2019

2019 RESPONSE TO RESISTANCE

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BURLINGTON POLICE DEPARTMENT

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OVERVIEW OF THE YEAR

2019 Recap

In 2019, the Burlington Police Department responded to 64,678 combined calls for service and self-initiated activities (64,092 in 2018). Of the 64,678 combined calls for service, 2,933 resulted in a physical arrest (on-view or warrant). Of the 2,933 physical arrests, officers used force during 45 incidents or during 1.5% of physical arrests. The quantity and rate of use of force increased in 2019 when compared to 2018. Officers used force during 45 incidents in 2019 compared to 25 incidents in 2018. This is an 80% year-over-year increase in uses of force.

Analysis of multiple years of data reveals that uses of force in 2018 were well-below average and is currently a statistical outlier. The 2019 rate of uses of force and total incidents resulting in a use of force were consistent with historical trends at the Burlington Police Department (2014-2017). During the 45 use of force incidents in 2019, 67 officers utilized force. For example, two officers may have used hands on techniques to handcuff one resisting suspect. Both officers reported a use of force. Some of the 67 use of force reports were by the same officer during separate incidents. Of the 67 officers with uses of force in 2019, 66 were in compliance with departmental policy. The lone non-compliant officer utilized an electronic control device (ECD) to drive stun a handcuffed and passively resisting suspect who was in crisis and refusing to sit down in the backseat of a police vehicle during an involuntary commitment.

Reportable Use of Force

Burlington Police Department directive 03-07 Response to Resistance defines "use of force" as physical actions undertaken by an officer in order to stop, arrest, detain, or otherwise control a subject, beyond the normal level of control necessary to handcuff a person at the time of arrest or detention. Types of force used include:

1. The use of any weapon, including both lethal (firearm) and less lethal (beanbag shotgun, etc.).
2. Hard-hand (strikes, ECD, etc.) and soft-hand control tactics (grabbing, pulling, etc.).
3. The use of a police canine resulting in a bite.

A use of force incident is a single encounter during which force is used by an officer. An incident may include more than one officer using force and multiple levels of force to resolve the incident.

Use of Force Review Process

Each officer utilizing force documents the incident using an electronic form in Blue Team. Blue Team is a web-based local network record management system for administrative reports including use of force, vehicle pursuits, complaints, and others. The officer routes the Blue Team form to their supervisor for review for accuracy and completeness. The supervisor conducts a preliminary review to determine whether there is a significant issue with policy non-compliance, training deficiency, or other performance concern. The supervisor adds any relevant documentation to the Blue Team form and routes the form to the chairperson of the Response to Resistance Review Committee. The committee is composed of subject matter experts in firearms, subject control and arrest techniques (SCAT), and driving. Additional committee members include a patrol sergeant, patrol officer, and a detective.

The chairperson oversees the committee's review of the actions of the officer. Each use of force is evaluated for compliance with BPD directives, state law, training protocol, and other industry best practices. If the use of force committee finds the officer in compliance with agency policy, the chairperson imports the Blue Team form into IAPro (record management system for all Blue Team forms) and changes the incident status to "In Compliance." If the use of force is not in compliance with agency policy, the chairperson routes the Blue Team entry with committee finding to the appropriate Division Captain. The Division Captain evaluates the incident and determines the final disposition for the incident, as well as whether training and/or discipline will be required for the officer who used force. The disposition and outcome are noted in Blue Team and/or IAPro.

During preparation of this annual report, additional implementation errors were discovered with IAPro that prevent proper utilization of IAPro reporting features. For example, an analysis of suspect demographic information contained data points for 69 suspects. A hand count of 2019 use of force suspects verified that there were 45 suspects in 45 use of force incidents. The current reporting method has doubled or tripled the number of suspects or other data points (including, but not limited to, injuries to suspects). These implementation errors have effectively eliminated a significant portion of the IAPro analysis tools for use of force data.

RECAP OF PREIOUS YEARS RECOMMENDATIONS

Previous Year's Recommendations

1. It is recommended that IAPro/ Blue Team software be utilized in the collection, analysis, and reporting in order to more effectively track information regarding use of force incidents. **Complete**
IAPro / Blue Team were implemented throughout the agency for use of force incidents and a significant variety of other incident types. The quality of reporting, supervisor review, and analysis tools are superior. The software requires substantial staff training and routine hands-on oversight to review entries and administer. The current system administration assignments are ineffective.

2. It is recommended that officers track "show of force" incidents involving firearms, ECDs (red dot compliance), and K-9s through Blue Team entries. This data should be reflected in the annual report for future years. **Complete**
BPD began to track show of force during 2019. Additional information follows in the section labeled "Show of Force."

3. It is recommended that officers track incidents where de-escalation techniques were utilized to effectively solve a problem without using force. This should be captured through Blue Team software and monitored by sergeants. This data should be reflected in the annual report for future years. **Complete**
BPD began to track de-escalation incidents during 2019. Additional information follows in the section labeled "De-escalation."

4. It is recommended that all new supervisors, regardless of rank, receive use of force training and IAPRO training in order to effectively capture accurate data. **Complete**
Supervisory training was accomplished in several phases throughout 2019. Line staff, 1st line supervisors, and Lieutenants received effective training on the use of Blue Team for form submission and review procedures. Command staff (Captains and above) received training on Blue Team and IAPro. IAPro is the virtual file cabinet and analysis tool for Blue Team entries. An oversight resulted in Lieutenants not receiving IAPro user training or installation of the software on their computers until late November. This resulted in a significant workload increase for the IAPro administer/s and delayed distribution of early intervention alerts until October.

5. It is recommended that the agency receive yearly refresher training in Integrating, Communication, Assessment, and Tactics (ICAT) through scenario-based training. **Complete**
ICAT principles were infused in multiple courses of instruction during 2019, including subject arrest and control techniques (SCAT) and firearms.

6. It is recommended that Integrating, Communication, Assessment, and Tactics (ICAT) training be taught to all newly sworn officers in the Post Academy. **Complete**

7. It is recommended that all full time sworn members of the Training Section be members of the Response to Resistance Committee in order to effectively evaluate force incidents and plan training around trends seen during those incidents. This would allow for training to be geared specifically for events that have occurred with Burlington officers in the City of Burlington. **Complete.**
The positions of training Sergeant and training officer have been added as permanent members of the Response to Resistance Committee.

8. It is recommended to review policy and determine if "soft hands" and "hard hands" is the most effective language used to describe types of force being utilized. **Complete**
A policy review was conducted in preparation for the transition of agency policy to Lexipol. Implementation of the revised policy is pending and will occur during 2020. The practical application of the terminology was reviewed in late 2019 in preparation for 2020 staff training. The 2020 staff training simplifies soft hands and hard hands for practical instruction and application.

9. To ensure that our dispatchers receive thorough, hands-on training to support the police response to critical incidents that may involve use of force it is recommended that dispatchers take part in mandatory ride-alongs. **Not accomplished**
The supervisor of telecommunications was unaware of this recommendation during 2019. Some telecommunicators did complete ride alongs in 2019, but there were staffing shortages throughout the year that would have prevented full implementation of this recommendation.

REPORT DATA

Use of Force Incidents

2019	
Combined Calls for Service	64,678
Physical Arrests	2,933
Use of Force Incidents	45
Rate of Use of Force (UoF/Total Arrests)	1.5%
Average Uses of Force (2014-2019)	46

In 2019, officers utilized force during 45 incidents. This is consistent with the average uses of force by officers at BPD (2014-2019). A full review of each incident reveals that officers are utilizing force only when reasonable and necessary to maintain public safety and complete criminal investigations. Officers completed multiple training courses and scenarios during 2019 that emphasized de-escalation, verbal judo, and other tactics to limit the use of force by officers. Linear trend analysis reveals that use of force by officers at BPD continues to be in decline from the 2015 high.
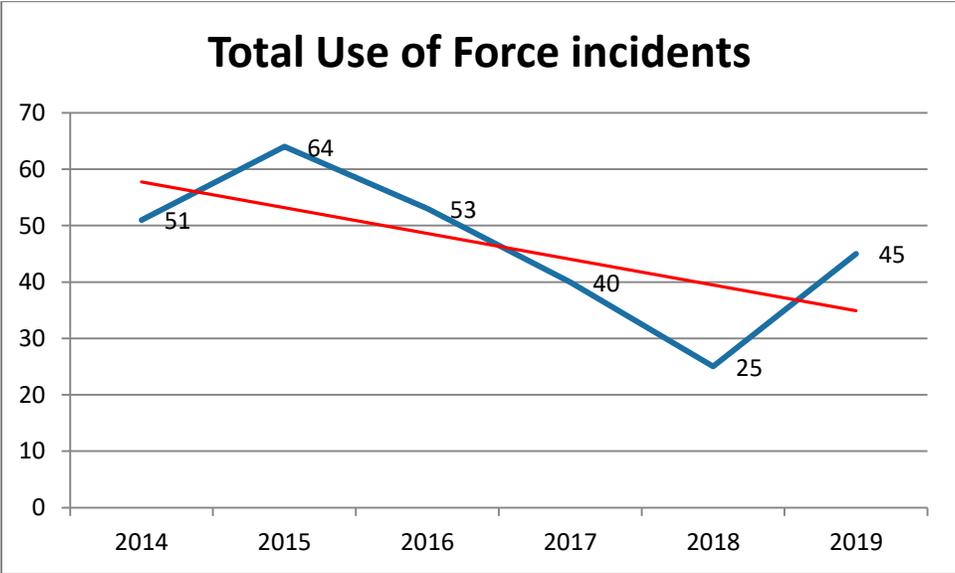

Figure 1: Total Use of Force Incidents
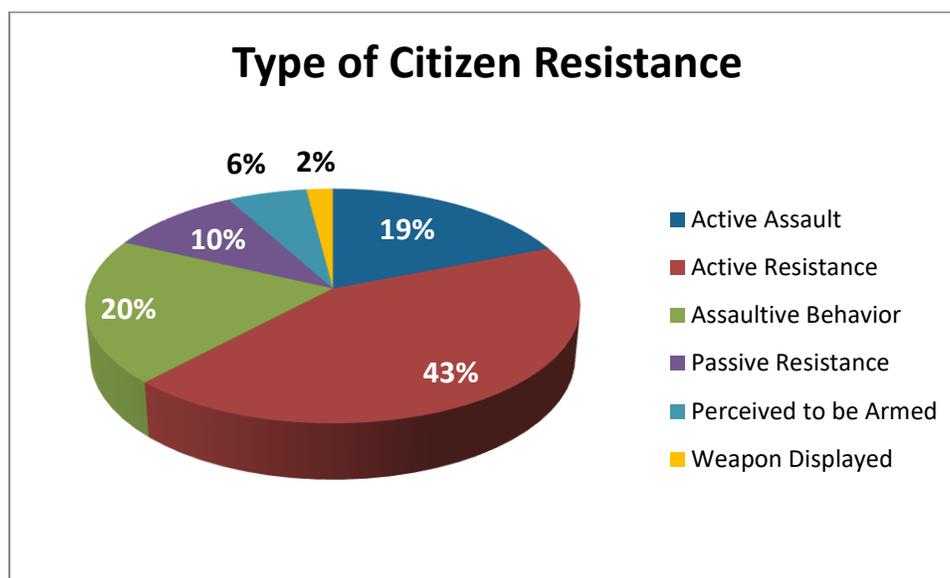
Citizen Resistance Types

Figure 2: Type of Citizen Resistance

Figure 2 shows the type of citizen resistance officers experienced during use of force incidents in 2019. A suspect may have shown multiple levels of resistance during a use of force incident. For example, a suspect may have been passively resistant by refusing to put their hands behind their back for handcuffing after being commanded by an officer. The suspect may then have become assaultive against the officer. The officer would report two different types of citizen resistance during one incident.

In 2019, officers used force 72% of the time when an individual was assaulting an officer/person, actively resisting an officer, or demonstrating assaultive behavior (such as making fists and threatening to fight an officer). This is a reduction from 2018 when such incidents comprised 81% of uses of force. In 2019, officers used force in more incidents when they perceived the suspect to be armed (6%) compared to 2018 (1%).

Charges by Use of Force Incidents

The following chart shows a detailed breakdown of each type of charge related to the use of force. A suspect may have been charged with multiple offenses during a use of force incident. For example, a suspect may have been charged with RDO and a felony crime against a person.
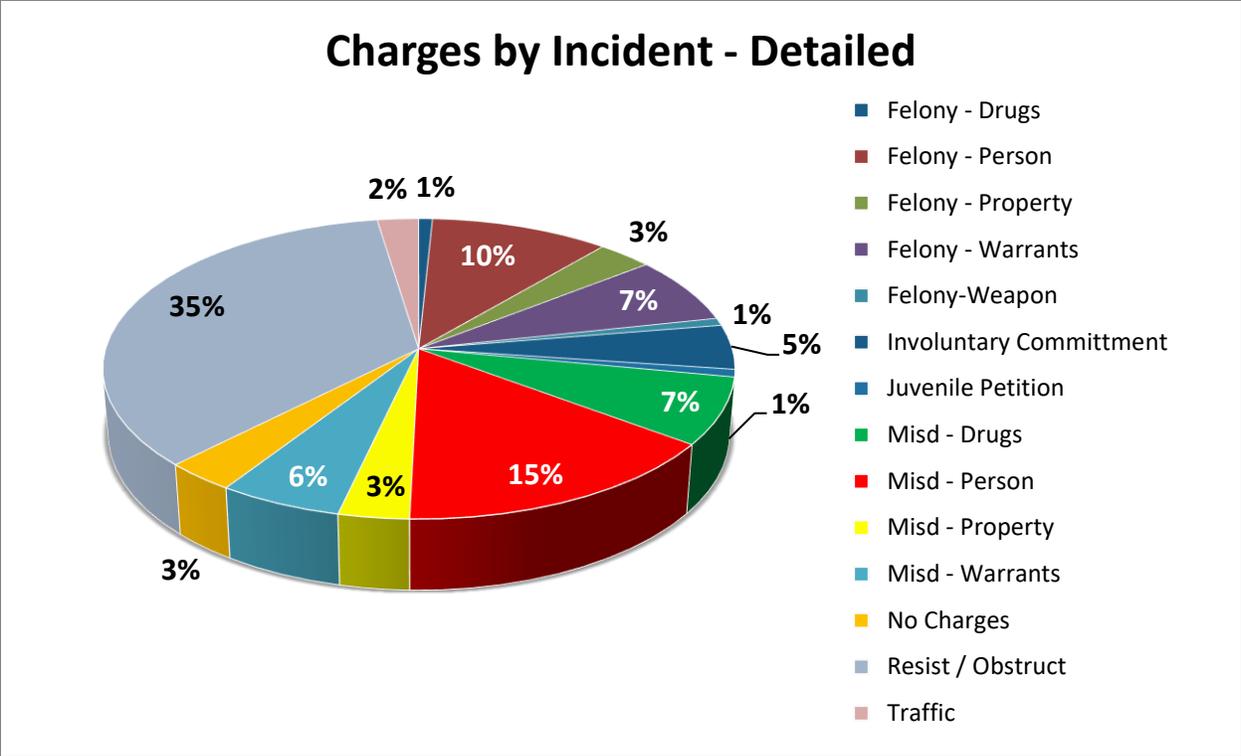
Charges by Incident - Detailed

Legend:
- Felony - Drugs
- Felony - Person
- Felony - Property
- Felony - Warrants
- Felony-Weapon
- Involuntary Committment
- Juvenile Petition
- Misd - Drugs
- Misd - Person
- Misd - Property
- Misd - Warrants
- No Charges
- Resist / Obstruct
- Traffic

Pie chart values: 2%, 1%, 10%, 3%, 7%, 1%, 5%, 7%, 1%, 15%, 3%, 6%, 3%, 35%

Figure 3: Charges by Incident Type - Detailed

In 2019, the most common charge associated with a use of force incident was resist, delay, or obstruct (RDO) a law enforcement officer (35% of incidents). Similar data was collected in 2018 when RDO was charged in 41% of use of force incidents. 25% of uses of force occurred during the arrest of a suspect for a crime against a person. No charge was filed in four incidents. Two incidents involved detention of a subject who attempted to flee from a medical facility after an involuntary commitment order was in place. One incident involved a juvenile assaulting another student at a school. The final no charge incident involved a takedown of a suspect who was committing disorderly conduct following a large fight at a local business. After further investigation, the officer using force decided to release the suspect without charge.

Type of Force Used by Officers

Figure 4 shows the quantity of types of force used by an officer during uses of force incidents in 2019. Multiple types of force may have been used during a single incident. An assessment of effectiveness is also provided by the reporting officer.

Type of Force Used	Count	Percentage	Effective		Ineffective	
Take Down	25	28%	21	84%	4	16%
ECD	22	25%	17	77%	5	23%
Hands On	19	21%	14	74%	5	26%
Joint Locks	7	8%	5	71%	2	29%
Verbal	7	8%	1	14%	6	86%
Punches	3	3%	1	33%	2	67%
OC Spray	2	2%	1	50%	1	50%
Restraints	2	2%	2	100%	0	0%
Kicks	1	1%	1	100%	0	0%
Pressure Points	1	1%	1	100%	0	0%
Total	**89**	**100%**	**64**	**72%**	**25**	**28%**

Figure 4: Type of Force Used (table)

In 2019, officers primarily utilized weaponless types of force (70% of force used). Officers utilized at least one less-lethal force (ECD and OC Spray) in 21 incidents (48% of incidents). Of the 22 ECD utilizations, there were 10 drive stun contacts, 10 dart deployments, and 2 displays of the ECD. There was also 1 accidental discharge. There were 2 OC Spray deployments, both with OC foam. In 2019, there were no firearm discharges by an officer during a use of force.
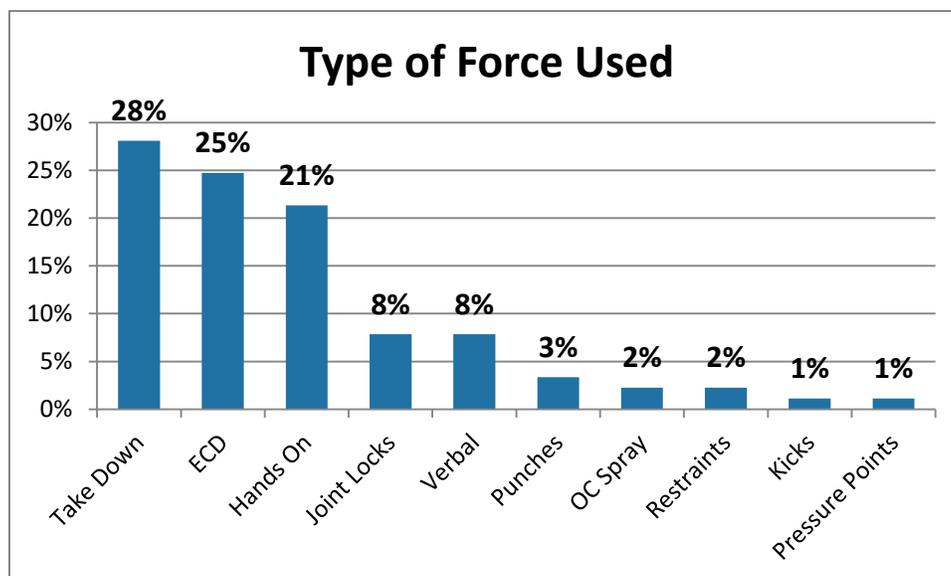

Figure 5: Type of Force Used (graph)

Reasons for Citizen Contact

In 2019, calls for service were the reason for 74% of the suspect contacts that resulted in a use of force. Calls for service are initiated by a request from a community member or business representative for a police response, most frequently through a call to 911. This was an increase from 2018 (66% of incidents). There was also an increase in vehicle stops as the reason for a suspect contact (13% in 2019 and 3% in 2018) that resulted in a use of force. There was a significant drop in field contacts as the reason for a suspect contact (3% in 2019 and 25% in 2018) that resulted in a use of force.
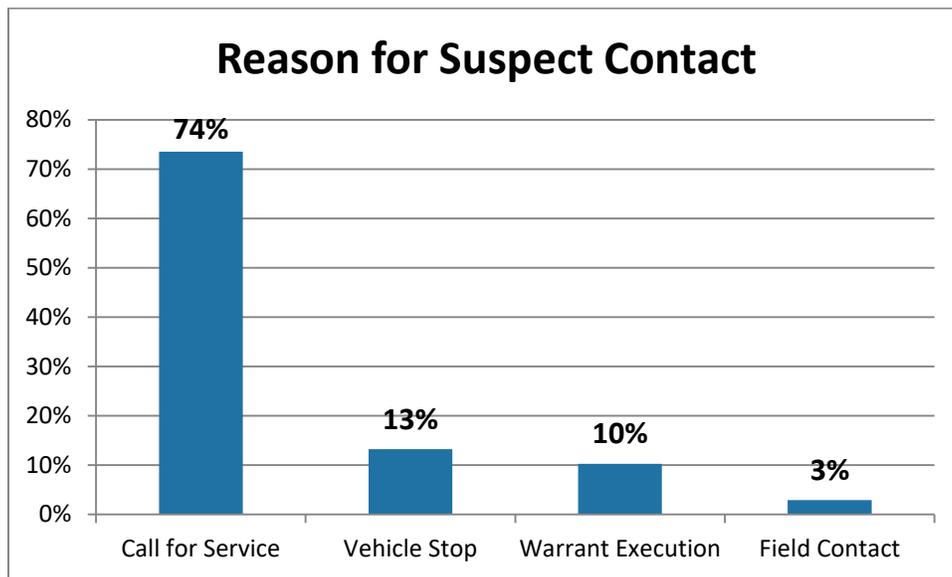

Figure 6: Reason for Suspect Contact

Demographics – Suspect

The following chart shows the racial and ethnic composition of the City of Burlington and the available regional workforce.

Race/Ethnicity	City of Burlington		Available Regional Workforce	
	Population	Percentage	Population	Percentage
Caucasian	25,242	45%	550047	65%
African American	16,449	30%	189587	22%
Hispanic/ Latino	11,196	20%	69149	8%
Other	2,721	5%	35816	4%
Total	55,608	100%	844599	100%

The following chart shows the racial, ethnic, and gender distribution of suspects in use of force incidents in 2019. There are significant differences in the percentage of suspects by race when compared to the population demographics above. The most significant is that the suspects in 64% of uses of force are African American compared to the African American composition of the City of Burlington (30%). Additionally, 51% of the suspects in uses of force are African American males.

Suspect Race	Male	% Male by Race	Female	% Female by Race	Total Race	% Race of Total
African American	23	51%	6	13%	29	64%
Caucasian	14	31%	1	2%	15	33%
Asian	1	2%	0	0%	1	2%
Total	38	84%	7	16%	45	
Suspect Ethnicity	Male	% Male by Ethnicity	Female	% Female by Ethnicity	Total Ethnicity	% Ethnicity of Total
Hispanic	3	7%	0	0%	3	7%
Non-Hispanic	35	78%	7	16%	42	93%

Suspect Condition – Impairment & Mental Crisis

A suspect's physical or mental impairment can negatively impact the decision making of suspects during interactions with police officers, potentially increasing the possibility of an incident resulting in a use of force. Physical or mental impairment may occur due to intoxication from drugs or alcohol, but may also occur as the result of a mental crisis. A person in crisis can be defined as someone experiencing an acute, time-limited event with an overwhelming emotional reaction to one's perception of an event. BPD receives many calls for service each year regarding people in crisis. Officers are trained to slow down, contact mental

health experts (such as the BPD Law Enforcement Crisis Clinician), request a supervisor to the scene, create time by using distance and cover, and work towards a peaceful or non-violent solution.

In 2019, 32 officers who used force believed the suspect impaired on drugs and/or alcohol. Two officers may have formed the same opinion about one suspect. 14 officers believed that the suspect in a use of force was in mental crisis.

Suspect Condition	2014	2015	2016	2017	2018	2019	Average
Alcohol	18	23	16	23	8	14	17
Drugs	9	4	5	5	2	11	10
Alcohol and Drugs	14	9	17	7	2	7	17
None detected	25	19	31	12	8	19	19
Mental Crisis				10	7	14	-

Figure 7: Suspect Condition

Injuries

In 2019, BPD implemented use of force reporting through Blue Team / IAPro. Several discrepancies were discovered throughout the year, including reporting of injuries to suspects during uses of force. For example, during a use of force incident two officers use force against one suspect. Each officer completes a use of force report and both list the suspect on their use of force as being injured. This erroneously doubles the amount of injuries to suspects when using the reporting features in IAPro.
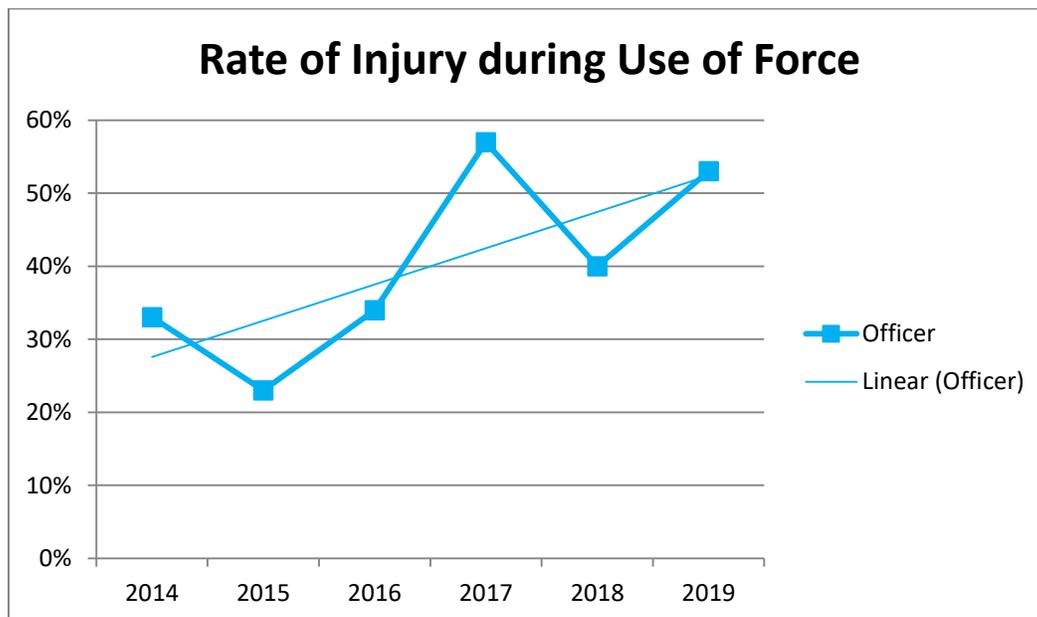
In 2019, there was an increase in the rate of officer injury during uses of force when compared to 2018.

Rate of Injury	2014	2015	2016	2017	2018	2019
Officer	33%	23%	34%	57%	40%	53%

Figure 10: Rate of injury to Officer during Use of Force

Complaints

In 2019, there were 16 complaints against BPD officers alleging excessive use of force. In multiple incidents an excessive force allegation was made against multiple officers during a single incident. There were no sustained allegations.

Finding	Count	Percentage
Exonerated	12	75%
Not Sustained	1	6%
Unfounded	3	19%
Total	16	

Show of Force

In 2019, officers reported 101 show of force incidents. A show of force consists of the display of a weapon, such as a firearm or Taser, to gain voluntary compliance from a suspect without using force. Prior to a show of force, officers observed a variety of violent factors, including threats of violence towards another person, threats of violence towards the police, and/or a suspect brandishing a firearm/knife/other weapon.

De-escalation

In 2019, officers reported 13 incidents of de-escalation that prevented a use of force. Officers utilized verbal de-escalation during all incidents and had a CIT trained officer on-scene during 10 incidents.

Techniques	Count
Verbal De-escalation	13
CIT Officer On-Scene	10
Restrained/Handcuffed	3
CIT Officer Requested	1
No CIT Officers Available	1

FINDINGS

Use of Force

Police officers will continue to be faced with resistance that requires officers to use force to make arrests and control people who refuse to voluntarily comply with lawful commands. BPD must continue to focus on limiting these incidents through revalent, challenging, and realistic scenario-based training that emphasizes proper tactics and de-escalation.

Demographics - Suspects

In 2019, officers used force more frequently on African Americans, particularly African American men. While each use of force was in compliance with BPD policy, there may be underlying disparities or implicit bias that is contributing to this disproportionate use of force against African Americans. Alternatively, there may be underlying distrust in the police among African Americans, particularly African American men, in Burlington. Additional training must address this area of concern for police officers. BPD must also continue to focus on developing trust and legitimacy with African American community members.

Officer Injuries

Since the decision in *Armstrong vs. Pinehurst* in 2016, there has been a consistent and significant increase in the rate of injury to officers during use of force incidents. *Armstrong vs. Pinehurst* significantly restricted the force options that an officer may use to gain control of a passively resisting suspect. Further analysis is required to determine whether limitations on use of force against a passively resisting subject place on officer in closer proximity for a hands-on use of force that quickly turns to active resistance thus subjecting an officer to increased chance of injury before an alternate force intervention can occur.

Equipment

BPD officers have high quality equipment. During 2019 uses of force, body-worn cameras (BWC) almost always fell off the officer. This limits the evidence gathering value of the BWC and reduces the likelihood that video will be available during review of serious uses of force. This negatively impacts criminal and administrative investigations/review, but more significantly may significantly jeopardize the public trust in BPD. A solution to this problem must be implemented as soon as possible.

POLICY AND PROCEDURE REVIEW

Policy and Procedure Review

A review of current agency policy was conducted. The policy is very detailed and complete. The policy is currently under review in preparation for Lexipol integration. No changes were made during 2019.

Blue Team / IAPro

Blue Team / IAPro software was implemented in 2019. While the software is a high quality record management system, it requires substantial staff training and routine hands-on oversight to review entries and administer. After completion of 2019 annual reports, the current system administration assignments are ineffective. In order to make the system effective, a system administrator should be identified and dedicated to refining use of the software, including standard operating procedures, reporting guidelines, and establishment of regular compliance checks to verify the accuracy and completeness of entered data.

RECOMMENDATIONS FOR 2020

1. Implement training for supervisory and line staff on implicit bias, including:
   a. Implementations of the recommendations of Dr. L. Fridell in "Producing Bias-Free Policing: A Science-Based Approach."
   b. Contract a speaker to instruct implicit bias training during a supervisory retreat.
   c. Reinforce bias-free policing during scenario-based training, particularly through the use of role players of various races and ethnicities.

2. Identify and implement a body-worn camera mount capable of withstanding a use of force.
   a. Test and evaluate any potential solution during full-speed simulated uses of force under the direction and supervision of the Training Section.

3. Create a part-time position for an IAPro administrator.
   a. Estimated to be a Grade 19 position ($15,000 – 25,000 per year if .5 FTE).

4. Continue to instruct agency personnel in Integrating Communication, Assessment, and Tactics (ICAT).

5. Continue officer reporting of de-escalation and show of force in 2020.

6. Evaluate the need to track de-escalation and show of force in 2021. Utilize the data collected in 2019 and 2020 to determine whether there is a measurable benefit to capturing this data at the expense of officer time.

7. Further analysis is required to determine whether limitations on use of force against a passively resisting subject place on officer in closer proximity for a hands-on use of force that quickly turns to active resistance thus subjecting an officer to increased chance of injury before an alternate force intervention can occur

8. Develop after-action reviews of uses of force for telecommunicators. Provide instruction to the telecommunications on these after-action reviews during their mandatory monthly training. Catalog the lesson plans electronically in PowerDMS for future use.