

2010 INTERNAL AFFAIRS REPORT

*It is my pleasure to present to you the 2010 Annual CMPD Internal Affairs Report. The men and women of the CMPD are committed to providing the very best service possible and maintaining the high level of confidence this community has in us. Our Internal Affairs process plays an integral role in building and maintaining that trust.*

*In an effort to be as transparent and as pro-active as possible, the Internal Affairs Bureau has created an annual report for citizens since 2003. Our hope is that this year's report will help you better understand the seriousness with which we approach citizen complaints and help build understanding about the processes we follow anytime an employee uses force, is involved in a motor vehicle accident, is injured, or is accused of misconduct. This report also will give you an overview of our 2010 activities and supply similar data from previous years for comparison.*



*I hope you will find the information in this report reassuring and helpful. I look forward to working with all members of our community as we work together to make this an even better and safer place to live, work and visit.*

*Sincerely,*

**Rodney D. Monroe**

*Rodney D. Monroe*  
**Chief of Police**



# **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*

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# **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 Internal Affairs Bureau 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. We also ensure the rights of our employees are protected 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. The bureau receives complaints, completes investigations into serious misconduct allegations and reviews investigations by field supervisors, facilitates the adjudication of allegations, and prepares cases appealed to community oversight boards.

Some misconduct allegations can generate significant community concern. An Internal Affairs sergeant is assigned to investigate such allegations thoroughly so that commanders overseeing board hearings can make informed, unbiased decisions regarding complaint dispositions. Internal Affairs presents the information gathered during an investigation to employee commanders in what is called an Independent 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 Independent Chain of Command Board and, ultimately, the Chief of Police. Internal Affairs also represents the department and the Chief of Police when a case disposition is appealed to one of the 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. The sergeants that comprise the unit's investigators apply internally for the bureau and are selected based on their investigative skills, their ability to deal effectively with the public, and their commitment to both the department and the community we serve.

The Internal Affairs Staff of seven sergeants, led by a captain and a major, are always willing to assist the public in addressing their concerns. Please feel free to contact any unit member with any questions or concerns you may have. To learn more please visit [www.cmpd.org](http://www.cmpd.org). To read more about the role of Internal Affairs, click on "[Our Organization/Office of the Chief/Internal Affairs](#)." This area of our website contains detailed information about the Charlotte-Mecklenburg Police Department Disciplinary Process, the complaint process, and an FAQ section. For a complete list of the Rules of Conduct and who may investigate a potential violation please go [www.cmpd.org](http://www.cmpd.org) and click on the "[Departmental Directives](#)" link.

# The Internal Affairs Staff

Major  
*Cam Selvey*

Captain  
*Roslyn Maglione*

Sergeants  
*Rich Austin*  
*Chris Dozier*  
*Will Farrell*  
*Rico McIlwain*  
*Vicky Suarez*  
*Mike Sloop*  
*Alex Watson*



**CMPD Fact:** All CMPD Internal Affairs Sergeants are specifically trained to investigate citizen concerns. They all are also members of the National Internal Affairs Investigators Association (NIAIA) and the North Carolina Internal Affairs Investigators Association (NCIAIA). These organizations provide training, leadership, and support for internal affairs investigators and administrators. Several of the Charlotte-Mecklenburg Police Department's Internal Affairs administrators have served on the national board of the NIAIA. Sergeant Rico McIlwain currently serves on the Executive Board of the NCIAIA. The CMPD is recognized as a national leader in internal affairs operations.



# The CMPD and Our Community



## The CMPD 2010

- **Employees:** 2,241
  - **Sworn:** 1,757
  - **Civilian:** 484
- **Male:** 74.7 percent
- **Female:** 25.3 percent
- **Caucasian:** 75.5 percent
- **African-American:** 18.7 percent
- **Hispanic/Latino:** 3.3 percent
- **Asian/Pacific Islander:** 1.9 percent
- **Other:** 0.6 percent

## Our Community 2010

- **Jurisdiction Size:** 438 square miles
- **Jurisdiction Population:** 778,958
- **Male:** 48.4 percent
- **Female:** 51.6 percent
- **Caucasian:** 55 percent
- **African-American:** 31 percent
- **Hispanic/Latino:** 7 percent
- **Asian/Pacific Islander:** 3 percent
- **Other/Including Two or More Races:** 4 percent

**Note:** Demographics of the jurisdiction population are estimates based on percentages from 2010 Census.

# **Community Oversight**

The Charlotte-Mecklenburg Police Department welcomes community oversight and strives to be transparent in its disciplinary process. Engaging members of the community in the disciplinary process serves to strengthen the public's trust of the CMPD, a vital underpinning of the police-community partnerships necessary to prevent and address crime, and to improve the quality of life in our community.

Three different organizations provide oversight of issues brought to the Internal Affairs Bureau:

## **Community Relations Committee**

The [Community Relations Committee](#) is a City of Charlotte Department, independent of the CMPD. A committee staff member participates in all Independent 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. The Community Relations Committee representative is a fully involved member of the board and can review the entire case file, including all statements and physical evidence prior to the hearing. During the Independent Chain of Command Board Hearing, the representative can question witnesses, accused employees and Internal Affairs investigators, and 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 subsequent discussions and recommendations for disciplinary action, ranging from counseling through employment termination.

## **Civil Service Board**

The [Civil Service Board](#) is made up of seven members (three appointed by the Mayor; four 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 major. The board also hears officer-initiated appeals of disciplinary action that include any suspension without pay (imposed or deferred), demotions and all terminations of employment. Appeals of Civil Service Board decisions are limited to procedural matters and are heard in Mecklenburg County Superior Court.

## Citizens Review Board

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 appointed by the Mayor, five by the City Council and 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 the following:

- unbecoming conduct
- excessive use of force
- illegal arrest, search or seizure
- discharge of firearms resulting in personal injury or death

The CRB schedules a hearing to review an appeal by a complainant. During the hearing, the facts of the case are 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, the CRB schedules a more extensive hearing where both sides have the opportunity to present their case in a formal setting. The formal hearing includes the presentation of evidence and witness testimony.

If after the full hearing the CRB determines that the Chief of Police abused his discretion, the CRB makes a recommendation to the City Manager. The City Manager discusses the case with the Chief of Police and makes a final disciplinary decision. If the CRB finds that the Chief did not abuse his authority, the appeal process ends. Since its inception, there have been zero cases where the board found that the Chief of Police abused his authority.

**CMPD Fact:** *The CMPD was one of the first law enforcement agencies in the U.S. to implement a community-involved disciplinary process. The process used today has evolved from the department's first citizen review process implemented in 1968. The CMPD has set the standard for this citizen-based process.*



## **Complaint Investigations**

The Charlotte-Mecklenburg Police Department 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 CMPD has more than 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 40 [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.

We recognize that despite our best 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 process for receiving, investigating, and adjudication of complaints.

Complaints about employee conduct are classified in two ways: internal or external. Internal complaints are generated by CMPD employees. External complaints originate from someone outside of the CMPD. Most police departments require citizens to follow a more formal process than the CMPD, which accepts complaints by telephone, in-person, written correspondence or e-mail. While the Internal Affairs Bureau would like to communicate effectively with complainants and assist complainants through the process, anonymous complaints are also investigated.

The Internal Affairs Bureau investigates matters of significant concern to the community at large, while other allegations are investigated by a supervisor in the employee's chain of command. After an investigation is complete, depending on the allegation, the case is either reviewed by the employee's chain of command or an Independent Chain of Command Review Board to determine a disposition. All complaint investigations completed by Internal Affairs are adjudicated by an Independent Chain of Command Review Board. These Boards are comprised of supervisors and command staff members from throughout the Department, as well as the representative from the Community Relations Committee.

If an allegation is sustained by a Chain of Command Review Board, the Board will discuss and impose a corrective action consistent with the department's disciplinary philosophy. [Internal Affairs](#) reviews every internal investigation for consistency with the disciplinary policy and philosophy, and works with the Board to resolve any inconsistencies.

Upon disposition of a case, Internal Affairs mails a letter to the complainant to advise them their case has been thoroughly investigated and resolved. The CMPD makes every effort to investigate and adjudicate all complaints within 45 days from the time a

complaint is made. However, there are circumstances, including case complexity and witness unavailability, which prevent this goal from being achieved in every instance.

The CMPD disciplinary process mandates the adjudication of complaint allegations by a supervisory chain of command. This is an independent board comprised of every level in the department that is represented in the employee’s chain of command through the rank of major. 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 an allegation can be adjudicated.

**Sustained** – The investigation disclosed sufficient evidence to prove the allegation made in the complaint.

**Not Sustained** – The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.

**Exonerated** – The acts that provided the basis for the complaint or allegation, occurred but the investigation revealed that they were justified, lawful and proper.

**Unfounded** – The allegation is false. The incident never occurred or the employee was not involved in the incident, or the investigation conclusively proved that the employee’s alleged act or actions that would constitute misconduct never took place.

**Table 1 and Table 1A** compare the total number of complaints received during 2009 and 2010, as well as the percentage of those complaints that concluded in a sustained disposition.

<b>Total Complaint Events</b>			
	<b>2009</b>	<b>2010</b>	<b>Change</b>
<b>External Complaint Events</b>	70	69	- 1.4 %
<b>Internal Complaint Events</b>	120	156	30.0 %
<b>Total Complaint Events</b>	190	225	18.4 %

**Table 1**

<b>Total Sustained Complaint Events</b>			
	<b>2009</b>	<b>2010</b>	<b>Change</b>
<b>External Complaint Events Sustained</b>	48	39	- 18.8 %
<b>Internal Complaint Events Sustained</b>	144	253	75.7 %
<b>Total Complaint Events Sustained</b>	192	292	52.1 %

**Table 1A**

*\* It is possible to have more than one Rule of Conduct (ROC) violation per Complaint Event.*

**Table 2** compares complaints received from citizens to calls for service and arrests. The number of external complaints remained fairly constant from 2009 to 2010 when compared to the number of calls for service and arrests that were made.

<b>Complaint Events by Citizen Calls for Service and Arrests</b>				
	<b>2009</b>	<b>Rate/10,000</b>	<b>2010</b>	<b>Rate/10,000</b>
<b>External Complaints</b>	70	0.90	69	0.89
<b>Citizen Calls for Service</b>	371,389	4,775	363,142	4,662
<b>Arrests</b>	29,659	381	27,841	357

**Table 2**



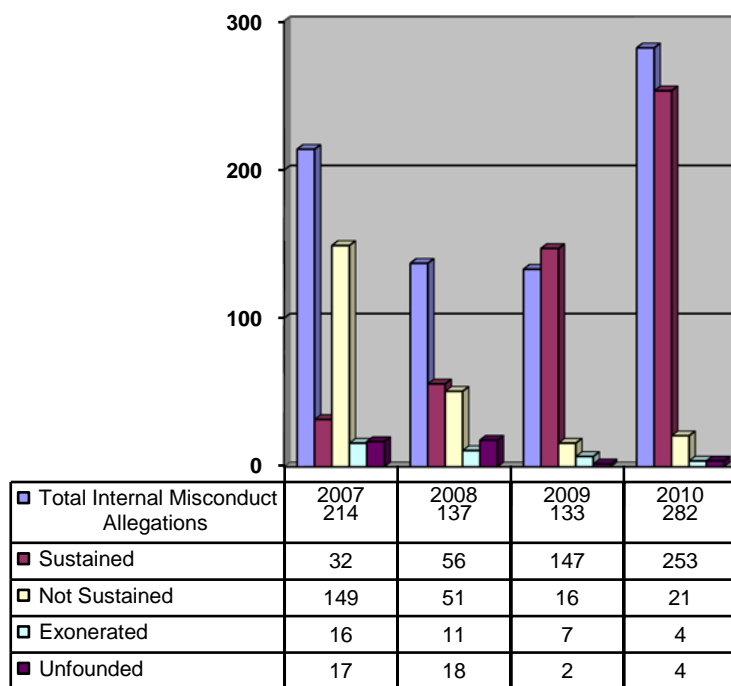
**Table 3** identifies the rules of conduct that account for the majority of all misconduct allegations. There are more misconduct allegations than complaints because an officer can be accused of violating multiple rules in connection with a single complaint, and more than one officer can be accused of misconduct in the same complaint. Each officer and each misconduct accusation is counted in the table.

There were 401 alleged violations in 2010. Pursuit driving violations represented the largest increase, 164 % compared to 2009. Examining previous years, 2009 had the lowest number of pursuit violations in a six year period from 2005 through 2010. For the second year in a row, there was a significant reduction in claims of excessive use of force (-19 % in 2009 and -20% in 2010).

<b>Most Common Alleged Rule of Conduct Violations</b>							
	<b>2009</b>			<b>2010</b>			<b>% Change</b>
	External	Internal	Total	External	Internal	Total	
<b>Violation of Rules</b>	11	21	32	12	35	47	46.9
<b>Unbecoming Conduct</b>	16	21	37	8	36	44	18.9
<b>Absence From Duty</b>	0	12	12	0	13	13	8.3
<b>Neglect of Duty</b>	2	22	24	7	22	29	20.8
<b>Conformance To Laws</b>	8	17	25	6	14	20	-20.0
<b>Courtesy</b>	25	6	31	29	6	35	12.9
<b>Excessive Use of Force</b>	29	5	34	23	4	27	-20.6
<b>Arrest, Search and Seizure</b>	22	7	29	18	12	30	3.4
<b>Pursuit Driving</b>	0	11	11	0	29	29	163.6

**Table 3**

## Internal Misconduct Allegations



**Chart 1**

CMPD employees place high value on integrity. **Chart 1** displays the adjudication categories for employees accused of misconduct resulting from internal complaints. Violation of Rules cases account for most of the internal sustained complaints.

**CMPD Fact:** *Violation of Rules (ROC 2) is a broad based directive that is applied to an allegation if no other Rule of Conduct is appropriate for the particular disciplinary matter. ROC 2 violations, in general, are not the most serious violations and are often easily corrected with training and/or supervisory counseling.*

## External Misconduct Allegations

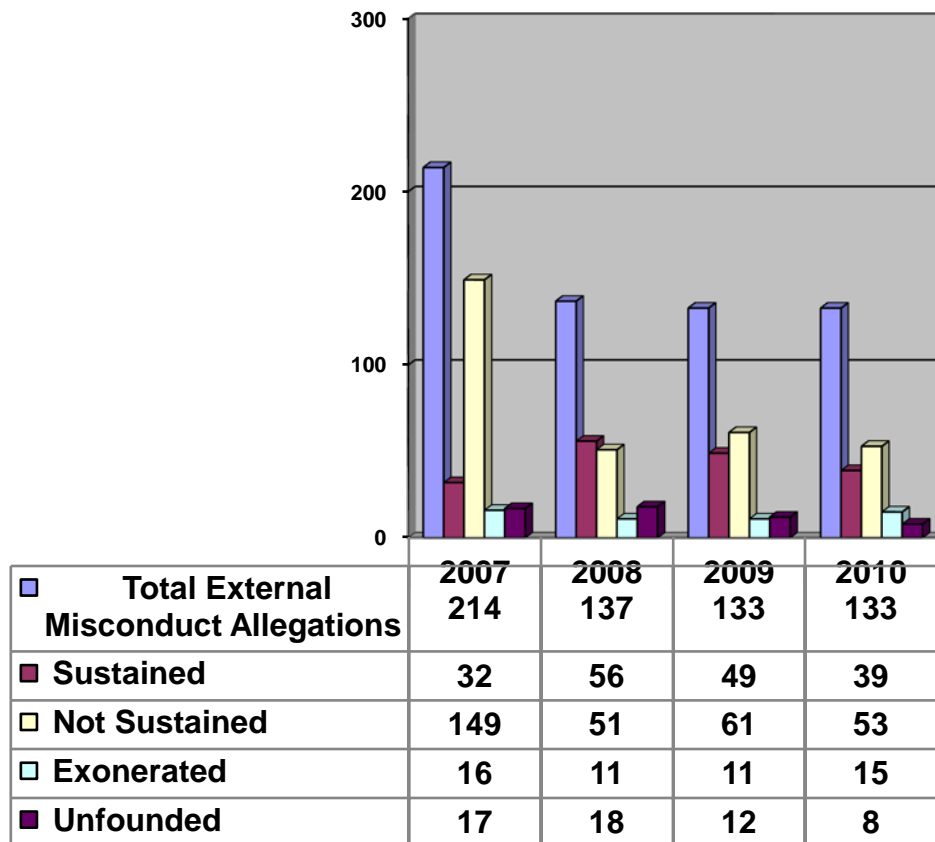


Chart 2

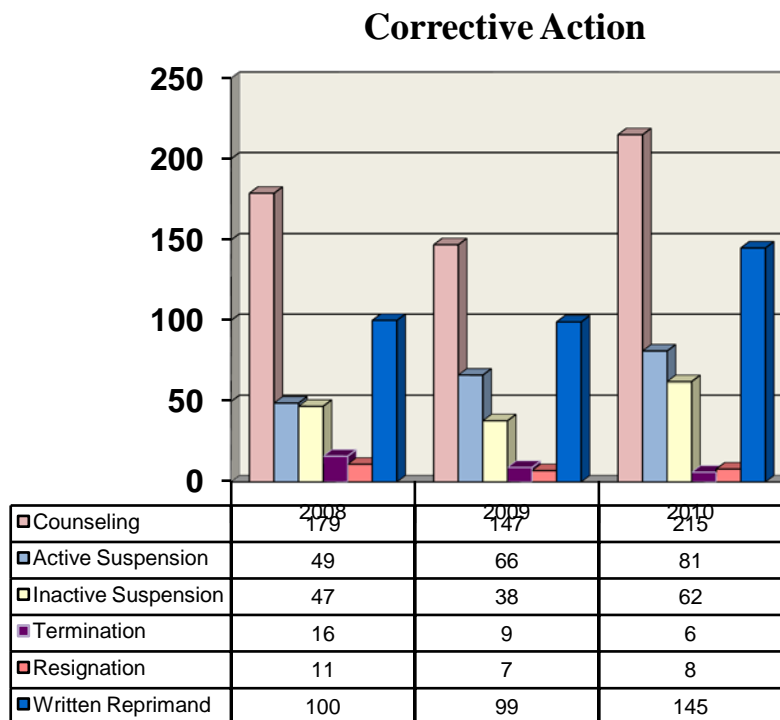


## Corrective Action

The goal of corrective action is to correct the behavior that resulted in the violation of CMPD policy. The CMPD uses an approach of progressive discipline to ensure that unacceptable behavior will not happen again. Corrective action can range from counseling to a recommendation for employee termination. In many cases, employees also receive additional training in the subject areas where violations occur.

Decisions regarding corrective action are based on the 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](http://www.cmpd.org), E-Policing Resources, then select [Departmental Directives](#), then [100-004 Disciplinary Philosophy](#).

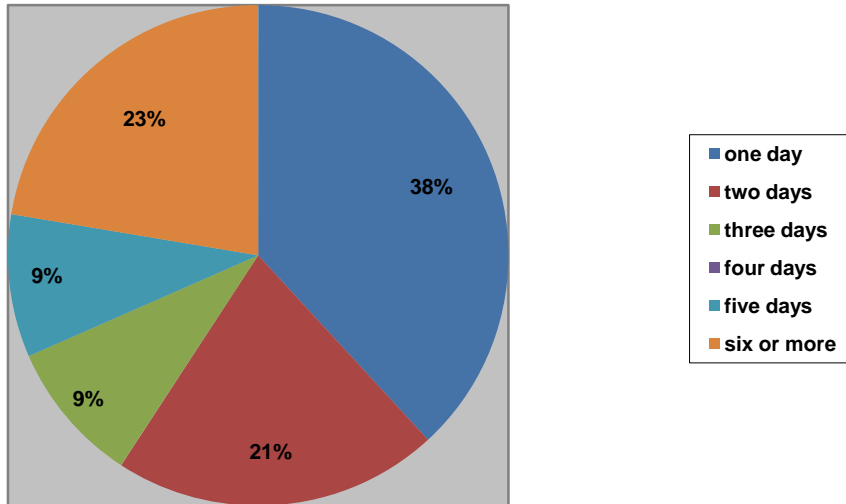
**Chart 3** illustrates the corrective action taken for sustained allegations in 2008 through 2010. An inactive suspension is activated if an employee violates a similar rule of conduct within a year. The corrective action is considered a resignation if an employee resigns while under investigation rather than accepting the corrective action decided by their chain of command. There are more actions taken than allegations, as some allegations result in multiple disciplinary actions, such as reprimands and suspensions together.



**Chart 3**

A Chain of Command hearing often includes suspension of the employee as part of the discipline to help the employee understand the seriousness of the violation and to deter the employee from violating the same or a similar Rule of Conduct in the future. **Chart 4** depicts the length of employee suspensions in 2010.

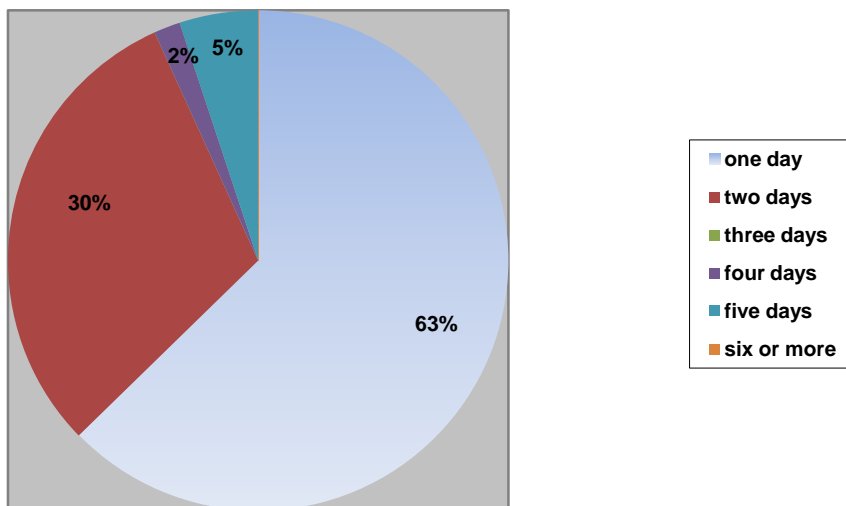
### Active Suspensions in Days



**Chart 4**

A Chain of Command hearing may also include an inactive suspension for the employee as part of the disciplinary process. An inactive suspension is suspended for one year, provided the employee does not violate the same or similar Rule of Conduct during that time. See **Chart 5** for information regarding the length of inactive employee suspensions.

### Inactive Suspensions in Days

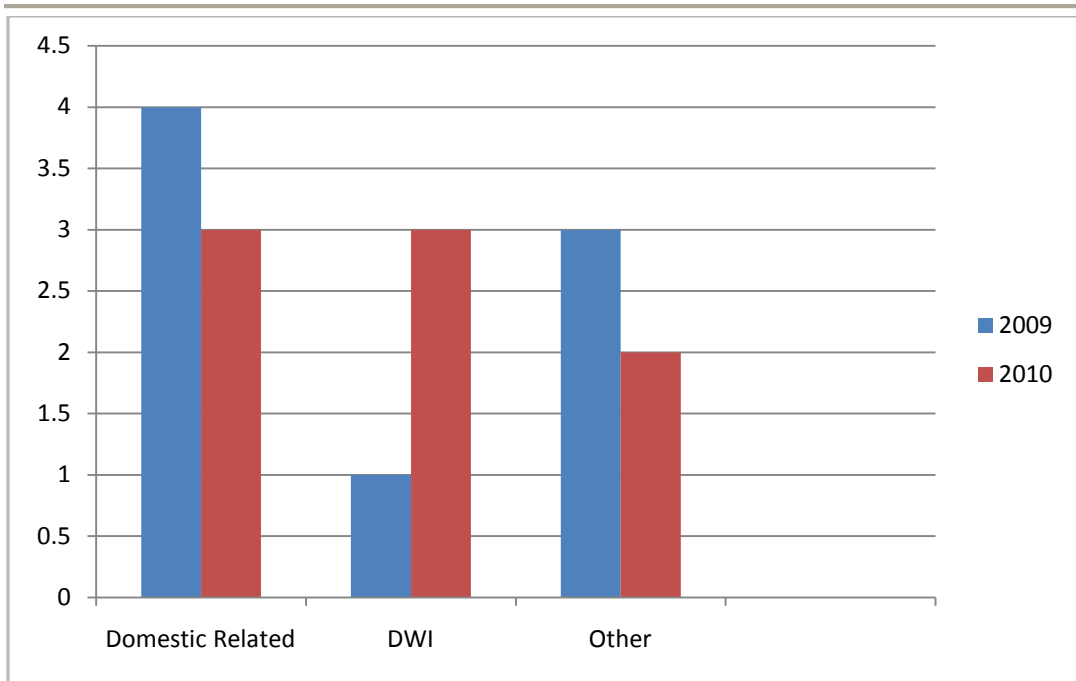


**Chart 5**

## Criminal Investigations Involving Employees

When a CMPD employee is charged with a crime 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 are 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** summarizes the alleged criminal misconduct of employees in 2010.



**Table 4**

Offenses allegedly committed by employees during 2010 included:

3- Domestic Related  
1- Theft

1- Obstructing Investigation  
3- Driving While Impaired

Of these eight officers with sustained internal charges for violating the law in 2010, four received suspensions, two resigned, one retired, and one was cited for termination to the Civil Service Board.

## Use of Force

Police officers are trained to seek voluntary compliance through lawful direction. However, they are sometimes met with circumstances in which a subject's actions compel them 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 affect a lawful arrest. To better understand Charlotte-Mecklenburg Police Department use of force policies, visit [www.cmpd.org](http://www.cmpd.org) and under E-Policing Resources, select [All Departmental Directives](#) and select 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 Directives. 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](http://www.cmpd.org). From the homepage, click under E-Policing Resources, [All Departmental Directives](#). The department's Use of Force Continuum can be found under 600-020 Use of Force Continuum.

**Table 6** reveals the number of times officers used force as compared with total arrests and citizen initiated calls for service in 2009 and 2010.

**Use of Force Events Compared to Calls for Service and Arrests**

	2009	2010
Total Use of Force Events	448	449
Total Calls for Service	371,389	363,142
Total Arrests	29,659	27,841

**Table 6**

## Use of Deadly Force

An officer's use of deadly force is rigorously investigated and thoroughly reviewed both criminally and administratively. Deadly force, most commonly the discharge of a firearm, is investigated administratively by Internal Affairs. If the shooting resulted in injury or death to a person, CMPD's Homicide Division or the State Bureau of Investigation conducts a criminal investigation. Since October 2008, North Carolina law has required the SBI to investigate fatal shootings by police if the family of the deceased requests such an investigation within 180 days of the death. The law applies to shootings by any law enforcement agency in the state.

Regardless of who investigates, the facts revealed by the criminal investigation are presented to the Mecklenburg County District Attorney, who determines if the officer's 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. An Independent Chain of Command Shooting Review Board is presented the administrative case, (which also includes the criminal investigation) and determines if any CMPD policies were violated. It also assesses whether the shooting was justified, not justified or accidental.



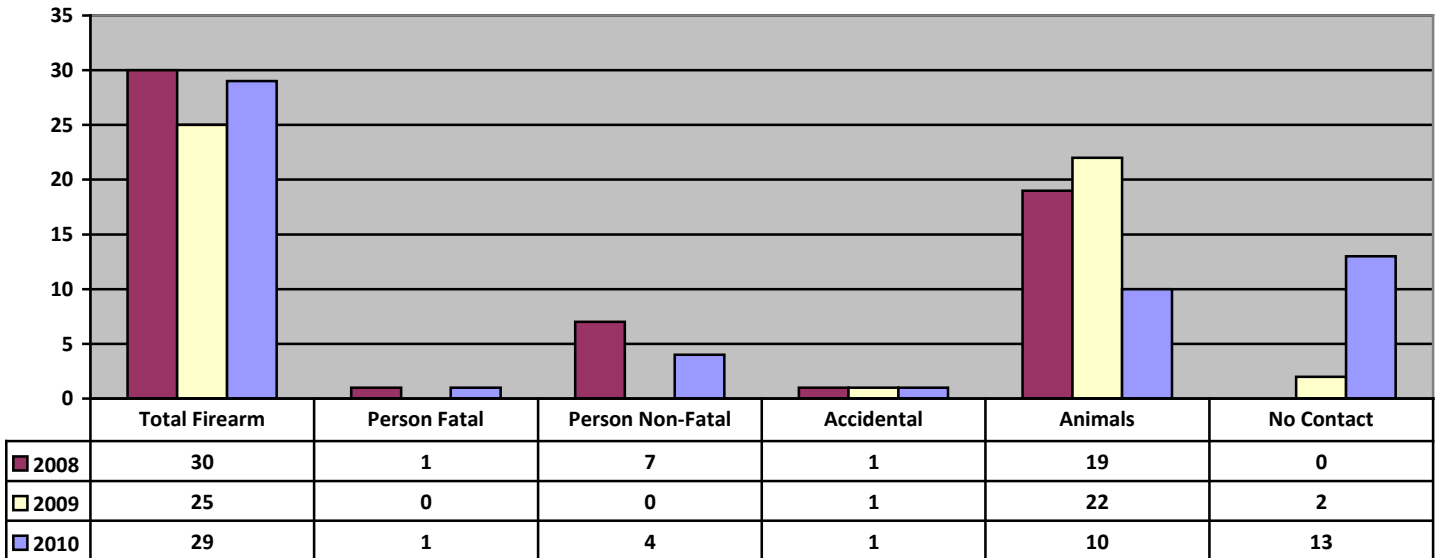
To the greatest degree permitted under law, the CMPD releases current and relevant information to the public throughout the investigative process during a deadly force investigation. Any case involving a discharge of firearm that results in serious injury or death and is found to be justified, can be appealed to the Citizens Review Board.

The use of deadly force policy is reviewed with officers annually. Additionally, officers (from the Chief of Police to the most recent academy graduates) 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 yearly with the Department-issued shotgun. Officers assigned to SWAT participate in firearms training once each month.

**Chart 7** compares the number of incidents where employees discharged their firearms in the performance of their duties for the past three years. As with previous years, the majority of shooting incidents in 2010 involved aggressive animals. The department is continuously reviewing these incidents and has tried less than lethal means of subduing aggressive canines, but these techniques have, unfortunately, been unsuccessful. Often, these canines were shot during the service of high risk warrants where the dogs have been trained to be aggressive. Some citizens have understandably asked why the police department cannot attempt to tranquilize the dogs instead of using a firearm to subdue them. Officers (including CMPD Animal Care and Control Officers) often *do* attempt to tranquilize aggressive animals when there is no immediate threat to the general public or officers (such as a dog that runs away to an open area, such as a field, after attacking someone). The cases listed in **Chart 7** all involved an imminent threat to the public or to officers.

### Employee Discharge of Firearms



**Chart 7**



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During 2010, our department had one fatal use of force involving an Officer firing his weapon in the performance of his duties. In this case, an Independent Chain of Command Shooting Review Board convened and reviewed the criminal and internal investigations, as well as the medical report. The following is a synopsis of the incident:

*On Thursday, October 14, 2010, at 11:13 p.m., an Officer responded to a 911 call on Hollyday Court about a man outside his home cursing and honking his car horn. When the Officer arrived, he found the man outside with a handgun and ordered him to drop the weapon. The man did not comply with the Officer's command, rather he raised his weapon and fired at the Officer. The Officer returned fire with his service pistol, and the man retreated inside his residence. The SWAT Team then responded to the scene. After several unsuccessful attempts to make contact with the man inside his home, SWAT personnel entered the residence at 1:50 a.m. and located him deceased inside.*

*A criminal investigation was conducted by the Homicide Unit regarding the Officer's actions. The case was closed as a justifiable homicide.*

*A separate investigation was conducted by the Internal Affairs Bureau regarding the Officer's actions. The case was closed after an Independent Chain of Command Shooting Review Board determined the force used by the Officer was justified.*

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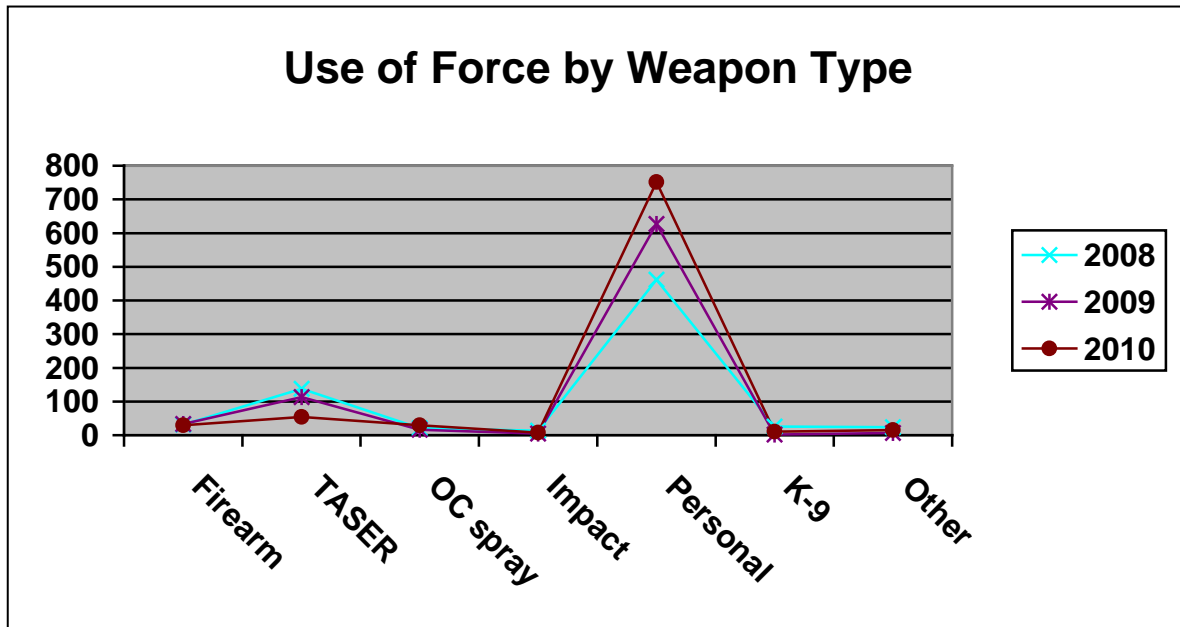
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### **Use of Non-Deadly Force**

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](#) (see 600-018) and federal and state statutes. 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.

CMPD policy requires officers to report use of force incidents under a broad range of circumstances. Supervisors investigate and document each incident. To help officers better understand expectations and to ensure force is applied appropriately, every sworn officer was required to complete Situational Awareness Training. The training concluded in 2008. The eight-hour class provided a review of control training techniques and allowed officers to use the techniques during life-like training scenarios. Officers are required to undergo similar training approximately every other year. The use of force policy is also reviewed each time an officer attends their required quarterly firearms training and qualification sessions. Officers are also required by the North Carolina Criminal Justice Education and Standard Commission to have use of force training on a yearly basis to maintain their police certification. The use of force training given to CMPD officers exceeds the state's minimum requirements.

**Chart 8** displays a comparison of employee weapons used from 2008 to 2010. Year after year, officers use their hands and fists (personal) in the overwhelming majority of use of force situations. This occurs because most use of non-deadly force encounters begin when officers are in physical contact or close proximity with a subject at the time the subject decides to act with aggression or resistance. In this type of encounter, it is often difficult to disengage a subject safely and use another weapon type.



**Chart 8**

In **Chart 9**, an analysis of the weapons used when applying non-deadly force shows that officers' use of the Taser conductive energy weapon continues to decline. The CMPD began issuing Tasers in 2004 with full deployment beginning 2006.

The use of OC (pepper) spray also continues to decline because of limitations with its use. It cannot be used in confined spaces and the chance of an officer or non-involved person being affected increases in windy conditions. The recovery time is typically far longer with OC usage than with a Taser weapon and people with respiratory disorders can have a serious reaction to the spray.

**CMPD Fact:** *In recruit training, officers are required to submit to being sprayed with pepper spray, and to have the Taser deployed on them. The philosophy behind this training is that, in the field, any weapon they carry may be used against them if taken from them in a scuffle. Being subjected to the effects of these two weapon types allows officers to know firsthand what to expect and the best way to protect themselves should such an incident occur. It also gives them primary knowledge of the effects these weapons have on suspects.*

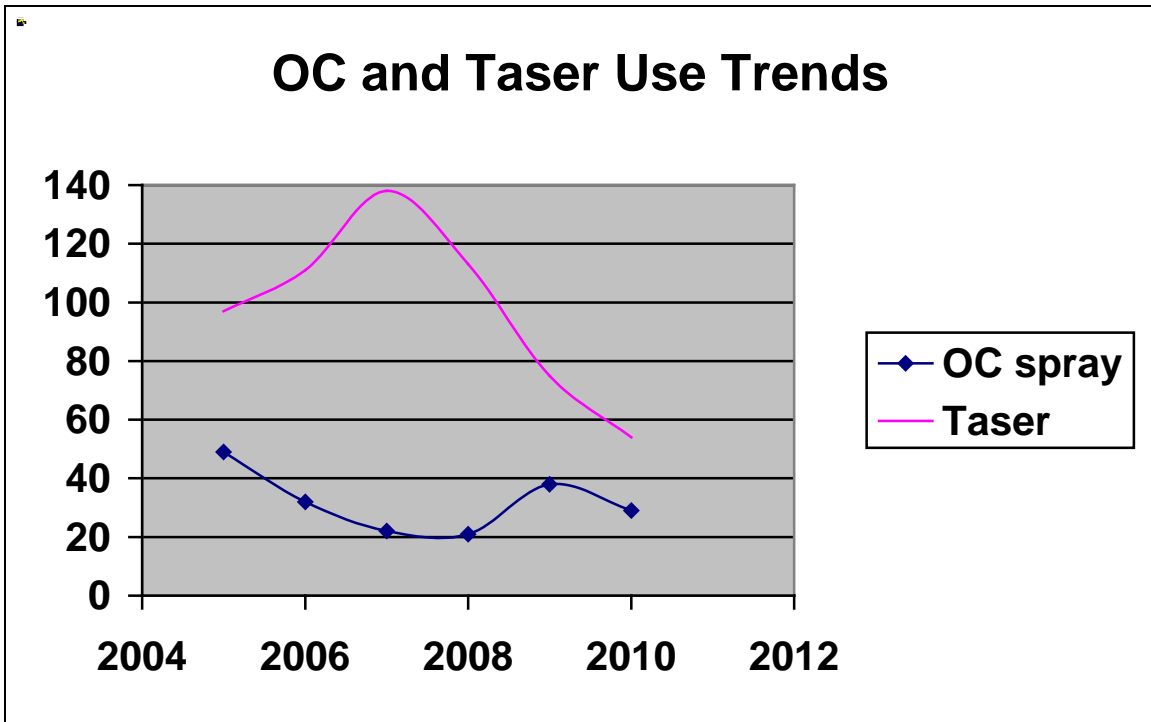


Chart 9

Chart 10 shows the injury level related to the use of force. It has remained fairly consistent for the past four years.

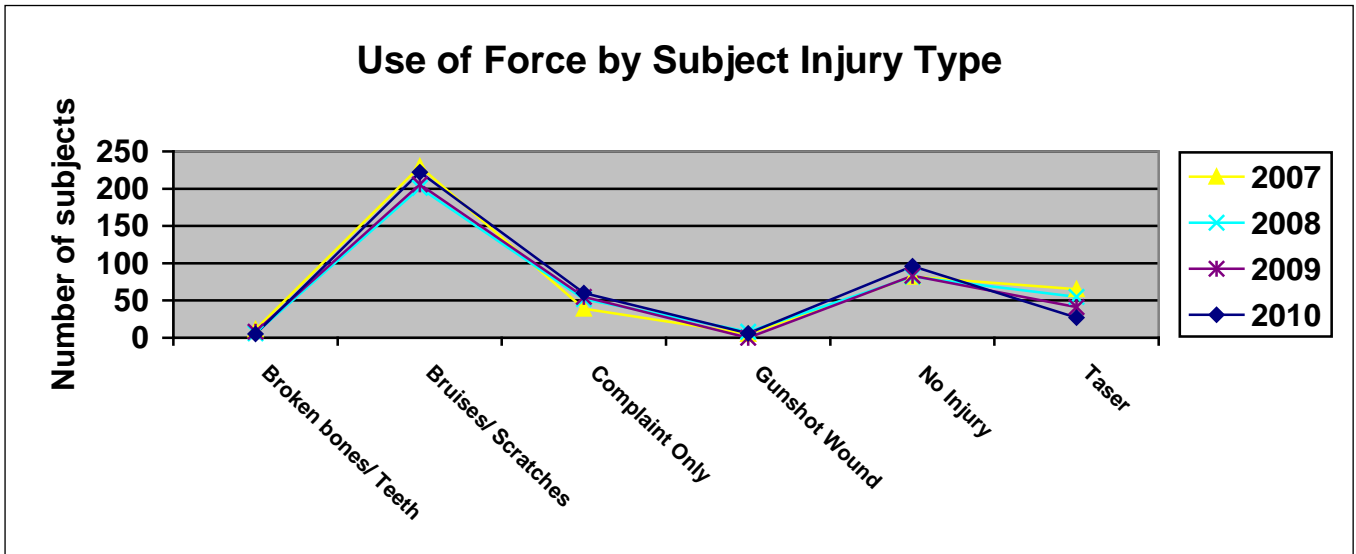


Chart 10

**Table 8** shows uses of force by subject and officer race. The total is higher than the overall number of use of force incidents because in some incidents more than one officer applied force. It is important to note that approximately 76 percent of the CMPD's 1,750 officers are Caucasian.

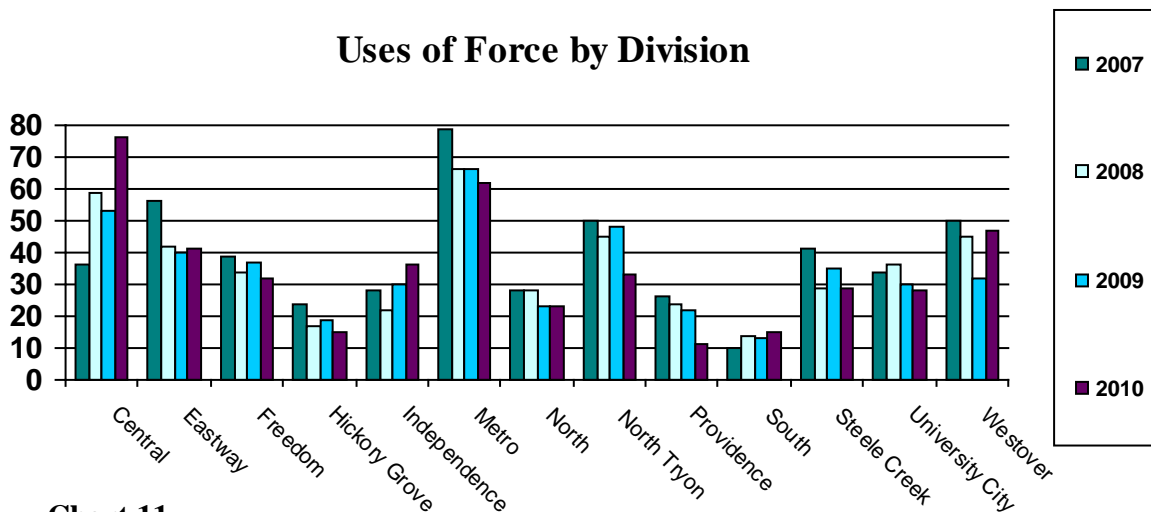
Use of Force by Subject and Officer Race							
		Subject Race*					
		African-American	Asian	Caucasian	Hispanic	Unknown	Total
Officer Race	Asian or Pacific	8	2	5	1	0	16
	African-American	61	1	15	6	3	86
	Hispanic	10	0	3	1	1	15
	Unknown	2	0	0	0	0	2
	Caucasian	452	3	154	38	18	665
	Total	533	6	177	46	22	784

**Table 8**

*\*In a small number of incidents, the race of the employee to offender was undetermined.*

While Use of Force incidents occur throughout the CMPD jurisdiction, some patrol divisions have more than others. A greater number of force incidents in a patrol division may be a function of the division's geographic area in relation to the location of violent crime hotspots and enforcement focused in those hotspots.

**Chart 11** shows a comparison of total use of force incidents by division. Each division's chain of command is responsible investigating uses of force. Their findings are then forwarded to CMPD Internal Affairs Bureau for final review and disposition. **Chart 12** compares the divisions' use of force rates with its arrests.



**Chart 11**

*Use of Force Rates by Division and Arrests*

Division Name	2010		
	Arrests	Uses of Force	Rate
Central Division	2,433	76	3.1
Eastway Division	2,239	41	1.8
Freedom Division	2,185	32	1.5
Hickory Grove Division	1,192	15	1.3
Independence Division	1,172	36	3.1
Metro Division	3,649	62	1.7
North Division	1,218	23	1.9
North Tryon Division	2,276	33	1.4
Providence Division	1,517	11	0.7
South Division	808	15	1.9
Steele Creek Division	2,012	29	1.4
University City Division	1,843	28	1.5
Westover Division	2,810	47	1.7
<b>Total</b>	<b>25,354</b>	<b>449</b>	<b>1.8</b>

**Chart 12**

**\*Rate** is the number of times officers used force per 100 arrests

## **In-Custody Deaths**

If a person dies while in the custody of CMPD, detectives from the Homicide Unit respond to the scene to conduct a criminal investigation. The investigation is presented to the Mecklenburg County District Attorney, who conducts an independent review and decides whether to press criminal charges. 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, a Community Relations Committee member, the Police Attorney's Office and Internal Affairs Bureau staff.

The CMPD 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 CMPD has developed several policies related to prisoner care and transportation. For a complete list of those guidelines, please refer to [www.cmpd.org](http://www.cmpd.org). From the homepage, click E-Policing Resources, [All Departmental Directives](#), 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 2010, our department experienced one incident of in-custody death. In this case, the Officer's Chain of Command reviewed the criminal and internal investigations and the medical report. The following is a synopsis of incident:

*On the morning of Tuesday, November 16, 2010, a man walked to the Metro Division Team Office located at 1118 Beatties Ford Road and asked for a ride to his residence. An Officer at the office volunteered to give him a ride to his home at 1827 Vinton Street and drove to that location, which was approximately 0.64 miles away. While en route, the Officer noticed the man was breathing heavily. The Officer asked him if he needed medical attention, and the man responded by saying he was fine and only needed to go home.*

*When the Officer arrived at 1827 Vinton Street, the man took a sudden labored breath and slumped over onto his back in the Officer's patrol car. The Officer requested Medic, where they quickly arrived and began treatment. Medic transported the man to the hospital where he was pronounced dead at 07:41 hours. His death certificate was signed by his doctor, and the cause of death was listed as cardiopulmonary arrest and emphysema.*

*Parallel investigations by the Homicide Unit and the Internal Affairs Division showed the Officer's actions did not contribute to the man's death.*



***CMPD Fact: In-custody deaths are reported in this section even though they may not have occurred as a result of any type of force used by police. Even so, the CMPD classifies them internally to be investigated as use of force cases.***



## Police Vehicle Pursuits

From time to time, police officers encounter a subject in a motor vehicle who refuses to stop when the blue lights and siren are activated. When police continue to keep pace with a vehicle in their attempts to stop its driver, a police pursuit occurs. Vehicle pursuits pose a significant risk to the general public, those in the pursued vehicle and the pursuing officers. 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 puts a life in danger.



*Once a pursuit incident has ended, regardless of the means of termination, a patrol supervisor is responsible for completing an internal investigation. The investigation 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 involved employees' Chain of Command and ultimately by Internal Affairs to ensure compliance with CMPD policy.*

To view the complete departmental directive governing pursuits, go to [www.cmpd.org](http://www.cmpd.org), E-Policing Resources, and then to [Departmental Directives](#), then to Directive 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.

<b>Pursuit Events</b>			
	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Total Pursuits</b>	53	40	52
<b>Justified Pursuits</b>	45	33	42
<b>Not Justified Pursuits</b>	2	7	6
<b>Justified Pursuits w/Policy Violations</b>	6	0	4

**Table 11**

**Table 11** shows the number of pursuits and how they were adjudicated.

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. **Table 12** indicates that, as in previous years, the majority of all pursuits were for violent felony offenses. For the fifth straight year, the overwhelming majority of pursuits (42 percent in 2010) were initiated to apprehend robbery suspects.

Pursuit Offenses	2009	2010
ADW	3	5
B&E	6	6
Burglary	2	2
Hit and Run	1	3
Homicide	1	3
Kidnapping	3	0
Larceny from Vehicle	1	0
Larceny of Vehicle	3	0
Larceny – Misdemeanor	1	0
Rape/Sex Offense	1	1
Armed Robbery	12	22
Traffic Offense	4	2
Warrant/OFA	2	0
<b>Total Pursuits</b>	<b>40</b>	<b>52</b>

**Table 12**

**CMPD Fact:** *When an officer declares that they are in pursuit, one of the first responsibilities of the telecommunicator and the supervisor of the district is to make contact with the police helicopter so that they may monitor the pursuit from the air. When the suspect vehicle is located by the helicopter, the ground units may disengage until the vehicle comes to rest making the situation safer for both the public and the officers pursuing.*



## **Employee Motor Vehicle Collisions**

To provide police services throughout urban and suburban Mecklenburg County, department employees drive an enormous number of miles in CMPD vehicles. The geographic jurisdiction for the Charlotte-Mecklenburg Police Department includes the City of Charlotte and the unincorporated areas of Mecklenburg County, covering 438 square miles. Employees drive their vehicles in all types of weather, traffic and emergency conditions.

In total, the department has approximately 2,000 employees operating 1,172 vehicles, with many vehicles being operated 24-hours a day. During 2010, CMPD employees averaged over 1.5 million miles each month in department vehicles. Department vehicles were driven a total of 17,027,484 miles in 2008, 17,934,489 miles in 2009, and 19,509,963 in 2010. The number of collisions associated with employee driving is tabulated in **Table 13**. It shows the total number of preventable and non-preventable collisions from 2008 through 2010.

<b>Collisions by Disposition</b>			
	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Not Preventable Accidents</b>	149	126	135
<b>Preventable Accidents</b>	137	125	152
<b>Total Collisions</b>	286	251	287

**Table 13**

**Table 14** shows the rate of collisions in 2010 compared to 2009.

<b>Collision Rates by Miles Driven</b>		
	<b>2009</b>	<b>2010</b>
<b>Total Collisions</b>	1.4 per 100,000 miles	1.5 per 100,000 miles
<b>Not Preventable</b>	0.7 per 100,000 miles	0.7 per 100,000 miles
<b>Preventable</b>	0.7 per 100,000 miles	0.8 per 100,000 miles

**Table 14**

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 collision, they are assigned specialized training at the CMPD driver training facility to address the driving error that caused the collision. The CMPD has one of the finest driver training facilities in the state.



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