



City of Frederick
Frederick, Maryland

Frederick Police Department



Professional Services Division 2021 Annual Analysis

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Introduction

This Professional Services Division (PSD) Annual Report is part of a continuing effort to educate the citizens of Frederick in the operations of their police department. The information contained in this report covers:

- 2021 Use of Force Statistics,
- 2021 Complaints and Internal Investigations

Staff

Lieutenant Sean Carr, Commander
Sergeant Justin Thomas, Internal Affairs Unit Supervisor
Janine Campbell, Internal Affairs Unit Administrative Assistant

Use of Force Reporting

The Frederick Police Department's (FPD) use of force reporting requirements are detailed in General Order 705, "Use of Force." This General Order is reviewed annually in March by the Professional Services Division Commander and complies with the Maryland Police and Correctional Training Commission (MPCTC) standards. In addition to complying with MPCTC standards, G.O. 705 is used in the Department's Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) standard files as our written directive proof of compliance for the applicable CALEA standards related to Use of Force.

With few exceptions, force is required to be reported if an officer:

- Uses any force which causes any visible or apparent physical injury or complaint of injury, or which results in medical treatment for the individual or the officer;
- Uses any object, including but not limited to, a baton, hand, fist, or foot, to strike or attempt to strike a blow to a subject;
- Uses a baton in any manner to control a resistant subject - this includes strikes and blocks as well as control holds utilizing the baton;
- Uses force in such a way as to cause a subject to suffer a blow to the head, even if that blow to the head is accidental;
- Uses O.C. Spray or any other chemical agent;
- Uses a conducted electrical weapon ("CEW", a Taser®);
- Discharges a firearm under circumstances that require a use of force report per General Order 720, "Deadly Force Guidelines," i.e., discharge of a firearm at an individual regardless of whether the person is actually struck;
- Utilizes a canine for a physical apprehension;
- Uses force during or after which a subject loses consciousness;
- Uses any empty-hand control technique that does not cause injury or complaint of injury to the officer or the subject the force is applied to and does not result in medical treatment for subject or officer; or
- Points a firearm or a CEW at any person.

The Frederick Police Department's use of force policies strictly prohibits the following tactics/techniques by its personnel (barring an imminent threat of death/serious bodily injury to an officer's safety or the safety of a third party):

- The deliberate placement of body weight on any portion of the spinal column or airway
- Strangle or choke holds which restrict the ability of an individual to breathe or that restrict the flow of blood to the brain
- Intentional, direct blows to the head
- Dragging an individual along the ground, floor or stairs;
- Binding an arrestee's hands and feet together (commonly referred to as "hog tying"); and
- Any inappropriate or excessive force of any type

Any officer who uses force must notify his supervisor as soon as possible. The supervisor is responsible for an initial inquiry to gather the facts regarding the use of force. The review process for a use of force incident requires the officer's first-line Supervisor, Division Commander, and Bureau Commander to review the circumstances of the incident and the type of force used to determine if its application was appropriate or inappropriate.

The Chief of Police reviews use of force reports involving the use of CEWs, batons, firearms, canine bites, and any incident in which any person incurs a serious physical injury. The Chief may, at his discretion, review any other use of force report. This stringent review process—which occurs whether or not the affected citizen makes a complaint—demonstrates the Department's commitment to fair and equal treatment for all citizens, as well as commitment to our policies.

In addition to the annual Department report published via the City of Frederick website, the Frederick Police Department began participating in the Federal Bureau of Investigation's National Use of Force Data Collection program in January, 2020. The National Use of Force Data Collection program is a monthly statistical compilation of police involved use of force incidents that involve one or more of the following:

- The death of an individual involved with a police use of force incident
- The serious bodily injury of a person involved with a police use of force incident; or
- The discharge of a firearm by a law enforcement officer at, or in the direction of, a person
- Information concerning the FBI National Use of Force Data Collection program can be found at <https://www.fbi.gov/services/cjis/ucr/use-of-force>

Duty to Intervene

The Frederick Police Department instills and expects a high level of accountability for all its employees. Commensurate with that philosophy is the requirement that employees have a duty to intervene to prevent or stop the use of excessive force by another officer as soon as it is safe and reasonable to do so. Additionally employees are required to report such circumstances to his/her supervisor immediately. A written directive requires employees to intervene and notify appropriate supervisory authority if they observe another agency employee or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state/provincial or federal law, or local ordinance.

Use of Force

In 2020, 176 use of force incidents met reporting requirements as mandated by General Order 705. The 166 reported incidents involved 555 applications of force techniques by officers. The 559 applications of force were applied to 198 individuals.

Table 1: 2021 Use of Force at a Glance

176	Use of Force Incidents
198	Persons subjected to Force
555	Applications of Force Techniques
2,006	Total Custodial Arrests**
93,805	Calls for Service***

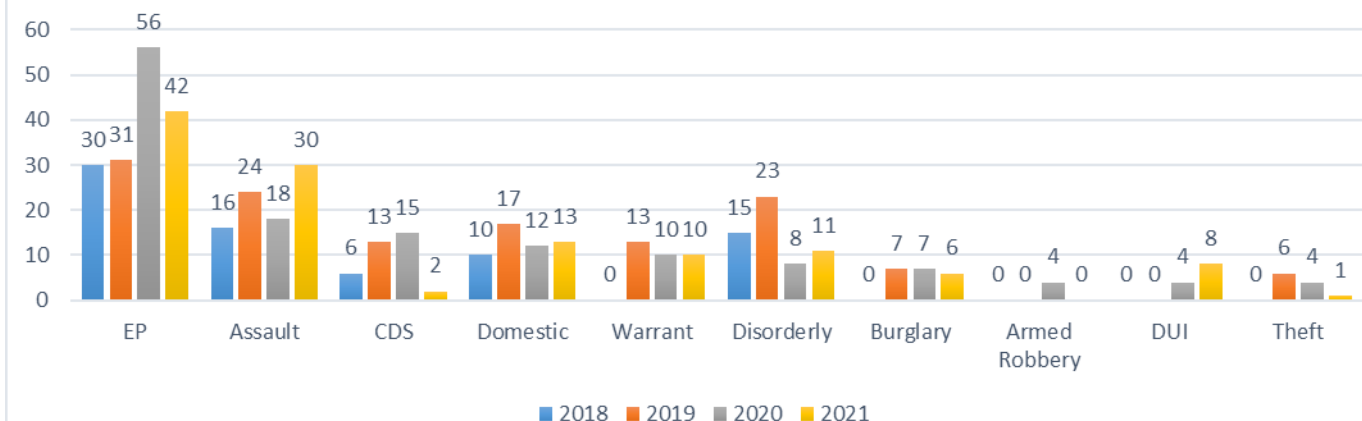
**This figure does not include subjects arrested and released without charges or subjects taken into custody for an emergency psychological evaluation.

***This reflects clean data after the elimination of duplicate calls for service or cancelled calls for service.

It is important to understand the differences between the number of *use of force incidents*, *persons subjected to force*, and *applications of force techniques*. In many cases, when a person resists arrest, more than one officer is required to use force to gain control of and/or arrest that person. Also, a single incident can involve more than one resistant person who is required to be taken into custody. Officers may need to employ more than one use of force technique to subdue a resistant person.

In addition, it is possible that a single officer may be required to use force on more than one person to protect himself or to make an arrest. Lastly, not all uses of force result in the arrest or the taking into custody of a person. For example, the pointing of a firearm does not automatically indicate the person at whom the weapon was pointed was arrested. This type of force is often used by officers to protect themselves in potentially dangerous and unfamiliar situations. To summarize, a single use of force incident may involve multiple officers and/or persons being subjected to one or more applications of force.

Call Types Most Frequently Requiring Force



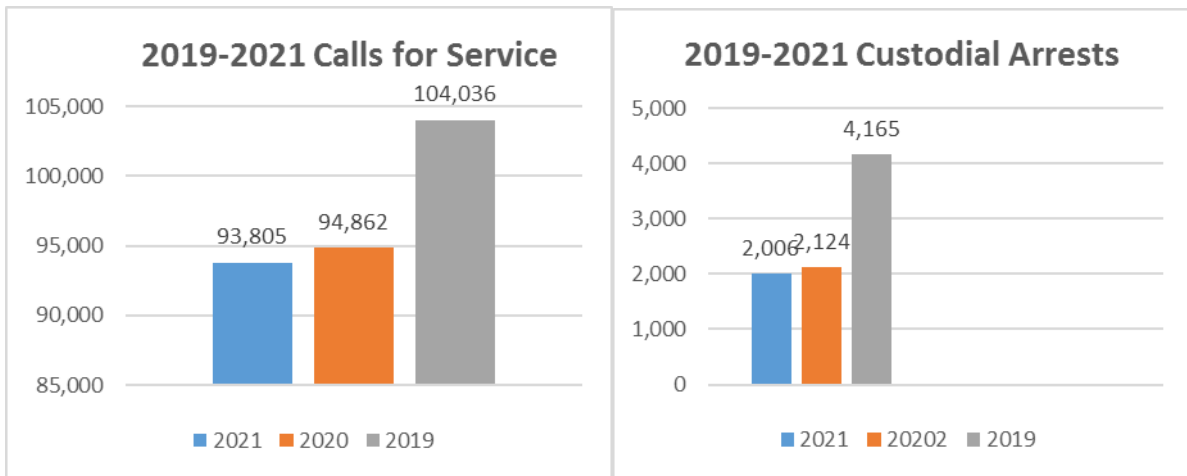
	2018	2019	2020	2021
Use of Force Incidents	161	174	166	176
Use of Force with E.P.	30	31	56	42

The charts above illustrate the call types which most frequently necessitated the application of force by officers. These calls for service frequently involve unstable and/or violent encounters. Calls involving assaults and disorderly subjects were among the highest call type that required a Use Of Force (UOF) by the officer. These calls for service, by their nature, frequently generate a higher incidence of uses of force due to the unstable nature of the individuals involved. In addition to the incidents listed above there were three use of force incidents which did not result in any criminal charges or the completion of an emergency petition. Two of these incidents involved the same individual and for the same situation. The individual was experiencing a medical episode. Officers were required to use a minimal amount of force to allow EMS personnel to begin treatment on the individual. A third incident involved a different individual who was experienced an accidental overdose. In this situation a minimal amount of force was required again to allow EMS personnel to begin required medical treatment of the individual. Due to the totality of the circumstances, Officers deemed it appropriate that no criminal charges or emergency petition were required in each of these three (3) incidents.

All of the above call types require enhanced safety protocols by officers to ensure the safety of the individual, general public and themselves. Historically, calls for emergency petitions are the highest call types for UOF and that trend continued in 2021. Assaults, domestic disputes and wanted subjects (warrants) types typically involve persons who are either in an active confrontation/agitated state upon contact by officers or who seek to evade contact/apprehension by officers. Similar to the Emergency Petitions are calls involving the use/possession of Controlled Dangerous Substances. These individuals are under the influence of various types of substances,

which impairs their ability to think/act rationally, requiring enhanced safety protocols on the part of officers.

The City of Frederick is home to several community organizations that focus on providing mental health services to the citizens of Frederick. The most prominent of these organizations is the Way Station Inc. The Way Station Inc. provides both in-patient and outpatient services for persons within the City of Frederick. Many individuals travel to the City of Frederick to receive treatment offered by the Way Station. Additionally the Way Station offers a program known as the Assertive Community Treatment (ACT), where individuals with severe mental illness/conditions are provided assistance. The Way Station works in partnership with the Frederick Police Department on a daily basis to provide these services. The proliferation of mental health services, and persons seeking those services, within the City of Frederick serves to account for the annually higher numbers of Emergency Petitions.



2021 showed a decrease in calls for service by 1.1%

Custodial Arrests decreased by 5.6% in 2020

Custodial Arrest Breakdown 2019-2021

	White Non-Hispanic		Black Non-Hispanic		Hispanic/Latino Any Race		Other		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
2021	630	233	693	155	221	50	18	6	2,006
2020	694	308	677	149	213	51	26	6	2,124
2019	1334	597	1391	337	394	78	27	7	4,165

The charts above reflect the breakdown of custodial arrests made by the Frederick Police Department as well as the breakdown of persons against whom force was used. An important note to consider regarding the number of custodial arrests in 2021 is the impact of COVID-19. The COVID-19 pandemic, which spanned a large portion of 2021, necessitated a shift in enforcement activities to primarily reactive. This was done to limit potential exposures to both officers and

civilians. Additionally COVID-19 affected the ability of the Frederick County Adult Detention Center to accept arrestees. Due to the confined environment of the Detention Center, the Frederick County Sheriff's Office and the District Court Commissioners tightened the admittance criteria, resulting in more individuals being charged via criminal summons/arrest warrant vs actual physical/custodial arrest and transport to the Detention Center. These restrictions by the Frederick County Adult Detention Center spanned all of 2021. The COVID restrictions were present for the majority of 2020 and the effects could still be seen in 2021, with a 5.6% decrease in custodial arrests.

In 2021, there were a total of 863 arrests of white/non-Hispanics (43%). There were a total of 848 arrests of black/non-Hispanic arrests (43%) and 271 arrest of Hispanic/Latino individuals (14%). By comparison, in 2020 there were 1,002 custodial arrests of white/non-Hispanics (47%), with 826 custodial arrests of black/non-Hispanics (39%) and 264 custodial arrests of Hispanic/Latinos (12%). In 2019 custodial arrests of whites/non-Hispanic persons accounted for 46%, custodial arrests for black non-Hispanics made up 44% and custodial arrests of Hispanics were 11% of the total number. Overall, the percentages of custodial arrests by race remained fairly consistent revealing no troubling trends. The largest fluctuations was a 4% decrease in custodial arrests of white/non-Hispanic individuals from 2021 to 2020. In relation to the sex of custodial arrests in 2021, there were 1,562 males arrested (78%) with 444 females arrested (22%). By comparison, in 2020, there were 1,610 males arrested (76%) and a total of 514 females arrested (24%). In 2019, males made up 75% of persons arrested and females accounted for 24% of those arrested. Consistent with overall custodial arrests, there was a decrease of 48 males arrested in 2021 with a decrease of 70 females arrested in 2021. The overall percentages by sex remained consistent with previous years. This leads one to conclude that no troubling trends regarding the sex of custodial arrests developed in 2021.

During the course of the custodial arrests of the 2,006 persons in 2021, force was used on one hundred fifty three (153) persons. This equates to force being used overall in only 7.6% of all persons during the course of a custodial arrest. The percentage was consistent across all demographic categories of arrestees, which reflects the Department's commitment to de-escalation and utilizing the lowest levels of force to gain compliance.

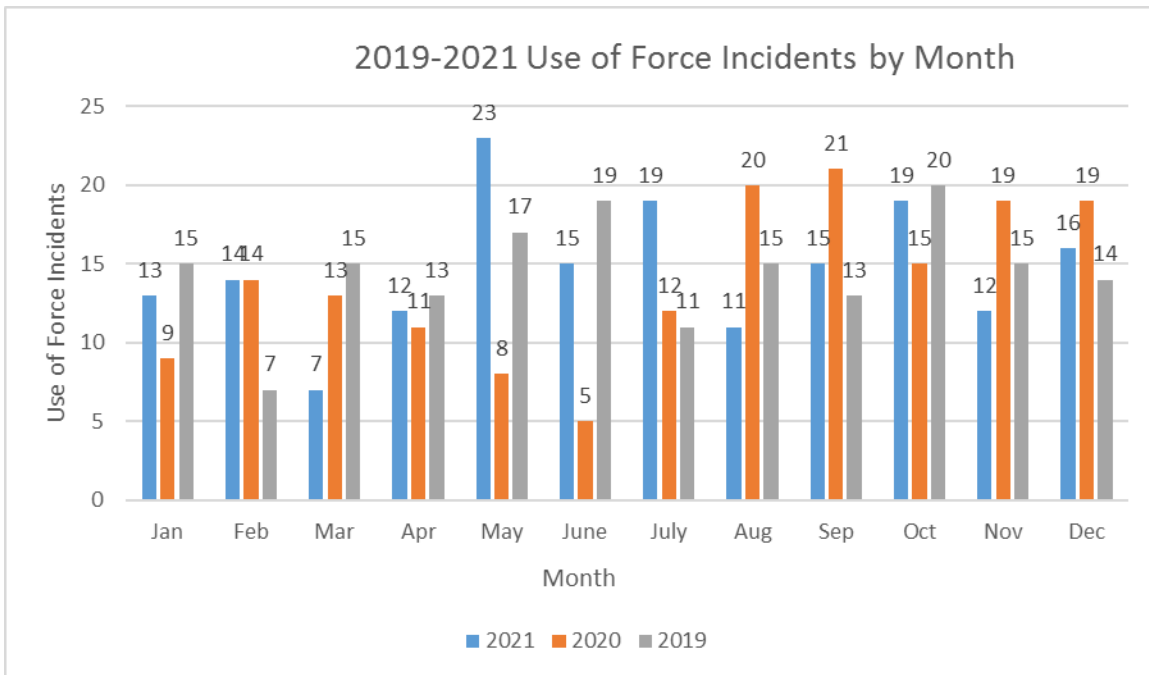
Persons against whom force was used Breakdown by Race/Ethnicity/Sex

	White Non-Hispanic		Black Non-Hispanic		Asian Non-Hispanic		Hispanic/Latino Any Race		Unknown		Total
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	
2021	54	31	70	21	1	0	16	5	0	0	198
2020	55	21	68	14	2	2	14	6	1	0	183
2019	64	21	77	10	18	2	0	0	0	0	192

In 2020, there were a total of 140 uses of force on males and 40 uses of force on females. In 2021, the number of uses of force on males increased by 1 to 141 while the uses of force on females increased to 57. Although there is some variation within the numbers, there was no drastic variations between the years given the overall decline in both calls for service and custodial arrests. An analysis of this data shows no troubling trends based on any particular characteristic of race, sex, or ethnicity for 2021.

When examining data related to the race of persons against whom force was used, and comparing them to the arrest statistics, overall percentages have remained fairly consistent for the past three years. Across the three year period on average, White Non-Hispanic persons accounted for 46% of the overall arrests and 43% of all individuals subjected to force. Black Non-Hispanic persons made up 41% of all persons arrested and 45% of all individuals subjected to force. Hispanic/Latino persons made up 12% of total persons arrested and 7% of all individuals subjected to force. For purposes of this comparison, the demographics of Asian/Non-Hispanic and Others were combined. These demographics demographic accounted for 1% of arrested persons and 5% of persons against whom force was used.

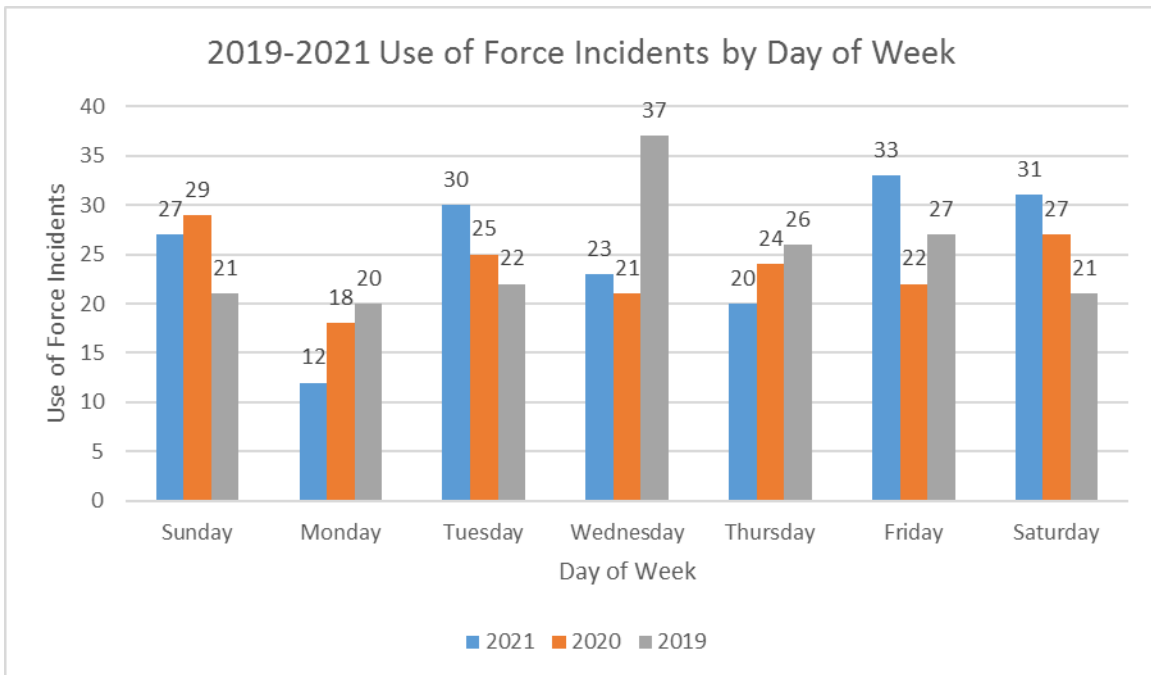
Comparison of Use of Force by Month



Traditionally summer months have incurred the higher number of use of force incidents as was evident in 2019. There was a noticeable difference in this data for 2020. In 2020, uses of force in the summer months were among the lowest for that year. This variance in 2020 can be attributed to high positivity rates of COVID-19 during the 2020 summer months. Coinciding with the high positivity rates came imposed occupancy/gathering restrictions, which hindered travel and outings

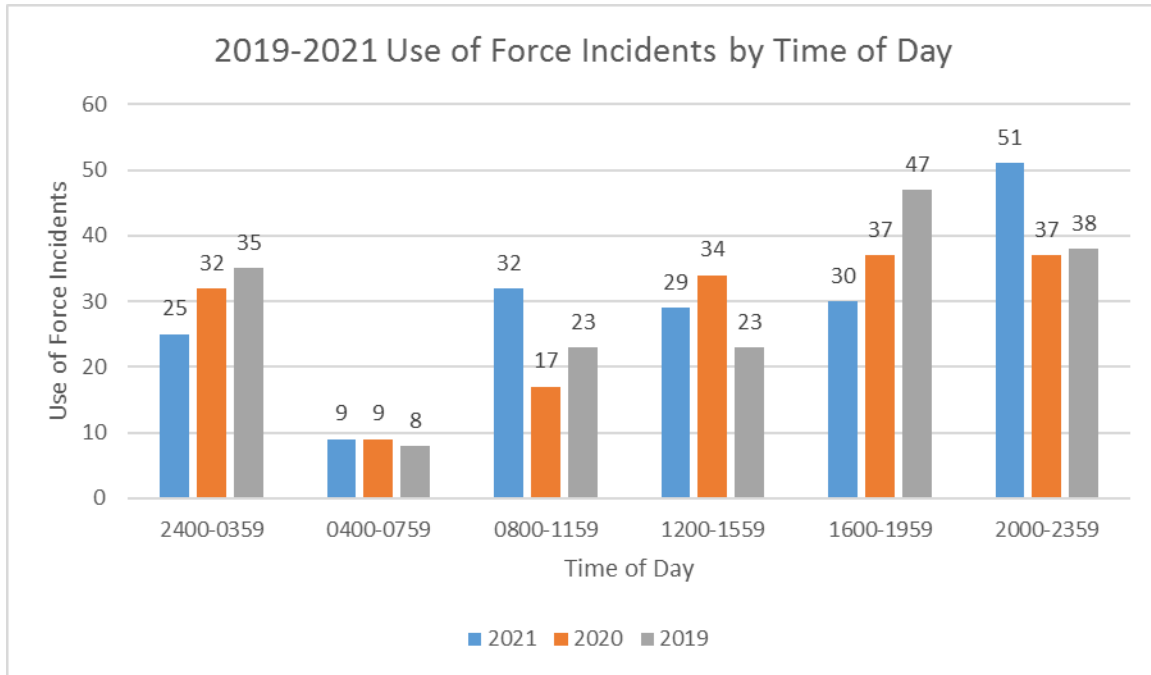
for many people. This could explain the reason for the wide variance during the months of May and June. The other months displayed normal variations but no noticeable trends. With the removal of various COVID restrictions on the prior year’s occupancy/gathering restrictions, the numbers for 2021 resumed the tradition of higher number of use of force incidents in the summer/warmer months, as more people engaged in gatherings and activities once again.

Comparison of Use of Force by Day of Week



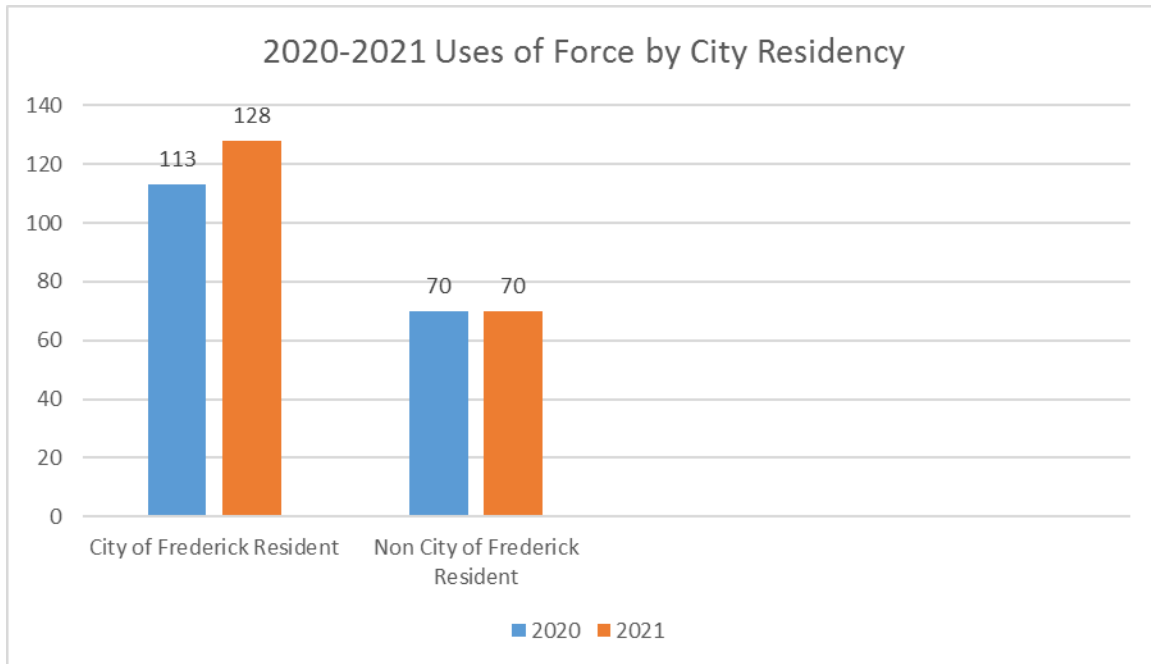
The above chart depicts the use of force incident comparisons among days of the week between 2019, 2020 and 2021. There were no noticeable trends among the days of the week, with mostly normal numerical variations. The only noticeable difference between the yearly data is the increase in use of force incidents on Wednesdays during 2020. This appears to be an anomaly, as there are no events/occurrences specific to Wednesdays that would lead to such an increase. In 2021 the numbers demonstrated no significant anomalies, with an increase in use of force incidents on the weekends. This would be consistent with the removal of various 2020 COVID restrictions and increase in extra-curricular activities during those days.

Comparison of Use of Force by Time of Day



The above chart shows the time of day comparison between 2019 and 2021 in reference to use of force incidents. Historically the majority of the use of force incidents occur in the later evening hours, which remained consistent among the three years. This is usually the time when individuals are leaving work and attending various events/gatherings. The increased interactions have the potential to lead to more disputes that may require police intervention. The numbers in 2021 followed that same pattern and no major variations were found amongst the data.

Comparison of Use of Force by City Resident vs Non-City Resident



The above chart illustrates the comparison of use of force by City of Frederick residents versus non-City of Frederick residents between 2020 and 2021. There was no major variation in the numbers between the two years with only a slight increase in use of force incidents on City residents. That is explained by the increase in overall use of force incidents in 2021. It should be noted that this data field began being captured in 2020, which results in an only 2 year comparison of data.

Comparison of Uses of Force 2018 - 2021

Level of Force Used	Number of Uses			
	2018	2019	2020	2021
Point CEW	3	11	12	14
Deploy CEW	5	5	4	10
Point Firearm	66	53	60	104
Discharge Firearm	0	0	0	0
Canine Release/Apprehension	1	6	9	3
Baton-Use or Control	8	7	6	10
OC Spray	6	18	9	13
Weaponless (Empty/Light Hand Control, Active Countermeasures)	363	371	459	401
Total Force Applications	452	471	559	555

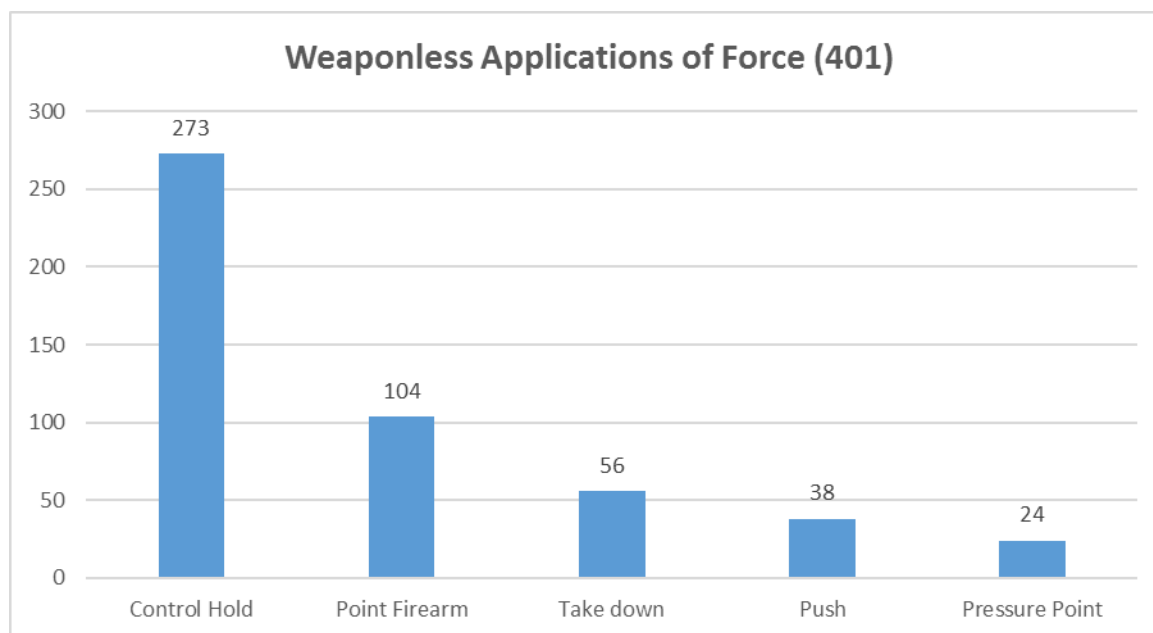
In 2020 and 2021 the Frederick Police Department (FPD) increased the pointing of a CEW from from twelve to fourteen. The actual deployment of CEW increased by 6 to 10 in 2021. The department also saw an increase in the pointing of a firearm in 2021.

Weaponless uses of force continue to be the most common uses of force administered. In 2021 weaponless uses of force accounted for 72% of the total uses of force. A more in depth review of the types of weaponless uses of force shows that FPD officers are consistently using the lowest level of force to gain compliance.

A comparison between the uses of force for 2020 and 2021, revealed only two areas where a noticeable difference was present. The first area was an increase in the deployment of CEW from 4 (2020) up to 10 (2021). CEWs have proven to be an effective less lethal use of force technique. Consistent with the Department's emphasis on quickly and safely resolving use of force incidents, the deployment of a CEW can serve to bring a quick and safe resolution to combative encounters.

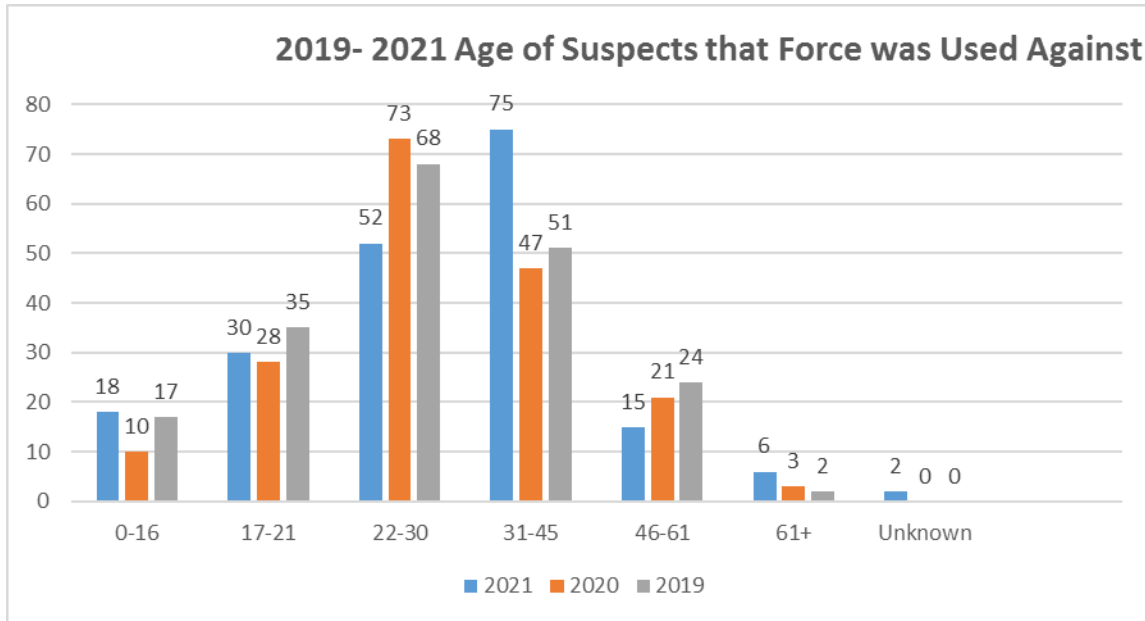
The pointing of firearms (POF) by FPD officers increased dramatically by 44 in 2021, with a total of 104. The increase can be explained in large part through one call for service. There was a complaint of shots fired and officers quickly located the vehicle as it was leaving. There were 4 occupants in the suspect vehicle and 7 officers on the traffic stop. Due to the nature of the call for service and the possibility of armed individuals inside, officers engaged in a total of 28 applications of pointing firearms in this scenario (each officer utilized their firearm on the vehicle, which contained 4 occupants). All subjects complied and no further use of force was required beyond the pointing of the firearms at the occupants by the officers. This one call, due to its unique nature, accounted for 27% of the total applications for pointing of firearms. There was another call for service that involved an assault with a firearm. 5 officers encountered the 1 subject, which led to a total of 5 applications of pointing of firearms. Another call which can explain the increase involved an emergency petition with a subject who possessed a loaded firearm. There were a total of 6 officers on scene, which led to a total of 6 applications involving pointing of firearms. Lastly, there was a warrant service where 3 officers encountered 5 subjects who were possibly armed. This led to a total of 5 applications of pointing of firearms (1 officer encountered 3 subjects while each of the remaining officers encountered 1 subject each). This led to an additional 5 applications of pointing of firearms. These 4 calls for service account for 44 total applications of force via pointing of firearms. These 4 calls for service accounted for 42.3% of the total pointing of firearms applications in 2021. It should be noted that all these incidents were resolved without further use of force or serious injury.

Overall, the comparison between 2020 and 2021 indicate no troubling trends. The Frederick Police Department continues its focus on de-escalation. Additionally, FPD incorporated training relevant to the utilization of other use of force resources assisted in keeping the majority of the uses of force on the lower level of the continuum.



The most common weaponless Use of Force application in 2021 was a control hold, which accounted for 68.1% of all application types.

This low level of force was commonly used to control combative subjects, and/or those who refused to be handcuffed for arrest or detention.



In examining the age data on Use of Force between 2019 and 2021 there doesn't appear to be any troubling trends. The age range remained consistent with that of previous years. Additionally the age range where the highest use of force is likely to occur (22-30) is consistent with the age range of offenders in some of the call types, which may require a use of force (i.e. assault, disorderly, etc.). It should be noted that in 2021 there were two instances where force was employed on two individuals who fled before they could be apprehended. One instance involved a complaint of an individual with a possible gun. The officer located the subject who had an unknown object in his hand. The officer pointed their firearm at the subject, who fled on foot and was not apprehended. The second instance involved a confirmed active shooter incident where an unknown white male entered the building while the building was being cleared. The individual was instructed to leave. After the building was finished being cleared, the subject was found to have left the area before being identified.

Body Worn Camera Review

Beginning in 2018, the Frederick Police Department (FPD) tracked when Body Worn Camera (BWC) video was captured during use of force incidents. FPD expanded its body worn camera program in August of 2020, which included outfitting every uniformed officer in the Patrol division at the rank of Sergeant and below. Video was recorded in 55% of the Department's Use of Force (UOF)

incidents in 2020, which is an increase in the 29% from 2019. However, it should be noted, this number only indicates that a BWC was present at the scene, and may or may not have captured the actual UOF by the officer, as well as suspect behaviors. With the outfitting of all uniformed officers in the Patrol Division during the latter half of 2020, the number of incidents in which body worn cameras increased dramatically in 2021 as expected. In 2021 a BWC was present in 96% of all use of force incidents. The use of force incidents that did not have a BWC present involved plain clothes units during the performance of their duties (these units could include the Drug Enforcement Unit, Street Crimes Unit, Detectives, etc.).

BWC footage is reviewed by the supervisor and chain of command as part of the review process of the required use of force report. Reviews of the footage uncovered no troubling trends or issues. The video information was forwarded to the Department's defensive tactics instructors for possible incorporation / use in future trainings. An important factor to consider is that the Frederick Police Department secured grant funding toward the end of 2020 for more body worn cameras. These additional purchases will outfit the Frederick Police Department's Outreach Unit, as well as other uniformed personnel assigned to divisions outside of the Patrol Division.

Use of Force Complaints

In 2021, the Frederick Police Department received 9 excessive / inappropriate Use of Force (UOF) complaints. This number was up from a total of 0 excessive/inappropriate Use of Force (UOF) complaints that were received in 2020. Of these nine (9) complaints of excessive/inappropriate force, three (3) of these investigations are still active. Six (6) of these complaints were closed with findings of either not sustained, withdrawn, unfounded, administratively closed or closed at intake with no violation. All Use of Force incidents continue to be evaluated for their accordance with applicable laws and policies, regardless of any complaints regarding the force utilized.

Training/ De-escalation

In 2021, the Frederick Police Department resumed in person training for annual in service training. Due to COVID restrictions in 2020, most in person training was suspended and was converted to virtual/online training. During 2021, Frederick Police Department officers received one (1) hour of de-escalation training and 4 hours of defensive tactics training during their annual in-service training. Additionally there were 2 additional days of de-escalation training in late 2021 for sworn officers. Each CEW officer received 8 hours of annual in service training specifically related to CEW in 2021. Consistent with the Frederick Police Department's dedication to training and policy reinforcement, the use of force of policy is disseminated electronically to all Department members annually and must be reviewed/signed off by all officers.

FPD has committed itself to the implementation and utilization of various de-escalation techniques. The goal of de-escalation techniques is to obtain voluntary compliance from citizens without having to resort to use of force techniques. These de-escalation techniques are employed upon arrival to

the scene and contact with individuals. De-escalation training has been incorporated into all levels of FPD training (both entry level and annual in-service). FPD divides its de-escalation techniques into both: pre and post use of force incidents. Some common pre incident de-escalation techniques include, but are not limited to: tactical use of cover, mobilization of additional resources and use of verbal communication strategies. Examples of post incident de-escalation techniques include, but are not limited to: placement of individuals into the recovery position, establishing a positive rapport/line of communication and application of any necessary medical treatment.

Commensurate with the emphasis on de-escalation techniques is the practice of having sufficient officers on scene before engaging with citizens where force is likely to be used. It has been shown that the presence of multiple officers on scene can be a use of force deterrent and eliminate resistance from individuals. A result of having more officers on scene could be an increase in lower levels of use of force along with an increase in the applications of force, as is evident from the data.

Summary

A review of the Frederick Police Department's 2021 Use of Force data uncovers no troubling trends or issues. All numbers between 2021 and 2020 were fairly consistent, with the justified exceptions noted above. Officers have continued to do an excellent job complying with the required use of force reporting procedures and following Department guidelines, training and policies and procedures regarding application of use of force techniques. The increase in the types of use of force data now being captured will position the Department and the Training Unit to be able to identify areas to focus future use of force and defensive tactics trainings in the academy and during in-service and roll call. The inclusion of this data has already produced beneficial results, with the increased utilization of weaponless techniques to ensure safe compliance.

Complaints and Internal Investigations

The Frederick Police Department received or generated 77 complaints involving its employees in 2021. See Table below.

“Complaint” refers to any report, allegation, accusation or statement in which an individual describes a problem or dissatisfaction with the behavior or performance of any departmental employee or departmental policy/procedure. It does not automatically indicate the alleged activity actually occurred.

- Complaint Category 1 is an expression of dissatisfaction or concern by a citizen that does not involve any violations of laws, ordinances, or general orders, and lends itself to *direct and immediate* resolution by the supervisor/command officer who speaks to the citizen.
- Complaint Categories 2A and 3A are formal investigations to find facts that can either prove or disprove the alleged minor violations.
- Complaint Categories 2B and 3B are minor violations considered performance issues. They are non-disciplinary in nature, and are addressed by counseling, remedial training, or both.
- Complaint Category 4 is a formal investigation of more serious allegations, or allegations requiring an investigation that is more extensive.
- Complaint Category 5 is a complaint from a source outside the Department concerning its current use of a particular, specific departmental policy, practice or procedure. A Category Five Complaint will be handled by an individual designated by the Office of the Chief.
- Each complaint may involve more than one alleged violation of rules, so the number of allegations is higher than the number of total complaints.

2021 Complaints Received by Category

Complaint Category	Total
1 (No Violation)	24
2A (Citizen Generated—Formal Investigation)	3
2B (Citizen Generated—Performance Issue)	9
3A (Department Initiated— Formal Investigation)	4
3B (Department Initiated—Performance Issue)	14
4 (Potentially Serious Complaints)	23
5 (Organizational Complaints)	0
Total Complaints in all Categories:	77

2021 Most Common Allegations

(Please note some complaints involve multiple allegations)

Alleged Violation	2021
Laws & Directives	26
Lack of Civility & Respect	22
Unprofessional / Unbecoming Conduct	11
Excessive/Inappropriate Force	9
Attention to Duty	5

At-Fault Motor Vehicle Accidents

The total of number of at-fault collisions, which resulted in an internal investigation for 2021, is 4, which is a decrease from last year's total of 13. The vast majority of the at-fault accidents in 2021 resulted in superficial or minor damage to the involved vehicles. There was a decrease in both calls for service and proactive calls for service in 2021, which may have contributed to the decrease in at-fault motor vehicle accidents. For a detailed breakdown, refer to the Training Division's 2021 Departmental Motor Vehicle Collision Analysis.

Excessive / Inappropriate Force

In 2021, The Frederick Police Department received 9 excessive/inappropriate Use of Force (UOF) complaints. This was up from 0 in 2020. The increase in use of force can be attributed to a variety of factors, to include the large media and public focus on police use of force in 2021. This led, in part, to the passing of legislation aimed at codifying the response to complaints statewide and establishing civilian oversight boards. The large focus on police use of force policies and the issue of due process/internal investigations involving police officers could have the ancillary effect of more citizens utilizing the established complaint process. This increased focus on police policies and reforms could explain the increase in other categories below as well.

Lack of Civility and Respect / Unbecoming Conduct

Complaints of lack of civility and unbecoming conduct sometimes go hand in hand. However, “civility and respect” is generally applied to conduct when a complainant feels that an officer was terse, unfriendly, or rude. Sometimes, citizens allege incivility when the officer merely provides unwelcome information that the complainant disagrees with. Unbecoming conduct is generally an unacceptable behavior that, if true, has the potential to have a negative effect on the agency’s reputation. For 2021, the Frederick Police Department had twenty-two (22) allegations involving civility and respect which is higher than the 12 in 2020. Keep in mind the classification of lack of civility is up to the shift supervisor or PSD whom investigates the allegation. Depending on the situation, the classification may change to unbecoming conduct, laws and directives, etc.

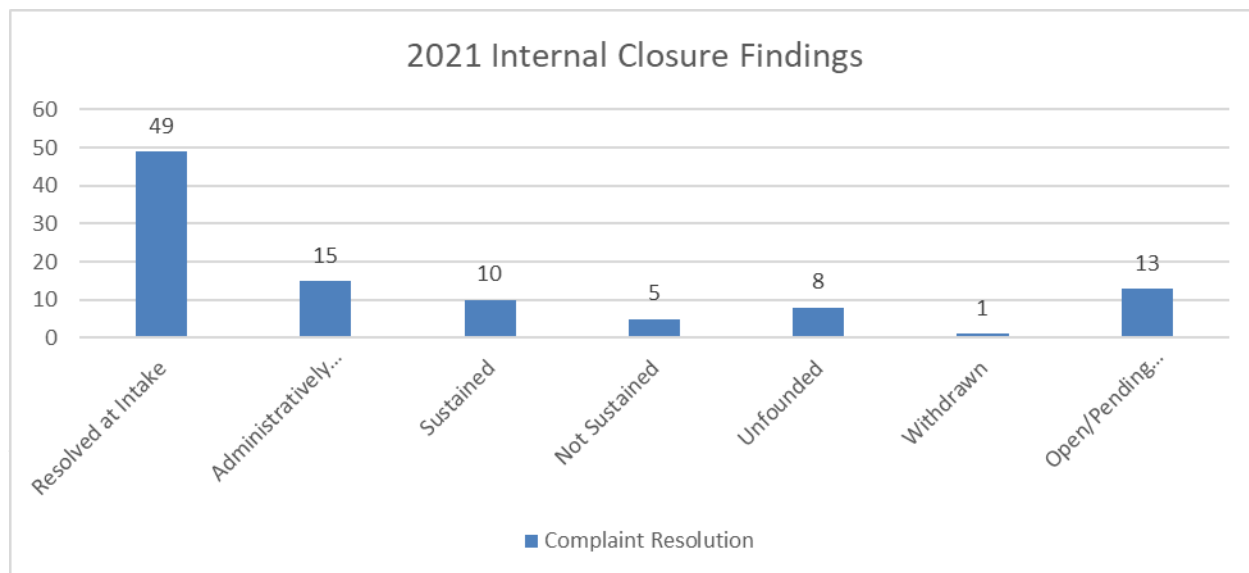
Laws and Directives

An officer accused of a laws and directives violation may have been accused of a wide range of misconduct, such as a crime, civil offense, or traffic violation; disobeying an order; disregarding an assigned call for service from a dispatcher; or not reporting a potentially serious violation by another employee. In 2021, the Frederick Police Department received 26 complaints, which was up from 17 in 2020. An examination of the various violations involving Laws and Directives in 2020 revealed a wide variety of laws/directives violated. The most commonly violated law/directive was General Order 1650 (Standards of Employee Conduct). This General Order is the most comprehensive policy governing officers’ actions/behaviors and contains over 50 sections regarding performance/behavior standards. There were no more than two (2) violations of any section regarding this general order by all officers in 2021. This General Order is sent out for review via PowerDMS to all employees annually. With the lack of violations in a particular category and the annual review mandated to all employees, there does not appear to be a need for specialized retraining in reference to laws and directives violations at this point.

Bias Based Complaints

Bias based complaints generally revolve around complaints where an individual feels specifically and unjustly targeted due to a particular characteristic/trait. These traits cans vary but can

include such things as one's race, gender, sexual orientation, religion, etc. The Frederick Police Department received one (1) bias based complaint in 2021, which was up from 0 in 2020. This complaint was received via a voicemail. The complainant was identified, but the complainant would not cooperate beyond the initial complaint. The incident was identified, and a review of the incident revealed no violation of policy and/or law.



of the Public Safety Article. Please note that these closure findings apply to each charge against an officer in an investigation. An officer could have been charged with several violations in one internal, which would result in the number of complaint resolutions being higher than the actual number of complaints received.

Summary

- In 2021, the Frederick Police Department received 77 complaints, compared to 63 in 2020.
- The majority of all complaints received were resolved at intake, either by the first line supervisor, Division Commander, or Internal Affairs (56%).
- In 2021, 34 of the 77 complaints (44.2%) were internally generated.
- The increase in complaints is most likely attributed to a variety of factors. There was an increase in Department generated complaints in 2021 (from 29 Department generated complaints in 2020, to 34 in 2021). As stated in the previous sections, the increased attention regarding police policies nationwide may have led to a better familiarization of policies, which would include the internal investigation process. With more familiarization with processes such as the internal investigation process, it can be expected that increased utilization of those processes would coincide.

- In 2021, FPD had a total of 93,805 calls for service. With a total of 77 complaints received in 2021, that equates to .082% of all police interactions resulting in a complaint.

Glossary

COMPLAINT FINDINGS (DISPOSITION): The official result of the Department's inquiry or investigation into a Complaint that will determine whether or not any administrative and/or disciplinary action will be considered.

- **EXONERATED:** The incident complained about did occur but was justified, legal, and proper.
- **NOT SUSTAINED:** There is not sufficient evidence to support the allegation(s).
- **SUSTAINED:** The allegation is supported by sufficient evidence or there is sufficient evidence to show misconduct not based on the original Complaint.
- **UNFOUNDED:** The investigation has determined no facts to support that the incident complained about actually occurred.
- **ADMINISTRATIVELY CLOSED:** The Department has deemed it inappropriate or unnecessary to proceed with further investigation or disciplinary proceedings.
- **RESOLVED AT INTAKE- No Violation.** The supervisor has determined that the matter complained about is not a violation of orders, ordinances, or laws
- **RESOLVED AT INTAKE- Performance closure.** The supervisor/command officer receiving the citizen Complaint/report of the incident has resolved the matter; informal counseling/supervisory direction was given to the employee at the time. The matter may be reflected in the employee's Performance Evaluation Report (by use of the Performance Action Form)

DEADLY FORCE: Physical force which, by its application, causes death or has a high probability of causing death or serious physical injury.

EXCESSIVE FORCE: Physical force that is grossly disproportionate to the actual or potential threat posed by an individual, and exceeds the amount of force that a reasonable, trained police officer would deem permissible to apply in a given situation. The application of excessive force either causes or may potentially cause injury to an individual.

FORCE: The amount of effort used by a police officer to gain compliance from a subject while acting in his official capacity, whether on or off duty. This definition includes both physical force and "constructive force" (presence, commands, pointing a firearm, etc.).

INAPPROPRIATE FORCE: A higher level of force than a reasonable, trained police officer would utilize or deem permissible to apply in a given situation using established departmental and/or judicially accepted standards.

INTERNAL INVESTIGATION: The administrative investigation of a Complaint by the Department.

APPROPRIATE FORCE: The amount of force which a reasonable, trained law enforcement officer would apply or determine to be permissible to apply in a given situation in order to obtain compliance from a resistant individual, using established departmental and/or judicially accepted standards. Appropriate Force must be commensurate with the actual or potential threat posed based upon the articulable facts of a given situation, in keeping with the policies and procedures of the Department, and recognized by the courts as reasonable.

ARREST (CUSTODIAL): Confinement or detention by police or government authorities during which a person is entitled to certain warnings as to his rights when questioned

COMPLAINT: Any report, allegation, accusation or statement in which an individual describes a problem or dissatisfaction with the behavior or performance of any departmental employee or departmental policy/procedure.

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DE-ESCALATION: Pre-Incident: Taking action or communicating during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat faced by the officer so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. Examples of pre-incident de-escalation actions include, but are not limited to: tactical use of cover, use of tactical verbal communication strategies, etc. Post-Incident: Taking action to communicate and professionally stabilize a situation after a use of force. Examples of post-incident de-escalation actions include, but are not limited to: placing the person on which force was used into a recovery position, maintaining an open airway, establishing a professional rapport, application of immediate life-saving first aid techniques when it is safe to do so, immediate summoning emergency medical personnel (if necessary), etc.

EMPTY-HAND CONTROL: Any weaponless control or technique performed with empty or open hands, such as control holds, joint locks and manipulation, pressure points, takedowns and the intentional moving (pushing) of an uncooperative person, as well as instinctive weaponless control techniques used to gain control of a resistant subject. **Empty-hand control does not include any strikes or active use of personal weapons (feet, fists, elbows, knees, etc.) or the mere application of handcuffs.**

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FORCE: The amount of effort used by a police officer to gain compliance from a subject while acting in his official capacity, whether on or off duty. This definition includes both physical force and "constructive force" (presence, commands, pointing a firearm, etc.).

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INTERNAL INVESTIGATION: The administrative investigation of a Complaint by the Department.

LIGHT-HANDED CONTROL: Any minimal physical hand contact used by an officer to guide, direct or steer an individual in a given direction.

NON-DEADLY FORCE: Physical force which, by its application, is not intended to cause and/or has a low probability of causing death or serious physical injury.

PASSIVE RESISTANCE: Physical actions which do not actively or dynamically oppose an officer's attempt to control a suspect. Actions such as remaining limp or simply refusing to act as instructed are passive resistance. Verbally indicating an intention to actively oppose an officer's attempts at control raises a suspect's resistance above purely passive.

SERIOUS PHYSICAL INJURY: An injury that causes major disfigurement, severe tissue damage, broken bones, internal organ injury, or permanent paralysis.