

# 2020

## BURLINGTON POLICE DEPARTMENT

# 2020 FAIR AND IMPARTIAL POLICING REVIEW

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# Purpose:

## Purpose of Fair and Impartial Policing Review:

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The purpose of this review is to ensure that officers with the Burlington Police Department are conducting themselves in a manner that treats all people with dignity and respect. Per Burlington Police Department policy 01-02 Fair and Impartial Policing: Officers of the Burlington Police Department are prohibited from considering race, ethnicity, national origin, gender, sexual orientation/identity, socio-economic status, religion and/or age when conducting vehicle or pedestrian stops, searches, asset seizures or any other enforcement actions.

This review is required by the Commission on Accreditation for Law Enforcement (CALEA) standard 1.2.9, an annual administrative review of agency practices will be conducted that include: Bias-based policing training, Complaints alleging bias-based policing, Disciplinary issues, Policy Review, and Equipment.

The Burlington Police Department has worked very hard to establish a positive relationship with the community we serve. This review helps further strengthen that bond by providing transparency and education to the public about the department's daily interactions with everyone we contact in the performance of our duties. The completion of this review is essential to our growth as an agency and the continued quest for excellence.

# Overview of the Year – 2020:

## Overview and Impact of COVID:

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Due to the global pandemic caused by COVID 19, organizations and businesses were affected across the country and world. This pandemic forced everyone to alter their “normal” methods of conducting business. Beginning March 24, 2020, a phased plan was put into place that affected the Burlington Police Department’s response to calls for service along with numerous other activities. In order to reduce the spread of COVID-19 to the community and limit exposure to officers, the department modified the number traffic stops and field contacts by discouraging them unless an immediate intervention was necessary to protect the community from harm.

With COVID-19, tele-work was quickly encouraged across all walks of business communities, both within in the City of Burlington and across the entire nation. This trend significantly expanded people’s ability to work from home and instantly reduced their need to travel the highways. Subsequently, less traffic was observed, and less traffic stops were conducted.

In the Fall of 2020, better information about the spread of COVID-19 along with better understanding of protection became available. With this updated information, businesses began to slowly re-open and highway travels began to grow. During this change, the department began returning to normal operations and re-focused on protecting those traveling the highways. While comparing the potential spread of COVID-19 with highway safety, there was a greater need for traffic stops to mitigate high crash intersections and increase highway safety. Officers were encouraged to continue to utilize their discretion on when to and when not to conduct traffic stops based on safety or regulatory violations, while keeping the safety/health of citizens and officers at the forefront of their mind. Ultimately these actions led to a reduced number of police interactions in 2020 and will later be reflected during comparison to previous years.

# Recap of Last Year's Report Recommendations:

## Recommendations for 2020 and Actions Taken:

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### Recommendation 1

That bias-based data be collected on individual officers and shared throughout the department to supervisors monthly. This information could be shared within the Team Reports folder in PD Files for supervisor review and to be used as an early warning system for any misconduct by employees. **Not Completed. The department currently does not possess the program, technology, and staffing to collect or disseminate this information.**

### Recommendation 2

To continue the monthly formalized review process by the Records Unit comparing traffic stops classified in CAD and completed traffic stop reports. **Completed.**

### Recommendation 3

Provide training to all sworn personnel and communications operators on receiving and responding to calls for service that might be based on bias. The BPD should examine what processes and protocols are in place to help determine whether a call for service might be motivated by bias. This should include training Communications personnel on how to ask questions in order to reveal bias on the part of the callers. While a physical response might still be necessary, if officers are aware of the nature of a call, they might be able to prevent undue harm to the targets of the bias. **Completed.**

### Recommendation 4

Add a consensual encounter reason code to the field contact module. This will help to track all field contacts not conducted based on reasonable suspicion. **Completed.**

### Recommendation 5

To continue the use of the integrated Mobile Computer Terminal (MCT) traffic stop report from ONEsolution Public Safety. **Completed.**

### Recommendation 6

To continue to focus on training in the area of fair and impartial policing, a thorough review should take place every year to verify the inclusion of training material specific to awareness and education about avoiding biased policing and furthering our implementation of 21st Century Policing principles including the need to improve police legitimacy in our community. **Completed.**

# Report Data:

## Traffic Stop Data

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When considering Fair and Impartial Policing, there are several areas to review and understand about police interactions with the public and the reasons why those interactions occur. For this review the following areas were evaluated: traffic stops, field contacts, and biased-based complaints. For traffic stops and field contacts, those areas were examined further by race and gender and then divided into several subcategories outlining the reason for the stop, enforcement action, and searches.

In prior years this review has utilized data from the United States Census Bureau (USCB) to serve as a baseline of comparison between law enforcement and community contact through traffic and consensual stops. This data includes everyone in the community whether they are of driving age or not. The census numbers compared to community contacts during traffic stops and field contacts do not account for whether or not that individual is a resident of Burlington. As a result, the utilization of this information is flawed and does not accurately represent a true account for biased-based reporting.

In keeping with best practices, there have been several suggested ways of compiling and comparing this data for analysis. One of the recommended benchmarks is comparing crash data involving drivers within the city limits of Burlington. This information provides a more accurate picture of the driving community and is free from bias because officers do not initiate these incidents. This information is compiled using the agency's eCrash software program for which a report is generated utilizing the eCrash Interplat record management platform. These reports record race and gender for each driver, along with the location for the crash.

Additionally, each officer records their traffic stops in electronic form as required by NC General Statute 143B-903. This statute mandates that all North Carolina law enforcement agencies collect and submit the following information: the date for each stop, race/age/gender of each driver stopped, reason for the stop, the officer/agency making the stop, enforcement action resulting from the stop, if a search resulted from the stop, and if contraband was seized. This information is captured and managed through ONESolution Public Safety software installed on each officer's Mobile Computer Terminal (MCT).

The information gathered from the Traffic Stop Reports (TSR) is reported directly to the State Bureau of Investigations (SBI) through the Burlington Police Department Computer Automated Dispatch (CAD) system. In 2020, there were 4,026 traffic stops that were recorded in Burlington's CAD system and 4,026 traffic stops submitted to the SBI.

## 2020 Searches from Traffic Stops

The data represented in the table below was collected from January 1, 2020 through December 31, 2020 and summarizes the stops for the year based on the race/ethnicity of the driver. The data is also compared from the prior year in 2019. This data was compiled from the Traffic Stop Report (TSR) and eCrash information collected for 2020. The TSR differentiates between race and ethnicity, while eCrash does not.

Race	2019 Traffic Stops	2019 Traffic Stop Percentage	2020 Traffic Stops	2020 Traffic Stop Percentage	Percent Change compared to 2019	Crash Benchmark	* Crash Benchmark Percentage	Traffic Stop disparity
White	3,769	53.33%	2,120	52.66%	-0.67%	2,025	50.79%	1.87%
Black	3,187	45.10%	1,850	45.95%	0.85%	1,332	33.41%	12.54%
**Other	111	1.57%	56	1.39%	-0.18%	137	3.44%	-2.05%
<b>Total</b>	<b>7,067</b>	<b>100%</b>	<b>4,026</b>	<b>100%</b>		<b>3,987</b>	<b>100%</b>	
<b>Ethnicity</b>								
Hispanic	877	12.41%	554	13.76%	1.35%	493	12.37%	1.40%
Non-Hispanic	6,190	87.59%	3,472	86.24%	-1.35%	3,494	87.63%	-1.40%
<b>Total</b>	<b>7,067</b>	<b>100%</b>	<b>4,026</b>	<b>100%</b>		<b>3,897</b>		

\*Crash benchmark is more accurate but has its own issues like the US Census with regards to the Hispanic category.

\*\*Other category combines Native American, Asian, Pacific Islander and Unknown races due to the small numbers reported.

The table listed above represents the crash benchmarks for 2019 and 2020 as compared to vehicle stops conducted by the Burlington Police Department. As previously explained, the crash benchmark was derived from the eCrash data for all traffic crashes that occurred in 2020. This benchmark is more reliable as it provides a clearer snapshot of the driving population in Burlington. With regards to traffic stops percentages and comparing them from 2019 to 2020, there is minimal change overall for all races/ethnicities. There is a 12.54% increase for the black race as compared to the traffic crash benchmark. As previously noted, eCrash does not differentiate between race and ethnicity which could be skewing these numbers. The reporting officers assign a race in eCrash and is subject to error. The use of the traffic crash data is one analysis and necessarily doesn't show disparity based on these numbers. There is no relevant change overall to suggest any biased policing. To understand the 12.54% increase would require a further in-depth analysis of the crash data.



## 2020 Searches from Traffic Stops

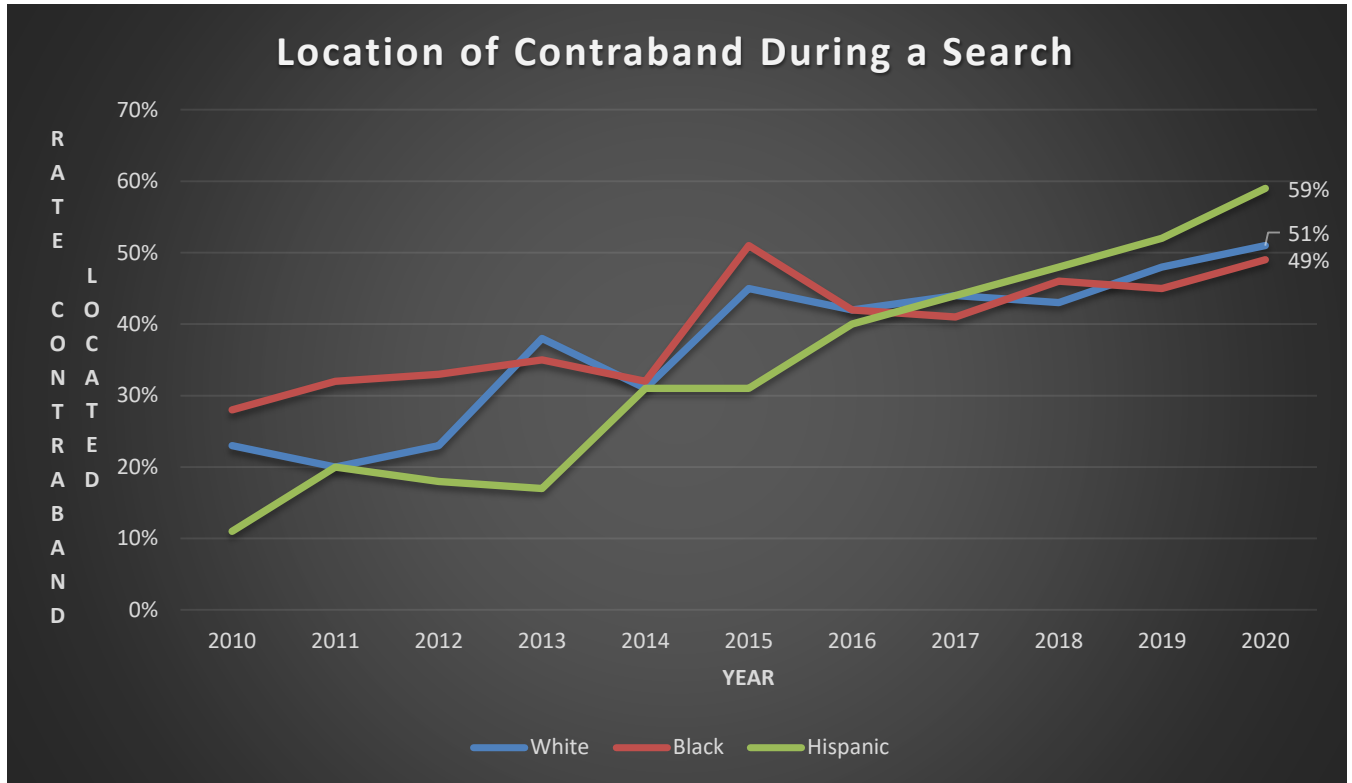
The below listed information represents the number stops conducted by Burlington police Department officers from January 1, 2020 through December 31, 2020; and whether a search was conducted. The numbers in this chart are reflect a 3% difference between all races and ethnicities represented. It appears that officers are proportionally stopping and searching all races equitably. Overall, Burlington officers are conducting searches of only 7.75% of all stops or 312 out of 4,026.

	White	Black	Hispanic	*Other/Unknown	Total
No Search	1,474	1,665	524	51	3,714
Search Performed	104	177	29	2	312
Total	1,578	1,842	553	53	4,026
Search Rate	6.59%	9.61%	5.24%	3.77%	7.75%

There are multiple ways to evaluate the TSR data for traffic stops and searches to determine disparity and/or equality. The chart below represents the number of successful searches when officers locate contraband. As previously mentioned, officers conducted searches 7.7% from 2020 and located contraband across all the races and ethnicities approximately 50% of the time. The high percentages for American Indian and Unknown are due to an extremely low number that resulted in a high concentration for contraband being found but doesn't reflect disparity for those populations.

	White	Black	Hispanic	Asian	Amer Indian	Unknown	Total
<b>Percentage of Successful Searches</b>	51%	49%	59%	0%	100%	100%	51%

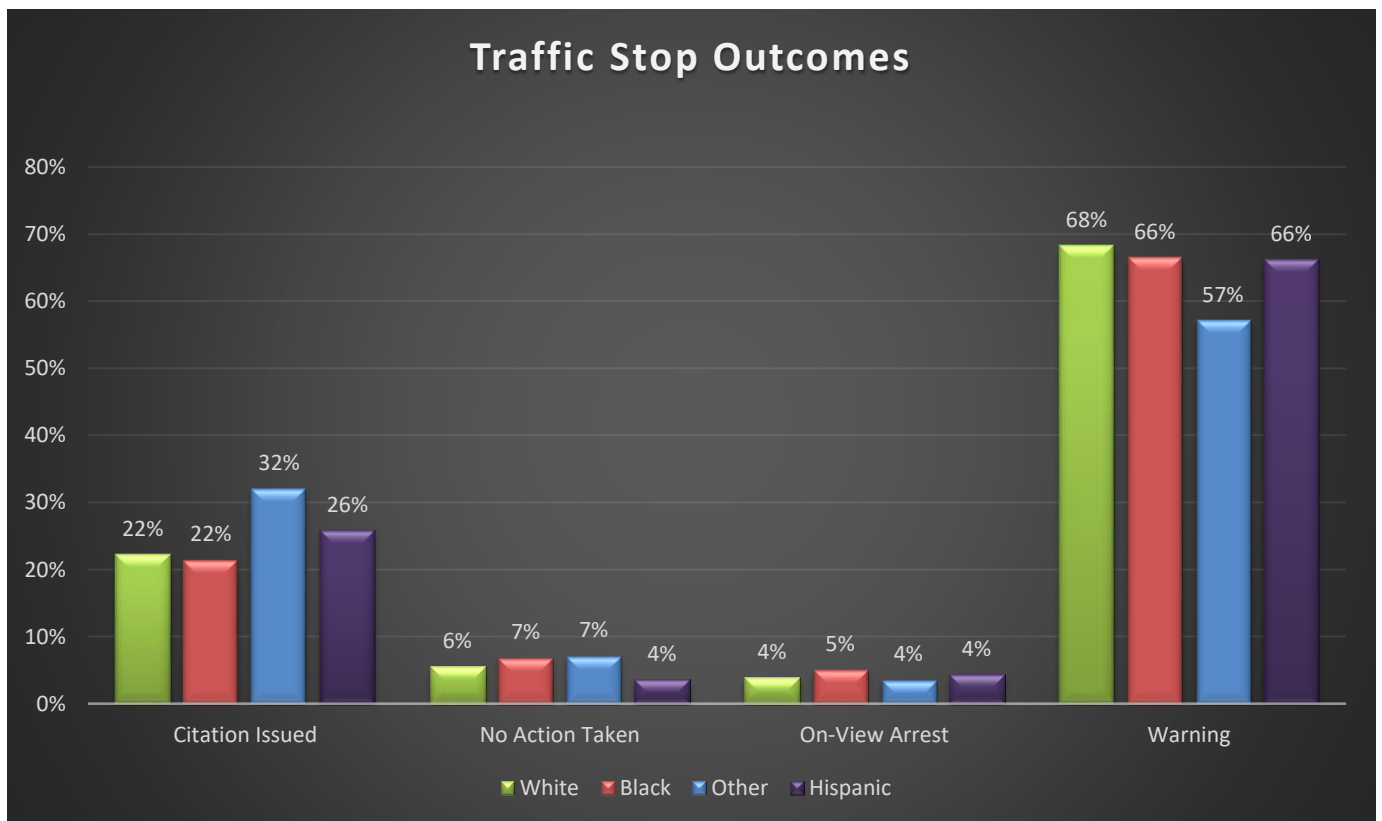
The graph below represents a ten (10) year comparison of successful searches. The data points reflect a continued convergence for race and ethnicity. This is a reflection that officers are finding more contraband during searches and they are equally distributed between race/ethnicity. The percentages for white and black races is almost identical, while searches of Hispanic drivers are slightly higher. Overall, the numbers are unremarkable and there is no evidence of racial or ethnic bias regarding vehicle search data for the Burlington Police Department.



## 2020 Enforcement Based on Traffic Stop Reports

The information contained in the chart below was derived from the Traffic Stop Reports (TSR) and reflect the types of enforcement by a Burlington officer. Overall, drivers in Burlington are twice as likely to receive a written or verbal warning rather than being issued a citation across all races and ethnicities. The data reflected in the chart and graph does not signify any type of bias-based policing. The data points for citations issued to “Others” (combined races of Native American, Asian, Other) were taken from a very low number of the population and is slightly increased, but is not significant enough to reflect disparity.

Action	White	% of total White stops	Black	% of total Black stops	Other	% of Other Stops	Total By Race	Hispanic	% of Hispanic stops	Non-Hispanic	Total By Ethnicity
Citation Issued	471	22.22%	398	21.51%	18	32.14%	887	143	25.81%	744	887
No Action Taken	118	5.57%	127	6.86%	4	7.14%	249	20	3.61%	229	249
On-View Arrest	83	3.92%	95	5.14%	2	3.57%	180	24	4.33%	156	180
Warning	1448	68.30%	1230	66.49%	32	57.14%	2710	367	66.25%	2343	2710
Total	2120	100.00%	1850	100.00%	56	100.00%	4026	554	100.00%	3472	4026



## 2020 Field Contacts

The Burlington Police Department directives allow for police officers to stop community members and obtain their information and complete a field contact. The field contact report is generated and retained through ONESolution Public Safety software and transmitted through the officer's MCT. The Burlington Police Department utilizes the field contact for identifying criminals, criminal activity, and for consensual contacts with citizens during canvases to determine if there are issues in an associated area. These numbers do not necessarily mean there is disparity among the races. The Burlington Police Department also utilizes the field contact report for investigating non-criminal domestic violence incidents, trespassing and mental commitments. These numbers were not utilized in this report as those calls for service were generated by the public and removed from the officers.

In comparison with the 2010 US Census Benchmark, Burlington officers stopped black citizens at a higher rate compared to other races and ethnicities, but not overall. The causation of this abnormality could be a result from the combination of socio-economic factors (poverty) and racial composition of communities located in high-crime areas. Officers are encouraged to engage more frequently in high-crime areas based on the statistical data derived from reported crimes. The identification of these areas leads to directed patrols and increased contact with citizens. These increased contacts assist officers with determining neighborhood concerns and are often recorded using a field contact.

	Total	White	Black	Asian	Nat Amer	Unknown	Others	Hispanic **
Field Contacts	772	404	359	1	1	4	3	40
Percentages of Total Field Contacts		52.33%	46.50%	0.13%	0.13%	0.52%	0.39%	5.18%
2010 US Census Benchmark*		57.60%	28.00%	2.10%	0.70%	Not provided	11.70%	16.00%

\*Others category includes Native Hawaiian or Pacific Islander, Others, Two or more

\*\*Hispanic ethnicity for field contacts is evaluated separately from race

## 2020 Biased Based Policing Complaints

All complaints received by the Burlington Police Department are investigated and resolved in a fair and equitable manner consistent with policy and City of Burlington Code. In 2019, the Burlington Police Department purchased and implemented the use of IA Pro/Blue Team software. This software maintains the details of each investigated complaint along with the outcomes of those investigations.

The system has a category for biased-based complaints and includes an early warning system for supervisors to review officer's individual performance and intervene when necessary.

In 2020, The Burlington Police Department received three (3) complaints of biased based policing. Two (2) of the complaints were generated during the investigation of a traffic crash and one (1) of the complaints was generated from a traffic stop. Each one of these complaints were investigated and were designated as unfounded. In comparison with 2019, there were two (2) complaints, one being unfounded and the other not sustained.

Given the nature of the tumultuous year for law enforcement in 2020, this information as it relates to biased-based complaints remains consistent from the prior year. This is another representation that Burlington Police Officers are treating community members with dignity and respect.

<b>Biased Based Policing Complaints</b>	
Complaints from:	
Traffic Contacts:	3
Field Contacts	0
Asset Forfeiture	0

# Findings:

## Successes or Failures:

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The daily records review conducted by the records department was implemented in 2019 after there were several discrepancies found with the submission of traffic stops to the SBI. Since that time the reporting rate has been at 100%. Overall, the Burlington Police Department is effectively training officers to proportionately engage the community without causing disparity. Furthermore, the department received three (3) complaints of Biased Based complaints that were all unfounded. This is a direct result of the training and efforts of the Burlington Police Department to reduce disparity in the community. The increase in Groundwater Training listed below continues to be a success with this department as the number of attendees has continued to grow since its implementation in 2018.

## Training:

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The Burlington Police Department provides robust and extensive training in the areas of biased based policing, juvenile minority sensitivity training, fair and impartial policing, and impartial leadership. Burlington officers receive over 100 hours of mandatory annual in-service training that far exceeds the State's requirement of 24 hours.

Burlington police officers have continued to attend the Racial Equity Institute (REI) training that began in 2018, and thus far thirty-one (31) employees have attended the two (2) day training and twenty-one (21) have attended the on line Groundwater sessions (Three hour introductory course for the Racial Equity Institute). Currently for 2021, over 50 training requests for the Groundwater course have been submitted. The goal for the Burlington Police Department is to have 100% completion of the Groundwater class for all employees by the end of 2021 and all courses for every employee by the end of 2023.

REI's statement is they are an "alliance of trainers, organizer, and institutional leaders who are to the work of creating racially equitable organizations and systems. They help individuals and organizations develop tools to challenge patterns of power and grow equity" (Racial Equity Institute, LLC).

## Equipment:

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Officers utilize their body-worn and in-car cameras to document their encounters and calls for service with community members. Supervisors conduct unannounced reviews and document their findings in the Guardian Tracking system.

As a result of this, there have been no incidents located during these reviews that reflected biased based conduct by officers with the Burlington Police Department.

### Fiscal Component:

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In 2019, the Burlington Police Department was awarded \$40,000 in a grant through the North Carolina Governor's Crime Commission for paying tuition and registration to the Racial Equity Institute. This has allowed the training section of the police department to continue to send officers through this program without interruption.

### Operations and Personnel:

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Partnering with an academic institution and/or designating current personnel to further this data analysis would be beneficial. For these data points to be better understood, there needs to be a more extensive analysis completed than what has been done in the past and currently. The data could be broken down geographically and by time of day when officers are conducting enforcement. This would provide a broader understanding of all the components that are needed for a more precise analysis.

### Disciplinary Actions, if taken:

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There were no disciplinary actions taken. There were three (3) complaints regarding biased based policing complaints that resulted from traffic related incidents. These complaints were unfounded after each investigation.

# Policy, Procedure, and Technology Review:

## Policy/ Procedure:

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The Burlington Police department 01-02 Fair and Impartial Policing policy was not revised in 2020 and there are no modifications needed at this time. The Burlington Police department is undergoing policy manual revisions and will be transitioning to Lexipol. In 2021, the Fair and Impartial Policing policy will be merged and labeled 402 Bias-based policing.



# Recommendations for 2021:

## Recommendations for 2021:

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### **Recommendation 1**

Continue sending officers to the Phase 1 Racial Equity Institute 2-day training and/or the 3-hour Groundwater training, with the long-term goal of each officer receiving the two-day class. Early attendance at the three-hour class is an interim solution based on class availability.

### **Recommendation 2**

Continue the monthly formalized review process by the Records Unit comparing traffic stops and completed traffic stop reports.

### **Recommendation 3**

Continue the use of ONESolution Public Safety's traffic stop module located on each officer's Mobile Computer Terminal (MCT).

### **Recommendation 4**

To continue to focus on training in the area of fair and impartial policing, a thorough review should take place every year to verify the inclusion of training material specific to awareness and education about avoiding biased policing and furthering our implementation of 21st Century Policing principles including the need to improve police legitimacy in our community.

### **Recommendation 5**

To communicate with an academic institution about the possibility of a partnership to assist with further analyzing this data.