

# 2009 INTERNAL AFFAIRS INVESTIGATIONS STATISTICAL REPORT



WILMINGTON POLICE DEPARTMENT  
INTERNAL AFFAIRS INVESTIGATIONS STATISTICS REPORT 2009

# FOREWORD BY CHIEF

The Wilmington Police Department is presenting to our community the 2009 Internal Affairs Annual Report. The men and women of WPD are committed to providing “World Class Service” while maintaining the highest degree of integrity and trust. Our Internal Affairs process plays an integral role in building and maintaining that trust.



The Professional Standards Section has created this annual report for our citizens in an effort to be as transparent as possible. Our hope is that this report will help you understand the seriousness with which we approach your complaints and the processes we follow. This report will give you an overview of our activities in 2009 and compare similar data from previous years.

It is my hope that you will find the information in this report reassuring and helpful. I look forward to working with all members of our community. We will work together and make this a better and safer place to live, work and visit.

Sincerely,

A handwritten signature in black ink, appearing to read "RM Evangelous".

Chief RM Evangelous

# NOTE FROM INTERNAL AFFAIRS COMMANDER

For nearly a quarter of a century I have had the honor and privilege to work for an organization that cherishes the values of integrity, trust, and professionalism. A police officer displays a badge on a uniform, which is symbolic of the public's trust. This trust is an honor and responsibility never to be betrayed. This office remains ever vigilant to issues that jeopardize the public's trust, and is ready to take swift action to prevent breaches of integrity. I am proud to work with a staff that is dedicated to the preservation of integrity, trust, and professionalism. Law enforcement organizations cannot function in the absence of such values.

Sincerely,

  
Lt. JD Varrone

## Wilmington Police Code of Ethics

"As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all individuals to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God (or deity of choice) to my chosen profession - law enforcement."



# WILMINGTON POLICE DEPARTMENT MISSION STATEMENT

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- The background of the list is a large, semi-transparent image of the Wilmington Police Department patch. The patch is shield-shaped with a gold border. At the top, it says 'WILMINGTON' in a curved banner. In the center is a circular seal with a beehive and the word 'PERSEVERE' above it. Below the seal is the year '1739'. At the bottom, it says 'POLICE' in a curved banner.
- P**artnership with the community
  - R**espect for human dignity
  - O**rganizational excellence and accountability
  - T**eamwork approach to problem solving
  - E**qual application of the law to reduce crime
  - C**ommitment to officer safety and professionalism
  - T**o maintain public confidence and safety

## RULES/POLICY



The Wilmington Police Department is dedicated to providing exceptional service to the citizens and employees through a problem solving approach, emphasizing a commitment to excellence through teamwork. Police employees are selected, held to the highest standards, and provided with the best training available. The ultimate goal of our strenuous selection/training process is to give our employees the very best preparation to make sound, appropriate, and respectable decisions. The Police Department is sincerely interested in both rewarding above average performance and in taking corrective action in those instances where an employee fails to meet our standards.

The Wilmington Police Department is governed by the United States Constitution, the North Carolina Constitution, North Carolina General Statutes, City Charter, City Ordinances, and Departmental Regulations. The Wilmington Police Department Policy Manual is a 518 page virtual document published in .pdf format to a common computer network drive, which is accessible to all police personnel. In that manual there are 87 specific rules for officer conduct, guidelines and protocols for how to handle specific situations, and various other documents necessary to manage a modern metropolitan police department. These rules cover the broader categories of behavior and performance expectations to which we hold all employees accountable. We recognize that despite our best efforts, there will be times when citizens, fellow employees or supervisors perceive an employee's behavior to be inappropriate and violate policy. When this occurs, our Internal Affairs staff uses a well-established procedure for receiving, investigating and adjudicating complaints.

Investigations by Internal Affairs are triggered in the following ways: citizen complaints, internal referrals, involvement in an automobile collision, involvement in a use of force incident, involvement in a police pursuit, involvement in an injury event, or any other situation that is directed by the Chief of Police or the Commander of the Internal Affairs Unit.

## INVESTIGATIVE FINDINGS

Once the investigation has been completed, a Finding will be established regarding whether a violation has occurred according to the evidence. Final dispositions are defined in departmental policies: 3.01 Internal Affairs, 12.05 Department Safety Committee, and City Policy 302. Final disposition status will be determined as follows:

- *Sustained* - The allegation is true and indicates improper conduct on the part of the employee being investigated.
- *Unfounded* - The allegation is false. The incident that was the basis for the complaint did not occur or that neither the Department nor Department employees were involved in the incident.
- *Not Sustained* - There is insufficient evidence to confirm or refute the allegation.
- *Exonerated* - The allegation is true, but employee's action was justified, lawful, and proper.

- *Policy Failure*- The employee acted in accordance with existing Departmental Policy and Procedure, however there is a flaw in the policy or there is not a policy to cover the circumstances.
- *Approved*-Generally reserved for Police Pursuits/Uses of Force
- *Approved P/V*-Approved, however, minor policy violations are noted
- *Policy Violation*-a blatant major violation of departmental policy
- *Preventable*-employee should have prevented the incident (auto collisions)
- *Non-Preventable*-there is nothing the employee could have done to prevent event
- *Questionable*-it is unclear whether or not the employee could have prevented event

## INVESTIGATION TYPES

- I. **Citizen Complaint:** an investigation based upon statements of a citizen made in regards to an officer's on/off duty conduct.
  
- II. **Internal Investigation:** An internal investigation will be required in, but not limited to, the following situations involving serious allegations: allegations of corruption, allegations of excessive or improper use of force, breach of civil rights, criminal misconduct, false arrest or imprisonment, or any incident in which death or serious injury results from the acts or omissions of any Department employee
  
- III. **Special Investigations:** An investigation directed by either the Chief of Police or the Internal Affairs Commander that does not fit into the above classifications.

Upon disposition of a case, Internal Affairs mails a letter to the complainant to advise them their case has been investigated and the official disposition classification of the complaint. A complainant is not notified of the disciplinary disposition by Internal Affairs. WPD makes every effort to investigate and adjudicate all complaints within 14 days from the time a complaint is made. However, there are circumstances, including case complexity and witness unavailability, which prevent this goal from being achieved in every instance.

# CITIZEN COMPLAINTS

## 2008 COMPLAINT CLASSIFICATIONS

Abuse of Position	3
Conduct Towards Public	12
Excessive Force	5
Failure to Perform Duties	1
Fourth Amendment Violation	1
Harassment	1
Illegal Search	1
Obeying the Law	1
Policy Violation	1
Standard of Conduct	5
Unlawful Arrest	1
Total	32

## 2009 COMPLAINT CLASSIFICATIONS

Abuse of Position	2
Anti-biased Policing	1
Conduct Toward Public	16
Excessive Force	8
Illegal Entry	1
Obeying the Law	2
Official Identification	1
On-duty Performance	2
Policy Violation	4
Req. Officer Knowledge	1
Total	38

# INTERNAL INVESTIGATIONS 2008

## INTERNAL INVESTIGATIONS 2008

Abuse of Position	1
Criminal Violation	3
Duty Failure	1
Failure to Report for Assignment	1
Obedience to orders	1
Neglect of Duty	1
Obeying the Law	1
Performance Issue	1
Policy Violation	3
Standard of Conduct	3
Unwanted Conduct	1
Violation of Personnel Policy	2
Total	19

## INTERNAL INVESTIGATIONS 2009

Criminal Violation	4
Duty Failure	5
Performance Issue	2
Policy Violation	4
Standard of Conduct	4
Abuse of IVAP	1
Facility Security	1
Prisoner Control	2
Total	23



# SPECIAL INVESTIGATIONS

## 2008 SPECIAL INVESTIGATIONS

Abuse of Police Powers	2
Domestic	1
Duty Failure	1
Miscellaneous	7
Standard of Conduct	1
Total	12

## 2009 SPECIAL INVESTIGATIONS

Attendance	1
Domestic	1
Standard of Conduct	2
Total	4



# INVESTIGATIVE DISPOSITIONS

## 2008

Exonerated:	23
Non-sustained:	5
Resigned During Investigation:	3
Sustained:	19
Unfounded:	6
Policy Violation:	1
Documentation:	6
Terminated:	1

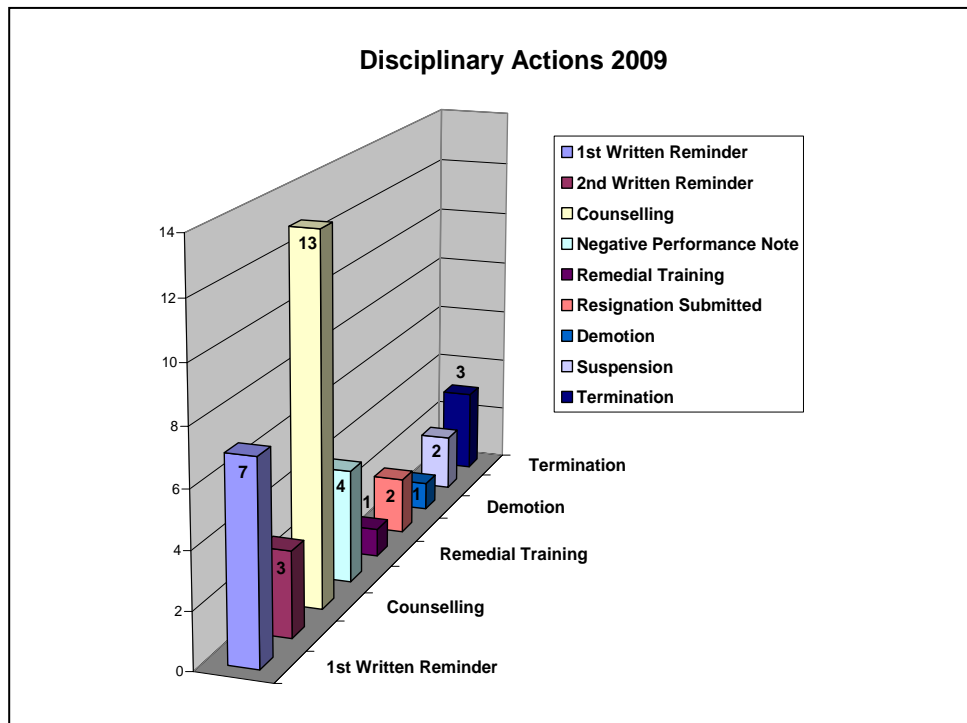
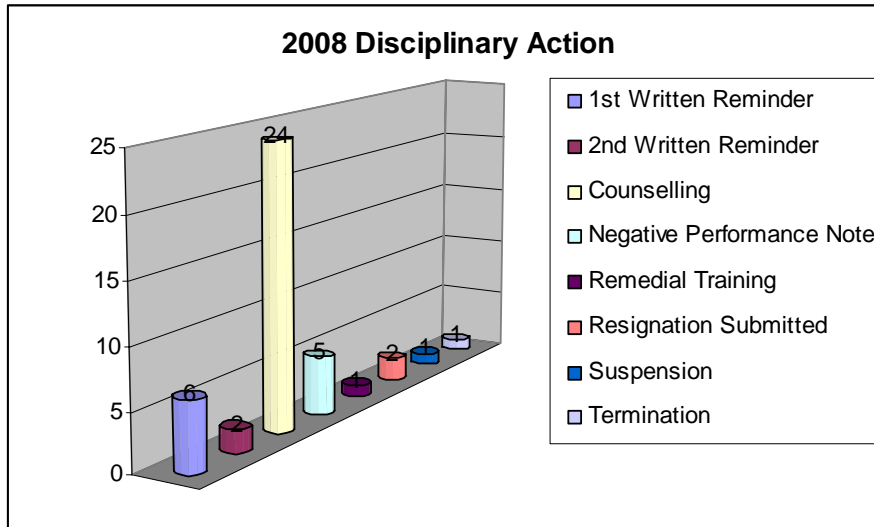
## 2009

Exonerated:	21
Non-sustained:	4
Resigned During Investigation:	2
Sustained:	14
Unfounded:	13
Policy Violation:	3
Documentation:	5
Terminated:	2



# DISCIPLINARY SUMMARY

While specific disciplinary actions taken against an employee as a result of a complaint, internal investigation, or other processes cannot usually be disclosed to the complainant or the public, our agency wants to assure the public that action is indeed taken when it is found that an officer was not acting in accordance with all the governing rules, procedures, and laws. The following statistics are disciplinary actions taken by the Wilmington Police Department in response to: citizen complaints, internal investigations, special investigations, use of force issues, unauthorized vehicle pursuits, and police vehicle crashes that were determined to be outside of authorized practices. The following two charts represent the disciplinary actions taken by the Wilmington Police Department upon employees as a result of Internal Affairs investigations.



# CALL LOAD / INVESTIGATIVE VOLUME

**2008**

**Calls for Service: 181,481**

**\*IA events stemming from calls: 36**

**% of calls resulting in complaint: .020%**

**2009**

**Calls for Service: 177,238**

**\*IA events stemming from calls: 52**

**% of calls resulting in complaint: .029%**

**2008**

**Complaints: 32 (24 events from calls, 8 off-duty)**

**Internal Investigations: 19 (7 events from calls, 12 off-duty)**

**Special Investigations: 12 (5 events from calls, 7 off-duty)**

**Total Incidents: 64**

**\*Total Incidents during service: 36**

**2009**

**Complaints: 38 (34 events from calls, 4 off-duty)**

**Internal Investigations: 23 (15 events from calls, 8 off-duty)**

**Special Investigations: 4 (3 events from calls, 1 off-duty)**

**Total Incidents: 65**

**\*Total Incidents during service: 52**