



DATE: February 8, 2021

TO: James W. Conroy, Chief of Police

FROM: Charles T. Greco, Captain, Office of Professional Standards

SUBJECT: 2020 ANNUAL STATISTICAL SUMMARIES OF COMPLAINTS AND INTERNAL AFFAIRS INVESTIGATIONS

Chapter 15 of the Roswell Police Department Policy and Procedures Manual specifies that the Department investigates all complaints and allegations of employee misconduct received from any source or by any means (telephone, electronic, fax, by mail, anonymous or as directed by the Chief of Police). Complaints are classified in one of three categories:

1. Operational Community Issues
2. Inquiry Investigations, and
3. Formal Investigations,

Operational Community Issues (OCI): Complaint of dissatisfaction with Department service, procedure or practice, not involving employee misconduct.

Inquiry Investigations: Complaints regarding a specific officer's conduct, including policy violations and performance related issues are regularly assigned to the employee's Watch Commander as Inquiry Investigations.

Formal Investigations: Allegations of a serious or 'high profile' nature such as unethical conduct, violations of constitutional rights (i.e. excessive use of force, false arrests), and criminal violations by employees, are assigned to the Office of Professional Standards as Formal Investigations.

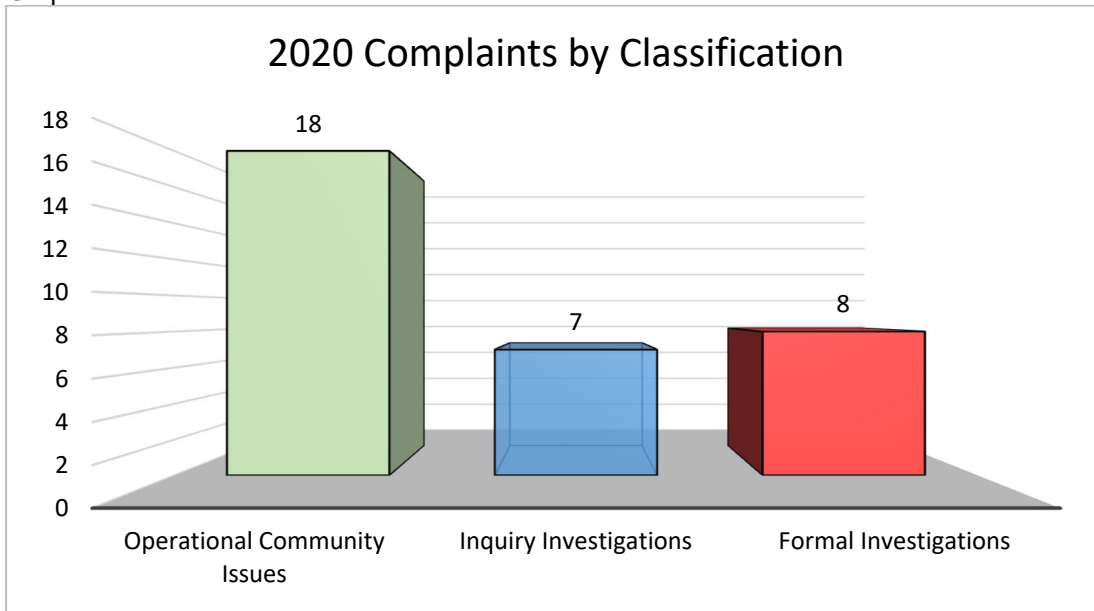
Per Department policy, all complaints received, regardless of source, are forward to the Commander of the Office of Professional Standards for review and preliminary investigation. The purpose of the initial review is to ensure that all matters are handled in accordance with established procedures. The Office of Professional Standards determines and assigns investigative responsibility.

COMPLAINTS BY CLASSIFICATION:

In 2020, the Department received forty-four (44) initial complaints. Of the forty-four (44) complaints, eight-teen (18) were classified as *Operational Community Issues* (41%). These specific complaints were solely based on disputed traffic citations, non-prosecutable criminal cases due to lack of evidence, or determined to be a civil matter, and uninvolved parties who disagreed with standard protocol Department police operations.

Seven (7) complaints were classified as an *Inquiry Investigation* (16%) and were forwarded to the respective Division Commander for review and assignment. Eight (8) complaints were classified as *Formal Investigations* (18%) and were assigned to the Office of Professional Standards for investigation. (See Graph 1)

Graph 1

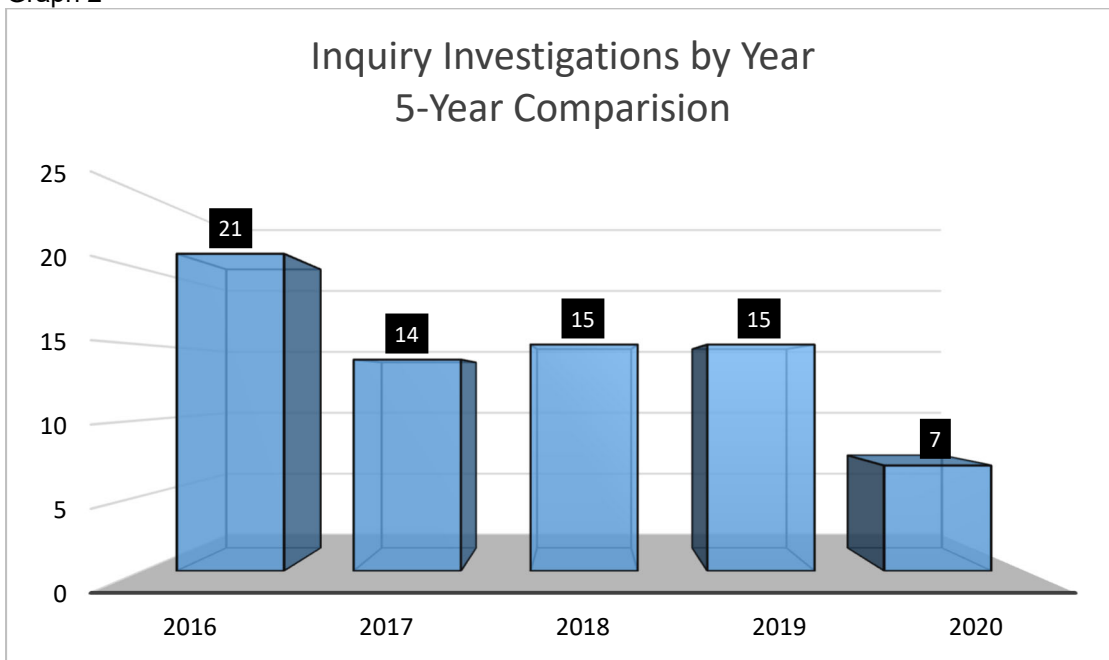


The remaining complaints (25%) were unable to be classified based on the following;

- Nine (9) complaints were either determined to be proven false, the complainant would not provide any further details of the alleged incident and/or no contact could be made with the actual complainant.
- Two (2) complaints were determined that the accused was not a Department employee

Annual Inquiry Investigations have decreased, with 2020 having 7.4 Inquiry Investigations less than the 5-year average. (See Graph 2)

Graph 2

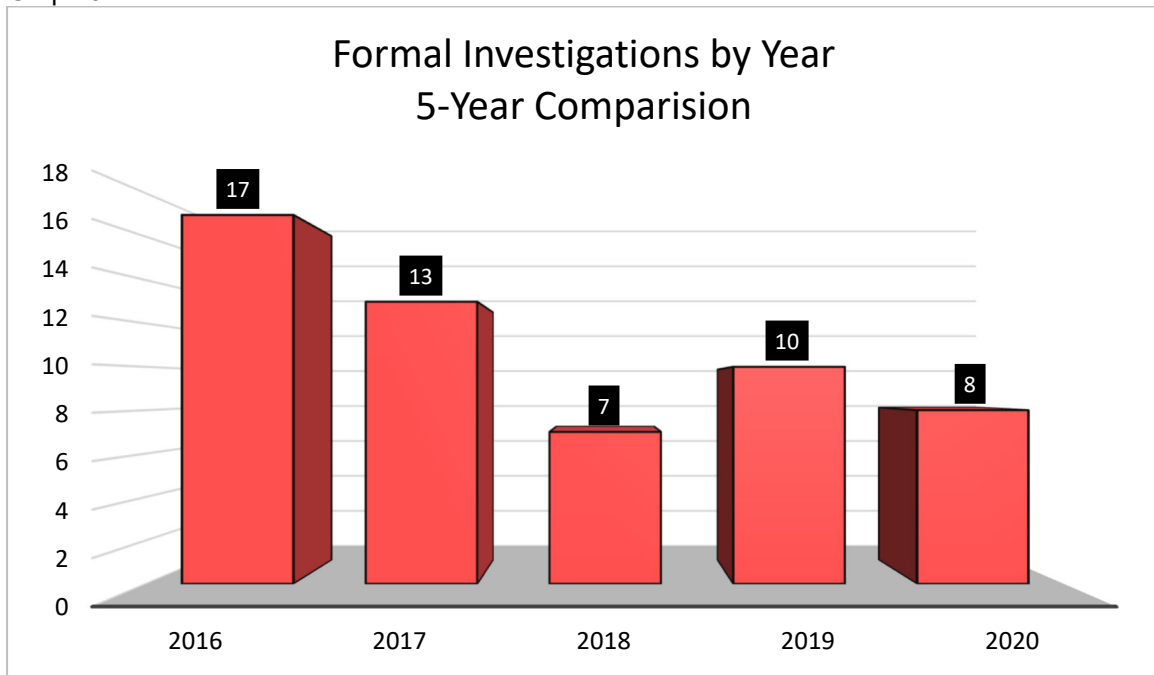


While the Inquiry Investigations have decreased, the total number of complaints in 2020 was in line with the previous 4 years. In the past, initial complaints were assigned as Inquiry Investigations, even if the initial compliant information was unverifiable. The addition of body worn cameras has made it apparent when a complaint is verifiably false. These complaints are documented as “complaints not classified”.

A five-year review of Formal Investigation complaints revealed a decrease of complaint numbers by 27%. (See Graph 3)

Investigations involving management personnel are often considered more serious in nature by virtue of the potential impact on the organization. For this reason, they are more likely to be classified as “Formal Investigations.”

Graph 3



COMPLAINT TYPES:

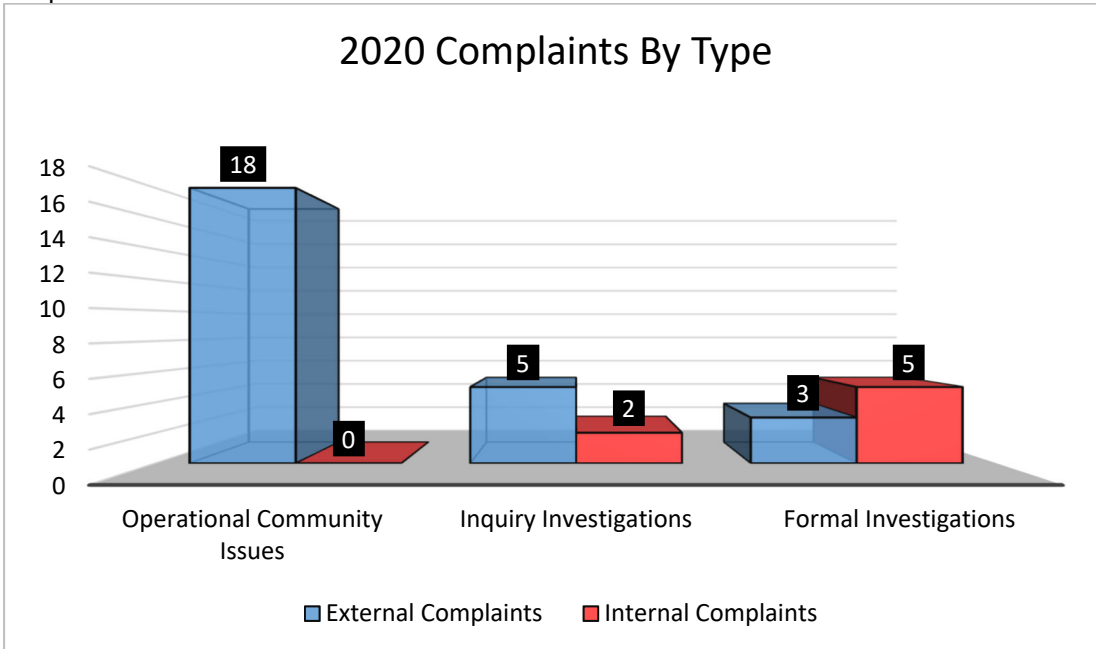
The Department receives complaints either internally or from external sources. Complaints of potential misconduct or areas of interest that are internally generated by Department or City personnel are also known as “*directed complaint*.”

Complaints received from the general public are categorized as external or “*citizen complaints*”.

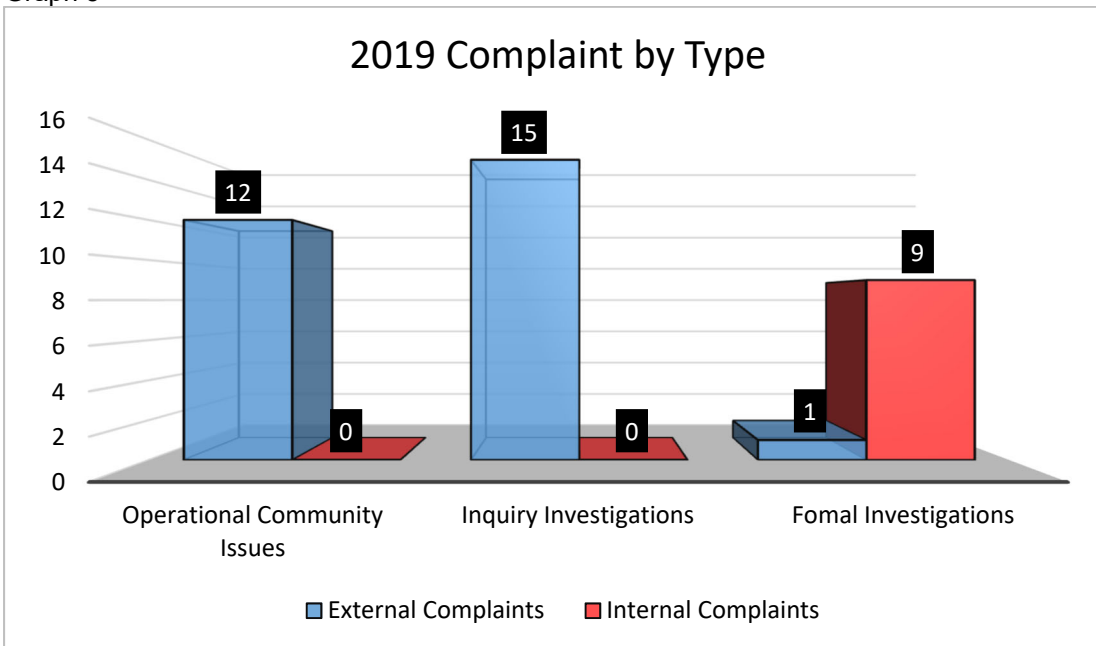
This past year demonstrated a slight decrease in internal complaints. Of the eight (8) Formal Investigations conducted, three (3) were generated as external complaints. (See Graph 4).

A review of past results are provided in Graphs 5 and 6, on page 4.

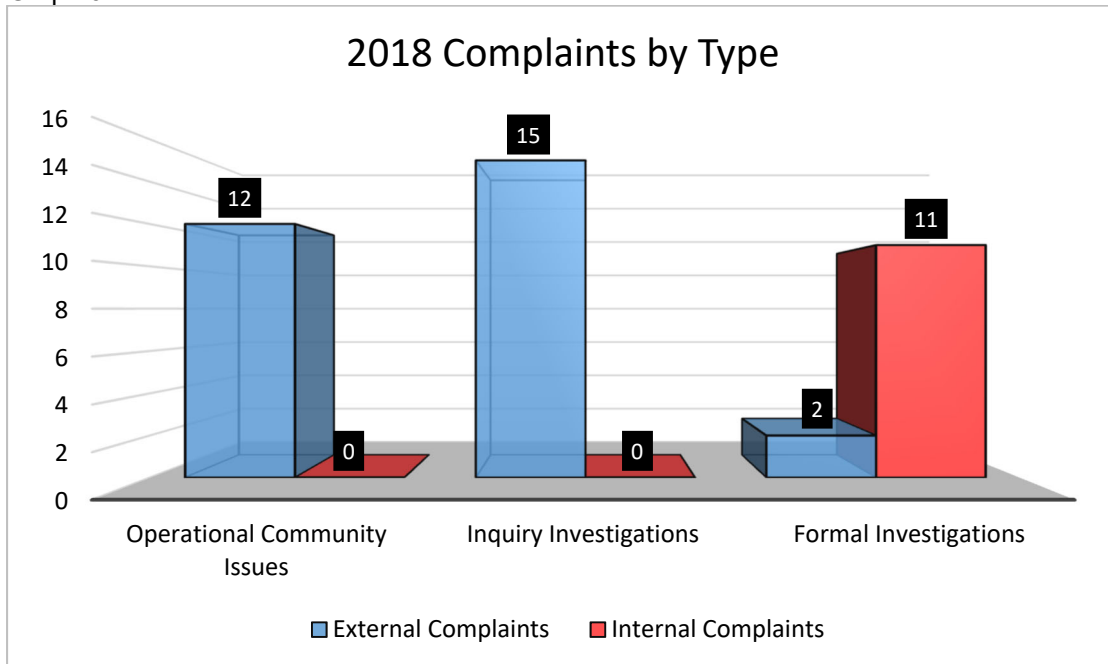
Graph 4



Graph 5



Graph 6



INVESTIGATION RESULTS BY DISPOSITION:

Complaint investigations are primarily cleared with four (4) dispositions. These dispositions are defined in Department policy as:

1. **Unfounded:** The investigation indicates that the act or acts complained of did not occur or failed to involve Department personnel.
2. **Exonerated:** Acts did occur, but were justified, lawful and proper.
3. **Not Sustained:** Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
4. **Sustained:** The investigation does disclose sufficient evidence to clearly prove the allegations made in the complaint.

The dispositions are adjudicated at the conclusion of the investigative process. If the investigation determines that the misconduct is not based on the complaint, an allegation(s) is added to the complaint accordingly and is investigated thoroughly and adjudicated appropriately.

It is not uncommon for an investigation to address more than one violation of rules and regulations. It must also be noted that a single investigation may involve more than one Department employee, resulting in separate dispositions.

One additional category that identifies internal issues. It is not used to adjudicate the investigation, but rather to assist the Department to identify policies that inadequately protect the Department and the public. It is defined as:

- **Policy Failure:** The allegation is proved true, and although the action of the agency or the employee was consistent with Department policy, the complainant did suffer harm.

In 2020, the total number of dispositions for both Inquiry Investigations and Formal Investigations was forty-eight (48).

INQUIRY INVESTIGATIONS BY DISPOSITION:

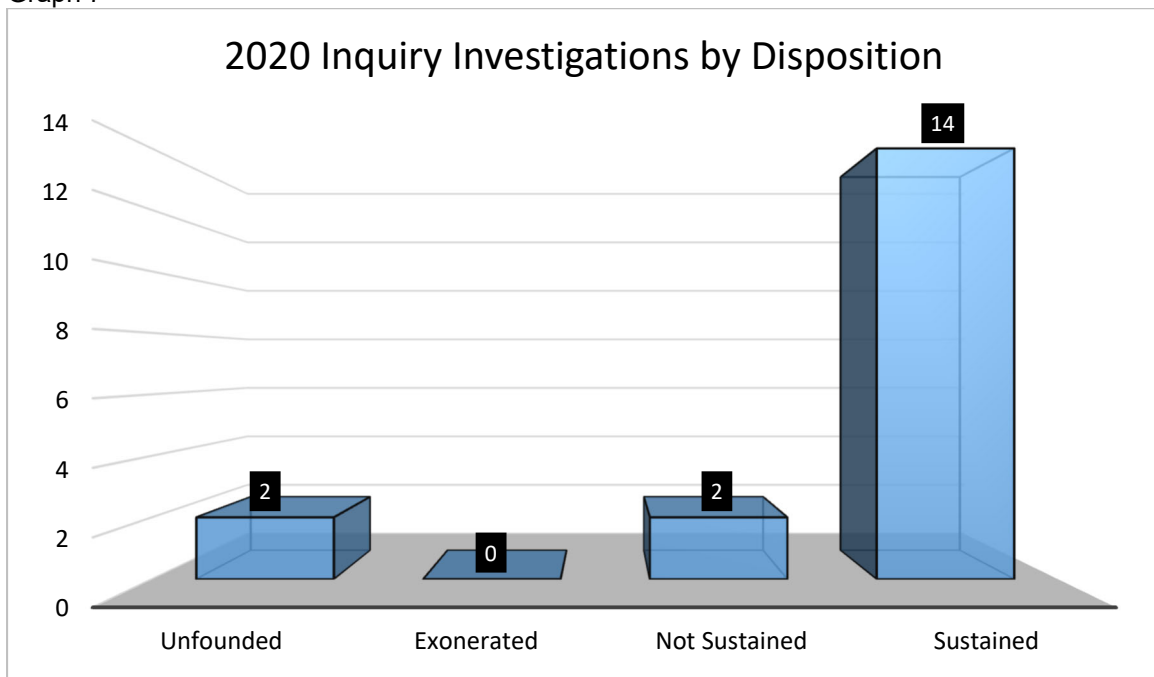
In 2020, Inquiry Investigations resulted in eighteen (18) total dispositions, per policy violation. It is not uncommon for more than one policy violation to be listed in an investigation. Out of the eighteen (18) dispositions, fourteen (14) were cleared as Sustained (78%). Two (2) were cleared as Not Sustained (11%) and two (2) was cleared as Unfounded (11%). (See Graph 7)

Four (4) Inquiry Investigations listed between two (2) to eight (8) policy violations. In one (1) Inquiry Investigation, six (6) employees were listed as subjects, which resulted in eight (8) dispositions. A breakdown of the investigations is provided below.

Inquiry Investigation disposition breakdown:

- IQ 2020-001: Two (2) dispositions (Unfounded)
- IQ 2020-002: One (1) disposition (Sustained)
- IQ 2020-003: One (1) disposition (Not Sustained)
- IQ 2020-004: One (1) disposition (Not Sustained)
- IQ 2020-005: Eight (8) dispositions (Sustained)
- IQ 2020-006: Two (2) dispositions (Sustained)
- IQ 2020-007: Three (3) dispositions (Sustained)

Graph 7



FORMAL INVESTIGATIONS BY DISPOSITIONS:

In 2020, Formal Investigations resulted in thirty (30) total dispositions for policy violations. Of the thirty (30) dispositions, twenty-five (25) were cleared as Sustained (83%).

Three (3) were cleared as Not Sustained (10%), one (1) was cleared as Unfounded (3%) and one (1) cleared as Exonerated (3%). (See Graph 8).

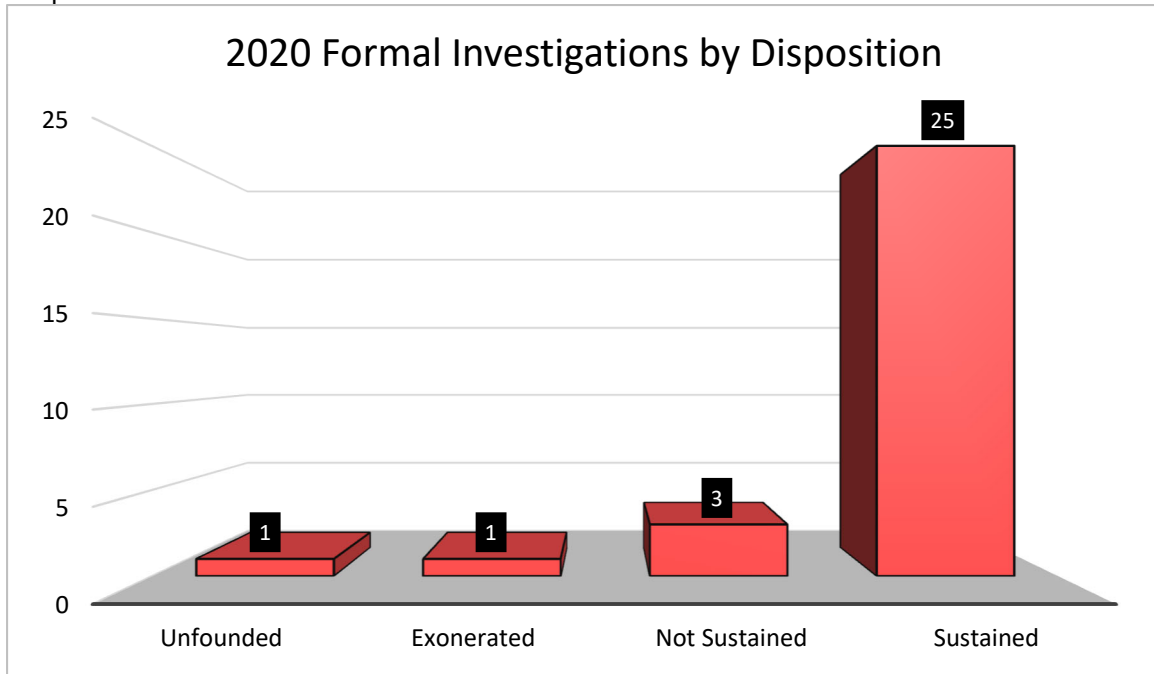
Seven (7) Formal Investigations had between two (2) to seven (7) dispositions of policy violations (a breakdown of the investigations is provided below).

Note. Two (2) Formal Investigations identified Misconduct Not Based on Initial Complaints. The allegations involved allegations against employees providing false information and/or not activating their issued Body Worn Cameras when required.

Formal Investigations disposition breakdown:

- FI 2020-001: Two (2) dispositions (1 Exonerated, 1 Unfounded)
- FI 2020-002: Two (2) dispositions (2 Not Sustained)
- FI 2020-003: Seven (7) dispositions (7 Sustained)
- FI 2020-004: Three (3) dispositions (3 Sustained)
- FI 2020-005: Seven (7) dispositions (7 Sustained)
- FI 2020-006: Four (4) dispositions (4 Sustained)
- FI 2020-007: Five (5) dispositions (4 Sustained, 1 Not Sustained)
- FI 2020-008: Disposition not required for investigation, involved Negligent Discharge of Firearm (Off-Duty).

Graph 8



2020 INVESTIGATION RESULTS BY POLICY VIOLATION:

Duty to Abide by all Laws and Orders (RPD Policy and Procedures Manual 16.1) accounted for three (3) dispositions (6%).

Duty Regarding Conduct – On/Off Duty (RPD Policy and Procedures Manual 16.5) was addressed in six (6) dispositions (12%). Conduct violations are actions that reflect unfavorably on the employee and the Department. Duty Regarding Conduct complaints occurred both on/off-duty and included examples such as being rude or argumentative with citizens and arguing or with other Department employees.

Duty Not to Give False or Misleading Information (RPD Policy and Procedures Manual 16.8) was addressed in three (3) dispositions (6%). The complaints involved allegations against officers not providing correct information on Department documents.

Prompt Performance of Duty / Neglect of Duty (RPD Policy and Procedures Manual 16.49) was addressed in five (5) dispositions (10%). Neglect of duty is a failure to promptly perform all lawful duties required by law or policy.

Truthfulness / Cooperation (RPD Policy and Procedures Manual 16.70) was addressed in two (2) dispositions (4%). The complaints involved allegations against officers regarding theft, inaccurate information contained in a police report and lying to their supervisors.

Body Worn Camera (BWC) (RPD Policy and Procedures Manual 44.2) was addressed in three (3) dispositions (6%). The investigations involved officers not wearing and or activating their BWC's when required.

Other Department policy violations investigated included:

- 16.7 Duty Regarding Respect of Fellow Employees (*Sustained*)
- 16.48 Illness / Condition (Physical / Mental) Sick Leave (*Sustained*)
- 16.51 Prohibited Association / Frequenting (*Sustained*)
- 16.61 Duty Regarding Issued Items (*Sustained*)
- 16.84 Recovered Property / Evidentiary Material (*Sustained – seven counts*)
- 16.91 Violation of Law (*Sustained*)
- 16.102 Unwanted Conduct (*Sustained*)
- 17.1 Harassment (*Sustained*)
- 34.3 Collection, Preservation and Presentation of Physical Evidence (*Sustained – two counts*)
- 45.2 Department Internet / Social Media (*Sustained*)

One (1) Inquiry Investigation included Division of Emergency Communications (E911) policy violations to include;

- 3-3: Call Processing: Call Handling (*Sustained*)
- 3-7: Priority Dispatching (*Sustained*)

Four (4) Formal Investigations included City of Roswell Human Resources policy violations to include;

- 2.2 Harassment (*Sustained*)
- 2.3 Workplace Civility (*Not Sustained – one count, Sustained – one count*)
- 2.19.4 Employee Personal Social Media Use (*Sustained*)
- 13.1 (37) Falsifying time sheets or other payroll records, and falsification or destruction of official records or documents (*Sustained*)

The specific policy violation or violations and the result of each investigation, as determined by the Chief of Police, were provided to each complainant and to each employee who was the subject of an investigation.

Table 1 provides a breakdown of each disposition per policy violation, of all complaint investigations during 2020.

Table 1

| Policy Violations | Unfounded | Exonerated | Not Sustained | Sustained | Total |
|--|------------------|-------------------|----------------------|------------------|--------------|
| 16.1 Duty to Abide by all Laws and Orders | | | 1 | 2 | 3 |
| 16.5 Duty Regarding Conduct | 1 | 1 | 2 | 2 | 6 |
| 16.7 Duty Regarding Respect for Fellow Employees | | | | 1 | 1 |
| 16.8 Duty Not to Give False or Misleading Information | 1 | | | 2 | 3 |
| 16.48 Illness / Condition (Physical / Mental) Sick Leave | | | | 1 | 1 |
| 16.49 Prompt Performance of Duty / Neglect of Duty | 1 | | 1 | 3 | 5 |
| 16.51 Prohibited Association / Frequenting | | | | 1 | 1 |
| 16.61 Duty Regarding Issued Items | | | | 1 | 1 |
| 16.70 Truthfulness / Cooperation | | | | 2 | 2 |
| 16.84 Recovered Property / Evidentiary Material | | | | 6 | 6 |
| 16.91 Violation of Law | | | | 1 | 1 |
| 16.102 Unwanted Conduct | | | | 1 | 1 |
| 16.105 Conduct Unbecoming | | | | 3 | 3 |
| 17.1 Harassment | | | | 1 | 1 |
| 34.3 Collection, Preservation and Presentation of Physical Evidence | | | | 2 | 2 |
| 44.2 Body Worn Camera | | | | 3 | 3 |
| 45.2 Department Internet / Social Media | | | | 1 | 1 |
| <i>Division of Emergency Communications (E911) Policy Violations</i> | | | | 2 | 2 |
| <i>City of Roswell Human Resources Policy Violations</i> | | | 1 | 4 | 5 |
| Total Dispositions | 3 | 1 | 5 | 39 | 48 |

BIAS-BASED PROFILING IN 2020

It is the policy of the Roswell Police Department to respect and protect the Constitutional Rights of individuals encountered during law enforcement contacts and enforcement actions. Therefore, bias-based profiling is prohibited in all citizen contacts.

An annual administrative review of racial and ethnic (bias-based profiling) complaints is required by Department Policy 16.107. Bias-based profiling is defined as any law enforcement initiated action that relies upon the status of an individual such as race, age, ethnicity, etc. rather than on the behavior of that individual.

The Office of Professional Standards also reviewed the reporting processes for bias-based profiling. It is the policy and practice of the Roswell Police Department to accept all complaints and document receipt in the administrative investigation control logs. When a complainant reports a racial or ethnic bias in the employee's actions, this is noted in the log. It is also the policy of the Department to require officers to report any violation of the prohibition against bias-based profiling to a supervisor. The policy in place properly addresses reporting concerns. No improper actions or practices were uncovered.

A review of all complaints was conducted by the Office of Professional Standards. Two (2) complaints involving bias-based profiling were investigated in 2020. One (1) complaint was unclassified due to the actual complainant not filing a complaint, nor returning the investigator's phone call. The original complaint was received from a third party, who was not present when the alleged incident occurred.

The second complaint was classified as an Operational Community Issue and involved a complainant who was dissatisfied for being issued a traffic citation. The complainant stated she questioned whether or not race was involved due to her not receiving a written warning instead. The preliminary investigation did not reveal any evidence to suggest that race was involved in the issuance of a citation.

There were no sustained allegations of bias-based profiling.

Prepared by:



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