

Date: July 07, 2022

To: Patrice V. Andrews, Chief of Police 

From: Scott J. Pennica, Professional Standards Division Commander 

RE: Professional Standards Division Quarterly Report (April 01 – June 30, 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 **37** on-going active investigations this quarter. At the end of the second quarter of 2022, **17** cases remained active:

New investigations initiated this quarter	28
<u>Investigations carried over from previous quarter(s)</u>	<u>9</u>
Total Active Investigations	37
Carryover Investigations Closed	-7
<u>New Investigations Closed</u>	<u>-13</u>
Current Active Investigations	17

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

Second Quarter 2022 New Cases:

During the second quarter of 2022, the following number and types of cases were generated: one (1) Administrative Investigation; eight (8) Citizen Complaints; eleven (11) Citizen Concerns, and eight (8) Performance Reviews, for a total of twenty-eight (28) new cases during the 2nd quarter of 2022.

Administrative Investigations

One (1) Administrative Investigation was initiated in the second quarter of 2022. That case remains active. The allegation for this Administrative Investigation case involved “disruptive activities” as defined in Department Rules and Regulations.

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 another agency, etc.)

Eleven (11) Citizen Concerns and eight (8) Citizen Complaints were received in the second quarter of 2022. All eleven (11) Citizen Concerns were investigated and closed. The corresponding allegations for second quarter Citizen Concern cases consisted of: theft (clearly unfounded), complaints on officers employed by other agencies (2), harassment (2), report writing (3), a noise complaint involving a neighbor, and a downed power line concern. Of the eight (8) Citizen Complaints received; two (2) were closed and six (6) cases remain active. The cited allegations for second quarter Citizen Complaint cases consisted of: performance of duty (3), body worn camera (3), conduct unbecoming, respect for the rights of others, traffic stops, bias based policing, and use of discretion.

Performance Reviews

Eight (8) Performance Reviews were received during the second quarter of 2022. Two (2) cases were closed and six (6) are still active. Both of the closed Performance Review cases were sustained. The cited allegations for second quarter Performance Review cases consisted of: secondary employment (4), performance of duty (3), duty of supervisors, leave reporting and recording, knowing laws and directives, and body worn camera.

Prior Quarter (Carryover) Active Cases:

Administrative Investigations

One (1) Administrative Investigation was carried over from the previous quarter. That case was closed / discontinued. The cited allegations for the carried over Administrative Investigation case consisted of: obedience to laws and conduct unbecoming.

Citizen Complaints

Two (2) Citizen Complaints were carried over from the previous quarter. One (1) carried over Citizen Complaint was closed; one carried over Citizen Complaint remains active. The closed carried over Citizen Complaint was unfounded. The remaining one (1) active carried over Citizen Complaint case is in the final review stages before completion. The cited allegations for the carried over Citizen Complaint cases consisted of: harassment, and performance of duty.

Citizen Concerns

One (1) Citizen Concern was carried over from the previous quarter and was subsequently closed. This Citizen Concern was determined to be no violation of policy.

Performance Reviews

Five (5) Performance Reviews were carried over from the previous quarter. Four (4) of the five (5) carried over Performance Review cases were closed. The four (4) closed carried over Performance Review cases were all sustained. The remaining one (1) active carried over Performance Review is in the final review stages before completion. The cited allegations for the carried over Performance Review cases consisted of: respect for fellow employees, conduct unbecoming, body worn camera, performance of duty, secondary employment, and equipment inventory.