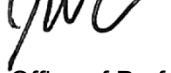





To: Chief James W. Conroy 
From: Major Charles T. Greco, Office of Professional Standards 
Subject: **2021 Annual Statistical Summaries of Complaints and Internal Affairs Investigations**
Date: January 4, 2022

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 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.

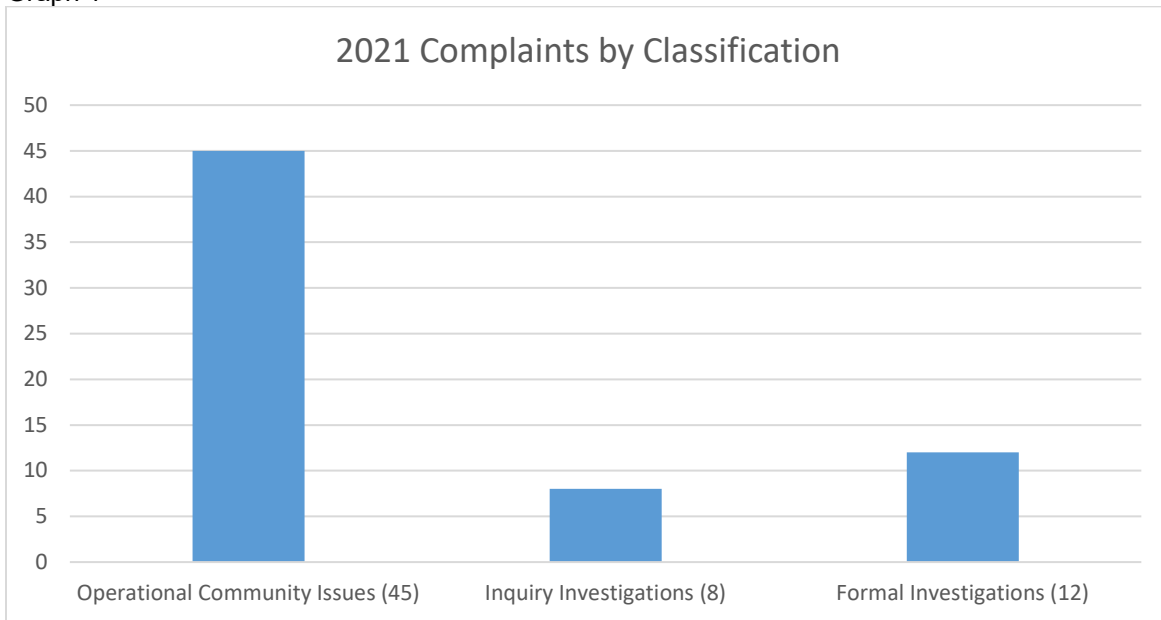
Complaints by Classification:

In 2021, the Department received sixty-five (65) initial complaints. Of the sixty-five (65) complaints, forty-five (45) were classified as *Operational Community Issues* (69%). 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.

Eight (8) complaints were classified as an *Inquiry Investigation* (12%). Due to a policy change the first five (5) *Inquiry Investigations* were forwarded to their respective Divisions for assignment and investigation. After the policy change the Office of Professional Standards is now responsible for investigating *Inquiry Investigations*, therefore the last three (3) *Inquiry Investigations* were

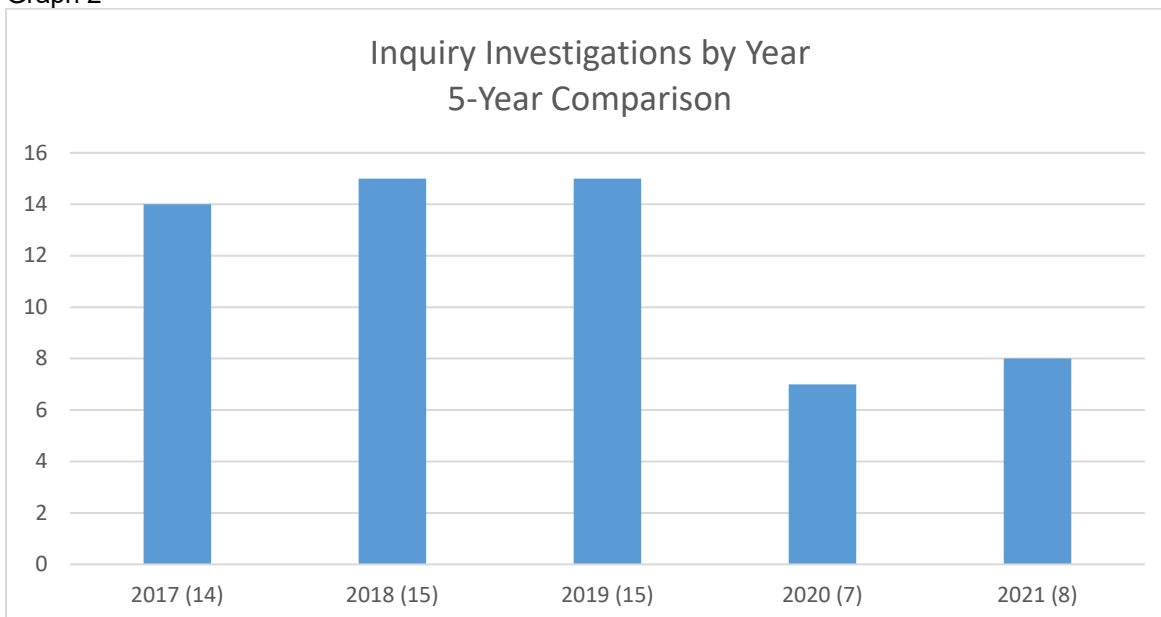
investigated by the Office of Professional Standards. Twelve (12) complaints were classified as *Formal Investigations* (18%) and were assigned to the Office of Professional Standards for investigation. (See Graph 1)

Graph 1



Annual Inquiry Investigations have decreased, with 2021 having 3.8 Inquiry Investigations less than the 5-year average. (See Graph 2)

Graph 2



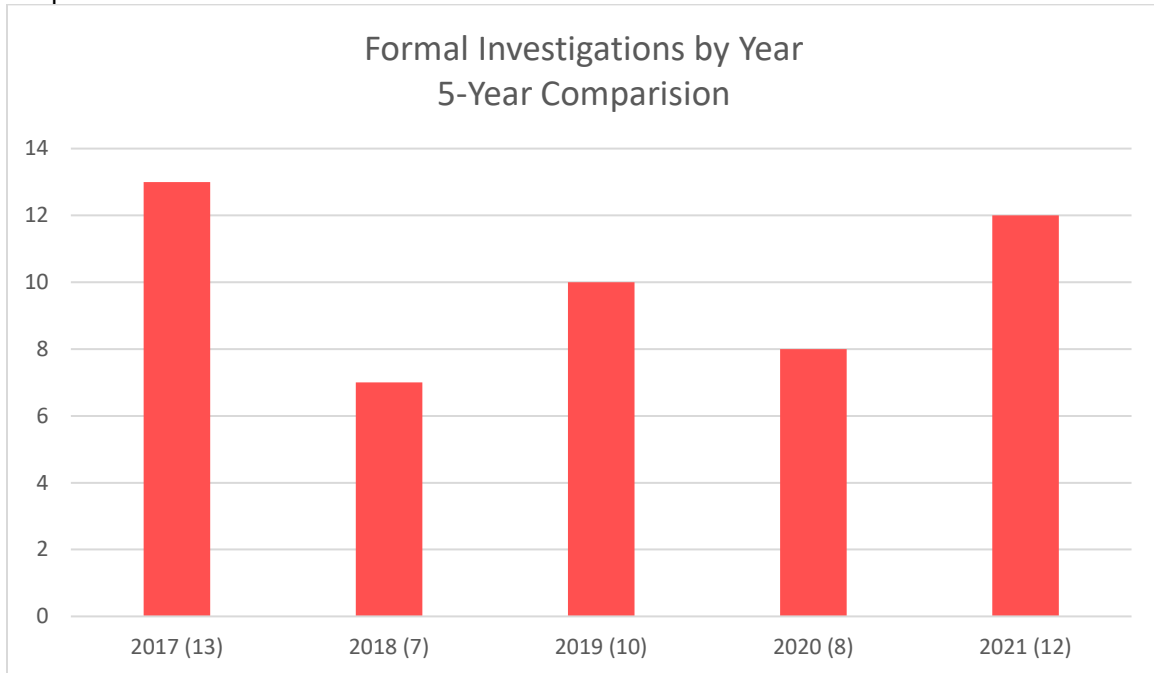
While the Inquiry Investigations have decreased, the total number of complaints in 2021 increased from the previous 4 years. In the past, initial complaints were assigned as Inquiry Investigations, even if the initial compliant information was unverifiable. The addition of body worn

cameras has made it apparent when a complaint is verifiably false. These complaints 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, specifically to the last 3 years. (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:

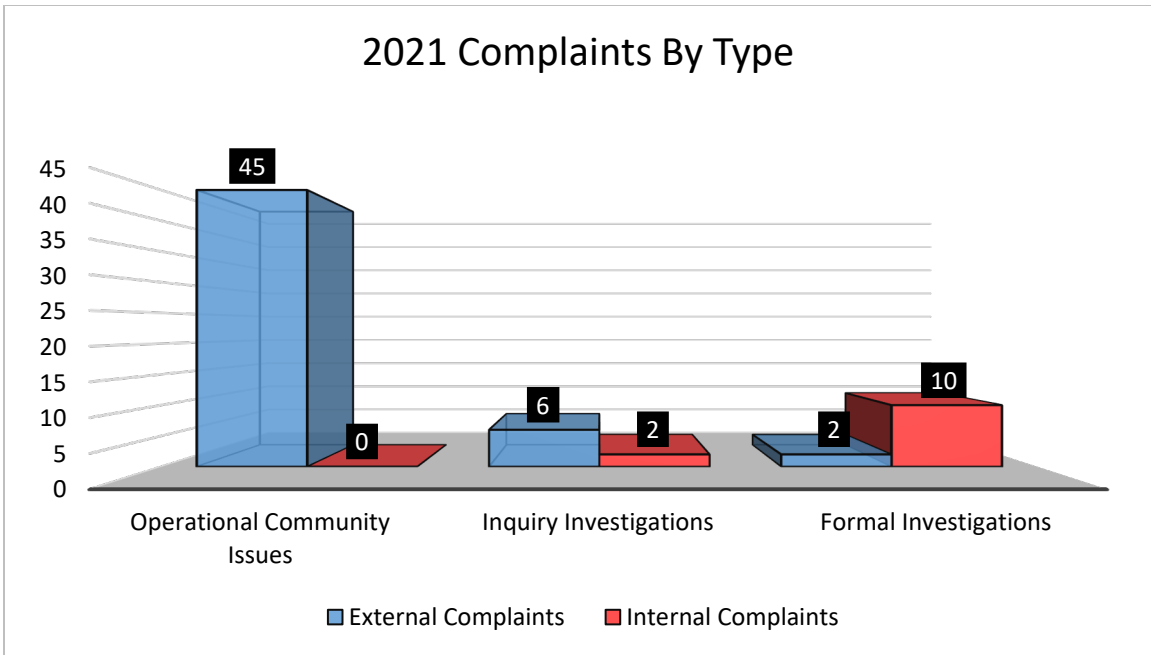
The Department receives complaints either internally or from external sources. Complaints of potential misconduct or areas of interest that are internally generated by Department or City personnel are also known as “*directed complaint*.”

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

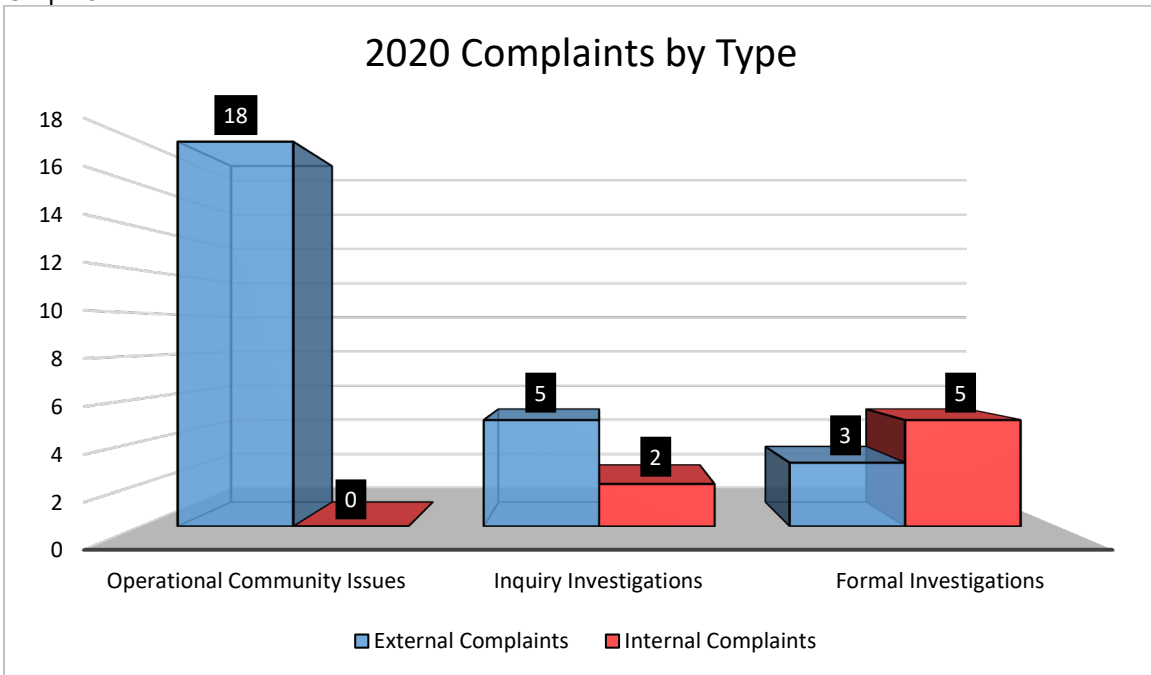
This past year demonstrated a slight increase in internal complaints. Of the twelve (12) Formal Investigations conducted, only two (2) were generated as external complaints. (See Graph 4).

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

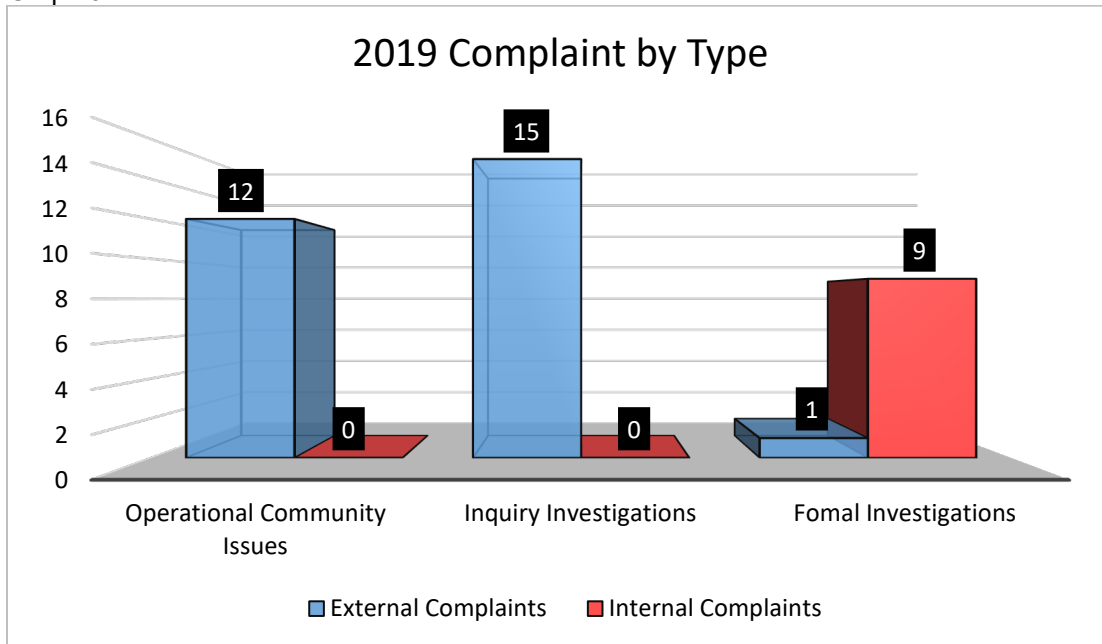
Graph 4



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 2021, the total number of dispositions for both Inquiry Investigations and Formal Investigations was thirty-three (33).

Inquiry Investigations by Disposition:

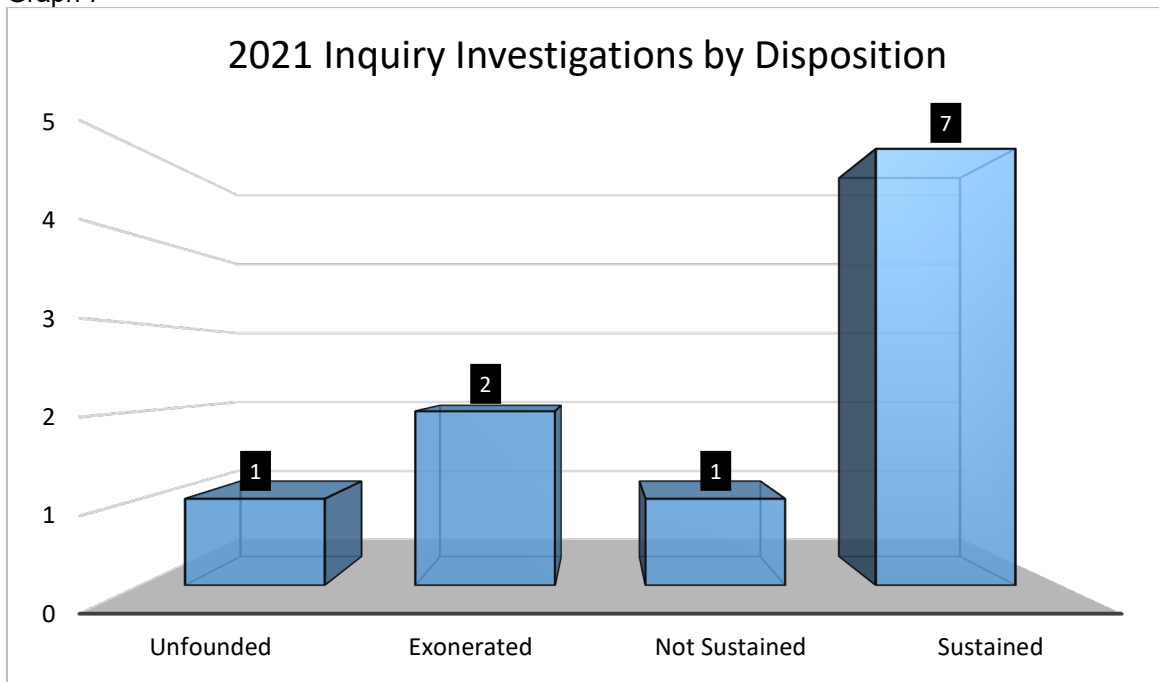
In 2021, Inquiry Investigations resulted in eleven (11) total dispositions, per policy violation. It is not uncommon for more than one policy violation to be listed in an investigation. Out of the eleven (11) dispositions, seven (7) were cleared as Sustained (64%), one (1) was cleared as Not Sustained (9%), one (1) was cleared as Unfounded (9%), and two (2) were cleared as Exonerated (18%). (See Graph 7)

Three (3) Inquiry Investigations involved two (2) or more officers with the rest of the *Inquiry Investigations* only involving one (1) officer. One (1) *Inquiry Investigation* was in reference to missing traffic equipment with no officers listed. A breakdown of the investigations is provided below.

Inquiry Investigation disposition breakdown:

- IQ 2021-001: Zero (0) dispositions (Unfounded-Missing Equipment)
- IQ 2021-002: Two (2) dispositions (Sustained)
- IQ 2021-003: Zero (0) disposition (Exonerated)
- IQ 2021-004: Three (3) dispositions (Sustained)
- IQ 2021-005: One (1) disposition (Sustained)
- IQ 2021-006: One (1) disposition (Not Sustained)
- IQ 2021-007: One (1) disposition (Sustained)
- IQ 2021-008: Three (3) dispositions (2 Exonerated, 1 Unfounded)

Graph 7



Formal Investigations by Dispositions:

In 2021, Formal Investigations resulted in Twenty-two (22) total dispositions for policy violations. Of the twenty-two (22) dispositions, eighteen (18) were cleared as Sustained (82%).

One (1) was cleared as Not Sustained (4.5%), two (2) were cleared as Unfounded (9%), and one (1) was cleared as Exonerated (4.5%). (See Graph 8).

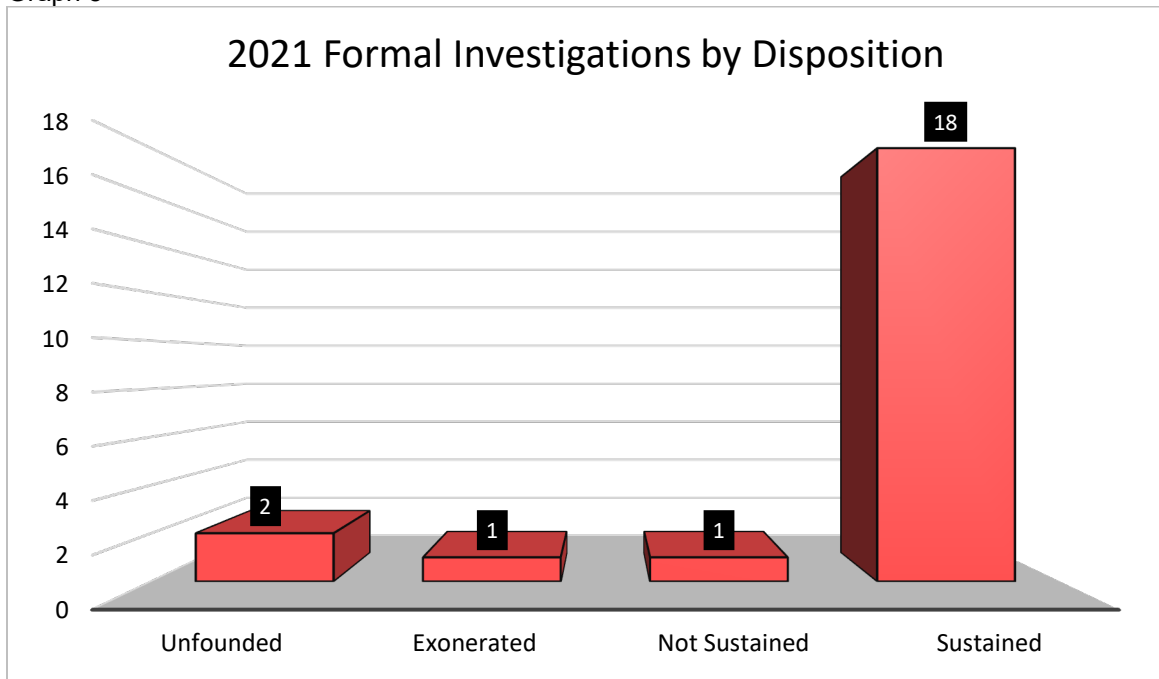
Five (5) Formal Investigations had between two (2) to four (4) dispositions of policy violations (a breakdown of the investigations is provided below).

Note. Two (2) Formal Investigations identified Misconduct Not Based on Initial Complaints. The Misconduct Not Based on Initial Complaints involved employees not activating their issued Body Worn Cameras when required.

Formal Investigations disposition breakdown:

- FI 2021-001: One (1) disposition (1 Exonerated)
- FI 2021-002: One (1) disposition (1 Sustained)
- FI 2021-003: One (1) disposition (1 Unfounded)
- FI 2021-004: Four (4) dispositions (4 Sustained)
- FI 2021-005: Three (3) dispositions (2 Sustained, 1 Unfounded)
- FI 2021-006: Three (3) dispositions (3 Sustained)
- FI 2021-007: Two (2) dispositions (2 Sustained)
- FI 2021-008: One (1) disposition (1 Sustained)
- FI 2021-009: One (1) disposition (1 Sustained)
- FI 2021-010: One (1) disposition (1 Sustained)
- FI 2021-011: One (1) disposition (1 Sustained)
- FI 2021-012: Three (3) dispositions (2 Sustained, 1 Not Sustained)

Graph 8



2021 Investigation Results by Policy Violation:

Duty to Abide by all Laws and Orders (RPD Policy and Procedures Manual 16.2) accounted for two (2) dispositions (6%).

Duty Regarding Conduct – On/Off Duty (RPD Policy and Procedures Manual 16.6) was addressed in six (6) dispositions (18%). 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 16.9) was addressed in two (2) dispositions (6%). The complaints involved allegations against officers not providing correct information on Department documents or when speaking with supervisors.

Remaining at Duty Station (RPD Policy and Procedures Manual 16.45) was addressed in two (2) dispositions (6%). These complaints involved officers not being in their assigned stations throughout their duty assignment.

Prompt Performance of Duty / Neglect of Duty (RPD Policy and Procedures Manual 16.50) was addressed in five (5) dispositions (15%). Neglect of duty is a failure to promptly perform all lawful duties required by law or policy. No employee will fail to give suitable attention to the performance of duty.

Members of this department have the responsibility to maintain all issued items with diligence (RPD Policy and Procedures Manual 16.62) was addressed in three (3) dispositions (9%). These investigations involved department personnel not maintaining their issued equipment or not taking proper precautions to prevent items from being stolen.

Body Worn Camera (BWC) (RPD Policy and Procedures Manual 44.2) was addressed in two (2) dispositions (6%). The investigations involved officers not wearing and or activating their BWC's when required.

Other Department policy violations investigated included:

- 16.27 Professional Behavior and Courtesy (Not Sustained)
- 16.84 Recovered Property / Evidentiary Material (Sustained)
- 16.103 Unwanted Conduct (*Sustained*)
- 16.107 Conduct Unbecoming-On/Off Duty Conduct (Sustained)
- 21.12 Assigned Vehicle and Take-Home Vehicle Programs (Sustained)
- 36.5 Response to Calls (Sustained)
- 36.7 Initiation of Pursuit (Sustained)
- 37.6 Uniform Enforcement Procedures for Traffic Law Violations (Sustained)
- 39.13 Department Firearms (Sustained)

One (1) Formal Investigations included City of Roswell Human Resources policy violations to include;

- 2.4 Drug Free Workplace (Not Sustained)
- 17.1 Prohibited Conduct (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 2021.

Table 1

Policy Violations	Unfounded	Exonerated	Not Sustained	Sustained	Total
16.2 Duty to Abide by all Laws and Orders	1			1	2
16.6 Duty Regarding Conduct		1		5	6
16.9 Duty Not to Give False or Misleading Information	1			1	2
16.27 Professional Behavior and Courtesy			1		1
16.45 Remaining at Duty Station				2	2
16.50 Prompt Performance of Duty / Neglect of Duty		2		3	5
16.62 Duty Regarding Issued Items	1			2	3
16.84 Recovered Property / Evidentiary Material				1	1
16.103 Unwanted Conduct				1	1
16.107 Conduct Unbecoming				1	1
21.12 Assigned Vehicle and Take-Home Vehicle Program				1	1
36.5 Response to Calls				1	1
36.7 Initiation of Pursuit				1	1
37.6 Uniform Enforcement Procedures for Traffic Law Violations				1	1
39.13 Department Firearms				1	1
44.2 Body Worn Camera				2	2
<i>City of Roswell Human Resources Policy Violations (2.4, 17.1)</i>			1	1	2
Total Dispositions	3	3	2	25	33

BIAS-BASED PROFILING IN 2021

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 16.109. 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 2021. One (1) complaint was classified as Operational Community Issue after a review of the officers' body camera video showed no officer misconduct.

The second complaint was classified as an Operational Community Issue and involved a complainant who believes he was racially profiled during a traffic stop. The complainant provided false information during his interview and was extremely hard to speak with due to him not answering his phone. The preliminary investigation did not reveal any evidence to suggest that race was involved. Both of these complaints stemmed from traffic stops.

There were no sustained allegations of bias-based profiling.

Prepared by:

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Office of Professional Standards