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**DATE:** February 9, 2016

**TO:** Roy W. Minter, Jr., Chief of Police

**FROM:** Professional Standards Unit

**SUBJECT:** Professional Standards Unit 2015 Calendar Year Summary Report (CALEA 52.1.5)

This report is the 2015 calendar year activity summary for the City of Peoria Police Department Professional Standards Unit (PSU).

The Professional Standards Unit is responsible for the records regarding all administrative investigations and specific administrative matters. The unit is responsible for the coordination and records storage of the following;

- Discipline Review Panel
- Use of Force Committee
- Vehicle Operations and Safety Committee
- Early Intervention Program
- Department grievance and appeal processes
- Department Controlled Substance Screening Program
- Department inspections and audits

In addition to assisting the City Attorney's Office and the Human Resources Department with matters pertaining to Police Department personnel, the unit is also responsible for the training of Department personnel in matters relating to the functions of PSU.

In 2015, PSU saw a turnover of half of its personnel. Lieutenant Jason Christofferson was promoted to Commander and Lieutenant Anthony Wolfe was selected as the new PSU Lieutenant. Sergeant Matt Simon was promoted to Lieutenant and was assigned to a new position. Sergeant Jason Tarrant was appointed to PSU while in a light duty status and remained after returning to full duty.

### **Use of Force (CALEA 1.3.13)**

The following is a report of the force used by Peoria Police Officers from January 1, 2015 through December 31, 2015. This report was conducted by utilizing the information entered into Blue Team and retained in IA Pro. The following areas are covered in Use of Force reports and entered into Blue Team for Use of Force:

- Injury/Death
  - Officer's use of force resulted in an injury/alleged injury to himself/herself
  - Officer's use of force resulted in an injury/alleged injury to another
  - Officer's use of force resulted in a death of another
- Less-Lethal Options
  - Officer used Oleoresin Capsicum (OC) spray and discharged it at another person
  - Officer used hard empty hand control technique

- Officer used as a hard impact weapon (i.e. expandable baton, flashlight, etc.).
- Officer used a Stun Bag Shotgun discharging it at another person
- Police Service Dog was utilized
- Taser
  - Laser point utilized
  - Arc for compliance
  - Discharge of probes
  - Drive stun
- Firearms
  - Officer intentionally discharged a firearm
  - Officer unintentionally discharged a firearm
  - Accidental discharge of a firearm
- Special Assignment Unit (SAU) and Mobile Field Force (MFF)
  - Use of Chemicals (OC spray, CS gas, or CN gas)
  - Stun bag shotgun deployed
  - Deployed other less-lethal kinetic batons
  - Deployed smoke or diversionary devices
  - Pepper Ball System deployed in unlawful assembly situation

### **Use of Force Reporting Process**

A sergeant is responsible for ensuring all qualifying incidents of use of force are entered into Blue Team as a Use of Force Incident. Use of Force is tracked by incident, not type of force used or involved officers. One incident can include more than one officer and/or more than one type of force.

Once the sergeant has completed the entry, it is forwarded to that sergeant's lieutenant for review. Once approved by the lieutenant, the entry is forwarded to PSU for dissemination to the Use of Force Committee.

In 2014, PSU reviewed the use of force reporting process. An area identified for improvement was the procedure for routing incidents to the Use of Force Committee and receipt of their findings. Some incidents were taking over two months to be concluded. A goal was made to streamline the process and reduce the overall review time. PSU now gathers all related documents (i.e. case reports, photographs, and audio recordings) and emails them directly to the Use of Force Committee. The Use of Force Committee then has the ability to immediately review the data. Via the same email, the Use of Force Committee can vote on their findings. Their voting options are: within policy, out of policy, or request to meet in person for discussion. The votes are received and tallied by the committee chair (or designee). If the committee chair receives a request for additional discussion, the committee will meet, discuss the incident, and come to a consensus of findings. While implementing this process a minor adjustment was made to allow for the efficient use of technology. With the implementation of the department's Body Worn Camera program and the sheer number of photos that might be included it was determined that attaching all items to an email would not be possible, due to restrictions on size limits which would cause multiple e-mails for one incident assuming it was possible at all. In a further effort to streamline processes, a restricted folder was created on the secure internal server, accessible only to the Use of Force Committee. Within this folder each incident involving a use of force is given its own folder where all information regarding the incident is kept. Once all known data is collected by PSU and placed into its respective folder, an e-mail with a link to the folder is sent to the Use of Force Committee personnel. The link that is included in the e-mail takes them

directly to the folder where they can review all data associated with the incident.

If the Use of Force Committee determines the force used was out of policy, a Service Complaint or Administrative Investigation (as directed by the Chief of Police) will be conducted.

### Incident Review (CALEA 1.3.6)

**Figure 1: Use of Force Chart**

Description	2011	2012	2013	2014	2015	Difference 2014/2015	% Change 2014/2015
Use of Force Incidents	33	38	46	41	54	13	24%
Total number of officer involved	43	75	81	71	99	28	28%
Calls for Service	109,570	116,161	105,187	100,487	88,613	-11874	-13%
Arrests	3743	3312	3717	3722	3592	-130	-4%
Sworn Full Time Employees	187	187	188	191	195	4	2%
Use of Force Resulted in Injury-Citizen	28	26	25	35	32	-3	-9%
Officer Injured in Conjunction with Use of Force	4	8	10	12	14	2	14%
Use of Force Resulted in Death	0	0	0	0	0	0	0%
Description	2011	2012	2013	2014	2015	Difference 2014/2015	% Change 2014/2015
O.C. Spray	1	0	0	0	0	0	0%
Hard Empty Hand	11	23	22	26	33	7	21%
Hard Impact Weapon	2	0	1	1	0	-1	-100%
Soft Empty Hand	14	28	27	22	36	14	39%
Less Lethal Stun bag Shotgun	2	0	0	1	0	-1	-100%
Police Dog	4	3	4	6	4	-2	-50%
Taser	24	20	16	11	10	-1	-10%
Handcuffing	9	10	15	12	21	9	43%
Total	67	84	85	79	104	25	24%
Discharge of Firearm	2011	2012	2013	2014	2015	Difference 2014/2015	% Change 2014/2015
Intentional	1	2	4	1	3	2	67%
Unintentional	1	1	0	0	0	0	0%
Accidental	0	0	0	1	0	-1	-100%

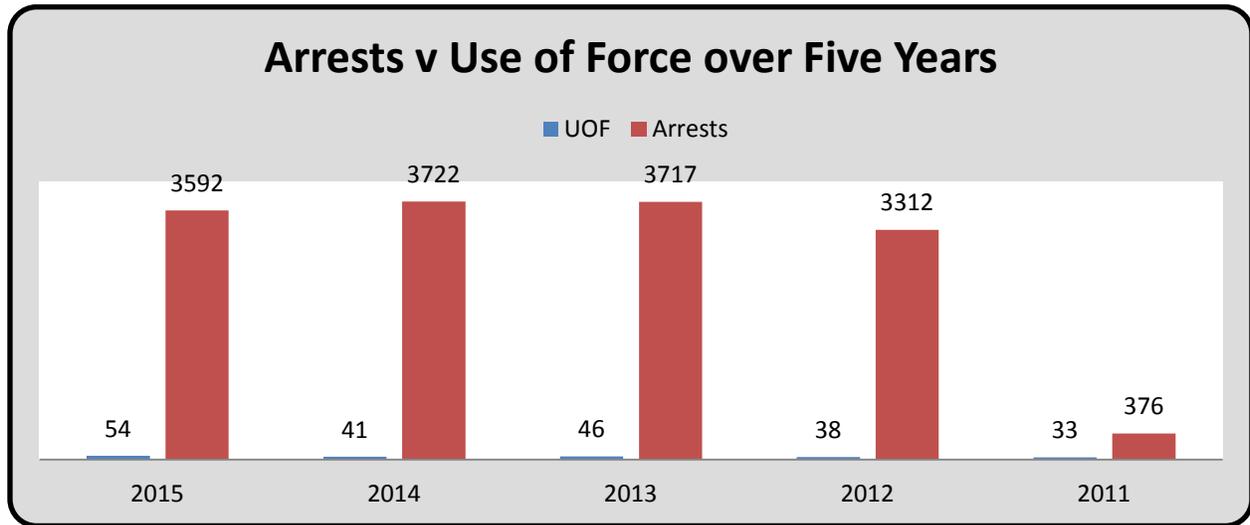
Figure 1: Use of Force Chart

Description	2011	2012	2013	2014	2015	Difference 2014/2015	% Change 2014/2015
<b>SAU/MFF Use of Force</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Difference 2014/2015</b>	<b>% Change 2014/2015</b>
Less Lethal Stun bag Shotgun	0	0	0	0	0	0	0%
Less Lethal Kinetic Baton	0	0	0	0	0	0	0%
Smoke or Diversionary Device	24	36	14	11	14	3	21%
SAU (SWAT) Deployments	30	42	40	24	35	11	31%
SAU High Energy Breach			3	8	3	-5	-62%
<b>Times</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Difference 2014/2015</b>	<b>% Change 2014/2015</b>
Day (0600-1600)	13	14	8	15	23	8	35%
Evening (1600-2200)	5	4	16	13	2	-11	-85%
Night (2200-0600)	15	17	22	13	10	-3	-30%

(Note: Calls for Service and Arrests were extracted from the Peoria Police Department LERMS system based on information available at the time of this report.)

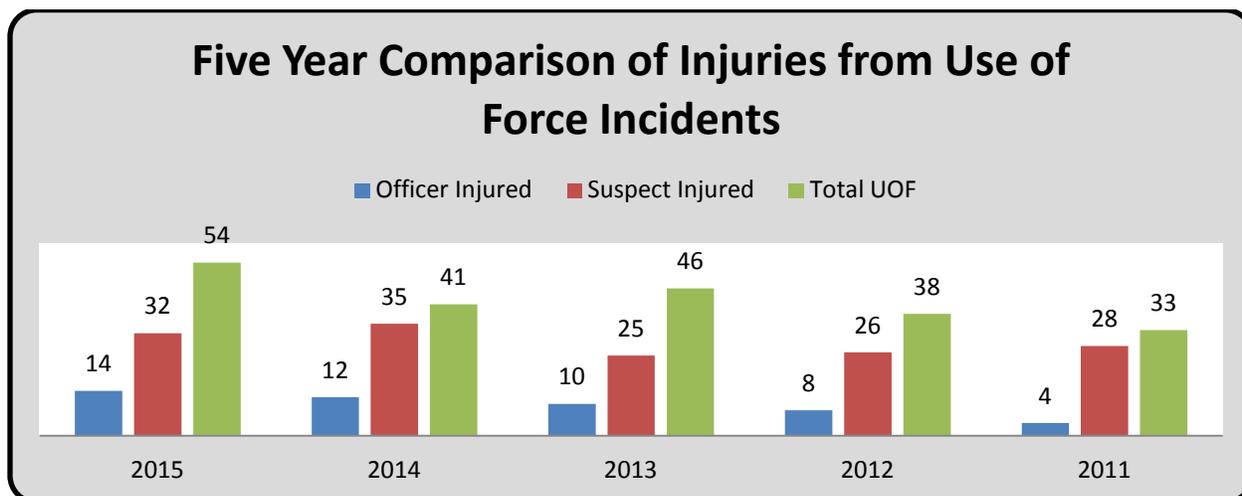
- In 2015, there were 54 incidents involving 99 officers using 104 different levels of non-lethal force. This represents an increase of 13 incidents or 24%, in comparison to 2014.
- The Use of Force Committee reviewed each of the 54 incidents; none were found to be outside of policy.
- In 2015 there were 88,613 Calls for Service (CFS). In comparison, there were 100,487 CFS in 2014, a decrease of 11,874 or 13%.
- In 2015, there were 3,592 arrests. In comparison, there were 3,722 reported arrests in 2014, a decrease of 130 arrests. Of the 54 incidents of force reported in 2015, 41 of these force incidents or 69% were the direct result of officers affecting an arrest.
- When comparing Use of Force to the number of arrests in 2015, Peoria officers used force less than 1% of the time when affecting an arrest.
- Of the 54 total incidents, 4 involved officers assessing the condition of the citizen as “mentally unstable”; with 2 directly related to the service of an involuntary mental health committal order.
- 16 of the 54 incidents officers determined drugs or alcohol to play a contributing factor to the citizen’s actions. Figure 2 is a five year comparison of arrests vs. Use of Force incidents.

Figure 2

**Injury/Death (CALEA 1.3.6)**

- Of the 54 total Use of Force incidents in 2015, 32 incidents or 59% of the incidents resulted in an injury or alleged injury to the suspect. In comparison to 2014, 35 incidents or 85% of the incidents resulted in an injury or alleged injury to the suspect. This percentile decrease can possibly be attributed to an increase of soft empty hand techniques. The increase in this technique could be the factor driving the amount of injury or alleged injuries down. Instead of officers having to use a hard empty hand technique to affect the arrest they are using verbal de-escalation along with soft empty techniques to affect the arrest.
- There were no uses of force in 2015 that resulted in the death of a human. There was no change compared to 2014.
- Figure 3 is a five year comparison of injuries connected to uses of force. Significant injury was determined if the officer or suspect was transported to the hospital. In 2015, 25 citizens (78%) were transported to the hospital after a use of force. In 2014, 15 citizens (37%) were transported to the hospital after a use of force incident.
- 4 officers, 3 from the same incident, were transported to the hospital after a use of force incident in 2015.

Figure 3



### Less-Lethal Force Options (CALEA 1.3.6)

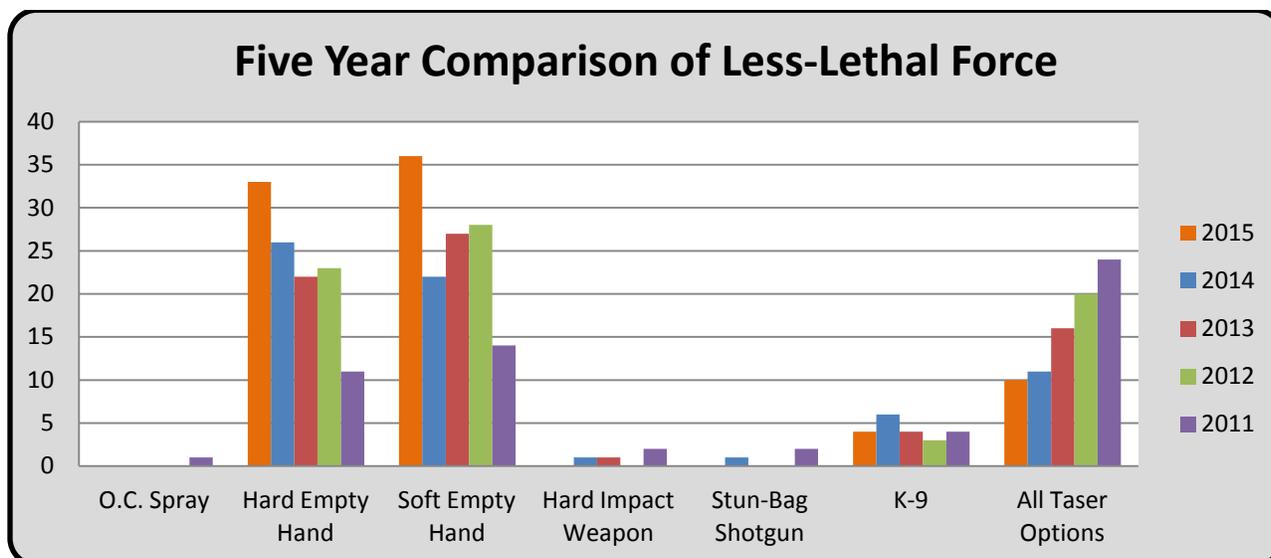
Less-Lethal force response options are defined and explained in Peoria Police policies 300 through 309. Less-Lethal force is defined as a tactic that minimizes the risk of causing death or serious injury and is designed to stop aggression or aid in establishing control of a situation. Several different force options may be used during one incident by various officers to stop aggression and gain control.

The Peoria Police Department uses web based software called Blue Team to document all reportable use of force incidents. One use of force incident may have multiple officers that used different levels of force. In 2015, the Peoria Police Department had 54 reportable use of force incidents involving 99 officers using various levels of force, not including deadly force. Compared to 2014, the Peoria Police Department had 41 reportable use of force incidents involving 71 officers using various levels of force, not including deadly force.

- There were no reported uses of OC spray in 2015. There was no change compared to 2014.
- Hard empty hand control techniques were used 33 times or 31% of all reported force used in 2015. This is an increase of 7 applications of this technique when compared to 2014 number of hard empty hand control techniques. However, when considering the total number of uses of force, the ratio of hard empty hand control techniques dropped 23% from 2015 to 2014.
- Soft empty hand control techniques were used 36 times or 35% of all reported force used in 2015. This is an increase of 14 applications compared to 2014. Soft empty hand techniques and hard empty hand control techniques have become balanced in their applications. This trend appears to continue as officers are talking more to individuals while they are being placed into custody and verbally de-escalating the situation.
- There were no reported uses of an expandable baton in 2015. There was no change compared to 2014.
- There were no reported uses of stun bag shotgun 2015. There was no change compared to 2014.

- Figure 4 is a five year comparison of less-lethal force used by the Peoria Police Department.

Figure 4



### Significant Increases/Decreases

In previous years, the most notable change in any one type of use of force was in the use of the Taser. The application of the Taser has shown a steady decline to include this year's calculation from 11 in 2014 to 10 in 2015, but it appears to be leveling out. This decline could be in direct correlation to the calculated increase in the application of soft empty hand incidents. The department has always and continues to educate and train officers on verbal de-escalation. Officers continue to communicate and evaluate situations before acting, allowing resolution with the minimal use of force possible.

Although there was an overall increase of use of force incidents in 2015, there were 4 types of force that saw a decrease. Hard impact weapon and less lethal stun bag shotgun declined from 1 to none in 2015. Use of force involving K-9s declined from 6 to 4 and Taser deployment also declined by 1. The greatest increase was in soft empty hand which increased by 14.

While the use of force incidents did increase by 13 or 24% from 2014 to 2015, there was a decrease in citizens injured. In addition to the decrease in the number of citizens injured, none of these incidents resulted in a citizen complaint to the department claiming an excessive use of force. This fact could be the result of a combination of two factors. First, officers are applying a 'reasonable' amount of force to affect the detention or the arrest and then de-escalating. Second, the department's system of self-imposed reporting when any force is applied that caused a visible injury or any force that would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort, or the individual subjected to the force complained of injury or continuing pain, or the individual indicates intent to pursue litigation. These are just a few of the required reporting situations outlined in policy 300.5.1. With this self-imposed reporting the department can ensure that each application of use of force is properly looked into and evaluated.

### Other Contributing Factors

Use of force incidents in 2015 involving drugs, alcohol, or mentally unstable subjects equaled 64% of the reported 54 incidents of injuries from use of force, an increase of 13% from 2014. When examining use of force data over the past four years, officers are more likely to use force on suspects that are under the influence of drugs and/or alcohol or who are mentally unstable. The number of incidents that involved suspects under the influence of drugs or alcohol or who are mentally unstable could be higher than what has been reported because the information is dependent on supervisors reporting this information in Blue Team.

Specific analysis of use of force incidents in relation to mental health reveals 14 incidents in which the officer attributed the citizen's behavior to mental illness. Of those 14 incidents, 2 occurred while officers were attempting to serve the citizen with an involuntary mental health evaluation. In addition to the 2 use of forces that occurred while mental health petitions were being served there were 2 other use of force incidents that resulted in an involuntary mental health petitions being completed and signed. The category of 'mental health' under use of force entries allows for more accurate tracking of the instances when an involuntary mental health evaluation results in a use of force.

### Firearms (CALEA 1.3.2/1.3.3/1.3.6)

#### **Deadly Force Review Board:**

The Deadly Force Review Board did not convene in 2015, as there were no uses of deadly force by members of the department.

#### **Unintentional/Intentional/Accidental Discharge of a Firearm**

- There were no noted unintentional discharges of a firearm in 2015. (CALEA 1.3.6.)
- Three intentional discharges of a firearm were reported in 2015. Two of these discharges involved a call for service where the officer, with an on-duty supervisor approval, dispatched an animal. The one other discharge was also at an animal, but it was due to the animal being loose and advancing on a Sergeant who was trying to affect an arrest.

(Note: An **Unintentional Discharge and Accidental Discharge** of a firearm is defined in AZ POST Firearms manual section 2 "SAFETY." An *Unintentional Discharge* can be voluntary or involuntary. A *Voluntary Unintentional Discharge* is defined as consciously pressing the trigger but not really intending to fire. An *Involuntary Unintentional Discharge* is defined as outside the realm of conscious intention. Some causes of *Involuntary Unintentional Discharge* of a firearm are sympathetic response, startle reaction and balance disruption. An **accidental discharge** is a mechanical malfunction of the weapon allowing it to fire or outside forces cause the discharge, such as a holster strap getting inside the trigger guard while holstering.)

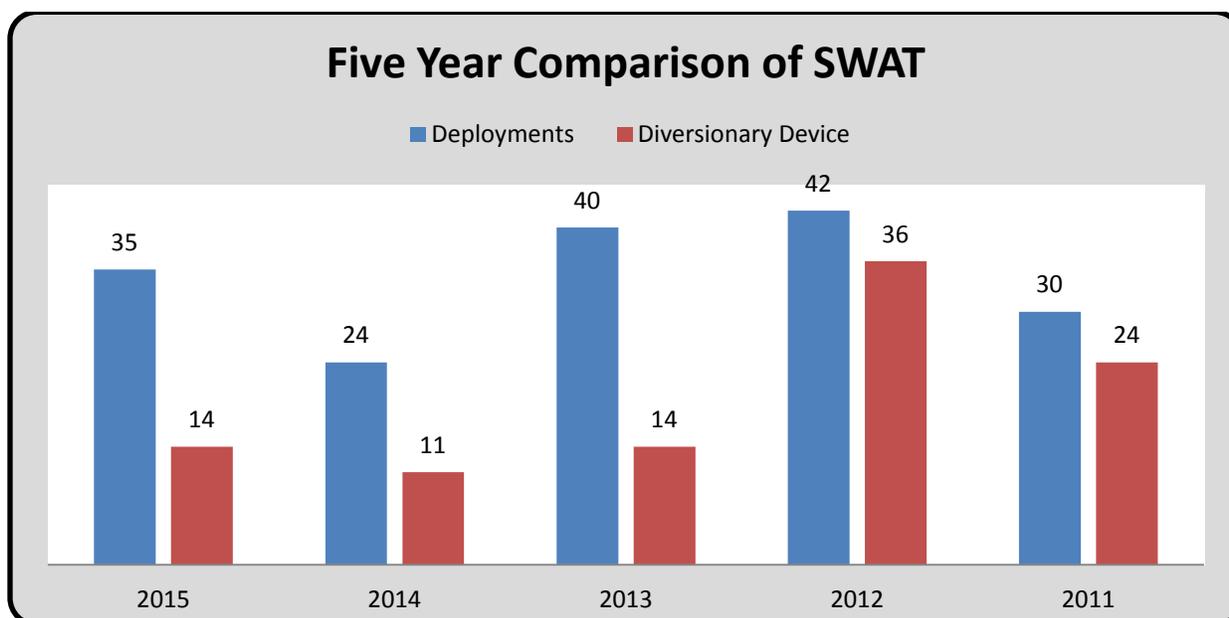
**Warning shots** are prohibited by Peoria Police Department SOP PTY 300—there were no violations of this policy in 2015. (CALEA 1.3.3)

#### **Special Assignments Unit (SAU) and (Mobile Field Force (MFF) Use of Force (CALEA 1.3.6)**

- There were no incidents in which the stun bag shotgun (less-lethal) was deployed in 2015 by SAU or MFF. There was no increase or decrease when compared to 2014.

- There were no uses of less-lethal kinetic batons in 2015. There was no increase or decrease when compared to 2014.
- There were 14 incidents where SAU deployed a diversionary device in 2015. This was an increase of 3 uses from 2014.
- The High Energy Breach (HEB) program was started in 2014 and SWAT utilized HEB entries 8 times, or 33% of their operations. In 2015, SWAT utilized HEB 3 times or 1% of their operations. This decline indicates that SWAT, when preparing their operations, are carefully evaluating each situation and the circumstances surrounding it. SWAT considers the use of HEB entries to be the exception and HEB are used during some tactical situations when the speed of getting officers into a structure would be invaluable and increase the likelihood of a positive outcome and ensure the safety of officers, citizens, and suspects. Examples of these situations include hostage rescue operations and certain high risk search warrant service. The HEB program of the Peoria Police Department is based on the premise that the minimum amount of explosives is used to guarantee a positive entry into the structure.
- Figure 5 is a five year comparison of SAU deployments and diversionary devices used.

Figure 5



### Training (CALEA 1.3.13)

In 2015, Peoria Police officers received mandatory in-service training on Taser deployment and completed a written test focused on use of force. In addition, all officers received Low Light Firearms Training and completed a “discretionary shoot” using either Multiple Interactive Learning Objectives (MILO) or Simulations Technology.

### Analysis (CALEA 1.3.13)

The department saw an increase of 13 use of force incidents when compared to 2014. It should be noted that each use of force incident may have multiple officers using several different types or levels of force. When examining the increased use of force incidents, 104 different types of force were utilized by 99 officers in 2015, and this represents a 24% increase compared to 2014.

Although the number of use of force incidents increased, along with the number of officers that used force in 2014, officers continue to be effective when utilizing force and using the minimal amount of force necessary to control the situation. This conclusion is apparent in the decreased number of citizens who sustained an injury in 2015.

The deployment of O.C Spray and collapsible baton was non-existent by officers in the field in 2015. It is reasonable to believe that the continual decrease in the use of Taser would increase the use of hard empty hand techniques, which it did marginally. The increase showed more in the soft empty hand techniques which indicate that less 'reasonable' force is being applied by the officers to safely end the situation. On the surface, one could directly relate the increase in soft empty hand techniques attributed to the increase of 2 injuries to officers in 2015. Then on a deeper look, one incident resulted in 3 officers sustaining injuries and 2 suspects sustaining injuries.

The department should continue on its path of training in verbal de-escalation. This continued training seems to be correlated to the decreased number of sustained injuries for our citizens and, excluding an incident where 3 officers were injured, the agency is not seeing an increase of injuries to officers. It should be noted the incident where 3 officers and 2 suspects were injured there was no attempt or opportunity for soft empty hand techniques as the incident involved a foot pursuit of suspected burglars involved in a string of burglaries.

### Professional Standards Unit

**Figure 6**

Description	2011	2012	2013	2014	2015	Difference 2014/2015	% Change 2014/2015
Total Incidents Received	715	794	1305	1637	1876	239	13%
Administrative Investigations	14	10	5	5	13	8	62%
Service Complaints	129	88	86	120	125	5	4%
Citizen Commendations	102	108	118	116	105	-11	10%
Commendations	191	200	241	241	305	64	21%
Early Intervention Program	2	1	0	0	0	0	No Change
Employee Grievance	0	3	1	0	0	0	No Change
Vehicle Accidents	24	24	22	33	17	-16	-52%
Vehicle Pursuits	3	2	2	4	3	-1	-33%
Photo Radar	19	6	4	3	3	3	No Change
<b>Service Complaint Findings</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Difference 2014/2015</b>	<b>% Change 2014/2015</b>
Exonerated	40	30	24	31	28	-3	-11%
Unfounded	40	29	34	44	66	22	33%
Not Sustained	4	2	3	4	10	6	60%
Sustained	43	24	24	41	38	-3	-8%

Retired	0	0	1	0	0	0	No Change
<b>Service Complaint Discipline</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Difference 2014/2015</b>	<b>% Change 2014/2015</b>
Letter of Reprimand	10	8	4	4	6	2	33%
Written Counseling	7	3	4	8	10	2	20%
Verbal Counseling	23	11	16	38	22	-16	-73%
Training	2	2	2	1	1	0	No Change
<b>Administrative Investigation Disposition</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Difference 2014/2015</b>	<b>% Change 2014/2015</b>
Exonerated	2	0	2	0	0	0	No Change
Unfounded	2	1	0	1	4	3	75%
Not Sustained	3	1	0	0	1	1	100%
Sustained	6	7	2	3	8	5	63%
Resigned Prior to completion	0	1	1	1	0	-1	-100%
<b>Administrative Investigation Discipline</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Difference 2014/2015</b>	<b>% Change 2014/2015</b>
Termination	1	1	0	0	1	1	100%
Resigned	0	1	1	0	0	0	No Change
Demotion	0	2	0	0	0	0	No Change
Suspension	2	3	1	2	2	0	No Change
Letter of Reprimand	2	0	0	1	4	3	75%
Written Counseling	0	0	0	1	0	-1	-100%
Verbal Counseling	0	0	1	0	2	2	200%
Retired	0	0	0	1	0	-1	-100%
No Action Taken	1	0	0	0	0	0	No Change
<b>Vehicle Accident Findings</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Difference 2014/2015</b>	<b>% Change 2014/2015</b>
Preventable	16	15	9	21	11	-10	-47%
Non-Preventable	8	9	13	12	5	-7	-58%
Preventable/Justified	0	0	0	0	0	0	No Change
<b>Vehicle Accident Discipline</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Difference 2014/2015</b>	<b>% Change 2014/2015</b>
Suspension	0	0	0	0	0	0	No Change
Letter of Reprimand	2	0	0	1	1	0	No Change

Written Counseling	1	0	0	0	0	0	No Change
Verbal Counseling	12	15	9	20	10	-1	-10%
Training	1	0	0	0	0	0	No Change
<b>Vehicle Pursuits Findings</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Difference 2014/2015</b>	<b>% Change 2014/2015</b>
Out of Policy	1	0	0	0	0	0	No Change
Within Policy	2	1	2	4	3	-1	-33%
Determined Not a Pursuit	2	1	0	0	0	0	No Change
<b>Vehicle Pursuit Discipline</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Difference 2014/2015</b>	<b>% Change 2014/2015</b>
Suspension	0	0	0	0	0	0	No Change
Letter of Reprimand	0	0	0	0	0	0	No Change
Written Counseling	0	0	0	0	0	0	No Change
Verbal Counseling	2	0	0	0	0	0	No Change
Training	2	0	0	0	0	0	No Change

### Commendations/Complaints (CALEA 52.1.1)

The Professional Standards Unit uses a tracking software system called IA Pro. IA Pro allows for accurate records of complaints and commendations received by the Peoria Police Department and citizens. Additional software called Blue Team augments the IA Pro software. Blue Team allows certain incidents traditionally tracked in an employee's individual performance record (IPR) or in CAD to be entered into Blue Team. The IA Pro database has improved the accuracy by which complaints, commendations, and other performance issues are processed, tracked, and monitored for consistency. IA Pro also tracks use of force incidents, vehicle accidents, supervisor notes, firearm discharges, employee grievances, drug screenings, and inspections. IA Pro and Blue Team continue to be a valuable tool for PSU and the members of the Peoria Police Department as we strive to meet our department goal of building partnerships and trust with the community we serve.

### Complaint/Commendation Process

When a complaint is received, it is classified into one of two categories based upon the potential discipline or allegation an employee would receive if the allegation is proven to be true. These two classifications are:

- Administrative Investigation: The allegation, if true, would result in more than a letter of reprimand.
- Service Complaint: The allegation, if true, would result in no more than a letter of reprimand.

Complaints classified as Administrative Investigations (AI) are investigated by the Professional Standards Unit (PSU) due to the severity of allegations and/or the potential level of discipline.

Complaints classified as Service Complaints (SC) will normally be investigated by the involved employee's supervisor. (CALEA 26.1.5; 52.2.1)

### 2015 Incidents

PSU received 1876 contacts from citizens and Department personnel. Compared to 2014, PSU received 239 more incidents in 2015 or a 13% increase in entries tracked through IA Pro. Of the 1876 contacts, 410 or 22% resulted in commendations for Peoria Police Department employees. In comparison, only 138 or 7% of the 1876 contacts resulted in a complaint. The remaining contacts consisted of use of force, vehicle accidents, drug screens, K-9 kit audits, MDC audits, and other incidents tracked by IA Pro located in the figure 6 of this report.

When looking at the 1876 incidents received in PSU, 211 were from citizens. There are multiple methods for citizens to file commendations and complaints.

- Citizens can call the PSU hotline.
- Citizens can download the Commendation/Complaint Form from the City of Peoria website and mail it. This form can also be submitted on-line.
- Citizens can enter the lobby of both precincts and fill out a Commendation/Complaint Form. This form is also available in Spanish.
- Citizens can email commendations and complaints directly to PSU without completing the form.
- Commendations and complaints can also be filed with any police supervisor. (CALEA 52.1.4)

PSU takes action on all complaints, regardless if the citizen provides their identity or remains anonymous. (CALEA 52.1.1)

### Investigations of Complaints

The Professional Standards Unit utilizes a process, developed in 2003 and modified in 2011, to comply with Arizona Revised Statute (ARS 38-1101) laws concerning officers' bill of rights on how investigations are handled. The Department has two forms of investigative formats;

- **Administrative Investigation** – a non-criminal investigation, ordered by the Chief of Police, to determine the facts of what occurred in response to an alleged or suspected violation of an established rule, regulation, policy, or procedure. The investigation is reviewed by the involved employee's chain of command to determine if a violation has occurred and recommend corrective action to the Chief of Police.
- **Service Complaint (CALEA 26.1.5)** – The investigative process conducted by the initiating supervisor to determine if a violation of policy has occurred and to administer the appropriate level of corrective action or procedural changes.

The possible findings for complaints investigated at any level are:

- a. **Unfounded:** The events or allegations reported by the complainant did not happen or were false.
- b. **Exonerated:** The allegation did occur but the employee's actions were lawful, proper, and within department policy.
- c. **Not Sustained:** The allegation against the employee could not be proven or disproven during the investigation.

- d. Sustained: The allegation against the employee met the “standard of proof” and was determined to be true.

**Administrative Investigations:**

A total of 13 Administrative Investigations (AI) were authorized by the Chief of Police in 2015. AI’s are reviewed by a Discipline Review Panel (DRP) that consists of the employee’s chain of command. Of the 13 investigations in 2015, a DRP convened for 12 of them. Seven investigations were ‘sustained’, four were unfounded, and one investigation was ‘not sustained’. Of the sustained investigations, discipline ranged from written counseling to suspension.

- PSU met all required time limit requirements for notification and completion of investigations as directed by policy. (CALEA 52.2.3)

**Dismissals/Terminations (CALEA 26.1.8)**

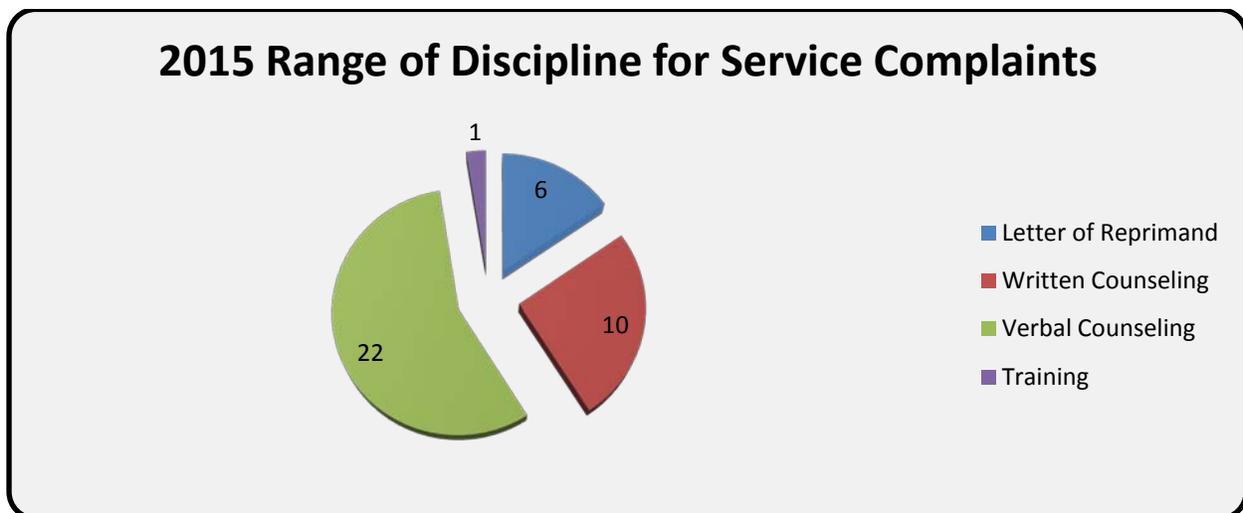
The Peoria Police Department did not dismiss any employees in 2015.

**Service Complaints (CALEA 26.1.5)**

During 2015 a total of 125 service complaints were processed by PSU with 103 being brought forth by a citizen. Service Complaints are tallied by incident, not the involved officer or allegation. One service complaint can involve more than one officer and more than one allegation. These 125 complaints involved 49 different employees, with 11 employees involved in 2 or more complaints. 17 complaints involved “unknown officers”. PSU uses the category “unknown officer” to track citizen complaints that truly involve an unidentified officer. In the past, to include throughout 2015, ‘unknown officer’ category or ‘no linked officer’ has also been used to track complaints that are not directed at a specific employee, the allegation is baseless, or after the citizen speaks to PSU they no longer wish to file a complaint. Based on this practice it was identified that some of the reported ‘service complaint’ numbers and ‘unknown officer’ numbers could be misrepresented. At the beginning of 2016 a new category of ‘Citizen Inquiries’ was created and will be used in these circumstances.

The findings of these 125 complaints are shown in figure 6. Discipline resulting from sustained investigations is shown in figure 7:

**Figure 7**



There were no investigations that required officers to have medical or laboratory examinations,

photographs, be subjected to a line-up, disclose financial statements, or take a test that would detect deception. This criterion is outlined in Peoria Police Department policy 1020. (CALEA 52.2.6.)

Figure 8 is a five year comparison of discipline in connection to sustained Administrative Investigations. (CALEA 26.1.8)

Figure 8

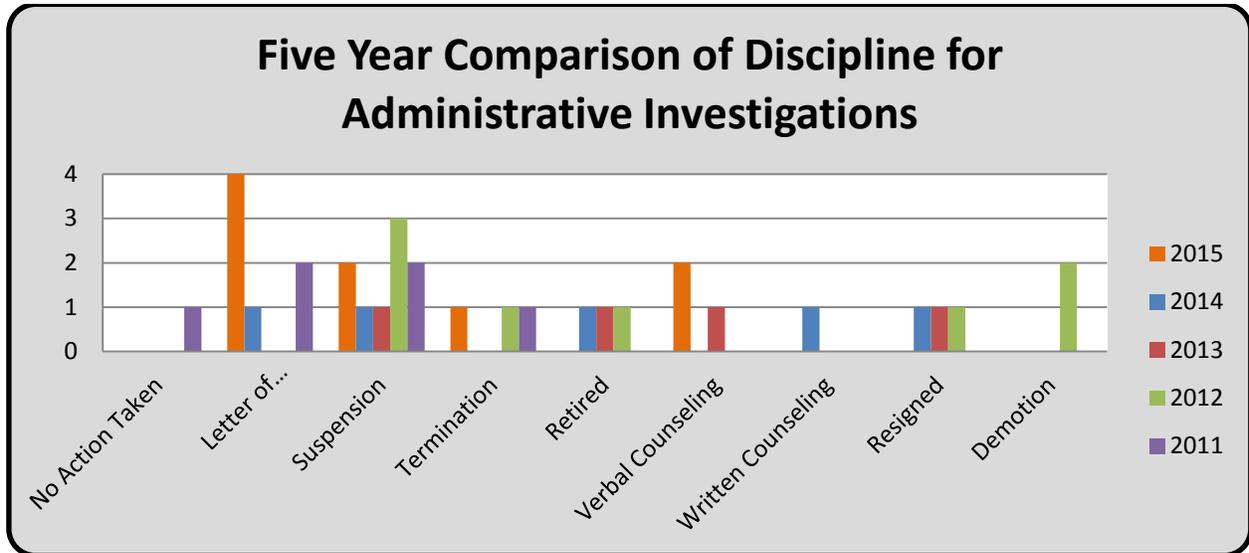


Figure 9 is a five year comparison of discipline in connection to sustained Service Complaints. (CALEA 26.1.5)

Figure 9

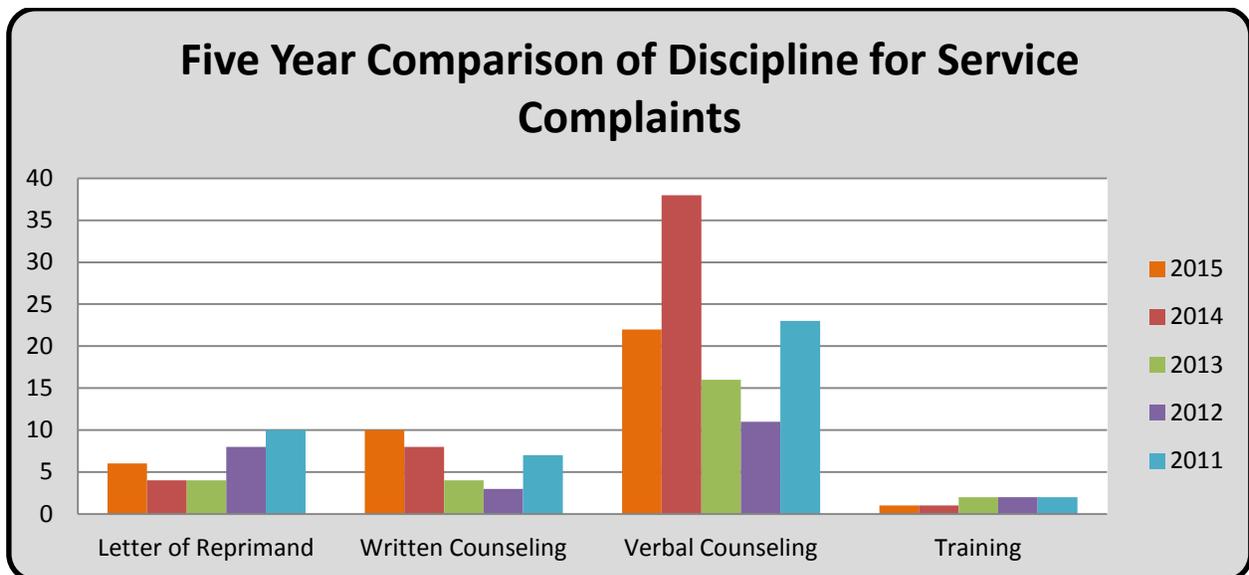
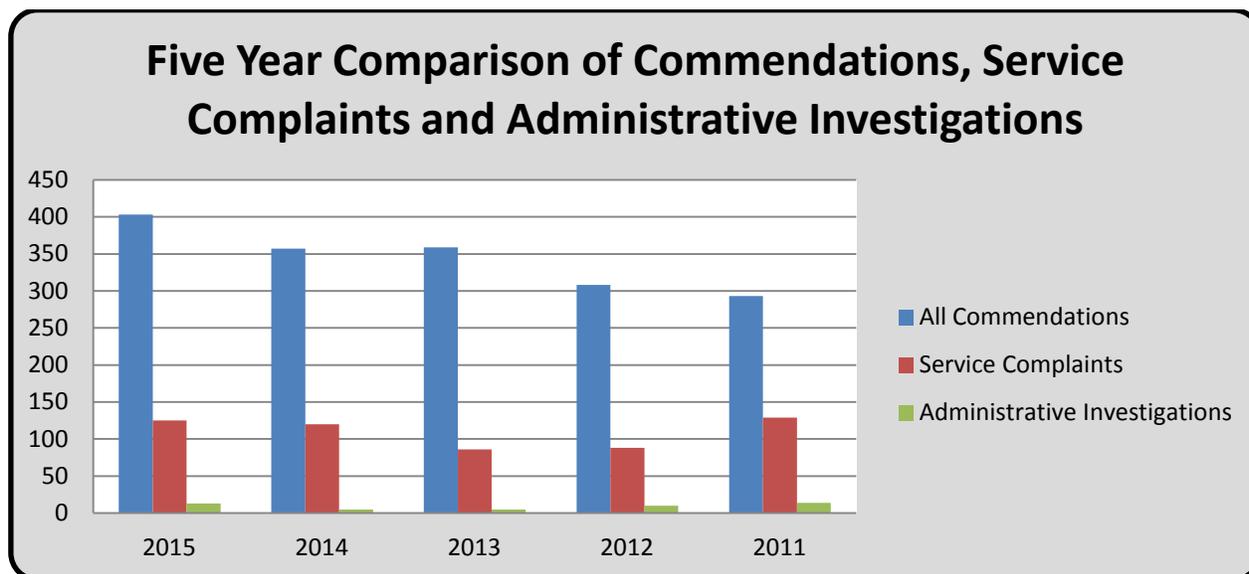


Figure 10 is a five year comparison of Citizen Commendations, Commendations, Service Complaints, and Administrative Investigations received in PSU. (CALEA 52.2.1)

Figure 10



### Biased Based Profiling Concerns: (CALEA 1.2.9)

In 2015 the department received two complaints of Biased Based Profiling.

The first incident was received by PSU when a citizen called wanting to file a complaint on several officers and a sergeant for how they handled a call for service involving his son, who was eventually arrested for Disorderly Conduct. The citizen described how his family has been having a problem with a neighbor's son who has been driving recklessly around the neighborhood. The caller tried to address the issue in a neighborly way with the neighbor which met with negative results. Things between the two families have been deteriorating over the past few weeks. On the day in question the neighbor's son was driving by the caller's residence which led to a confrontation between the caller's son and the neighbor's son which eventually led to the caller's son being arrested. The caller stated he feels that there has been a delay in police response when he calls for service, but believes that the neighbor's family gets a quicker response when they call. He feels that his family's contact with officers when he gets a response has been unsatisfactory and believes this unsatisfactory performance by police personnel is because he is Hispanic. After an administrative investigation was completed, the Discipline Review Panel found that this incident was 'unfounded'.

The second concern was received through the mail from a citizen. The citizen wrote: "I was pulled over by an officer for speeding. When the officer walked over to my mother's side of the car, he asked us both if we had any guns or weapons. I know he wouldn't be asking that if we were white. What kind of question is that? Is it because we are Hispanic? Is this racial profiling?" After receiving the inquiry, PSU contacted the officer's supervisor and went over the letter. Due to the officer recording all of his traffic stops to assist in service complaint resolution PSU was able to listen to the contact in question and a few others to compare. After a review of the audio recording and other random recordings nothing of concern was identified. PSU contacted the citizen by phone and explained that the officer audio records all of his traffic contacts and that the officer asks all drivers if there are weapons in the vehicle. It was further explained that the officer does this for his safety and to prevent an accusation of racial profiling. Once this information was explained to the citizen she stated wanted to drop her formal complaint and asked that the officer's supervisor speak to him about being friendlier. This

incident was ‘unfounded’.

A review of both complaints received this year identified no trend associated with the contacts. A suggestion could be made that the officers pay close attention to the language they use while speaking with the public, as well as explaining the officer’s actions in a way that ‘non-law enforcement’ personnel will understand. Officers sometimes forget that a ‘routine’ question or statement in their view might be perceived differently by a citizen, especially if it is the first time this citizen has had police interaction. This information was shared with training staff to assist in the development of bias based profiling training in the future.

Training on racial or bias based profiling is conducted as directed by the Training Section. Each new member to the department receives bias based training during their initial orientation. In July 2014, the department sent out a Daily Training Bulletin covering bias based profiling. The bulletin included different scenarios an officer is likely to encounter while on patrol and offered analysis and conclusions to the scenarios. The bulletin also covered portions of Department Policy 402 – Racial or Bias Based Profiling.

An annual review of departmental efforts to prevent bias based profiling is conducted by the Deputy Police Chief of Operations. The review is forwarded to the Chief of Police to identify any changes in training or operations.

### **Vehicle Operations and Safety Committee (VOSC)**

The VOSC is comprised of 9 department employees from various rank and positions within the department and is chaired by a department lieutenant. The VOSC is responsible for reviewing all employee involved collisions and pursuits. Their review involves actions made by employees, policy and training. The VOSC determines if the collision was “preventable” or “not preventable” with regard to the employee’s actions. If the VOSC determines the collision was preventable, the involved employee is subject to discipline. The VOSC will also make recommendations on policy changes or training needs.

Employee involved collisions are entered into Blue Team in the same manner already described for Use of Force entries. The positive feedback on the new streamlined process for reviewing Use of Force incidents inspired the same process to be carried over to the VOSC. All VOSC members are reporting that the new procedure is working well and allows for a more timely review and conclusion to employee collisions.

During 2015, Peoria Police employees were involved in a total of 17 vehicle collisions. This was a 52% decrease from the 33 collisions in 2014. Of those 17 vehicle collisions, 5 were determined “not preventable” or the employee was not at fault for the collision and 11 were determined “preventable” or the employee was at fault for the collision, as determined by the Vehicle Operation Safety Committee. Figure 11 is a five year comparison of preventable and non-preventable vehicle collisions. Figure 12 is a five year comparison of all the primary collision factors. Inattention and backing were the top reasons cited as the primary cause of collisions in 2015.

This dramatic decrease in vehicle accidents, more notably the 52% decrease in “preventable” collisions can be contributed to a few factors. First the Chief of Police ordered all “preventable” vehicle collisions forwarded to him for final review.

Second the chief made it a priority of the department training section to identify a training

program to bring driving safety and awareness to the attention of Peoria Police employees. A program called “Below 100” was implemented, and officers continued to receive training and reviews from their Sergeants. Part of the program’s focus is to get officers to wear their seatbelts, slow down, and focus on their driving. In addition to the training, the department has implemented constant reminders by placing signage up where employees enter and exit the parking area again to ensure that they are focused on the tenets of “Below 100”.

Of the 11 “preventable” collisions, 7 involved employees who had not been involved in a preventable collision for over 3 years.

Figure 11

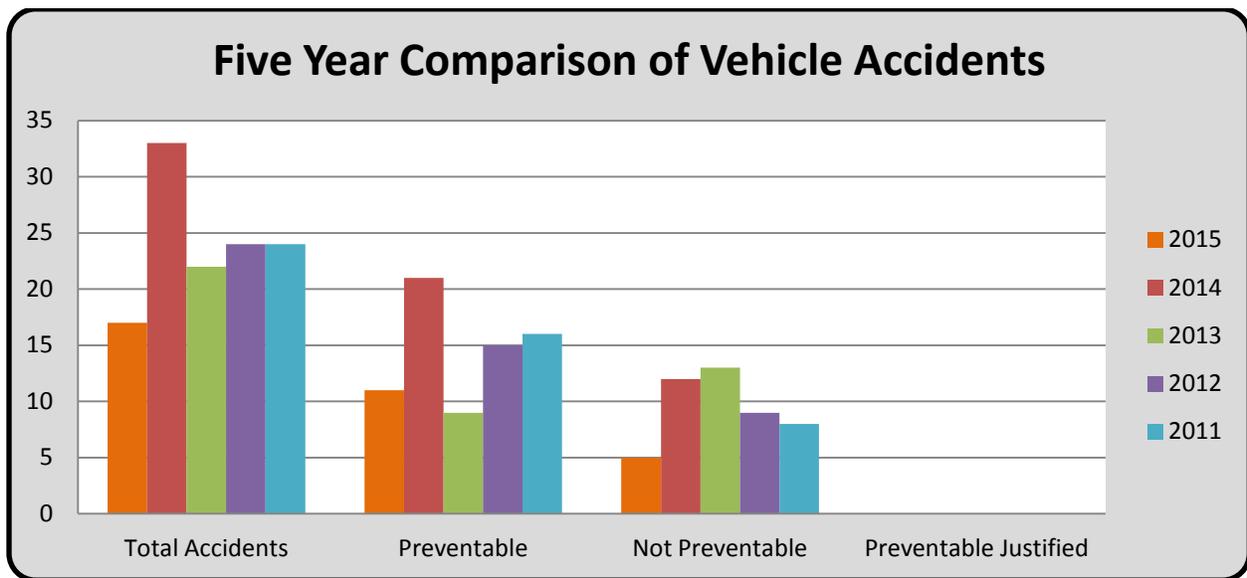
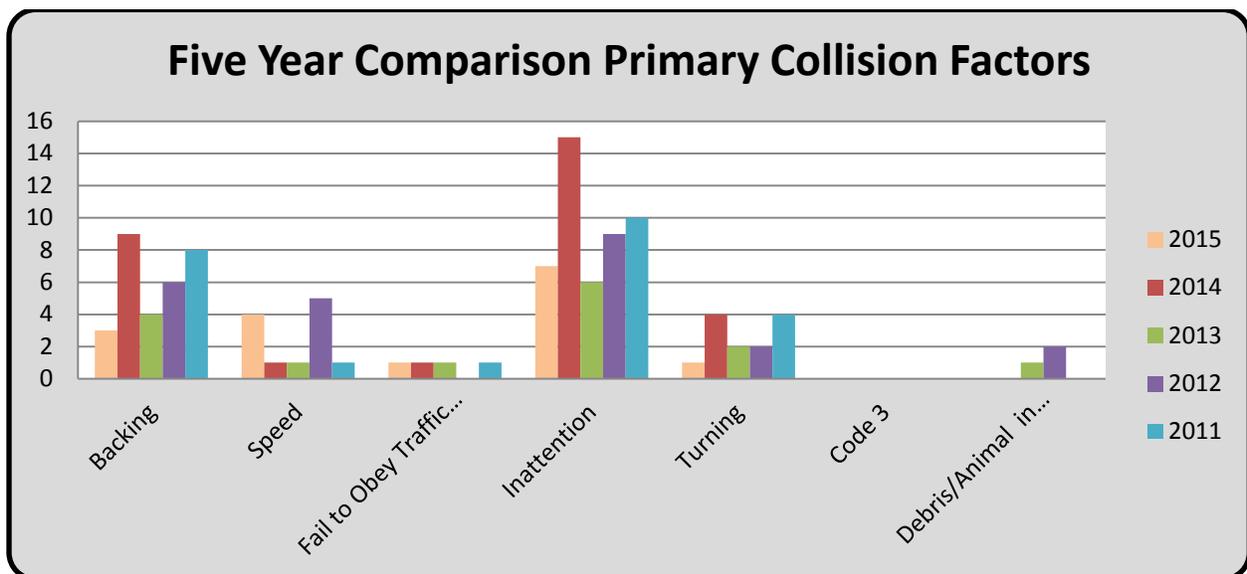


Figure 12



Discipline for Peoria Police employees found to be at fault in a vehicle collision ranges from

verbal counseling to suspension and is determined by Department SOP GEN-706. Of the 11 collisions in 2015 that were deemed preventable, 10 officers received a verbal counseling and 1 officer received a letter of reprimand. For all 10 officers this was their first collision within the past 3 years.

### Pursuits (CALEA 41.2.2)

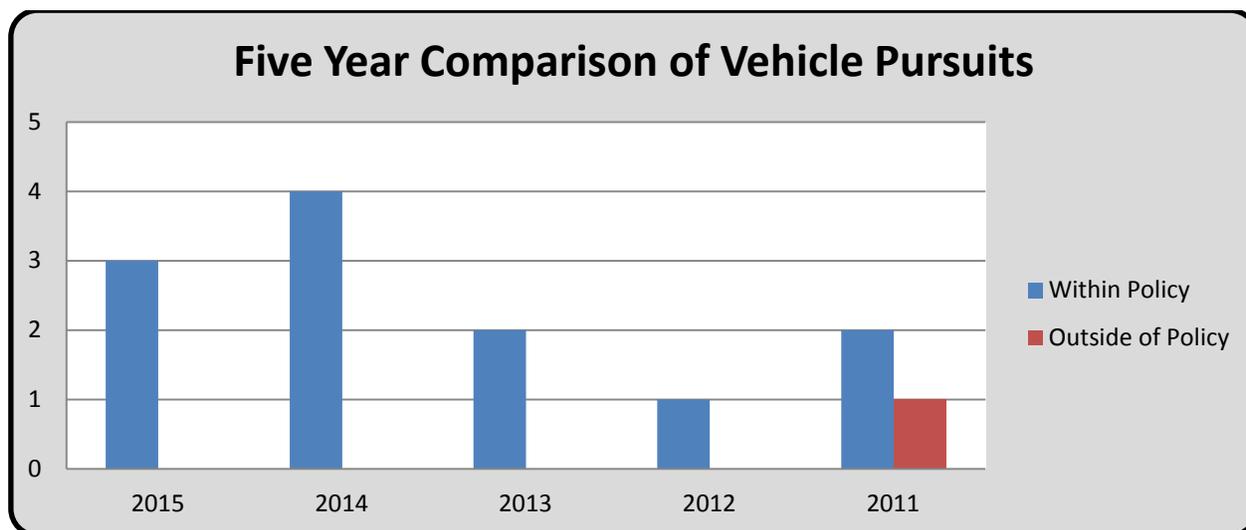
In 2015, the Peoria Police Department was involved in three vehicle pursuit incidents; each was reviewed by the VOSC. All three pursuits were determined to be within policy.

The VOSC conducted a review of the vehicle pursuit policy and pursuit training. The VOSC recommended a minor change to the verbiage of policy PSB 314 (Vehicle Pursuits). The original verbiage read, "...civil traffic infractions will not be pursued." The recommended verbiage reads, "...civil traffic infractions will not *ordinarily* be pursued." This proposed addition was recommended to allow officers to better evaluate the totality of the circumstances when choosing to initiate a pursuit.

The VOSC reports that the current reporting and review procedures are functioning well and are recommending no changes to the process.

Figure 13 is a five year comparison of vehicle pursuits.

**Figure 13**



### Road Blocks and Forcible Stopping of Vehicles (CALEA 41.2.3)

In 2015 there were no incidents of forcibly stopping a vehicle, even with the use of "stop sticks". In one incident the pursuit was terminated after the Air Ship was able to be dispatched and located the suspect vehicle. As the Air Ship took the lead, officers broke off the pursuit allowing the Air Ship to follow the suspect safely until he fled the vehicle and left on foot. This incident indicates that officers are not getting caught up in "tunnel vision" and failing to utilize tools that they have to ensure that safety is the number one priority.

### Grievances: (CALEA 25.1.3)

A "grievance" is any dispute regarding the meaning, interpretation, or alleged violation of the Administrative Regulations. This includes any written allegation by an employee concerning the

interpretation or application of rules and regulations governing personnel practices, Peoria Police Department work rules, working conditions, or alleged improper treatment of an employee, in which the complaint has not been resolved satisfactorily in an informal manner between the employee and their immediate supervisor.

Employees are encouraged to resolve problems with their immediate supervisor or lowest level of supervision before initiating a formal grievance.

The Police Chief meets weekly with members of the collective bargaining units to discuss potential problems and concerns in an effort to resolve them at the earliest moment. In 2015, monthly meetings began between Human Resources, the City Attorney's Office, the Police Chief and the Peoria Police Officers Association. The purpose of the meeting is to identify possible issues and work together on a mutually agreed upon resolution. Additionally, the Police Chief holds regular "open door" days where any member can have direct access to discuss concerns.

As a result of these efforts, in 2015, there were no formal grievances filed by any department employees. These processes appear to assist in promoting free verbal communication between employees, supervisors, managers and city leadership. Furthermore, city and department grievance policy and procedures which are already in place are effective and function well when or if formal grievances are filed.

Maintenance and control of grievance records are maintained in IA Pro from 2009 until present day. The only people that have access to IA Pro are PSU personnel.

#### **Disciplinary Action Appeals (CALEA 26.1.6)**

No appeals were filed in 2014.

#### **Early Intervention Program CALEA 35.1.9)**

In 2014, PSU formalized the process of the Early Intervention Program with the addition of Policy 1019. The Early Intervention Program (EIP) is designed to provide assistance or training to employees experiencing/potentially experiencing performance or personal difficulties and provide them assistance or training in a non-punitive way. EIP was designed as a non-punitive tool that will allow employees an opportunity to overcome problems without the stigma of discipline in a proactive manner. Assistance offered to employees can come from a variety of support services offered through the city's Employee Assistance Plan, such as counseling, financial services, legal services, and childcare or eldercare assistance. Peer counseling, mentoring or additional training may be considered as additional options to assist employees.

In 2015, 44 alerts were forwarded to lieutenants for review and consideration of additional action. From these alerts, one employee was recommended for an Early Intervention Program (EIP) and several others were offered the Employee Assistance Program (EAP). Employees are reminded that early warning alerts are non-disciplinary and are intended to create an opportunity for supervisors/managers to converse with employees reference the alert as a matter of general discussion to determine if there are any personal or professional concerns or influences that could be affecting the employee's job performance.

Also during this process PSU monitored the number of alerts generated based on the threshold levels. In the beginning of the year the "overall" threshold was set at five. This level was generating alerts on over 25% of all patrol officers. After evaluation, that setting was adjusted to six, in the interest of focusing on a smaller percentile of the work group. PSU will continue to monitor these settings in the future.

Incident thresholds were set at the following levels:

- (3) *Service Complaints* within a 12 month period
- (4) *Use of Force* incidents within a 12 month period
- (3) *Photo Radar* incidents within a 12 month period
- (2) *Pursuits* within a 12 month period
- (2) *Firearm Discharges* within a 12 month period
- (2) *Administrative Investigations* within a 12 month period
- (2) *Vehicle Accidents* within a 36 month period
- (6) *Overall Incidents Listed* within a 12 month period

### **Audits/Inspections: (84.1.6)**

#### **Controlled Substance Screening**

All Peoria Police Department sworn personnel are subject to quarterly random drug screenings. Banner Health supplies the City of Peoria's Human Resources Department with a random selection each quarter. The Human Resources Department then provides the Professional Standards Unit with the names of the randomly selected employees for drug screening. The Professional Standards Unit insures the randomly selected employees are notified and the random drug screen is performed in a timely manner. In the year 2015, there were no positive returns from Banner Health.

#### **Document Purging (CALEA 26.1.8)**

On a monthly basis in 2015, an audit and review for internal PSU files was conducted. Per Arizona State Law and department policy, all Professional Standards files must be purged three years after the completion date of the investigation. Involved employee names were purged from IA Pro per policy and retention laws.

#### **K-9 Drug Testing Kit (CALEA 84.1.4)**

Throughout 2015, the K-9 supervisors periodically inspected all K-9 narcotic training kits and those inspections were processed through Blue Team on a quarterly basis. All of the quarterly inspections returned with no discrepancies.

In June and October 2015, the Professional Standards Unit conducted an unannounced internal compliance inspection on all K-9 narcotic training kits and facilitated the replacement of each training kit. Each of the four "old" kits issued to the K-9 officers were visually inspected and weighed and each kit was within compliance of Department policy. Each "new" training kit was inspected and weighed prior to issuance.

In November and December 2015, the Professional Standards Unit conducted unannounced inspections on the K-9 officers' assigned vehicles and home kennels. The inspection of the vehicles also included the locked storage compartments within the vehicles used to secure and transport the training kits. The vehicles and home kennels were within compliance of Department policy. A recommendation was made to replace one of the home kennels as it was noted that 'general wear' of the fence was occurring. This recommendation was approved and the process of replacement has begun.

#### **Mobile Data Computer/Positron Messages**

Random audits were conducted quarterly on Mobile Data Computer and Positron messaging in 2015. The messages are read by citizen volunteers and the Professional Standards Unit to ensure

employees are following policy. The audits found all reviewed messages to be in compliance with department policy.

**Internet Use**

In late September 2011, the Peoria Police Department released internet access to all Mobile Data Computers in the field. This Audit/Inspection is a result of this release. The Professional Standards Unit conducted quarterly Audit/Inspections of the entire police department's internet usage.

During 2015, the Professional Standards Unit has seen no incidents of concern.