

Force Review Division

Quarterly Report

2020 Q3



Executive Summary

Preface

The purpose of the Force Review Division (FRD) Third Quarter 2020 Report is to provide an overview of FRD accomplishments and recommendations based on its review and analysis of Tactical Response Reports (TRR) and Firearm Pointing Incidents (FPI) during the period.

Notes on Information Reported:

The information contained in this report is based on reviews conducted by the FRD during the period of July 1 through September 30, 2020. It is NOT a summary of findings of the Tactical Response Reports and Firearm Pointing Incidents that were submitted and reported by Department members during that timeframe.

SECTION ONE:

I. FRD Personnel Professional Development ¶193

During the Third Quarter, five newly assigned FRD members completed 10 hours of in-service training related to their positions as Firearm Pointing Review Officers. This internal in-service training is in addition to the 32 hours of mandatory in-service training required for 2020.

II. Force Review Division Resources ¶193 ¶575

During the Third Quarter, a Lieutenant was assigned to the FRD replacing the one who retired during the Second Quarter.

At the end of the Third Quarter, the FRD was operating with the following personnel: 1 Commander, 1 Lieutenant, 6 Sergeants and 37 Police Officers. A Notice of Job Opportunity was posted on January 31, 2020 that yielded 38 new applicants. Due to Covid-19 related restrictions, interviews of the new applicants were not concluded until September 15, 2020. A Request for Detail of Personnel was submitted on September 29, 2020 for 13 candidates who successfully completed the NOJO process. The request for detail of personnel remained under consideration at the conclusion of the third quarter.

SECTION TWO:

II. Tactical Response Report Reviews and Recommendations ¶157 ¶169

During the Third Quarter, the FRD completed 717 TRR Reviews. Of those reviews, 62.5%, or 448, resulted in recommendations and/or advisements to involved members or supervisors. Two referrals were made to the Civilian Office of Police Accountability for investigation of alleged misconduct during this period.

The greatest number of Involved Member debriefing points were made for not articulating with specificity in the TRR narrative section the Force Mitigation efforts used prior to the reportable use of force. There were almost double (206) debriefings for "Force Mit-Not Articulated" as compared to the next highest debriefing point of "TRR Box Issue" (106 debriefings), which identifies instances in which the involved member either omitted or incorrectly checked one of the check box responses on the TRR.

Reviewing Supervisors were most often debriefed (50) for not requesting the assignment of an Evidence Technician when necessary. Approving/Investigating Supervisors were most often (25) debriefed for issues related to incorrect box selection on the Tactical Response Report-Investigation which identifies instances in which the Approving Supervisor either omitted or incorrectly checked one of the check box responses on the TRR.

SECTION THREE:

III. Firearm Pointing Incident Reviews ¶190 ¶192

During the third quarter of 2020, 820 Firearm Pointing Incident (FPI) event numbers were generated by OEMC. Of the 820 event numbers, 695 resulted in Firearm Pointing Incident Reports being generated automatically in CLEARNET for the FRD to review. Of the 695 assigned to FRD for review, 88 (approximately 12.6%) did not have an associated ISR or Arrest Report and therefore were not reviewed. Eight FPIRs were identified as duplicates by the FRD. The most frequently reported event type for Firearm Pointing Incidents was traffic stops (226) followed by person with a gun events (177).

In 44.5% of the firearm pointing incidents generated during the third quarter of 2020, a weapon was recovered. The weapons recovered were 272 semi-automatic handguns, 10 revolvers, 9 semi-automatic rifles, 7 "other" weapons types, 6 knives, 1 shotgun and 1 blunt instrument for a total of 306 weapons recovered during firearm pointing incidents reported.

SECTION FOUR:

Pattern Identification

1. Follow up to previously identified pattern: ¶575 During the First Quarter of 2020, a pattern involving body worn camera usage in the 011th District was identified through the use of Tableau dashboards. Preliminary review by the Force Review Division of body worn camera video and of the documents submitted by the 11th District in response to the approved plan indicate an increase in body worn camera usage compliance by the 11th District tactical teams. This pattern will continue to be evaluated by the FRD in subsequent quarterly reports.

2. Follow up to previously identified pattern: ¶575 Improper body worn camera usage, most frequently for late activation. In response to this pattern, the entire department was re-enrolled in the Body Worn Camera e-Learning module. This pattern will continue to be evaluated by the FRD in subsequent quarterly reports to determine, via data collected from Tableau dashboards, the effect of the department's response.

3. Follow up to previously identified pattern: ¶575 The greatest number of Firearm Pointing Incidents were reported when department members conducted a traffic stop. In response to this pattern, the Training Oversight Committee voted unanimously to include scenario-based training in the 2021 in-service training plan. The effects of the department's response to this pattern will continue to be evaluated in subsequent quarterly reports in 2021.

4. Follow up to previously identified pattern: ¶575 Narrative deficiencies relating to the failure to properly document force mitigation and de-escalation in the narrative section of Tactical Response Reports. In response to this pattern, the Training Oversight Committee voted unanimously to include scenario-based training on force mitigation efforts in the 2021 in-service training plan. This training will require attendees to document their force mitigation efforts with specificity in the narrative portion-of the Tactical Response Report. The effects of the department's response to this pattern will continue to be evaluated in subsequent quarterly reports in 2021.

In addition, the extensive revisions to the Tactical Response Report-Review form recommended by the Force Review Division were approved and were in the beta-test phase at the end of the third quarter. The revisions are expected to be launched during Quarter 4.

The effects of the department's response to this pattern will continue to be evaluated in subsequent quarterly reports in 2021.

CONTENTS:

SECTION ON	E: FO	RCE REVIEW DIVISION	1	
I. II.		RSONNEL PROFESSIONAL DEVELOPMENT VISION RESOURCES		
SECTION TW	/0: T	ACTICAL RESPONSE REPORTS	1	
I.	ТА	CTICAL RESPONSE REVIEWS BY LEVEL	3	
II.	ТА	CTICAL RESPONSE REPORT RECOMMENDATIONS		
	A.	Recommendations by Member's Role	4	
	B.	Involved Member's Debriefing Points		
	C.	Reviewing Supervisor's Debriefing Points	6	
	D.	Approving/Investigating Supervisor Debriefing Points	7	
	E.	TRRs With Foot Pursuits Reviewed		
SECTION THREE: FIREARM POINTING INCIDENTS				
I.	FIF	REARM POINTING INCIDENT REVIEWS	9	
	А.	Firearm Pointing Incident Totals	10	
	B.	Pointing Incidents by Initial Event Type		
	C.	Weapons Recovered in Association with Pointing Incidents		
	D.	Weapon Recovered by Event Type in Association with FPIR		
	E.	Reviews Completed – 30 Day Timeframe		
	F.	FPIR Review Totals		
	G.	FRD Pointing Recommendation Totals		
	Н.	Pointing Incidents by Unit		
	I.	Recommendations by Unit	15	
	J.	FPIRs With Associated TRRs	16	
	К.	FPIRs With Pursuits	16	
	L.	FPIRs with Foot Pursuits and Weapon Recovery	17	
	М.	FPIRs With TRRs and Weapon Recovery		
• SECT	ION I	FOUR: PATTERN IDENTIFICATION		

APPENDIX:

A. Acronyms and Terms

SECTION ONE:

I. PERSONNEL PROFESSIONAL DEVELOPMENT

Five newly assigned FRD personnel assigned to review Firearm Pointing Incidents received the following training:

23 July 2020

1 Hour Firearm Pointing Incident Reference Guide Review

1 Hour Review of Firearm Pointing S.O.P., Related Special and General Orders, Training Bulletins

1 Hour OEMC/PCAD access instruction

1 Hours Axon and Evidence.com video access

6 Hours shadowing a veteran FRD Officer assigned to review Firearm Pointing Incidents to familiarize themselves with the FPI review process

24 August 2020

1 Hour Firearm Pointing Incident Reference Guide Review

1 Hour Review of Firearm Pointing S.O.P., Related Special and General Orders, Training Bulletins

1 Hour OEMC/PCAD access instruction

1 Hours Axon and Evidence.com video access

6 Hours shadowing a veteran FRD Officer assigned to review Firearm Pointing Incidents to familiarize themselves with the FPI review process

The training outlined above is in addition to the 32-hour mandatory in-service training required of all Department members for 2020.

II. FORCE REVIEW DIVISION RESOURCES ¶193 ¶575

At the end of the 3rd Quarter 2020 the Force Review Division had the following personnel assigned:

	<u>ACTUAL</u>	BUDGETED
Commander	1	1
Lieutenant	1	1
Sergeants	6	6
Review Officers	37	48

SECTION TWO:

I. TACTICAL RESPONSE REPORT REVIEWS BY LEVEL



Per the Consent Decree paragraph 574, "A designated unit at the CPD headquarters level will routinely review and audit documentation and information collected regarding each level 2 reportable use of force incident, a representative sample of level 1 reportable use of force, and incidents involving accidental firearms discharges and animal destructions with no human injuries".

The total number of level 1 uses of force reported above includes a 5% random sampling of level 1 uses of force as well as level 1 uses of force associated with a foot pursuit or level 2 or *level 3 use of force.

* The CPD use of force levels were revised and became effective 29 February 2020. Some of the reviews reported above are comprised of incidents that occurred prior to that date.

II. TACTICAL RESPONSE REPORT RECOMMENDATIONS §157 §169

During the third quarter of 2020, the Force Review Division completed 717 Tactical Response Report Reviews. Of those reviews, 62.5%, or 448, resulted in recommendations and/or advisements to involved members or supervisors. Two referrals were made to the Civilian Office of Police Accountability for alleged misconduct during this period. In some instances multiple recommendations or advisements were made concerning a single Tactical Response Report._The recommendations and advisements by member's role made on the TRRs reviewed in third quarter of are depicted below:



The Force Review Division identified the following Debriefing Points for Involved Members during 2020 Q3:



The Force Review Division identified the following Debriefing Points for **Reviewing Supervisors** during the third quarter :



The Force Review Division identified the following Debriefing Points for **Approving/Investigating Supervisors** during the third quarter :





During the third quarter of 2020, the Force Review Division reviewed a total of 170 Tactical Response Reports that involved a foot pursuit. Of the 170 reviews, the Force Review Division determined that the Involved Member did not select the "foot pursuit" box on their TRR in ten instances. The FRD made a total of 17 recommendations regarding foot pursuit issues.

SECTION THREE: FIREARM POINTING INCIDENTS ¶190 ¶192

Firearm Pointing Incident Events (PNT) are created when a Beat notifies OEMC that they pointed their firearm at a person. The OEMC dispatcher then creates a PNT event number which is cross-referenced to the original event number of the call that the Beat is assigned to. The CLEARNET reporting system automatically finds these PNT events and creates a Firearm Pointing Incident Report for each PNT event number. If a dispatcher erroneously creates more than one PNT event for the same Beat during an incident, the CLEARNET system will automatically filter out the duplicate record.

For the third quarter of 2020 there were a total of **820** Firearm Pointing Incident event numbers generated by OEMC. The CLEARNET system automatically filtered **125** duplicate records. The Force Review Division identified an additional **8** duplicate PNT event numbers submitted in the third quarter that were not automatically filtered by CLEARNET. In total there were **695** FPIRs generated by CLEARNET in the 3rd Quarter to be reviewed by FRD. The FRD reviewed **1,014** FPIRs in this timeframe which included PNT events created in the previous quarter.

The FRD is mandated by the Consent Decree, paragraph 192, to "routinely review and audit documentation and information collected from all investigatory stop and arrest occurrences in which a CPD officer pointed a firearm at a person in the course of effecting a seizure." The FRD in accordance with the Consent Decree and Department Notice D19-01 does not review any Firearm Pointing Incident that does not have either an Investigatory Stop Report (ISR) or Arrest Report associated with the event. Examples of when a firearm pointing incident may occur but an Investigatory Stop Report or an Arrest Report is not required to be completed include: 1) Domestic disturbances or disturbances inside of a private residence, 2) Traffic stops when an officer issues a Personal Service Citation and completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the citation, and 3) Mental health calls for service that require the completion of a Miscellaneous Incident Exception Report.

For Firearm Pointing Incidents in which an arrest or ISR was not completed, the FRD conducts a preliminary review to determine if an ISR may have been required but was not completed. In the third quarter there were 88 such instances that accounted for approximately **12.6%** of all PNT events and FPIRs, a reduction from the 15% reported in the second quarter. Of these instances, the FRD identified fourteen instances where an ISR may have been required and the FRD made a notification to the Integrity Unit. These account for **2.0%** of all reviews or **15.9%** of the FPIRs not subject to FRD review due to the lack of an ISR and Arrest associated. It should be noted that some Firearm Pointing Incident Reviews may result in multiple recommendations for the same pointing incident.

Of the FPIRs that the FRD has reviewed in the second quarter, the most common recommendation was for **BWC-Late Activation** of the **Body Worn Camera** by the involved Beat (**67** incidents). When recommendations for training are made, the FRD sends an email to the Involved Beat's unit Commander and Executive Officer. The Involved Beat is then debriefed and trained by the appropriate supervisor. That supervisor then enters debriefing comments into the FPIR, and the Unit Commander or Executive Officer approves the debriefing and closes the FPIR. Beginning in quarter one 2021, adequate statistically significant data will be available in Tableau dashboards to evaluate whether any patterns exist for Firearm Pointing Incidents at the district/unit level.

During the third quarter -a total of **306** weapons were recovered in association with a CPD member reporting a Firearm Pointing Incident. This represented **44.5%** of the total Firearm Pointing Incidents in the quarter as compared with **29.9%** (274) in the second quarter.



The most frequent event types associated with Firearm Pointing Incidents are shown above. The FRD currently tracks over 75 different event types. These are the initial event types coded by OEMC dispatchers when the beat is assigned a call or informs OEMC of an event.



Weapons Recovered in Association with Pointing Incidents

Weapon Recovered by Event Type in Association with FPIR 3rd Quarter 2020





The median completion time for Firearm Pointing Incidents was 18 days having increased during the third quarter due to the Department's response to Covid-19 and civil unrest. By the close of the third quarter, the FPIR backlog was eliminated.



Firearm Pointing Incident Reviews Completed - 30 Day Timeframe



Some Firearm Pointing Incident Reviews result in multiple recommendations for the same pointing incident.









<u>SECTION FOUR: PATTERN IDENTIFICATION </u>¶157, ¶190, ¶192, ¶220 ¶237, ¶238, ¶239 ¶575¶

1. Follow up to previously reported pattern—011TH District Tactical Teams BWC Compliance

A. SUMMARY

During 2020 Quarter 1, a pattern involving body worn camera usage in the 011^aDistrict was identified through the use of Tableau dashboards.

B. PLAN

A report outlining the findings was completed by the Commander of the Force Review Division and submitted through the chain of command that identified the pattern and made the following recommendations:

- 1) The 011th District Commander should formulate a specific plan, with a firm deadline, and accountable parties clearly identified, to address the issues within the tactical unit.
- 2) The plan should be detailed in writing to OOSCO Chief Fred L. Waller within 7 days of receipt of the notification of the pattern.
- 3) Upon approval by Chief Waller, the tactical unit should comply with the provisions of the plan within twenty one (21) days.
- 4) A copy of the approved plan, and a roster of all trained personnel, including the date of training should be forwarded through the chain of command to the Force Review Division for retention and reference regarding future debriefings.

In response to these recommendations, on April 24, 2020, the 011th District Executive Officer, submitted through his chain of command a Body Worn Camera Compliance Plan. The plan consisted of the following action items:

- 1) Conduct Roll Call Training [for all tactical teams] emphasizing the proper use of BWC.
- 2) Issue each member of the Tactical Team a copy of Special Order S03-14.
- 3) Discuss the Special Order.
- 4) Review the E-Learning module regarding BWC.
- 5) Direct each Tactical Sergeant to ensure his personnel are in compliance when responding to jobs in the field by inspecting the camera.

- 6) Direct the Tactical Sergeants to run the BWC report for his team weekly.
- 7) The Tactical Lieutenant when working will view a random BWC video daily.
- 8) The Tactical Lieutenant will run the BWC report after 30 days to check for improvement in BWC usage.

The Executive Officer's action plan was approved and he was directed to submit reports to show compliance with the plan to document any improvements or areas of continued concern.

He indicated that the Tactical Lieutenant will submit a report to him by the end of his tour on May 15, 2020. A report was submitted by the Tactical Lieutenant on May 18, 2020 outlining the steps he had taken to comply with the plan.

Compliance reports were submitted by the Commander of the 11th District through his chain of command to the Deputy Superintendent, Office of Constitutional Policing and Reform for the months of May, June, July, August and September 2020.

C. <u>COMPLIANCE EVALUATION</u>

The Force Review Division conducted random reviews of the 11th District Tactical Supervisor's Management Logs. Ten body worn camera videos that tactical sergeants had evaluated and determined to be in compliance with BWC policy were reviewed by the FRD. Of the ten BWC videos reviewed in FRD, 8 were in compliance with BWC policy. This represents a substantial increase in compliance with BWC policy by the 11th District Tactical Teams.

An evaluation of recommendations and advisements for the 11th District Tactical Teams regarding BWC compliance from May, June, July, August, and September 2020 is in process. The findings will be discussed in the Quarter Four report.

2. Follow Up to Previously Reported Pattern: Body Worn Camera Usage

In response to the availability of quantifiable data, this finding was brought to the Training Oversight Committee Meeting by the Commander of the Force Review Division. As a result, the committee unanimously voted to re-enroll the entire department in the Body Worn Camera e-Learning module. By the end of third quarter 84% of the department had completed the mandatory e-Learning module.

This pattern will continue to be monitored and reported on in future reports.

3. Follow up to Previously Reported Pattern: Firearm Pointing Incidents and Traffic Stops

A pattern showing that the greatest number of Firearm Pointing Incidents were reported when department member conducted a traffic stop.

This pattern was presented to the Training Oversight Committee where it was decided that this issue would be addressed via incorporation of scenario-based training in the 2021 in-service training plan.

This pattern will continue to be monitored and reported on in furture reports.

D. Follow up to Previously Reported Pattern: Narrative Deficiencies re: Force Mitigation Efforts

This pattern will be addressed using a multi-faceted approach. First, after reporting on this pattern at a Training Oversight Committee meeting, the Deputy Chief of the Training Division relayed that 2021 use of force in-service training will contain a scenario-based training component that will require participants to engage in an exercise where they must utilize force mitigation techniques. Participants will then be required to complete the narrative of a Tactical Response Report detailing with specificity their use of force mitigation techniques in order to successfully complete the exercise.

Second, the Force Review Division recommended extensive revisions to TRR-R_that will allow for more precise tracking of narrative deficiencies regarding involved member's documentation of force mitigation principles. The revisions to the TRR-R will allow for more efficient and accurate data collection of related to Force Review Division recommendations. The revisions to the TRR-R are currently underway and are expected to be launched during Quarter 4.

This pattern will continue to be monitored and reported on in future reports.

APPENDIX A:

Acronyms and Terms

The following is a listing of acronyms and terms utilized by the Force Review Division.

Advisements and Recommendations	The Force Review Division training recommendations are classified as either Advisements or <u>Recommendations</u> . Advisements are informal training insights provided to the involved member or involved supervisor from observations made in the course of a TRR review. Recommendations are formal training advisements made to the involved member and or involved supervisors requiring documentation in the <i>Performance</i> <i>Recognition System</i> .
AXON	Company that provides the Body Worn Camera system worn by CPD officers.
BATIP	Battery in progress call
BURGIP	Burglary in progress call
BWC	Body-Worn Camera
BWC Early Termination	Indicates that the Involved Member deactivated his <i>BWC</i> before the conclusion of an incident.
BWC Late Activation	Indicates that the Involved Member did not activate his <i>BWC</i> at the beginning of an incident.
BWC No Activation	Indicates that the Involved Member did not activate his <i>BWC at any point</i> during an incident.
BWC Other Issues	Indicates that FRD reviewers identified a miscellaneous issue relating to BWC usage.
CHECKWB	Check the well-being call
Control Tactics Not Articulated	The Involved Member indicated that they used control tactics by checking the action on their TRR but did not articulate how or when they were used.
CRIMTI	Criminal trespass in-progress call
DD	Domestic disturbance call
ЕТ	Evidence Technician
Foot Pursuit Issue	Indicates that FRD reviewers identified a miscellaneous issue relating to a foot pursuit.
Foot Pursuit – Radio Communications	Indicates that FRD reviewers identified that the Involved Member did not follow the guidelines laid out in Training Bulletin 18-01 as it relates to radio communications during foot pursuit incidents.

Force Mit – Communication	Indicates that FRD reviewers observed an issue with either the reporting or application of communication as a Force Mitigation tactic.
Foot Pursuit – Radio Communications	Indicates that FRD reviewers identified that the Involved Member did not follow the guidelines outlined in Training Bulletin 18-01 as it relates to radio communications during foot pursuit incidents.
Force Mit – Communication	Indicates that FRD reviewers observed an issue with either the reporting or application of communication as a Force Mitigation tactic.
Force Mit. – Not Articulated	The Involved Member indicated that they used the principals of Force Mitigation by checking it on the <i>TRR</i> but failed to articulate the actions in their narrative portion of their <i>TRR</i> .
Force Mit. – Positioning	Indicates that FRD reviewers observed an issue with either the reporting or application of positioning as a Force Mitigation tactic.
Force Mit. – Time	Indicates that FRD reviewers observed an issue with either the reporting or application of time as a Force Mitigation tactic.
Force Options	Indicates that the Involved Member incorrectly identified subject's actions or member's response in relation to the <i>CPD Force Options Model</i>
FP	Foot Pursuit.
FPIR	Firearm Pointing Incident Report.
ISR	Investigatory Stop Report
MISION	Mission (seat belt, narcotics, etc)
Narrative Deficiency:	Refers to various issues identified by Force Review Division reviewers regarding an Involved Member's narrative or that of a Reviewing or Approving Supervisor. Typically this involves the member failing to adequately articulate, in writing, portion(s) of the incident.
OEMC	Office of Emergency Management & Communications
Other – Policy Procedure	Indicates that FRD reviewers identified a miscellaneous policy or procedure issue.
Other – Tactics	Indicates that FRD reviewers identified miscellaneous tactical issues.

Performance Recognition System	The Performance Recognition System is an assessment tool for assisting Department supervisors in recognizing exceptional or adverse behavior related to the job performance of members under their command <u>.</u>
PERGUN	Person with a gun call
PERKNI	Person with a knife call
PERSTB	Person stabbed call
PNT	Pointing notification
Radio Communications	Indicates FRD reviewers identified an issue relating to the involved member's use of radio to communicate with dispatchers or other officers.
ROBJO	Robbery just occurred call
SUSPER	Suspicious person call
Search Issue	Indicates an issue was identified by FRD reviewers relating to the Involved Member's search of a subject.
SHOTSF	Shots fired call
SS	Street Stop
Taser – Accidental Discharge	The Involved Member reported accidentally discharging a Taser device.
Taser – Crossfire	Indicates that FRD reviewers identified a crossfire situation involving a Taser.
Taser – Other	Indicates FRD reviewers identified an issue regarding Taser handling, use or reporting.
Taser – Over 5 Seconds	Involved Member utlized a Taser cycle that exceeded 5 seconds.
TRR	Tactical Response Report
TRR-I	Tactical Response Report Investigation
TRR Box Issue	One or more boxes on the Tactical Response Report were either omitted or incorrectly checked.
TRR Box Issue –	_ Foot or vehicle pursuit box on the Tactical Response
Pursuit Box Not Checked	_ Report was either omitted or incorrectly checked.
TRR Inconsistency – External	Indicates that FRD reviewers identified an inconsistency between the TRR or TRR-I and other reports (e.g. Arrest Report or Case Incident Report).

TRR Inconsistency – Internal	Indicates that FRD reviewers identified an inconsistency within the TRR or TRR-I.
TS	Traffic Stop
Vehicle Extraction	Indicates FRD reviewers identified an issue regarding the Involved Member's actions while extracting (removing) a subject from a motor vehicle.
VIRTRA	A 300-degree small arms judgmental use of force and decision-making simulator for law enforcement training. This intense, immersive training environment takes into account every detail from the smallest pre-attack indicators to the most cognitive overload stimuli situations imaginable.