



2019 INTERNAL AFFAIRS REPORT

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Purpose:

The Burlington Police Department is committed to an annual analysis of our Internal Affairs Investigations system. The intent of the report is 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 investigative system to more effectively conduct Internal Affairs Investigations.

IA Case Clearing 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 either justified and/or within departmental directive and training. A second possibility occurs when the investigation reveals the alleged officer was not present, and the facts conclusive show, he/she was not involved.

Recap of 2019 Recommendations

1. The proper training of staff and consistency in Internal Affairs cases is critical to the success of the Burlington Police Department and its staff members. Based on the recent approval to reclassify a police officer position to the rank of lieutenant and the placement of that lieutenant under Professional Standards Division, it is recommended that the lieutenant be trained

specifically in Internal Affairs investigations and that all Internal Affairs cases be investigated by this lieutenant (barring a conflict given the specific issues).

Outcome: The Lieutenant was placed in administration and, within a short period of time, was assigned numerous critical investigations, requiring significant time and resources. Formal training was not obtained but remains a priority. The lieutenant selected for the position has substantial investigative and reporting experience that only bolstered the quality of investigations. Formal training is still needed; therefore, this recommendation is carried over into 2020.

2. At the conclusion of all Internal Affairs investigations, it is recommended that the finalization of the case using Guardian Tracking only be completed by the two Assistant Chiefs to ensure that only the required documentation (Finding of Fact and conclusion) document is loaded into Guardian Tracking.

Outcome: During 2019, the department implemented the use of Blueteam/IA Pro replacing the use of Guardian Tracking for Internal Affairs retention and reporting. The technical aspects of IA Pro still require that an Assistant Chief closes the investigation to ensure oversight and approval of the outcomes and actions taken. Based on the implementation of Blueteam/IA Pro in 2019, this recommendation is considered completed.

3. Continue training Pre-academy classes for new hires on Internal Affairs investigations, discipline, and employee performance. This training is believed to have an impact on shaping expectations in exceptional employee performance and conduct.

Outcome: In 2019, all new hires were exposed to enhanced training related to Internal Affairs with the intent of helping them avoid common behaviors that lead to Internal Affairs Investigations. The training also focuses on their rights as an employee and the processes used during investigations. This recommendation should be considered completed and yet continues forward on an annual basis.

Report Data

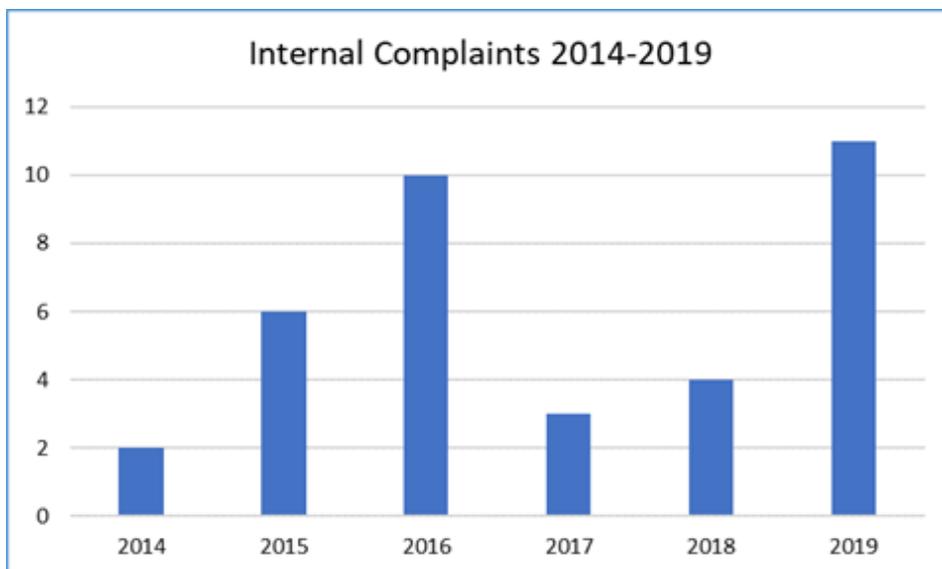
In 2019 a total of eleven (11) Internal Affairs cases were conducted involving a total of thirteen (13) staff members. 7 were generated internally, while four (4) were generated externally. One (1) of the complaints involved a civilian, and all others involved sworn staff.

File Number	Date Received	Allegation(s)/Force Type(s)	Final Disposition
IA2019-001	27-Mar-19	Untruthfulness-Conduct Unbecoming	Sustained
IA2019-002	4-May-19	Code of Conduct Misuse of City Equipment	Sustained
IA2019-003	7-Jun-19	Conduct Unbecoming	Sustained
IA2019-004	23-Jul-19	Criminal	Sustained
IA2019-005	26-Jul-19	Sexual Harassment	Sustained
IA2019-006	8-Aug-19	Criminal	Unfounded
IA2019-007	22-Aug-19	Improper Search/Seizure Dishonesty Insubordination Failure to Activate body-worn camera	Sustained
IA2019-008	3-Sep-19	Insubordination	Sustained
IA2019-009	20-Sep-19	Dishonesty	Sustained
IA2019-010	5-Oct-19	Improper Search/Seizure Excessive Use of Force=Officer 1 Improper Search/Seizure Excessive Use of Force=Officer 2 Excessive Use of Force= Officer 3	Exonerated
IA2019-011	30-Dec-19	Pursuit Policy Violation	Sustained

Findings

In 2018 there were a total of four (4) Internal Affairs Investigations. In 2019 we conducted 11 Internal Affairs cases.

When evaluating the number of Internal Affairs cases completed by the Burlington Police Department over a six-year period it was revealed that the department conducts an average of six (6) Internal Affairs Cases per year. 2019 did present quantitative anomalies. When compared to each other, the circumstances of each incident were significantly different and no pattern appeared.



The eleven cases in 2019 resulted in the following actions:

3- Terminations

2- Letters of Reprimand

3- Exonerations

2- Resignations in Lieu of Termination

1 case was unfounded, and no action was taken

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

Policy and Procedure Review

Policy 08-11 “Internal Affairs and Discipline” was reviewed and modifications were made regarding our software changes.

Completed IA cases are uploaded into IA Pro versus Guardian Tracking for retention. The implementation of IA Pro allows for task assignment, retention of records, and case review/approval all within one system, eliminating the need for paper copies to be collected and retained.

In 2019, a civil case “Baldhead,” produced the need to allow the opportunity for a “name clearing hearing” if so desired. The hearing could be held after the City or department documented negative performance, criminal conduct, or misconduct that could be made public or that a future employer could discover. A policy revision is in progress to include guidance on this practice.

As part of this report, forms that are related to Internal Affairs were reviewed to ensure accuracy. No revisions were made, and a new form template was created to be used for the “name clearing hearing.”

Public Announcement:

Per the Commission on Accreditation with Law Enforcement Agencies, the information in this report concerning the number of Internal Affairs cases and the outcomes of those cases has been made public using the Burlington Police Departments web page. This annual report is also available to all agency employees through PowerDMS.

Recommendations for 2020

1. Schedule Internal affairs investigations training for the PSD lieutenant and that all Internal Affairs cases be investigated by this lieutenant (barring a conflict given the specific issues).
2. Review and revise policies as needed to be inclusive of “name clearing hearing” procedures to be followed.
3. Conduct a mid-year review of all assigned Internal Affairs cases. This would provide the agency with an early warning of patterns or threats to the agency.