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# City of New Bern

FOUNDED 1710

New Bern, North Carolina

Three Centuries of North Carolina Heritage



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**TO:** Frank Palombo, Chief of Police

**FROM:** Ernest Flowers III, Internal Affairs Sergeant

**VIA:** Edward Preston, Deputy Chief of Police

**COPIES:** Mary Trude, Accreditation Manager, Internet, File

**DATE:** March 3, 2010

**Subject:** Internal Affairs Report for 2009

## **52.1.5 – Statistical summary Internal Affairs investigations**

### **52.2.4 - Complainant informed report status**

The New Bern Police Department is required by CALEA standards to prepare an annual statistical summary of internal affairs investigations to identify training needs with respect to the general orders of the department. Therefore this report is submitted to document this assessment.

#### **Analysis:**

During 2009 the total number of arrests (2,828) and calls for service (42,070) resulted in only 10 internal affairs complaints that were filed with the department. Of the 10 internal affairs complaints filed 9 (90%) were investigated by the Internal Affairs Unit and 1 (10%) was investigated at the division level. The 10 internal affairs complaints filed involved a total of 10 (7.7%) department employees.

Of the 10 alleged policy violations in 2009, 9 (90%) were found to be sustained, and 1 (10%) was unfounded.

The following table shows the number of complaints reported by type of alleged policy violation and the findings of the investigations.

<b>Type</b>	<b># Unfounded</b>	<b># Sustained</b>	<b>Total</b>
Arrest, Search and Seizure	1	2	3
On/Off Duty		1	1
Personal Business on Duty		1	1
Emergency Vehicle Response and Pursuit		1	1
Truthfulness		1	1
Neglect of Duty		1	1
Duty to Read/Comply/ and Understand		1	1
Domestic Violence	1		1
<b>Total</b>	<b>2</b>	<b>8</b>	<b>10</b>

**Assessment:**

Review of the internal affairs complaints filed shows that officers are generally making sound decisions with respect to department policies and philosophy concerning relations with the public and other employees. In reference to the (3) Arrest, Search and Seizure policy violations, (1) was Unfounded. Of the (2) that were Sustained, one was the lack of a complete investigation, and lack of supervision, which resulted in a suspension and letter of reprimand. The other one was a failure to comply with a written procedure for arresting a subject, which resulted in a suspension.

**Recommendations:**

This assessment reveals that a periodic review of General Order regarding Arrest, Search and Seizure, would reduce this area of concern for the department. As long as the training section continues to provide the quality of in service training in the area of human relations and department policy, then we should not expect to see an increase in this area.

**35.1.9c – Annual Evaluation of Personnel Early Warning System**

The New Bern Police Department is required by CALEA standards, to prepare an annual evaluation of Early Warning Alert incidents, to identify training needs with respect Internal Affairs Incidents. Therefore this report is submitted to document this assessment.

**Analysis:**

During 2009 there were (0) cases of Early Warning Alerts to be addressed.

#### **41.2.2i – Review of Pursuit**

#### **41.2.3j – Analysis of Pursuit reports**

#### **41.2.3e - Use of roadblocks and forcible stops**

The New Bern Police Department is required by CALEA standards to prepare an annual assessment of reported Vehicle Pursuits to identify training needs with respect to vehicle pursuits. Therefore this report is submitted to document this assessment.

#### **Analysis:**

During 2009 there was one (1) vehicle pursuit review by the officers. When the one vehicle pursuit was compared to the total number of vehicle stops (2,684), pursuits were a factor in 0.037% of the total number of vehicle stops in 2009. There were no uses of roadblocks, or forcible stops during these pursuits.

#### **Assessment:**

The low percentage of reported incidents, in comparison to the total number of vehicle stops, indicates that the officers are relying on their training. Statistical analysis of vehicle pursuits reports shows that officers are generally making sound decisions with respect to the department's policies and philosophy concerning vehicle pursuit options.

#### **Recommendations:**

This assessment did not reveal any significant areas of concern for the department in the area of use of vehicle pursuits or our current training outline as it pertains to vehicle pursuits. As long as the training section continues to provide the quality of in service training in the area of vehicle pursuit policy we should not expect to see an increase in this area.

#### **1.3.7 – Review of use of force reports**

#### **1.3.13 - Analysis of use of force reports**

The New Bern Police Department is required by CALEA standards to prepare an annual assessment of reported use of force incidents to identify training needs with respect to the use of force. Therefore this report is submitted to document this assessment.

#### **Analysis:**

During 2009 a total of (56) use of force reports were filed by the officers. When compared to the total number of calls for service (42,070) in 2009, force was a factor in .135 % of the total calls for service during 2009. When you compare the total number of use of force reports (56) to the total number of arrest (2828) force was a factor in (2.02%) of the total number of arrest in 2009.

The following table shows the number of incidents reported by type of force.

<b>Type</b>	<b>Number</b>	<b>Percentage of Total</b>
OC Spray	8	14.0%
Impact Weapons	2	4.0%
Pointed Firearm	14	25.0%
Physical Control	11	20.0%
Takedown	21	37.0%
<b>Total</b>	<b>56</b>	<b>100%</b>

**Assessment:**

During 2009 the Special Response Team filed (7) of the (14) Pointed Firearm reports. The (21) take downs were a result of officers response to subjects refusing to physically comply to physical control. The low percentage of reported incidents in comparison to the total number of arrest and calls for service indicate that the officers are relying on their training and communication skills rather than an application of force to resolve encounters. Statistical analysis of the use of force reports shows that officers are generally making sound decisions with respect to the department’s policies and philosophy concerning use of force response options.

**Recommendations:**

This assessment did not reveal any significant areas of concern for the department in the area of use of force or our current training outline as it pertains to the use of force. As long as the training section continues to provide the quality of in service training in the area of use of force and firearms then we should not expect to see an increase in this area.

**70.1.7b – Report prepared concerning escape of detainees being transported**

The New Bern Police Department is required by CALEA standards to prepare an annual report concerning the escape of detainees being transported. During 2009 there were no reports of a detainee escaping while being transported by this agency.