



DATE: January 27, 2020
TO: James W. Conroy, Chief of Police
FROM: Charles Greco, Captain, Office of Professional Standards
SUBJECT: 2019 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. 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 Office of Professional Standards as Formal Investigations.

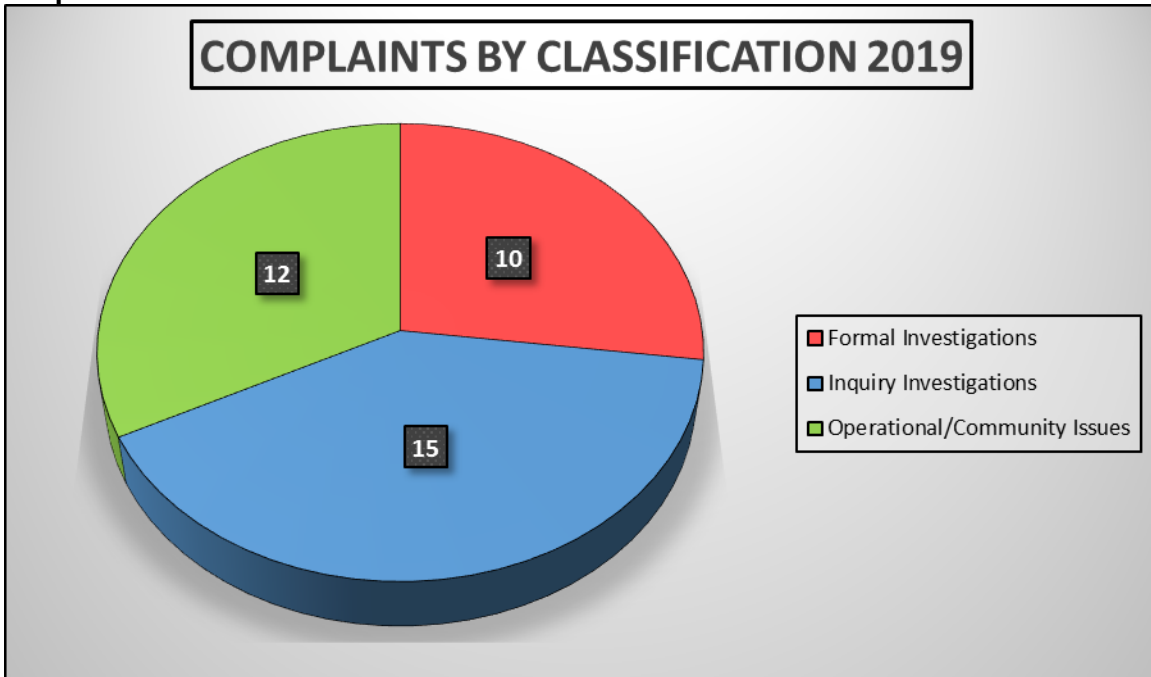
Inquiry Investigations – Complaints regarding a specific officer's conduct, including policy violations and performance related issues are regularly assigned to the employee's Watch Commander as Inquiry Investigations.

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.

During 2019, the Department conducted twenty-five (25) administrative investigations. Ten (10) were Formal Investigations (40%), and fifteen (15) Inquiry Investigations (60%). There were twelve (12) operational/community issue complaints reported (See graph 1).

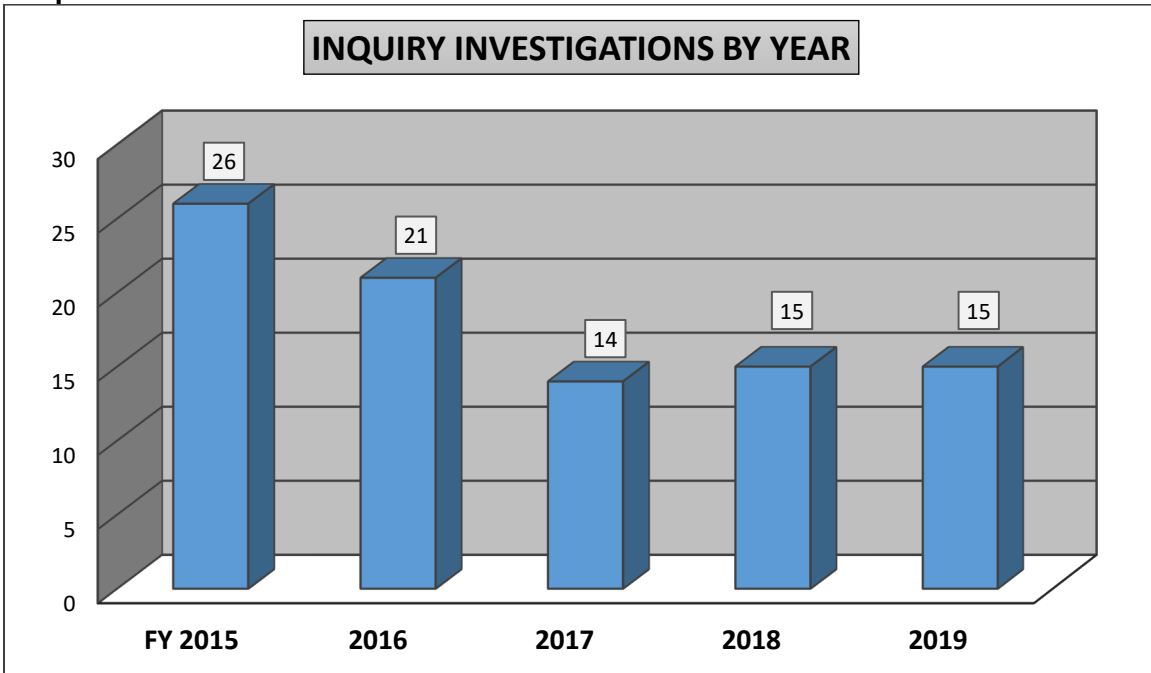
Operational/community issues rarely require an investigation. These situations often are not attributable to officer conduct, rather center around citizen complaints about outcomes (receiving a citation or selective traffic enforcement).

Graph 1



In 2015, RPD fielded 26 Inquiry Investigations. Annual Inquiry Investigations have decreased, with 2019 having 3.4 Inquiry Investigations less than the 5 year average (See Graph 2).

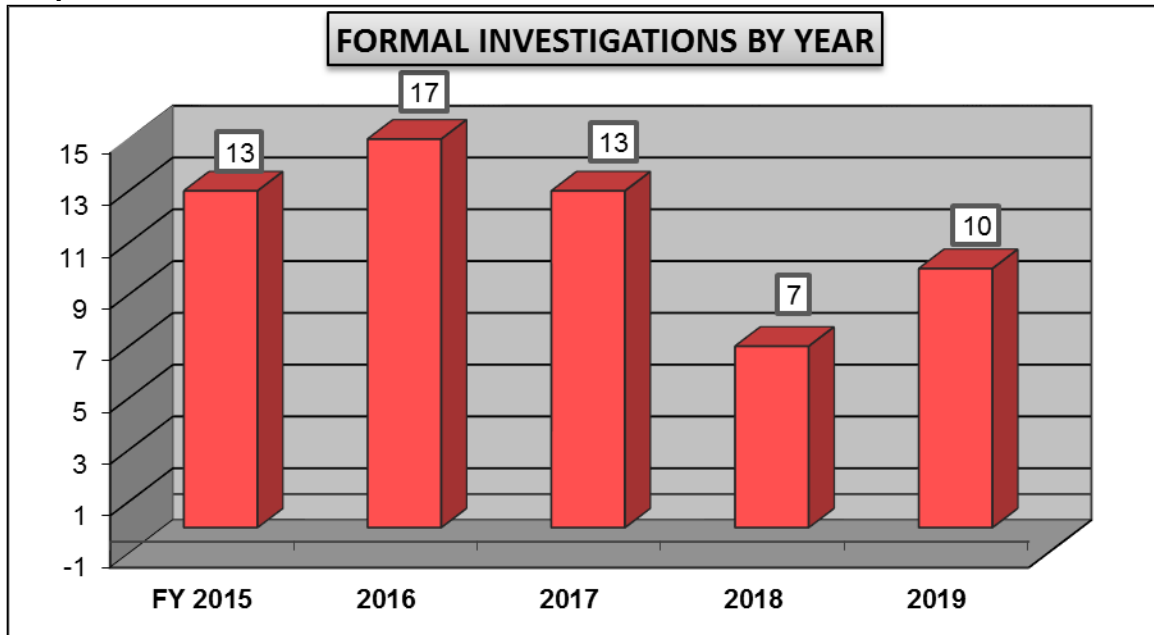
Graph 2



Note. 2015 was 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 organization. For this reason, they are more likely to be classified as “Formal Investigations.”

Graph 3



Note. 2015 was completed Fiscal Year (FY) only.

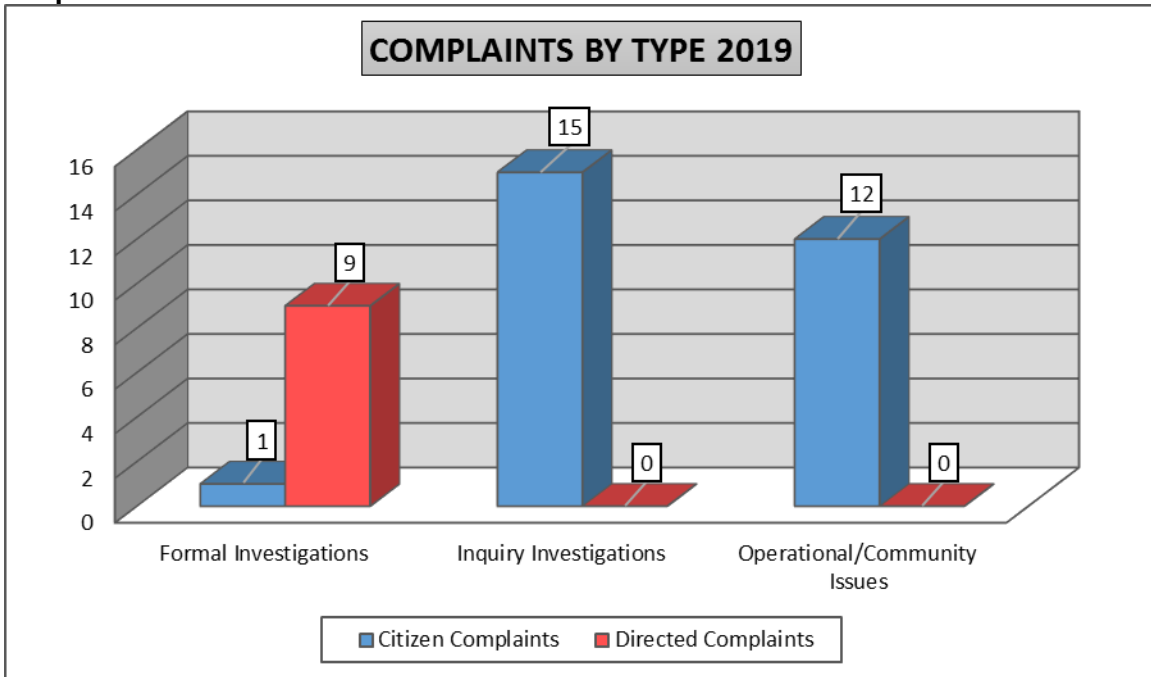
Twelve (12) complaints classified as Operational/Community Issues were reported in 2019. Although, this type of complaint is rare, the ability to investigate such complaints without attributing the investigation to any specific officer validates the existence of the designation. The majority of the Operational complaints centered around citizens’ dissatisfaction with normal police function, with no allegations of employee misconduct (i.e. selective traffic enforcement in a subdivision).

COMPLAINT TYPES

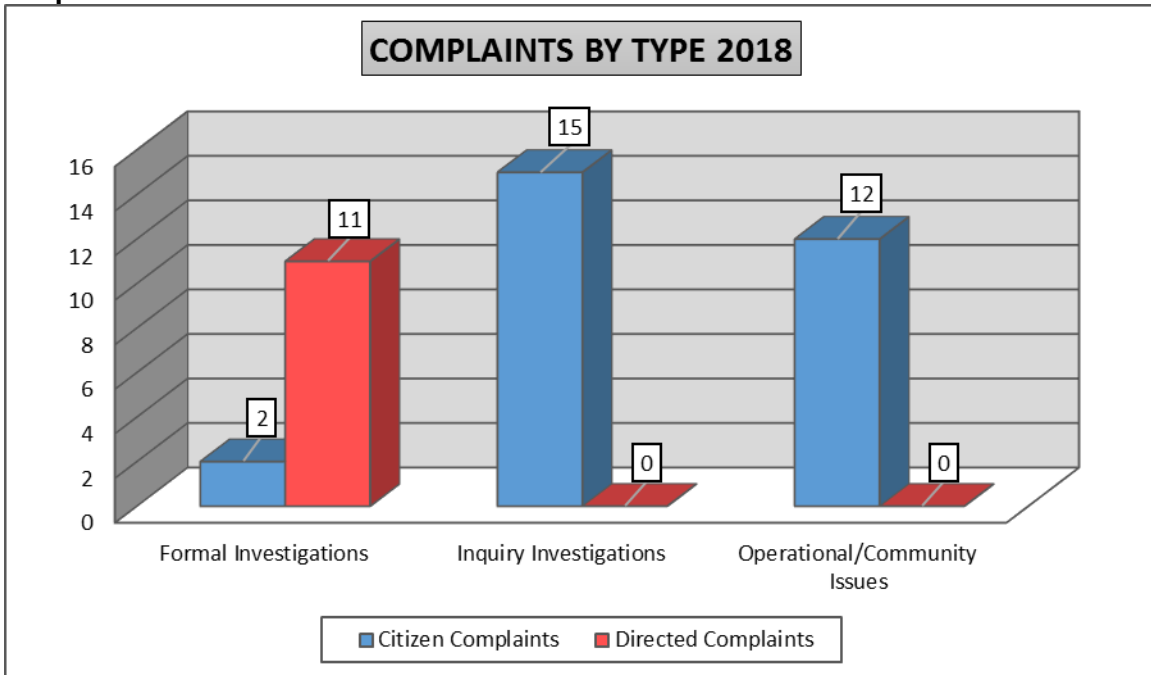
Complaints are received by the Department either internally or from external sources. First, notification of potential misconduct or areas of interest that are internally generated by Department or City personnel are labeled as “*directed complaint*.” Second, complaints received from the general public are categorized as external or “*citizen complaints*”.

This past year demonstrated a slight decrease in internal complaints. All but one (1) Formal Investigation were generated as *directed complaints* (See Graph 4). A review of past results are provided in Graphs 5 and 6.

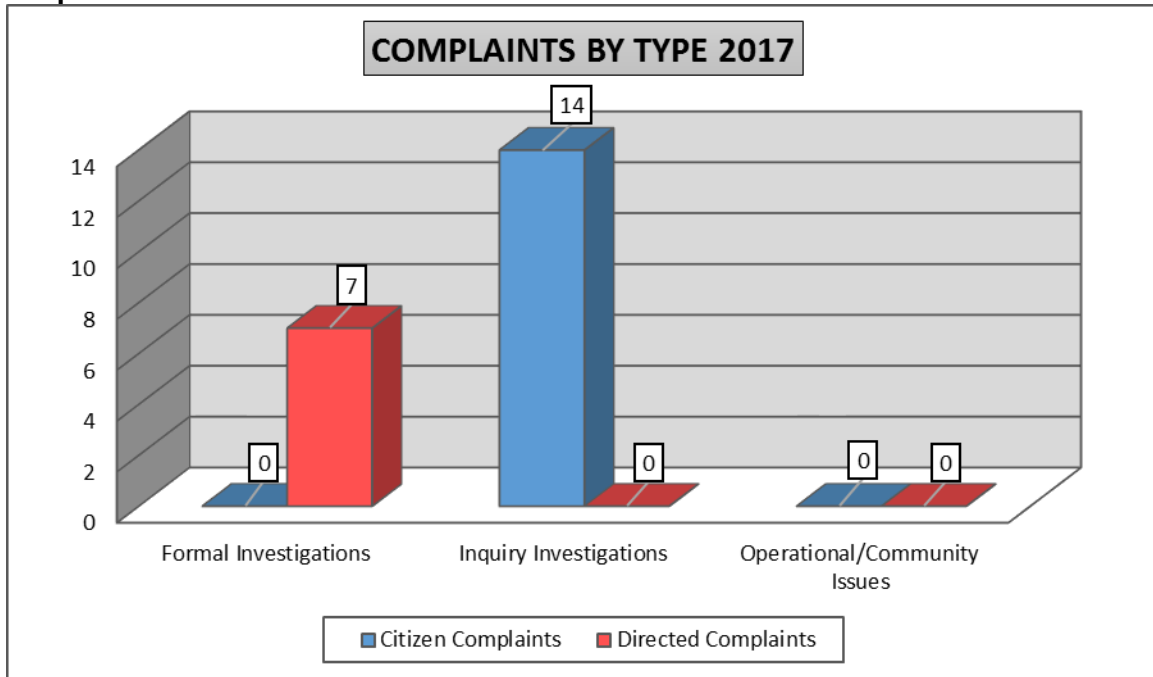
Graph 4



Graph 5



Graph 6



INVESTIGATION RESULTS BY DISPOSITION

Complaint investigations are primarily cleared with five 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. 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.

DIRECTED / INTERNAL COMPLAINTS

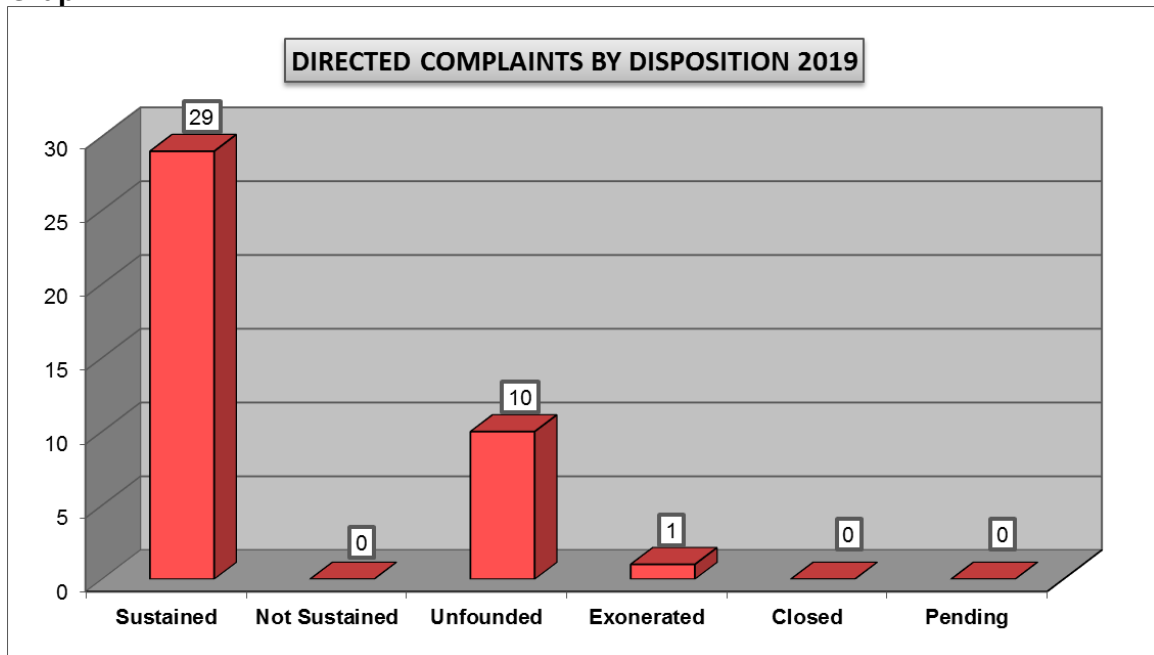
By disposition, *directed complaints* were cleared as Sustained 72% of the time (29 of 40). Twenty-nine (29) Department policy violations were determined to be Sustained, ten (10) were cleared as Unfounded (25%) and one (1) was found to be Exonerated (2%) (See Graph 7).

All nine (9) Formal Investigations (*directed complaints*) had between two (2) to seven (7) dispositions of policy violations (a breakdown of the investigations is provided below).

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

- FI 19-001 – Four (4) dispositions (Sustained)
- FI 19-002 – Three (3) dispositions (Sustained)
- FI 19-003 – Nine (9) dispositions (Unfounded)
- FI 19-004 – Three (3) dispositions (Sustained)
- FI 19-005 – Five (5) dispositions (Sustained [4 counts], Exonerated [1 count])
- FI 19-006 – Three (3) dispositions (Sustained)
- FI 19-007 – Four (4) dispositions (Sustained)
- FI 19-008 – Two (2) dispositions (Sustained)
- FI 19-010 – Seven (7) dispositions (Sustained [6 counts], Unfounded [1 count])

Graph 7



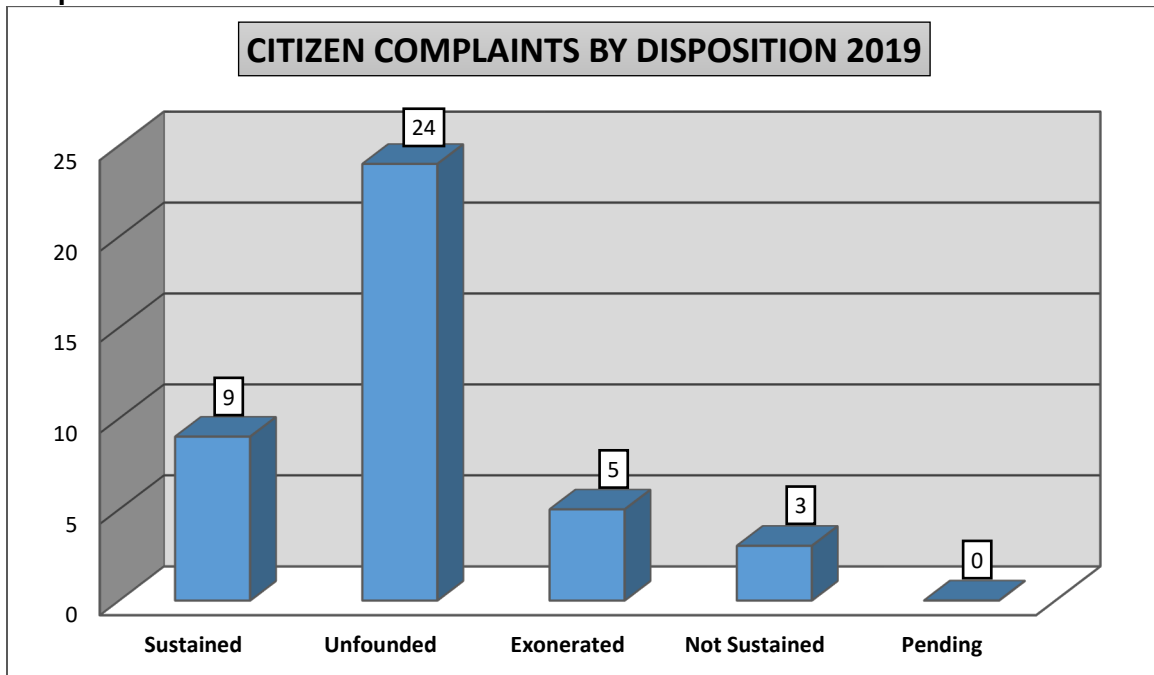
CITIZEN / EXTERNAL COMPLAINTS

By disposition, *citizen complaints* were cleared as Unfounded 58% of the time (24 of 41). Nine (9) were cleared as Sustained (21%). Of the Nine (9), one (1) *citizen complaint* was investigated as a *Formal Investigation*, resulting in five (5) Sustained dispositions.

Of the remaining *citizen complaints*, five (5) were Exonerated (12%), and three (3) were cleared as Not Sustained (7%). (See Graph 8).

One *Inquiry Investigation* cleared as both Exonerated and Unfounded, also uncovered a potential policy failure, involving an officer who responded to an accident scene and issued each driver two citations. The findings of the investigation recommended a proposed policy revision to Department policy 37.5T Accident Investigation Procedures, to allow officers to have discretion in the insurance of citations during accident investigations, where the damage is perceived to be below the threshold of the state requirement for a report.

Graph 8



Inquiry Investigation disposition breakdown:

- IQ 19-001 – Two (2) dispositions (Unfounded)
- IQ 19-002 – One (1) disposition (Unfounded)
- IQ 19-003 – One (1) disposition (Unfounded)
- IQ 19-004 – Four (4) dispositions (Unfounded)
- IQ 19-005 – Three (3) dispositions (Exonerated [2 counts], Sustained [1 count])
- IQ 19-006 – Two (2) dispositions (Exonerated, Unfounded)
- IQ 19-007 – Three (3) dispositions (Sustained [2 counts], Unfounded [1 count])
- IQ 19-008 – One (1) disposition (Unfounded)
- IQ 19-009 – One (1) disposition (Exonerated)
- IQ 19-012 – One (1) disposition (Not Sustained)

- IQ 19-013 – Two (2) dispositions (Exonerated, Unfounded)
- IQ 19-014 – Four (4) dispositions (Unfounded)
- IQ 19-015 – Eight (8) dispositions (Unfounded)
- IQ 19-016 – One (1) disposition (Not Sustained)
- IQ 19-017 – Two (2) dispositions (Sustained, Not Sustained)
- **FI 19-009 – Five (5) dispositions (Sustained)**

Note. Both Inquiry Investigations (19-010 and 19-011) were classified as Operational/Community Issues and did not identify any attributable misconduct of an individual employee; therefore, no investigation was conducted.

INVESTIGATION RESULTS BY POLICY VIOLATION IN 2019

Duty to Abide by all Laws and Orders (RPD Policy and Procedures Manual 16.1) was accounted for in six (6) dispositions (7%). Two dispositions involved allegations against Department employees, while off-duty, violated state laws, resulting in their arrest. The remaining complaints involved allegations of theft or speeding, which were determined to be Unfounded and Not Sustained.

Duty Regarding Conduct (RPD Policy and Procedures Manual 16.5) was addressed in thirteen (13) dispositions (16%). 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 Duty to Abide by all Laws and Orders and Truthfulness/Cooperation.

Duty Not to Give False or Misleading Information (RPD Policy and Procedures Manual 16.8) was addressed in six (6) dispositions (7%). 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 16.29) was addressed in three (3) dispositions (3%). Neglect of duty is a failure to promptly perform all lawful duties required by law or policy.

Truthfulness / Cooperation (RPD Policy and Procedures Manual 16.48) was addressed in seven (7) dispositions (8%). The complaints involved allegations against officers regarding theft and inaccurate information contained in a police report. Each disposition was determined to be Unfounded.

Vexations / Unnecessary Complaints (RPD Policy and Procedures Manual 16.50) were investigated in two (2) direct complaints (2%). The investigations involved officers who made disparaging comments, directed towards a supervisor and other fellow employees.

Use of Force (RPD Policy and Procedures Manual 16.78) was addressed in one (1) investigation. The investigation was initiated based on a complaint from a citizen, which was determined Unfounded.

Bias-based Profiling (RPD Policy and Procedures Manual 16.84) was investigated in four (4) *citizen complaints* (5%). 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 2019 is addressed later in this report.

Authorized Weaponless Control Techniques (RPD Policy and Procedures Manual 39.16) was investigated in one (1) Formal Investigation. The investigation involved an officer utilizing a choke hold on a suspect, while attempting to take him into custody.

Body Worn Camera (BWC) (RPD Policy and Procedures Manual 44.2) was addressed in four (4) investigations (5%). Of the four (4), one investigation was investigated as a citizen complaint. The Sustained complaints, involved officers not wearing and or activating their BWC's when required. One complaint addressed a need for a policy revision to require BWC activations on all self-initiated contacts and dispatched calls for service.

Other Department policy violations investigated included:

- 6.3 Duty to Support the Department and all Members Thereof (*Sustained*)
- 16.15 Duty to Refrain from Disclosing any Information Relating to Police Activities (*Unfounded – four counts*)
- 16.15 Confidential and Internal Investigations (*Sustained*)
- 16.15B Release of Information to News Media (*Sustained*)
- 16.15C News Guidelines in Criminal / Arrest Cases (*Sustained*)
- 16.15J Confidential and Internal Investigations (*Sustained*)
- 16.23 Duty to be alert (*Sustained*)
- 16.61 Duty to Read / Understand / Comply with Orders (*Sustained*)
- 16.69 Violation of Law (*Sustained – two counts*)
- 16.75 Smoking in Public on Duty (*Sustained*)
- 16.80 Unwanted Conduct (*Sustained*)
- 16.82 Conduct Unbecoming (*Unfounded*)
- 16.83 Cooperation with Administrative and/or Internal Affairs Investigations (*Sustained*)
- 17.7 False Complaints and Statements (*Sustained*)
- 17.6 Supervisor / Management Responsibilities (*Sustained*)
- 33.1.3 Failing to provide a thorough and appropriate investigation (*Unfounded*)
- 33.3 Failure to conduct a complete and accurate investigative report (*Sustained*)
- 39.8 Police Use of Force Reporting (*Sustained – two counts*)
- 38.11 False Arrest (*Exonerated – two counts*)

Eight (8) Formal Investigations included City of Roswell Human Resources policy violations to include;

- 13.1.1 Failure to perform at an acceptable level (*Sustained*)
- 13.1.2 Disregard for and violations of Federal or State Law, City Ordinances, City Policies, Departmental Policies and Regulations, including safety rules (*Sustained – two counts*)
- 13.1.9 Any conduct, on or off duty, that reflects unfavorably on the City as an employer (*Sustained – two counts*)
- 13.1.24 Sleeping while on duty (*Sustained – two counts*)
- 13.1.35 Refusing to cooperate or lying during an investigation (*Sustained*)

- 2.2 Harassment (*Sustained*)
- 2.3 Workplace Civility (*Unfounded*)

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, resulting in separate dispositions.

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 2019.

Table 1

Policy Violations	Sustained	Not Sustained	Unfounded	Exonerated	Total
16.1 Duty to Abide by all Laws and Order	2	1	3	0	6
16.5 Duty Regarding Conduct	1	1	9	2	13
16.8 Duty Not to Give False or Misleading Information	2	0	4	0	6
16.29 Prompt Performance of Duty / Neglect of Duty	2	0	1	0	3
16.48 Truthfulness / Cooperation	0	0	7	0	7
16.50 Vexations / Unnecessary Complaints	2	0	0	0	2
16.78 Use of Force	0	0	0	1	1
16.84 Bias-based Profiling	0	0	4	0	4
39.16 Authorized Weaponless Control Techniques	1	0	0	0	1
44.2 Body Worn Cameras	2	1	0	1	4
<i>Other Department Policy Violations</i>	17	0	6	2	25
<i>Human Resources Policy Violations</i>	9	0	1	0	10
Total	38	3	35	6	82

USE OF DEADLY FORCE – OFFICER INVOLVED SHOOTING

Pursuant to Department Policy Section 15.3b Internal Affairs Investigation Procedures, an administrative investigation shall be conducted on all incidents involving employees that results in a serious injury or death. In 2019, the Office of Professional Standards conducted an investigation of an officer who was involved in a Use of Force Incident, which resulted in the death of a subject. During the investigation, two unrelated policy violations were addressed and were determined Sustained.

BIAS-BASED PROFILING IN 2019

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. Four (4) complaints involving bias-based profiling were investigated in 2019. Three (3) investigations determined that the complaint did not occur and were Unfounded. The fourth complaint was classified as an Operational/Community Issue.

Two complaints stemmed from traffic contacts (i.e. traffic accident, traffic stop). The third complaint involved a detective, who responded to an elementary school, at the request of the Department of Family and Child Services (DFACS), regarding allegations of child abuse. The fourth complaint was directed towards the Criminal Investigation Division, based on the dissatisfaction of the outcome of an elder exploitation investigation.

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