



DATE: March 1, 2019

TO: Helen Dunkin, Chief of Police

FROM: Charles Greco, Captain, Office of Professional Standards

SUBJECT: 2018 ANNUAL SUMMARY OF COMPLAINTS OF EMPLOYEE MISCONDUCT, DEPARTMENT POLICY 15.12, - CALEA STANDARD 26.2.5

Chapter 16 of the Roswell Police Department Policy and Procedures Manual specifies that the Department investigates all allegations of employee misconduct received from any source, including anonymous complaints. According to Department policy, investigations of complaints are assigned to one of three categories:

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

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 Internal Affairs Unit as Formal Investigations.

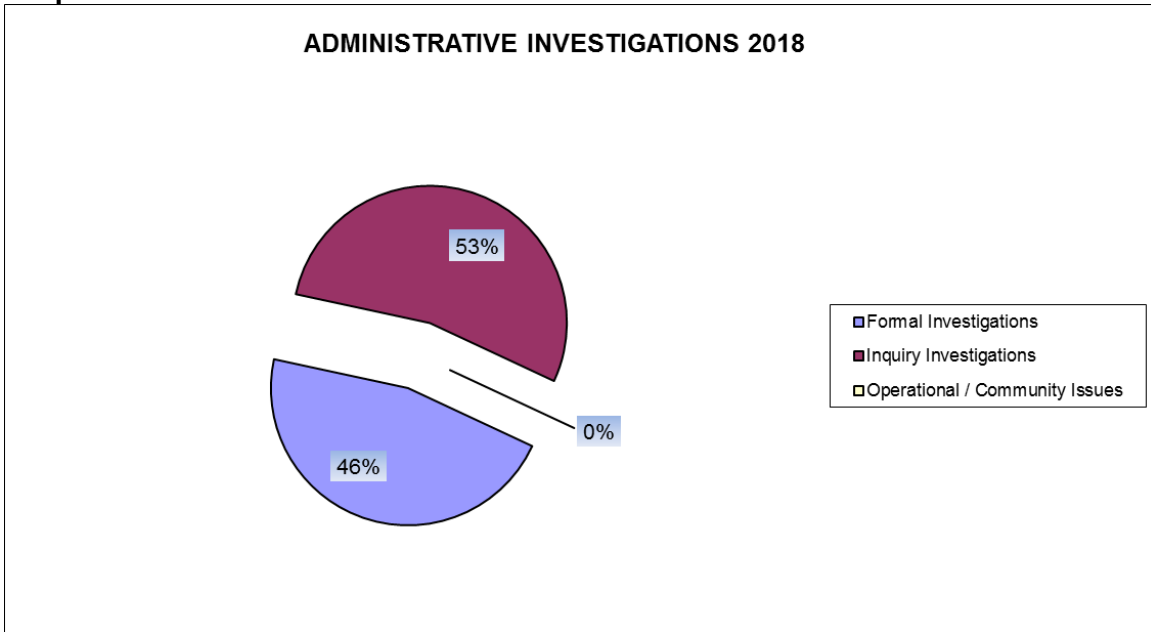
Inquiry Investigations – Complaints regarding a specific officer's conduct, including policy violations and performance related issues are regularly assigned to the employee's Watch Commander as Inquiry Investigations.

Operational/Community Issues – Concerns or questions about organizational responses to an incident that are not directed toward an individual officer or problems within the community are classified as an operational/community issue. These investigations are also assigned to Watch Commanders.

During 2018, the Department investigated twenty-eight (28) complaints. Thirteen (13) were Formal Investigations (46%), and fifteen (15) Inquiry Investigations (53%). There were no operational/community issues reported (See Graph 1). Operational/community issues are rarely reported as complaints that require investigation but are available for those situations that do require an investigation but are not attributable to a specific officer or officers' actions.

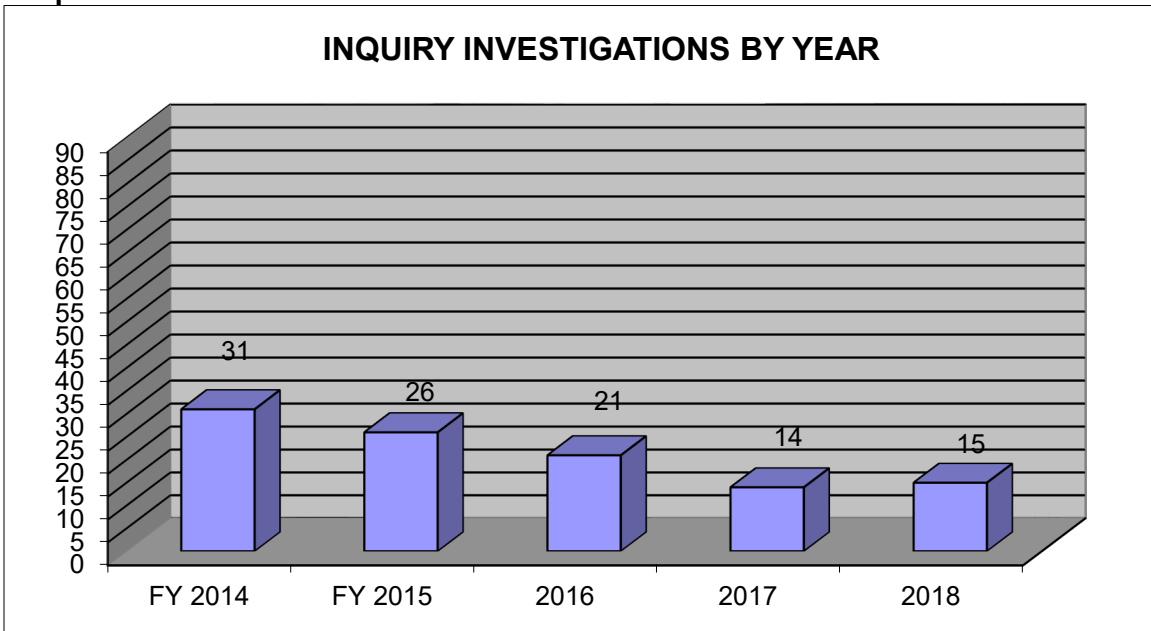
Note. One complaint received was initially investigated as an Inquiry, but was later turned into a Formal Investigation due to the seriousness of the allegations (both are counted as an Inquiry and Formal investigation).

Graph 1



Since 2014, Inquiry Investigations have consistently decreased (See Graph 2).

Graph 2

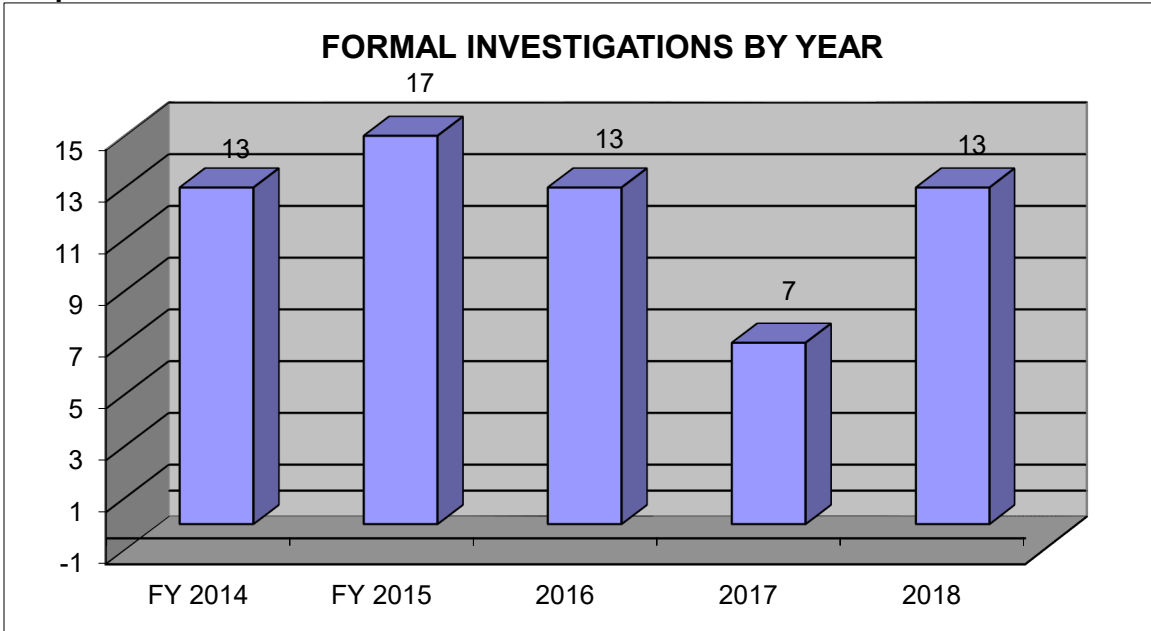


Note: 2014 and 2015 were completed Fiscal Year (FY) only. Beginning 2016, investigations were tracked by calendar year.

A five-year review of Formal Investigation complaints revealed a leveling of complaint numbers (See Graph 3). Investigations involving management personnel are often considered more serious in nature by virtue because of the potential impact on the entire organization. For this reason, they are more likely to be classified as “Formal

Investigations.” This contributed, at least in part, to a continued increase in the number of Formal Investigations.

Graph 3



Note: 2014 and 2015 were completed Fiscal Year (FY) only.

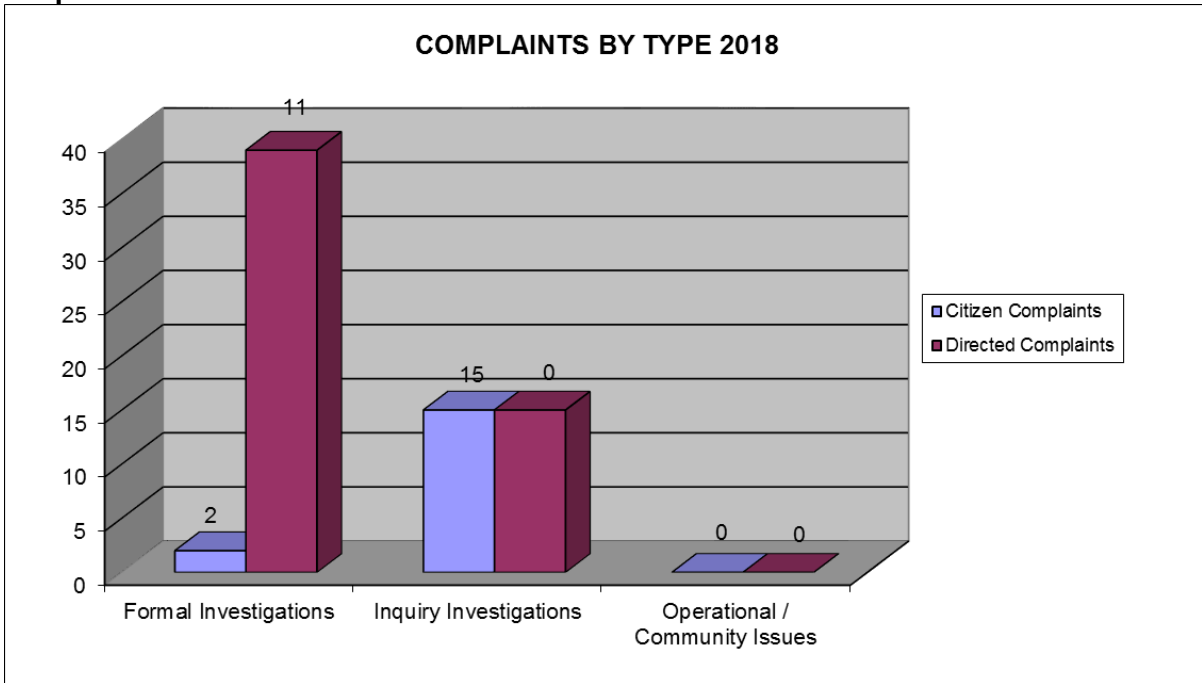
No Operational/Community Issues (OCI) complaints were investigated in 2018. Although, this type of complaint is rare, the ability to investigate such complaints without attributing the investigation to any specific officer validates the existence of the designation.

COMPLAINT TYPES

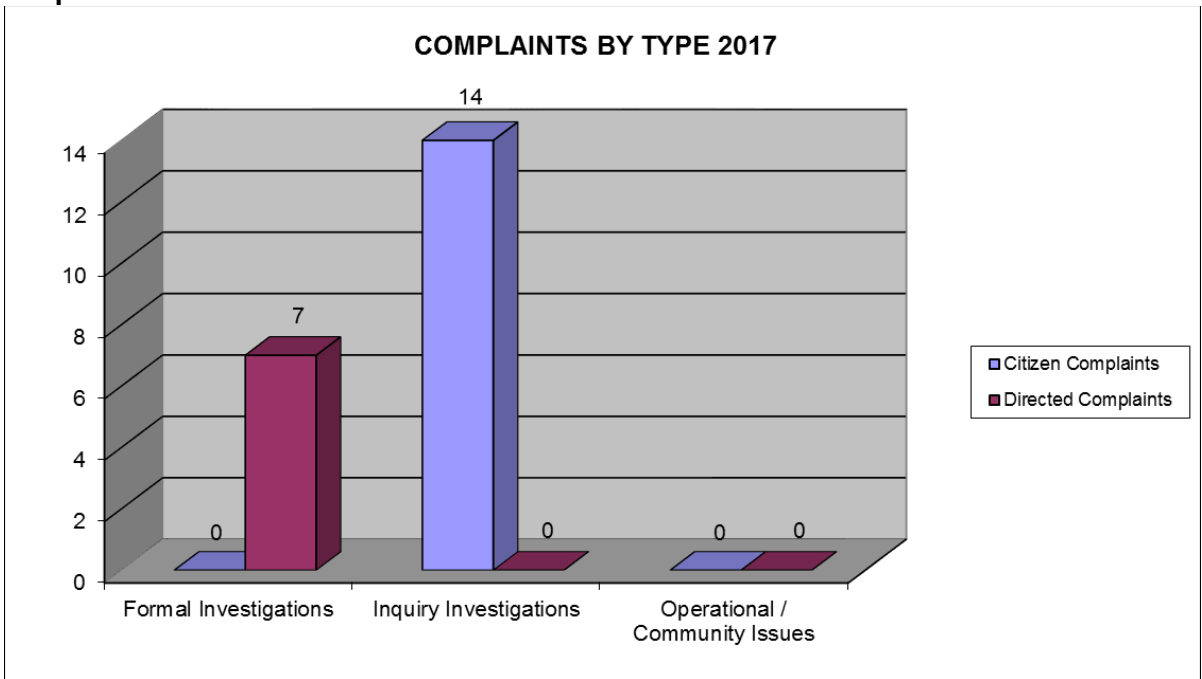
Complaints are received by the Department either internally or external. First, notification of potential misconduct or areas of interest that are internally generated by Department or City personnel are labeled “directed complaint.”

Second, complaints received from the general public are categorized as external or *citizen complaints*. This past year demonstrated a relatively increase for Formal Investigations. *All but two (2) Formal Investigations were directed complaints* (See Graph 4). This is in keeping with past results (See Graphs 5 and 6).

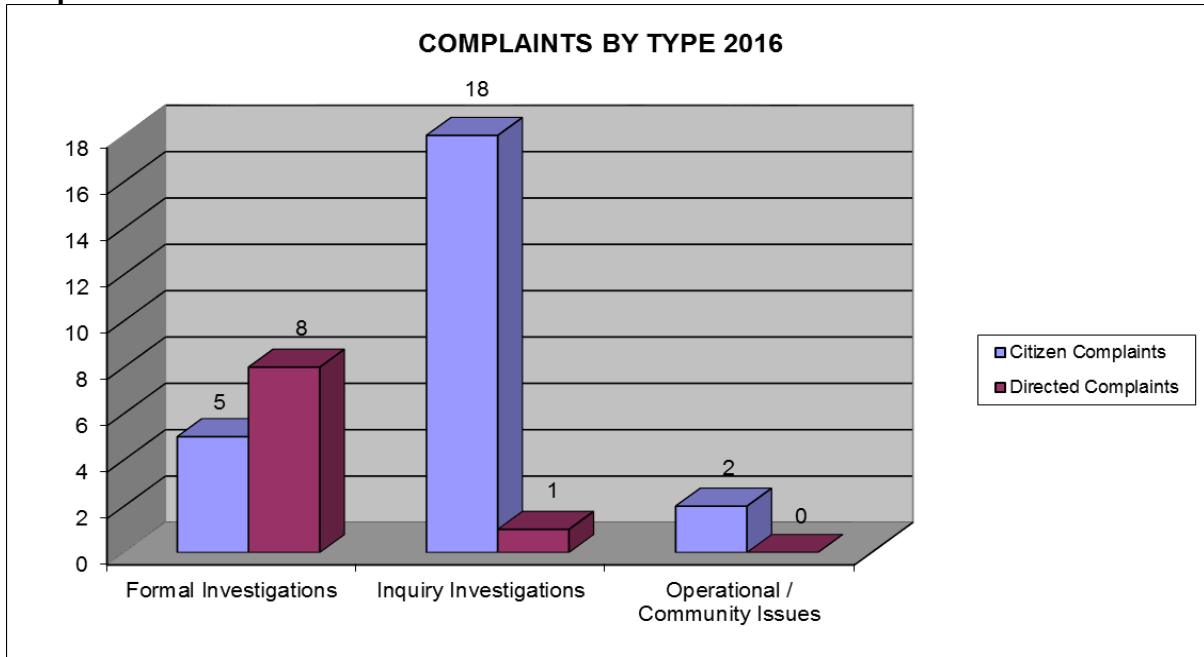
Graph 4



Graph 5



Graph 6



INVESTIGATION RESULTS BY DISPOSITION

Complaint investigations are primarily cleared with five (5) dispositions. These dispositions are defined in Department policy as:

- **UNFOUNDED:** The investigation indicates that the act or acts complained of did not occur or failed to involve Department personnel.
- **EXONERATED:** Acts did occur, but were justified, lawful and proper.
- **NOT SUSTAINED:** Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
- **SUSTAINED:** The investigation does disclose sufficient evidence to clearly prove the allegations made in the complaint.
- **MISCONDUCT NOT BASED ON COMPLAINT:** During the course of the investigation other employee misconduct is revealed that was not alleged 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.

There is 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's. 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.

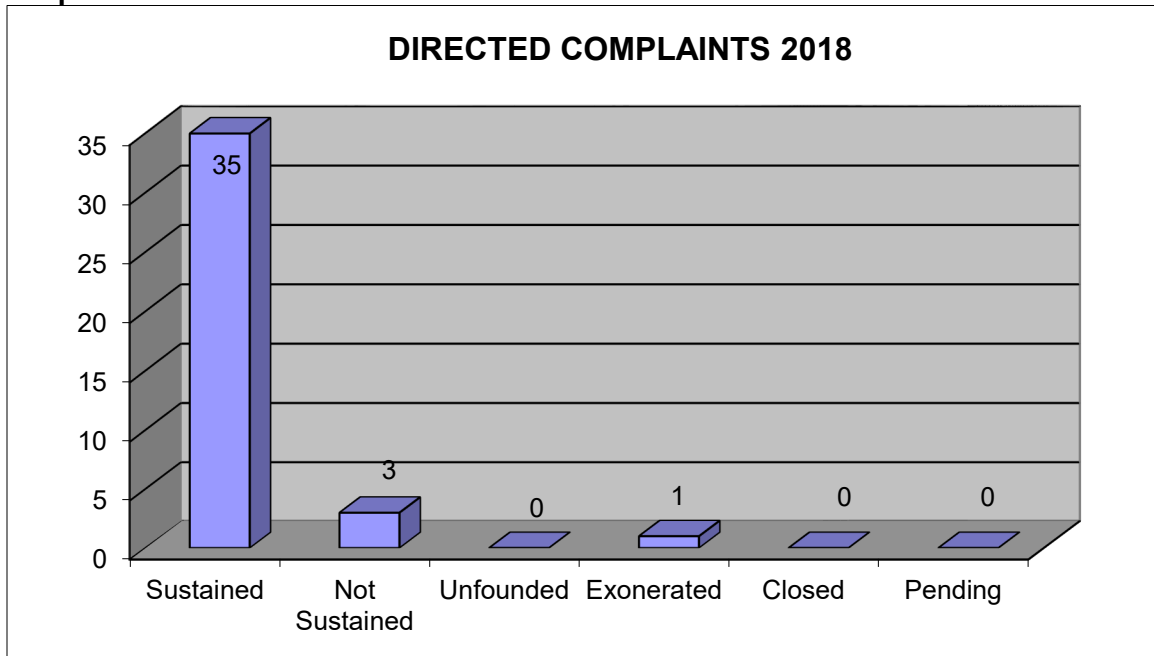
By disposition *directed complaints* were cleared as Sustained 84% of the time (11 of 13). One investigation resulted in three (3) dispositions, Exonerated, Unfounded, and Not Sustained. (See Graph 7).

Nine (9) Formal Investigations (*directed complaints*) had between two (2) to sixteen (16) dispositions of policy violations (a breakdown of the investigations is provided below).

Formal Investigations (*directed complaints*) involving more than one disposition:

- F.I. 18-002 – Eleven (11) dispositions (Sustained)
- F.I. 18-003 – Two (2) dispositions (Sustained)
- F.I. 18-004 – Three (3) dispositions (Not Sustained [2 counts], Sustained)
- F.I. 18-006 – Sixteen (16) dispositions (Sustained)
- F.I. 18-007 – Three (3) dispositions (Exonerated, Unfounded, Not Sustained)
- F.I. 18-008 – Four (4) dispositions (Sustained)
- F.I. 18-011 – Two (2) dispositions (Sustained)
- F.I. 18-012 – Five (5) dispositions (Sustained)
- F.I. 18-013 – Two (2) dispositions (Sustained)

Graph 7

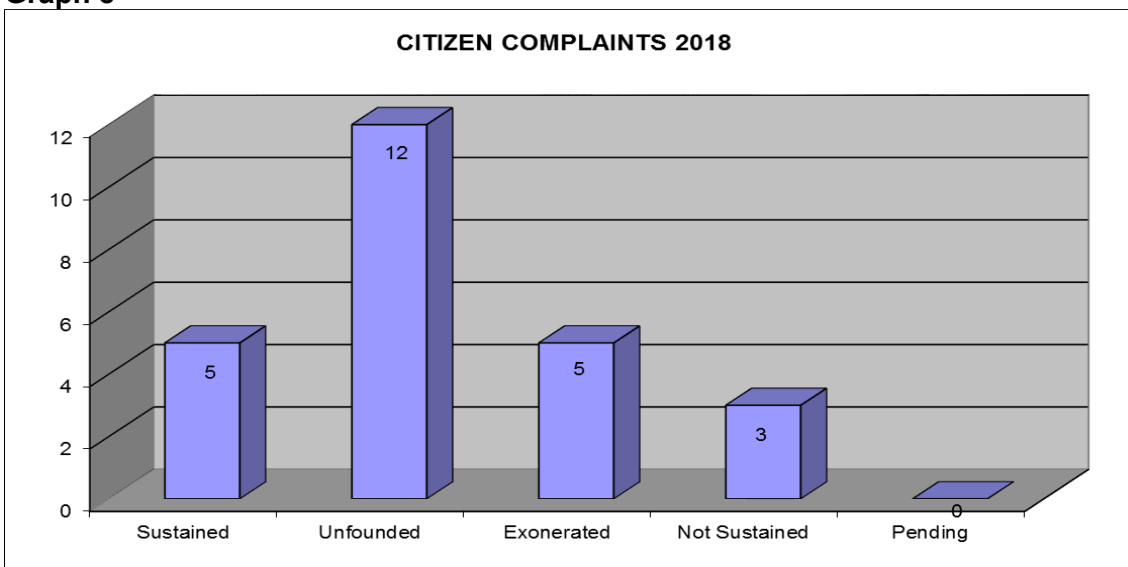


Five (5) *citizen complaints (Inquiry Investigations)* were cleared as Sustained (33%). Two (2) *citizen complaints (Formal Investigations)* were cleared as Sustained (15%). Six (6) *citizen complaints* involved two (2) to four (4) dispositions (a breakdown of the six (6) investigations is provided below).

The remaining *citizen complaints (Inquiry Investigations)* twelve (12) were closed as Unfounded (80%), five (5) were Exonerated (33%), and three (3) were Not Sustained (20%). (See Graph 8). No *citizen complaint* investigation uncovered a policy failure issue.

Note. One *citizen complaint* initially was investigated as an Inquiry, but upon further information was turned into a Formal Investigation for further review.

Graph 8



NOTE: Graph 8 includes Operational Community Issues.

Inquiry Investigations involving more than one disposition:

- IQ 18-001 – Four (4) dispositions (Unfounded, Exonerated [2 counts], Not Sustained)
- IQ 18-004 – Four (4) dispositions (Exonerated, Unfounded [3 counts])
- IQ 18-007 – Two (2) dispositions (Unfounded, Sustained)
- IQ 18-010 – Two (2) dispositions (Not sustained [2 counts])
- IQ 18-012 – Two (2) dispositions (Unfounded, Sustained)
- IQ 18-014 – Two (2) dispositions (Unfounded, Sustained)

INVESTIGATION RESULTS BY COMPLAINT TYPE IN 2018

Duty Regarding Conduct (RPD Policy and Procedures Manual 16.5) accounted for seven (7) of the twenty-eight (28) (25%) of the complaints filed. Conduct violations are actions that reflect unfavorably on the employee and the Department. Duty Regarding Conduct complaints included examples such as being rude or argumentative with citizens and arguing with other Department employees. One investigation included allegations of Conduct Unbecoming.

Prompt Performance of Duty / Neglect of Duty (RPD Policy and Procedures Manual 16.29) was addressed in seven (7) of the complaints filed (25%). Neglect of duty is a failure to promptly perform all lawful duties required by law or policy.

Excessive force was addressed in four (4) investigations or 14%. Three (3) of the investigations were initiated based on a complaint from a citizen.

Violation of Law (RPD Policy and Procedures Manual 16.69) was investigated in six (6) *citizen complaints* (21%). One particular Sustained complaint involve an officer utilizing the Georgia Crime Information Center (GCIC) unlawfully. The remaining complaints involved allegations of theft and false arrests, which were found to be Exonerated and Unfounded.

Bias-based Profiling (RPD Policy and Procedures Manual 16.84) was investigated in two *citizen complaints* (7%). One of the investigations also involved Duty not to give false or misleading information. 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 behavior of that individual. The practice of bias based profiling is specifically prohibited in all Department initiated contacts. A more in-depth review of bias-based profiling for 2018 is addressed later in this report.

Conduct Unbecoming (RPD Policy and Procedures Manual 16.82) was addressed in two (2) investigations (7%). Conduct unbecoming is engaging in conduct on or off duty which adversely affects the efficiency of the Department, and has a tendency to destroy public respect for the employee or the Department, or destroys confidence in the operation of the City.

Duty Not to Give False or Misleading Information (RPD Policy and Procedures Manual 16.8) was addressed in five (5) investigations (17%). The complaints involved officers not providing correct information on Department documents.

Body Worn Camera Policy (RPD Policy and Procedures Manual 44.2) was addressed in three (3) investigations (10%). The complaints involved officers not activating their body worn cameras when required. All three complaints were determined Sustained.

Other policy violations investigated included; Damage to Property, City of Roswell IT Policy, Duty to Abide by all Laws and Orders, Truthfulness/Cooperation, Duty to Refrain From Disclosing Any Information Related to Police Activities, Misconduct Known to Department Personnel and Vexations/Unnecessary Complaints.

The listed allegations and violations identified were the primary reason complaints were investigated. It is not uncommon that an investigation will 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.

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.

Note. Many investigations involved multiple allegations of policy violations which resulted in additional dispositions.

Table 1 provides a breakdown of the results of all complaint investigations conducted during 2018.

Table 1

	Sustained	Not Sustained	Exonerated	Unfounded	Closed	Pending
Duty Regarding Conduct	4	1	0	5	0	0
Neglect of Duty	6	0	0	2	0	0
Excessive Force	1	1	0	2	0	0
Bias-based Profiling	0	1	1	0	0	0
Violation of Law	1	0	4	2	0	0
Conduct Unbecoming	2	0	0	0	0	0
Duty Not Give False/Misleading Info.	2	2	0	1	0	0
Body Worn Camera Violations	3	0	0	0	0	0
Other Policy Violations	26	2	1	4	0	0

BIAS-BASED PROFILING IN 2018

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 16.84. 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 complaints as listed in the Formal and Inquiry Investigation Logs was conducted by the Office of Professional Standards. Two complaints involving bias-based profiling were investigated in 2018. Both complaints were investigated as Inquiry investigations. One investigation determined that the complaint was Not Sustained and the other was determined Exonerated.

One of the complaints stemmed from a traffic accident and the other from a wanted person located.

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