



**DATE:** January 4, 2024

**TO:** James W. Conroy, Chief of Police

**FROM:** Charles T. Greco, Major, Office of Professional Standards

**SUBJECT: 2023 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 resulting from employee misconduct.

**Inquiry Investigations:** Complaints regarding a specific officer's conduct, including policy violations and performance related issues are regularly assigned to the Office of Professional Standards for investigation.

**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.

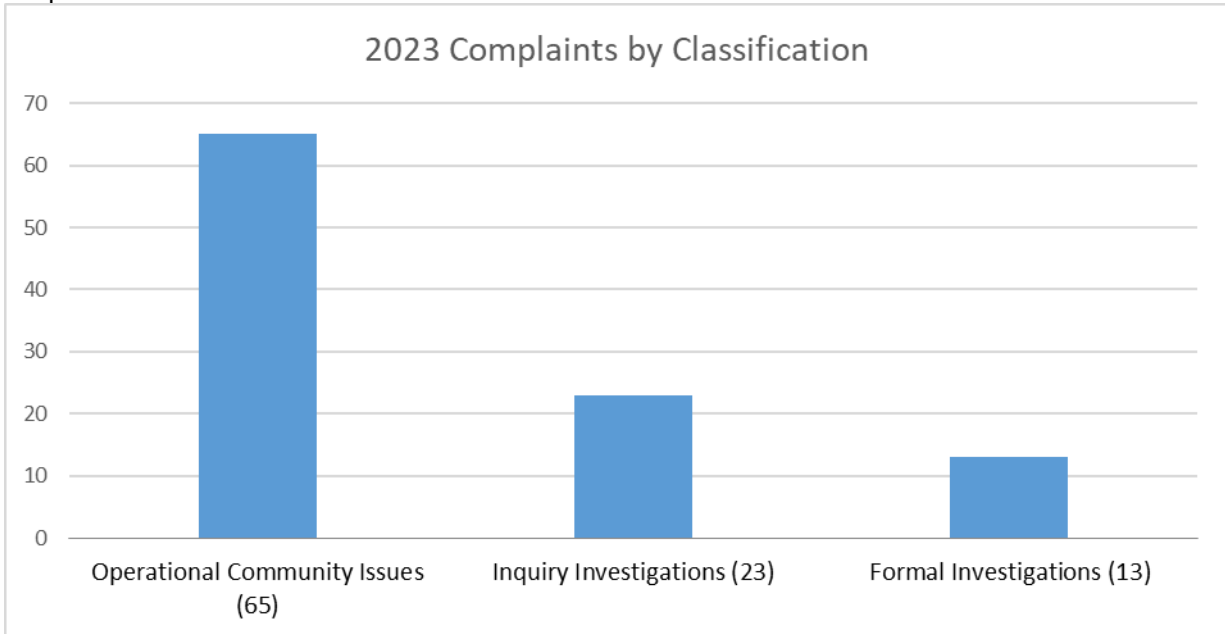
Per Department policy, all complaints received, regardless of source, are forwarded to the Commander of the Office of Professional Standards for review and preliminary investigation. The purpose of the initial review is to ensure that all matters are handled in accordance with established procedures.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

#### **COMPLAINTS BY CLASSIFICATION:**

In 2023, the Department received one hundred and one (101) initial complaints. Of the one hundred and one (101) complaints, sixty-five (65) were classified as *Operational Community Issues* (64%). 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, uninvolved parties who disagreed with standard protocol Department police operations, and complaints where a suspected officer could not be identified.

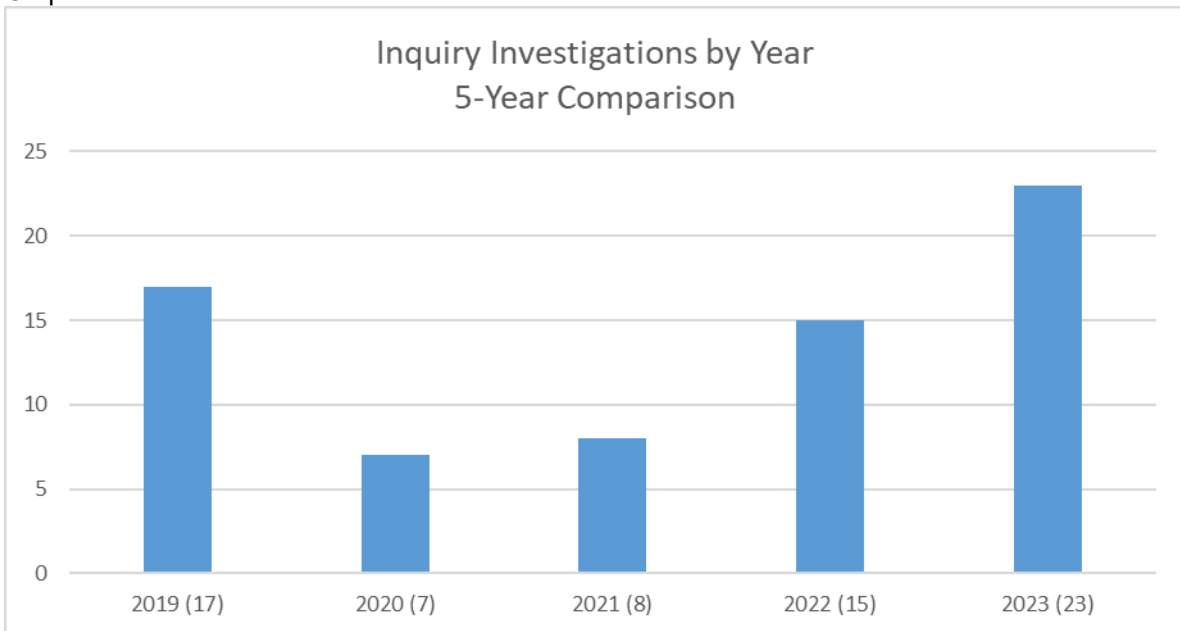
Twenty-three (23) complaints were classified as an *Inquiry Investigation* (23%). The Office of Professional Standards is responsible for investigating *Inquiry Investigations*. Thirteen (13) complaints were classified as *Formal Investigations* (13%) and were assigned to the Office of Professional Standards for investigation. (See Graph 1)

Graph 1



Annual Inquiry Investigations have increased, with 2023 having nine (9) Inquiry Investigations more than the five-year average. (See Graph 2)

Graph 2

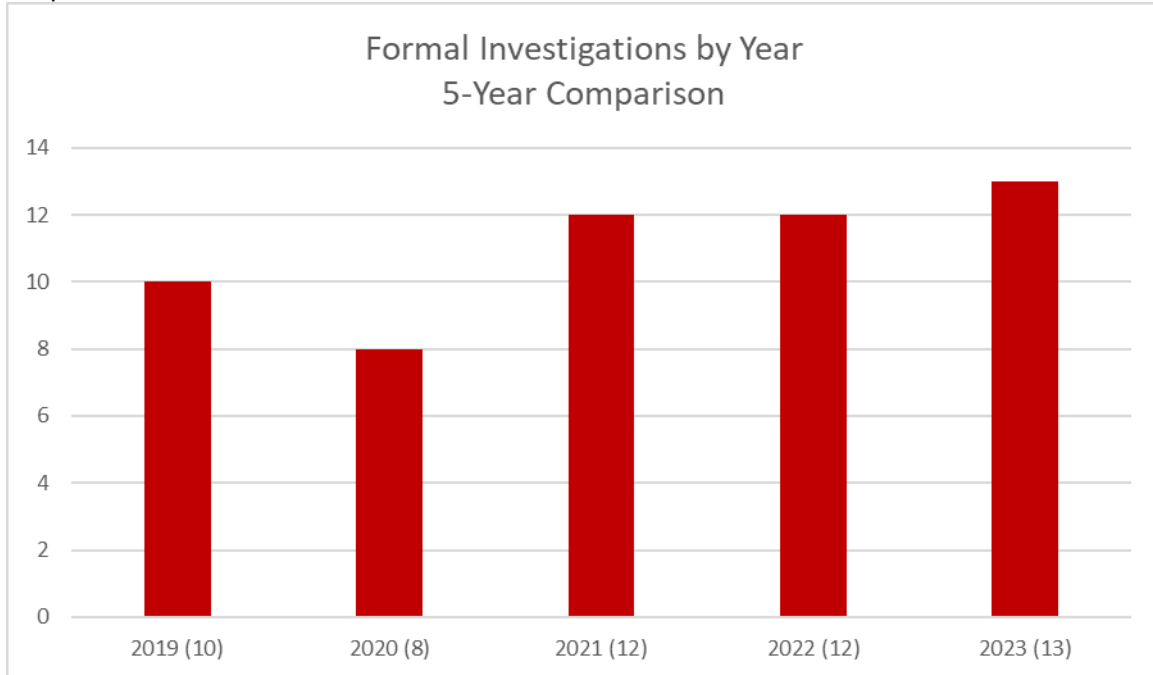


The Inquiry Investigations have increased, as well as the total number of complaints in 2023 from the previous four (4) years. In the past, initial complaints were assigned as Inquiry Investigations, even if the initial complaint information was unverifiable. The addition of body worn cameras has made it apparent when a complaint is verifiably false. These complaints were originally documented as "Complaint Not Classified" but are now documented as "Operational".

A five-year review of Formal Investigation complaints revealed a slight increase. (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:**

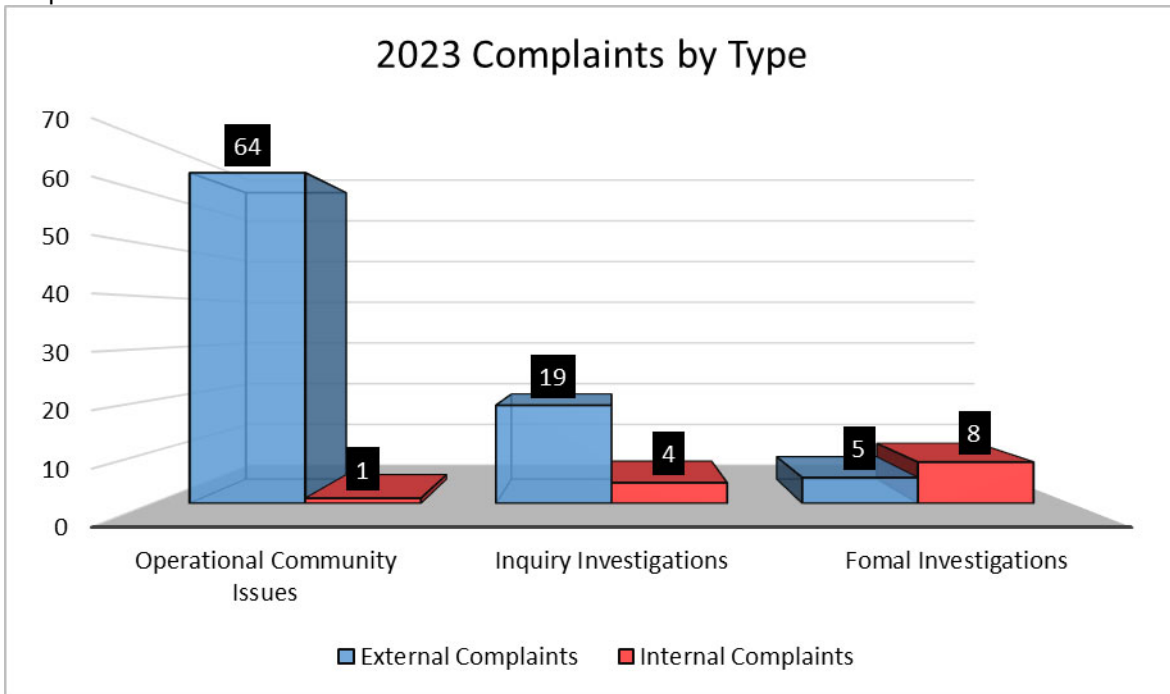
The Department receives complaints either internally or from external sources. Complaints of potential misconduct or areas of interest that are internally generated by Department or City personnel are also known as “*directed complaint*.”

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

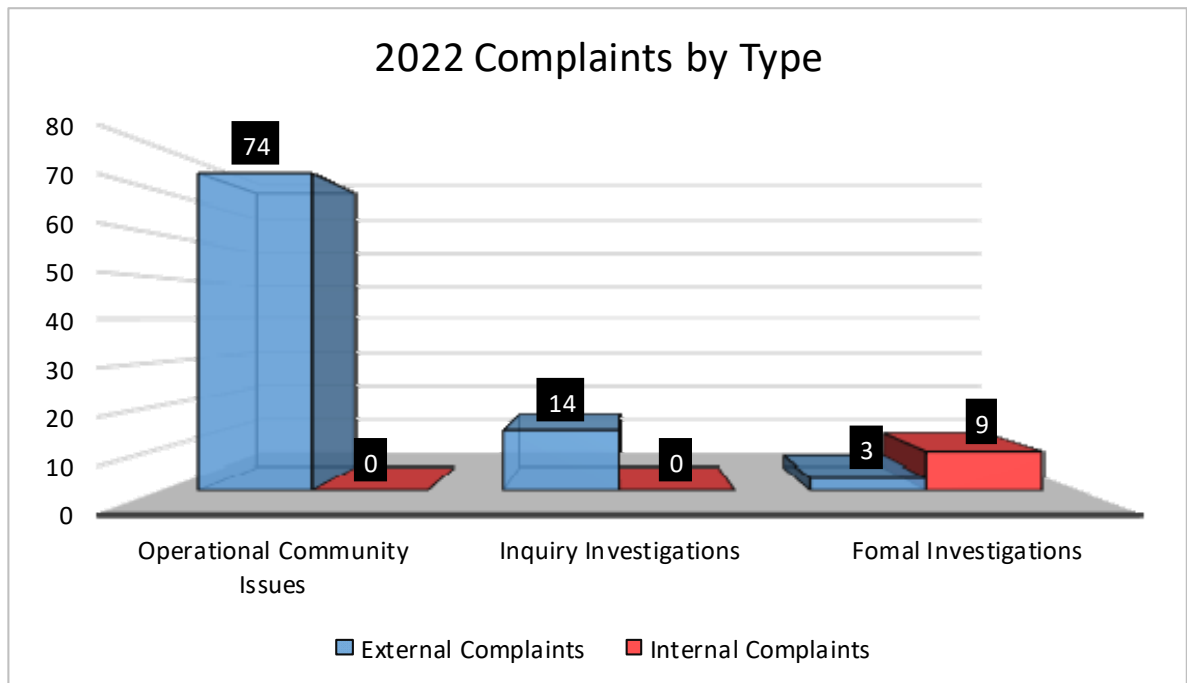
This past year demonstrated an increase in internal complaints. In 2022 there were a total of nine (9) complaints that originated internally while 2023 had thirteen (13) complaints that originated internally. (See Graph 4).

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

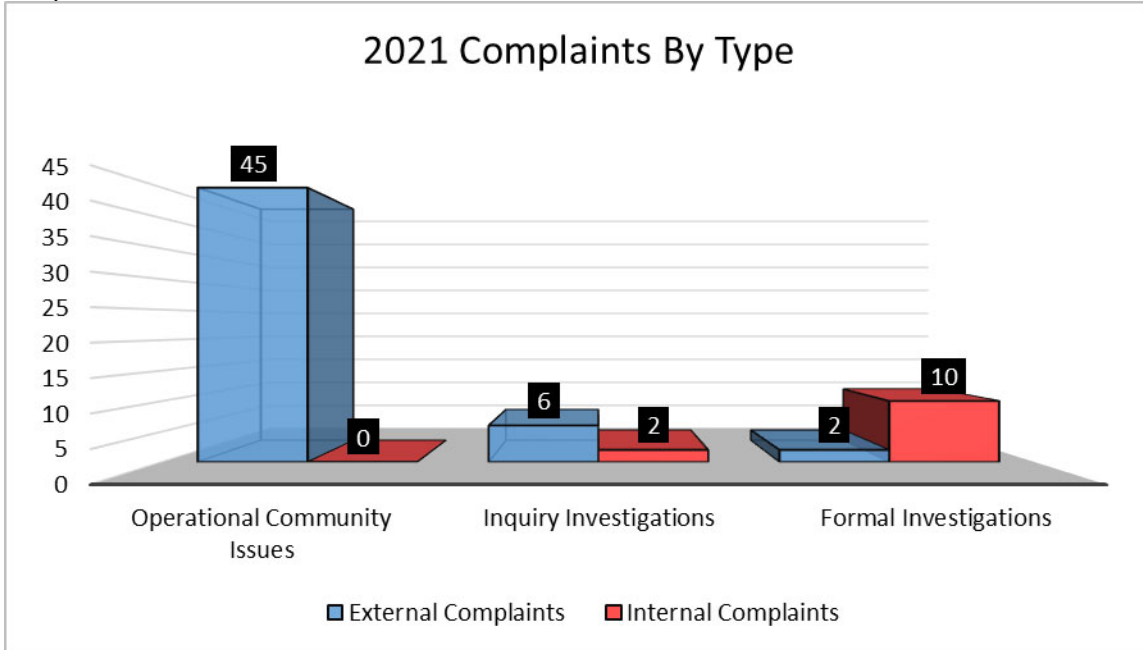
Graph 4



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 2023, the total number of dispositions for both Inquiry Investigations and Formal Investigations was sixty-two (62). NOTE: There are two (2) Formal Investigations that do not yet have dispositions due to the Department waiting on the GBI to finalize their findings into the incidents.

**INQUIRY INVESTIGATIONS BY DISPOSITION:**

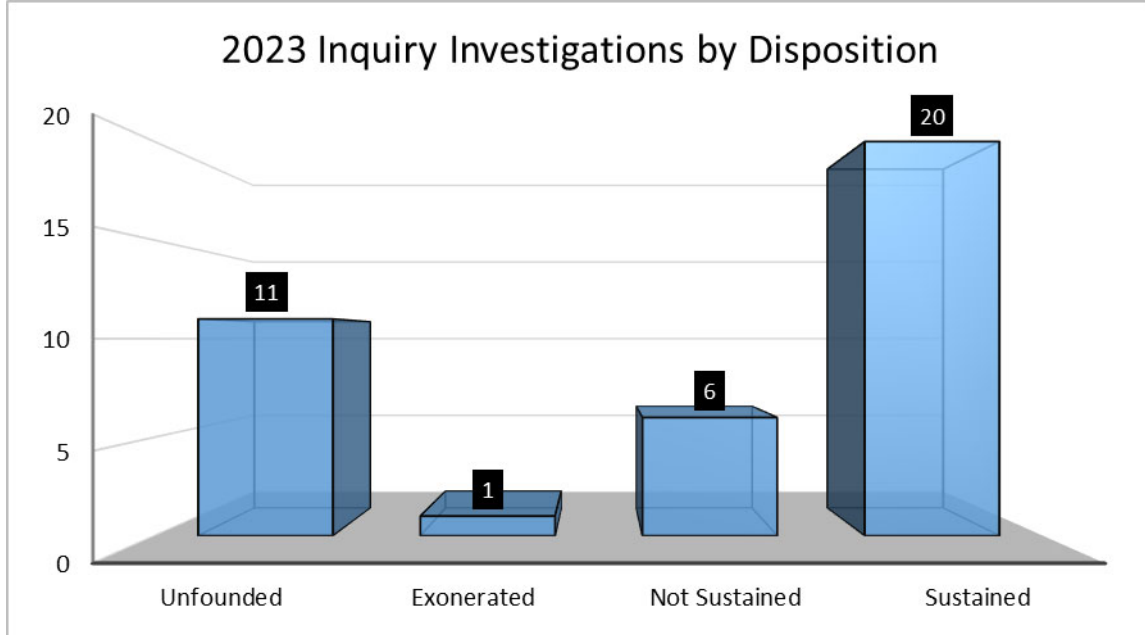
In 2023, Inquiry Investigations resulted in thirty-eight (38) total dispositions, per policy violation. It is not uncommon for more than one policy violation to be listed in an investigation. Out of the thirty-eight (38) dispositions, twenty (20) were cleared as Sustained (53%), six (6) were cleared as Not Sustained (16%), one (1) was cleared as Exonerated (3%), and eleven (11) were cleared as Unfounded (29%). (See Graph 7)

Four (4) Inquiry Investigations involved two (2) or more officers with the rest of the *Inquiry Investigations* only involving one (1) officer. A breakdown of the investigations is provided below.

**Inquiry Investigation disposition breakdown:**

- IQ 2023-001: Two (2) dispositions (2 Sustained)
- IQ 2023-002: Two (2) dispositions (2 Sustained)
- IQ 2023-003: Three (3) dispositions (2 Sustained, 1 Unfounded)
- IQ 2023-004: Three (3) dispositions (3 Not Sustained on 3 officers)
- IQ 2023-005: One (1) disposition (1 Sustained)
- IQ 2023-006: Two (2) dispositions (2 Sustained)
- IQ 2023-007: One (1) disposition (1 Unfounded)
- IQ 2023-008: One (1) disposition (1 Sustained)
- IQ 2023-009: Two (2) dispositions (1 Sustained, 1 Exonerated)
- IQ 2023-010: One (1) disposition (1 Sustained)
- IQ 2023-011: Two (2) dispositions (2 Unfounded)
- IQ 2023-012: One (1) disposition (1 Sustained)
- IQ 2023-013: One (1) disposition (1 Sustained)
- IQ 2023-014: Two (2) dispositions (1 Sustained, 1 Unfounded)
- IQ 2023-015: One (1) disposition (1 Sustained)
- IQ 2023-016: One (1) disposition (1 Not Sustained)
- IQ 2023-017: Three (3) dispositions (3 Unfounded on 3 officers)
- IQ 2023-018: One (1) disposition (1 Sustained)
- IQ 2023-019: One (1) disposition (1 Sustained)
- IQ 2023-020: One (1) disposition (1 Unfounded)
- IQ 2023-021: Two (2) disposition (1 Unfounded, 1 Not Sustained)
- IQ 2023-022: Two (2) dispositions (1 Sustained, 1 Unfounded on 2 officers)
- IQ 2023-023: Two (2) dispositions (1 Sustained, 1 Not Sustained on 2 officers)

Graph 7



**FORMAL INVESTIGATIONS BY DISPOSITIONS:**

In 2023, Formal Investigations resulted in Twenty-four (24) total dispositions for policy violations. Of the twenty-four (24) dispositions, fifteen (15) were cleared as Sustained (63%).

Four (4) were cleared as Not Sustained (17%) and five (5) were cleared as Unfounded (21%). (See Graph 8).

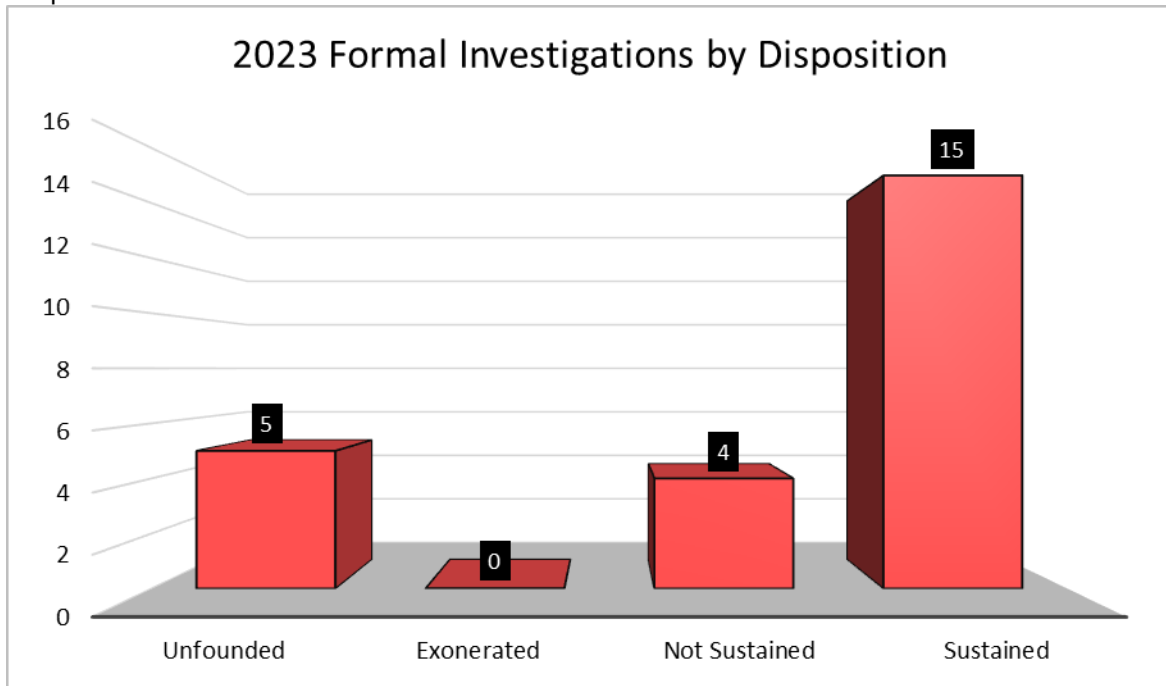
Six (6) Formal Investigations had between two (2) to five (5) dispositions of policy violations (a breakdown of the investigations is provided below).

**Note.** Four (4) Formal Investigations identified Misconduct Not Based on Initial Complaints. The Misconduct Not Based on Initial Complaints involved an employee not thoroughly inventorying the contents of a vehicle that was towed, an employee not notifying his supervisor he was out sick and two (2) employees not reporting known misconduct.

**Formal Investigations disposition breakdown:**

- FI 2023-001: Two (2) dispositions (2 Not Sustained on 1 officer and 1 dispatcher)
- FI 2023-002: Three (3) dispositions (2 Sustained, 1 Unfounded)
- FI 2023-003: Four (4) dispositions (4 Sustained on 4 officers)
- FI 2023-004: Three (3) dispositions (1 Sustained, 2 Unfounded on 2 officers)
- FI 2023-005: One (1) disposition (1 Not Sustained)
- FI 2023-006: One (1) disposition (1 Unfounded)
- FI 2023-007: PENDING INVESTIGATION BY GBI
- FI 2023-008: One (1) disposition (1 Sustained)
- FI 2023-009: Five (5) dispositions (5 Sustained on 3 officers)
- FI 2023-010: One (1) disposition (1 Not Sustained)
- FI 2023-011: PENDING INVESTIGATION BY GBI
- FI 2023-012: One (1) disposition (1 Sustained)
- FI 2023-013: Two (2) dispositions (1 Sustained, 1 Unfounded)

Graph 8



**2023 FORMAL INVESTIGATION RESULTS BY POLICY VIOLATION:**

Duty to Abide by all Laws and Orders (RPD Policy and Procedures Manual 16.3) accounted for three (3) dispositions (13%).

Duty Regarding Conduct – On/Off Duty (RPD Policy and Procedures Manual 16.7) was addressed in eight (8) dispositions (33%). 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.

Truthfulness (RPD Policy and Procedures Manual 16.10) was addressed in one (1) disposition (4%). The complaints involved allegations against officers not providing correct information on Department documents or when speaking with supervisors.

Prompt Performance of Duty/Neglect of Duty (RPD Policy and Procedures Manual 16.51) was addressed in two (2) dispositions (8%). These investigations involved personnel not showing the necessary attention to certain tasks.

Use of Force (RPD Policy and Procedures Manual 16.98) will eventually be addressed in two (2) Formal Investigations. These incidents are currently being investigated by the GBI and the administrative investigation into these incidents will continue once the GBI finalize their investigations. One investigation involves Excessive Force and the other investigation is an Officer Involved Shooting.

Other Department policy violations investigated included:

- 16.40 Duty to Inventory Impounded Vehicles (1)
- 16.50 Illness/Condition (Physical/Mental) Sick Leave (1)
- 16.60 Duty Regarding Issued Items (1)



- 16.100 Unwanted Conduct (1)
- 16.102 Misconduct Known to Department Personnel (2)
- 17.1 Harassment (1)
- 40.6 Off Duty Job Conditions (1)
- 44.2 BWC (1)
- City of Roswell Policy 15.1 Harassment (1)

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 2023.*

Table 1

Policy Violations	Unfounded	Exonerated	Not Sustained	Sustained	Total
16.3 Duty to Abide by all Laws and Orders	3				3
16.7 Duty Regarding Conduct	1		3	4	8
16.10 Truthfulness	1				1
16.40 Duty to Inventory Impounded Vehicles				1	1
16.50 Illness/Condition (Physical/Mental) Sick Leave				1	1
16.51 Prompt Performance of Duty / Neglect of Duty				2	2
16.60 Duty Regarding Issued Items				1	1
16.100 Unwanted Conduct				1	1
16.102 Misconduct Known to Department Personnel				2	2
17.1 Harassment				1	1
40.6 Off Duty Job Conditions			1		1
44.2 BWC				1	1
City of Roswell Policy 15.1 Harassment				1	1
<b>Total Dispositions</b>	<b>5</b>	<b>0</b>	<b>4</b>	<b>15</b>	<b>24</b>

**BIAS-BASED PROFILING IN 2023:**

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 16.106. 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. Seven (7) complaints involving bias-based profiling were investigated in 2023. After an investigation and review of the officers’ BWC six (6) of the complaints were classified as Operational. One (1) complaint was investigated as an Inquiry Investigation and the allegation was Unfounded. There was no indication of any bias-based profiling.

Four (4) of the complaints originated from traffic stops. Three (3) of the complaints were from calls for service. The last complaint originated from an officer initiated encounter after he observed a leash law violation. While investigating these complaints there was no evidence to substantiate any of the complainants' allegations. There were no sustained allegations of bias-based profiling.

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