



Heads up!
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Friday, January 11, 2013

Dear Council Members:

Here's some need-to-know information for the week:

Update on Professional Standards Unit Annual Report

During the Tuesday, January 8, 2013 City Council meeting, Chief Mark Beckner provided an update on the shooting of an elk in the Mapleton Hill neighborhood by a police officer on New Year's day. He stated that there are two separate investigations underway to determine the facts and details of this incident – an internal investigation by the Police Department's Professional Standards Unit (internal affairs) and a criminal investigation by Colorado Division of Parks and Wildlife (CDPW).

Following the presentation by Chief Beckner, City Council inquired if the Professional Standards Unit report has been completed for 2012 and if it is a public document. The report is a public document and will be completed in the first quarter of 2013. As a reference, I've attached the 2011 report to illustrate the types of internal investigations and findings that would be included in the 2012 report.

Council will receive the 2012 report when it is completed.

For additional information on the report or the process involved in the Police Department's Professional Standards Unit investigations, please contact Chief Beckner at Becknerm@bouldercolorado.gov.

Regards,
Jane



City
of
Boulder
Police Department

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To: Chief Mark Beckner
From: Sergeant Kerry Yamaguchi
Date: January 17, 2012
Re: 2011 Professional Standards Unit Annual Report

In 2011, the Professional Standards Unit received 55 complaints and 43 inquiries. The complaints were classified into three categories:

- **Class 1 Professional Standards Investigations** (Internal Affairs Investigations) – allegations of serious misconduct
- **Class 2 Professional Standards Investigations** (Supervisory Reviews) – allegations of non-serious misconduct;
- **Referrals** – performance and training issues.

Inquiries are general or specific questions that are related to policies and procedures. Copies of all complaints are forwarded to the employee's immediate supervisor and chain of command for review.

Of the 55 complaints received:

- 4 were investigated as *Class 1 Professional Standards Investigations*
- 23 were classified as *Class 2 Supervisory Reviews*
- 28 were handled as *Referrals*.

Based on department policy, all motor vehicle accidents involving department vehicles were classified as *Class 2 Supervisory Reviews*. The accidents accounted for 19 of the 23 *Class 2 Supervisory Reviews*.

In the four *Class 1 Professional Standards Investigations*, four employees were investigated. Note that more than one employee may be named as a subject member and/or have more than one allegation of misconduct in each investigation. There were 23 employees investigated in the *23 Class 2 Supervisory Review Investigations*.

Summary of Class 1 Professional Standards Investigations

IA2011-01

Early in the year, a non commissioned employee was involved in a minor, on-duty vehicle accident. A supervisor looked into the circumstances of accident, which included speaking with the employee. As a result, an allegation of violating Rules 3 (Truthfulness) and 8 (Conduct) were filed against the employee. Prior to the final disposition, the employee resigned. As a result, the allegation was ruled as **no finding**.

IA2011-02

In June, the department received a complaint regarding force used during an arrest that occurred in late 2010. An allegation of violating Rule 6 (Use of Force) was filed against the arresting officer. Following the investigation, the officer was **exonerated**.

IA2011-03

In October, the PSU received a complaint that an officer had violated Rules 4 (Respect for Others) and 6 (Use of Force) during an arrest a few days earlier. After conducting an investigation, the allegation of violating Rule 4 was **unfounded** and the officer was **exonerated** of violating Rule 6.

IA2011-04

In October, the department learned that federal authorities arrested an officer for allegedly committing several felonies. Though the officer resigned prior to the investigation's completion, the IA process continued. Following the investigation, the allegation of violating Rule 2 (Conformance with Laws) was **sustained**. Since the officer resigned, no discipline was administered.

Summary of Class 2 Supervisory Reviews

Unless otherwise noted, the below *Class 2 Internal Affairs Investigations* (Supervisory Reviews) are member involved on-duty traffic accidents.

SR2011-01 (Non Accident)

An officer was photographed by a photo radar van traveling 33 MPH over the speed limit. At the time, the officer was responding to provide non emergency assistance on a call. A Class 2 SR was initiated for an allegation that the officer violated Rule 2 (Conformance with Laws). The allegation was **sustained** and the officer received a one-year letter of reprimand.

SR2011-02

Involved Employees: 1

Description: An officer was driving an unmarked department vehicle and parked along a curb. When the officer opened the driver's door, a passing car collided with it.

Disposition: **At-fault**, handled as a performance issue

SR2011-03

Involved Employees: 2

Description: Two non commissioned officers were driving separate department vehicles while investigating a complaint. One of the employees backed her vehicle into the other employee's vehicle.

Disposition: **At-fault**, handled as a performance issue

SR2011-04

Involved Employees: 1

Description: While making a right turn, an officer driving a marked patrol car struck a crossing pedestrian's crutch. The pedestrian was determined to have been in a crosswalk and had the right of way.

Disposition: **At-fault**, the officer received a summons

SR2011-05 (Non Accident)

During a shift, a uniformed officer realized his holster was empty and he did not have his sidearm. Two public businesses were checked by fellow officers before the subject officer located the firearm in his locker. The shift commander filed a Class 2 SR on the officer, alleging a violation of Rule 1 (Compliance with Values, Rules, and General Orders). The officer stipulated to the allegation, which was **sustained** and received a one-year letter of reprimand.

SR2011-06

Involved Employees: 1

Description: An officer was driving a marked patrol car down an alley when he observed a suspect urinating in public. The officer backed the patrol car in an effort to contact the suspect. As he backed up, the officer's patrol car struck a car that was behind him.

Disposition: **At-fault**, one-year letter of reprimand

SR2011-07

Involved Employees: 1

Description: While backing out of a parking space, an officer struck a planter with his patrol car.

Disposition: **At-fault**, handled as a performance issue

SR2011-08

Involved Employees: 1

Description: An officer was dispatched to an injury accident with a party reportedly pinned in a vehicle. As the officer responded in a marked patrol car using his emergency lights and siren, he drove over a median and into an intersection. The officer's patrol car struck an oncoming vehicle that was just completing a left turn. The accident resulted in minor damage to both vehicles.

Disposition: **Contributed to the accident**, handled as a performance issue

SR2011-09

Involved Employees: 1

Description: While driving a marked patrol car, an officer observed a large amount of smoke emanating from a nearby residential area. As the officer drove down a street trying to locate the smoke's source, she struck a parked car, causing minor damage.

Disposition: **At-fault**, handled as a performance issue

SR2011-10

Involved Employees: 1

Description: A non commissioned officer was driving a department vehicle and made a right turn. The turn was made too wide and the employee's vehicle struck another vehicle in the next lane. The accident resulted in minor damage

Disposition: **At-fault**, the officer received a summons

SR2011-11

Involved Employees: 1

Description: An officer was driving his marked patrol car down an alley when a parked vehicle began backing toward him. The officer stopped and honked his horn twice. However, the other driver continued backing and struck the patrol car.

Disposition: **Not at-fault**

SR2011-12

Involved Employees: 1

Description: An officer in a marked patrol car arrived at a call to provide cover. Upon backing his vehicle away from the scene to park, the officer struck an unattended parked car, which caused minor damage.

Disposition: **At-fault**, handled as a performance issue

SR2011-13 (Non Accident)

A commissioned officer was at a public business when she showed a curious bystander her Taser. The officer unintentionally discharged the Taser, which had a cartridge attached, into the floor. The probes did not strike anyone and no one was injured. The officer reported the error to her supervisor and admitted fault. The matter was handled as a Class 2 (Conformance with Laws) SR and resulted in a **sustained** finding and a one-year letter of reprimand.

SR2011-14

Involved Employees: 1

Description: A plain clothes officer was driving an unmarked police vehicle when he failed to stop for a stop sign. Upon entering the intersection, the police vehicle struck another car that had the right of way. The accident resulted in minor damage.

Disposition: **At-fault**, the officer received a summons

SR2011-15

Involved Employees: 1

Description: An officer was driving a patrol car and made a legal U-turn. However, when the turn was made, the officer drove over a rock, which dislodged the vehicle's skid plate.

Disposition: **At-fault**, handled as a performance issue

SR2011-16

Involved Employees: 1

Description: A plain clothes officer was driving an unmarked department vehicle. While stopped for traffic, the officer was rear ended by another vehicle.

Disposition: **Not at-fault**

SR2011-17 (Non Accident)

A commissioned department member failed to sign out a department AR-15 rifle. In addition, the officer unintentionally left the rifle sitting behind his marked patrol car after parking it at the end of his shift. The rifle was later discovered by a sergeant several hours later. The officer admitted responsibility and did not dispute the circumstances. A Class 2 SR was filed and the allegation of violating Rule 1 (Conformance with Values, Rules, and General Orders) was **sustained**. The officer received a one-year letter of reprimand.

SR2011-18

Involved Employees: 1

Description: A commissioned, plain clothes officer was driving an unmarked department vehicle when he struck a vehicle in front of him that was stopped for a traffic light. The accident caused minor damage.

Disposition: **At-fault**, the officer received a summons

SR2011-19

Involved Employees: 1

Description: An officer was stopped for a traffic light in a marked patrol vehicle and was behind another car. The car in front backed up and struck the patrol car causing minor damage.

Disposition: **Not at-fault**

SR2011-20

Involved Employees: 1

Description: A non commissioned officer backed his department vehicle while in a parking lot. The officer's vehicle collided with a metal post causing minor damage.

Disposition: **At-fault**, handled as a performance issue

SR2011-21

Involved Employees: 1

Description: A commissioned officer in plain clothes was fueling his unmarked department vehicle at the city's pumps. The officer failed to remove the pump nozzle before driving away. The accident caused minor damage to the gas pump.

Disposition: **At-fault**, handled as a performance issue

SR2011-22

Involved Employees: 1

Description: An officer was driving a marked patrol vehicle in icy conditions. As the officer drove in a parking area, the vehicle slid on the ice and into a building, which caused moderate damage to the patrol car.

Disposition: **At-fault**, handled as a performance issue

SR2011-23

Involved Employees: 1

Description: A commissioned, plain clothes officer was driving an unmarked department vehicle in the police parking lot. As the officer attempted to park his vehicle in icy conditions, it slid into another parked department vehicle.

Disposition: **At-fault**, handled as a performance issue

Violation Dispositions:

(An investigation may have more than one alleged violation and/or subject member)

	Class 1 PSU Inv.	Class 2 SR
Exonerated	2	-
Exonerated with Commendation	-	-
Unfounded	1	-
Not Sustained	-	-
Sustained	1	4
No Finding	1	-
Traffic Accident – At Fault		15
Traffic Accident - Contributed		1
Traffic Accident – Not at-fault		3

Total Number of Rule Violations Alleged:

(These numbers are derived from the number of violations charged to each employee and subsequent determination of them being sustained. Traffic accidents and MIPE reviews are not included)

	Class 1 PSU Inv.		Class 2 SR	
	Alleged	Sustained	Alleged	Sustained
Rule #1 (Compliance with Values, Rules, and General Orders)	-	-	2	2
Rule #2 (Conformance with Laws)	1	1	1	1
Rule #3 (Truthfulness)	1	-	-	-
Rule #4 (Respect for Others)	1	-	-	-
Rule #5 (Police Authority and Public Trust)	-	-	-	-
Rule #6 (Use of Force)	2	-	-	-
Rule #7 (Adherence to Orders)	-	-	-	-
Rule #8 (Conduct)	1	-	1	1
Rule #9 (Cooperation in Investigations)	-	-	-	-
Rule #10 (Security of Police Information)	-	-	-	-
Total Number of Violations	6	1	4	4

In 2011, the Professional Standards Unit received one complaint where the complainant believed that their race was involved in how they were treated by the police. Further investigation determined that race was not the basis for the contact.

Use of Force

For the second year, information about use of force will be included in the annual report. Total use of force reports in 2011 were 178. This compares to 138 reports received in 2010.

Use of Force (Calls for Service):

Year	Calls for Service	Officer Initiated Calls	Total Calls	Total Use of Force Reports	%
2010	78,383	31,397	109,780	138	0.13% or 13 out of every 10,000 calls
2011	81,900	30,126	112,026	178	0.16% or 16 out of every 10,000 calls

Use of force reports per calls for service

Use of Force (Arrests):

Year	Total Arrests	Total Use of Force Reports where charges were filed	%
2010	3,279	138	4.21% or about 4.25 out of every 100 arrests
2011	3,170	159	5.02% or about 5 out of every 100 arrests

Use of force reports per arrests

Type of force	Year		2010					2011					Change
			Effective		Not effective		Total	Effective		Not effective		Total	Total
	#	%	#	%	#	#	%	#	%	#	%		
Empty hand control w/injury or complaint of injury	29	85%	5	15%	34	15	50%	15	50%	30	-12%		
Firearm used to gain compliance	100	92%	9	8%	109	136	95%	7	5%	143	31%		
Hobble	69	93%	5	7%	74	130	90%	14	10%	144	95%		
Less-lethal munitions	2	100%	0	0%	2	8	89%	1	11%	9	350%		
OC pepper spray	2	100%	0	0%	2	0	0%	0	0%	0	-100%		
Strikes/kicks	24	86%	4	14%	28	23	70%	10	30%	33	18%		
Takedowns	N/A	N/A	N/A	N/A	N/A	23	92%	2	8%	25	N/A		
TASER dart deployment	8	100%	0	0%	8	4	57%	3	43%	7	-13%		
TASER drive stun	10	83%	2	17%	12	3	50%	3	50%	6	-50%		
TASER used to gain compliance	18	72%	7	28%	25	14	64%	8	36%	22	-12%		

Force used by officers by type. Note officer may report using more than one type of force per incident.

Year	2010		2011		Change
	#	% of total	#	% of total	
Subject resistance tallies					%
Active aggression	53	33%	66	29%	25%
Defensive resistance	41	26%	55	24%	34%
Lethal force	3	2%	3	1%	0%
None	58	36%	98	43%	69%
Passive resistance	5	3%	8	3%	60%
Total	160		230		44%

Force used by subject. Note officers may report more than one level per incident.

Year	2010		2011		Change
	#	% of total	#	% of total	
Subject condition tallies					%
Alcohol	95	58%	124	52%	31%
Drugs	14	9%	29	12%	107%
Mental illness	18	11%	23	10%	28%
None	23	14%	42	18%	83%
Unknown	13	8%	19	8%	46%
Total	163		237		45%

Subjects' reported condition(s). Note officer may report more than one condition per incident.

Year	2010		2011	
	#	% of total	#	% of total
Subject arrested or charged in incident				
No	17	12%	31	17%
Yes	121	88%	147	83%
Total	138		178	

Subject was charged as a result of the incident.

Year	2010		2011	
	#	% of total	#	% of total
Subject injured due to use of force				
No	121	88%	160	90%
Yes	17	12%	18	10%
Total	138		178	

Subject injuries as a result of the use of force.

Year	2010		2011	
	#	% of total	#	% of total
Officer injured due to use of force				
No	135	98%	168	94%
Yes	3	2%	10	6%
Total	138		178	

Officer injuries as a result of the use of force.

cc Deputy Chief Hayes
Deputy Chief Testa