



Heads up!
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Thursday, March 7, 2013

Dear Council Members:

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

US 36 improvements scheduled at South Boulder Creek

The Colorado Department of Transportation (CDOT) is in the process of receiving bids for proposed improvements to US 36 from Louisville to Foothills Parkway in Boulder that include road widening to accommodate new managed lanes and a separated pedestrian and bicycle path. The proposed improvements include the part of US 36 that crosses South Boulder Creek and are currently being evaluated to address possible impacts to the associated floodplain.

The detailed computer simulation prepared to evaluate the CDOT project has identified some inconsistencies between the adopted floodplain model and actual field conditions. Initial indications are that during a 100-year storm event, more water would be diverted into the "west valley" area east of Foothills Parkway than is anticipated in the adopted floodplain model. This could mean that there are additional properties subject to flooding that are not currently mapped. This inconsistency in floodplain mapping was discovered while analyzing existing drainage culverts in the project vicinity. Additional work is required to fully correct the models and determine the full impact of the changes. Options for how best to incorporate any changes to the South Boulder Creek floodplain are currently being evaluated. Information on anticipated floodplain impacts and a recommended map change approach will be provided to City Council during the second quarter of this year.

For more information, contact Kurt Bauer at 303-441-4232

2012 Professional Standards Unit Annual Report released

During the January 8, 2013 City Council meeting, Chief Mark Beckner stated that the 2012 Professional Standards Unit report would be completed and available to the public in the first quarter of 2013. The Boulder Police Department has completed the report, and it is attached for your information.

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: February 26, 2013
Re: 2012 Professional Standards Unit Annual Report

In 2012, the Professional Standards Unit received 61 complaints and 34 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 61 complaints received:

- 8 were investigated as *Class 1 Professional Standards Investigations*
- 24 were classified as *Class 2 Supervisory Reviews*
- 29 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 21 of the 24 *Class 2 Supervisory Reviews*.

In the eight *Class 1 Professional Standards Investigations*, 11 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 16 employees investigated in the 24 *Class 2 Supervisory Review Investigations*.

Summary of Class 1 Professional Standards Investigations

IA2012-01

In April a commissioned employee was involved in a domestic violence related incident involving someone from a previous relationship. A criminal investigation into the matter resulted in the employee's arrest for several felony charges. The arrest led to an allegation that the employee violated Rule 2 (Conformance with Laws). Though the employee resigned prior to being interviewed, the investigation was completed. The allegation against the employee was **Sustained**.

IA2012-02 & IA2012-03

In May, two non-commissioned employees were accused of not coming forward to a supervisor with information concerning criminal behavior of a coworker. This led to separate but similar allegations of violating Rule 1 (Compliance with Values, Rules, and General Orders) and Rule 8 (Conduct). The allegations were investigated separately. After the review processes, the allegations against both employees were found to be **Sustained**. In separate disciplinary proceedings, both employees were suspended.

IA2012-04

In August, an arrestee at the jail spoke with a patrol sergeant and expressed a desire to file excessive force allegations on four commissioned officers, who were involved in his arrest. During a follow up interview, the complainant provided minimal information about the incident but repeated his desire to file a complaint. A complaint against the four officers was filed for an allegation of violating Rule 6 (Use of Force). During the investigation several witnesses were interviewed. No witness could corroborate the complainant's allegations against the employees. Prior to the conclusion of the investigation, the complainant voluntarily withdrew the complaint. The allegation against all four officers was found to be **Unfounded**.

IA2012-05

In October, a community member called to and made an allegation that a commissioned officer operated a patrol car in a reckless manner, almost causing an accident. After identifying the employee, an allegation of violating Rule 1 (Compliance with Values, Rules, and General Orders) was filed. Prior to the conclusion of the investigation, the subject member announced a voluntary separation of employment from the department and the IA process

was halted. After the employee left employment, the case was determined to have a disposition of **No Finding**.

IA2012-06

In November, a commissioned member unintentionally and accidentally discharged a firearm in a Public Safety Building bathroom. An allegation of violating Rule 1 (Compliance with Values, Rules, and General Orders) was filed against the employee. The subject member waived a full investigation and accepted responsibility for the incident. The resulting finding was **Sustained** and the employee received a letter of reprimand.

IA2012-07

In November, the BCSO arrested a commissioned officer for DUI, speeding and for being in possession of a firearm while intoxicated. Further investigation revealed that the employee had been stopped numerous times for speeding and careless driving incidents in the prior two years. The resulting investigation was for allegations that the employee violated Rule 2 (Conformance with Laws) and Rule 8 (Conduct). The employee resigned prior to the completion of the review process. The allegations were eventually **Sustained**.

IA2012-08

In December, Thornton police arrested a commissioned employee for DUI. The arrest resulted in an allegation that the employee violated Rule 2 (Conformance with Laws). The allegation was **Sustained** and the employee resigned.

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.

SR2012-01

Involved Employees: 1

Description: An intoxicated community member ran up to a moving patrol vehicle in an effort to get a ride. When she got close to the vehicle, she slipped on some ice and the patrol vehicle ran over her foot causing very minor pain.

Disposition: **Not at-fault**

SR2012-02

Involved Employees: 1

Description: An officer was driving a patrol car and was stopped for a red signal light. The officer's foot slipped off the brake pedal and the patrol car bumped the vehicle ahead. There was no damage to the patrol car and paint transfer to the other vehicle.

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

SR2012-03

Involved Employees: 1

Description: While checking for possible problems with a patrol vehicle's traction control system, an officer was driving in a snow covered parking lot. While testing the vehicle, the officer struck a snow buried curb, which damaged the front bumper.

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

SR2012-04

Involved Employees: 1

Description: While parked on the side of a road during a wildland fire, a sheriff's office vehicle back into a BPD patrol vehicle that was occupied by an officer.

Disposition: **Not at-fault**

SR2012-05

Involved Employees: 2
Description: While looking for a reported suicidal party, an officer backed his patrol car into another officer's patrol vehicle causing moderate damage to both.
Disposition: The backing officer was deemed **At-fault**, handled as a performance issue

SR2012-06

Involved Employees: 1
Description: While turning left, an officer failed to yield to an oncoming car that had the right of way. The other car struck the patrol car's passenger side causing moderate damage.
Disposition: **At-fault**, officer received a summons

SR2012-07

Involved Employees: 1
Description: While pushing a disabled vehicle out of traffic, a non-commissioned employee's vehicle struck the disabled vehicle's taillight, causing it to break.
Disposition: **Not at-fault**

SR2012-08

Involved Employees: 1
Description: While responding to a person threatening suicide, an officer pulled onto a curb to park the patrol car. The curb bent the patrol car's front left rim, causing it to leak air.
Disposition: **At-fault**, handled as a performance issue

SR2012-09

Involved Employees: 1
Description: While backing the employee's patrol car at an accident scene, an officer struck another vehicle. The patrol car's emergency lights were on at the time.
Disposition: **Contributed** to the accident, handled as a performance issue

SR2012-10

Involved Employees: 1

Description: While responding to a noise complaint, an officer passed another vehicle on a narrow street. The patrol car's side view mirror struck the other car's mirror, breaking both.

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

SR2012-11 (Non Accident)

While responding to assist other officers with a high-risk car stop (passengers reportedly had a gun), an officer drove a patrol vehicle (emergency equipment on) westbound on Canyon at 80 MPH (speed limit is 35 MPH). The patrol car passed several other vehicles and went by crossing pedestrians at 60 MPH. The patrol vehicle's in-car video system captured the incident. An allegation of violating Rule 1 was filed against the officer, which was **Sustained**. The office received a one-year letter of reprimand.

SR2012-12

Involved Employees: 1

Description: While executing a right turn, an officer riding a patrol motorcycle was struck by a bicyclist who was trying to pass on the right. The bicyclist was ejected and sustained minor injuries. There was minor damage to the motorcycle. The bicyclist was cited.

Disposition: **Not at-fault**

SR2012-13

Involved Employees: 1

Description: During a POTUS visit, a non-commissioned employee backed a police vehicle and struck a concrete wall. The resulting damage was not immediately reported to the employee's supervisor.

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

SR2012-14

Involved Employees: 1

Description: While backing up, a vehicle struck the front of a marked patrol car that was being driven by an officer. The driver was issued a summons for improper backing.

Disposition: **Not at-fault**

SR2012-15

Involved Employees: 1
Description: While conducting a traffic stop, the stopped vehicle rolled backwards and struck a patrol car being driven by an officer.
Disposition: **Not at-fault**

SR2012-16

Involved Employees: 1
Description: While backing up a patrol car from a pedestrian contact, a commissioned officer struck another car that had stopped behind. There was slight damage to both cars.
Disposition: **At-fault**, handled as a performance issue

SR2012-17

Involved Employees: 1
Description: While pulling out of a garage bay, an officer did not know a storage door on the vehicle was open. The storage door struck the garage door opening, causing damage.
Disposition: **At-fault**, handled as a performance issue

SR2012-18

Involved Employees: 1
Description: An officer driving a patrol car failed to stop for traffic and stuck the rear end of another vehicle. The other driver complained of back pain.
Disposition: **At-fault**, officer received a summons

SR2012-19

Involved Employees: 1
Description: While driving a patrol car, an officer was preparing to make a U-turn and had the car's emergency lights activated. Another vehicle failed to stop and rear ended the patrol car.
Disposition: **Not at-fault**

SR2012-20 (Non Accident)

An officer was driving a patrol car when his son's name was aired during an investigation into an altercation. The officer responded and drove 50-78 MPH in a 35 MPH zone. The incident was captured on the patrol car's in-car video system. The officer accepted responsibility and waived a full investigation into an allegation of violating Rule 1. The complaint was **Sustained** and resulted in a five-year letter of reprimand.

SR2012-21 (Non Accident)

After speaking with a community member at the police department about an altercation between the complainant and a local business, the officer went to the business. At the business the officer allegedly spoke to the complainant in a disrespectful manner. The complaint resulted in an allegation that the officer violated Rules 4 and 5. The finding was **Not Sustained**.

SR2012-22

Involved Employees: 1

Description: While responding to assist the FD with a reported gas odor complaint, an officer was driving a patrol car. The roadway was snow and slick at the time. The officer encountered a downed tree limb in the roadway and could not avoid colliding with it due other vehicle traffic. The officer's patrol car struck the tree limb and caused moderate damage to the car.

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

SR2012-23

Involved Employees: 1

Description: A non-commissioned employee was backing a department vehicle and struck a parked vehicle. Though the parked vehicle was in a no parking zone, the employee was found to be at-fault.

Disposition: **At-fault**, non-commissioned employee received a summons

SR2012-24

Involved Employees: 1

Description: A non-commissioned employee was driving a department vehicle and was slowing for traffic. The vehicle behind the employee failed to stop and struck the rear end of the department vehicle.

Disposition: **Not at-fault**

Violation Dispositions:

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

	Class 1 PSU Inv.	Class 2 SR
Exonerated	-	-
Exonerated with Commendation	-	-
Unfounded	1	-
Not Sustained	-	2
Sustained	9	2
No Finding	1	-
Traffic Accident - At Fault		12
Traffic Accident - Contributed		1
Traffic Accident - Not at-fault		9

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)	4	3	2	2
Rule #2 (Conformance with Laws)	3	3	-	-
Rule #3 (Truthfulness)	-	-	-	-
Rule #4 (Respect for Others)	-	-	1	-
Rule #5 (Police Authority and Public Trust)	-	-	1	-
Rule #6 (Use of Force)	1	-	-	-
Rule #7 (Adherence to Orders)	-	-	-	-
Rule #8 (Conduct)	3	3	-	-
Rule #9 (Cooperation in Investigations)	-	-	-	-
Rule #10 (Security of Police Information)	-	-	-	-
Total Number of Violations	11	9	4	2

In 2012, the Professional Standards Unit received no complaints where the complainant believed that their race was involved in how they were treated by the police.

Use of Force

For the third year, information about use of force will be included in the annual report. Total use of force reports in 2012 totaled 203. This compares to 178 reports received in 2011. However, "Takedowns" did not become a reportable use of force until September 2011. This may account for part of the increase of total reports in 2012.

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
2012	80,684	30,325	111,009	203	0.18% or 18 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
2012	3,402	189	5.56% or about 5.5 out of every 100 arrests

Use of force reports per arrests

Year	2010						2011						2012						Change	
	Effective		Not effective		Total		Effective		Not effective		Total		Effective		Not effective		Total		Total	%
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Baton	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	1	100%	1	100%
Empty hand control w/injury or complaint of injury	29	85%	5	15%	34	50%	15	50%	30	50%	15	50%	14	48%	14	52%	29	48%	29	-3.3%
Firearm used to gain compliance	100	92%	9	8%	109	95%	7	5%	143	90%	14	10%	122	90%	14	10%	136	90%	136	-4.9%
Hobble	69	93%	5	7%	74	90%	14	10%	144	90%	14	10%	148	100%	0	0%	148	100%	148	2.8%
Less-lethal munitions	2	100%	0	0%	2	89%	1	11%	9	89%	1	11%	9	100%	0	0%	1	100%	1	-88.9%
OC pepper spray	2	100%	0	0%	2	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0.0%
Strikes/kicks	24	86%	4	14%	28	70%	10	30%	33	70%	10	30%	34	83%	7	17%	41	83%	41	24.2%
Takedowns	N/A	N/A	N/A	N/A	N/A	92%	2	8%	25	92%	2	8%	86	91%	9	9%	95	91%	95	*280.0%
TASER dart deployment	8	100%	0	0%	8	57%	3	43%	7	57%	3	43%	5	42%	7	58%	12	42%	12	71.4%
TASER drive stun	10	83%	2	17%	12	50%	3	50%	6	50%	3	50%	2	40%	3	60%	5	40%	5	-16.7%
TASER used to gain compliance	18	72%	7	28%	25	64%	8	36%	22	64%	8	36%	18	82%	4	18%	22	82%	22	0.0%

Force used by officers by type. Note officer may report using more than one type of force per incident.
 *Takedowns were not reported until September 2011.

Year	2010		2011		2012		Change
	#	% of total	#	% of total	#	% of total	
Subject resistance tallies							
Active aggression	53	33%	66	29%	79	33%	19.7%
Defensive resistance	41	26%	55	24%	75	31%	36.4%
Lethal force	3	2%	3	1%	1	0%	-66.7%
None	58	36%	98	43%	79	33%	-19.4%
Passive resistance	5	3%	8	3%	6	3%	-25.0%
Total	160		230		240		4.3%

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

Year	2010		2011		2012		Change
	#	% of total	#	% of total	#	% of total	
Subject condition tallies							
Alcohol	95	58%	124	52%	119	51%	-4.0%
Drugs	14	9%	29	12%	29	12%	0.0%
Mental illness	18	11%	23	10%	19	8%	-17.4%
None	23	14%	42	18%	49	21%	16.7%
Unknown	13	8%	19	8%	18	8%	-5.3%
Total	163		237		234		-1.3%

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

Year	2010		2011		2012	
	#	% of total	#	% of total	#	% of total
Subject arrested or charged in incident						
No	17	12%	31	17%	27	13%
Yes	121	88%	147	83%	176	87%
Total	138		178		203	

Subject was charged as a result of the incident.

Year	2010		2011		2012	
	#	% of total	#	% of total	#	% of total
Subject injured due to use of force						
No	121	88%	160	90%	168	83%
Yes	17	12%	18	10%	35	17%
Total	138		178		203	

Subject injuries as a result of the use of force.

Year	2010		2011		2012	
	#	% of total	#	% of total	#	% of total
Officer injured due to use of force						
No	135	98%	168	94%	179	88%
Yes	3	2%	10	6%	24	12%
Total	138		178		203	

Officer injuries as a result of the use of force.

cc Deputy Chief Hayes
Deputy Chief Testa