

# BURLINGTON POLICE DEPARTMENT

## 2022 Internal Affairs and Complaint Review

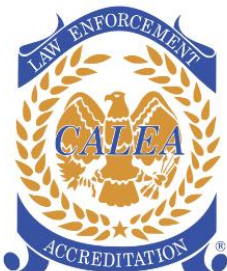


*NAME: Chris Smith*

*POSITION: Administrative Captain*

*REPORT DATA YEAR: 2022*

*DATE PREPARED: January 10, 2022*



## **OVERVIEW OF THE YEAR and STAFF IMPACT ANALYSIS-2022**

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 for 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 and internal affairs; investigations so our department can provide the information to the public.
- Helps administration to 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; to include 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 or through our website.

### **Categorization of Complaints**

Complaints are evaluated by a supervisor 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 complaints about arrest scenarios not rising to Class I excessive force complaints, violations of City Ordinances, traffic infractions, etc., failure to perform duties, tardiness, insubordination, and 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 present demonstrating the allegation is 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, he/she was not involved.

### **RECAP OF LAST YEARS RECOMMENDATIONS (For 2022)**

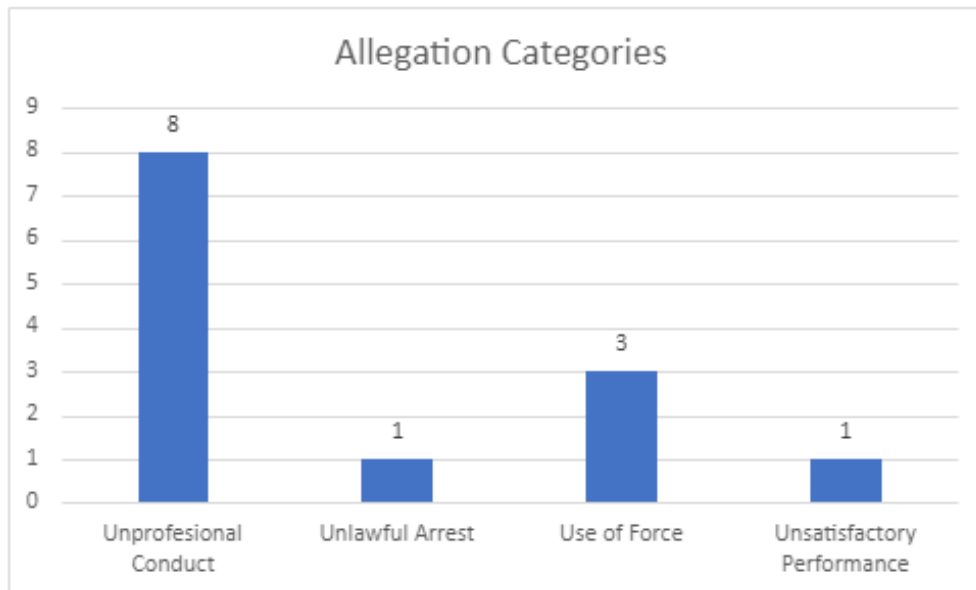
1. Schedule Internal affairs investigation training for the Professional Standards Lieutenant and other Executive Staff members for succession purposes. –  
**Completed:** In 2022, there was some reorganization of Executive and Command Staff. There is no longer a Professional Standards Lieutenant. Internal affairs have now been positioned under an Administrative Captain. Two sergeants, two lieutenants and one captain attended internal affairs training.
2. Conduct a mid-year review of all assigned Internal Affairs cases. This would provide the agency with an early warning of patterns or threats. **Completed**

## **REPORT DATA 2022:**

### ***Internal Affairs Investigations***

In 2022, there were a total of eight (8) Internal Affairs cases conducted involving nine (9) sworn staff members and two (2) professional staff members. There were no Burlington Communications staff members involved in a Class I complaint.

There were four different policy violations investigated, with all allegations for 2022 at a total of thirteen. Three (3) of the allegations were made by external community members, and the remainder were generated internally.



<b><i>File Number</i></b>	<b><i>Occurrence Date</i></b>	<b><i>Incident Type</i></b>	<b><i>Allegation</i></b>	<b><i>Disposition</i></b>
22-001	1/3/2022	Internal Affairs Investigation	Unprofessional Conduct	Sustained
22-001	1/3/2022	Internal Affairs Investigation	Unprofessional Conduct	Sustained
22-002	1/14/2022	Internal Affairs Investigation	Unprofessional Conduct	Sustained
22-002	1/14/2022	Internal Affairs Investigation	Unlawful Arrest	Sustained
22-003	2/7/2022	Internal Affairs Investigation	Use of Force	Exonerated
22-003	2/7/2022	Internal Affairs Investigation	Unprofessional Conduct	Sustained

22-004	3/23/2022	Internal Affairs Investigation	Use of Force	Exonerated
22-004	3/23/2022	Internal Affairs Investigation	Use of Force	Exonerated
22-005	6/6/2022	Internal Affairs Investigation	Unsatisfactory Performance	Exonerated
22-006	7/12/2022	Internal Affairs Investigation	Unprofessional Conduct	Sustained
22-006	7/12/2022	Internal Affairs Investigation	Unprofessional Conduct	Sustained
22-007	10/21/2022	Internal Affairs Investigation	Unprofessional Conduct	Sustained
22-008	12/12/2022	Internal Affairs Investigation	Unprofessional Conduct	Sustained

***Class II Complaints (Not Including IAs):***

In 2022, there were twenty-four (24) complaints, with forty-five (45) allegations against a total of twenty-seven (27) staff members of the police department. All the complaints involved sworn staff members. Each complaint is generated either from an external source (community member, etc.) or internally (staff member). All but two (2) complaints were generated by external sources (community members, etc.)

<b><i>Occurred Date</i></b>	<b><i>Allegation</i></b>	<b><i>Disposition</i></b>
02/16/2022	Biased-Based Policing	Not Sustained
02/18/2022	Unprofessionalism-Rudeness	Unfounded
03/13/2022	Unprofessionalism-Rudeness	Exonerated
04/18/2022	Unprofessionalism-Rudeness	Unfounded
04/22/2022	Unprofessionalism-Rudeness	Unfounded
04/22/2022	Biased-Based Policing	Unfounded
04/22/2022	Failure of Policy	Exonerated
04/22/2022	Neglect of Duty	Exonerated
05/03/2022	Biased-Based Policing	Exonerated
05/13/2022	Unprofessionalism-Rudeness	Sustained
05/13/2022	Biased-Based Policing	Not Sustained
05/22/2022	Unsatisfactory Performance of Duties 2-239	Sustained
06/10/2022	Excessive Use of Force	Not Sustained
06/16/2022	Unprofessionalism-Rudeness	Sustained
06/17/2022	Improper Search/Seizure	Exonerated
06/17/2022	Negligence	Exonerated
06/17/2022	Improper Search/Seizure	Exonerated
06/17/2022	Negligence	Exonerated
06/26/2022	Improper Search/Seizure	Exonerated
06/26/2022	Incompetent Performance of Duty	Exonerated

07/06/2022	Improper Search/Seizure	Exonerated
07/19/2022	Failure of Policy	Exonerated
07/24/2022	Inattention to Detail	Sustained
07/24/2022	Neglect of Duty	Sustained
07/27/2022	Improper Search/Seizure	Exonerated
07/27/2022	Dishonesty	Exonerated
07/27/2022	Incompetent Performance of Duty	Unfounded
07/27/2022	Improper Search/Seizure	Exonerated
07/27/2022	Dishonesty	Exonerated
07/27/2022	Improper Search/Seizure	Exonerated
08/04/2022	Incompetent Performance of Duty	Sustained
08/04/2022	Failure of Policy	Not Sustained
08/04/2022	Improper Supervision	Sustained
08/24/2022	Biased-Based Policing	Unfounded
08/26/2022	Improper Supervision	Exonerated
08/26/2022	Incompetent Performance of Duty	Exonerated
08/26/2022	Incompetent Performance of Duty	Exonerated
08/26/2022	Incompetent Performance of Duty	Exonerated
09/13/2022	Code of Conduct	Exonerated
10/26/2022	Driving Behavior	Sustained
11/25/2022	Unprofessionalism-Rudeness	Not Sustained
11/28/2022	Unprofessionalism-Rudeness	Sustained
11/28/2022	Neglect of Duty	Sustained
12/16/2022	Code of Conduct	Not Sustained
12/16/2022	Unprofessionalism-Rudeness	Not Sustained

*\*Complaints and allegations can include multiple officers. A total of forty-five allegations represent the 24 complaints*

**Class II Allegations:**

There was a total of fourteen different allegation categories from 2022, which are as follows:

- ❖ Biased Based Policing-5
- ❖ Code of Conduct-3
- ❖ Dishonesty-2
- ❖ Driving Behavior-1
- ❖ Excessive Use of Force-1
- ❖ Failure of Policy-3
- ❖ Improper Search/Seizure-7
- ❖ Improper Supervision-2
- ❖ Inattention to Detail-1
- ❖ Incompetent Performance of Duty-6

- ❖ Neglect of Duty-3
- ❖ Negligence-2
- ❖ Unprofessionalism-Rudeness-9
- ❖ Unsatisfactory Performance of Duty-1

### **Dispositions Class I and Class II Complaints:**

All internal affairs investigations and complaints receive a disposition. All internal affairs investigations and complaints in 2022 were investigated within thirty (30) days and no extensions were needed. Appropriate procedures were followed for each complaint investigation.

The dispositions for thirteen (13) allegations for eight (8) total Class I complaints filed in 2022 were as follows:

- Sustained-9 (69 % of the total)
- Not Sustained-0
- Exonerated-4 (31%)
- Unfounded-0

The dispositions for the forty-five (45) allegations for twenty-four (24) total Class II complaints filed in 2022 were as follows:

- Sustained -10 (22% of total)
- Not Sustained - 7 (16%)
- Exonerated -22 (49%)
- Unfounded- 6 (13%)

### **Training:**

During post-academy, each new employee reviews the Burlington Police Department Internal Affairs and Discipline policy and procedures, which includes complaint procedures, and receives further training on the department's mission, values, and code of ethics. Upon supervisory promotion, training is conducted on the complaint process.

### **Administrative Actions:**

There were eight (8) Class I complaints/Internal Affairs Investigations, involving eleven employees in 2022 that resulted in the following actions. Actions taken may have included multiple allegations combined into one Letter of Counseling or other action.

Four (4) Internal Affairs cases in 2022 resulted in the following disciplinary actions:

**IA2022-001**-The agency issued one employee a Letter of Reprimand, for the violation of departmental policy.

**IA2022-006**-The agency terminated two employees, for the violation of departmental policy.

**IA2022-007**- The agency terminated the employment of the employee, for the violation of departmental policy.

**IA2022-008**-The agency issued the employee a Letter of Reprimand, 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 taken after investigating the remaining four (4) Class I complaints/Internal Affairs Investigations in 2022 resulted in the following.

Counseling Session: 2

No Action-4

Employee Retired prior to any action-1

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

### **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 Departments' 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 2022:**

In June 2022, forms were reviewed that include the Notice of Investigation (NOI) form and the Internal Affairs Investigation checklist. There were no changes to the NOI form. The IA checklist was updated, for the complainant notification, if a complainant is a City of Burlington employee; notification stayed the same through phone or in person, but email was added. If a complainant is external, notification is mandatory through US Certified Mail, and email was added (if available).

For the purpose of this summary, the policy and procedures were reviewed, and there are no changes. Due to the policy development project on-going into 2023, this policy 08-11 Discipline and Internal Affairs will be merged into Lexipol format, reviewed, and disseminated to staff.

### **Review and Approval Process:**

Completed IA cases are uploaded into IA Pro software and managed by the



Administrative Captain. To maintain proper security precautions, secured permissions are set to maintain the integrity of the information. The cases are finalized and closed by either an Assistant Chief and or the Chief of Police within IA Pro. This process ensures CEO notification is made and creates a permanent record of approval and provides for 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 review/approval all within one system, eliminating the need for paper copies to be collected and retained.

### **RECOMMENDATIONS For 2023:**

1. Conduct a mid-year review of all assigned Internal Affairs cases. This would provide the agency with an early warning of patterns or threats.