



Tulsa Police Department Internal Affairs

Annual Report 2012



TULSA POLICE DEPARTMENT OFFICE OF THE CHIEF OF POLICE

The Tulsa Police Department is committed to upholding the public trust by conducting unbiased and thorough internal investigations of alleged employee misconduct, while ensuring all persons involved are treated with respect.

It is our desire that this Internal Affairs Annual Report will help the citizens of Tulsa better understand how the department handles citizen complaints, administrative investigations, and use of force issues up to and including deadly force situations.

This report will also provide some historic data from previous years for data comparison.

It is our mission to continue to work with the community, making Tulsa a safe place to live, work, and visit.

Sincerely,

A handwritten signature in black ink, appearing to be "C. J. [unclear]".

Chief of Police



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Tulsa Police Department Oath of Office

"Having been duly appointed a police officer of the City of Tulsa and peace officer of the State of Oklahoma, I do solemnly swear that I will defend, enforce, and obey the Constitution and laws of the United States, the State of Oklahoma, and the Charter and Ordinances of the City of Tulsa."

Tulsa Police Department Mission Statement

The Tulsa Police Department will apply all knowledge, skills, and available resources by working in partnership with our community to provide quality service, protect life and property, prevent crime, and resolve problems so people can live without fear in a safe environment.

Tulsa Police Department Internal Affairs Unit Mission Statement

The Tulsa Police Department's Internal Affairs Unit will uphold the public trust by performing unbiased, thorough investigations of alleged employee misconduct while seeking the truth, safeguarding the rights of employees and citizens, and ensuring that all persons involved are treated with respect.



2012 City of Tulsa Demographics



Tulsa Police Department¹

Employees:	878
Sworn:	781
Non-sworn:	97
Male:	79.51%
Female:	20.48%
Caucasian:	76.4%
African American:	10.4%
Hispanic/Latino:	2.5%
Native American:	9.2%
Asian:	1.4%
Two or more races:	0.1%

City of Tulsa²

Citizenship:	393,987
Jurisdiction:	182.65 miles
Male:	48.7%
Female:	51.3%
Caucasian:	57.9%
African American:	15.9%
Hispanic/Latino:	14.1%
Native American:	5.3%
Asian:	2.3%
Two or more races:	5.9%

¹ Tulsa Police employment information provided by the TPD Personnel/Payroll Department

² City of Tulsa demographics based on U.S. Census Bureau data, provided by the Tulsa County Central Library Research Department

Internal Affairs

In order to uphold the public trust in the Tulsa Police Department and ensure their continued confidence in our organization, the Internal Affairs Unit performs many key functions:

- IA investigates allegations of misconduct and/or violations of policies and procedures of involved police personnel, as directed by the Chief of Police.
- IA Investigators respond to officer-involved shooting incidents.
- IA assists City Legal with police-related Tort claims.
- IA assists in processing subpoenas for court overtime, performing audits and inspections, and providing needed proofs required to maintain the Tulsa Police Department's national accreditation status with the Commission on Accreditation for Law Enforcement Agencies.
- It is also the unit's responsibility to help safeguard employee rights during investigations as dictated by state and federal law.

These tasks are accomplished by performing thorough, unbiased investigations, which are forwarded upon completion to the employee's chain of command for review and recommendations. Although Internal Affairs personnel may remain available for clarification during the review process, as well as during related grievance processes, it is up to the employee's chain of command, and ultimately the Chief of Police, to determine final adjudication of the alleged misconduct.

The Tulsa Police Department believes that the best way to provide high-caliber police service to the citizens of Tulsa is by requiring a higher standard of its employees; in addition to the bachelor's degree college education requirement, six-month intensive training curriculum, and sixteen-week police apprenticeship required by all sworn personnel, IA investigators further their skills by completing



additional investigative training. Currently, IA Investigators attend a Disciplinary and Internal Investigative Training Course taught by Americans for Effective Law Enforcement or the Southern Police Institute.

The Internal Affairs staff consists of five sergeants, one corporal, one officer, and one civilian administrator, who are supervised by a captain, who reports directly to the Chief of Police. For more information, visit our web page at <http://www.tulsapolice.org/content/internalaffairs.aspx>.



The Complaint Process

Complaints can be initiated externally by citizens, but may also be initiated internally by any police employee or other agency. Depending on personal preference, complaints can be initiated in any following manner:

- By visiting or contacting any patrol division during operating hours
- By completing the online form at www.tulsapolice.org/internalaffairs
- By emailing documentation to TPDInternalAffairs@cityoftulsa.org
- By faxing a request to Internal Affairs at 918-596-9217
- By contacting the TPD IA Hotline at 918-596-1355
- During contact with any Tulsa Police employee, or by requesting to speak with a supervisor
- By contacting the city's Ethics Hotline at 877-888-0002, or online at www.tnwinc.com/webreport
- By contacting the Mayor's Action Center at 918-596-2100
- By contacting the Dispatch Non-Emergency line at 918-596-9222
- By sending correspondence directly to:

Tulsa Police Department
C/O Internal Affairs
600 Civic Center Ste. 305
Tulsa, Ok 74103

Once received, complaints are reviewed to determine appropriate assignment.³ Depending on the nature of the allegation, a complaint may be assigned to an employee's supervisor or an Internal Affairs investigator. At the conclusion of the investigation, the findings are reviewed by the employee's chain of command to determine a recommendation. Finally, the Chief of Police reviews all allegations, findings, and recommendations, and makes a final determination on the disposition and, if applicable, resulting discipline. Unless filed anonymously, the citizen is then notified by the Chief's Office of the outcome of the investigation.

³ Requests for investigations that occur more than one year after the incident occurrence are reviewed on a case-by-case basis.

Upon completion, Internal Investigations are classified with one of the following dispositions:

Unfounded - The allegation has no merit; evidence exists to either disprove or discredit the allegation.

Exonerated - The incident did occur, and the officer acted within established policies, procedures, and/or operating guidelines.

Not Sustained - Insufficient evidence exists to either prove or disprove the allegation.

Sustained - The incident did occur, and the officer was found to be in violation.

Withdrawn - The officer's actions were explainable and the citizen chose of his/her own accord to withdrawal the complaint.⁴

On occasion, citizens make allegations based on their own perceptions of police procedures or state/federal laws and city ordinance violations. Since it is in everyone's best interest to educate all involved parties, the Citizen's Complaint Review Process (CCRP) was created, which entails a formal meeting with the complainant, the involved officer, and the officer's supervisor to discuss the incident in question. Since these types of complaints do not rise to the level of a policy violation or a conduct issue, they result in a disposition of "Resolved."

⁴ A request to withdrawal a complaint does not prevent the completion of an investigation, nor does it prevent discipline from occurring if administrative issues are uncovered. In addition, TPD policy requires investigators to re-open cases if an employee receives three or more citizen withdrawal requests in a three-year period.

Complaint Investigations

Table 1 compares the complaint totals for 2011 and 2012 as well as the number of complaints that resulted in a finding of "sustained"⁵ while Table 2 provides a three-year comparison of citizen complaints versus citizen calls for service and citizen arrests.

Citizen and Administrative Complaint Totals						
	2011		2012		Difference	
Citizen Complaints	113	7	72	5	-36.28%	-28.57%
Administrative Investigations	79	19	51	22	-35.44%	15.79%
Complaint totals	192	26	123	27	-35.94%	3.85%

Table 1

Citizen Complaints by Calls for Service, Arrests ⁶						
	2010		2011		2012	
Citizen Complaints	106	Rate	113	Rate	72	Rate
Calls for Service	321,112	3 per 10,000	339,595	3 per 10,000	332,526	2 per 10,000
Total Arrests	20,505	5 per 1,000	22,824	5 per 1,000	23,893	3 per 1,000

Table 2

TPD Fact: Traffic stops often account for a number of external complaints. Of the 72 citizen-initiated complaints filed in 2012, 17 involved traffic stops, which accounts for approximately 23% of the total citizen-initiated complaints filed for the year.

⁵ Complaint totals based solely on cases initiated in 2012; dispositions from previous year's cases do not apply.

⁶ Arrest and Service calls data supplied by C.A.P.E.R.S. TPD Crime Analysis Unit.

2012 Common Allegations		
	Citizen Complaints	Administrative
Excessive Force	21	2
Violation of Procedure	21	31
Public Relations	36	0
Conduct Unbecoming	11	13
Performance of Duty	13	31
Neglect of Duty	15	2
Conformance to Laws	8	1

Table 3

Table 3 shows the total number of complaint allegations.⁷ For 2012, the most commonly alleged violations by citizens involved Public Relations issues, followed by Violations of Procedure and Excessive Force allegations. Violations of Procedure and Performance of Duty issues comprised the majority of all administrative investigations.



⁷ It is possible to address multiple allegations, and multiple officers, within a single complaint; therefore, the number of allegations will always outnumber the total number of complaints.

Charts 1-3 break the most common allegations down into more specific categories.

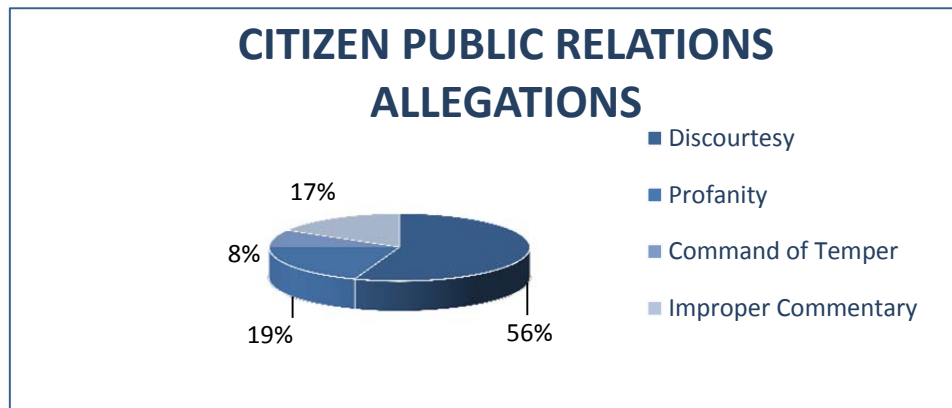


Chart 1

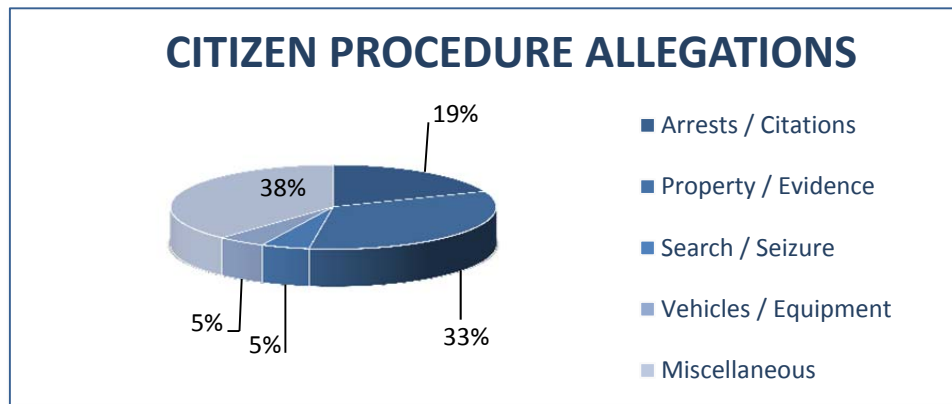


Chart 2

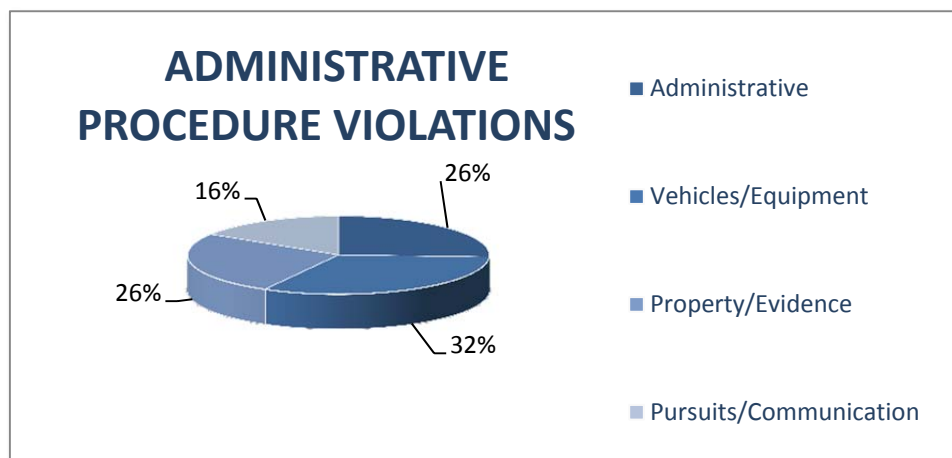


Chart 3

Complaint Dispositions

Chart 4 shows the sustained complaints for both external citizen complaints and internal administrative complaints. Because Tulsa Police personnel are more familiar with police policies and procedures, administrative complaints normally receive a higher percentage of "sustained" dispositions. Conversely, citizen complaints typically receive a higher percentage of "unfounded" and "exonerated" dispositions. Charts 5 and 6 compare the total dispositions for all investigations for both 2011 and 2012.

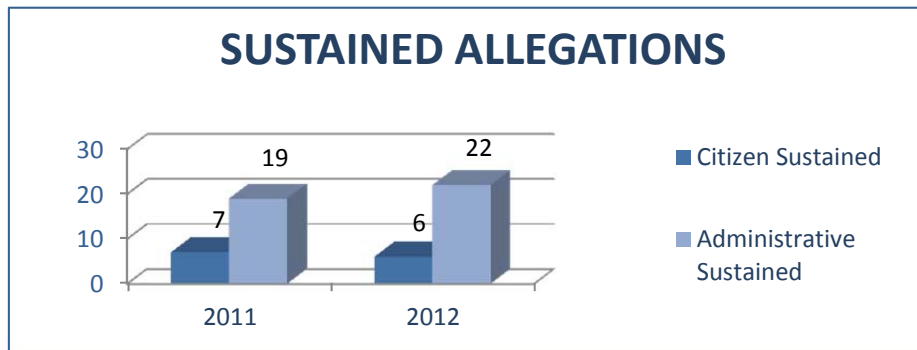


Chart 4

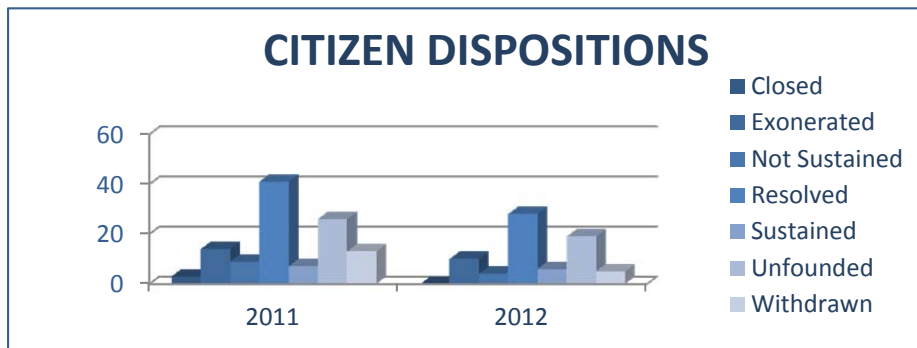


Chart 5

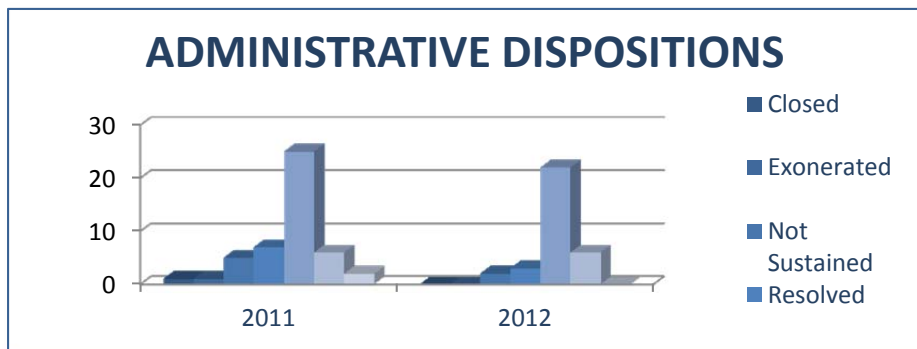


Chart 6

Disciplinary Action

The Tulsa Police Department holds its employees accountable to an extensive list of Rules and Regulations, Policies and Procedures, and Departmental Orders, as well as the City of Tulsa Policies and Procedures. In order to administer reprimands fairly, the department practices a philosophy of progressive discipline, meaning that reprimands can increase in severity with repeat infractions.

In 2012, the majority of all disciplinary actions consisted of letters of reprimands. The second most common disciplinary action was counseling, followed by suspension.

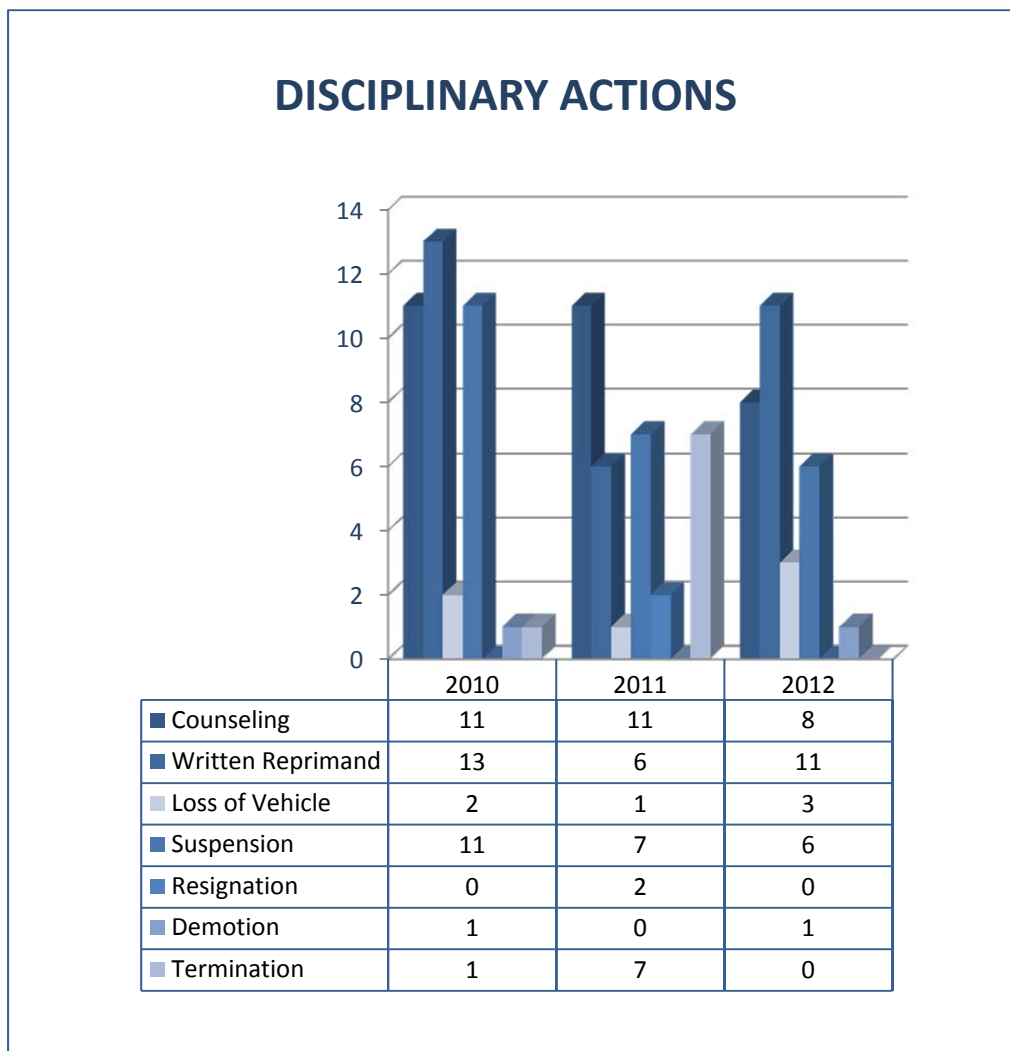


Chart 7

Employee Tracking and Assistance Program

Each quarter the Internal Affairs Unit reviews various department-wide criteria to help identify trends and recognize potential opportunities for improved training⁸. This information is then forwarded to the officer's chain of command, who reviews the criteria in more detail to determine if a training opportunity exists. If such an opportunity is identified, the chain then creates a curriculum to implement the training.

In 2012, four employees were identified as meeting ETAP eligibility requirements. While statistically eligible, conferees determined that the need for additional training did not exist. The majority of all ETAP-eligible events involved use of force incidents, all of which were found to be within policy.

Criminal versus Administrative

Allegations against police personnel can involve issues of misconduct, policy violations, and/or violations of criminal law. If the allegation involves the latter, a criminal investigation is conducted first. Criminal and administrative cases are kept separate in order to ensure that an officer's Garrity Rights as a police employee do not impede on their Civil Rights as a citizen of the United States.⁹

Allegations of discrimination are an example of a criminal violation. Although Oklahoma State law does not require both criminal and administrative reviews on profiling allegations, administrative issues can arise from criminal proceedings, and the Tulsa Police Department reserves the right to work an additional administrative investigation at the conclusion of a criminal one.¹⁰

There were no allegations of discrimination reported to Internal Affairs in 2012.

⁸ Evaluated criteria involve uses of force, deadly force, citizen complaints, officer-involved collisions, and Assault and Battery on police incidents. Although identifiers may change with the department, an "early warning system" is now commonplace for most major metropolitan police departments.

⁹ Garrity versus New Jersey

¹⁰ Oklahoma State Statute 22 O.S. § 34.4

Tables 4 and 5 show the outcomes of the remaining criminal allegations. Two cases in 2012 alleged violations of state misdemeanor statutes. In the first case, the (two) charges were found to be unsubstantiated by the Tulsa County District Attorney’s Office and were dismissed by the presiding judge. The citizens involved in the latter complaint chose not to file charges, which would have been necessary (per Oklahoma State law) in order to move forward with criminal proceedings.

Adjudication of Criminal Cases						
	Criminal Allegations	Charges Accepted	Outcome of Case			
			Dismissed	Not Guilty	Guilty	Pending
2012	2	2	2	-	-	-

Table 4

The citizens chose not to file criminal charges on the latter case, and District Court dismissed the charges on the former; however, administrative investigations performed after the fact identified policy violations in both cases, and corrective action was administered in the form of counseling in one case and suspension with written reprimands in the other.

Disposition of Administrative Investigations ¹¹						
	Criminal Allegation Cases	Admin. Invest.	Outcome of Case			
			Termination	Sustained	Not Sustained	Unfounded
2012	2	2	-	2	-	-

Table 5

¹¹ Resignations do not prevent a finding on criminal cases.

TPD Fact: Per State law, when an employee is terminated, or resigns during the course of an investigation, the department is obligated to forward those investigations to the Council on Law Enforcement Education and Training (CLEET). CLEET, an agency of the State of Oklahoma, may choose to revoke the officer's state-mandated police certification based on the contents of the investigation.

Firearms Investigations

All firearm discharges that occur in the line of duty are categorized as either "Weapons Discharges" or "Deadly Force" incidents.¹² A "Weapons Discharge" refers to either animal shootings (whether in defense of citizen/officer safety, or to prevent additional suffering by an animal) or to accidental discharges and weapons malfunctions. A "Deadly Force" incident refers to the intentional use of deadly force against another person.

Weapons Discharges

Citizens often ask why animals are not restrained using tranquilizers or other chemical means, such as OC Spray, rather than using firearms. The City of Tulsa operates an Animal Control Department, which utilizes not only tranquilizers but also various forms of safety equipment, and when the animal poses no immediate threat this is the preferred option. Unfortunately, tranquilizers do not have an immediate effect, and OC spray is not a reliable deterrent for aggressive animals. When safety is a factor, officers must act quickly and appropriately using readily available resources.

Weapons Discharge cases are reviewed by the officer's chain of command to determine adherence to policy and to recognize potential training issues. In 2012, there were no accidental discharges, and all Weapons Discharges were found to be within policy.

¹² Although firearm usage does constitute a use of force, firearm usage is tracked separately from all other non-deadly use of force incidents.

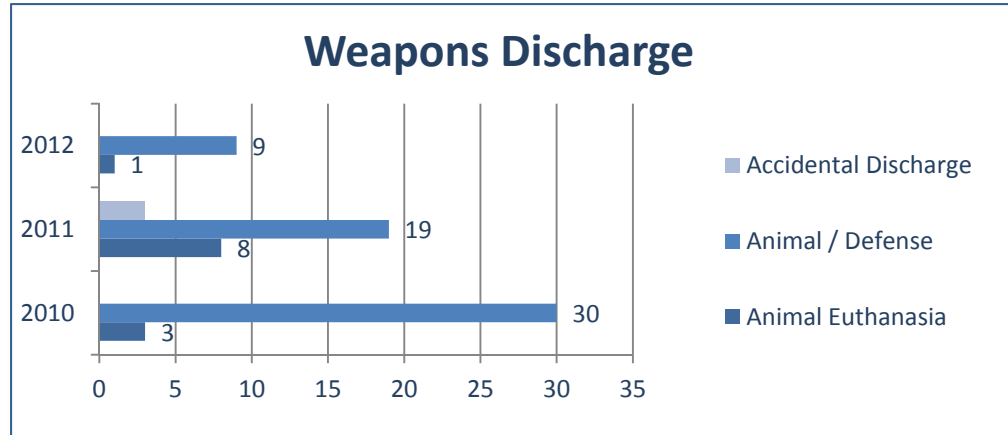


Chart 8

Deadly Force

When an officer is required to use deadly force, the incident is thoroughly investigated. The case is first reviewed by the Detective Division and then forwarded to the District Attorney's Office to determine whether criminal charges will be filed against the officer. Regardless of the outcome of the District Attorney's investigation, Internal Affairs conducts an administrative investigation after the fact. The purpose of this investigation is to identify and, if necessary, investigate potential administrative issues or policy violations. At the conclusion of this investigation, the facts of the case are then forwarded to a Deadly Force Review Board to determine adherence to policy and to identify any training issues that may need to be addressed.

Deadly Force Adjudication					
		District Attorney's Ruling		Administrative Review	
		Justified	Not Justified	Within Policy	Out of Policy
	Total #				
2008	7	7	0	7	0
2009	4	4	0	3	1
2010	6	6	0	6	0
2011	4	4	0	4	0
2012	8	8	0	8	0

Table 6

Table 6 on page 15 shows the total number of Deadly Force incidents and corresponding District Attorney and Administrative rulings. All Deadly Force incidents in 2012 were ruled justified by the Tulsa County District Attorney's Office, and administrative reviews of each discovered no tactical issues or policy considerations.

Chart 9 provides a five-year comparison of the total number of Deadly Force shootings and injury types. In 2012, the number of Deadly Force incidents more than doubled from the previous year. It is important to note this is not indicative of a trend, however, merely the number of times circumstances forced officers to resort to deadly uses of force.

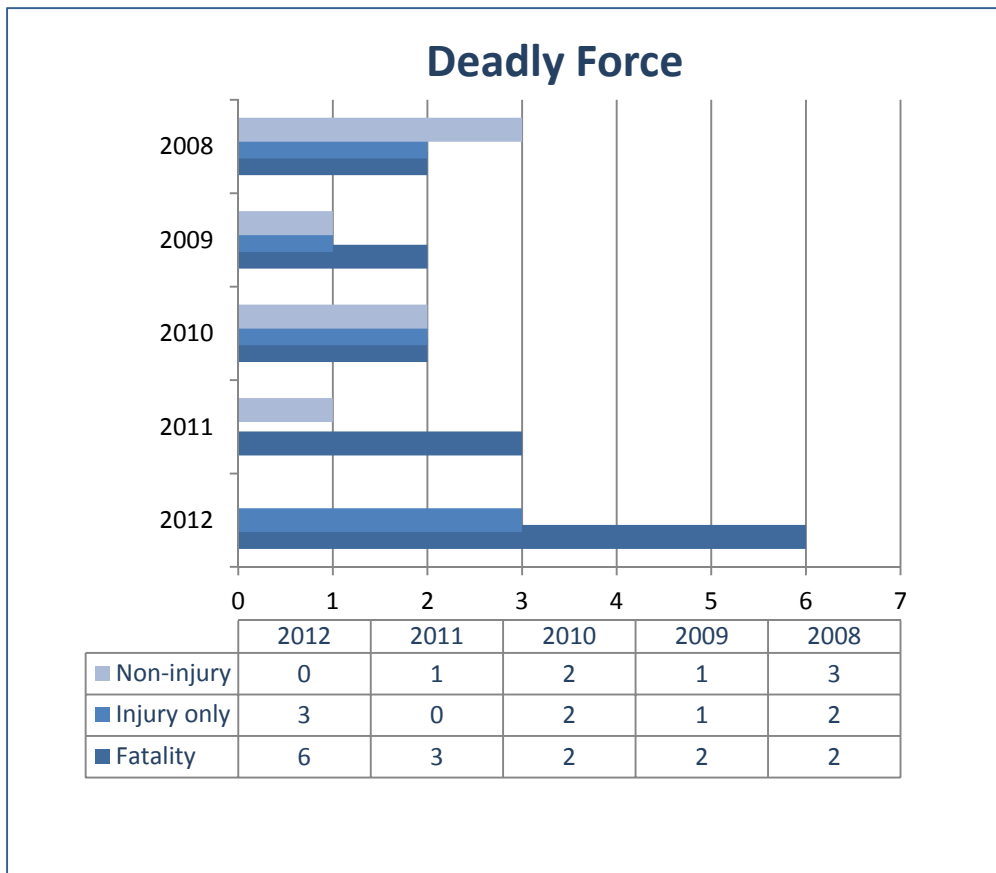


Chart 9

Use of Force

Officers encourage voluntary cooperation using low-level force techniques such as verbal commands and command presence. However, circumstances and subject responses sometimes compel officers to use force.

In order to meet State and Federal guidelines for utilizing force, the Tulsa Police Department (like all other police departments), creates additional, internal directives to detail the circumstances under which an officer may use force on another person. In addition to policies and procedures, Graph 1 below shows the Use of Force continuum which serves as a guideline for administering force. Reasonable force occurs when the officer perceives that force is necessary to discharge their duties, or to defend themselves or someone else from imminent danger.

GREAT FORCE		
Deadly Force Applications, KO1 Kinetic Baton, and the 12-Gauge Flexible Baton	Likely to produce great bodily injury or death, likely to cause bodily injury	Calculated to Incapacitate (STOP)
INTERMEDIATE FORCE		
Police Canine Bite, Impact Weapons, Physical Control Holds, Electronic Control Devices, Pepperball Launchers, OC Spray, Vehicle Containment, Chemical Munitions, Flash Sound Diversionary Devices	No expectation of great bodily injury or death, some possibility of injury, involves some pain compliance techniques	Calculated to Control and/or Overcome
LOW FORCE		
Firm Grip or Gesture, Verbal Commands, Uniform Presence	Little expectation of injury, low visual impact	Calculated to Gain Compliant Behavior

Graph 1

When officers are required to use intermediate or great force, or if injuries occur to the subject during a struggle, the officer completes a Use of Force report detailing the incident. The officer's chain of command then reviews the report to determine adherence to policy and to recognize potential training issues or areas of improvement in the officer's response, after which a final review is performed by the Chief of Police. A finding of Out of Policy does not necessitate a reprimand, but can prompt an administrative investigation, the results of which could lead to additional

training and/or disciplinary action. In 2012, all Use of Force incidents were found to be Within Policy.

Use of Force by Division, Force Type										
	ECD	K9	Impact Strike	Impact Weapon	Less Lethal	OC	Physical Control	Take-down	Vehicle Contain	Total
DET	-	-	1	-	-	5	-	2	-	8
GID	14	-	48	1	22	56	33	43	-	217
MVD	11	-	16	-	3	20	14	11	3	78
RID	9	-	25	1	2	24	8	16	-	85
SID	3	-	13	-	3	8	4	8	-	39
SOD	1	37	3	1	5	1	1	1	-	50
Total	38	37	106	3	35	114	60	81	3	477

Table 7

Table 7 shows the total uses of force by type and by division while Table 8 indicates the use of force incidents by officer and subject race.¹³

Use of Force by Officer, Citizen Race								
Citizen Race		African-American	Caucasian	Hispanic	Native-American	Asian	Other	Total
Officer Race	African-American	7	5	2	1	-	-	15
	Asian	5	6	-	-	-	-	11
	Caucasian	129	153	9	8	4	-	303
	Hispanic	2	8	1	1	1	-	13
	Native-American	19	24	3	1	1	1	49
	Total	162	196	15	11	6	1	391

Table 8

¹³ In order to utilize ECD's, or Electronic Control Devices (a.k.a. tasers), officers must complete a specialized training on its use. Part of this training requires the officer to be subjected to the effects of ECD's, the logic being that if an assailant were to gain control of the weapon the officer will be better prepared to deal with its effects. ECD's are not fully deployed among the department; however, all sworn employees are equipped with OC spray, which requires a similar exposure during training.

Table 9 shows the type of service provided by responding officers as well as the number of force incidents resulting in injuries and further medical treatment.

Use of Force by Citizen Call for Service, Injury				
Service Rendered	Total	Injury	Non-Injury	Medical
Alarm	1	1	0	1
Assault	12	1	11	1
Assist outside agency	6	5	1	1
Auto Theft	3	1	2	1
Burglary	20	16	4	14
Check on Well Being	2	0	2	0
Disturbance	61	13	48	13*
DUI / Public Intoxication	17	4	13	2
EOD / Suicidal	5	2	3	2
Fight in Progress	10	1	9	0
Indecent Exposure	1	0	1	0
Kidnapping	1	0	1	0
Larceny	4	1	3	0
Pursuit	14	11	3	6
Robbery	6	3	3	2
Suspicious Subject / Vehicle	20	7	13	5
Traffic Collision, Hit / Run	1	0	1	0
Traffic Stop / Violation	32	8	24	3
Trespassing / Vandalism	7	1	6	2
Trouble Unknown	4	1	3	0
Warrant Service	23	12	11	6
Weapons Involved	28	8	20	8*
Total				

Table 9

TPD Fact: It is up to responding medical personnel to determine the need for further medical attention. Even when needed, the subject has the right to refuse treatment.

Appendix

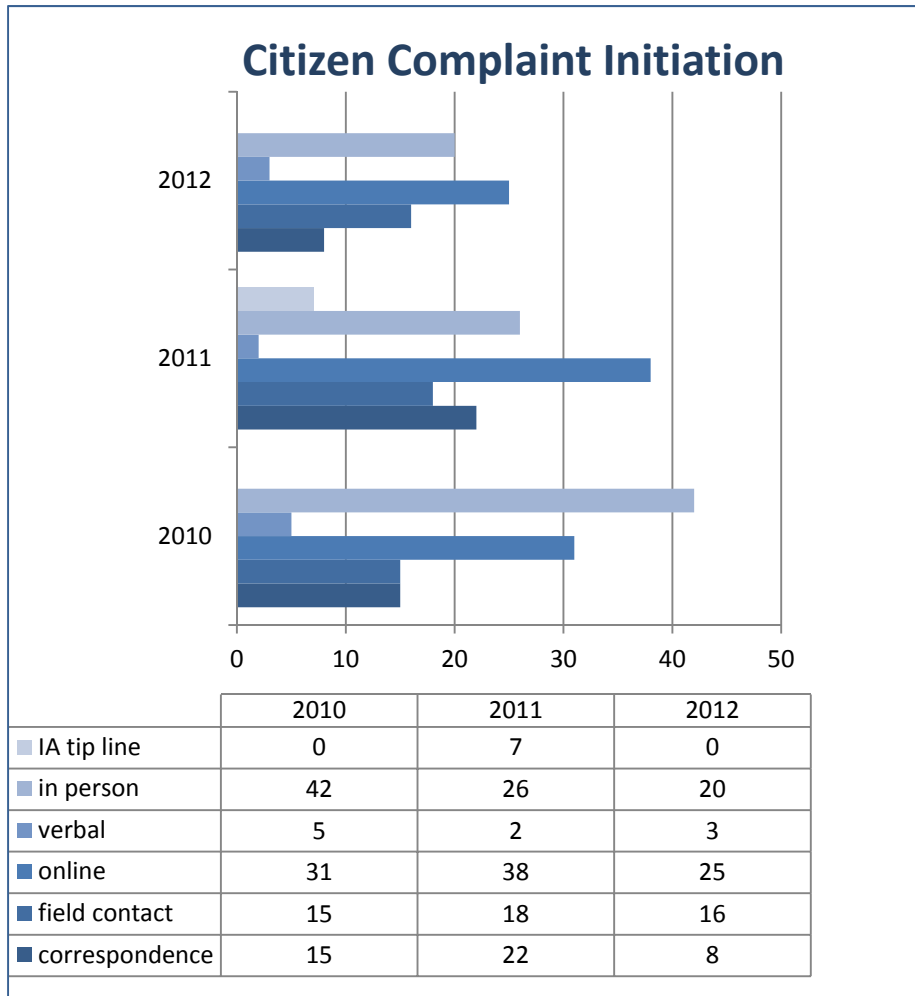
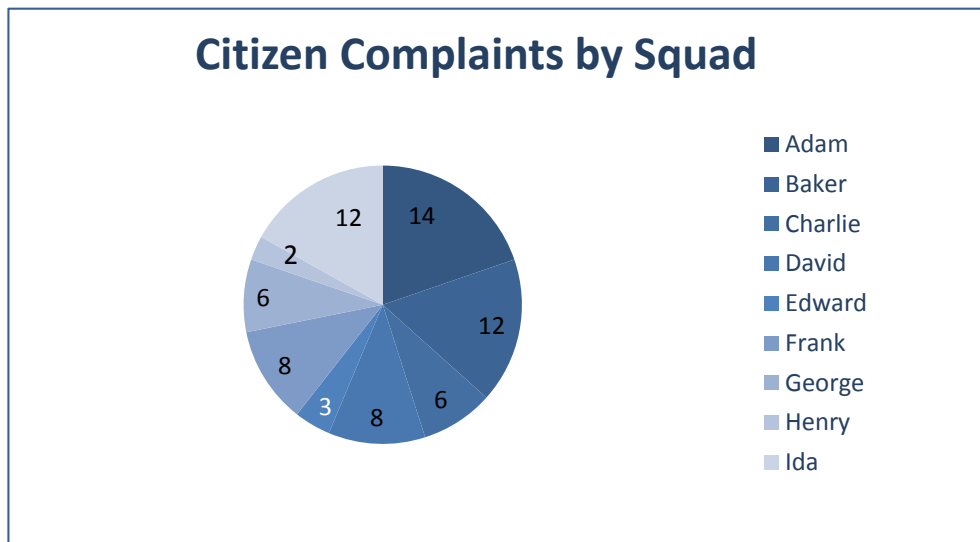


Chart 10

The Tulsa Police Department utilizes a “Squad System,” which assigns specific units to various areas within each division. Chart 11 shows the number of citizen complaints whose *incident locations* resided within the designated squad. The Gilcrease Division is made up of Adam, Baker, and Charlie squads, the Mingo Valley Division consists of David, Edward and Frank squads, and the George, Henry, and Ida squads represent the Riverside Division (auxiliary units such as the Support, Detective, and Special Investigations Divisions investigate cases city-wide).

Chart 11



**TULSA POLICE DEPARTMENT
INTERNAL AFFAIRS STAFF
2012**

INTERNAL AFFAIRS

**Captain
Richard Alexander**

**Investigators
Greg Mathews
Virgil Litterell
Wes Phelps
Terry Maurer
Brian Carlisle
Jack Hoehner**

**IA Coordinator
Van Evans**

The data presented is currently accurate to the best of available information, however, as pending cases are completed statistics can change and update. Information contained in this report is indicative only of Internal Affairs case information initiated in 2012; case information updates from previous years is not reflected (even if updates occurred in 2012). If you have any questions regarding this report or the Internal Affairs process, please contact the Internal Affairs Commander at (918) 596-9309.

