

DURHAM



CITY OF DURHAM

1869  
CITY OF MEDICINE

**To:** Mr. Thomas Bonfield, City Manager  
**From:** Jose L. Lopez, Sr., Chief of Police   
**Date:** July 8, 2015  
**RE:** **Second Quarter I.A. D. Report/2015**

Attached is the revised fourth quarter Internal Affairs Report for April – June 2015 which was completed by Captain D.C. Allen, Commander, Professional Standards Division.

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**To:** Jose L. Lopez, Sr.  
**From:** D. C. Allen, Commander PSD *D.C.A.*  
**Date:** July 7, 2015  
**RE:** Internal Affairs Quarterly Report (April – June, 2015)

**Overview:**

During the second quarter of 2015, the Internal Affairs Unit of the Professional Standards Division with the help of front line supervisors conducted investigative inquiries in a total of seventy-four (74) cases. Twenty-five (25) cases were carryover cases from the first quarter calendar report and the remaining forty-nine (49) cases were newly generated in the second quarter of 2015. During the second quarter, eighteen (18) carryover cases were closed with disposition and the remaining seven (7) cases were carried over into the 3<sup>rd</sup> quarter calendar report of 2015.

All investigatory cases are recorded in one of three categories, they are:  
 Administrative Investigations conducted by Internal Affairs investigators;  
 Performance Reviews conducted by Frontline supervisors and Citizen Complaints conducted by Internal Affairs investigators or frontline supervisors based on severity of allegation.

**First Quarter Carryover cases:**

Nine (9) administrative investigations; eight (8) citizen complaints; eight (8) performance reviews. The following is a breakdown by type and status:

**Administrative Investigations:**

AI2014-0019	Performance of Duty	Sustained
*AI2014-0020	Anti-Harassment/ Respecting the Rights of Others/ Respect for Fellow Employees	Sustained
AI2015-0001	Warrantless Search and Seizure	Exonerated
AI2015-0002	Conduct Unbecoming / Responsibility to Respect the Rights of Others	Not Sustained
AI2015-0003	Obedience to Laws	Sustained
*AI2015-0005	Workplace Violence / Respect for Fellow Employees	Sustained

AI2015-0006	Attendance and Punctuality for Police Personnel	Carryover to 3 <sup>rd</sup> qtr
*AI2015-0007	City Vehicle Policy / Obedience to Laws / Substance Abuse	
	Conduct Unbecoming	Sustained
AI2015-0008	ITP-1 Use of Technology Resources	
	Conduct Unbecoming	
	Use of Department Computers	Sustained

\*AI2014-0020 – Anti – Harassment allegation was concluded Not Sustained. Allegation of Respecting the Rights of others is concluded Not Sustained.

\*AI2015-0005 - The allegation of Workplace Violence was withdrawn. The case was sustained for Respect for Fellow Employees.

\*AI2015-0007 – The allegation of Substance Abuse was withdrawn. The case was sustained for violations of: City Vehicle Policy; Conduct Unbecoming and Obedience to Laws.

**Citizen Complaint:**

CC2014-0099	Responsibility to Respect the Rights of Others / Responsibility for Knowing Laws/Directives	Sustained
CC2014-0105	Use of Force	Exonerated
CC2015-0003	Use of Force /	
	Responsibility to Respect the Rights of Others	Carryover to 3 <sup>rd</sup> qtr
CC2015-0005	Obedience to Laws	Discontinued
CC2015-0008	Performance of Duty	Carryover to 3 <sup>rd</sup> qtr
*CC2015-0009	City Vehicle Policy / Operation of Department Vehicles / Truthfulness / Department Vehicles	
	Department Vehicles	Sustained
CC2015-0010	Performance of Duty / Responsibility to Respect the Rights of Others	Exonerated
CC2015-0012	Property and Evidence Control / Performance of Duty	Exonerated

\*CC2015-0009– The allegation of truthfulness was unfounded and the allegation of violating the City Vehicle Policy was withdrawn. Operation of Department Vehicles (Rules and Regulation) and Department Vehicles (General Order) are concluded as sustained.

**Performance Review:**

PR2014-0096	Secondary Police Employment	Sustained
PR2015-0004	Performance of Duty Disruptive Activities	Carryover to 3 <sup>rd</sup> qtr
PR2015-0006	Secondary Police Employment	Carryover to 3 <sup>rd</sup> qtr

PR2015-0007	Interfering with Cases or Operations	Carryover to 3 <sup>rd</sup> qtr
PR2015-0008	Secondary Police Employment	Sustained
PR2015-0009	Emergency Vehicle Equipment Operation	Sustained
PR2015-0010	Secondary Police Employment	Sustained
PR2015-0011	Performance of Duty / Responsibility for Knowing Law - Directives / Report Writing / Constitutional Considerations In the Criminal Process	Carryover to 3 <sup>rd</sup> qtr

**Second Quarter New Cases:**

Six (6) administrative investigations; nineteen (19) citizen complaints; twenty-four (24) performance reviews. The following is a breakdown by type and status:

**Administrative Investigations:**

AI2015-0009	Obedience to Laws / Conduct Unbecoming	Carryover to 3 <sup>rd</sup> qtr
AI2015-0010	Use of Force	Carryover to 3 <sup>rd</sup> qtr
AI2015-0011	Use of Force/ Conduct Unbecoming / Self-Assigned Investigations / Warrantless Search & Seizure	Carryover to 3 <sup>rd</sup> qtr
AI2015-0012	Attendance & Punctuality / FLSA Compensation – OT – Comp Time / Conduct Unbecoming / Reporting for Duty	Carryover to 3 <sup>rd</sup> qtr
AI2015-0013	Use of Force	Carryover to 3 <sup>rd</sup> qtr
AI2015-0014	Performance of Duty / Insubordination	Carryover to 3 <sup>rd</sup> qtr

**Citizen Complaints:**

CC2015-0013	Responsibility to Respect the rights of Others / Conduct Unbecoming	Not Sustained
CC2015-0014	Conduct Unbecoming / Performance of Duty	Withdrawn
CC2015-0015	Conduct Unbecoming	Carryover to 3 <sup>rd</sup> qtr
CC2015-0016	Conduct Unbecoming / Responsibility to Respect the Rights of Others	Carryover to 3 <sup>rd</sup> qtr
CC2015-0018	Use of Force / Responsibility to Respect the Rights	Exonerated
CC2015-0019	Conduct Unbecoming / Warrantless Search and Seizure	Carryover to 3 <sup>rd</sup> qtr
*CC2015-0020	No Violation of Policy (Citizen Concern)	
*CC2015-0021	No Violation of Policy (Citizen Concern)	
CC2015-0022	Responsibility to Respect the Rights of Others	Carryover to 3 <sup>rd</sup> qtr
CC2015-0023	Responsibility to Respect the Rights of Others / Conduct Unbecoming	Carryover to 3 <sup>rd</sup> qtr
CC2015-0024	No Violation of Policy (Citizen Concern)	Carryover to 3 <sup>rd</sup> qtr

CC2015-0025	Performance of Duty	Carryover to 3 <sup>rd</sup> qtr
CC2015-0026	Performance of Duty / Traffic Collision Investigation / Conduct Unbecoming	Carryover to 3 <sup>rd</sup> qtr
CC2015-0027	Conduct Unbecoming	Carryover to 3 <sup>rd</sup> qtr
CC2015-0028	Warrantless Search and Seizure	Carryover to 3 <sup>rd</sup> qtr
*CC2015-0029	No Violation of Policy (Citizen Concern)	
CC2015-0030	Use of Force	Carryover to 3 <sup>rd</sup> qtr
CC2015-0031	Conduct Unbecoming / Responsibility to Respect the Rights of Others	Carryover to 3 <sup>rd</sup> qtr
CC2015-0032	Responsibility to Respect the Rights of Others / Obedience to Laws	Carryover to 3 <sup>rd</sup> qtr

\*CC2015-0020 – A complaint was filed in reference to aggressive driving by a uniformed officer. The complainant was unable to provide details to determine if it was in fact a Durham Police Officer. Additional calls were made to the complainant in an attempt to determine the identity of the officer; however, to date, the complainant has not returned our calls.

\*CC2015-0021 – A complaint was filed in reference to his assault case not being covered by the media and not receiving updates in reference to his case. Investigator notes from the report show that the complainant was being updated; however, the specific timeframe the complainant referred to was the weekend. No violation of policy was discovered in reference to this complaint.

\*CC2015-0029 – A complaint was filed in reference to a speeding ticket that was issued. The complainant alleged that the officer chastised her during the traffic stop. The complainant stated that officers should be performing other duties during graduation weekend besides issuing tickets. No violation of policy was discovered in reference to this complaint.

### **Performance Reviews**

PR2015-0012	Accidental Discharge of Taser	Sustained
PR2015-0013	Emergency Vehicle and Equipment Operation	Sustained
PR2015-0014	Emergency Vehicle Equipment and Operations	Sustained
PR2015-0015	Emergency Vehicle Equipment and Operations	Sustained
PR2015-0016	Emergency Vehicle Equipment and Operations	Sustained
PR2015-0017	Report Writing	Sustained
PR2015-0018	Use of Force / Conduct Unbecoming	Carryover to 3 <sup>rd</sup> qtr
PR2015-0019	Emergency Vehicle Equipment and Operations	Sustained
PR2015-0020	In-Service Training	Sustained
PR2015-0021	In-Service Training	Sustained
PR2015-0022	Secondary Police Employment	Sustained
PR2015-0023	Secondary Police Employment	Carryover to 3 <sup>rd</sup> qtr

PR2015-0024	In-Service Training	Sustained
PR2015-0025	Accidental Discharge of Taser	Sustained
PR2015-0026	Performance of Duty	Exonerated
PR2015-0027	Secondary Police Employment	Carryover to 3 <sup>rd</sup> qtr
PR2015-0028	In-Service Training	Carryover to 3 <sup>rd</sup> qtr
PR2015-0029	In-Service Training	Sustained
PR2015-0030	In-Service Training	Carryover to 3 <sup>rd</sup> qtr
PR2015-0031	Emergency Vehicle Equipment and Operations	Carryover to 3 <sup>rd</sup> qtr
PR2015-0032	Performance of Duty	Carryover to 3 <sup>rd</sup> qtr
PR2015-0033	In-Service Training	Carryover to 3 <sup>rd</sup> qtr
PR2015-0034	Performance of Duty	Carryover to 3 <sup>rd</sup> qtr
PR2015-0035	In-Service Training	Carryover to 3 <sup>rd</sup> qtr