

POLICE



CHARLOTTE-MECKLENBURG

2006 INTERNAL AFFAIRS REPORT
CHARLOTTE-MECKLENBURG POLICE DEPARTMENT

Introduction

It is my pleasure to present the 2006 Annual Report for the Internal Affairs Bureau of the Charlotte-Mecklenburg Police Department.

The police department is committed to provide the very best service to the Charlotte-Mecklenburg community to inspire and maintain its confidence in us. For those occasions when an employee's actions fail to live up to the high standards expected by the department and the community, the department has a rigorous process to investigate alleged misconduct and hold our employees accountable while seeking fairness and consistency to all parties involved. In addition, the department also investigates all incidents where physical force is used or those in custody are injured, where vehicle pursuits occur, and where vehicle collisions and employee injuries occur.



The following report shares the fundamental mission and values of the department and Internal Affairs, provides information about the investigative process, and summarizes data and information about each investigation category. I hope that you find the information helpful and reassuring of our commitment to high standards of service and integrity.

Sincerely,

A handwritten signature in black ink that reads "Darrel W. Stephens" followed by a horizontal line.

Darrel W. Stephens
Chief of Police

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Charlotte-Mecklenburg Police Department Mission Statement

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

We Value:

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

Charlotte-Mecklenburg Police Department Internal Affairs Bureau Mission Statement

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

Internal Affairs Bureau

We are proud to be part of an organization that places high value on integrity and public trust. The office of Internal Affairs is charged with ensuring the level of trust and confidence the public has in its police department is safeguarded, and that our agency remains deserving of that trust. Our second goal is to ensure the rights of our employees are safeguarded and all persons involved in an inquiry are treated with dignity and respect.

In order to achieve these goals, the Internal Affairs Bureau has several key functions, including: the review of field supervisor investigations, receiving complaints, completing investigations of serious allegations of misconduct, facilitating the adjudication of allegations, and preparing case appeals for presentation to the Civil Service or Citizens Review Boards. For a complete guide to the Charlotte-Mecklenburg Police Department Disciplinary Process, please refer to www.cmpd.org, Services A-Z, Internal Affairs, and then [Internal Affairs Guidebook](#).

Some misconduct allegations are types that can generate significant community concern. Internal Affairs staff investigates such allegations. (For a complete list of the Rules of Conduct and who may investigate a potential violation please refer to www.cmpd.org, “A-Z Services”, Directives, and then [200-001 APPENDIX A](#).) An Internal Affairs sergeant is assigned to investigate such allegations thoroughly, to enable employees’ supervisors to make informed, fair decisions regarding complaint dispositions. Internal Affairs presents that information to employee supervisors in what is called a Chain of Command Review. While Internal Affairs remains present throughout these reviews, its staff assumes no active role in determining the final adjudication of any alleged violation. That responsibility is reserved for an employee’s chain of command and, ultimately, the Chief of Police. Internal Affairs also represents the department and Chief of Police when a case disposition is appealed to one of the above mentioned community oversight boards.

The men and women who are assigned to the Internal Affairs Bureau take their responsibilities seriously and are dedicated to the unit’s mission. To read more about the role of Internal Affairs, please visit www.cmpd.org, “A-Z Services” and select [Internal Affairs Bureau](#).

Thank you,

Internal Affairs Staff

Community Oversight

In its efforts to be as transparent as it can in its disciplinary process, the Charlotte-Mecklenburg Police Department embraces community oversight in three critical ways. First, it involves an independent party in all Internal Affairs-level chain of command hearings. It also embraces civil service oversight in its disciplinary process. Finally, the citizen review of more serious complaints provides additional assurances to the public that CMPD employees are acting within the scope of their authority and policies.

The [Community Relations Committee](#), a City of Charlotte Department independent of the Police Department, participates in all Internal Affairs level Chain of Command board hearings involving allegations of misconduct against officers and shooting review boards when the incident resulted in serious injury or death to a citizen. A Community Relations Committee representative is a fully involved member of the board and has the opportunity to review the entire case file, including all statements and physical evidence prior to the hearing. During the Chain of Command board hearing the representative can question witnesses, accused employees and Internal Affairs investigators, as well as fully participate in the discussion, deliberation and final adjudication of the case. If the board finds that an employee violated a departmental policy, the Community Relations Committee representative fully participates in the discussions and recommendations for disciplinary action, ranging from counseling through employment termination.

The [Civil Service Board](#) of Charlotte is made up of seven members, three of whom are appointed by the Mayor; the remaining four members being appointed by City Council. This community-based board reviews and has final authority over the hiring, promotion, demotion and termination of all sworn police officers through the rank of Police Major. The board also hears employee-initiated appeals of disciplinary action that include any suspension without pay (imposed or deferred) and all terminations of employment. Appeals of Civil Service Board decisions are limited to procedural matters and are heard in Mecklenburg County Superior Court.

To increase the department's level of accountability to the public, the [Citizens Review Board](#) (CRB) was created in September 1997. The CRB is comprised of eleven members; three of whom are appointed by the Mayor, five by City Council and the remaining three by the City Manager. Like the Civil Service Board, the CRB is a community-based group that has the authority to review certain types of actions taken by CMPD employees. The CRB reviews citizen appeals of departmental decisions in internal investigations involving:

- Unbecoming conduct
- Excessive use of force
- Illegal arrest, search or seizure
- Discharge 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 as independently presented by both the appellant and the police department. If

the CRB believes sufficient evidence exists to indicate the Chief of Police abused his discretionary powers in deciding the final disposition of one of the above listed investigations, the CRB schedules a more extensive hearing where both sides have the opportunity to present their case in a formal setting including the presentation of evidence and witness testimony. If the CRB determines that the Chief abused his discretion in his decision, the CRB makes its recommendation to the City Manager. The City Manager discusses the case with the Chief and makes a final disciplinary decision. If the CRB finds that, the Chief did not abuse his authority, the appeals process ends.

In 2006, there were three cases appealed to the CRB. In 2005, there were four cases appealed. The CRB did not find that the Chief abused his discretion in any of those appeals.

Engaging members of the community in this disciplinary process serves to strengthen public trust of the CMPD, a vital underpinning for the police-community partnerships necessary to prevent and address crime, and to improve our community quality of life.

Complaint Investigations

The Charlotte-Mecklenburg Police Department believes it has a responsibility to prevent unethical and improper conduct among our employees, and to give them the very best preparation to make sound, appropriate, and respectable decisions. The State of North Carolina Training & Standards Commission required that all sworn law enforcement personnel in North Carolina complete ethics training beginning in 2005. The CMPD began its ethics training in 2003. This year's training included the following purpose and objectives:



- To discuss and define ethics, to understand its importance within and throughout the law enforcement profession.
- Identify and discuss fifteen factors that may lead to unethical behavior.
- Discuss the importance of recognizing unethical behavior as it relates to personal and professional ruin.
- Demonstrate the use of decision-making tools when

facing ethical dilemmas.

The CMPD has over 100 [Directives and Standard Operating Procedures](#) that establish policies for topics ranging from Use of Force to Towing Vehicles; however, to make internal discipline matters more clear, CMPD employees have forty [Rules of Conduct](#) that must be followed. These rules cover the broader categories of behavior and performance expectations to which we hold all employees accountable.

As a department, we recognize that despite our good efforts there will be times when citizens, fellow employees or supervisors perceive an employee's behavior to be inappropriate and violate policy. When this occurs, staff uses a well-established procedure for receiving, investigating and adjudicating complaints.

Complaints about employee conduct come from a variety of sources. They are classified in two ways: internal and external. Internal complaints are generated from an employee of the CMPD. External complaints originate from someone outside of the CMPD. Complaints are accepted by telephone, in-person, written correspondence or e-mail. Incoming complaints are assigned to an employee's division for investigation unless the complaint meets the criteria for investigation by Internal Affairs. An investigation consists of interviews, statements and gathering of any type of evidence. After the investigation is complete, the case is reviewed by the employee's chain of command to

determine a disposition on the case. If any allegation is sustained by the chain of command, they will discuss and impose discipline consistent with the CMPD disciplinary philosophy. Finally, Internal Affairs reviews every internal investigation for consistency with the disciplinary policy and philosophy, and will work with the chain of command and/or the Chief of Police to resolve any inconsistencies. Upon disposition of a case, Internal Affairs will mail a letter to a complainant to advise them their case has been thoroughly investigated and resolved. Except in cases appealable to the Citizens Review Board, a complainant is not notified of the disposition, but is informed that personnel privacy laws of North Carolina prevent such disclosure.

The CMPD makes every effort to investigate and adjudicate all complaints within 45 days from the time in which a complaint is made. However, there are circumstances, including case complexity and witness unavailability, which prevent this goal from being achieved in every instance.

Table 1 displays a comparison of complaints received by citizen-initiated calls for service and arrests. External complaints declined by 47 complaints, a 28% decrease. Table 3 provides more insight into the decline of external complaints.

Complaints by Citizen Calls for Service and Arrests				
	2005	Rate	2006	Rate
External Complaints	166	N/A	119	N/A
Citizen Calls for Service	408,374	41 per 100,000	406,522	29 per 100,000
Total Arrests	26,741	621 per 100,000	28,146	423 per 100,000

Table 1

Table 2 displays the total number of complaints received during 2006 and the percentage of those complaints that concluded in a sustained disposition (explained in detail later in this section).

Complaint Events and Sustained Complaints			
	2005	2006	Change
External Complaint Events	166	119	-28%
Number & Percent Sustained	45 (27%)	25 (21%)	- 6%
Internal Complaint Events	280	198	-29%
Number & Percent Sustained	249 (89%)	163 (82%)	- 7%
Total Complaint Events	446	317	-29%
Number & Percent Sustained	294 (66%)	188 (59%)	-10%

Table 2

Table 3 identifies the ten rules of conduct that account for the majority of all misconduct allegations generated from both internal and external complaints. Because complaints result in misconduct allegations, it is feasible, although infrequent, that an officer would have allegations of multiple rules of conduct from a single incident. For example, an officer could be involved in a vehicle pursuit and a use of force with the same suspect and receive misconduct allegations for both actions. Additionally, if an allegation were

made against more than one officer involved in an incident, each officer would be counted in this table for each and all alleged rule violations.

The number of allegations resulting from external complaints declined in several Rule of Conduct areas. The nearly 24% decline in number of rule of conduct violations from external complaints is consistent with the 28% decline in overall external complaints. Table 3 indicates that the overall decline in external complaints and resulting allegations of misconduct is most attributed to reductions in courtesy and arrest, search and seizure complaints, with 19 fewer in each category. Internal complaints experienced a substantial decline in the area of attendance and violations of rules. The advent of on-line training and automated email attendance notifications, and improved supervision of course attendance have all contributed to a sharp improvement in these conduct areas.

Table 3 also indicates an increase in the number of pursuit violations. There were 60.7% more pursuits in 2006 so the increase in the number of pursuit violations is not indicative of an increase in the percentage of unjustified pursuits, but simply reflect the overall increase in the number of pursuits.

Alleged Rule of Conduct Violations by Frequency							
	2005			2006			% Change
	External	Internal	Total	External	Internal	Total	
Violation of Rules	25	121	146	17	74	91	-37.7
Unbecoming Conduct	27	30	57	30	29	59	3.5
Reporting For Duty	N/A	15	15	N/A	6	6	-60
Absence From Duty	N/A	65	65	N/A	25	25	-61.5
Neglect of Duty	15	44	59	10	26	36	-39
Conformance To Laws	23	9	32	17	14	31	-3.1
Courtesy	63	4	67	44	13	57	-14.9
Excessive Use of Force	74	7	80	62	12	74	-7.5
Arrest, Search and Seizure	51	4	55	32	4	36	-34.5
Pursuit Driving	N/A	21	21	N/A	27	27	28.6
Totals	278	302	580	212	230	442	-23.8

Table 3

Adjudication of Complaints

The Charlotte-Mecklenburg disciplinary process mandates the adjudication of complaint allegations by an employee's supervisory chain of command. Internal Affairs Bureau personnel serve to advise the chain of command on the investigation and disciplinary process, but do not participate in determination of the final disposition.

There are four ways that an employee’s Chain of Command can adjudicate an allegation of misconduct:

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

Our employees place high value on the integrity of the Charlotte-Mecklenburg Police Department. Consequently, internal complaints account for the majority of misconduct allegations (52%). **Chart 1** displays the adjudication categories for employees receiving misconduct allegations resulting from internal complaints for 2005 and 2006. CMPD experienced a 10.8% decline in the percentage of internal allegations resulting in a sustained disposition. However, the five-year trend displayed in Chart 2 indicates that 2005 had an elevated level of sustained internal complaints.

Internal Misconduct Allegations by Employees Involved

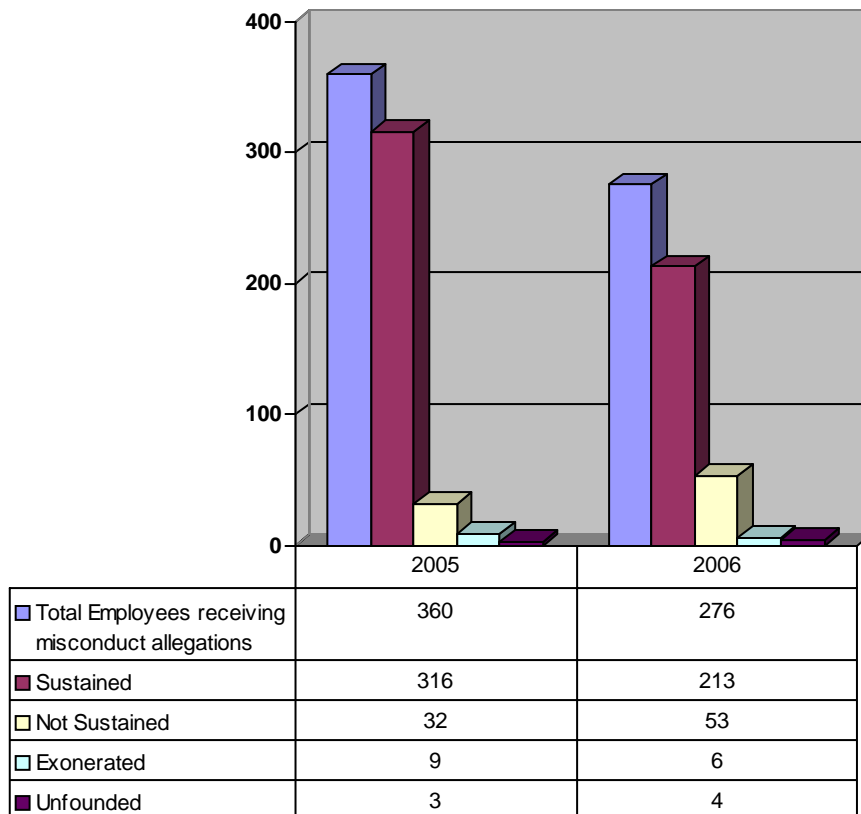


Chart 1

Rate of Sustained Allegations

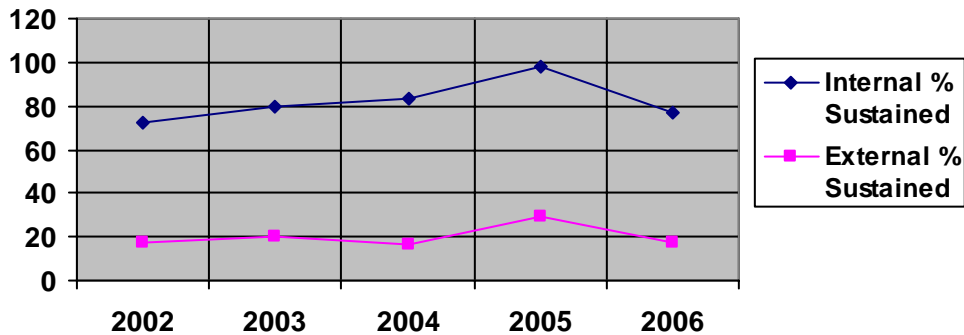


Chart 2

Chart 2 displays that the 2006 rate of 77% is within a normal variance among previous years, as research has indicated a range of 73%-88% in years 2002-2006.

Chart 3 displays allegations resulting from external complaints and the dispositions for the last two years. Some employees received multiple allegations within the same complaint event. There was an elevation in the percentage of external allegations that were sustained in 2005, (24.1%), but this rate declined to near the five year norm in 2006.

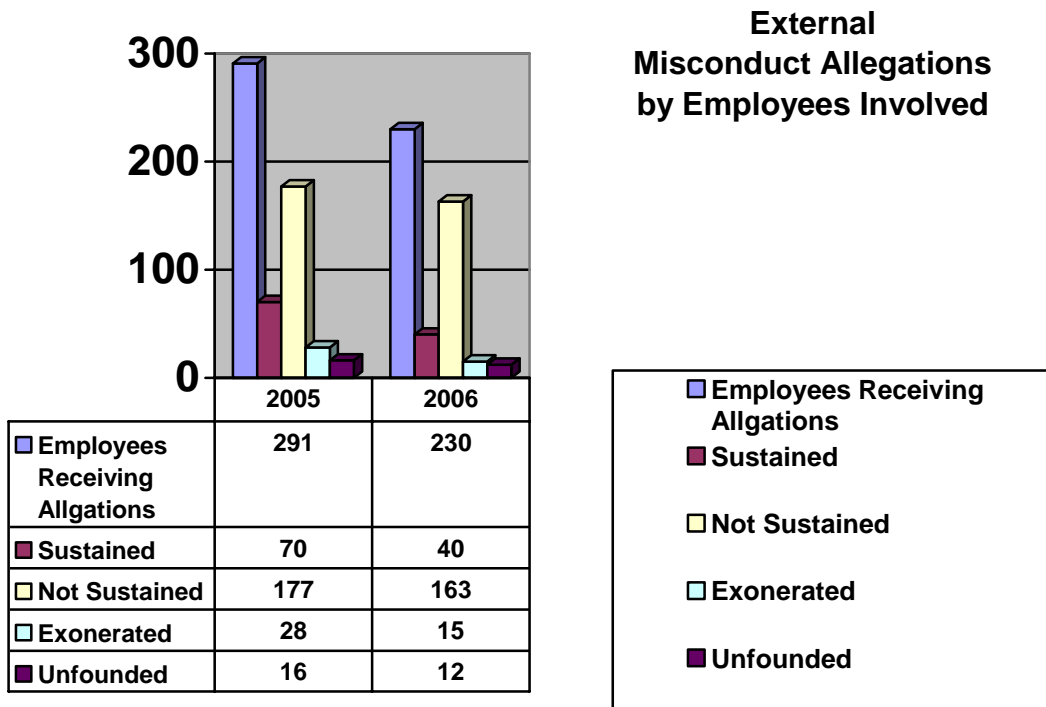


Chart 3

Disciplinary Action

The goal of the department is to apply progressive disciplinary action to ensure misconduct will not recur. In many cases, chains of command also mandate that



employees receive additional training in the subject areas where violations occur. Disciplinary action may also accompany retraining, and can range from counseling to a recommendation for employee termination. **Chart 4** illustrates the disciplinary action taken for sustained allegations in 2005 and 2006. There are more actions taken than allegations, as some allegations result in multiple disciplinary actions, such as reprimands and suspensions together.

The Chain of Command makes the decision on the appropriate disciplinary action based on the Charlotte-Mecklenburg Police Department's disciplinary philosophy. This philosophy takes into account employee motivation, degree of harm, employee experience, whether the violation was intentional or unintentional and the employee's past record. To view a more detailed explanation of our department's disciplinary philosophy, visit www.cmpd.org, "Services A-Z" and then select [100-004 Disciplinary Philosophy](#).

Disciplinary Action

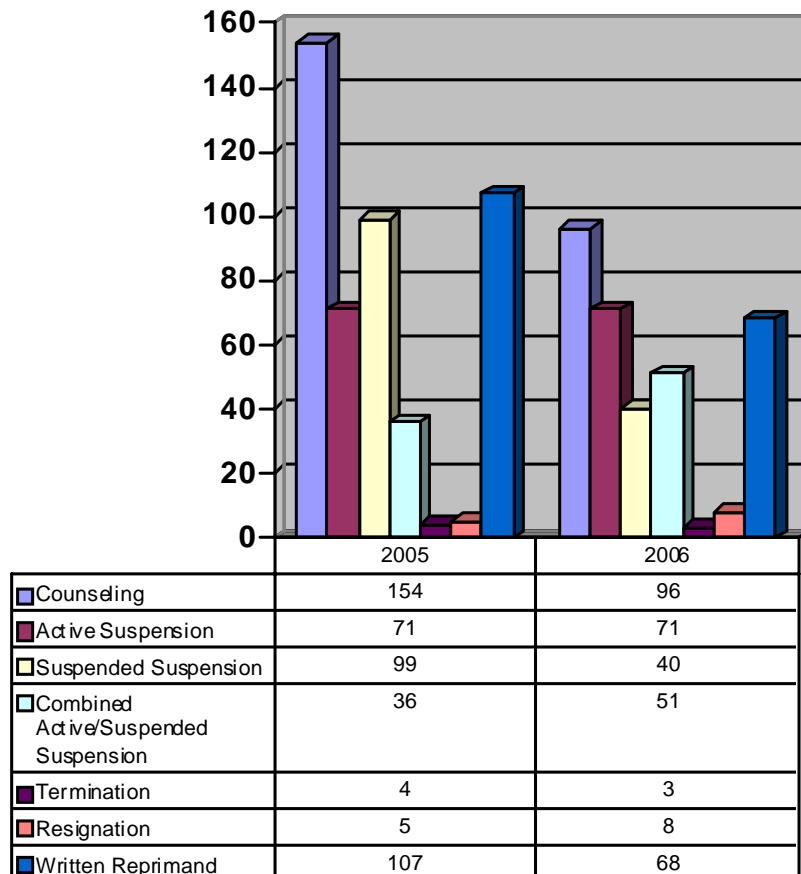


Chart 4

Employee-Involved Criminal Investigations

When an employee's alleged behavior constitutes a crime and is alleged to have occurred in Mecklenburg County, the department conducts a separate criminal investigation in addition to the Internal Affairs investigation. Criminal investigations are conducted by detectives in the Criminal Investigations Bureau and presented to the Mecklenburg County District Attorney for a decision on prosecution. If the alleged crime occurs outside of Mecklenburg County, then the agency with jurisdiction in that area conducts the criminal investigation in accordance with local procedures. Decisions on the final disposition of the criminal and administrative cases are made independently of one another. Employees charged with a crime, including certain traffic offenses, are required to report the charges to the Chief of Police.

Table 4 shows the internal disposition for 13 employees receiving allegations of criminal misconduct in 2006. For comparison purposes, the data for 2005 is also included in the table. A review of the criminal allegations indicates that one 2006 incident resulted in criminal allegations involving three employees and that there were more criminal allegations involving domestic situations in 2006 than in 2005.

Criminal Allegations and Internal Disposition				
	Employees Charged	Resigned*	Sustained	Not Sustained
2005	5	3	5	0
2006	13	3	8	5

Table 4

* A resignation does not prevent a disposition on allegations from the criminal incident.

The offenses that employees were alleged to have committed during 2006 included:

- | | | | |
|-----------------------------------|-----|----------------------------------|-----|
| -Trespassing | (2) | - Boating while impaired | (1) |
| -Communicating threats | (1) | - Harassing phone calls | (1) |
| -Failure to provide child support | (1) | - Hunting regulations violation | (1) |
| -Assault | (3) | - Underage possession of alcohol | (1) |
| - False pretense- fraud | (1) | - Hit and run | (1) |

Table 5 displays the disposition of the criminal court cases involving employees for crimes alleged to have been committed in 2005 and 2006. In examining several years of data, the number of employees charged in criminal court fluctuates from year to year; however, the overall numbers remain consistently low.

Criminal Allegations and Criminal Court Disposition						
	Employees Charged	Charges Dismissed	Guilty	Not Guilty	Deferred Prosecution	Pending
2005	5	1	3	0	1	0
2006	13	7	3	1	2	0

Table 5

Use of Force

Police officers seek voluntary compliance with their lawful direction; however, they are sometimes met with circumstances in which a subject’s actions compel an officer to use force in order to gain compliance. Officers are authorized to use *non-deadly force* under both North Carolina General Statute and Departmental Directives in circumstances limited to situations where the officer believes it is necessary to protect himself, herself, or another person, or to effect a lawful arrest. To better understand CMPD use of force policies, visit www.cmpd.org and selecting “Services A-Z, Directives, and [600-019 Use of Non-Deadly Force](#) and [600-018 Use of Deadly Force](#).

The circumstances in which an officer may use *deadly-force* are limited by North Carolina General Statute and further restricted by Departmental Directive. To help officers train and understand what level of force is most appropriate, the CMPD utilizes a continuum to identify what actions may be taken in response to certain behaviors by a subject. To better understand this continuum, visit www.cmpd.org and select “Services A-Z, Directives, and [600-020 Use of Force Continuum](#).

Table 6 shows the number of times officers used force compared with total arrests made and total citizen initiated calls for service in 2005 and 2006. There is no significant change in the rate at which force was used related to the number of events.

Use of Force Events by Arrests and Citizen Calls for Service				
	2005	Rate	2006	Rate
Total Use of Force Events	401	N/A	399	N/A
Total Arrests	26,741	150 per 100,000	28,146	142 per 100,000
Citizen Calls for Service	397,576	100 per 100,000	406,556	98 per 100,000

Table 6

Use of Deadly Force

Instances where a CMPD officer resorts to using deadly force are rigorously investigated and thoroughly reviewed both criminally and administratively. Deadly force, most commonly the discharge of a firearm, is investigated administratively by Internal Affairs and, if the shooting resulted in injury or death to a person, criminally by the Homicide Division of the Criminal Investigations Bureau (CIB). The facts revealed by the criminal investigation are presented to the Mecklenburg County District Attorney, who determines if the officer action should result in criminal prosecution. Simultaneously, the Internal Affairs Bureau conducts a parallel investigation to determine if the involved officer(s) complied with department policies. A Chain of Command Review Board is presented the administrative case, (which also includes the criminal investigation), determines if any CMPD policy was violated, and assesses whether the shooting was justified, not justified or accidental. To the greatest degree possible, the department releases current and relevant information to the public throughout the investigative process. Any case

involving a discharge of firearm that results in serious injury or death, which is found to be justified, can be appealed to the Citizens Review Board.

The use of deadly force policy is reviewed with officers annually. Additionally, officers are required to train and qualify with their firearm four times each year, twice during the daylight hours and twice during the hours of darkness. Officers must also qualify once a year with the Department-issued shotgun. Officers assigned to SWAT participate in firearms training once each month.



Chart 5 displays the total number of incidents where employees discharged their firearms in the performance of their duties during 2005 and 2006. The majority of shooting incidents involve the euthanasia of injured animals in accordance with department policy. Other shooting incidents during 2006 include the shooting of several aggressive animals. Such incidents appear to be increasing in frequency. Since the beginning of 2005, employees have been involved in 11 incidents where they discharged their firearm at an aggressive canine. The Training Academy, in partnership with the Animal Control Bureau and Internal Affairs, is developing a training course to help guide and prepare employees when they are faced with these circumstances.

During 2006, there were five incidents where members of the Charlotte-Mecklenburg Police Department used deadly force that resulted in injury or death to a person. A brief synopsis of each incident is listed on subsequent pages.

Use of Force Involving a Firearm and Type of Incident

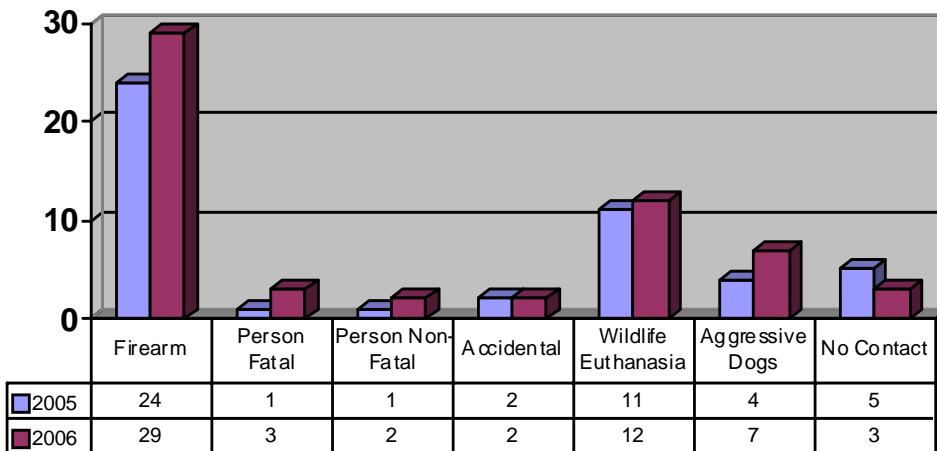


Chart 5

April 5, 2006

Officers with the Violent Criminals Apprehension Unit (VCAT) arrived at 8301 Norcroft Drive to attempt to locate Christopher Ellerbe, who was wanted in South Carolina for rape of his stepdaughter that had been reported earlier that day. Officer K. D. Hazrati was shot in the head at the front door of the residence, beginning a stand off with Ellerbe, who remained in the house.

Crisis negotiators' attempts to get Ellerbe to peacefully surrender failed and he emerged from the rear of the house holding a handgun. Ellerbe charged SWAT officers who were staged in the area and fired another shot, striking a SWAT officer in his protective helmet. A SWAT Officer fired four times, striking Ellerbe twice in the lower part of his body. The injuries sustained were serious, but non-fatal.

The Mecklenburg County District Attorney's office reviewed the case and found the shooting to be justified. An administrative shooting board was convened and determined the shooting was within Departmental guidelines.

June 3, 2006

A group of officers and detectives had been tracking two men who had murdered a man while he was pumping gas two days earlier. The suspects were located in a local motel near I-85 and SWAT officers were called to assist in the apprehension.

As SWAT Officers entered the motel room, one of the suspects, Eric Randall Armstrong, fired several shots at the officers. The officers returned fire, delivering a fatal shot to Armstrong's torso. The second suspect surrendered without incident.

The Mecklenburg County District Attorney's office reviewed the case and found the shooting to be justified. An administrative shooting board was convened and determined the shooting was within Departmental guidelines.

July 20, 2006

Officers responded to a 911 call of a suspicious vehicle. Upon arrival, officers observed a truck backed up to an open gate. Officers approached the building and saw an open door.

An officer looked through the open door and encountered Anthony Furr. The officer identified himself as a police officer and ordered Mr. Furr not to move. Mr. Furr stood up and drew a weapon, but refused to drop the weapon after being ordered to do so. The officer fired his service weapon killing Mr. Furr. It was later determined that Mr. Furr was employed by a subcontractor and was hired to perform maintenance on the tower equipment.

The Mecklenburg County District Attorney's office reviewed the case and found the shooting to be justified. An administrative shooting board was convened and determined that the shooting was within departmental guidelines.

July 28, 2006

Officers from the Violent Criminal Apprehension Team (VCAT) tracked several subjects wanted for a violent armed robbery. The subjects pulled into the driveway of 5409 Esther Lane and entered the residence. The vehicle they were operating was identified as stolen. VCAT officers surrounded the building and ordered the occupants out. All of them complied except Tobias Lampkin, who remained inside the house, armed with a firearm.

SWAT officers responded and attempted to contact Lampkin to get him to surrender. Officers decided to try to insert a phone into the residence in hopes that Lampkin would talk to crisis negotiators; however, as they approached the door, Lampkin fired several shots at the officers, who were then forced to abandon their attempt to contact him.

A short time later, a SWAT Officer observed a gun being fired in his direction from a second floor window. He returned fire striking Lampkin in the face. Officers forced entry into the residence and found Lampkin dead. Once the investigation was completed, it was determined that after Lampkin was shot by the SWAT officer, he walked to another area of the house and took his own life with his firearm. The medical examiner ruled that the case of death was the self-inflicted gunshot wound and not the initial gun shot wound inflicted by the SWAT officer.

The Mecklenburg County District Attorney's office reviewed the case and found the shooting to be justified. An Administrative Shooting Board was convened and determined the shooting was within Departmental guidelines. The case was appealed to the Citizens Review Board which upheld the Administrative Shooting Board's decision

November 19, 2006

Officers observed a pick up truck that had been stolen during a burglary earlier that night. The officers attempted to make a traffic stop, but after the driver failed to stop, the officers disengaged and lost sight of the truck.

Officers searched the streets in a nearby neighborhood and located the truck. The driver of the truck attempted to evade police by driving backward through the neighborhood for several blocks until he came to a stop in the front lawn of a residence. Officers exited their vehicles, when the driver of the truck suddenly accelerated forward striking one officer who fired one shot at the truck.

The truck continued forward striking street signs and mailboxes before hitting a utility pole where it came to rest. It was then determined that the driver, Johnny Ray McNeal, sustained a fatal gunshot wound in the torso.

The Mecklenburg County District Attorney's office reviewed the case and found the shooting to be justified. An administrative shooting board was convened and determined the shooting was within Departmental guidelines.

In-Custody Death Investigations

If a person dies while in the custody of Charlotte-Mecklenburg Police Department, then detectives from the Homicide Division respond to the scene and conduct a criminal investigation. The investigation is presented to the Mecklenburg County District Attorney for an independent review and determination of justification. An Internal Affairs investigation is simultaneously conducted to ensure policy compliance.

At the conclusion of the internal investigation, a *Chain of Command Review Board* reviews the case to determine if officers acted in compliance with our policies and procedures. The Board consists of members of an employee's chain of command, the Police Attorney's Office and Internal Affairs Bureau staff.

The Charlotte-Mecklenburg Police Department trains its employees to monitor all persons taken into custody and to summon medical treatment whenever a subject appears or states they are in distress. To aid in that endeavor the Charlotte-Mecklenburg Police Department has developed several policies related to prisoner care and transportation. For a complete list of those guidelines, please refer to www.cmpd.org and selecting "Services A-Z, Directives and then [500-002 Confinement of Arrestees and Booking Procedures](#), [500-003 Positional Asphyxia](#), [500-007 Use of Temporary Holding Areas](#) and [500-008 Prisoner Transport](#). These guidelines are periodically reviewed and updated to best guide employees in their handling of persons in custody.

During 2006, our department experienced one incident of an in custody death. A synopsis of the incident is listed below.

March 12, 2006

Charlotte-Mecklenburg Police officers responded to the Country Hearth Inn located at 5301 Equipment Drive in reference to two subjects fighting in the motel lobby. A CMPD officer arrived on the scene where he observed a motel guest sitting on Mr. Page's chest. Mr. Page was lying on his back and the guest was attempting to restrain him by holding his hands. According to witnesses, Mr. Page had caused a disturbance in the lobby area and broken into the small office and was "delirious" before he was subdued by the motel guest.

The officer observed that Mr. Page had a significant amount of blood around his face and immediately requested Medic respond. Another officer arrived and both officers decided it was necessary to move Mr. Page so that Medic could treat him. The officers grabbed Mr. Page by his arms and moved him approximately forty feet to the lobby area.

When Medic arrived, they provided emergency medical treatment and transported Mr. Page to Carolinas Medical Center where he later died.

A Chain of Command Review Board was convened which reviewed the criminal investigation and the Medical Examiner’s report. The Medical Examiner ruled the cause of death to be “cocaine toxicity” with other underlying medical conditions present. After reviewing the criminal investigation, the Board found the officers acted in compliance with their policies and procedures.

Use of Non-Deadly Force

Officers, when appropriate, may utilize several non-deadly force options. As with the use of deadly force, officers receive training consistent with the [Use of Force Continuum](#) and law. Officers in patrol assignments are required to carry O.C. aerosol spray and either a TASER conductive energy weapon or collapsible baton. All are tools to use in applying non-deadly force when needed.

Charlotte-Mecklenburg Police Department policy requires officers to report use of force incidents under a broad range of circumstances and supervisors to investigate and document each incident. To assist officers in understanding department expectations, every sworn officer was required to complete non-deadly force training during 2006, which included both policy review and practical training. For a complete list of when a use of force is investigated, please refer to www.cmpd.org and selecting “Services A-Z, Directives, and [600-019 Use of Non-Deadly Force](#).”

Force Used by Officer Weapon Type

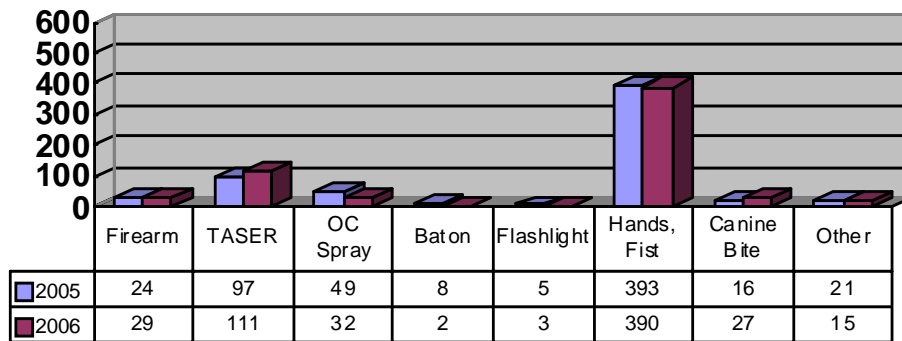


Chart 6

Chart 6 displays a comparison of employee weapons used from 2005 to 2006. Year after year, hands and fists account for the overwhelming majority of officer weapon types used in force situations. This occurs because most use of non-deadly use of force encounters begin when officers are in physical contact or close proximity with a subject at the time he or she decide act with aggression or resistance. In most encounters of this kind, it is difficult for an officer to disengage a subject safely to engage another weapon type.

Table 7 shows uses of force by subject and officer race. The total is higher than the overall number of use of force incidents, due to some incidents where multiple officers used some type of force on a subject.

Use of Force by Subject and Officer Race						
		Subject Race				
		Black	White	Asian	Hispanic	Total
Employee Race	Black	57	15		3	75
	White	426	105	2	22	555
	Asian or Pacific Islander	7	3		1	11
	Hispanic	9	2			11
	Unknown	7				7
	American Indian/Alaskan Native	1				1
	Total	507	125	2	26	660

Table 7

In order to better understand the correlation between the race of the employee and the involved officer, an analysis was conducted using Charlotte-Mecklenburg Police Department arrest data for 2006. A total of 28,931 persons were arrested by CMPD officers in 2006. **Table 8** displays the number and percentage of total Charlotte-Mecklenburg Police Department arrests by race.

Arrests by Race		
Race	Arrests	Percent of Total Arrests
Asian	155	.5
American Indian	42	.1
Black	19,788	68.4
Hispanic	2,673	9.2
White	6,268	21.7
Other	5	N/A
Total Arrests	28,931	N/A

Table 8

Table 9 displays the rate of use of force incidents in relationship to the race of the subject.

Use of Force Rate by Subject Race			
Hispanic	Asian	White	Black
1 per 100 arrests	1.3 per 100 arrest	2 per 100 arrests	2.6 per 100 arrests

Table 9

While Use of Force incidents occur throughout the CMPD jurisdiction, some patrol divisions have a higher number of uses of force than others. A greater number of force incidents in a patrol division may be a function of the division's geographic area of responsibility in relation to the location of durable, violent crime hotspots and focused enforcement work in those hotspot areas. **Appendix 1** shows a map of all Use of Force incidents that occurred in 2006 compared with density of reported violent crime. Similar to other years, use of force incidents are more concentrated in and around the areas experiencing greater amounts of violent crime. One exception is a small cluster of use of force incidents in the University Division. Those incidents occurred at Verizon Wireless Amphitheater located on Pavilion Boulevard and involved disorderly concert guests.

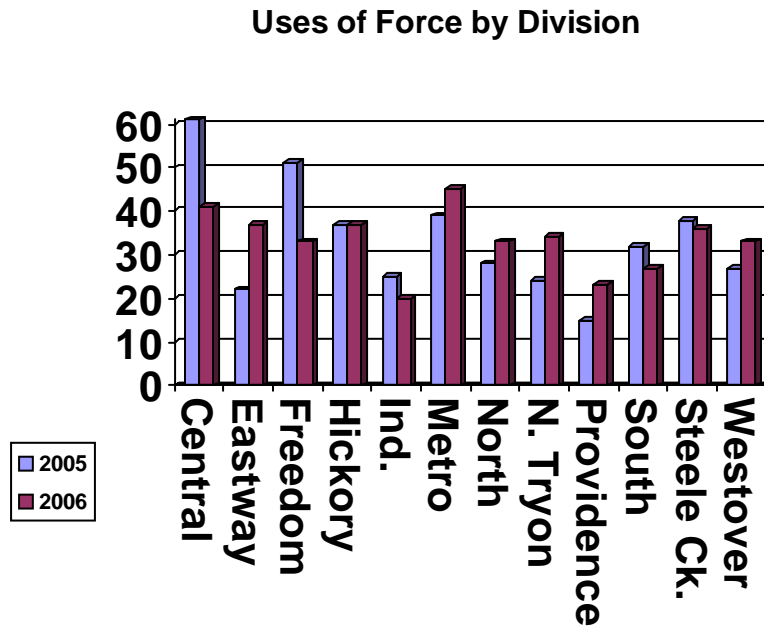


Chart 7

Chart 7 simply indicates the comparison of total use of force incidents by division in which they occurred for 2005 and 2006. In order to provide a more complete understanding of the numerical changes, **Chart 8** represents the rate of use of force per 100 arrests by each patrol division. The data in this chart includes the arrests and uses of force occurring within each geographical patrol division area. Arrests at police, court, jail, hospital and mental health facilities were excluded from the analysis in Chart 8, because they account for high arrest volume in controlled environments that result in low use of force incidents. This most dramatically affected Central Division, where Police Headquarters, and Mecklenburg County Jail and Courthouse all demonstrated unusually high numbers of arrests and unusually low use of force counts.

Chart 8 indicates that the 2005 Central Division use of force rate was more than double the rate for the rest of the Department. A 2006 rate decrease brought the Central Division nearly in line with the overall CMPD use of force rate. The rate decrease can be attributed to two primary factors. In August of 2005, an Entertainment District policing

unit was formed. The officers of this unit invested several months into forming relationships with uptown entertainment establishments and educating them on ABC laws and ways to prevent violent and disorderly behavior. Arrests involving use of force in this area declined from 11 in 2005 to 6 in 2006. In addition, in 2005, the Central Division had 7 arrests where an arrestee claimed injury during an arrest or suffered an injury as a result of their own action during an arrest. (For instance a subject tries to run from an arrest, trips, falls on the pavement and incurs scrapes to his or her leg.) This type of incident, which is classified as a use of force, declined to 1 in 2006.

Other divisions had less dramatic changes in their use of force rates that cannot be explained. It should be noted that none of the twelve divisions had a 2006 use of force rate substantially higher than the 2006 department average.

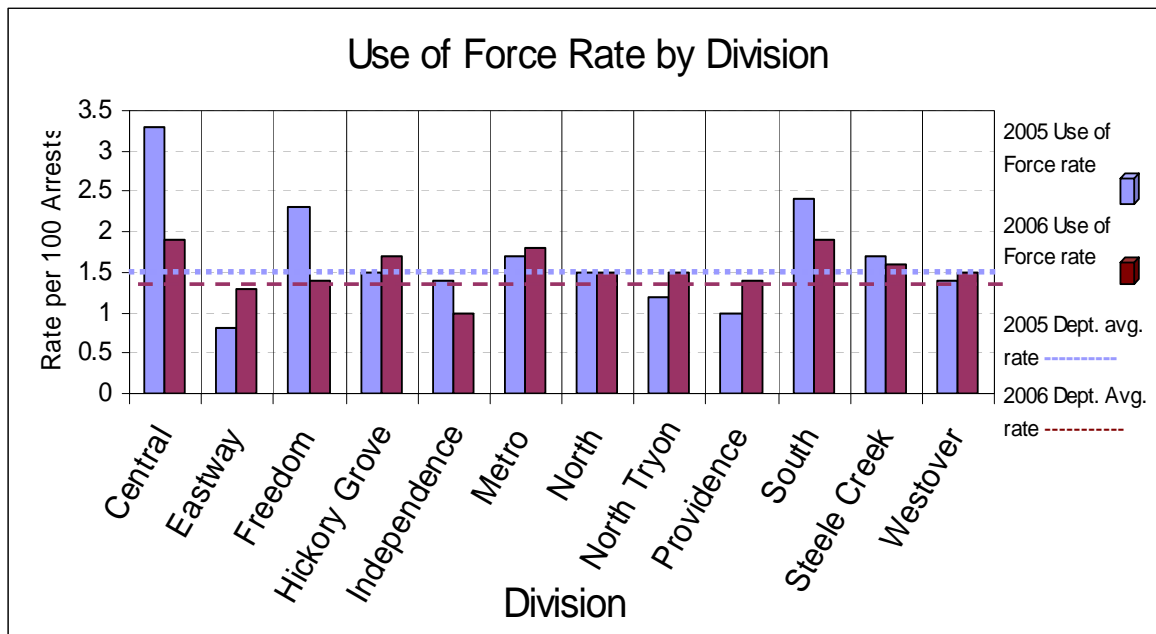


Chart 8

Police Vehicle Pursuits

Vehicle pursuits pose a significant risk to those in the pursued vehicle, pursuing officer(s) and the general public. For this reason, the CMPD significantly restricts, thoroughly investigates and closely reviews each of these incidents. Pursuits are restricted to those situations where a suspect has recently committed or will reasonably be expected to commit a felony offense that is dangerous to life.



A suspect initiates a pursuit when he or she attempts to avoid apprehension by using high speed driving or other evasive tactics, while failing to yield to an officer's visible and audible signal to stop. Once a pursuit incident is over, regardless of the means of termination, a patrol supervisor is responsible for completing an internal investigation that includes, at a minimum, a map of the pursuit route, statements from all employees involved and all audio, visual or documentary information. The investigation is reviewed by the employees Chain of Command and ultimately by Internal Affairs in order to ensure compliance with departmental policy. To view the complete departmental directive governing pursuits, go to www.cmpd.org, "Services A-Z," Directives, and then [600-022 Pursuit Driving](#).

Pursuits vary greatly in length, vehicle speed and number of units involved. While some pursuits go for several miles at high speeds, most last only seconds and cover short distances. An analysis of all pursuits in 2006 showed that of the 46 pursuit events, half ended within two minutes and 80% ended within 5 minutes, with the average length of any given pursuit being 3.7 minutes. The average distance traveled, with the exception of three outliers, was 3.5 miles.

Table 10 shows the number of pursuits, how they were ruled and how many officers were involved. The total number of pursuits increased by 61% between 2005 and 2006. The most notable reason for this increase was focused efforts throughout the year in combating street crimes such as robbery, drug and weapons offenses. This strategy deployed large numbers of officers into crime hotspots and moved them as necessary in response to shifting geographical patterns of crime. The strategy has been successful, yielding increased arrest rates of armed robbery suspects (6%), drug offenders (11.2%) and weapons violators (36.4%). A by-product of these increased numbers of

CMPD Pursuit Events	2005	2006
Total Pursuits	28	45
Justified Pursuits	22	34
Not Justified Pursuits	5	4
Justified Pursuits w/Policy Violations	1	7
Total Officers involved	68	106

Table 10

arrests has been the number of pursuits that began within the crime hotspots during these arrest events. The rate of justified pursuits in 2005 was 82%, while in 2006 the rate increased to 91%.

Departmental policy allows two patrol units to engage in a vehicle pursuit. A police supervisor can authorize additional officers based upon his or her assessment of the situation. Some of the factors a supervisor will consider include the number of occupants in the fleeing vehicle, the presence of weapons and the severity of the offense for which the suspect vehicle is being sought. **Chart 9** shows the number of officers involved in pursuits. An average of 2.4 police units engaged in each 2005 pursuit. This average declined to 2.2 units per pursuit in 2006.

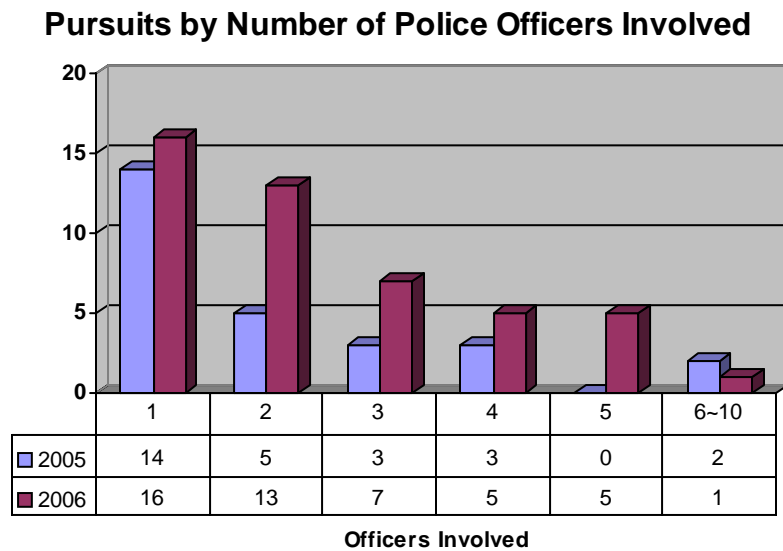


Chart 9

Once a pursuit has ended, regardless of the means of termination, a patrol supervisor is responsible for completing a thorough investigation that includes a pursuit route map, statements from all employees involved, and all audio, visual or documentary information. The investigation is reviewed by each involved employee’s chain of command and by Internal Affairs to ensure compliance with departmental policy and law.

Chart 10 indicates that the majority of all pursuits were for violent felony offenses. There was a sharp increase in the number of pursuits initiated to apprehend robbery suspects. In 2006, 76% of all pursuits initiated involved robbery suspects, compared to 46% in 2005.

Pursuits by Criminal Incident

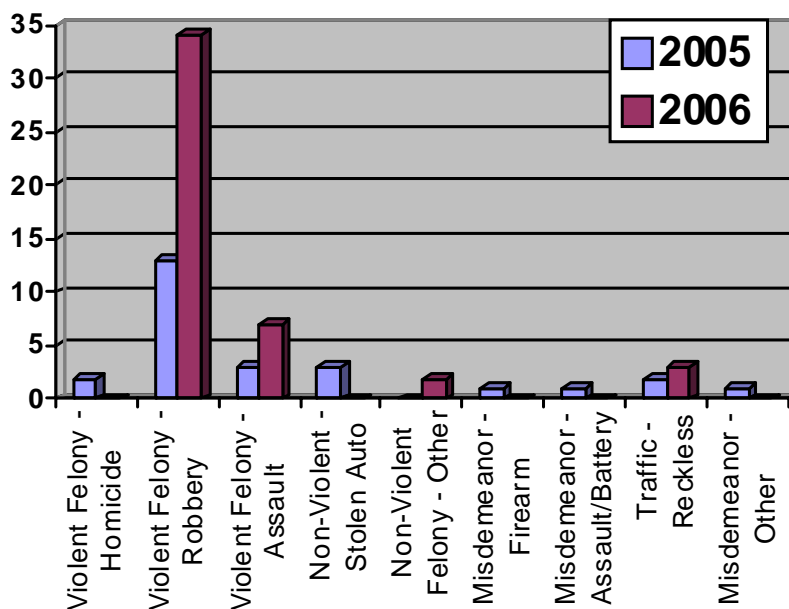


Chart 10

Beginning in 2005, supervisors were required to complete additional training regarding pursuits. This training taught supervisors how to better manage a pursuit, when to terminate officer involvement and how to properly document the incident. In 2006, officers received in-service training on pursuits that included both written and practical exercises. The Charlotte-Mecklenburg Police Department periodically reviews and updates its pursuit policies, equipment and training in order to ensure the highest level of safety during these high-risk situations.

While pursuits frequently involve more than one officer, rarely do they involve officers from multiple patrol divisions. **Chart 11** displays the pursuits over the previous two years by the division in which the pursuit began.

Pursuits by Division

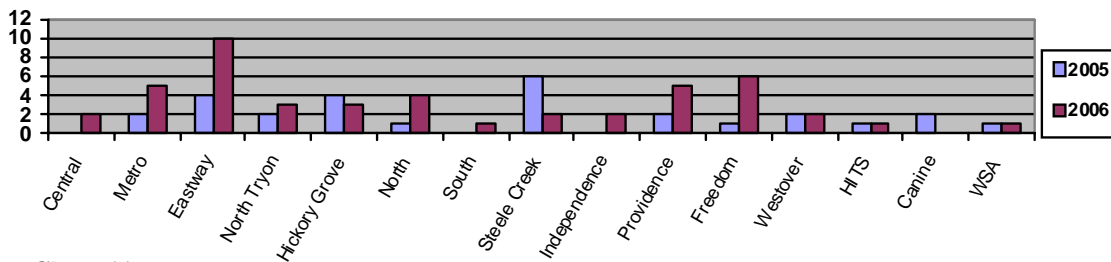


Chart 11

Employee Motor Vehicle Collisions

To provide police services throughout urban and suburban Mecklenburg County, department employees drive an enormous number of miles in departmental vehicles. The geographic jurisdiction for the Charlotte-Mecklenburg Police Department includes the City of Charlotte and the unincorporated areas of Mecklenburg County, covering 474.6 square miles. Employees drive their vehicles under all types of weather, traffic and emergency conditions. In total, the department has approximately 2,000 employees operating 1048 vehicles, with many vehicles being operated 24-hours a day. Department vehicles were driven a total of 15,019,287 miles in 2006, down 1% from 2005, when they were driven 15,169,070 miles.

Collisions by Disposition		
	2005	2006
Not Preventable	154	155
Preventable	110	102
Total Collisions	263	260

Table 11

Table 11 shows the total number of preventable and non-preventable accidents occurring in 2006.



The 1% reduction in the total number of accidents and the 2% decrease in the percentage of collisions ruled as preventable can be attributed to both the reduction in miles driven and the on-going driver's training program that focuses on accident avoidance. During 2006, all officers were required to successfully complete a series of driver training classes focusing on pursuit and emergency driving. The series was broken into three components, including policy review, classroom instruction and practical scenario-based training at the controlled driving range.

A supervisor investigates all collisions involving a CMPD vehicle and the employee's chain of command determines if it was preventable or not preventable. When an employee is involved in a preventable accident, the employee is required to attend additional driver training specifically tailored to address the actions that contributed to the collision.

Table 12 shows the rate of collisions in 2006 compared to 2005. **Appendix 3** provides a breakdown of collisions and dispositions by employee assignment.

Collisions by Miles Driven		
	2005	2006
Total Collisions	1.75 per 100,000 miles	1.60 per 100,000 miles
Not Preventable	1.01 per 100,000 miles	.92 per 100,000 miles
Preventable	.73 per 100,000 miles	.64 per 100,000 miles

Table 12

Employee Injuries

While precautions are taken to prevent job-related injuries, incidents occur each year where employees are injured in the performance of their duties. When an employee is injured, regardless if medical treatment is necessary, a supervisor is required to complete an investigation and adjudicate it through the employee’s chain of command. Injuries, similar to motor vehicle collisions, are ruled either preventable or not preventable.

Table 13 shows the rate of injuries for all employees and compares 2005 to 2006.

Employee Injury Rates		
	2005	2006
Total Employee Allocations	212	2121
Total Injuries	13 per 100 Employees	10.4 per 100 Employees
Not Preventable	12.6 per 100 Employees	9.9 per 100 Employees
Preventable	.5 per 100 Employees	.4 per 100 Employees

Table 13

Chart 12 Compares incidents occurring in 2005 to 2006 incidents.

Injuries to Employees by Disposition

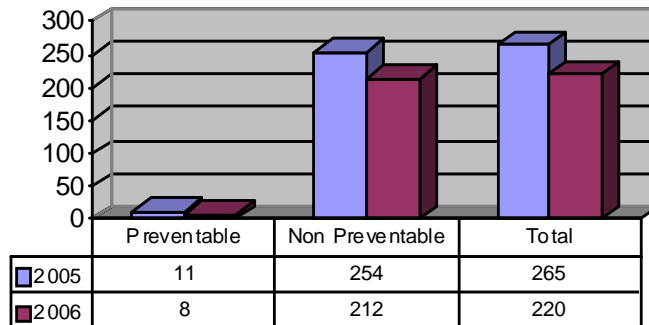
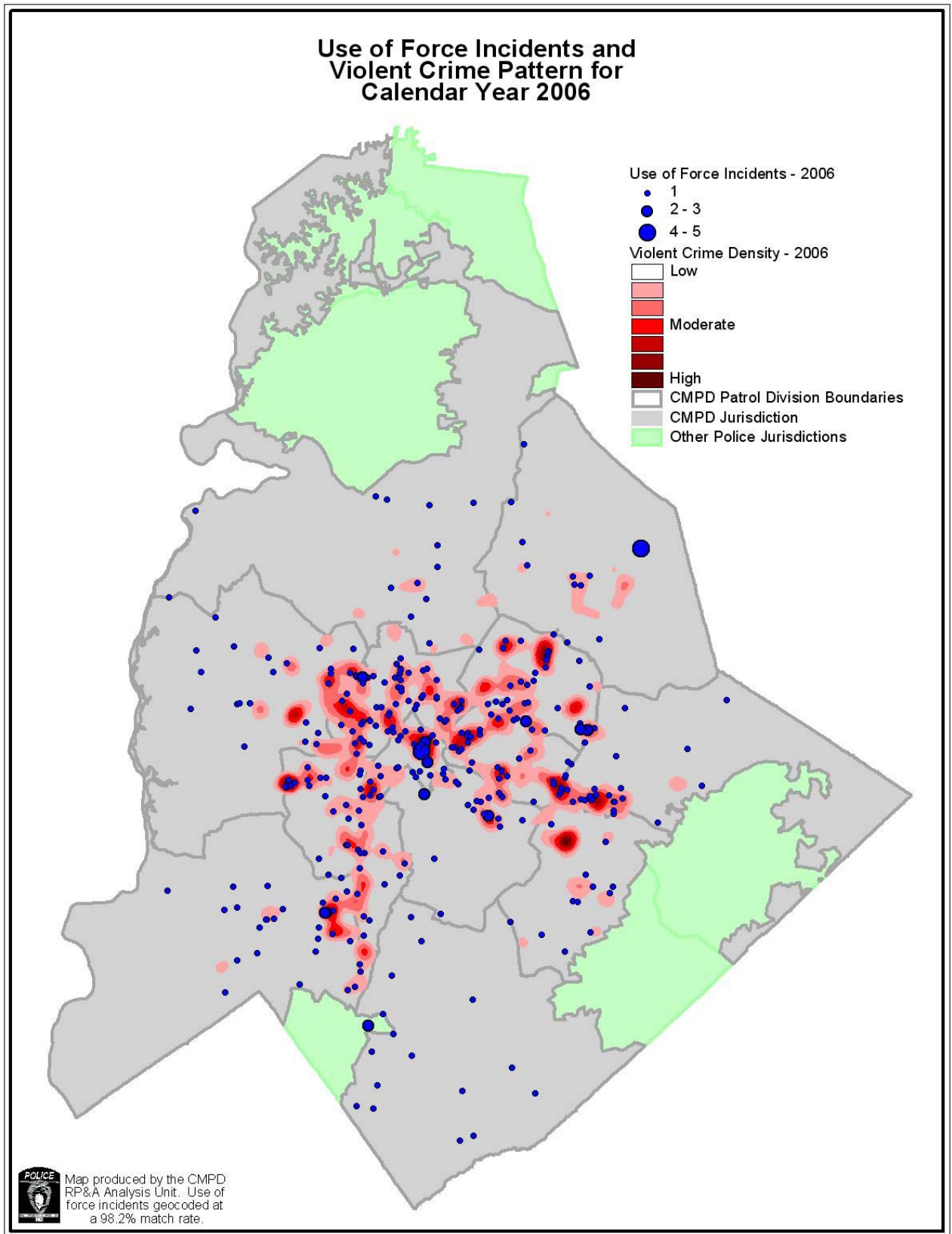


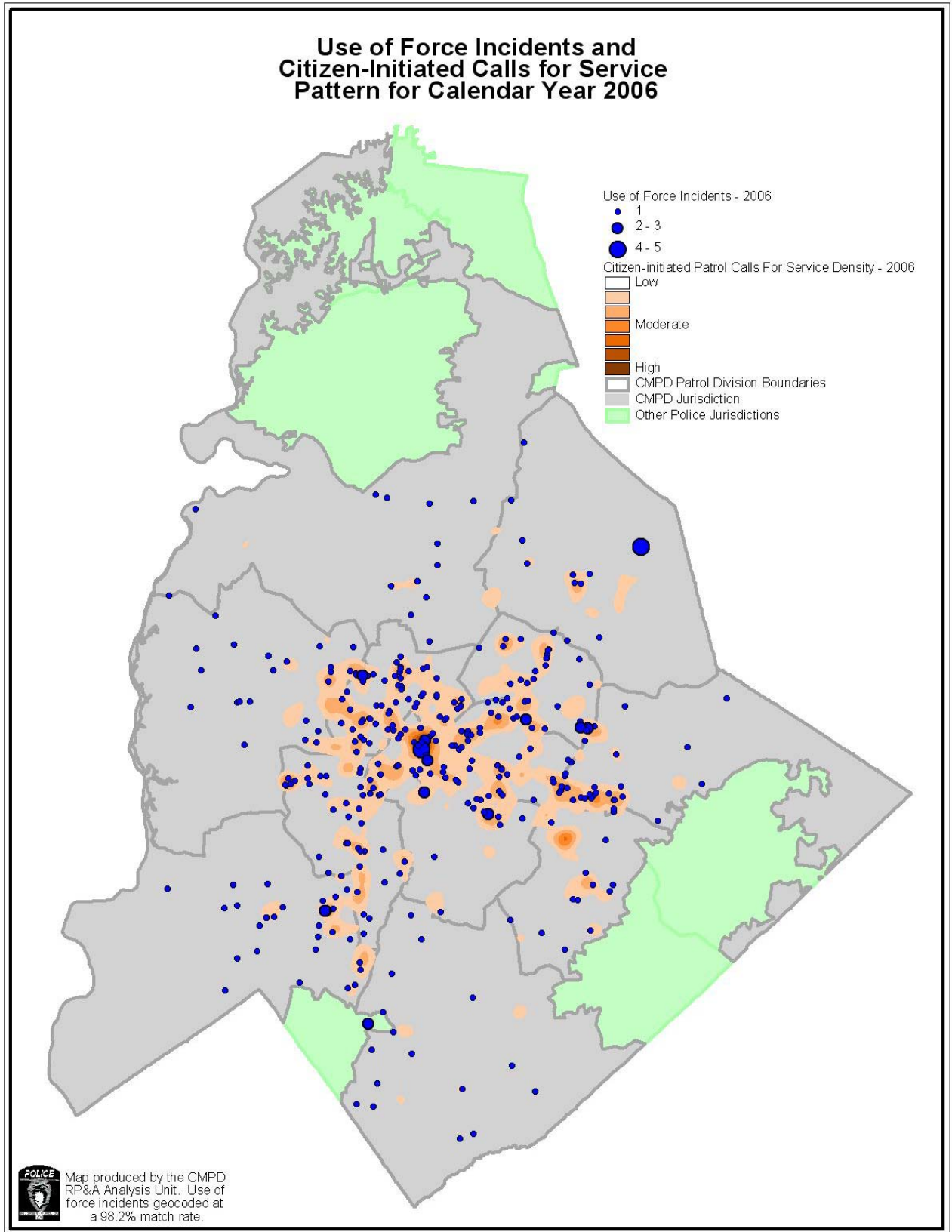
Chart 12

Appendix 4 displays a list of injuries by the employee assignment and disposition.

Appendix 1: Uses of Force by Violent Crime Hotspots



Appendix 2: Uses of Force by Citizen-Initiated Calls for Service



Appendix 3

Employee Collisions and Dispositions

Employee Collisions and Dispositions		2005	2006
Administrative Division	Preventable	1	0
	Not Preventable	1	0
Animal Control Bureau	Preventable	12	5
	Not Preventable	9	4
Central Patrol Division	Preventable	7	7
	Not Preventable	4	8
Crimes Scene Search	Preventable	2	2
	Not Preventable	2	0
Criminal Investigations Bureau	Preventable	2	3
	Not Preventable	7	13
Eastway Patrol Bureau	Preventable	7	7
	Not Preventable	12	8
Field Services Group	Preventable	2	2
	Not Preventable	2	0
Freedom Patrol Division	Preventable	5	3
	Not Preventable	8	8
Hickory Grove Patrol Division	Preventable	7	10
	Not Preventable	8	8
HITS (traffic) Division	Preventable	0	1
	Not Preventable	10	5
Independence Patrol Division	Preventable	3	4
	Not Preventable	6	9
Canine Division	Preventable	1	1
	Not Preventable	2	2
Metro Patrol Unit	Preventable	7	4
	Not Preventable	8	9
North Patrol Division	Preventable	7	8
	Not Preventable	8	15
North Tryon Patrol Division	Preventable	9	5
	Not Preventable	6	10
Office of the Chief	Preventable	2	1
	Not Preventable	1	1
Providence Patrol Division	Preventable	4	7
	Not Preventable	6	8
South Patrol Division	Preventable	4	8
	Not Preventable	10	9
South Service Area	Preventable	1	0
	Not Preventable	1	1

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

* The Street Crimes Task Force began operations on January 29, 2006.

Appendix 4

Employee Injuries by Assignment and Disposition

	Not Preventable	Preventable	No Action	Total
Administrative Services	1			1
Aviation/ Civil Emergency	1			1
Burglary East	1			1
Canine	5			5
Central Division	9			9
Communications	2			2
Crime Scene Search	1	1		1
District Attorney liaison	1			1
Driver's Training Unit	2			2
Eastway Division	6			6
Family Services Division		1		1
Field Services Support	2			2
Freedom Division	7			7
Hickory Grove Division	10			10
HITS Division (traffic unit)	2			2
Homicide Unit	1			1
Independence Division	7			7
Criminal Intelligence	1			1
Juvenile Offenders Unit		1		1
Metro Division	12	1		13
North Division	11		1	12
North Tryon Division	25			25
Professional Standards	1			1
Providence Division	11		1	12
Records Division	1	1		2
South Division	16			16
Steele Creek Division	10			10
Street Crimes Task Force	17			17
Training Division	25	1		26
Vice and Narcotics	2			2
Westover Division	20	2		22
Total	210	8	2	220