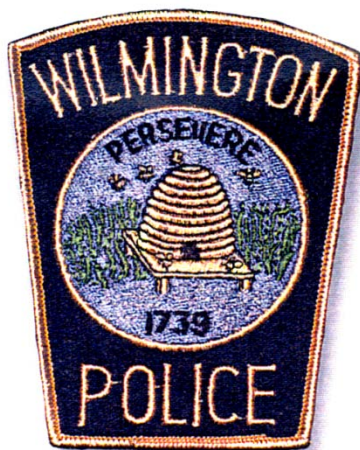




CITY OF  
**WILMINGTON**  
NORTH CAROLINA



# 2010 INTERNAL AFFAIRS ANNUAL REPORT



WILMINGTON POLICE DEPARTMENT  
OFFICE OF THE CHIEF ANNUAL REPORT 2010

# EXECUTIVE SUMMARY

**The following is a brief compilation of the raw data contained in this report in a comparative format. For further explanation/examination of the data, refer to the full report.**

2009 Complaints-46  
2010 Complaints-80

2009 Internal Investigations-23  
2010 Internal Investigations-09

2009 Special Investigations-4  
2010 Special Investigations-22

2009 Use of Force Incidents-214  
2010 Use of Force Incidents-238

2009 Calls for Service-177,238  
2010 Calls for Service- 168,577

2009 Arrests-10,827  
2010 Arrests-8,211

2009 Citations-18,564  
2010 Citations-17,448

2009 Police Pursuits-36  
2010 Police Pursuits-53

2009 Police Crashes-49  
2010 Police Crashes- 48

2009 Police Injuries-65\*Includes 1 fatality  
2010 Police Injuries- 56



# TABLE OF CONTENTS

<b>Chief's Foreword</b> .....	3
<b>IA Commander Note</b> .....	4
<b>Mission Statement</b> .....	5
<b>Community Demographic Data</b> .....	6
<b>2010 UCR Part I Reductions</b> .....	7
<b>Rules and Policy</b> .....	8
<b>Complaint/Internal Investigation/Special Investigation Statistics</b> .....	10
<b>Use of Force Statistics</b> .....	17
<b>Vehicle Pursuit Data</b> .....	23
<b>Police Vehicle Collisions</b> .....	26
<b>Line of duty injuries</b> .....	28
<b>Disciplinary Actions</b> .....	32
<b>Personnel Early Warning System</b> .....	33
<b>Biased-Based Profiling Review</b> .....	34
<b>Employee Grievance Analysis</b> .....	36
<b>Misc. Provisions</b> .....	37



# FOREWORD BY CHIEF

**The Wilmington Police Department is presenting to our community the 2010 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 2010 and compare similar data from previous years. Due to the diligent work of the men and women of the Wilmington Police Department, Wilmington saw a drastic reduction of Part I crimes for this last year. I am including statistics on those reductions as part of this report.**

**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,**

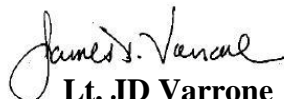
A handwritten signature in black ink, appearing to read "RM Evangelous".

**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  
OFFICE OF THE CHIEF ANNUAL REPORT 2010

# WILMINGTON POLICE DEPARTMENT MISSION STATEMENT



Partnership with the community



Respect for human dignity



Organizational excellence and accountability



Teamwork approach to problem solving



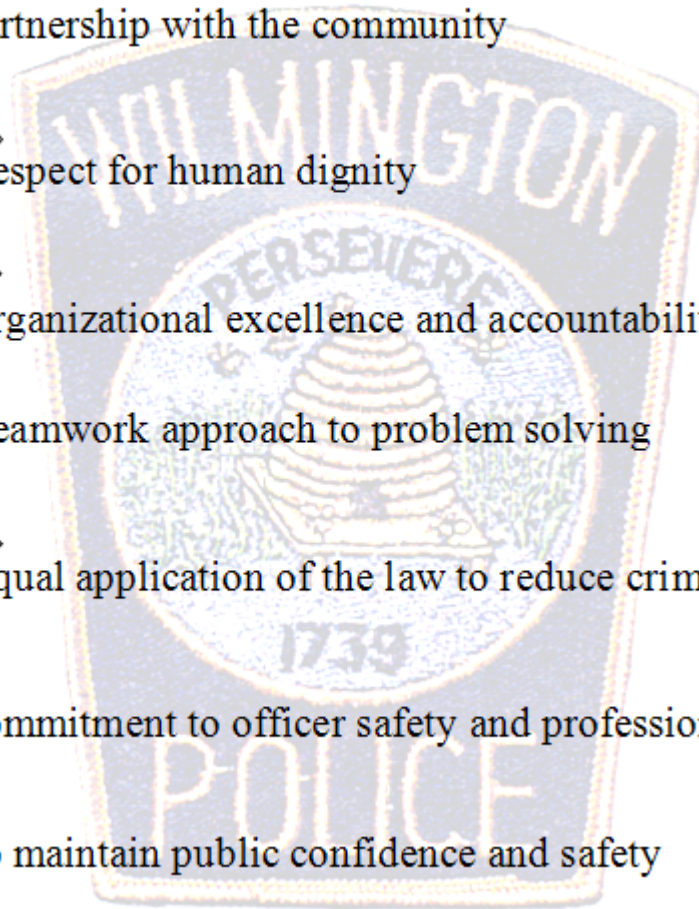
Equal application of the law to reduce crime



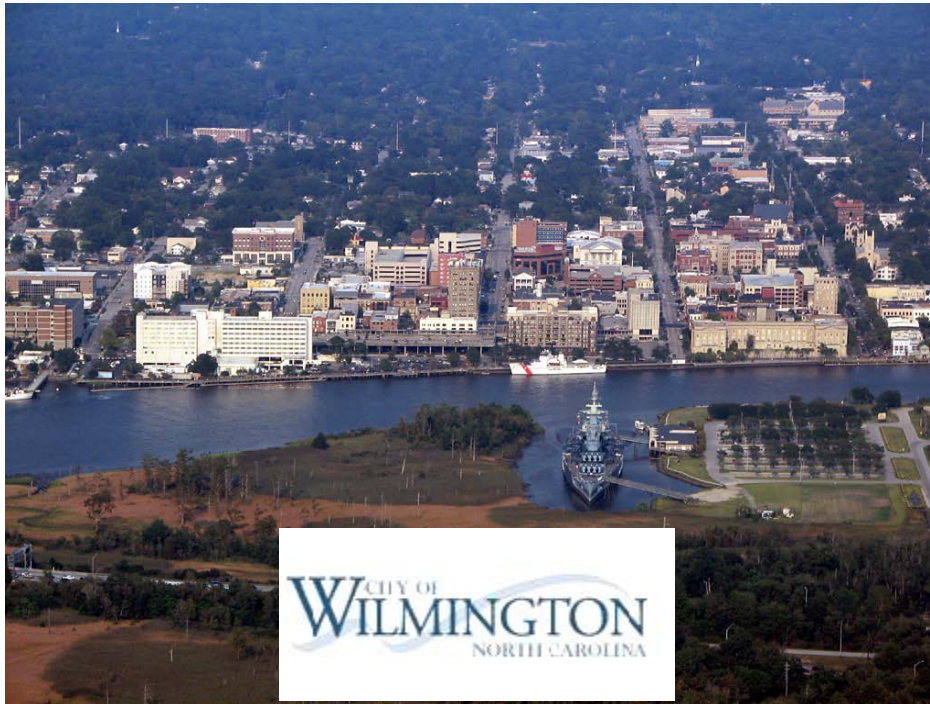
Commitment to officer safety and professionalism



To maintain public confidence and safety



# COMMUNITY/WPD DEMOGRAPHIC DATA



## City of Wilmington

**Population: 2009 \*100,192**

**Male: 48.3%**

**Female: 51.7%**

**Caucasian: 70.57%**

**African-American: 25.82%**

**Other: 3.61%**

## Wilmington PD

**Sworn: 263**

**Non-Sworn: 62**

**Male: 72.9%**

**Female: 27%**

**Caucasian: 79.69%**

**African-American: 17.84%**

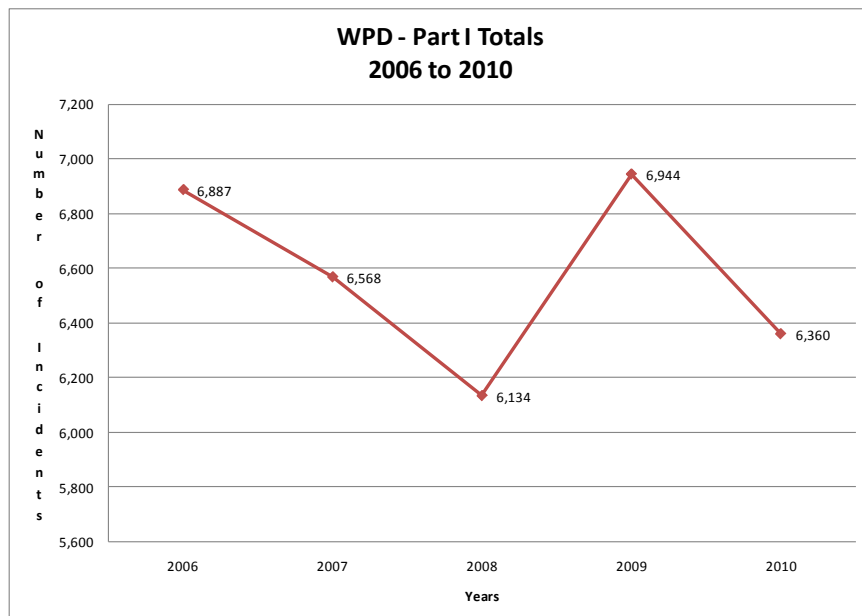
**Other: 2.46%**

Note: \*Total City population comes from a 2009 US Census estimate, while actual population breakdown emanates from the 2000 US Census. 2010 Census Data was not yet available for this reporting period. Demographics by sex were extrapolated from the 2000 US Census for New Hanover County (which includes areas outside of City Limits).

# 2010 UCR PART I CRIMES REDUCTION

WPD Crime Totals 2006 to 2010					
Part I Crimes	2006	2007	2008	2009	2010
Murder	8	12	13	4	5
Rape	61	59	49	49	47
Robbery	410	344	319	311	283
Aggr. Assault	353	401	392	440	390
<b>Violent Crime Totals</b>	832	816	773	804	725
Burglary	1,682	1,630	1,466	1,626	1,459
Larceny	3,746	3,495	3,383	4,037	3,719
MV Theft	609	609	499	455	445
Arson	18	18	13	22	12
<b>Property Crime Totals</b>	6,055	5,752	5,361	6,140	5,635
<b>Part I Totals</b>	<b>6,887</b>	<b>6,568</b>	<b>6,134</b>	<b>6,944</b>	<b>6,360</b>

*Yellow highlights represent recent record lows*





# INTERNAL AFFAIRS 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, unethical, or illegal. When this occurs, our Internal Affairs staff uses well-established procedures for investigating and adjudicating complaints. Complaints, anonymous or not, are all accepted for investigation.

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/injuries)
- *Non-Preventable*-there is nothing the employee could have done to prevent event (auto collisions/injuries)
- *Questionable*-it is unclear whether or not the employee could have prevented event(auto collisions/injuries)

## 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 a Division Commander that does not fit into the above classifications. **NOTE:** *In 2010, there was a modification to the data entry procedures into our IAPro database. Internal Affairs Investigations are down, while Special Investigations are up. This trend is attributable to the data entry correction only, and not reflective of any particular trend.*

Upon disposition of a case, the Internal Affairs investigator will mail 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 may prevent this goal from being achieved in every instance.

# COMPLAINT STATISTICS

## CITIZEN COMPLAINTS

### **2009 complaint classifications**

Abuse of Position	2
Biased Policing	1
Conduct Toward Public	22
Excessive Force	9
Constitutional Violation	1
Obeying the Law	2
Official Identification	1
On-duty Performance	2
Policy Violation	7
Total	46

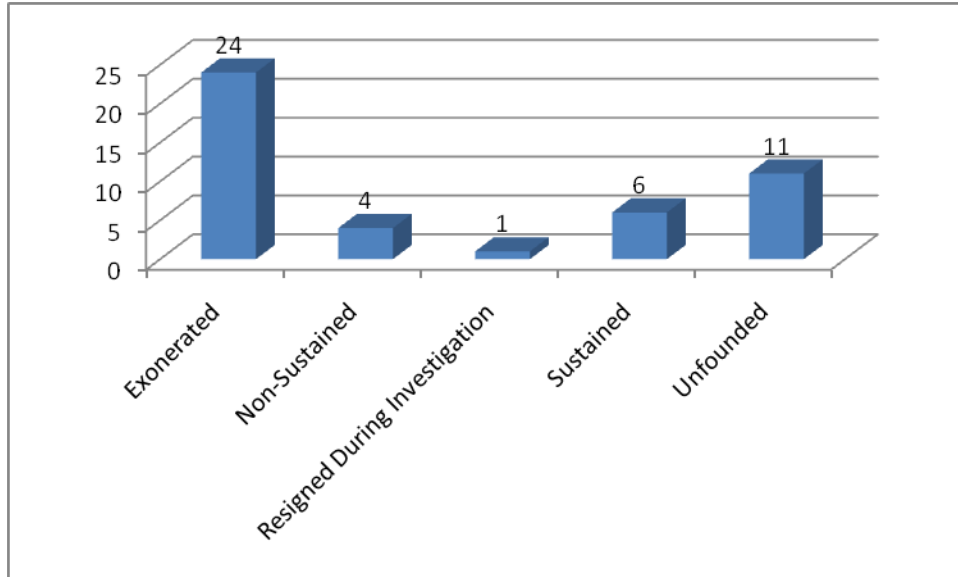
### **2010 complaint classifications**

Abuse of Position	6
Biased Policing	8
Conduct Toward Public	41
Excessive Force	10
Constitutional Violation	3
Obeying the Law	1
Official Identification	0
On-duty Performance	8
Policy Violation	3
Total	80

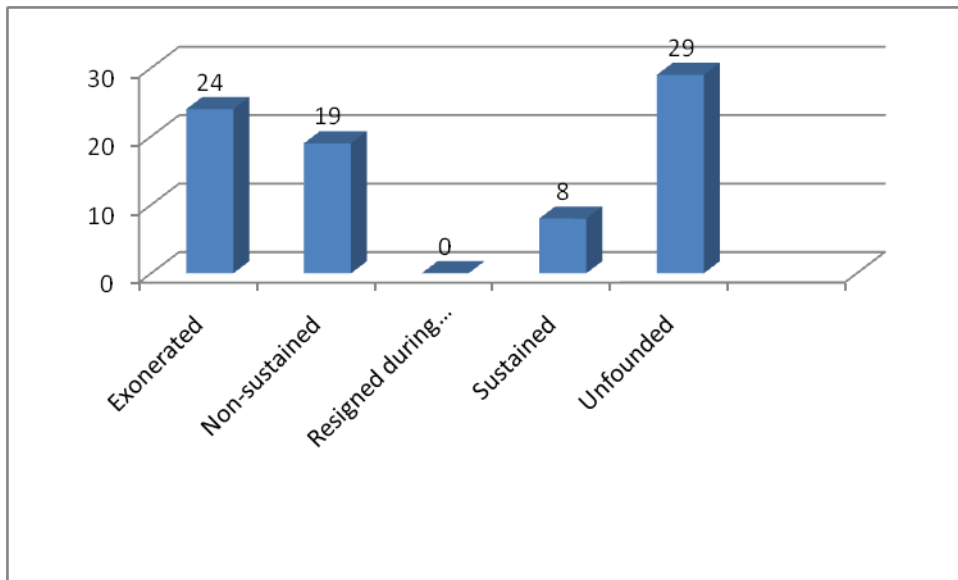


## CITIZEN COMPLAINT FINDINGS

### 2009 Complaint Dispositions



### 2010 Complaint Dispositions



## INTERNAL INVESTIGATIONS

### **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

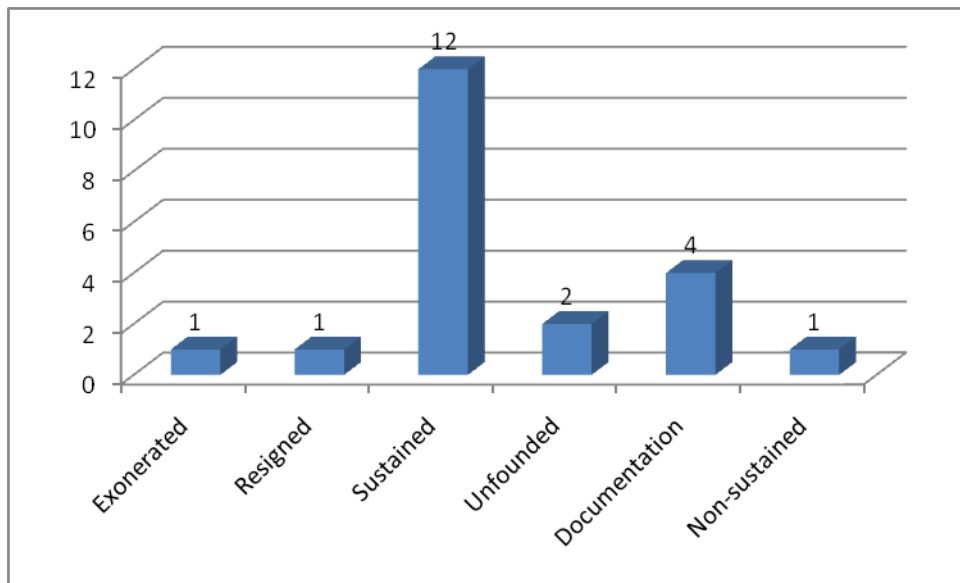
### **Internal Investigations 2010**

Criminal Violation	3
Policy Violation	4
Deadly Force	2
Total	9

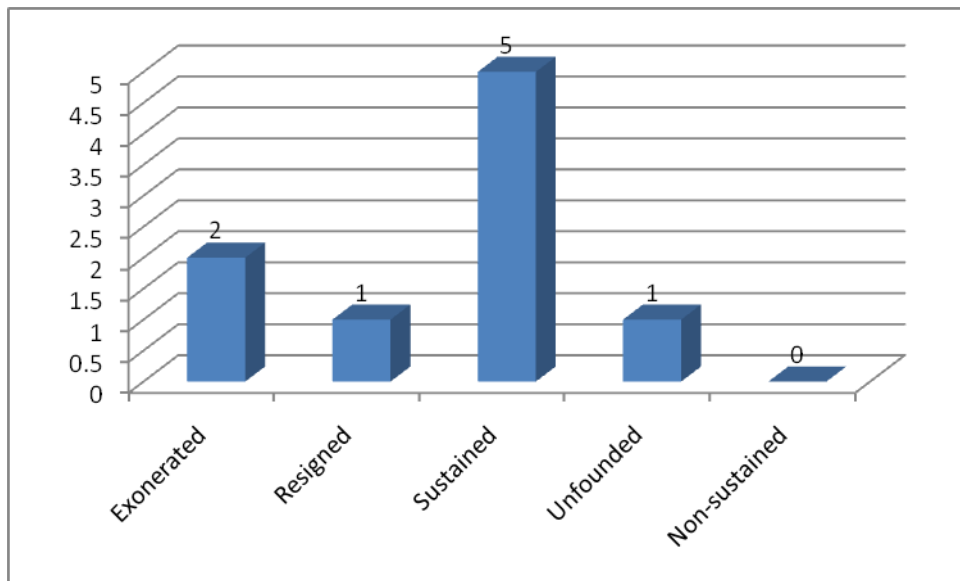


## INTERNAL INVESTIGATIONS FINDINGS

### 2009 Internal Investigation Dispositions



### 2010 Internal Investigation Dispositions



## SPECIAL INVESTIGATIONS

### **2009 Special Investigations**

Attendance	1
Domestic	1
Standard of Conduct	2
Total	4

### **2010 Special Investigations**

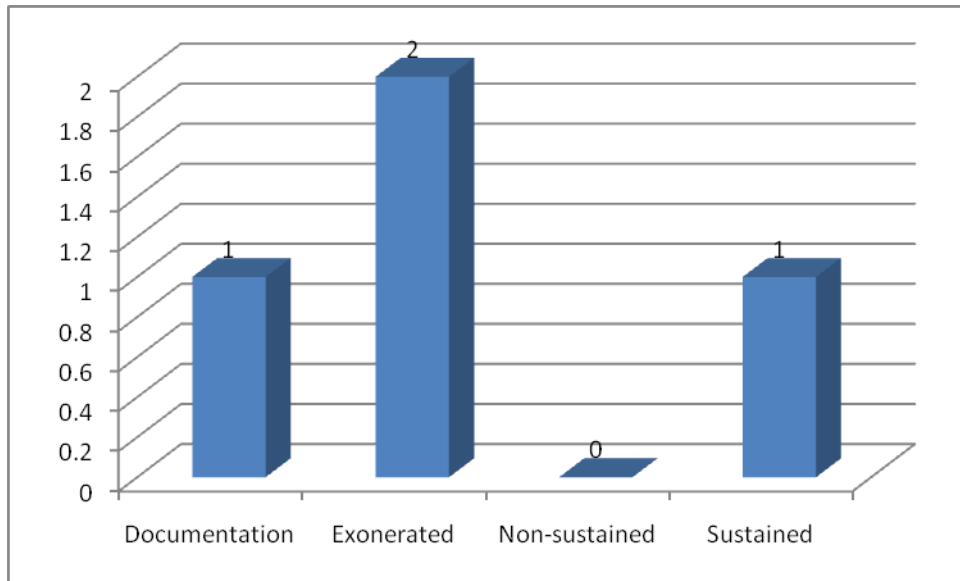
Attendance	4
Policy Violation	10
Duty Failure	6
Obeying the law	1
Appeal	1
Total	22

Obviously, in the numbers above, there has been a dramatic increase in the number of reported Special Investigations in 2010, as compared to 2009. This issue is predominantly a procedural modification in data entry procedures that was made in this office in 2010, and concurrently there was a decline in the number of "Internal Investigations" in 2010. Special Investigations now accurately reflect actions that are occurring at the Division Level while Internal Investigations similarly reflect what is occurring in Internal Affairs.

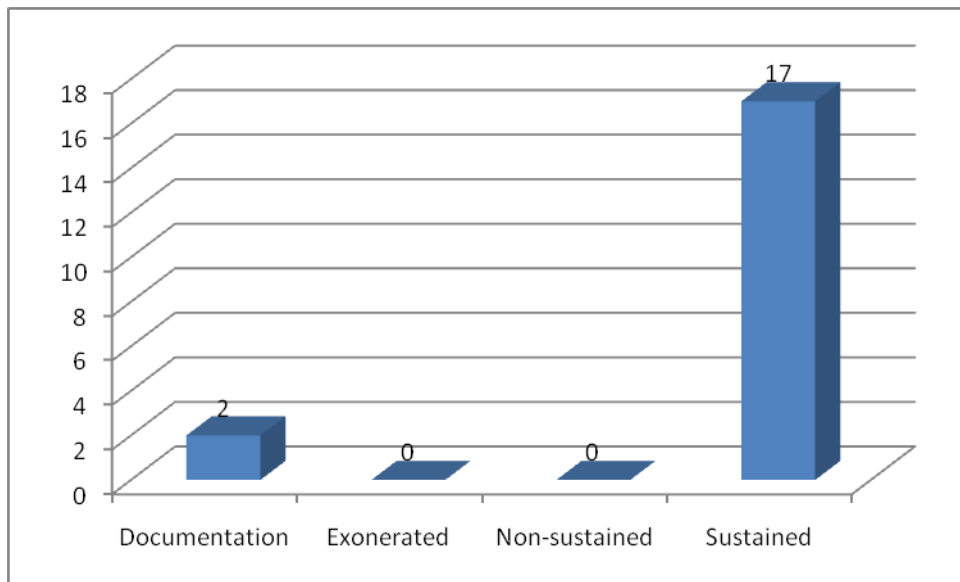


SPECIAL INVESTIGATION FINDINGS

**2009 Special Investigations Dispositions**



**2010 Special Investigations Dispositions**





CALL LOAD / INVESTIGATIVE VOLUME

**2009**

**Calls for Service: 177,238**

**\*IA events stemming from calls: 68**

**% of calls resulting in complaint: .038%**

**2010**

**Calls for Service: 168,577**

**\*IA events stemming from calls: 102**

**% of calls resulting in complaint: .061%**

**2009**

**Complaints: 46 (41 events from calls, 5 off-duty)**

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

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

**Total Incidents: 73**

**\*Total Incidents during service: 68**

**2010**

**Complaints: 80 (76 events from calls, 4 off-duty)**

**Internal Investigations: 9 (7 events from calls, 2 off-duty)**

**Special Investigations: 22 (19 events from calls, 3 off-duty)**

**Total Incidents: 111**

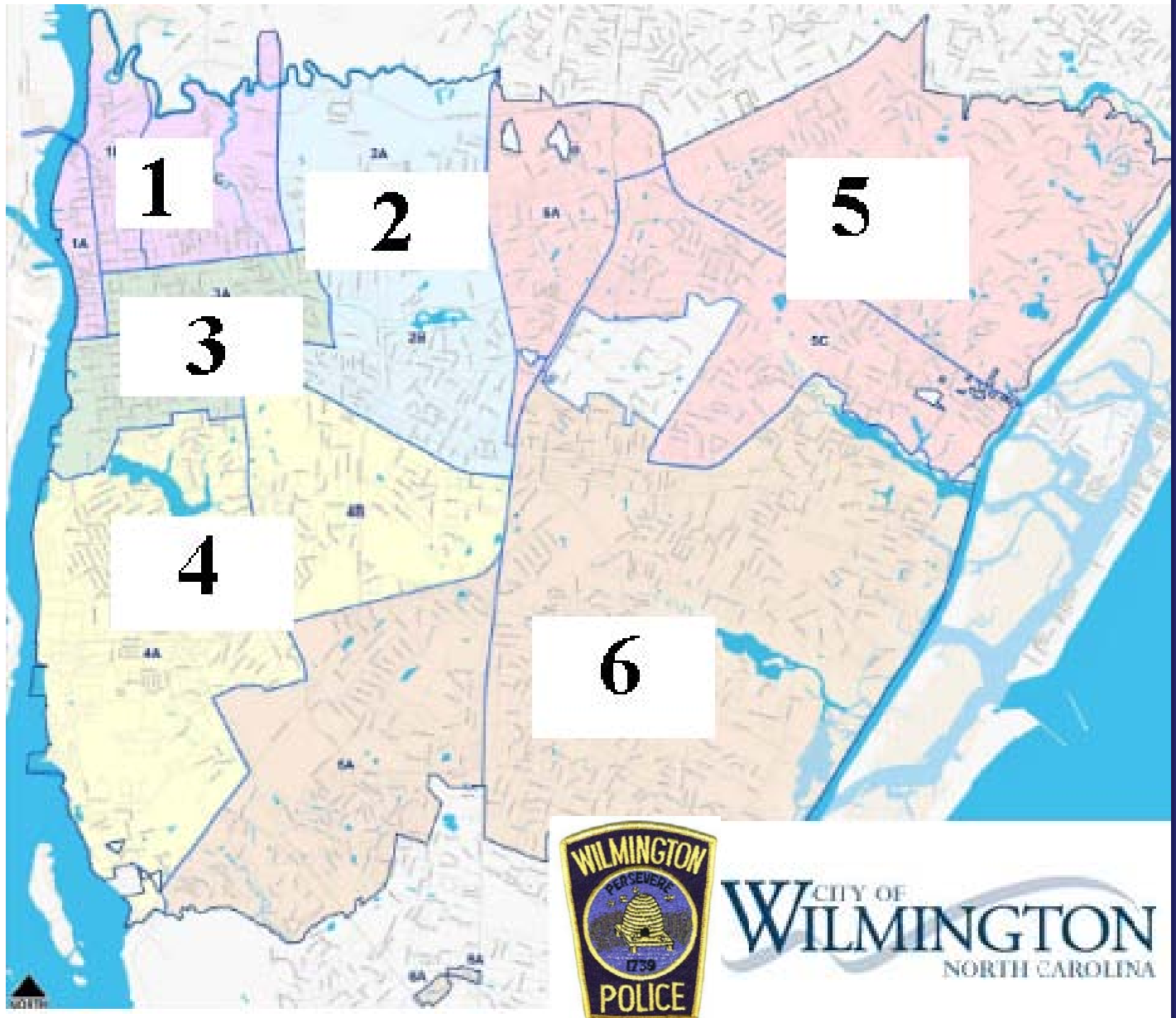
**\*Total Incidents during service: 102**

**Summary: Complaints and Special Investigations have risen in the last year, and we expect to see an additional rise for citizen complaints in 2011 as we modernize our complaint process to meet with CALEA Standards for the accreditation of our agency. This escalation was anticipated, and is primarily attributable to a revised complaint receipt process that was changed in an effort to be more transparent. Even though the total number of complaints rose in 2010, the percentage of sustained complaints against Wilmington Police Employees declined 3%.**

# USE OF FORCE

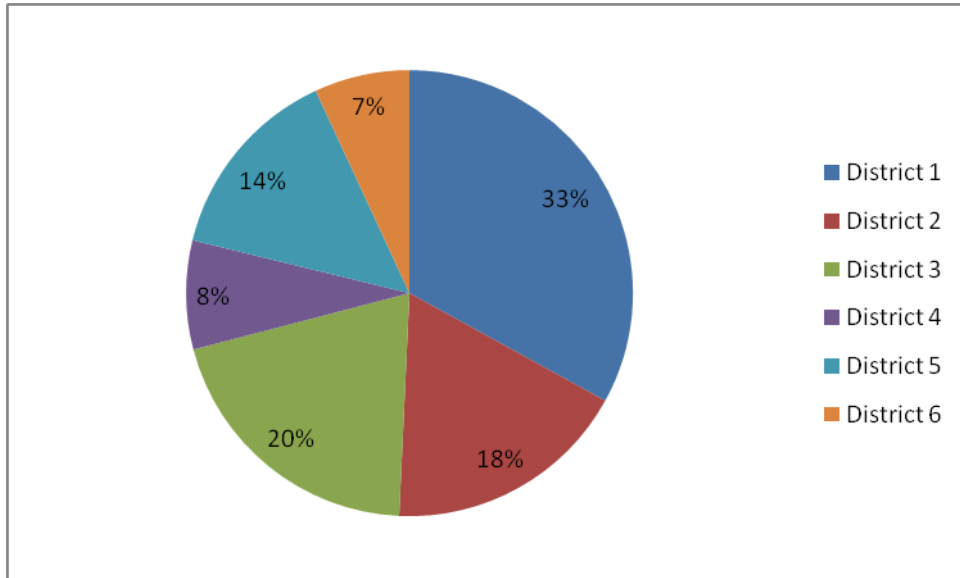
## BY GEOGRAPHICAL AREA (ADDENDUM 8/5/2011)

The City of Wilmington is divided into six districts for assignment of police personnel. The following map indicates the locations and boundaries of those districts.

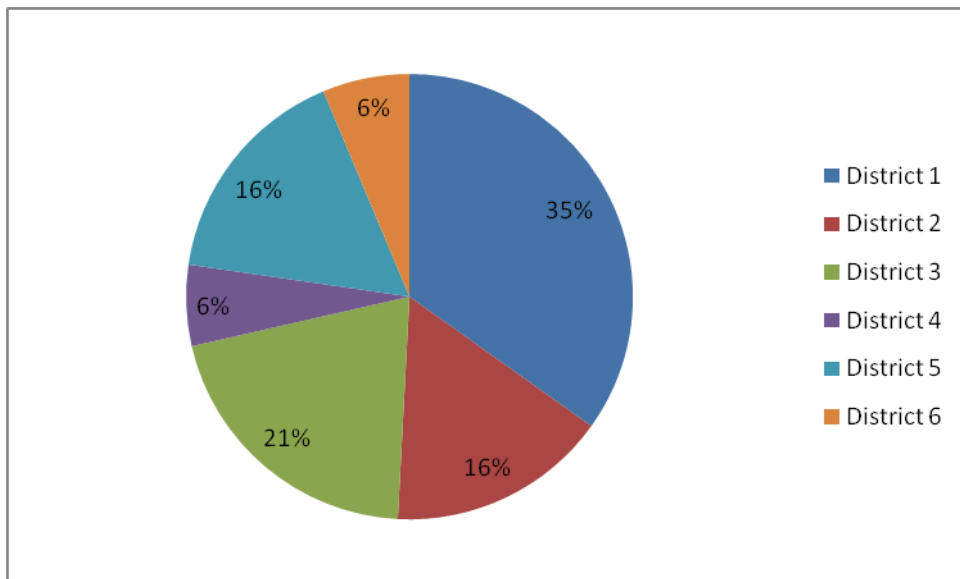


The charts below depict a comparison of the number of Use of Force Incidents by district in 2009 and 2010.

### 2009 Use of Force by District



### 2010 Use of Force by District



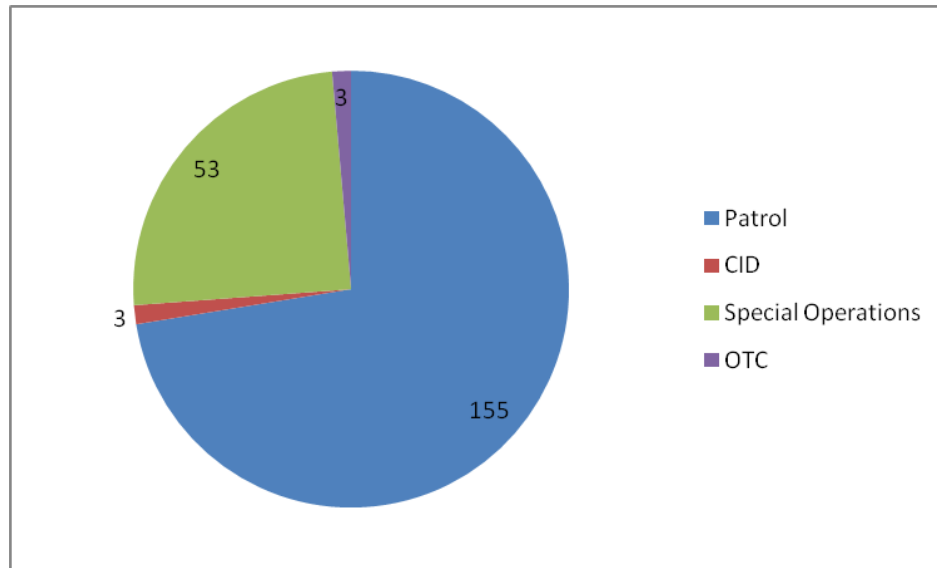
District 1, which includes the downtown business district, continues to be the predominant sector requiring the most instances for use of force at the Wilmington Police Department. Currently, our agency is working with the city government, and Downtown businesses to curb some of the issues that are the causal factors for this continuing trend. The density of alcohol-serving establishments in District 1 has been in existence for well

over a decade. The current issue was created by Zoning and various facets of the City Government. The issue was created outside of the control of the Wilmington Police Department. While the economy has slumped, Zoning continues to authorize the opening of more alcohol-serving establishments in the “downtown” section of the City of Wilmington. These establishments seem to thrive despite the current economic climate. The density of bars is so great in the downtown area, that when the bars close there exists thousands of intoxicated young people whom are evicted from the bars as they close at 2:30 AM. Those throngs of intoxicated subjects in the downtown area, fueled by alcohol, sometimes have a propensity for violence, and at times possess a mob-like mentality. This creates an issue for the relatively few Officers that are assigned to the downtown area. The situation has forced this agency to move officers from other districts and into the downtown area for bar closing, which has left other areas of the city completely without assigned officers. This was done because the officers downtown were so vastly outnumbered by these crowds of people, who as previously stated have a propensity for violence. It was, and still is a very dangerous situation for our officers every weekend. Chief Evangelous, in an effort to combat the issue, has partnered with State Alcohol Law Enforcement, the New Hanover County Sheriff’s Office, the District Attorney, and other downtown business owners. A downtown unit has been created that supplemented the strength of the existing officers in the downtown area. Furthermore, the Chief has become politically involved in an effort to stem the flow of alcohol permits that are being issued for any new downtown establishments, and we have initiated nuisance abatement procedures on problematic establishments to send the message that we will not tolerate those establishments condoning over-serving of alcohol, service of alcohol to minors, and allowing weapons into their facilities. Until the actual density of alcohol-serving establishments is drastically reduced, our agency will continue to experience elevated use of force levels in District 1, and the predominant majority of those uses of force will occur Thursday-Saturday night during bar closing. There were no other discernible trends of note via district use of force compilations.

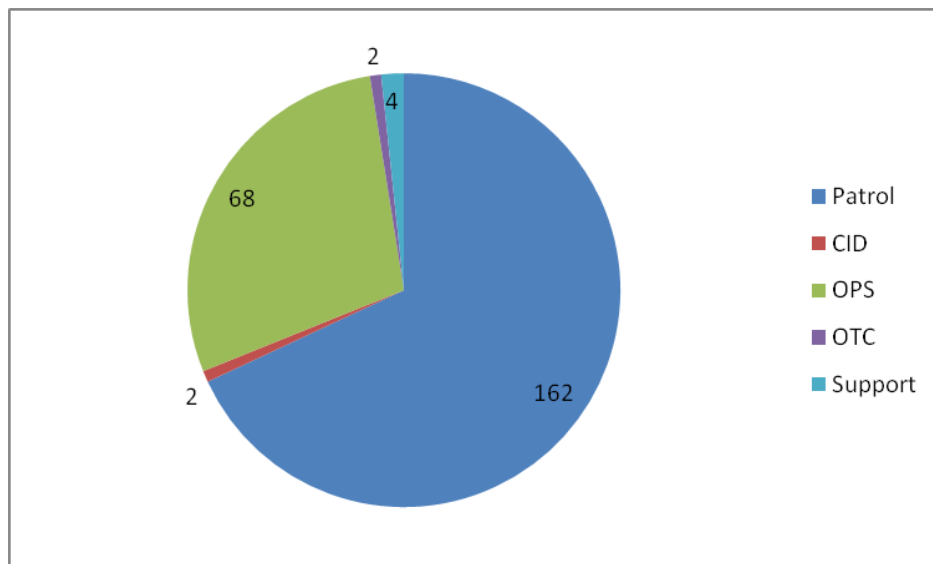


## USE OF FORCE BY DIVISION

### Use of Force by Division 2009



### Use of Force by Division 2010



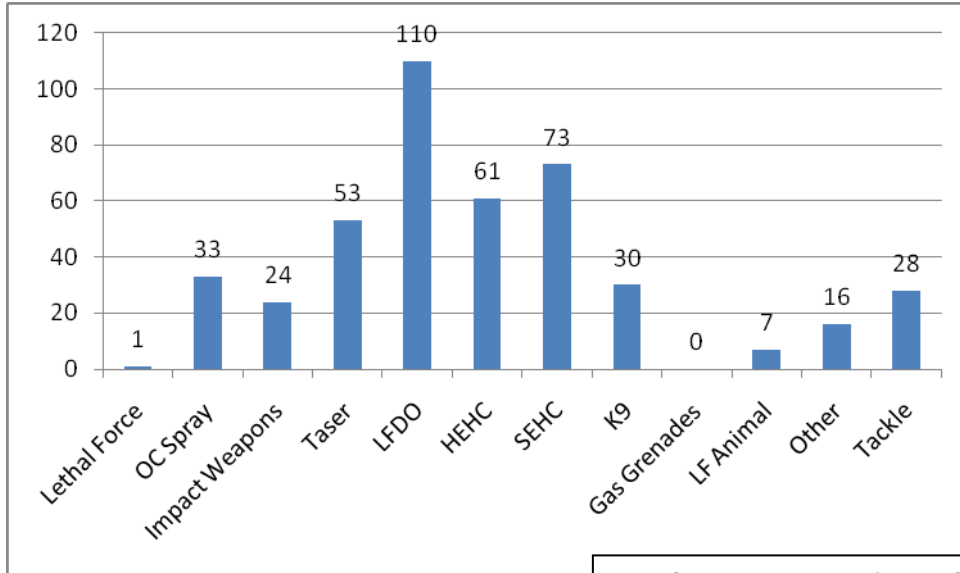
The largest discernible trend in these statistics is that the Use of Force by the Special Operations Division has risen by 4% over the previous year. This is a clerical anomaly that results from entry of every SWAT team member that is on an entry into our data base as “LFDO”. Previously, when the SWAT team was utilized to make an entry, only the team leader appeared on the face of the UOF report as being the one whom used force,

and they were the only one whom was recorded in our IAPro database in 2009. The result of this type of data entry into our IAPro database was massively escalated UOF documentation on a single member of the SWAT Team. When in reality, most members of the SWAT Team involved with entries were demonstrating force via LFDO (lethal force display only). Therefore, Lt. Varrone determined that all SWAT Team members whom used LFDO would be summarily documented in the IAPro database. The resultant rise in Special Operations use of force is primarily attributable to this clerical change, and not an actual increase in force used by Special Operations, it is merely a more accurate representation of the amount of force used than in previous years. Patrol personnel are still using the bulk of force at the Wilmington Police Department. Most of our sworn employees are assigned to Patrol, most of the volatile incidents are handled by patrol, patrol officers are the first responders, and we certainly expect that patrol will always report the bulk of force used during any year.



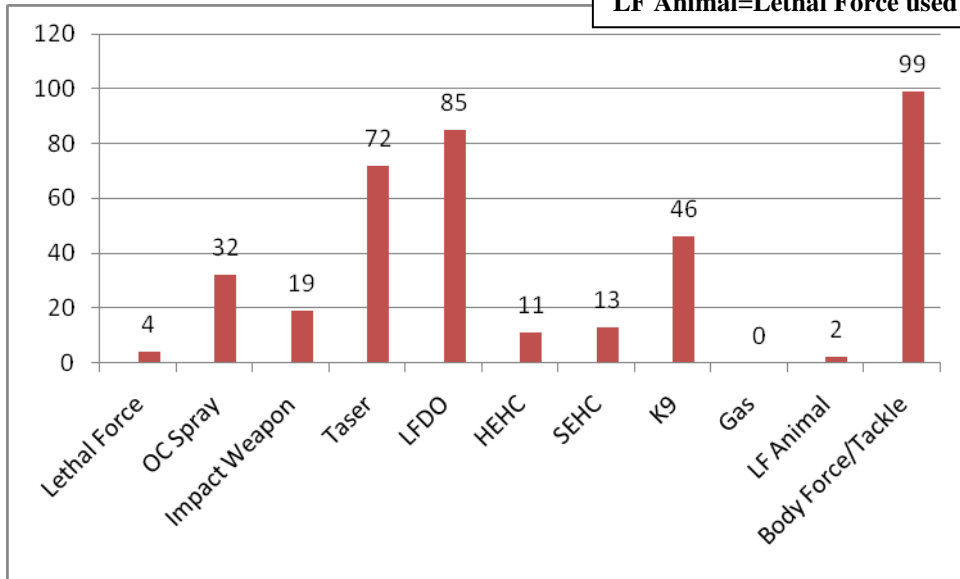
## USE OF FORCE BY TYPE OF FORCE USED

**2009**



**2010**

**LFDO=Lethal Force Display Only**  
**HEHC=Hard Empty Hand Control (strikes)**  
**SEHC=Arm Bars/Take Downs**  
**LF Animal=Lethal Force used upon animals**



Body Force/Tackle force uses are up significantly (29%) from 2009, however SEHC and HEHC uses were down. This anomaly is most certainly a direct result of data entry subjectivity in our IAPro database. There were two new personnel assigned to Internal Affairs in 2010. When they received Use of Force Reports that contained a statement of

tackle, they selected “body force/Tackle” as it is a pick list option. However, in actuality a tackle is a SEHC (soft empty hand control technique). Strikes/sweeps which cause a person to fall should be classified as HEHC (hard empty hand control techniques), and not tackles. The fact of the matter is this: the Body Force/Tackle option in the pick list on IAPro needs to be removed, because that it is repetitive or subjective to the other options. When looking at the data here, taking the aforementioned information into consideration, in 2009 there were 101 SEHC events. In 2010 there were 112 SEHC events. Statistically between the two years, that is relatively similar occurrence rate for this classification.

Most of our officer injuries occur in hand to hand confrontations recorded as: HEHC, SEHC, and Tackles. The Wilmington Police Department, through the City and Department Safety Committees is attempting to reduce the amount and severity of injury to our officers. Injuries to our workforce are costly to the agency in both our ability to accomplish our mission with reduced manpower and financially. This issue is going to be addressed in the 2011 in-service training with less lethal weapons. It is hoped that officers will be less willing to engage with suspects hand to hand, and be more willing to use other force implements when the less lethal training day concludes.

There was a 15% increase in LFDO (lethal force display only) events from 2009 to 2010. This is due in part to increased Use of Force Reporting to include all SWAT Team Members during their deployments. Canine apprehensions are up 5%, which is primarily attributable to the fact that each one of our canine officers was working with experienced dogs in 2010. There was a 5% increase in the usage of tasers, which is minimal, but most certainly is due to a more even distribution of electronic control weapons amongst the Patrol Services Divisions where volatile encounters are most likely. Sgt. Nester, the weapons quartermaster has been working on electronic control weapon distributions for the last few years.

There was a substantial increase in our use of deadly force in 2010. There were two incidents in which officers of the Wilmington Police Department used deadly force. In both incidents, the officers were justified in their use of deadly force. So, while statistically there was a slight increase in the use of deadly force, these situations are typically forced upon our agency members by suspects, and not by our officers.

In the first incident, at 204 Dorchester Pl., three officers of the Wilmington Police Department fired their weapons at the suspect. Only one of them struck the suspect. The suspect did die as a result of that one gunshot. The suspect was armed, barricaded within a residence, and actively engaging our officers with multiple firearms. The incident was investigated by the North Carolina State Bureau of Investigation and Wilmington Police Internal Affairs. The suspect was diagnosed as a paranoid schizophrenic whom was not taking his medication, and was consuming alcohol. This combination, added with the fact that his parents gave him access to firearms and ammunition was a lethal combination for him. There are no concerns, regarding our use of force in this incident, and the community this occurred in were extremely grateful to this agency for our handling of this event.

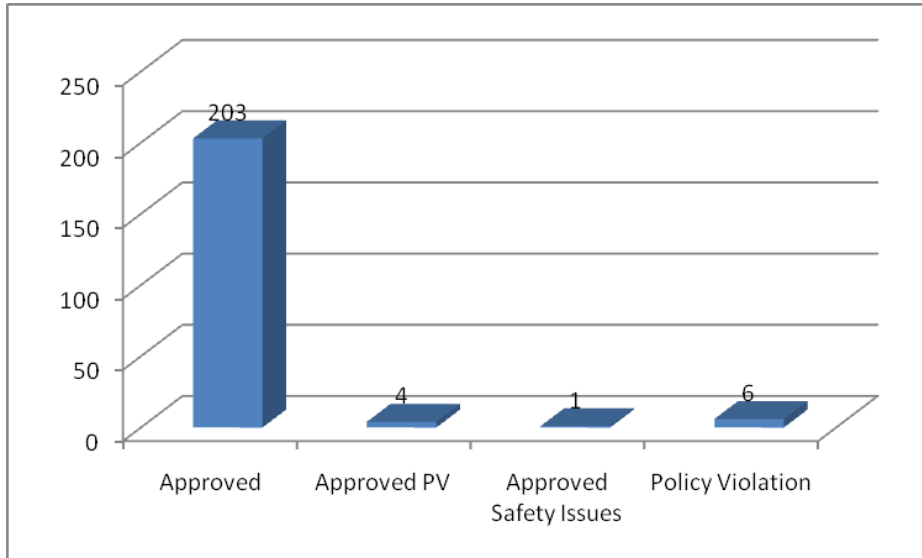


The second deadly force incident at 804 Haymarket Dr., was a similar incident. A suspect, David Hansen, had shot at a neighbor multiple times, went back to his residence, and barricaded himself in the residence with his daughter. The suspect was intoxicated with alcohol. The suspect eventually released his daughter, and then told dispatchers on a recorded line that he was, “coming out shooting at the police.” The suspect then came out of the house towards officers, still verbally announcing that he would shoot the first officer he saw. The suspect was walking down his driveway towards the latent position of a SWAT Team member with a shouldered rifle. The suspect was panning his rifle towards multiple other officers. The SWAT Team member fired a single shot from his M-4, striking the suspect in the shoulder. The suspect was taken into custody, and then immediately to the hospital for treatment of his gunshot. The suspect survived, and was charged with numerous charges. This incident was also investigated by the North Carolina State Bureau of Investigation and Wilmington Police Internal Affairs. The actions of the officer at this incident were also justified.

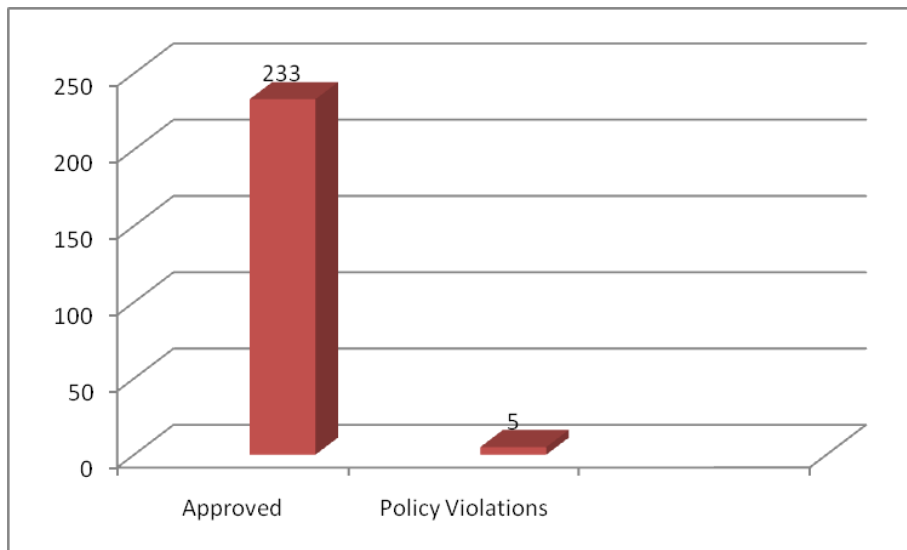
Our agency shall continue to educate our workforce on our use of force directive (WPD Directive 5.01 Response to Active Resistance/Active Aggression) annually. Furthermore, as a result of a study from PERF, and an incident with an ECW in Charlotte in 6/2011, we are currently reviewing our agency directive in regards to ECWs and how our officers are deploying ECWs. That is a work that is currently in progress.



### 2009 Use of force Dispositions



### 2010 Use of Force Dispositions



In 2010 there were five policy violations which occurred during the 238 force incidents. That represents .02% of incidents with a policy violation. In 2009, .04% of the uses of force were in violation of departmental policy. This information seems to indicate that we are properly educating our workforce in how to maintain compliance with our use of force directive. This needs to continue, and this directive needs to be consistently and constantly reinforced by supervisory personnel.

Of the 5 use of force policy violations in 2010, three of them were technical violations, in that the officers involved did not photographically document the injury sites. Those violations were corrected with supervisory counseling sessions.

One of the violations stemmed from a failure in policy to classify the use of pepper spray as an authorized crowd dispersal agent. There was an incident downtown, at bar closing, where one of our officers used pepper spray to disperse an unruly crowd that was blocking N. Front St. There were multiple fights erupting in that crowd, and they had failed to disperse after being ordered over the PA to disperse. The crowd began chanting in unison, appearing to be in the initial stages of becoming a riotous mob, and an officer sprayed pepper spray into the ground at the base of the crowd. Once the pepper spray hit the ground, it was aerosolized, and quickly spread throughout the area. The crowd then dispersed, and order was restored, however, the use of pepper spray in that manner is not approved by our use of force policy. Our agency is currently researching best practices within North Carolina, in an effort to determine how best to address this issue and whom we will authorize to use pepper spray as an unruly crowd dispersal instrument. Until that is accomplished, and as our policy stands right now, only a Lieutenant (watch commander) or higher authority may authorize the use of pepper spray to disperse an unruly crowd.

The final incident, which was of concern, was a use of force incident which was captured on a dash camera. In that incident, the officer in question delivered hard empty hand control strikes to a suspect that was on the ground. While the suspect was at the time resisting two other officers, it was the opinion of Internal Affairs, that those two officers already had sufficient control of the suspect, and that the strikes delivered by the third officer were not necessary to effect the arrest of the suspect. Those strikes were deemed excessive use of force, and the officer was disciplined formally, and counseled by the Chief of Police in reference to our use of force directive, and what the chief expected.



USE OF FORCE INCIDENTS PER ARREST

**2009**

**Total # of Use of Force Incidents: 214**

**Total # of arrests: 10,827**

**% of arrests requiring force to be used: 1.97%**

**2010**

**Total # of Use of Force Incidents: 238**

**Total # of arrests: 8,211**

**% of arrests requiring force to be used: 2.89%**

The statistics indicate that over 97 % of the arrests made by Wilmington Police Officers are accomplished without having to resort to physical force. Incidents requiring the use of force, often receive a great deal of media attention, however; those cases are clearly the exception, and not the rule. The total percentage of arrests requiring the use of force has increased slightly less than 1% from last year. This is a nominal change, and is not statistically significant. We will continue monitoring this trend to determine whether or not it develops as a concern for our agency and the community we serve.



*(Note: that during some of these incidents where force was used, multiple levels were used)*

## POLICE PURSUITS

Police pursuits are inherently dangerous to the community, officers involved, and the persons eluding the officers. The Wilmington Police Department recognizes those dangers by strictly governing when an officer can pursue a fleeing suspect. Police pursuits increased in 2010, as expected, due to a change in the parameters governing pursuits by members of the Wilmington Police Department.



### **2009**

Total number of pursuits: **36**

Pursuits that were permitted: **31**

Pursuits that were terminated: **5**

Pursuits involving crashes: **9**

### **2010**

Total number of pursuits: **53**

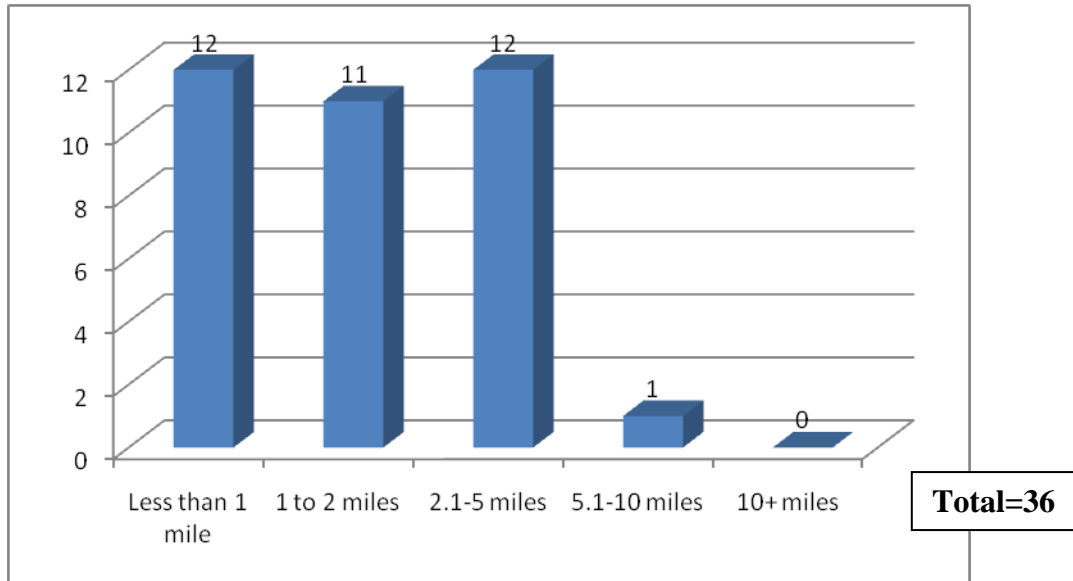
Pursuits that were permitted: **28**

Pursuits that were terminated: **25**

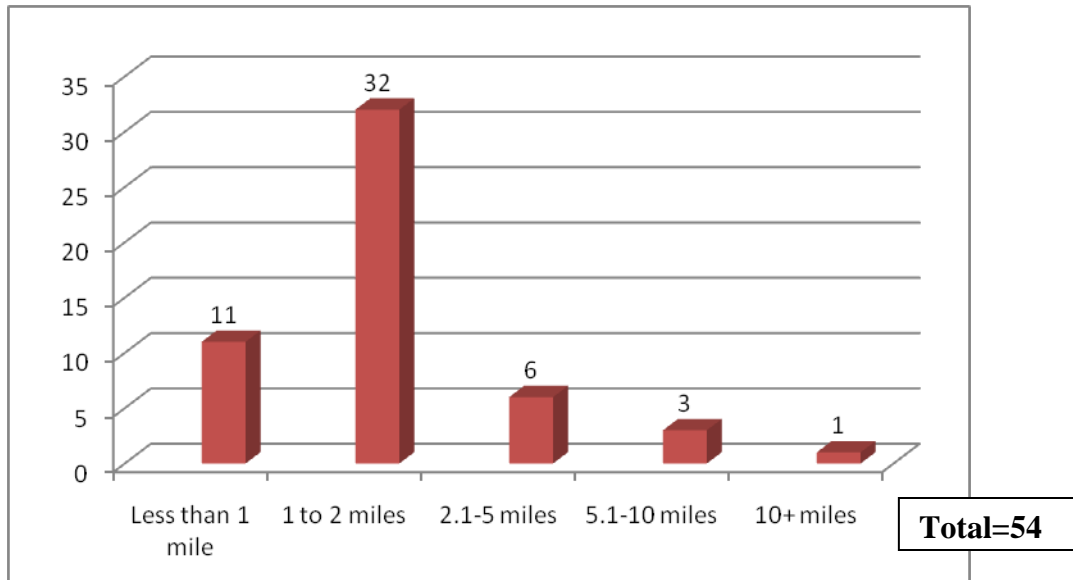
Pursuits involving crashes: **14**

## PURSUIT DURATION DATA

2009



2010



## POLICE PURSUIT DISPOSITIONS

2009

<b>Approved</b>	<b>24</b>
<b>Policy Violation</b>	<b>10</b>
<b>Approved w/safety issues</b>	<b>2</b>

2010

<b>Approved</b>	<b>43</b>
<b>Policy Violation</b>	<b>11</b>
<b>Approved w/safety issues</b>	<b>2</b>

### 2011 Assessment Addendum to the 2010 OTC Annual Report Analysis of Vehicle Pursuits

In 2010, we saw a 17% increase in the number of police pursuits that were conducted by Officers of the Wilmington Police Department. In 2009, related to calls for service, there was one police pursuit for each 5,000 calls for police service. In 2010, there was one police pursuit for every 3,000 calls for service. This increase was expected, and was concurrent with a change in the departmental policy 8.01, which governs police pursuits. The change to departmental policy slightly relaxed the initial logic for initiating a police pursuit; therefore we expected to see an increase in the total number of pursuits that our officers were engaged in. Stringent training of our officers in our Pursuit Policy should be an ongoing endeavor. Supervisors should often have the officers review the policy, and the Training Office should incorporate some official Departmental Training no less than annually.

The average pursuit distances remain relatively steady, with a majority of pursuits falling within 1-2 miles. Interestingly, there is a trending decrease in the duration of pursuits which may also be related to the change in the pursuit policy. In other words, the word is out on the streets that Wilmington Police will chase you. Suspects knowing this may reduce their propensity to continue these pursuits over great distances. We will have to continue watching this trend to discern whether or not that is an accurate interpretation of this data.

There was also a 1% increase in crashes related to police pursuits in 2010 as compared with data from 2009. 25% of all Pursuits from 2009 resulted in automobile crashes, whereas in 2010, crashes occurred in 26% of all pursuits. It stands plainly to consider that when we relax our Pursuit Initiation Logic, that we will concurrently see an increase in the number of pursuits our officers are involved in, as already discussed above. Simultaneously, because we are engaged in more pursuits, to have an increase in crashes

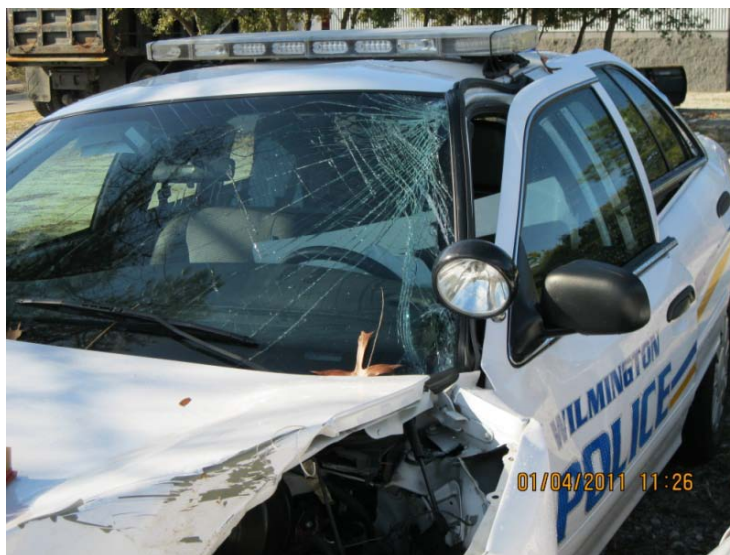
was also expected. It would greatly benefit our agency to continue the training of our officers in the Departmental Pursuit Policy, as discussed above. Furthermore, training our Officers in Pursuit Driving, and the continuation of our pre-existing remedial driving course should be in place for the upcoming year.

There were two pursuits with noted safety violations. One of those violations was driving the wrong way down a one way street, the other violation was for an Officer failing to properly clear an intersection that was emitting a red light for the Officer's direction of travel. Neither of those instances resulted in a crash, however; in both instances it was felt that the hazards created by the behavior of our Officer were not outweighed by the need to apprehend the offenders. Both of those instances were resolved with supervisory counseling, and discussion of the Departmental Pursuit Policy. The eleven policy violations emanated from a variety of minor rules violations i.e. Number of vehicles permitted to be involved in a pursuit, unmarked cars surrendering pursuits to marked cars, officers not properly able to call out the nature of the pursuit, etc. None of these violations resulted in severe disciplinary penalties in 2010. All of the situations in 2010 were handled with Supervisory Counseling, which included a review of our Departmental Policy on Pursuits.





## POLICE VEHICLE COLLISIONS



### 2009

Total # of Police Vehicle Crashes: 49  
Police Vehicle Crashes Preventable: 24  
Police Vehicle Crashes non-preventable: 25  
Police Vehicle Crashes questionable: 0  
Driving hours for agency: 587,496  
Crashes occur once every: 11,989 hours  
Preventable crashes occur once every 24,479 hours

### 2010

Total # of Police Vehicle Crashes: 48  
Police Vehicle Crashes Preventable: 31  
Police Vehicle Crashes non-preventable: 16  
Police Vehicle Crashes questionable: 0  
Driving hours for agency: 622,440  
Crashes occur once every: 13,243 hours  
Preventable crashes occur once every 20,078 hours

## POLICE VEHICLE COLLISIONS CONTINUED

In 2010, there was an alarming increase of Officer Involved crashes that were preventable on behalf of Wilmington Police Employees. The Wilmington Police Department has implemented, and executed remedial driving classes for those personnel who have met the criteria established by this agency. Furthermore, our agency has implemented harsh punitive measures upon the officers involved in preventable collisions. Each and every supervisor at the Wilmington Police Department has to stress the importance of driving safely. Most officer-involved collisions are occurring in parking lots, and are backing errors. The frequency of preventable crashes in relation to the total number of crashes for the year has increased 10%. This may be attributed primarily to an influx of younger officers. The median age of our agency has dropped as the previous generation nears retirement.



## POLICE LINE OF DUTY INJURIES

Police Officers are often placed into situations where they are subject to injury. The injuries range from minor injuries to being killed in the line of duty. Our total injury rate was down this year, a trend that our agency will need to continue. In the face of the current National Financial Crisis, the city has forced budgetary expenses for Worker's Compensation claims onto the Departmental Budget. In the current fiscal year, and for the foreseeable future, our agency must look to curb these injury trends at the risk of sacrificing other budgetary needs to pay for our expensive worker's compensation claims.

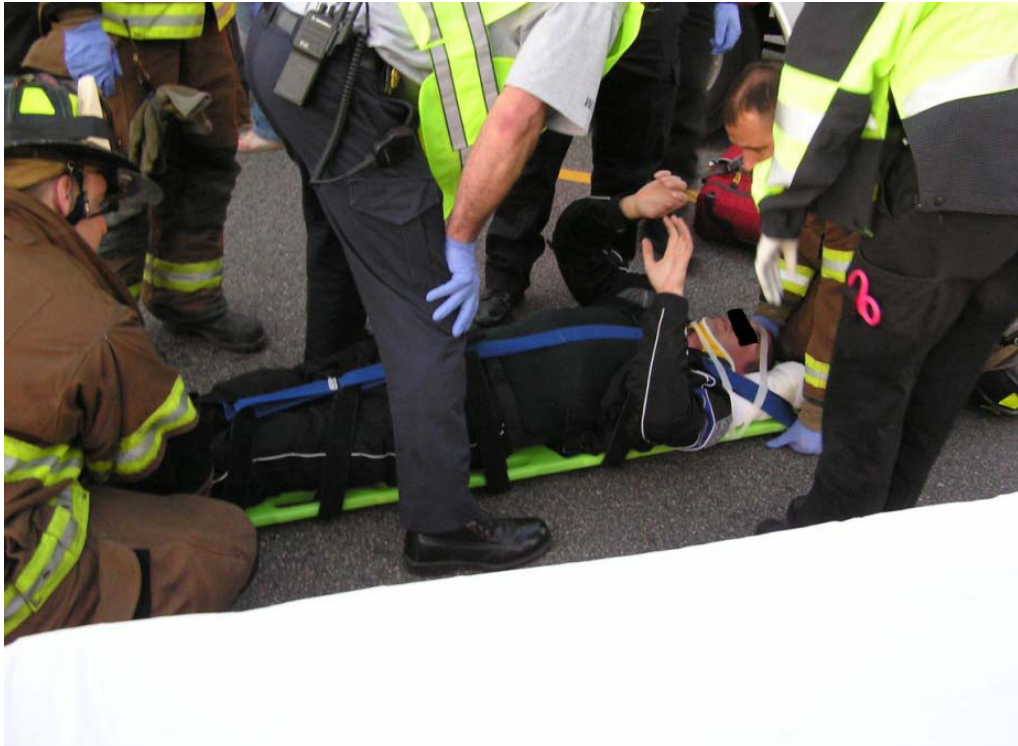
2009

Total Occupational Injuries: 65

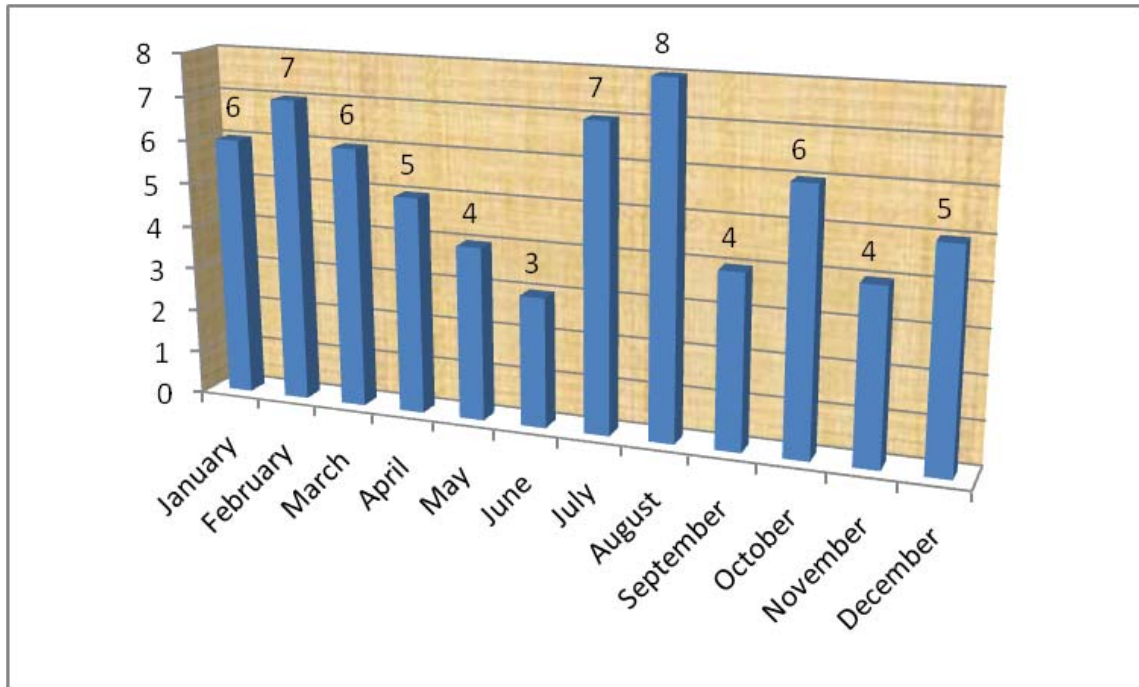
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2010

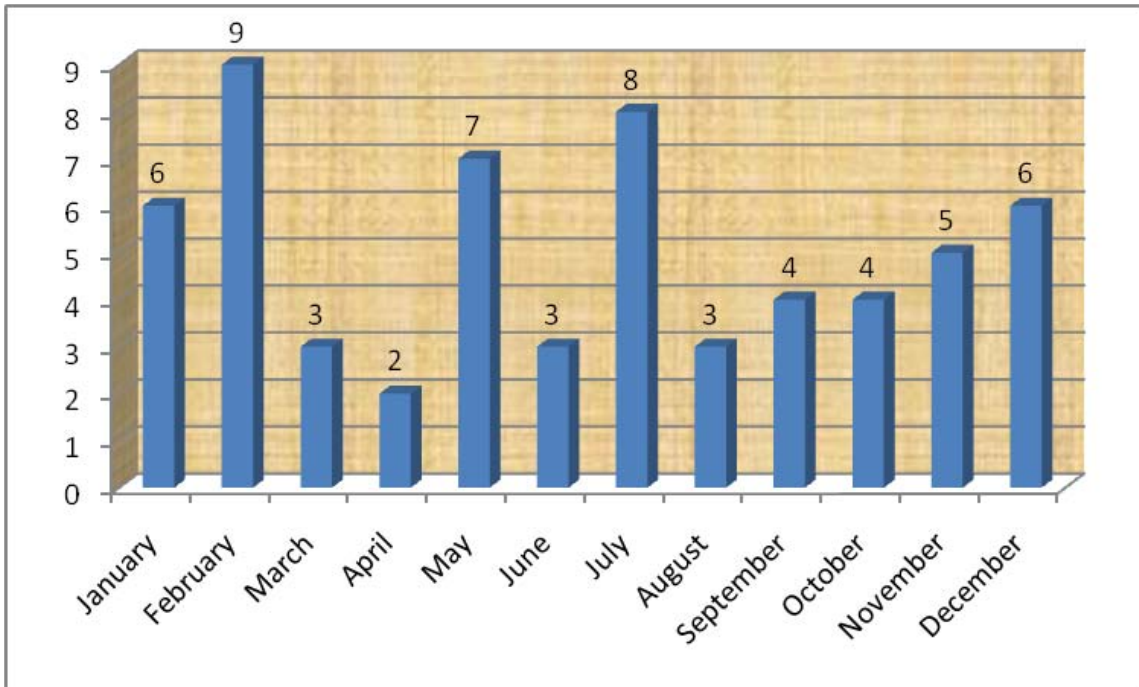
Total Occupational Injuries: 56



### 2009 Occupational Injuries by Month

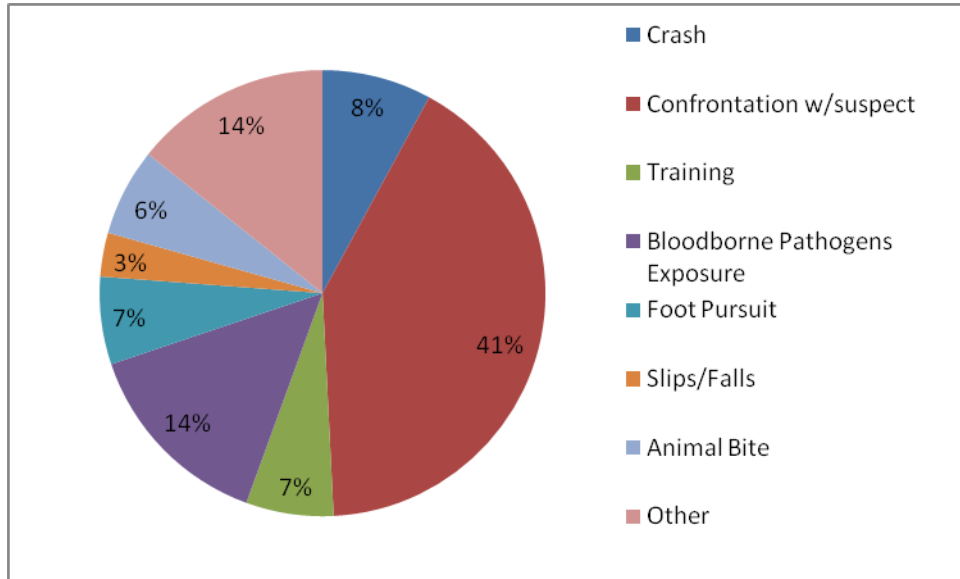


### 2010 Occupational Injuries by Month

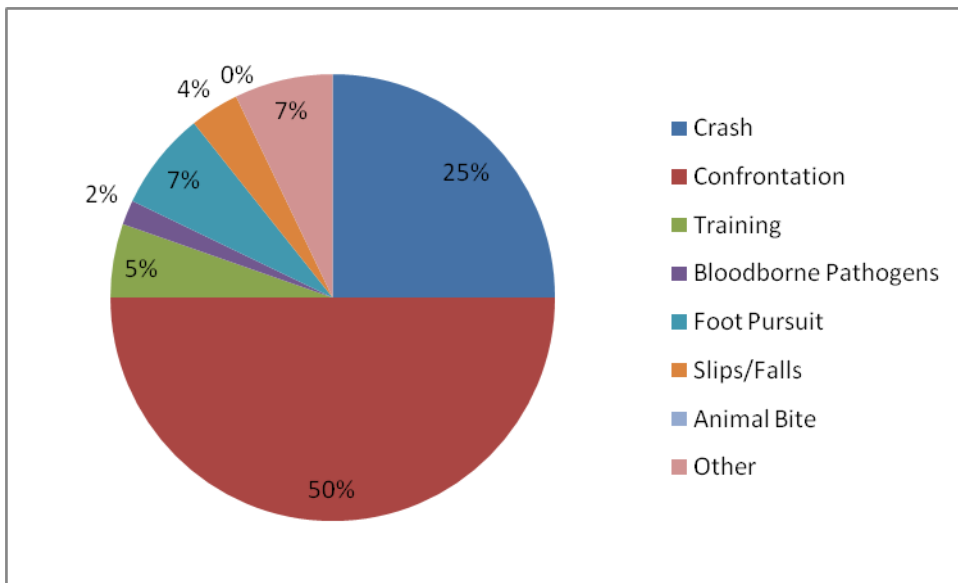


February and July tend to consistently be the most hazardous months for Officer Injuries.

### Officer Injury Events 2009



### Officer Injury Events 2010

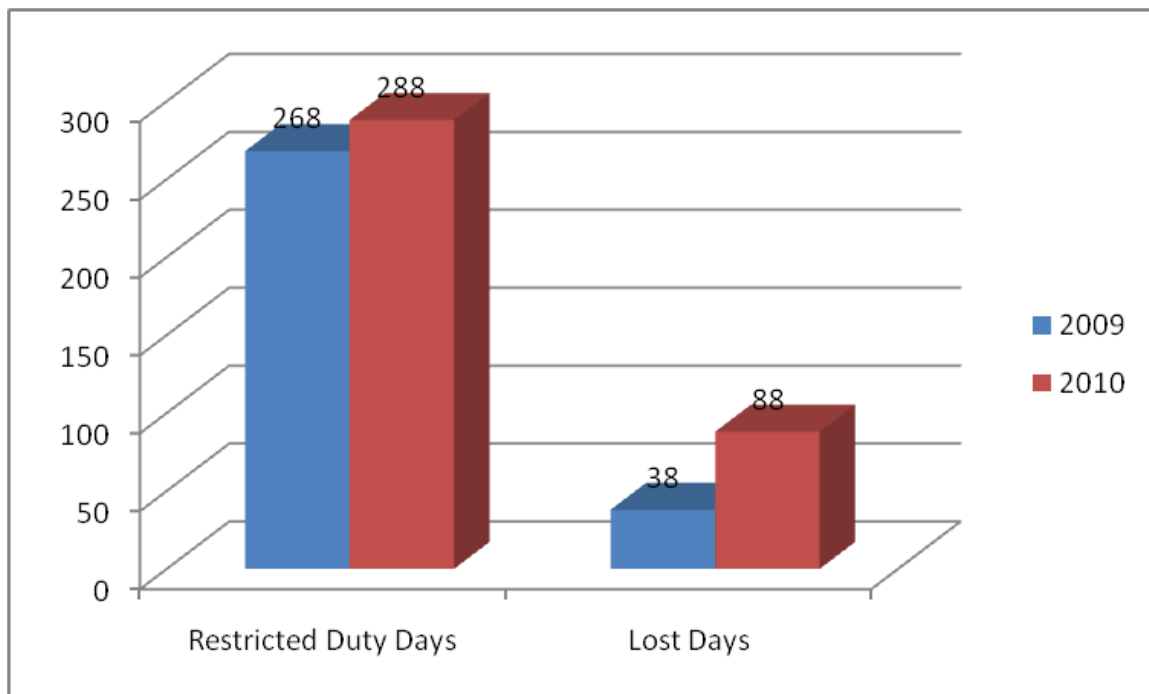


Seventy-five percent of officer injuries occur as either a result of vehicle crashes or confrontation with suspects. Training incidents and foot pursuits create the other significant injury events in 2010. In 2009 there was an alarming increase of blood-borne pathogen exposures, which declined significantly in 2010. Confrontational Injuries are up significantly in 2010 as well.

Note that on the charts above, that foot pursuits are in all actuality, a confrontation with a resistant subject, as are most blood borne pathogen exposures. Taking that into consideration, confrontations with suspects account for 59% of all of the injuries sustained by Wilmington Police Officers.

## INJURY IMPACT

The total number of injuries during 2010 was lower than 2009. The lost hours due to those injuries, however, was slightly increased. This means that the severity of the injuries sustained by Wilmington Police Officers was greater in 2010 than the previous year. As noted earlier, a predominant majority of injuries stem from automobile collisions, altercations with suspects, and injuries that occur during foot pursuit. The dramatic increase we have seen during altercations with suspects this year could be prevented by encouraging our Officers to use alternative force options. Most injuries during these altercations occur when the officers choose to engage the suspects in hand to hand techniques (SEHC/HEHC/Tackle events). See comparison of injury severity below. There is further discussion of this issue in the Use of Force Analysis.

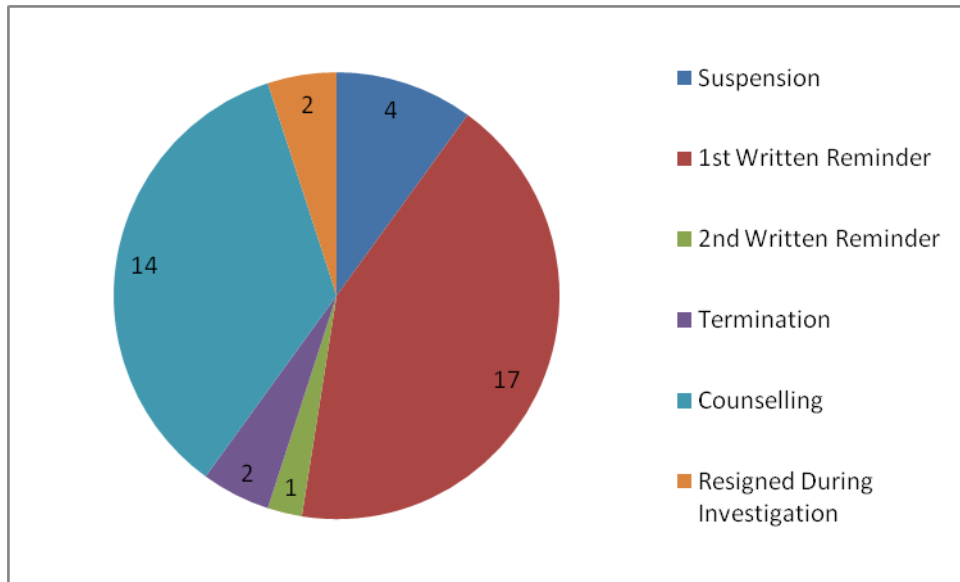


The Wilmington Police Department should set goals for 2011 to reduce the severity of the injuries to our officers where possible. We had been trending down in this field for the last 2 years, but this last year there was a sudden increase in both the severity and occurrences of officer injuries.

## 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 chart portrays disciplinary actions taken by the Wilmington Police Department during 2010 in response to: citizen complaints, internal investigations, special investigations, use of force issues, unauthorized vehicle pursuits, and police vehicle crashes which were determined to be outside of authorized practices. Additionally the chart also reflects the resignations of Wilmington Police Employees whom were under scrutiny by Internal Affairs.



The above chart does not capture first line supervisory actions against their employees; this table only captures disciplinary matters handled by the Division Level to the Office of the Chief of Police. First-line supervisors handle general officer performance issues, and minor disciplinary issues with counseling, and the employee evaluations.

## PERSONNEL EARLY WARNING SYSTEM REVIEW

The Wilmington Police Department Internal affairs unit houses a multi-faceted personnel early warning system. The primary security network for personnel early warning is our Internal Affairs database. That database is the controlling database for all of the internal affairs records. Those records include: use of force incidents, pursuit involvement, citizen complaints, internal investigations, special investigation, officer-involved crashes, officer involved injuries/fatalities, and departmental property losses. The database contains thresholds which are decided by WPD Staff for the early warning system, and when employees meet or exceed those thresholds, notices are sent out to the first line supervisor of the affected employee. The first line supervisor in receipt of such notice will then make any determination as to any follow-up that may be necessary to curb problematic behaviors prior to those behaviors manifesting into permanency. That supervisory follow-up can take multiple forms, including: supervisory counseling, counseling through the employee assistance program, removal of privileges, change in assignment, suspension days. The secondary security network is the Department Safety Committee. The Department Safety Committee reviews all officer crashes, officer injuries, and departmental equipment losses to determine whether or not the affected employee was capable of preventing each incident. When trends are discovered, the affected officer's entire chain of command is notified of same. Supervisors are expected to, and indeed mandated to take affirmative action when officers are found to be culpable by the Department Safety Committee. In 2010 there were 83 alerts sent to supervisory personnel from our IAPro Personnel Early Warning System. There were 5 corrective measures or responses from supervisory personnel with validations in those cases. Additionally, the Department Safety Committee reviewed 155 cases in 2010, and recommended corrective actions for 53 of those incidents.

The Wilmington Police Department values each and every one of our employees, and we would much rather take early preventative actions upon our employees than to uncover through investigation more serious flaws that may exist in our workforce. The Personnel Early Warning System is an invaluable asset to our agency for retention, maintenance, and the professionalization of our agency. We do recognize that not all members of our agency will be receptive to behavior modification, and even in the face of our preventative actions, that there will be some occasions where the personnel early warning system fails. Additionally, we are aware that some behaviors may remain latent, unobserved, and unreported until their severity alone will force departmental action. However, the personnel early warning system certainly provides us with a generous sample of our overall workforce behavior trends. In 2011, our agency will be making changes to improve the efficiency of the early warning system.



**2010 BIASED-BASED PROFILING ANNUAL ANALYSIS**  
**AMENDED 8/4/2011**

The data and statistics for this review were compiled using the North Carolina Department of Justice website: [www.ncdoj.gov](http://www.ncdoj.gov), and IAPro interface of the Wilmington Police Department Internal Affairs Unit.

In 2010, the Wilmington Police Department Internal Affairs Unit fielded a total of 8 complaints of harassment/discrimination. Five of those complaints stemmed from traffic stops, three stemmed from other field contacts, and there were 0 instances of biased complaints in regards to asset forfeiture cases. Bias complaints represent 10% of the total number of complaints received in Internal Affairs, which was an 8% escalation in that type of complaint when compared to similar data in 2009. In 2010, Internal Affairs changed our complaint receipt process in an effort to become more transparent, and that fact alone explains some of the increase. We will need to watch and compare this type of complaint in the coming years to properly compare the data to discern if there are any concerning trends with similar complaint processes. At this point, comparing 2009 data to 2010 data is synonymous with comparing apples to oranges. None of the biased policing complaints were sustained by Internal Affairs. From the North Carolina Department of Justice, the following statistics were extrapolated from the Biased-Based Profiling Data our Officers are required to submit each time they conduct a traffic stop.

Wilmington Police Department  
**Initial Purpose of Traffic Stop by Driver's Sex, Race, and Ethnicity**

Thursday, January 06, 2011

Report From 1/1/2010 through 10/31/2010

Purpose	Gender	White	Black	Native American	Asian	Other	Total By Race	Hispanic	Non Hispanic	Total By Ethnicity
Checkpoint	F	0	0	0	0	0	0	0	0	0
Checkpoint	M	0	0	0	0	0	0	0	0	0
Driving While Impaired	F	17	4	0	0	0	21	0	21	21
Driving While Impaired	M	38	6	0	1	0	45	1	44	45
Investigation	F	76	33	0	0	0	109	8	101	109
Investigation	M	152	83	4	0	2	241	15	226	241
Other Motor Vehicle Violation	F	70	31	0	1	0	102	7	95	102
Other Motor Vehicle Violation	M	121	69	0	1	0	191	16	175	191
Safe Movement Violation	F	264	96	5	1	0	366	7	359	366
Safe Movement Violation	M	394	145	2	4	2	547	21	526	547
Seat Belt Violation	F	91	25	0	2	0	118	1	117	118
Seat Belt Violation	M	147	42	0	0	0	189	3	186	189
Speed Limit Violation	F	1508	273	1	10	2	1794	29	1765	1794
Speed Limit Violation	M	1800	366	9	28	7	2210	62	2148	2210
Stop Light/Sign Violation	F	182	79	1	1	0	263	11	252	263
Stop Light/Sign Violation	M	314	98	0	4	1	417	16	401	417
Vehicle Equipment Violation	F	210	110	0	3	0	323	16	307	323
Vehicle Equipment Violation	M	342	169	0	2	0	513	27	486	513
Vehicle Regulatory Violation	F	970	359	3	3	2	1337	37	1300	1337
Vehicle Regulatory Violation	M	1263	418	3	7	1	1692	80	1612	1692
FemaleTotal	F	3388	1010	10	21	4	4433	116	4317	4433
MaleTotal	M	4571	1396	18	47	13	6045	241	5804	6045
Total	A	7959	2406	28	68	17	10478	357	10121	10478

Wilmington Police Department  
**Enforcement Action Taken by Driver's Sex, Race, and Ethnicity**

Thursday, January 06, 2011

Report From 1/1/2010 through 10/31/2010

Action	Gender	White	Black	Native American	Asian	Other	Total By Race	Hispanic	Non Hispanic	Total By Ethnicity
Citation Issued	Female	1926	482	4	6	1	2419	69	2350	2419
No Action Taken	Female	83	53	0	0	0	136	5	131	136
On-View Arrest	Female	75	17	2	0	1	95	2	93	95
Verbal Warning	Female	455	240	1	3	1	700	14	686	700
Written Warning	Female	849	218	3	12	1	1083	26	1057	1083
Written Warning	Male	1106	252	3	8	3	1372	28	1344	1372
Verbal Warning	Male	702	342	1	8	3	1056	20	1036	1056
On-View Arrest	Male	182	79	1	3	0	265	16	249	265
No Action Taken	Male	120	76	3	0	1	200	11	189	200
Citation Issued	Male	2461	647	10	28	6	3152	166	2986	3152
Female Total	Female	3388	1010	10	21	4	4433	116	4317	4433
Male Total	Male	4571	1396	18	47	13	6045	241	5804	6045
<b>Total</b>		<b>7959</b>	<b>2406</b>	<b>28</b>	<b>68</b>	<b>17</b>	<b>10478</b>	<b>357</b>	<b>10121</b>	<b>10478</b>

Wilmington Police Department  
**Drivers and Passengers Searched by Sex, Race, and Ethnicity**

Thursday, January 06, 2011

Report From 1/1/2010 through 10/31/2010

Type	Gender	White	Black	Native American	Asian	Other	Total By Race	Hispanic	Non Hispanic	Total By Ethnicity	Total Stopped	Percent Searched
Driver	Female	62	23	2	0	1	88	2	86	85	4433	1.99
Driver	Male	201	163	0	2	1	367	14	353	364	6045	6.07
Passenger	Female	35	33	0	1	0	69	5	64	68	69	100.00
Passenger	Male	38	84	0	0	0	122	5	117	122	122	100.00
	Female	97	56	2	1	1	157	7	150	153	4502	3.49
	Male	239	247	0	2	1	489	19	470	486	6167	7.93

All three charts provided above support a positive finding that officers in our agency are not disproportionately stopping vehicles, taking enforcement action, or searching based upon race. The demographical breakdown of all three of these charts is consistent with the demographic breakdown of our city.

Five of the complaints of biased policing emanated from Officer Traffic Stops. Three of those bias complaints emanated from suspects in a drug ring that was under investigation by Wilmington PD Vice and the FBI Safe Streets Task Force. Those stops were

conducted after controlled buys were made from the occupants of the vehicles that were all stopped. Because the three suspects were all related, apparently they made a concerted attempt at thwarting the ongoing investigation by filing bias complaints against the investigators. However, when the cases were investigated by Internal Affairs, it became clear that in all three traffic stops, Detectives of the Wilmington Police Department had substantial legal authority that far exceeded the legally required reasonable suspicion to stop the vehicles. Therefore, any complaint of racial bias in those instances was absolutely beyond ludicrous. The other two complaints of biased policing that came from traffic stops were similar. In one case, the officer ran a license plate that had a “pick up order” due to an insurance lapse. The officer was justified fully in stopping that vehicle to seize the license plate and issue the driver a citation for the failure to maintain the liability coverage required by North Carolina General Statutes. The driver in that instance claimed that she was stopped on the sole basis of her race, when that most clearly was not the case. The final traffic stop complaint was a “general” complaint by a complainant that the Wilmington Police Department “racially profiles” on their traffic stops. That particular complaint made no specific allegations of any particular traffic stop, nor did the allegation point towards any specific officer. Because Internal Affairs was not able to verify any specific allegation, that complaint was likewise unfounded.

In regards to the three remaining complaints of biased policing, two emanated from traffic crash investigations, while the other stemmed from a report call. The three accusations were all unfounded. One complainant had actually provided the charging officer with a false ID card, and unfortunately for the complainant, the Officer knew the actual identity of that suspect, and charged him appropriately. The suspect actually filed a complaint using the same false name that he provided to the officer. It is an alias that is listed for the suspect in NCIC III history, and in our local RMS. That complaint was unfounded. The second complaint stemmed from a crash investigation also. In that complaint, the complainant states that she was treated unfairly by the investigating officer because, “he asked me to produce my registration card when he could have pulled that information up on his computer.” The witness in that case, the other party involved in that wreck states that the officer treated both parties fairly, and was professional, which contradicted the testimony in the complaint. That complaint was unfounded. The final complaint was in regards for bias by an officer whom responded to a fight call. The officer affected an arrest of the suspects in the fight, and the complainant alleges that the officer arrested them based only on their race. In the Officer’s statement, the fight occurred in front of him, in his presence, and he affected the arrest as authorized by statute. The complaint was unfounded, as it is standard practice for Officers of the Wilmington Police Department to arrest suspects whom commit misdemeanors in their presence.

While the number and percentage of biased-based policing complaints received at the Wilmington Police Department have risen in the last year, this is primarily attributable to a change in our complaint receipt process as we attempt to gain accreditation through CALEA. Because we now will accept any complaint from anyone, including anonymous complaints, the volume of complaints has risen. Comparison of complaint data from this

year to previous years is like comparing apples to oranges. We must truly compare 2010 data with 2011 data to accurately reflect any discerning trends to be addressed. The Office of the Chief, Internal Affairs Unit makes no recommendations for changes for 2011, except for a continuation of training on the prohibitions of biased-based policing, and for supervisory personnel to continue re-enforce the importance of Officers continuing to fill out their Profile Reports for each traffic stop, as per State Law. Our agency will be conducting training on prohibitions of biased-based policing, our policy which prohibits it, and legal aspects throughout the coming year.

Submitted 8/5/2011

Sgt. TE Tilmon

ANALYSIS OF EMPLOYEE GRIEVANCES  
2010

There were no employee grievances filed during the Calendar Year 2010.



## MISCELLANEOUS PROVISIONS FOR ANNUAL SYNOPSIS

There were 0 reported incidents of consular/diplomatic officials arrested or interacted with in 2010.

There were no warning shots fired by Wilmington Police Officers in 2010.

There were no amber/silver alerts issued by members of the Wilmington Police Department in 2010.

There were no successful deployments of stop sticks (TDD) in 2010.

There were no unauthorized road blocks/forcible stops performed by Wilmington Police Employees in 2010.

There were no requests for Federal or National Guard Assistance in 2010.

There were no escapes of prisoners in the custody of WPD Officers in 2010.