



Hamburg Township Public Safety Department

PO BOX 157 · HAMBURG, MICHIGAN 48139
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RICHARD DUFFANY, DIRECTOR OF PUBLIC SAFETY



TO: Hamburg Township Board

FROM: Chief Richard Duffany

DATE: January 31, 2024

RE: Police Annual Analysis

Introduction

The following report is a best practice as identified by the Michigan Law Enforcement Accreditation Commission (MLEAC) and is required by department policy to be submitted on an annual basis. The report is designed to summarize and analyze the following activities during 2023:

- Administrative investigation of complaints of misconduct.
- Agency practices related to biased based policing.
- Employee involved collisions.
- Employee injuries and exposures.
- Use of force incidents.
- Vehicle pursuits.
- Foot pursuits.

The report serves to further the department's mission by accurately and transparently presenting data as part of the meaningful review process. While this report provides data on the number of incidents in each area, it is also used to identify trends and evaluate the need for additional training, equipment or policy revisions.

Internal Affairs-Employee Misconduct Annual Review 2023

Allegations of employee misconduct by the public are historically low in our department. Throughout 2023 officers responded to over 4700 dispatched calls for service, made over 13,100 self-initiated calls for service and initiated 1385 traffic stops. The department received three informal citizen complaints in 2023. In addition, three investigations alleging policy violations were initiated by supervisors.

It is the policy of the Hamburg Township Public Safety Department-Police Division (HTPD) to continuously strive to improve the quality of police services provided to the citizens of Hamburg



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Township through an objective procedure of handling complaints against department personnel.

- Through this process, citizen confidence in the integrity of the department and its personnel can be achieved and maintained. It is the policy of the department to investigate all citizen complaints alleging employee misconduct in a fair, objective and thorough manner.
- It is the policy of the department to investigate all complaints diligently while ensuring that all employee rights as set forth in the U.S. Constitution, current state and federal law as well as applicable collective bargaining agreements are strictly protected.

Complaints of misconduct are typically handled by the Deputy Director of Police, although some complaints are handled by shift-level supervisors. Reported employee misconduct is investigated even if a formal complaint is not desired or the reporting person wishes to withdraw the complaint. The lack of a formal complaint from a citizen does not preclude the imposition of disciplinary or corrective sanctions in appropriate situations. Upon conclusion of an internal investigation, an investigator's report is prepared and forwarded to the Director of Public Safety.

Upon receipt of the investigator's report, the Director of Public Safety reviews the investigative report and makes one of the following determinations:

Not Sustained – The investigation failed to disclose sufficient evidence to support the allegation(s), the investigation proved that the allegation is false and did not occur or the investigation revealed that the acts complained of were lawful, justified and proper.

Sustained – The investigation disclosed sufficient evidence to support the allegation(s) made in the complaint.

Final authority and responsibility for determining the disposition of a complaint rests solely with the Director of Public Safety.

Two of the three informal citizen complaints received in 2023 accused officers of taking improper police action and one alleged harassment. All three citizen complaints were phoned in to the Director of Public Safety and were investigated by the Deputy Director of Police. Once the citizens were contacted, they declined to make a formal complaint.

The improper police action accusations involved two separate officers treating different calls for service as civil matters as opposed to criminal. The investigation revealed officers followed policy and took legal and appropriate police action. Detailed incident reports were written for both calls even though not required by policy. The written reports and the body camera footage simplified the process of accurately reviewing the complaints.



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For the harassment complaint, no contact between the citizen and officer occurred but the citizen accused a Hamburg Township police officer of following him for intimidation purposes. In-car video revealed the officer was conducting police business at the time and had no idea the citizen was traveling directly in front of him. The investigation revealed the complainant was operating a vehicle with an expired registration plate and had no valid insurance on record. This provided the officer with a legal reason to stop the complainant had the officer noticed the violation. The likely reason the motor vehicle violation wasn't noticed or enforced was because the officer was attending to other police business at the time.

All three citizen complaints were found to be **Not Sustained**.

The number of citizen complaints in 2023, three, was a decrease from the 6 received in 2022.

As for the three supervisor-initiated policy violation investigations in 2023, two of the investigations resulted in written reprimands being issued. One of the written reprimands was for being late for duty and the other was for failing to properly maintain departmental equipment. A third investigation was for a more serious misconduct allegation and the officer resigned prior to a final determination being made.

Annual Employee Misconduct/Complaint Analysis 2023

A meaningful review was conducted in each allegation of employee misconduct and policy violation to examine officer performance, policy, equipment, and training to ascertain any need for changes in any of those areas. Body cameras continued to be extremely helpful in the review of the allegations as they provided much more detail than in-car cameras alone.

The analysis of the employee misconduct/complaint allegations did not reveal a clear-cut pattern as it related to officer performance.

Policy- No issues were identified with involved policies.

Training- No training issues identified. Supervisors have been following the updated citizen complaint policy.

Equipment- No equipment issues identified. Officers have been properly utilizing bodycams.

Discipline/Corrective Action- None.



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Biased Influenced Policing Review 2023

It is the policy of HTPD to protect the fundamental rights of all citizens to equal protection under the law and not to engage in practices which foster unequal treatment of citizens such as bias-influenced policing or racial profiling. Every member of this department is required to perform his/her duties in a fair, impartial and objective manner.

Officers have an affirmative duty to protect the Constitutional rights of all citizens, especially the fundamental rights of equal protection under the law and to be free from unreasonable searches and seizures.

Officers are expressly prohibited from engaging in any practices which foster unequal treatment of citizens such as bias-influenced policing or racial profiling.

Officers are required to treat all persons, regardless of individual demographics or status in a case (suspect, victim, witness, etc.), with dignity and respect at all times.

All department personnel are required to be trained in the impropriety of bias-influenced policing, including legal requirements and sanctions each year. The 2023 review revealed:

Policy- No issues were identified.

Training- All department personnel received training in Fair & Impartial Policing during 2023.

Equipment- No equipment issues identified. Officers have been properly utilizing bodycams.

Discipline/Corrective Action- No complaints were received in 2023 that indicated or inferred any form of bias or racial profiling. No such complaints were received in 2022.

Employee Collision Review 2023

Two property damage accidents involving police units occurred in 2023. One unit struck a deer that entered the road directly in front of it and the officer was unable to avoid a collision, causing structural damage to the front of the vehicle. The officer was found to be not at fault.

The second collision occurred while an officer was on a call and slowly backing up on the shoulder of the road. The officer was focused on passing traffic and brushed up against a sign post with the right rear of the vehicle causing a dent and scratch. The officer was determined to be at fault.

Employee involved collisions were down from five the previous year.



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Policy- No issues were identified.

Training- In 2024 the department is sending an officer to be certified as an Emergency Vehicle Operation (EVO) Instructor. The strategic plan is to have this officer provide EVO refresher training to officers.

Equipment- New department vehicles are being ordered with back-up sensors which when combined with back-up cameras reduce the likelihood of collisions when backing up.

Discipline/Corrective Action- The at-fault officer had no prior collisions and received counseling.

Employee Injury / Exposure review 2023

Four employee injuries, all requiring treatment, were reported in 2023. Three injuries were because of subjects that actively assaulted officers and one was caused while a subject was actively resisting arrest. The officer who was injured while the subject was actively resisting arrest required surgery for a previous injury that was aggravated as a result of the subject resisting.

Of the three officers that were attacked by subjects, one officer sustained a chemical burn to his face and eyes from being sprayed with a chemical agent (mace) while two other officers sustained human bites to the arms during separate incidents. As these injuries were caused during use of force incidents they will be further analyzed in that section.

Policy- No issues were identified.

Training- This will be covered in the use of force review section.

Equipment- No equipment issues identified.

Discipline/Corrective Action- None.

Use of Force Incidents

HTPD reviews all use of force incidents involving officers. Officers are required to complete a use of force form when they use force at a level higher than routine handcuffing and/or verbal direction. The form is forwarded through the chain of command. All use of force incidents are thoroughly reviewed to evaluate policy compliance, identify any training needs, equipment concerns, any policy changes that may be identified and when appropriate discipline/corrective action.



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The HTPD recognizes and respects the value and special integrity of each human life. Officers are instructed that use of force shall never be considered routine. Department members shall use only objectively reasonable force to overcome resistance while affecting a lawful arrest, bringing an incident under control, or protecting the public in the lawful performance of duty. The use of unreasonable, unnecessary or excessive force, and/or the failure to provide medical treatment following the use of force is unacceptable.

Each officer of the department has an affirmative duty to safely intervene in instances where the circumstances are such that the officer should reasonably conclude another officer is using inappropriate, unreasonable or excessive force on a person, in violation of department policy or any state/federal law.

Use of Force in 2023

There were 16 documented use of force incidents during 2023. Subjects were charged with a criminal offense in twelve of the incidents. The four remaining incidents involved subjects experiencing a mental health crisis where an officer intervened to provide medical or mental healthcare and officers determined it was in the persons best interests not to seek any criminal charges.

Michigan law states that a law enforcement officer may take an individual experiencing a mental health crisis into protective custody using that degree of force which would be lawful were the officer effecting an arrest for a misdemeanor without a warrant. In taking the individual into protective custody, a law enforcement officer may take reasonable steps to protect themselves.

In 10 of the incidents, subjects displayed “Active Resistance” as defined by our policy. The other 6 incidents rose to the level of subjects using “Active Aggression” against officers. This includes using weapons to attack the officers in two incidents and a third instance where the officer had to use physical controls to prevent a subject from obtaining a weapon.

Outside of officer presence/verbal direction, officers utilized only compliance controls in six incidents, only physical controls in four incidents, a combination of compliance and physical controls in four instances and intermediate controls in the remaining two incidents. For the two incidents where intermediate control was used, the Taser© was used with probe deployment once and the other time the Taser© was used in the drive stun mode. In addition, the Taser© was displayed as a deterrent in one incident, preventing any escalation in the use of force.

All incidents where force must be utilized in response to resistance or aggression have the possibility of injury to both the subject and officer(s) involved. In 2023, one use of force incident resulted in a laceration to a subject’s head caused by a fall during Taser© deployment.



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Five officers suffered injuries in 2023 as a result of use of force incidents. One officer required surgery after a previous injury was aggravated by a subject actively resisting arrest. The remaining four officers were injured as a result of subjects using active aggression against the officers. One officer sustained a black eye, one officer suffered chemical burns to the eyes and face after being sprayed with a chemical agent (mace) and two separate officers sustained human bites on their arms during separate incidents.

Review of Use of Force Incidents

MLEAC requires a meaningful review be conducted on every use of force incident. The meaningful review is an individualized assessment of the incident that evaluates whether policy was followed, whether discipline is warranted, whether additional training is required, if equipment changes are recommended, and whether a change in policy is recommended. A meaningful review is conducted by an uninvolved supervisor. Each incident is additionally reviewed up the chain of command with the final determination on whether the use of force was justified made by the Director of Public Safety.

Annual Analysis of Use of Force Incidents

In 2023, HTPD officers arrested 106 subjects for criminal offenses and handled 40 calls to assist individuals that were experiencing a mental health crisis or were taken into protective custody pursuant to a court order. As mentioned, there were 16 use of force incidents during these 146 contacts (where individuals were taken into custody) and none of these instances resulted in a determination that the force used was inappropriate, excessive, or unjustified.

An analysis of the 2023 use of force incidents revealed that in the six incidents where officers were subjected to active aggression (assaults), officers were justified in using more force, but deemed it was not necessary in five of the incidents. In the sixth incident, intermediate controls were justified because of the subject's sudden assault on officers, which endangered not only the officers but also other family members. The review also showed that when appropriate and safe to do so, our officers used good tactics that provided subjects an opportunity to deescalate, which is reflective of the training, professionalism and patience of our officers.

The 16 use of force incidents in 2023 were an increase from the previous year's 8 documented use of force incidents. The primary reason for this increase is that subjects were actively assaulting officers as opposed to just attempting to defeat the officers control techniques. Subjects were under the influence of alcohol and/or drugs in 9 of the incidents requiring the use of force above verbal direction.



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Active aggression has not been prevalent in previous years and it is unknown if the trend will continue. The active aggression committed against officers in 2023 is solely because of the subject's actions and not because of any change in our officers' tactics. No amount of training can prevent unprovoked attacks, however, our officer's response to these was consistently professional and done according to training provided.

Policy- The year-end analysis did not identify the need for any policy revisions.

Training- A review of the 2023 use of force incidents illustrated the importance of training with our partnering law enforcement agencies. While working in conjunction with another agency, their officers didn't respond according to our training during a use of force situation. HTPD officers recently expanded use of force training with other agencies which will improve the response and coordination to similar situations. All officers received de-escalation training in 2023.

Equipment- The department continues to explore better mounting solutions for bodycams as they tend to occasionally fall off during active use of force situations.

Disciplinary/Corrective Action- A minor policy violation was noted during a meaningful review which had no impact on the incident but increased the chances of the Taser© malfunctioning. This was addressed with a reminder for officers to function test their Taser© regularly.

Vehicle Pursuits / Roadblocks and Forcible stopping

Historically, HTPD has a low number of vehicle pursuits. It is the policy of the department to pursue violators of the law and to use all reasonable means of apprehension to that end.

It is also the policy of the department to protect all persons and property to the greatest extent possible while engaging in the apprehension of criminal suspects. Vehicular pursuits of fleeing suspects are inherently dangerous and pose substantial risk to the public, officers, and suspects.

Therefore, it is the policy of the department to conduct vehicle pursuits using reasonable tactics, in conformity with all current state and federal statutory and case law, to minimize the risks associated with vehicle pursuits.

Analysis of Vehicle Pursuits

MLEAC requires a meaningful review must be conducted on every vehicle pursuit or when roadblocks or forcible stopping tactics are utilized. Stationary roadblocks are prohibited by department policy. The meaningful review is an individualized assessment of the incident that evaluates whether policy was followed, whether discipline is warranted, whether training is required, if equipment changes are recommended and whether a change in policy is recommended.



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A meaningful review is done by an uninvolved supervisor. Each incident is additionally forwarded up the chain of command with the final determination made by the Director of Public Safety.

In 2023 HTPD participated in three vehicle pursuits. Two of these pursuits were terminated by the initiating officer and the subjects were not apprehended. One pursuit was terminated when the officer lost sight of the vehicle and the other was terminated when the pursuit approached a school zone on a school day. The third pursuit involved an intoxicated driver that fled from a traffic stop. The subject struck a curb, disabling his vehicle after fleeing for about a mile and was apprehended without incident.

In comparison, HTPD participated in two vehicle pursuits in 2022.

Policy- All three pursuits were determined to follow policy.

Training- Stop-Stick® training was conducted in 2023.

Equipment- No issues were identified with equipment.

Discipline/Corrective Action- The year-end analysis did not identify any disciplinary issues or patterns of improper actions during pursuits warranting any corrective action.

Foot Pursuits

The purpose of the foot pursuit policy is to establish a balance between protecting the safety of the public and police officers during police pursuits on foot and law enforcement's duty to enforce the law and apprehend suspects.

Foot pursuits are inherently dangerous police actions. The safety of department members and the public is the primary consideration when determining whether a foot pursuit should be initiated or continued.

HTPD officers participated in three foot pursuits during 2023. No foot pursuits were conducted by HTPD officers in 2022.

In two of the 2023 incidents the officers terminated the foot pursuit. In one instance the officer was dispatched to a disorderly person call. When the officer approached the subject, he fled disobeying the officer's commands to stop. The subject was known to the officer and was also known to carry a handgun. The fleeing subject ran into his residence and locked the door. Even though the officer was justified in chasing the subject into the residence pursuant to "hot pursuit" case law, the officer prudently chose to terminate the foot pursuit because the subject was known to be armed and no back-up was in the area. A warrant was issued for the subject and he was apprehended at a later date.



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In the second terminated foot pursuit a driver fled on foot from a traffic stop. The officer terminated the foot pursuit after he lost sight of the driver. The subject was later arrested after being spotted by perimeter units.

The third foot pursuit involved a subject fleeing after committing a domestic assault. The foot pursuit only lasted a few minutes and officers were able to apprehend the subject.

Analysis of the Foot Pursuit

Policy- No changes in policy have been deemed necessary at this time.

Training- Officers conducted all three pursuit within policy guidelines.

Equipment- No equipment issues were identified during the annual analysis.

Discipline/Corrective Action- No disciplinary issues were identified.

Conclusion

As indicated, this annual report is required by MLEAC for accreditation and is now required by department policy. I feel that this report is extremely beneficial as our department strives to be transparent in our actions not only with the Board but with the community that we serve. Please feel free to contact me any time if you have any questions or want any additional information.

Respectfully,

A handwritten signature in cursive script, appearing to read "Richard Duffany".

Chief Richard Duffany
Director of Public Safety