

**Lakeland  
Police  
Department**

**2011**

Office of Professional Standards  
Annual Report



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## **Office of Professional Standards Staff**

- **Lieutenant Hans Lehman – Officer in Charge**
- **Sergeant Melanie Dixon – Supervisor**
- **Detective Michelle Newsome – Internal Affairs**
- **Detective Kelli Collins – Internal Affairs**
- **Judy Gershkowitz – Accreditation**
- **Monica Yzaguirre – Office Assistant**

# Introduction

In 2011, the Lakeland Police Department was in a constant state of change with the hiring of a new police chief, department reorganization, and numerous promotions and transfers. This combined with the effort to increase efficiency in tracking data made for a busy year. While the agency is moving forward and continually looking for ways to improve, it is also responsible for providing an annual report.

Additionally, this report will satisfy the requirements of annual reporting for the following topics:

- Internal Affairs Statistical Summary and Analysis
- Early Intervention System and Review
- Use of Force Review and Analysis
- Pursuit Review Summary and Review
- Bias Based Policing Summary
- Analysis of Grievances

The Lakeland Police Department recognizes the following core values in conjunction with its mission:

- **R**espect
  - **I**ntegrity
    - **T**eamwork
      - **E**xcellence

In support of these values, the members of the Lakeland Police Department have adopted the following Mission Statement as a means of its commitment to excellence in serving the community:

*“In partnership with the community, while affording dignity and respect to all persons, our mission is to maintain order and improve the quality of life of the citizens we serve.”*

The Department’s Values and Mission Statement are designed to support and foster a vision, established by the organization’s Chief of Police and reflected in the following statement:

*“Our shared vision for the Lakeland Police Department is dedicated professionals working together to provide excellent service which enhances the quality of life in Lakeland.”*

In 2011, OPS drafted its own Mission Statement in support of the agency:

*“The Office of Professional Standards assists Lakeland Police Department administrators, supervisors, and employees in maintaining high standards of accountability and integrity while providing effective and efficient law enforcement services. The members of the Office of Professional Standards assure fair and equal treatment to the citizens of Lakeland and the employees of the Lakeland Police Department.”*

## **Office of Professional Standards**

In 2011, the Operational Review Section was restructured and renamed the Office of Professional Standards (OPS). A Lieutenant was reassigned to be the Officer-in-Charge of OPS and to work with the current deployment of an OPS Sergeant, two OPS Detectives, an Accreditation Manager and an Office Assistant. OPS is now structured with a team approach. Every member has specific responsibilities, but can also assist in other matters facilitating more of a generalist approach.

The Office of Professional Standards (OPS) reports directly to the Chief of Police and is responsible for the management of the department’s complaint and administrative investigation process (Internal Affairs) and Accreditation Program. Additionally, internal inspections of the various components within the department (Inspections) are set to occur in 2012 as none were conducted in 2011. Further, this section is tasked with quality control and oversight that includes a review of the department’s higher liability incidents such as use of force actions and motor vehicle pursuits. Further, OPS works on special projects assigned by the Chief of Police and the management of the department’s Early Intervention Program. This annual report was produced by OPS to serve many purposes, which include:

### **Identifying patterns and trends related to policy, training or supervision**

An annual and historical review of the department’s complaints of employee misconduct, use of force actions, vehicle pursuits and bias based policing practices allows the department and city officials to evaluate their delivery systems and methods for service to the community.

### **Record Keeping**

The annual report contains information that covers the previous year’s activities for a comparison over a period of time. This information may assist the agency in identifying trends present in either specific members or the department as a whole.

## **Building Trust**

Citizens are mostly unaware of the actual responsibilities of the Office of Professional Standards. Employee conduct is mainly visible through media sources and little is known about the Department's review and investigation of such matters. This annual report provides insight into the processes used by the Department to document, investigate and review the actions of our members. Accountability of department personnel and transparency of the department as a whole is essential to public trust.

## **Quality Assurance**

The 2011 Annual Report encompasses the following reports:

- (Annual Statistical Summary)
- (Annual Analysis of Use of Force Incidents)
- (Annual review of the Employee Intervention Program)
- (Annual review of Motor Vehicle Pursuits)
- (Annual review of Bias Based Policing)
- (Annual analysis of Grievances)

In 2011 upgraded software from the Administrative Investigation Management (AIM) system software was purchased to facilitate changes and improve efficiency. OPS began working with the software company to customize data tracking to have better data captured in one place (AIM). This restructuring and upgrade of software is hoped to improve efficiency in the area of complaint intake and accountability in conducting administrative investigations for OPS and first line supervisors. This will also continue to be a vital tool in monitoring an employee's performance.

## **Moving forward in 2012**

It is hoped that by the end of the first calendar quarter of 2012, the AIM expansion software will be operational and all training to supervisors will be completed. Part of the AIM upgrade is to go paperless and have all tracking forms and documentation computer generated on a server-based type system.

Another result of the restructuring of OPS is the implementation of the Safety Board which will meet periodically to discuss property incidents and traffic crashes in lieu of having a Traffic Crash Review Board and a Property Incident Review Board. Both of these are now combined into the Safety Board and OPS has oversight of this function.

Additionally, OPS has several other projects that will be worked on to include:

- Nepotism Policy
- Social Networking Policy
- Career Development Policy
- Bias Based Policing data and structuring a better way to capture the demographic data than how currently compiled.
  - Beta testing in place in the first calendar quarter of 2012 in Tiburon
  - Field testing in place in the second calendar quarter of 2012 in Tiburon
  - Implementation in third calendar quarter of 2012 in Tiburon
- Update of the OPS Procedures/Operations Manual
- Supervisor Development Training Program in conjunction with GSS

## **Internal Affairs**

In 2011, investigations were broken down into informal and formal investigations. In both instances, all complaints that the Lakeland Police Department received or initiated were fully investigated. Further, this agency takes these investigations seriously and uses them as a means of checks and balances and to ensure its members treat citizens and co-workers with dignity and respect.

### **Informal Investigations**

“Informal investigations” are generated from allegations of employee misconduct, and/or violations of policy/procedure that are minor in nature. Informal Investigations are initiated from either an external source (Citizen Complaints) or internal source within the department (Employee Incident Reports). Informal investigations are assigned to supervisors and normally do not require an extensive investigation.

In 2011, fifty-seven (57) informal investigations were assigned to supervisors based on a combination of citizen complaints and internal employee incidents. The following table shows a comparison, by month, to the previous three years. In comparing 2011 to 2010, the total number of informal investigations increased by 16 or 39 %. When looking into this further, no exact cause could be determined for the significant increase. However, this past year sergeant’s accountability was stressed by command staff as this had been lacking in past years. Further, with the upgraded software that OPS will be utilizing, this is something that will be closely monitored in 2012.

### Informal Investigations Assigned to Supervisors

Months	2008	2009	2010	2011
January	2	4	0	7
February	3	2	4	4
March	3	4	5	5
April	3	3	2	4
May	3	1	4	10
June	7	4	2	6
July	4	4	6	6
August	2	3	6	2
September	4	5	3	4
October	10	1	3	5
November	2	3	3	2
December	2	3	3	2
<b>Total</b>	<b>45</b>	<b>37</b>	<b>41</b>	<b>57</b>

### Formal Investigations

“Formal Investigations” are generated from allegations of employee misconduct, and/or violations of policy/procedure that are serious in nature. Formal Investigations are initiated from either an external source (Citizen Complaints) or internal source within the department (Employee Incident Reports). Formal investigations include, but are not limited to, complaints of excessive force, sexual harassment, moral turpitude, civil rights violations, and unlawful conduct. Formal Investigations are assigned to the Office of Professional Standards and often require extensive investigation or involve multiple personnel within the department.

In 2011, twenty (20) formal administrative investigations were assigned to the Office of Professional Standards based on a combination of citizen complaints and internal employee incidents. The following table shows a comparison, by month, to the previous years. In comparing 2011 to 2010, the total number of formal investigations decreased by 2 or 9%. The slight decrease is also attributed to OPS sending more complaints to supervisors to investigate.

### Formal Investigations Assigned to OPS

Months	2008	2009	2010	2011
January	4	0	1	3
February	0	0	5	2
March	2	2	1	1
April	1	0	1	2
May	0	2	4	3
June	2	0	3	2
July	0	0	0	1
August	2	0	2	2
September	0	3	2	1
October	1	1	1	3
November	0	1	1	0
December	1	1	1	0
<b>Total</b>	<b>13</b>	<b>10</b>	<b>22</b>	<b>20</b>

### Annual Internal Affairs Statistical Summary (2011)

The below tables are the 2011 totals for dispositions on the classification and findings of internal and external incidents. The total number of 60 is the total numbers of charges investigated. This could include multiple charges on one officer that were sustained, not sustained, etc.

#### Citizen Complaints (External)

Classification	Sustained	Not Sustained	Unfounded	Exonerated	Policy Failure	Other	Total
Courtesy/Conduct	6	4	8	4	0	2	24
Job Knowledge/Performance	3	3	1	1	0	1	9
Use of Force/General Arrest	0	2	8	6	0	0	16
Neglect of Duty	0	0	0	1	0	0	1
Violation of Policy/Procedure	1	4	2	3	0	0	10
<b>Total</b>							<b>60</b>

### Employee Incident Reports (Internal)

Classification	Sustained	Not Sustained	Unfounded	Exonerated	Policy Failure	Other	Total
Conduct Unbecoming	7	2	0	0	0	1	10
Unlawful Conduct	6	1	0	0	0	1	8
Neglect of Duty	5	2	0	0	0	1	8
Job Knowledge/Performance	1	0	0	0	0	2	3
Vehicle Operation	16	0	0	0	0	0	16
Violations Policy/Procedures	7	1	0	0	0	3	11
<b>Total</b>	2	2	0	0	0	0	4
							<b>60</b>

### FINAL DISCIPLINE OF ADMINISTRATIVE INVESTIGATIONS

The below listed tables provide a type of discipline to the above charges. Some discipline resulted from multiple charges and was rolled into one corrective action. Additionally, a couple of charges investigated and a finding was determined, however, due to the nature of the case, discipline is still pending. In one instance a probationary employee was terminated for performance while the officer had discipline pending.

### Informal Investigations – 2008 to 2011

Discipline / Corrective Action	2008	2009	2010	2011
Counseling/Retraining	6	9	9	11
Formal Warning	16	13	16	10
Formal Reprimand	9	4	5	6
Suspension	0	3	2	9
Demotion	0	0	0	0
Termination	1	0	0	0
Resigned During Investigation	1	0	2	1

### Formal Investigations – 2008 to 2011

Discipline / Corrective Action	2008	2009	2010	2011
Counseling/Retraining	1	5	1	3
Formal Warning	0	0	0	1
Formal Reprimand	0	5	2	3
Suspension	1	4	1	6
Demotion	0	1	0	0
Termination	0	0	1	0
Resigned During Investigation	1	2	1	8

## USE OF FORCE ANALYSIS (2011)

The Office of Professional Standards is the final repository for all documents used to report the application of force by members of the Lakeland Police Department. Data collected from these documents is entered into an electronic case management system (AIM – Administrative Investigations Management). The information is then used to identify trends or patterns in activity and to determine training needs of Department members. This data is also used in preparation of the department's Use of Force Report. The statistics contained in this document may conflict with information previously reported. These inconsistencies are attributed to human error variables related to the submission of information collected from separate department forms used to report the application of force. Additionally, subsequent reports may not correspond to the data represented in this document, as changes to reporting mechanisms and the re-entry of more accurate figures may occur within the next assessment year. It is anticipated that the data will be captured in a more standardized and systematic manner and reporting errors will be drastically reduced with the full implementation of web-based reporting directly by first line supervisors into AIM.

### Analysis (Trends):

In 2011, the Office of Professional Standards received 176 reports that documented use of force actions taken by sworn personnel in the performance of their duties. This is an increase from the previous year even though the number of arrests remained close to the same. While ECW

deployments were down this past year, physical force and OC Spray usage was up. This is a possible indication officers are encountering more sudden combat situations leading to more hands-on methods of use of force. Conversely, over the past four years, use of force has not established a trend at LPD as it increased in 2009 from 2008; declined in 2010; increased again in 2011. Further, while it appears that Use of Force increased in 2011, a change in reporting Use of Force also occurred, which most likely skewed the numbers slightly. This will be closely reviewed again for the 2012 report as more accurate data should occur with the upgrade in software.

Reasons for the preference of the ECW continue to be greater effectiveness, decreased recovery time of the suspect from the application, and decreased clean up of a suspect and/or officer related to other options such as OC spray.

There were no reported uses of the Bean Bag munitions in 2011. A comparison to the previous year has also showed no change in this data since 2009. As such, the Bean Bag shotgun is still a needed use of force option for patrol to have available.

Finally, the above analysis and statistical summary noted no significant concerns regarding use of force actions administered by Lakeland Police Department personnel during citizen encounters. The percentage of use of force actions in relation to the number of agency personnel as well as the total number of arrests continues to be low. While reporting mechanisms will change in 2012 and it may appear as there will be an increase in use of force, it is not expected to be significantly different.

Training deficiencies, excessive use of force issues and the effectiveness of the various types of force options used by department personnel are among the many reasons accurate reporting on use of force actions continues to be essential. During 2011, a rewrite of the department's policies and applicable forms, the implementation of the expanded data management system (AIM), and training for supervisors and officers to ensure proper response to and review of incidents that require the documentation of a use of force action was the goal. While there were some technical delays that pushed back AIM training, a strong push was made by command staff and front line supervisors to ensure better documentation occurred for use of force reporting. This was successful and indirectly improved the report writing of officers and enabled them to explain why the amount of force was used in a clear and concise manner.

## **Use of Force Options:**

- **Empty Hand Control Techniques: (Soft Hand Control)** Techniques that present a minimal probability of injury to the subject. Techniques considered as soft empty hand tactics include, but are not limited to, touching to guide a subject's movements, escort holds, pressure point controls, etc.
- **Empty Hand Control Techniques: (Hard Hand Control)** Techniques that have a higher probability of creating soft or connective tissue damage, skin lacerations, or bone fractures which require medical attention. Techniques considered as hard empty hand tactics include stunning and striking actions delivered to the subject's body with the hands, fist, forearm, leg, or foot.
- **Less Lethal Weapons:** Weapons not intended to cause serious injury or death, such as OC Spray, Expandable Baton, Bean Bag, electronic control devices (ECW) and Police Canines.
- **Lethal Force:** Any use of force, with or without a weapon likely to cause death or serious injury.

## **Reporting Procedures:**

Department policy requires supervisors to respond to all use of force actions that result in injury or complaint of injury by the suspect. All use of force action taken by department members requires an event report to document the incident. Department members are required to report all use force actions that include:

- The use of empty hand control techniques resulting in suspect injury or complaint of injury.
- The use of Less Lethal Force and deployment of less lethal weapons.
- The use of Lethal Force.
- The discharge of a firearm in the performance of duty and not in the course of authorized training or a Department sanctioned event.

With the exception of lethal force incidents, officers who engage in a use of force action as indicated above are required to complete an event report. Multiple officers who use force during

an incident are to document their own application of force in a supplemental report. Officers who use lethal force are not required to complete a written event report. A supervisor will assign this task to a sworn member not involved in the incident.

### **Required Department Forms:**

In addition to an event report, the following Department forms are used to report use of force incidents and collect specific data for required analysis:

- Use of Force Report Form (LPD158): Completed by involved officer's supervisor under the following conditions:
  - Use of Force actions that result in suspect injury or complaint of injury.
  - Lethal Force actions.
  - Discharge of a firearm in the performance of duty and not in the course of authorized training or department sanctioned events.
- Less-Lethal Report Form (LPD157): Completed by involved officer's supervisor under the following conditions:
  - All deployments of the Electronic Control Weapons (TASER).
  - All deployments of Bean Bag / Pepper Ball Projectile Weapons (Munitions).
- "OC Spray" Form (LPD194): Completed by the officer and submitted for review by the immediate supervisor following deployment.
- K-9 Deployment Report (LPD191): Completed by the K-9 handler in all deployments of a police canine that results in an apprehension.

These forms are completed by the supervisor then reviewed by Lieutenants, Division Commanders (Captains), Bureau Commanders (Assistant Chiefs of Police) before being forwarded to the Office of Professional Standards for policy compliance review and retention. These reports are submitted through the chain of command to document the incident type, ensure compliance with Department policy and to identify and address training needs. The reports contain applicable information pertaining to the use of force action (event/incident reports, photographs, recordings, and other relevant documentation). Each report/form is reviewed for accuracy and content, and if necessary routed back through the chain of command for correction or clarification. The report/forms are then sent to the Chief of Police for final evaluation and approval. A use of force action that appears to be outside department policy may result in an administrative investigation at the direction of the Chief of Police.

*NOTE: In 2012 when AIM is fully operational, this whole review procedure will be a computer based approval process with email "triggers" notifying the appropriate supervisor who needs to review it. This means that the above forms mentioned will be phased out.*

### **Use of Force Training:**

The Lakeland Police Department conducts annual “Use of Force” training for its sworn members and Public Safety Aides (non-sworn position). Included in this training is a review of the department’s use of force policies and an overview of statutory and case law, in specific, *Graham v. Connor*, 490 U.S. 386 (1989) and *Tennessee v. Garner*, 471 U.S. 1 (1985). Emphasis is placed on the “objective reasonableness standard” as the measure used in reviewing an officer’s use of force action. This training did occur in May 2011 for sworn members and is occurring in January/February 2012 when members attend the Glock 22 .40 caliber transition training as it is done in conjunction with the new department issued firearms.

Sworn department members receive training in the use of firearms, defensive tactics and the use of less lethal weapons. Sworn members are required to attend all firearms proficiency training sessions and qualify with their primary firearm. Firearms qualification is conducted in both daytime and low light conditions. Additionally, sworn members are required to demonstrate proficiency by qualifying with all firearms they are authorized to carry in the performance of their official duties. This includes both department issued and approved personally owned firearms that the Chief of Police has authorized to carry both on and off-duty. Sworn personnel are also required to attend training on the use of any less lethal weapons they are authorized to carry. This includes training in the use of aerosol deterrent (OC), electronic control weapons (ECW) and less lethal munitions (Bean Bag).

With the exception of Public Safety Aides, civilian (non-sworn) department members are not authorized to carry or use weapons in the performance of their duty. Public Safety Aides are authorized to only carry and use department issued aerosol deterrent (OC). The authorization is limited to the use of the aerosol deterrent as a means of self-defense. Public Safety Aides are non-sworn department members assigned to investigate “not in progress” incidents. Public Safety Aides are not granted the authority to search, detain and/or arrest citizens. Public Safety Aides are in close contact with members of the general public due to the nature of their assignment. As such, the Department recognizes the presence of inherent safety risks associated with this type of assignment and the increased contact with the general public. Public Safety Aides are required to attend annual use of force training and demonstrate proficiency in the use of the aerosol deterrent (OC) and this occurred in April 2011. During this training, Public Safety Aides receive instruction on the Department’s use of force and less lethal weapons policies, which include the use of the aerosol deterrent.

### Statistical Data for Use of Force Analysis:

The below data was collected from several different reports utilized by the department to report an officer's use of force action. These reports include the following: Less-Lethal Report Forms (LPD157); K-9 Deployment Report Forms (LPD191); OC Spray Report Forms (LPD154); and, the Use of Force Report Form (LPD158).

#### Use of Force Reported Per Incident

Type	2008	2009	2010	2011
ECW/ (Drive Stun/Darts)	98	107	105	83
Physical Force	31	32	19	54*
OC Spray	19	14	12	17
Bean Bag/Pepper Ball	1	0	0	0
Baton/Impact Weapon	1	4	3	0
K-9 (bites only)	34	36	19	21
Firearm	2	1	3	1
Other	1	0	0	0
<b>Total</b>	<b>187</b>	<b>194</b>	<b>161</b>	<b>176</b>
<b>Total number of Arrests</b>	<b>6920</b>	<b>6115</b>	<b>5345</b>	<b>5328</b>
<b>Use of Force Actions / Arrests</b>	<b>2.7%</b>	<b>3.2%</b>	<b>3%</b>	<b>3.3%</b>

\* Refer to the Use of Force Form noted in the paragraph below.

The "Use of Force Report" form (LPD158) is used only to initiate a review of a use of force incident that either results in an injury to the subject or complaint of injury by a subject as a result of the use of force action. However, during the last half of 2011 a noted increase occurred in physical force as the reporting mechanism changed to include reporting use of force even when there was no complaint of injury or visible sign of injury. For instance, when a subject is now handcuffed in a temporary detention capacity and then released, this is to be reported as a use of force.

### Administrative Investigations:

In 2011, the Office of Professional Standards received 16 citizen complaints of excessive force that stemmed from the 176 documented Use of Force incidents. The reported injuries associated with these complaints ranged from abrasions and lacerations, to improper use of the ECW. Each complaint was investigated pursuant to department policy. The investigations failed to reveal any improper conduct on the part of the involved personnel. Additionally, there were minimal reports of injury to either the suspect or involved officer in relation to the total

number of reported use of force actions. This is an indicator that officers are relying on their training and communication skills rather than an application of force to resolve encounters.

### **Lethal Force Review:**

In 2011, the use of lethal force action decreased from three (3) incidents to one (1) and involved the discharge of the officer's firearm. The following is a short synopsis of the incident:

The event resulted from a burglary in progress to an off-duty Lakeland police officer's apartment. The officer had returned home from training at the LPD Training Center to find his window screen off and window open. He opened his door to find two subjects in his residence attempting to take property. The off-duty officer engaged the suspects in attempt to take them into custody. One suspect moved towards the officer in an aggressive manner. The officer gave several warnings as the suspect continued to approach. The officer was in fear, unable to retreat and shot one time striking the subject in the right thigh. Both suspects fled on foot for about 200 yards where the officer then apprehended them. The suspect was treated and released from the hospital. Both subjects were charged with Burglary. The officer was uninjured.

At the time of this report, OPS and the officer's Chain of Command is reviewing the lethal force action. A cursory review shows that the use of lethal force appears to comply with our policy and procedures.

### **Suspect Injuries:**

The majority of subject injuries documented on a Use of Force report in 2011 were abrasions and lacerations. There were, however, ten (10) incidents where the suspect reported injury resulting from ECW/Taser® deployments. Further review of associated event reports noted that these injuries were not caused by the initial application and were received when the suspect fell to the ground or while being taken into custody following the initial deployment of the ECW. Additionally, in 2011, there were no reported incidents that involved the use of an impact weapon.

## Reported Suspect Injuries Out of 176 Incidents

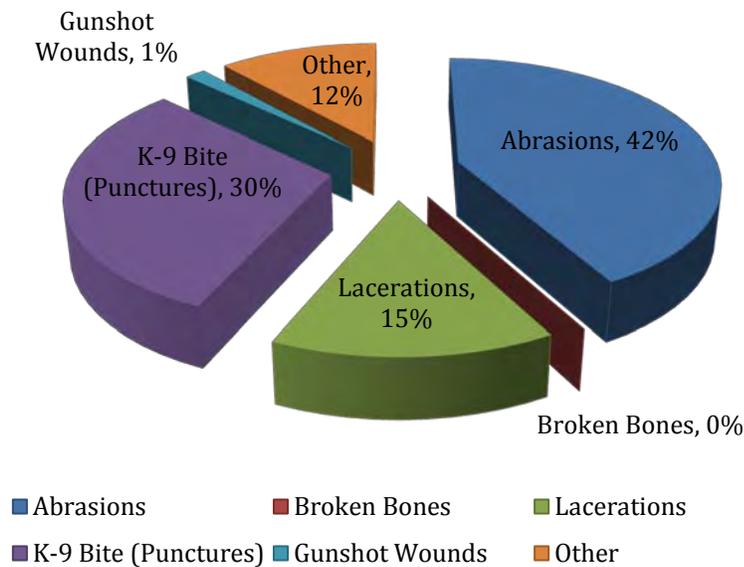
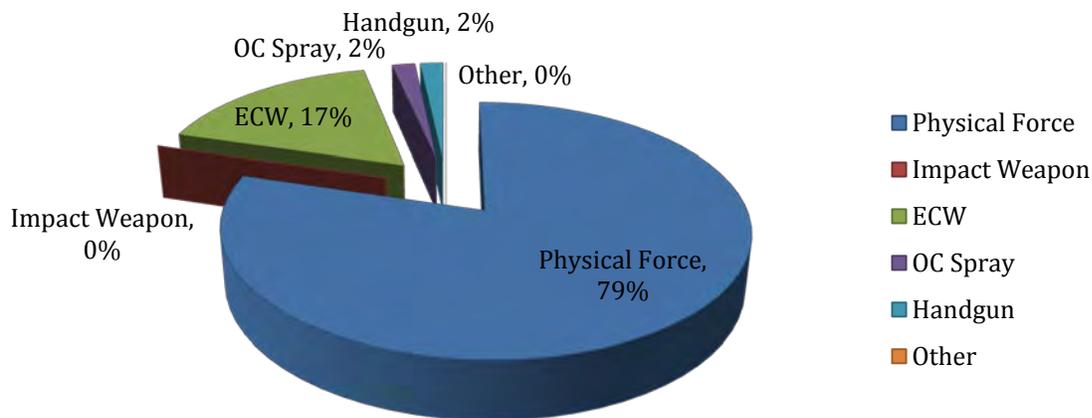
### Cause of Injury - Suspect

Physical Force	47
Impact Weapon	0
ECW	10
OC Spray	1
Handgun	1

### Type of Injury – Suspect

Abrasions	29
Broken Bones	0
Lacerations	10
K-9 Bite (Puncture)s	21
Gunshot Wounds	1
Other	8

Some suspects suffered more than one injury as a result of the use of force as well as the suspect may have more than one type of injury. Out of the 176 incidents, 59 suspects were injured which equates to a rate of 1.1% of all arrests resulting in injury. Lakeland Police Officers are prudent in their use of force.



## Reported Officer Injuries

### Cause of Injury - Suspect

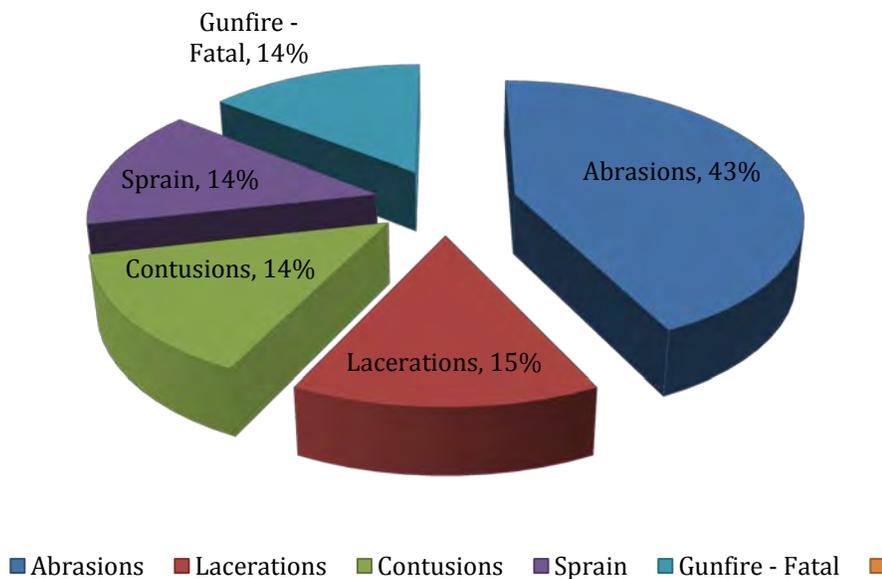
Arrest Situation	7
During an Investigation	1

### Type of Injury – Suspect

Gunshot Wound (Fatal)	1
Abrasions	3
Lacerations	2
Contusions	1
Hand sprain	1

- 2009      7 injuries
- 2010      4 injuries
- 2011      7 injuries

Eight (8) officers reported injuries following a use of force action during incidents that occurred in 2011. This figure increased from four (4) officer injuries reported during 2010. This increase can be partially attributed to officers having to use more physical force this year. In 2011, officer injuries occurred during 4% (8) of 176 applications. Additionally, this includes the fatal gunshot wound that Ofc Arnulfo Crispin sustained in December of 2011.



## **MOTOR VEHICLE PURSUIT ANALYSIS (2011)**

At times, enforcement of the law may necessitate the initiation of a motor vehicle pursuit in order to apprehend violators. However, the Lakeland Police Department also recognizes the inherent dangers and risk factors associated with police motor vehicle pursuits. The preservation of life and public safety is more important than property or the immediate apprehension of non-violent criminals. The Department continuously evaluates its policies and procedures as they relate to members' participation in motor vehicle pursuits.

The Lakeland Police Department's motor vehicle pursuit policy authorizes sworn members to initiate a vehicle pursuit based upon the reasonable belief that the suspect has committed a violent felony. Only under circumstances defined by policy and with the approval of a supervisor, the officer may pursue a suspect vehicle when it is believed that the vehicle is stolen.

Additionally, the decision to initiate, continue, or terminate a motor vehicle pursuit requires the evaluation of many factors, to include the nature of the offense, environmental conditions, and with respect to the overall safety of the public. The responsibility for the motor vehicle pursuit rests with the initiating officer and authorizing supervisor.

### **Reporting and Review Procedures:**

Officers involved in a motor vehicle pursuit are required to complete and submit an event report that includes all information known at the time the pursuit was initiated. The supervisor is required to report the motor vehicle pursuit on the Lakeland Police Department's Motor Vehicle Pursuit Review Form (LPD 045). Currently, this form is submitted to the Department's Pursuit Review board for an administrative review of the pursuit.

The Pursuit Review Board consists of the involved member's chain of command (Sergeant, Lieutenant, and Captain) and is chaired by the Bureau Commander (Assistant Chief of Police) of the respective division. Additional members of this board consist of the Department's General Counsel, the Training Coordinator and a supervisor from the Office of Professional Standards. The purpose of this board is to review all motor vehicle pursuits for compliance with Department policies and procedures. The board also conducts a policy review to identify any training needs, procedural changes or modification to the Department's current motor vehicle pursuit policy.

The board may make recommendations for any changes to training, policies or procedures in relation to motor vehicle pursuits. These recommendations are submitted to the Chief of Police and are advisory only. Pursuits that appear to be out of compliance with Department Policies may result in the initiation of an administrative investigation into the actions of the involved members.

**Pursuit Training:**

At the conclusion of the administrative review process for all motor vehicle pursuits, the Officer in Charge of the involved squad conducts a “critique” session during the shift briefing of the involved squad. During these sessions, discussions about the incident are conducted as well as a review of the motor vehicle pursuit policies and procedures. During the year 2011, there were 12 documented motor vehicle pursuits that were reviewed administratively by the Pursuit Review Board. A critique session was held during the involved squad’s shift briefing in all 12 incidents as well.

**Statistical Data and Analysis:**

The below data was collected from the Department’s Motor Vehicle Pursuit Report Form (LPD045):

<b>Pursuits</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Total Pursuits</b>	15	16	10	12
<b>Terminated by agency</b>	2	2	1	2
<b>Compliant with Policy</b>	12	15	8	10
<b>Not Compliant with Policy</b>	3	1	2	2
<b>Reason Pursuit Initiated:</b>				
<b>Violent Felony</b>	5	7	2	9
<b>Felony /Motor Veh. Theft</b>	8	8	7	2
<b>Misdemeanor</b>	1	0	0	0
<b>Traffic Offense</b>	1	0	1	1

In 2011, these Motor Vehicle Pursuits represented a slight increase (2) in the total number of reported Motor Vehicle Pursuits in 2010. In 2011, Violent Felonies were the dominant reason these pursuits were initiated. After review, 10 pursuits were found to be within policy.

On the other hand, two pursuits were determined to be out of policy. One was initiated for a traffic offense and the belief the subject was in possession of narcotics. The second pursuit was

based on the officer's perception that a vehicle was intentionally driving towards him and a field supervisor based on the information provided to him at the time approved this pursuit. However, the in-car video showed the vehicle did not drive toward the officer and was deemed out of policy.

In 2011, the time of the pursuits ranged from 4 seconds to 16 minutes. The two pursuits out of policy were 60 seconds and 70 seconds respectively.

In 2011, five (5) vehicle pursuits ended in a traffic crash, which represents 41% of the total vehicle pursuits initiated during this year. The analysis showed the amount of vehicle pursuit related traffic crashes over the past 3 years remained fairly constant. The total amount of overall damage decreased from \$55,900 in 2009, to \$36,000 in 2010 to \$32,860 in 2011. Further, just as property damage decreased for the third consecutive year, suspect injuries decreased and no officers have been injured as a result of pursuit crash for the fourth consecutive year. Pursuits remain low by a pursuit policy that is enforced, education and training of officers, and supervisory accountability on this high liability issue.

<b>Motor Vehicle Pursuits: Traffic Crashes</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Total # of Vehicle Crashes</b>	6	5	4	5
<b>Total Amt. Suspect Vehicle Damage</b>	\$9,200	\$17,300	\$15,000	\$26,600
<b>Total Amt. Dept. Vehicle Damage</b>	\$10,000	\$18,000	\$15,000	\$4,000
<b>Total Amt. Other Property Damage</b>	\$1,000	\$20,600	\$6,500	\$2,290
<b>Total Overall Annual Traffic Crash Damage</b>	\$20,200	\$55,900	\$36,500	\$32,860

<b>Motor Vehicle Pursuits: Injuries</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Officers Injured</b>	0	0	0	0
<b>Suspect Injured</b>	3	1	2	1
<b>Third Party Injured</b>	0	0	0	0

## **BIAS BASED PROFILING ADMINISTRATIVE REVIEW (2011)**

The Office of Professional Standards is responsible for an annual review of the department's practices as they relate to the matter of Bias Based Profiling. The Lakeland Police Department's General Orders contain profiling policies that place the Department in compliance with Florida Statutes and community expectations.

During 2011, the department conducted an assessment of all its General Orders to ensure consistency between its policies, procedures, current practice as well as compliance with CALEA and CFA accreditation standards. During this process, the department reviewed its Bias Based Policing Policy. The review confirmed that the directive contained the following:

- Provisions for training department personnel in bias based profiling issues to include legal aspects and in accordance with CJSTC.
- Provisions for corrective measures if bias based profiling occurs.
- Definitions of Bias Based Profiling and Reasonable Suspicion.
- Provisions for Traffic Stop Procedures.
- Provisions for Community education and awareness efforts.

### **Training:**

The Lakeland Police Department conducts training on issues that pertain to Bias Based Profiling in accordance with guidelines established with Criminal Justice Standards and Training Commission (CJSTC). This includes in-service training sessions in either the form of computer based (Power DMS) or reality based scenario training every two years. The last in-service training session noted during this review was in 2011. It was a "Police Discrimination" video and was placed on Power DMS for members to view and acknowledge it with an electronic signature. The training covered various types of discrimination during the course of police work and specifically mentioned traffic enforcement.

### **Citizen Concern/Complaints:**

The Lakeland Police Department's General Orders explicitly prohibits bias based profiling, or taking action based solely upon an individual's race, ethnic background, national origin, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable groups. Citizens can obtain information on how to file a complaint of bias based profiling

through brochures that are disseminated by the Lakeland Police Department. These brochures are available in English and Spanish at the Lakeland Police Department and the City of Lakeland “City Hall”. Additionally, this information is available on the Lakeland Police Department’s website. Police Supervisors are required to assist all citizens wishing to file a complaint for bias based profiling upon request. All allegations of bias based profiling are thoroughly investigated by the Department’s Internal Affairs Unit. Administrative Investigations into any allegation of Bias Based Profiling will be investigated regardless of the circumstances, including the complainant’s unwillingness to proceed following submission of the complaint.

In 2011, the Lakeland Police Department received three complaints that were categorized as either racial discrimination or bias based profiling. All three complaints were assigned to Internal Affairs for investigation. The following is a summary of the three complaints:

1. The first incident occurred in March 2011, when two officers of the Street Crimes Unit conducted a traffic stop on a vehicle driven by the complainant. It was alleged that during the incident, the officers temporarily detained him and that one officer repeatedly spoke to him in an abusive manner as he obtained his information and issued the citation. The complainant, who is Afro-American, alleged that one of the officers repeatedly referred to him as “boy” in a derogatory manner and stated the officer said, “So sick of these Niggers”. Both officers were white males.

As a result, the complainant alleged that the traffic stop, his temporary detention and the issued citation were based solely upon his race as an Afro-American. The case was investigated and was UNFOUNDED.

2. The second occurred in April 2011, when the complainant alleged he was detained in the area where the police department had a report of an armed subject. Due to the close proximity, the complainant was handcuffed and placed in the back of a patrol car for 15 minutes. Upon further investigation, the complainant was released. The complainant alleged he injured his knee during the handcuffing process and that he did not match the description of the armed subject.

As a result, the complainant alleged he was stopped solely based upon his race. In this instance, the complainant was an Afro-American male and the officer was a white male. The case was investigated and EXONERATED.

3. The third incident also occurred with two members of the agency came into contact with the complainant while on-duty and on patrol. The complainant alleged that he was detained not in accordance with department procedures and that excessive force was used against. The complainant further alleged both officers, white males, spoke in a rude and unprofessional manner and the detainment was based on his race, Afro-American male. Upon investigation and review, the allegation was NOT SUSTAINED.

### **Community Education/Awareness:**

The Lakeland Police Department's Community Services Unit provides members of the public with an informational brochure on Bias Based Profiling. Additionally, this information can be accessed via the Department's website:

<http://www.lakelandgov.net/lpd/Home/BiasFreePolicing.aspx>

### **Department Practices / Traffic Stops/Citations:**

The following Lakeland Police Department General Orders serve as written directives that provide procedures for Traffic Stops:

- 20-12/3-6 (Bias Free Policing)
- 24-2 (Traffic Enforcement)
- 24-11 (In Car Audio or Video Recording)

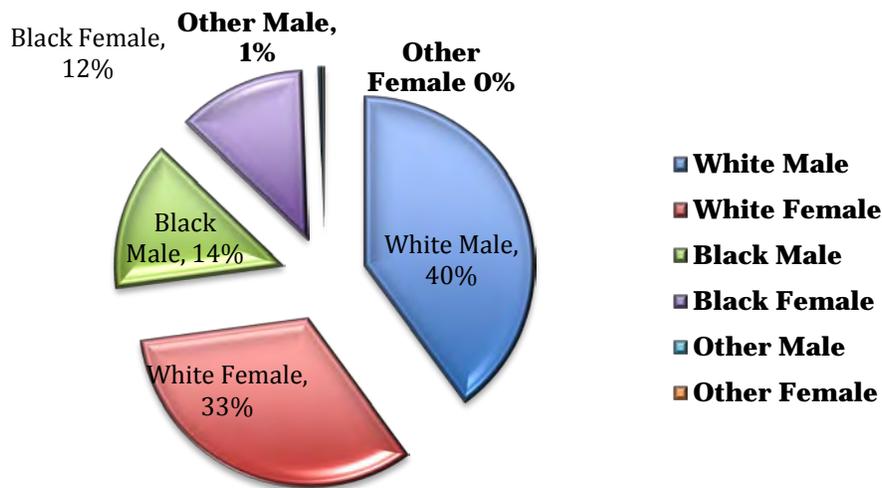
Florida State Statute requires police agencies to create department policies that prohibit the practice of racial profiling. Additionally, the statute requires an officer to record a subject's race and ethnicity when issuing a traffic citation for a seat belt violation.

In 2011, Lakeland Police Department sworn personnel issued a total of 16,571 traffic citations. These citations were submitted to the Department's Records section and the data entered into the Records Management System (RMS).

The below table represents a profile of driver demographics of the citations submitted where a complete disposition data was available. The below data closely mirrors our current city demographics where are the following:

### Total Traffic Citations

	2010		2011	
Race / Gender	Citations	Percent Rate	Citations	Percent Rate
White Male	8350	40%	6620	39.95%
White Female	6256	30%	5454	32.91%
Black Male	3297	16%	2375	14.33%
Black Female	2708	13%	2030	12.25%
Other Male	101	1%	66	.40%
Other Female	61	>1%	26	.16%
<b>Total</b>	<b>20,773</b>	<b>100%</b>	<b>16571</b>	<b>100%</b>



The above data was obtained from the Lakeland Police Department’s Records Management System (RMS) “I-Leads”. The program categorizes both “Caucasian” (White) and “African American” (Black) as a Race; however, the remaining ethnic groups (Native American, Asian, Hispanic) are not separately identified. When compared to community demographics, approximately 73% of traffic citations were issued to Caucasians who represent 75% of the community; approximately 27% of the traffic citations were issued to African Americans who represent approximately 22% of the community; and, 1% of the citations were issued to members of other races who represent approximately 3% of the community.

The State of Florida traffic citations utilized by law enforcement officers provide fields to document the race and gender of a violator. However, there is not a separate category on the citation for an officer to specifically document “ethnicity”.

In 2011, the Department of Highway Safety and Motor Vehicles’ (DHSMV) 2010 “Safety Belt Violation Data Collection Annual Report” reflected the below data reported to them by the Lakeland Police Department:

**Seat Belt Violations (2011 Annual Statistics)**  
**F.S.S. 316.614(9)**

<b>Race &amp; Ethnicity</b>	<b>Non-Hispanic</b>	<b>Hispanic</b>	<b>Total</b>
<b>White</b>	2010	245	2255
<b>Black</b>	982	3	985
<b>Indian</b>	0	0	0
<b>Asian</b>	8	0	8
<b>Unknown</b>	5	0	5
<b>Total</b>	3005	248	3253

The Lakeland Police Department reported this statistical data to the DHSMV on a quarterly basis in 2011 to comply with F.S.S. 316.614 (g). This data included information that pertained to the “Hispanic” ethnic group. Data collection and entry issues continue to result in inconsistencies on how this information is reported. This issue is being addressed in 2012 to allow for a more accurate manner in which the race/ethnicity of an individual is reported. Personnel are currently working a demographic tracking table that can be used with the Tiburon CAD system so that officers or dispatchers will have the capability to enter the data at the end of the call capturing more real time data.

**Asset Seizure and Forfeitures:**

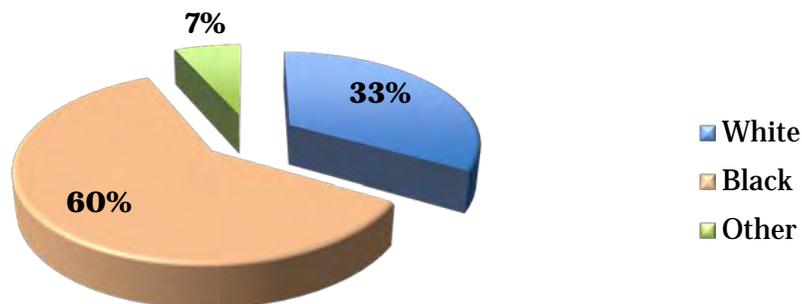
Florida State Statutes govern the process of all asset seizure and forfeitures. The Florida Contraband Forfeiture Act (FCFA) authorizes law enforcement agencies to seize real and personal property used in violation of these statutes. The agency can obtain title to the property by obtaining a court order forfeiting the property to the agency. The FCFA also protects the rights of innocent owners and lien holders. Any seizure made by an officer of this department must be in accordance with these statutes. Additionally, officers must comply with procedures established in the department’s General Orders.

The Department’s General Orders also prohibit bias based profiling regarding asset seizure and forfeitures. The following table provides statistical information on the department’s asset seizures and forfeitures during 2011. All forfeiture actions for this department are prepared by the Office of General Counsel and filed with the Clerk of the Court for ultimate disposition by a Circuit Judge.

### Asset Seizures and Forfeiture Data (2011)

Amount Seized	Amount Forfeited	Race	Gender
770.00	770.00	W	M
1,635.00	1,235.00	W	M
1,638.00	1,638.00	B	M
18,643.00	N/A	O	F
4,962.00	3,462.00	B	M
6,483.67	6,483.67	B	M
2,505.00	N/A	B	F
769.00	769.00	B	M
2,014.00	1,014.00	B	F
2,360.00	0.00	W	F
2,799.00	0.00	B	M
5,115.00	5,115.00	B	M
1,090.00	590.00	B	M
2000 Chevy Monte Carlo SS	400.00	W	F
2003 Toyota Camry	Retained by LPD	W	M

### Suspect - Race



The Office of Professional Standards conducted a review of the department’s general orders, procedures, and current practices that pertain to asset seizure and forfeiture. The review

determined that the Department was in compliance with all applicable laws and accreditation standards. There were no complaints submitted to the department's Internal Affairs Unit that pertained to bias based profiling with respect to any asset seizure and forfeiture action conducted in 2011. Ongoing training and review will continue to support the department's commitment to Bias Free Policing.

## **EARLY INTERVENTION SYSTEM ADMINISTRATIVE REVIEW (2011)**

The Lakeland Police Department's Early Intervention System (EIS) is a data-based police management tool designed to identify patterns of behavior which may require agency intervention efforts. The department utilizes this system in order to provide for a timely, systematic review of significant events involving agency employees. The (EIS) enables the department to evaluate, identify, and assist members who exhibit signs of performance and/or conduct related problems.

A comprehensive (EIS) is intended to assist police supervisors and managers in identifying department members whose performance warrants further review, and, where appropriate, intervention in circumstances that may have negative consequences for the member, co-worker, the department, and/or the general public. The Office of Professional Standards manages the (EIS) through an electronic case management system (AIM – Administrative Investigations Management). The Office of Professional Standards conducts an annual review of the Early Intervention System.

The Department's EIS includes procedures for reviews based on current patterns of collected material, agency reporting requirements of employee conduct, the role of the first and second level of supervision, remedial action, employee assistance such as peer counseling and annual evaluations of the system.

In 2011, there were six (6) Early Intervention alert notifications. Three of those were members of the Street Crimes Unit. In 2 out of the 3 interventions, the indicators were 3 citizen complaints in a 90 day period. The other one was five (5) use of force incidents within a 90 day period. The supervisor reviewed each of these cases as they occurred and an actual intervention was determined not to be needed. Based upon the review, it was noted each of these members

was assigned to a tactical unit that was very proactive in areas of the community that reported higher rates of criminal activity. These areas have also experienced an increase in violent crimes including the use of firearms. This specific unit was also one of the groups tasked with focusing on these areas in an effort to reduce gun violence and gun crimes.

The fourth intervention occurred with a probationary employee who was terminated after failing to improve performance even after being placed back into remedial training. The fifth intervention was an employee who had 3 citizen complaints, a counseling form, and a use of force threshold of 5 in a 90 day period. This employee has turned around and improved performance which is the purpose of an Early Intervention System. The final intervention was young officer who had 2 preventable traffic crashes. The immediate supervisor provided retraining and some post intervention and the officer appears to have improved performance.

The Office of Professional Standards will be evaluating whether some of these thresholds for Early Intervention and adjust based on the type of unit or where deployment has occurred. Increasing thresholds in some areas may help to better assess members in proactive units such as the examples provided above.

Further, with the upgrade of AIM, there are more mechanisms in place to ensure there is follow-up when an intervention occurs to ensure the employee and supervisors are monitoring the situation. As such, a revision to the EIP policy will be researched and evaluated in 2012. Overall, though the program appears to be effective.

## **GRIEVANCES REVIEW (2011)**

Effective in 2012 the Grievance Process was moved to the Office of Professional Standards from General Services Section. During this recent restructuring, 2011 Grievances were forwarded to OPS for filing and processing as well. As a result, OPS will provide a summary and review of the process for 2011. In 2012, OPS plans to have this tracked in AIM in conjunction with other administrative matters.

In 2011, there were no civilian grievances and four (4) grievances involving sworn officers represented by the collective bargaining unit. All four stemmed from 2010 disciplinary cases. Two of these four cases were also linked to 2009 investigations and because of the nature of the

investigations and the amount of time involved, the grievances were not filed until 2011.

One case is currently still open and set for arbitration at some point in the near future. The other three were closed as they were denied arbitration by the collective bargaining unit who would have represented the members.

Prior to the process changing in 2012, the 2011 General Order allowed for discipline to be grieved, however, this process is expected to change in 2012 when the new discipline policy is approved by the collective bargaining unit.

An initial review of this process shows that it functioned properly and no issues were discovered. However, as part of the restructuring of the agency and implementation of OPS, direction was given by Chief Womack to move the tracking process and management of Grievances to OPS as part of its mission of general oversight for the agency.

Grievances are not a frequent occurrence at the Lakeland Police Department, however, OPS is now tasked with tracking, administrative support, coordinating, and maintaining records and copies in a secure manner.

## **CONCLUSION**

In summary, the Lakeland Police Department is performing well and no alarming trends were noted. With that said, the use of physical force spiked enough this year for OPS to monitor further to determine whether it was a reporting issue. Other areas saw a small increase or decrease depending on the topic, but none were staggering enough to cause great concern.

Many items mentioned continue to be a focus in 2012 for the Office of Professional Standards. As such, OPS is working with other components to find a way to better track some data such as demographics. OPS continues to find ways to improve efficiency. With the upgrade in software to manage administrative issues, this should reduce the amount of paperwork involved and continue the progress of the goal to go paperless.

A new Chief of Police was sworn in, numerous promotions and restructurings occurred making 2011 a major year of change. Additionally, major General Order revisions occurred last year and will continue through the first part of 2012. Items such as the discipline policy, use of force policy and many others were rewritten to be clearer, concise and eliminate redundancy. These

along with many other items are a work in progress for the agency and OPS.

Finally, all of these changes moved the police department back toward national and state reaccreditation. It was a year of revamping, refocusing, and restructuring and this is expected to continue into 2012 as the focus is to better the agency and the services it provides to the citizens of Lakeland.