



City of Frederick
Frederick, Maryland

Frederick Police Department



Professional Services Division 2020 Annual Report

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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:

- 2020 Use of Force Statistics,
- 2020 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> .

In 2020, the Frederick Police Department also submitted the appropriate documentation to the Maryland Police Training and Standards Commission verifying its compliance with the Presidential Executive Order on Safe Policing for Safe Communities (Executive Order No. 13929, Section 2).

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, 166 use of force incidents met reporting requirements as mandated by General Order 705. The 166 reported incidents involved 559 applications of force techniques by officers. The 559 applications of force were applied to 183 individuals.

Table 1: 2020 Use of Force at a Glance

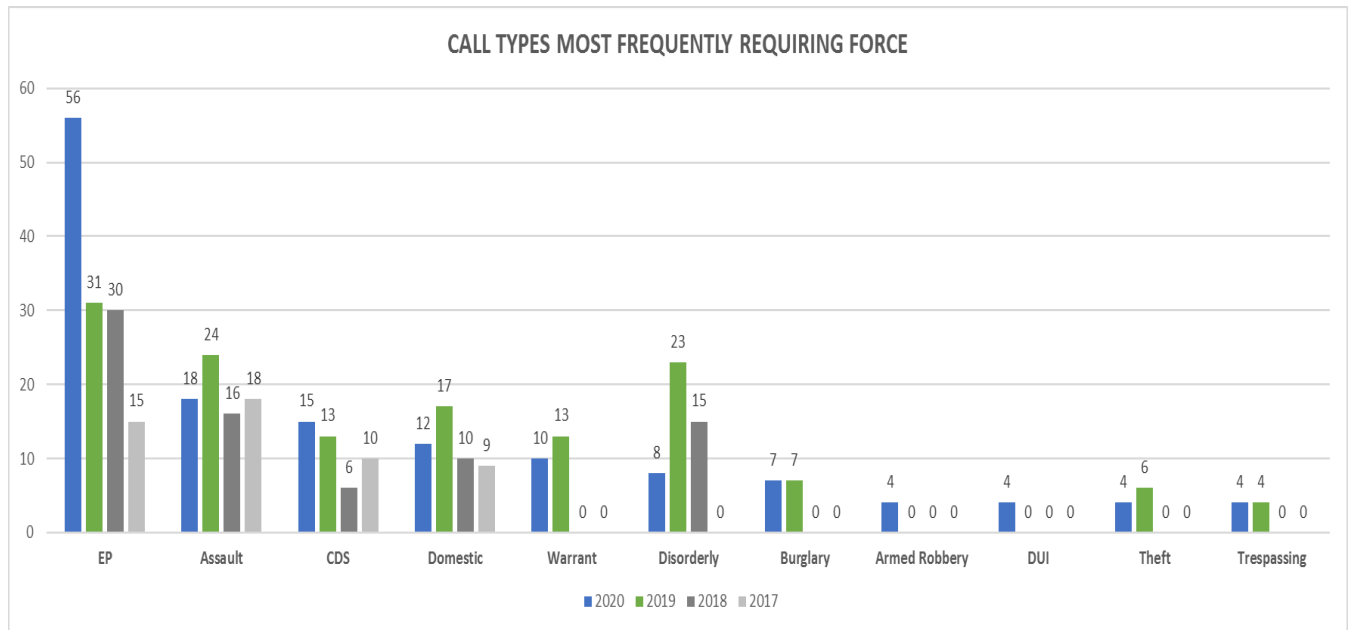
166	Use of Force Incidents
183	Persons subjected to Force
559	Applications of Force Techniques
2,124 ¹	Total Custodial Arrests
94,862 ²	Calls for Service

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.

¹ This figure does not include subjects arrested and released without charges or subjects taken into custody for an emergency psychological evaluation (E.P.).

² This reflects clean data after the elimination of duplicate calls for service or cancelled calls for service.



	2017	2018	2019	2020
Use of Force Incidents	144	161	174	166
Use of Force with E.P. ³	15	30	31	56

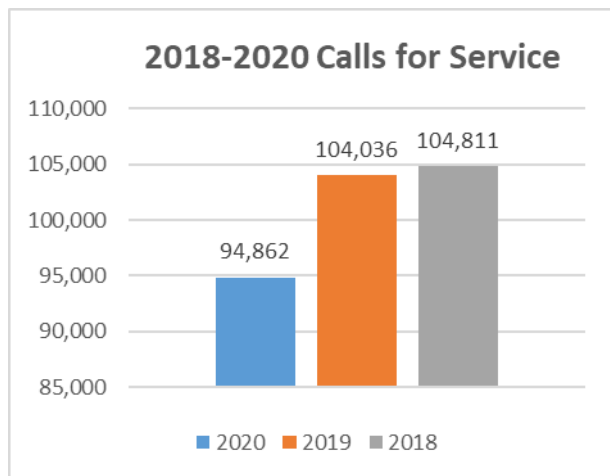
The charts above illustrate the call types which most frequently necessitated the application of force by officers. These calls for service frequently involve unstable and/or violent encounters. Calls involving assaults and disorderly subjects were among the highest call type that required a Use of Force (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, in 2020 there were 2 use of force incidents where no criminal charges were filed or emergency petition (E.P.) completed. One incident involved an out of control child at an elementary school that assaulted teachers. Force was used to gain compliance until guardians could arrive to defuse the situation. The second incident a subject who was being transported to the hospital. The subject began to assault Fire Department staff and control holds were utilized to prevent injury to EMS personnel. Due to the totality of the circumstances in both instances, no E.P. or charges were filed in either incident.

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 2020. 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 emergency petitions are calls involving the use/possession of controlled dangerous substances. These individuals are under the influence of various types of substances,

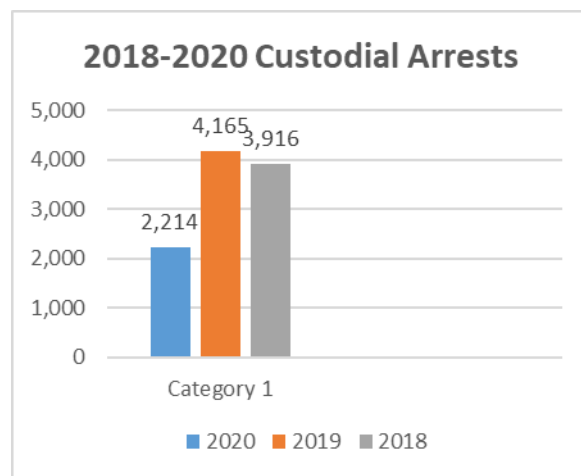
³ Petition for Emergency Evaluation, or Emergency Petition

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 Sheppard Pratt. Sheppard Pratt 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 Sheppard Pratt. Additionally, Sheppard Pratt offers a program known as the Assertive Community Treatment (ACT), where individuals with severe mental illness/conditions are provided assistance. Sheppard Pratt 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.



2020 showed a decrease in calls for service by 8.8%



Custodial Arrests decreased by 49% in 2020

Custodial Arrest Breakdown 2018-2020

	White Non-Hispanic		Black Non-Hispanic		Hispanic/Latino Any Race		Other		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
2020	694	308	677	149	213	51	26	6	2,124
2019	1334	597	1391	337	394	78	27	7	4,165
2018	1309	618	1212	361	289	88	25	14	3,916

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 2020 is the impact of COVID-19. The COVID-19 pandemic, which spanned the vast majority of 2020, 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. The impact of COVID-19 is very evident in the 49% decrease in overall custodial arrests between 2020 and 2019.

In 2020, there were a total of 1,002 arrests of white/non-Hispanics (47%). There were a total of 826 arrests of black/non-Hispanic arrests (39%) and 264 arrest of Hispanic/Latino individuals (12%). By comparison, in 2019 there were 1,931 custodial arrests of white/non-Hispanics (46%), with 1,728 custodial arrests of black/non-Hispanics (44%) and 472 custodial arrests of Hispanic/Latinos (11%). In 2018 custodial arrests of whites/non-Hispanic persons accounted for 49%, custodial arrests for black non-Hispanics made up 40% and custodial arrests of Hispanics were 10% of the total number. Overall, the percentages of custodial arrests by race remained fairly consistent revealing no troubling trends. The largest fluctuation was a 5% decrease in custodial arrests of black/non-Hispanic individuals from 2020 to 2019. In relation to the sex of custodial arrests in 2020, there were 1,610 males arrested (76%) with 514 females arrested (24%). By comparison, in 2019, there were 3,146 males arrested (75%) and a total of 1,019 females arrested (25%). In 2018, males made up 72% of persons arrested and females accounted for 27% of those arrested. Consistent with overall custodial arrests, there was a decrease of 1,536 males arrested in 2020 with a decrease of 505 females arrested in 2020. Although there was a drastic reduction in the overall arrest numbers in 2020, 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 2020.

During the course of the custodial arrests of the 2,124 persons in 2020, force was used on one hundred twenty five (125) persons. This equates to force being used overall in only 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.

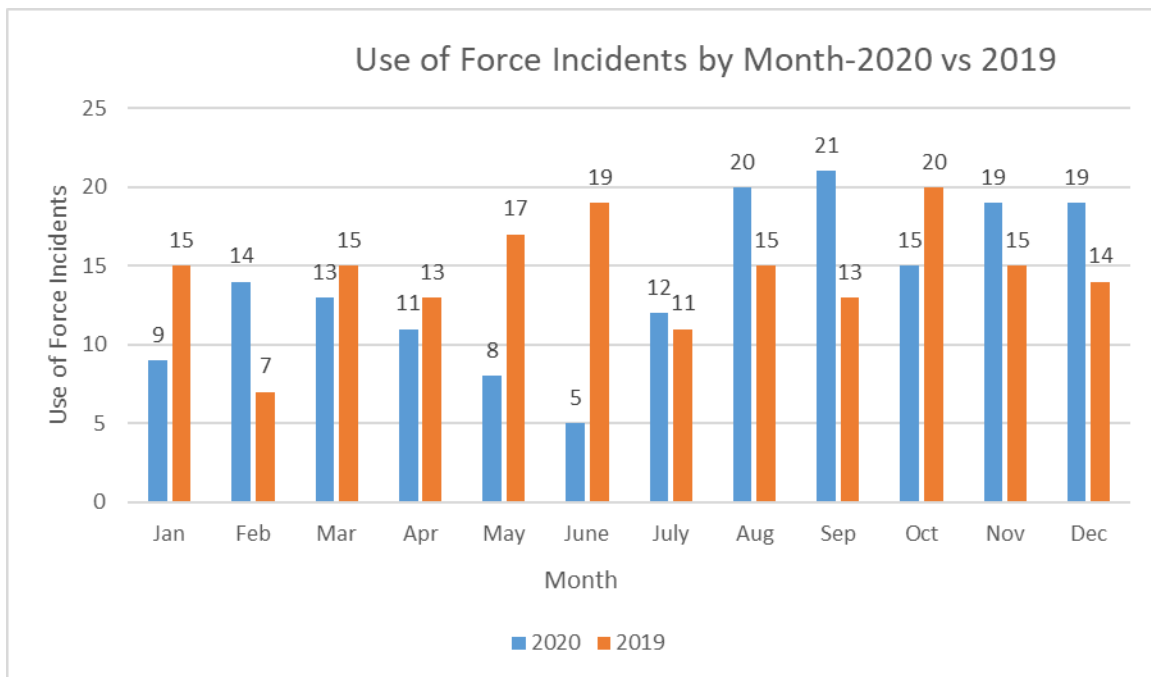
Persons Against Whom Force Was Used **Breakdown by Race/Ethnicity/Sex**

	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	
2020	55	21	68	14	2	2	14	6	1	0	183
2019	64	21	77	10	18	2	0	0	0	0	192
2018	52	17	71	14	0	0	15	5	0	1	175

In 2019, there were a total of 159 uses of force on males and 33 uses of force on females. In 2020, the number of uses of force on males decreased to 140 while the uses of force on females increased to 40. 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. Arrests involving male subjects (102) accounted for the majority uses of force during arrests in 2020 at 82% overall. An analysis of this data shows no troubling trends based on any particular characteristic of race, sex, or ethnicity for 2020.

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 48% of the overall arrests and 42% of these persons were subjected to force during arrest. Black Non-Hispanic persons made up 40% of all persons arrested and 46% of these persons were subjected to force during arrest. Hispanic/Latino persons made up 11% of total persons arrested and 7% had force applied during arrest. 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 4.7% of persons against whom force was used.

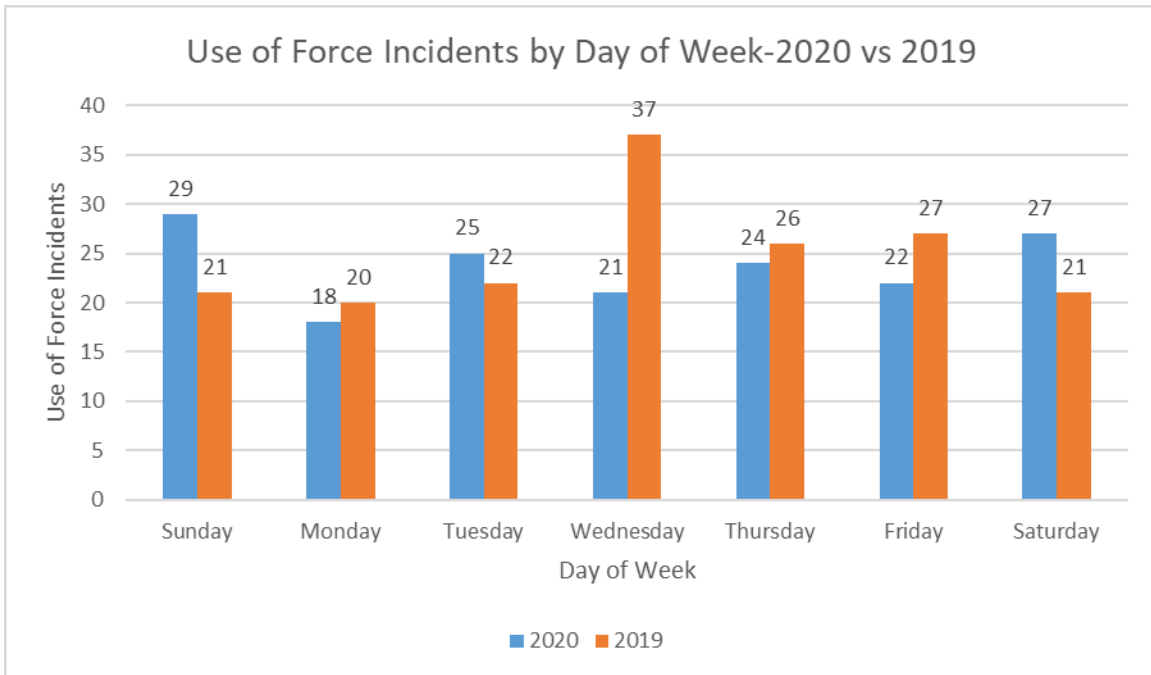
Comparison of Use of Force by Month



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

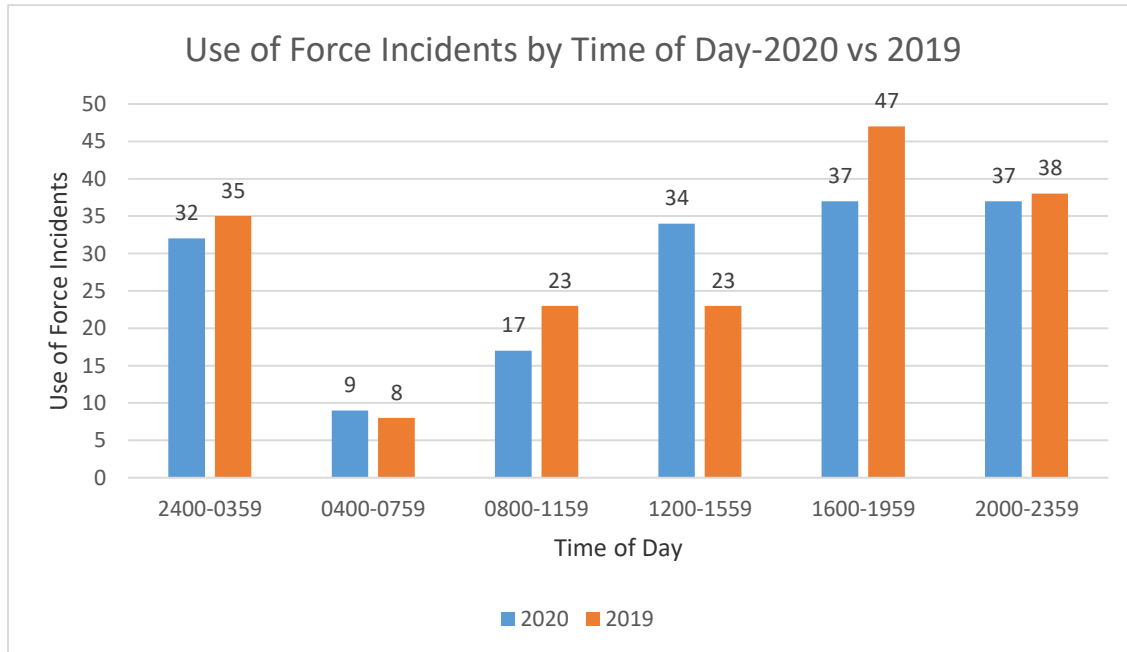
for many people. This could explain the reason for the wide variance during the months of May and June. The other months displayed normal variations but no noticeable trends.

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 and 2020. There were no noticeable trends among the days of the week between 2020 and 2019, with mostly normal numerical variations. The only noticeable difference between the yearly data is the increase in use of force incidents on Wednesdays. This appears to be an anomaly, as there are no events/occurrences specific to Wednesdays that would lead to such an increase.

Comparison of Use of Force by Time of Day



The above chart shows the time of day comparison between 2019 and 2020 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 two 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. There was a decrease in most areas for 2020, but the overall use of force incidents were lower as well.

Comparison of Uses of Force 2017 - 2020

Level of Force Used	Number of Uses			
	2017	2018	2019	2020
Point CEW	5	3	11	12
Deploy CEW	4	5	5	4
Point Firearm	97	66	53	60
Discharge Firearm	0	0	0	0
Canine Release/Apprehension	0	1	6	9
Baton-Use or Control	4	8	7	6
OC Spray	0	6	18	9
Weaponless (Empty/Light Hand Control, Active Countermeasures)	180	363	371	459
Total Force Applications	290 ⁴	452	471	559

⁴ Reporting software used to capture 2017 data only captured the highest level of force used

In 2019 and 2020, the Frederick Police Department (FPD) increased the pointing of a CEW (Taser) from eleven to twelve, however the actual deployment of CEW decreased by 1 to 4 in 2020. The department also saw an increase in the pointing of a firearm in 2020.

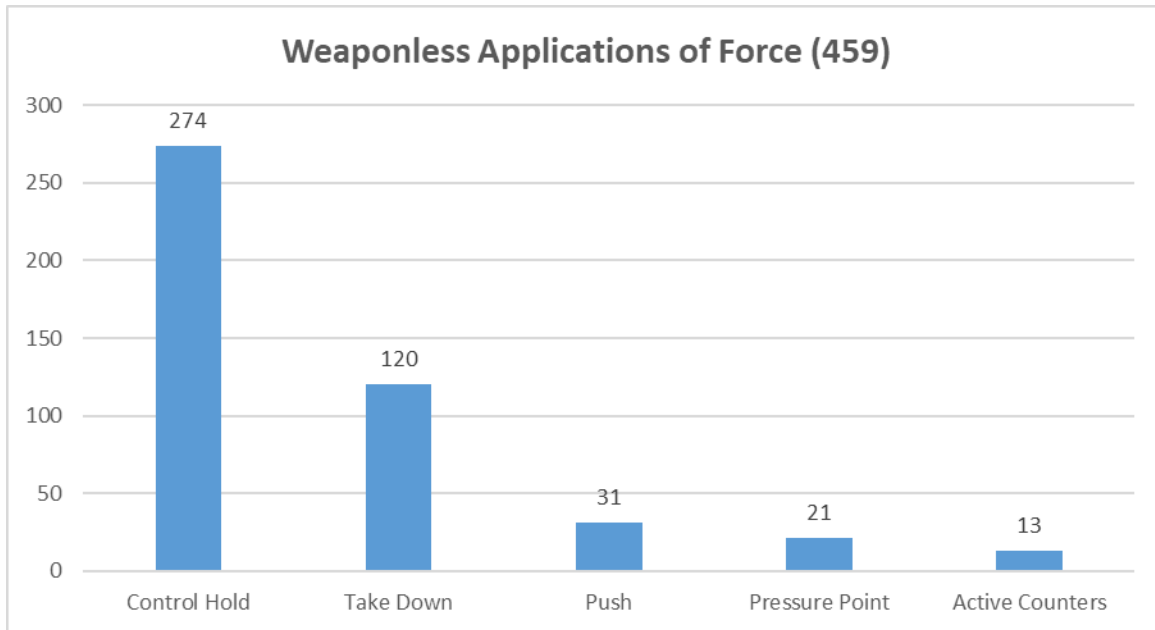
Weaponless uses of force continue to be the most common uses of force administered. In 2020 weaponless uses of force accounted for 82% of the total uses of force. A more in depth review of the types of weaponless uses of force shows that FPD officers are consistently using the lowest level of force to gain compliance.

A comparison between the uses of force for 2019 and 2020, revealed only three areas where a noticeable difference was present. The first area was an increase in the utilization of weaponless techniques from 371 (2019) up to 459 (2020). Weaponless techniques are among the lower tier use of force techniques employed by police. Consistent with the training offered by the Frederick Police Department, officers utilize the least amount of force necessary to gain compliance. In order to utilize the least amount of force, the presence of multiple officers using low levels of force is often employed. This tends to shorten the use of force incident and potentially deter higher levels of resistance due to the presence of multiple officers.

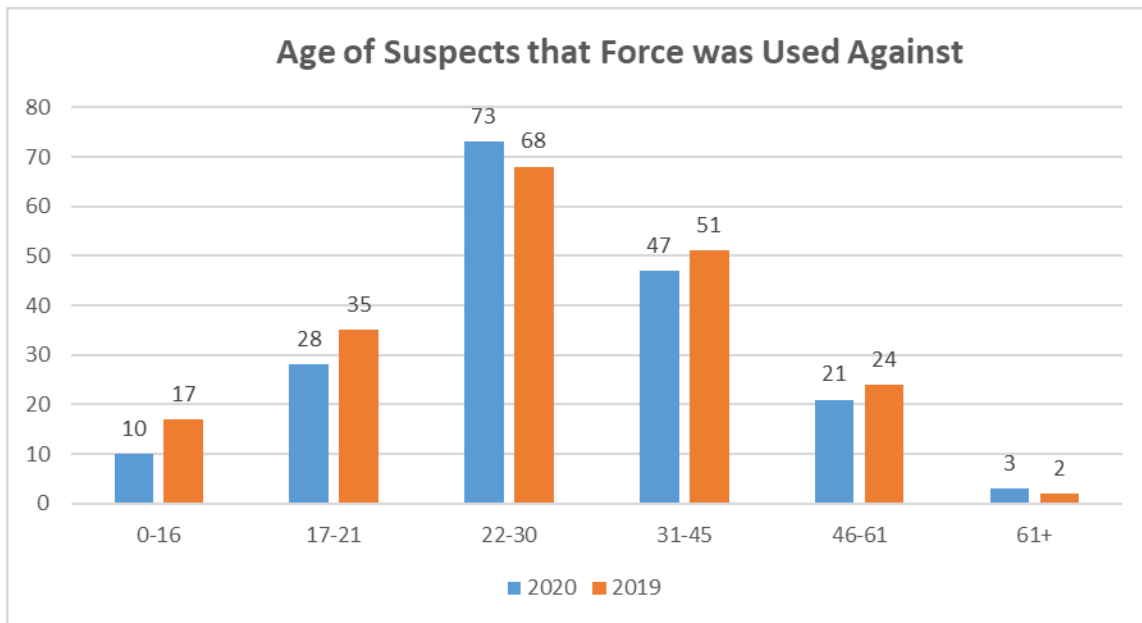
The use of OC Spray also decreased dramatically to 9 (2020), as opposed to 18 in 2019. This decrease can be largely attributed to the increase in utilization of weaponless use of force techniques in 2020. With the increase in weaponless techniques employed by officers, the necessity to employ use of force agents such as OC spray decreased. The effectiveness of multiple officers using weaponless techniques reduced the need for other compliance methods.

The pointing of firearms (POF) by FPD officers increased slightly by 7 in 2020, with a total of 60. The slight increase can mainly be attributed to 2 incidents that combined for a total of 10 of the 60 pointing of firearms (16%). The first incident was a road rage incident where a driver pointed a handgun at 2 motorcyclists. The second incident involved the stop of a vehicle that was just involved in a shooting in Frederick County. In order to ensure the safety of all, a felony stop was conducted on both vehicles when located. With the subtraction of these two large incidents, the number for 2019 and 2020 would be essentially identical.

Overall, the comparison between 2019 and 2020 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 2020 was a control hold, which accounted for 59.7% 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 2020 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.)

Use of Force Injury Analysis

Beginning in 2020, the Frederick Police Department (FPD) began capturing statistics regarding injuries sustained during use of force incidents. The injury statistics encompassed both injuries to officers and involved citizens. In 2020, there were 44 reported injuries to non-officer personnel during use of force incidents. Of these 44 subjects, 24 were treated and released at a local hospital, while 3 subjects were released to the custody of the Hospital for non-use of force related concerns. 2 of those 3 subjects were released to the custody of the hospital for an emergency petition while the remaining subject was released to the custody of the hospital due to extreme intoxication. 17 subjects were treated on scene by Emergency Medical Services personnel. All of the injuries to citizens from use of force incidents were minor in nature and did not require any extended medical treatment. The Frederick Police Department maintains a policy which stipulates that any individual in police custody that complains of injury will be provided medical treatment. Individuals who are to be transported to the Frederick County Adult Detention Center require what is known as a "hospital release". This requires that the individual receive a signed review from a Physician which indicates that the subject is in sufficient physical condition to be transported to the Frederick County Adult Detention Center without the risk of further injury. Due to COVID restrictions implemented by the Frederick County Adult Detention Center in 2020, the vast majority of arrestees would not be placed. This factor accounts for the number of individuals who were treated on scene by EMS.

There were a total of 35 reported injuries to officers who were involved in use of force incidents during 2020. Of these 35 injuries to officers, 15 were treated and released at a local medical facility (either Frederick Health Hospital or Frederick Health Employer Solutions). 6 of these officers were treated on scene by EMS and the other 14 officers refused any medical treatment. The Frederick Police Department maintains a policy where officers are required to report any potential injuries to their supervisors immediately. Often times, these injuries require to medical treatment and are only reported as a precaution. There were no injuries to officers in 2020 from a use of force incident that required any extended medical treatment.

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 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 will be present is expected to increase dramatically in 2021.

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 2020, the Frederick Police Department received 0 excessive / inappropriate Use of Force complaints. This number was down from a total of 6 excessive/inappropriate Use of Force complaints that were received in 2019. 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

COVID-19 has affected all levels of Frederick Police Department operation in 2020, commensurate with all forms of government operation nationwide. On March 13, 2020 the Mayor declared a state of emergency within the City of Frederick due to the COVID-19 Pandemic. Included in this order, and subsequent orders, was a reduction regarding in person meetings for all City of Frederick employees. This caused a modification in the Frederick Police Department's training scheduled. The Frederick Police Department gradually reinstated in person training as restrictions were lifted by the Mayor. In 2020, Frederick Police Department (FPD) officers received 8 hours of CEW Training and 4.5 hours of Firearms Training during in-service trainings. Included in the Firearms training was a review of the use of force policies for the Frederick Police Department. In addition to attending and completing the aforementioned training, Department Supervisors received an additional 1 hour of UOF training during Supervisor In-Service. 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.

The emphasis on de-escalation techniques could account for the decrease in certain categories of Use of Force (i.e. pointing of firearms) while other categories have increased (i.e. weaponless). 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 2020 Use of Force data uncovers no troubling trends or issues. All numbers between 2020 and 2019 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 63 complaints involving its employees in 2020. 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.

2020 Complaints Received by Category

Complaint Category	Total
1 (No Violation)	27
2A (Citizen Generated—Formal Investigation)	2
2B (Citizen Generated—Performance Issue)	2
3A (Department Initiated— Formal Investigation)	4
3B (Department Initiated—Performance Issue)	17
4 (Potentially Serious Complaints)	11
5 (Organizational Complaints)	0
Total Complaints in all Categories:	63

2020 Most Common Allegations

(Please note some complaints involve multiple allegations)

Alleged Violation	2020
Laws & Directives	17
At Fault Motor Vehicle Accidents	13
Lack of Civility & Respect	12
Unprofessional / Unbecoming Conduct	7
Attention to Duty/Work Performance	5

At-Fault Motor Vehicle Accidents

The total of number of at-fault collisions, which resulted in an internal investigation for 2020, is 13, which is a decrease from last year's total of 16. The vast majority of the at-fault accidents in 2020 resulted in superficial or minor damage to the involved vehicles. For a detailed breakdown, refer to the Training Division's 2020 Departmental Motor Vehicle Collision Analysis.

Excessive / Inappropriate Force

In 2020, The Frederick Police Department received zero excessive/inappropriate Use of Force (UOF) complaints. This was down from 6 in 2019. The decline in use of force can be attributed to a variety of factors, to include the Department's continued focus on de-escalation techniques. Perhaps the major factor in the decline of complaints surrounding use of force was the impact of the COVID-19 pandemic on police response. There was a decline in calls for service and a restriction on proactive personal contacts during the COVID-19 pandemic, which lasted for a significant portion of the calendar year. With the decline in those numbers, the chances for any any excessive/inappropriate force complaints appeared to decrease 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 2020, the Frederick Police Department had twelve (12) allegations involving civility and respect which is higher than the 7 in 2019. 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.

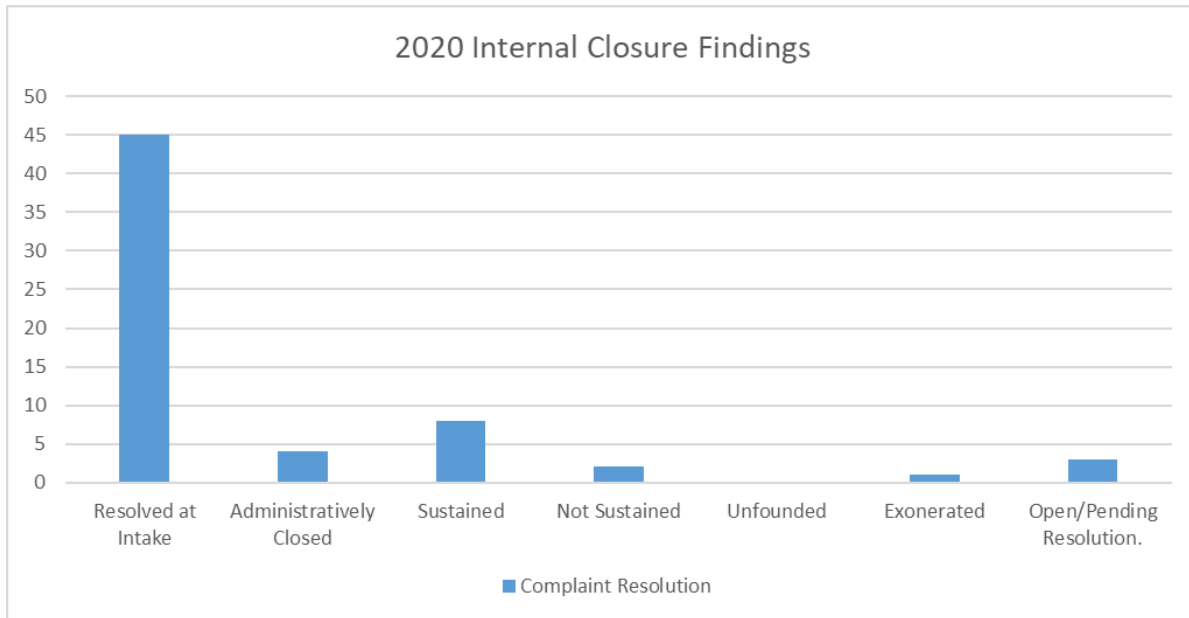
Laws and Directives

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 2020, the Frederick Police Department received 17 complaints, which was down one from 18 in 2019. 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 2020. 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 are one's race, gender, sexual orientation, religion, etc. The Frederick Police Department received zero bias based complaints in 2020, which was down from 2 in 2019.



The above chart shows the findings for the 63 complaints in 2020. As noted, three complaints are still open and being investigated, or pending a resolution. The standard of proof in internal investigations and administrative hearings is a “preponderance of the evidence.” This burden of proof is set by Title 3 of the Public Safety Article.

Summary

- In 2020, the Frederick Police Department received 63 complaints, compared to 76 in 2019.
- The majority of all complaints received were resolved at intake, either by the first line supervisor, Division Commander, or Internal Affairs (71%).
- In 2020, 34 of the 63 complaints (54%) were internally generated.
- The decrease in total complaints can be largely attributed to a decrease in proactive physical contacts made by the Frederick Police Department during periods of high COVID-19 outbreaks. These restrictions on proactive physical contacts were done out of an abundance of caution by the Frederick Police Department in an effort to minimize potential exposures to citizens and Officers. Additionally there were periods of restricted outdoor gatherings/activity that were mandated by state law. This reduced potential contacts between citizens and officers.

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.