenburg Police Department is constantly striving to improve employee performance. On June 22, 2005 the Early Intervention System went live merging data from the IACMS and other databases to seek out behavior or performance issues that may indicate a problem prior to an allegation of misconduct. The EIS system is maintained by the Training Academy to eliminate the perception that the data generated can be used in a punitive fashion.

Complaint Investigations

Complaint Events Received/Sustained			
	2004	2005	Change
Citizen Complaint Events	162	166	2.5%
Sustained Portion and % of Total	30 (18%)	45 (27%)	9%
Department Complaint Events	243	280	13%
Sustained Portion and % of Total	197 (81%)	249 (89%)	8%
Total Complaint Events	405	446	10%
Sustained Portion and % of Total	227 (56%)	294 (66%)	10%

Table 1

Since complaints often involve more than one officer or employee, disposition totals will be higher than the total number of complaint events. **Chart 1** illustrates that in 2005, there was a decrease in the number of employees involved in complaints compared to 2004. Part of this decrease can be attributed to a large investigation conducted in 2004 involving several recruit classes at the training academy.

Employee/Complaint Comparisons

Table 2 is a comparison between the number of complaints citizens filed with the number of citizen-initiated calls for service and the number of arrests made by officers in 2005.

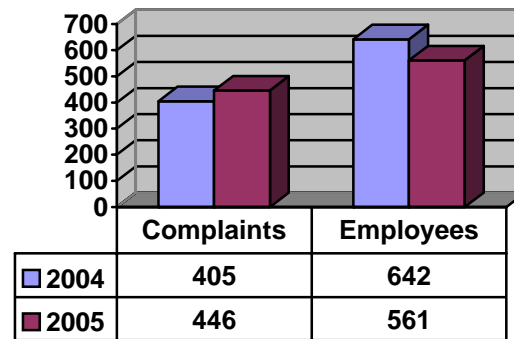


Chart 1

Complaints by Arrests and Responses to Citizen Calls for Service				
	2004	Rate	2005	Rate
Citizen Filed Complaints	162	N/A	166	N/A
Responses to Citizen Calls for Service	393,988	41 per 100,000	408,374	41 per 100,000
Total Arrests	26,461	61 per 10,000	26,741	62 per 10,000

Table 2

Officers with the Charlotte-Mecklenburg Police Department have forty [Rules of Conduct](#) to follow. **Table 3** shows the ten categories that account for the majority of all complaints. As mentioned earlier, Internal Affairs is collecting more precise data through the use of the Internal Affairs Case Management System. In 2004 violations were collected based on the overall event, regardless of the number of officers involved; while in 2005 the violations are collected by the number of officers involved. For example, in 2005 a complaint for unbecoming conduct against two officers would be counted as two allegations, while in 2004 it would have been counted as one complaint event. The IACMS gives the department more accurate data to use in our efforts to improve employee behavior.

In **Table 3**, there are several categories that have been affected by this change, most noticeably Violation of Rules, Unbecoming Conduct, Courtesy and Use of Force. Counting the number of events rather than the number of allegations will reduce the numbers in these categories. For example, citizen initiated complaints for Violation of Rules in 2005 would be 20 when counting the number of events while Unbecoming Conduct events would total 15 rather than 27 as depicted in the table. Similarly, while in 2005, citizens alleged that 64 employees violated the Courtesy rule of conduct, there were only 56 events involved which is very similar to 2004. Finally, in 2004 there were 47 citizen initiated allegations regarding a violation of the rule of conduct dealing with the use of force. In 2005, there were 74 officers involved in events which were the subject of a citizen initiated complaint for the use of force. However, these 74 officers were collectively involved in 34 events, which is a 28% decrease from the previous year.

Alleged Rule of Conduct Violations				
	2004		2005	
	Citizen	Department	Citizen	Department
Violation of Rules (policy)	6	90	25	121
Unbecoming Conduct	8	168	27	30
Reporting for Duty	N/A	16	N/A	15
Absence From Duty	N/A	54	N/A	65
Neglect of Duty	35	20	15	44
Conformance to Laws	16	11	23	9
Courtesy	54	10	63	4
Use of Force	47	13	74	7
Arrest, Search and Seizure	58	4	51	4
Use of Departmental Equipment	1	4	5	4

Table 3

The following information is to provide the reader a framework to understand how allegations of misconduct are adjudicated by the employee’s Chain of Command.

Adjudications Explained

1. Sustained: The investigation disclosed sufficient evidence to prove the allegation made in the complaint.
2. Unfounded: The allegation is false. The alleged incident never took place.
3. Not Sustained: The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.
4. Exonerated: The acts which provided the basis for the complaint or allegation occurred, but the investigation revealed that they were justified, lawful and proper.

Chart 2 shows the disposition of complaints that originated internally.¹

Disposition of Department Filed Complaints

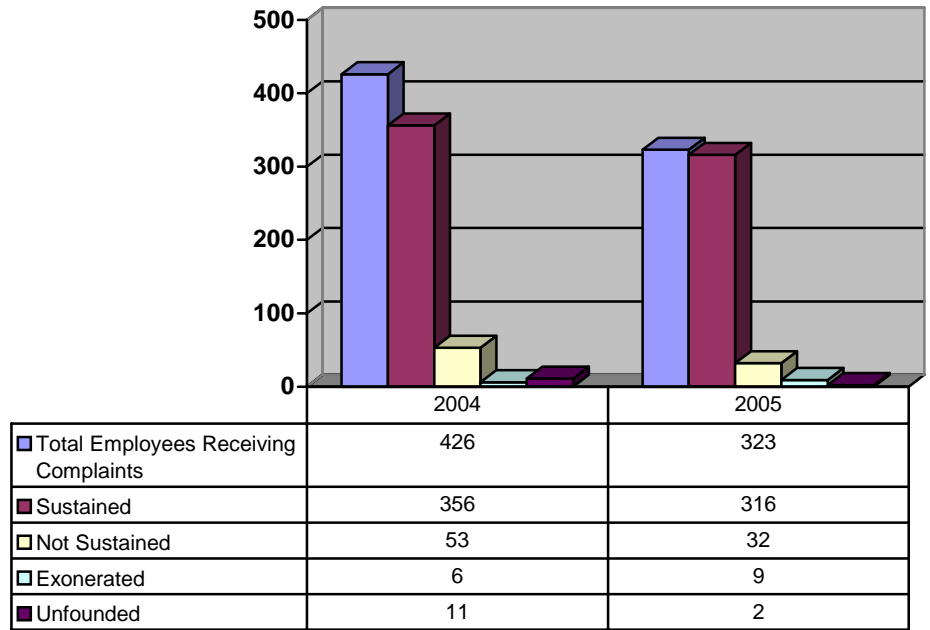


Chart 2

¹ There are a higher number of dispositions than events because some events have more than one officer.

Chart 3 illustrates the disposition for complaints made by members of the community. Like internal complaints, there may be more than one officer involved in an event, so the number of dispositions will be greater than the number of events.

Again, when viewing **Chart 3**, it is important to remember that data collection has changed for Internal Affairs. In 2004, dispositions were counted by event and in 2005 dispositions are counted by employee. Therefore, while 2005 shows 70 sustained complaints, these resulted from 49 events, so the increase is not as great as it appears at first glance.

Disposition of Citizen Filed Complaints

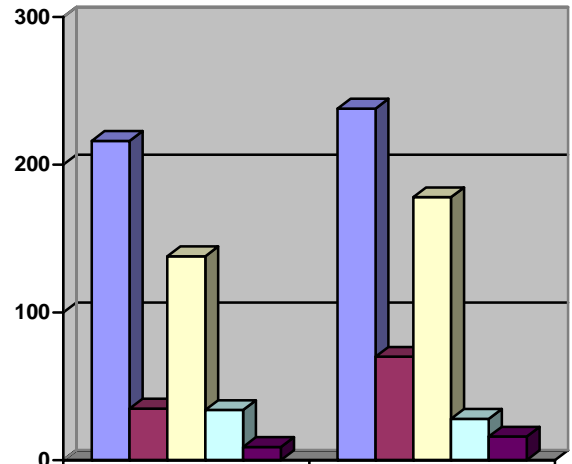


Chart 3

Total Employees Receiving Complaints	216	238
Sustained	35	70
Not Sustained	138	178
Exonerated	34	28
Unfounded	9	16

Corrective Action in Internal Investigations

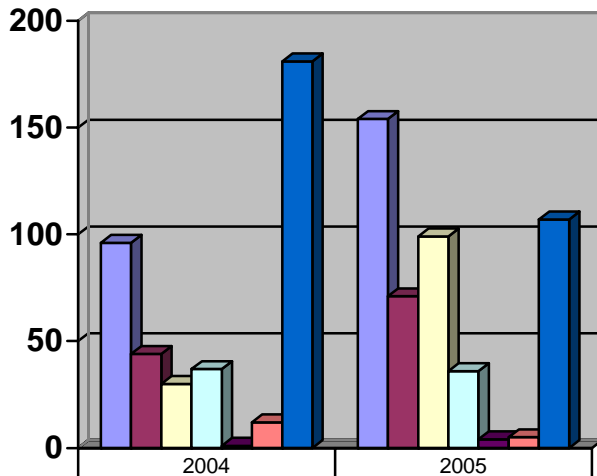


Chart 4

Counseling	96	154
Active Suspension	44	71
Suspended Suspension	30	99
Combined Active/Suspended Suspension	37	36
Termination	1	4
Resignation	12	5
Written Reprimand	181	107

It is the goal of the department to administer the appropriate corrective action to ensure the negative behavior will not be repeated. **Chart 4** illustrates the corrective action taken for sustained complaints in 2005. There is more action taken than complaints made due to some complaints having multiple officers and some officers receiving more than one type of corrective action.

When corrective action is warranted, the Chain of Command refers to the CMPD Discipline Philosophy as a guide. This document can be viewed by visiting www.cmpd.org , selecting “Services A-Z, Directives, and [100-004 Discipline Philosophy](#)”.

When suspension or termination is recommended, the employee can appeal the decision to the Civil Service Board. In 2005 the board heard three cases: one for termination, one for demotion and one appeal for suspension. In two cases, the corrective action was not changed; in the third, the employee was not demoted, however a suspension was upheld.

When an employee’s alleged behavior may be a crime and is alleged to have occurred in Mecklenburg County, the department conducts a separate criminal investigation in addition to an internal investigation. Criminal investigations are presented to the District Attorney for a decision on whether formal criminal charges are made.

Table 5 shows the internal disposition for criminal allegations.

Internal Disposition of Criminal Charges					
	Employees Charged	Resigned	Sustained	Not Sustained	Unfounded
2004	5	0	2	3	0
2005	5	3	5	0	0

Table 5

In 2005, as in 2004, the District Attorney considered misdemeanor charges against five employees. **Table 6** provides the disposition of the criminal cases involving CMPD employees in 2005.

District Attorney Disposition of Criminal Charges						
	Employees Charged	Dismissed	Guilty	Not Guilty	Deferred Prosecution	Pending
2004	5	2	1	1	1	0
2005	5	1	2	0	1	1

Table 6

Uses of Force

Police officers are authorized to use force to arrest or detain an uncooperative person. Any time an officer uses force or a subject complains of injury from police action, a supervisor investigation is completed. Officers are guided by a continuum for the use of force. This continuum can be found by visiting www.cmpd.org and selecting “Services A-Z, Directives, and [600-020 Use of Force Continuum](#)”.

Table 7 shows the number of times officers used force compared with total arrests made and total citizen initiated calls for service in 2005.

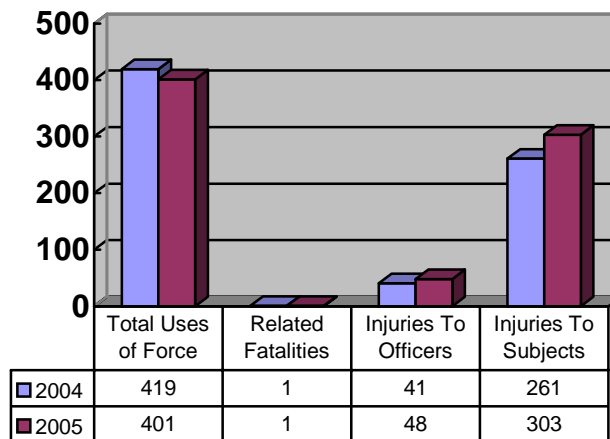
Use of Force Events by Arrests and Citizen Calls for Service				
	2004	Rate	2005	Rate
Total Use of Force Events	419	N/A	401	N/A
Total Arrests	26,461	158 per 10,000	26,741	150 per 10,000
Citizen Calls for Service	393,988	106 per 100,000	408,374	98 per 100,000

Table 7

When officers use force, it is important to document the level of injuries to the officers and the subjects. **Chart 5** documents the injuries to all parties involved in a use of force for 2005.

Use of Force Incidents, Fatalities and Injuries

Chart 5



It is important to note that any time a subject is struck with TASER probes, they are considered injured. In 2005 the TASER was deployed 97 times.

In some cases, officers must use deadly force. It is critical that the department makes a thorough examination any time this occurs. **Chart 6** shows the use of firearms by police officers in 2005. The majority of firearms use involved animal euthanasia.

Type of Force Used: Firearm Only

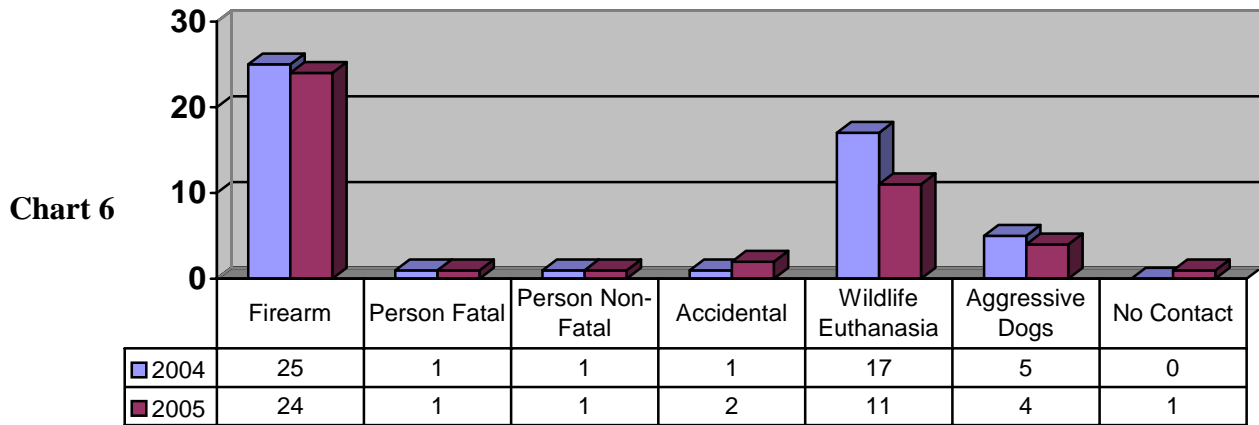


Chart 7 provides a breakdown by the type of force used. It is also important to note that more than one force type may be used in an event or more than one officer may be involved. This accounts for the number of use of force type to be greater than the total number of use of force events.²

Type of Force Used

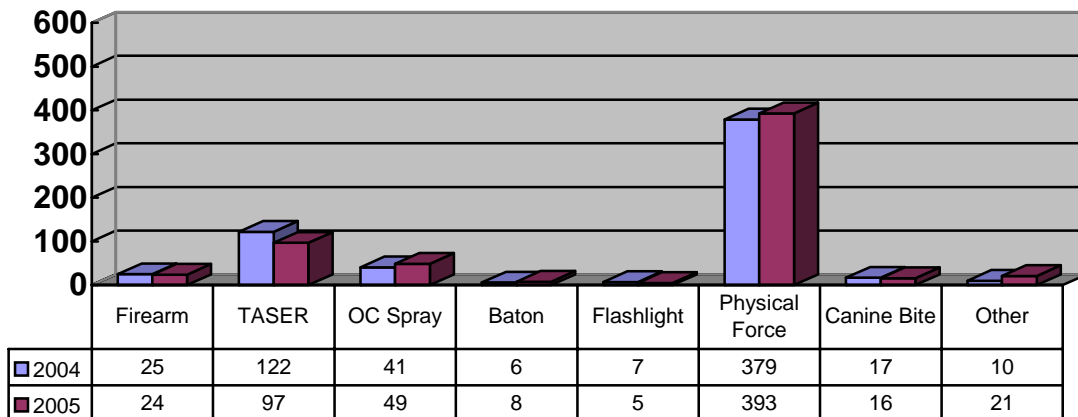
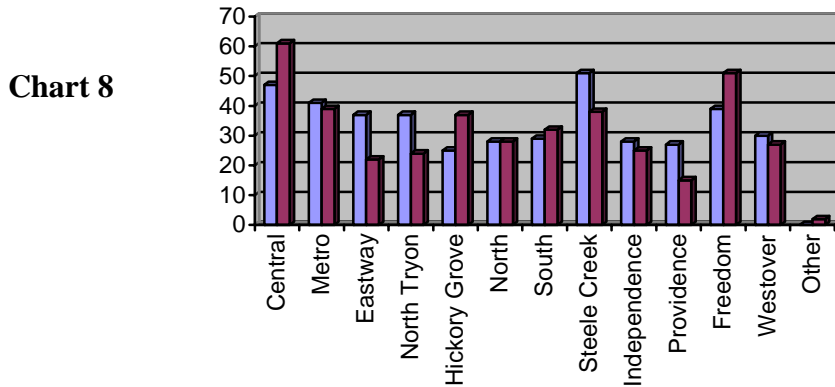


Chart 7

² The category “Other” in Chart 7 refers to injuries to subjects that are not necessarily caused by an officer. This type of injury could be the result of a fall during a foot pursuit or it could be a self inflicted injury that occurred while the subject is in police custody.

Thirty three different divisions of the Police Department had an employee who used force sometime during calendar year 2005. These uses of force could have been on duty, off duty or while working a secondary employment job. Accordingly, the incident may not have occurred in the division where the employee is normally assigned. Chart 8 provides a breakdown by the Patrol Divisions where the uses of force occurred.

Use of Force Investigations by Location Occurred



Tables 8 and 9 provide information regarding the race and sex of subjects and officers involved in uses of force.

Race/Ethnicity/Sex of Subject Involved					
	2004		2005		% Change in Totals
	Total	% of Total	Total	Total	
Black Female	31	7.60%	36	9.00%	1.40%
Black Male	247	60.70%	258	64.90%	4.90%
White Female	12	2.90%	17	4.20%	1.30%
White Male	81	19.90%	61	15.30%	-4.60%
Hispanic Female	1	0.20%	0	0.00%	-0.20%
Hispanic Male	31	7.60%	22	5.54%	-2.06%
Asian Female	0	0.00%	1	0.25%	0.25%
Asian Male	2	0.50%	0	0.00%	-0.50%
Other Female	1	0.20%	0	0.00%	-20.00%
Other Male	1	0.20%	2	0.50%	30.00%
Total Subjects	407	100.00%	397	100.00%	-11.10%

Race/Ethnicity/Sex of Officer Involved									
	Officers Employed (2004)		2004 Events		Officers Employed (2005)		2005 Events		% Change
	Total Officers	% of Total	Total Officers	% of Total	Total Officers	% of Total	Total Officers	% of Total	
Black Female	51	3.50%	7	1.08%	51	3.43%	10	1.66%	0.58%
Black Male	185	12.71%	63	9.69%	183	12.29%	77	12.75%	3.06%
White Female	158	10.85%	20	3.08%	163	10.95%	23	3.81%	0.73%
White Male	1012	69.51%	535	82.31%	1,036	69.58%	466	77.15%	-5.16%
Hispanic Female	2	0.14%	0	0	3	0.20%	0	0	0.00%
Hispanic Male	26	1.79%	16	2.46%	30	2.01%	17	2.81%	0.35%
Asian Male	19	1.30%	7	1.08%	20	1.34%	10	1.66%	1%
Native American/ Alaskan Native Male	3	0.21%	2	0.31%	3	0.20%	1	0.17%	-0.14%
Total Officers	1456	100.00%	650	100.00%	1489	100.00%	604	100.00%	-8.00%

Table 9

Table 9 shows the officers involved in uses of force for 2005. An important note in this table is that the number of total officers increased in 2005 by approximately 2% and the overall number of officers involved in a use of force declined by 8%.

Police Vehicle Pursuits

Vehicle pursuits are high risk, high liability events and as such, the Charlotte-Mecklenburg Police Department has a directive which governs when a pursuit is or is not justified. This policy can be found by visiting www.cmpd.org, selecting “Services A-Z”, and then choosing Directives. The pursuit policy can be found under “[Directive 600-022 Pursuit Driving](#)”.

Table 10 illustrates that the number of pursuits were similar in 2004 and 2005.

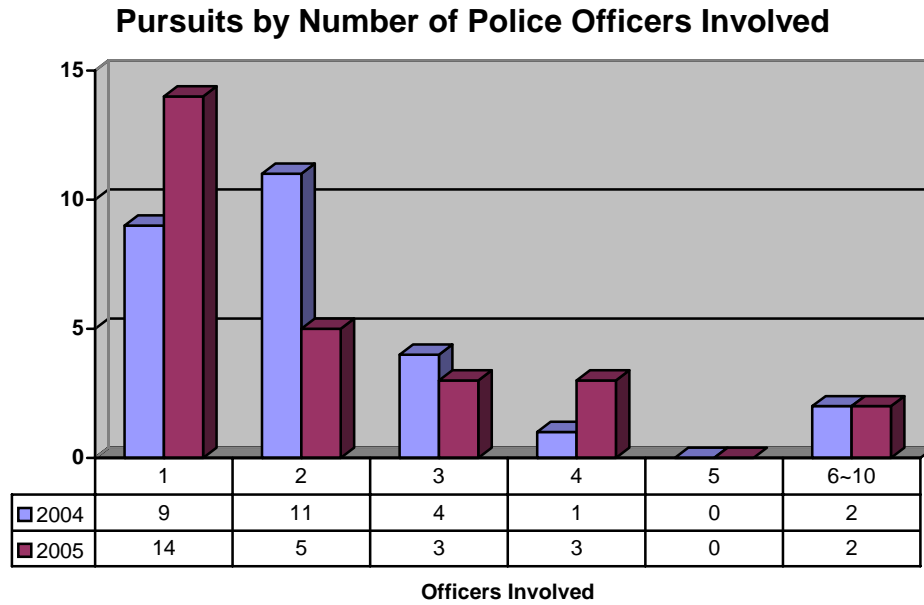
CMPD Pursuits	2004	2005
Pursuits	27	28
Justified Pursuits	22	22
Not Justified Pursuits	5	5
Pursuits w/Policy Violations	9	1
Officers Involved	59	68

Departmental policy allows for two officers to engage in a vehicle pursuit; however a supervisor can authorize additional officers based on the situation.

Chart 9 shows the number of officers involved in pursuits.

Table 10

Chart 9



While pursuits can involve more than one officer, it is also possible for pursuits to involve more than one division. **Chart 10** shows the division assignment for the officer who initiated the pursuit, regardless of the assignment of any back-up officers.

2005 Pursuits by Initiating Division

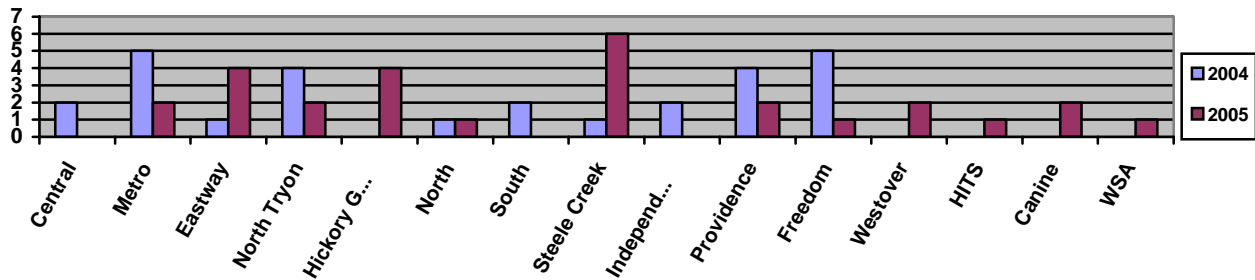


Chart 10

While the majority of pursuits involve violent felonies, **Table 11** shows the reasons for all of the pursuits occurring in 2004 and 2005.

Year	Violent Felony - Homicide	Violent Felony - Robbery	Violent Felony - Assault	Non-Violent - Stolen Auto	Non-Violent Felony - Other	Misdemeanor - Firearm Related	Misdemeanor - Assault/Battery	Traffic - Reckless	Misdemeanor - Other
2004	2	13	3	4	1	2	0	2	0
2005	0	17	3	3	0	1	1	2	1

Table 11

In 2005, the Internal Affairs Division provided training entitled “Pursuit Management for Supervisors”. This training was directed towards first line, field supervisors who have the greatest opportunity to control a pursuit. The training used videos from in-car cameras and information gained during the pursuit investigations to provide supervisors with a greater appreciation of the dynamics and dangers involved in a vehicle pursuit. This training has been expanded for 2006 and will now include all officers. The training consists of a pre-test which addresses the pursuit directive, a four hour block of classroom instruction and an eight hour block of practical training at the [Charlotte Vehicle Operations Center](#).

Employee Motor Vehicle Collisions

As one might expect, the nature of policing requires department employees to put an enormous number of miles on vehicles to fulfill their responsibilities. The geographic jurisdiction for the Charlotte-Mecklenburg Police Department includes the City of Charlotte and the unincorporated area of Mecklenburg County. Employees drive their vehicles under all types of weather, traffic and emergency conditions. Additionally, the department has approximately 2,000 employees operating 984 vehicles, with many vehicles being operated 24-hours a day. Department vehicles were driven a total of 15,169,070 miles in 2005, down 2.6% from 2004, when they were driven 15,571,240 miles. **Table 12** shows the total number of preventable and non preventable accidents occurring in 2005.

Collisions by Disposition		
	2004	2005
Not Preventable	152	154
Preventable	110	110
No Action	0	2
Total Collisions	262	265

Table 12

Collisions are investigated by a supervisor and the chain of command determines if the collision was preventable or not preventable. When an employee is involved in a preventable accident, the employee is often required to attend additional driver’s training. A finding of no action usually occurs when the police vehicle was parked correctly and unoccupied at the time of the collision.

Table 13 shows the rate of collisions in 2005 compared to 2004. Appendix 3 provides a breakdown of collisions and dispositions by the employee assignment at the time of the collision.

Collisions by Miles Driven		
	2004	2005
Total Collisions	1.68 per 100,000 miles	1.75 per 100,000 miles
Not Preventable	.98 per 100,000 miles	1.01 per 100,000 miles
Preventable	.71 per 100,000 miles	.73 per 100,000 miles

Table 13

Employee Injuries

Like vehicle collisions, employee injuries are investigated and the chain of command will determine if the injury was preventable or not preventable. **Chart 12** shows the disposition for the injuries occurring in 2005 compared to 2004.

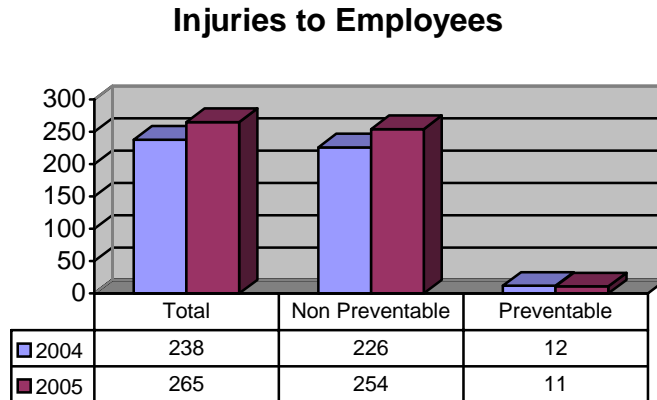


Chart 12

Table 14 shows the rate of injuries for all employees.

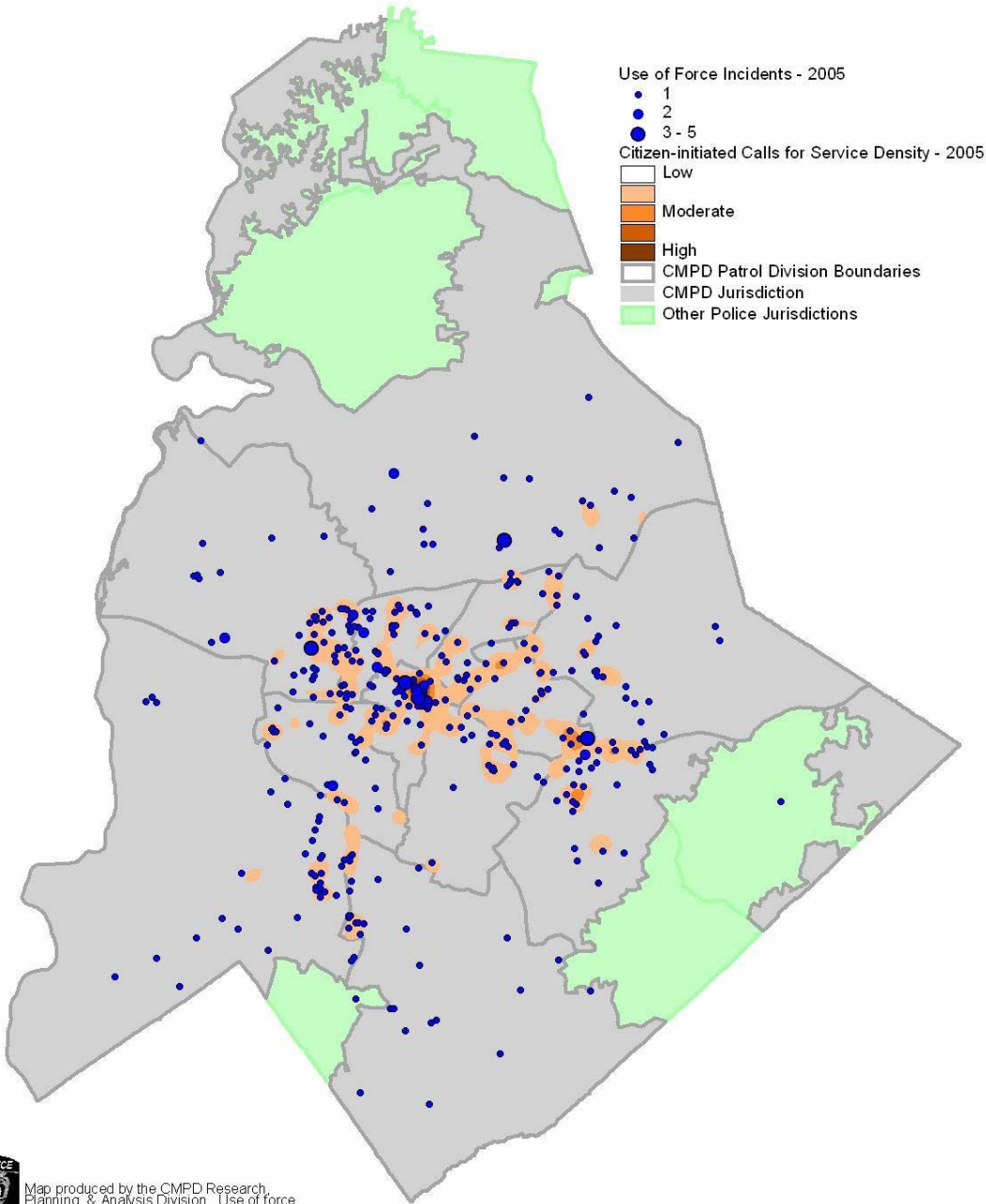
Injuries by Employee Ratio		
	2004	2005
Total Employee Allocations	1989	2012
Total Injuries	12 per 100 employees	13 per 100 employees
Not Preventable	11.4 per 100 employees	12.6 per 100 employees
Preventable	.6 per 100 employees	.5 per 100 employees

Table 14

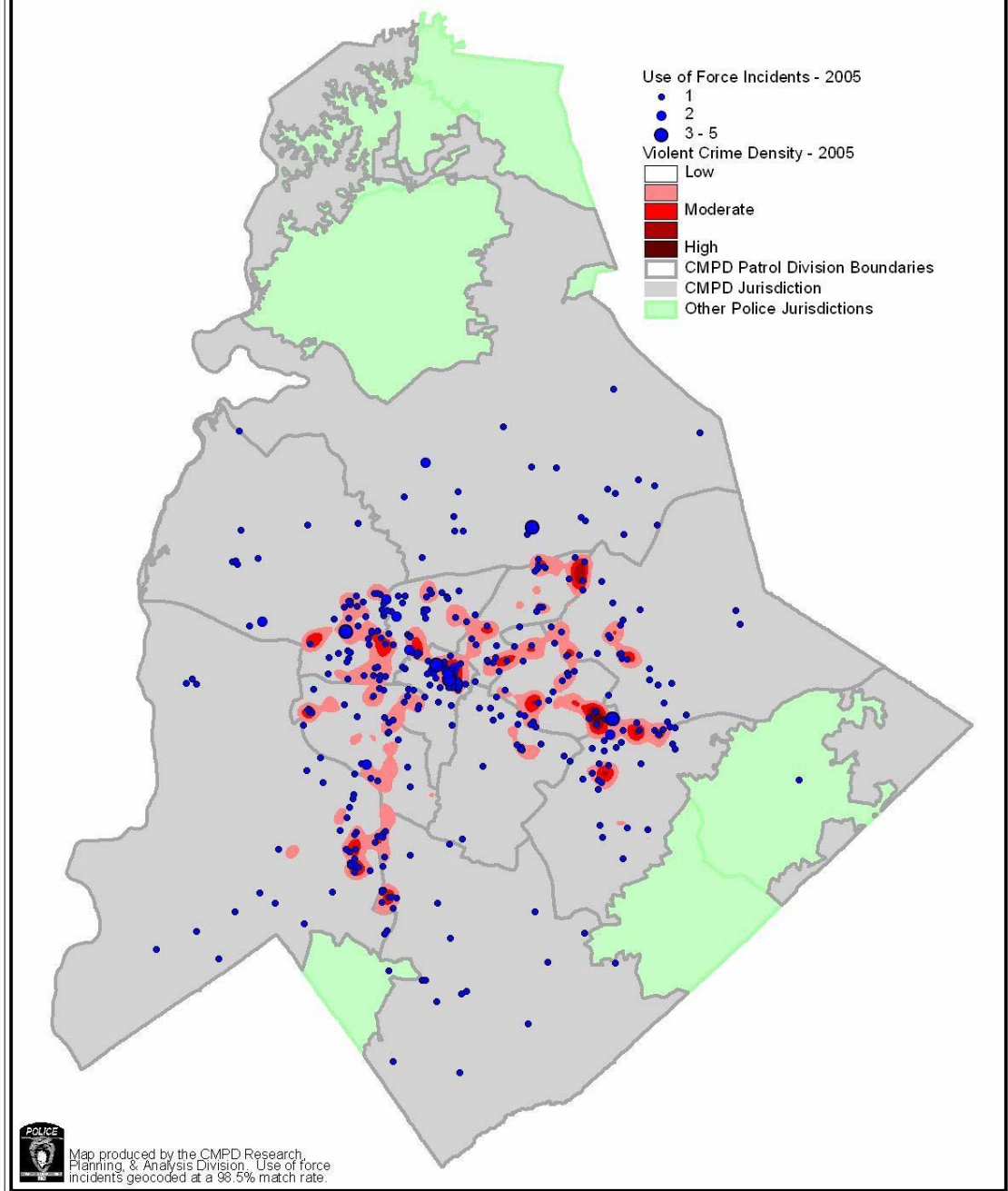
Appendix 1

Use of Force Maps

Use of Force Incidents and Citizen-Initiated Calls for Service Pattern for Calendar Year 2005



Use of Force Incidents and Violent Crime Pattern for Calendar Year 2005



Map produced by the CMPD Research, Planning, & Analysis Division. Use of force incidents geocoded at a 98.5% match rate.

Appendix 2

Police Vehicle Collision Investigations

Employee Collisions and Dispositions			
		2004	2005
Administrative Division	Preventable	0	1
	Not Preventable	0	1
Animal Control Bureau	Preventable	8	12
	Not Preventable	4	9
Central Patrol Division	Preventable	5	7
	Not Preventable	8	4
Central Service Area	Preventable	0	2
	Not Preventable	0	0
Crime Scene Search	Preventable	0	2
	Not Preventable	4	2
Criminal Investigations Bureau	Preventable	5	2
	Not Preventable	9	7
Eastway Patrol Division	Preventable	6	7
	Not Preventable	11	12
Field Services Group	Preventable	3	2
	Not Preventable	0	2
	No Action	0	1
Freedom Patrol Division	Preventable	6	5
	Not Preventable	17	8
Hickory Grove Patrol Division	Preventable	8	7
	Not Preventable	11	8
HITS	Preventable	0	0
	Not Preventable	6	10
Independence Patrol Division	Preventable	11	3
	Not Preventable	13	6
K-9	Preventable	0	1
	Not Preventable	0	2
Metro Patrol Division	Preventable	7	7
	Not Preventable	6	8
North Patrol Division	Preventable	8	7
	Not Preventable	6	8
	No Action	0	1
North Tryon Patrol Division	Preventable	6	9
	Not Preventable	7	6
Office of the Chief	Preventable	0	2
	Not Preventable	0	1
Providence Patrol Division	Preventable	7	4
	Not Preventable	9	6
South Patrol Division	Preventable	11	4
	Not Preventable	4	10
South Service Area	Preventable	0	1
	Not Preventable	0	1

Special Investigations Bureau	Preventable	2	5
	Not Preventable	11	14
Steele Creek Patrol Division	Preventable	8	12
	Not Preventable	15	16
Support Services	Preventable	3	1
	Not Preventable	3	4
Westover Patrol Division	Preventable	6	6
	Not Preventable	7	6
West Service Area Street Crimes Unit	Preventable	0	1
	Not Preventable	0	1