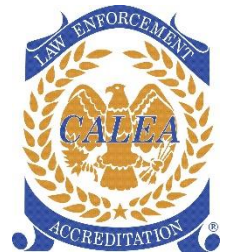


BURLINGTON POLICE DEPARTMENT

2021 Internal Affairs and Complaint Review



Date: January 10, 2022

Name: Chris Gaddis

**Position: Assistant Chief/Support
Bureau**



OVERVIEW OF THE YEAR AND IMPACT OF COVID

Per the Commission on Accreditation for Law Enforcement Agencies (CALEA) for the Burlington Police Department accreditation programs of Law Enforcement (*CALEA 26.2.5*) and Public Safety Communication (*PSC 1.4.11*), the department is committed to an annual summary of our complaints and internal investigations system. The intent of the summary helps our department do the following:

- Provides a statistical summary pertaining to complaints internal affairs investigations so our department can provide the information to the public.
- It helps the administration look for patterns in officer conduct at a macro level and thus position the agency for policy or training changes that would reduce future misconduct or strengthen our complaint and investigative system to conduct complaints or investigations more effectively.
- Acts as a comprehensive plan to identify patterns of conduct that can be reduced through training, re-training, and or disciplinary action.

Complaint Registering Procedure

Information regarding the Burlington Police Department's complaint registering procedure is made available to the public and employees through several means, including the Burlington Police Department website. The Burlington Police Department also provides a brochure that explains complaint registering procedures. These brochures are on the Burlington Police Department website and are available upon request at the front (public lobby) desk (*CALEA 26.2.4*). All employees of the Burlington Police Department are directed to inform and provide complaint registering information to the public when requested.

Registering a complaint against an employee of the Burlington Police Department can be done by reporting the complaint to a supervisor on duty, either by phone or in person, or through our website.

Categorization of Complaints

A supervisor evaluates complaints to determine the type, nature, and seriousness of the complaint. Complaints will be categorized as either Class I or Class II depending on the nature of the complaint. The supervisor will also evaluate the complaint to determine the proper course of action. Anonymous complaints are accepted. (*CALEA 26.2.1*)

Class, I complaints involve a complaint against an employee that asserts a violation of any criminal law or ordinance, Departmental Directive, or City of Burlington Personnel Ordinance. These investigations will be conducted by an investigator assigned by the Chief of Police or their designee.

This type of investigation will be conducted separately and apart from any criminal investigation arising from the same circumstances. (CALEA 26.3.1b); (PSC1.4.1b)

Class II complaints are about arrest scenarios not rising to Class I excessive force complaints, violations of City Ordinances, traffic infractions, etc., failure to perform duties, tardiness, insubordination, other policy violations, unprofessional conduct such as rudeness, and all other alleged inappropriate conduct not defined as a Class I complaint. (CALEA 26.3.1a); (PSC1.4.1a)

DISPOSITION DEFINITIONS

Sustained: Sufficient evidence and facts are present, demonstrating the alleged behavior occurred, and the employee is responsible.

Not Sustained: The evidence and facts are inconclusive, and no determination can be made regarding the alleged behavior.

Unfounded: The evidence and facts are presented demonstrating the allegation are false or the conduct did not occur.

Exonerated: The evidence and facts are present demonstrating the alleged behavior did occur. However, that conduct is justified and/or within departmental directives and training. A second possibility occurs when the investigation reveals the alleged officer was not present, and the facts conclusively show they were not involved.

RECAP OF LAST YEARS (2020) IA/Complaint REVIEW RECOMMENDATIONS

1. Schedule Internal affairs investigation training for the Professional Standards Lieutenant, and all Internal Affairs cases be investigated by this Lieutenant (barring a conflict given the specific issues).

Not Completed: The department's Administrative Lieutenant leads most investigations and currently has extensive investigative and advanced human resources training. Several schools offered online were evaluated but were cost-prohibitive in 2021. Some In-person classes were eliminated due to COVID-19, and this recommendation will carry forward for completion in 2022. Text Here

REPORT DATA-2021

I. Class I Complaints-

In 2021, there were a total of six (6) Internal Affairs cases conducted involving a total of nine (9) sworn staff members, all six (6) were generated internally. None of the investigations involved external partners or citizens. A total of ten (10) policy violations were alleged and investigated. None of these complaints involved Burlington Communications Center staff. Text Here

File Number	Occurrence Date	Incident type	Allegation	Disposition
2021-001	1/14/2021	Internal Affairs Investigation	Policy Compliance	Sustained
2021-002	1/14/2021	Internal Affairs Investigation	Policy Compliance	Sustained
2021-003	4/27/2021	Internal Affairs Investigation	Policy Compliance	Not Sustained
2021-004	7/9/2021	Internal Affairs Investigation	Conduct Unbecoming	Sustained
2021-004	7/9/2021	Internal Affairs Investigation	Conduct Unbecoming	Sustained
2021-004	7/9/2021	Internal Affairs Investigation	Conduct Unbecoming	Sustained
2021-004	7/9/2021	Internal Affairs Investigation	Failure to Supervise	Sustained
2021-005	8/2/2021	Internal Affairs Investigation	Const. Rights Violation	Exonerated
2021-006	12/4/2021	Internal Affairs Investigation	Criminal Conduct	Unfounded
2021-006	12/4/2021	Internal Affairs Investigation	Conduct Unbecoming	Sustained

Allegations: Class I/ Internal Affairs Investigations:

- Unprofessional Conduct- 4
- Incompetent Performance of Duty- 3
- Constitutional Rights Violation- 1
- Failure to Supervise-1
- Criminal- 1

II. Class II Complaints

In 2021, there were forty-one (41) complaints against a total of thirty-seven (37) staff members of the police department (forty of the complaints were for sworn officers, and one was for a professional staff member. None of these complaints involved Burlington Communications Center staff.

Each Class II complaint is generated either from an external source (community member, etc.), of which there were 39 complaints, or generated internally (staff members), for which there were two complaints. The agency also investigates anonymous complaints, but none were filed in 2021.

Occurred Date	Allegation	Disposition
1/5/2021	Unprofessionalism-Rudeness	Exonerated
1/11/2021	Incompetent Performance of Duty	Sustained
1/12/2021	Unprofessionalism-Rudeness	Exonerated
1/12/2021	Criminal	Unfounded
1/19/2021	Excessive Use of Force	Exonerated
1/21/2021	Improper Search/Seizure	Exonerated
2/1/2021	Incompetent Performance of Duty	Sustained
3/3/2021	Criminal	Unfounded
3/19/2021	Excessive Use of Force	Exonerated
3/19/2021	Excessive Use of Force	Exonerated
3/19/2021	Excessive Use of Force	Exonerated
3/19/2021	Excessive Use of Force	Exonerated
4/8/2021	Improper Search/Seizure	Exonerated
4/8/2021	Biased-Based Policing	Unfounded
4/8/2021	Excessive Use of Force	Exonerated
4/10/2021	Unprofessionalism-Rudeness	Unfounded
4/19/2021	Unprofessionalism-Rudeness	Unfounded
4/20/2021	Excessive Use of Force	Exonerated
4/20/2021	False Arrest	Unfounded
4/20/2021	Excessive Use of Force	Unfounded
4/23/2021	Incompetent Performance of Duty	Sustained
4/25/2021	Improper Search/Seizure	Exonerated
4/25/2021	Improper Search/Seizure	Exonerated
4/25/2021	Improper Search/Seizure	Exonerated
4/26/2021	Incompetent Performance of Duty	Sustained
4/26/2021	Biased-Based Policing	Exonerated
4/26/2021	Incompetent Performance of Duty	Unfounded
5/31/2021	Incompetent Performance of Duty	Unfounded
5/31/2021	Incompetent Performance of Duty	Unfounded
6/4/2021	Improper Search/Seizure	Sustained
6/12/2021	False Arrest	Exonerated
6/12/2021	False Arrest	Exonerated
6/18/2021	Unprofessionalism-Rudeness	Exonerated
7/6/2021	Code of Conduct	Exonerated
7/11/2021	Unprofessionalism-Rudeness	Exonerated
7/19/2021	Unprofessionalism-Rudeness	Exonerated

Occurred Date	Allegation	Disposition
8/23/2021	Code of Conduct	Exonerated
9/10/2021	Excessive Use of Force	Exonerated
11/1/2021	Unprofessionalism- Rudeness	Not-Sustained
11/1/2021	Incompetent Performance of Duty	Unfounded
11/6/2021	Unprofessionalism- Rudeness	Exonerated

**Complaints can include multiple officers. A total of forty-one (41) complaints represent each potential allegation.*

Allegations: Class II Complaints: There was a total of eight different allegation categories from 2021.

- Unprofessional Conduct- 9
- Excessive Use of Force- 9
- Incompetent Performance of Duty- 8
- Improper Search/Seizure- 6
- False Arrest- 3
- Biased Based Policing- 2
- Code of Conduct- 2
- Criminal- 2

Dispositions:

All Class I and Class II complaints received a disposition. All complaints investigated in 2021 were completed within thirty (30) days, and no extensions were needed. Appropriate procedures were followed for each complaint investigation.

The dispositions for the ten (10) allegations for (6) total Class I complaints filed in 2021 were as follows:

- Sustained- 7 (70% of the total)
- Not-Sustained- 1 (10%)
- Unfounded- 1 (10%)
- Exonerated- 1 (10%)

The dispositions for the forty-one (41) allegations for (41) total Class II complaints filed in 2021 were as follows:

- Sustained- 5 (12% of the total)
- Not-Sustained- 1 (2%)
- Unfounded- 11 (27%)
- Exonerated- 24 (59%)

TRAINING

During post-academy or new professional staff employee orientation, each new employee reviews the Burlington Police Department Internal Affairs and Discipline policy and procedures, including complaint procedures, and receives further training on the department's mission, values, and code ethics. Upon supervisory promotion, training is conducted on the complaint process for both sworn and professional staff (including the Burlington Communications Center and the TC Leads).

ADMINISTRATIVE ACTIONS

Six (6) Class I complaints/Internal Affairs Investigations involving nine employees in 2021 resulted in the following actions. Actions may have included multiple allegations combined into one formal action or other action.

Three (3) Internal Affairs cases in 2021 resulted in the following disciplinary actions:

IA2021-002- The agency issued the employee a Letter of Reprimand for violating departmental policy.

IA2021-004- The agency issued the employee a Letter of Reprimand for violating departmental policy.

IA2021-006- The agency terminated the employee's employment for the violation of departmental policy.

In addition to these formal actions listed above, the department uses remedial training, counseling, or in combination with or in lieu of formal disciplinary action. The other administrative action was taken after investigating the remaining three (3) Class I complaints/Internal Affairs Investigations in 2021 resulted in the following.

Counseling Session: 3

No Action- 2

The City of Burlington Human Resources was provided with copies of all disciplinary action taken.

PROCEDURES FOR REVIEW AND APPROVAL PROCESS

Completed IA cases are uploaded into IA Pro software and managed by the Professional Standards Division (PSD) lieutenant. Secured permissions are set to maintain the integrity of the information. The cases are finalized and closed by either an Assistant Chief or the Chief of Police within IA Pro. This process ensures CEO notification is made, creates a permanent approval record, and provides permanent retention. (CALEA 26.2.2); (PSC 1.4.10)

Class II complaints are received, investigated, and managed by a supervisor and uploaded to the Blue Team software. The complaints are reviewed by the division captain or professional staff manager, and all entries and outcomes are copied through the Chief of Police.

The implementation of Blue Team/IA Pro allows for efficient task assignment, retention of records, and case administrative review/approval, all within one system, eliminating the need for paper copies to be collected and retained.

PUBLIC ANNOUNCEMENT

Per the Commission on Accreditation for Law Enforcement Agencies accreditation programs in Law Enforcement and Public Safety Communications, the information in this report concerning the number of complaints and Internal Affairs cases and the outcomes of those complaints and cases has been made public using the Burlington Police Department's web page. This annual report is also available to all agency employees through Power DMS. (CALEA 26.2.5); (PSC 1.4.12)

POLICY/PROCEDURE REVIEW

The Police Department's 08- 11, Discipline and Internal Affairs policy and procedure were reviewed and modified in collaboration with the City of Burlington Human Resource Department. A section in policy on Name Clearing Hearing (caused by case law in NC) was added, and a form was created where the employee can select to request a public hearing or decline a public hearing regarding the issue.

Other forms were reviewed as a part of the overall internal investigation process included the Notice of Investigation form, the Internal Affairs Investigation checklist, and the Administrative Leave Equipment checklist. All forms were current, and no modifications were needed.

RECOMMENDATIONS

1. Schedule Internal affairs investigation training for the Professional Standards Lieutenant and other Executive Staff members for succession purposes.
2. Conduct a mid-year review of all assigned Internal Affairs cases.