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**DATE:** April 1, 2010

**TO:** Larry Ratcliff, Chief of Police

**FROM:** Professional Standards Unit

**SUBJECT:** Professional Standards Unit 2009 Calendar Year Summary Report

This report is the 2009 calendar year activity summary for the City of Peoria Police Department Professional Standards Unit.

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 Disciplinary Advisory Board, the Vehicle Operations and Safety Committee, the Early Intervention Program, the Department grievance and appeal processes, pending litigation records, Equal Employment Opportunity Complaints, Department Controlled Substance Screening Program, Department Inspections and Audits, and assisting the City Attorney's Office and the Human Resources Department with matters pertaining to Police Department personnel matters. The unit is also responsible for the training of Department personnel in matters relating to the functions of the Professional Standards Unit.

The Professionals Standards Unit has two personnel assigned—Lieutenant Patrick McDonnell and Sergeant Stephen Hadley.

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

The following is an analysis of the force used by Peoria Police Officers from January 1, 2009 through December 31, 2009. This analysis was conducted by utilizing the information listed on Peoria Police Department Form Number 102-009 (Use of Force Response Option). The following analysis is taken from responses made on the 2009 Use of Force Response Option Form which cover the following areas:

- 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 O.C. spray and discharged it at another person
  - Officer used Pepper Ball System and discharged it at another person
  - Officer used hard empty hand control technique
  - Officer used (i.e. expandable baton, flashlight, etc.) as a hard impact weapon
  - Officer used the Stun Bag Shotgun and discharged it at another person
  - Police Service Dog was utilized and the following action was taken
    - Police service dog bit someone other than the subject
    - Police service dog's bite resulted in an injury/alleged injury to the suspect
  - Taser
    - Laser point utilized
    - Arc for compliance
    - Discharge of Probes
    - Drive stun
- Firearms
  - Officer intentionally discharged a firearm
  - Officer unintentionally discharged a firearm
- SAU and MFF
  - Use of Chemicals (O.C. spray, C.S. gas, C.N gas or Pepper Ball System)
  - Stun bag shotgun deployed
  - Riot Shield/Ballistic Shield used in a defensive strike
  - Deployed other less-lethal kinetic batons
  - Deployed smoke or diversionary devices
  - Pepper Ball System deployed in unlawful assembly situation

### **INCIDENT REVIEW**

- In 2009, there were 37 incidents in which Peoria Police Officers documented at minimum, one level of force utilized. In comparison, there were 38 incidents in 2008.

(Note: 2007 incidents show a total of 42, however, the “Times” portion on the Use of Force Chart (listed below) indicates 41 which is an error. As this is previous information the calculation was not changed.)

### Use of Force Chart

Description	2007	2008	2009	Difference 2008/2009	% Change 2008/2009	Comments
Use of Force Incidents	42	38	37	-1	-3%	
Calls for Service	103,450	109,181	103,557	-5624	-5%	
Arrests	3200	3896	3811	-85	-2%	
Sworn Full Time Employees	182	185	190	5	3%	
Use of Force Resulted in an Injury/Alleged Injury	6	5	8	3	60%	
Use of Force Resulted in Death	1	0	0	0	NC	
Description	2007	2008	2009	Difference 2008/2009	% Change 2008/2009	Comments
O.C. Spray	4	3	1	-2	-67%	
Pepper Ball System	0	0	0	0	NC	
Hard Empty Hand Control Technique	1	12	18	6	50%	
Expandable Baton	0	0	0	0	NC	
Hard Impact Weapon	0	1	1	0	NC	
Less Lethal Stunbag Shotgun	0	0	0	0	NC	
Police Dog	3	0	4	4	400%	
Taser	22	20	12	-8	-40%	
Urban Patrol Rifle	3	0	0	0	NC	
Discharge of Firearm (Intentional)	3	2	1	-1	-50%	1 Discharge of weapon (Peron) rounds hit vehicle suspect was standing next to
Discharge of Firearm (Unintentional)	1	0	0	0	NC	
Discharge of Firearm (Accidental)	0	0	0	0	NC	
SAU/MFF Use of Force	2007	2008	2009	Difference 2008/2009	% Change 2008/2009	Comments
Urban Patrol Rifle	0	0	0	0	NC	
Pepper Ball System	0	0	0	0	NC	
Less Lethal Stunbag Shotgun	0	0	0	0	NC	
Less Lethal Kenetic Baton	0	0	0	0	NC	
Smoke or Diversionary Device	0	0	1	-1	NC	
Times	2007	2008	2009	2008 Percentage	2009 Percentage	Difference 2008/2009
Day Shift (0600-1600)	6	8	8	21%	22%	0
Evening Shift (1600-2200)	10	10	12	26%	32%	2
Night Shift (2200-0200)	16	15	10	39%	27%	-5
Late Night (0200-0600)	9	5	7	13%	19%	2

(Note: NC = formula could not calculate based on zero (0))

- In 2009 there were 103,557 Calls for Service. In 2008, there were 109,181. This is a decrease of 5624 Calls for Service or a 5% decrease.
- In 2009, there were 3,811 arrests. In 2008, there were 3,896. This is a decrease of 85 arrests or a 2% decrease.

**(Note: Calls for Service and Arrests were extracted from the Peoria Police Department Strategic Planning and Research Section statistical database)**

- In 2009, the Department had 190 Sworn Full-Time Employees authorized. In 2008, the Department had 189. This is an addition of 1 officer or a 1/2% increase.

## **INJURY/DEATH**

- Of the 37 total Use of Force incidents in 2009, there were 8 reports that an Officer's use of force resulted in an injury/alleged injury to another. This is an increase of 3 incidents or a 60% increase from 2008.
- There were no uses of force in 2008 that resulted in the death of a human. There was 1 use of force where an officer discharged his weapon at a suspect for pointed a firearm at him. Loss of human life due to an officer's use of force remained the same at zero for the year of 2009.

## **LESS-LETHAL OPTIONS**

- Of the 37 total Use of Force incidents in 2009, O.C. spray was used 1time. This is a reduction of 2 incidents or a 67% decrease from 2008.
- Of the 37 total Use of Force incidents in 2009, the Pepper Ball System was not utilized. There was no increase or decrease from 2008 as records show the Pepper Ball System has not been utilized since 2006.
- Of the 37 total Use of Force incidents in 2009, hard empty hand control techniques were used 18 times in 2008. There was an addition of 6 incidents or a 50% increase from 2008. The increase in hard empty hand control from 2008 can be attributed to the rewrite of Peoria Police Policy 1.03A, the addition of a PSU tracking mechanism, and multiple uses of force during one incident being captured individually.
- Of the 37 total Use of Force incidents in 2009, there were no reported uses of the expandable baton. There was no increase or decrease from 2008, as records indicate the expandable baton has not been utilized since 2006.
- Of the 37 total Use of Force incidents in 2009, there was 1 incident of an officer using a hard impact weapon. There was no increase or decrease in the use of hard impact weapons from 2008.
- Of the 37 total Use of Force incidents in 2009, the less-lethal stun bag shotgun was not utilized. There was no increase or decrease from 2008 as records indicate the stun bag shotgun has not been utilized since 2006.
- There were 4 incidents where a police dog was utilized as a Use of Force in 2009. This is increase of 4 incidents or a 400% increase compared to 2008.
- Of the 37 total Use of Force incidents in 2009, the Taser was used 12 times. This is a reduction of 8 incidents or a 40% decrease when compared to 2008.

## **FIREARMS**

- Officers intentionally discharged a firearm in 1 incident in 2009. This was a reduction by 1 incident or a 50% decrease in comparison with 2008. **(1.3.6.a)**

- Officer used firearm in threat of life (AI09-001). The suspect pointed a rifle at the officer during a traffic stop of a vehicle for causing multiple disturbances throughout the city. The officer was placed on administrative leave in conjunction with normal days off and returned to work on July 06, 2009. **(1.3.2)**

**(Note)** Warning shots are prohibited by department policy—there were no violations of this policy in 2009. **(1.3.3)**

- There were no unintentional or accidental discharges of a firearm in 2009. This number stayed the same from year 2008. **(1.3.6.a)**

**(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.)

#### **SAU AND MFF USE OF FORCE**

- There were no incidents in which the Pepper Ball System (less-lethal) was deployed in 2009.
- There were no incidents in which the Stun bag Shotgun (less-lethal) was deployed in 2009.
- There were no uses of less-lethal kinetic batons in 2009.
- There was one incident of SAU deploying a smoke or diversionary device in 2009. This was an increase of 1 or a 100% increase from 2008.

#### **SIGNIFICANT INCREASES/DECREASES**

Review of the use of force statistics has revealed that there is a continuing rise in the hard empty hand control techniques. This number is balanced by the lower number of TASER usage and shows that officers are choosing to go “hands on” with suspects. The level of successes with the hard empty hand techniques is in correlation with the training of these techniques during in service training.

#### **FACTORS**

47% (18 out of 37) of the Use of Force incidents in 2009 involved either drugs or alcohol while 42% involved either drugs or alcohol in 2008. This is an increase of 5% when comparing 2008 against 2009. This percentage could be higher than what is noted as this

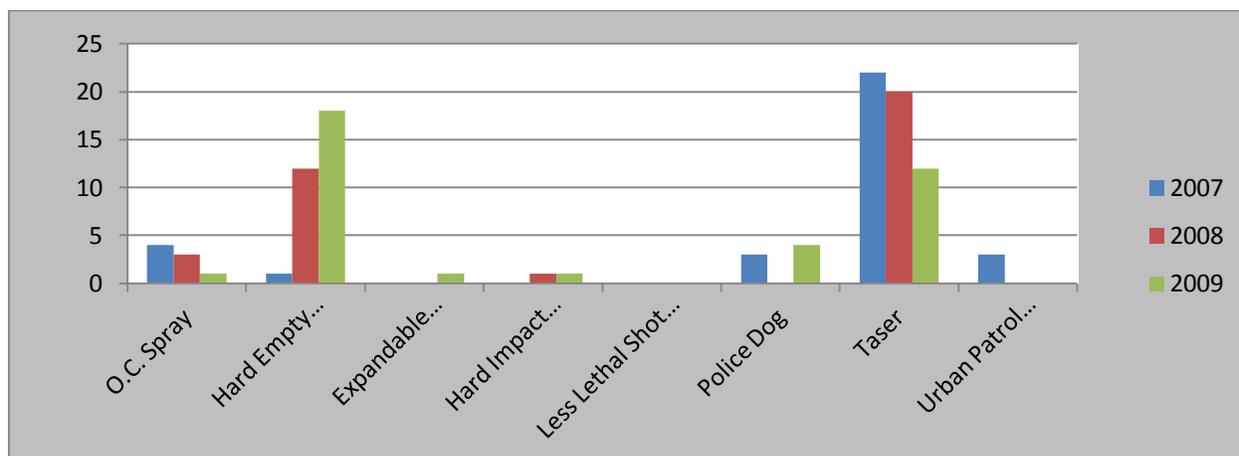
number is reliant on an officer making note of drug or alcohol use in his/her report.

## **TRAINING**

In 2009, Peoria Police Officers received mandatory in-service training in Taser deployment and were required to review the Use of Force Policy. In addition, all officers received Firearms Training in both the in-house range and Multiple Interactive Learning Objectives (MILO).

## **ANALYSIS**

Overall, the department saw a decrease in its use of force along with a decrease in arrests and calls for service. This can be attributed to an officer's training and his or her first line of defense (officer presence). Historically, it appears O.C Spray and baton uses are being deployed very minimally, if at all. It could be that officers are no longer required to carry these items on their duty gear and when time presents an opportunity for use, they are not available. It seems reasonable to believe that a decrease in the use of O.C Spray and baton would increase the use of the Taser (mandatory carry). But as shown above in the use of force chart, Taser use continues to decrease from 2007. It would appear officers are using the minimal amount of force necessary to control a subject and/or take them into custody.



## **Commendations/Complaints (CALEA 52.1.1, 52.2.1.a and 52.1.1.b)**

In January of 2009 the Professional Standards Units implemented a new tracking software system named IA Pro. The new system allows for more accurate account of complaints and commendations received by PSU. Better accuracy resulted in an increase in of complaints and commendations. Also within the complaints category we kept track of the use of force incidents, vehicle accidents, drug screening and MDC audits which was new for 2009.

The following numbers are a comparison of 2009 and 2008:

## 2008 numbers

PSU received 178 contacts from citizens and department personnel. Of those contacts 39 were commendations, 120 were complaints or concerns both external and internal, with the rest being inquiries for information.

Contacts received by telephone equaled 141, 19 were interdepartmental, 12 were received by the Professional Standards On-Line complaint/commendation process, 5 were received by walk-in, and 1 was received by a written letter.

## 2009 numbers

PSU received 300 contacts from citizens and department personnel. Of those contacts 62 were commendations, 90 were complaints or concerns both external and internal. The remaining numbers consisted of use of force, vehicle accidents, drug screens and MDC audits (which will be discussed later in this report).

Contacts received by telephone equaled 110, 127 were interdepartmental, 23 were received by the Professional Standards On-line complaint/commendation process, 9 were received by walk-in, and 31 were received by written letters.

<b>Disciplinary Actions</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Suspensions	4	1	2
Letter of Reprimands	2	1	0
Supervisory Counseling	0	1	4
Termination	0	1	1
Resignation in Lieu of	1	1	1

## Investigations

The Professional Standards Unit utilizes a process, developed in 2003, on how investigations are to be handled. The department has two forms of investigative formats. They are as follows:

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.

Preliminary Inquiry/Service Complaint – 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.

### **Administrative Investigations:**

During 2009 a total of 11 Administrative Investigations were authorized by the Office of the Chief of Police, the same when compared to 2008. Of the 11 investigations in 2009, 3 were exonerated, 1 was not sustained, 5 were sustained, 1 was unfounded, and 1 was preventable but justified. Discipline resulting from the 2009 Administrative Investigations was as follows:

- 1 - Written/Verbal Counseling
- 2 - Suspensions
- 1 - Resignation
- 1 - Termination

### **Preliminary Investigations (CALEA 26.1.4.c)**

During 2009 there were a total of 6 Preliminary Investigations which was a decrease of 16 investigations when compared to 2008. Of the 6 Preliminary Investigations in 2009, 2 were not sustained and 4 were sustained. Discipline resulting from the 2009 Preliminary Investigations was as follows:

- Four (4) Letters of Reprimand

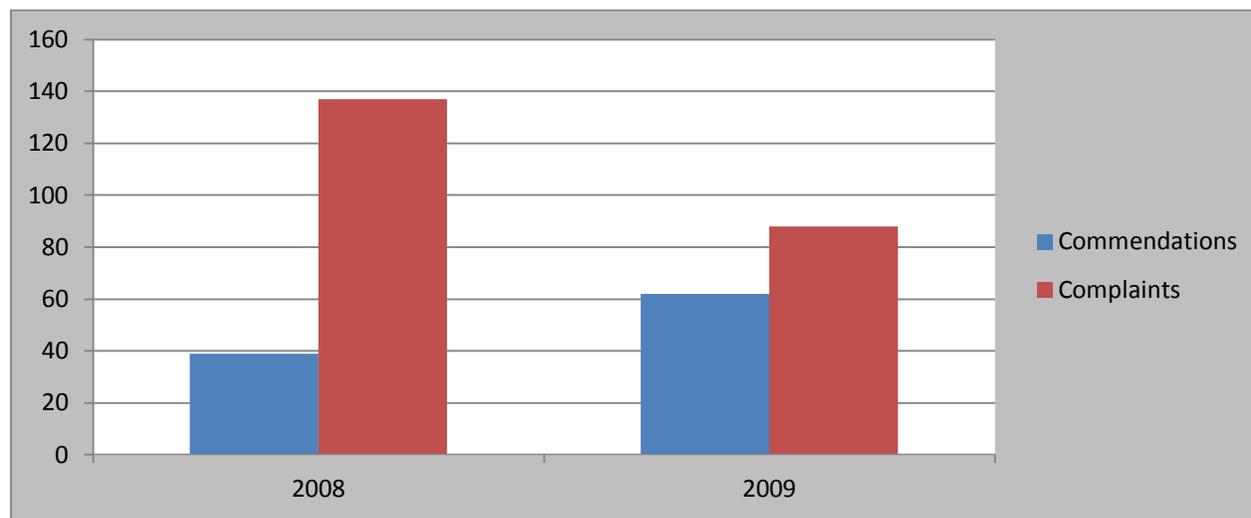
### **Service Complaints (CALEA 26.1.4.c)**

During 2009 there were a total of 71 service complaints. Of the 71 investigations 13 were exonerated, 25 were not sustained, 14 were sustained, and 19 were unfounded. The 14 sustained complaints involved 16 employees. Discipline resulting from these investigations:

- 3- IPR Entries
- 1- Training
- 2- Letter of Reprimand
- 8- Supervisory Verbal Counseling

### **The summary of all discipline for 2007, 2008 and 2009 is as follows: (CALEA 26.1.4.a)**

There were no investigations that required officers to have medical or laboratory examinations, photographs, be subject to a line-up, disclose financial statements, or take test that would depict deception. This criterion is outlined in Policy 5.01. **(52.2.6.a,b,c,d,e)**



(52.2.1.a and b)

### **Vehicle Operations and Safety Committee**

During 2009 there were a total of 31 vehicle incidents. This is an increase of 2 incidents as compared to 2008. Of the 30 vehicle incidents, 13 were not preventable and 18 were preventable. Of these accidents, 6 were attributed to backing, 2 were attributed to code 3 driving, 14 were attributed to inattention, and 8 were for miscellaneous reasons. Discipline resulting from these incidents is as follows:

- 14 – Written Counseling's
- 5 - Letter of Reprimand

### **Pursuit (CALEA 41.2.2.j)**

On August 8, 2009 the Vehicle Operations and Safety Committee reviewed a vehicle pursuit that occurred on April 30, 2009 between two officers and one civilian. Officers responded to a call for service regarding check welfare on a possible suicidal subject. Officers located the subject inside his vehicle parked at local hardware store. The first officer on scene activated his emergency lights and pulled in front of the subject's vehicle. The subject pulled out of the parking space, pointed his vehicle directly at the officer, and attempted to ram the officer's vehicle. The officer took evasive maneuvers and narrowly escaped a collision. Officers initiated a pursuit but the pursuit was concealed by the field supervisor. The suspect was later arrested. The committee determined that following the vehicle was a pursuit; however, the pursuit was in policy. The committee stated officers can pursue a vehicle if they have determined a violent felony may have taken place or is about to take place. The officers involved in the pursuit communicated they believed an aggravated assault on a police officer had occurred.

**Grievances: (CALEA 25.1.1.b,c,d)**

During the year of 2009 the Police Department had no grievance filed. (25.1.3)

**Appraisal Appeals**

There were no appraisal appeals for 2009.

**Early Intervention Program (CALEA 35.1.9.c)**

The Professional Standards Unit is in the process of revising Peoria Police Policy to include 3.04B (Early Intervention Program). With the revision of policy, training on IA Pro (Professional Standards Tracking Database), the ability to recognize and correct behavior before disciplinary action is instituted will be successful.

**Disciplinary Advisory Board:**

The Disciplinary Advisory Board was not convened during the year 2009.

**Deadly Force Review Board:**

The Deadly Force Review Board convened on April 7, 2010 regarding a case that occurred in 2008 regarding AI09-004. The board determined the officer's use of force was within policy. The board did recommend some training options for the Communications Section and proper radio procedures for officers responding to in progress calls.

**Control Substance Screening:**

2009 showed no positive results for controlled substance abuse.

**Dismissals (CALEA 26.1.7.a,b,c)**

The Peoria Police Department dismissed one employee for misconduct and another employee resigned as a result of sustained misconduct in 2009.

**Documentation Purging (CALEA 26.1.8)**

Documentation for purging is outlined within Policy 5.01. This policy is under review. One of the focuses of the review is to bring policy in line with state and city documentation retention requirements. Due to the policy review no files were purged in 2009.

**Biased Based Profiling Investigations: (CALEA 1.2.9.c and 1.2.9.d)**

The department received two complaints (AI09-001 and AI09-006) of Biased Based Profiling.

The first complaint (AI09-001) came from a citizen who believed officer's placed her in police custody based on her ethnicity. Officers responded to a call for service regarding a subject with a gun. Dispatch received a 911 call from a male advising a female had threatened to "blow his brains out." The male observed the female reaching into the trunk of her vehicle and gave a description of the female. Officers responded to the area and detained a female matching the description. An Administrative Investigation was conducted by the Professional Standards Unit and the allegation was determined to be UNFOUNDED.

The second complaint (AI 09-006) came from the mother of a juvenile who was detained by officers. The mother believed the officers detained her son because his ethnicity. Officers were on surveillance attempting to locate a male subject believed to be armed and involved in a robbery. A vehicle was seen in the area and one of the occupants matched the description of the robbery suspect. Officers detained the subject and further investigation revealed the officers had misidentified the person they had detained. The subject was subsequently released from custody. An Administrative Investigation was conducted by the Professional Standards Unit and the allegation was determined to be UNFOUNDED.

A review of Police Policy 4.06A was conducted in February of 2009 and the relevance of the policy in regards to training department personnel/handling of racial profiling is still current.

**Audits: (84.1.6.c) (84.1.6.d)**

The Professional Standards Unit conducted several audits this year, they are as follows:

**Property**

A two day audit was conducted of the property and evidence room. A 100% inventory was conducted on both the safe and vault, while a random analysis of property was conducted on other areas. No major discrepancies were noted, however, there were some recommendations made:

- Monies pending disposition need to be released to city funding in a more expedient manner
- Latent prints cards are impounded and held from many years without being processed. The prints are then destroyed without ever being processed
- Property being released or destroyed in a timely manner
- Create a better system for Property Release/Destruction paperwork—paperwork not being returned by police officers
- Improved tracking system for property checked out to officers/detectives.

***K-9 Drug Testing Kit***

Throughout 2009 monthly inspections were conducted by K-9 officers and confirmed by the TEU supervisor. All drugs being used for this program were redistributed in 10 gram increments and a central weighing device. No discrepancies were noted.

On March 20, 2009 a no notice inspection was conducted on the Canine Drug Training Kit. The kit was in compliance with policy, however, due to the consistency of the Heroin sample and its use the content has fallen from 10 grams to a range of 9.8 or 9.9 grams. The Heroin kit sample has been replenished and reflects the following weight:

K-9 Kit

Heroin: 10 Grams

Comparison Sample

Heroin: 8.2 Grams

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

Random audits were conducted monthly on Mobile Data Computer and Position messaging in 2009. The audits found messages to be in compliance with department policy.