

2016

**INTERNAL AFFAIRS
REPORT**

COLUMBIA POLICE DEPARTMENT
Office of Professional Standards



We Are Columbia



2016 INTERNAL AFFAIRS REPORT

COLUMBIA Police Department
Office of Professional Standards

**City of Columbia Police Department
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MESSAGE FROM THE CHIEF

Citizens of Columbia,

It is my pleasure to present to you the Columbia Police Department's 2016 Internal Affairs Report. During the past year, we continued to pursue our vision of becoming an "exceptional police organization that exhibits innovation, engagement and professionalism." The saying, "A goal without a plan is just a dream," rings true, so we have been diligent about developing and following a clearly focused plan to become one of the most professional police departments in the country. The Columbia Police Department's Five Year Strategic Plan and the Implementation Plan for the Recommendations from the President's Task Force on 21st Century Policing provide us with a roadmap to our goal. The foundation of our plan is organizational accountability and transparency, and maintaining strong community-police relationships. Towards that end, we began publishing an annual Internal Affairs Report in 2014 to inform our citizens about incidents of officer-involved shootings, use of force, vehicle pursuits, officer-involved collisions, and complaints of misconduct. Collecting and analyzing this type of data is of great value to us because it supports accountability for use of force and officer misconduct. In turn, we are able to share this information to keep you informed of our efforts to increase professionalism through both policy and practice.

In 2016, the Columbia Police Department:

- ▶ Continued to review and strengthen departmental use of force related policies and procedures;
- ▶ Launched a new CPD website through which citizens can access the department's use of force policies and learn about the process to submit a complaint or commendation on a Columbia Police Officer;
- ▶ Received a U.S. Department of Justice COPS Hiring Grant to support the hiring of 15 additional Columbia Police Officers, which will enable us to increase officer presence within our communities;
- ▶ Procured computer software, IAPro, that will enhance our ability to track and monitor pertinent data;
- ▶ Trained our officers in procedural justice; and,

- ▶ Acted as host city for the SC Police Chiefs Association, which sponsored the Police Executive Research Forum (PERF) training course on Integrating Communications, Assessment and Tactics (ICAT). This training provides police officers with more tools, skills, and options for handling critical incidents, especially those involving subjects acting erratically because of mental illness or behavioral crisis and/or who are unarmed or armed with a weapon other than a firearm.

Our efforts are producing positive results. In 2016, there were fewer incidents of force used by Columbia Police Officers and fewer complaints of officer misconduct made by citizens. Although we answered more calls for service, made more arrests, and responded to a greater number of calls of "shots fired," Columbia Police Officers were able to diffuse and deescalate tense situations with minimal uses of force.

I am grateful to city of Columbia officials and members of our community for their steadfast support of our pursuit to become the best police department we can be through the implementation of best policing practices. They have continued to make significant investments in employee professional development and officer safety and wellness, demonstrating a commitment to the future of this police department and this city.

It is my hope you find the Columbia Police Department's 2016 Internal Affairs Report both helpful and informative.

Sincerely,



William H. "Skip" Holbrook

Chief of Police



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MISSION

The Columbia Police Department will provide professional and ethical service in protection of our citizens while preventing crime and reducing the fear of crime through problem solving partnerships.

We will accomplish our mission by:

- ▶ Enforcing the law with integrity, fairness and compassion
- ▶ Solving crimes
- ▶ Meeting the expectations of our community
- ▶ Upholding the constitutional rights of our citizens
- ▶ Building and maintaining public trust
- ▶ Reducing victimization
- ▶ Demonstrating fiscal responsibility

VISION

Through our steadfast commitment to policing excellence, the Columbia Police Department will be transformed to exhibit the innovation, engagement and professionalism of an exceptional organization whose workforce truly reflects the values and diversity of the city of Columbia.

CORE VALUES

PROFESSIONALISM: We will conduct ourselves in a manner that is consistent with the law enforcement code of conduct, national law enforcement standards, best practices and the expectations of our community.

INTEGRITY: Our commitment to the highest standards of honesty and ethical conduct will be evidenced by our accountability to each other and the citizens we serve. Integrity is the foundation of trust internally and externally, and it is pursuant to this foundation that we will perform our duties to protect and serve the citizens of the city of Columbia.

DIVERSITY: We will acknowledge and promote the acceptance, inclusion and professional contributions of all, and our recruitment, hiring, retention, training and development practices will reflect a strong commitment to diversity and the diverse populations we serve.

SERVICE ORIENTATION: We will improve the quality of life of those we serve by reducing fear, engaging the community and enhancing public safety.

FAIRNESS: We are committed to the fair and equitable treatment of all citizens as fundamental to the delivery of professional police service.

COURAGE: We will remain physically and morally courageous in all our duties.

COLLABORATION: We believe that cooperation and teamwork will enable us to combine our diverse backgrounds, skills and styles with the capacities of others to achieve common goals.

COMMUNICATION: Effective and open communication at all levels is the cornerstone of a progressive organization. We value honest and constructive discussions of ideas, suggestions and practices that help accomplish the goals of our Department and the communities it serves.

FINDINGS AT A GLANCE

| | 2015 | 2016 | ↑↓ | Change |
|--|---------|---------|----|--------|
| Calls for Service | 163,555 | 166,344 | ↑ | +2789 |
| Public Complaints of Employee Misconduct | 127 | 91 | ↓ | -36 |
| Use of Force Incidents Reported | 89 | 41 | ↓ | -48 |
| Arrests | 5,921 | 6,876 | ↑ | +955 |
| Confirmed Shootings | 138 | 145 | ↑ | +7 |
| Shooters with Criminal Histories | 68.5% | 88% | ↑ | +19.5% |
| Homicides | 13 | 12 | ↓ | -1 |
| Firearms Seized | 475 | 498 | ↑ | +23 |
| Officers Assaulted | 35 | 24 | ↓ | -11 |
| Miles Driven | 4.1M | 3.9M | ↓ | -0.2M |
| Collisions | 96 | 80 | ↓ | -16 |
| Vehicle Pursuits | 28 | 20 | ↓ | -8 |

USE OF FORCE AND OFFICER INVOLVED SHOOTINGS

☰ Response to Resistance Policy

The Columbia Police Department (CPD) continually reviews policies and procedures to ensure compliance with changes to state and federal laws and provide officers with guidance based on best practices in policing. As a result, the department's Response to Resistance Policy was revised in 2016. Some of the most recent changes are set out in *italics* below.

- ▶ Affirms the value and **sanctity** of each human life;
- ▶ Establishes that officers will only use the minimum amount of force necessary to accomplish lawful objectives.
- ▶ Establishes responsibility to render medical aid.
- ▶ Establishes a **duty to intervene** to prevent another officer who is about to use excessive or unnecessary force or engage in other misconduct.
- ▶ Establishes that the application of deadly force be employed only in the most extreme circumstances and all lesser means of force have failed or could not be reasonably employed. Officers may use deadly force only when the officer believes that such force is necessary to protect the officer or others from imminent danger of physical injury or death, or to prevent the escape of a fleeing felon who the officer has probable cause to believe is attempting to escape by means of a deadly weapon or who, by conduct or other means, indicates that he presents an imminent threat of serious physical injury or death to others unless apprehended without delay.
- ▶ Prohibits the discharging of firearms from a moving vehicle or at a moving vehicle, except when the officer has probable cause to believe there is a threat of serious bodily injury or death and that deadly force is the only means of protecting the officer's safety or the safety of others.
When confronted with an oncoming vehicle, an officer will not position him or herself into the path of the vehicle, but will take all reasonable steps to move out of the way.
- ▶ Prohibits officers from discharging their firearm when doing so would endanger the safety of innocent persons.
- ▶ Prohibits discharging a firearm as a warning shot.
- ▶ Requires use of force incidents resulting in serious bodily injury or death be referred to South Carolina State Law Enforcement Division (SLED) for independent investigation.

Use of force may range from simple restraint to the discharge of a firearm and is categorized as nonlethal or deadly force. The use of force continuum set out below serves as a guideline for administering force.

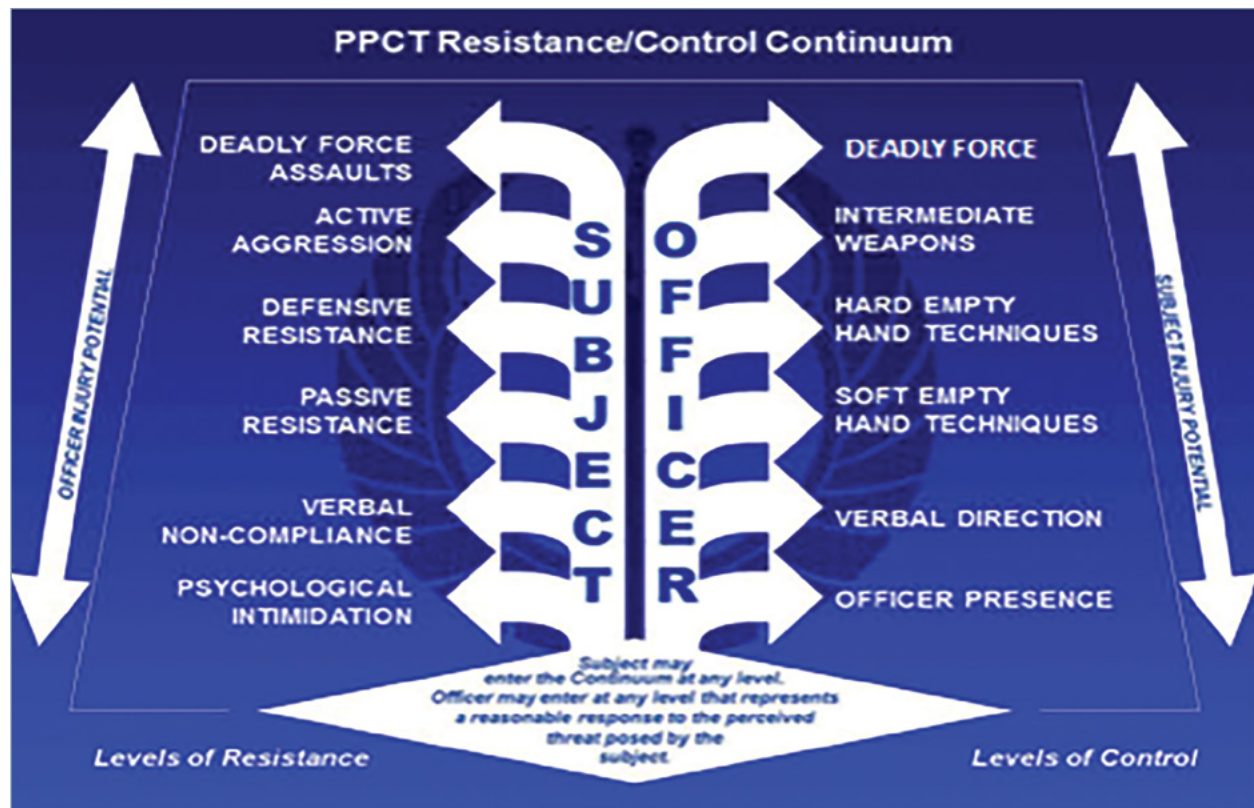


FIGURE 1: Use of force continuum. **DATA SOURCES:** CPD

Officers of the Columbia Police Department must report:

- ▶ Pointing or presenting of any weapons, lethal or nonlethal, for the purpose of gaining compliance;
- ▶ Discharging a firearm for purposes other than training or recreation;
- ▶ Application of use of force using lethal or nonlethal weapons;
- ▶ **Deployment of a police canine to apprehend or secure suspects; and**
- ▶ Weaponless force that results in injury.

Police officers are authorized to use less-than-lethal techniques and/or weapons to protect themselves or others from physical harm, restrain or subdue a resistant individual, and bring an unlawful situation safely and effectively under control. In these situations, police officers will evaluate the totality of the circumstances in order to determine which approved weaponless control techniques and/or less-than-lethal weapons may most effectively deescalate the incident and bring the situation under control in a safe manner.

The Response to Resistance Policy prohibits the use of Electronic Control Devices (ECDs, i.e. Tasers) in a number of circumstances, such as to force compliance from a suspect who is passively resisting. Pursuant to the U.S. Fourth Circuit Court of Appeals ruling (*Armstrong v. Village of Pinehurst 15-1191*) the department's ECD policy was further revised to clarify when ECDs may or may not be deployed.

- ▶ ECDs will not be used on suspects who are attempting to evade capture or are running away unless they have a weapon and/or have the present ability to do serious bodily harm to the police officer or others. Department policy also prohibits the use of ECDs when a perpetrator is fleeing and/or is not creating "an immediate safety risk" to the officer or the public.
- ▶ ECDs will not be used on vulnerable populations, such as the elderly, children, those who have mental disabilities, and those who are known to be pregnant, unless these individuals have weapons and/or the ability to do serious bodily harm to the police officer or others.

TRANSPARENCY & ACCOUNTABILITY

Independent Investigations

If an officer uses deadly force, SLED investigates the incident and presents the completed investigation to the Solicitor's Office. The Solicitor determines whether the use of deadly force was lawful or the officer should be criminally charged. An administrative investigation is also conducted by members of the department's IA Unit to determine if department policies were violated by the officer.

Tracking and Monitoring Use of Force Incidents

The department has procured IAPro, a software program, that will improve the ability to track use of force incidents and officer involved shootings. This software will also support an early intervention system, allowing command staff to identify, address and prevent problematic behavior before it escalates to a matter for Internal Affairs. The program should be available for use in preparing the 2017 Internal Affairs Report.

Body-Worn Camera (BWC) Program

CPD's body-worn camera (BWC) policy requires officers to wear BWCs while on duty and performing any uniformed law enforcement function. BWCs record dispatched calls for service, officer initiated calls, and public contacts that require law enforcement response. BWCs are activated upon arrival at the location and remain on until the call is cleared. Officers have some discretion, and in certain circumstances, may stop recording prior to clearing the call. Officers are permitted to view their own BWC footage, but not the video footage recorded by other officers. BWC video/audio files are maintained by the department for at least 60 days. The video/audio files are not subject to release pursuant to Freedom of Information Act (FOIA) requests, but the files may be released at the discretion of the Chief of Police. The department's written BWC policy is available for review at the agency website. BWC footage is proving to be a valuable resource in complaint investigations. In 2016, there

were five (5) complaints made against CPD Officers alleging excessive use of force. In two (2) of these cases, IA investigators were able to review the incident through examination of the officers' BWC footage. The BWC footage was instrumental in exonerating the officers. In another Use of Force investigation, investigators were able to review footage from a jail camera, which validated the inmates complaint.

Website Launch

In an effort to further provide transparency about the department, a new website was launched in December 2016. Developed with a fresh and modern look, the purpose of the redesign was to provide access through user-friendly navigation to public information related to police services, publications and more. For social media enthusiasts, the site features integrated Facebook, Instagram and a live Twitter feed to provide up-to-date information publicized by the department.

Visit www.ColumbiaPD.net to learn more.

White House Police Data Initiative (PDI)

In 2016, the department partnered with the White House for the Public Data Initiative, an open data portal developed to provide accessible, convenient and transparent information to the public. Currently housed in the public data portal are datasets including Assaults on Officers, Dispositions, Arrests and Field Interviews. In addition to the datasets, the department provides information on officer involved shootings, calls for service, code violation properties and national data with a community crime map. There will be updates to the portal in the near future, including new datasets. The Public Data Portal can be accessed online at <http://coc-colacitygis.opendata.arcgis.com> or through the department's website. To view the portal, users can create a profile or sign in using Facebook or Google.

Citizen Surveys

A text message-based survey was developed in partnership with Positive Referral Technologies as an additional mechanism to obtain citizen feedback regarding the department's performance. The citizen-police encounter survey provides the department with a mechanism to measure and evaluate encounters, and provides another way for the voices of Columbia citizens to be heard. Traditionally, reported reductions in crime rates have been the primary indicator of law enforcement success, causing officer performance measures to be based on enforcement-related encounters alone. Community policing, the foundation of the department's policing strategies, has expanded the work of Columbia Police Officers to include engaging members of the community as partners in crime reduction and problem solving initiatives. The citizen feedback we get on the full spectrum of encounters, will further guide our efforts to build trust and confidence between the members of our department and the community.



OFFICER WELLNESS

When an officer uses deadly force, the subject officer is placed on "Administrative Leave" status pending referral to the South Carolina Law Enforcement Assistance Program (SC LEAP), or another psychological service provider. Assignment to "Administrative Leave" status is non-disciplinary with no loss of pay or benefits. Officers remain on "Administrative Leave" status until determined "fit for duty" by the psychological service provider. Upon being determined "fit for duty" the officer's status remains as "administrative duty" until final disposition is reached in both criminal and administrative investigations.

TRAINING

All officers are required to attend training, demonstrate proficiency with all approved lethal and/or less-than-lethal weapons, and review the department's Response to Resistance policy at least once every year. Officers also receive training on a regular basis on techniques to reduce use of force incidents, such as conflict resolution, cultural diversity, de-escalation, responding to people with mental disabilities, and community policing.

In order to be authorized to carry lethal and/or less-than-lethal weapons, police officers must:

- ▶ Receive and sign for a copy of the department's Response to Resistance Policy
- ▶ Receive instruction on the Response to Resistance Policy
- ▶ Pass the written Response to Resistance test
- ▶ Demonstrate proficiency in the use of all authorized weapons.

In 2016, CPD officers received the following specialized training:

☰ **Integrating Communications, Assessment and Tactics (ICAT)**

ICAT is a use of force training curriculum anchored by a Critical Decision-Making Model that helps officers assess situations, make safe and effective decisions, and document and learn from their actions. The goal of ICAT is to enhance safety to the public and officers by providing police officers

with more tools, skills, and options for handling different types of critical incidents, especially those that involve subjects who are acting erratically because of mental illness or behavioral crisis and who are unarmed or armed with a weapon other than a firearm. The training focuses on the key areas of decision-making, crisis recognition and response, tactical communications and negotiations, and operational safety tactics. During the training, officers had an opportunity to utilize these skills and tools in video case studies and scenario-based training exercises.

Procedural Justice

In June 2016, the department provided training for supervisors on "Procedural Justice for Law Enforcement Agencies: Organizational Change through Decision Making and Policy." The 8-hour course was developed by the Center for Public Safety and Justice at the University of Illinois, in partnership with key researchers and law enforcement executives. The training, sponsored by the U.S. Department of Justice, Office of Community Policing Services (COPS), introduced the concepts of procedural justice and explained the importance of the principles in everyday encounters with the public. Department-specific exercises were conducted to provide examples of how the principles of procedural justice (fairness, transparency, impartiality, and providing a voice for other sides to be heard) could be incorporated into organizational decision making, policies and procedures.

2016 USE OF FORCE INCIDENTS

In 2016, the Columbia Police Department reported 41 use of force incidents. The number of use of force incidents represents approximately .025% of the citizen encounters with officers, and approximately .61% of arrests. Traffic stops accounted for 16 incidents in which a use of force occurred. Drugs, alcohol and mental health issues are significant factors in use of force incidents, accounting for 30 occurrences of use of force in 2016.



| Use of Force, Public Encounters and Arrests | | | |
|---|---------|---------|------------------|
| | 2015 | 2016 | 2015-2016 Change |
| Total Use of Force Events | 89 | 41 | -48 |
| Total Public Encounters | 163,555 | 166,344 | +2,789 |
| Total Arrests | 5,921 | 6,876 | +955 |

FIGURE 2: Number of times officers used force or made an arrest as a result of contact with the public.

DATA SOURCE: CPD

The most commonly used weapon in use of force situations were hands and feet. Which are categorized as a form of less-than-lethal force.

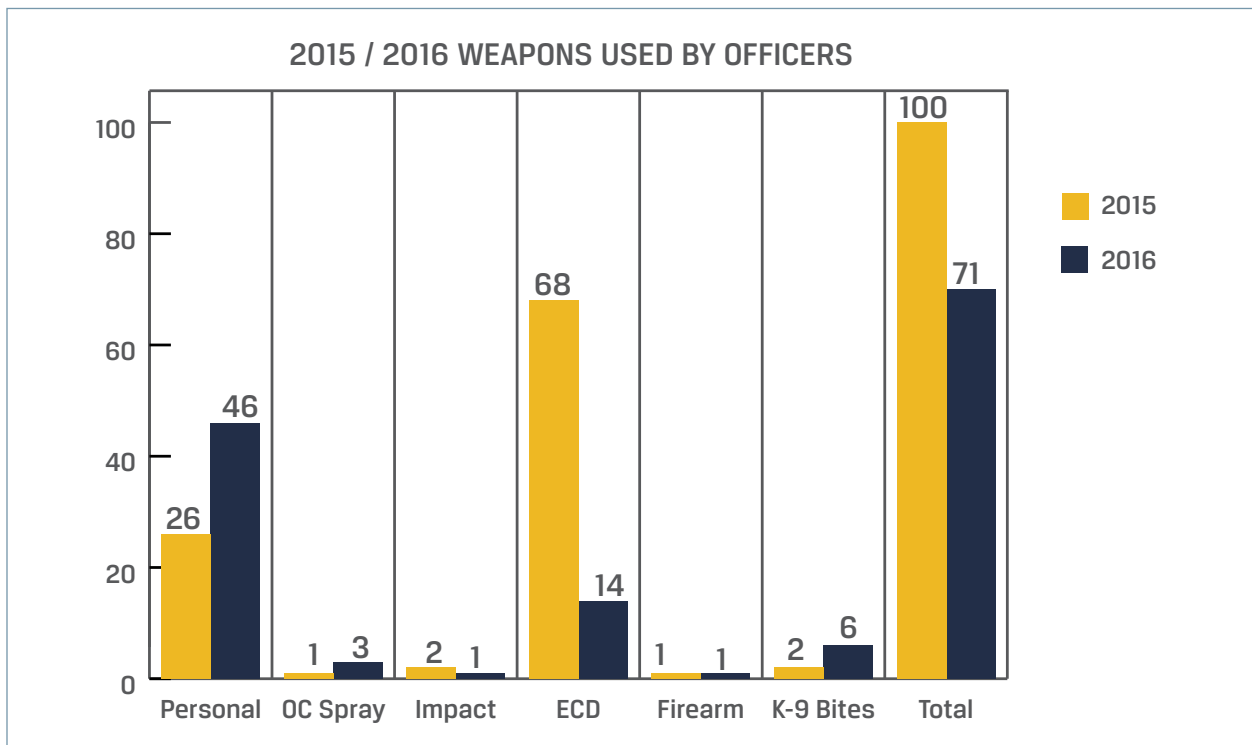


FIGURE 3: Weapons used by Officers during use of force situations. **PLEASE NOTE:** Any single use of force event may have included the use of multiple weapons by one or more officers, which is why the number of weapons used is greater than the number of events. **DATA SOURCE:** CPD

Officers must also report to their chain of command when their firearm is displayed to gain compliance. In 2016, officers displayed firearms in 30 incidents. The one (1) use of force incident involving an officer discharging their weapon was in response to a suspect pointing a weapon during a wanted fugitive operation. The officer was cleared criminally and administratively. The two (2) accidental firearm discharges (none involving a suspect) were reported by CPD officers. Both incidents resulted in discipline; officers received counseling and retraining and placement on a performance improvement plan.



2016 USE OF FORCE INCIDENTS BY REGION

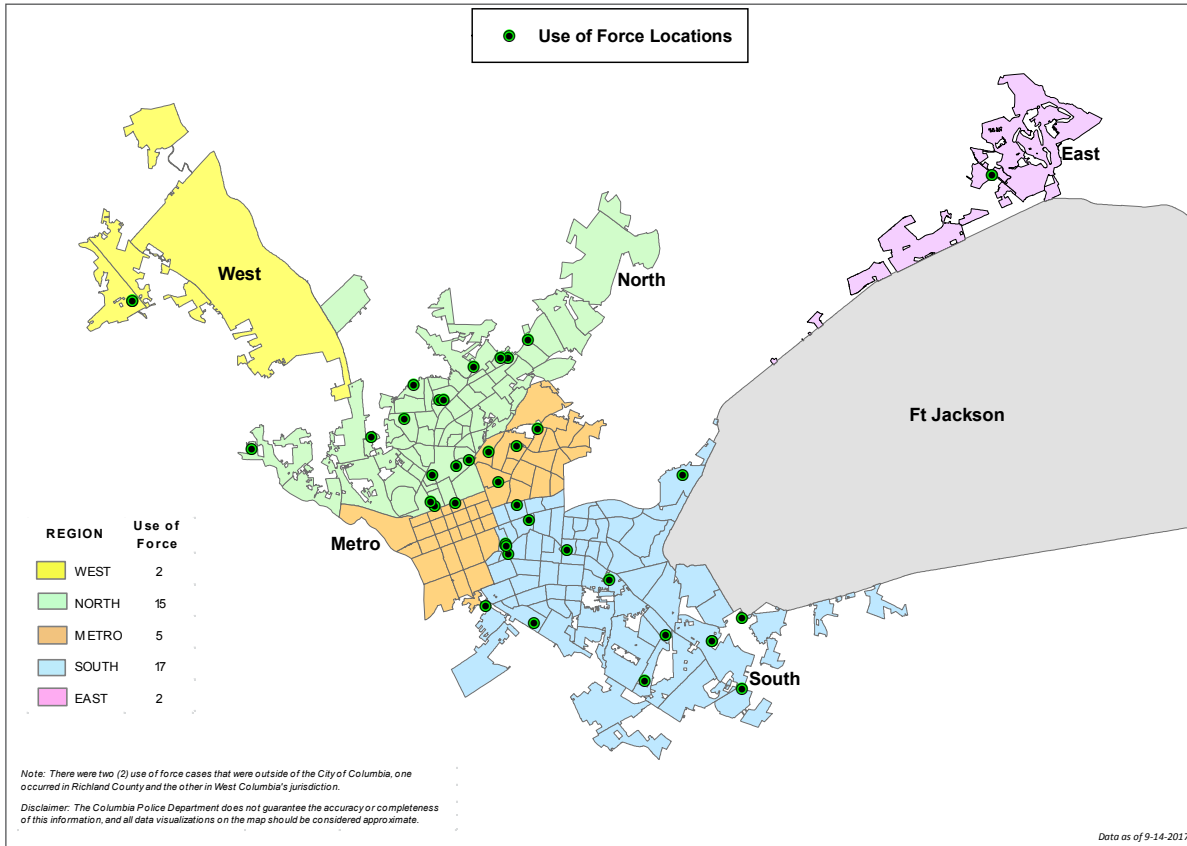


FIGURE 4: 2016 Use of Force Incidents by CPD Region

DATA SOURCE: CPD

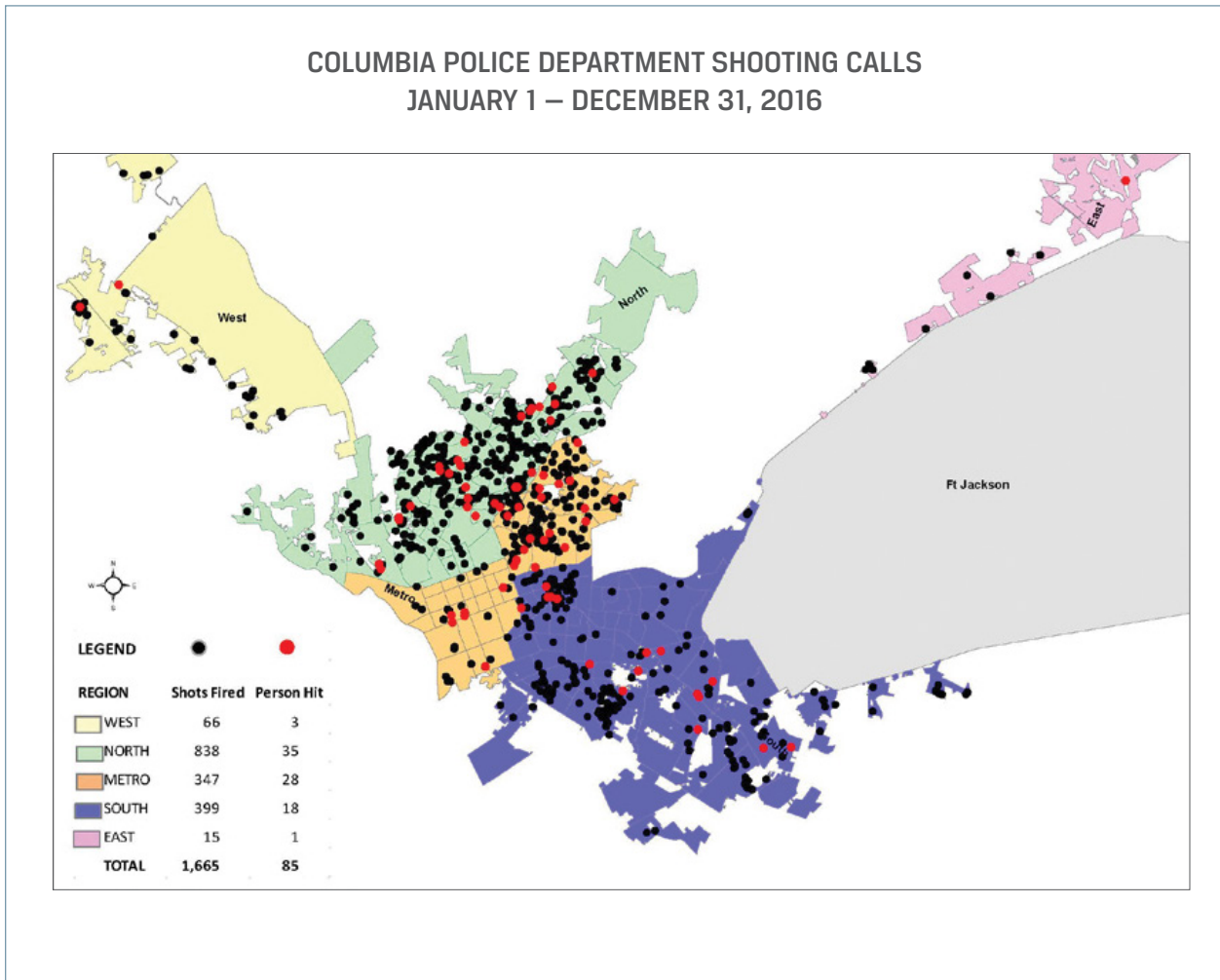


FIGURE 5: Shots Fired Calls by CPD Region

DATA SOURCE: CPD

Typically, patterns of gun crime correlate with higher numbers of use of force incidents. In 2016, the Columbia Police Department received 1680 shots fired calls, with 85 victims shot within the city of Columbia. In shooting incidents where a person was hit by gun fire, 88% of the shooting suspects had prior criminal histories; 70% of the persons shot also had previous criminal histories. Of the 12 homicides in 2016, 75% were committed with a firearm.

☰ Prior Year Demographics in Use of Force Incidents

There were 89 suspects involved in use of force incidents in 2015 (70 black, 15 white, 3 hispanic and 1 asian). The overwhelming majority of suspects in the use of force incidents were male. There were 108 officers involved in use of force incidents (88 white, 17 black, 1 hispanic and 2 asian).

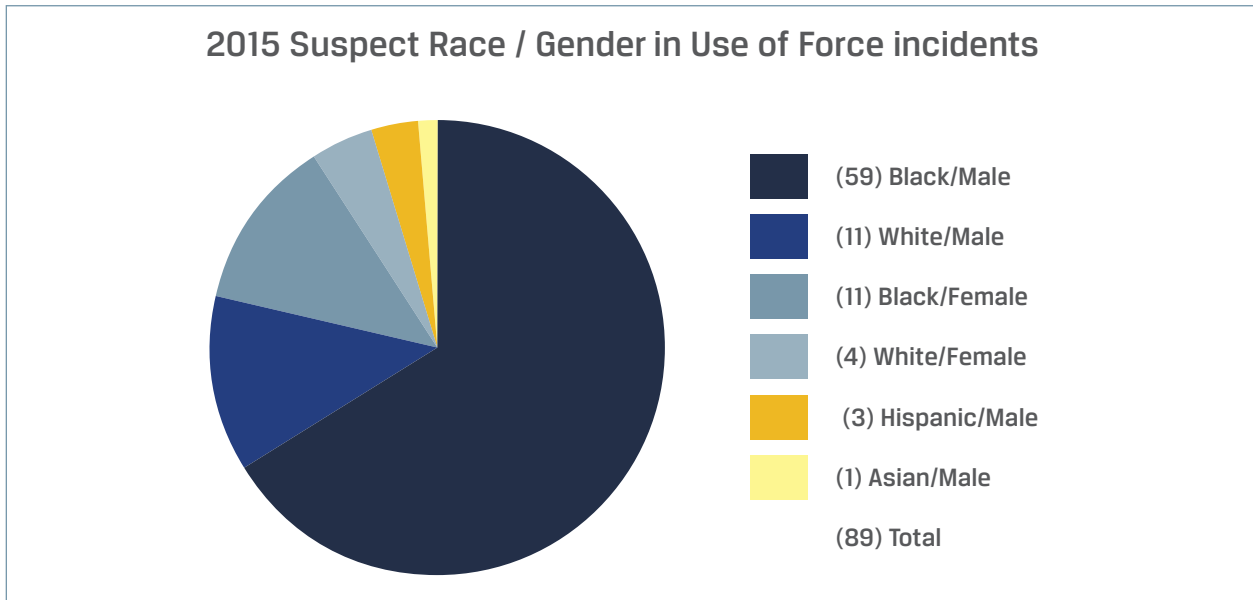


FIGURE 6: 2015 Suspect Race / Gender in Use of Force incidents | **DATA SOURCE:** CPD

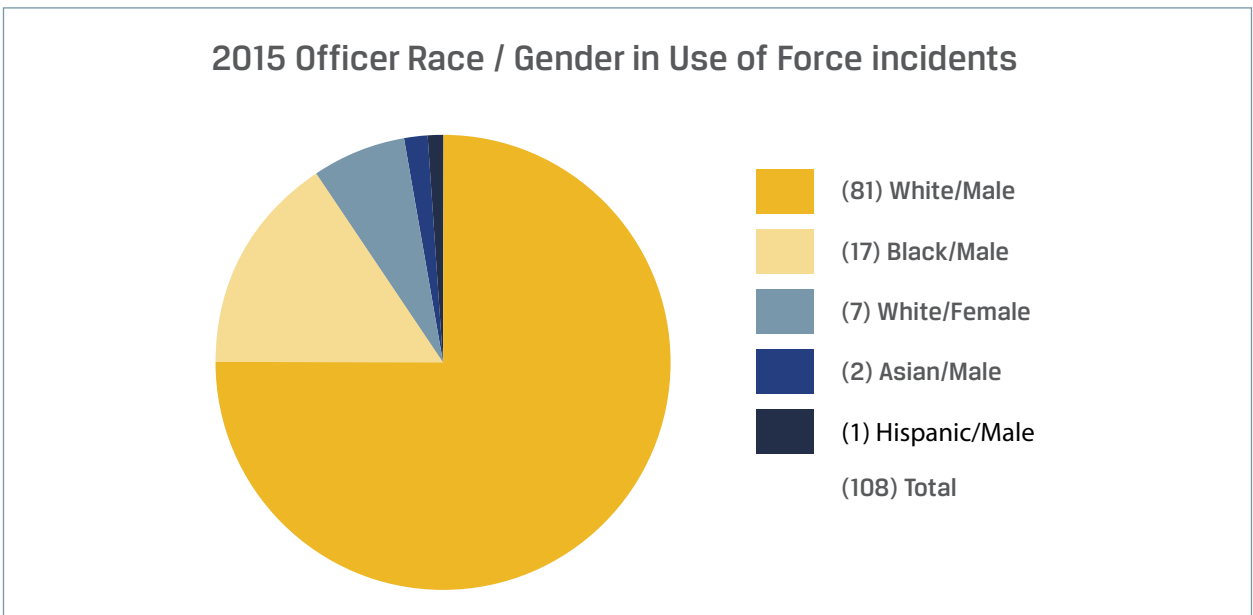


FIGURE 7: 2015 Officer Race / Gender in Use of Force incidents | **DATA SOURCE:** CPD

2016 Demographics in Use of Force Incidents

There were 45 suspects involved in use of force incidents in 2016 (36 black, 8 white and 1 hispanic). Again, the overwhelming majority of suspects in the use of force incidents were male. There were 76 officers involved in use of force incidents (59 white, 10 black, 6 hispanic, and 1 asian).

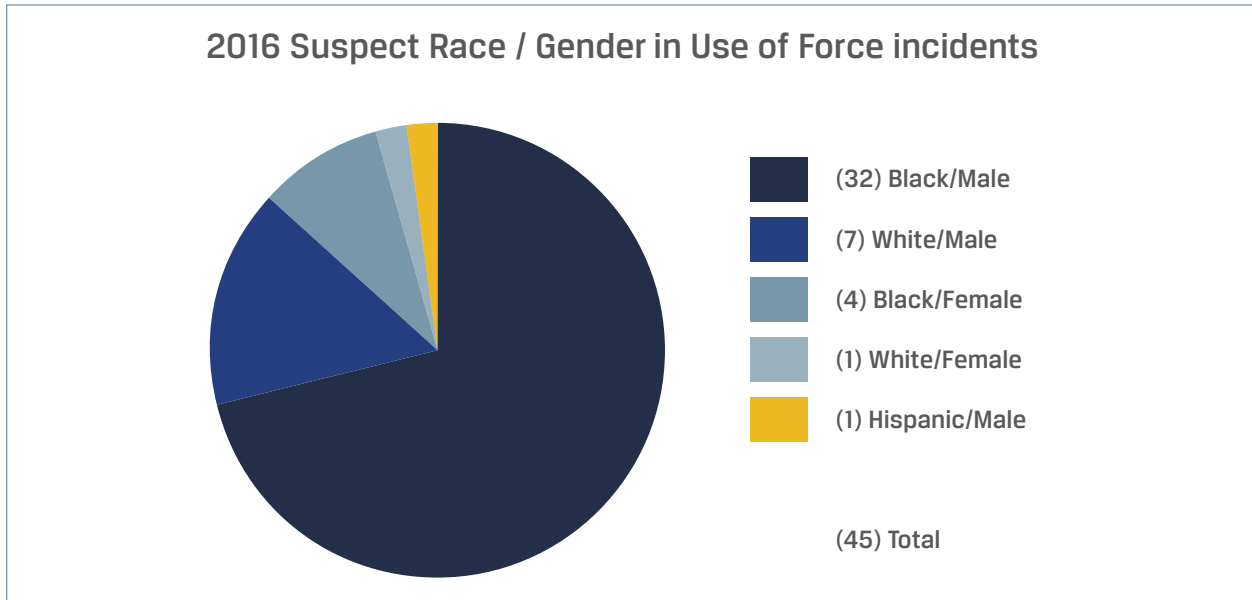


FIGURE 8: 2016 Suspect Race / Gender in Use of Force incidents | **DATA SOURCE:** CPD

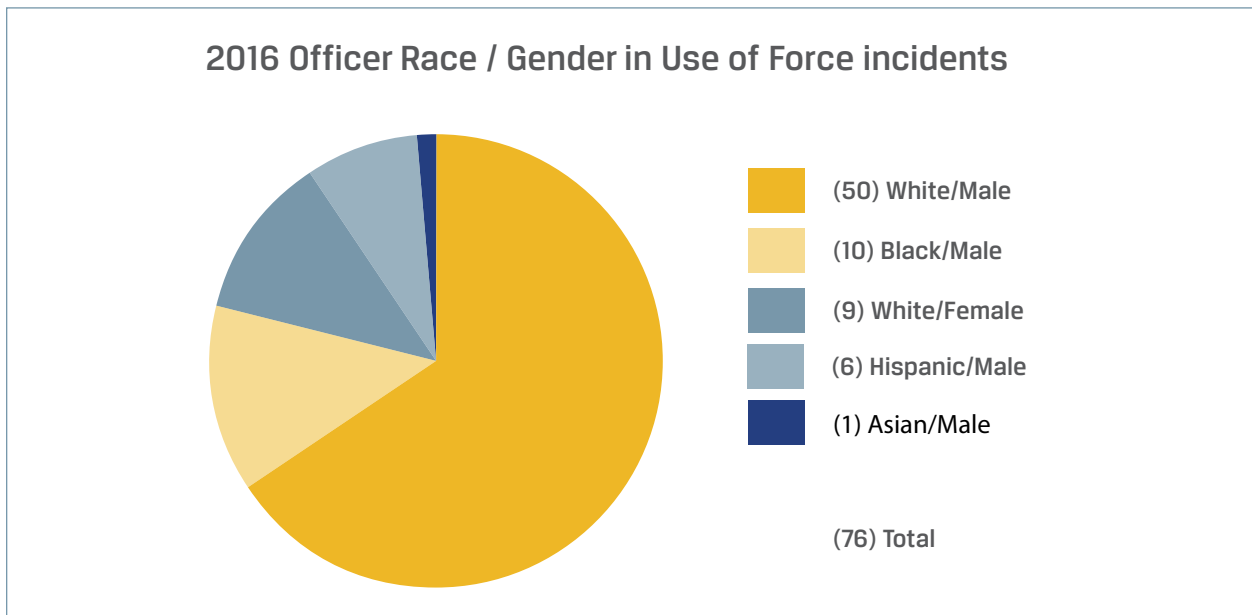


FIGURE 9: 2016 Officer Race / Gender in Use of Force incidents (More than one officer may be involved in Use of Force incident) | **DATA SOURCE:** CPD

Summary of 2016 Deadly Force/Officer Involved Shooting Incidents

Date/Time of Incident: January 25th, 2016 @ 11:55am

Location: 300 Byron Road (South Region)

CPD Investigator: Darius Wade, CID U.S. Marshals Task Force, black male; 12 years police experience

Suspect: Damon James, black male

On January 22nd, Agent John Lorenzen of the US Marshals Columbia Office received information on the whereabouts of a murder suspect wanted out of Houston, Texas, for the murder of his ex-girlfriend. Agent Lorenzen received word that James was living at Byron Road Apartments located at 300 Byron Road within the City limits of Columbia. James was believed to driving a blue Buick LaSabre and was known to always carry a handgun on him.

On January 25th, Agent Lorenzen contacted members of the US Marshals Task Force which CPD Investigator Darius Wade is assigned, advising them of the operation planned to arrest James. Other agencies involved in the operation included the Lexington County Sheriff's Office and SLED. Surveillance was conducted in the area where James resided and he was positively identified as he was seen doing mechanical work on a maroon in color Nissan Murano.

As Task Force units drove into the parking lot where James was working on the vehicle, he began to run away, but turned around and went back into the driver's seat of the Murano. Agent Lorenzen and Investigator Wade approached the driver's side door and repeatedly gave verbal commands for James to show his hands, which he did not comply. Investigator Wade was able to open the driver's door, at which time; Agent Lorenzen saw that James had a handgun in his right hand. James raised the handgun in Agent Lorenzen's direction. In fear of their lives, Agent Lorenzen and Investigator Wade fired their weapons before they both retreated for cover. As officers retreated for cover, Agent Lorenzen and another assisting SLED Agent, again fired their weapons in an attempt to stop James. After a brief moment of pause, a single gunshot was heard from the vehicle. It was later determined that James fired his weapon, taking his own life.

Conclusion: The normal protocol in officer involved shootings is for SLED to conduct a criminal investigation. Due to the fact that a SLED Agent was involved in the arrest operation, the Richland County Sheriff's Office was requested to conduct an independent criminal investigation. The 5th Circuit Solicitor's Office reviewed the investigative findings and concluded that the use of deadly force by an officer was lawful under South Carolina law. The administrative investigation was reviewed by the officer's Chain of Command and Command Staff. It was determined that the officer's use of force was justified and was not in violation of department directives and procedures.

Assaults on CPD Officers

Police work is inherently dangerous. In 2016, offenders used resistance against Columbia Police officers 122 times. The resistance included fleeing, punching, kicking and firearms. Officers were confronted with situations involving offenders with guns, or reported to have guns, 16 times throughout the year. In 20 separate incidents, 24 officers were assaulted. Nine officers suffered injuries; three required hospitalization.

INTERNAL AFFAIRS STRUCTURE AND PROCESS

The department has a well-established process for receiving, investigating, and adjudicating complaints made by citizens, co-workers and supervisors regarding employees' inappropriate behavior.

Internal Affairs Unit

The Internal Affairs Unit (IA) facilitates the complaint process, investigates allegations of officer misconduct, and conducts administrative reviews of use of force incidents, officer involved shootings, criminal charges against employees and collisions involving department vehicles. The staff of the IA Unit ensures that all complaints are handled fairly and objectively and are thoroughly investigated. The personnel assigned to IA are dedicated to protecting the rights of all persons involved in the complaint process and treating everyone with dignity and respect. IA currently has staff of one (1) Lieutenant, two (2) Sergeants and one (1) Administrative Assistant. IA staff members report to the Captain/Commander of the Office of Professional Standards, who in turn, reports directly to the Chief of Police.

Complaint investigations involving allegations that would constitute a violation of law, misconduct, and breach of departmental directives, policies or procedures, are handled by an investigator in the IA Unit or someone in the officer's chain of command. The below listed allegations are always investigated by an internal affairs investigator:

- ▶ Use of force (or any incident) involving serious injury or death
- ▶ Criminal misconduct
- ▶ Moral turpitude
- ▶ Vehicle accidents involving on-duty personnel



Command Review Board

The department established a Command Review Board (CRB) in 2015 to provide a more transparent decision-making process for administrative investigations. The CRB is comprised of the following personnel, assigned by the Chief of Police or his designee:

- ▶ Chief of Police/Deputy Chief of Police will serve as Chairperson of the Board
- ▶ Professional Standards Division Commander (advisory capacity)
- ▶ Bureau/Division Major
- ▶ Regional Commander/Captain (Chain of Command)
- ▶ Regional Executive Officer/Lieutenant (Chain of Command)
- ▶ Regional Sergeant/Corporal (Chain of Command)
- ▶ Peer Member (same job classification and/or tenure as accused employee)
- ▶ Columbia Police Department's Citizen Advisory Council representative

In 2016, the CRB met on 12 occasions to review completed internal investigations that resulted in an initial finding of sustained, with a recommendation for disciplinary action of written reprimand, suspension, demotion or termination.

In each of these meetings, the CRB made recommendations for disposition and disciplinary action to the CRB Chair. The Chief or Deputy Chief of police serve as the Chairperson of the CRB and makes the final determination concerning disciplinary actions.

The Chief of Police or a designee may also convene a CRB hearing for any circumstance deemed appropriate.

Citizen Advisory Council

The Columbia Police Department Citizen Advisory Council (CAC) was formed in 2015 to strengthen relationships between the police department and the community by establishing open dialogue and transparency concerning department policies and procedures. The CAC provides insights and recommendations on many issues, including but not limited to, law enforcement and safety concerns in the community, policy review and development, police training and improving police-community relations. A member of the CAC also serves on the Command Review Board to provide citizen input in administrative cases involving officer misconduct. The CAC is comprised of at least 10 members representing the diverse demographics of the city of Columbia. The Mayor/City Council appoints seven (7) representatives and the Chief of Police appoints three (3) representatives to the CAC. The Council meets at least quarterly.

In 2016, the CAC met six (6) times with the staff of the Office of Professional Standards. Matters discussed include; use of force incidents, vehicle pursuit incidents, critical incident debriefing, policy review and recommendations, and disciplinary actions where dispositions were rendered by a Command Review Board.

THE COMPLAINT PROCESS

Employee misconduct complaints can originate externally (from a citizen of Columbia or anyone outside of the Columbia Police Department), or internally (from an employee of the Columbia Police Department).

Making a Complaint

Complaints against employees of the Columbia Police Department can be submitted in a variety of ways:

- ▶ Online – Visit CPD’s website at www.ColumbiaPD.net, go to "Get In Touch" and select "Submit A Complaint" to complete the form.
- ▶ In person – Request to speak to the employee’s supervisor at any time, or file your written complaint at the Columbia Police Department headquarters, 1 Justice Square, Columbia, SC. Complaints can also be submitted by contacting a supervisor at any region office
- ▶ Mail – Send a letter to the Chief of Police or the IA Unit. Letters should be sent to the Columbia Police Department at 1 Justice Square, Columbia, SC 29201
- ▶ Phone – Call the IA Unit at **803-545-3655**.

Upon receipt of citizen complaints, the IA Unit will notify and provide the information submitted to the subject employee’s Unit/Section Commanding Officer and Region/Division Commanding Officer. Each complaint is taken seriously and every effort is made to process them in a timely manner. To learn more, please visit www.ColumbiaPD.net, select "Inside CPD," and click "Office of Professional Standards." This area of our website contains detailed information about the complaint process.

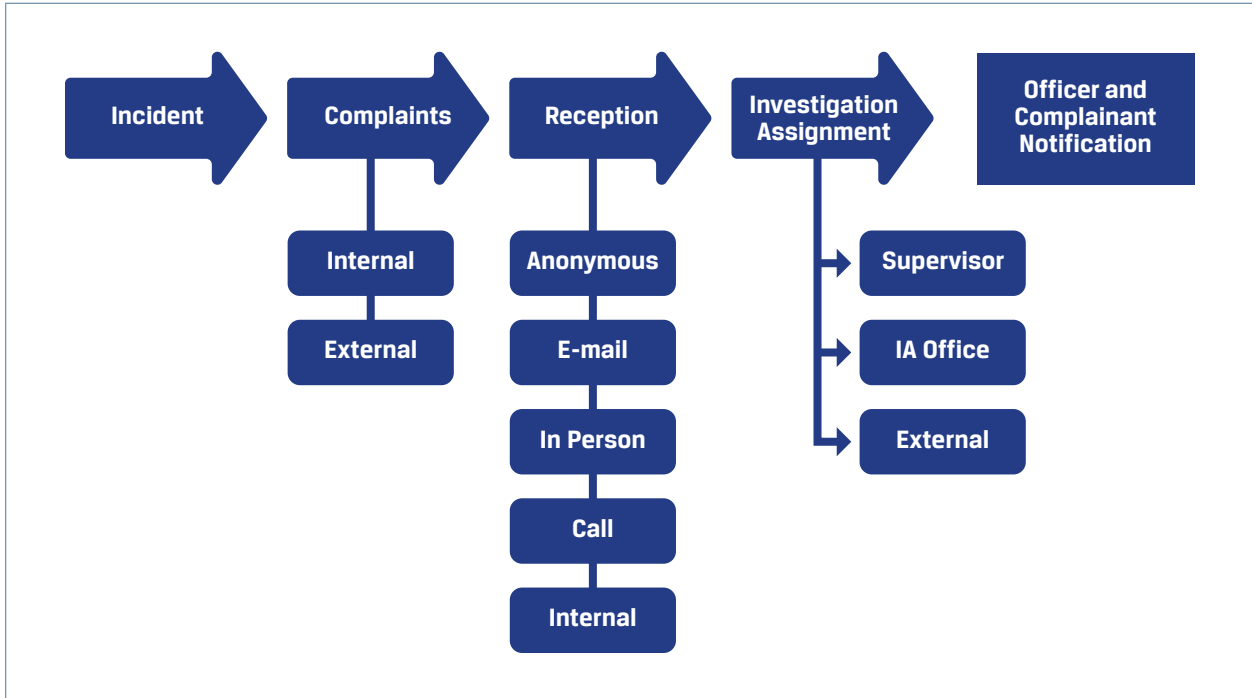


FIGURE 10: The Complaint Process **DATA SOURCES:** *Building Trust Between the Police and Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement, U.S. Department of Justice COPS Office 2009*

Investigations

After a complaint is filed, the following procedures are followed:

- ▶ The complaint is processed through the IA Unit for tracking purposes and assigned to the employee's supervisor or the IA Unit to investigate.
- ▶ An investigator will contact the complainant and arrange an interview. Anonymous complaints are also investigated.
- ▶ At the time of the interview the complainant is placed under oath and a sworn statement is taken. Complainant interviews are recorded.
- ▶ Once the statement is prepared in writing, the complainant is given the chance to review the statement for accuracy and signature.
- ▶ Interviews and statements are obtained from all witnesses in each incident. All documentation is assembled in the case file for review by the employee's chain of command, the department's command staff, and in appropriate circumstances to the Command Review Board.



FIGURE 11: The Complaint Investigation Process **DATA SOURCES:** *Building Trust Between the Police and Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement U.S. Department of Justice COPS Office 2009*

Types of Dispositions

Complaint dispositions are classified as one of the following:

Exonerated - The incident occurred but was lawful and proper.

Sustained - The allegation is supported by sufficient evidence to indicate that the allegation is true.

Not Sustained - There is insufficient evidence to prove or disprove the allegation.

Unfounded - The allegation is false or there is insufficient evidence to support the allegation.

If an allegation is found to be Exonerated, Not Sustained or Unfounded, then the Commander of the IA Unit will review the investigation with the subject employee's chain of command. Cases are referred for a Command Review Board hearing when a disposition of sustained is determined and a disciplinary action of suspension, demotion or termination is recommended.

At the conclusion of the hearing, for each allegation of employee misconduct, the Board will recommend a final disposition to the Chair. The Chief of Police or Deputy Chief serves as Chairperson of the Command Review Board. Board members also make recommendations for corrective action to the Chair based on the department's disciplinary philosophy.

Upon disposition of a complaint allegation, the IA Unit mails a letter to the complainant to advise them their complaint has been thoroughly investigated and resolved. The Columbia Police Department makes every effort to investigate and adjudicate all complaint allegations within a practical time frame from the time a complaint is made. However, circumstances such as case complexity and witness availability, can prolong complaint investigation.

Discipline Philosophy

The department is committed to a system of discipline that minimizes abuse of authority and promotes the department's reputation for professionalism. The Chief of Police makes the decisions regarding appropriate disciplinary actions, ensuring all such actions are consistent with the department's established Discipline Philosophy. The department's Discipline Philosophy is based on the understanding that employees will occasionally make errors in judgment in carrying out their duties, and that some errors call for greater consequences than others.

Employees are expected to conduct themselves, both in interactions with each other and the public, in a manner that conveys respect, honesty, integrity, and dedication to public service. In turn, employees of the department can expect to be treated fairly, honestly and respectfully, by their peers and other employees of the department holding positions at all levels of organizational authority. The department has an obligation to make its expectations for employee behavior and the consequences of failing to meet those expectations very clear to employees. Disciplinary action can range from counseling/retraining to a recommendation for employee termination. In many cases, employees receive additional training in the subject areas where violations occur. When behaviors occur that are not in keeping with the expectations of the department, the consequences or discipline imposed is based upon a balanced consideration of several factors. These factors are interactive and carry equal weight, unless there are particular circumstances associated with an incident that would give a factor greater or lesser weight. All of these factors will not apply in every case. Some factors may not apply to a particular incident.

The factors considered in disciplinary matters are:

- ▶ Employee motivation: An employee's conduct will be examined to determine whether the employee was operating in the public's interest or if they were motivated by personal interest.
- ▶ Degree of harm: The degree of harm an error causes is also an important aspect in deciding the consequences of an employee's behavior. Harm can be measured in terms of monetary cost to the department and community, personal injury, and by the impact of the error on public confidence.



- ▶ Employee experience: The experience of the employee will be taken into consideration as well. A relatively new employee will be given more lenient consideration when errors in judgment are made. Employees with more experience who make the same errors may expect to receive more serious sanctions.
- ▶ Intentional/Unintentional Errors: An unintentional error is an action or decision that turns out to be wrong, but at the time it was taken, seemed to be in compliance with policy and the most appropriate course, based on the information available. An intentional error is an action or a decision that an employee makes that is known (or should be known) to be in conflict with law, policy, procedures or rules at the time it is taken. Generally, intentional errors will be treated more seriously and carry greater consequences. Within the framework of intentional errors there are certain behaviors that are entirely inconsistent with the responsibilities of police employees.
- ▶ Employee's Past Record: To the extent allowed by law and policy, an employee's past record will be taken into consideration in determining the consequences of a failure to meet the department's expectations. An employee that continually makes errors can expect the consequences of this behavior to become progressively more punitive. An employee that has a record of few or no errors can expect less stringent consequences.

Disciplinary actions are not taken if an employee resigns while under investigation. Although resignations in lieu of terminations may be accepted by the Chief of Police, resignations accepted while the employee is still under Administrative Investigation are still subject to the outcome of the investigation and any disciplinary documentation that would apply. The results of such findings are reported to the South Carolina Criminal Justice Training Academy Misconduct Unit for further action.

2016 COMPLAINTS AND DISPOSITIONS

The IA Unit processed 152 complaints of misconduct against employees of the Columbia Police Department. The vast majority of complaints were initiated by the citizens of Columbia.

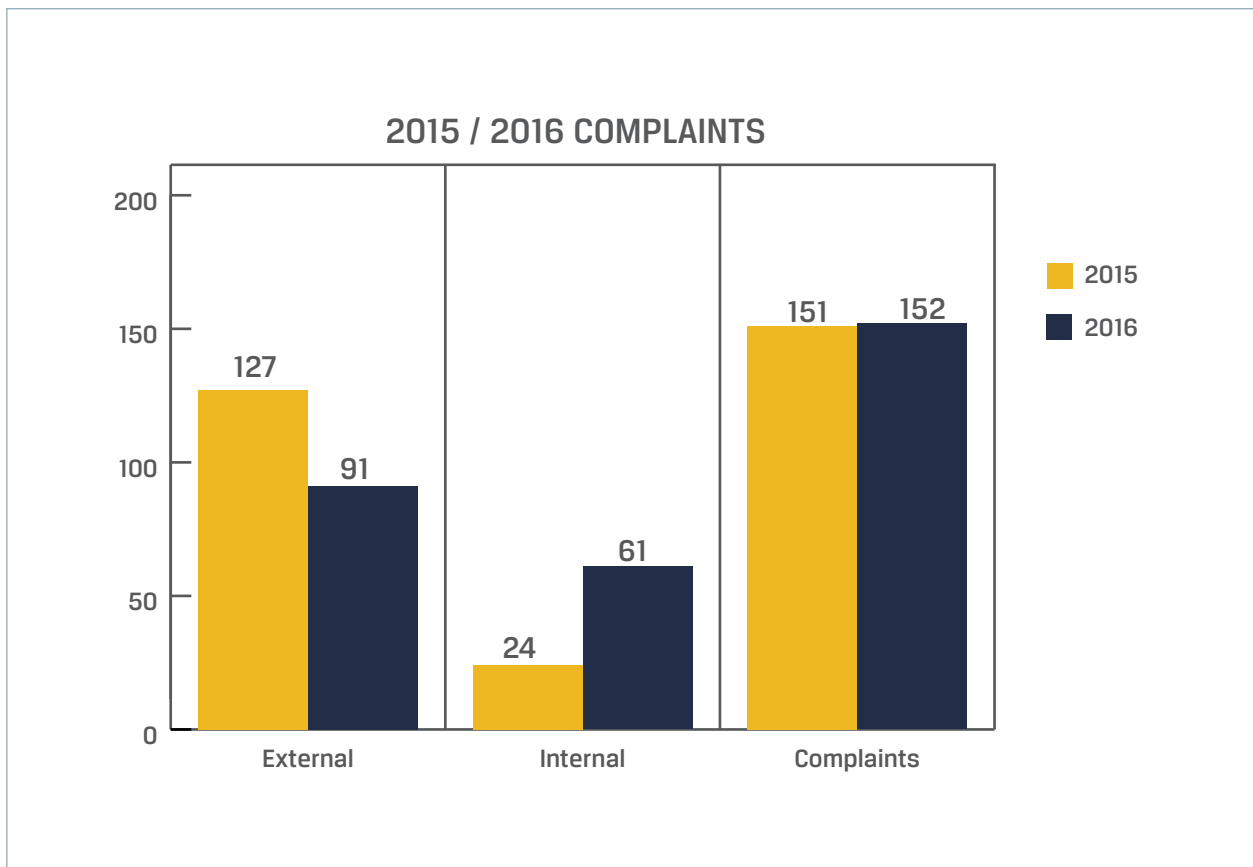


FIGURE 12: The total number of internal and external complaints received in 2015 and 2016. **PLEASE NOTE:** Complaints may contain multiple allegations. **DATA SOURCE:** CPD

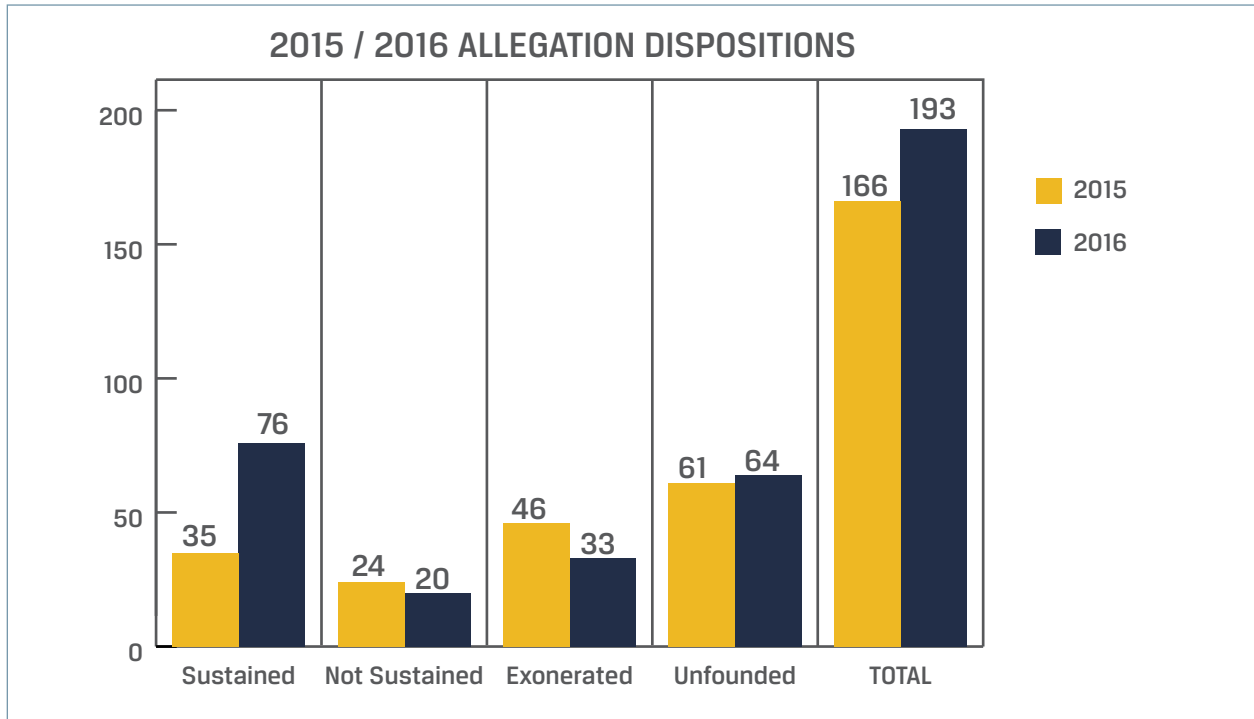


FIGURE 13: The misconduct and rule violations alleged in complaints in 2016. **DATA SOURCE:** CPD

PLEASE NOTE: In some cases, a complaint event includes more than one officer and/or a given officer may be accused of more than one act of misconduct in the same event; therefore, it is often the case that the number of alleged rule of conduct violations is higher than the number of complaint events.

The following disciplinary actions were taken as a result of the complaints sustained.



| | External | Internal | Total |
|------------------------|----------|----------|-------|
| Counseling/ Retraining | 3 | 11 | 14 |
| Oral Reprimand | 2 | 14 | 16 |
| Written Reprimand | 3 | 28 | 31 |
| Suspension | 1 | 5 | 6 |
| Termination | 0 | 8 | 8 |
| Resignation (in lieu) | 0 | 1 | 1 |
| TOTAL | 9 | 67 | 76 |

FIGURE 14: Disciplinary actions taken in conjunction with sustained allegations in 2016 **DATA SOURCE:** CPD

Disciplinary actions may also result from policy or rule violations not related to formal complaints.

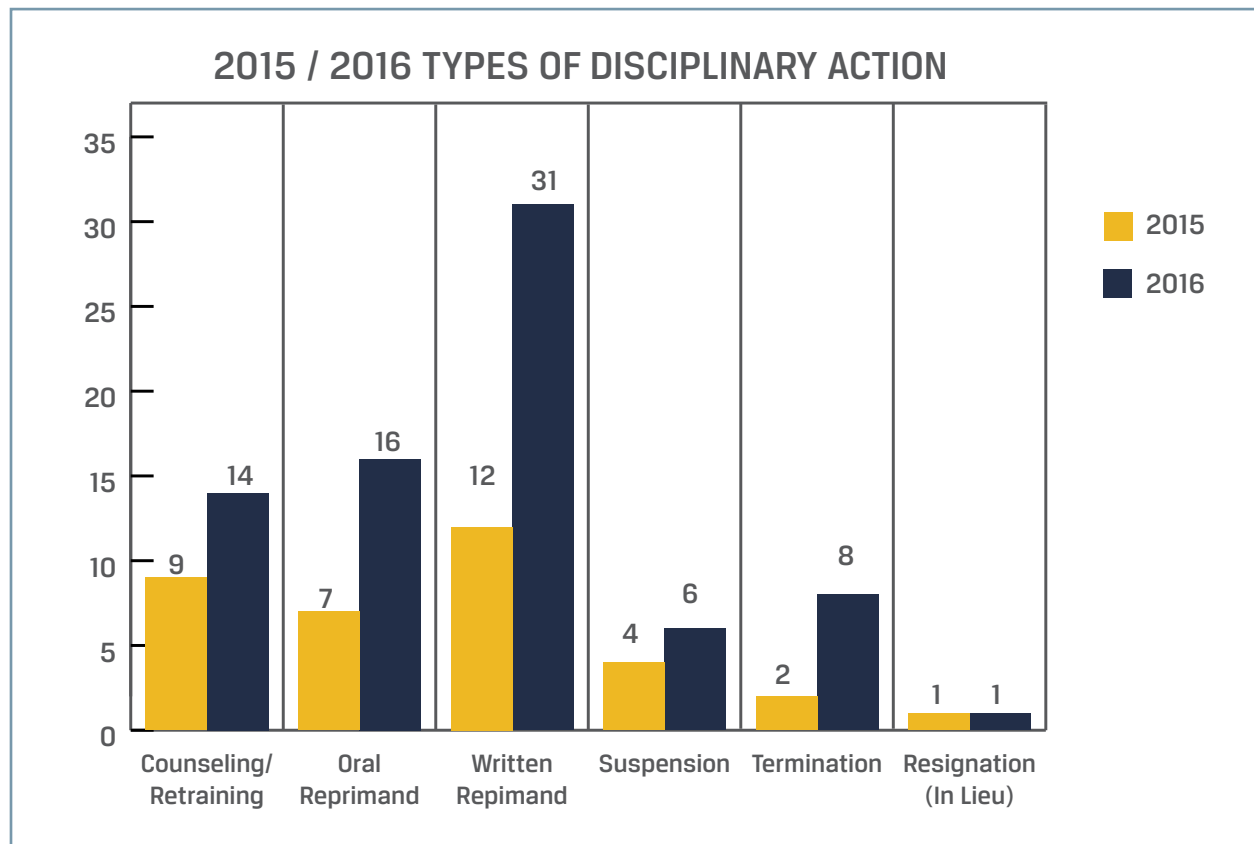


FIGURE 15: The types of disciplinary actions taken for policy or rule violations not related to a formal complaint investigation. **PLEASE NOTE:** In 2016, one officer resigned prior to disciplinary action being taken. **DATA SOURCE:** CPD

CRIMINAL INVESTIGATIONS INVOLVING EMPLOYEES

When an employee is accused of a crime within the city of Columbia's jurisdiction, the case is referred to an independent agency, such as SLED, for investigation. If the alleged crime occurs outside of city of Columbia Police Department's jurisdiction, the agency with jurisdiction in that area conducts the criminal investigation in accordance with local procedures. The facts revealed by the criminal investigation are presented to the appropriate prosecutorial authority, for a determination of whether the officer should be criminally charged.

The IA Unit conducts independent administrative investigations that run concurrent after the criminal investigation, unless directed by the Chief of Police.

The completed administrative investigation is presented to the CRB for review to determine if any directives and/or procedures were violated. Decisions on the final disposition of criminal and administrative cases are made independently of one another.

Employees charged with a crime, including certain traffic offenses, are required to report the charges to their immediate supervisor and/or the Staff Duty Officer. Employees may be placed on Investigatory Suspension pending resolution of the charges. Depending on the outcome of the charges, the employee may be subject to disciplinary action, up to and including termination from employment.

Criminal sexual conduct charges were filed against one (1) employee of the Columbia Police Department in 2016, resulting in the termination of the employee's employment.

IN-CUSTODY DEATHS

The Columbia Police Department has several policies relating to prisoner care and transportation. These policies are periodically reviewed and updated to best guide employees in their handling of persons in custody. Officers receive annual training on these policies.

If a person dies while in the custody of the Columbia Police Department, the Richland/Lexington County Coroner's Office and SLED are requested to respond to the scene to conduct an independent criminal investigation. The investigation is presented to the 5th Circuit Solicitor's Office who reviews the criminal investigation and decides whether to file criminal charges against involved officers. An Internal Affairs investigation is simultaneously conducted to determine policy compliance. At the conclusion of the internal investigation, the case is reviewed by the officer's chain of command or the Chain of Command Review Board to determine the disposition, and any disciplinary action, if appropriate.

In 2016, no in-custody deaths occurred.

VEHICLE PURSUITS & COLLISIONS

≡ Vehicle Pursuits – Policy & Practice

Pursuit driving is one of the most serious and dangerous duties and responsibilities of police officers. The primary responsibility of an officer in pursuit of a violator is safety: the safety of the public, of the violator, and of police officers. The department's policy authorizes officers to engage in a vehicle pursuit only when they have probable cause to believe the necessity of apprehension outweighs the immediate danger to the officer and the public created by the pursuit. Except in exigent circumstances, pursuits for misdemeanor and traffic offenses are prohibited. The need for immediate apprehension of the violator must continuously be weighed against the inherent risks created by pursuit driving.

If a pursuit is initiated by an officer of the department, the officer's supervisor will take oversight responsibility for the pursuit and ensure compliance with all policies. Supervisors respond to the area of the pursuit while monitoring the pursuit on the radio and continuously evaluate the circumstances surrounding the pursuit. The supervisor completes an After Action Report which provides a written summary of the incident and forwards the Vehicle Pursuit Packet through the chain of command to the Office of the Chief. The Office of Professional Standards reviews and analyzes each pursuit packet to identify potential needs for additional training and/or policy/directive modifications.

In 2016, twenty (20) vehicle pursuits occurred compared to twenty-eight (28) in 2015. Eleven (11) of the 20 pursuits were determined to be policy non-compliant because each involved factors prohibited in motor vehicle pursuits. In 2016, the department's pursuit policy was further revised to prohibit the pursuit of stolen motor vehicles unless a violent criminal act has been or is about to be committed. Additionally, the revised policy prohibits the pursuit of motor vehicles where the offense is a minor traffic offense without a contributing factor involving a violent criminal act.

As of the publication of the 2016 Internal Affairs Report, the aforementioned revisions to policy have been made. The department made revisions to the language in the pursuit policy to clarify when a pursuit of a motor vehicle is justified. This was done with the understanding that like most police responses to any criminal action, decisions are required to be made within seconds and at times, with limited information. Some of the language that was refined includes: "officers are authorized to engage in a motor vehicle pursuit only when they have reasonable suspicion to believe that the driver or occupant of the other vehicle has engaged in or is about to engage in violent criminal activity or serious criminal activity and the pursuit assessment indicates pursuit is warranted." Clear policy directives coupled with scenario-based training will further our efforts to promote sound decision making and reduce the number of non-compliant pursuits.

Additionally, of the 20 pursuits in 2016, four (4) were terminated by a supervisor and 16 were terminated by suspect actions. Seven (7) pursuits ended in a collision with a fixed object as a result of suspect action while nine (9) were the result of either the suspect stopping and attempting to flee on foot or stopping in compliance. Apprehension of the suspect occurred in all pursuits that were not terminated.



| PURSUITs | | |
|------------------------------|-------------|-------------|
| CPD Pursuits | 2015 | 2016 |
| Officers involved | 48 | 30 |
| Terminated by Supervisor | 6 | 4 |
| Terminated by Officer | 4 | 0 |
| Terminated by Suspect Action | 18 | 16 |
| Policy Compliant | 26 | 9 |
| Policy Non-compliant | 2 | 11 |
| Total Pursuits | 28 | 20 |
| Injuries: | | |
| Officer | 1 | 0 |
| Suspect(s) | 3 | 1 |
| Third Party | 1 | 0 |
| Reason Initiated: | | |
| Traffic Offense | 7 | 8 |
| Criminal Offense | 21 | 12 |

FIGURE 16: 2016 Pursuits **DATA SOURCE:** CPD



Violations that Initiated Vehicle Pursuits

| Offenses Initiating a Pursuit | 2016 |
|---|------|
| Homicide | 0 |
| Burglary / Home Invasion | 2 |
| Assault on Government Officer or Employee | 0 |
| Assault w/ Deadly Weapon | 3 |
| Auto Breaking | 0 |
| Rape / Sex Offense | 0 |
| Larceny of a Vehicle | 2 |
| Hit and Run | 3 |
| Unlawful Entry into an Enclosed Area | 0 |
| Kidnapping | 0 |
| Robbery - Armed | 0 |
| Robbery - Common Law | 0 |
| Traffic Offense (Not DUI) | 5 |
| Wanted Person / Felony Warrant for Arrest | 3 |
| Weapons Law Violation | 1 |
| Arson | 0 |
| Criminal Offense - Non Felony | 1 |
| Total Pursuits | 20 |

FIGURE 17: Violations initiating pursuits in 2016 **DATA SOURCE:** CPD

Employee Motor Vehicle Collisions

To provide police services throughout urban and suburban Columbia, designated employees drive a significant number of miles in department vehicles. The geographic jurisdiction for the Columbia Police Department includes the city of Columbia and the unincorporated areas covering 134.9 square miles with additional annexations added frequently. In total, the department has approximately 497 vehicles in operation, with many vehicles being operated 24-hours a day. In 2016, department vehicles were driven a total of 3,916,477 miles.

In 2015, CPD suffered the loss of Officer Stacy Case in a fatal vehicle collision where the officer was responding to a call of "shots fired and someone shot." The tragic death of Officer Case resulted in an in depth review of our policy governing "emergency responses." In 2016, with collaboration from the Citizen Advisory Council, the department's vehicle pursuit policy was revised to require that during all situations authorizing an emergency response, officers must come to a complete stop at all traffic control devices.

PLEASE NOTE: Subsection 3.2 - Pursuit Authority was not revised from the previous year and remains as is to read: "Proceed through a red traffic signal or stop sign, but only after slowing as may be necessary for safe operation."

When responding to emergencies, officers must:

- ▶ Come to a complete stop before entering an intersection; and,
- ▶ Stay within 20 mph of the posted speed limit (does not apply during a pursuit).





Within the past year, a revision was made to the department's pursuit policy to allow unmarked police vehicles equipped with 360 degree emergency lighting and a siren to be utilized for an emergency response if there is an articulable reason for doing so.

In 2016, 80 collisions involving the department's motor vehicles were reported. State law (Section 56-5- 765) requires the State Highway Patrol to investigate all collisions involving law enforcement vehicles to make a determination as to whether the agency vehicle/motorcycle was operated properly within the guidelines of appropriate statutes and regulations.

Internal administrative reviews are conducted on all collisions involving department vehicles. An independent Vehicle Accident Review Board, appointed by the IA Unit Commander reviews the results of the internal investigations to determine if the accident was preventable or not preventable. As seen in Figure 19, half of the collisions that occurred in 2016 were determined to be preventable.

When an employee is involved in a preventable collision, the Vehicle Accident Review Board determines appropriate corrective action. Corrective actions include counseling and retraining through punitive actions such as written reprimands. In conjunction with these actions, personnel may also be required to attend drivers training or emergency vehicle operation course as a remedial action.

In addition, the Board identifies patterns of driving, circumstances, equipment or training deficiencies that contribute to accidents and recommends strategies to resolve these issues. These recommendations and strategies are reviewed by the departments training unit and incorporated into training lesson plans proctored during annual recertification of sworn officers and/or for individual application.

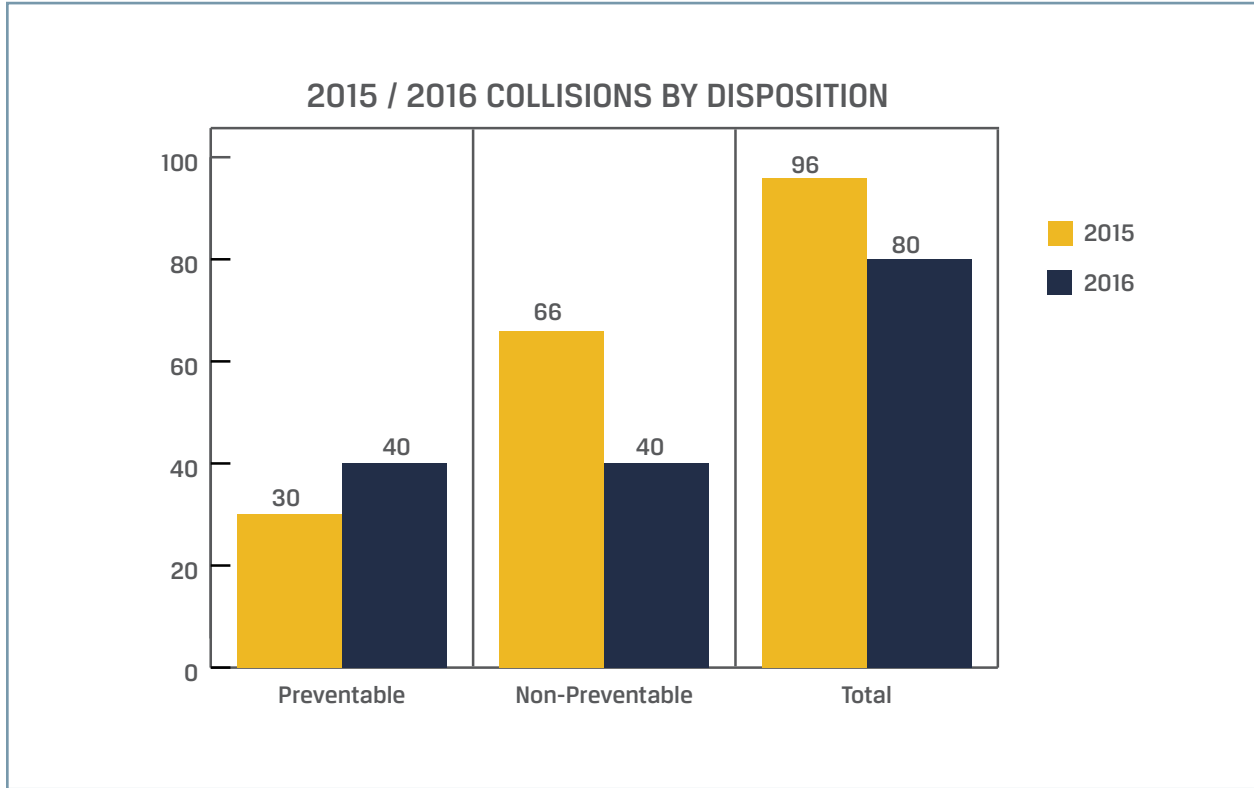


FIGURE 18: Dispositions reached in investigations of Department vehicle accidents. **DATA SOURCE:** CPD

PLEASE NOTE: The data referenced in the 2016 Internal Affairs Annual Report is not static and may change following publication. Every attempt is made to minimize changes by fully adjudicating complaint investigations prior to report publication. However, depending on the complexity and severity of the allegation, some complaints may take several months to adjudicate, and in certain instances, go through the appeal process. Please use this report to help understand the yearly trends related to our internal investigations and our commitment to thoroughly investigating all citizen complaints.



We Are Columbia



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