The background features a large, light blue watermark of the Tucson Police Department logo. The logo is a shield-shaped emblem with a yellow and white border. Inside the shield, the words "TUCSON POLICE" are written in a semi-circle at the top, and "DEPARTMENT" is written in a semi-circle at the bottom. The center of the shield depicts a cityscape with a prominent domed building, likely the Arizona State Capitol, and a sunburst above it. A single white star is positioned at the bottom center of the shield.

Office of Internal Affairs

★ Annual OIA Report ★
2010

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Office of Internal Affairs
May 19, 2011

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Introduction

During the year 2010, the Tucson Police Department Office of Internal Affairs conducted 445 separate investigations. Included in the following report is detailed information concerning those investigations as well as information concerning the members involved.

Throughout this report is terminology that may be unfamiliar. In an effort to alleviate confusion following is a glossary of terms utilized throughout the report. Also included is a detailed explanation of the different dispositions that may be given to the various types of investigations conducted by the Office of Internal Affairs.

Definitions

Inclusive: Additional allegations and/or violations are included in the findings.

Decline: Criminal prosecution was declined.

COC Notified: Member's Chain of Command was notified as to the outcome of the investigation.

Dispositions

Exonerated: Member was justified in taking the course of action alleged as inappropriate and/or was operating within the guidelines of General Orders.

Unfounded: Member did not commit the alleged violation.

Not Sustained: Cannot be determined if the member committed the alleged violation.

Sustained: Member was found in violation of General Orders and/or City Administrative Directives and is to receive discipline.

Preventable: Member is at fault and is to receive discipline. This disposition may only be used for investigations where Department property is damaged or lost.

Non-Preventable: Member's actions were determined not to be the cause of the accident, damage, or loss. This disposition may only be used for investigations where Department property is damaged or lost.

Restitution: Member shall pay the replacement cost of the damaged/lost issued property to the Department's Budget Section. This disposition may only be used for investigations where Department property is damaged or lost.

Reimbursement: Member is to be reimbursed by the Department's Budget Section.

Justified, Within Departmental Policy: A Board of Inquiry found that the member's use of force or actions were determined to be justified and during the course of the incident, the subject officer did not violate any Department policy. This finding is also utilized by the Chain of Command in use of force incidents where a firearm was used, such as the shooting or dispatching of an animal.

Justified, Policy Violation: A Board of Inquiry has found that the member's actions were justified, but during the course of the incident, the subject officer violated a department policy.

Justified, Tactical/Training Improvement Opportunity: A Board of Inquiry has found that the member's actions were justified and during the course of the incident, no violations of Department policy occurred. However, the investigation revealed tactical errors that could be addressed through non-disciplinary, tactical or training improvement endeavors.

Not Justified, Not Within Departmental Policy: A Board of Inquiry has found that the member's actions were not justified and during the course of the incident, the subject officer violated a Departmental policy.

OIA Closure: A review of all information available shows that nothing that has been alleged or described amounts to a violation of law, Department General Orders, Policies, or Procedures by a member of the department.

Allegation Type Examples

Criminal Conduct: On or off duty misdemeanor or felony

Police Powers: Use of force, search and seizure, stop and detainment

Customer Service: Biased based policing, rudeness, failure to provide appropriate service, comments/language

Standards of Conduct: Actions on/off duty, court attendance, insubordination, untruthfulness, EEOC, failure to meet standards

Operational Actions: Failure to make a report, incomplete investigations, incomplete/inaccurate report, equipment damage or loss, procedures, prisoner escape, tactical operations

Department Vehicles: Damage or collision involving a Department vehicle

Inquiry: Policy/procedure

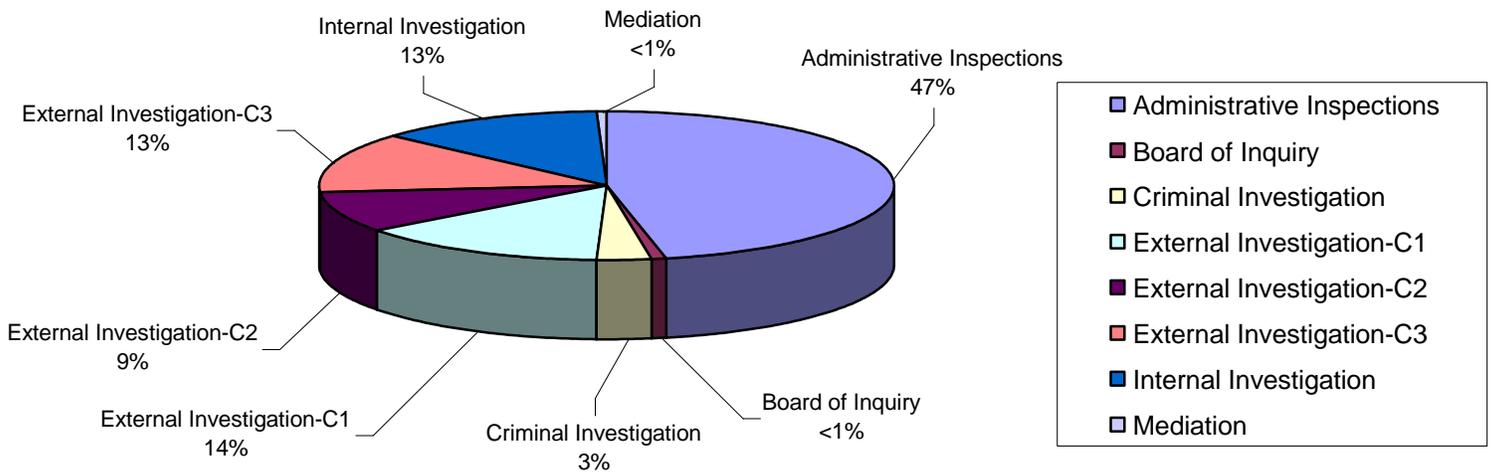
Investigations

The following is a breakdown of the investigations completed during 2010 by the Office of Internal Affairs as well as a comparison with statistics from the two previous years. It is important to note that the numbers from prior years were taken from the associated annual reports.

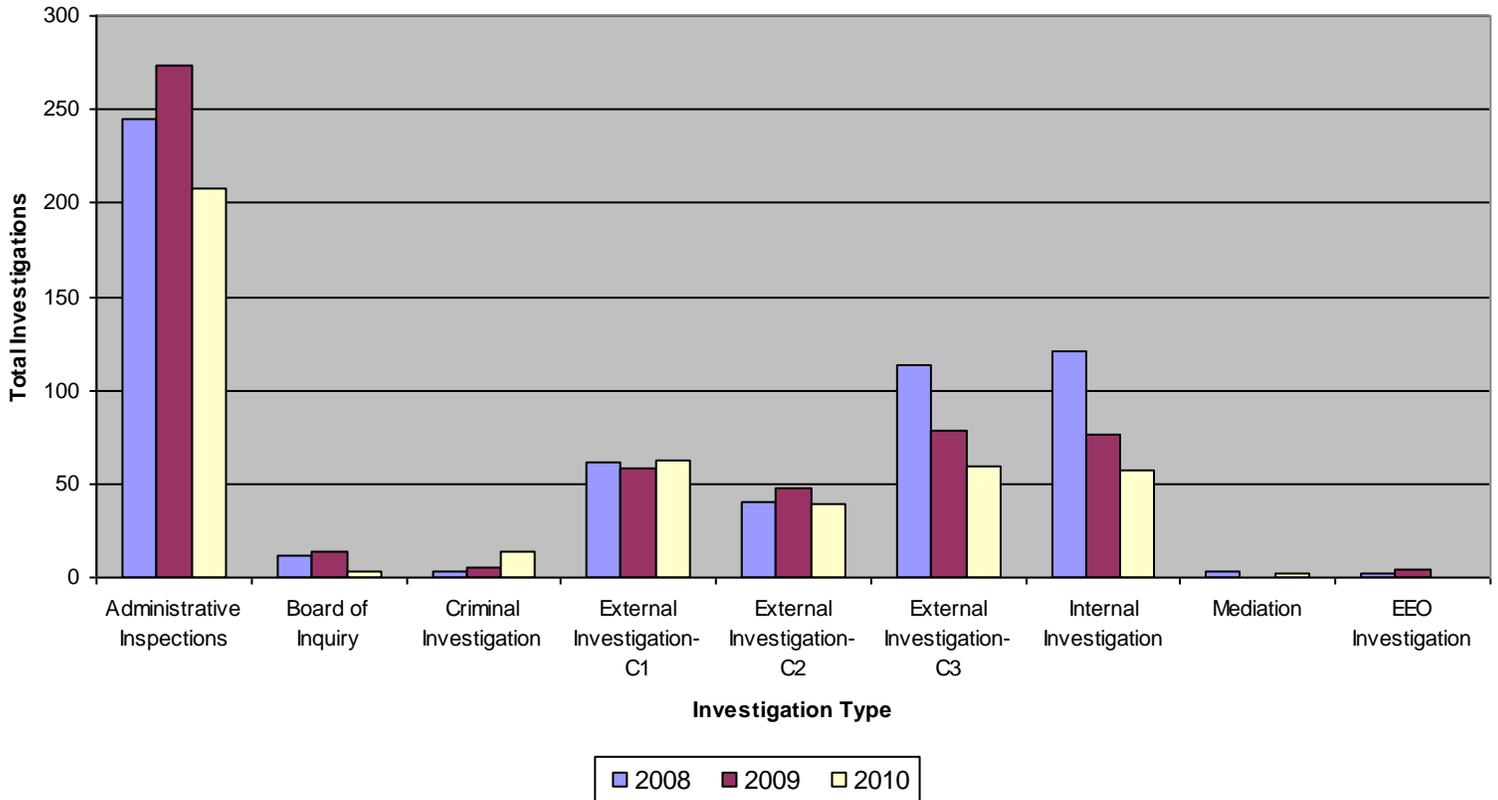
Investigation Type

	<u>2010</u>	<u>2009</u>	<u>2008</u>
Administrative Inspection	208	273	245
Board of Inquiry	3	14	12
Criminal Investigation	14	5	3
External Investigation- EI C1	63	58	63
External Investigation- EI C2	39	48	40
External Investigation- EI C3	59	78	112
Internal Investigation	57	76	121
Mediation	2	0	3
EEO Investigation	0	4	2
Total	445	556	601

2010 Total Investigations



Investigations - Annual Comparison

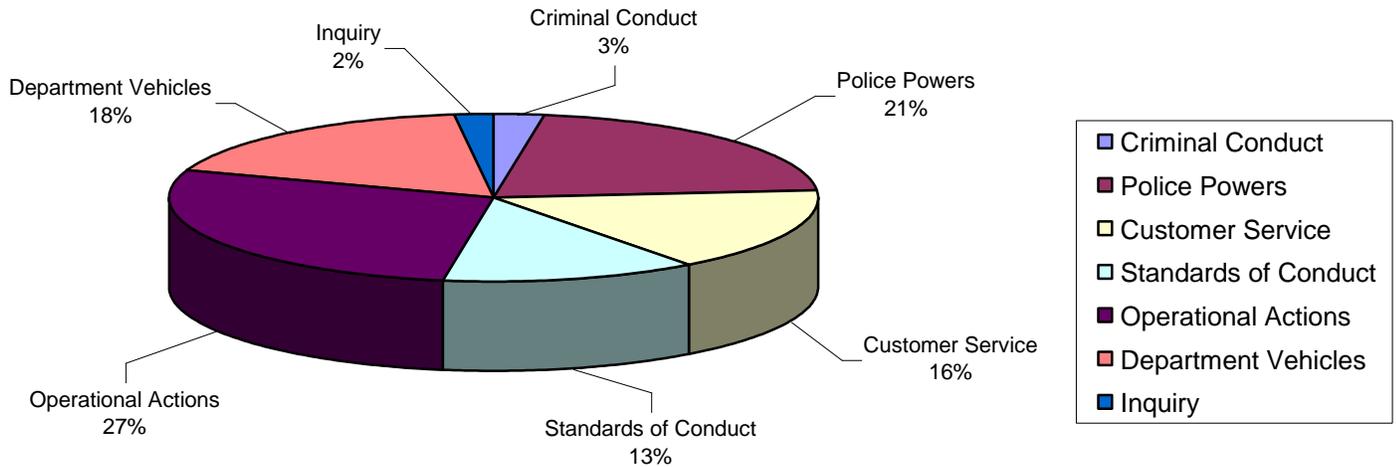


Allegation Category

	<u>2010</u>	<u>2009</u>
Criminal Conduct	17	15
Police Powers	136	132
Customer Service	106	105
Standards of Conduct	80	113
Operational Actions	183	266
Department Vehicles	117	145
Inquiry	12	11
Inclusive	83	99
Total	734*	886*

*The total number of allegations is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There may also be multiple allegations listed for one or more members involved.

2010 Total Allegations

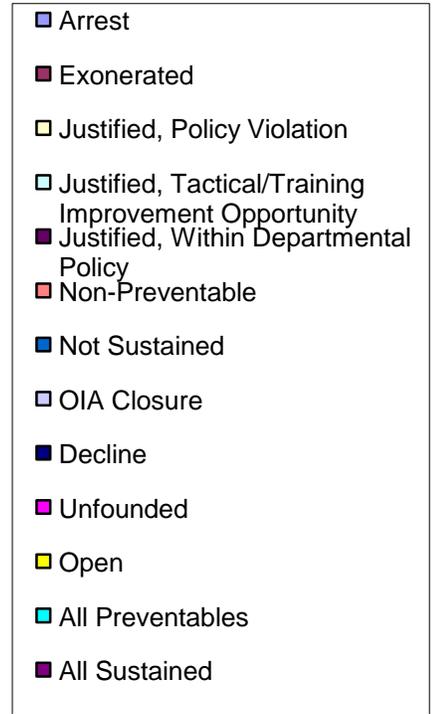
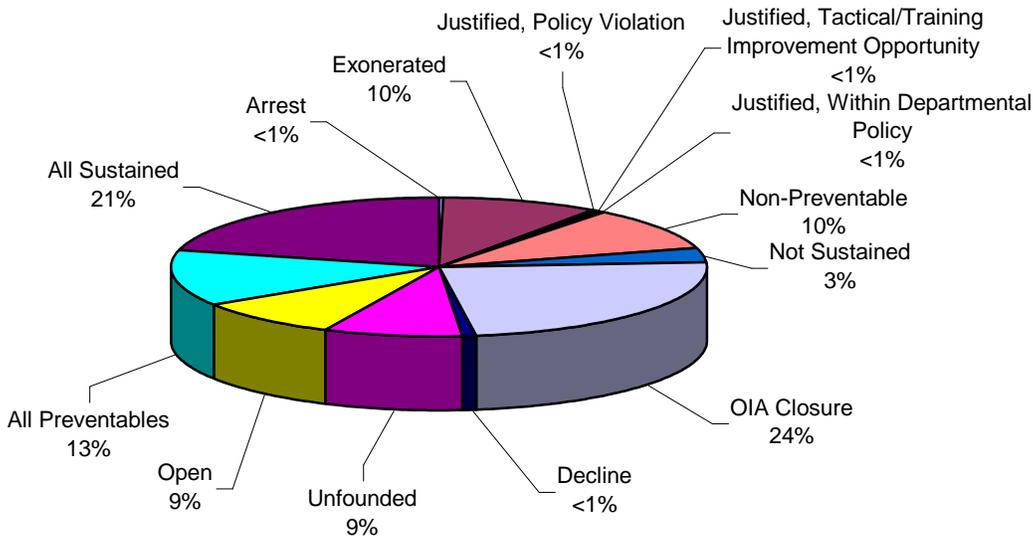


Disposition

	<u>2010</u>	<u>2009</u>
Arrest	1	1
Decline	5	4
Exonerated	57	48
Justified, Tactical/Training Improvement Opportunity	2	1
Justified, Within Departmental Policy	1	24
Not Justified, Not Within Departmental Policy	0	3
Non-Preventable	60	100
Not Sustained	20	27
OIA Closure	141	199
Other	0	3
Preventable Type A	68	62
Preventable Type B	10	9
Preventable Type C	0	0
Sustained Type A	44	84
Sustained Type B	53	39
Sustained Type C	21	20
Sustained Type D	4	4
Sustained Type E	4	5
Mediation	2	0
Unfounded	51	33
Pending	52	74
Inclusive	47	72
Total	643*	812*

* The total number of dispositions is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There are also occasions, although rare, when there may also be multiple dispositions listed for one or more members involved.

2010 Total Dispositions

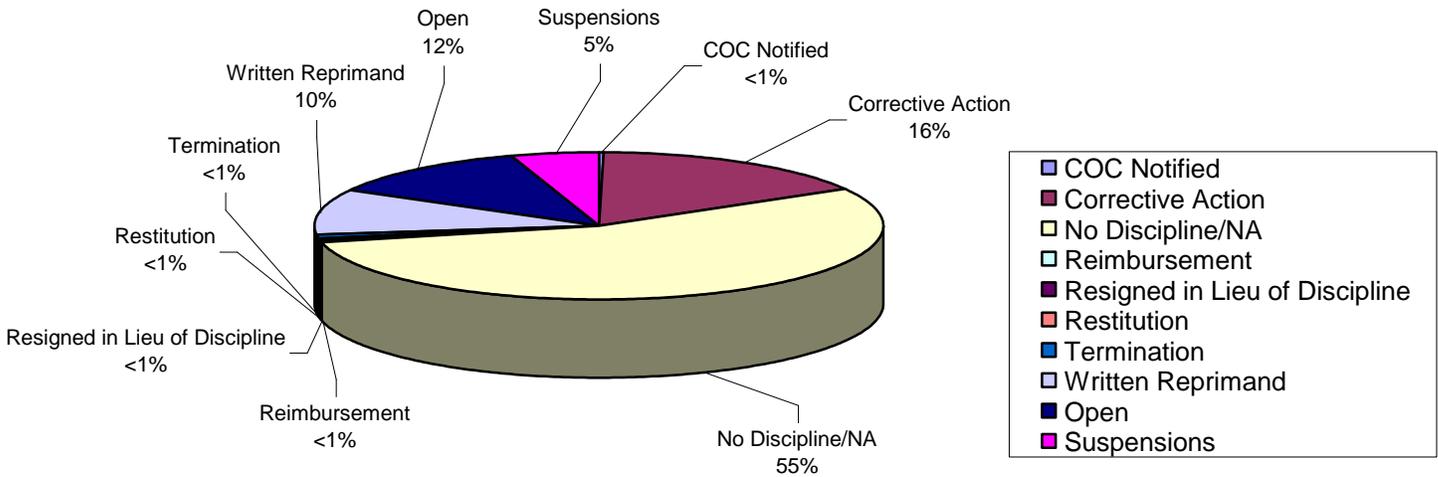


Action Taken

	<u>2010</u>	<u>2009</u>
COC Notified	1	6
Corrective Action	98	119
No Discipline/NA	327	452
Reimbursement	1	2
Resigned/Retired in Lieu of Discipline	1	3
Restitution	3	7
Suspension 10 Hours	13	16
Suspension 20 Hours	9	9
Suspension 30 Hours	0	1
Suspension 40 Hours	4	4
Suspension 60 Hours	0	1
Suspension 80 Hours	3	2
Suspension 140 Hours	0	0
Suspension 160 Hours	1	1
Termination	4	6
Written Reprimand	60	61
Demotion	0	0
Pending	55	71
Inclusive	75	114
Total	730*	875*
Total Suspensions	30	34

*The total number of actions taken is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation.

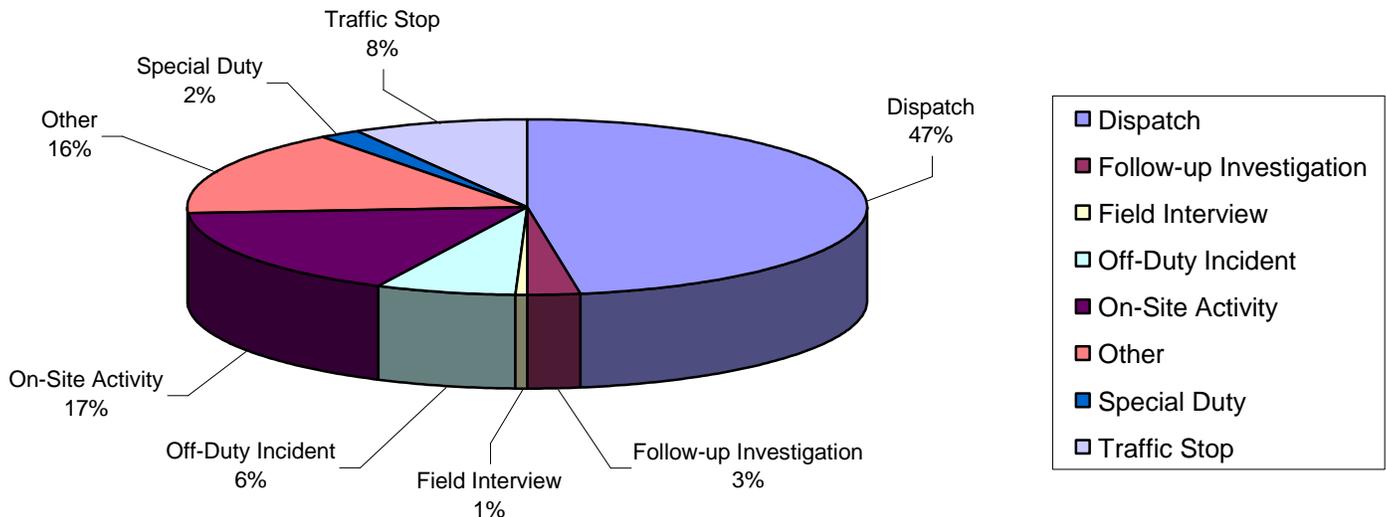
2010 Total Actions Taken



Type of Contact That Generated Complaint

The Office of Internal Affairs documents the different types of contacts that generate external complaints against members of the Tucson Police Department. Following is a breakdown of those contact types.

Dispatch	73
Follow-up Investigation	4
Off-Duty Incident	10
On-Site Activity	26
Other	24
Traffic Stop	13
Field Interview	1
Special Duty	3
Total	154



Investigations by Type

Administrative Inspections

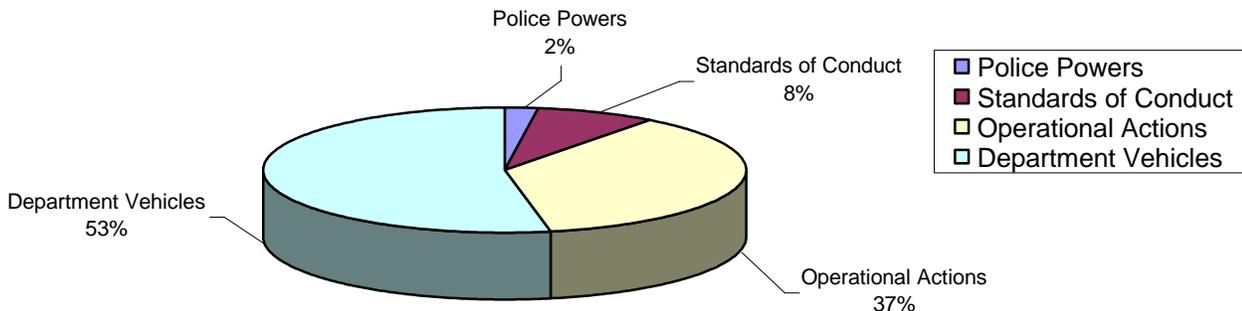
Administrative Inspections are investigations that are conducted by a member’s Chain of Command and usually include incidents such as lost or damaged departmental property, vehicle collisions, and reimbursement for damaged personal property sustained during the performance of work related duties. During the year 2010, there were **208** separate Administrative Inspections. Following is a detailed breakdown of those investigations to include information concerning the different allegations, dispositions, and actions taken. It must also be noted that the number of allegations, dispositions, and actions taken will be significantly more than the number of actual investigations. This is due to investigations that list multiple officers, as well as investigations that list multiple allegations. This circumstance can be seen in the details of several of the different types of investigations contained in this report.

Allegation

Property/Evidence	12
Equipment/Loss or Damage of Property	28
Incomplete/Inaccurate Report	1
Failure to Notify Supervisor	2
Improper Search of Prisoner	30
Procedures	4
Failure to Take Appropriate Action	4
Use of Force (Other)	1
Collision	108
Damage	9
Court Attendance	14
Actions/On Duty	3
Speeding/Poor Driving	3
Inclusive	19
Total	240*

*The total number of allegations is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There may also be multiple allegations listed for one or more members involved.

Allegation - Administrative Inspection

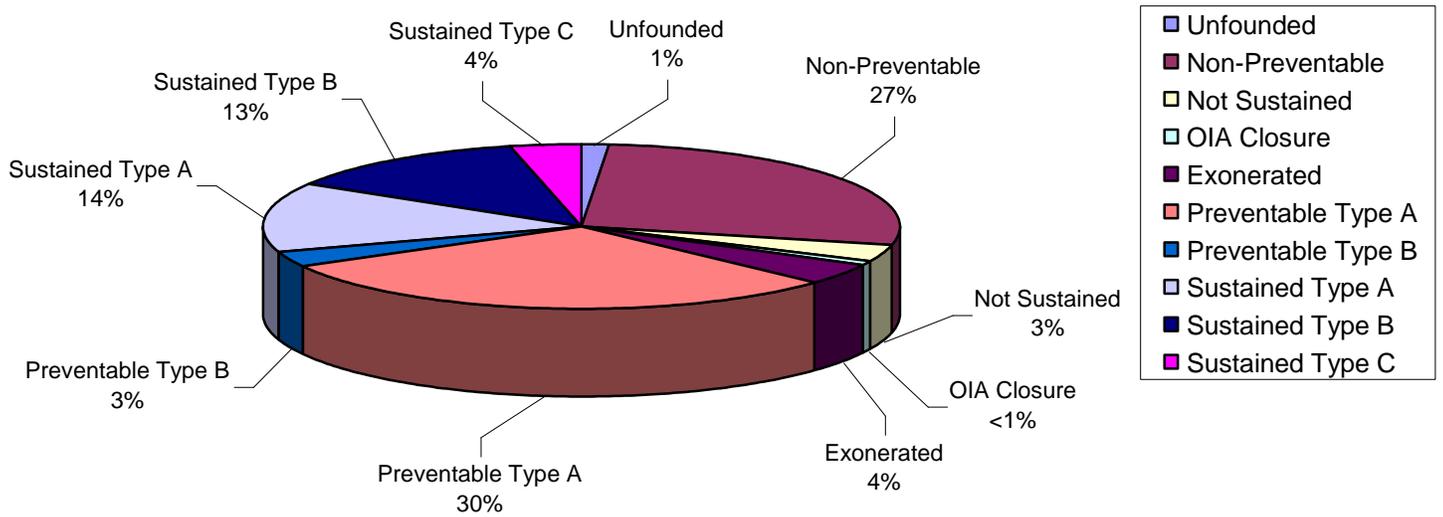


Disposition

Non-Preventable	60
Not Sustained	7
OIA Closure	2
Preventable Type A	66
Preventable Type B	7
Sustained Type A	30
Sustained Type B	28
Sustained Type C	8
Unfounded	3
Exonerated	9
Inclusive	20
Total	240*

* The total number of dispositions is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There are also occasions, although rare, when there may also be multiple dispositions listed for one or more members involved.

Disposition - Administrative Inspection

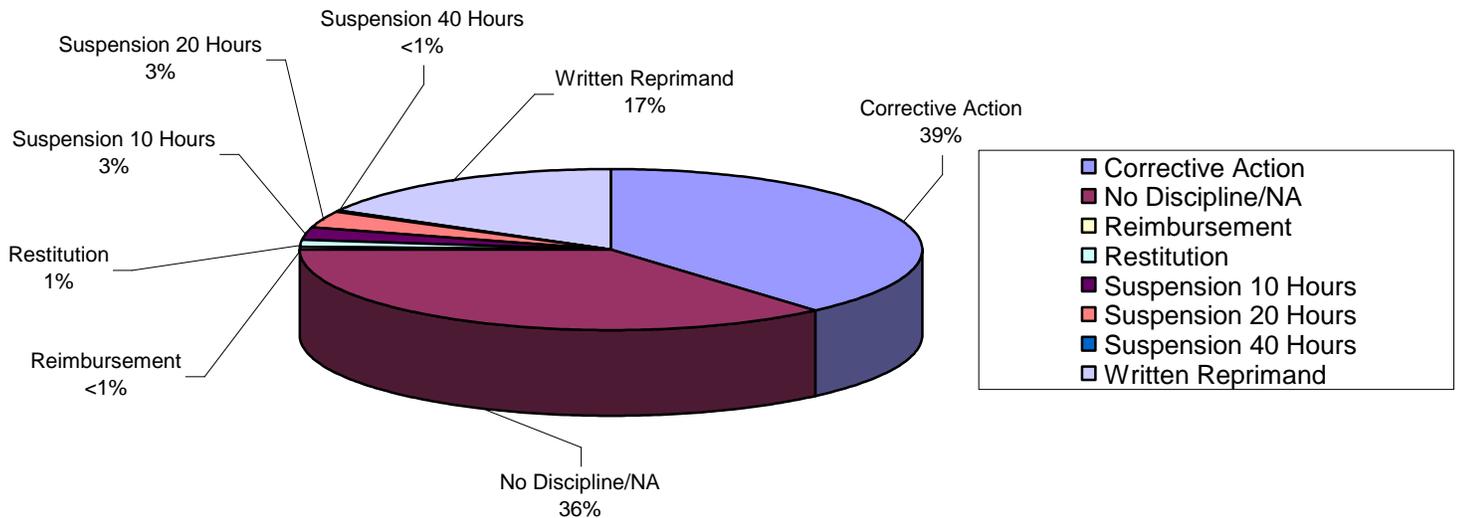


Action Taken

Corrective Action	39
No Discipline	80
Reimbursement	1
Restitution	3
Suspension 10 Hours	6
Suspension 20 Hours	7
Suspension 40 Hours	1
Written Reprimand	37
Inclusive	20
Total	240*

*The total number of actions taken is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation.

Action Taken - Administrative Inspection



Boards of Inquiry

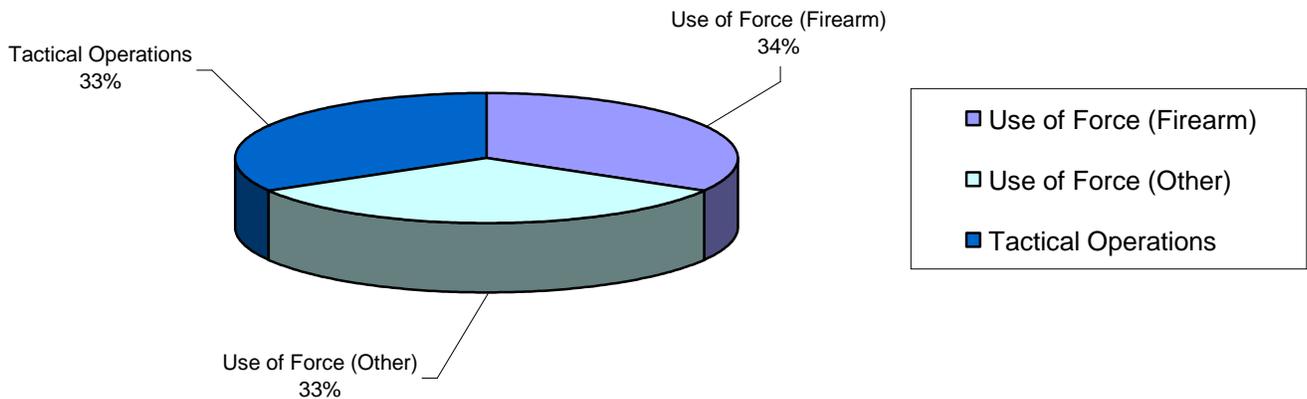
Boards of Inquiry are convened as per policy or at the direction of the Chief of Police to conduct administrative reviews of the circumstances surrounding any Department operation including In-Custody Deaths and Officer Involved Shootings. During the year 2010, the Office of Internal Affairs conducted **3** Boards of Inquiry. Following is a detailed breakdown of those investigations to include information concerning the different allegations, dispositions, and actions taken.

Allegation

Use of Force (Firearm)	1
Use of Force (Other)	2
Tactical Operations	1
Total	4*

* The total number of allegations is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There may also be multiple allegations listed for one or more members involved.

Allegation - Board of Inquiry

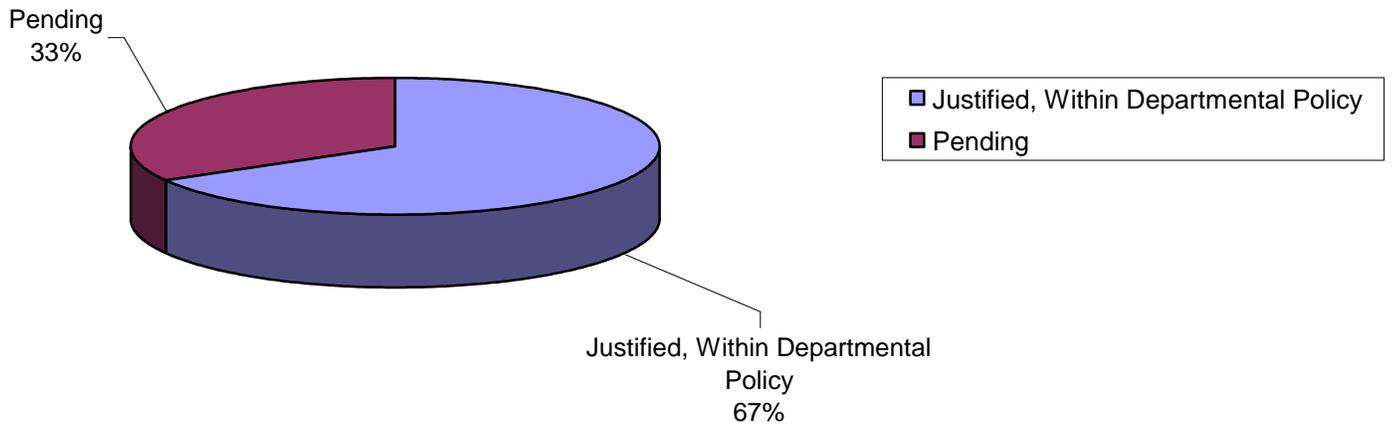


Disposition

Justified, Within Departmental Policy	3
Pending	1
Total	4*

* The total number of dispositions is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There are also occasions, although rare, when there may also be multiple dispositions listed for one or more members involved.

Disposition - Board of Inquiry

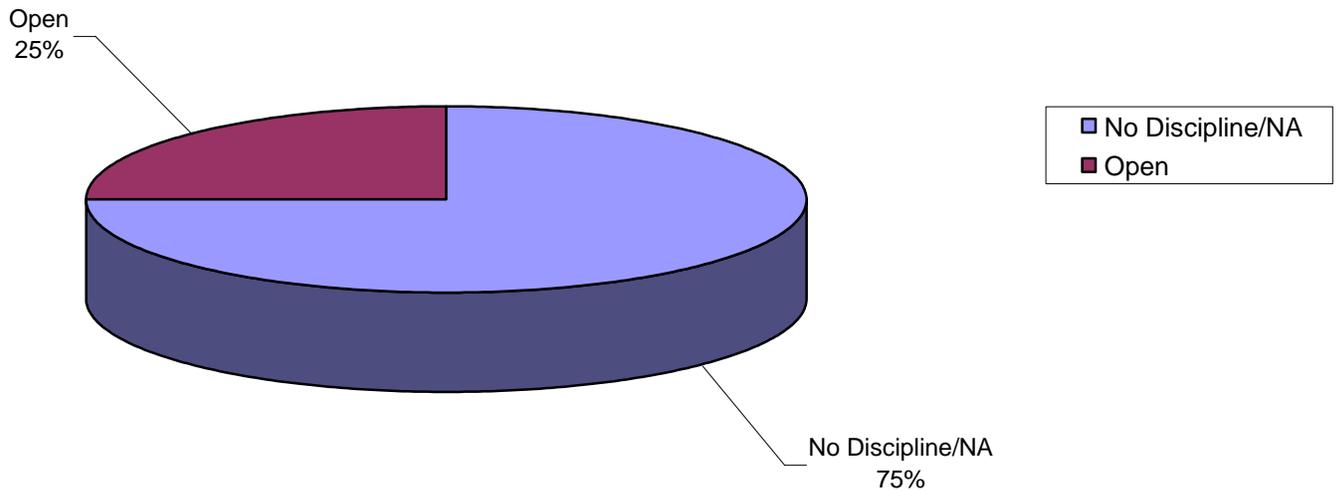


Action Taken

No Discipline/NA	3
Pending	1
Total	4*

*The total number of actions taken is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation.

Action Taken - Board of Inquiry



Criminal Investigations

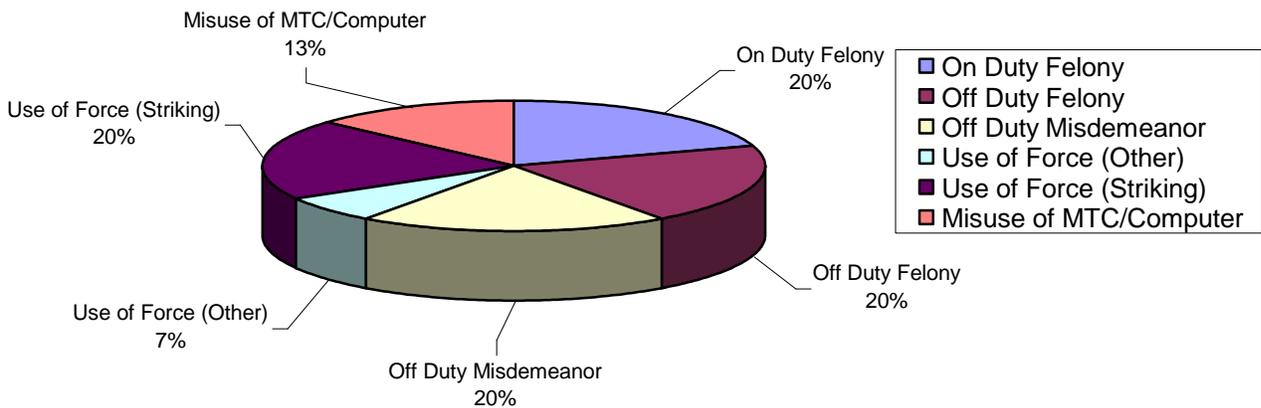
Criminal Investigations are investigations involving allegations of criminal conduct against any member of the Department. During the year 2010, the Office of Internal Affairs conducted **14** Criminal Investigations. Following is a detailed breakdown of those investigations to include information concerning the different allegations, including underlying non-criminal offenses, as well as dispositions and actions taken.

Allegation

On Duty Felony	3
Off Duty Felony	3
Off Duty Misdemeanor	3
Use of Force (Striking)	3
Use of Force (Other)	1
Misuse of MTC/Computer	1
Total	15*

* The total number of allegations could sometimes be greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There may also be multiple allegations listed for one or more members involved.

Allegation - Criminal Investigation

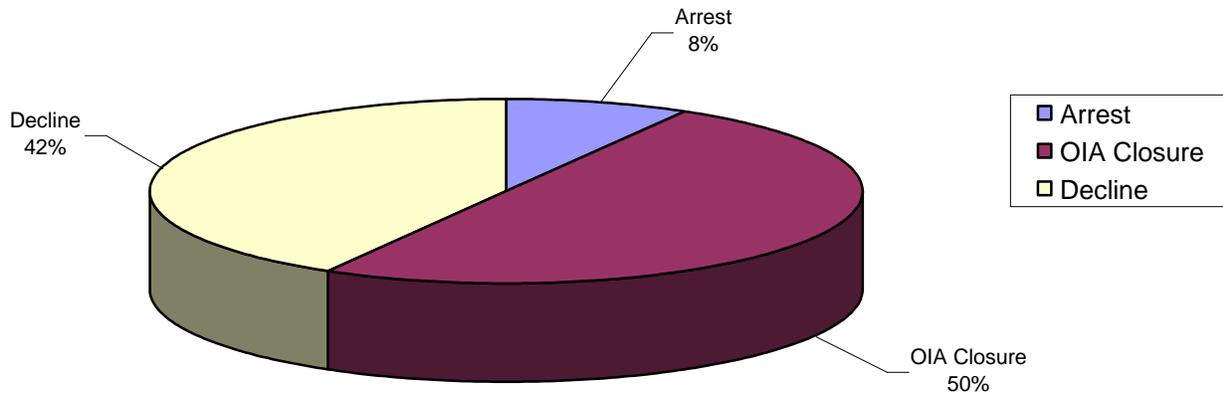


Disposition

Decline	5
Arrest	1
OIA Closure	6
Total	12*

* The total number of dispositions could sometimes be greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There are also occasions, although rare, when there may also be multiple dispositions listed for one or more members involved.

Disposition - Criminal Investigation

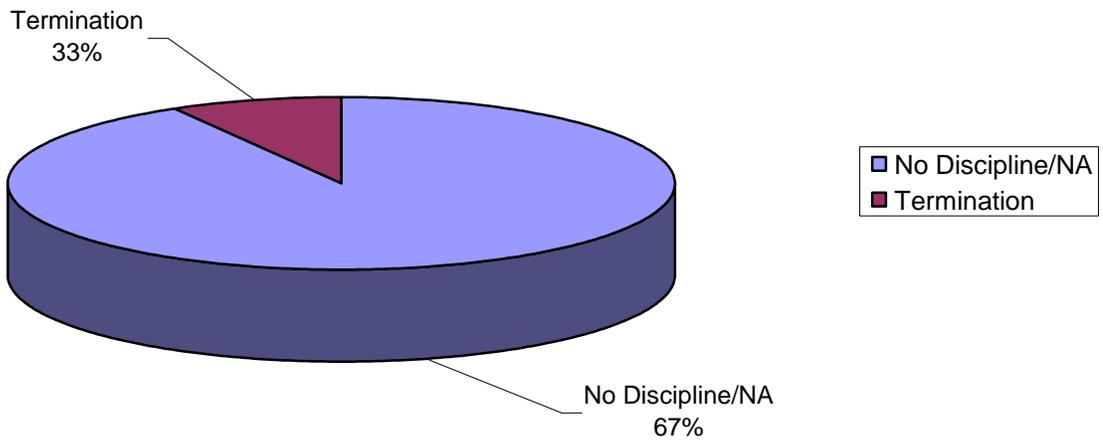


Action Taken

Termination	1
No Discipline / NA	11
Total	12*

*The total number of actions taken could sometimes be greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation.

Action Taken - Criminal Investigation



Equal Employment Opportunity Investigations

The Office of Internal Affairs acts as the facilitator for all Equal Employment Opportunity Investigations. All formal complaints related to EEO are referred to the City’s Office of Equal Opportunity Programs. Informal EEO related complaints are investigated by the Office of Internal Affairs EEO Sergeant who maintains a close working relationship with the City’s EEO Coordinator during the investigative process. During the year 2010, the Office of Internal Affairs documented **0** Equal Employment Opportunity Investigations.

External Investigations-EI C1

External Investigations, Category 1, are formal complaints documented by the Office of Internal Affairs and then sent to the member’s Chain of Command for an investigation and disposition. The Office of Internal Affairs will conduct the investigation of formal complaints if they require extensive follow up. During the year 2010, the Office of Internal Affairs documented **63** External Investigations, Category 1. Following is a detailed breakdown of those investigations to include information concerning the different allegations, dispositions, and actions taken.

Allegation Category

Police Powers	78
Customer Service	38
Standards of Conduct	9
Operational Actions	46
Criminal Conduct	1
Inclusive	34
Total	206*

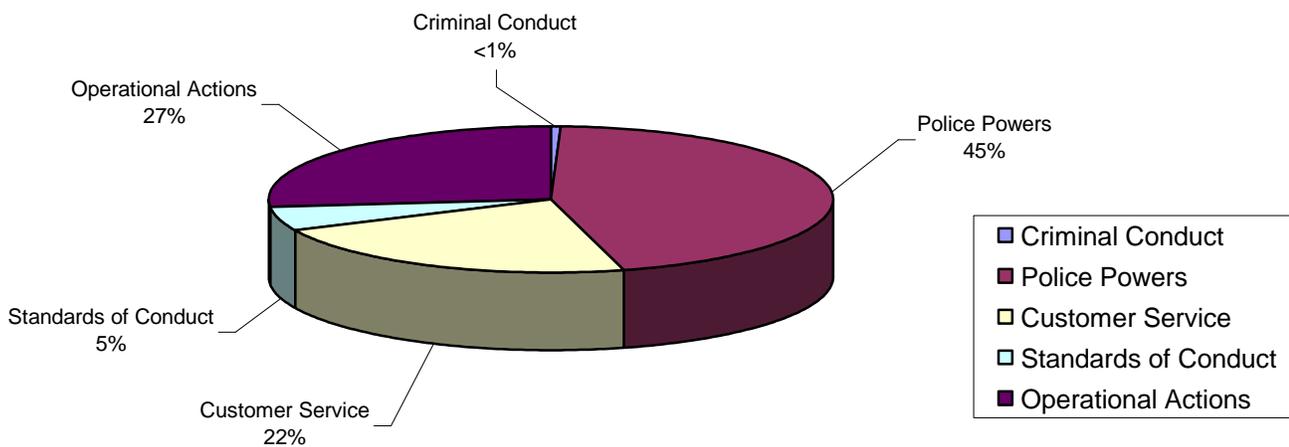
Allegation

Use of Force (Handcuffing)	13
Use of Force (Striking)	8
Use of Force (OC Spray)	1
Use of Force (Other)	29
Search and Seizure	10
Stop/Detainment	7
Failure to Provide Appropriate Service	15
Rudeness	9
Profanity	4

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Comments/Language	6
Unprofessional	1
Off Duty Misdemeanor	1
Failure to Take Appropriate Action	6
Biased Base Policing/Racial	2
Racial/Ethnic Slurs	1
Actions/On Duty	6
Actions/Off Duty	3
Failure to Supervise	4
Property/Evidence	1
Failure to Make a Report	3
Incomplete/Inaccurate Report	3
Failure to Investigate	3
Incomplete Investigation	1
Release of Confidential Information	2
Failure to Notify Supervisor	7
Procedures	22
Equipment/Loss or Damage of Property	4
Inclusive	34
Total	206*

* The total number of allegations is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There may also be multiple allegations listed for one or more members involved.

Allegation - External Investigation (EI C1)

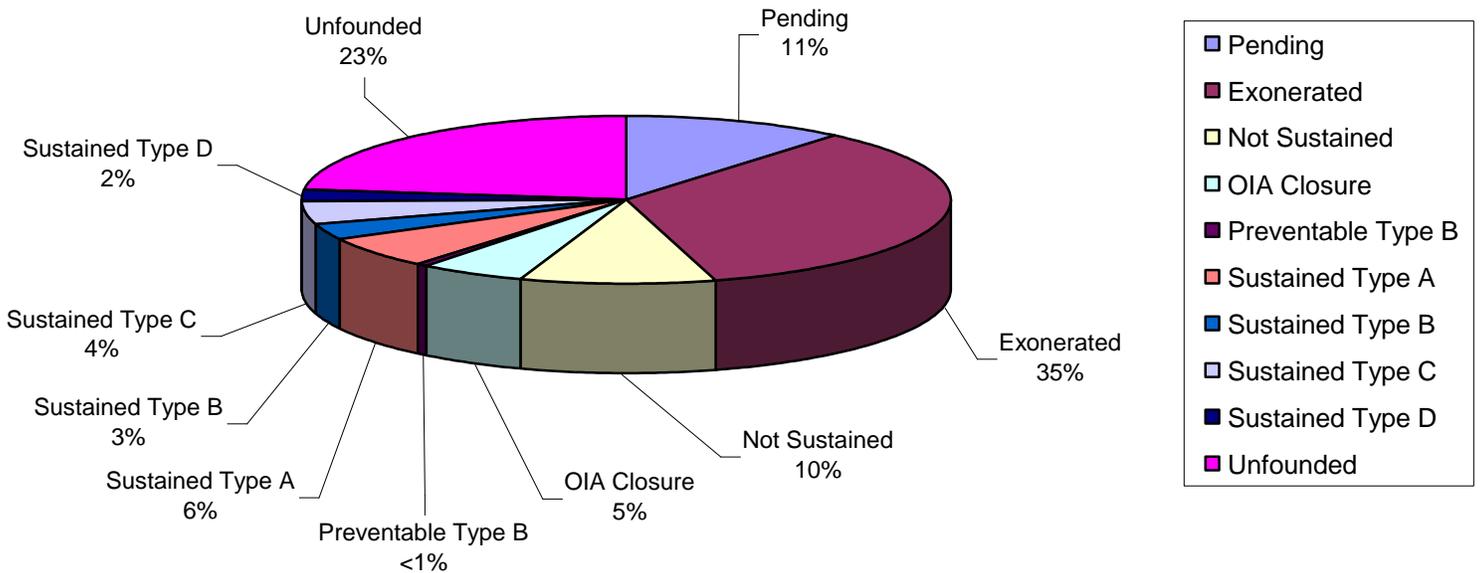


Disposition

Exonerated	46
Not Sustained	13
OIA Closure	7
Preventable Type B	1
Sustained Type A	8
Sustained Type B	4
Sustained Type C	6
Sustained Type D	3
Unfounded	31
Pending	15
Inclusive	16
Total	150*

* The total number of dispositions is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There are also occasions, although rare, when there may also be multiple dispositions listed for one or more members involved.

Disposition - External Investigation (EI C1)

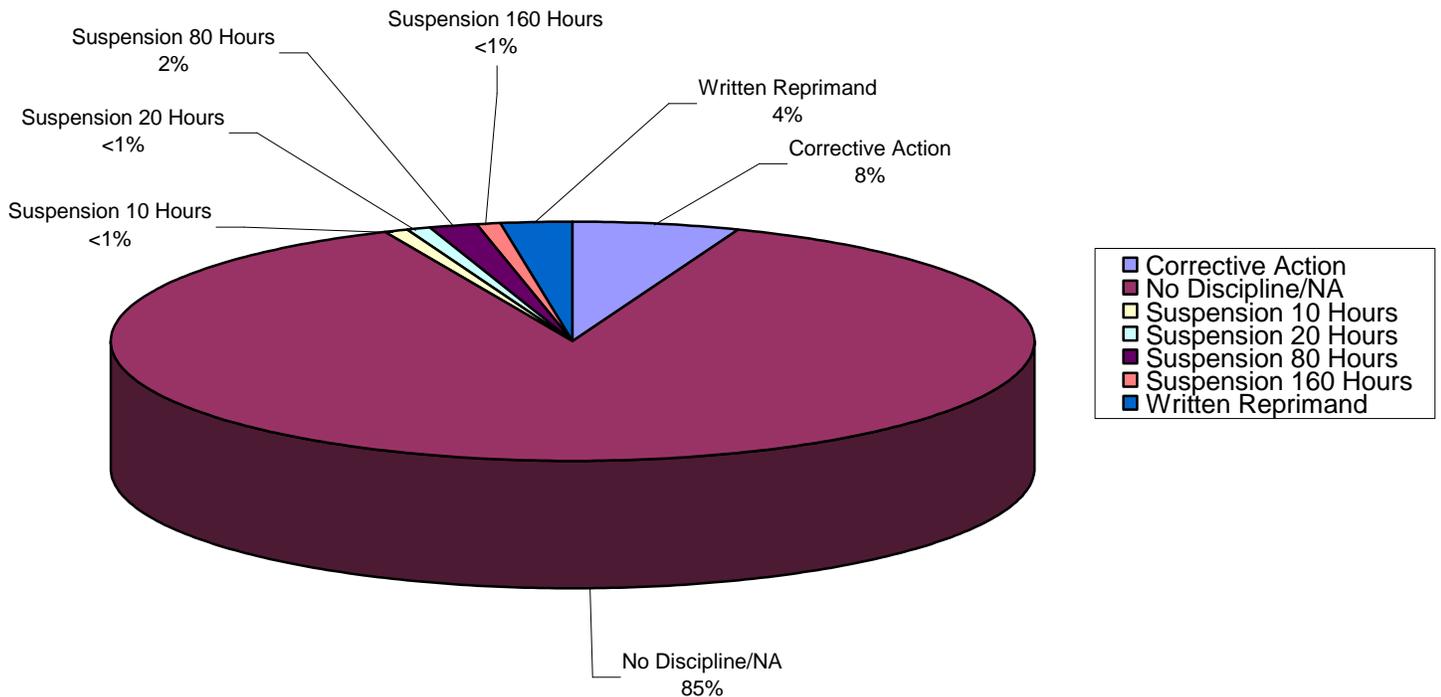


Action Taken

Corrective Action	7
No Discipline/NA	105
Suspension 10 Hours	1
Suspension 20 Hours	1
Suspension 80 Hours	2
Suspension 160 Hours	1
Written Reprimand	3
Inclusive	86
Total	206*

*The total number of actions taken is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation.

Action Taken - External Investigation (EI C1)



External Investigations-EI C2

External Investigations, Category 2, are complaints in which the citizen elects not to pursue the formal investigative process. In these cases, the citizen may elect to have the member’s supervisor notified regarding the incident and their dissatisfaction with the services rendered. During the year 2010, the Office of Internal Affairs documented **39** External Investigations, Category 2. Following is a detailed breakdown of those investigations to include information concerning the different allegations. Regarding disposition and action taken, all External Investigations, Category 2, are closed as OIA Closure with no discipline.

Allegation Category

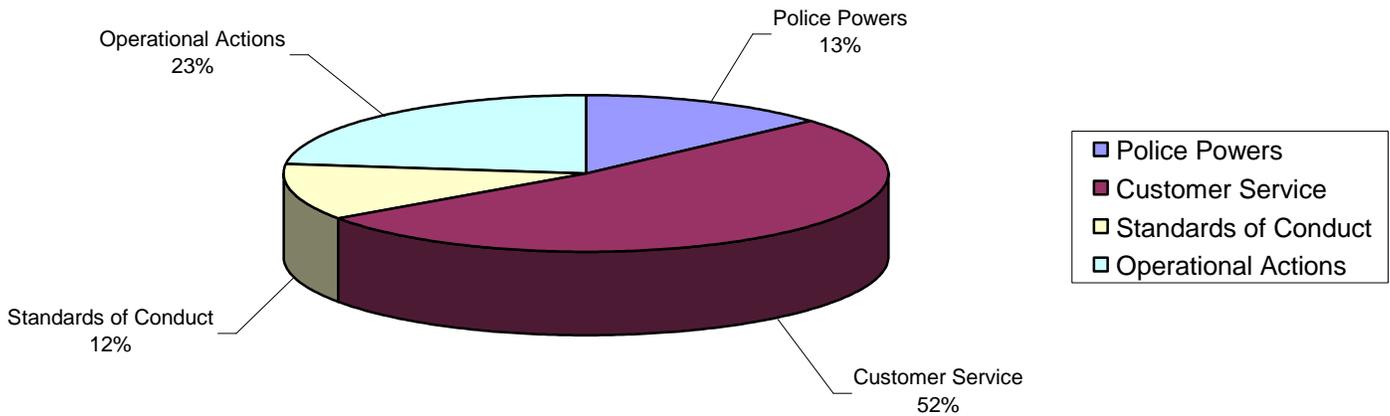
Police Powers	7
Customer Service	27
Standards of Conduct	6
Operational Actions	12
 Total	 52*

Allegation

Use of Force (Other)	3
Stop/Detainment	1
Use of Force (Striking)	2
Failure to Provide Appropriate Service	7
Search and Seizure	1
Rudeness	12
Profanity	2
Comments/Language	2
Unprofessional	2
Actions/On Duty	5
Actions/Off Duty	1
Failure to Make a Report	2
Incomplete/Inaccurate Report	1
Biased Based Policing/Racial	2
Procedures	3
Speeding/Poor Driving	4
Failure to Investigate	2
 Total	 52*

* The total number of allegations is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There may also be multiple allegations listed for one or more members involved.

Allegation - External Investigation (EI C2)



External Investigations-EI C3

External Investigations, Category 3, involve allegations of a non-serious nature where the citizen is unable to articulate a bona-fide complaint or the actions described are not a violation of any law or Department General Orders. During the year 2010, the Office of Internal Affairs documented **59** External Investigations, Category 3. Following is a detailed breakdown of those investigations to include information concerning the different allegations. Regarding disposition and action taken, all External Investigations, Category 3, are closed as OIA Closure with no discipline.

Allegation Category

Police Powers	29
Customer Service	34
Standards of Conduct	9
Operational Actions	13
Inquiry	5
Total	90*

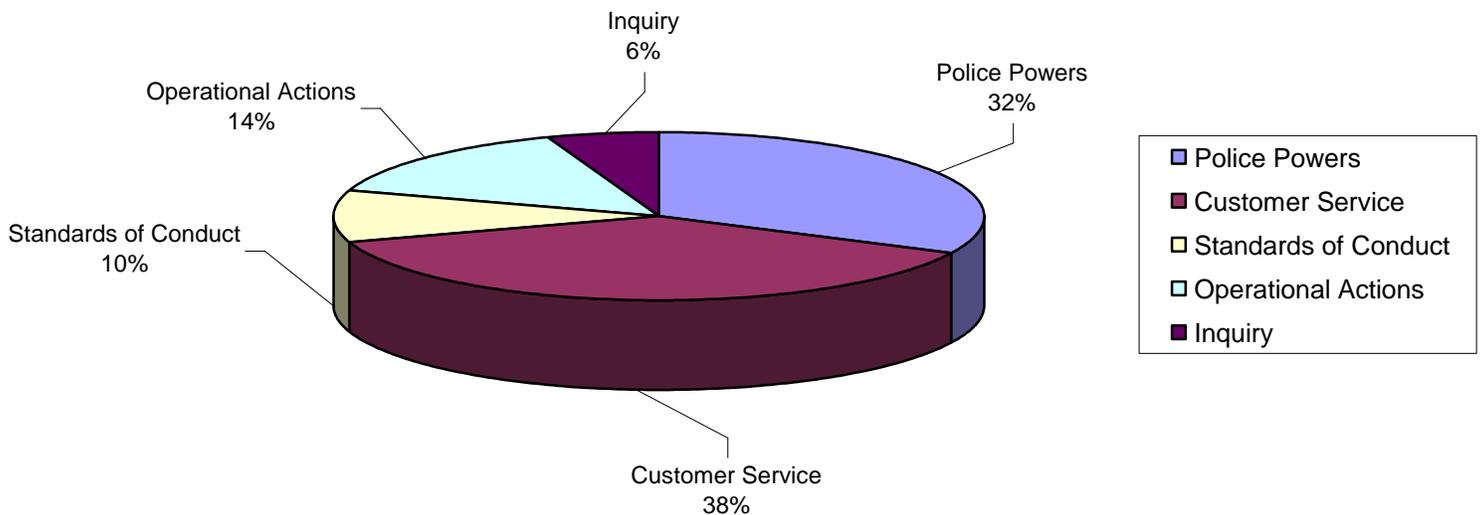
Allegation

Use of Force (Handcuffing)	2
Use of Force (Striking)	5
Use of Force (Taser)	1
Use of Force (Other)	7
Failure to Take Appropriate Action	1
Search and Seizure	4
Stop/Detainment	9
Failure to Provide Appropriate Service	20

Biased Based Policing/Non Racial	1
Rudeness	8
Comments/Language	5
Misuse of MTC/Computer	1
Actions/On Duty	6
Actions/Off Duty	2
Property/Evidence	1
Incomplete/Inaccurate Report	1
Failure to Investigate	6
Incomplete Investigation	1
Procedures	4
Policy/Procedure	5
Total	90*

* The total number of allegations is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There may also be multiple allegations listed for one or more members involved.

Allegation - External Investigation (EI C3)



Internal Investigations

Internal Investigations are investigations involving allegations of Department General Order violations, or criminal allegations, which generally originate from within the Department. During the year 2010, there were **57** separate Internal Investigations, to include missed court investigations, and other internal investigations of a non-serious nature. Following is a detailed breakdown of those investigations to include information concerning the different allegations, dispositions, and actions taken.

Allegation Category

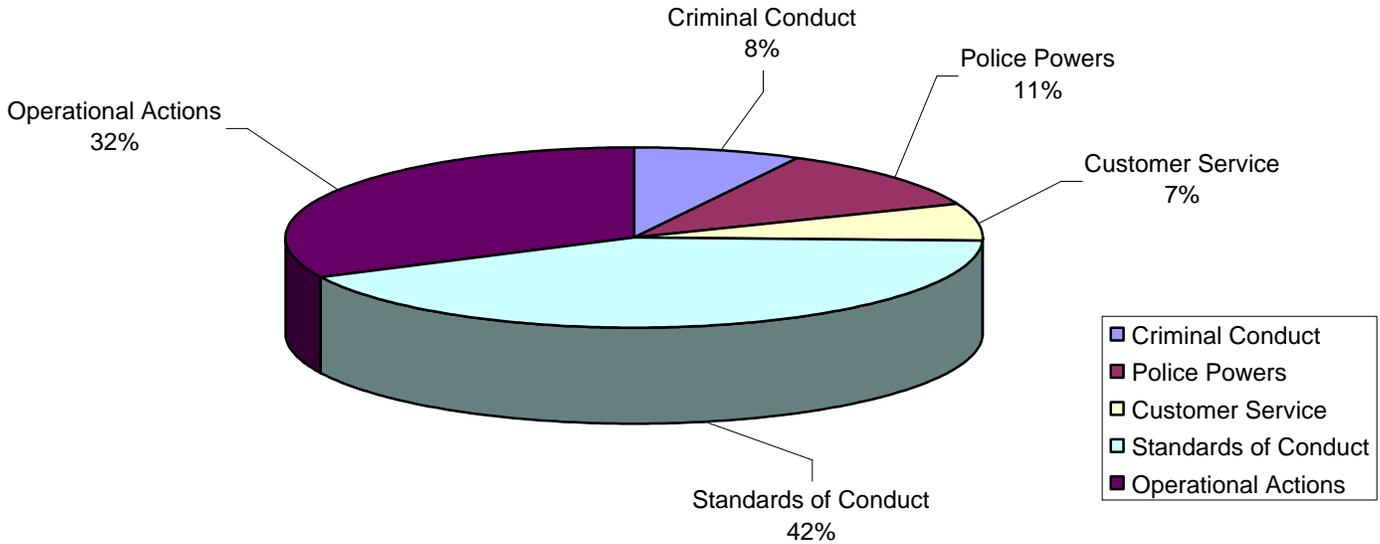
Criminal Conduct	7
Police Powers	10
Customer Service	6
Standards of Conduct	38
Operational Actions	29
Inclusive	5
Total	95*

Allegation

Off Duty Felony	1
Off Duty Misdemeanor	6
Use of Force (Striking)	3
Use of Force (Firearm)	3
Use of Force (Other)	1
Failure to Take Appropriate Action	2
Failure to Supervise	1
Failure to Provide Appropriate Service	4
Untruthfulness	2
Misuse of MTC/Computer	2
Actions/On Duty	20
Actions/Off Duty	12
Leave without Pay	2
Property/Evidence	1
Tactical Operations	6
Comments/Language	2
Improper Search of Prisoner	2
Incomplete/Inaccurate Report	1
Incomplete Investigation	3
Procedures	11
Release of Confidential Information	1
Failure to Report to Duty	4
Inclusive	5
Total	95*

* The total number of allegations is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There may also be multiple allegations listed for one or more members involved.

Allegation - Internal Investigation

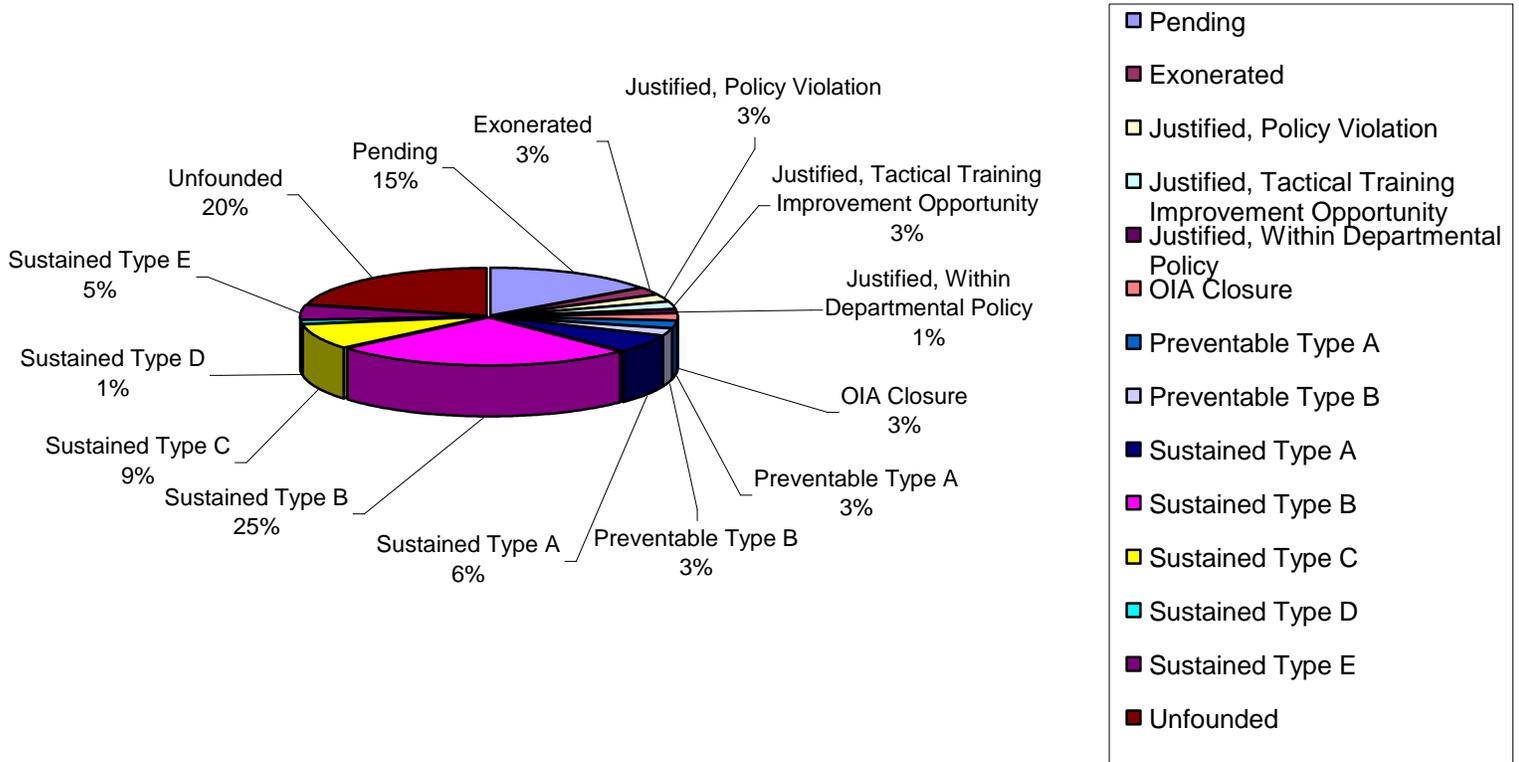


Disposition

Exonerated	2
Justified, Within Departmental Policy	1
Justified, Policy Violation	2
Justified, Tactical Training Improvement Opportunity	2
OIA Closure	2
Sustained Type A	5
Sustained Type B	21
Sustained Type C	7
Sustained Type D	1
Sustained Type E	4
Preventable Type A	2
Preventable Type B	2
Unfounded	17
Pending	12
Inclusive	15
Total	95*

* The total number of dispositions is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation. There are also occasions, although rare, when there may also be multiple dispositions listed for one or more members involved.

Disposition - Internal Investigation

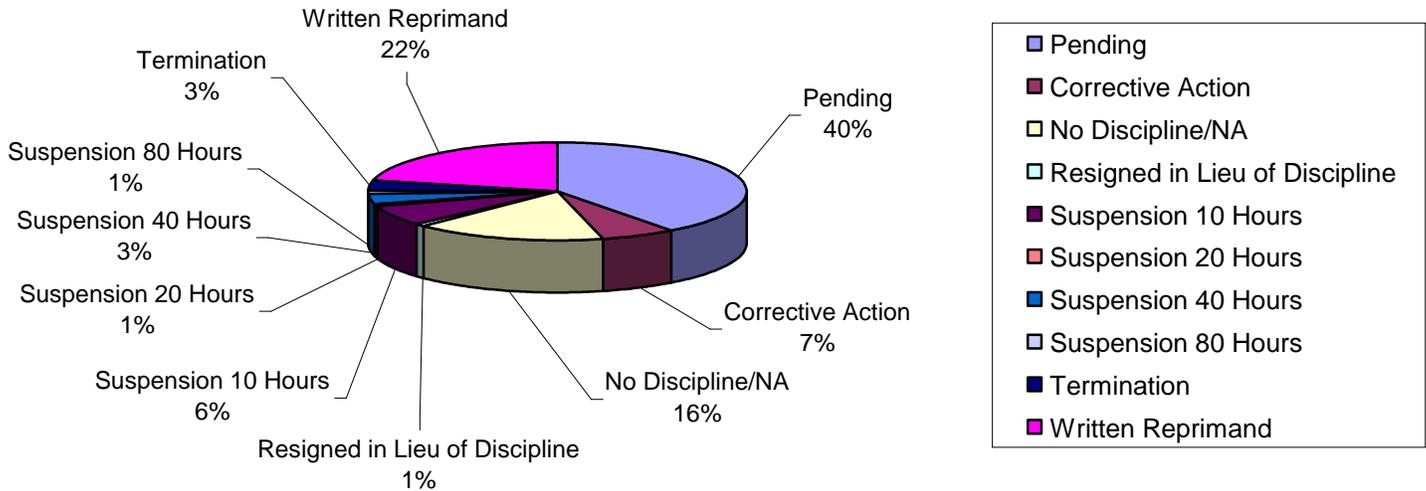


Action Taken

Corrective Action	6
No Discipline/NA	15
Resigned in Lieu of Discipline	1
Suspension 10 Hours	6
Suspension 20 Hours	1
Suspension 40 Hours	3
Suspension 80 Hours	1
Termination	3
Written Reprimand	20
Pending	37
Inclusive	2
Total	95*

*The total number of actions taken is greater than the total number of investigations as the numbers account for when there are multiple members involved in one investigation.

Action Taken - Internal Investigation



Mediation

Mediation is an informal process designed to resolve disputes through negotiation and constructive communications with the assistance of a trained neutral party, or mediator. This process is a voluntary process agreed upon by both the complainant and the member of the Tucson Police Department. At the conclusion of the mediation, the mediation will be categorized as Agreement, Non-agreement, or Unsuccessful. An ‘Unsuccessful’ disposition occurs when either of the parties fails to attend or fails to abide by the behavioral expectations of the mediation session. If considered ‘Unsuccessful’ due to the complainant, the member is considered to have fulfilled their obligation and the complaint will not be accepted. If considered ‘Unsuccessful’ due to the member, or if either party declines to participate in mediation, the complaint is returned to the Office of Internal Affairs for processing as any other External Investigation. During the year 2010, the Office of Internal Affairs documented 2 Mediations the final dispositions of which were Agreement’s.

Incident Reporting

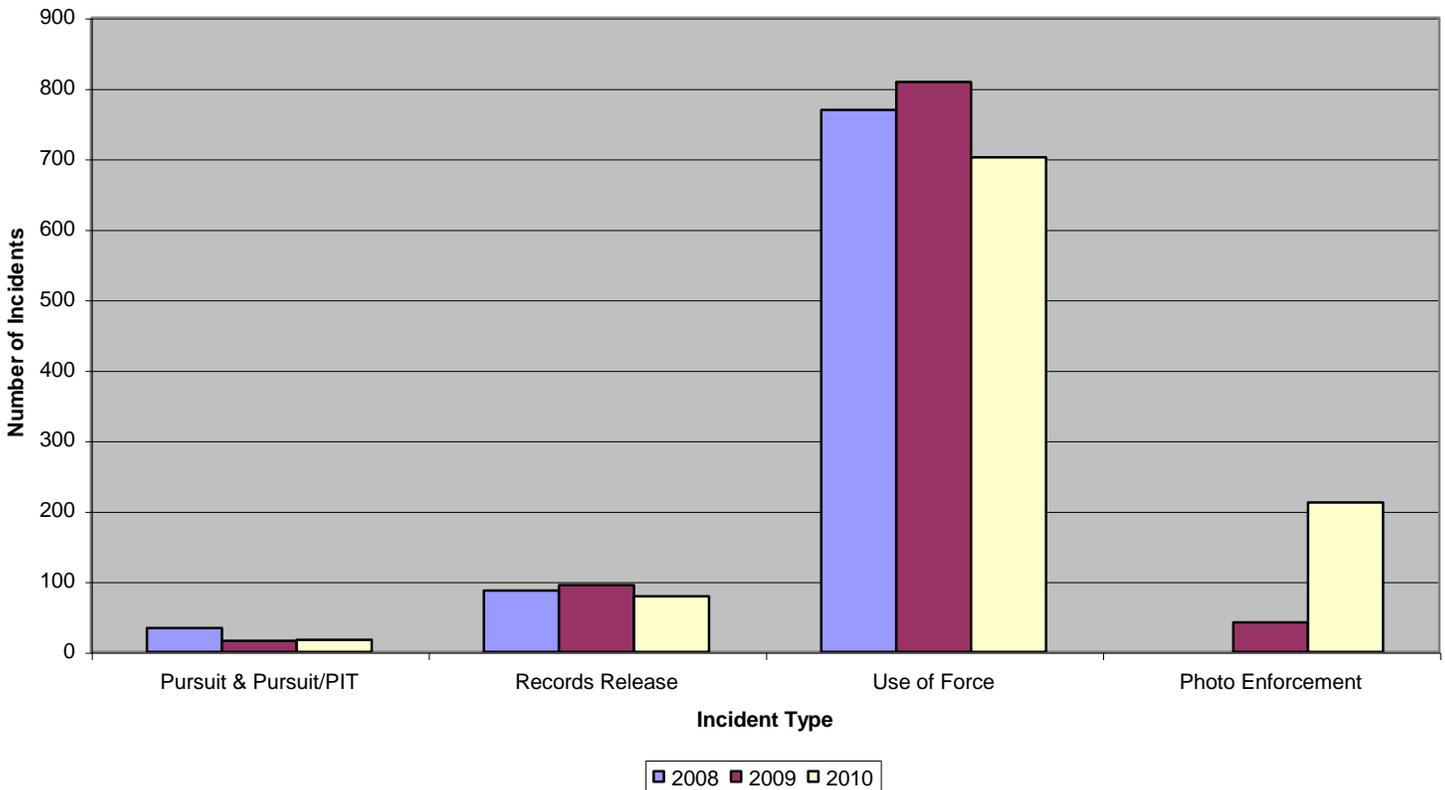
In addition to investigations, the Office of Internal Affairs is also responsible for reviewing and compiling information regarding Use of Force Reports, Photo Enforcement, Pursuit Reports, Pursuit/PIT Reports, and Public Records Requests that are completed by OIA. Following is a summary of the listed Incident Reports

	<u>2010</u>	<u>2009</u>	<u>2008</u>
Pursuit/PIT ¹	17	16	34
Public Records Requests	79	95	87
Use of Force Incidents	702	809	769
Photo Enforcement ²	212	42	N/A

¹In March 2007 the Pursuit Report and the newly created PIT Report were combined into the Pursuit/PIT Report.

² In 2009 due to the implementation of photo enforcement programs, the Office of Internal Affairs began tracking traffic violations captured on camera involving department members.

2010 Incident Reporting



Most Commonly Sustained and Preventable Violations

Violation	Total	% of Total
General Orders 1330.24 Prohibited Uses of Property	78	47.9%
General Orders 1330.2 Obedience to <i>General Orders</i> , Procedures and Policies Required	14	8.6%
General Orders 2162.1 Searches	13	8.0%
General Orders 1330.25 On Duty Conduct Standards	12	7.4%
General Orders 1330.7 General Standards of Expected Conduct	10	6.1%
General Orders 2810 Court Attendance and Interviews	10	6.1%
General Orders 1330.3 Required Knowledge	8	4.9%
General Orders 3621 Department Vehicles	8	4.9%
General Orders 2114.3 Physical Arrest	6	3.7%
General Orders 2510 Emergency Vehicle Operation	4	2.5%