


**Date:** April 01, 2022

**To:** Patrice V. Andrews, Chief of Police 

**From:** Scott J. Pennica, Professional Standards Division Commander 

**RE:** Professional Standards Division Quarterly Report (January 01 – March 31, 2022)

**Overview:**

The Professional Standards Division is responsible for the general oversight, compliance, and accountability of Department members. The Internal Affairs Unit is located within the Professional Standards Division and investigates as well as supervises the investigation of citizen complaints; conduct issues, and violations of policy, and/or law, alleged against department personnel – both sworn and non-sworn. The findings for such investigations are reported to the Chief of Police and the Executive Command Staff of the Department.

Investigations are handled in a thorough, impartial and timely manner. The Durham Police Department standard for completing Citizen Complaints and Performance Reviews is to do so within forty-five (45) days. Some investigations may require additional time to complete a thorough investigation for a variety of reasons; to include the availability of the complainant; availability of witnesses; the collection of evidence, etc. The standard for completing Administrative Investigations is ninety (90) days. These investigations typically involve more serious allegations and may also require additional time to complete a thorough investigation.

Cases that are not completed within the quarter they were received are carried over to the next quarter. The completion time of these Carryover Cases may vary based on a variety of reasons.

All investigatory cases are recorded in one of three categories:

- **Administrative Investigations** conducted by Internal Affairs investigators;
- **Citizen Complaints** conducted by Internal Affairs investigators or frontline supervisors based on the severity of allegation;
- **Performance Reviews** conducted by frontline supervisors.

The Durham Police Department’s Professional Standards Division had a total of **47** on-going active investigations this quarter. At the end of the first quarter of 2022, **15** cases remained active:

New investigations initiated this quarter	31
Investigations carried over from previous quarter(s)	16
<b>Total Active Investigations</b>	<b>47</b>
Less Carryover Investigations Closed	-11
Less New Investigations Closed	-21
<b>Current Active Investigations</b>	<b>15</b>

More information on these cases can be found in the section below entitled, Prior Quarter (Carryover) Active Cases.

### **First Quarter 2022 New Cases:**

During the first quarter of 2022, the following number and types of cases were generated: three (3) Administrative Investigations; four (4) Citizen Complaints; nine (9) Citizen Concerns, and fifteen (15) Performance Reviews, for a total of thirty-one (31) new cases during the 1st quarter of 2022.

#### **Administrative Investigations**

Three (3) Administrative Investigations were conducted in the first quarter of 2022. Two (2) cases remain active, one (1) case was sustained and closed. The cited allegation(s) for first quarter Administrative Investigation cases consisted of: Conduct Unbecoming; Obedience to Rules of Conduct; Substance Abuse Testing and Secondary Employment.

#### **Citizen Complaints & Citizen Concerns**

Citizen Complaints are external complaints received through email, telephone call or written correspondence. Citizen Complaints are broken down into two (2) categories:

- Citizen Complaints – External complaints that allege a violation of policy by an identifiable Durham Police Department Employee. These complaints are investigated by Internal Affairs or the involved employee’s supervisor.
- Citizen Concerns – External complaints that fall within the scope of one (1) of the following situations:
  - An individual sends a concern to the Professional Standards Division, but does not wish to file a formal complaint; or
  - The complaint is reviewed by Internal Affairs, and it is determined that the allegation is unfounded.
  - Non-police related concerns such as external complaints that do not allege a violation of policy by an employee of the Durham Police Department (i.e., a complaint regarding a citizen’s trash not being picked up; a complaint involving an employee of the Tampa, Florida Police Department, etc.)

Nine (9) Citizen Concerns and four (4) Citizen Complaints were received in the first quarter of 2022. All nine Citizen Concerns were investigated and closed. The corresponding allegation(s) for first quarter Citizen Concern cases consisted of: Respect the Rights of Others and Performance of Duty. Of the four Citizen Complaints received; two (2) were closed, two (2) cases remain active. The cited allegation(s) for first quarter Citizen Complaint cases consisted of: Performance of Duty and Conduct Unbecoming.

## **Performance Reviews**

Fifteen (15) Performance Reviews were received during the first quarter of 2022. Nine (9) cases were closed; six (6) are still active. Eight of the nine closed Performance Review cases were sustained; while one (1) Performance Review case was exonerated. The cited allegation(s) for first quarter Performance Review cases consisted of: Secondary Employment, Report Writing, Performance of Duty and Body Worn Camera.

### **Prior Quarter Active (Carryover) Cases:**

#### **Administrative Investigations**

Four (4) Administrative Investigations were carried over from previous quarters. One (1) case was closed; three (3) cases remain active. The closed carried over Administrative Investigation was sustained. The three remaining cases are at various stages of the disciplinary process (pending employee interview or administrative case review). The cited allegation(s) for the carried over Administrative Investigation cases consisted of: Conduct Unbecoming and Limits of Authority, Accountability and Discretion.

#### **Citizen Complaints**

Three (3) Citizen Complaints were carried over from previous quarters. Two carried over Citizen Complaints were closed; one carried over Citizen Complaint remains active. Of the two closed carried over Citizen Complaints; one carried over Citizen Complaint was sustained, the other was exonerated. The remaining one (1) active carried over Citizen Complaint case is in the final review stages before completion. The cited allegation(s) for the carried over Citizen Complaint cases consisted of: Use of Force and Domestic Violence (report writing).

#### **Citizen Concerns**

Three (3) Citizen Concerns were carried over from previous quarters. All three carried over Citizen Concerns were closed. Two of the carried over Citizen Concerns were determined to be no violation of policy; one carried over Citizen Concern was unfounded.

#### **Performance Reviews**

Six (6) Performance Reviews were carried over from the previous quarters. Five of six carried over Performance Review cases were closed. Three carried over Performance Review cases were sustained, while one (1) carried over Performance Review case was discontinued and another was exonerated. The remaining one (1) active carried over Performance Review is in the final review stages before completion. The cited allegation(s) for the carried over Performance Review cases consisted of: Vehicle Pursuits, Body Worn Camera, Use of Force.