

City of Frederick
Frederick, Maryland

Frederick Police Department



Professional Services Division

2021
Complaints and Internal Investigations
Annual Report

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Introduction

This Professional Services Division (PSD) Annual Report is part of a continuing effort to educate the citizens of Frederick in the operations of their police department. The information contained in this report covers:

- 2021 Complaint Statistics,
- Analyses of various data.

Staff

Lieutenant Sean Carr, Commander
Sergeant Justin Thomas, Internal Affairs Unit Supervisor
Janine Campbell, Internal Affairs Unit Administrative Assistant

Complaints and Internal Investigations

In 2021, the Frederick Police Department (FPD) received or generated 77 complaints involving its employees. See Table below.

“Complaint” refers to any report, allegation, accusation or statement in which an individual describes a problem or dissatisfaction with the behavior or performance of any departmental employee or departmental policy/procedure. It does not automatically indicate the alleged activity actually occurred.

- Complaint Category 1 is an expression of dissatisfaction or concern by a citizen that does not involve any violations of laws, ordinances, or general orders, and lends itself to *direct and immediate* resolution by the supervisor/command officer who speaks to the citizen.
- Complaint Categories 2A and 3A are formal investigations to find facts that can either prove or disprove the alleged minor violations.

- Complaint Categories 2B and 3B are minor violations considered to be performance issues. They are non-disciplinary in nature, and are addressed by counseling, remedial training, or both.
- Complaint Category 4 is a formal investigation of more serious allegations, or allegations requiring more extensive investigation.
- Complaint Category 5 is a complaint from a source outside the Department concerning its current use of a particular, specific departmental policy, practice or procedure. A Category Five Complaint will be handled by an individual designated by the Office of the Chief.
- Each complaint may involve more than one alleged violation of rules, so the number of allegations is higher than the number of total complaints.

2021 Complaints Received by Category

Complaint Category	Total
1 (No Violation)	24
2A (Citizen Generated—Formal Investigation)	3
2B (Citizen Generated—Performance Issue)	9
3A (Department Initiated— Formal Investigation)	4
3B (Department Initiated—Performance Issue)	14
4 (Potentially Serious Complaints)	23
5 (Organizational Complaints)	0
Total Complaints in all Categories:	77

2021 Most Common Allegations

(Please note some complaints involve multiple allegations.)

Alleged Violation	2021
Laws & Directives	26
Lack of Civility & Respect	22
Unprofessional / Unbecoming Conduct	11
Excessive/Inappropriate Force	9
Attention to Duty	5

At-Fault Motor Vehicle Accidents

FPD conducted internal investigations on (4) **at-fault** police vehicle collisions in 2021. The majority of the at-fault accidents resulted in superficial or minor damage to involved vehicles. For a detailed breakdown, refer to the Training Division's 2021 "Departmental Motor Vehicle Collision Analysis".

Excessive / Inappropriate Force

FPD received (9) Excessive/Inappropriate Use of Force complaints in 2021. Of these, (5) are still in active investigation at the time of this publication, as all were received toward the end of the calendar year. The remaining (4) complaints in this category have been fully investigated and were **not sustained** (*which may include findings of not sustained, withdrawn, unfounded, administratively closed or closed at intake with no violation*). **It is worth noting that each of these complaints is not only investigated and reviewed by Internal Affairs staff, but additionally reviewed and approved (or rejected) by several additional layers of command, to include the Chief of Police.**

Lack of Civility and Respect / Unbecoming Conduct

Complaints involving lack of civility and unbecoming conduct sometimes go hand-in-hand. "Civility and respect" is generally applied to conduct when a complainant feels that an officer was terse, unfriendly, or rude. At times, citizens allege incivility when the officer merely provides unwelcome information or takes an action that is within policy but that the complainant disagrees with. (An example of this would be someone who is unhappy that their vehicle was towed or that they received a speeding ticket, with no other allegations of misconduct.) For the purpose of this report, "unbecoming conduct" is defined as an unacceptable behavior that, if true, has the potential to have a negative effect on the agency's reputation.

For 2021, FPD received (22) allegations involving **civility and respect**. Of these, (7) were **sustained** (which can include formal discipline, a notation on the officer's next performance evaluation, and/or retraining). Of the (22) complaints, (14) of these were **not sustained**. (1) of these complaints is still open.

For 2021, FPD received (11) allegations of **unbecoming conduct**. (2) of these complaints were sustained, (6) complaints were **not sustained**, and (3) complaints are still open.

Laws and Directives

An officer accused of a **laws and directives** violation may have been accused of a wide range of misconduct, such as a crime, a civil offense, a traffic violation, disobeying an order, disregarding an assigned call for service from a dispatcher, or not reporting a potentially serious violation by another employee. Also included in this category would be failure to adhere to department policy.

In 2021 we received (26) complaints of this nature. (11) of these complaints were **sustained**, (11) were **not sustained**, and (4) are still open.

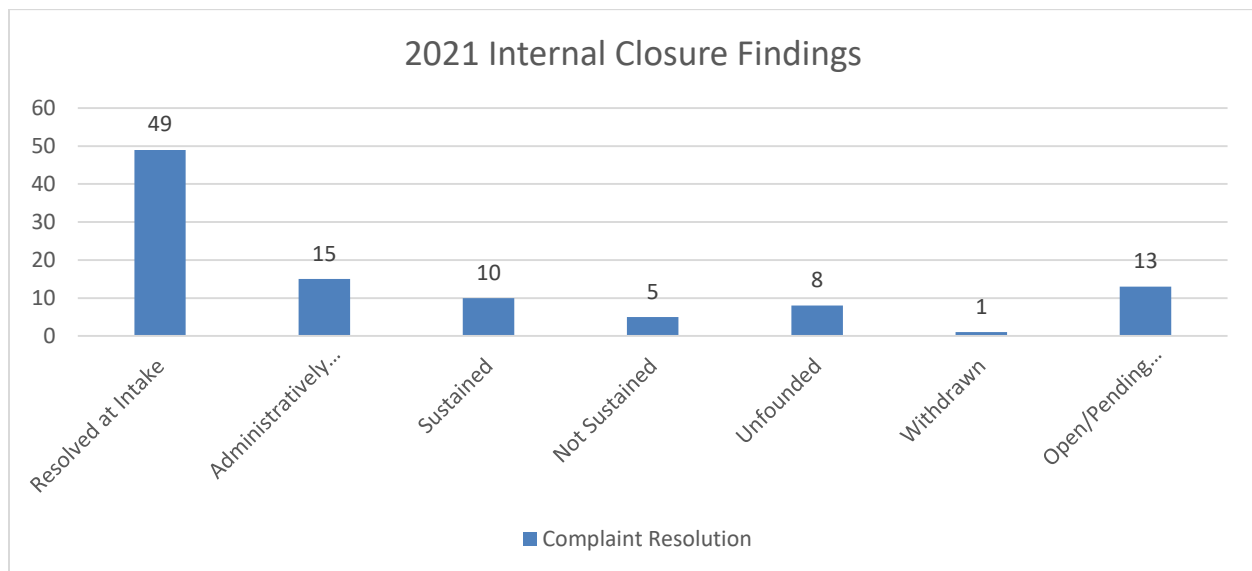
An examination of the various violations involving laws and directives in 2021 revealed a variety of laws/directives allegedly violated. The most commonly allegedly violated law/directive was General Order 1650 (Standards of Employee Conduct). This General Order is the most comprehensive policy governing

officers' actions/behaviors, and it contains over (50) sections regarding performance/behavior standards. There were no more than two (2) violations of any section regarding this general order by all officers in 2021.

General Order 1650 is sent out for review to all employees annually. With the lack of violations in a particular category and the annual review mandated to all employees, there does not appear to be a need for specialized retraining in reference to laws and directives violations.

Bias Based Complaints

Bias based complaints generally revolve around complaints where an individual believes they were specifically and unjustly targeted due to a particular characteristic/trait. These traits can vary, but can include such things as one's race, gender, sexual orientation, religion, etc. FPD received (1) bias-based complaint in 2021. This complaint was received by way of a voicemail. As we take every complaint seriously, a supervisor made contact with the caller. The complainant was identified, but refused to cooperate beyond the initial step of leaving a voicemail. Regardless, the incident was still identified and reviewed, but no violation of policy and/or law was found to have occurred.



The chart above shows the findings for all (77) complaints in 2021. As noted, (13) complaints are still open and being investigated. The standard of proof in internal investigations and administrative hearings is a **preponderance of the evidence**. This burden of proof is set by Title 3 of the Public Safety Article. Please note that these closure findings apply to each charge against an officer in an investigation. An officer could have been charged with several violations as part of one internal investigation, which would result in the number of complaint resolutions being higher than the actual number of complaints received.

Summary

In 2021, FPD received 77 complaints. The majority of all complaints received were resolved at intake by either the first line supervisor, division commander, or Internal Affairs (56%).

In 2021, the Frederick Police Department responded to a total of 93,805 calls for service. With a total of (77) complaints received in 2021, that equates to 0.082% of all FPD interactions resulting in a complaint.

Glossary

- **COMPLAINT FINDINGS (DISPOSITION):** The official result of the Department's inquiry or investigation into a complaint that will determine whether or not any administrative and/or disciplinary action will be considered.
- **EXONERATED:** The incident complained about did occur but was justified, legal, and proper.
- **NOT SUSTAINED:** There is not sufficient evidence to support the allegation(s).
- **SUSTAINED:** The allegation is supported by sufficient evidence, or there is sufficient evidence to show misconduct not based on the original complaint.
- **UNFOUNDED:** The investigation has determined no facts support that the incident complained about actually occurred.
- **ADMINISTRATIVELY CLOSED:** The Department has deemed it inappropriate or unnecessary to proceed with further investigation or disciplinary proceedings.
- **RESOLVED AT INTAKE / NO VIOLATION:** The supervisor has determined that the matter complained about is not a violation of orders, ordinances, or laws.
- **RESOLVED AT INTAKE / PERFORMANCE CLOSURE:** The supervisor/command officer receiving the citizen complaint/report of the incident has resolved the matter; informal counseling/supervisory direction was given to the employee at the time. The matter may be reflected in the employee's Performance Evaluation Report (by use of the Performance Action Form).
- **DEADLY FORCE:** Physical force which, by its application, causes death or has a high probability of causing death or serious physical injury.
- **EXCESSIVE FORCE:** Physical force that is grossly disproportionate to the actual or potential threat posed by an individual, and exceeds the amount of force that a reasonable, trained police officer

would deem permissible to apply in a given situation. The application of excessive force either causes or may potentially cause injury to an individual.

- **FORCE:** The amount of effort used by a police officer to gain compliance from a subject while acting in his official capacity, whether on or off duty. This definition includes both physical force and "constructive force" (presence, commands, pointing a firearm, etc.).
- **INAPPROPRIATE FORCE:** A higher level of force than a reasonable, trained police officer would utilize or deem permissible to apply in a given situation using established departmental and/or judicially accepted standards.
- **INTERNAL INVESTIGATION:** The administrative investigation of a Complaint by the Department.