



City of Frederick  
Frederick, Maryland

# Frederick Police Department



## Professional Services Division 2017 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:

- 2017 Complaint Statistics,
- Analyses of various data.

## **Staff**

Lieutenant Bruce DeGrange, Commander  
Sergeant Matt Carrado, Internal Affairs Unit Supervisor  
Janine Campbell, Internal Affairs Unit Administrative Assistant

## **Complaints and Internal Investigations**

- “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.

The Frederick Police Department received or generated 131 complaints involving its employees in 2017. This is well above the total of 82 in 2016. To note, the Department self-initiated 48.8% complaints against its members. See Table 1.

**Table 1**  
**2017 Complaints Received by Category**

Complaint Category	Total
1 (No Violation / Resolved at Intake)	21
2A (Citizen Generated—Formal Investigation)	17
2B (Citizen Generated—Performance Issue)	13
3A (Department Initiated— Formal Investigation)	19
3B (Department Initiated—Performance Issue)	40
4 (Potentially Serious Complaints)	21
5 (Organizational Complaints)	0
Total Complaints in all Categories:	<b>131</b>

A comparison of some of the most frequent allegations follows in Table 2.

**Table 2**  
**2015 – 2017 Most Common Allegations**  
 (Please note some complaints involve multiple allegations.)

<b>Alleged Violation</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
At-Fault Motor Vehicle Accidents	19	11	13
Excessive / Inappropriate Force	4	1	8
Untruthfulness	5	1	7
Lack of Civility & Respect	18	11	20
Unprofessional / Unbecoming Conduct	5	2	5
Missed Court	1	9	7
Laws & Directives	10	18	11

### **At-Fault Motor Vehicle Accidents**

FPD experienced an increase in at-fault motor vehicle accidents which is an 18% increase from last year (11 total). The total number of at-fault collisions for 2017 is 13. However, this is a 31% decrease from 2015. The vast majority of the at-fault accidents in 2017 resulted in superficial or minor damage to the involved vehicles. For a detailed breakdown, refer to the Training Division’s 2017 Departmental Motor Vehicle Collision Analysis.

## **Excessive / Inappropriate Force**

FPD received 8 excessive force complaints in 2017. However, in one case, four officers were accused which is why the number appears so much larger than in years past. In the 4 other cases, a single officer was accused. In all cases, the results were either unfounded, or administratively closed. There were no sustained charges from excessive/inappropriate force complaints in 2017. See Graph 2.

## **Untruthfulness**

There were 7 untruthfulness complaints in 2017 which is an increase from 1 in 2016. However, of the 7 complaints, only one was found sustained and as a result, the non-sworn employee resigned. One complaint was from a citizen who was stopped on a traffic stop who didn't believe they committed the alleged traffic violation. The other five complaints were from persons who stated what the officer wrote in their report did not happen. Those 6 complaints were unfounded. See graph 3.

## **Lack of Civility and Respect / Unbecoming Conduct**

Complaints of lack of civility and unbecoming conduct sometimes go hand in hand. But “civility and respect” is generally applied to conduct when a complainant feels that an officer was terse, unfriendly, or rude. Sometimes, citizens allege incivility when the officer merely provides unwelcome information that the complainant disagrees with. Unbecoming conduct is generally an unacceptable behavior that, if true, has the potential to have a negative effect on the agency’s reputation. Unbecoming conduct complaints have remained low over the past five years. For 2017, we had 20 allegations involving civility and respect which is higher than the 11 in 2016. Keep in mind the classification of lack of civility is up to the shift supervisor or PSD whom investigates the allegation. Depending on the situation, the classification may change to unbecoming conduct, laws and directives, etc. FPD had 5 unbecoming conduct allegations which is much lower than the 12.8 average. See Graphs 4 and 5.

## **Missed Court**

In 2017, we received 7 missed court complaints, which is down from 9 in 2016. The department mandates officers attended both traffic and criminal court when they receive a subpoena. If an officer is to attend training, go on vacation, etc. on a day they are supposed to be in court, they are required to fill out a court continuance and have supervisory permission. If the officer fails to attend court without a proper justification, the court liaison notifies the officer's supervisor.

## **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, civil offense, or traffic violation; disobeying an order; disregarding an assigned call for service from a dispatcher; or not reporting a potentially serious violation by another employee. In 2017 we received 11 complaints, down from 18 in 2016. As noted above, the decrease in laws and directives and increase in civility and respect could be a classification issue with only an increase in 2 for both categories combined for 2017. See Graph 7.

## **Category 4 Complaint Findings**

The 11 Category 4 internal investigations in 2017 encompassed 12 alleged violations of Departmental rules. Of the 11 complaints, 4 of them were internally generated. The closed investigations have been closed with the following findings for their allegations (see Glossary, page 32):

- 3 (27%) of the allegations were “unfounded”;
- 3 (27%) of the allegations were “sustained”;
- 1 (9%) of the allegations was “not sustained”;
- 2 (18%) of the allegations were withdrawn by the complainants, and the investigations were “administratively closed.”
- 0 of the allegations was “exonerated.”

3 (27%) of the alleged violations were proven true. However, these were Civility and Respect allegations, and were lesser allegations included with the more serious allegations that prompted the category 4 classification. One case is still on-going and is set for a hearing board later this year. See Graph 18. 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.

## **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 to 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.

**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.