

City of Frederick  
Frederick, Maryland

# Frederick Police Department



## Professional Services Division 2019 Complaints and Internal Investigations Annual Report

Patrick Grossman, A/Chief of Police

100 West Patrick Street  
Frederick, Maryland 21701

Michael O'Connor, Mayor

**Table of Contents**

**Introduction.....3**

**Complaints and Internal Investigations.....4**

**Complaints and Statistical Analysis.....5-7**

**Summary.....8**

**Glossary.....9**

## **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:

- 2019 Complaint Statistics,
- Analyses of various data.

## **Staff**

Lieutenant Sean Carr, Commander  
Sergeant Matt Carrado, Internal Affairs Unit Supervisor  
Janine Campbell, Internal Affairs Unit Administrative Assistant

## **Complaints and Internal Investigations**

The Frederick Police Department received or generated 76 complaints involving its employees in 2019. 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.

## 2019 Complaints Received by Category

Complaint Category	Total
1 (No Violation)	25
2A (Citizen Generated—Formal Investigation)	1
2B (Citizen Generated—Performance Issue)	4
3A (Department Initiated— Formal Investigation)	7
3B (Department Initiated—Performance Issue)	26
4 (Potentially Serious Complaints)	13
5 (Organizational Complaints)	0
Total Complaints in all Categories:	<b>76</b>

## 2019 Most Common Allegations

(Please note some complaints involve multiple allegations.)

Alleged Violation	2019
At-Fault Motor Vehicle Accidents	28
Excessive / Inappropriate Force	6
Lack of Civility & Respect	7
Unprofessional / Unbecoming Conduct	6
Laws & Directives	18

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

The total of number of at-fault collisions which resulted in an internal investigation for 2019 was 16, which is an increase from 11 in 2018. (12 additional at fault accidents in 2019 were handled as performance, thus not resulting in internal investigations). The vast majority of the at-fault accidents in 2019 resulted in superficial or minor damage to the involved vehicles. For a detailed breakdown, refer to the Training Division's 2019 Departmental Motor Vehicle Collision Analysis.

## **Excessive / Inappropriate Force**

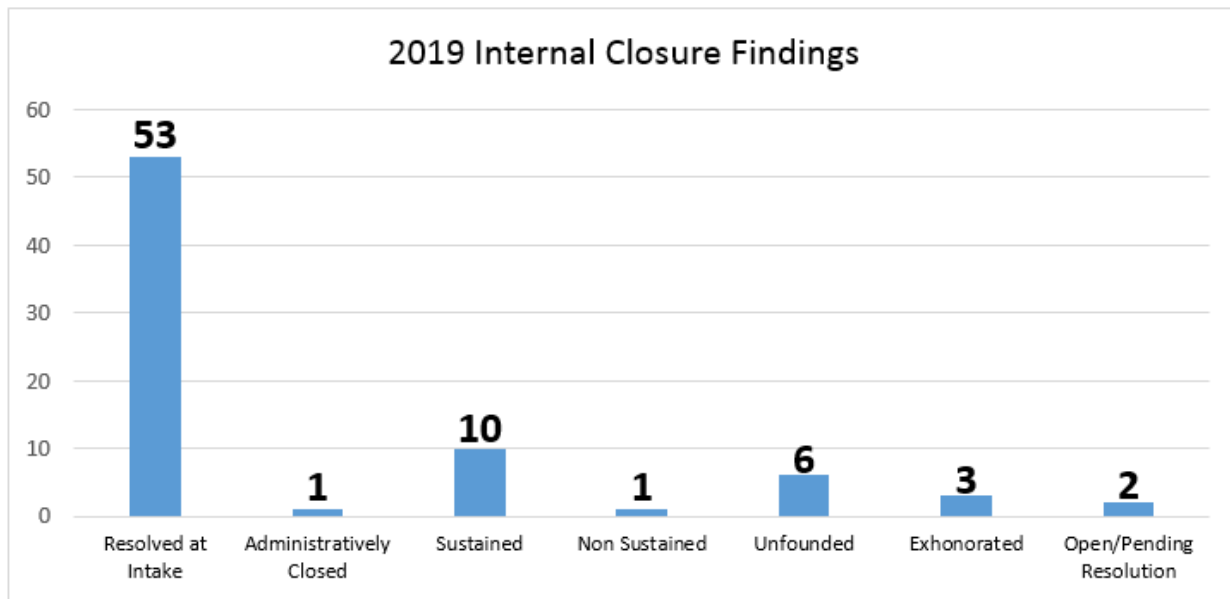
FPD received 6 excessive/inappropriate Use of Force complaints in 2019. Of the 6 complaints, only 1 was from an actual use of force. The other 5 complaints did not involve any actual uses of force (i.e. handcuffs were applied during an emergency petition and/or arrest, etc.). These 5 complaints were reviewed by either First Line Supervisors or the Internal Affairs Unit and resolved at intake. The 5 complaints generally involved a misunderstanding of Departmental policy. The one complaint which resulted from a Use of Force, revealed an unfounded finding, meaning there was no evidence to support the allegation, and the Chain of Command agreed the Use of Force was within policy and law.

## **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. For 2019, we had 7 allegations involving civility and respect which is lower than the 13 in 2018. 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.

## 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 2019 we received 18 complaints, up from 7 in 2018.



This chart shows the findings for the 76 complaints in 2019. As noted, two 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.

## **Summary**

- In 2019 the department received 76 complaints, compared to 69 in 2018.
- The majority of all complaints received, were resolved at intake by either the first line supervisor, Division Commander, or Internal Affairs (69%)
- The increase in complaints can be attributed to an increase in Department generated complaints in 2019 (from a total of 34 Department generated complaints in 2018 to a total of 40 in 2019) as the Frederick Police Department seeks to proactively address issues. In addition, there was an increase in Departmental Accidents, which are considered minor in nature.



# 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.
- 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.