

Date: January 11, 2023

To: Patrice V. Andrews, Chief of Police

From: Scott J. Pennica, Professional Standards Division Commander

RE: Professional Standards Division Quarterly Report (October 1 – December 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, 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 **17** on-going active investigations this quarter. At the end of the fourth quarter of 2022, **7** cases remained active:

New investigations initiated this quarter	13
Investigations carried over from previous quarter(s)	4
Total Active Investigations (during fourth quarter)	17
Carryover Investigations Closed	2
New Investigations Closed	8
Current Active Investigations (as of December 31, 2022)	7

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

Fourth Quarter 2022 New Cases:

During the fourth quarter of 2022, the following number and types of cases were generated: five (5) Administrative Investigations; one (1) Citizen Complaint; four (4) Citizen Concerns; and three (3) Performance Reviews for a total of thirteen (13) new cases during the fourth quarter of 2022.

Administrative Investigations

Five (5) Administrative Investigations were initiated in the fourth quarter of 2022. Four (4) of the cases were closed, and one (1) case remained active. The allegations for these Administrative Investigations involved the following violations: obedience to laws, conduct unbecoming, truthfulness, insubordination, and performance of duty.

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.)

Four (4) Citizen Concerns and four (4) Citizen Complaints were received in the fourth quarter of 2022. All four (4) Citizen Concerns were investigated and closed. The corresponding allegations for fourth quarter Citizen Concern cases involved: conduct unbecoming, responsibility to respect the rights of others, report writing, performance of duty, and an issue with the District Attorney’s Office.

All four (4) of the Citizen Complaints generated in the fourth quarter remained active. The cited allegations for fourth quarter Citizen Complaint cases consisted of: responsibility to respect the rights of others, harassment, and use of department computers. **Three (3) of the Citizen Complaint cases have been assigned to frontline supervisors outside of the Internal Affairs Unit**

for investigation. The remaining active Citizen Complaint case is assigned to an investigator in the Internal Affairs Unit.

Performance Reviews

Three (3) Performance Reviews were initiated during the fourth quarter of 2022. All three (3) cases remained active. The cited allegations for the fourth quarter Performance Review cases consisted of report writing and respect for fellow employees. **All three (3) Performance Review cases have been assigned to frontline supervisors outside of the Internal Affairs Unit for Investigation.**

Prior Quarter (Carryover) Active Cases:

Administrative Investigations

Two (2) Administrative Investigations were carried over from the previous quarter. One (1) of those cases was cleared this quarter, and one (1) case remained active. The cited allegations for the carried over Administrative Investigations consisted of: truthfulness, obedience to laws, and conduct unbecoming.

Citizen Complaints

One (1) Citizen Complaint case was carried over from a previous quarter. The cited violation for this case was performance of duty, and responsibility to respect the rights of others. This case is still active.

Citizen Concerns

No Citizen Concerns were carried over from previous quarters.

Performance Reviews

No Performance Reviews were carried over from previous quarters.

Use of Force

One (1) Use of Force case was carried over from a previous quarter. Though the Internal Affairs Unit does not normally investigate Use of Force cases, this administrative review was the result of an officer involved shooting. The case was cleared this quarter, and no violation of policy was determined to have taken place.