



**Grand Forks Police Department
Office of Professional Standards
Internal Affairs Investigations
2018 Annual Summary**



Date: February 27th, 2019
To: Chief Mark Nelson
From: Lt. Derik J. Zimmel

PURPOSE

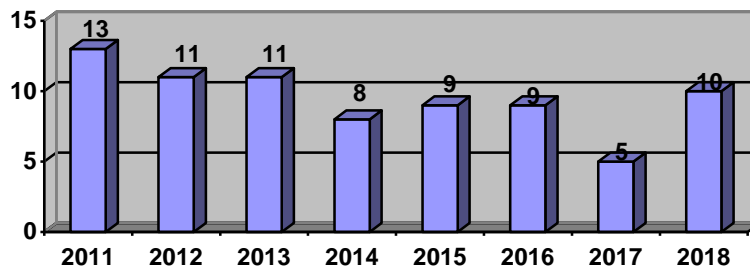
The Commission on Accreditation for Law Enforcement Agencies' (CALEA) Standard 26.2.5 requires an annual statistical summary of internal affairs investigations. This report complies with the standard and summarizes the administrative investigations for the year 2018. Furthermore, this report provides a graphical comparison between 2018 and previous years. The raw data was collected from formal complaints processed through the Grand Forks Office of Professional Standards. This report is for the time period of 01 January 2018 through 31 December 2018.

2018 Complaints Against Employees Summary

There were ten formal complaints investigated in 2018. This represented a doubling of the formal complaints investigated in 2017, but a return to the average of the six years prior to 2017.

Year:	Citizen Generated Complaints:	Internally Generated Complaints:	Total Formal Complaints Generated	Formal Complaints Assigned an Internal Investigation Number:
2018	8	2	10	1
2017	3	2	5	0
2016	4	5	9	3
2015	7	2	9	1
2014	5	3	8	1
2013	9	2	11	2
2012	7	4	11	3
2011	10	3	13	0

All Complaints



Dispositions Summary

According to Directive 52.01, each case is concluded with a recommended disposition. These dispositions are: Sustained; Not Sustained; Exonerated; Unfounded or Policy Failure.

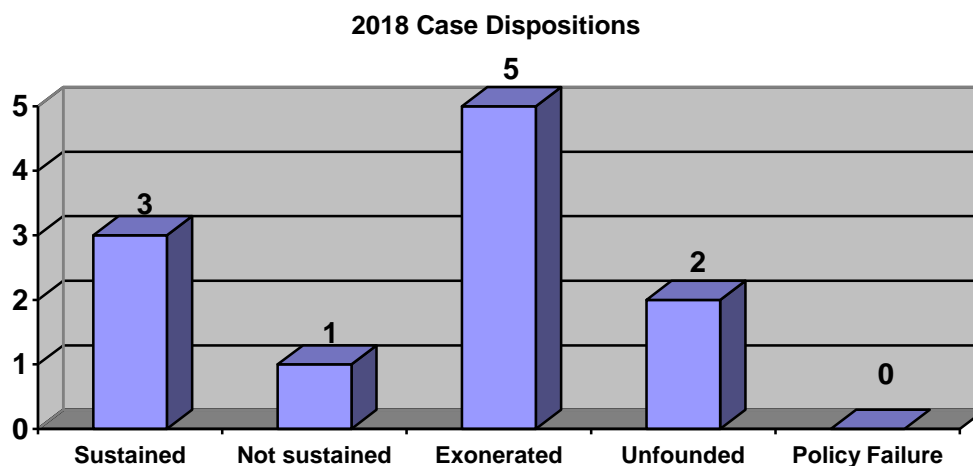
A **Sustained** disposition indicates an investigation supported the conclusion by a preponderance of the evidence that a member engaged in the alleged misconduct in violation of Department directives, policies, and/or procedures.

A **Not Sustained** disposition indicates an investigation supports a conclusion there is insufficient evidence to substantiate the alleged misconduct.

An **Exonerated** disposition indicates an investigation supports a conclusion the incident did occur; however, the employee's actions were legal, proper, and reasonable.

An **Unfounded** disposition indicates an investigation supports a conclusion the employee did not engage in the alleged misconduct, did not violate Department Rules and Regulations, and the allegation is false or not factual.

A **Policy Failure** disposition indicates an investigation disclosed a deficiency in Department policy or procedure rather than misconduct by a member.



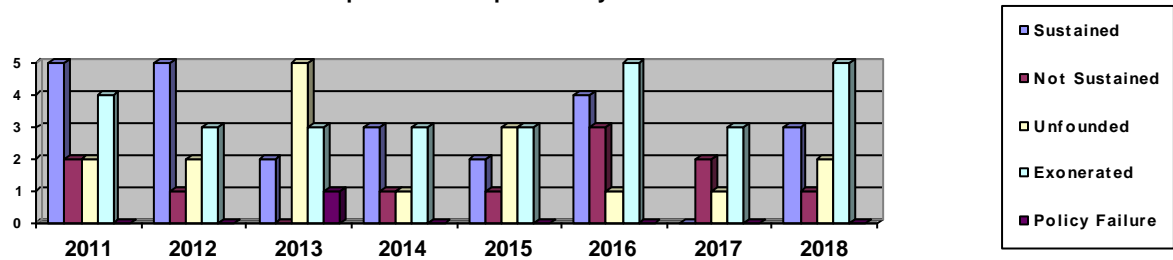
It should be noted that one of the formal complaints had a split disposition. That complaint was Sustained in part, and Not Sustained in part. All individual findings are included in the charts contained in this report, in order to most accurately reflect all applicable findings.

To evaluate the historical patterns of disposition in complaint against employee investigations:

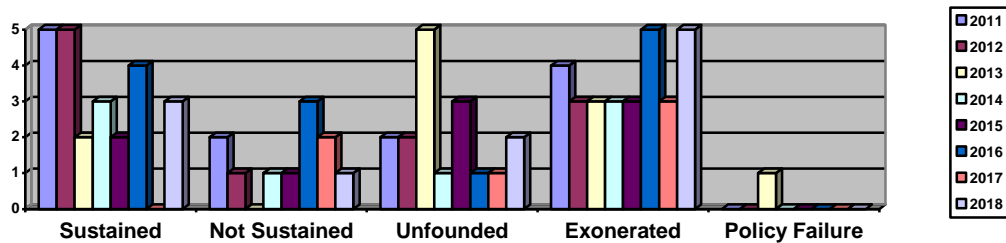
Administrative Reviews and Internal Investigations

	2011	2012	2013	2014	2015	2016	2017	2018
Citizen Complaint	10	7	9	5	7	4	3	8
Sustained	2	2	0	0	0	0	0	2
Not Sustained	2	1	0	1	1	1	1	0
Unfounded	2	1	5	1	3	1	1	2
Exonerated	4	3	3	3	3	3	2	4
Policy Failure	0	0	1	0	0	0	0	0
Internal Complaint	3	4	2	3	2	5	2	2
Sustained	3	3	2	3	2	4	0	1
Not Sustained	0	0	0	0	0	2	1	1
Unfounded	0	1	0	0	0	0	0	0
Exonerated	0	0	0	0	0	2	1	1
Policy Failure	0	0	0	0	0	0	0	0

Case Disposition
Disposition Comparison by Year



Case Disposition
Yearly Comparison By Disposition



Evaluation of Complaints and Dispositions

An evaluation of Complaints and Disposition, with caution exercised due to a very limited yearly sample size:

- The total of ten complaints against employee in 2018 is double the five received in 2017, but returns to the yearly average observed between 2011-2016.
- Three complaints resulted in a Sustained finding in 2018. Of the three, one was an internally-generated complaint that was Sustained in part and Not Sustained in part. The other two were addressed with training arranged through City of Grand Forks Human Resources, and the GFPD Human Resources Bureau, in conjunction with a letter of counselling for each.
- The overall disposition distribution has been somewhat consistent since 2009, with scattered outliers. The three most common dispositions are generally found to be Sustained, Exonerated and Unfounded.
- In the past eight years, there has been only one finding of Policy Failure; that occurring in 2013. It is interesting to note that the GFPD received its initial CALEA accreditation award in 2014, with no policy failures noted since the 2014 on-site assessment.

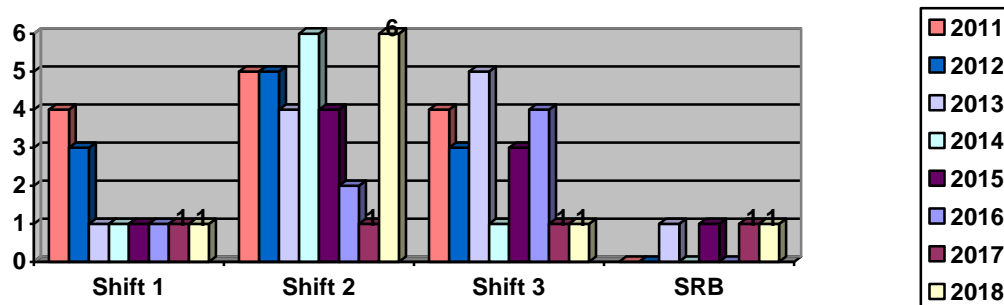
Complaints Against Employees Per Bureau

The Grand Forks Police Department consists of six Bureaus—the Uniform Patrol Bureau (UPB), the Criminal Investigation Bureau (CIB), the Specialized Resource Bureau (SRB), Records Administration Bureau (RAB) Facility and Equipment Bureau (FEB), and Human Resource Bureau (HRB). The Bureaus rank in descending order based upon the number of employees assigned as listed.

As may be expected, Bureaus with the greatest number of employees and the most contact with the public generated the greatest number of complaints against employees. During the last eight years, all but six complaints against employee have involved employees assigned to the Uniform Patrol Bureau. Of those six, two occurred in 2018, involving one from the Criminal Investigations Bureau (Exonerated) and one that included personnel from both the Specialized Resource Bureau and the Records Administration Bureau (Unfounded). 2018 represents the first time complaints have been filed against members of CIB or RAB within the eight-year period documented in this summary.

For clearer understanding, the Uniform Patrol Bureau can be broken down according to shift times. They are as follows: Shift One (2200-0800), Shift Two (0730-1730) and Shift Three (1700-0300).

Complaints Per Shift



Historically, a somewhat similar complaint distribution can be seen over the past eight years. It is interesting to note that Shift 2 is generally the shift with the highest complaints. With Shift 1 and 3 overlapping between 2200 and 0300 hours, however, during times with high potential for conflict the combined numbers of those two shifts generally exceed those of Shift 2.

2018 Use of Force Related Complaints

There were no complaints pertaining to Use of Force in 2018. For perspective, there was one complaint involving Use of Force in 2017 and 2015, three in 2014, none in 2013, one in 2012, and two in 2011. None of the Use of Force complaints over the past eight years have been Sustained.

Employee Alleged On-Duty Behavior vs. Use of Force Complaints

Table 1 illustrates the comparison over the past seven years:

Table 1: Use of Force Complaints

<u>Year</u>	<u>Total Cases</u>	<u>Use of Force Allegations</u>	<u>% Use of Force Allegations</u>	<u>On-Duty Behavior Allegations</u>	<u>% On-Duty Behavior Allegations</u>
2018	10	0	0%	10	100%
2017	5	1	20%	3	60%
2016	9	0	0%	4	44.4%
2015	9	1	11.1%	2	22.2%
2014	8	3	37.5%	4	50.0%
2013	11	0	0%	8	72.7%
2012	11	2	18.1%	6	54.5%
2011	13	2	15.4%	4	30.8%

In 2018, all complaints against employees, whether internally or externally generated, pertained to on-duty behavior allegations, and none pertained to use of force concerns.

Biased Based Policing Complaints

The following table represents complaints filed regarding biased based activities over the last eight years:

Biased Based Policing Complaints								
Complaints from:	2011	2012	2013	2014	2015	2016	2017	2018
Traffic contacts	0	0	0	0	0	0	0	0
Field contacts	0	0	1	0	1	1	0	2
Asset Forfeiture	0	0	0	0	0	0	0	0

In 2018, two bias-based complaints were investigated. One was never assigned a number as a formal investigation, and is not reflected in this summary. A complaint of racial profiling was made by an African American male in June of 2018. The male alleged that he felt he was being racially profiled by Grand Forks Police Department officers. He subsequently described the profiling behavior that he found alarming as seeing officers when he walks downtown and on main thoroughfares, seeing officers activate overhead lights and manipulating weapons as he walked by the Police Department employee parking lot, and officers waving at him as they drove by. The male found these instances alarming, despite never having been directly contacted by Grand Forks Police Department officers in any manner. Despite efforts to offer alternate interpretations of the police actions he found alarming, such as police presence where the community expects police presence, checking equipment prior to beginning a shift, and waving as a friendly greeting, the male persisted in his belief of racial profiling, and noted it was his intention to contact an attorney, the NAACP, and Black Lives Matter. The final disposition regarding this complaint was determined to be Unfounded.

The second 2018 complaint is included in this summary, and was initiated after receipt of a letter of complaint from a community couple. The letter claimed systemic anti-Semitic bias on the part of the Grand Forks Police Department as an organization. The inferred bias was based upon several encounters; the most recent of which was an ongoing Criminal Mischief complaint, where the complainant wanted the incident coded as a hate crime, and insufficient evidence was available to support such a classification, under FBI guidelines. Other encounters included an incident at a local hotel in 2017, and an incident of Disorderly Conduct in 2005. The facts cited in the submitted letter regarding interactions between the complainants and officers in each of the three incidents were not substantiated with the content of incident reports, and other documents and recordings associated with those investigations. The bias alluded to in the complaint was found to not be factually supported; in fact, it was factually refuted in most instances, through the use of Body Worn Camera footage and a telephone conversation recording. This final disposition regarding this complaint was determined to be Exonerated.

In the 2016 complaint, three citizens submitted a joint complaint letter alleging improper officer actions during a noisy party complaint. The bias allegation was alluded to, rather than direct, but did note that the complainants were “Caucasian and African women”, and alleged they were not treated with dignity and respect. In addition, they ended the complaint letter with the words, “show the world...how well we all can be coexisting”. The complaint is included in this section due to the underlying tone of included language. Body Worn Camera (BWC) footage clearly refuted these allegations, and, during the course of the investigation, one of the letter signatories acknowledged the letter contained false allegations, and the complainants were simply upset that their party had been dispersed. The complainant forwarded an apology to the officers for the inconvenience of the complaint process.

In the 2015 complaint, a citizen was upset at being arrested in the downtown area, and attributed the arrest to his race. This complaint targeted several entities, including the city prosecutor, and made a variety of allegations. Most allegations centered on or around an underlying theme of violation of the citizen’s civil rights. Through the investigation, it was clear that the complainant was attributing his own perceptions of the officer’s motivations, rather than considering his own actions relevant to municipal ordinance and state law. Dispositions regarding this complaint included Exonerated for the most serious and pointed of the allegations, as the officer’s actions were legally supported, and Unfounded for the remaining allegations, which were not factually supported.

In the 2013 complaint, a citizen was upset the officer allowed a towing company to take their illegally parked vehicle from a parking lot. This citizen alleged the inaction by the officer to stop this towing event was due to the race of the citizen. Disposition of this complaint was filed as Unfounded as the officer’s actions were justified given the illegal parking of the vehicle and the on scene observations of the officer’s supervisor.

Informal Complaints

In addition to formal complaints, documented informal complaints and other referrals routed to or through the Office of Professional Standards are tracked as well. In 2018, five such complaints were documented and tracked by the Office of Professional Standards without generating either an Administrative Review or an Internal Investigation. One was the alleged racial bias complaint noted in the previous section. Two pertained to individuals displeased with how a case was being investigated. In both instances, the case had either been transferred to the appropriate investigative jurisdiction, or prosecution had been formally declined. One was displeased with the outcome of an investigation. Finally, one wished to file Harassment charges against a police department employee, citing the outcome of that employee performing law enforcement and public safety duties as assigned.

Informal complaints may be documented in other bureaus as well. All departmental bureaus were queried regarding the presence of documented informal complaints that rose above the level of informal supervisor direction and correction, but did not rise to the level of a formal complaint, occurring in 2018. Only the Uniform Patrol Bureau had encountered and tracked such complaints.

The Uniform Patrol Bureau commander tracked ten informal complaints that did not result in initiation of a formal complaint:

- Six complaints pertained to improper action taken to the complainant's satisfaction, regarding a complaint or initial investigation. Four of the six simply required clarification of information between the officer and complaining party. One was possibly unfounded, due to the complainant's own admissions. The sixth was informational in nature. The actual issue could not be clarified one way or the other, but the complainant simply wanted the agency to be aware of the concern.
- Two complaints pertained to improper emergency response. One was made by a former law enforcement official, and the officer's actions were deemed to be appropriate. The other was made by the Grand Forks Fire Department, and the officers were counseled by their supervisor.
- One complaint was raised by Municipal Court regarding an officer's documentation. The officer's supervisor counseled and trained officer.
- One complaint pertained to rude behavior alleged by an Altru employee. The allegation was determined to be unfounded, as established by other Altru employees present at the time of the alleged behavior.

The ten informal complaints tracked in 2018 represent a 25% increase from the eight informal complaints tracked by UPB in 2017 and 2016. Both were an increase from the four handled in 2015. None of the informal complaints appeared to have a common theme or pattern representing an item of general concern to the agency. These informal citizen concerns are investigated, with an explanation of Department policy to the citizens, and/or verbal counselling and/or training provided to the employee when appropriate. They are conducted, tracked and evaluated despite a lack of a completed and signed Complaint Against Employee form.

Review Summary

- 2018 represented a return to the general average of ten formal complaints investigated per year, over the past eight years, with 2017 being the outlier to that general pattern.
- Informal complaints have remained relatively steady over the past three years. No concerning patterns developed upon scrutiny of the informal complaints received, resolved, and documented.

- The Office of Professional Standards assigned one complaint as an Internal Investigation; generally considered to be more serious in nature than an Administrative Review. This complaint was internally generated, and disposition was found to be Exonerated.
- There were two bias-based policing complaints received in 2018, and no use of force related complaints. Only one of the bias-based complaints warranted initiating a formal complaint and investigation. The other appeared to be attributable to significant misperceptions on the part of the complainant, and had no basis for a claim or concern warranting any investigation.

Recommendations


- Reinforce the use of interpersonal communications skills as a customer service quality, emphasizing the importance of helping citizens understand the actions and decisions made by Police Department employees, and reduce complaints attributable to misunderstandings.
- Continue to track informal complaints/concerns handled at the Bureau level to see if any trends begin to develop over the coming years. If and when more data becomes available, begin to track in tables consistently within this report, if applicable.
- Continue assigning Body Worn Cameras to all officers working in contact with citizens in potentially volatile or contentious situations. It appears indisputable that Body Worn Cameras are inhibiting sustained externally-generated complaints against employees, and provide compelling evidence during any investigation regarding a complaint against employee. Currently, BWCs are issued to UPB and SRB officers, including School Resource Officers.
- Continue tracking data to establish a ten-year data-set, in order to more accurately evaluate potential existing trends.

Respectfully Submitted By:



Lt. Derik J. Zimmer
Office of Professional Standards

Reviewed and Accepted By:



Mark Nelson
Chief of Police